

1C. CONTINUED WORKSHOP: Review and discussion on draft amendment to City Code, Title XV, Land Usage, Chapter 153: Zoning Ordinance to define and regulate data center and technology campus land uses within the City – UPDATED

CONTEXT

The City has been evaluating land use regulations for data center development in Monticello, following a series of inquiries for potential data center development in the community.

In reviewing the Monticello 2040 Vision + Plan in response to the inquiries, city staff determined that the 2040 Plan did not clearly identify how data center uses fit within the City's plans for future growth.

As such, City leaders first need to determine whether and how to allow data centers as a specific land use within the City's planning documents before any decision on a specific project or development can be made.

Land use policy as provided in the Monticello 2040 Vision + Plan and regulation language within city codes must come before any individual project can be considered for development in the community.

Although two of the data center inquirers submitted conceptual information for data center development at two different locations in the community, the City cannot evaluate any formal application for land use development for data centers until clear land use policy and regulations are put into place.

Throughout 2025, the Planning Commission and City Council held a series of public meetings and workshops to discuss how these unique land uses may be considered for development in Monticello.

The purpose of the workshop series has been to allow the Planning Commission and City Council to continue to discuss land use regulations for data center uses.

Following the workshops held in October and November, the text of the draft ordinance has been revised. The revised draft incorporates feedback received from the public, the Planning Commission and City Council on the ordinance itself.

The purpose of the November 10, 2025, joint City Council and Planning Commission workshop is to review the revised draft and gather additional feedback prior to preparation of a formal ordinance document for review at a new public hearing.

The Planning Commission has called for a public hearing on the proposed ordinance for December 2, 2025.

LAND USE PLANNING & AUTHORITY

Land use planning is an authority granted to local governments by the State and is one of the City's primary responsibilities. Specifically, Minnesota Statute 462 governs municipal planning and zoning. Land use regulation is intended to allow local governments to provide for public health, safety, and general welfare.

In Minnesota, the foundation of land use planning is a Comprehensive Plan. The City's adopted Comprehensive Plan is the Monticello 2040 Vision + Plan.

The 2040 Plan is the city's blueprint for growth and is the foundation upon which development and land use decisions are based. It is the official adopted policy regarding the future location, character, and quality of physical development, and the conservation and enjoyment of the natural environment.

The 2040 Plan is used by the City Council, Planning Commission, other boards and Commissions, and City staff to inform and guide policy decisions regarding land use, development and infrastructure improvements within the City. Developers, real estate professionals and property owners also use the Plan as an informative document to understand the City's vision and policies regarding land use and development.

Following evaluation and a public hearing, the City adopted amendments to the Monticello 2040 Vision + Plan in early 2025 identifying the land use designation appropriate to data center uses and outlining land use goals and priorities for data center development.

Through the comprehensive plan amendment process, the City determined that Data Center development has unique characteristics and considerations for site selection, including the following:

1. Data Centers, particularly "hyper-scale" facilities, often consume vast amounts of land.
2. Monticello's growth area land supply is potentially large but is controlled by the Orderly Annexation agreement with the Township, which includes a tiered level of development before expansion is allowed.
3. Monticello's supply of industrial land is limited by service considerations, including high-capacity road access, sanitary sewer and water capacity, and land use compatibility.
4. Data Centers can create significant demands on municipal utilities, but this aspect is also highly variable, as the nature of individual facilities can vary greatly.
5. Data Centers have the potential for off-site impacts to neighboring land uses which can also vary greatly from end user to end user.
6. Data Centers have highly individualized internal design requirements that are not easily accounted for in most common land use regulatory environments.

7. The City’s primary goals for industrial development include both employment and tax base. Data Centers can meet the tax base goal. However, they are typically more limited with regard to employment – especially employment density.
8. Data Centers remain a relatively new land use in many communities, and studied impacts remain to be fully comprehended.

At the time of the adoption of the 2040 Plan amendments, it was recognized that the City would need to develop a regulatory framework within the zoning ordinance to address the unique development characteristics of data centers.

While the comprehensive plan provides broad guidance for land use policy, it is the zoning ordinance and other City codes that are the regulatory tools used to implement the land use policy.

ZONING ORDINANCE REGULATION

The comprehensive plan considerations noted above provide the groundwork for zoning regulations to accomplish the following objectives:

1. Accommodate Data Center development as a unique land use in Monticello.
2. Ensure the unique demands placed on the City’s services are adequately funded by the users that generate those demands.
3. Acknowledge that while Data Centers may not create large numbers of employment, the jobs created are often unique and highly skilled, and consistent with the City’s economic development goals.
4. Ensure the ongoing tax base generation that Data Center development represents, again consistent with the City’s economic development goals.
5. Create a process that is customized to the specific impacts and needs of this particular land use, irrespective of other typical zoning approaches.
6. Confirm that applications for such development provide adequate amounts and types of information to make land use and other decisions and development plans, including public infrastructure investment.
7. Verify that when providing municipal services to data center development, the City retains the ability to provide such services to both existing users and reasonably anticipated new growth.
8. Establish a process that provides for decision on land use entitlements, while protecting and advancing the interests of the City, and also respecting the needs of the developers and end users.

Data centers are highly individualized development, each with their own design, construction and systems. Any ordinance developed must set the minimum expectation for all data centers to meet while recognizing that variability exists.

The City's role is to provide clear regulations in support of the City's policy goals and then evaluate the information provided by a land use applicant against those policies and ordinances. To successfully achieve this, the ordinance must require all information needed to adequately address the City's goals. It is specifically the developer/applicant's responsibility to provide information on their specific project and impact as part of any land use application process.

DISCUSSION CONSIDERATIONS

As the Planning Commission and City Council review the revised draft of the proposed Data Center Planned Unit Development Ordinance, the following are points of consideration.

- City has broad latitude for decision making because the required process would be a rezoning decision, but it's reliant on using approval criteria in the findings.
 - Are the criteria strong and inclusive enough?
- Does the ordinance require enough submittal information at the appropriate points in the review process to:
 - Provide the information necessary to evaluate against the criteria?
 - Allow the City to evaluate impact and mitigation?
- Are there any additional comments on the specific minimum performance standards?
- Have we indicated/required enough specificity in the required studies for public improvements?
- Do we need any additional language to indicate right to add additional reasonable, related conditions?
- Does the text of the ordinance adequately put the burden of proof on the applicant?
- Does the ordinance require adequate information for you to make a future land use decision about data center development in Monticello?

