



CITY OF NORTH OAKS

**Regular City Council Meeting
Thursday, November 09, 2023
7:00 PM, Community Meeting Room, 100 Village Center Drive
MEETING AGENDA**

Remote Access - *City Council members will participate in person in Council Chambers (Community Room, 100 Village Center Drive, Suite 150, North Oaks, MN) during the meeting. Members of the public are welcome to attend. Any person wishing to monitor the meeting electronically from a remote location may do so by calling the following Zoom meeting videoconference number: 1-312-626-6799, Webinar ID: 874 3946 3641 or by joining the meeting via the following link:
<https://us02web.zoom.us/j/87439463641>.*

1. Call to Order

2. Roll Call

3. Pledge of Allegiance

4. Citizen Comments - *Members of the public are invited to make comments to the Council during the public comments section. Up to four minutes shall be allowed for each speaker. No action will be taken by the Council on items raised during the public comment period unless the item appears as an agenda item for action.*

5. Approval of Agenda

6. Consent Agenda - *These are items that are considered routine and can be acted upon with one vote.*

6a. Approval of Licenses:

Mechanical: Master Gas Fitters, Select Mechanical,

Arborist: Forest Stump Tree Service

6b. Approval of City Council Meeting Minutes of 10.12.2023

[10.12.2023 City Council.pdf](#)

6c. Approve 2024 Recycling Charge - Solution 1497

[2024 Recycling resolution 1497.pdf](#)

6d. Approve City Financials

6e. Amendment to the Northeast Youth & Family Services Conduit Revenue Note

[North Oaks_NYFS \(LIBOR 2023\) - Memorandum Regarding Modifications to Conduit Note.pdf](#)

[North Oaks_NYFS \(LIBOR 2023\) - Resolution Approving LIBOR Modifications.DOCX](#)

[North Oaks_NYFS \(LIBOR 2023\) - Allonge.DOCX](#)

[North Oaks_NYFS \(LIBOR 2023\) - City's Signature Packet.pdf](#)

Approval of Resolution 1498 Requesting 2024 Score Grant Funds

[Resolution 1498 Score Grant Funds.pdf](#)

7. Petitions, Requests & Communications - Deputy Matt Lassegard Report

8. Unfinished Business

8a. Review of 2024 budget

8b. Security Update

8c. Update on CLCA water project

8d. Discussion and possible action on Ordinance amending City Code Title XV, Chapter 151, regarding solar energy systems

[2023-11-09 CC Packet_solar ordinance.pdf](#)

9. New Business

9a. Discussion and possible action on deer management program

10. Council Member Reports

11. City Administrator Reports

12. City Attorney Reports

14. Miscellaneous

14a. City Forester Report

[October in Review.pdf](#)

15. Adjournment - The next meeting of the City Council is Thursday, December 14, 2023.

**North Oaks City Council
Meeting Minutes
North Oaks City Council Chambers
October 12, 2023**

1. CALL TO ORDER

Mayor Wolter called the meeting to order at 7:00 p.m. She announced that long term North Oaks resident Joan Brainerd has passed and requested a moment of silence. Mayor Wolter offered a few comments regarding Joan's contribution to the community.

Member Watson stated the Brainerds were one of the first residents in North Oaks and Joan had started *North Oaks News*.

2. ROLL CALL

Present: Mayor Krista Wolter. Council Members Mark Azman, John Shuman, Sara Shah, Tom Watson.

Staff Present: Administrator Kevin Kress, Attorney Bridget Nason, Planner Kendra Lindahl, City Forester Mark Rehder.

Others Present: Videographer Kenny Ronnan.

A quorum was declared present.

3. PLEDGE OF ALLEGIANCE

Mayor Wolter led the Council in the Pledge of Allegiance.

4. CITIZEN COMMENTS

Rick Kingston, 5 Island Road, offered his condolences to the Brainerd family. He encouraged Council to be liberal on lot size for solar panels. No one will be installing a solar farm.

Bill Long, 19 Evergreen Road, Secretary for NOHOA, reminded the community it is budget season for NOHOA and they have worked hard on the roads first budget. He asked everyone to please pay attention to this budget and vote as there has only been a 50% turnout in voters in North Oaks. They want to hear from everyone.

5. APPROVAL OF AGENDA

Administrator Kress requested removal of item 8b and replacing it with a discussion of the Ramsey County Sheriff's Office contract. Included in the packet is a standard road application and he would like more time to discuss and review with the City Engineer to ensure tailored to North Oaks.

MOTION by Azman, seconded by Watson, to approve the Agenda as amended. Motion carried unanimously by roll call vote.

6. CONSENT AGENDA

- a. Approval of Special City Council Meeting Minutes of September 20, 2023.
- b. Approval of City Council Meeting Minutes of September 20, 2023.

MOTION by Watson, seconded by Shuman, to approve the Consent Agenda as amended. Motion carried unanimously by roll call vote.

7. PETITIONS, REQUESTS & COMMUNICATIONS

a. Deputy Matt Lassegard Report

Deputy Lassegard gave a summary of the written report noting there were 229 calls for service and 35 of them were inflated because of the police proactive visits at Chippewa Middle School, which were in response to the new law regarding SRO's. The SRO's were pulled from the schools and a juvenile unit was created and sent to the schools as officers visiting the schools. Member Shuman confirmed the schools are still being protected but in a slightly different way. Member Watson asked if Mounds View was considering bringing the SROs back. Deputy Lassegard stated SRO's are being handled the same as Chippewa Middle School.

Deputy Lassegard completed the report relating to burglary, mail theft, theft from vehicles, and fraud.

Mayor Wolter asked if other tickets have been issued for trespassing and Deputy Lassegard stated there were 37 traffic stops and 1 was for a motorcycle speeding citation. He reminded drivers to stop 20 feet behind a stopped school bus, noting buses cannot be passed while stopped. He suggested a house watch for those leaving for extended periods of time, noting the importance of knowing neighbors and having the driveway shoveled when you are gone.

Mayor Wolter asked if there is a non-emergency number. Deputy Lassegard stated 911 should be called and it will be prioritized and routed if non-emergency. Member Shuman asked that victims of burglaries be kept in mind.

Member Watson suggested residents be smart about what they are wearing in the dark. Member Shah reminded people to wear bright colors especially on Halloween. Member Watson stated at one time NOHOA had some reflective vests. Administrator Kress stated he will check on the status of vests. Deputy Lassegard stated there is a block captain meeting on October 17, 2023 at 6:30 p.m. at the patrol station. He also noted that he has written articles for the *North Oaks News*.

b. Fire Chief Boehlke Report, Lake Johanna Fire Department

There was no report.

c. Appearance by State Senator Heather Gustafson

State Senator Gustafson, a Vadnais Heights resident, stated she represents 9 cities including North Oaks. She wanted to formally introduce herself to the Council, open up a line of communication, and hopes for a long relationship. She stated she fought hard for the \$300 million in public safety and North Oaks received \$232,192 based on population. Ramsey County received over \$6 million for public safety. Senator Gustafson reported on her tour of Lake Johanna Fire Department over the summer. She sits on the Education Finance Committee as Vice Chair and supports SRO's being back in the schools. She noted they had the largest increase in school funding and this is a bonding year.

d. Mark Rehder Forestry Update: seedling request, potential fall brush pickup, status of storm clean-up: downed brush on streets/trails.

Mark Rehder provided an update on Operation Clearview, Emerald Ash Borer, and the August storm that caused 60 trees to come down over streets. He noted there may be an opportunity to develop a more comprehensive storm preparedness plan. He is hoping to make some connections in Excel Energy to enhance response in the future.

Member Shah stated a resident called her regarding Emerald Ash Borer and dead trees on NOHOA's and NOC's land. Mr. Rehder stated he has been working with NOHOA and they have been responsive in removing dead trees. He hasn't had a chance to work on the conservation land. Member Shah stated it is a fairness issue with requiring residents to take care of trees on their property while the NOHOA's land has a lot of dead trees.

Mr. Rehder stated dead trees on Sherwood Trail are being addressed at least for the first 6 lots. At a previous meeting, there was a discussion about modifying the ordinance. Administrator Kress stated no progress has been made due to priority issues.

Member Shah stated she would like the ordinance to be reviewed.

Mr. Rehder reported on plan to get 500 seedlings from the DNR again this year. He suggested an Arbor Day event to distribute bareroot trees to residents who have removed trees on their property.

Member Watson stated NOHOA spent some time years ago writing a tree policy which needs to be reviewed.

8. UNFINISHED BUSINESS

a. Discussion and possible actions on LJFD Fire District.

Administrator Kress gave a summary of the item, stating the Lake Johanna Fire Department (LJFD) Board has requested each City discuss and provide feedback on the concept of a fire district as it relates to the governance of LJFD. The LJFD Board has been considering the possibility of a fire district since a legislative change that made it easier to create. Tonight's discussion is intended to be focused on the possibility of a fire district, updates provided regarding staffing, and the proposed station. The Arden Hills council denied the request to move to a fire district model by a vote of 4-1.

Member Shah stated this has been a long discussion at the Fire Board for many months and they need direction. She has reviewed the pros and cons and thinks that removing this from the tax levy would not be smart. She would prefer to stick with the current model as it has worked for over 20 years.

Member Watson stated he agrees with the denial, noting some items that could be reviewed such as looking at the governing board to meet quarterly and having an operating committee. He noted the fire district proposal was to have a seven-member board which could benefit by meeting every other month and modifications could be made to the governing body. He stated the north

end communities have decided the station on Lexington does not have proper accommodation but this could be fixed and there could be a third 24/7 station for the on-call group.

Member Shah stated the Fire Board will need to review governance changes as they have been discussing at a high level.

MOTION by Watson, seconded by Azman, that the City Council is not in support of the creation of a fire district at this time. Motion carried unanimously by roll call.

~~b. Update on Master Infrastructure Plan~~

This item was removed upon adoption of the agenda.

b. Discussion of RCSO Contract.

Member Watson stated the proposed budget is a 9.6% increase. That is the high point. The Sheriff's contract is proposed at 11.2%, which would require a 2% reduction on every other service. North Oaks pays for a separate officer for \$160,000 over and above the pool of deputies. Out of that pool, North Oaks has been allocated roughly 3.5 FTEs but 4.5 FTEs should be serving the community. Watson stated there needs to be measures indicating North Oaks is getting the service it is paying for.

Member Azman asked how do we know we are not getting the service we are paying for. Member Watson stated his view is for the Sheriff's office to have a presence and be seen as it provides a sense of security. The only way to verify the level of service is for the Sheriff's Office to provide the data and if 4.5 FTEs cannot be supplied, then the cost should go down.

Mayor Wolter asked Member Watson how he would like to proceed. Member Watson stated he would like to have a workshop and a serious conversation to let the Council know what we are spending \$1 million dollars on.

Member Shah stated the current contract ends in December 2024. She agreed this needs to be reviewed and discussed. Member Watson stated other cities do not believe they are getting what they are paying for. Member Shah stated North Oaks does not have much leverage as there are no other options. Member Watson stated more of a deterrent is needed to entering North Oaks.

Mayor Wolter is in favor of an increased Sheriff's presence. She asked when the workshop should be held. Member Watson suggested as soon as it can be scheduled.

Member Shuman agreed and asked if the City can get the data from the Sheriff's Office, which has not previously been supplied, noting that perhaps Attorney Nason could request the information. Mayor Wolter asked Administrator Kress if the data could be obtained. Administrator Kress stated it has been attempted to request information on how many deputies are in North Oaks. He will check calendars to schedule the workshop. Mayor Wolter stated the City could also contract with private security.

Member Watson suggested looking at the contract and what service has been provided. He would like to have the workshop within the next three weeks, before the budget is set.

Member Shah stated if we don't agree to the current contract that is part of the levy. Member Watson stated currently there is a budget in front of Council with an 11% increase for the Sheriff contract and the contention is that the City is not getting the presence of officers it is paying for.

Member Watson stated he will work with the Administrator to provide Council with a copy of the contract and information on service that should be provided.

9. NEW BUSINESS

a. Discussion and possible action on withdrawal request for Comprehensive Plan Amendment to allow water for Red Forest Way South Phase II

Member Watson gave a summary of the request by North Oaks Company, LLC for a Comprehensive Plan amendment to expand the Metropolitan Urban Service Area (MUSA) to add the properties in Red Forest Way South Phase 2 and part of Red Forest Way South Phase 1 developments. He described the resulting modification of maps in the 2040 Comprehensive Plan to allow some of these properties to connect to sanitary sewer and water. The request had been approved by the City Council; however, the Metropolitan Council deemed the application incomplete until the Joint Powers Agreement (JPA) with White Bear Township is amended to confirm that water will be provided. The City and Township have not yet amended the JPA. The applicant has now submitted a written request to withdraw the Comprehensive Plan amendment to allow municipal water service. Member Watson explained the resulting modification of maps that would result. If approved, the Comprehensive Plan amendment will allow for sanitary sewer to only 23 parcels (24 connections). The applicant has provided information to show that additional parcels in Red Forest Way South Phase 1 could potentially connect to sanitary sewer in the future. Sewer will be supported in Red Forest South if it is requested by North Oaks. White Bear Township does not have any authority over the scope of the JPA. The document that is relevant is the 1999 JPA, not the JPA that is in draft form, so the City Council would need to amend the 1999 JPA. Member Watson noted the Council needs to recognize these new agreements will require North Oaks to hire a public utilities person or contractor or North Oaks could piggyback on White Bear Township's contract when their current utilities person retires.

Administrator Kress explained this request removed the water section because White Bear Township said no. He had a discussion with Mark Houge about both utilities and he is open to putting together an escrow. He would like to have some fund for the maintenance of the system.

MOTION by Azman, seconded by Watson, to approve Resolution #1496, Approving Amended Comprehensive Plan Amendment Request to withdraw the request for a comprehensive plan amendment to add additional properties within the Metropolitan Urban Service Area (MUSA) for water in Red Forest Way South. Motion carried unanimously by roll call vote.

Member Watson asked how the amount of the escrow will be determined. Administrator Kress stated he is hoping when working through the Master Infrastructure Plan, staff will have an idea of the total cost at expected replacement year. Member Watson stated the City administrative costs will also increase as we will be doing more billing.

b. Consider Ordinance amending City Code Title XV, Chapter 151, regarding solar energy systems ordinance.

Administrator Kress gave a summary of the item and past City Council consideration of Incarnation Lutheran Church's request to install a solar array in the northeast corner of their existing parking lot at 4880 Hodgson Road. A subcommittee made up of Chair Cremons, Council Member Azman, and staff met to develop the ordinance amendments. The Planning Commission reviewed a draft ordinance and asked staff to provide additional information about how Gem Lake, Sunfish Lake, and Grant address solar. The Planning Commission also directed staff to change the draft ordinance to require a minimum of 10 acres for any site proposing ground mounted solar. The Planning Commission held a public hearing on September 28, 2023. There was no one present to speak on this item. The Planning Commission held a robust discussion about the draft ordinance and there was some support to reduce the minimum lot size from 10 acres to 3.5 acres and expand the areas where ground mounted solar arrays are allowed to the RSL district, but the majority of the Commission felt this was a good first step to allowing solar. The Commission voted 5-1 (Sayre nay) to recommend approval of the ordinance as drafted.

