

Ordinance 2025-01
Swift County Ordinance

**The Wind, Solar, and Energy Storage
Ordinance**

**The Swift County Board of Commissioners
hereby ordains:**

The Wind, Solar, and Energy Storage Ordinance of Swift County, Minnesota

SECTION 1. TITLE, PURPOSE, AND INTENT

Subp. 1. Title:

This ordinance, from the date of its passage, shall be known as the Wind, Solar, and Energy Storage Ordinance of Swift County, Minnesota.

Subp. 2. Purpose:

This Ordinance is established to set forth processes for permitting Wind, Solar, and Energy Storage from eligible energy technology as described in Minnesota Statutes, section 216B.1691, or successor statutes to promote the health, safety, and general welfare of the citizens of Swift County, and shall include, but shall not be limited to, the following:

- Wind Energy Conversion Systems (WECS) with a rated capacity of less than 25,000 kilowatts (kW) or twenty-five (25) megawatts (MW), or WECS of any rated capacity not otherwise subject to siting and oversight by the State of Minnesota pursuant to Minnesota Statutes, chapter 216I, or successor statutes.
- Large and small Solar Energy Systems, and to regulate the installation and operation of a Solar Energy System within Swift County pursuant to Minnesota Statutes section 216C.25, section 500.30, or successor statutes, and Minnesota Rules, part 1325.1100, as amended.
- Utility-Scale and Small-Scale Battery Energy Storage Systems;
- Other Wind, solar, and energy storage Systems.

Unless otherwise stated in this Ordinance, all measurements of energy capacity (i.e. kW, MW, etc.) shall be considered to be measured in AC (alternating current).

Subp. 3. Statutory Authorization:

This Ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, chapter 394 and chapter 216I .

Subp. 4. Legal Authority/Jurisdiction:

The provisions of this Ordinance shall apply to the unincorporated areas of Swift County lying outside incorporated municipalities.

Subp. 5. Compliance:

The use of any land for Wind, Solar, and Energy Storage energy development shall be in full compliance with the terms of this Ordinance and any other applicable regulations.

Subp. 6. Rules and Interpretation:

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

- A. The word "Person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The word "shall" is mandatory, and not discretionary, the word "may" is permissive.
- C. Words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular.
- D. The word "lot" shall include the words "piece", "parcel", and "plot".
- E. The words "special use" also means "conditional use" as appropriate.
- F. The word "building" shall include structures of every kind, regardless of similarity to buildings.
- G. The word "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
- H. The masculine gender shall include the feminine and neuter.
- I. All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half (1/2) foot or less, the integral foot next below shall be taken.
- J. The word "Board" includes the "County Commissioners", the "Board of County Commissioners" or any other word or words meaning the "Swift County Board of Commissioners" unless stated or clearly intended otherwise.
- K. All setbacks and other performance standards identified in this ordinance are considered minimum standards. In the process of reviewing applications subject to those standards, Swift County may impose stricter or additional requirements as determined necessary.

Subp. 7. Savings Clause/Severability:

All permits issued under this Ordinance are permissive only and shall not release the permittee from any liability or obligation imposed by Minnesota Statutes, Federal Law, or local Ordinances relating thereto. In the event any section, clause, portion or provision of this Ordinance shall be found contrary to law by a court of competent jurisdiction from whose final judgment no appeal has been taken, such provision shall be considered void. All other provisions of this Ordinance shall continue in full force and effect as though the voided provision had never existed.

Subp. 8. Abrogation and Greater Restrictions:

It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. Where the provisions of any local, state or federal law or rule impose greater restrictions than those of this Ordinance, the more restrictive shall apply.

Subp. 9. Liability and Transfer of Ownership:

In addition to any other person or persons involved in a violation or threatened violation of this Ordinance, both the project operator and the landowner of record of any property falling under the jurisdiction of this ordinance shall be responsible both criminally and civilly for any construction, alteration, excavation, decommissioning, or any other activity occurring upon the landowner's property, or other properties on which the project operator is storing, staging, stockpiling or otherwise using in conjunction with the project, which is contrary to the provisions of this Ordinance. Said liability shall automatically transfer to future operators or landowners upon the transfer of responsibility for operation or ownership of the property.

Subp. 10. Right to Access:

The Environmental Services Director shall give 72 hours-notice prior to the inspection of land subject to the enforcement of this ordinance.

SECTION 2. DEFINITIONS

1. **Aggregated Project:** Those improvements which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS or solar arrays within a 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. **Aircraft Detection Lighting Systems (ADLS):** Sensor based systems designed to detect aircraft as they approach an obstruction or group of obstructions; these systems automatically activate the appropriate obstruction lights until they are no longer needed by the aircraft. This technology reduces the impact of nighttime lighting on nearby communities and migratory birds and extends the life expectancy of obstruction lights.
3. **Airfoil:** A part such as a blade, with a flat or curved surface, designed to provide a desired reaction force when in motion relative to the surrounding air.
4. **Array:** Any number of solar photovoltaic modules or collectors connected together to provide a single electrical output.
5. **Bluff:** As defined in the Swift County Zoning Ordinance.
6. **Board of Adjustment and Appeals:** As defined in the Swift County Zoning Ordinance.
7. **C-BED (Community Based Energy Development) Project:** Based on the total name plate generating capacity, C-BED Projects are considered to be: (1) Micro-WECS; (2) Non-Commercial WECS; or (3) Commercial WECS as defined in this Ordinance.
8. **Campground:** A facility licensed by the Minnesota Department of Health for the purposes of camping.
9. **Conditional Use Permit:** As defined in the Swift County Zoning Ordinance.
10. **Comprehensive Plan:** As defined in the Swift County Zoning Ordinance.
11. **DB(A): A Weighted Sound Level:** A measure of over-all sound pressure level in decibels, designed to reflect the response of the human ear.

12. Decibel: A unit of measure of sound pressure.
13. Decommissioning Plan: The planned and orderly removal of the physical components of a wind, solar, and energy storage systems and all accessory facilities, and restoration of the site.
14. Department: The Swift County Environmental Services/Planning & Zoning Department.
15. DNR: The Minnesota Department of Natural Resources.
16. Dwelling: A building or portion thereof, designed exclusively for residential occupancy; the term does not include hotels, motels, tents, tent trailers or recreational vehicles.
17. Easement: A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways, pipelines or gas lines.
18. Electromagnetic Communications: The use of an electromagnetic wave to pass information between two points.
19. Eligible Energy Technology: As defined by Minnesota Statutes, section 216B.1691.
20. Battery Energy Storage Systems (BESS): An energy storage system that can store and deploy generated energy, typically by a group of batteries that charge (i.e., collect energy) and store electrical energy from the grid or energy generation facility and then discharge that energy at a later time to provide electricity or other grid services when needed.
21. Battery Energy Storage System, Small-Scale: A Battery Energy Storage System that stores energy for use on the same property as where it is stored and is not intended for sending energy back to the utility grid.
22. Battery Energy Storage System, Utility-Scale: A Battery Energy Storage System that is primarily intended for the storage of energy to be sent to the utility grid for use off-site.
23. Environmental Services/Planning & Zoning Director: The Swift County Environmental Services/Planning & Zoning Director, or their designee.
24. FAA: The Federal Aviation Administration.
25. Fall Zone: The area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure.
26. Feeder Line: Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substations serving the wind, solar, and energy storage systems.
27. Flicker: The moving shadow cast by the rotating blades of a WECS, or any intermittent, repetitive, or rhythmic lighting effect that is a direct result of rotating WECS blades.
28. Flicker Analysis: A study showing the duration and location of flicker potential.
29. Generator Nameplate Capacity: The maximum rated output of electrical power production of a generator under specific conditions designated by the manufacturer with a nameplate physically attached to the generator.

