

**STATE OF MINNESOTA
COUNTY OF CHISAGO
CITY OF WYOMING**

ORDINANCE NO. 2015-03

**AN ORDINANCE AMENDING THE CITY OF WYOMING CODE OF ORDINANCES,
CHAPTER 40, ARTICLE VII, DIVISION 10, BY ADDING STANDARDS AND DEFINITIONS
FOR SOLAR ENERGY SYSTEMS, SOLAR ENERGY FARMS, AND FOR THEIR
INSTALLATION AND USE IN THE CITY OF WYOMING**

NOW THEREFORE, it is hereby ordained by the City Council of the City of Wyoming, Chisago County, Minnesota, that the following Sections of Chapter 40, Article VII, General Building and Performance Requirements, are amended as follows:

DIVISION 10. ESSENTIAL SERVICES

Sec. 40 - 512. Solar Energy Systems – General Provisions.

- (1) Purpose and Intent. The City of Wyoming finds that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts, but result in limited adverse impact on nearby properties. As such, the City supports the use of solar energy collection systems. The City of Wyoming also finds that the development of solar energy systems should be balanced with the protection of the public health, safety and welfare. The City resolves that the following standards shall be adopted to ensure that solar energy systems can be constructed within the City of Wyoming while also protecting public safety and the natural resources of the City. Consistent with the City of Wyoming Comprehensive Plan, it is the intent of the City with this Division to create standards for the reasonable capture and use, by households, businesses and property owners, of their solar energy resource, and to encourage the development and use of solar energy.
- (2) Severability. The provisions of this Division shall be severable and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph or subdivision of this Division.
- (3) Applicability. These regulations shall apply to all solar energy systems and solar energy farms on properties and structures under the jurisdiction of the City of Wyoming. The City of Wyoming shall refer any application for a large electric power generating plant (LEPGP) to the Minnesota Public Utilities Commission (MN PUC) for approval. An LEPGP shall be defined as any solar energy system capable of producing 50 megawatts or more of power on one or more contiguous parcels contained within the corporate boundaries of the City of Wyoming.

Sec. 40 - 513. Definitions.

The following words, terms and phrases, when used in this Division, shall have the meaning provided herein, except where the context clearly indicates otherwise.

- (1) Building or Other Architecturally Integrated Solar Energy System: An active solar energy system that is an integral part of a principal or accessory building and designed to supply energy principally for the property on which it is located, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or thermal solar systems that are contained within roofing materials, windows, skylights and awnings.
- (2) CSES: Community solar energy system.
- (3) Community Solar Energy System (also called a “Solar Garden”): A solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or community businesses residing on-site or located off-site from the location of the solar energy system. A CSES is not a solar energy system that has been primarily designed for export to the wholesale market. A CSES may be connected to the electrical transmission grid in order to sell excess power to the utility company. A CSES is a solar energy system that has a capacity of no more than 1 megawatt of power. All solar energy systems that are primarily designed for export to the wholesale market, regardless of megawatt capacity or land area, shall be regulated as a solar farm.
- (4) Ground Mounted Panels: Freestanding solar panels mounted to the ground by use of stabilizers or similar apparatus.
- (5) Individual User Rooftop or Individual User Ground-mount Solar Energy System: A solar energy system which is accessory to a principal use and to which its intended purpose is to supply energy only to that principal use to which it is accessory to.
- (6) Large Energy Power Generating Plant (LEPGP): Any Solar Energy System capable of producing 50 megawatts or more of power on one or more contiguous parcels contained within the corporate boundaries of the City of Wyoming.
- (7) MN PUC: The Minnesota Public Utilities Commission.
- (8) Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.
- (9) Roof or Building Mounted Solar Energy System: A solar energy system that is mounted to the roof or building using brackets, stands or other apparatus.
- (10) SES: Solar Energy System.
- (11) Solar Access: A view of the sun, from any point on the collector surface that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.
- (12) Solar Collector: A device, structure or a part of a device or structure that the principal purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

- (13) Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
- (14) Solar Energy System: An active solar energy system that collects or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, thermal or chemical means.
- (15) Solar Farm: A commercial facility that converts sunlight into electricity, whether by photovoltaics, concentrating solar thermal devices, or other conversion technology, for the principal purpose of wholesale sales of generated electricity. All solar energy systems that are primarily designed for export to the wholesale market, regardless of megawatt capacity or land area, shall be regulated as a solar farm.
- (16) Solar Garden: A community solar energy system.
- (17) Solar Hot Water System: A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs.
- (18) Solar Site Permit: A land use permit required by the City for the installation of certain solar energy systems regulated by this Ordinance.

