

RESOLUTION NO. 08-09-23-1

A RESOLUTION ADOPTING AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON NEW SOLAR PROJECTS

WHEREAS, Avon Township administers zoning within the Township of Avon (the “Township”), together with Stearns County;

WHEREAS, the Board may regulate land use as part of the Township’s zoning authority;

WHEREAS, Minnesota Statute Section 462.355, Subd. 4, provides the Township with the authority to adopt an interim ordinance to establish a moratorium to protect the planning process while the Township studies options for amending its zoning ordinance;

WHEREAS, Solar projects have the potential to conflict with rural land uses, impede orderly growth and development, create safety and nuisance concerns, cause negative environmental impacts, and negatively affect the aesthetics and livability of the community;

WHEREAS, Multiple solar projects have been developed within the Township;

WHEREAS, the Township’s ordinance provisions related to solar projects have not been evaluated recently, in particular, the appropriate density and cumulatively impacts of solar projects has not been examined;

WHEREAS, the Township’s zoning ordinances related to solar projects need to be reevaluated in light of current trends involving solar projects and the impacts those might have on the orderly growth of the Township; and

WHEREAS, the Township is concerned about creating new solar projects within the Township under current ordinance provisions while the Township studies revisions to its zoning ordinance to protect the planning process and the health, safety, and welfare of its citizens.

NOW, THEREFORE, the Avon Township Board adopts the following findings:

1. The recitals above are incorporated into the findings;
2. The Township desires to protect rural areas of the Township and ensure orderly development within the Township;
3. The Township acknowledges changing dynamics in its community, including but not limited to large public and private infrastructure projects, the demand for renewable energy, the preservation of agricultural land uses, and patterns of development;
4. The Township has determined to undertake a study to consider: (1) the impact of solar projects on the orderly development of the Township; (2) the land use impact of solar projects related to agricultural land uses; and (3) the cumulative impacts of solar projects;
5. The Town Board needs an opportunity to conduct a further study of the appropriateness of solar projects, potential ordinance revisions, and performance standards, and schedule a public hearing if amendments to the zoning ordinance are deemed necessary;

6. During the time of the study, it is necessary to protect existing land uses, existing property values, and preserve and protect the rights of existing property owners within the Township;

7. The Township desires to impose a moratorium on any new solar projects within the Township in order to facilitate further consideration of compatibility with future planning and development in the Township, and to ensure that no adverse aesthetic, environmental, social, health, or safety impacts occur as a result of additional solar projects within the Township; and

8. An interim ordinance temporarily prohibiting new Solar Projects, is necessary to protect the planning process, development under the Comprehensive Plan, and the health, safety, and welfare of the citizens of the Township during the time of the study.

NOW, THEREFORE, pursuant to Minnesota Statutes § 462.355, the Avon Town Board hereby ordains:

Section 1. Interim Ordinance.

1. **Definition.** For purposes of this Ordinance, “Solar Project” is defined as a solar array, greater than 40 kW, composed of multiple solar panels that convert sunlight to electricity, which is not directly connected to the energy needs for a principal, permitted use of the property.

2. **Temporary Restriction.** A moratorium prohibiting the construction, installation, replacement, or enlargement of Solar Projects within the entire Township is hereby established.

3. **Exemptions.** The restriction on Solar Projects shall not apply to Solar Projects that exist within the Township prior to the adoption of this Ordinance

4. **Duration.** This moratorium shall be in effect for a period of one year, or until such earlier time as the Avon Town Board determines the moratorium is no longer necessary.

5. **Effective Date.** This Ordinance shall be effective immediately upon its adoption.

6. **Validity.** Every section, provision, or part of this Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Interim Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

7. **Enforcement and Penalty.** The Township may enforce this Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation of this Interim Ordinance shall constitute a misdemeanor. Each day a violation occurs shall be considered a separate offense.

Section 2. Summary Publication.

The Town Board’s members unanimously direct the Clerk to publish only the title and a summary of this Ordinance as follows:

“AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON NEW SOLAR PROJECTS WITHIN AVON TOWNSHIP. It is the intent and effect of this Ordinance to

prohibit the creation of new Solar Projects greater than 40 kW until Avon Township can study the effects of such activities and the appropriateness of existing regulations.”

A printed copy of the ordinance is available for inspection by any person during regular office hours at Town Hall.

ADOPTED BY AVON TOWNSHIP THIS 6th DAY OF September, 2023.

AVON TOWNSHIP

By LeRoy Gondringer
LeRoy Gondringer, Town Chair

ATTEST:

Stephen Saupe
Stephen Saupe, Town Clerk

Drafted by Adam Ripple (*attorney*), Rinke Noonan, St. Cloud, MN