Mayor Wolter noted she had looked at GIS mapping for different lots and there is plenty of space, even on two acres, for ground mounted solar panels. It seemed interesting that an ordinance was being created for one or two properties.

Member Azman stated he is in favor of green energy but does not know if he wants ground mounted solar panels scattered around the residential part of the community. Administrator Kress stated they have charts that show, based on acreage, how many homes would qualify. Member Azman stated if it goes down to two acres it broadens the number that would qualify.

Member Shuman stated he agrees with Member Azman but based on acreage, it is being restricted in a sense of fairness.

Mayor Wolter stated solar panels can be put on roofs on any size lot. She does not believe NOHOA has a policy.

Bill Long, Secretary for NOHOA, stated a law was passed in 2023 which restricts home owners associations on any limitations as far as solar.

Member Shah stated the solar panel footprint is 100 square feet. North Oaks has a lot of environmental stewards and she would like to see the City practice what we preach. She noted solar is an unlimited sustainable resource of energy and this would reduce our carbon footprint.

Mayor Wolters agreed she does not like to see it and with NOHOA not having an ordinance of where solar panels can be placed, it can still be installed. Mr. Long stated there is no NOHOA policy on roof mounted solar panels.

Administrator Kress stated there is currently no ordinance on ground mounted solar panels and if someone requested it, it would be denied. He noted that roof solar panels cannot be mounted on a roof with cedar shakes so they would need to be placed on the ground. This poses the question

whether there is enough room and where the ground mounted solar panels were placed and screened.

Mr. Long stated there is a limit to what the homeowners association can control.

Mayor Wolters asked why the City is writing an ordinance for one person (the church). She noted if people want to install solar panels, the City wants to work with the residents so the ordinance wording needs to be specific regarding placement of the panels.

Member Watson stated this was started as a proposal from Incarnation Lutheran Church. He asked what that property was zoned. Administrator Kress stated it is RSM. Member Watson stated when he compares the two maps, the larger lots would be a limited number and if acreage was reduced, it would be a handful more.

Member Watson asked why the City is not separating this between a commercial use property and a residential property. Planner Lindahl stated the Council has talked about rezoning the church property to Public Institutional but the Planning Commission felt the ordinance should be more restricted. She is hearing two things, one to broaden and one to be more restrictive, so staff needs some direction.

Member Azman asked if a zoning change would have to go before the Met Council. Administrator Kress stated it would be a zoning map change, not a land use change.

Member Watson clarified by saying why don't we deal with this request and deal with residential properties later. He stated there is not a lot of crystal clear direction on residential homes and there is no application for solar from a private home.

Administrator Kress stated staff looked at RSM because that is what the church is zoned, which opened the discussion about residential homes. He explained the City can't restrict residential and not the church as they are in the same zoning so the only way to handle it would be to reclassify the church property zoning.

Planner Lindahl stated you could have the zoning designation of Public and the land use designation as Residential. She doesn't think that would be a conflict for the Metropolitan Council. She explained standards would need to be created for this new district. The three properties are Incarnation Church, Chippewa School, and Charlie Lake (HOA property).

Mayor Wolter noted there will be a lot more talk about solar in the future given financial subsidies.

Administrator Kress asked which avenue would Council like staff to pursue.

Member Watson noted the church is the only property that has a request now so the Council should deal with that request now.

Mayor Wolter asked when they need a response. Administrator Kress stated they would not be installing until spring. If Council wishes to rezone the property so it is site specific, residential could be reviewed further.

Member Watson again stated a decision should be made on this request.

Member Shuman noted he does not fear the other two properties would be requesting to put in solar any time soon.

Administrator Kress stated if another resident would come in and request solar, a variance request would need to be submitted. Member Shah stated this would not be a hardship.

Member Watson asked what other neighboring communities are doing. Planner Lindahl noted cities have been nervous about ground mounted solar but more cities are moving to that as an option. The first choice would be roof mounted solar so not to give up yard space.

Member Shah stated she would like to see it less restrictive, noting that ASC will deal with the aesthetics and screening and it will depend on the lot.

Mayor Wolter suggested tabling and looking at this in another month.

Member Azman suggested moving it forward this evening as the only thing that would be changed is the lot size.

Member Shuman asked if this is delayed, are we adversely impacting their initiatives. Administrator Kress stated they are still considering roof vs. ground installation and it would be interesting to analyze the number of roof vs. ground installations.

Member Watson would like to review the documents again, as for many years, buffering is addressed and this needs to be talked about further. He would like to look at different size of lots, noting there are 30-foot setbacks on the side and the roof design also needs to be considered.

Member Azman stated people need to deal with the roof they have and the Council is discussing ground mounted.

Planner Lindahl asked if Council is okay with a Conditional Use Permit (CUP), dealing only with RSM and lot size.

Member Watson asked what is being done with Planned Unit Development (PUD) RSM lots. Administrator Kress stated staff needs to hear from Council whether it is just RSM or other districts.

Member Watson suggested a draft modification to the current ordinance to accommodate the three parcels. Since no other Council members wanted to see that information, Member Watson indicated it can be dropped.

Member Azman suggested a draft be done for RSM with two acre and plus lots. Administrator Kress stated that has been done but not presented due to not knowing which way Council would want to proceed. Planner Lindahl stated she looked at RSM and RSL. There were 180 parcels including RSM PUD and RSL PUD that were two acres or more. Member Azman stated he would not support RSL at this time.

Mayor Wolter noted she was surprised at the request from Incarnation as she had never thought about putting solar in that contained area. Member Watson recalled the argument when they submitted the request for extra parking.

Member Azman believes the consensus is to study it further and bring it back. Administrator Kress asked what Council would like to have staff look at. Mayor Wolter said she is going to call a solar company to come to her house and find out what they say. Member Azman suggested they come to a Council meeting so all members can hear what they have to say. Planner Lindahl suggested Cedar Creek Energy present to the Council.

Member Watson suggested looking at Google Earth at the homes on the east side of North Oaks. Those homes were built in the 1970's, there is a lot of tree cover, and he is curious to know what an engineer would look at in putting solar panels on his roof. He noted that when the first solar installations are put in, the City will be hearing from residents about screening.

Member Azman stated there is already solar installed on the roof of homes in North Oaks.

Member Shuman is concerned about a bunch of ground mounted panels in the community.

MOTION by Shah, seconded by Azman, to table consideration of an ordinance amending City Code Title XV, Chapter 151, regarding solar energy systems ordinance until next month. Motion carried unanimously by roll call.

c. Consider Ordinance amending Chapter 151 of the City Code regarding signs in the RSM Residential Single-Family Medium Density District.

Planner Lindahl gave a summary of the item and the City Council's past consideration of the request from Peace United Methodist Church, 5050 Hodson Road, to replace their existing sign with a new electronic message board. A subcommittee made up of Chair Cremons, Council Member Azman and staff met to draft an ordinance to allow this type of sign only in limited locations on the perimeter of the community. The Planning Commission reviewed the draft ordinance and was generally supportive but asked for more information about how the sign brightness would be calculated and measured. The Planning Commission held a public hearing on the draft ordinance at their September 28, 2023 meeting. There was no one present to speak at the public hearing. The Planning Commission voted 6-0 to recommend approval.

Member Watson asked if there would be any raceway lights. Planner Lindahl stated there would be no raceway lights or flashing lights. The message would hold for a minimum of 8 seconds. Member Watson stated that was a prior issue with the Walgreens sign. Council said no to raceway lights. Administrator Kress stated the Walgreens sign discussion was more of a

management issue than a City issue. The property management said no after a couple of months so the developer dropped it.

MOTION by Watson, seconded by Shuman, to approve Ordinance Amended #148 and Summary Notice Resolution #1497, approving the publication of a summary of Ordinance No. 48, an ordinance amending North Oaks City Code Title XV, Chapter 151, regarding sign definitions and signs in the RSM Residential Single-Family Medium Density District. Motion carried unanimously by roll call.

10. COUNCIL MEMBER REPORTS

Member Azman shared he was unable to attend the last Cable Commission meeting but looked at the meeting minutes. They are talking about budgets currently.

Member Shah stated the fire district discussion will resume and she will let everyone know what becomes of that. The Lake Johanna Fire Department Santa will be driving through the City on December 5, 2023.

Member Watson had no report.

Member Shuman attended the VLAWMO meeting and there is nothing new to report. The Emergency Notification System/Rave Mobile Security is engaging with Administrator Kress and the team to get that rolling. Convergent and Genetac have developed a draft solution opt out with their CCT LPR initiative. They are looking to assemble a group to review safety and security in North Oaks with specific emphasis on getting neighborhood watch more involved. North Oaks Company in partnership with Convergent are willing to survey the specific CCT LPR sites and install poles for camera installation. Rapp Farm should have everything they need to decide if they want to participate in the Phase 1 pilot. He would also like to bring in a couple of preferred residential security vendors to talk about residential security management.

Mayor Wolter shared earlier today the community met at the Tria building to share ideas, get to know one another, and discuss what is happening in the community.

11. CITY ADMINISTRATOR REPORTS

a. Status Updates: Road striping, CLCA, security

Administrator Kress shared there was a request from NOHOA for road striping. Typically Ramsey County reaches out in the spring to see what is needed. The City does not have a lot of money put aside for this so it would be difficult to get a vendor in to do the work. Administrator Kress continued the Charley Lake Association Shoreview Water connection project is underway and he will provide an update when that is done. USDA will provide three options if Council decides to pursue deer management. County Road J information will be emailed to the Council.

12. CITY ATTORNEY REPORTS

None.

13. MISCELLANEOUS

None.

14. ADJOURNMENT

MOTION by Shuman, seconded by Shah, to adjourn the meeting at 9:35 p.m. Motion carried unanimously by roll call.

Kevin Kress, City Administrator

Krista Wolter, Mayor

Date approved_____



State of Minnesota)
County of Ramsey) ss
City of North Oaks)

**RESOLUTION NUMBER 1497
ESTABLISHING A PER PARCEL CHARGE FOR RECYCLING**

WHEREAS, the City of North Oaks has an established recycling program, and

WHEREAS, North Oaks wishes to continue to make this service available to the residents of the City, and

WHEREAS, the City Council of North Oaks has entered into a Joint Powers Agreement with Ramsey County to assess individual residential property owners to collect charges for solid waste management, and

WHEREAS, the City Council wishes to continue this long-term funding mechanism.

BE IT RESOLVED that the City Council of the City of North Oaks hereby establishes a City recycling fee of \$180 per residential parcel for the year 2024.

BE IT FURTHER RESOLVED that the City Council authorizes Ramsey County to place this charge upon the tax rolls.

PASSED BY THE COUNCIL of the City of North Oaks this 9th day of November, 2023.

APPROVED:

Krista Wolter, Mayor

ATTEST:

Kevin Kress, City Administrator

MEMORANDUM

TO: City of North Oaks, Minnesota
FROM: Catherine Courtney; Dan Andersen
DATE: November 2, 2023
RE: **Resolution Regarding Modification of Conduit Note**

Enclosed is a resolution for consideration by the City Council at its upcoming meeting on November 9, 2023. As more fully set forth below, the resolution approves the amendment of certain interest rate mechanisms in a conduit note issued by the City of North Oaks, Minnesota (the “City”), for the benefit of Northeast Youth & Family Services (formerly known as Northwest Youth and Family Services), a Minnesota nonprofit corporation and 501(c)(3) organization (the “Borrower”). The proposed amendments do not affect the City’s obligations under the conduit note—the City will continue to have no duty to make any payments or pledge any security to the repayment of the conduit note, both of which remain the responsibility of the Borrower.

Background

Acting as an issuer of conduit bonds, the City issued its \$2,920,865.50 Facility Revenue Refunding Note, Series 2015 (Northeast Youth & Family Services Project) (the “Note”) to Peoples Bank Midwest, a Wisconsin banking corporation, the predecessor-in-interest to Frandsen Bank & Trust, a Minnesota state banking corporation (the “Bank”), on September 15, 2015. The City loaned the proceeds of the Note to the Borrower for the purpose of refinancing the acquisition and construction of and improvements to 47,070 square feet of the Borrower’s headquarters facility located at 3490 Lexington Avenue North in the City of Shoreview, Minnesota, including up to 1,288 square feet that may be leased to non-qualified users and 4,478 square feet of common area and common kitchen space allocated to all users on a pro rata basis. The Borrower agreed to repay and secure the Note to the Bank. The City did not pledge any payment or security in connection with the Note.

Pursuant to the enclosed notice, the Bank has advised the City that the interest rate on the Note is currently a variable rate based on the London Interbank Offered Rate (“LIBOR”), which was a key benchmark rate for setting the interest rates on adjustable rate loans around the world. On June 30, 2023, LIBOR was phased out and is no longer available. This necessitates a change to the benchmark rate used to set interest rates on the Note.

November 2, 2023

Page 2

Proposed Council Action

Under the terms of the Note, the Bank has the discretion to select a comparable benchmark rate to replace LIBOR upon its unavailability. In order to document this change, the Bank has requested that the City and the Borrower enter into an amendment to the Note in the form of an Allonge to Note (the "Allonge"). A substantially final version of the Allonge is attached as an exhibit to the resolution enclosed with this memorandum.

The City is being asked to approve the execution of the Allonge evidencing the new rates for the Note. Enclosed with this memorandum is a draft resolution for your consideration that approves the form of the Allonge and authorizes its execution.

Effect

The Allonge does not affect the City's obligations under the Note or create any new liabilities for the City. The City will not be responsible for paying any bank or legal fees in connection with the execution of the Allonge or for making any payments or pledging any security to the repayment of the Note. The Bank is coordinating the drafting and execution of the documents, and Bond Counsel will be issuing an opinion that the revisions do not adversely affect the tax-exempt status of the Note.

If you have any questions, please call Dan Andersen at 612.977.8290.

EXTRACT OF MINUTES OF MEETING
OF THE CITY COUNCIL OF THE
CITY OF NORTH OAKS, MINNESOTA

HELD: November 9, 2023

Pursuant to due call and notice thereof, a meeting of the City Council of the City of North Oaks, Ramsey County, Minnesota, was duly called and held at the City Hall in the City on November 9, 2023, at 7:00 p.m.

The following members were present:

and the following were absent:

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. ____

RESOLUTION AUTHORIZING THE ISSUANCE AND
DELIVERY OF AN ALLONGE TO THE CITY OF NORTH OAKS
FACILITY REVENUE REFUNDING NOTE, SERIES 2015
(NORTHEAST YOUTH & FAMILY SERVICES PROJECT)

BE IT RESOLVED, by the City Council of the City of North Oaks, Ramsey County, Minnesota (the “Issuer”), as follows:

Section 1. Findings.

A. Pursuant to the provisions of Minnesota Statutes, Sections 469.152 to 469.1655, as amended, and a resolution of the Issuer adopted on August 13, 2015, the Issuer previously issued its Facility Revenue Refunding Note, Series 2015 (Northeast Youth & Family Services Project), dated September 15, 2015 (the “2015 Note”), in favor of Peoples Bank Midwest, a Wisconsin banking corporation, the predecessor-in-interest to Frandsen Bank & Trust, a Minnesota state banking corporation (the “Lender”), in the original principal amount of \$2,920,865.50.