Sec. 40 - 514. Types of Solar Energy Systems.

This Ordinance identifies, defines and regulates the following types of solar energy systems:

- (1) Individual User Rooftop or other Architecturally-Integrated Solar Energy Systems: Systems which are accessory to the principal land use, designed to supply energy for the principal use. Individual user rooftop or other architecturally-integrated systems shall be regulated as follows:
 - (a) Individual user rooftop or other architecturally-integrated systems are permitted accessory uses in all districts in which buildings and structures are permitted.
 - (b) No Solar Site Permit is required, but the owner or contractor shall obtain a Building and Electrical Permit before installing a rooftop or other architecturally-integrated solar energy system.
 - (c) Commercial rooftop or other architecturally-integrated systems shall be placed to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the property owner to reasonably capture solar energy.
- (2) Individual user Ground-Mount Solar Energy Systems: Systems which are accessory to the principal use and designed to supply energy for the principal use. Individual user ground-mount solar energy systems shall be regulated as follows:

- (a) Individual user ground-mount solar energy systems are permitted accessory uses in all districts in which buildings and structures are permitted.
 - (b) Individual user ground-mount solar energy systems require a Solar Site Permit and a Building Permit.
 - (c) Individual user ground-mount solar energy systems shall be subject to the accessory use standards for the district in which they are located, including dimensional standards, such as yard setbacks.
 - (d) The height of ground-mounted components shall not exceed 10 feet.
 - (e) No Individual user ground-mount solar energy systems shall cover or encompass more than 10 percent of the total property area or lot size.
- (3) Community Solar Energy Systems (Solar Gardens/CSES): Roof or other architecturally-integrated systems or ground-mount CSES's shall be allowed as a principal or accessory permitted use, in all districts unless otherwise regulated or prohibited in this Division:
- (a) CSES's shall require a Solar Site Permit and a Building Permit, and are subject to the principal or accessory use standards, as applicable, for the district in which they are located.
 - (b) All CSES's and CSES components must meet the setback, height and coverage limitations for the district in which the system is located.
 - (c) Rooftop or other architecturally-integrated CSES's shall be placed to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the CSES to reasonably capture solar energy.
 - (d) Ground Mount CSES's which are sited upon a contiguous or aggregate site area footprint larger than one (1) acre in size (whether commonly owned/controlled or not-so owned or operated) shall require a Conditional Use Permit in accordance with Sec. 40 – 519, Conditional Use Permit Requirements. The site area footprint size shall be computed by a determination of the Zoning Administrator.
 - (e) The height of ground-mounted components shall not exceed 10 feet.
 - (f) Prohibited Districts: The City prohibits ground mounted CSES's within the following districts:
 1. Shoreland Districts as designated by the Department of Natural Resources (DNR) and the City of Wyoming Zoning Ordinance, Chapter 40, Article VI, Division 16, Shoreland District;
 2. Within six hundred (600) feet of areas designated or formally protected from development by Federal, State or County agencies as wildlife habitat, wildlife management areas or designated as National Wild and Scenic land or corridor;

3. Wetlands, to the extent prohibited by the Minnesota Wetland Conservation Act;
 4. The Floodplain District.
 5. All residential zoning districts as designated on the City of Wyoming Zoning Map, which are the R1, R2, R3, R4, R5, and R6 zoning districts.
- (g) Power and communication lines. All on-site power and communication lines running between banks of solar panels and buildings shall be buried underground on the subject premises. The Zoning Administrator may grant exemptions to this requirement in instances where shallow bedrock, water courses or other elements of the natural landscape practically preclude the ability to bury lines on the site.
- (h) Decommissioning Plan: The owner/operator shall submit a decommissioning plan for ground-mounted CSES's to ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The owner or operator shall decommission solar panels in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a reasonably soundly based plan ensuring financial resources will be available to fully decommission the site. The disposal of structures and/or foundations shall meet the requirements of Section 16 – 36 of the City Code. The owner/operator shall provide a current-day decommissioning cost estimate, and shall post a bond, letter of credit or establish an escrow account, including an inflationary escalator, in an amount determined by the City Council, to ensure proper decommissioning.
- (4) Solar farms: All solar farms shall be a conditional use in the Closed Landfill Restricted (CLR) District and shall require a Conditional Use Permit, in accordance with Sec. 40 – 519, Conditional Use Permit Requirements. In all other zoning districts, solar farms are prohibited either as a principal or as an accessory use. Solar Farms shall be subject to the following:
- (a) Solar Farms shall be located on parcels of land no less than five acres in size.
 - (b) Solar Farms shall require a Solar Site Permit and a Building Permit, and are subject to the principal use standards for the district in which they are located.
 - (c) All Solar Farm components must meet the setback, height and coverage limitations for the district in which the system is located.
 - (d) Prohibitions: The City prohibits Solar Farms within:

