CITY OF PIPESTONE

ORDINANCE NO. 161, FOURTH SERIES

AN ORDINANCE OF THE CITY OF PIPESTONE REPEALING SECTION 11.42 AND REPEALING AND REPLACING SECTION 153.17 OF THE PIPESTONE CITY CODE WITH REGARD TO RENEWABLE ENERGY SYSTEMS

THE CITY OF PIPESTONE ORDAINS:

Article I. Pipestone City Code, Chapter 153, Table of Contents, is amended by adding the following double-underlined language and deleting the ~~stricken~~ language:

Section

153.01 Purpose and intent
153.02 Application of district regulations
153.03 Rules and definitions
153.04 Establishment of zoning districts and map
153.05 District use regulation
153.06 General provisions
153.07 Conservation District (C-1)
153.08 Single-Family Residential District (R-1)
153.09 Urban Residential District (R-2)
153.10 Multi-Family Residential District (R-3)
153.11 Neighborhood Business District (B-1)
153.12 Central Business District (B-2)
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153.14 Industrial performance standards
153.15 Light Industrial District (I-1)
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153.18 Manufactured housing
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153.20 Planned unit development (PUD)
153.21 Floodplain
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153.32 Signs
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153.38 Amendments
153.39 Airport zoning regulations

153.99 Penalty

Article II. Pipestone City Code, Section 11.42 is hereby repealed and deleted in its entirety.

Article III. Pipestone City Code, Section 153.17 is hereby repealed and replaced with the following language:

§ 153.17 RENEWABLE ENERGY SYSTEMS.

(A) *Purpose and intent*. The City 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 City supports the use of wind energy conversion and solar energy systems. The City also finds that the development of renewable energy systmes should be balanced with the protection of the public health, safety and welfare. The City adopts the following standards to ensure that renewable energy systems can be constructed within the City while also protecting the City's public safety and natural resources. Consistent with the City's Comprehensive Plan, it is the intent of the City to create standards for the reasonable capture and use, by households, businesses and property owners, of their renewable energy resources, and to encourage the development and use of renewable energy.

(B) *Definitions*. The following words, terms and phrases, when used in this Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:

ACCESSORY USE OR STRUCTURE. Any use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

ARRAY: Any number of solar photovoltaic modules or panels connected together to provide a single electrical output.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM. An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or thermal solar systems that are contained within roofing materials, windows, skylights and awnings.

COMMERCIAL SOLAR ENERGY SYSTEM. A solar energy system that is capable of generating equal to, or more than, fifty (50) kW of power and is designed to supply energy for off-site users or export to the wholesale market on the distribution grid.

COMMERCIAL WIND ENERGY CONVERSATION SYSTEM. A wind energy conversion system with a total nameplate generating capacity equal to or greater than one hundred (100) kW.

COMMUNITY SOLAR GARDEN. A solar energy system that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, consistent with Minnesota Statutes, section 216B.1641 or successor statute. A community solar garden may be either an accessory or a principal use.

FALL ZONE. The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

FEEDER LINE. Any power line that carries electrical power from one or more wind turbine(s) or individual transformers associated with an individual wind turbine 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 substation serving the WECS.

GROUND-MOUNTED SOLAR ENERGY SYSTEM. Freestanding solar panels mounted to the ground by use of rackings, pilings, piers, stabilizers or similar apparatus.

GROUND-MOUNTED WIND ENERGY CONVERSATION SYSTEM. Freestanding WECS mounted to the ground with footings or other apparatus.

LARGE ENERGY POWER GENERATING PLANT (LEPGP). Any Solar Energy System capable of producing fifty (50) MW or more of power.

MN PUC. The State of Minnesota Public Utilities Commission.

NON-COMMERCIAL SOLAR ENERGY SYSTEM. A solar energy system that is capable of generating less than fifty (50) kW of power and which is accessory to the principal land use and designed to supply energy for the principal use.

NON-COMMERCIAL WIND ENERGY CONVERSION SYSTEM. A wind energy conversion system with a nameplate capacity of less than one hundred (100) kW and which is accessory to the principal land use and designed to supply energy for the principal use.

PHOTOVOLTAIC SYSTEM. An active solar energy system that converts solar energy directly into electricity.

ROOF-MOUNTED SOLAR ENERGY SYSTEM. A solar energy system that is mounted to the roof of a building using brackets, stands or other apparatus.

ROOF-MOUNTED WIND ENERGY CONVERSION SYSTEM. A WECS utilizing a turbine mounted to the roof of a structure.

