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MEMORANDUM

TO: PLANNING COMMISSION
FROM: EVAN C. GARIEPY, PLANNER
SUBJECT: PUBLIC HEARING FOR PROPOSED UNIFIED DEVELOPMENT CODE
AMENDMENT PERTAINING TO WIND ENERGY SYSTEMS
DATE: SEPTEMBER 10TH, 2026

Background

At the August 26th Planning Commission meeting, the public hearing for multiple miscellaneous amendments to the Unified Development Code was held. At this meeting, Commissioners inquired about potential regulations pertaining to wind energy systems. They motioned for Staff to research options for the Ordinance pertaining to wind energy systems, and motioned for a public hearing to be held at the September 16th, 2026 meeting to discuss this. Notices of the public hearing were published in the New Prague Times and posted in City Hall.

Currently, due to not being explicitly permitted within the UDC, wind energy systems are prohibited within the City. This prohibits small, residential wind energy systems, as well as larger, industrial windmills.

As of the time of writing, Staff has not received any recent or notable inquiries about installing any wind energy systems. I spoke with Elko New Market's Planner, Brandon Malecha, and he stated that their city has only had one inquiry into wind energy in the past 15 years. However, acknowledging wind energy systems within the UDC does allow for the City to be proactive rather than reactive.

I did reach out to the Utilities General Director Bruce Reimers, who noted that New Prague doesn't generally get enough wind to make windmills a super feasible energy source here. He did note that it is better to have an Ordinance regarding them in place ahead of time.

Staff is proposing that wind energy systems are added as a Conditional use within all Zoning Districts. This allows the Planning Commission and City Council discretion regarding standards and conditions for wind energy systems rather than setting strict performance standards. Due to the vast range of type of wind energy systems – from small residential units to industrial wind turbines – the speed at which new technology develops, and the lack of apparent interest from residents within the City, this allows for all proposed wind energy systems to be evaluated on a case-by-case basis for the time being.

Other Cities

Orono, MN

There were multiple lawsuits in the City of Orono pertaining to residential wind energy systems. A resident put up a roof-mounted wind turbine, despite it being prohibited through omission. He refused to remove it, even after the City passed an ordinance prohibiting them, and there was a legal battle spanning from 2010 to 2024.

Most notable to the City of New Prague, in the second lawsuit of the resident vs the City of Orono, the court noted that Cities in Minnesota cannot completely ban small wind energy conversion systems.

Details regarding the cases with the City of Orono can be read here:

<https://law.justia.com/cases/federal/district-courts/minnesota/mndce/0:2023cv00509/206159/64/>

Elko New Market, MN and Jordan, MN

The Cities of Elko New Market and Jordan both have identical wind energy system ordinances, in which they are permitted as an accessory use in all zoning districts. They have performance standards regarding setbacks, noise, screening, and roof mounting. They also have additional aesthetic requirements that are left up to the discretion of the Zoning Administrator.

As noted previously, I spoke with Elko New Market's Planner, Brandon Malecha, on August 31st. He stated that their City has received a single inquiry about windmills since the enactment of their ordinance pertaining to them in 2011. He stated that solar is far more popular, especially for residential uses, and that they don't see a big demand for wind power.

Le Sueur, MN

Within the City of Le Sueur, wind energy systems are permitted as an interim use for parcels that are zoned Urban Reserve or Public-Institutional. New Prague does not have any directly equivalent zoning districts, but Urban Reserve is roughly equivalent to large undeveloped R1 Single Family Residential parcels. Le Sueur also allows them as an accessory use on parcels greater than one acre, with size limits of 35 feet from the ground in residential districts and 50 feet from the ground in commercial and industrial districts.

Proposed Amendment: Wind Energy Systems

The following amendment is proposed within the Unified Development Code. Additions are underlined, and deletions are ~~struck through~~.

Section 2 Glossary and Rules of Interpretation

2.001 Rules and Definitions

Wind Energy Conversion System (WECS) - An apparatus capable of converting wind energy into electricity. Synonymous with windmill.

Wind Energy Conversion System, Large - Any combination of WECS with a combined nameplate capacity of 5,000 kilowatts or more.

Wind Energy Conversion System, Small- Any combination of WECS with a combined nameplate capacity of less than 5,000 kilowatts.

Section 5 Allowed Uses and Performance Standards

5.001 Use Chart

Wind Energy Conversion Systems: Conditional use within the R-1, R-2, R-3, RM, RH, B-1, B-2, B-3, and I-1 Zoning Districts.

Recommendation

Staff recommends that the Planning Commission holds the required public hearing to gather public input. The Planning Commission may choose to table the issue for further discussion or research, or to forward a recommendation on the proposed amendment to the City Council for consideration at their October 5th, 2026 meeting.