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## MEMORANDUM

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TO: Mayor & City Council  
FROM: Community Development  
**SUBJECT: Solar Garden**  
DATE: March 24, 2020

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**This is informational only for the Council.**

### **Background:**

Connexus Energy and EDF Renewables have finalized the location of the Solar Garden. Please see attached maps depicting the location and layout. A portion of the Solar Garden is in Zone A and therefore requires a Variance be considered in order for construction to proceed. The proposed Solar Garden is ~23 acres and sits on a 90-acre parcel.

This project is also subject to Sherburn County Zoning. Currently the property is zoned Urban Expansion which does not allow for solar gardens. A request for a change in zoning and interim use permit is in process with Sherburn County.

### **Analysis:**

Discussions between the City, Connexus Energy, EDF Renewables and the Manager of Aviation Safety and Enforcement for MNDOT Aeronautics have concluded that "Minnesota Rules (8800.2400) prohibits land use structures in Zone A but permits auto parking and recognized the similarity between auto parking and solar panels. The purposes stated for the restrictions on the property use in airport zoning is to limit population and building density in the runway approaches areas, thereby creating sufficient open space so as to protect life and property in case of an accident." Mr. Braunig also noted that due to the structure limiting population density and being low to the ground, MN DOT would not be taking action against the project should a variance be approved for the use. Although appropriate safeguards are appropriate to put in place protection in order that obstructions do not exceed protected airspace heights of both natural and manmade improvements, especially within the approach zone.

In discussions of the variance two items have been agreed to by the owner of the property, to provide an extension of the Non-Build Easement be added and recorded on the remaining south-west corner of Existing Zone-A and that heights limitation of all new natural planting shall utilize materials that shall not exceed air space limitations and an easement shall be granted allowing access for all maintenance of any and all obstructions.

Another item to consider is the life of a solar garden and what will happen to the property when the proposed solar garden is decommissioned. The city has been advised, in the interest of residents and the airport, to ensure the identified parcel reapply for a variance if a new solar garden is constructed in place of the original solar garden proposed for this project.

### **Variance Standards:**

A variance shall not be granted by the Planning Commission unless it conforms to the following standards:

1. Is the variance in harmony with the general purposes and intent of the Zoning Ordinance?
2. Is the variance consistent with the Comprehensive Plan?
3. Does the property owner propose to use the property in a reasonable manner not permitted by the Zoning Ordinance?
4. Are there circumstances unique to this property not created by the landowners?
5. Will the issuance of the variance maintain the essential character of the locality?
6. Does the alleged practical difficulty involve more than economic considerations?

**Recommendation:**

City staff has concluded that, provided certain conditions are met the competing interests can be a positive direction for the community.

The Planning Commission approved the Variance application for at their March 16, 2020 meeting with the following standards allowing the solar garden use.

- A. That a no build easement be added to the balance of zone A.
- B. An access easement be established on the parcel for access to enable maintenance of the air space from all-natural obstructions.
- C. All new plantings have mature heights that do not exceed air space limits, which are to be included in the 7460 application to the FAA.
- D. The solar glare analysis is completed and accepted by MNDOT and FAA.
- E. All solar panels and fencing not exceed a height of 12'.
- F. The solar garden use require renewal at which time the panels require repowering, approximately 25 years.
- G. That the developers agree to not object to future installation of utilities or road extensions adjacent or around the solar development to achieve cost efficiencies.
- H. That the garden be located a minimum of 10 feet from the RPZ

Further, separate from the variance request, a zoning change has been requested for the parcel. The solar development is approximately 23 acres a part of a 90-acre parcel. It is recommended that the City request Sherburn County rezone only the 23 acres, leaving the balance of the parcel as Urban Expansion so that competing land uses do not occur.