RED LAKE COUNTY ORDINANCE
AN EMERGENCY INTERIM ORDINANCE ESTABLISHING
REGULATIONS FOR THE DEVELOPMENT OF SOLAR ENERGY SYSTEMS

The County Board of Red Lake County ordains:

Section 1. Purpose, Authority, and Findings.

A. The County of Red Lake (the "County") recognizes significant public interest in renewable energy sources within the state and the need for counties and communities to provide a sound regulatory framework for the construction and operations of Solar Energy Systems, subject to reasonable restrictions, which will help to preserve public health and safety.

B. The purpose of the interim ordinance is to provide the County with the opportunity to study its comprehensive plan and official controls so that it can, in a meaningful way, consider potential amendments to its ordinances or adopt new ordinances in the event new territory arises for which no zoning was adopted. An interim ordinance may regulate, restrict, or prohibit any use within the County for a period not to exceed one year from the effective date of the interim ordinance. Counties within the jurisdiction of the state of Minnesota have adopted interim ordinances to study the impacts of zoning projects for which no ordinance exists and determine whether regulations are appropriate for the purpose of protecting the public health, safety, and welfare of their citizens.

C. Red Lake County Board (the "Board") has not officially adopted zoning regulations for the development of solar energy systems.

D. Based on reliable evidence, Minnesota gets about 3% of its power from the sun, and Minnesota's largest utility company, Xcel Energy, has plans to move toward renewable energy and shut down all of its coal generators by 2030. The state's best solar resources are in farm country.

E. The uncertainties associated with the development of Solar Energy Systems, and the options for local regulation, compel the need for a study to develop information the County can rely on as it engages in policy discussions related to the potential regulation of Solar Energy Systems development through the adoption of licensing and/or zoning controls.

F. The above finding and criteria require consideration by health officials and policy makers before the county can ensure the public safety is preserved.

G. Minnesota Statute § 394.34 provides that if a county is conducting, or in good faith intends to conduct studies within a reasonable time for the purpose of considering adopting an official control or an amendment, extension, or addition to an official control, the board, in order to protect the public health, safety, and general welfare, may adopt as an emergency measure, a temporary interim zoning ordinance in the event of new territory for which no zoning may have been adopted.

Section 2. Study. The County Board here by authorizes and directs County staff to conduct a study of the issues relating to the development, permitting, and regulation of Solar Energy Systems within the County.

Staff shall make a recommendation to the County Board about whether the County should amend its zoning or other ordinance provisions related to these types of uses to better protect county residents.

Section 3. Development of Solar Energy Systems Ordinance

A. Definitions

The following words or phrases of and within this section shall be interpreted as follows:

1. **Aggregated Project** - Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual solar project within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

2. **Array – Solar** – Any number of photovoltaic modules or panels connected together to provide a single electrical output.

3. **Ground-Mounted** – Free standing solar panels mounted to the ground by the use of poles, stabilizers, or a similar apparatus.

4. **High-voltage transmission line** - A conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 100 kilovolts or more and is greater than 1,500 feet in length.

5. **Photovoltaic (PV) Array** – A group of solar photovoltaic modules connected together to increase voltage and/or power to the level required for a given system.

6. **Photovoltaic Device** – A system of components that generates electricity from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the energy produced for later use.

7. **Power Purchase Agreement** - A legally enforceable agreement between two or more persons where one or more of the signatories agrees to provide electrical power and one or more of the signatories agrees to purchase the power.

8. **Roof Mounted or Building Mounted** – A system which is mounted on the roof or building using brackets, stands, or by other means.

9. **Solar Easement** – A right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or solar sky space for the purpose of ensuring adequate exposure of a solar energy system as defined in Minnesota Statute Section 216C.06, Subdivision 17, to solar energy. Required contents of a Solar Easement are defined in Minnesota Statute Section 500.30.

10. **Solar Energy System** - A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy by transferring heat from a collector to another medium using mechanical, electrical or chemical means.

11. **Solar Energy Systems (Accessory)** - A solar panel or array mounted on a building, pole or rack which is directly connected to or designed to serve the energy of the primary use.

