

**SUMMARY PUBLICATION OF AMENDMENT TO AITKIN COUNTY ZONING  
ORDINANCE  
ADOPTION OF SECTION 18 SOLAR ENERGY SYSTEMS**

**NOTICE IS HEREBY GIVEN**

On October 10, 2023, the Aitkin County Board of Commissioners adopted an amendment to the Aitkin County Zoning Ordinance – Section 18 Solar Energy Systems. Due to the lengthy content of the Ordinance, a brief summary follows: The types of solar energy systems now regulated by Section 18 are: Ground-Mount Solar Energy Systems, Community Solar Energy Systems (Solar Gardens/CSES), and Solar Farms. Aitkin County finds that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts, but result in limited adverse impact on nearby properties. As such, the County supports the use of solar energy collection systems. Aitkin County also finds that the development of solar energy systems should be balanced with the protection of the public health, safety and welfare. The County resolves that the following standards shall be adopted to ensure that solar energy systems and Solar Energy Farms can be constructed within Aitkin County while also protecting public safety and the natural resources of the County. Consistent with the Aitkin County Comprehensive Plan, it is the intent of the County with this Section to create standards for the reasonable capture and use, by households, businesses and property owners, of their solar energy resource, and to encourage the development and use of solar energy.

The above is only a summary; a full text version is available for public review at the Aitkin County Planning and Zoning Office located at 307 2<sup>nd</sup> St NW, Rm 219, Aitkin, MN 56431 during regular business hours. A copy of the ordinance can also be viewed in its entirety on the Aitkin County website at [www.co.aitkin.mn.us](http://www.co.aitkin.mn.us).

**EFFECTIVE DATE:** This ordinance shall take effect and be in force immediately after its adoption and publication. Published in the Aitkin Independent Age October 18, 2023.

**[SECTION 18]**

**SOLAR ENERGY SYSTEMS**

18.0 Purpose:

Aitkin County finds that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts, but result in limited adverse impact on nearby properties. As such, the County supports the use of solar energy collection systems. Aitkin County also finds that the development of solar energy systems should be balanced with the protection of the public health, safety and welfare. The County resolves that the following standards shall be adopted to ensure that solar energy systems and Solar Energy Farms can be constructed within Aitkin County while also protecting public safety and the natural resources of the County. Consistent with the Aitkin County Comprehensive Plan, it is the intent of the County with this Section to create standards for the reasonable capture and use, by households, businesses and property owners, of their solar energy resource, and to encourage the development and use of solar energy.

18.01 Applicability:

These regulations shall apply to all solar energy systems producing less than 50 megawatts of power on properties and structures under the jurisdiction of Aitkin County Planning & Zoning. Aitkin County shall refer any application for a large electric power generating plant (LEPGP) to the Minnesota Public Utilities Commission (MN PUC) for approval. A LEPPG shall be defined as any solar energy system capable of producing more than 50 megawatts of power. All solar energy systems shall abide by all state applicable codes.

18.02 Types of Solar Energy Systems:

The following types of solar energy systems shall be regulated by this Section:

- A. Rooftop or other Architecturally-Integrated Solar Energy Systems: Systems which are accessory to the principal land use, designed to supply energy for the principal use. Rooftop or other architecturally-integrated systems shall be regulated as follows:

- 1) Rooftop or other architecturally-integrated systems are permitted accessory uses in all districts in which buildings and structures are permitted.

- 2) A building permit is required before installing a rooftop or other architecturally-integrated solar energy system.
- 3) Commercial rooftop or other architecturally-integrated systems shall blend into design of the building.

B. Ground-Mount Solar Energy Systems: Systems which are accessory to the principal use and designed to supply energy for the principal use. Ground-mount systems shall be regulated as follow:

- 1) Ground-mount are permitted accessory uses in all districts in which buildings and structures are permitted and require a building permit.
- 2) Ground-mount systems shall be subject to the accessory use standards for the district in which they are located, including dimensional standards, such as yard setbacks, and that ground mount systems must meet the structure setback for the particular zone that the system is located on.
- 3) The height of the ground-mounted components shall not exceed 15 feet.
- 4) No ground-mounted solar energy system shall cover or encompass more than the allotted total impervious percent of the property area or lot size for the particular zone.
- 5) No Ground-mount systems are permitted within Short Impact Zones.