SOLAR COLLECTOR. A device, structure or a part of a device or structure that the principal purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

SOLAR ENERGY SYSTEM (SES). An active solar energy system that collects or stores radiant solar energy from the sun and transforms solar energy into another form of energy, or transfers heat from a collector to another medium using mechanical, electrical, thermal or chemical means. SES can be roof, building, structure, or ground mounted.

SOLAR FARM. A commercial facility that converts sunlight into electricity, whether by photovoltaics, concentrating solar thermal devices, or other conversion technology, for the principal purpose of wholesale sales of generated electricity.

TOTAL HEIGHT. The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

TOWER. Vertical structures that support the electrical generator, rotor, and blades, or the meteorological equipment.

TOWER HEIGHT. The total height of the WECS, including tower, rotor, and blade to its highest point of travel.

TURBINE CUT-IN SPEED. The lowest wind speed at which turbines generate power to the utility system.

WIND ENERGY. Kinetic energy present in wind motion that can be converted into electrical energy.

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.

WIND TURBINE. 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.

(C) *Solar energy systems*.

(1) *Scope***.** The requirements and standards in this Article govern Solar Energy Systems that are capable of generating less than fifty (50) MW of power. Large Energy Power Generated Plants ("LEPGP") capable of generating fifty (50) MW of power or more shall fall under the jurisdiction of the MN PUC.

(2) *General Standards*. All SES shall comply with the following standards:

(a) All SES connecting in any way to the distribution or transmission system must obtain an interconnection agreement from the appropriate electric utility. Off-grid systems are exempt from this requirement.

(b) Electric solar system components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing.

(c) All solar installations must comply with the Minnesota and National Electric Code.

(d) All Roof-Mounted solar systems shall comply with the Minnesota Building Code.

(e) Installation of a solar system shall not constitute a right to sunlight from any adjoining property, nor does the City assure access to sunlight.

(f) Any lighting shall be shielded and downcast such that the light does not spill onto adjacent properties.

(g) Maintenance – Routine maintenance must be performed on all solar panels and the ground must be kept free of debris from the solar panels at all times. If a solar panel is broken, it must be removed within thirty (30) days. The City reserves the right to request an inspection of the SES for compliance on any issue that may arise. The SES operator must grant access to the site as requested for inspection.

(h) Building-Mounted solar energy systems, other than Roof-Mounted solar energy systems, are prohibited in the City.

(i) All SES are prohibited in the City's Floodway District.

(j) All SES located in any other floodplain zoning district shall comply with any and all applicable federal, state and local floodplain regulations.

(3) *Non-commercial SES*.

(a) *Permitting*. Non-commercial SES are considered permitted uses in all zoning districts, excluding the Floodway District. This Ordinance allows for and regulates the following non-commercial types of SES:

1. Roof-Mounted SES; and

2. Ground-Mounted SES.

(b) *Regulation*. Non-commercial SES shall be regulated as follows:

1. Roof-Mounted SES:

a. Shall not project more than four (4) feet above the plane of the roof nor be located closer than three (3) feet from the outer edge of the roof top.

b. Shall not occupy more than seventy-five (75) percent of the area of the roof plane.

c. Are considered an accessory use or structure and require a building permit.

2. Ground Mounted SES:

a. Shall be subject to the setbacks and standards for the district in which it is located.

b. Shall not exceed fifteen (15) feet in height.

c. Shall not be located in any required front yard area and shall not be located closer than one hundred (100) feet to an existing adjacent residence.

d. Shall not exceed ten (10) percent lot coverage or ten thousand (10,000) square feet, whichever is less. Square footage is calculated by the area encumbered by the outermost measurements of the solar equipment layout.

e. The location of each structure must be such that no part of the structure extends into the setback zone in any tilted position.

f. Are considered an accessory use or structure and require a building permit.

(4) *Commercial SES*

(a) *Permitting***.** Commercial SES are allowed in the Light Industrial (I-1), General Industrial (I-2) and Conservation (C-1) zoning districts, excluding any properties that may be located within the Floodway District, and require a Conditional Use Permit in accordance with the procedures set forth in the Zoning Ordinance for a Conditional Use Permit. This Ordinance allows for and regulates the following commercial types of solar energy systems:

1. Solar Gardens (Community Solar Energy Systems).

2. Solar Farms.

(b) *Regulation*. Commercial SES shall be regulated as follows:

1. *Solar Gardens*

a. Solar Gardens shall be located on parcels of land no less than five acres in size.

b. The City prohibits Solar Gardens within the following areas:

i. Within three hundred (300) feet of a classified lake, river or stream.

ii. Within six hundred (600) feet of areas 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; and

iii. Wetlands, to the extent prohibited by the Minnesota Wetland Conservation Act.

c. Solar Gardens shall meet the following minimum setbacks:

i. Three hundred (300) feet from a residential dwelling unit and two hundred and fifty (250) feet from any building not located on the property.

ii. One Hundred and thirty (130) feet from the center line of any road.

iii. One hundred and fifty (150) feet from any property line.