1. Shoreland Districts as designated by the Department of Natural Resources (DNR) and the City of Wyoming Zoning Ordinance, Chapter 40, Article VI, Division 16, Shoreland District;
 2. Within six hundred (600) feet of areas formally designated or protected from development by Federal, State or County agencies as wildlife habitat, wildlife management areas or designated as National Wild and Scenic land or corridor;
 3. Wetlands to the extent prohibited by the Minnesota Wetland Conservation Act;
 4. The Floodplain District.
 5. All residential zoning districts as designated on the City of Wyoming Zoning Map, which are the R1, R2, R3, R4, R5, and R6 zoning districts.
- (e) Power and communication lines. All on-site power and communication lines running between banks of solar panels and buildings shall be buried underground on the subject premises. The Zoning Administrator may grant exemptions to this requirement in instances where shallow bedrock, water courses or other elements of the natural landscape practically preclude the ability to bury lines on the site.
- (f) Decommissioning Plan: The owner/operator shall submit a decommissioning plan for ground-mounted CSES's to ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The owner or operator shall decommission solar panels in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a reasonably based plan ensuring financial resources will be available to fully decommission the site. The disposal of structures and/or foundations shall meet the requirements of Section 16 – 36 of the City Code. The owner/operator shall provide a current-day decommissioning cost estimate, and shall post a bond, letter of credit or establish an escrow account, including an inflationary escalator, in an amount determined by the City Council, to ensure proper decommissioning.

Sec. 40 - 515. Solar Energy System Overlay District.

A Solar Energy System Overlay District is established over the following:

- (1) The east side Highway 61 / Forest Boulevard from 240th Street to 257th Street.
- (2) County Road 30 / Forest Boulevard from 270th Street to the north border of the city, and to not extend past the right-of-way of I-35.
- (3) The entire length of County Road 36 / 295th Street within the city.

- (4) County Road 22 / East Viking Boulevard from the Anoka County border to the I-35 interchange.
- (5) East Viking Boulevard where it turns north at Glen Oak Drive to the east border of the city.
- (6) The future extension of Innsbrook Avenue as shown on the Comprehensive Plan map.
- (7) The entire length of US Highway 8 within the city.
- (8) County Road 22 / Wyoming Trail from Goodview Avenue to the east border of the city.
- (9) Kettle River Boulevard from the Anoka County border to 261st Street, and to not extend past the right-of-way of I-35.

Sec. 40 - 516. Solar Energy System Overlay Standards.

In addition to the standards required above, the following standards shall apply to all Solar Energy Systems located within the boundaries of the Solar Energy System Overlay.

- (1) Solar energy systems located within the boundaries of the Solar Energy System Overlay District shall be accessory to an existing principal use.
- (2) Community Solar Energy Systems and Solar Farms and their accessory structures shall not be located within 1,000 feet of the centerline of the traveled right-of-way in order to allow for the creation of buildable parcels and a frontage road between the existing right-of-way and the solar energy system.
- (3) Community Solar Energy Systems and Solar Farms located within the boundaries of the Solar Energy System Overlay District shall be a Conditional Use.

Sec. 40 - 517. Additional Standards.

In addition to the standards required above, the following standards shall apply to all Solar Energy Systems.

- (1) Compliance with Building Code. All SES's shall require a Building Permit, shall be subject to the approval of the City Building Official, and shall be consistent with the State of Minnesota Building Code.
- (2) Compliance with State Electric Code. All photovoltaic systems shall comply with the Minnesota State Electric Code.
- (3) Compliance with State Plumbing Code. Solar thermal systems shall comply with applicable Minnesota State Plumbing Code requirements.
- (4) Compliance with MN Energy Code. All SES's shall comply with HVAC-related requirements of the Energy Code.
- (5) Utility Notification. No grid-intertied photovoltaic system shall be installed until the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

- (6) Security and equipment buildings. Security and equipment buildings on the site of solar farms shall be permitted uses accessory to the solar farm.
- (7) Controlled Access. The owner or operator shall contain all unenclosed electrical conductors located above ground within structures that control access.

Sec. 40 - 518. Solar Site Permit Requirements.

