CHAPTER 21: WIND ENERGY CONVERSION SYSTEMS (WECS)

SECTION 21.1: PURPOSE

Dodge County promotes the use of Wind Energy Conversion Systems (WECS) to balance the need for clean and renewable energy with the need to protect public health, safety, and general welfare. This ordinance is established to set forth regulations and performance standards for Wind Energy Conversion Systems (WECS) with a rated capacity of less than 5,000 kW or 5 megawatts (MW), and to regulate the installation, operation and decommissioning of WECS within Dodge County not otherwise subject to siting and oversight by the State of Minnesota pursuant to Minnesota Statutes, Chapter 216F, Wind Energy Conversion Systems, as amended. In no case shall provisions of this section guarantee wind rights or establish access to the wind.

SECTION 21.2: PROCEDURES

21.2.1. PERMIT APPLICATION

Zoning Permits, Conditional Use Permits, Interim Use Permits and Variances shall be applied for and reviewed under the procedures established in Section 18 of the Dodge County Zoning Ordinance and Minnesota Statutes Chapter 394. An application to the County for a permit under this section is not complete unless it contains the following:

A. The application for all WECS shall include the following information:

i. The name, address, telephone number and signature of project applicant, or authorized representative/agent of the applicant.

ii. The role of the permit applicant in the construction and operation of the WECS.

iii. The operator of the WECS, if different from the applicant or owner.

iv. The name(s), address(es), telephone number(s) and signature(s) of the project owner(s). For C-BED projects, information must be provided regarding the percent of ownership for each of the project owners.

v. List of all contractor's performing work on the project and the duties are responsible for completing.

vi. Name and contact information for local on-site project manager/general contractor responsible for daily project oversight

and complaint resolution.

vii. The legal description and address of the project.

viii. A description of the project (and all phases of the project, if applicable) including: number, type, model, model information, total name plate generating capacity, tower height, rotor diameter, total height of all wind turbines, and means of interconnecting with the electrical grid.

ix. Site layout, including the location of all property lines, project area boundaries, land and wind right boundaries, property lines, roads, wind turbines, electrical wires (existing and proposed), interconnection points with the electrical grid, roads, access roads/driveways (existing and proposed) drainage tile/systems, and all related accessory structures. The site layout shall include distances and be drawn to scale.

x. Documentation of land ownership or legal control of the property and current land use on the site and surrounding area.

xi. The latitude and longitude and GPS coordinate of individual turbine(s).

xii. Sufficient data or other documentation to verify project will comply with Minnesota Rules Chapter 7030 governing noise, as amended. Project must meet Minnesota Noise Standards, Minnesota Rules Chapter 7030, as amended. Specifically, residential noise standard NAC1, L50 50dBA during overnight hours.

xiii. Micro-WECS and Non-Commercial WECS must provide documentation that the power will be utilized on-site.

xiv. A United States Geological Survey (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.

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

xvi. Location of all known communications towers within five (5) miles of the proposed WECS. Documentation that the applicant notified all communication tower operators shall be required. No WECS shall be constructed so as to interfere with County or Minnesota Department of Transportation microwave transmissions. The burden of proof shall be placed on the applicant to document that the proposed WECS will not interfere with the line of sight of other towers.

xvii. Location of all known public or private airports or heliports within 5 miles of the proposed WECS. All projects located within 5 miles of the licensed public and private airports/heliports shall provide verification that these facilities have been notified and that no conflicts exist with the proposed project.

xviii. Identification of haul routes to be utilized for material transportation and construction activities: state, federal, county and/or township roads. The permittee must provide written documentation that all haul routes have been approved by each of the road authorities with jurisdiction.

xix. Copies of all relevant applications, permits and/or documentation that indicates compliance with all other local, state and federal regulatory standards, including but not limited to:

a. Federal Aviation Administration (FAA) approvals/standards
b. Minnesota Pollution Control Agency (MPCA) Rules, as amended. This includes, but is not limited to stormwater, solid and hazardous waste and noise.
c. Environmental Protection Agency (EPA) regulations, as amended.
d. MNDOT approvals – Roads, ROWs and Microwave Beam Path Corridors
e. Dodge County Highway Department approvals
f. Township Road Authority approvals
g. Federal Communication Commission (FCC) approvals
h. Minnesota Department of Natural Resources (MNDNR)
i. Minnesota State Historic Preservation Office (MNSHPO)
j. Office of the State Archeologist (OSA), completed by County
k. U.S. Fish and Wildlife Service (USFWS)

xx. Locations and site plans for all temporary, non-residential construction sites and staging areas.