Setbacks shall be measured to the nearest solar array or other structure within the Solar Garden, excluding security fencing, screening or berm.

d. The following provisions relating to the clearing of existing vegetation and establishment of vegetated ground cover shall apply to all Solar Gardens, in addition to any requirements set forth by the City Council.

i. Restrictions on tree clearing or mitigation for cleared trees may be required by the City Council.

ii. The project site design shall 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.

iii. Beneficial habitat standards shall be maintained on the site for the duration of operation, until the site is decommissioned.

e. Fencing shall be designed in a manner that does not disrupt significant wildlife travel corridors. A wildlife-friendly fencing design must be submitted as part of the Conditional Use Permit application and approved by the City Council.

f. All on-site power and communication lines running between banks of solar panels and buildings shall be buried underground on the premises. The City Council may grant

exemptions to this requirement in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.

g. Decommissioning Plan: The owner/operator shall submit a decommissioning plan for the Solar Garden to ensure that the owner or operator properly removes the equipment and facilities upon the end of 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, and a soundly-based plan ensuring financial resources will be available to fully decommission the site. As an alternative to the full restoration of soil and vegetation, the decommissioning plan may provide for the installation, establishment, and continuation of beneficial habitat standards. The disposal of structures and/or foundations shall meet the requirements of the City's solid waste. The owner/operator 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 City Council, to ensure proper decommissioning.

2. *Solar Farms*

a. Solar Farms shall be located on parcels of land no less than five acres in size.

b. The City prohibits Solar Farms within the following areas:

i. Within six hundred (600) feet of a classified lake, river or stream.

ii. Within six hundred (600) feet of areas protected from development by Federal, State or County agencies such as wildlife habitat, wildlife management areas or designated as National Wild and Scenic land or corridor; and

iii. Wetlands, to the extent prohibited by the Minnesota Wetland Conservation Act.

c. Solar Farms shall meet the following minimum setbacks:

i. Three hundred (300) feet from a residential dwelling unit and two hundred and fifty (250) feet from any building not located on the property.

ii. One Hundred and thirty (130) feet from the center line of any road.

iii. One hundred and fifty (150) feet from any property line.

Setbacks shall be measured to the nearest solar array or other structure within the Solar Farm, excluding security fencing, screening or berm.

d. Screening. When visible from adjacent residential properties and from residential properties across a public street or road, the owners or operators of the solar energy systems shall install landscaping and screening around and on their sites to minimize the visual impact of the solar improvements to the adjacent and nearby residential properties. Screening must be maintained per the approved screening plan for the life of the solar farm. If the applicant can show the City that the proposed solar project would not be visible from adjacent or nearby residence because of existing vegetation or topography, then the City may waive the screening requirements.

All screening and landscaping shall be of sufficient width and density to provide year-round screening of the solar development site. The developer or applicant shall submit to the City for approval a screening and landscape plan with the following:

i. At least two rows of staggered conifer trees that are at least eight feet tall at the time of planting and that will reach a minimum maturity height of twelve (12) feet.

ii. An alternative buffer and screening plan using a combination of trees, shrubs and/or berms that completely screens the solar installation from the public right-of-way and from adjacent and nearby residences.

iii. An illustration or plan that shows a view of the solar development from the public right-of-way, impacted residence(s) and proposed screening and landscaping.

e. The following provisions relating to the clearing of existing vegetation and establishment of vegetated ground cover shall apply to all Solar Farms, in addition to any requirements set forth by the City Council.

i. Restrictions on tree clearing or mitigation for cleared trees shall be required by the City Council.

ii. The project site design shall 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.

iii. Beneficial habitat standards shall be maintained on the site for the duration of operation, until the site is decommissioned.

f. Fencing shall be designed in a manner that does not disrupt significant wildlife travel corridors. A wildlife-friendly fencing design must be submitted as part of the Conditional Use Permit application and approved by the City Council.

g. All on-site power and communication lines running between banks of solar panels and buildings shall be buried underground on premise. The City Council may grant exemptions to this requirement in instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines.

h. Solar Farms shall be designed to prevent any stray voltage from affecting adjacent properties or causing interference with the operation of electrical appliances or electronic equipment on adjacent properties. In the event such disturbances occur or are alleged to occur, such disturbances shall be mitigated to the satisfaction of the City Council.

i. Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minnesota Rules, part 7030.0020, to ensure nighttime noise level standards will not be exceeded.