B. Pursuant to a Loan Agreement dated as of September 15, 2015 (the “2015 Loan Agreement”), between the Issuer and Northeast Youth & Family Services (formerly known as Northwest Youth and Family Services), a Minnesota nonprofit corporation and 501(c)(3) organization (the “Borrower”), the Issuer loaned the proceeds of the 2015 Note to the Borrower for the purpose of refinancing the acquisition and construction of and improvements to 47,070 square feet of the Borrower’s headquarters facility located at 3490 Lexington Avenue North in the City of Shoreview, Minnesota, including up to 1,288 square feet that may be leased

to non-qualified users and 4,478 square feet of common area and common kitchen space allocated to all users on a pro rata basis (the “Project”), and the Borrower agreed to repay the 2015 Note upon the terms set forth in the 2015 Note.

C. Pursuant to a Pledge Agreement, dated as of September 1, 2015, between the Issuer and the Lender, the Issuer pledged and assigned to the Lender a security interest in all of Issuer’s right, title and interest in and to the 2015 Loan Agreement, except for certain rights of indemnification and reimbursement for certain costs and expenses.

D. The Issuer has been advised by the Lender that the 2015 Note is currently owned by the Lender and that the interest rate on the 2015 Note is currently a variable rate to be adjusted on September 1, 2025, on September 1, 2030, and on September 1, 2035 (each an “Adjustment Date”), to a rate per annum equal to 67% of the sum of the then current 5-Year LIBOR Swap Rate, as defined in the 2015 Note (the “Current Index”), plus 275 basis points (the “Adjusted Rate”); provided, however, that on any Adjustment Date, the Adjusted Rate must never be less than 2.91% per annum nor more than 6.91% per annum.

E. As a result of the discontinuation of the Current Index on June 30, 2023, the Lender and Borrower have agreed to modify the terms of the 2015 Note pursuant to an Allonge to Note (the “Allonge”) in order to replace the Current Index used to calculate the interest rate on the 2015 Note with the 5-Year Treasury Maturity Constant, as defined in the Allonge (the “Replacement Index”).

F. A substantially final form of the Allonge has been provided to the City Council of the City.

G. The Lender has advised the Issuer that the Adjusted Rate as defined in the Allonge to Note is a rate comparable to the Adjusted Rate as defined in the 2015 Note.

Section 2. Authorization

A. The Issuer approves the terms of the Allonge in substantially the form received by the City Council of the City, subject to modifications as approved by Taft Stettinius & Hollister LLP as bond counsel to the Issuer, the Mayor and the City Administrator, provided that delivery of the Allonge shall be conclusive evidence of approval.

B. The Mayor and the City Administrator are authorized and directed to execute and deliver the Allonge and any other related documents necessary to evidence the modifications agreed to by Borrower and Lender and/or necessary, in the opinion of Taft Stettinius & Hollister LLP as bond counsel to the Issuer, to maintain the tax exempt status of interest on the 2015 Note, all as approved as to form and substance by bond counsel. All prior actions of the Mayor and the City Administrator taken with regard to the Allonge are ratified and approved.

Section 3. Delivery. Delivery of the Allonge shall be made at a place mutually satisfactory to the Issuer, the Lender, and the Borrower. The Allonge, when prepared in accordance with this Resolution and executed, shall be delivered by or under the direction of the

City Administrator to the Lender in exchange for the execution and delivery of the Allonge by the Lender and the Borrower.

Section 4. Effect of Resolution. Except as amended or modified by the Allonge, all terms and conditions of the 2015 Note remain in full force and effect.

Adopted: November 9, 2023

By: _____
Its: Mayor

ATTEST:

By: _____
Its: City Administrator

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NORTH OAKS

I, the undersigned, being the duly qualified and acting City Administrator of the City of North Oaks, Minnesota, DO HEREBY CERTIFY that I have carefully compared the foregoing extract of minutes with the original minutes of a meeting of the City Council of the City held on the date therein indicated, which are on file and of record in my office, and the same is a full, true and complete transcript therefrom insofar as the same relates to a Resolution Authorizing the Issuance and Delivery of an Allonge to the City of North Oaks Facility Revenue Refunding Note, Series 2015 (Northeast Youth & Family Services Project).

WITNESS my hand as the City Administrator of the City of North Oaks, Minnesota on _____, 2023.

City Administrator

ALLONGE TO NOTE

This Allonge to Note is dated and effective as of November 22, 2023 (the “Effective Date”), and is attached to and made a part of that certain Facility Revenue Refunding Note, Series 2015 (Northeast Youth & Family Services Project), dated September 15, 2015 (the “Note”), issued by the City of North Oaks, Minnesota, a municipal corporation and political subdivision of the State of Minnesota (the “Issuer”), in the original principal amount of \$2,920,865.50 in favor of Peoples Bank Midwest, a Wisconsin banking corporation, the predecessor-in-interest to Frandsen Bank & Trust, a Minnesota state banking corporation (“Lender”), for the benefit of Northeast Youth & Family Services (formerly known as Northwest Youth and Family Services), a Minnesota nonprofit corporation and 501(c)(3) organization (the “Borrower”).

1. Due to the unavailability of the 5-Year LIBOR Swap Rate (as defined in the Note) after June 30, 2023, and as contemplated by the terms of the Note in the event of such unavailability, paragraph 2 of the Note is hereby deleted and replaced in its entirety with the following:

“2. On September 1, 2020, on September 1, 2025, on September 1, 2030, and on September 1, 2035 (each an “Adjustment Date”) through September 1, 2040 (the “Final Maturity Date”), the interest rate on this Note will be adjusted to a rate per annum equal to, (i) for each Adjustment Date occurring on or before June 30, 2023, 67% of the sum of the then current 5-Year LIBOR Swap Rate (defined below) plus 275 basis points (the “Adjusted LIBOR Rate”) or, (ii) for each Adjustment Date occurring after June 30, 2023, 67% of the sum of the then current 5-Year Treasury Maturity Constant (as defined below), plus 283 basis points (the “Adjusted Treasury Rate” and, together with the Adjusted LIBOR Rate, the “Adjusted Rate”); provided, however, that on any Adjustment Date the Adjusted Rate shall never be less than the Initial Rate nor more than the Initial Rate plus 400 basis points. All such adjustments to the interest rate shall be made and become effective as of the applicable Adjustment Date and the interest rate as adjusted shall remain in effect through and including the day immediately preceding the next Adjustment Date or the Final Maturity Date, as applicable.

As used herein, the term “5-Year LIBOR Swap Rate” means the rate for 5-year interest rate swaps for a fixed-rate payer in return for receiving 3-month LIBOR (the “LIBOR Index”) and the term “5-Year Treasury Maturity Constant” means the most recently reported yield for non-inflation indexed U.S. Treasury Securities having a constant maturity equal to five (5) years (the “Treasury Index”), in each case as most recently published prior to the Adjustment Date by the Federal Reserve in Federal Reserve Statistical Release H.15, Selected Interest Rates (Daily), found at www.federalreserve.gov/releases/h15/update/. The rates so published shall control absent manifest error. If the LIBOR Index or the Treasury Index is no longer published by the Federal Reserve on the web site address set forth above or otherwise made available, the LIBOR Index or the

Treasury Index, as applicable, shall be a substantially comparable index selected by the Lender in its sole discretion.”

2. All other terms and conditions of the Note are acknowledged and confirmed, and no other modification or amendment is made to the Note except as set forth in this Allonge.

3. This Allonge may be signed in counterparts which, taken together, will form one original.

4. The Loan Agreement is deemed amended to the extent necessary to reflect the amendments made to the Note by this Allonge.

(signature pages to follow)

(signature page to Allonge)

IN WITNESS WHEREOF, the undersigned representatives of the Issuer, the Lender, and the Borrower have executed this Allonge to Note as of the Effective Date.

ISSUER:

CITY OF NORTH OAKS, MINNESOTA

By: _____
Its Mayor

By: _____
Its City Administrator

(signature page to Allonge)

Agreed to and accepted as of the Effective Date.

LENDER:

FRANSEN BANK & TRUST

By _____
Its _____

(signature page to Allonge)

IN WITNESS WHEREOF, the undersigned representatives of the Issuer, the Lender, and the Borrower have executed this Allonge to Note as of the Effective Date.

ISSUER:

CITY OF NORTH OAKS, MINNESOTA

By: _____
Its Mayor

By: _____
Its City Administrator

(signature page to Allonge)

IN WITNESS WHEREOF, the undersigned representatives of the Issuer, the Lender, and the Borrower have executed this Allonge to Note as of the Effective Date.

ISSUER:

CITY OF NORTH OAKS, MINNESOTA

By: _____
Its Mayor

By: _____
Its City Administrator

(signature page to Allonge)

IN WITNESS WHEREOF, the undersigned representatives of the Issuer, the Lender, and the Borrower have executed this Allonge to Note as of the Effective Date.

ISSUER:

CITY OF NORTH OAKS, MINNESOTA

By: _____
Its Mayor

By: _____
Its City Administrator



State of Minnesota)
County of Ramsey) ss
City of North Oaks)

RESOLUTION NUMBER 1498
REQUESTING 2024 SCORE GRANT FUNDS

WHEREAS, the City of North Oaks has in the past applied for and gratefully accepted SCORE grant funds to assist in the City recycling program, and

WHEREAS, the City Council wishes to again request that Ramsey County grant North Oaks a SCORE grant to continue a successful City recycling program.

BE IT RESOLVED that the City of North Oaks hereby requests that Ramsey County award the City of North Oaks a SCORE grant in the amount of \$15,083 in the year 2024.

PASSED BY THE COUNCIL of the City of North Oaks this 9th day of November, 2023.

APPROVED:

Krista Wolter, Mayor

ATTEST:

Kevin Kress
City Administrator



PLANNING REPORT

TO: North Oaks City Council

FROM: Kendra Lindahl, City Planner
Kevin Kress, City Administrator
Bridget Nason, City Attorney

DATE: November 1, 2023

RE: An Ordinance Amending City Code Title XV, Chapter 151, Regarding Solar Energy Systems

BACKGROUND

At the July 13, 2023 City Council meeting representatives from Incarnation Lutheran Church spoke about the potential of installing a solar array in the northeast corner of their existing parking lot at 4880 Hodgson Road. The property is zoned RSM.

A working group made up of Chair Cremons, Council member Azman and staff met to develop the ordinance amendments.

The Planning Commission reviewed a draft ordinance at the August 31st meeting. The Commission asked staff to provide additional information about how Gem Lake, Sunfish Lake and Grant address solar and staff has added those cities to the summary of other City standards attached to this report (Exhibit D). The Commission directed staff to change the draft ordinance to require a minimum of 10 acres for any site proposing ground mounted solar. The draft ordinance reflects this change.

The Planning Commission held a public hearing on September 28, 2023. There was no one present to speak on this item. The Commission had a robust discussion about the draft ordinance. There was some support from Commissioners to reduce the minimum lot size from 10 acres to 3.5 acres and expand the areas where ground mounted solar arrays are allowed to the RSL district, but the majority of the Commission felt that this was a good first step to allowing solar. The Commission voted 5-1 (Sayre nay) to recommend approval of the ordinance as drafted.

The City Council discussed the draft ordinance at their October 12th meeting. The Council tabled the item and directed staff to provide additional options at the November meeting. At the direction of the City Council, staff reached out to Cedar Creek Energy (the firm working with Incarnation church) and asked if they would be willing to attend the



next council meeting to answer questions. As of the date of this report, we have not received confirmation, but are hopeful that they will attend.

ISSUES AND ANALYSIS

Ground mounted solar arrays are not currently permitted in the City. Section 151.022 of the City Code states that “In any zoning district whenever a use is neither specifically permitted nor denied, the use shall be considered prohibited.”

Building mounted solar arrays have been permitted as part of a building permit because such arrays are part of the structure. However, the Zoning Ordinance would need to be amended to allow this type of freestanding solar array.

At the July 13th meeting, Council directed staff to prepare an ordinance amendment for consideration in the RSM zoning district. The Council indicated that they supported this type of use as a conditional use accessory to a principal use if adequate screening can be provided. While the City Council did not specify a minimum lot size, the Planning Commission wished to limit the application only to parcels at least 10 acres in size.

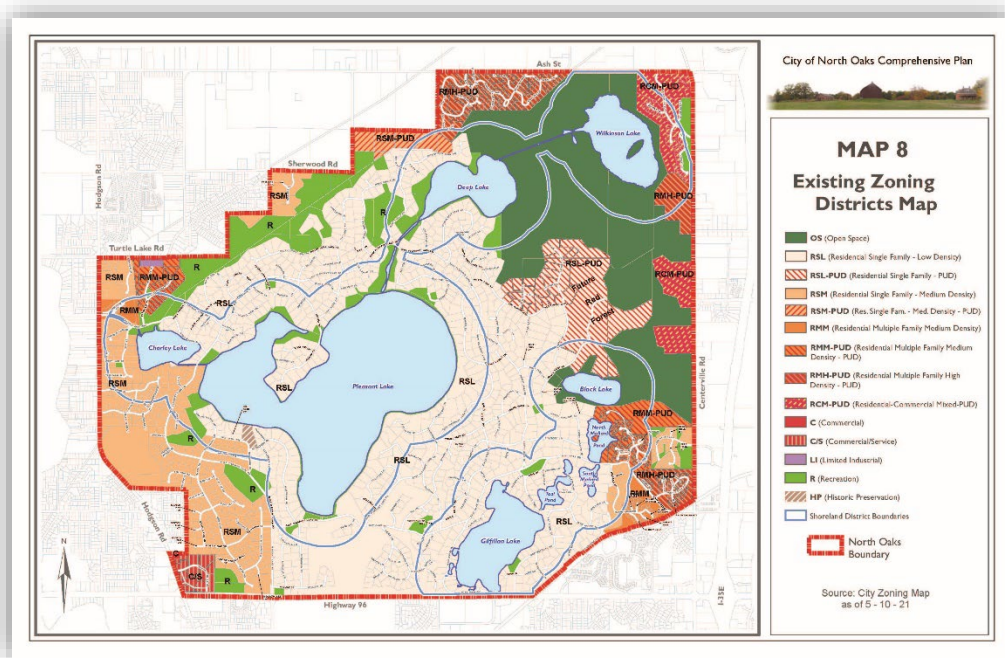


Figure 1 - Existing Zoning Map

The draft ordinance was prepared using information from the Minnesota Solar Model Ordinance and a number of individual cities. The model ordinance (Exhibit C) is attached



p 651-792-7750
f 651-792-7751



northoaks@northoaksmn.gov
www.northoaksmn.gov



100 Village Center Drive, Suite 230
North Oaks, MN 55127

for reference. The ordinance proposes to formalize the approval process for building-mount solar (which has been permitted) and add ground-mount solar arrays as a conditional use.