B. Applications for Commercial WECS shall also include:

i. Detailed Decommissioning and Restoration Plan compliant with Section 21.9.4.

ii. Description of potential impacts on nearby WECS and wind resources on adjacent properties. A Wake Loss Study may be required if the county determines the proposed project may have a significant impact on nearby WECS.

iii. Description of potential impacts from shadowing/flicker, if applicable.

iv. Signed copy of the Power Purchase Agreement (PPA).

v. Other WECS located in Minnesota in which the applicant/owner has

an ownership or financial interest.

SECTION 21.3: AGGREGATED PROJECTS

Aggregated Projects 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 may be assessed fees as one project. Aggregated projects having a combined capacity equal to or greater than the threshold for state oversight as set forth in MN Statute 216F.01 through 216F.081 shall be regulated by the State of Minnesota.

SECTION 21.4: DISTRICT REGULATIONS

21.4.1. PERMITTED, CONDITIONAL, AND INTERIM USES

WECS and meteorological towers will be regulated based on the generating capacity and land use district as established in the table below (P=Permitted Use, C=Conditional Use, I=Interim Use, NP=Not Permitted (prohibited)):

District	Micro-WECS <=1 kw	Non-Commercial WECS < 40 kW	Commercial WECS >= 40 kW	Met Tower <200 ft & <=5 yrs	Met Tower <200 ft & > 5 yrs	Met Tower >= 200 ft
1. Special Interest/ Conservation	C*	NP	NP	NP	NP	NP
2. Agricultural	C	C	C	P	I	I
3. Urban Expansion	C	NP	NP	NP	NP	NP
4. Rural Residential	C	NP	NP	NP	NP	NP
5. Commercial	C	C	NP	P	I	I
6. Industrial	C	C	C	P	I	I
7. Floodplain	NP	NP	NP	NP	NP	NP
8. Shoreland	NP	NP	NP	NP	NP	NP

* Requires examination of the district purpose, the underlying resource and the impacts of a wind turbine on that resource.

All WECS and meteorological towers are required to meet all performance standards without the need for a variance

SECTION 21.5: REGULATIONS AND PERFORMANCE STANDARDS

21.5.1. SETBACKS All WECS shall adhere to the setbacks and performance standards established in the following table.

RESOURCE	Micro WECS < 1 kW	Non-Commercial WECS 1kW< and <40kW	Commercial WECS 40 kW< and <5,000 kW	Meteorological Tower NA
Wind Access Buffer (setback from Project Boundary defined as public and private lands/parcels and /or wind rights not under permittee's control)	1.1 times the total height of the structure, but no less than the structure setback of the underlying zoning district.	5 rotor diameters (RD) predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	5 RD on the predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	250 feet, or 1.1 times the total height, whichever is greater. Any guy wires must meet the structure setbacks of the District.
Dwellings Occupied Structures (includes, but not limited to schools, churches and places of business)	Sufficient distance to meet state Residential noise standard NAC 1, L50 50 dBA Applies to all dwellings/occupied structures other than that which the Micro-WECS serves. The WECS must not be any closer to the on-site occupied structure than the fall zone of the structure.	Sufficient distance to meet state Residential noise standard NAC 1, L50 50 dBA or 1.1 times the total height of the wind turbine from the property line or R.O.W. line, whichever is greater. Applies to all dwellings/occupied structures other than that which the WECS serves. The WECS must not be any closer to the on-site dwelling/occupied structure than the fall zone of the structure.	Sufficient distance to meet state Residential noise standard NAC 1, L50 50 dBA during overnight hours, or Minimum of 750 feet, whichever is greater. Applies to all dwellings/occupied structures.	250 feet or 1.1 times the total height, whichever is greater. Any guy wires must meet the structure setbacks of the District.
Public Roads ROWs Other ROWs (trails, railroads, and utility or drainage easements, etc.) The setback shall be measured from future ROW if a planned changed or expanded ROW is known,	1.1 times the total height, from the property line, ROW or easement, whichever is greater. Setback must not be less than the structure setback of the underlying zoning district.	1.1 times the total height from the property line, ROW or easement, whichever is greater. The most restrictive setback applies.	250 feet, or 1.1 times the total height from the property line, ROW, or easement, whichever is greater. The most restrictive setback applies.	250 feet, or 1.1 times the total height, whichever is greater. Any guy wires must meet the structure setbacks of the District.
Public Conservation Lands	An amount equal to the total height of the structure, but no less than the structure	5 RD on the predominant wind axis (typically north-south axis)	5 RD on the predominant wind axis (typically north-south axis)	250 feet, or 1.1 times the total height, whichever is