The following additional noise related site standards shall also be satisfied:

i. Placement of transformers, inverters, or other equipment generating ongoing vibration or noise must be done in such a manner that low level recurring ambient noise does not audibly cross property boundaries. Placement of equipment interior to the site, shielded by proposed solar panels, and/or shielded by specifically placed noise and vibration deadening fence, landscape, berm, or other efforts, shall be required for all solar farms in close proximity to existing developed homes or property boundaries.

ii. The piling installation construction phase of every project generates repetitive audible noise and is extremely disruptive. Piling installation timelines and durations shall be identified in the application and consolidated into the shortest most confined time period possible. Installation of pilings shall take place only during permitted identified daytime and weekday hours which may be further limited by permit conditions if in close proximity to existing residences. Piling installation shall cease on Sundays and be limited between the hours of 7am-6pm on Saturdays.

j. The City may require a performance bond to be held by the City until such time as all haul routes within their jurisdiction and utilized during construction are returned to their preconstruction condition.

k. Decommissioning Plan: The owner/operator shall submit a decommissioning plan for the Solar Farm to ensure that the owner or operator properly removes the equipment and facilities upon the end of 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 and a soundly-based plan ensuring financial resources will be available to fully decommission the site. As an alternative to the full restoration of soil and vegetation, the decommissioning plan may provide for the installation, establishment, and continuation of beneficial habitat standards. The disposal of structures and/or foundations shall meet the requirements of the City solid waste ordinance. The owner/operator 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 City Council, to ensure proper decommissioning.

(3) *Application*. In addition to any information required by the Zoning Ordinance, the following information shall be provided to the City as part of the Conditional Use Permit Application

for any Commercial SES. The City Council reserves the right to deny any Conditional Use Permit whose application is incomplete or does not meet the requirements listed in this Ordinance.

a. A site plan showing the following:

i. Existing property lines and property lines extending three hundred (300) feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties.

ii. Existing public and private roads, showing widths of the roads and any associated easements.

iii. Location and size of any abandoned wells, sewage treatment systems, and dumps.

iv. Existing buildings and any impervious surface.

v. Topography at two (2) foot intervals and source of contour interval. A contour map of the surrounding properties may also be required.

vi. Existing vegetation, listing the type (e.g. grassland, plowed field, wooded areas) and percent of coverage of each type.

vii. Waterways, watercourses, lakes, and public water wetlands.

viii. Delineated wetland boundaries.

ix. The 100-year flood elevation and Regulatory Protection Elevation, if available.

x. Floodway, flood fringe, and/or general flood plain district boundary, if applicable.

xi. Mapped soils.

xii. Surface water drainage patterns.

xiii. Location and spacing of solar panels.

xiv. Location of access roads.

xv. Planned location of underground and overhead electric lines connecting the SES to the building, substation, or other electric load.

xvi. New electrical equipment other than at the existing building or substation that is the connection point for the SES.

xvii. Proposed erosion and sediment control measures.

xviii. Proposed storm water management measures.

xix. Location, number, and caliper of any trees to be removed, for trees with a trunk size greater than six (6) inches in girth.

xx. Interior and exterior fencing plans including fence locations, design, dimensions and measures taken to make fence wildlife friendly and avoid disrupting significant wildlife travel corridors.

b. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems, and foundations for poles or racks.

c. The number of panels proposed to be installed.

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

e. A copy of the interconnection application and/or agreement.

f. Evidence of all land acquisition (fee or easement) and agreements with adjacent landowners experiencing devaluation of properties due to installation of a SES must be completed and submitted prior to issuance of any permit.

(D) *Wind energy conversion systems (WECS)*.

(1) *Scope*. The requirements and standards in this section govern Wind Energy Conversion Systems ("WECS") that are capable of generating less than five (5) MW of electrical power. The State of Minnesota has jurisdiction over the siting and regulation of WECS generating five (5) MW or more of electrical power.

