

**MINUTES OF A SPECIAL PLANNING COMMISSION MEETING HELD,  
TUESDAY, APRIL 28, 2009 – 6:34 P.M. – ROCKVILLE CITY HALL**

The meeting was called to order by Chair Toni Honer. Roll call was taken and the following members were found to be present: Chair Toni Honer, Jerry Bechtold, Dale Borgmann, Jerry Tippelt, Steve Dietman & liaison Duane Willenbring. Dan Hansen arrived @ 7:01 p.m..

Staff members present were: Billing Clerk/Administrative Assistant Judy Neu.

Others present: Chuck Johannes, Council Member Jerry Schmitt.

**APPROVAL OF AGENDA/AMENDMENTS – Motion by Member Bechtold, second by Member Borgmann, to approve the agenda as presented. Motion carried unanimously.**

**APPROVAL OF MINUTES 02/10/09 & 04/14/09 – Motion by Member Bechtold, second by Member Dietman, to approve the minutes of 02/10/09 & 04/14/09 as presented. Motion carried unanimously.**

**NEW BUSINESS**

Chair Honer reported that the Planning Commission had been discussing the wind tower ordinance since last fall. If you remember Mr. Johannes approach the City on possibility of adding wind towers to the ordinance. At that time the Planning Commission went thru 4 different ordinances and made some adjustments to Kandiyohi County ordinance.

Member Bechtold stated Stearns County Wind Energy ordinance is similar to the proposed ordinance.

Chair Honer explained the City received an email from Paul Merwin (League of Minnesota Cities). He had a few questions:

- ◆ Reciprocal setback -500 feet from dwelling (original draft 700 feet)
- ◆ No communication or feeder line may exceed 34.5 kv in capacity. (no concerns)

Judy Neu explained at the 9/15/08 Planning Commission meeting the Planning Commission reviewed the Kandiyohi County ordinance and made these changes:

- Change the Communication Towers from 2 miles to 1 mile
- Add to the ordinance to allow communication to be attached to wind turbine
- Dwellings- (Wind Turbine-Commercial WECS) add 1.5 x total height
- No dwelling shall be constructed within ~~700~~ feet 500 feet
- Rotor blades or airfoil must maintain at least ~~12~~ feet 35 feet
- If wind tower (turbine) is abandon-have a plan in place for removal
- Communication tower operators within 1 mile of the proposed WECS location

Council Member Willenbring (liaison) questioned that the proposed ordinance talks about Section 28-5 and Minnesota Rules 7030 and this must be a document from the state.

**Subdivision 7: STANDARDS**

1. Total Height – Non-Commercial WECS shall have a total height of less than two hundred (200) feet. Section 28-5 of this ordinance requires a conditional use for all structures over two hundred (200) feet in total height.

**Subdivision 8: OTHER APPLICABLE STANDARDS**

1. Noise – All WECS shall comply with Minnesota Rules 7030 governing noise.

Judy Neu explained the staff would look into the references.

Council Member Willenbring (liaison) questioned all signage on site shall comply with Chapter 30 of this Ordinance.

**Subdivision 7: STANDARDS**

5. Other Signage – All signage on site shall comply with Chapter 30 of this Ordinance. The manufacturers or owner’s company name and/or logo may be placed upon the nacelle compartment containing the electrical generator, of the WECS.

Chair Honer explained it is referring the City Sign Ordinance.

Chuck Johannes stated he would like to review the proposed ordinance and readdress the Planning Commission with any concerns.

Chair Honer explained the Public Hearing in scheduled for May 20, 2009 so if you have any concerns please get them to her so they can be address before the hearing.

Member Borgmann questioned if the wind towers would be allowed in the Residential District.

Chair Honer explained in the Residential and Shoreland Districts the wind towers are not be allowed.

Judy Neu explained the Zoning Administrator had questions regarding Subdivision 4: District Regulation.

- ◆ Agriculture Preservation A1-change to SP1
- ◆ General Agricultural A2-change to AG 40
- ◆ Shoreland Resource Management RM –what is it
- ◆ Community Residence R2-should add R1 & R3
- ◆ Rural Residential R3-remove

Member Bechtold states that Stearns County permits wind towers in the Shoreland Overlay District.

Chair Honer explained in the City Shoreland Ordinance it is not allowed.

**Subdivision 4: DISTRICT REGULATIONS**

<b>District</b>	<b>Non-Commercial*</b>	<b>Commercial</b>	<b>Meteorological Tower*</b>
Agriculture Preservation A1 <b>Change to SP-1</b>	Permitted	Conditionally Permitted	Permitted
General Agricultural A2 <b>Change to AG 40</b>	Permitted	Conditionally Permitted	Permitted
Commercial Industrial C/I	Conditionally Permitted	Conditionally Permitted	Permitted
Shoreland Residential Management R1	Not permitted	Not permitted	Not permitted
Shoreland Resource Management RM	Conditionally Permitted	Not Permitted	Permitted
Community Residence R2 <b>add R1, R3</b>	Not Permitted	Not Permitted	Not Permitted
Rural Residential R3 <b>Remove</b>	Conditionally Permitted	Not Permitted	Not Permitted

Council Member Schmitt questioned about blade speed and the noise in a residential area.

