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NEW HAVEN TOWNSHIP SOLAR ORDINANCE RES 2025-14

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New Haven
~~ROCHESTER~~ TOWNSHIP
COUNTY OF OLMSTED
STATE OF MINNESOTA

SOLAR ORDINANCE
RES 2025-14

WHEREAS, New Haven Township desires to adopt a Solar Ordinance to protect the health and safety of their residents; and

WHEREAS, the New Haven Town Board held a public hearing on July 31, 2025, at the New Haven Town Hall, 9024 County Rd #3 NW, Oronoco, MN regarding the proposed ordinance; and

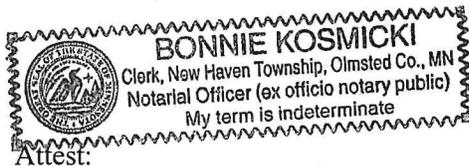
WHEREAS, said public hearing was duly noticed by advertisement which appeared ten days or more before the public hearing in the Township newspaper of record; and

WHEREAS, during the public hearing, the Board considered public input on said changes; and

NOW, THEREFORE, BE IT RESOLVED that the New Haven Town Board does hereby ordain and approve the proposed New Haven Township Solar Ordinance attached hereto. The New Haven Township Cannabis Ordinance, as shown herein, shall take effect following publication of a summary of the changes in the Township's official newspaper.

A motion was made to adopt said ordinance update and the motion carried by unanimous vote.

Dated this 31st day of July 2025. This resolution is effective as of the date of approval.



Bonnie Kosmicki
Clerk - Bonnie Kosmicki

Ann Fahy-Gust
Chair - Ann Fahy-Gust

Distribution:
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Drafted by and return to:
TCPA
4111 11th Ave SW
Rochester, MN 55929 ✓

11/18/25 sk

NEW HAVEN TOWNSHIP
OLMSTED COUNTY
STATE OF MINNESOTA

ORDINANCE NO. 2025-01
AN ORDINANCE AMENDING THE TOWNSHIP ZONING ORDINANCE RELATING TO
SOLAR ENERGY FARMS

The Town Board of New Haven Township does ordain as follows:

SECTION 1: AMEND ARTICLE X TO ADD SECTION 10.52. The Township Zoning Ordinance is hereby amended to add to Article X,

Section 10.52 SOLAR ENERGY FARMS:

- A. Purpose: Olmsted County (County) and New Haven Township (Township) supports the use of solar collection systems and the development of solar energy farms utilizing photovoltaic solar panels. The development of solar energy farms should be balanced with the protection of the public health, safety, and welfare. The following standards intend to ensure that solar energy farms can be constructed within New Haven Township while also protecting public safety and the existing natural resources of the township. The provisions of this section of the ordinance shall apply within all zoning districts where solar facilities are allowed. Solar Energy farms utilizing CSP – Concentrating Solar Power - that use mirrors or lenses to concentrate a large area of sunlight into a receiver, are not allowed. In no case shall the provisions of the ordinance guarantee rights to solar access. This ordinance does not pertain to personal use solar panels which are located on home roofs, barn roofs and the like which are covered by a standard building permit. home, farm and adjacent buildings, which are covered by standard building permit, or panels that are free standing and adjacent to the building site structures.
- B. Location and Site Design Requirements:
1. General District Regulations: All elements of the solar energy farm shall meet or exceed all general district regulations based on the applicable zoning district. Solar Farms shall be located within the A2 zoning district where there is sufficient land (5-7 acres) to accommodate a 1-megawatt system.
 2. The applicant must submit evidence that the solar power farm can connect to the off-site power transmission system, and evidence of electric power purchase contracts and power transmission contracts.
 3. The land area within the solar energy farm must minimize soil erosion by complying with the erosion control standards in Section 10.20 of the zoning ordinance.