SUPPORTING DATA

- A. Data Center Planned Unit Development, Proposed Ordinance Text – Revised 11/6/2025
- B. Data Center Planned Unit Development, Redlined Proposed Ordinance Text - Revised 11/6/2025
- C. [Data Center Planned Unit Development, Proposed Ordinance Text – August/September Public Hearing Draft](#)
- D. City Land Use Process Timeline with Agenda/Minute Links
- E. Setback, Height and Floor Area Ratio Examples
- F. MPCA Guide to Noise Control
- G. DCPUD Review Process Graphic
- H. Monticello 2040 Vision + Plan, Excerpts
- I. Excerpt, MN House of Representatives File No. 16



DRAFT | DATA CENTER PLANNED UNIT DEVELOPMENT (DCPUD) REVISED AND POSTED 11/06/2025

Provided below is revised text for a draft ordinance amendment to define and regulate data center and technology campus land uses within the City.

The draft below is provided for purposes of feedback during the November 10th, 2025 joint workshop of the Planning Commission and City Council. Additional review by City staff and the City Attorney will continue until such time as draft text in ordinance form is prepared for the public hearing review. A public hearing has been called by the Planning Commission for December 2, 2025.

A draft of redlined text for language which is proposed to be added or deleted from the draft ordinance presented during public hearing on August 19, 2025 and September 2, 2025 has also been prepared.

§153.012 Definitions shall hereby be amended to add the following definitions:

Data center, accessory. A use which is incidental and subordinate in both area and extent to a principal use of property and which serves the principal use for the purpose of storage, management, processing, and transmission of digital data, which houses computer or network equipment. Such accessory use shall be physically connected to the principal use and shall include no mechanical equipment not fully shielded by building walls and shall not include any external power generation equipment.

Data center: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, services, appliances, and other associated components related to digital data storage and operations, together with its accessory and appurtenant facilities, which may also include offices, air handlers, back-up power generators, water cooling systems and water storage facilities, utility substations, and other associated infrastructure necessary to support sustained operations at a data center. The term Data Center shall not include digital data

computing facilities which are not the principal use of a property in extent or area but which perform similar functions. The term Data Center shall not include data mining as defined by this ordinance.

Data center campus: A Data Center that occupies more than one building, but is otherwise interconnected by power supply, communication systems, power generation or other operational systems to form a unified Data Center facility. This definition may include, but shall not be limited to, “Technology Campus”, “Cloud Computing Center”, “Information Technology Campus”, and similar phrases and terms. May include data management or storage buildings, offices, and ancillary support buildings and structures including secure and controlled entrances, and perimeter fencing.

Data center floor area ratio (DCFAR): The floor area ratio for a data center facility shall be defined as the ratio obtained by dividing the total gross floor area of the principal data center building(s) by the total gross land area of the proposed Data Center Planned Unit Development, less the square footage of stormwater ponding or public waters (measured from ordinary high water level), wetlands (measured from the delineation line), easements necessary for public improvements, right of way required to be platted for any purpose, and land area for required setbacks and perimeter buffer yards established per this ordinance. All measurements shall be to the nearest 1/10th of an acre.

Data mining. A temporary or portable structure used primarily for the storage, management, processing, and transmission of digital data which houses computer or network equipment, systems, services, appliances, and other associated components related to digital data storage and operations. Such facilities are less than 5,000 square feet individually or when assembled in multiple temporary or portable structures and are not constructed of customary industrial building materials such as concrete panels, masonry block, brick or other similar materials. These facilities include no permanent employment on-site.

§153.045 Industrial Base Zoning Districts shall hereby be amended to add the following section:

Data Center Planned Unit Development (DCPUD) Zoning District

Purpose. The City Council finds that data center uses are highly variable in size, scope, impact, and potential issues, and all such variables may have differential impacts on existing and future land uses, or on the City’s land use plans and regulations. The purpose of the Data Center Planned Unit Development (DCPUD) Zoning District is to provide for, and regulate, Data Center development in appropriate locations, specifically within areas that

are otherwise designated for Light Industrial Park land use in the Monticello Comprehensive Plan (2040 Vision + Plan), as it may be amended. It is the intent of this ordinance that all costs of development and infrastructure attributable to data center development, if approved, shall be borne by the data center developers, owners, and/or operators, and that approvals, if granted, shall provide for financial guarantees in this regard as a condition of any such approvals. There shall be no inherent right to rezoning to DCPUD, nor to any of the approvals necessary to develop a data center in the City.

Definitions.

Data center: A facility used primarily for the storage, management, processing, and transmission of digital data which houses computer or network equipment, systems, services, appliances, and other associated components related to digital data storage and operations, together with its accessory and appurtenant facilities, which may also include offices, air handlers, back-up power generators, water cooling systems and water storage facilities, utility substations, and other associated infrastructure necessary to support sustained operations at a data center. The term Data Center shall not include digital data computing facilities which are not the principal use of a property in extent or area but which perform similar functions. The term Data Center shall not include data mining as defined by this ordinance.

Data center campus: A Data Center that occupies more than one building, but is otherwise interconnected power supply, communication systems, power generation or other operational systems to form a unified Data Center facility. This definition may include, but shall not be limited to, “Technology Campus”, “Cloud Computing Center”, “Information Technology Campus”, and similar phrases and terms. May include data management or storage buildings, offices, and ancillary support buildings and structures including secure and controlled entrances, and perimeter fencing.

Data center floor area ratio (DCFAR): The floor area ratio for a data center facility shall be defined as the ratio obtained by dividing the total gross floor area of the principal data center building(s) by the total gross land area of the proposed Data Center Planned Unit Development, less the square footage of stormwater ponding or public waters (measured from ordinary high water level), wetlands (measured from the delineation line), easements necessary for public improvements, right of way required to be platted for any purpose, and land area within required setbacks and perimeter buffer yards established per this ordinance. All measurements shall be to the nearest 1/10th of an acre.

Approval Criteria. No land shall be zoned as DCPUD unless the planned unit development is found consistent with all of the following factors, or if inconsistent, where the City Council specifically finds that the design of the facility has mitigated any inconsistent location factor.