30. **High-Voltage Transmission Line:** A conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of one hundred (100) kilovolts or more and is greater than 1,500 feet in length.
31. **Health Care Facilities:** Facilities principally engaged in providing services for health maintenance and the treatment of mental or physical conditions including but not limited to hospitals, clinics, nursing homes, assisted living and group homes.
32. **Hub Height:** The distance from the ground to the center axis of the turbine rotor.
33. **Internal Setback:** Refers to "Internal Turbine Spacing" as defined pursuant to rules promulgated under Minnesota Statutes, section 216F.08, 216I, or successor statutes.
34. **Kilowatt:** A unit of power equal to 1000 watts.
35. **Kilowatt Hours:** A measure of electrical energy equivalent to a power consumption of 1,000 watts (one kilowatt) for one hour.
36. **Megawatt:** A unit of power equal to one million watts.
37. **Meteorological Tower (MET):** Towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological Towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.
38. **Nameplate Capacity:** The total maximum rated output of a solar energy system.
39. **Native Prairie Plan:** A plan that shall address steps to be taken to identify native prairie within the project area with the assistance from SWCD, measures to avoid impacts to native prairie, including foundations, access roads, underground cable and transformers shall not be placed in native prairie.
40. **Noise Profile:** A study certifying the WECS is in compliance with Minnesota Rules, chapter 7030, as amended, of the Minnesota Pollution Control Agency noise standards.
41. **Non-Prevailing Wind:** The non-dominant wind direction in Swift County.
42. **Photovoltaic Meter:** A meter used for the planning and maintenance of solar energy systems to identify the best location and to check modules for efficiency.
43. **Power Line:** An overhead or underground conductor and associated facilities used for the transmission or distribution of electricity.
44. **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.
45. **Prevailing Wind:** The predominant wind direction in Swift County.
46. **Project:** A WECS SES, BESS System or combination of WECS or SES, BESS Systems.
47. **Property Boundary/Property Line:** The boundary line of the area over which the entity applying for a WECS, SES, BESS permit has legal control for the purposes of installation of a WECS, SES, or BESS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.
48. **Property, Non-Participating:** A property owner that has not entered into a written and notarized agreement (including future owners of the property) allowing for the impact to their property.

49. **Property, Participating:** A property owner that has entered into a written and notarized agreement (including future owners of the property) with a project to be impacted directly or indirectly by the project.
50. **Public Conservation Lands:** Land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, Federal Wildlife Refuges and Waterfowl Production Areas. For the purposes of this section public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.
51. **Repowering:** Rebuilding a wind, solar, and energy storage system on a previously impacted site, preserving the existing compatible land uses.
52. **Repowering, Full:** A full decommissioning and repowering of a wind, solar, and energy storage system on a previously impacted site.
53. **Repowering, Partial.** A partial rebuilding of a wind, solar, and energy storage system where existing components are retrofitted or replaced to improve efficiency and extend the life of the system (e.g., replacing, refurbishing or retrofitting turbines, blades, gearboxes, generators, switchgears, panels, etc.)
54. **Rotor:** A system of airfoils connected to a hub that rotates around an axis.
55. **Rotor Blades:** See "Airfoil"
56. **Rotor Diameter:** The diameter of the circle described by the moving rotor blades.
57. **School:** Any type of school defined in Minnesota Statutes, section 120A.05, as amended, including private schools, but excluding home school sites.
58. **Solar Collector:** A device, structure, or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
59. **Solar Energy:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
60. **Solar Energy Device:** A system or series of mechanisms designed primarily to provide heating, cooling, electrical power, mechanical power, solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Said systems may also have the capacity to store energy for future utilization. Passive solar energy systems shall clearly be designed as a solar energy device, such as a Trombe wall, and not merely part of a normal structure, such as a window.
61. **Solar Energy Easement (SES):** A set of devices and associated facilities, including battery energy storage systems, whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy.
62. **Solar Energy System, Accessory Use:** A solar energy system that is secondary to the primary use of the parcel on which it is located, and which is directly connected to or designed to serve the energy needs of the primary use. Excess power may be sold to a power company.

63. **Solar Energy System, Active:** A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.
64. **Solar Energy System, Grid-Intertie:** A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.
65. **Solar Energy System, Ground Mounted:** A solar collector(s) located on the surface of the ground. The collector(s) may or may not be physically affixed or attached to the ground. Ground-mounted systems include pole-mounted systems.
66. **Solar Energy System, Large:** A solar energy system with a nameplate capacity of one hundred (100) kilowatts or more.
67. **Solar Energy System, Off-Grid:** A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.
68. **Solar Energy System, Passive:** A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the heat via a heat exchanger.
69. **Solar Energy System, Primary Use:** A solar energy system which is the primary land use for the parcel on which it is located, and which generates power for sale to a power company, or other off-premise customer.
70. **Solar Energy System, Roof-Mounted:** Solar collectors located on the roof of a building or structure. The collectors may or may not be physically affixed or attached to the roof.
71. **Solar Energy System, Small:** A solar energy system with a nameplate capacity of less than one hundred (100) kilowatts.
72. **Solar Energy System, Wall-Mounted:** A solar collector(s) located on the wall of a building or structure.
73. **Substation:** Any electrical facility containing power conversion equipment designed for interconnection with power lines.
74. **Total Height:** The distance between the ground level at the base of the structure and its tallest vertical extension including any attachment thereon.
75. **Total Nameplate Capacity:** The total of the maximum rated output of the electrical power production equipment for a WECS project.
76. **Tower, Wind, solar, and energy storage:** Vertical structures that support the electrical generator, rotor blades, or meteorological equipment.
77. **Tower Height:** The total height of the WECS exclusive of the rotor blades.
78. **Tracking Solar Systems:** A solar system that follows the path of the sun during the day to maximize the solar radiation it receives.
79. **Transmission Line:** Those electrical power lines that carry voltages of at least 41,600 volts (41.6 kV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
80. **Wake Loss:** The loss of wind resource downwind of an operating wind turbine.

81. **Wake Loss Study:** A study of potential impacts to the wind resource downwind of operating wind turbines.
82. **Wind 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 air space for the purpose of ensuring adequate exposure of a wind power system to the winds. Required contents of a Wind Easement are defined in Minnesota Statutes, section 500.30, or successor statutes.
83. **Wind Energy Conversion System (WECS):** An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, and substations that operate by converting the kinetic energy of wind into electrical energy, and MET. The energy may be used on-site or distributed into the electrical grid.
84. **WECS, Commercial:** A WECS equal to or greater than 100 kW in total name plate generating capacity or 200 feet in total height.
85. **WECS, Micro:** A WECS of 5 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less, or a WECS which is less than one hundred (100) feet in total height.
86. **WECS, Non-Commercial:** A WECS of less than 100 kW in total name plate generating Capacity equal to or greater than one hundred (100) feet in total height, but less than two hundred (200) feet in total height.
87. **Wind Turbine:** A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.
88. **Windmill, Functional:** A structure utilizing wind power for the pumping of water for agricultural use on the parcel of property on which the windmill is located.
89. **Windmill, Ornamental:** A non-functional windmill used for decoration.

SECTION 3. ADMINISTRATION

Subp. 1. Permits Required for WECS

- A. The following wind energy conversion systems require a land use permit from the county:
 - a. Micro wind energy conversion systems;
 - b. Non-commercial wind energy conversion systems; and,
 - c. Meteorological towers;
- B. The following wind energy conversion systems require a conditional use permit from the county:
 - a. Commercial wind energy conversion systems;
- C. The following wind energy conversion systems are exempt from the provisions of this ordinance:
 - a. Functional and ornamental windmills

Subp. 2. Permitted Conditional Uses for Wind Energy Conversion Systems

District	Micro- WECS	Non - Commercial < 100kW	Commercial >= 100 kW	Meteorological Tower*
Agriculture Preservation District 1	P	P	C	P
Agriculture Preservation District 2	P	P	C	P
Urban Development District	C	C	C	P
Floodplain Management District	C	C	N	N
Shoreland Management District	C	C	N	N

P = Permitted Use C = Conditional Use N = Prohibited Use

*Any tower over 125 feet in height shall require a conditional use permit in any zoning district where they are not prohibited.