	setback of the underlying zoning district.	3 RD on the secondary wind axis (typically east-west axis)	3 RD on the secondary wind axis (typically east-west axis)	greater. Any guy wires must meet the structure setbacks of the District.
Wetlands	No turbines, towers or associated facilities shall be located within any type of wetland.	No turbines, towers or associated facilities shall be located within any type of wetland.	No turbines, towers or associated facilities shall be located within any type of wetland.	No towers shall be located in any type of wetland.
Planned City Expansion Boundaries (per Comprehensive Plan and City Plans)	An amount equal to 1.1 the height of the structure, but no less than the structure setback of the underlying zoning district	The greater of 1000 feet, or 5 rotor diameters (RD) predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	The greater of 1000 feet, or 5 rotor diameters (RD) predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	250 feet, or 1.1 times the total height, whichever is greater. Any guy wires must meet the setbacks of the District.
Other Existing WECS and Internal Turbine Spacing	N/A	Minimum of 3 RD apart for crosswind spacing. Minimum of 5 RD apart for downwind spacing.	Minimum of 3 RD apart for crosswind spacing. Minimum of 5 RD apart for downwind spacing.	N/A
Urban Expansion District Rural Residential District	N/A	The greater of 1000 feet, or 5 rotor diameters (RD) predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	The greater of 1000 feet, or 5 rotor diameters (RD) predominant wind axis (typically north-south axis) 3 RD on the secondary wind axis (typically east-west axis)	N/A
Aviation (public and private airports)	N/A	No turbines, towers or associated facilities shall be located so as to create an obstruction to navigable airspace of public and private licensed airports in Minnesota.	No turbines, towers or associated facilities shall be located so as to create an obstruction to navigable airspace of public and private licensed airports in Minnesota.	No turbines, towers or associated facilities shall be located so as to create an obstruction to navigable airspace of public and private licensed airports in Minnesota.
MnDOT Microwave Beam Path Corridor	No turbines shall be located within MnDOT corridor.	No turbines shall be located within MnDOT corridor.	No turbines shall be located within the MnDOT corridor.	Not allowed within the MnDOT corridor.

21.5.2. ADDITIONAL REQUIREMENTS

A. TOTAL NAME PLATE GENERATING CAPACITY - Based on their total name plate generating capacity, C-BED Projects are considered Micro-WECS, Non- Commercial WECS or Commercial WECS as defined in this Ordinance, and will follow the setbacks established for the category for which they fall under, as listed in Section 21.5 of this Ordinance.

B. NOISE – Project must meet Minnesota Noise Standards, Minnesota Rules Chapter 7030, as amended, at all residential receivers

(dwellings). Specifically, Residential Noise Standard NAC1, L50 50dBA. Setback distance is calculated based upon site layout and turbine for each residential receiver. Setback distances from residential receivers may be increased if the County determines that the MPCA's minimum noise standard NAC1 for residential receivers listed above is not sufficient for the preservation of public health and welfare.