Lot Size and Zoning Districts

The draft ordinance reviewed at the October 12th meeting allows accessory ground-mount solar as a conditional use in the RSM zoning district only in the side or rear yard on parcels at least 10 acres in size. The parcels zoned RSM are located generally on the perimeter of the City. The Planning Commission discussed whether the minimum lot size should be 10 acres or something smaller. There are only three parcels in the City that are zoned RSM and are at least 10 acres in size. Staff has provided a graphic (Exhibit F) showing parcels zoned RSM at least 3.5 acres in size.

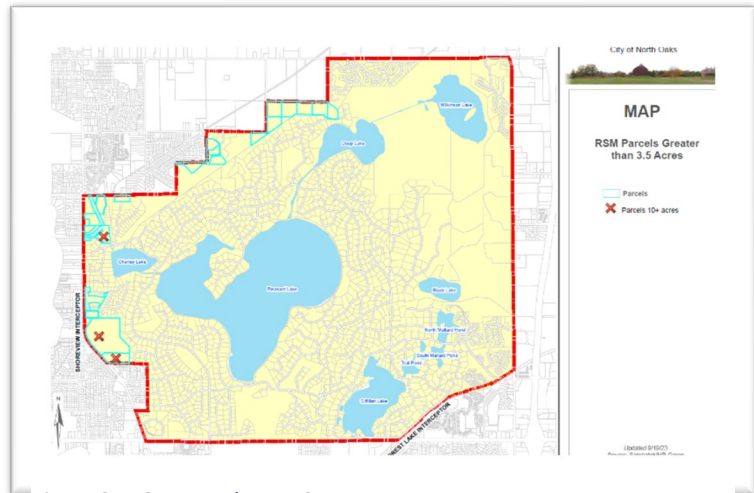


Figure 2 - RSM parcels over 3.5 acres

If we modify the ordinance to allow ground-mount solar on all parcels at least 3.5 acres in size and zoned RSM, RSM-PUD, RSL and RSL-PUD, it makes 46 parcels eligible. However, several of those lots are in Red Forest Way South (only one of the lots proposed in Red Forest Way South phase 2 exceeds 3.5 acres).

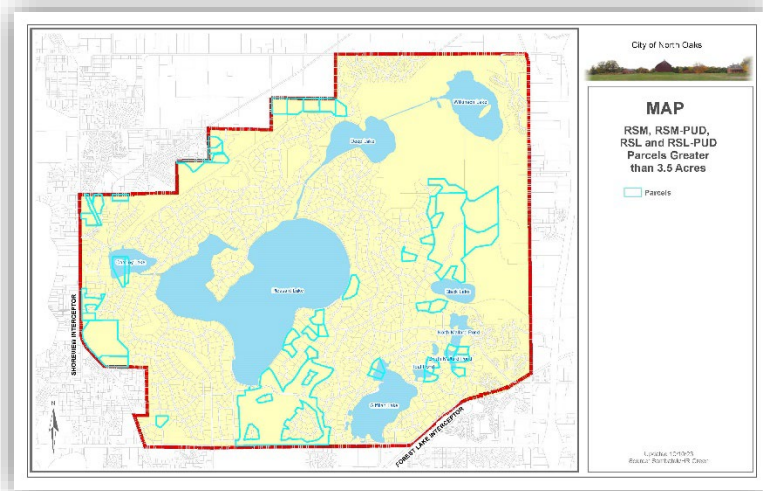


Figure 3 - RSM and RSL parcels over 3.5 acres

If the Council reduced the minimum lot size to 2 acres, that would make 279 parcels in those districts eligible today.

1. The Council should first determine which zoning districts should be allowed to apply for a conditional use permit for ground-mount solar.



- The October 12th draft as recommended by the Planning Commission would only allow in the RSM zoning district.
- The Council could allow in RSM and RSL or could allow in RSM, RSL, RSM-PUD and RSL-PUD or any other districts.
- Council should provide direction to staff.

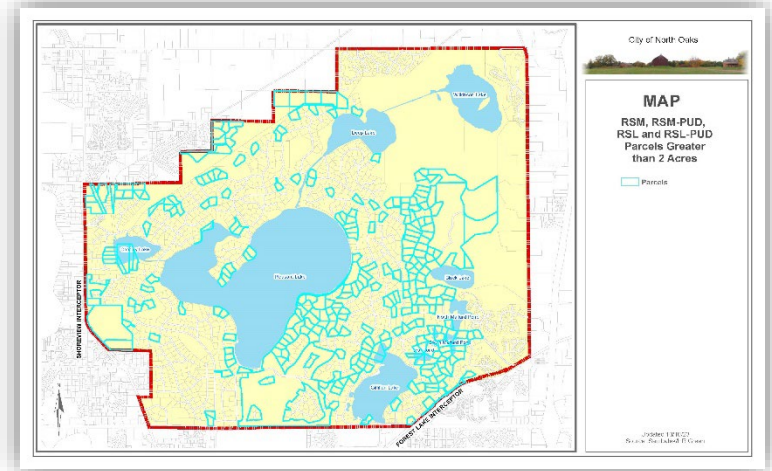


Figure 4 - RSM and RSL parcels over 2 acres

2. The Council should determine the appropriate minimum lot size.
 - Staff originally proposed a 3.5-acre minimum lot size.
 - Planning Commission recommended a 10-acre minimum lot size.
 - This is a policy issue for the City Council. Research shows that the two cities that do have minimum lots are at 3 acres and 5 acres. However, most cities used performance standards not lot size to manage this accessory use.

Landscaping

The working group intentionally left the landscape requirements less prescriptive so that the screening and buffering requirements could be evaluated on a case-by-case basis as part of the conditional use permit application.

There was some discussion at the October City Council meeting about a desire to limit tree removal. The current draft does not include such language, however, language discouraging or prohibiting large-scale removal of mature trees on the site could be added or a requirement to mitigate for removal of large trees for installation of ground-mount solar.

- Council should provide direction.

Next Steps

The request from Incarnation church was to amend the ordinance to allow ground-mount solar arrays as a conditional use within the RSM zoning district. The Incarnation parcel exceed 10 acres in size. If the ordinance is approved, Incarnation Lutheran Church could

submit an application for a conditional use permit. The conditional use permit would require a public hearing at the Planning Commission and City Council action. While the specific request from Incarnation is not on the agenda this evening, a concept plan is included in this packet for informational purposes only.

If the Council wants to expand the areas where ground-mounted solar is permitted beyond that recommended by the Planning Commission, the draft ordinance could be modified to eliminate the minimum lot size or modify it to something smaller.

Attached for reference:

- Exhibit A: Zoning Map
- Exhibit B: Transportation Map
- Exhibit C: MN Solar Model Ordinance
- Exhibit D: Summary of Other City Standards
- Exhibit E: Concept from Incarnation Lutheran Church
- Exhibit F: Parcels in the RSM district 3.5 acres or more
- Exhibit G: Ordinance amending Chapter 151 as recommended by Planning Commission
- Exhibit H: Resolution for Summary Publication

ACTION REQUESTED

The Council has two options:

1. Move to adopt the Ordinance Amendment, as recommended by the Planning Commission.

Or

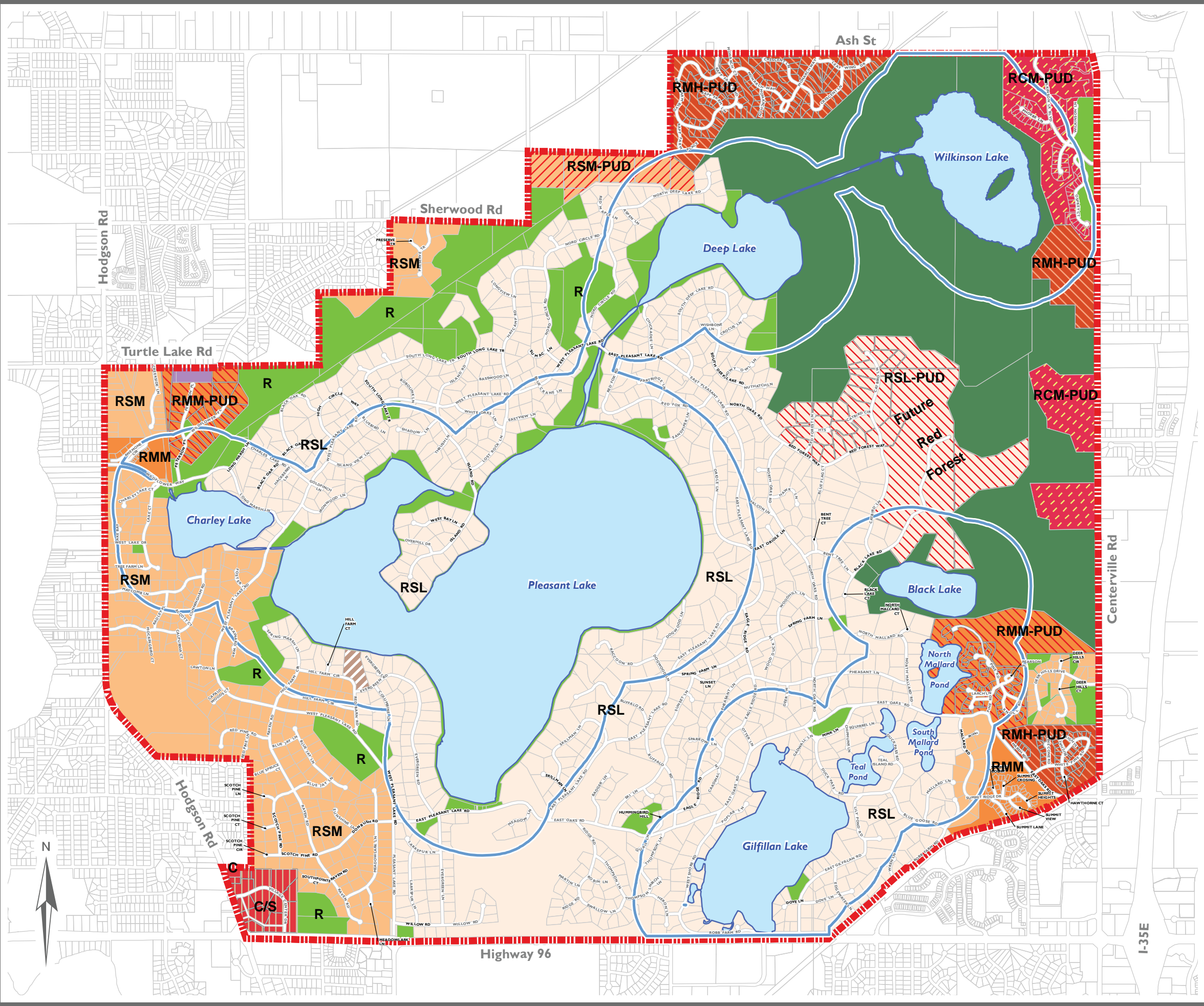
2. Direct staff to revise the draft ordinance and bring it back to the next City Council meeting for consideration/adoption.





MAP 8

Existing Zoning Districts Map



- OS (Open Space)
- RSL (Residential Single Family - Low Density)
- RSL-PUD (Residential Single Family - PUD)
- RSM (Residential Single Family - Medium Density)
- RSM-PUD (Res. Single Fam. - Med. Density - PUD)
- RMM (Residential Multiple Family Medium Density)
- RMM-PUD (Residential Multiple Family Medium Density - PUD)
- RMH-PUD (Residential Multiple Family High Density - PUD)
- RCM-PUD (Residential-Commercial Mixed-PUD)
- C (Commercial)
- C/S (Commercial/Service)
- LI (Limited Industrial)
- R (Recreation)
- HP (Historic Preservation)
- Shoreland District Boundaries

North Oaks Boundary

Source: City Zoning Map as of 5 - 10 - 21



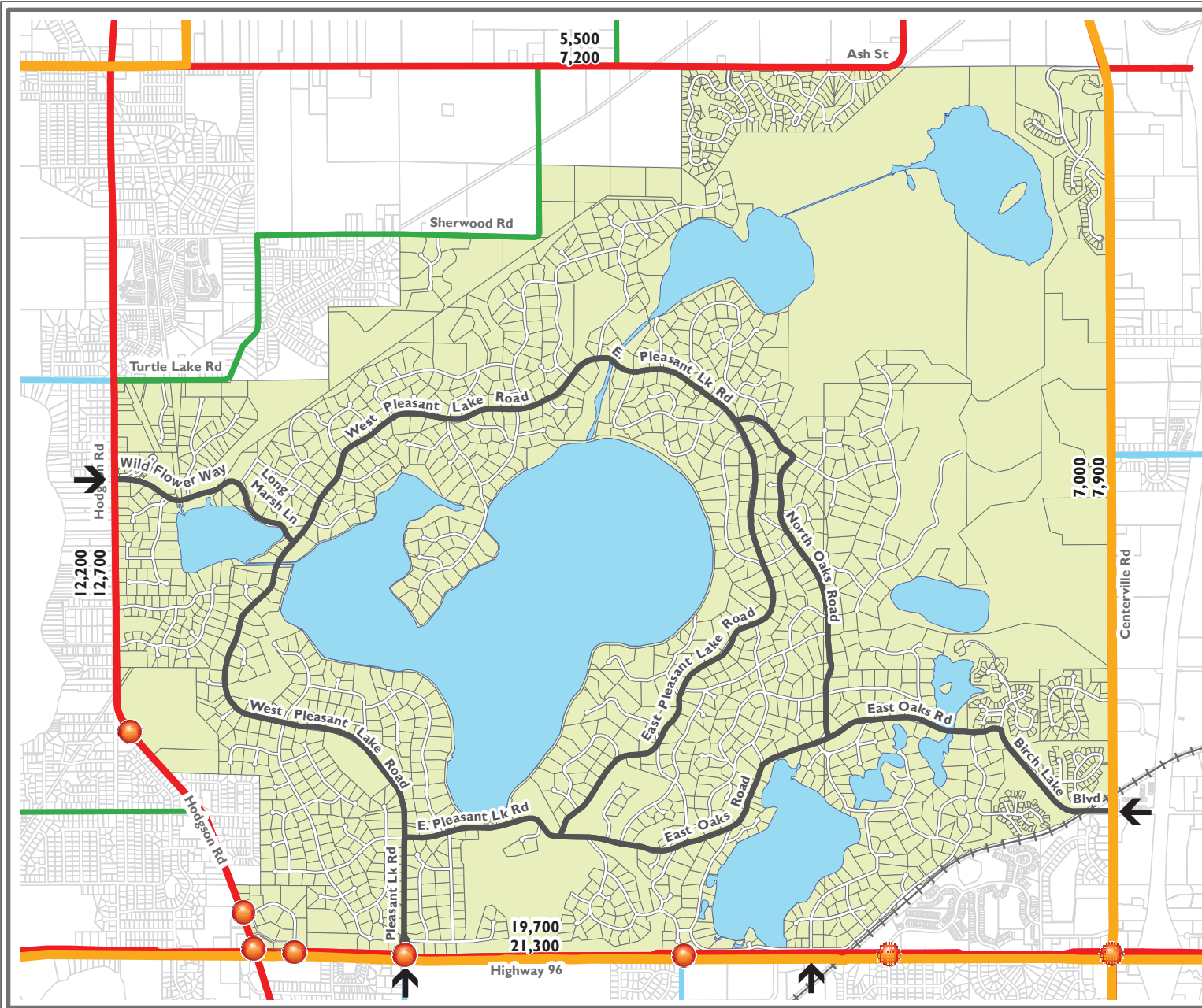
MAP 14 Transportation Features

- 'A' Minor Expander
- Collector
- Minor Collector
- Other Arterial
- Regional Bicycle Transportation Network (RBTN) Tier 2
- Rail Lines (Freight)
- Signalized Intersection
- Primary City Access Points

2040 Traffic Volumes
 Top number = current volumes
 Bottom number = 2040 projections



5-10-21



Minnesota Solar Model Ordinance



Photo by Katharine Chute

Prepared by Great Plains Institute with support from Sunshot and the Energy Foundation

Model Solar Ordinance – Minnesota

Introduction

Minnesota’s solar energy resources are high quality and cost effective—as good as many states to our south and consistently available across the entire state. As solar energy system components have become more efficient and less costly, an increasing number of solar energy systems have been installed in Minnesota. Market opportunities for solar development have dramatically increased in Minnesota over the last five years, such that communities must now address solar installations as land use and development issues. Solar energy components continue to improve in efficiency and decline in price; large-scale solar energy is expected to become the least expensive form of electric energy generation within a few years, surpassing wind energy and natural gas in leveled cost of energy.