Subp. 3. Permit Application for Wind, solar, and energy storage Systems and Battery Energy Storage Systems

Conditional Use Permits and Variances shall be applied for and reviewed under the appropriate procedures established within the County's Zoning Ordinance and Minnesota Statutes, chapter 394, or successor statutes, except where noted below. An application under this section is not complete unless it contains, at a minimum, the following (the Zoning Administrator, Planning Commission or County Board may require additional information as deemed necessary to fully understand the project and its potential impacts on nearby properties or the environment):

For all Wind, solar, and energy storage Systems and Battery Energy Storage Systems:

- A. The name(s) and address(es) of project applicant(s);
- B. The name(s) and address(es) of the project owner(s) and any anticipated or known future project owners;
- C. The legal description(s), parcel number(s), and E-911 address(es) of the project;
- D. For WECS, a description of the project including: number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid (written confirmation from the affected electrical utility company required);
- E. For WECS, a site layout, including the location of project area boundaries (wind rights purchased, leased, or acquired by easement), property lines, roads, wind turbines, electrical wires, interconnection points with the electrical grid, and all related battery energy storage systems and accessory structures. The site layout shall include distances and be drawn to scale.
- F. For Large-Scale Solar, a description of the project including: location and number of collectors to be installed and all related battery energy storage systems and accessory structures, name plate generating capacity (in both DC and AC measurements), total height

of all solar collectors and means of interconnecting with the electrical grid (written confirmation from the affected electrical utility company required);

- G. For Large-Scale Solar and Battery Energy Storage Systems, a site layout, including the location of proposed solar collectors and components or battery energy storage system components and distances to other existing or proposed structures on the applicant's property as well as those on neighboring properties within 100 feet of the proposed system, property lines, septic systems, wells and wetlands or waterways. The site plan shall indicate the location of any fencing or screening proposed around the solar collectors.

For Commercial WECS, Large Solar Systems and Utility-Scale Battery Energy Storage Systems:

- H. If required, a letter from the State Agency responsible for size determination of a project, pursuant to Minnesota Statutes, section 216 I, or successor statutes;
- I. Detailed Decommissioning Plan according to Section 7 of this ordinance;
- J. Manufacturer's or engineering specifications and recommended installation methods representative of all major equipment, including turbines, airfoils, solar panels, support systems and foundations;
- K. Documentation of land ownership or legal control of the property within a project boundary and current land use on the site and surrounding area;
- L. A copy of a Power Purchase Agreement from the relevant electrical wholesaler or provider or documentation that the power will be utilized on-site;
- M. For WECS, the latitude and longitude of all individual wind turbines and Meteorological towers;
- N. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Commercial WECS within ten (10) rotor diameters of a proposed WECS, any other Large Solar Systems within two (2) miles of a proposed large solar system, and any Utility-Scale Battery Energy Storage Systems within one (1) mile of a proposed Utility-Scale Battery energy storage system;
- O. Location of wetlands, scenic, and natural areas, including bluffs, within 1,320 feet of the proposed wind, solar, and energy storage system or Utility-Scale Battery Energy Storage System;
- P. For Commercial WECS, a Flicker Analysis prepared by a qualified and independent third party. Modeling for shadow flicker from wind energy conversion systems 100 KW or larger shall include the following parameters. The modeling shall assume the sky is always clear with no cloud cover or fog; the turbines are oriented perpendicular to the sun one hundred (100) percent of the time and changes in wind direction are not considered; the turbine is continuously turning; shielding effects of close obstacles like trees or topography are not considered;
- Q. For Commercial WECS, an Ice Throw Analysis prepared by a qualified and independent third party. Modeling and risk analysis related to the potential for ice throw, including distances of potential ice travel, public and private infrastructure with the potential to be damaged by ice throw, and potential hazards created to persons or livestock from ice throw.

- R. For Commercial WECS, a Blade Failure Analysis prepared by a qualified and independent third party. Modeling and risk analysis related to the potential for blades falling from a turbine hub, including distances of potential blade travel, public and private infrastructure with the potential to be damaged by blade failure, and potential hazards created to persons or livestock from blade failure.
- S. Emergency Response Capability Analysis prepared by a qualified and independent third party. Identification of potential emergency situations that may arise from the operation, maintenance, decommissioning or failure of a Commercial WECS, Large-Scale Solar Energy System or Utility-Scale Battery Energy Storage System and capabilities and plans of the project operator to manage such emergencies on its own and the readiness of local emergency responders to provide supplemental or additional response as needed. Analysis shall include potential emergency situations relating both to failures or malfunctioning of components and to medical or other emergencies for maintenance personnel or the general public, including situations where small- or large-scale evacuations of the public or livestock would be necessary. The Emergency Response Capability Analysis shall include all training scenarios and required equipment for local emergency responders.
- T. Automatic Fire Suppression or Prevention Plan, prepared by a qualified and independent third party. Identification of any installed automatic fire suppression methods employed at the wind, solar, and energy storage system or battery energy storage system facility required by local, state or federal law. Where not required by law, the County may require such fire suppression or prevention methods as deemed necessary to protect the public health, safety and welfare.
- U. Copies of all permit applications, permits and other documentation that indicates compliance with all other applicable State and Federal Regulatory Standards where such standards apply, including, but not limited to:
 - 1) Uniform Building Code, as amended;
 - 2) National Electric Code, as amended;
 - 3) Federal Aviation Administration (FAA);
 - 4) Federal Communications Commission (FCC);
 - 5) Minnesota Department of Transportation;
 - 6) Minnesota Pollution Control Agency (MPCA)/Environmental Protection Agency (EPA);
 - 7) Microwave Beam Path Study prepared by a qualified and independent third party;
 - 8) Preliminary Acoustical Analysis prepared by a qualified and independent third party;
 - 9) Noise Abatement Mitigation Plan prepared by a qualified and independent third party;
 - 10) Minnesota Pollution Control Agency, Minnesota Rules, chapter 7030, Noise Standards, as amended; and
 - 11) Wake Loss Study prepared by a qualified and independent third party, if proposed boundary is within a one (1) mile radius of another WECS project boundary.

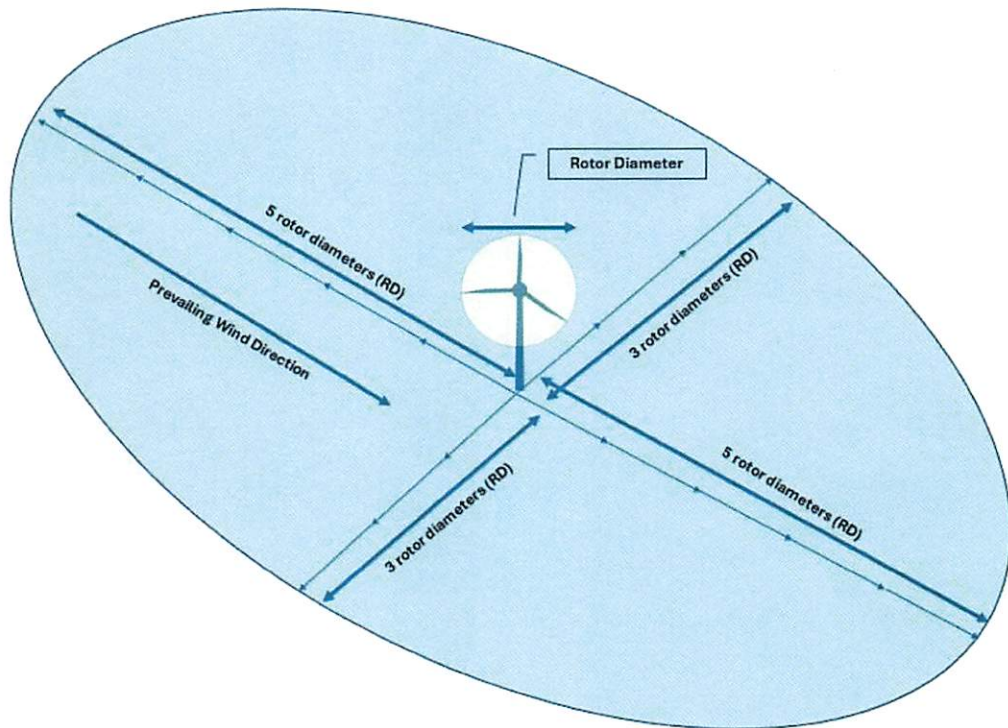
- V. For Commercial WECS, location of all known communications towers and microwave beam paths within a five (5) mile radius of the proposed WECS;
- W. Additional information stated in Minnesota Rules, part 7854.0500, subpart 1, as amended;
- X. Identification of any public or private ditches or drainageways to be impacted or potentially impacted by construction or maintenance activities in accordance with Section 10 of this Ordinance;
- Y. Identification of any existing or proposed drain tiles that may be impacted by the construction or maintenance of the site;
- Z. Identification of all potential haul routes to be utilized for material transportation and construction activities including state, federal, county, township or private roads within the County. Must provide written documentation prior to construction commencement that all haul routes have been approved by each of the road authorities with jurisdiction through a signed Road Use Agreement and a Developer Agreement;
- AA. Locations and site plans for all temporary, non-residential construction sites and staging areas;
- BB. A general description of potential impacts on adjacent or nearby properties from the installation of the Wind, Solar, and Energy Storage Energy System or Utility-Scale Battery Energy Storage System and plans for mitigating such impacts (if not already addressed in other submitted information);
- CC. Additional information, that due to the unique nature or characteristics of the specific project, the County deems necessary or desirable to properly process the application;
- DD. The County may, at its discretion, require a Development Agreement to address specific technical, financial or maintenance procedures which may include, but are not limited to: financial securities to ensure compliance with application review, ongoing operations or decommissioning activities, road use and repair, site specific issues, payment in lieu of taxes, other financial securities, or real property value protection plans.