4. Solar energy farms shall not be located within the Shoreland District or Floodway District. Solar energy farms located in either a Flood Fringe or Flood Plain District shall be elevated to the flood protection elevation.
5. All power lines used to collect power from the solar parcels and all communications lines shall be buried underground compliant with the National Electrical Code where applicable. . where existing site conditions preclude the burial below the existing grade of the site the communications and power lines may be placed at ground level and buried with fill material that will permit re-vegetation or that does not cause or generate soil erosion. The connection of the solar energy farm distribution system load center (transformer, substation) to the electrical utility may be located above ground.
6. Any and all unenclosed electrical conductors, solar panels and their mounting systems, located above ground must be contained within structures that control access or must be protected from entry by a minimum six-foot fence. All electrical connections to the utility system must meet the National Electrical Safety Code.
7. Applicant must submit a stormwater Management Plan and Landscaping Plan – to include the required buffer yard(s) - with the project application. Said plan to be reviewed by the County Engineer, the cost of the review to be borne by the applicant. For purposes of this Ordinance, the solar panel collector surface shall not be considered to be impervious surface, unless otherwise required by the Town Board.
8. Solar energy farms shall be required to provide a buffer yard “E” Section 10.08, the buffer yard must be provided along the outer perimeter of the solar energy farm property. All canopy and conifer trees must be at least 6 feet in height at the planting, with a potential minimum mature height of 30 feet.
9. Panels shall not exceed the elevation of the mature buffer.
10. Hours of operation during Solar facility installation shall be Monday through Saturday and restricted to the hours of 7:00 a.m.- 6:00 p.m.
11. The manufacturer’s engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions
12. Setbacks for all solar farms:
 - a. Security fencing must be setback 150 feet from any property line.
 - b. Buffer yard(s) may be located within the setback area but no closer than 25’ from any property line nor closer than 45’ to any property line abutting a roadway.

- c. One 1/4 of a mile setback –1320 feet - between solar facilities.
 - d. Solar energy farms shall be located a minimum of two hundred feet from a residential dwelling unit not located on the property. One eighth of a mile set back or 660 feet from any existing dwelling, farm, or nonfarm structure.
 - e. Setbacks shall be measured to the nearest solar array or other structure within the solar farm, excluding security fencing, screening or berm.
13. Solar Energy Farm must obtain approved access from the road authority. An approved access must adjoin a Township Road, County Road or State Highway.
 14. Solar Energy Farms shall not exceed one (1) megawatt peak output in size.
 15. Twenty-five (25) percent or more of the total acreage for the solar farm must be comprised of soils with a CER of 55 or less. with 25% of the panels on ground with a CER rated soil of 55 or less.
 16. All solar energy farms shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the National Electric Code, as amended.
 17. All solar energy farms must comply with the Wetland Conservation Act and will be reviewed by the Township for compliance. A wetland delineation shall be required unless otherwise determined by the Township.
 18. Solar energy farms shall be screened from residential dwelling units and/or other land uses as required by the Town Board. Screening shall be set back twenty (20) feet from the property land line for ease of maintenance. The screening plan shall show the location of fences and residential dwelling units on contiguous lots. Fences installed as part of this project shall be screened. The type and location of required screening shall be subject to Town Board approval
 - a. A financial guarantee in the form of a cash escrow or letter of credit meeting Township letter of credit requirements in the amount of 125% of the costs to implement the screening plan shall be submitted when screening is required.
- C. Decommissioning of Solar Farms:
1. The applicant and future owners shall ensure that facilities are decommissioned upon the end of project life or facility abandonment. A decommissioning plan shall be submitted with the project application. The goal of decommissioning shall be to return the land to its original agricultural use. Upon notification of the decommissioning of the solar farm the owner of the solar farm has 1 year to remove all structures, wiring, panels and restore the property to pre solar farm condition

2. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months.
3. Decommissioning shall include removal of all structures foundations, electrical equipment and transmission components both above and below grade, internal or perimeter access roads, all other components of the solar farm system both above and below grade and restoration of the soil and vegetation to avoid temporary or long-term soil erosion consistent with Section 10.20 of this ordinance.
4. Applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit, or other surety acceptable to the Township, in favor of the Township, in a form acceptable to the Township, in an amount determined by the Town Board to ensure proper decommissioning of the solar farm.
 - a. The surety shall remain in good standing through the life of the solar farm.
 - b. Decommissioning salvage value and land restoration costs shall be included in the decommissioning costs calculation and prepared by a licensed engineer for consideration by the Town Board in determining the surety amount in the Town Board's sole discretion.
 - c. A reserve of not less than twenty five percent (25%) of the total cost of decommissioning shall be included in the cost estimate as a hedge against fluctuating prices over the life of the project.
 - d. The decommissioning plan and cost estimates shall be reviewed by the County Engineer and the cost of said review borne by the applicant.
 - e. The decommissioning plan and surety estimate shall be updated every five years, based on the CPI (Consumer Price Index). And submitted to the TCPA to be filed with the existing IUP.
 - f. The Letter of Credit or other security instrument shall be adjusted every five years based on the CPI (Consumer Price Index). And submitted to the TCPA to be filed with the existing IUP
 - g. The financial security instrument shall be part of the Interim Use Permit Allowable security instruments should be one of the following: performance surety bond; and irrevocable letter of credit; a guarantee by an investment grade entity or another acceptable security. The letter of credit must be issued by a federally insured financial institution.

