ORDINANCE NO. 127

STILLWATER TOWNSHIP
WASHINGTON COUNTY, MINNESOTA

AN INTERIM ORDINANCE TEMPORARILY PROHIBITING NEW WIND ENERGY CONVERSION SYSTEMS

THE BOARD OF SUPERVISORS OF STILLWATER TOWNSHIP ORDAINS:

SECTION 1. Background.

1.01. **Authority.** Pursuant to Minnesota Statutes Section 462.355, Subd. 4., the Town is authorized to establish interim ordinances to regulate, restrict or prohibit any use or development in all or a part of the Town while the Town or its planning consultant is conducting studies, or has authorized a study to be conducted, or has scheduled a hearing to consider adoption or amendment of the comprehensive plan or official zoning controls. The Town declares that this Interim Ordinance is established pursuant to the aforementioned statute.

1.02. **Findings and Purpose.** There is concern that the current Town zoning ordinance provisions relating to wind energy conversion systems (WECS) do not adequately address issues relating to WECS, such as the appropriate locations and the conditions under which they may be allowed within the Town, including structural and construction requirements, local location set backs, compatibility with existing uses, and height limitations. As a result of the important land use and zoning issues cited above, the Town Planning Commission, working with its planning consultant, should conduct studies for the purpose of consideration of possible amendments to its official controls to address the issues concerning the establishment of WECS. The Town finds that this Interim Ordinance must be adopted to protect the planning process and the health, safety and welfare of the citizens.

1.03. **Zoning Study.** The Town of Stillwater is hereby declared to be an interim zoning study area with respect to the establishment of wind energy conversion systems. The Town is directing the Planning Commission, in conjunction with the Town Planner, to commence a study of the effects of the establishment of wind energy conversion systems in the Town and to propose such amendments to the official controls that the Planning Commission deems necessary.

SECTION 2. Definition. For purposes of this Ordinance, the term Wind Energy Conversion Systems (WECS) is defined as a tower with rotors and motors with a conversion generator.

SECTION 3. Prohibition.

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3.01. In accordance with the findings set forth in Section 1.02 and pursuant to the authority of Minnesota Statutes, Section 462.355, subd. 4, there is hereby established a moratorium on the construction, erection, placement, reconstruction, enlargement, or expansion of any WECS within the Town and on the development and use of property for such purposes.

3.02. During the effective period of this Interim Ordinance, applications for conditional use permits, final site and building plan approval, building permits, and other permits related to such WECS shall not be accepted, considered or approved by the Town. This Ordinance prohibits the further consideration and approval of any pending application for WECS.

SECTION 4. Enforcement. The Town may enforce this Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction.

SECTION 5. Separability. Every section, provision or part of this Ordinance is declared separable from every section, provision or part of this Ordinance. If any section, provision or part of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision or part of this Ordinance.

SECTION 6. Duration. This Ordinance shall take effect upon its adoption by the Town Board and shall remain in effect until the date of the adoption by the Town Board of the amendments to official controls contemplated hereunder or six (6) months, whichever occurs first.

ADOPTED this 24 day of April, 2003, by the Board of Supervisors of Stillwater Township.

TOWN OF STILLWATER

BY: _____
Its Chairperson

ATTEST:
Pat Bantli.
Pat Bantli, Town Clerk