(2) *Permitting*. WECS are permitted in the General Industrial (I-2) zoning district, excluding any property that may be located within the Floodway District, and shall require a Conditional Use Permit in accordance with the procedures set forth in the Zoning Ordinance. WECS are prohibited in all other zoning districts in the City.

(3) *Application*. In addition to any informing required by the Zoning Ordinance, applications for all WECS must include all of the following information:

a. The name(s) of the project applicant.

b. The name(s) of the project owner.

c. The legal description, parcel number, and E-911 address of the project.

d. A description of the project including: number, type, nameplate generating capacity, tower height, rotor diameter, blade dimensions, color 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. A site plan showing the location of all property lines, existing structures, roadways, proposed WECS equipment and appurtenances, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site plan shall include distances and be drawn to scale.

f. The location and description of any power lines, residences, other structures, wetlands, and water bodies within seven hundred and fifty (750) feet of the proposed WECS, on the subject property, and affected adjacent property.

g. A Decommissioning Plan.

h. Documentation of land ownership or legal control of the property.

i. The longitude, latitude, and height, above ground level in feet.

j. Written verification from the MN Department of Transportation, Aeronautics Division, indicating registration with their Office.

(4) *Aggregated Projects*. Aggregated projects of less than 5 MW may jointly submit a single Application and be reviewed under joint proceedings, including notices, hearings, reviews and as appropriate approvals. Permits will be issued and recorded separately. Joint Applications will be assessed fees as one project.

(5) *General Standards*. All WECS shall comply with the following standards:

a. *Setbacks*.

From	Non-Commercial WECS	Commercial WECS
Dwelling	1.5 x Total Height	1.5 x Total Height
Structure on the Property	150’	150’
Property Line	Total Height + 10’	1.5 x Total Height
Right-of-Way	1.1 x Total Height	1.5 x Total Height
Public Conservation Land	600’	600’
Wetlands	100’	600’
Other WECS	5 Rotor Diameters	5 Rotor Diameters

b. All WECS connecting in any way to the distribution or transmission system must obtain an interconnection agreement from the appropriate electric utility. Off-grid systems are exempt from this requirement.

c. No WECS shall be located in an area so that its placement diminishes the public enjoyment of scenic highways, scenic overlooks, public parks, and other areas determined by the City Council.

d. No WECS rotor blades or airfoils shall extend closer than thirty (30) feet to the ground from their lowest point.

e. 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 10 feet above the ground. In addition, two highly visible cable balls must be attached to each of the outside guy wires. Visible fencing shall be installed around anchor points of guy wires.

f. All wind turbines and towers that are part of a WECS shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matt or non-reflective and designed to blend in with the skyline and natural setting to the extent possible.

g. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations.

h. Signage setting forth the identification of the owner/operator and public safety information, including emergency contact information, shall be placed on the nacelle, compartment containing the electrical generator, of the WECS.

i. All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried where reasonably feasible. Feeder lines installed as part of a WECS shall not be considered an essential service.

j. 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 from the site promptly and disposed of in accordance with all applicable Local, State and Federal regulations.

k. A WECS shall be considered a discontinued use after six (6) months without energy production, unless a plan is developed and submitted to the City outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four feet below ground level and within 90 days of the discontinuation of use. If a WECS has not been removed after discontinuance, the City may contract the removal and renovation of the site.

l. All WECS shall have a Decommissioning Plan outlining the anticipated means and cost of removing all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation at the end of their serviceable life or upon becoming a discontinued use. As an alternative to the full restoration of soil and vegetation, the decommissioning plan may provide for the installation, establishment, and continuation of beneficial habitat standards. The disposal of structures and/or foundations shall meet the requirements of the City's solid waste ordinance. The cost estimates shall be made by a competent party, such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay

for the decommissioning and removal of the WECS and accessory facilities. The owner/operator shall post a bond, letter of credit or establish an escrow account, including an inflationary escalator, in an amount determined by the City Council to ensure proper decommissioning.

m. All WECS shall comply with Minnesota Rules, Chapter 7030 governing noise.

n. All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.

o. All WECS shall comply with FAA standards and permits.

p. A WECS applicant shall identify all County, City and Township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.

q. A WECS applicant shall conduct a pre-construction survey, in coordination with the impacted local road authority(ies) to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public road.

r. A WECS owner or operator shall be responsible for restoring or paying damages as agreed to by the applicable road authority(ies) sufficient to restore the road(s) and bridge(s) to preconstruction conditions.

s. A WECS applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.

