

**HOUSTON COUNTY MORATORIUM ON THE PERMITTING AND
CONSTRUCTION OF COMMERCIAL SOLAR PROJECTS & INTERIM
COMMERCIAL SOLAR SYSTEM ORDINANCE**

TABLE OF CONTENTS		<u>PAGE</u>
Article 1.	Title	2
Article 2.	Purpose & Findings	2
Article 3.	Authority	3
Article 4.	Definitions	3
Article 5.	Moratorium	4
Article 6.	Effect on existing ordinance and laws	4
Article 7.	Date of effect	5
Article 8.	Adoption & Effective Date	5

**MORATORIUM ON THE PERMITTING AND CONSTRUCTION OF
COMMERCIAL SOLAR PROJECTS & INTERIM COMMERCIAL SOLAR
SYSTEM ORDINANCE**

The County Board of Houston County, Minnesota, hereby ordains:

Article 1. Title

1.01 The title of this Ordinance shall be “Moratorium on the Permitting and Construction of Commercial Solar Projects & Interim Commercial Solar System Ordinance.” It shall be referred to herein as “this Ordinance.”

Article 2. Purpose & Findings

2.01 Purpose:

The purpose of this Ordinance is to protect and promote the public health, safety, and general welfare pursuant to the powers vested in the county by the State of Minnesota in Minnesota Statutes Chapter 394.21. The moratorium is intended to provide the opportunity for Houston County to conduct studies and schedule public hearings for the purpose of updating and amending the Houston County Solar Ordinance (Section 29.8 Houston County Zoning Ordinance).

2.02 Findings:

1. The County recognizes interest in commercial solar energy system development into the County raises concerns over whether our ordinance is sufficient to regulate such proposals.
2. Incentives to expand alternative energy into Houston County due to the decommissioning of the Genoa, WI Power Generation Station mean there may be more pressures from alternative energy companies than the County has previously experienced.
3. Federal and State regulations promoting clean alternative energy may increase pressure from commercial operations to expand into the County.
4. The County recognizes the Zoning Ordinance has conflicting language between the uses identified within each zoning district and the information in Section 29.
5. The 1982 Zoning Ordinance was the first to address solar and solar energy systems and the language has not changed significantly since that time while solar energy technology has advanced since that time.
6. The County would like to ensure regulations are consistent with neighboring local government units.

7. The County Comprehensive Plan has identified the importance of agriculture in guiding the plan and there are concerns that alternative energy systems may occupy prime agricultural ground.
8. The County intends to evaluate if there are public health, safety and welfare concerns for residents living in proximity to alternative energy sources.
9. The County would like to evaluate if locational restrictions should be placed on siting alternative energy systems away from popular traffic corridors to minimize impact on tourism.
10. The County recognizes that life span of systems is limited and would like to understand the end-of-life options for alternative energy to ensure sufficient bond requirements and regulations are in place in the event that systems are abandoned.
11. There are currently no commercial solar systems permitted within the County and setting regulations prior to any development would mean an equitable review of all applications.

Article 3. Authority

- 3.01 Statutory Authority. Chapter 394.21 of Minnesota Statutes authorizes counties to adopt official controls for planning and zoning for the purpose of protecting the public health, safety, and general welfare. Furthermore, Chapter 394.34 of Minnesota Statutes authorizes counties to enact interim zoning ordinances in order to conduct studies and hold hearings regarding the amendment of official controls that regulate land uses and related matters.
- 3.02 Comprehensive Plan. This ordinance is in conformity with the Houston County Comprehensive Plan standards regarding supporting agriculture as the backbone of the county economy, managing land for optimal long term economic benefit and efficient use of energy, maximizing the potential use of solar energy, and balancing the needs of the community and renewable energy policy.

Article 4. Definitions

- 4.01 Commercial Solar Project – A commercial solar project is a solar array that is the primary use of the site, and which primarily produces power that is used off-site.
- 4.02 Private Solar Array – A private solar array is a solar array that is an accessory use in which the energy produced is used entirely on-site or is first used on-site before any excess energy produced is sold back to the operator’s regular electrical service provider.
- 4.03 Solar Array – A solar array is a solar collector or group of solar collectors, either mounted on a building or on poles, racking, or other structure.

- 4.04 Solar Collector – A solar collector is a device, structure or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Article 5. Moratorium

- 5.01 A moratorium on the permitting and construction of commercial solar projects & Interim Commercial Solar System Ordinance shall be in effect for a period of 365 days from the enactment of this Ordinance. During the 365-day moratorium, permits shall not be issued for the construction of commercial solar projects in the areas of Houston County lying within the zoning authority of the County. The Moratorium shall apply in all Zoning Districts within Houston County, as listed and described in Houston County Zoning Ordinance.
- 5.02 This Moratorium does not apply to the permitting and construction of private solar arrays.

Article 6. Effect on existing ordinance and laws

- 7.01 If the provisions of this Ordinance conflict with other sections of the Houston County Ordinance, this Ordinance shall control. If the language of this Ordinance conflicts with any Minnesota State law or rule, the State law or rule shall control.
- 7.02 Houston County Zoning Ordinance Section 29.8 will remain in effect during the duration of the 365-day moratorium referred to in Article 5 of this Ordinance. However, this Ordinance shall be the controlling authority and official control in respect to all commercial solar gardens for the duration of said moratorium.

[section intentionally left blank]

Article 7. Date of effect

8.01 This ordinance shall be effective as of the date it is enacted by the Houston County Board of Commissioners. It will remain effective for 365 days after the effective date.

Article 8. Adoption & Effective Date

9.01 The Houston County Moratorium on the Permitting and Construction of Commercial Solar Projects & Interim Commercial Solar System Ordinance is hereby adopted by Houston County Board of Commissioners and therefore effective on the:

_____ day of _____, 2024.

HOUSTON COUNTY

By _____
Eric Johnson, Chair
Houston County Board of Commissioners

Date: _____

Attested to by:

Polly Heberlein
Houston County Auditor/Treasurer

Date: _____