Subp. 4. Permits Required for Solar Energy Systems

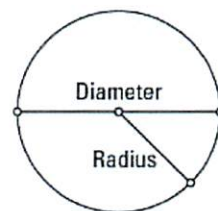
- A. The following solar energy systems require a land use permit from the county:
 - a. Ground mounted small solar energy systems in all zoning districts.
 - b. Roof mounted small solar energy systems in all zoning districts.
 - i. The addition of a roof mounted solar energy system on a non-conforming structure in all zoning districts is considered an improvement and does not require a variance as an expansion of the structure.
- B. The following solar energy systems require a conditional use permit from the county:
 - a. Large solar energy systems (except where identified as prohibited)
- C. The following solar energy systems are exempt from the provisions of this ordinance:
 - a. Wall mounted solar energy systems that are an accessory use to the property.

All towers shall adhere to the minimum setbacks established in the following table and subject to the provisions of this section. For towers requiring a Conditional use permit, the County may impose greater setbacks when deemed necessary to protect public health, safety or welfare. Where any two or more setbacks identified conflict or overlap, the most restrictive shall apply.

NOTE: Setbacks making use of rotor diameters (RD) to indicate distances shall result in an elliptical shape as indicated in the graphic below. The required setback shall be measured in both directions from the turbine location (i.e. for a turbine with a rotor diameter of 480 feet, a 5 RD setback shall measure 2,400 feet in both directions from the wind turbine in the prevailing wind direction and a 3 RD setback shall measure 1,440 feet in both directions in the non-prevailing wind direction – as depicted in the graphic below):



NOTE: Calculations of setbacks involving the use of rotor diameters in this ordinance shall use the full diameter of the circle created by the full 360 degree sweep of the wind turbine blades – not just the radius or length of one individual blade.



Setbacks	Micro WECS	Non-Commercial <100 kW	Commercial >= 100 kW	Meteorological Tower
Property Boundary/Property Lines (multiple parcels under common wind-rights or ownership shall be considered one parcel for the purpose of property boundary setbacks)	1.1 times total height	1.1 times total height	For participating properties: 5 rotor diameters (RD) in the prevailing wind direction 3 RD in the non-prevailing wind direction; For non-participating properties: 5 RD in the prevailing wind direction and 4 RD on the non-prevailing wind direction.	1.1 times total height, minimum 250 feet
Dwelling(s):	1.1 times total height; Setback may be waived for an owner-occupied dwelling.	1.1 times total height; Setback may be waived for an owner-occupied dwelling.	500 feet from a dwelling on a participating property; As per property line setback requirements for a non-participating property; Or a sufficient distance to meet state noise standards if greater.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.
Noise Standard	Minnesota Rules, chapter 7030, as amended	Minnesota Rules, chapter 7030, as amended	Minnesota Rules, chapter 7030, as amended	N/A
Road Rights-of-Way*	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.

Setbacks	Micro WECS	Non-Commercial <100 kW	Commercial >= 100 kW	Meteorological Tower
Other Rights-of-Way (recreational trails, power line easements, pipelines, railroads, etc.)*	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.
Streams/Ditches	1.1 times total height	1.1 times total height	1.1 times total height	1.1 times total height, minimum 250 feet
City Boundaries	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	2 miles	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.
Airports	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1 mile from a private airport licensed by the state of Minnesota.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.
Public Conservation Lands	1.1 times total height	600 feet or 1.1 times total height, whichever is greater.	1.1 times total height	600 feet or 1.1 times total height, whichever is greater.
Wetlands, USFW Type III, IV and V, greater than 10 acres	1.1 times total height	1.1 times total height	1.1 times total height	1.1 times total height, minimum 250 feet
Other Structures	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.

Setbacks	Micro WECS	Non-Commercial <100 kW	Commercial >= 100 kW	Meteorological Tower
Other existing WECS and Internal Turbine spacing**	N/A	3 RD on the secondary wind axis and 5 RD on the primary wind axis	3 RD on the secondary wind axis and 5 RD on the primary wind axis	N/A

*The setback shall be measured from future rights-of-way if a planned, changed or expanded right-of-way is known. Where a right-of-way has not been established, the right-of-way shall be presumed to be located 33 feet from the centerline of the traveled road surface, railroad, power poles or other infrastructure to which the setback applies.

**Waived for internal setbacks in multiple turbine projects, including aggregated projects.

Subp. 2. Additional Setback Requirements for WECS

- A. Substations and Accessory Facilities – Minimum setback standards for substations and feeder lines shall be determined in the permitted process, based upon the site’s unique circumstances and consistent with the requirements of the respective zoning districts of the County’s Zoning Ordinance.
- B. Native Prairie - WECS and associated facilities shall not be placed in native prairie unless approved in native prairie protection plan. Native prairie protection plan shall be submitted if native prairie is present. The permittee shall, with the advice of the DNR or the appropriate SWCD office, prepare a prairie protection and management plan and submit it to the Environmental Services/Planning & Zoning Director and DNR Commissioner sixty (60) days prior to the start of construction.
- C. Sand and Gravel Operations-WECS and associated facilities shall be prohibited in active sand and gravel operations.
- D. Aviation (public and private airports) - No WECS or associated facilities shall be located to create an obstruction to navigable airspaces of public and private airports in Swift County. Setbacks or other limitations determined in accordance with MnDOT Department of Aviation and Federal Aviation Administration (FAA) requirements.
- E. All guy wires must meet the setbacks listed above.

Subp. 3. WECS Safety Design Standards:

- A. Engineering Certification - For all WECS, the manufacture's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
- B. Clearance - At all times, rotor blades or airfoils must maintain at least thirty (30) feet of clearance between their lowest point and the ground surface. Micro-WECS systems are exempt from this requirement and must comply with the clearance per the manufacturer's recommendations.

C. Warnings

- a. For all WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.
- b. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors, or tape, shall be placed on the guy wire anchor points and along the outer innermost guy wires up to a height of eight (8) feet above the ground surface. Four marker balls shall be placed sixteen (16) feet above grade and at fifty (50) foot intervals along the guy wires from the ground surface. Visible, anti-climbing fencing shall be installed around anchor points of guy wires and the tower base.
- c. All WECS and Meteorological towers more than one-hundred (100) feet in overall height shall be required to have safety lighting.

Subp. 4. WECS Height Standards:

- A. Total Height - Non-Commercial WECS shall have a total height of less than 200 feet.

Subp. 5. WECS Tower Configuration Standards

- A. All WECS must use self-supporting towers. The base for such towers shall be designed to anchor and support the tower for the site and shall be guarded against unauthorized climbing. The first twelve (12) feet of the tower shall be unclimbable by design or be enclosed by a six (6) foot high unclimbable fence with secured access.
- B. Meteorological towers may be guyed, subject to the requirements of Subp. 3 C. of this Section.
- C. Color and Finish - All wind turbines and towers that are part of a WECS shall be white, grey or another non-obtrusive color. Blades may be black to facilitate deicing. Finishes shall be matte or non-reflective.
- D. Lighting - Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Aircraft Detection Lighting Systems shall be used in accordance with FAA regulations.
- E. Wetland Review. Solar farms must comply with the Wetland Conservation Act and will be reviewed by the Department for compliance. A wetland delineation shall be required unless otherwise determined by the Department.
- F. Natural Heritage Information System Review. WECS proposed within one (1) mile of a Natural Heritage Information System (NHIS) site will be forwarded to the Department of Natural Resources. Conditions may be added to the permit related to the Minnesota Department of Natural Resources review and comments to mitigate impacts to rare plants, animals, native plant communities, and other rare features.