- (a) Land is guided as Light Industrial Park in the City's applicable Comprehensive Plan.
- (b) Land is zoned I-1 (Light Industrial) District in the City's applicable zoning ordinance if currently annexed to the City of Monticello.
- (c) The DCPUD will be served by City sanitary sewer and water supplies for specified data center demands and is able to demonstrate to the satisfaction of the City that the DCPUD will not create shortages in the capacity of the City's sanitary and water supplies, or create an inability to provide adequate utility service in other existing or planned areas of the City, including the Monticello Orderly Annexation Area.
- (d) The DCPUD will provide the financial guarantees for the installation of all municipal utility, transportation, and any other public infrastructure deemed by necessary by the City to support the DCPUD and any infrastructure improvements or mitigation for the expected public infrastructure impact or capacity increase created or required by the DCPUD, and will identify a timeline satisfactory to the City for the submission of payments and securities for such infrastructure.
- (e) The DCPUD, if developed in phases, will provide the necessary planning and financial guarantees to avoid the stranding or incomplete extension of municipal infrastructure resources to the furthest extent of the PUD. Except where expressly approved by the City Council, all public rights of way shall be dedicated and/or extended to limits of the property zoned DCPUD as a part of first-phase facilitate extension to adjoining property.
- (f) The DCPUD will be adequately served with electricity supplies for the specified data center demands from the local electric power supplier as required by phase if applicable, and demonstrates power supply capacity to existing property owners in the City and planned areas of the City, including the Monticello Orderly Annexation Area.
- (g) The DCPUD will provide adequate vehicular and non-vehicular transportation facilities to serve the project and will adequately extend such facilities to serve adjoining future development areas.
- (h) The DCPUD will not displace other land uses the City deems important for the stable, long-term growth of the community, including other industrial lands or

- the City's industrial development goals and the absorption of land area for data center development is appropriate based on the City's industrial development goals.
- (i) The DCPUD will provide identified public benefits, including the creation and maintenance of tax base, and will avoid negative impacts such as those identified in this section, over the long term.
 - (j) The DCPUD identifies and demonstrates adequate compliance with the provisions of this section and State law for exterior impacts perceptible from the boundaries of the facility, including but not limited to those for noise and lighting impacts.
 - (k) The DCPUD will demonstrate compliance with all other applicable sections of this chapter.
 - (l) All applicable State Pollution Control Agency, Department of Natural Resources, Department of Health, and Department of Transportation requirements are met to the City's satisfaction.
 - (m) The DCPUD will not conflict with other elements of the City's Comprehensive Plan.

Permitted uses. Uses allowed in the DCPUD are as follows, subject to the procedural and performance standards of this District, and all generally applicable standards of the Monticello Zoning Ordinance:

- (a) Data Center
- (b) Data Center Campus
- (c) Accessory buildings and uses as expressly provided for by this section

Accessory uses. The following accessory uses are allowed:

- (a) Offices;
- (b) Appurtenances, or support facilities such as outdoor generators, mechanical or electrical equipment including substations and transmission structures, or similar elements;
- (c) Off-Street Parking, subject to the requirements of the Monticello Zoning Ordinance Section §153.067 per Parking Schedule #2;
- (d) Signs, Fencing, and Off-Street Loading and Grading, Drainage Erosion Control and Stormwater Management and Erosion Control subject to the provisions of this chapter, except as otherwise prohibited or regulated by this section;
- (e) Roof-mounted solar-energy systems of green-roof installations;
- (f) EV charging stations;

- (g) Any other use that is subordinate to and serving the principal use and customarily incidental to the principal use. Such use must be depicted in DCPUD Development and Final Stage plans and be specifically authorized by the adopted DCPUD ordinance.

Prohibited uses. The following uses are specifically prohibited in the DCPUD:

- (a) The use of cargo containers, railroad cars, semi-trailer containers, and other similar storage containers, or any building that does not meet the building standards of this section;
- (b) Commercial wind energy systems;
- (c) Commercial telecommunication towers as defined by this chapter;
- (d) Ground-mounted solar energy systems;
- (e) Outdoor storage as defined by the chapter;
- (f) Data mining as defined by this ordinance.

Environmental Review. If an EAW, EIS or AUAR is applicable for the proposed DCPUD project under State or law, such review must be completed prior to application. Individual components of a DCPUD development which may require separate environmental review may be completed after application. Such review is subject to the applicable provisions of this chapter.

District performance standards. Any application for amendment to the zoning map to rezone land to DCPUD under this Section shall be considered incomplete if it does not address each of the performance standards in such a way as to provide the City with sufficient information to properly evaluate each element in this Section. Any deviation from these standards requires approval of a variance, which shall be reviewed in accordance with §153.028.

- (a) Any application for DCPUD shall be accompanied by a proposed Preliminary Plat subject to the application and procedural requirements of Chapter §152: Subdivisions and shall only be developed on land subject to said Plat.
- (b) The minimum data center floor area ratio (DCFAR) for the DCPUD and any individual phase of the DCPUD shall be .25. At no time shall any individual developed phase of the of the DCPUD be constructed at an FAR of less than 25%.
- (c) The minimum setback for all principal, accessory and appurtenant structures shall be as follows.

Table X-X					
Structure	Setback from Property Line				
	Parcels used for principal agricultural uses only	Parcels used, guided or zoned for residential or mixed-uses	Delineated wetland, public parkland, or public recreational property	Parcels guided or zoned commercial	Parcels guided or zoned industrial
Principal building structure(s) when any equipment (including generators) is fully screened by principal building(s) or located within a principal building(s), or is located to the interior of the principal structure(s) and ground mounted	100'	200'	200'	100'	100'
Principal building structure(s) when mechanical equipment (including generators) is oriented to any exterior portion of the structure(s) and/or non-ground mounted	200'	300'	300'	200'	200'
Off-Street Parking	100'	150'	150'	50'	50'
Off-Street Loading Facilities	100'	150'	150'	100'	100'
Fences or Walls	May be placed at any location between the property line and principal structure(s), except such fences or walls may not be located within a drainage and utility easement or designated wetland buffer area, and perimeter buffer landscaping materials must be planted on the exterior of the fence or wall.				
Other Accessory or Appurtenant Structures (exceptions: lighting)	100'	300'	300'	100'	100'