Chair Honer explained it would fall under the noise section.

Chair Honer questioned why there is Shoreland Residential Management R1 and Shoreland Management RM.

Council Member Willenbring (liaison) explained that the State has the same guidelines.

Council Member Willenbring (liaison) questioned why there in no definitions.

Judy Neu explained the definitions are in the Zoning Ordinance.

Council Member Willenbring (liaison) questioned if there should be something in the ordinance about shadowing or flickering. In Colorado, the towers are being placed on a bluff and that is leading into problems with shadowing and flickering.

Chair Honer stated at this time not to add shadowing or fluttering to the ordinance. If there is issues that arise maybe it can be addressed under a nuisance ordinance.

Council Member Willenbring (liaison) questioned the spacing between towers.

Chair Honer explained it is address in the ordinance.

**Subdivision 5: SETBACKS WIND TURBINES AND METEROLOGICAL TOWERS**

All towers shall adhere to the setbacks established in the following table:

	Wind Turbine – Non- Commercial WECS	Wind Turbine - Commercial WECS	Meteorological Towers
Property lines	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.
Dwellings*	NA	1.5 x Total Height	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.
Rights-of-Way **	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.	The fall zone, as certified by a professional engineer plus 10 feet or 1 times the total height.
Public Conservation Lands	NA	600 feet	600 feet
Protected Wetlands, on the Protected Waters Inventory Map for the City	NA	600 feet	600 feet
Other Existing WECS	NA	To be considered based on: ***	

\* The setback for dwellings shall be reciprocal in that no dwelling shall be constructed within five hundred feet of a commercial wind turbine.

\*\* The setback shall be measured from future rights-of-way if a planned changed or expanded right-of-way is known.

\*\*\* - Relative size of the existing and proposed WECS  
 - Alignment of the WECS relative to the predominant winds.

- Topography
- Extent of wake interference impacts on existing WECS.
- Property line setback of existing WECS.
- Other setbacks required.
- Waived for internal setbacks in multiple turbine projects including aggregated projects.

Council Member Willenbring (liaison) questioned if decommissioning was addressed in the ordinance.

Chair Honer explained it is addressed under Subdivision 7: Standards (8) Discontinuation and Decommissioning.

**Subdivision 7: STANDARDS**

8. Discontinuation and Decommissioning - A WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the City of Rockville Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four (4) feet below ground level within ninety (90) days of the discontinuation of use. Each Commercial WECS shall have a decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. 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.

Member Dietman questioned if any studies have been done showing that wind tower don't interfere with electromagnetic communications.

Chair Honer explained the applicant shall notify all communication tower operators within one mile.

**Subdivision 9: INTERFERENCE**

The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within one mile of the proposed WECS location upon application to the City of Rockville for permits. No WECS shall be constructed so as to interfere with City or Minnesota Department of Transportation microwave transmissions.

Member Tippelt questioned if the ordinance has a fall zone why would they need to be certified by a professional engineer. This is just another added expense.

Chair Honer explained this would be addressed under Subdivision 6: Safety Design Standards.

**Subdivision 6: SAFETY DESIGN STANDARDS**

1. 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.

Chuck Johannes stated to qualify for certain State funding it needs to be certified by an engineer.

Member Tippelt questioned Subdivision 10 (1) Roads why would we charge the applicant for any road damages when transporting.

Chair Honer explained the applicants should identify all roads when they are transporting it just incase of weight and permitting. We need to make sure that the roads can support the weight of the towers.

**Subdivision 10: AVOIDANCE AND MITIGATION OF DAMAGES TO PUBLIC INFRASTRUCTURE**

1. Roads – Applicants shall: Identify all County, City or State 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. 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 facility. Be responsible for restoring or paying damages as agreed to by the applicable road authority (ies) sufficient to restore the road(s) and bridges to preconstruction conditions.

Chuck Johannes explained it is necessary to pull all road permits.

Chair Honer stated Subdivision 10: Avoidance and Mitigation of Damages to Public Infrastructure should stay in to protect the City.

***Motion by Member Bechtold, second by Member Borgmann to recommend adopting the Wind Energy Conversion Systems Ordinance as presented and amended. Motion carried unanimously***

Council Member Willenbring (liaison) questioned if the Planning Commission was going to look at the shadowing or Flickering.

Chair Honer commented “no”.

Council Member Willenbring (liaison) was going to bring it up at the Council Meeting.

Chuck Johannes will do some research regarding shadowing or flickering. There is specialist out there that would have information regarding this.

Member Tippelt questioned if the wind tower is constructed and there is shadowing and flickering then how does the problem get fixed.

**PLANNING COMMISSION MEMBER/STAFF REPORT:**

Discussion was held on the Event Center Ordinance.

**ADJOURNMENT – Motion by Member Borgmann, second by Member Bechtold, to adjourn the meeting at 7:32p.m. Motion carried unanimously.**

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**JUDY NEU**  
**BILLING CLERK/ADMINISTRATIVE ASST**

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**TONI HONER**  
**CHAIR**