5. The financial security instrument shall be part of the Interim Use Permit. The allowable security instruments should be one of the following unless otherwise agreed to in writing by the Township:
 - a. Escrow deposit. A cash escrow deposit may be made with the Town Treasurer in a sum equal to 125 percent of the total cost, as estimated by the County Engineer or other designee, to insure decommissioning of the solar farm. The total cost shall include costs of inspection by the County Engineer or other designee. The Town shall be entitled to reimburse itself out of such deposit for any cost or expense incurred by the Town for completion of the work in case of default of the Applicant of the Interim Use Permit.
 - b. Letter of credit. The subdivider shall deposit with the Town, from an FDIC member bank and subject to the approval of the Town, an irrevocable letter of credit which shall certify:
 - i. That the creditor does guarantee funds in an amount equal to 125 percent of the total cost, as estimated by the County Engineer or other designee, of completing all required decommissioning activities.
 - ii. That the creditor, in case of failure on the part of the Applicant to complete the required decommissioning activities within the required time period, shall upon written notification by the Town, immediately and without further action pay to the Town such funds as are necessary to finance the completion of the decommissioning plan, up to the limit of credit stated in the letter, plus all legal costs incurred by the Town related to Applicant's failure to timely complete the decommissioning plan.
 - iii. That the letter of credit shall not be withdrawn, reduced in amount, revised or amended in its terms until approved by the Town Board.
 - iv. All such letters of credit shall be in a form acceptable to the Town Board and shall be issued by an FDIC member bank located in the State of Minnesota, but not more than 100 miles from the New Haven Town Hall unless otherwise agreed to in writing by the Town.
5. Payment of Town expenses. The interim use permit shall require applicant to pay all reasonable engineering, planning and attorney's fees and expenses incurred by the Town in the review and processing of the application, the drafting and enforcement of the interim use permit. The applicant shall also be required to defend, indemnify and hold the Town harmless against all claims made by the applicant and third parties for damages sustained or costs incurred resulting from the approval or the development of the interim use permit, including the Township's attorney's fees incurred in defending against any such claim.
- D. Application requirements. The following information shall be provided to the Township prior to issuance of the interim use permit:
 1. A site plan showing the following:

- a. Existing property lines and property lines extending one hundred (100) feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties.
- b. Existing public and private roads, showing widths of the roads and any associated easements.
- c. Location and size of any abandoned wells, sewage treatment systems and dumps.
- d. Existing buildings and any impervious surface.
- e. Topography at two (2) foot intervals and source of contour interval, unless determined otherwise by the Town Board. A contour map of the surrounding properties may also be required.
- f. Existing vegetation (list type and percent of coverage; i.e. grassland, plowed field, wooded areas, etc.)
- g. Waterways, watercourses, lakes and public water wetlands.
- h. Delineated wetland boundaries.
- i. The one hundred (100)-year flood elevation and Regulatory Flood Protection Elevation, if available.
- j. Floodway, flood fringe and/or general flood plain district boundary, if applicable.
- k. The shoreland district boundary, if any portion of the project is located in a shoreland overlay district.
- l. In the shoreland overlay district, the ordinary high-water level and the highest know water level.
- m. In the shoreland overlay district, the toe and top of any bluffs within the project boundaries.
- n. Mapped soils according to the Olmsted County Soil Survey.
- o. Surface water drainage patterns.
- p. Location and spacing of solar panels.