Model Solar Energy Standards

This ordinance is based on the model solar energy ordinance originally created for Solar Minnesota, under a Million Solar Roofs grant from the U.S. Department of Energy. It has been substantially updated several times to reflect address additional issues and opportunities for Minnesota communities and the evolving solar industry, last updated May 2020

But solar energy is much more than just low-cost energy generation. Households and businesses seeking to reduce their carbon footprint see solar energy as a strong complement to energy efficiency. Agricultural producers see their solar energy as an economic hedge against price volatility in commodity crops. Utilities see solar’s declining cost, high reliability, and free fuel as a means to put downward pressure on electric rates. Corporate, institutional, and municipal buyers are actively acquiring carbon-free solar generation to meet climate and clean energy goals. And innovative solar site designs are capturing habitat and water quality co-benefits by using solar with habitat-friendly ground cover to restore eco-system functions.

Solar Energy Issues

Local governments in Minnesota are seeing increasing interest by property owners in solar energy installations and are having to address a variety of solar land uses in their development regulation. Given the continuing cost reductions and growing value of clean energy, solar development will increasingly be a local development opportunity, from the rooftop to the large-scale solar farm. Three primary issues tie solar energy to development regulations:

1. ***Land use conflicts and synergies.*** Solar energy systems have few nuisances. But solar development can compete for land with other development options, and visual impacts and perceived safety concerns sometimes create opposition to solar installations. Good design and attention to aesthetics can address most concerns for rooftop or accessory use systems. Good siting and site design standards for large- and community-scale solar can similarly resolve conflicts and create co-benefits from solar development, such as restoring habitat, diversifying agricultural businesses, and improving surface and ground waters.
2. ***Protecting access to solar resources.*** Solar resources are a valuable component of property ownership. Development regulations can inadvertently limit a property owner’s ability to access their solar resource. Communities should consider how to protect and develop solar resources in zoning, subdivision, and other development regulations or standards.
3. ***Encouraging appropriate solar development.*** Local government can go beyond simply removing regulatory barriers and encourage solar development that provides economic development, climate protection, and natural resources co-benefits. Local governments have a variety of tools to encourage appropriately sited and designed solar development to meet local goals.

Components of a Solar Standards Ordinance

Solar energy standards should:

1. *Create an as-of-right solar installation path for property-owners.* Create a clear regulatory path (an as-of-right installation) to solar development for accessory uses and - if appropriate - for principal uses such as large-scale solar and ground-mount community shared solar installations.
2. *Enable principal solar uses.* Define where community- and large-solar energy land uses are appropriate as a principal or primary use, set development standards and procedures to guide development, and capture co-benefit opportunities for water quality, habitat, agriculture.
3. *Limit regulatory barriers to developing solar resources.* Ensure that access to solar resources is not unduly limited by height, setback, or coverage standards, recognizing the distinct design and function of solar technologies and land uses for both accessory and principal uses.
4. *Define appropriate aesthetic standards.* Retain an as-of-right installation pathway for accessory uses while balancing design concerns in urban neighborhoods and historic districts. Set reasonable aesthetic standards for solar principal uses that are consistent with other principal uses that have visual impacts.
5. *Address cross-property solar access issues.* Consider options for protecting access across property lines in the subdivision process and in zoning districts that allow taller buildings on smaller (urban density) lots.
6. *Promote “solar-ready” design.* Every building that has a solar resource should be built to seamlessly use it. Encourage builders to use solar-ready subdivision and building design.
7. *Include solar in regulatory incentives.* Encourage desired solar development by including it in regulatory incentives: density bonuses, parking standards, flexible zoning standards, financing/grant programs, promotional efforts.

Different Community Types and Settings

The model ordinance language addresses land use concerns for both urban and rural areas, and thus not all the provisions may be appropriate for every community. Issues of solar access and nuisances associated with small or accessory use solar energy systems are of less consequence in rural areas, where lot sizes are almost always greater than one acre. Large-scale and community- scale solar (principal solar land uses) are much more likely to be proposed in rural areas rather than developed cities. However, urban areas should consider where community- or large-scale solar can add value to the community and enable economic development of a valuable local resource. Rural communities should address rooftop and accessory ground-mount development, although the standards used in this model are designed more for the urban circumstances.

This ordinance includes language addressing solar energy as an accessory use to the primary residential or commercial use in an urban area and language for principal solar uses more typically seen in rural communities. Communities should address both types of solar development.

Solar development is not one thing

Communities would not apply the same development and land use standards to an industrial facility and a single family home, merely because both are buildings. Community and large-scale solar development is a completely different land use than rooftop or backyard solar. Standards that are appropriate for large-scale solar may well be wholly inappropriate for rooftop solar and may unnecessarily restrict or stymie solar development opportunities of homes and business owners.

Model Ordinance

I. **Scope** - This article applies to all solar energy installations in Model Community.

II. **Purpose** - Model Community has adopted this regulation for the following purposes:

A. **Comprehensive Plan Goals** - To meet the goals of the Comprehensive Plan and preserve the health, safety and welfare of the community by promoting the safe, effective and efficient use of solar energy systems. The solar energy standards specifically implement the following goals from the Comprehensive Plan:

1. **Goal** – Encourage the use of local renewable energy resources, including appropriate applications for wind, solar, and biomass energy.
2. **Goal** – Promote sustainable building design and management practices to serve current and future generations.
3. **Goal** – Assist local businesses to lower financial and regulatory risks and improve their economic, community, and environmental sustainability.
4. **Goal** – Implement the solar resource protection element required under the Metropolitan Land Planning Act.

B. **Climate Change Goals** - Model Community has committed to reducing carbon and other greenhouse gas emissions. Solar energy is an abundant, renewable, and nonpolluting energy resource and its conversion to electricity or heat reduces dependence on nonrenewable energy resources and decreases the air and water pollution that results from the use of conventional energy sources.

C. **Infrastructure** - Distributed solar photovoltaic systems will enhance the reliability and power quality of the power grid and make more efficient use of Model Community’s electric distribution infrastructure.

D. **Local Resource** - Solar energy is an underused local energy resource and encouraging the use of solar energy will diversify the community’s energy supply portfolio and reduce exposure to fiscal risks associated with fossil fuels.

E. **Improve Competitive Markets** - Solar energy systems offer additional energy choice to consumers and will improve competition in the electricity and natural gas supply market.

Comprehensive Plan Goals

Tying the solar energy ordinance to Comprehensive Plan goals is particularly important for helping users (both Planning Commission and community members) understand why the community is developing and administering regulation.

The language here provides examples of different types of Comprehensive Plan goals, and other policy goals that the community may have that are served by enabling and encouraging solar development. The community should substitute its policy goals for these examples.

If the Comprehensive Plan does not include goals supporting local solar development, the community should consider creating a local energy plan or similar policy document to provide a policy foundation for solar development regulation (as noted in II.B) .

Metropolitan Land Planning Act

Minnesota local governments subject to the Metropolitan Land Planning Act are required in their comprehensive plans to plan for the protection and development of solar resources. Communities must then incorporate Plan goals in their local controls. This ordinance implements that required Comprehensive Plan element.

III. Definitions

Agrivoltaics – A solar energy system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services.

Building-integrated Solar Energy Systems – A solar energy system that is an integral part of a principal or accessory building, 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 hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Community-Scale Solar Energy System – A commercial solar energy system that converts sunlight into electricity for the primary purpose of serving electric demands off-site from the facility, either retail or wholesale. Community-scale systems are principal uses and projects typically cover less than 20 acres.

Community Solar Garden – A solar energy system that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, consistent with Minn. Statutes 216B.1641 or successor statute. A community solar garden may be either an accessory or a principal use.

Grid-intertie Solar Energy System – A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

Ground-mount – A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.

Large-Scale Solar Energy System – A commercial solar energy system that converts sunlight into electricity for the primary purpose of wholesale sales of generated electricity. A large-scale solar energy system will have a project size greater than 20 acres and is the principal land use for the parcel(s) on which it is located.

Off-grid Solar Energy System – A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Passive Solar Energy System – A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Photovoltaic System – A solar energy system that converts solar energy directly into electricity.

Renewable Energy Easement, Solar Energy Easement – An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land, as defined in Minn. Stat. 500.30 Subd. 3 or successor statute.

Solar Definitions

Not all these terms are used in this model ordinance, nor is this a complete list of solar definitions. As a community develops its own development standards for solar technology, many of the concepts defined here may be helpful in meeting local goals. For instance, solar daylighting devices may change the exterior appearance of the building, and the community may choose to distinguish between these devices and other architectural changes.

Differentiating Solar Uses by Size

Community-scale and Large-scale systems are defined here as occupying less than 20 acres and greater than 20 acres respectively. Some communities will use a lower number (ten acres) and some a higher number (up to 50 acres). An ex-urban city would use a lower number and a rural county could use a higher number. Community-scale is generally a size that can fit into the land use fabric of the community without assembly of separate parcels. Some communities have chosen not to distinguish between community- and large-scale, but use a single large-scale designation.

Roof-mount – A solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mount systems are accessory to the principal use.

Roof Pitch – The final exterior slope of a roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

Solar Access – Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Carport – A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.

Solar Collector – The panel or device in a solar energy system that collects solar radiant energy and transforms it into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.

Solar Daylighting – Capturing and directing the visible light spectrum for use in illuminating interior building spaces in lieu of artificial lighting, usually by adding a device or design element to the building envelope.

Solar Energy – Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System – A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

Solar Hot Air System (also referred to as Solar Air Heat or Solar Furnace) – A solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance includes a solar collector to preheat air or supplement building space heating, typically using a vertically-mounted collector on a south-facing wall.

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, including residential domestic hot water and hot water for commercial processes.

Solar Mounting Devices – Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

Solar Resource – A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year, and can be measured in annual watts per square meter.

Solar Resource

Understanding what defines a “solar resource” is foundational to how land use regulation affects solar development. Solar energy resources are not simply where sunlight falls. A solar resource has minimum spatial and temporal characteristics, and needs to be considered not only today but also into the future. Solar energy systems are economic only if the annual solar resource (measured in annual watts per square meter) are sufficiently high to justify the cost of installation. The resource is affected by the amount of annual shading, orientation of the panel, and typical atmospheric conditions. Solar resources on a particular site can be mapped and quantified, similar to quantifying other site resources that enhance property value; mineral resources, prime soils for agriculture, water, timber, habitat.

IV. Permitted Accessory Use - Solar energy systems are a permitted accessory use in all zoning districts where structures of any sort are allowed, subject to certain requirements as set forth below. Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building. Solar energy systems that do not meet the following design standards will require a conditional use permit.

A. Height - Solar energy systems must meet the following height requirements:

1. Building- or roof- mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
2. Ground- or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
3. Solar carports in non-residential districts shall not exceed 20 feet in height.

Height - Rooftop System

This ordinance notes exceptions to the height standard when other exceptions for rooftop equipment are granted in the ordinance. Communities should directly reference the exception language rather than use the placeholder language here.

B. Set-back - Solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located, except as allowed below.

1. **Roof- or Building-mounted Solar Energy Systems** – The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side-yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.
2. **Ground-mounted Solar Energy Systems** - Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.

Height - Ground or Pole Mounted System

This ordinance sets a 15-foot height limit, which is typical for residential accessory uses. Some communities allow solar to be higher than other accessory uses in order to enable capture of the lot's solar resource when lots and buildings are closer together. An alternative is to balance height with setback, allowing taller systems if set back farther—for instance, an extra foot of height for every extra two feet of setback. In rural (or large lot) areas, solar resources are unlikely to be constrained by trees or buildings on adjacent lots and the lot is likely to have adequate solar resource for a lower (10-15 foot) ground-mount application.

C. Visibility - Solar energy systems in residential districts shall be designed to minimize visual impacts from the public right-of-way, as described in C.1-3, to the extent that doing so does not affect the cost or efficacy of the system. Visibility standards do not apply to systems in non-residential districts, except for historic building or district review as described in E. below.

Visibility and Aesthetics

Aesthetic regulation should be tied to design principles rather than targeted at a specific land use. If the community already regulates aesthetics in residential districts, this model language provides guidance for balancing between interests of property owners who want to use their on-site solar resources and neighbors concerned with neighborhood character. Substantial evidence demonstrates that solar installations have no effect on property values of adjacent properties. But where aesthetic regulation is used to protect community character, these standards provide balance between competing goals.

1. **Building Integrated Photovoltaic Systems** - Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use, or performance standards for the district in which the building is located.
2. **Aesthetic restrictions** – Roof-mount or ground-mount solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley, or if the system meets the following standards.
 - a. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.
 - b. Roof-mount systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.
3. **Reflectors** - All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.

D. Lot Coverage - Ground-mount systems total collector area shall not exceed half the building footprint of the principal structure.

1. Ground-mount systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.
2. Ground-mounted systems shall not count toward accessory structure limitations.
3. Solar carports in non-residential districts are exempt from lot coverage limitations.

E. Historic Buildings - Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the community Heritage Preservation Commission, consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.

F. Plan Approval Required - All solar energy systems requiring a building permit or other permit from Model Community shall provide a site plan for review.

Building Integrated PV
Building integrated solar energy systems can include solar energy systems built into roofing (existing technology includes both solar shingles and solar roofing tiles), into awnings, skylights, and walls.

Roof-Mounted Solar Energy Systems
This ordinance sets a threshold for pitched roof installations that they not be steeper than the finished roof pitch. Mounted systems steeper than the finished roof pitch change the appearance of the roof, and create additional considerations in regard to the wind and drift load on structural roof components. If the aesthetic impacts are not a concern to the community, the structural issues can be addressed in the building permit, as described in this Toolkit.

Reflectors
Unlike a solar collector, reflector systems do create a potential glare nuisance. While reflector systems are unusual, communities may want to include this reference as a precaution.

Impervious Surface Coverage
Rather than consider the solar panel for a ground-mount system as a roof, this provision recognizes that the ground under the panel can mitigate stormwater risks if it is kept in vegetation so that rain water can infiltrate. Any effects are de minimus for a small array if the lot is otherwise within coverage ratios.