SECTION 5 SOLAR ENERGY SYSTEMS GENERAL STANDARDS

All Solar Energy Systems shall adhere to the requirements and standards of this section and are also subject to the General Regulations in Section 6 of this ordinance.

Subp. 1. Standards for Large Solar Energy Systems

- A. Stormwater Management and Erosion and Sediment Control shall meet the requirements of the MPCA Stormwater Construction Stormwater Permit requirements.
- B. Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation (or other method of anchoring solar panels) and design of the solar collectors are within accepted professional standards, given local soil and climate conditions or other relevant factors.
- C. Ground cover. Ground cover shall consist of perennial vegetation and incorporate pollinator friendly species.
- D. Other standards and codes. All solar energy systems shall comply with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the National Electric Code, as amended.
- E. Power and communication lines. Power and communication lines running between the banks of the 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 buildings shall be buried underground. Exemptions may be granted by the County Board in the following instances:
 - a. Where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines;
 - b. When required by the utility company;
 - c. When otherwise determined by the County Board.
- F. Screening and Security Fencing. Solar farms shall be screened from residential dwelling units and/or other land uses as required by the Board and fenced for security purposes as required by local, state or federal law. Screening shall be set back twenty (20) feet from the property line for ease of maintenance unless otherwise approved by the County. The screening plan shall show the location of fences and residential dwelling units on contiguous lots. Fences installed as part of the project shall be screened by appropriate existing or planted and maintained vegetation. The type and location of the required screening shall be subject to Board and/or Department approval. Barbed or razor wire fencing is generally prohibited unless specifically approved by the County or required under local, state or federal law.
 - a. A financial guarantee in the form of a cash escrow in the amount of 125% of the cost to implement the screening plan shall be submitted when screening is required.
 - b. The applicant may submit, or the County may require, a fencing plan that minimizes impacts to wildlife in accordance with published or other guidance from the Minnesota Department of Natural Resources or other appropriate professionals.
- G. Vegetation requirements and management. The following provisions shall be met related to the clearing of existing vegetation and establishment of vegetated ground cover. Additional requirements may apply as required by the Board and/or Department.

- a. Large-scale removal of mature trees on the site is discouraged. Restrictions on tree clearing, or mitigation for cleared trees may be required by the Board and/or Department.
 - b. The project operator and property owner are responsible for proper vegetative maintenance. Noxious weeds are prohibited from growing on the property in accordance with local and state law. Swift County, in the granting of a permit for a solar energy system, will require a vegetative management plan to be submitted and approved by the appropriate County personnel, that may include specific requirements related to weed management, allowable vegetation types, frequency of maintenance activities and establishment of an escrow account in the amount of 125% of the cost to implement the vegetative management plan shall be submitted when required by the County for the purpose of ensuring vegetative management practices are taking place.
 - c. The project site design should include the installation and establishment of ground cover meeting the beneficial habitat standards consistent with Minnesota Statutes, section 216B.1642, or successor statutes and guidance as set by the Minnesota Board of Water and Soil Resources. The Solar Site Pollinator Habitat Assessment Form may be completed to show that the beneficial habitat standard is met and submitted, along with the planting plan, with the construction site permit application.
- H. Wetland Review. Solar farms must comply with the Wetland Conservation Act and will be reviewed by the delegated LGU for compliance. A wetland delineation shall be required unless otherwise determined by the delegated LGU.
- I. Natural Heritage Information System Review. Solar farms proposed within one (1) mile of a Natural Heritage Information System (NHIS) site will be forwarded to the Department of Natural Resources. Conditions may be added to the permit related to the Minnesota Department of Natural Resources review and comments to mitigate impacts to rare plants, animals, native plant communities, and other rare features.
- J. Emergency Response Capability Analysis. Identification of potential emergency situations that may arise from the operation, maintenance, decommissioning or failure of a WECS, and capabilities and plans of the project operator to manage such emergencies on its own and the readiness of local emergency responders to provide supplemental or additional response as needed. Analysis shall include potential emergency situations relating both to failures or malfunctioning of WECS components and to medical or other emergencies for maintenance personnel or the general public, including situations where small- or large-scale evacuations of the public or livestock would be necessary.

Subp. 2. Standards for Solar Energy Systems, Accessory

Small solar energy systems are a permitted accessory use, subject to the following standards:

- A. Height. Active solar energy systems are subject to the following height requirements:
 - a. Building - or roof-mounted solar energy systems shall not exceed the maximum allowed height in the designated zoning district.

- b. Ground - or pole-mounted solar energy systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt, unless otherwise allowed by the Zoning Administrator to allow for livestock grazing beneath the solar energy system.
- B. Location within Lot.** Solar energy systems must meet structure setbacks within the designated zoning district.
- a. **Roof-mounted Solar Energy Systems.** In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy 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 set back 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.
 - b. **Ground-mounted Solar Energy Systems.** Ground-mounted solar energy systems must meet the accessory structure setback for the zoning district it is located within and will be measured from the closest point at maximum orientation. If attached to the primary structure, the solar energy systems must meet the setbacks for the primary structure.
- C. Large Ground-mounted Solar Energy Systems.** Ground-mounted solar energy systems that result in the creation of one (1) or more acres of impervious surface, must comply with the MPCA Construction Stormwater Permit requirements.
- D. Maximum Coverage**
- a. The total collector surface area of pole or ground mount systems shall not exceed one percent (1%) of the lot area, except by a conditional use permit.
 - b. **Ground-mounted Solar Energy Systems:** Ground-mount systems are exempt from impervious surface standards if the ground under the collector is maintained in vegetation and not compacted.

Subp. 3. Setbacks

All large solar energy systems shall adhere to the minimum setbacks established in the following table and subject to the provisions of this section. For systems requiring a conditional use permit, the County may impose greater setbacks when deemed necessary to protect public health, safety or welfare. Where any two or more setbacks identified conflict or overlap, the most restrictive shall apply.

Setbacks	Small Solar Accessory Use <100kW	Small Solar Primary Use <100kW	Large Solar >=100kW
Property Boundary/Property Lines	Equivalent to structure setback required in the relevant zoning district.	Equivalent to structure setback required in the relevant zoning district.	100 feet (solar panels)

Setbacks	Small Solar Accessory Use <100kW	Small Solar Primary Use <100kW	Large Solar >=100kW
Dwelling(s):	None	N/A	50 feet from a dwelling on a participating property (solar panels); 500 feet from a dwelling on a non-participating property which shall be allowed to be reduced to a minimum of 350 feet with an approved screening plan.(solar panels); Or a sufficient distance to meet state noise standards if greater.
Noise Standard	Minnesota Rules, chapter 7030, as amended	Minnesota Rules, chapter 7030, as amended	Minnesota Rules, chapter 7030, as amended
Road Rights-of-Way*	Equivalent to structure setback required in the relevant zoning district.	Equivalent to structure setback required in the relevant zoning district.	100 feet (solar panels) 50 feet (fencing)
Other Rights-of-Way (recreational trails, power line easements, etc.)*	Equivalent to structure setback required in the relevant zoning district.	Equivalent to structure setback required in the relevant zoning district.	100 feet (solar panels) 50 feet (fencing)
Streams/Ditches	50 feet from the centerline of streams and ditches containing ephemeral flow throughout the majority of the growing season.	50 feet from the centerline of streams and ditches containing ephemeral flow throughout the majority of the growing season.	200 feet from the centerline of streams and ditches containing ephemeral flow throughout the majority of the growing season.
City Boundaries	See property line setback requirements	See property line setback requirements	100 feet (solar panels) 50 feet (fencing)
Airports	See property line setback requirements for public or private registered airports, no	See property line setback requirements for public or private registered airports no	1,000 feet (solar panels) 50 feet (fencing) for public or private

Setbacks	Small Solar Accessory Use <100kW	Small Solar Primary Use <100kW	Large Solar >=100kW
	structure shall be constructed in runway clear zones	structure shall be constructed in runway clear zones	registered airports no structure shall be constructed in runway clear zones
Public Conservation Lands	Equivalent to structure setback required in the relevant zoning district.	Equivalent to structure setback required in the relevant zoning district.	50 feet
Wetlands, USFW Type III, IV and V, greater than 10 acres	Equivalent to structure setback required in the relevant zoning district.	Equivalent to structure setback required in the relevant zoning district.	25 feet
Other Structures	None	None	None
Other existing Large Solar Energy Systems spacing	None	None	See below**

*The setback shall be measured from future rights-of-way if a planned, changed or expanded right-of-way is known. Where a right-of-way has not been established, the right-of-way shall be presumed to be located 33 feet from the centerline of the traveled road surface, railroad, power poles or other infrastructure to which the setback applies.