- (d) The maximum height for principal and accessory structures shall be 50'.
- i. Appurtenant structures may exceed the height of the principal or accessory structure by a maximum of 15'. Private communication antenna within the DCPUD may exceed this height up to a maximum of 100' as specifically identified and approved in the Final Stage PUD. Substation equipment within the DCPUD are exempt from this height requirement.
- (e) Principal building exterior finishes shall consist of materials compatible in grade and quality to the following:
- i. Decorative rock face block;
 - ii. Glass;
 - iii. Cast in place concrete or pre-cast concrete panels;
 - iv. Brick
- (f) Accessory building exterior finishes shall consist of materials compatible in grade and quality to the following:
- i. Decorative rock face block;
 - ii. Glass;
 - iii. Cast in place concrete or pre-cast concrete panels;
 - iv. Brick;
 - v. Exterior insulated finish systems;
- (g) Noise emanating from the facility, or from any appurtenant or accessory use or element of the facility, shall be in compliance with and regulated by the State of Minnesota pollution control standards and rules. Mitigation strategies are required to be implemented to provide assurance of conformity with these regulations.
- i. Monitoring equipment must be installed and maintained over the operational life of the DCPUD. Monitoring stations must be placed at each DCPUD boundary property corner and every 1000' along the DCPUD property line when abutting residential property.
 - ii. Monthly inspection of monitoring stations for operational sufficiency and monthly noise monitoring reports meeting State of Minnesota pollution control guidelines for measurement must be provided by a third-party monitoring and inspection service over the operational life of the DCPUD. The monitoring service shall prepare a monthly report to the City of Monticello on the facility's noise performance.
- (h) Back-up power generators may only be used for back-up power generation for uses within the DCPUD.
- i. Testing of generators may only occur between the hours of 8 AM and 4 PM, Monday through Friday. A testing schedule must be filed annually with the City.

- (i) All lighting fixtures and illumination levels must meet the requirements of §153.063 Lighting, except that illumination must be 0.0 footcandles at the property line abutting properties used, zoned or guided for residential, civic or institutional, recreational, or parkland uses. No external light source shall be located closer than 50' from any property line of a parcel used, zoned or guided for residential, parkland or recreational uses.
- (j) Any outdoor facilities or equipment such as back-up generators, parking and private circulation areas, other mechanical equipment, security or chain link fencing, or any other similar outdoor facilities shall be fully screened to 100% opacity when viewed at comparable grade from abutting property used, zoned, or guided for residential or recreational uses, and from the public right of way.
 - i. Landscaping materials used for screening may be counted toward the minimum site landscaping requirements of this chapter.
 - ii. Landscaping utilized for screening must be designed by a qualified landscape architect to meet the opacity requirements within 3 years of planting.
 - iii. Screening may be accomplished through individual or combination use of fencing or walls meeting the materials requirements of this section, landscaping, and/or berming.
 - iv. Landscaping materials and berming used for screening may be located within the required structure setback; fences and walls are subject to the structure setback above.
 - v. Buildings or building wing walls meeting the materials and setback requirements of this section may also be used for screening when directly abutting existing industrial uses of property guided or zoned for industrial uses.
 - vi. Walls used for screening purposes must install the required perimeter buffer landscaping materials on the exterior side of the wall.
 - vii. Chain link fence with slats shall not be used for screening purposes.
- (k) All trash enclosures and storage must be located within a structures and identified on DCPUD plans.
- (l) Rooftop mechanical equipment shall be fully screened when viewed from the adjoining property lines via screening walls or parapets which match the building materials of the building on which they are located.
- (a) Site landscaping shall meet the required minimum site landscaping standards of this chapter, with the additional requirements or exceptions follows:

- i. The DCPUD shall provide for established sodding in all ground cover areas not otherwise used for tree or shrub plantings except as exempted for approved native plantings;
 - ii. The DCPUD shall provide irrigation systems for all landscaped areas except as exempted for approved native plantings;
 - iii. The DCPUD shall not be required to install island delineation landscaping as required by this Chapter.
- (m) A perimeter buffer shall be installed around the entire perimeter of the DCPUD and maintained for the duration of DCPUD facility operation per the requirements of this chapter, subject to the following additional requirements or exceptions:
- i. Installation of such buffer shall be required regardless of any intervening or abutting roadway or public right of way;
 - ii. Such buffer must include a 25% minimum evergreen species requirement, to be spaced throughout the buffer.
 - iii. The required landscaping buffer shall be installed and completed with the first phase of development.
 - iv. The perimeter buffer landscaping material may be located within the applicable structure setback.
 - v. The perimeter buffer shall not be required where the DCPUD property boundary directly abuts a property used, guided or zoned for industrial uses.
- (n) Fencing or walls shall be constructed of maintenance free vinyl fencing or brick, stone, masonry or decorative stamped and colored concrete which mimic brick, stone or masonry.
- (o) Chain link fencing may be used for security purposes and shall be black or black coated vinyl and shall not include slats. Linear barbed wire is permitted on the top of such fenceline. In such case, screening to 100% opacity must be placed between the security fence and property line.
- (p) The facility shall provide parking for employees or service personnel at a rate per §153.067, Parking Schedule #2.
- (q) Substations within the DCPUD shall be subject to the following:
- iv. Must be located within the DCPUD;
 - v. Must comply with the accessory setbacks as established herein ;
 - vi. Must comply with the lighting standards established herein;
 - vii. Must comply with the perimeter buffer requirements for landscaping materials per §153.060;
 - viii. Electrical transmission lines extended to the substation are not subject to §153.065 Underground Utilities;

- ix. Substation equipment is not subject to the height requirements of this section or this chapter;
 - x. The number of substations serving a data center or data center campus are limited to those necessary for operating the data center or data center campus exclusively.
- (r) In addition to the standards of this section, all other provisions of the City's ordinance, including zoning and subdivision regulations, shall apply to the facility, unless otherwise exempted. With regard to specific zoning district standards, the requirements of the DCPUD zoning district shall apply. Except for regulations of applicable zoning overlay districts, where the terms of this section vary from the zoning and subdivision regulations, the requirements of this section shall apply.

DCPUD Initiation of Proceedings. Requests for DCPUD concept stage, development stage permit, rezoning to DCPUD, and DCPUD final stage permit shall be initiated by application of the property owner or other person having authority to file an application pursuant to § [153.027\(B\)](#), Authority to File Applications.