C. ALL MAPPED AND/OR FIELD IDENTIFIED WETLANDS - Turbines and associated facilities shall not be placed in areas identified as wetlands. However, electric collector and feeder lines may cross or be placed in wetlands subject to proper federal, state, and local permits/approvals.

D. DNR PUBLIC WATERS AND PUBLIC WATERS WETLANDS- No turbines, towers or associated facilities shall be located in public waters or public waters wetlands. However, electric collector and feeder lines may cross or be placed in public waters or public waters wetland subject to Department of Natural Resources (DNR), Fish and Wildlife Service (FWS) and United States Army Corp of Engineers (USACOE) permits/approvals.

E. NATIVE PRAIRIE – Turbines and associated facilities shall not be placed in native prairie unless approved in the native prairie protection plan. A Native Prairie Protection Plan shall be submitted if native prairie is present. The permittee shall, with guidance from the DNR and other selected by the permittee, prepare a prairie protection and management plan and submit it to the County and DNR Commissioner sixty (60) days prior to the start of construction.

F. SAND AND GRAVEL OPERATIONS – No turbines, towers or associated facilities in active sand and gravel operations.

G. SETBACKS OF ANCILLIARY FEATURES – Substations and accessory facilities not located within a public right-of-way or any utility easement shall meet all the setbacks of the underlying zoning district or a minimum of 100 feet, whichever is greater. Substations and accessory facilities shall, at a minimum meet the requirements of Section 17 and any conditions required by the County Board. Visible and secure fencing no less than eight (8) feet in height shall be placed around the substation, transformer, and all accessory facilities.

H. FEEDER LINES - All feeder lines that are equal to or less than 34.5 kV in capacity shall be buried and located on the back side of the right-of-way. Feeder lines installed as part of a WECS project shall not be considered an essential service.

I. NEW DWELLINGS - The setback for new dwellings shall be reciprocal to the setback for new turbines to existing dwellings in that no dwelling shall be constructed within the same setback as a new turbine(s) would need to meet to an existing dwelling.

J. SPECIAL INTEREST AREAS – Project modification may be required to avoid areas identified as Special Interest. Where avoidance is not possible, a mitigation plan shall be required that adequately addresses protection of the resource of interest to the maximum extent possible.

K. OTHER SIGNAGE - All signage on site shall comply with the performance standards for Signs in Section 16 of the Dodge County Zoning 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.

L. 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 from the site promptly and disposed of in accordance with all applicable local, state and federal regulations. The permittee shall be responsible for compliance will all local, state and federal regulations applicable to the generation, storage, transportation, clean up and disposal of solid and hazardous wastes generated during any phase of the project's life. Personal litter, bottles, and paper deposited by site personnel shall be removed on a daily basis.

M. ORDERLY DEVELOPMENT - Upon issuance of a conditional use permit, all WECS 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.

N. STEEP SLOPES – Development on slopes exceeding 12% is prohibited.

SECTION 21.6: TOWER AND FACILITY REQUIREMENTS AND STANDARDS

21.6.1. SAFETY DESIGN STANDARDS- Unless otherwise specified, the following standards only apply to Non-Commercial and Commercial WECS.

A. ENGINEERING/INSPECTOR CERTIFICATION – The manufacturer's engineer or other qualified engineer(s)/inspector(s) shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions. This includes, but is not limited to, proof of compliance with National Electrical Code, the State of Minnesota's Uniform Building Code, and certification that the concrete meets appropriate specifications for the installed turbine. Any costs associated with the contracted services shall be born by the permittee.

B. EQUIPMENT – Equipment shall conform to applicable industry standards including the American Wind Energy Association standards for wind turbine

design and related standards adopted by the American Standards Institute (ANSI). All wind turbines, which are part of a commercial, non-commercial or C-BED WECS, shall be commercially available, "utility scale", not prototype turbines.