** Multiple solar projects on the same, contiguous, or non-contiguous parcels within 2 miles of each other, with a common developer, shall be viewed as one project. The total Megawatts of power shall be added together for this ordinance. No land may be subdivided for the purpose of providing space for any WECS unless all lot size requirements for the relevant zoning district are met and subdivision approval is obtained.

Subp. 4. Additional Setback Requirements for Large Solar Energy Systems

- A. Substations and Accessory Facilities – Minimum setback standards for substations and feeder lines shall be determined in the permitted process, based upon the site’s unique circumstances and consistent with the requirements of the respective zoning districts of the County’s Zoning Ordinance.
- B. Native Prairie – Large Solar Energy Systems and associated facilities shall not be placed in native prairie unless approved in native prairie protection plan. Native prairie protection plan shall be submitted if native prairie is present. The permittee shall, with the advice of the DNR or the appropriate SWCD office, prepare a prairie protection and management plan and submit it to the Environmental Services/Planning & Zoning Director and DNR Commissioner sixty (60) days prior to the start of construction.
- C. Sand and Gravel Operations- Large Solar Energy Systems and associated facilities shall be prohibited in active sand and gravel operations.

- D. **Aviation (public and private airports) - No Large Solar Energy Systems or associated facilities shall be located to create an obstruction to navigable airspaces of public and private airports in Swift County. Setbacks or other limitations determined in accordance with MnDOT Department of Aviation and Federal Aviation Administration (FAA) requirements.**
- E. **Approved Solar Components. Electric solar system components must have an Underwriters Laboratory (UL) listing or equivalent.**
- F. **Compliance with other applicable State and Federal Regulatory Standards, including, but not limited to: Uniform Building Code, and the National Electric Code, as amended.**
- G. **Utility Notification. No grid-intertie photovoltaic system shall be installed until evidence has been given to the Environmental Services/Planning & Zoning department 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 6 GENERAL REGULATIONS

Subp. 1. Other Applicable Standards

- A. **Other Signage. The manufacturer's or owner's company name and/or logo may be placed upon the nacelle, compartment containing the electrical generator, of the Wind, solar, and energy storage System.**
- B. **Feeder Lines. All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried and located within the right-of-way, subject to prior approval of the road authority. Feeder lines installed as part of a Wind, solar, and energy storage System shall not be considered an essential service.**
- C. **Waste Disposal. Solid and Hazardous Wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed by the project owner or designee from the site within sixty (60) days and disposed of in accordance with all applicable Local, State and Federal regulations.**
- D. **Orderly Development. Upon issuance of a Conditional Use Permit, all Wind, solar, and energy storage Systems, as defined in Minnesota Statutes, chapter 216I, section 216C.25, section 500.30, or successor statutes, and/or Minnesota Rules, part 1325.1100, as amended, if applicable shall notify the Minnesota Public Utilities Commission (PUC) Energy Facilities Permitting program staff of the project location and details on the survey form specified by the PUC.**
- E. **Environmental Quality Board. Upon issuance of a conditional use permit, the applicant shall all Wind, solar, and energy storage Systems shall notify the Environmental Quality Board Staff of the project location and details on forms specified by the Environmental Quality Board.**
- F. **Noise. All WECS shall comply with Minnesota Rules, chapter 7030, governing noise.**
- G. **Electrical Codes and Standards. All Wind, solar, and energy storage Systems and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.**
- H. **Federal Aviation Administration. All WECS shall comply with FAA standards and permits.**

- I. **Solar Glaze Hazard Analysis Tool.** MnDOT Aeronautics shall complete an analysis of a solar project when said project is within two (2) miles of an airport using the Mn DOT Solar Glaze Hazard Analysis Tool. A copy of the results shall be submitted to the Environmental Services/Planning & Zoning Director.
- J. **Local Emergency Services Notification.** The applicant shall provide a copy of the project summary and site plan to local emergency services, including, but not limited to, paid or volunteer Fire Department(s), police/sheriff departments, ambulance (ground and aerial) services and hospitals providing emergency care, that serve the project area. The applicant shall coordinate with local emergency services to develop and implement an emergency response plan for the project. A copy of the plan shall be submitted to the Environmental Services/Planning & Zoning Director. The County will require that the Applicant provide, or pay for, at no cost to the County or Emergency service providers, training on a regular basis to local emergency service personnel.

SECTION 7 ABANDONMENT AND DECOMMISSIONING

This section does not apply to Micro WECS, Non-Commercial <100kW WECS, Small Solar Accessory Use <100kW, Small Solar Primary Use <100kW. The decommissioning of a Wind, solar, and energy storage system in accordance with Section 7.B must be completed no later than twelve (12) months from (i) the planned cessation of commercial operations of the project or (ii) the abandonment of the project as defined in Section 7. The system shall be considered a discontinued use or abandoned after one (1) year without energy production, unless a plan is developed and submitted to the Environmental Services/Planning & Zoning Director outlining steps and schedule for returning the Wind, solar, and energy storage System to service.

A. Abandonment and Decommissioning Plan

a. The Plan shall contain:

- i. A description of how the project will be disconnected from the grid;
- ii. A detailed description of how the physical components will be removed and transported off-site to a proper disposal site. The description shall include the stepwise process of removal (e.g. how will the blades be removed, what components need to be broken down on site, what can be salvaged, and what and where will it be landfilled).
- iii. If any of the land is leased, a description of decommissioning, abandonment, and removal conditions included in landowner leases (e.g. how it is decided whether roads remain).
- iv. A statement of the restoration goal and a detailed description of how restoration will be accomplished.
 - 1. All components and accessory facilities shall be physically removed to five (5) feet below ground level.
 - 2. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations
 - 3. Stabilization or re-vegetation of the site as necessary to minimize erosion.

- v. A detailed estimate of decommissioning costs. This estimate should detail cost assumptions (e.g. number of days of crane rental, transportation costs, disposal fees, scrap value, etc.) and a timeline for updating the costs. The estimate shall be prepared by a third-party Professional Engineer or a contractor capable of decommissioning. The cost estimate for removal shall include an adjustment for inflation over the expected life of the project.
- vi. For Commercial WECS and Large Solar Energy Systems, a plan decommissioning security, including the type of instruments being considered, a timeline for funding of the assurance (e.g. twenty-five percent (25%) of estimated cost in year ten (10), twenty-five percent (25%) in year fifteen (15)), a description of how the amount of money available will be reconciled with the changing cost estimates, and the proposed beneficiary of the security. The plan must be reviewed every five (5) years with a copy of the updated plan submitted to the Swift County Planning Commission.
- vii. The plan shall also address road maintenance during and after completion of the decommissioning in compliance with this ordinance.

B. General Decommissioning Requirements

- a. **Form of Financial Security.** The County Board shall require the posting of a bond, letter of credit, or the establishment of an escrow account to ensure proper decommissioning.

Such financial security shall be in the form of a cash escrow unless specifically approved otherwise by the Swift County Board. If the financial security is in the form of an escrow, such escrow shall be governed by the terms of a written escrow agreement signed by the parties and providing for a third-party escrow agent to hold all such funds until specific conditions are met. The applicant's interest in the escrowed funds shall be expressly contingent on the occurrence of such conditions, and the applicant shall lack control over the funds, which shall only be distributed by the escrow agent under the express terms of the escrow agreement. The applicant shall also expressly agree that in the event of any bankruptcy or insolvency proceedings of the applicant, such funds shall not be considered a part of any bankruptcy or insolvency estate, nor shall the applicant contend they are part of such estate, but instead shall remain and be controlled by the escrow agent to be disbursed under the express terms of the escrow agreement. For any such escrows, the County Board may consider a request from the applicant to fund the escrow in installments over time but shall not be obligated to accept such a request. If the financial security is in the form of a bond or letter of credit, any agreement governing such security shall be provided on commercially reasonable terms that are acceptable to the County Attorney, County Engineer, and County Administration in their sole discretion.