Roof Coverage
National Fire Code standards recommend keeping solar arrays well away from roof edges and peak in order to enable some fire fighting access. Different fire departments have addressed this in different ways. Recommendations for solar friendly permitting that accommodate Fire Code recommendations can be found in the Solar America Board of Codes and Standards.

Plan Approval
This process is generally part of the process for obtaining a building permit. If the community does not issue building permits, it can be tied to a land use permit instead. For rural areas or cities without standards for rooftop systems, the plan approval section may be eliminated.

1. **Plan Applications** - Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
 2. **Plan Approvals** - Applications that meet the design requirements of this ordinance shall be granted administrative approval by the zoning official and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.
- G. Approved Solar Components** - Electric solar energy system components must have a UL or equivalent listing and solar hot water systems must have an SRCC rating.
- H. Compliance with Building Code** - All solar energy systems shall meet approval of local building code officials, consistent with the State of Minnesota Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.
- I. Compliance with State Electric Code** - All photovoltaic systems shall comply with the Minnesota State Electric Code.
- J. Compliance with State Plumbing Code** - Solar thermal systems shall comply with applicable Minnesota State Plumbing Code requirements.
- K. Utility Notification** - All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

V. Principal Uses – Model Community encourages the development of commercial or utility scale solar energy systems where such systems present few land use conflicts with current and future development patterns. Ground-mounted solar energy systems that are the principal use on the development lot or lots are conditional uses in selected districts.

A. Principal Use General Standards

1. Site Design

a. **Set-backs** – Community- and large-scale solar arrays must meet the following setbacks:

1. Property line setback for buildings or structures in the district in which the system is located, except as other determined in 1.a.5 below.
2. Roadway setback of 150 feet from the ROW centerline of State highways and CSAHs, 100 feet for other roads, except as other determined in 1.a.5 below.
3. Housing unit setback of 150 feet from any existing dwelling unit, except as other determined in 1.a.5 below.
4. Setback distance should be measured from the edge of the solar energy system array, excluding security fencing, screening, or berm.
5. All setbacks can be reduced by 50% if the array is fully screened from the setback point of measurement.

b. **Screening** – Community- and large-scale solar shall be screened from existing residential dwellings.

1. A screening plan shall be submitted that identifies the type and extent of screening.
2. Screening shall be consistent with Model Community’s screening ordinance or standards typically applied for other land uses requiring screening.
3. Screening shall not be required along property lines within the same zoning district, except where the adjoining lot has an existing residential use.
4. Model Community may require screening where it determines there is a clear community interest in maintaining a viewshed.

Community-Scale Solar or Solar Gardens

Community solar systems differ from rooftop or solar farm installations primarily in regards to system ownership and disposition of the electricity generated, rather than land use considerations. There is, however, a somewhat greater community interest in community solar, and thus communities should consider creating a separate land use category.

This language limits the size of the garden to ten acres, which is an installation of no more than one MW of solar capacity. Communities should tailor this size limit to community standards, which may be smaller or larger.

Appropriate Setbacks

The community should consider balancing set-back requirements and screening requirements for principal use solar. Since the primary impact to neighbors of large-scale solar is visual, screening becomes less useful, as the setbacks get larger (and vice versa).

The setback distances provided here are general examples that should be modified to be consistent with other setbacks already in the ordinance. Excessive setbacks that are unique to solar land uses, or that are similar to high nuisance land uses such as industrial uses or animal agriculture, are unjustified given the low level of risk or nuisance posed by the system.

Screening

The community should consider limiting screening of community- or large-scale solar to where there is a visual impact from an existing use, such as adjacent residential districts or uses. Solar energy systems may not need to be screened from adjacent lots if those lots are in agricultural use, are non-residential, or have low-intensity commercial use.

c. **Ground cover and buffer areas** - The following provisions shall be met related to the clearing of existing vegetation and establishment of vegetated ground cover. Additional requirements may apply as required by Model Community.

1. Large-scale removal of mature trees on the site is discouraged. Model Community may set additional restrictions on tree clearing or require mitigation for cleared trees.
2. The project site design shall include the installation and establishment of ground cover meeting the beneficial habitat standard consistent with Minnesota Statutes, section 216B.1642, or successor statutes and guidance as set by the Minnesota Board of Water and Soil Resources (BWSR).
3. The applicant shall submit a planting plan accompanied by a completed “Project Planning Assessment Form” provided by BWSR for review by BWSR or the County SWCD.
4. Beneficial habitat standards shall be maintained on the site for the duration of operation, until the site is decommissioned. The owner of the solar array shall complete BWSR’s “Established Project Assessment Form” at year 4 and every 3 years after that, and allow the County SWCD to conduct a site visit to verify compliance.
5. Model Community may require submittal of inspection fee at the time of the initial permit application to support ongoing inspection of the beneficial habitat ground cover.
6. The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit or bond in favor of the Community equal to one hundred twenty-five (125) percent of the costs to meet the beneficial habitat standard. The financial guarantee shall remain in effect until vegetation is sufficiently established.

d. **Foundations** - A qualified engineer shall certify that the foundation and design of the solar panel racking and support is within accepted professional standards, given local soil and climate conditions.

e. **Power and communication lines** - Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by Model Community in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.

Ground Cover Standards

Minnesota has created a “beneficial habitat” certification, administered by the Board of Soil and Water Resources (BWSR) to enable local governments and solar developers to certify principal use solar as having achieved the co-benefits of using the site as pollinator habitat.

Establishing and maintaining native ground cover creates important co-benefits to the community or the property owner. Native grasses can be harvested for forage and wildflowers and blooming plants can create pollinator and bird habitat, and maintaining the site in native vegetation will build soils that can be turned back into agriculture at the end of the solar farm’s life.

Site Design in Conditional Use Permit

Certain site design elements may be included in a community’s conditional use permit for community- and large-scale solar. Best practices for habitat-friendly solar site design include, for instance, that:

- panels be at least 36 inches off the ground to allow mowing and other maintenance,
- panels be spaced to allow vegetation to be self-sustaining,
- maintenance standards limit or prevent pesticide use.

Financial Surety

Communities frequently require bonds or similar financial guarantees when infrastructure improvements are required for a development project. The beneficial habitat installation can be considered in a similar light. Establishing a self-sustaining pollinator or native habitat ground cover requires maintenance over the first 2-3 years, and some maintenance over the life of the project.

2. **Stormwater and NPDES** - Solar farms are subject to Model Community's stormwater management and erosion and sediment control provisions and NPDES permit requirements. Solar collectors shall not be considered impervious surfaces if the project is certified as beneficial habitat solar, as described in A.1.c.2. of this ordinance.
3. **Other standards and codes** - All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Minnesota Uniform Building Code, as amended; and the National Electric Code, as amended.
4. **Site Plan Required** - A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by Model Community. The site plan should show all zoning districts and overlay districts.
5. **Aviation Protection** - For solar farms located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
6. **Agricultural Protection** - Solar farms must comply with site assessment or soil identification standards that are intended to identify agricultural soils. Model Community may require mitigation for use of prime soils for solar array placement, including the following:
 - a. Demonstrating co-location of agricultural uses (agrivoltaics) on the project site.
 - b. Using an interim use or time-limited CUP that allows the site to be returned to agriculture at the end of life of the solar installation.
 - c. Placing agricultural conservation easements on an equivalent number of prime soil acres adjacent to or surrounding the project site.
 - d. Locating the project in a Drinking Water Supply Management Area or wellhead protection area.

Stormwater and Water Quality Standards

Perennial grasses and wildflowers planted under the panels, between arrays, and in setback or buffer areas will substantially mitigate the stormwater risks associated with solar arrays, and result in less runoff than typically seen from many types of agriculture. The ground cover standards in Section A.3. will mitigate many stormwater risks, although soil type and slope can still affect the need for additional stormwater mitigation.

Solar with native perennial ground cover can provide multiple water quality benefits when converting from most agricultural crop uses. Both groundwater (limiting nitrate contamination) and surface waters (reducing phosphorus and sediment loading) can benefit if the system is appropriately designed.

Site Plan

Solar farm developers should provide a site plan similar to that required by the community for any other development. Refer to your existing ordinance to guide site plan submittal requirements.

Aviation Standards, Glare

This standard was developed for the FAA for solar installations on airport grounds. It can also be used for solar farm and garden development in areas adjacent to airports. This standard is not appropriate for areas where reflected light is not a safety concern.

Agricultural Protection

If the community has ordinances that protect agricultural soils, this provision applies those same standards to solar development. Communities should understand, however, that solar farms do not pose the same level or type of risk to agricultural practices as does housing or commercial development. Solar farms can be considered an interim use that can be easily turned back to agriculture at the end of the solar farm's life (usually 25 years.)

7. **Decommissioning** - A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life.

a. Decommissioning of the system must occur in the event the project is not in use for 12 consecutive months.

b. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and assurances that financial resources will be available to fully decommission the site.

c. Disposal of structures and/or foundations shall meet the provisions of the Model Community Solid Waste Ordinance.

d. Model Community may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

B. Community-Scale Solar – Model Community permits the development of community-scale solar, subject to the following standards and requirements:

1. **Rooftop gardens permitted** - Rooftop community systems are permitted in all districts where buildings are permitted.

2. **Community-scale uses** - Ground-mount community solar energy systems must cover no more than ten acres (project boundaries), and are a permitted use in industrial and agricultural districts, and permitted with standards or conditional in all other non-residential districts. Ground-mount solar developments covering more than ten acres shall be considered large-scale solar.

3. **Dimensional standards** - All structures must comply with setback, height, and coverage limitations for the district in which the system is located.

4. **Other standards** - Ground-mount systems must comply with all required standards for structures in the district in which the system is located.

Prime Farmland and Agrivoltaics

Minnesota Admin. 7850.4400 Subd. 4 has provisions for the protection of prime farmland when large electric power generating plants are located on lands designated as prime farmland.

There are a number of mitigation opportunities for solar sited on prime farmland, such as co-locating agricultural uses within solar arrays (also called agrivoltaics). Groundcover that includes pollinator-friendly plantings may enhance surrounding agricultural opportunities, or in the case of protecting drinking water or wellhead protection areas as described below.

Defining Community-Scale Solar

The acreage size for community-scale solar garden written here (10 acres) is the high end of project size for a one megawatt system, which is the maximum size of community solar gardens within Xcel Energy's program. But other utilities have other size limitations, and community-scale could be defined as high as 10 megawatts (100 acre project size). Community-scale solar is the size that can fit in to the landscape.

Drinking Water Protection

In identifying preferred sites for solar principal uses the community should consider co-benefits of solar energy development. One such potential co-benefit is protection of drinking water supplies. Solar energy development may be intentionally sited within vulnerable portions of Drinking Water Supply Management Areas (DWSMAs) as a best management practice to restore and protect native perennial groundcover that reduces nitrate contamination of ground water supplies.

C. Large-Scale Solar - Ground-mount solar energy arrays that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market, are permitted under the following standards:

1. **Conditional use permit** – Solar farms are conditional uses in agricultural districts, industrial districts, shoreland and floodplain overlay districts, airport safety zones subject to A.1.5. of this ordinance, and in the landfill/brownfield overlay district for sites that have completed remediation.

Large-Scale Solar Conditional Uses

Large -scale solar should require a conditional use or interim use permit in order for the community to consider the site-specific conditions. The districts listed here are examples. Each community needs to consider where large scale solar is suitable in the context of its zoning districts and priorities.

Example Use Table

Use Type	Residential	Mixed Use	Business	Industrial	Agricultural, Rural, Landfill	Shoreland	Floodplain	Special (Conservation, Historic Districts)
Large-scale solar				C	C	C	C	C
Community-scale solar	C	C	C	P	P	PS	PS	PS
Accessory use ground-mounted solar	P	P	P	P	P	P	C	C
Rooftop solar	P	P	P	P	P	P	P	PS

P = Permitted

PS = Permitted Special (additional separate permit or review)

C = Conditional

Blank Cell = Prohibited

Solar as a Land Use

The above use table shows four types of solar development that are distinct types of land uses (two kinds of accessory uses, two principal uses), and a group of districts or overlays that are commonly used in Minnesota.

- Rooftop system are permitted in all districts where buildings are permitted, with recognition that historic districts will have special standards or permits separate from the zoning permits.
- Accessory use ground-mount are conditional where potentially in conflict with the primary district or overlay goal.
- Community-scale solar principal uses are conditional where land use conflicts or opportunity conflicts are high, permitted where a 10 acre development can be integrated into the landscape, and requiring special consideration in shoreland and floodplain overlay districts.
- Large-scale is prohibited in higher density districts and conditional in all other districts.

Both community- and large-scale solar is allowed in shoreland and floodplain overlay districts, because the site design standards requiring beneficial habitat ground cover not only ensure a low-impact development but in most cases result in a restoration of ecosystem services from the previous (usually agricultural) use.

VI. Restrictions on Solar Energy Systems Limited – As of (adoption date for this ordinance) new homeowners’ agreements, covenant, common interest community standards, or other contract between multiple property owners within a subdivision of Model Community shall not restrict or limit solar energy systems to a greater extent than Model Community’ solar energy standards.

VII. Solar Access - Model Community encourages protection of solar access in all new subdivisions.

A. Solar Easements Allowed - Model Community allows solar easements to be filed, consistent with Minnesota State Code 500. Any property owner can purchase an easement across neighboring properties to protect access to sunlight. The easement can apply to buildings, trees, or other structures that would diminish solar access.

B. Easements within Subdivision Process - Model Community requires new subdivisions to identify and create solar easements when solar energy systems are implemented as a condition of a PUD, subdivision, conditional use, or other permit, as specified in Section 8 of this ordinance.

Solar Easements

Minnesota allows the purchase and holding of easements protecting access to solar and wind energy. The easement must specify the following information:

Required Contents - Any deed, will, or other instrument that creates a solar or wind easement shall include, but the contents are not limited to:

(a) A description of the real property subject to the easement and a description of the real property benefiting from the solar or wind easement; and

(b) For solar easements, a description of the vertical and horizontal angles, expressed in degrees and measured from the site of the solar energy system, at which the solar easement extends over the real property subject to the easement, or any other description which defines the three dimensional space, or the place and times of day in which an obstruction to direct sunlight is prohibited or limited;

(more provisions, see Statute)

Source: Minnesota Stat. 500.30 Subd. 3.

VIII. Renewable Energy Condition for Certain Permits

A. Condition for Planned Unit Development (PUD) Approval

- Model Community may require on-site renewable energy systems, zero-net-energy (ZNE) or zero-net-carbon (ZNC) building designs, solar-synchronized electric vehicle charging or other clean energy systems as a condition for approval of a PUD permit to mitigate for:

1. Impacts on the performance of the electric distribution system,
2. Increased local emissions of greenhouse gases associated with the proposal,
3. Need for electric vehicle charging infrastructure to offset transportation-related emissions for trips generated by the new development,
4. Other impacts of the proposed development that are inconsistent with the Model Community Comprehensive Plan.

B. **Condition for Conditional Use Permit** - Model Community may require on-site renewable energy systems or zero net energy construction as a condition for a rezoning or a conditional use permit.