t. A WECS applicant shall be responsible for appropriate dust control while the project is under construction and/or decommissioning.

u. WECS shall be fenced in unless towers are designed without ladders or other accessible climbing devices. All equipment or appurtenances that pose a potential danger to animals or humans shall be fenced in.

v. WECS shall be designed to prevent any stray voltage from affecting adjacent properties or causing interference with the operation of electrical appliances or electronic equipment on adjacent properties. In the event such disturbances occur or are alleged to occur, such disturbances shall be mitigated to the satisfaction of the City Council.

w. WECS shall be designed, constructed, operated, and maintained in a manner consistent with all applicable federal, state, and local laws, rules, standards, codes, and ordinances

(6) *Non-Commercial WECS.*

a. *Regulation*. In addition to the requirements set forth above in this section, the total height of a Non-Commercial WECS shall not exceed one hundred and fifty (150) feet.

(7) *Commercial WECS.*

a. *Application*. In addition to the requirements set forth in this section, applications for Commercial WECS shall include all of the following information:

i. The latitude and longitude of individual wind turbines.

ii. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within 10 rotor diameters of the proposed WECS.

iii. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed WECS.

iv. FAA Permit Application.

v. Location of all known Communications Towers within 2 miles of the proposed WECS.

vi. Engineer's certification.

vii. Description of potential impacts on nearby WECS and wind resources on adjacent properties.

b. *Regulation*. In addition to the requirements set forth above in this section, Commercial WECS shall be regulated as follows:

i. The City prohibits Commercial WECS (1) within two thousand six hundred and forty feet (2,640) feet of any occupied residence or business, (2) within seven hundred and fifty (750) feet of a classified lake, river or stream, (3) within seven hundred and fifty (750) feet of areas protected from development by Federal, State, or County agencies such as wildlife habitat, wildlife management areas or designated as National Wild and Scenic land or corridor, and (4) wetlands, to the extent prohibited by the Minnesota Wetland Conservation Act.

c. The manufacturer'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.

d. A sign or signs shall be posted on the tower, transformer and substation warning of high voltage.

e. All wind turbines shall be installed with a tubular, monopole type tower.

f. Upon issuance of a Conditional Use Permit, all Commercial WECS shall notify the Environmental Quality Board Staff of the project location and details on forms specified by the Environmental Quality Board.

g. The following provisions relating to the clearing of existing vegetation and establishment of vegetated ground cover shall apply to all Commercial WECS, in addition to any requirements set forth by the City Council.

i. The applicant for the Commercial WECS Conditional Use Permit shall minimize removal of mature trees on the site. Restrictions on tree clearing or mitigation for cleared trees may be required by the City Council.

ii. To the extent that the existing ground cover is removed and not restored during the operation of the Commercial WECS, the project site design shall 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. Such beneficial habitat standards shall be maintained on the site for the duration of operation, until the site is decommissioned.

(E) *Penalties and enforcement*.

(1) *General Offense*. Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a maximum fine or maximum period of imprisonment, or both, as specified by Minnesota Statutes, section 609.03. A violation of this Ordinance shall include, but is not limited to, any of the following: failing, neglecting, or refusing to comply with the provisions of this Ordinance; violating any condition placed on a permit issued by the Township; exceeding the scope of a permit; or knowingly making any false statements in any document required to be submitted under the provisions of this Ordinance. Each day that a violation continues shall constitute a separate offense. In the event of a violation or a threatened violation of this Ordinance, the City Council, in addition to other remedies, may institute appropriate criminal and/or civil actions or proceedings to prevent, prosecute, restore, restrain, correct or abate such violations or threatened violations. A criminal prosecution for a violation shall not be a bar to a civil remedy.

(2) *Enforcement*. The City Council and the City Council's appointed representatives have the authority to enforce this Ordinance by issuing notices of violation, cease and desist orders, citations, and taking or instituting such other lawful actions as may be needed to enforce this Ordinance and to bring a property into compliance. A violation of this Ordinance can occur regardless of whether a permit is required for a regulated activity. If a cease and desist order or stop work order is issued to stop an activity, the activity may not be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted.

Article IV. Severability. Should any section or part of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of the ordinance as a whole or any part other than the part declared invalid.

Article V. Effective Date. This ordinance shall become effective the day after its legal publication.

Adopted this 4th day of November, 2024.

_____
Dan Delaney, Mayor

ATTEST: _____
Deb Nelson, City Administrator

Date of Publication November 7, 2024

Effective Date November 8, 2024