C. OVERSPEED CONTROLS – All wind turbines, including Micro-WECS, shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within unit design limits. A professional engineer must certify that the wind turbine is equipped with rotor and overspeed controls. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

D. CLEARANCE - Rotor blades or airfoils must maintain at least 30 feet of clearance between their lowest point and the ground.

E. CLIMBING APPARATUS – All climbing apparatus located outside of the tower shall be located at least fifteen (15) feet above the ground. All towers shall have controlled access and secured at all times.

F. WARNINGS

i. For all WECS, including Micro-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 and readily available point. Visible and secure fencing no less than eight (8) feet in height shall be placed around the substation and/or transformer.

ii. For all guyed met 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 and innermost guy wires up to a height of 8 feet above the ground. Visible chain-link fencing no less than six (6) feet in height shall be installed around anchor points of guy wires. Consideration shall be given to painted aviation warning on meteorological towers of less than 200 feet.

21.6.2. TOWER HEIGHT STANDARDS

A. TOTAL HEIGHT

i. Micro-WECS shall have total height of less than 40 feet.

ii. Non-Commercial WECS shall have a total height of less than 200 feet.

B. In those districts where meteorological towers are a permitted, conditional or interim use, these permitted met towers shall be exempt from the height requirements listed in the performance standards of the underlying zoning district.

C. All WECS permitted under a CUP are exempt from the height performance standards of the underlying zoning district. Micro-WECS and Non-

Commercial WECS shall comply with the height requirements of 21.6.2.A above.

21.6.3. TOWER CONFIGURATION STANDARDS

A. TYPE OF TOWER - All wind turbines, which are part of a Commercial, Non-Commercial or C-BED WECS, shall be commercially available, "utility scale", not prototype turbines. Turbines shall be installed on tubular, monopole design towers.

B. GUYED TOWERS - Meteorological towers may be guyed. Any guy wires on the structures shall be marked with safety shields. Visible fencing shall be installed around anchor points of guy wires.

C. COLOR AND FINISH - All wind turbines and towers that are part of a WECS shall be white, light blue gray or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.

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. Red pulsating incandescent lights should be avoided. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.

SECTION 21.7: INTERFERENCE

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

SECTION 21.8: AVOIDANCE AND MITIGATION OF DAMAGES

21.8.1. ROADS

A. Identify all public roads to be used for the purpose of transporting WECS, substation parts, materials, and/or equipment for construction, operation or maintenance of the WECS and all supporting infrastructure. Obtain all applicable weight and size permits from the appropriate road authority(ies)

prior to any construction. Alternate routing may be determined by the road authority(ies).

B. Contact the road authority for road closures, road signage removals, road signage re-locating, 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. Under no circumstance shall road signage be altered without prior written permission from the road authority(ies).

C. Contact the road authority(ies) to conduct an inspection of the road conditions of the proposed haul routes prior to and after construction and decommissioning. The inspection may include photo and video logs, cross section measurements and profiles to include in the written agreement to document condition of the public facility.

D. Contact the Dodge County Dispatch prior to any road closures or traffic delays for the purpose of re-routing emergency vehicles during the closure(s).

E. Provide a Performance Bond to be held by Dodge County until the Township and County road authority(ies) have provided the County Finance Director with a written release that all haul routes within their jurisdiction in Dodge County have been returned to pre-construction condition.

F. Private roads, driveways or lanes damaged by actions associated with the construction, operation or decommissioning of a WECS shall be immediately repaired to the pre-existing condition, unless otherwise negotiated with the affected landowner.

G. A separate and comprehensive road agreement may be required by the County road authority and if established shall supersede this section.

21.8.2. DRAINAGE SYSTEMS

A. During construction, operation, maintenance and decommissioning of a WECS, the applicant shall first avoid damages to public and private drainage systems.

B. If avoidance of these systems is not possible, the permittee shall minimize and mitigate impacts to the maximum extent feasible. The permittee shall hire a local farm/agricultural drainage company to immediately repair any damage to public and private drainage systems stemming from construction, operation, maintenance, or decommissioning of WECS. Any repair work performed on public ditches shall be approved by the Dodge County Ditch Inspector. All costs associated with the repair work shall be paid by the permittee.