DCPUD Application.

- (a) Applications for rezoning to DCPUD shall be subject to this section and shall not be subject to the Specific Review Procedures and Requirements of this chapter for rezoning to Planned Unit Development.
- (b) Submission of a DCPUD Concept Stage Submittal shall be in accordance with this Section and are not subject to the Specific Review Procedures and Requirements of this Chapter for Planned Unit Development.
- (c) Applications for DCPUD Development Stage Permit and DCPUD Final Stage Permit shall be in accordance with this section and are not subject to the Specific Review Procedures and Requirements of this chapter for Planned Unit Development. The application for DCPUD Development Stage Permit and DCPUD Final Stage Permit shall not run concurrently.
- (d) Applications for Preliminary and Final Plat as required by this section shall be submitted in accordance with § 152: Subdivisions.
- (e) Rezoning to DCPUD does not revoke, rescind or otherwise render as not applicable the requirements of this ordinance for any applicable overlay district effective at the time of annexation and as required by State law.
- (f) All other requirements or provisions not specifically provided for by this section or otherwise exempted shall be as per City Code.

DCPUD Concept Stage Submittal

Prior to submitting applications for development stage PUD, preliminary plat, and rezoning for the proposed DCPUD, the applicant is encouraged, at its option, to prepare an informal concept and present it to the Planning Commission and City Council at a concurrent workshop, as scheduled by the Community Development Department. The purpose of the concept stage submittal is to:

- (a) Provide preliminary feedback on the concept in collaboration between the applicant, City staff, Planning Commission, and City Council;
- (b) Provide a forum for public information on the DCPUD prior to a requirement for extensive engineering and other plans;
- (c) Provide a forum to identify potential issues and benefits of the proposal which can be addressed at succeeding stages of PUD design and review.

DCPUD Concept Stage Submittal Requirements

Proposals for a DCPUD Concept Stage Submittal shall include at least the information below to be considered complete (except as exempted by the Community Development Department based on a written request submitted by the proposer).

- (a) A listing of contact information including name(s), address(es), email(s) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates;
- (b) A listing of the following site data: Address, current land use guidance, current zoning, parcel size in gross acres and square feet, and current legal description(s);
- (c) A narrative explaining the applicant's proposed objectives for the DCPUD, and public values that the concept submitter believes may be achieved by the project;
- (d) A narrative description of proposed DCPUD use, including anticipated or known accessory or appurtenant uses;
- (e) A narrative description of the public infrastructure requirements of the DCPUD as known;
- (f) Conceptual information on proposed power transmission routing within the city and to the boundary of the DCPUD, if known;
- (g) Calculation of the proposed DCPUD FAR;
- (h) Outline a conceptual development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas);
- (i) A concept PUD proposal illustrating:

- i. Proposed DCPUD boundary;
- ii. Layout of proposed lots and proposed uses. Denote outlots planned for public dedication and/or open space (schools, parks, etc.);
- iii. General location of wetlands and/or watercourses over the property and within 200 feet of the perimeter of the subdivision parcel
- iv. Location of existing and proposed streets within and immediately adjacent to the subdivision parcel;
- v. Proposed sidewalks and trails;
- vi. Proposed location of any electrical substation(s);
- vii. General location of wooded areas or significant features (environmental, historical, cultural) of the parcel;
- viii. Location of utility systems and connection points that will serve the property including the proposing routing to demonstrate service to the furthest extent or boundary of the DCPUD;
- ix. Location of access points to public right of way.

DCPUD Concept Stage Submission Review.

Upon receiving a PUD concept plan proposal, the Community Development Department shall:

- (a) Schedule a joint workshop of the Planning Commission and City Council and shall provide notice of the meeting to all property owners within 350 feet of the property boundary of the proposal. During the joint workshop, the Planning Commission and City Council may make comment on the merit, needed changes, and suggested conditions which may assist the proposer in future application for proposed rezoning and PUD development plan.
- (b) The Planning Commission and City Council will also take comment from the public as part of the joint workshop. The comment is explicitly not a public hearing on the concept and the public comments are intended to represent preliminary feedback related to the DCPUD concept information.
- (c) The Council and Planning Commission shall make no formal decision as part of the consideration. The City Council and Planning Commission's comments are explicitly not an approval or decision on the project, and are intended to represent preliminary feedback on the DCPUD concept information and its relationship to the comprehensive plan and this DCPUD ordinance.

DCPUD Development Stage Permit, Preliminary Plat and Rezoning Application Submittal Requirements.

Proposals for a DCPUD Development Stage Permit and Rezoning to DCPUD shall include at least the information below to be considered complete (except as exempted by the Community Development Department based on a written request submitted by the proposer).

(a) Project narrative, including:

- i. Existing zoning district(s) and comprehensive plan land use designation of subject DCPUD property area and all adjacent lands within 350' of the subject DCPUD property boundary;
- ii. Statement explaining the applicant's proposed objectives for the DCPUD, and public values that will be achieved by the project including general projections for tax base, building valuation, employment creation or other community benefit;
- iii. Statement of how the project will meet each of the Approval Criteria and District Performance Standards as required by this section;
- iv. A narrative description of proposed DCPUD uses and operations, including anticipated or known accessory or appurtenant uses, such description shall include any information on X?;
- v. Proposed phasing of full DCPUD site development, including number of phases, development timeline for each phase and for the full DCPUD,
- vi. Calculation table detailing the gross area calculation of the full DCUD, the area calculation of each exception to the DCFAR, and resulting FAR for each phase of the DCPUD and full DCPUD;
- vii. Maximum building height for any proposed principal structure on site; maximum height of any additional appurtenant or accessory structure on site;
- viii. Description of proposed building materials for all principal and accessory buildings meeting the requirements of this ordinance;
- ix. Estimated square footage calculation of full usable/buildable area within the DCPUD;
- x. Maximum building coverage within the DCPUD site improvement boundary;
- xi. Estimated building square footage within the DCPUD site improvement boundary by phase;

(b) Total maximum impervious surface coverage within the DCPUD. Proof of title in a form approved by the City Attorney;

(c) Legal description of the property for which the DCPUD is requested;

(d) All information required for Preliminary Plat as provided in § 152.040, including dedication ;