C. Community Solar Energy Systems (Solar Gardens/CSES): Applicants of Roof or ground-mount CSES's designed to supply energy for off-site users on the distribution grid (but not for the export to the wholesale market or connection to the electric transmission grid) shall apply for and receive an Interim Use Permit (IUP). The IUP will be valid for five (5) years and must be renewed before the IUP expiration date, to include an application fee and appearing before the Aitkin County Planning Commission. CSES's will be allowed as a principal or accessory permitted use, in all districts unless otherwise regulated or prohibited in this Section:

- 1) Community Solar Energy Systems shall be located on parcels of land no less than five acres in size;
- 2) Prohibited Districts: The County prohibits CSES's within the following zoning district of Shoreland, designated wetlands areas, and within 600 feet of areas designated or formally protected from development by Federal, State, or County Agencies as wildlife habitat, wildlife management areas or designated as National Wild and Scenic land or corridor;

- 3) All CSES's and CSES components must meet the setback, height and coverage limitations (impervious surface) for the zoning district in which the system is located;
- 4) CSES's shall require a building permit, and are subject to the accessory use standards for the zoning district in which they are located;
- 5) Power and communication lines. All on-site power and communication lines running between banks of solar panels and buildings shall be buried underground on premise;

D. Solar Farms: Ground-mount solar energy arrays which are the principal use on the property, that are designed for providing energy to off-site users or export to the wholesale market shall be a permitted use in all zones excluding those defined in d(3). A Conditional Use Permit (CUP) will be required for Solar Farms, and farms shall be subject to the following:

- 1) Solar Farms which have a generating capacity of 50 megawatts of power or more shall fall under the jurisdiction of the Minnesota Public Utilities Commission;
- 2) Solar Farms shall be located on parcels of land no less than five acres in size;
- 3) Prohibitions: The County prohibits Community Solar Farms within the following zoning district of Shoreland, designated wetland areas, and within 600 feet of areas designated or formally protected from development by Federal, State, or County Agencies as wildlife habitat, wildlife management areas or designated as National Wild and Scenic land or corridor;
- 4) All Solar Farm components must meet the setback, height and coverage limitations for the zoning district in which the system is located;
- 5) Power and communication lines. All on-site power and communication lines running between banks of solar panels and buildings shall be buried underground on premise;

18.03 Application Requirements:

- A. An Interim Use Permit (IUP) shall be required for a Community Solar Energy System and a Conditional Use Permit (CUP) for a Solar Farm which is situated, (or is staged to be eventually situated) on a contiguous or aggregate site area footprint larger than 5 acres in size, whether commonly owned/controlled or otherwise.
- B. A CSES or Solar Farm which has the capacity to generate 50 megawatts or more shall fall under the jurisdiction of the Minnesota Public Utilities Commission and shall not be subject to County review.

- C. Landscaping and buffer screening visible from adjacent residential properties and public rights-of-way shall be submitted to minimize the visual impact of the above grade site improvements. If an applicant can show that proposed site improvements are not visible from the immediate adjacent properties, or rights-of-ways by existing vegetation or topography, the screening requirement may be waived. The Planning Commission will consider and may impose further details as to the vegetative screening.
- D. A Security and Safety Plan shall be submitted with CSES and Solar Farms applications.

#### 18.04 Conditional Use Permit (CUP) and Interim Use Permit (IUP) Submittal Requirements

CUP applications for solar energy systems shall be accompanied by horizontal and vertical elevation drawings, drawn to scale. The drawings shall show the location of the system components on the property, as well as other elements, including but not limited to the following:

- 1) Existing features
- 2) Proposed features
- 3) Property boundaries
- 4) Property zoning designations (including district property line and roadway setbacks.
- 5) Solar arrays, connecting lines, and all affiliated installations and structures.
- 6) Access points, drive aisles, security features, and fencing.
- 7) Topography & surface water drainage patterns and treatment systems.
- 8) Existing and proposed/preserved/protected wildlife corridors.
- 9) Landscape Plan, including required screening of site perimeter and/or perimeter security fencing.
- 10) Floodplains
- 11) Soils
- 12) Environmental mitigation measures

#### 18.05 Decommissioning Plan

- A. The owner/operator shall submit a decommissioning plan for all solar energy systems to ensure that the owner or operator properly removes the equipment and/or facilities upon the end of the project life or after their useful life. The owner or operator shall decommission the solar panels in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation, as well as provide a soundly-based plan, ensuring financial resources will

be available to fully decommission the site. The disposal of the structures and/or foundations shall meet the requirements of the Aitkin County Solid Waste Ordinance.

- B. The owner/operator of CSES and/or Solar Farm shall provide a current-day decommissioning cost estimate, and shall post a bond, letter of credit or establish an escrow account, including an inflationary escalator, in an amount determined by the Aitkin County Planning Commission or at a minimum of \$1400.00 per acre, to ensure proper decommissioning.
- C. This section is pursuant to the provisions of Minnesota Statutes Section 394.37. It is declared unlawful for any person to violate any of the terms or conditions and violation thereof shall be a misdemeanor.