The amount of such financial security is to be based upon the estimate of the total cost to remove any infrastructure and reclaim the property to its original condition at the project's conclusion. The salvage or resale value of the infrastructure shall not be used

in calculating any offset or credit against the estimate of the total cost to remove the infrastructure and reclaim the property to its original condition. Such financial security shall equal 150% of the estimate of all costs to remove any infrastructure and reclaim the property, plus any amount deemed necessary by the County Engineer to protect any public infrastructure during the construction or decommissioning of this project. This amount may be reduced or increased only upon approval of a County Board resolution based upon such consideration as the size of the project, past performance by the applicant and/or financial credibility of the applicant.

On request of the applicant, if evidence is presented that the described work and improvements have been paid for and all appropriate lien waivers have been obtained in respect thereof, the amount of the deposit may be reduced in a sum equal to the estimated cost of the reclamation work so completed. In the event the county uses any financial security to correct or abate any violations of the conditional use permit, the agreement, noxious weed regulations, or the zoning ordinance, the applicant shall replenish or reissue such financial security within 90 days. Failure to do so shall be considered a violation of the conditional use permit, whether listed as a specific condition or not, and a reason for revoking the conditional use permit.

- b. **Release of Financial Security to Adjoining Landowners.** The agreement shall provide that the County Board may allow an adjoining owner of real property to receive reimbursement from the escrow deposit or irrevocable letter of credit in the event a property owner receives a final judgment or order from a court of competent jurisdiction finding the Wind, solar, and energy storage System has damaged or altered the beneficial drainage of surface or tiled storm water discharged from adjoining real property.
- c. **Disassembly Required.** Components shall be disassembled rather than destroyed or demolished on-site unless the applicant can show the Board and/or Department that disassembly is not feasible.
- d. **Infrastructure Removal.** All infrastructure associated with the wind, solar, and energy storage system shall be removed to the depth of five (5) feet below ground level and transported to a proper final disposal or recycling facility, unless specifically allowed otherwise by the relevant landowner and/or Swift County. All components which have reached the end of their useful life, have been damaged so as to not be useable, or which otherwise are not in use shall be disposed of at a proper disposal or recycling facility. Stockpiling of such materials is prohibited except for periods of less than thirty (30) days. If such stockpiled materials are not removed within thirty (30) days, the County may use decommissioning funds to contract for the removal of such materials after an additional thirty (30) days notice to the project operator and landowner upon whose land the materials lie.
- e. **Restoration.** All soils shall be restored to a condition conducive to agricultural crop or other use substantially similar to what existed prior to construction of the wind, solar, and energy storage system, including decompaction of soils to a depth of at least twelve (12) inches.

- f. Final Decommissioning Report. Upon the successful fulfillment and verification of all decommissioning provisions by overseeing authorities, the wind, solar, and energy storage system Owner is obligated to submit a comprehensive final report to the Planning and Zoning Department, officially documenting the conclusion of the decommissioning process. This report shall include verification documents, and any additional evidence deemed necessary, ensuring compliance with all applicable regulations and standards governing the decommissioning of the Wind, solar, and energy storage System.

SECTION 8 REPOWERING

All repowering of existing Wind, solar, and energy storage Systems, whether full or partial, must follow the same permitting procedures as that of new, according to Section 3 of this ordinance.

SECTION 9 INTERFERENCE

The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any Wind, solar, and energy storage System or Meteorological Tower. The applicant shall notify all communication tower operators within two miles of the proposed Wind, solar, and energy storage System or Meteorological Towers location upon application to the County for permits. No Wind, solar, and energy storage Systems or Meteorological Tower shall be constructed so as to interfere with County or Minnesota Department of Transportation microwave transmissions.

SECTION 10 AVOIDANCE AND MITIGATION OF DAMAGES TO PUBLIC INFRASTRUCTURE

Subp. 1. Roads

- A. The applicant shall identify all County, City or Township roads to be used for the purpose of transporting Wind, solar, and energy storage System components, such as but not limited to, WECS, substation parts, materials, and/or equipment for construction, operation or maintenance of the Wind, solar, and energy storage System and obtain applicable weight and size permits from the impacted road authorities prior to construction.
- B. The applicant shall enter into an agreement with the applicable road authorities which addresses requirements related to ensuring adequate road strength for expected traffic types, levels and weights, maintaining roads and road rights-of-way, temporary road closures, restoration of damage to roads and road rights-of-way and other issues as determined by the relevant road authorities.
- C. Contact the road authorities for road closures, road signage removals, road signage relocating, road signage restoring, moving permits, culverts, access/driveway permits, tile outlet permits, widening road intersections, standard utility permits and any other road activities that may require permits.
- D. Contact Swift County Dispatch prior to any road closures for the re-routing of emergency vehicles during the closure.

- E. Contact the road authorities to conduct an inspection of the road conditions of the haul routes on or prior to pre-construction meeting and after construction.
- F. Provide a letter of credit or escrow (as determined by the relevant road authorities to be held by Swift County until the Township and/or County road authorities have provided the Swift County Auditor with a written release that all haul routes within their jurisdiction in Swift County have been returned to pre-construction condition.

Subp. 2. Drainage Systems

- A. The applicant shall identify all public or private drainage systems that may be impacted in the transporting of Wind, solar, and energy storage System components, such as but not limited to, WECS components, Solar Energy System components, substation parts, materials, and/or equipment for construction, operation or maintenance of the Wind, solar, and energy storage System and obtain applicable weight and size permits from the impacted road authorities prior to construction.
- B. The applicant shall enter into an agreement with the applicable drainage authorities which addresses requirements related to maintaining drainage infrastructure, restoration of damage to drainage infrastructure and other issues as determined by the relevant road authorities.
- C. The applicant shall be responsible for immediate repair of damage to public or private drainage systems stemming from construction, operation or maintenance or decommissioning of the Wind, solar, and energy storage System.
- D. Contact the road or drainage system authority to conduct an inspection of the drainage system conditions of the haul routes on or prior to pre-construction meeting and after construction.
- E. Provide a letter of credit or escrow to be held by Swift County Auditor until any public road or public drainage system authorities have provided the Swift County Auditor with a written release that all road or drainage systems within their jurisdiction in Swift County have been returned to pre-construction condition, or a condition otherwise accepted by the road or drainage system authorities.

SECTION 11 PRE-CONSTRUCTION MEETING

The applicant for a wind, solar, and energy storage system requiring a conditional use permit will conduct a pre-construction meeting prior to construction commencement with a written notice sent to the following individuals one month prior to said meeting:

- A. Township Chairman
- B. Swift County Highway Engineer
- C. Swift County Ditch Inspector
- D. Swift County Sheriff
- E. Swift County Environmental Services/Planning & Zoning Director
- F. Area Hydrologist, Minnesota Department of Natural Resources
- G. Minnesota Pollution Control Agency

- H. United States Farm Agency
- I. Swift County SWCD
- J. Minnesota State Historical Society
- K. Swift County Board of Commissioners Chair
- L. Swift County Planning Commission Chair
- M. Minnesota Department of Transportation

SECTION 12 BATTERY ENERGY STORAGE SYSTEMS

- A. All Utility-Scale Energy Battery Storage Systems and Small-Scale Battery Energy Storage Systems exceeding 100kW of storage capacity shall require a conditional Use Permit, which shall be applied for, charged application fees and issued separately from any Conditional Use Permit associated with WECS or Solar Energy Systems that they may or may not be related to.
- B. Site and structure requirements.
 - a. **Setbacks.** Setbacks for Small-Scale Battery Energy Storage Systems shall adhere, at a minimum, to the minimum principal structure setbacks standards for the zoning district in which the project is located. Those which exceed 100kW of storage capacity shall double the normal structure setbacks except that the County, in the approval of a Conditional Use Permit, may establish minimum setbacks of a higher or lower distance as determined necessary to protect public health, safety and welfare.