- (e) Certificate of survey for the full DCPUD property boundary signed by a registered land surveyor and current within three months of plat application to include legal description, all public utilities including pipe size, material type, depths, location, and detail of private utilities or easements, any other easements of record;
- (f) DCPUD site improvement plan(s), including:
 - i. Citation of the proposed name of the project, contact information for the developer and individual preparing the plan, signature of the surveyor and civil engineer certifying the document, date of plan preparation or revision, and a graphic scale and true north arrow;
 - ii. Minimum setback requirements as required by this section;
 - iii. Layout of proposed lots with future lot and block numbers;
 - iv. Area calculations for each parcel within the DCPUD property boundary;
 - v. Outlots planned for public dedication and/or open space;
 - vi. Easements and rights-of-way within or adjacent to the subject DCPUD property boundary, including detail on ingress and egress from the subject site to abutting or adjacent public right of way;
 - vii. Location of all electrical substation and transmission equipment located within the DCPUD, including area in acreage and applicable setback for substation and general height information;
 - viii. Location, width, and names of existing and proposed streets and rights of way within and immediately adjacent to the subject DCPUD property boundary and all connection points to public right of way;
 - ix. Proposed sidewalks and trail connection points to public rights of way and any planned public sidewalk and pathways;
 - x. Area calculations for gross land area, wetland areas, wetland buffers, right-of-way dedications, conservation areas, and proposed public parks;
- (g) Graphic depiction of site development phasing plan by acreage over the full DCPUD property, including proposed public utility easement corridors and/or rights of way;
- (h) Delineation and functional assessment of wetlands and/or watercourses over the DCPUD property and within 200 feet of the perimeter of the subdivision parcel dated within the last six months;
- (i) Delineation of the ordinary high water levels of all water bodies;
- (j) Conceptual grading, drainage and erosion control plan prepared by a registered professional engineer providing for stormwater management planning based on the maximum impervious surface area of the site. Contours must extend a minimum of 200 feet beyond the boundary of the parcel(s) in question;
- ~~(k)~~ If an environmental review was required for the DCPUD development proposal, the final approved mitigation plan shall be provided with a detailed narrative on how the

proposed DCPUD Development Stage submissions address components of the mitigation plan and timeline for implementation or completion of each mitigation plan requirement, including detail on the financial participation of the applicant;

- (l) Noise study meeting MPCA measurement standards detailing existing ambient noise levels measured at 1000' foot interval points of the DCPUD boundary and current within 6 months of the date of application.
- (m) Traffic study which shall include adjacent local roadways where access is provided and nearest collector roadways, as well as the collector roadways intersections with the nearest arterial roadway, evaluating:
 - i. Average Daily Traffic and Peak Hour traffic volumes for passenger vehicles during normal operations;
 - ii. Average Daily Traffic and Peak Hour traffic volumes and routes for construction traffic during each phase of site development;
 - iii. Project volume, routes and frequency for commercial vehicles supporting routine operations;
 - iv. Proposed location of right of way and pathway connections, including sidewalks and trails, through or along the site perimeter to ensure system connectivity to the furthest extent of the DCPUD boundary;
 - v. Any insufficient street or intersection design pursuant to project construction, projected by phase;
 - vi. Proposed improvements to mitigate insufficient design, including an analysis of the projected cost of any public infrastructure necessary to adequately serve the project as identified above by phase;
 - vii. Sufficient information regarding the applicant's financial capacity to support the required improvements and system upgrades.
- (n) A study that identifies both City and private utility supply and demand on the relevant system. Such study shall evaluate demand by proposed phase and timeline for construction and include water, wastewater, and stormwater system information, and shall demonstrate to the satisfaction of the City that the proposed facility can both (1) be adequately served by the existing or planned capacity of the utility, and (2) will not impede access or limit service capacity to those utilities by other future users in the City's planning and service territory; (3) is designed to provide adequate service to the furthest extent of the DCPUD, and (4) that the applicant has provided sufficient information regarding the financial capacity to support the required improvements or system upgrades. Such study shall include:
 - i. Provide a specific utility phasing plan which demonstrates alignment with the proposed development phasing and timing;

- ii. Provide preliminary plans for extension of all public facilities, including utilities, roadways, pedestrian facilities, and other such public infrastructure to the furthest extent of the DCPUD boundary as determined by the City Engineer and approved by City Council;
 - iii. Include an analysis of impacts to surrounding private utility systems and mitigation required;
 - iv. Identify deficiencies in the public system pursuant to the project and provide a mitigation plan for identified deficiencies;
 - v. Updates or additional system plans or studies for public utilities reflecting the impact of increased demands and infrastructure required by the DCPUD; to be prepared to the specification of the City Engineer.
 - vi. Include an analysis of the projected cost of any public infrastructure necessary to adequately serve the project as identified above by phase, and to ensure that the infrastructure required by this section is adequately accounted for;
 - vii. Sufficient information regarding the applicant's financial capacity to support the required system studies, public improvements and system upgrades;
 - viii. For capacity and demand greater than that anticipated for light industrial uses, a companion review study to verify above shall be provided;
 - ix. The applicant may request that the City complete such utility studies, at the applicant's cost.
- (o) Landscaping and perimeter buffer plan illustrating:
- i. Location and proposed elements (walls, berming, landscaping) for site screening as required by this section.
 - ii. Location and proposed elements (walls, landscaping) for perimeter buffer as required by this chapter.
- (p) Listing of all required federal and state permitting and current status of permitting.
- (q) A fiscal summary statement for purposes of preparing the Site Improvement Plan Agreement, including:
- i. An analysis of the projected cost of any public infrastructure necessary to adequately serve the project as identified above by phase;
 - ii. Statement identifying the applicant's proposed contribution to provide such public service demand.
- (r) Statement, study, or permit provided by the electric utility provider which demonstrates adequate capacity for the DCPUD, provides a summary of the proposed routing plan and required electrical infrastructure improvements, and which details any expected impact to local or regional power supply;

- (s) Statement of telecommunication provider(s) information detailing sufficient system improvements as to avoid any local service interruption during normal operations;
- (t) Any other information as directed by the Community Development Department required to evaluate the specific DCPUD proposal.

DCPUD Development Stage Permit and DCPUD Rezoning Review.

