

**ORDINANCE NO. 2012-01
DOUGLAS TOWNSHIP**

DAKOTA COUNTY, MINNESOTA

**AN ORDINANCE AMENDING ORDINANCE NO.3_ZONING ORDINANCE TO ESTABLISH
REGULATIONS FOR SMALL WIND ENERGY CONVERSION SYSTEM (WECS) WITHIN
DOUGLAS TOWNSHIP**

THE BOARD OF SUPERVISORS OF DOUGLAS TOWNSHIP DOES ORDAIN:

Section 1: Purpose

This ordinance shall be known as the Small Wind Energy Conversion System (WECS) Ordinance within Douglas Township.

Section 2: Definitions

- 2.1 The purpose of this Ordinance is to provide an appropriate location for wind energy conversion systems or WECS in circumstances that the Town Board determines there is a need for such facilities.
- 2.2 Standards are included in this Ordinance to minimize the impact of wind energy conversion systems (WECS) on public health, safety and welfare, and protect adjacent properties from WECS failure and interference.
- 2.3 This Ordinance is designed to balance the use of energy conservation facilities in a manner that allows continued agricultural and rural activities, and protects the rural environment.

Section 3: Definitions

For the purpose of this ordinance, the following definitions shall apply and are in addition to the definitions found in Ordinance No. 3 - Zoning Ordinance:

- 3.1 Wind energy conversion system (WECS): Any device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electrical energy.
- 3.2 Wind energy conversion system (WECS), large: A WECS with a combined nameplate capacity of five thousand (5,000) kilowatts or more.
- 3.3 Wind energy conversion system (WECS), small: A WECS with a combined nameplate capacity of less than five thousand (5,000) kilowatts.

Section 4: Authority and Applicability

- 4.1 The State of Minnesota has jurisdiction over the siting and regulation of large WECS. This jurisdiction may be deferred to a county that elects to regulate large WECS.
- 4.2 The requirements and standards in this Ordinance shall govern WECS that are not regulated by the State of Minnesota or Dakota County.
- 4.3 This Ordinance shall apply to all properties within Douglas Township.

Section 5: Permitted Accessory and Conditional Uses

- 5.1 A small WECS less than seventy feet (70') in height is permitted as an accessory use in the Douglas zoning district(s). Height is measured from the ground to the highest point of the structure, including the maximum reach of the rotor blades or airfoils or any other attachment.
- 5.2 A small WECS greater than seventy feet (70') but less than two hundred feet (200') in total

height is a conditional use in all zoning districts. Height is measured from the ground to the highest point of the structure, including the maximum reach of the rotor blades or airfoils or any other attachment.

Section 6: Performance, Accessory Use and Conditional Use Permit Standards

- 6.1 The following performance standards shall apply to all WECS as permitted as an accessory use or as a conditional use:
- A. The WECS shall not be permitted unless there is a principal use on the property on which it is located.
 - B. No more than one (1) WECS shall be permitted on a property.
 - C. The WECS shall not exceed the State of Minnesota noise requirements (Minnesota Rules 7030).
 - D. Signs, other than warning signs, equipment labels, emergency information or owner identification, are prohibited on any WECS structures or equipment.
- 6.2 The following performance standards shall apply to small WECS that are permitted as an accessory uses:
- A. The WECS height shall not exceed seventy feet (70').
 - B. The WECS setback from any property line or public road easement shall be equal to the height of the structure, or the setback of the zoning district in which it is located, whichever is greater.
 - C. The setback from a residential dwelling on adjacent property shall be no less than two (2) times the height of the WECS.
 - D. The lot size for placement of a WECS shall be no less than one (1) acre or the minimum lot size of the district in which it is located, whichever is greater.
 - E. The WECS shall comply with all building and electrical code requirements.
- 6.3 The following standards shall apply to small WECS that are conditional uses in a particular zoning district:
- A. The minimum setbacks from the WECS tower shall be as follows:
 - 1. The setback from any property line or public road easement shall be equal to the height of the structure, or the setback of the zoning district in which it is located, whichever is greater.
 - 2. The setback from a residential dwelling on adjacent property shall be no less than three (3) times the height of the WECS.
 - B. The WECS shall comply with the following design requirements.
 - 1. The WECS shall be designed and certified by a qualified engineer to be structurally sound and in conformance with the building, electrical and other applicable federal, state and local codes.
 - 2. The structural design, mounting and installation of the WECS shall comply with the manufacturer's specifications.
 - 3. The minimum clearance between the ground elevation and the lowest point of the rotor blades or airfoils of the WECS shall be twenty feet (20').
 - 4. The WECS shall not be illuminated unless required by a state or federal agency.
 - C. Obsolete or unused WECS must be removed within twelve (12) months after cessation of their use on the property.

1. WECS that are not removed within this time limit are declared to be public nuisances and may be removed by the township.
2. The township may assess its costs of removal against the property.

Section 7: Administrative Requirements

- 7.1 For WECS exceeding seventy feet (70'), the applicant shall submit an application for a conditional use permit to the Town Clerk which shall be accompanied by:
 - A. A site plan depicting the location of the WECS facility, elevations and construction details for the system to be located on a site.
 - B. All studies, analyses and certifications required by this Ordinance.
 - C. A fee as established by the Town Board.
- 7.2 The applicant shall reimburse the Township for all out-of-pocket expenses incurred by the Township for the review and approval of the WECS. These fees may include consultant fees for the Township planner, engineer, attorney, or other independent consultant, and recording fees.
- 7.3 The Township may require a cash escrow to guarantee the payment of expenses incurred by the Township to review and approve the WECS.

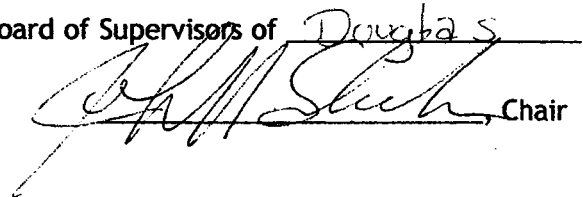
Section 8: Violations and Penalties

- 8.1 A violation of this ordinance is subject to the penalties and provisions of Section 616 of Ordinance No. 3- Zoning Ordinance.

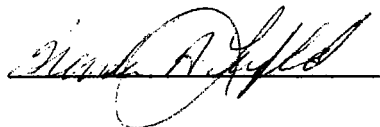
Section 9: Effective Date

This Ordinance will take effect and be in force after its passage and official publication.

Adopted this 5th day of Nov, 2012 by the Town Board of Supervisors of Douglas Township, Minnesota.


Chair

ATTEST:


Town Clerk