21.8.3. AGRICULTURAL LANDS – The permittee shall protect and restore

cultivated agricultural land impacted by WECS and mitigate the adverse impacts of construction and decommissioning on the productive use of that land.

A. APPLICATION OF HERBICIDES AND/OR PESTICIDES – Use or herbicides and/or pesticides is restricted to those approved by the Minnesota Department of Agriculture. Methods and rates of application of herbicides and/or pesticides shall be in accordance with recommendation of the Minnesota Department of Agriculture. The permittee shall contact the landowner prior to application.

B. FENCES – The permittee shall promptly repair or replace all fences and/or gates removed or damaged during the project life and provide continuity of electric fence circuits.

C. TREE REMOVAL – The permittee shall minimize the removal of trees and shall not remove trees or shelter belts without approval of the affected landowner.

D. TOPSOIL AND COMPACTION – The permittee shall protect and segregate topsoil from subsoil on all lands unless otherwise negotiated with the affected landowner. The permittee shall minimize soil compaction of all lands during all phases and confine soil compaction to as small of an area as possible.

SECTION 21.9: DISCONTINUATION, DECOMISSIONING & RESTORATION

21.9.1 DISCONTINUATION – A Commercial WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Dodge County Zoning Administrator outlining the steps and schedule for returning the WECS to service.

21.9.2 DECOMMISSIONING PERIOD - All WECS and accessory facilities shall be removed within six (6) months of the discontinuation of use.

21.9.3 DECOMMISSIONING AND RESTORATION REQUIREMENTS – Decommissioning and site restoration include:

A. Dismantling and removal of all towers
B. Removal of turbine generators
C. Removal of collection transformers
D. Removal of overhead collection/transmission cables and structures
E. Removal of underground cables
F. Removal of foundations, buildings, substations and other ancillary equipment to a depth of four (4) feet below grade.
G. Removal of surface road material and restoration of the roads to substantially the same physical condition that existed immediately before construction of the WECS or wind turbine.

H. Restoration and reclamation to the same general topography that existed just prior to the beginning of construction of the WECS or wind turbine. Areas disturbed by the construction of the WECS and decommissioning activities must be graded, top-soiled and re-seeded according to USDA Natural Resources Conservation Service (NRCS) or Soil and Water Conservation District (SWCD) technical recommendations.

21.9.4 DECOMMISSIONING & RESTORATION PLAN – All commercial WECS shall submit a Decommissioning and Restoration Plan as part of the project application. The plan shall include the following information:

A. The manner in which the project will be decommissioned and the site restored.

B. The anticipated life of the project.

C. The estimated Net Cost of decommissioning in current dollars. The Net Cost is the estimate of the sum of all labor and other costs associated with performing the requirements of Section 21.9.3 less the Salvage Value of the materials.

D. The method and schedule for updating the cost of decommissioning and restoration. The cost of decommissioning shall be updated and provided upon request by Dodge County.

E. The Decommissioning and Restoration Plan shall identify the party financially responsible for carrying out the requirements of the Decommissioning and Restoration Plan. The plan shall include a description of how the financially responsible party plans to pay for the decommissioning and restoration

F. DECOMMISSIONING FINANCIAL ASSURANCE.

i. After issuance of the CUP and prior to construction, the permittee shall submit a Performance Bond in an amount sufficient to cover the Net Cost of Decommissioning as approved in the Decommissioning and Restoration Plan. The performance bond shall be set up as "continuous until cancelled" and automatically renewed on an annual basis for the life of the project. Dodge County shall receive annual notification upon renewal.

ii. In the event a performance bond cannot be issued for the project, the Dodge County Board shall require an escrow account to be established to assure that Decommissioning and Restoration can be accomplished according to the approved plan.