- (1) A Solar Site Permit application shall be filed for all Ground Mount Solar Energy Systems.
- (2) Solar Site Permits shall require approval by the Zoning Administrator. Such approval shall be issued following an Administrative determination that the design requirements of this Ordinance have been met.
- (3) Landscaping: Buffer screening from routine view of the public right-of-way and immediately adjacent residences shall be required to be screened in an attempt to minimize the visual impact of above grade site improvements and any extensive or imposing perimeter security fencing that is proposed. In addition, low lying screening, shrubbery, or other native vegetation shall be required around site perimeters or perimeter security fencing.
- (4) Corridor Preservation: Natural wildlife, wetland, woodland or other lineal corridors shall remain open to travel by native fauna, reptilia and avialae. Perimeter fencing and security measures must accommodate unimpeded wildlife migration through large solar array development sites and areas. Plan approval may require corridor replacement, relocation, removal, and/or protection as determined by the Zoning Administrator.
- (5) Solar Site Permit applications for solar energy systems shall be accompanied by horizontal and vertical elevation drawings, drawn to scale. The drawings shall show the location of the system components on the property, as well as other elements, including but not limited to the following:
 - (a) Existing features;
 - (b) Proposed features;
 - (c) Property boundaries;
 - (d) Property zoning designation(s) including district property line and roadway setbacks;
 - (e) Solar arrays, connecting lines, and all affiliated installations and structures;
 - (f) Access points, drive aisles, security features, and fencing;
 - (g) Topography & surface water drainage patterns and treatment systems;
 - (h) Wetlands, Woodlands, Grasslands, Prairielands;
 - (i) Existing and proposed/preserved/protected wildlife corridors (wetland/woodland/topography connectivity);

- (j) Landscape Plan, including required screening of site perimeter and/or perimeter security fencing;
- (k) Floodplains;
- (l) Soils;
- (m) Historical features;
- (n) Archeological features;
- (o) Wildlife and ecological habitat;
- (p) Environmental mitigation measures;
- (q) Description of Project Staging (if applicable).

Sec. 40 - 519. Conditional Use Permit (Cup) Requirements.

- (1) Solar Energy Systems requiring a Conditional Use Permit shall meet the requirements of this Section and the City of Wyoming Zoning Ordinance, Chapter 40, Article V, Division 6, Conditional Use Permits and shall be an Interim Use in accordance with Sec. 40 – 112, (4), (k).
- (2) A Conditional Use Permit (CUP) shall be required for a Community Solar Energy System or a Solar Farm which is situated, (or which is staged to be eventually situated) on a contiguous or aggregate site area footprint larger than one (1) acre in size, whether commonly owned/controlled or otherwise.
- (3) Landscaping: Buffer screening from routine view of the public right-of-way and immediately adjacent residences shall be required to be screened in an attempt to minimize the visual impact of above grade site improvements and any extensive or imposing perimeter security fencing that is proposed. In addition, low lying screening, shrubbery, or other native vegetation shall be required around site perimeters or perimeter security fencing.
- (4) Corridor Preservation: Natural wildlife, wetland, woodland or other lineal corridors shall remain open to travel by native fauna, reptilia and avialae. Perimeter fencing and security measures must accommodate unimpeded wildlife migration through large solar array development sites and areas. Plan approval may require corridor replacement, relocation, removal, and/or protection as determined by the Zoning Administrator.
- (5) Conditional Use Permit (CUP) Submittal Requirements. CUP applications for solar energy systems shall be accompanied by horizontal and vertical elevation drawings, drawn to scale. The drawings shall show the location of the system components on the property, as well as other elements, including but not limited to the following:
 - (a) Existing features;
 - (b) Proposed features;
 - (c) Property boundaries;

