

# Community Solar Farm/Zoning: Minnesota Appellate Court Addresses Conditional Use Denial



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The Court of Appeals of Minnesota (“Appellate Court”) addressed in a May 9th Opinion an appeal of a decision by the Stearns County Board of Commissioners (“Commissioners”) to deny an application for a conditional use permit for a community solar farm (“Solar Farm”). See *In the Matter of the Application of Impact Power Solutions, LLC and MN CSG 2019-29 LLC*, 2022 WL 1448223.

The Solar Farm argued that the denial was arbitrary because it had satisfied the standards of the Minnesota County’s zoning ordinance and was therefore entitled to a conditional use permit.

Impact Power Solutions, LLC and MN CGS 2019-29 LLC (“Impact”) applied for a conditional use permit for a one-megawatt community solar farm in Stearns County, Minnesota. The Solar Farm would be sited in a zoning district designated Agriculture 40 (“A-40 District”).

The purpose of the A-40 District is described as preservation of the:

. . . agricultural and rural character of land.

Constructing the solar farm in an A-40 District required a conditional use permit.

The County Planning Commission recommended denying Impact’s application after review of staff reports and a public hearing. Factual findings supporting the recommendations were stated to have been developed. The Commissioners adopted the Planning Commission’s Findings of Fact and denied the conditional use permit application.

The Appellate Court stated in addressing the appeal that if a municipality explicitly states its reasons for denying a conditional use permit application, its examination addresses:

- Whether the reasons given were legally sufficient
- Whether the reasons had a factual basis in the record

In addressing Impact’s claim that there was not a legal basis for denial the Appellate Court considered whether the Commissioners’ rationale was legally sufficient. Such reasons could include:

- Public health, safety and general welfare
- Incompatibility between the proposed use and municipality’s comprehensive municipal plan

The Appellate Court noted that the solar farm would be in a zoning district whose purpose is to:

. . . preserve the agricultural and rural character of land.

Also cited is the comprehensive plan's instruction that only limited space in such zones should be devoted to solar uses. Further, solar sites are required to be situated "in a way that reduces conflict with adjacent land uses."

In reviewing the factual basis for the Commissioners' decision the Appellate Court noted conflicting evidence about the character of the land. Despite disagreements as to whether the farmland was considered "prime" the Commissioners ultimately determined that the land was suitable for farming or raising animals. This decision was granted deference by the Appellate Court.

Similarly, the Appellate Court noted the Commissioners' discussion regarding a proliferation of solar farms in the area. Various other current and proposed projects were referenced. As a result, the Commissioners had determined that what would constitute a sixth solar farm in a one-mile area would not satisfy the comprehensive plan to limit solar projects in agriculturally oriented areas.

Because the Appellate court determined that the factual record supported the Commissioners' decision to deny the conditional use permit application, it affirmed their decision.

A copy of the Opinion can be downloaded [here](#).