21.9.5. FAILURE TO DECOMMISSION – If the financially responsible party of a Commercial WECS does not complete the Decommissioning and Restoration Plan, Dodge County may take such action as may be necessary to complete decommissioning, including but not limited to, requiring forfeiture of the performance bond or assessment of the cost of decommissioning against the land. The issuance of the Conditional Use Permit shall constitute agreement and consent by all parties to the agreement, including their respective heirs, successors, and assigns, that Dodge County may take such action as may be necessary to decommission a Commercial WECS and adequately restore the site, including the exercise by the county, county staff, and their contractors of the right of ingress and egress for the purpose of decommissioning the commercial WECS and restoring the property.

SECTION 21.10: PRE-CONSTRUCTION REQUIREMENTS

21.10.1. Non-Commercial and Commercial WECS permittees shall conduct a Pre-Construction meeting in the Dodge County Courthouse prior to construction commencement with a written notice sent to the following a minimum of one week prior to the meeting:

A. Township Chairman
B. Dodge County Highway Engineer
C. Dodge County Sheriff
D. Dodge County Zoning Administrator
E. USDA NRCS
F. Dodge County Soil & Water Conservation District
G. County Commissioner of affected Township

21.10.2 Non-Commercial and Commercial WECS permittees shall provide proof of liability insurance for all contractor's performing work on the WECS project.

21.10.3. When applicable, the permittee shall submit copies of all final permits, agency approvals and documentation that verifies compliance with all state, local and federal regulations is identified in Section 21.2, Item 1, Subitem A.xix. Additional conditions may be added to the CUP to address concerns of these agencies obtained during the review period.

21.10.4. Commercial WECS shall provide a Performance Bond in an amount sufficient to cover the Net Cost of Decommissioning as determined by the approved Decommissioning and Restoration Plan. In the event a bond cannot be issued, the County Board will determine the amount to be escrowed to adequately address decommissioning and restoration concerns and protect the county and its' residents from future liability. The escrow fund is required to be established prior to any earth moving or construction activities.

21.10.5. The permittee for Non-Commercial and Commercial WECS shall contact the road authority(ies) to conduct an inspection of the road conditions of the proposed haul routes prior to construction as required in Section 21.8. The approval of the road authority(ies) is required prior to commencement of any

earth moving or construction activities.

SECTION 21.11: POST-CONSTRUCTION REQUIREMENTS

Non-Commercial and Commercial WECS Permittees shall provide:

21.11.1 AS-BUILT & CERTIFICATIONS- Within sixty (60) days of project completion, the permittee shall submit to the county a copy of the as-built plans and specifications, including certification from the manufacturer's engineer or other qualified engineer that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions. All costs associated with the contracted engineer's service shall be born by the permittee.

21.11.2 OTHER CERTIFICATIONS/INSPECTIONS – Prior to operation of the WECS, the permittee shall provide proof of compliance with the National Electrical Code, the State of Minnesota's Uniform Building Code, and certification that the concrete meets appropriate specifications for the installed turbine, in addition to other assurances stating that the WECS and accessory facilities are in compliance. The inspection(s) must be performed and documented by an appropriately licensed inspector(s)/engineer(s). Any costs associated with the contracted inspector/engineer(s) service shall be paid by the permittee.

21.11.3 POST CONTRUCTION ROAD SURVEY - Contact the road authority(ies) to conduct an inspection of the road conditions of the proposed haul routes after construction. The road authority(ies) shall sign off that all work has been completed to their satisfaction before the performance bond can be released.

SECTION 21.12: VIOLATIONS AND PENALTIES

21.12.1. Except in the instances of Failure to Decommission, violations of any part of this Section or any provision of any permit issued under this section is subject to enforcement procedures/processes under Section 19 of the Dodge County Zoning Ordinance.

21.12.2. Failure to Decommission shall be subject to Section 21.9.5.

SECTION 21.13: FEES

21.13.1. The Fees for a Zoning Permit, Conditional Use Permit, Interim Use Permit and Variance shall be established by the County Board. The Board may review and revise the fee schedule periodically. The Zoning Administrator shall issue the Zoning Permit only after the fee has been paid and a determination has been made that the application complies with the terms of the Conditional or Interim

Use Permit, the performance standards of this section, and other relevant portions of the Dodge County Zoning Ordinance.