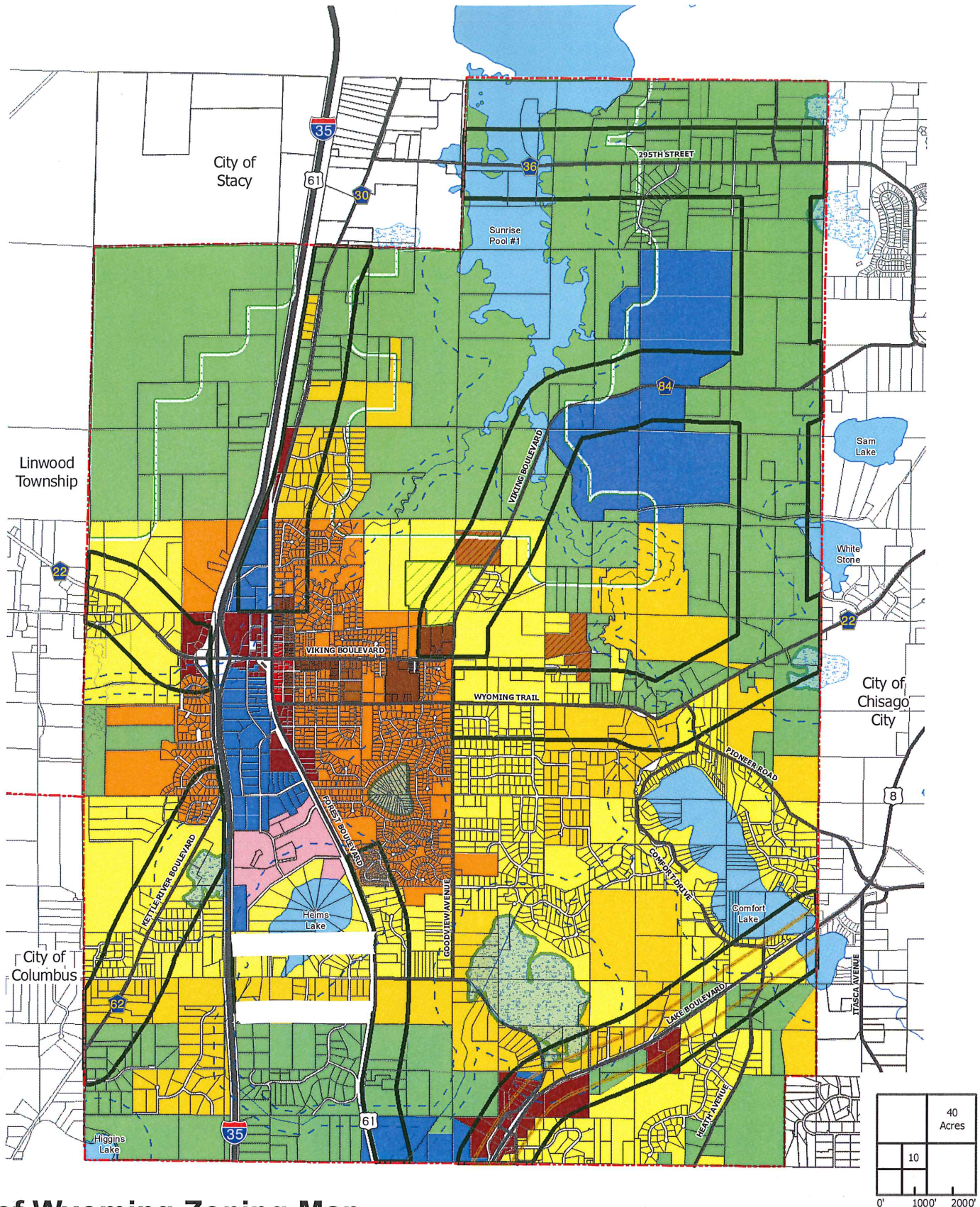
- (d) Property zoning designation(s) including district property line and roadway setbacks;
- (e) Solar arrays, connecting lines, and all affiliated installations and structures;
- (f) Access points, drive aisles, security features, and fencing;
- (g) Topography & surface water drainage patterns and treatment systems;
- (h) Wetlands, Woodlands, Grasslands, Prairielands;
- (i) Existing and proposed/preserved/protected wildlife corridors (wetland/woodland/topography connectivity);
- (j) Landscape Plan, including required screening of site perimeter and/or perimeter security fencing;
- (k) Floodplains;
- (l) Soils;
- (m) Historical features;
- (n) Archeological features;
- (o) Wildlife and ecological habitat;
- (p) Environmental mitigation measures;
- (q) Description of Project Staging (if applicable).

Passed and approved by the City Council of the City of Wyoming this 17th day of November, 2015.

Eric Peterson, Mayor

ATTEST:

Craig J. Mattson, City Clerk



City of Wyoming Zoning Map

Zoning Districts

- A -- Agriculture
- R1 -- Rural Residential I
- R2 -- Rural Residential II
- R3 -- Single Family Residential
- R4 -- One and Two Family Residential
- R5 -- Manufactured Homes
- R6 -- Limited Multiple Dwelling
- C -- Commercial
- CB -- Central Business
- CLR -- Closed Landfill Restricted
- OHC -- Office and Health Care
- I -- Industrial

Overlay Districts

- S -- Shoreland Management Overlay
- CO -- Carlos Avery Wildlife Perimeter Overlay
- H8O -- Highway 8 Overlay District
- Solar Energy Systems Overlay - DRAFT

Other

- Significant Wetlands
- City Boundary
- Required Wetland Buffers