

**RESOLUTION OF THE MANKATO CITY COUNCIL
GRANTING A CONDITIONAL USE PERMIT UNDER
THE MANKATO ZONING ORDINANCE**

WHEREAS, the applicant of the following property located in the City of Mankato, to wit:

Lot 1, Block 1, Sakatah Industrial Park (PID R010432100042)

Has applied for a conditional use permit to allow the construction and operation of a 1-mega watt solar garden in the, M-1, Light Industrial zoning district; and

WHEREAS, the Planning Agency of the City of Mankato has completed a review of the application and made a report pertaining to said request (CY 69-22), a copy of which has been presented to the City Council; and

WHEREAS, the Planning Commission of the City, on the 27th day of July, 2022, following proper notice, held a public hearing regarding the request, and following said public hearing, adopted a recommendation that the request for a conditional use permit be approved; and

WHEREAS, the minutes of such public hearing and recommendation of the Commission have been presented to the City Council; and

WHEREAS, based upon the Planning Agency report, minutes, and recommendation, the City Council hereby finds that:

1. Electricity generating facilities, when not determined to be objectionable due to noise, odor, or vibration are listed as a conditional use in the M-1, Light Industrial, zoning district.
2. The comprehensive land use plan identifies this property as Heavy Industrial and the proposal is in keeping with the said designation and policies.
3. The proposal does not interfere with or diminish the use of the property in the immediate vicinity. The properties to the north and east are solar; the property to the west is industrial, and with the required screening, the property to the south, residential, is not planned for interference.
4. Utilities are available for the site if needed. However, the applicant does not need or desire sanitary sewer or water services for the proposed development.
5. The proposal does not cause undue traffic congestion as there will be limited traffic visiting the site. Construction traffic and staging will be addressed during a pre-construction meeting.
6. There are no known historical or architectural resources associated with the site.
7. The proposal, when implemented with the recommended conditions, preserves natural and environmental features such as wetlands and wildlife.
8. The proposal, when considered in conjunction with the recommended conditions, will not cause a negative cumulative effect on the immediate neighborhood, or the City as a whole.
9. The proposal, when considered in conjunction with the recommended conditions, complies with the applicable regulations of the district.

10. The proposal, when considered in conjunction with the recommended conditions, will not jeopardize the public's health, safety or general welfare.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Mankato that the conditional use permit to allow the construction and operation of a 1-mega watt solar garden in the, M-1, Light Industrial zoning district be approved subject to the following conditions:

1. The access road, and all parking and driving surfaces, shall be hardsurfaced with either asphalt or concrete as per Mankato City Code.
2. A wetland delineation and Notice of Decision will be required prior to the submission of a building permit for the project. If wetlands are located upon the site, they shall be addressed by a Notice of Decision prior to submission of a building permit. If wetlands are located upon the site, the applicant shall maintain a minimum of 16.5' setback from the delineated wetland. No impacts to the delineated wetland will be allowed without official approval of the LGU in accordance with Minnesota Rule 8420 and other applicable wetland rules.
3. If wetlands are found on the site, wetland signage, meeting the specifications provided by the City of Mankato, must be installed at the 16.5' setback area, and every 25' along the wetland setback area.
4. All proposed solar array panels shall be constructed in such a fashion so as to include anti-reflective coatings.
5. A pre-construction meeting will be required prior to beginning work onsite.
6. A post-construction meeting shall occur prior to the issuance of a certificate of occupancy or within 1 month of the project's completion to ensure that there is 90% screening on the site in conformance with the Mankato City Code, and other site requirements are achieved.
7. The final seed mix shall be submitted to City staff for review and approval.
8. The property owners shall prepare and submit a formal stormwater management plan for the subject property, for review and approval of City Engineering staff, and shall implement stormwater management strategies as approved. All proposed equipment, including solar arrays, inverters, and transformers shall be constructed and located in such a fashion so as not to negatively impact drainage.
9. Applicant shall provide the applicable construction storm water permit from the MPCA. Applicant shall obtain a Land Disturbance permit prior to beginning work.
10. Applicant shall not exceed a sum total of ground area that may be covered by all arrays of seventy-five percent (75%), the maximum lot coverage allowable in an M-1 district.
11. Applicant shall obtain a building permit from the City of Mankato prior to beginning construction.
12. The cost estimate contained in the decommission report is subject to review and approval by the City of Mankato. The value of the decommissioning shall exclude any salvage value and the proposed estimate submitted shall be signed by an engineer certified to do work in the State of Minnesota.

13. Within one year of any termination of use of the proposed facility for energy generation, the property owner and applicant shall be responsible for dismantling and removing all equipment on site and restoring the property to its pre-existing condition per the terms of the decommissioning plan. The decommissioning plan shall include the removal of all poles, wire, conduit, etc. in their entirety and the site will be restored to pre-development conditions.
14. The applicant shall submit a perpetual, irrevocable bond, letter of credit, or designated escrow account to the City of Mankato in the amount of a stamped, certified, Minnesota Engineer's removal cost estimate prior to issuance of a building permit. The security shall be in effect through the reclamation of the site for the pre-development use as vacant land.
15. The bond amount shall be reevaluated every 5 years, and may result in an increase or decrease in the bond amount. The applicant is responsible for coordinating said requirement and submitting the required data. The final reevaluation shall occur not more than 1 year prior to decommissioning the site. The engineering costs and estimates for the reevaluation are to be paid by the applicant.
16. Prior to the issuance of a construction permit, the applicant shall receive approval from staff regarding their chosen seed mix.
17. The applicant must maintain this area and remove all noxious weeds on a regular basis.
18. The use shall not produce noise, odor or vibration detectable beyond the applicant's property or on any adjacent properties.
19. All lighting installed at the site must achieve the standards of Mankato City Code section 10.89 including, but not limited to, full-cut, fully shielded style and a photometric plan shall be submitted demonstrating the lighting level of the exterior light fixtures that does not exceed ½ foot candle at the property line.
20. All employee, construction and delivery parking shall be provided on-site in the designated area. Parking on public roads, or in the public right of way, is prohibited.
21. The property owners and operators shall allow City of Mankato representatives access to the site during construction and within a reasonable time frame after construction to inspect vegetation, erosion and sediment controls, stormwater system and any nuisance complaints.
22. The owner and operator shall notify the City of Mankato, or designated representative, whenever there is a change in ownership or operator.
23. This conditional use permit shall become invalid unless a Building Permit authorizing the change has been issued within 12 months after the final approval by the Mankato City Council.
24. The manufacturer's licensed engineer or a State of Minnesota licensed professional engineer shall certify in writing that the foundation and design of the solar energy system is within accepted professional standards, given local soil and climate conditions, and this shall be provided within 60 days of project completion.

25. An operation and maintenance plan for the proposed stormwater control measures shall be submitted for review and approval prior to the issuance of a construction permit.
26. The fencing installed at site should be wildlife friendly, which includes a minimum installation of 5" from grade around the entire site, or fencing to allow traversing of wildlife with a minimum opening of 5" at grade.

This resolution shall become effective immediately upon passage.

Dated this _____ day of _____, 2022.

Najwa Massad
Mayor

ATTEST: _____
Rena Kopischke, MMC
City Clerk