IX. Solar Roof Incentives - Model Community encourages incorporating on-site renewable energy system or zero net energy construction for new construction and redevelopment. Model Community may require on-site renewable energy or zero-net-energy construction when issuing a conditional use permit where the project has access to local energy resources, in order to ensure consistency with Model Community's Climate Action Plan.

A. **Density Bonus** - Any application for subdivision of land in the ___ Districts that will allow the development of at least four new lots of record shall be allowed to increase the maximum number of lots by 10% or one lot, whichever is greater, provided all building and wastewater setbacks can be met with the increased density, if the applicant enters into a development agreement guaranteeing at least three (3) kilowatts of PV for each new residence that has a solar resource.

B. **Financial Assistance** – Model Community provides financial assistance to certain types of development and redevelopment. All projects that receive financial assistance of \$ _____ or greater, and that have a solar resource shall incorporate on-site renewable energy systems.

Renewable Energy Conditions, Incentives

The community can use traditional development tools such as conditional use permits, PUDs, or other discretionary permits to encourage private investment in solar energy systems as part of new development or redevelopment. This model ordinance notes these opportunities for consideration by local governments. In most cases, additional ordinance language would need to be tailored to the community's ordinances.

For instance, a provision that PUDs (or other special district or flexible design standard) incorporate solar energy should be incorporated into the community's PUD ordinance rather than being a provision of the solar standards.

Conditional use permits generally include conditions, and those conditions can include renewable energy or zero net energy design, but only if the conditions are clearly given preference in adopted policy or plans. Explicit reference to climate or energy independence goals in the ordinance and explicit preference for such conditions will set a foundation for including such conditions in the permit.

Solar Roof Incentives

This section of the model ordinance includes a series of incentives that can be incorporated into development regulation. Most cities and many counties use incentives to encourage public amenities or preferred design. These same tools and incentives can be used to encourage private investment in solar energy. Communities should use incentives that are already offered, and simply extend that incentive to appropriate solar development.

Some of the incentives noted here are not zoning incentives, but fit more readily into incentive programs offered by the community (such as financing or incentive-based design standards).

- C. **Solar-Ready Buildings** – Model Community encourages builders to use solar-ready design in buildings. Buildings that submit a completed U.S. EPA Renewable Energy Ready Home Solar Photovoltaic Checklist (or other approved solar-ready standard) and associated documentation will be certified as a Model Community solar ready home, and are eligible for low-cost financing through Model Community’s Economic Development Authority. A designation that will be included in the permit home’s permit history.
- D. **Solar Access Variance** – When a developer requests a variance from Model Community’s subdivision solar access standards, the zoning administrator may grant an administrative exception from the solar access standards provided the applicant meets the conditions of 1. and 2. below:
1. **Solar Access Lots Identified** - At least ___% of the lots, or a minimum of ___ lots, are identified as solar development lots.
 2. **Covenant Assigned** - Solar access lots are assigned a covenant that homes built upon these lots must include a solar energy system. Photovoltaic systems must be at least three (3) KW in capacity.
 3. **Additional Fees Waived** - Model Community will waive any additional fees for filing of the covenant.

Solar Ready Buildings

New buildings can be built “solar-ready” at very low cost (in some cases the marginal cost is zero). Solar energy installation costs continue to decline in both real and absolute terms, and are already competitive with retail electric costs in many areas. If new buildings have a rooftop solar resource, it is likely that someone will want to put a solar energy system on the building in the future. A solar ready building greatly reduces the installation cost, both in terms of reducing labor costs of retrofits and by “pre-approving” most of the installation relative to building codes.

A community’s housing and building stock is a form of infrastructure that, although built by the private sector, remains in the community when the homeowner or business leaves the community. Encouraging solar-ready construction ensures that current and future owners can take economic advantage of their solar resource when doing so makes the most sense for them.

Solar Access Subdivision Design

Some communities will require solar orientation in the subdivision ordinance, such as requiring an east-west street orientation within 20 degrees in order to maximize lot exposure to solar resources. However, many such requirements are difficult to meet due to site constraints or inconsistency with other requirements (such as connectivity with surrounding street networks). Rather than simply grant a variance, the community can add a condition that lots with good solar access actually be developed as solar homes.

SOLAR STANDARDS RESEARCH

DATE	9/5/23
PROJECT NAME	Ordinance Amendments - Solar Research
PROJECT NUMBER	CNO23005
PROJECT LOCATION	North Oaks, MN
PREPARED BY	Nicholas Ouellette

CITY	RESIDENTIAL DISTRICTS				COMMERCIAL/INDUSTRIAL DISTRICTS				STANDARDS		NOTES
	ROOF MOUNTED		GROUND MOUNTED		ROOF MOUNTED		GROUND MOUNTED		ROOF MOUNTED	GROUND MOUNTED	
Andover	R1, R2, R3, R4, R5, RR, M1, M2, M3	Permitted Accessory Use	RR, R-1	Permitted Accessory Use	NB, SC, GB, I	Permitted Accessory Use	NB, SC, GB, I	Prohibited Use	Comply with maximum height standards. Panels and equipment flush with roof. May not extend beyond perimeter of exterior walls. Visibility to commercial/industrial solar on flat roofs should be limited.	Not permitted in front yard. 30 ft. setback to interior side/rear lot lines. 15 ft. maximum height. Max. ground coverage limited based on parcel/lot area. Lots less than 3 acres may not exceed 400 sq. ft. ground cover. Lots 3 acres or more the max. coverage may not exceed the foundation area of the residence or 1,200 sq. ft. whichever is less.	
Chanhassen	A2, RR, RSF, R4, RLM, R8, R12, R16	Permitted Accessory Use	A2, RR, RSF, R4, RLM, R8, R12, R16	Accessory	BN, BH, CBD, CC, BG, BF, OI, IOP	Permitted Accessory Use	BN, BH, CBD, CC, BG, BF, OI, IOP	Permitted Accessory Use	Comply with district height standards. Orient glare away from neighboring windows. Mounted flush to roofs. Not to extend beyond perimeter of walls. Colors should be dark or blend with the building.	Comply with accessory structure height standards for district. Exterior lines shall be underground. Screen with walls, fences or landscaping. Setbacks: - Non-residential comply with district setbacks. - Residential only permitted in rear yards with a min. 10 ft. setback.	
Cottage Grove	All districts	Permitted Accessory Use	All districts	Permitted Accessory Use	All districts	Permitted Accessory Use	All districts	Permitted Accessory Use	Pitched roof panels must be flush, flat roof panels may be angled. Colors shall blend with building. Comply with max. height for zoning district. Glare away from neighboring windows. Systems may not extend beyond perimeter of building.	Only permitted on properties 5 or more acres in size. Not to exceed 15 ft. Prohibited in front yard of properties in MUSA. Comply with district setback standards.	Standards for decommissioning. Wall-mounted systems permitted. Heliostats prohibited.
Eagan	All districts	Permitted Accessory Use	All districts	Permitted Accessory Use	All districts	Permitted Accessory Use	All districts	Permitted Accessory Use	Must comply with zoning district regulations. Residential setback up to 1 ft. from edge of roof. Commercial/Ind./Inst. setback 10 ft. from edge of roof. Subject to district height standards. Reduce glare to other structures, screening may be required. Max 80% roof-surface coverage on south facing roof or entire surface of flat roof.	Must comply with zoning district regulations. Must comply with accessory structure standards. Ground coverage not to exceed: - 30% of residential lot area. - 70% of commercial/ind./inst. lot area. Landscape screening from ROW's and adjacent lots to soften view. Height limited to 12 ft. and may extend an addition 1 ft. in height for every additional 2 ft. of setback (up to 15 ft. total height).	Community solar standards. Color does not need to match.
Gem Lake											Solar not permitted
Grant	All districts	Permitted Accessory Use	All districts	Permitted Accessory Use	None specified	None specified	None specified	None specified	Must comply with structure setback (attached to principal or accessory buildings). Height not to extend 5 ft. above roof. Maximum 80% roof coverage. Reduce glare to adjacent properties and ROWs. Solar on pitched roofs facing roadways shall not have a pitch greater than 5% steeper than the roof.	Only allowed use on parcel with existing principal structure. Setback 100 ft. from property line with an adjacent home. Must meet all other applicable structure setbacks for district. Not allowed in wetland or shoreland overlay. Footprint not to exceed 1,000 sq. ft. Landscaping screening may be required. Minimize glare to traffic and other properties.	Certificate of compliance required. No commercial/industrial solar energy system standards are provided.

CITY	RESIDENTIAL DISTRICTS				COMMERCIAL/INDUSTRIAL DISTRICTS				STANDARDS		NOTES
	ROOF MOUNTED		GROUND MOUNTED		ROOF MOUNTED		GROUND MOUNTED		ROOF MOUNTED	GROUND MOUNTED	
Lake Elmo	All districts	Permitted Accessory Use	All districts	Permitted Accessory Use	All districts	Permitted Accessory Use	All districts	Permitted Accessory Use	Permitted in all districts where buildings are permitted. Commercial rooftop solar shall be placed to limit visibility from the ROW or blend into roof design.	Permitted in all districts where buildings are permitted. Comply with accessory setback, height and lot coverage restrictions. Any foundation, compacted soil or component of solar resting on ground counts to impervious surface coverage. Solar systems 6 sq. ft. or less are exempt from zoning district setback requirements.	
Minnetonka	All districts	Permitted Accessory Use	All districts	Conditional Use Permit	All districts	Permitted Accessory Use	B1, B2, B3, I-1, PID	Permitted Accessory Use in parking lot	Must comply with all location, setback, size and height requirements of the attached structure.	Must follow parking lot setback requirements and not disrupt required parking lot design. Height: drive aisle clearance of 13.5 ft. not to exceed 20 ft. in height or the principal structure height. Structures may not have enclosed walls.	Glare should be minimized, may required plant materials. City owned solar may be installed within the ROW and are exempt from other standards in solar section. Abandonment standards.
St. Louis Park	All districts	Permitted Accessory Use	All districts	Permitted Accessory Structure	All districts	Permitted Accessory Use	All districts	Permitted Accessory Structure	Must comply with dimensional standards applicable to the attached structure. May extend no more than 3 ft. beyond height of roof. (10 ft. for flat roof). Setback 1 ft. from perimeter of roof (3 ft. for flat roof with no parapet).	Not permitted in front yard or side yard abutting public street, unless situated over parking areas. Setback 3 ft. from non-residential lot lines. Max. 20 ft. in height. Area for solar system to be included in max. allowed size for accessory structures. Frame shall be constructed of permanent materials.	Abandonment standards. Minimize glare to adjacent/nearby properties.