- (a) The application for rezoning to DCPUD shall be reviewed in accordance with § 153.028(B), Zoning Ordinance Text and Zoning Map Amendments.
- (b) The application for Preliminary Plat shall be reviewed in accordance with City Code 152.026, Preliminary Plat Procedure.
- (c) As part of the review process for the DCPUD applications, the Community Development Department shall generate an analysis of the proposal against the Approval Criteria of this section to formulate a recommendation regarding the rezoning to the Planning Commission and City Council.
- (d) As part of the review process for the DCPUD Development Stage Permit, a Site Improvement Plan Agreement (SIPA) shall be prepared by the City following the application submittal, which details and controls the terms and conditions of the approval given by the Council, including but not limited to the development phasing, required public improvements, minimum performance standards, and the fiscal requirements, guarantees, and securities necessary for the construction of all required public improvements. . Such draft agreement shall be included for the City Council's review of the Development Stage Permit. The SIPA shall include a requirement that until the time of approval of a final stage permit and the applicant has met each of the conditions of approval required by the City Council, in addition to other requirements including publication, the rezoning ordinance for DCPUD will not be effective and no development may occur within the DCPUD.
- (e) The Planning Commission shall hold a public hearing on the DCPUD applications and consider the applications' consistency with the intent and purpose of the DCPUD and comprehensive plan goals. The hearing for rezoning and Preliminary Plat may run concurrently with the hearing for the DCPUD Development Stage permit. The Planning Commission shall make recommendations to the City Council on the merit, needed changes, and suggested conditions of the proposed rezoning, Preliminary Plat and DCPUD development plan. The Community Development Department may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.
- (f) Development Stage DCPUD approval shall occur by adoption of a rezoning ordinance for the subject property specifying the uses, standards, and other

requirements of said DCPUD zoning district. Such ordinance shall include an effective date clause which delays the effective date of the ordinance until the time of approval of a final stage permit and the applicant has met each of the conditions of approval required by the City Council, in addition to other requirements including publication. No permits for development within the PUD may be issued until the ordinance takes effect. If the final stage DCPUD is not approved by the City Council, or the applicant fails to meet the conditions as described, the ordinance shall not take effect, will not be published, and the subject property shall retain its previous zoning designation.

- (g) The City Council may hold a public hearing on the request for DCPUD on the request for DCPUD Development Stage Permit, preliminary plat, and DC PUD rezoning if they deem such necessary.
- (h) After consideration of the Planning Commission recommendation and/or hearing, if applicable, the City Council may approve the Development Stage DCPUD permit or any part thereof in such form as it deems advisable. The City Council's decision will include the required conditions of the proposed rezoning, preliminary plat and DCPUD development stage permit. Approval of the amendment to rezone to DCPUD shall require the approval of the majority of all the members of the City Council, except as may be exempted by state statute.
- (i) After consideration of the Planning Commission recommendation and/or hearing, if applicable, the City Council may, in its sole discretion, deny the Development Stage DCPUD permit, the DCPUD Preliminary and/or Final Plat, or any part thereof. Such denial shall be based on findings of fact that specify the conditions where the application fails to meet the required terms of the DCPUD zoning process, standards, or other requirements therein. The City shall be under no obligation to approve any DCPUD rezoning, plat, or permit, and no DCPUD applicant shall have any expectation or right of approval of any such rezoning, plat, or permit.

Final Stage Permit Application and Final Plat Submittal Requirements.

An application for final stage permit and final plat that conforms with the approved development stage permit and preliminary plat and associated PUD rezoning ordinance shall be submitted no later than 60 days following the date of the development stage permit approval for review. One extension to this timeline may be granted by the City Council for such submittal for a maximum of an additional six months, and the applicant shall request waivers for any statutory time limits as necessary. The applicant shall submit such extension request no later than 14 days prior to the deadline for the application submission. Applications which fail to meet this deadline shall be deemed void and shall

require review and re-application according to the development stage process of this chapter.

Proposals for a DCPUD Final Stage Submittal shall include at least the information below to be considered complete (except as exempted by the Community Development Department based on a written request submitted by the proposer).

- (a) All revised DCPUD Development Stage Application submittal requirements as identified above shall be updated and resubmitted with the Final Stage DCPUD Permit application to incorporate all changes required by the DCPUD Development Stage permit approval and Preliminary Plat;
- (b) Transportation and utility extension and connection plans meeting the requirements of the City Engineer;
- (c) All information required for Final Plat as provided in § 152.041;
- (d) Up-to-date title evidence dated within the last 3 months for the subject property in a form acceptable to the City shall be provided as part of the application for the DCPUD Final Plat;
- (e) Developer shall provide warranty deeds for property being dedicated to the city for all parks, outlots, etc., free from all liens and encumbrances except as otherwise waived by the City Council;
- (f) Developer shall provide all easement dedication documents for easements not shown on the Final Plat including those for public and private utilities, trails, ingress/egress, etc., together with all necessary consents to the easement by existing encumbrancers of the property;
- (g) Private covenant documents or easements necessary to implement and maintain the DCPUD as approved by the city;
- (h) The applicant shall execute the final Site Improvement Plan Agreement which references all terms and conditions of the DCPUD, including but not limited to site improvement plans and performance standards, required phasing, required public improvements, completion dates for improvements and related fiscal requirements, guarantees and securities, the required letters of credit, all required development fees and securities, escrows, and warranties, and their timing of submission and any other information deemed necessary by the city;

PUD Final Stage and Final Plat review.

- (a) The application for Final Plat shall be reviewed in accordance with City Code §152.027, Final Plat Procedure.
- (b) The application for PUD Final Stage DCPUD Permit and Final Plat shall be considered by the City Council at a public meeting, following a review and report by

the Community Development Department. Approval of the PUD Final Stage and Final Plat shall be by simple majority vote of all members of the City Council, except where State law may specifically require a super majority.

- (c) The City shall, upon approval of the DCPUD Final Stage permit and satisfaction of all conditions of DCPUD approval, publish the DCPUD ordinance. Such ordinance shall create a zoning district that is specific to the property for which the PUD was applied, and shall be designated in such a way as to be able to mark the official zoning map to identify the DCPUD ordinance. The DCPUD ordinance shall also designate that such property is thereby rezoned to the DCPUD district as adopted. Such ordinance shall include an effective date clause which may delay the effective date of the ordinance until such time as the applicant has met each of the conditions of approval required by the City Council, in addition to other requirements including publication. No approvals are valid, and no permits may be issued, until the ordinance takes effect. If the final stage DCPUD is not approved by the City Council, or the applicant fails to meet the conditions as described, the ordinance shall not take effect, and the subject property shall retain its previous zoning designation.