12. **Solar Farms** – A solar array compound of multiple solar panels on ground-mounted racks or poles which is not directly connected to or designed to serve the energy needs of the primary use but rather for the primary purpose of wholesale sales of generated electricity. Solar farms include but are not limited to community solar gardens which are defined as a solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, consistent with Minn. Statutes 216B.1641 or successor statute. A community solar system may be either an accessory or a principal use.

B. Solar Energy System Procedures

1. Land Use Permits and Conditional Use Permits shall be applied for and reviewed under the procedures established in the Red Lake County Zoning Department, except where noted below:

District	Accessory Roof/Building Mounted Systems	Accessory Ground Mounted Systems < 150 Square Feet	Accessory Ground Mounted Systems > 150 Square Feet	Solar Farm
General Agricultural	Allowed*	Allowed*	Permitted	Conditional Use Permit
Village/Township	Allowed*	Allowed*	Permitted	Not Allowed
Shoreland	Allowed*	Permitted	Permitted	Not Allowed
Floodplain	Allowed*	Allowed*	Permitted	Conditional Use Permit

* Must meet the Standards and Requirements found in Section H of this ordinance.

C. Solar Energy System Regulations

1. Solar Energy Systems will be allowed, permitted (accessory use), conditionally permitted or not permitted based on the generating capacity and land use district as established in the table above.

D. Solar Farm Procedures

1. The application for all Solar farms shall include the following information:

    a. A site plan of existing conditions showing the following:

1. Existing property lines and property lines extending one hundred (100) feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties.
2. Existing public and private roads, including width of ROW and any associated easements.
3. Location and size of any used or abandoned wells or sewage treatment systems.
4. Existing buildings and any impervious surfaces.
5. Topography at two (2) foot intervals and source of contour interval, unless determined otherwise by the Administrator. A contour map of the surrounding properties may also be required.
6. Existing vegetation (list type and percentage of coverage; i.e. grassland, plowed field, wooded area, etc.)
7. Waterways, watercourses, lakes and public water wetlands.
8. Delineated wetland boundaries may be required.
9. The one hundred (100)-year flood elevation and Regulatory Flood Protection Elevation (RFPE), if applicable.
10. Floodway, flood fringe and/or general flood plain district boundary, if applicable.
11. The shoreland district boundary, if any portion of the project is located in a shoreland overlay district.
12. In the shoreland overlay district, the toe and top of any bluffs within the project boundaries.
13. Mapped soils according to the Red Lake County Soil Survey.
14. Surface water drainage patterns.

b. A site plan of proposed conditions showing the following:

1. Location and spacing of solar panels.
2. Location of access roads.
3. Planned location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load.
4. New electrical equipment other than at the existing building or substation that is the connection point for the solar farm.
5. Proposed erosion and sediment control measures as required under practices implemented by the Minnesota Pollution Control Agency Construction Stormwater Program or until Red Lake County deems otherwise.
6. Proposed stormwater management measures as required under practices implemented by the Minnesota Pollution Control Agency Construction Stormwater Program or until Red Lake County deems otherwise
7. Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any).

c. Manufacture's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles of racks.

d. The number of panels to be installed.

e. A description of the method of connecting the array to a building or substation.

f. A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary.

g. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of Red Lake County Solid Waste Ordinance or successor ordinance. The Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

h. Aviation Analysis. If the project is within two miles of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or successor policy. The applicant must also complete the Air Space Case Analysis and Provide results.

i. Visual Impact Analysis. An analysis of the potential visual impacts from the project including solar panels, roads, fencing along with measures to avoid, minimize or mitigate the visual effects of shall be required. A plan may be required showing vegetative screening or buffering of the system from those items to mitigate visual impacts.

E. Solar Farm Setbacks

1. Setback requirements for a solar farm, which has been approved as a **Conditional Use Permit** shall be as follows:

a.	Property Line Setback:	100 Feet
b.	Road Right of Way Setback:	100 Feet
c.	Setback from nearest Residential Dwelling not associated with Solar Farm:	300 Feet

F. Solar Farm Requirements and Standards

1. Solar farms shall be subject to the administrative requirements and performance standards of this ordinance, including screening.

2. Solar Farms shall meet all stormwater management requirements under practices implemented by the Minnesota Pollution Control Agency Construction Stormwater Program or until Red Lake County deems otherwise.