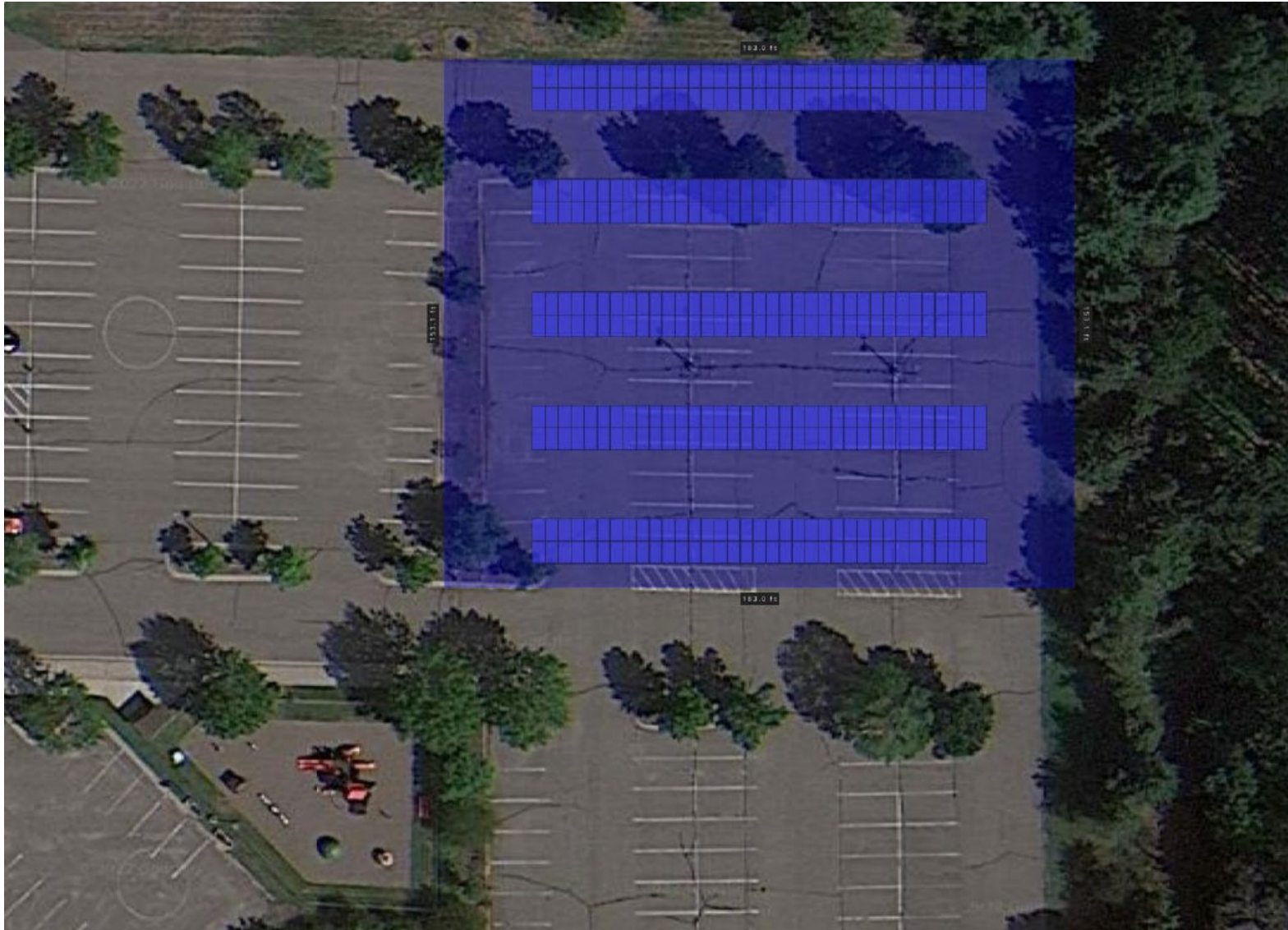


Cedar Creek Energy
 3155 104th Ln NE
 Blaine, MN 55449
 763-432-5261



Cedar Creek Energy
3155 104th Ln NE
Blaine, MN 55449
763-432-5261

DATE.REV



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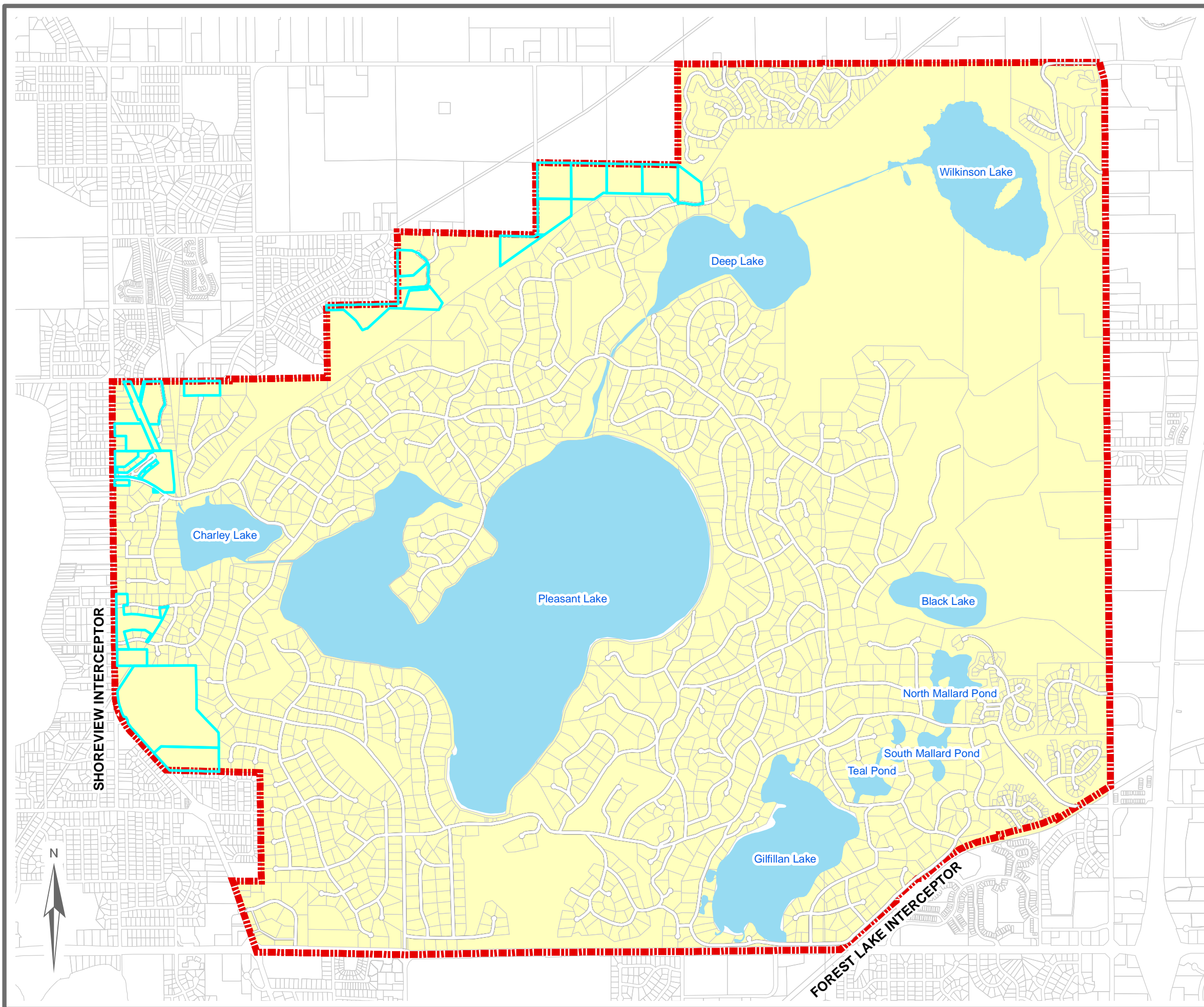
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MAP

RSM Parcels Greater than 3.5 Acres

 Parcels



**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA**

ORDINANCE NO. ____

**AN ORDINANCE AMENDING CITY CODE TITLE XV, CHAPTER 151, REGARDING
SOLAR ENERGY SYSTEMS**

THE CITY COUNCIL OF THE CITY OF NORTH OAKS ORDAINS AS FOLLOWS:

Section One. Title XV, Chapter 151, Section 151.051 Amendment: Title XV, Chapter 151, Section 151.051 of the North Oaks City Code is hereby amended to add Section 151.051(D)(3) as follows. The underlined text shows the added language:

§ 151.051 RSM - RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT. (D) Conditional uses. The following conditional uses may be permitted, but only after securing a conditional use permit in accordance with § 151.076:

(3) Ground Mounted Solar Energy Systems that meet the performance standards found in § 151.035.

Section Two. Title XV, Chapter 151, Section 151.052 Amendment: Title XV, Chapter 151, Section 151.052 of the North Oaks City Code is hereby amended as follows. The underlined text shows the added language.

(D) Conditional uses. The following conditional uses may be permitted, but only after securing a conditional use permit in accordance with § 151.076: all uses that are permitted conditional uses in the Residential Single-Family Medium Density District in § 151.051(D), except for Ground Mounted Solar Energy Systems.

Section Three. Title XV, Chapter 151 Amendment Adding Section 151.035: Title XV, Chapter 151, of the North Oaks City Code is hereby amended to add § 151.035 as follows. The underlined text shows the added language.

§151.035 Solar Energy Systems

(A) **Purpose.** The purpose of this section is to regulate the placement, construction and modification of solar energy systems in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of solar energy systems in the City. Specifically, the purposes of this section are:

- (1) To meet the goals of the Comprehensive Plan and preserve the health, safety and welfare of the community by promoting the safe, effective and efficient use of solar energy systems.
- (2) To regulate the location of solar energy systems.
- (3) To protect residential areas and land uses from potential adverse impacts of solar energy systems.
- (4) To minimize adverse visual impacts of solar energy systems and facilities through design, siting, landscaping, and screening.
- (5) To avoid adverse impacts to adjacent properties caused by solar energy systems by ensuring that those structures are soundly and carefully designed, constructed, modified, maintained and promptly removed when no longer used.
- (6) To ensure that solar energy systems are compatible with surrounding land uses.

(B) Definitions.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM. A solar energy system that is an integral part of a principal or accessory building, 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 hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

GRID-INTERTIE SOLAR ENERGY SYSTEM. A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

GROUND MOUNTED SOLAR ENERGY SYSTEM. A solar energy system mounted on a rack or pole that rests on or is attached to the ground. Ground-mount systems are accessory to the principal use and allowed only with a conditional use permit.

PHOTOVOLTAIC SYSTEM. A solar energy system that converts solar energy directly into electricity.

ROOF MOUNTED SOLAR ENERGY SYSTEM. A solar energy system mounted on a rack that is fastened to or ballasted on the roof of a structure.

SOLAR ACCESS. Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

SOLAR COLLECTOR. The panel or device in a solar energy system that collects solar radiant energy and transforms it into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM. A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

(C) Permitted Accessory Use.

- (1) Roof Mounted and Building-Integrated Solar Energy Systems are a permitted accessory use in all zoning districts where structures of any sort are allowed subject to the following standards:
 - (a) Such systems must comply with the building code and current City ordinances and regulations.
 - (b) Building-Integrated or Roof Mounted Solar Energy Systems shall not exceed the maximum allowed height for a building or roof in any zoning district.
- (2) Solar Collector devices less than two (2) square feet in area and generally used for garden decoration, exterior accent lighting, lawns, and flagpoles, are allowed in all zoning districts.

(D) Ground-Mounted Solar Energy Systems. Ground Mounted Solar Energy Systems are a conditional use in the RSM zoning district, subject to the following standards:

1. **Location and Lot Size Requirements.**

- (a) The lot is a minimum of 10 acres in size.
- (b) Ground Mounted Solar Systems must be located entirely in the side or rear yard of the lot.
- (c) Ground Mounted Solar Systems may be located within a parking lot provided the applicant can provide evidence that adequate on-site parking is available to serve the property and the structure will not disrupt required parking lot spaces or drive aisles.

2. **Setbacks.** Ground Mounted Solar Energy Systems must comply with the required 30-foot minimum structure setback from all property lines. Ground Mounted Solar Energy Systems may not extend into the side or rear yard setback when oriented at minimum design tilt.
3. **Height.** Ground Mounted Solar Energy Systems shall not exceed 12 feet in height. Height shall be measured from the top of the grade to the highest point of the structure at its maximum designed height.
4. **Visibility.** Ground Mounted Solar Energy Systems shall be designed to minimize visual impacts from the public right-of-way and adjacent property.
5. **Glare.** All solar energy systems shall minimize glare affecting adjacent or nearby properties. Where necessary, screening may be required to address glare.
6. **System Size.** The total collector area of Ground Mounted Solar Energy Systems shall not be larger than half the building footprint of the principal structure.
7. **Lot Coverage.** Ground Mounted Solar Energy Systems shall be exempt from lot coverage limitations if the soil under the Solar Collector is maintained in vegetation.
8. **Accessory Structure Exemption.** Ground Mounted Solar Energy Systems shall not be considered an accessory structure for the purpose of accessory structures size and number limitations.
9. **Landscaping.**
 - (a) Where possible, a mix of pollinator and native groundcover mix should be provided beneath the solar collectors to provide native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds, and pollinators and reduce stormwater runoff and erosion at the solar generation site, subject to the standards of Minnesota State Statutes §216B.1642.
 - (b) A mix of deciduous and evergreen trees and shrubs shall be provided to buffer the panels from adjacent properties. Natural looking and effective screening is desired, however, as part of the conditional use permit, the City may permit fences in addition to or in lieu of landscaping to provide appropriate screening from adjacent public rights-of-way and neighboring properties.
10. **Conditional Use.** The conditional use permit shall be subject to the procedures and standards in Section 151.076 (Conditional Use Permits) of the City Code.

(E) **Plan Approval Required.** All Building-Integrated or Roof Mounted Solar Energy Systems shall require a building permit. All Ground Mounted Solar Energy Systems shall require a conditional use permit and a building permit.

- (1) **Plan Applications.** Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building for Building-Integrated or Roof Mounted Solar Energy Systems and a site plan showing all property lines and setbacks must be provided for Ground Mounted Solar Energy Systems.
- (2) **Plan Approvals.** Applications for Building-Integrated or Roof Mounted systems that meet the design requirements of this section may be administratively approved by the City's zoning official provided such systems comply with all requirements of this section. A building permit is still required for all such systems.
- (3) **Approved Solar Components.** Electric solar energy system components must have a UL or equivalent listing and solar hot water systems must have an SRCC rating.
- (4) **Compliance with Building Code.** All solar energy systems shall comply with the State of Minnesota Building Code, as applicable, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.
- (5) **Compliance with State Electric Code.** All photovoltaic systems shall comply with the Minnesota State Electric Code.
- (6) **Compliance with State Plumbing Code.** Solar thermal systems shall comply with applicable Minnesota State Plumbing Code requirements.
- (7) **Utility Notification.** All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
- (8) **Expiration.** If any solar energy system remains nonfunctional or inoperative for a continuous period of twelve (12) months, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner must remove the abandoned system at their expense. Removal shall include the entire structure, including transmission equipment and footings.

Section Four. Effective Date. This Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed in regular session of the City Council on the 9th day of November, 2023.

CITY OF NORTH OAKS

By: _____

Krista Wolter, Mayor

Attested:

By: _____

Kevin Kress
City Administrator/City Clerk

(Published in the Shoreview Press on _____, 2023)

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA
RESOLUTION NO. _____**

**A RESOLUTION APPROVING THE PUBLICATION OF A SUMMARY OF ORDINANCE
NO. 2023-___, AN ORDINANCE AMENDING NORTH OAKS CITY CODE TITLE XV,
CHAPTER 151, REGARDING SOLAR ENERGY SYSTEMS**

WHEREAS, on November 9, 2023, the City Council of the City of North Oaks, Ramsey County, Minnesota (“City”) adopted Ordinance No. 2023-_____, an Ordinance Amending City Code Title XV, Chapter 151, Regarding Solar Energy Systems; and

WHEREAS, pursuant to Minn. Stat. Sec. 412.191, subd. 4, the Council may, by a 4/5ths vote, direct that only the title and a summary of the ordinance be published; and

WHEREAS, the City Council for the City of North Oaks has reviewed the summary of Ordinance No. 2023-_____ which is attached hereto as **Exhibit A**; and

WHEREAS, the City Council for the City of North Oaks has determined that publication of the title and a summary of Ordinance No. 2023-___ would clearly inform the public of the intent of the ordinance; and

WHEREAS, due to the length of Ordinance No. 2023-_____ the City Council desires to publish a summary of the Ordinance.

NOW THEREFORE BE IT RESOLVED, by a vote of at least 4/5ths of its members, that the City Council of the City of North Oaks hereby:

1. Approves the text of the summary of Ordinance No. 2023-___ attached as **Exhibit A** and authorizes the publication of the summary shown in **Exhibit A** in lieu of publication of the entirety of Ordinance No. 2023-_____ in the City’s official newspaper.
2. Directs the City Clerk to ensure that a full and complete printed copy of Ordinance No. 2023-_____ is available for inspection during regular business hours at the office of the North Oaks City Clerk, by standard mail, or by electronic mail.
3. Directs the City Clerk to file the executed Ordinance No. 2023-_____ upon the books and records of the City along with proof of publication.

This resolution is passed and adopted by the City Council of the City of North Oaks, Ramsey County, Minnesota this 9th day of November, 2023.

CITY OF NORTH OAKS

By: _____
Krista Wolter
Its: Mayor

Attested:

By: _____
Kevin Kress
Its: City Administrator/City Clerk

(Published in the *Shoreview Press* on _____, 2023.)

EXHIBIT A

**SUMMARY PUBLICATION
ORDINANCE NO. 2023-__**

A RESOLUTION APPROVING THE PUBLICATION OF A SUMMARY OF ORDINANCE NO. 2023- AN ORDINANCE AMENDING CITY CODE TITLE XV, CHAPTER 151, REGARDING SOLAR ENERGY SYSTEMS

On November 9, 2023, the City Council of the City of North Oaks (“City”) adopted Ordinance No. 2023-____, (“Ordinance”) an Ordinance Amending City Code Title XV, Chapter 151, Regarding Solar Energy Systems.

The Ordinance adds ground mounted solar energy systems as a conditional use within the RSM zoning district and adds section 151.035, Solar Energy Systems, to the zoning ordinance. Section 151.035 adds various definitions and performance standards for a variety of solar energy systems.

It is hereby determined that publication of this title and summary will clearly inform the public of the intent and effect of Ordinance No. 2023-__ and it is directed that only the above title and summary of Ordinance No. 2023-__ conforming to Minn. Stat. Sec. 331A.01 be published, with the following:

NOTICE

A printed copy of the full text of Ordinance No. 2023- is available for public inspection by any person during regular office hours at the office of the North Oaks City Clerk, 100 Village Center Drive, # 230, North Oaks MN 55127, by standard mail, or by electronic mail, and at any other public location which the Council designates.

October Month in Review

October 2023



Rehder Forestry Consulting

- Completed a Forestry Application for 6 Island View Ln.
- Checking on compliance for ash tree removals and continuing marking diseased ash trees. As we are marking trees year-round, we have a rotating deadline for ash tree removals. We provide additional time if the homeowner requests it, within reason.
- Homeowner calls at 60 West Pleasant Lake Rd, 20 Hay Camp Rd, 21 Hay Camp Rd, 11 Lost Rock Ln, and 30 Deer Hills Ct. We try to educate and inform residents and provide unbiased tree recommendations.
- Notified residents of hazard tree situations.
- Provided workshop for arborist licensing.