Setbacks for all structures within a Utility-Scale Battery Energy Storage System must adhere to the following minimum setbacks.

- i. **Dwellings.** Structures, electrical equipment, and fencing, excluding power lines for interconnection, shall be kept a minimum of one thousand three hundred twenty (1,320) feet from dwellings, unless the dwelling owner waives the setback. The waiver must be in writing, notarized and recorded.
- ii. **Streams/Ditches.** Solar panels, structures, electrical equipment, and fencing, excluding power lines for interconnection, shall be kept a minimum of two hundred (200) feet from the centerline of all stream corridors and open ditches containing ephemeral flow throughout the majority of the growing season.
- iii. **Right of way.** Utility-scale battery energy storage systems shall be 100 feet from all public road rights-of-way. If there is no established right-of-way the setback shall be 150 feet from the centerline of the traveled road surface.
- iv. **Property lines.** Utility-scale battery energy storage systems shall be 500 feet from all other property lines, unless the dwelling owner waives the setback. The waiver must be in writing, notarized and recorded.
- v. **Cities.** Utility-scale battery energy storage systems shall be kept back a distance no less than two (2) miles from the city limits of any incorporated

city within the County, unless specifically approved otherwise by the County Board.

- b. **Height.** Battery energy storage systems shall not exceed the maximum height for the zoning district in which it is located.
 - c. **Interior Layout.** If the battery energy storage system is to be installed in conjunction to a new utility-scale solar facility, the battery energy storage system shall be sited so as to be located within the interior of said facility, with the banks of solar panels lying between the battery energy storage system and the edges of the facility, unless otherwise approved by the County in the issuance of a Conditional Use Permit.
 - d. **Fencing Requirements.** Utility-scale battery energy storage systems including all mechanical equipment, shall be enclosed in fencing, with a self-locking gate, and shall consist of a primarily woven wire or agricultural style fencing. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site. The warning signage shall include the type of technology associated with the battery energy storage system, any special hazards associated, the type of fire suppression system installed in the area of the battery energy storage system, and 24-hour emergency contact information, including reach-back phone number. Security fences, gates and warning signs must be maintained in good condition until the installation is dismantled and removed from the site.
- C. **Screening and Vegetative Management.** All utility-scale battery energy storage system sites shall meet the screening and vegetative management requirements of Section 5 of this Ordinance applicable to solar energy systems, unless specifically exempted or modified by the County in the approval of a permit or in subsequent statements from the County. Except for any vegetation or fencing around the perimeter of the utility-scale battery energy storage system planted for visual screening or noise-reduction purposes, there shall be a minimum 20-foot clear zone around the storage system enclosure and its surrounding screening vegetation/fencing that is maintained free of combustible vegetation or materials taller. This clear zone requirement may be modified as part of a comprehensive emergency management plan approved by the County Board and local fire departments and shall meet all applicable fire and safety code requirements, if more restrictive.
- D. **Labeling.** Utility-scale battery energy storage system components shall be labeled with the manufacturer's name and address, model number, and serial number.
- E. **Safety Data Sheets:** The County shall be provided with a copy of all safety data sheets for all solar farm components utilized in the project. Such information shall be updated as the updates occur and shall be shared with local emergency responders.
- F. **Utility connections.** All exterior electrical or other service lines shall be buried underground. The collection system may be placed overhead near substations or points of interconnection to the electrical grid. Exceptions may be granted in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines or where the County Board otherwise grants an exception. No connections or service lines shall be located within public right of way without the approval of the relevant right of way authority.
- G. **Not an essential service.** Electrical service and feeder lines shall not be considered an essential service.

- H. Grading plan. For all Utility-Scale Battery Energy Storage Systems a grading plan shall be submitted and shall include all proposed changes to the landscape of the site (e.g., clearing, grading, topographic changes, tree removal, etc.).
- I. Compliance with local, state and federal regulations. Battery Energy Storage Systems shall comply with all applicable local, state and federal regulations, including applicable building and electrical codes.
- J. Appurtenant structures. All appurtenant structures shall be subject to bulk, impervious coverage limits, and height regulations of structures in the underlying zoning district.
- K. Shoreland and Floodplain considerations. Utility-Scale Battery Energy Storage Systems are not permitted within the boundaries of any established shoreland district or floodplain as defined in the Zoning and Floodplain Ordinances.
- L. Proof of Operation. The owner/operator of the s Utility-Scale Battery Energy Storage System shall provide the County with evidence that the solar energy system is functioning properly. This shall be provided at any time deemed necessary by the County.
- M. Decommissioning. All Utility-Scale Energy Storage Systems are subject to the requirements of Section 7 of this Ordinance.

SECTION 13 AGGREGATED PROJECTS

Proposers of Aggregated Projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews and as appropriate approvals. However, Swift County shall reserve the right to require that applications be separated when distances between wind, solar, and energy storage components or infrastructure exceeds one (1) mile.

Permits will be issued and recorded separately for each parcel involved (adjacent parcels under common ownership may be issued one permit and be recorded as one document).

Applicable application fees will be charged separately for each parcel involved (adjacent parcels under common ownership may be charged one fee at the discretion of the County and/or Department).

Aggregated projects having a combined capacity equal to or greater than the threshold for State oversight as set forth in Minnesota Statutes, sections 216I; or successor statutes, shall be regulated by the State of Minnesota.

SECTION 14 REVIEW CRITERIA

An application for a Wind, solar, and energy storage System involving the need for a Conditional Use Permit may be granted only upon finding that the criteria in Sections 15 and 15A of the Swift County Zoning Ordinance, or successor ordinance, applicable to conditional use permits respectively, have been met.

In addition, Swift County, in the review of a conditional use permit, shall consider the following criteria:

- A. Whether or not the proposed wind, solar, and energy storage system is allowed as a principle use in the respective zoning district and conforms to county ordinances.

- B. Whether or not the proposed wind, solar, and energy storage system is in keeping with the spirit and intent of county ordinances.
- C. Whether or not construction of a wind, solar, and energy storage system shall not impede the county's ability to implement its comprehensive plan.
- D. Whether or not the proposed wind, solar, and energy storage system is not incompatible with the present character of the surrounding area.
- E. Whether or not the proposed wind, solar, and energy storage system shall have a set date(s) in which the permit shall be reviewed for compliance with the terms of approval or terminated.

SECTION 15 ENFORCEMENT, VIOLATIONS, REMEDIES AND PENALTIES

The Environmental Services/Planning & Zoning Administrator, or their designee, is responsible for the administration and enforcement of this Ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor and shall be punishable as defined by law. Each 24-hour day that a violation continues shall constitute a separate offense.

In the event of a violation or a threatened violation of this Ordinance, the County Board and/or the Environmental Services/Planning & Zoning Administrator, in the addition to other remedies may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, It shall be the duty of the County Attorney to institute such action. This will include, but not be limited to, actions for injunctive relief before a court of competent jurisdiction.

SECTION 16 FEES

Fees for permits and conditional use permits required for a wind, solar, and energy storage system shall be set forth by the Swift County Board of Commissioners.

The County reserves the right to charge an applicant, project operator and/or the landowner associated with a wind, solar, and energy storage project additional fees reasonably incurred by the County in the review, monitoring and enforcement of this Ordinance.

SECTION 17 COUNTY RIGHT TO HIRE INDEPENDENT THIRD PARTY

In the review, monitoring and enforcement of this Ordinance Swift County may, at its discretion, hire an independent third party to develop and/or review any information required by this Ordinance or otherwise submitted by the applicant or other interested parties to ensure independence in the provision of such information. If the County agrees that a third party hired by the project applicant, operator or landowner is sufficiently independent, it shall do so only after conducting its due diligence to satisfy itself that there is not a financial conflict of interest by the hired third party.

SECTION 18 REPEAL

All previous ordinances regulating the placement, installation or construction of wind, solar, and wind energy conversion systems as adopted by the Swift County Board of Commissioners are hereby repealed and replaced with this Ordinance.

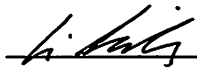
SECTION 19 VALIDITY AND SEPARABILITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 20 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Passed and approved this 21st day of October, 2025.



Eric Rudningen, Chairman

Swift County Board of Commissioners

Attest: 

Tesa Tomaschett, County Administrator