

**HAVEN TOWNSHIP
SHERBURNE COUNTY, MINNESOTA
ORDINANCE NO. 2022-01**

**AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON
THE APPROVAL AND SITING OF SOLAR PROJECTS**

WHEREAS, the Haven Town Board (Board) administers land use controls within a limited area of the Town of Haven (the “Town”);

WHEREAS, the Board regulates land use by Town Ordinance No. 2011-3 as part of the Town’s zoning authority under Town Resolution No. 2010-3, and an Orderly Annexation Agreement with the City of St. Cloud;

WHEREAS, several solar projects have been constructed in the area of the Town where the Board administers land use controls. The Board is aware that additional solar projects are being contemplated in this area;

WHEREAS, the Town is concerned that solar projects may inhibit the Town’s ability to control drainage, protect adjacent property, public roads, utilities and to otherwise exercise land use controls; and

WHEREAS, the Town’s zoning ordinances related to solar projects need to be re-evaluated in light of current trends involving solar projects and the impacts those might have on the Town.

NOW, THEREFORE, THE HAVEN TOWN BOARD MAKES THE FOLLOWING FINDINGS:

1. The Town has determined to undertake a study to consider the impact of solar projects on adjacent properties, public roads, drainage, utilities, future development in the Town and other land use controls.

2. The Town is concerned that existing zoning regulations do not adequately contemplate solar projects which may be inconsistent with the Town Comprehensive Plan, existing and proposed changes to Town Land Use Ordinances and could disrupt the character of the Town.

3. The Town desires to impose a moratorium on solar projects within the area of the Town where the Board administers land use controls to allow the Town to further study and consider the land use compatibility of solar projects with other future planning and development in the Town.

4. During the time of the study, it is necessary to protect the integrity of the Comprehensive Plan, existing land uses, public roads, limit drainage problems, existing property values, and the rights of existing property owners within the Town.

5. An interim ordinance, pursuant to Minnesota Statutes § 462.355, is necessary to restrict potential solar projects from affecting the integrity of the Comprehensive Plan and, existing land uses and private and public lands during the study period.

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

Section 1. Interim Ordinance.

1. **Definition.** For purposes of this Ordinance, “Solar Project” shall be defined as a solar array 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 is hereby established.

3. **Duration.** This moratorium shall be in effect June 1, 2022.

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

5. **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 Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

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

Section 2. Summary Publication.

At least four-fifths of the Town Board members direct the Town Clerk to publish only the title and a summary of this Ordinance as follows:

“AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON THE SITING OF SOLAR PROJECTS WITHIN THE PART OF HAVEN TOWNSHIP OVER WHICH THE TOWN BOARD ADMINISTERS LAND USE CONTROLS. It is the intent and effect of this Ordinance to prohibit new solar projects until the Town of Haven can study the effects of solar projects and ensure that solar projects do not harm or inhibit the use of other properties within the area of Haven Township where the Town Board administers land use controls.”

A printed copy of the ordinance shall be posted at the Town Hall and be available for inspection by any person during any regular Town Board Meeting.

Adopted this 28 day of February, 2022

4 YES _____ NO

Kathi Sims Kosloski
Kathi Sims-Kosloski, Town Chair

ATTEST:

mlcz
Michael Zniewski, Town Clerk

Times MEDIA

St. Cloud Times | sctimes.com

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AFFIDAVIT OF PUBLICATION

[FORM Rev. 7/16]

of Affidavits 1

RINKE NOONAN
PO BOX 1497

SAINT CLOUD, MN, 56302

Account Number STC-00018268 **Ad Number** 0005163436 **This is not an invoice**
RE: HAVEN TOWNSHIP SHERBURNE COUNTY, MINNESOTA ORDINANCE NO. 2022-01 AN INTERIM ORDINANCE

I, being first duly sworn, on oath states as follows:

1. I am the publisher of the St. Cloud Times, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in newspaper issues dated as follows:

03/09/2022

Etc.

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4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06 <<https://www.revisor.mn.gov/statutes/?id=331A.06>>, is as follows:

1.70 daily / \$2.25 Sunday per agate line

5. [NEW] Mortgage Foreclosure Notices [Effective 7/1/15]. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Stearns County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.


FURTHER YOUR AFFIANT SAITH NOT.



LEGAL CLERK

Subscribed and sworn to before me

on this 9 th day of March, 2022



State of Wisconsin, County of Brown Notary Public

8-25-23

Notary Expires

SHELLY HORA
Notary Public
State of Wisconsin

NOTES ON REVISED AFFIDAVIT FORM

The 2015 Legislature enacted amendments to the Minnesota law which governs mortgage foreclosure by advertisement. Those amendments appear in Chapter 14 of the 2015 session laws. They are effective on July 1, 2015.

Most importantly, a new statute was added (§580.033) that specifies where a notice of foreclosure should be published, something that was ambiguous under prior law. This statute also requires that affidavits of publication issued by a newspaper must contain certain language related to the published foreclosure notice.

The affidavit of publication form above includes (in paragraph 5) the language called for by the new statute. The form also complies with the general requirements for affidavits of publication found in Minnesota Statute, §331.07. The form is drafted so that it can be used for any published notice, not just mortgage foreclosure notices; in other words, you don't need to use a different form for other kinds of notices.

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SHERBURNE COUNTY,
MINNESOTA**

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