- q. Location of access roads.
 - r. Planned location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load.
 - s. New electrical equipment other than at the existing building or substation that is the connection point for the solar farm.
 - t. Proposed erosion and sediment control measures.
 - u. Proposed stormwater management measures.
 - v. Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any).
 - w. Location, number and caliper of any trees to be removed, for trees with size greater than six (6) inches.
 - x. Acreage of solar array.
 - y. Acreage of solar array within fenced area.
2. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.
 3. The number of panels to be installed.
 4. A description of the method of connecting the array to a building or substation.
 5. A decommissioning plan shall be required in accordance with the terms of this Ordinance.
 6. Visual Impact Analysis. An analysis of the potential visual impacts from the project including solar panels, roads and fencing along with measures to avoid, minimize or mitigate the visual effects shall be required. A plan may be required showing vegetative screening

E. Conditional/Interim Use Review Criteria:

In addition to the criteria identified in Section 4.02, the following additional criteria shall be applied:

1. To issue a conditional/interim use permit, the Town Board must find that the design, construction, and operation of the solar energy farm considering mitigation, are not likely to

result in a significant adverse impact to the general public, adjacent properties and to natural resources.

- a. The applicant must show that the solar collector system is properly designed to reduce the likelihood of significant adverse effects to birds. The proposed project has been designed and will be operated to protect public safety, and specifically to prevent public access. That portion of the property developed within the solar energy collector system must be fenced and gated.
 - b. The applicant must show that the solar collector system is property located and aligned or adequately screened from view from the public right of way so as to preclude any glare from the equipment which would adversely impact vision of motorist on the public right of way.
 - c. A buffer yard to screen the system is required as part of the conditions of approval. It shall be based on the proximity of residential buildings and solar collection system to the abutting rights of way. The vegetation shall consist of canopy and conifer trees.
2. In addition to the exhibits required under Section 4.02, the applicant must submit the following exhibits with the interim use application Town Board:
- a. Maintenance plan for grounds surrounding the solar collection system.
 - b. Plan for use, storage and disposal of chemicals used in cleaning of the solar panel mirrors. Submit information explaining how glare generated from the solar collector system will be screened from adjacent properties or that glare will not be created by the system.
 - c. Requirement for a buffer yard with 30 ft trees should take care if this consideration
 - d. Decommissioning plan and cost estimate prepared by a licensed Engineer.

SECTION 2: AMEND ARTICLE V TO ADD SECTION 5.02b. The Township Zoning Ordinance is hereby amended to add to Article V, Agricultural Protection District, Section 5.02, is hereby amended to add Section 5.02b creating a new interim use for Solar energy farms provided that they are in conformance with the standards specified in Article V, Section 10.52 of the Zoning Ordinance

SECTION 3: AMEND ARTICLE II, SECTION 2.0. Article II, Rules and Definitions, Section 2.0, Rules and Word Usages of the Township Zoning Ordinance is hereby amended to add the following definitions

Solar energy farms

A solar array composed of multiple solar panels on ground-mounted rack or poles which is not directly connected to or designed to serve the energy needs of the primary use but rather for the primary purpose of wholesale sales of generated electricity. Solar energy farms include but are not limited to community solar gardens which are defined as a solar-electric (photovoltaic) array 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. A community solar system may be either an accessory or a principal use.

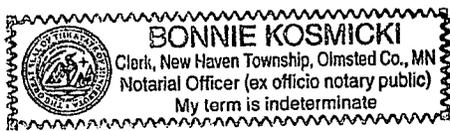
SECTION 4: INCORPORATION OF AMENMENTS. The Township Zoning Administrator is hereby authorized and directed to incorporate the amendments made by this Ordinance into the New Haven Township Zoning Ordinance and such updated version shall constitute the official New Haven Township Zoning Ordinance.

SECTION 5: SEVERABILITY. Should any section, subdivision, clause or other provision of this Ordinance be held invalid in any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part held invalid.

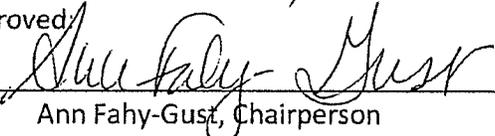
SECTION 6: EFFECTIVE DATE. This Ordinance becomes effective on the date of its publication or upon the publication of a summary of the Ordinance.

SECTION 7: REPEALER. All prior ordinances to the extent that they are inconsistent with the terms and provisions of this Ordinance, shall be deemed repealed after the effective date of this Ordinance with regard to those inconsistent terms and provisions.

Adopted by the New Haven Town Board this 31 day of July 2025



Approved:


Ann Fahy-Gust, Chairperson

Attested:


Bonnie Kosmicki, Clerk

Bonnie Kosmicki, Clerk