3. Erosion and sediment control shall meet the requirements under practices implemented by the Minnesota Pollution Control Agency Construction Stormwater Program or until Red Lake County deems otherwise and this ordinance.

4. Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climatic conditions.

5. Other Standards and codes. All solar farms shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and National Electric Code, as amended.

6. Power and communication lines. Power and communication lines running between banks of solar panels may be placed above ground, provided the lines are placed no higher than the top of the solar modules. Power and communication lines to electric substations or interconnections with building shall be buried underground. Exemptions may be granted by the Board in the following instances:
   a. Where shallow bedrock, water courses, or other elements of natural landscape interfere with the ability to bury lines.
   b. When required by the utility company.
   c. Unless otherwise determined by the Board.

G. Solar Energy System (Accessory) Procedures

1. Accessory solar energy systems are a permitted accessory use in all zoning districts, subject to the administrative requirements of the Board and the standards of this section of the ordinance.

H. Solar Energy Systems (Accessory) Setbacks and Standards

1. Accessory Building Limit: Ground mounted systems shall count as an accessory building for the purpose of meeting limits on the number of accessory structures allowed per lot and the coverage limits, as set in the zoning district for which the system is being installed.

2. Height: Active solar systems are subject to the following height requirements:

   a. Building or roof-mounted solar systems shall not exceed the maximum height allowed in any zoning district.
   b. Ground or pole-mounted solar systems shall not exceed twenty-five (25) feet in height when oriented at maximum tilt.

3. Location within a Lot: Solar systems must meet the accessory structure setback as designated below:

- A solar array used to power a home and other buildings on a private residence will be required to have 15-foot setbacks from their property lines. If either side of the property has a road in front of it, then the owner is required to stay 35-feet outside of the road right of way. If any of the property lines border a shoreland area, then the owner is required to follow the accessory structure setback in the Red Lake County Shoreland Ordinance.

- Non-residential Solar Arrays (not solar farms) and pedestal mounted solar panels. These are commonly used in the agricultural industry by farmers for grain dryers, tile pumps and irrigation pivots. They are required to have 100-foot setbacks from Federal, State, County and County State Aid Road rights of way. They are required to have a 35-foot setback from all other public road right of way. From the adjoining property line there is a required 15-foot setback. But if the property line adjoins a residence (private yard site) there is a required 300-foot setback, unless the residence is also owned by the applicant.

4. Roof-mounted Solar Systems: In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems that are parallel to the roof surface shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be setback from all roof edges by at least two (2) feet. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

5. Ground-mounted Solar Systems: Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum tilt.

6. Stormwater management as well as Erosion and sediment control shall meet all the necessary requirements.

7. Approved Solar Components. Electric solar system components must have documentation that the products have been independently tested by a Nationally Recognized Testing Laboratory.

8. Compliance with State Electric Code. All photovoltaic devices shall comply with the Minnesota State Electrical Code.

9. Utility Notification. No grid-intertie photovoltaic system shall be installed until evidence has been given to the Administrator that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

Section 4. Enforcement. In addition to any criminal penalties allowed by law, the County may enforce this Interim Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also considered a violation of the Red Lake County Zoning Ordinance and shall be subject to County enforcement pursuant to applicable county laws and ordinances.

Section 5. Severability. Every Section, subsection, provision, or part of this Ordinance is declared severable from every other section, subsection, provision, or part. If any section, subsection, provision, or

part of this interim ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, subsection, provision, or part.

Section 6. Effective Date; Duration. Pursuant to Minnesota Statute § 375.51, this emergency ordinance shall become effective immediately upon its approval by the Board; however no prosecution based on the provisions of this Ordinance shall occur until the Ordinance has been filed with the County Auditor/Treasurer, unless the person charged with violation had actual notice of the passage of the Ordinance prior to the act or omission complained of. It shall be effective until the earlier of the following events: (a) one year from the effective date of this Ordinance or (b) the date upon which the County Board repeals this Ordinance.

Adopted and effective this 22nd day of April, 2025 by the Red Lake County Board of Commissioners.

RED LAKE COUNTY

By _____, Chair Red Lake County Board of Commissioners

Date: 4-22-25

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(Insert Name)
Red Lake County Auditor