Site Improvement Plan Agreement.

- (a) An approved DCPUD, shall be governed by the approved Site Improvement Agreement and shall be binding on all successors, heirs, and assigns;
- (b) The agreement shall include, at a minimum, reference to the approved DCPUD site improvement plans and performance standards, adopted ordinance, required public improvements and completion dates for improvements and related fiscal requirements, guarantees and securities, the required letters of credit, all required development fees and payments and/or securities, escrows, and warranties, and their timing of submission, and any other information deemed necessary by the city;
- (c) The agreement shall identify the financial requirements for the installation of all municipal utility, transportation, and any other infrastructure deemed by the City as necessary to support the DCPUD and to mitigate the expected infrastructure impact or capacity increase created or required by the DCPUD, and a timeline satisfactory to the City for the submission of payments and securities for such infrastructure.
- (d) The agreement shall require on-going compliance with approved landscaping and screening plans for the full extent and operation of the effective DCPUD;
- (e) The agreement shall provide for securities necessary to review and verify compliance with the noise requirements of this section;

- (f) The agreement shall stipulate any extension authorized by the City Council for timeline of recording of the final plat or timeline for the final platting of outlots within the plat;
- (g) The agreement shall require that the recording of the final plat, rezoning proceedings, SIPA, and any applicable deeds, common area maintenance agreements, or other City agreements specific to the subject DCPUD occur prior to any development, including grading, within the DCPUD boundary.
- (h) For any DCPUD which includes subdivision of parcels which have no direct frontage on a public street, the site improvement agreement shall require common maintenance and easement agreement.

Site Plan review. Following approval of the DCPUD, development within the DCPUD shall be subject to the Site Plan review process of this chapter. Site plans shall be consistent with the approved DCPUD ordinance and all other applicable provisions of this chapter. A liaison from the Planning Commission and City Council will participate in the Site Plan review process.

Timeline for performance.

- (a) Upon DCPUD approval, the applicant is required to record the Final Plat within 365 days of the Council's approval of Final Stage and Final Plat. One extension from this requirement may be granted by the Council upon request for extension by a person having authority to file an application. An extension shall be requested in writing and filed with the city at least 14 days before the voidance of the approved Final Plat and Final Stage PUD. The request for extension shall specify the desired timeline of extension and shall state facts showing a good faith attempt was made to meet the final plat submission requirement. Such request shall be presented to the City Council for a decision. The City Council may deny or modify the extension timeline at its sole discretion and there shall be no inherent right to extension.
- (b) A building permit for a principal structure within the first phase of development on site shall be filed within 1 year of the filing of the Final Plat. An extension shall be requested in writing and filed with the city at least 14 days before the date of one year date, based on the date of recording of the final plat with the Wright County recorder. The request for extension shall specify the desired timeline of extension and shall state facts showing a good faith attempt was made to meet the building permit submission requirement. Such request shall be presented to the Council for a decision. The City Council may deny or modify the extension timeline at its sole discretion and there shall be no inherent right to extension. The City Council may act after the 1 year period to revoke the DCPUD, revoke the governing Final Stage PUD approval, revoke the SIPA, and rezone

the land to any other zoning district, following a public hearing to be held by the City Council.

- (c) If there is a lapse of more than 3 years between completion of any individual phase and proceeding to any subsequent and successive phase of development as approved by the SIPA, notwithstanding on-going construction within an active phase of development as approved by the SIPA, the City Council may act after the 3 year period to revoke the DCPUD, revoke the governing Final Stage PUD approval, revoke the SIPA, and rezone the land to any other zoning district, following a public hearing to be held by the City Council.

Amendment to DCPUD. Approved PUDs may be amended upon request by those having authority to submit an application per this section. At such time, the applicant shall make an application to the city for a DCPUD amendment which shall follow the same process as defined in this section for Development and Final Stage Permit, which applications shall not run concurrently. Such amendment shall not:

1. Introduce any other principal use inconsistent with this section. In such case, the application shall request revocation of the DCPUD for that portion of the land proposed for the amended principal use(s) and shall be subject to the application requirements of this chapter, as applicable;
2. Eliminate, diminish, or vary from the minimum performance standards of this section;
3. Eliminate, diminish, or vary from the standards established by the DCPUD ordinance;
4. Amend any Final Stage site improvement plan element required by the approved DCPUD;
5. Exceed any maximum or minimum established in the DCPUD Final Stage narrative;
6. Create non-compliance with any condition attached to the approval of the DCPUD Final Stage plan;
7. Create non-compliance with any term or condition of the approved Site Plan Improvement Agreement.

Revocation. If at any time the facility is in violation of the conditions of approval, including terms of the Site Improvement Plan Agreement, the Data Center Planned Unit Development approvals may be revoked by the City Council following a public hearing to be held by the City Council and the ordinance for DCPUD repealed. Such action shall be by majority vote of all of the members of the City Council

§153.090 Use Table – Base Zoning Districts, Industrial Uses, shall hereby be amended as follows:

Insert *Data center/Data center campus*

Data center/Data center campus shall be Permitted in DCPUD only and shall be prohibited in all other zoning districts.

Additional Requirements: §153.045

§153.092 Accessory Use Standards, Table 5-4 shall hereby be amended as follows:

Insert *Data center, accessory.*

Data center, accessory shall be Conditionally permitted in I-1 and I-2 districts only.

Additional Requirements: May be allowed within approved Planned Unit Development Districts by amendment to PUD.

DRAFT



DRAFT | DATA CENTER PLANNED UNIT DEVELOPMENT (DCPUD) REVISED AND POSTED 11/06/2025

Provided below is a revised draft of an ordinance amendment to define and regulate data center and technology campus land uses within the City.

The draft below includes redlined text proposed to be added or deleted from the draft ordinance presented during public hearing on August 19, 2025 and September 2, 2025.

The draft below is provided for purposes of feedback during the November 10th, 2025 joint workshop of the Planning Commission and City Council. Additional review by City staff and the City Attorney will continue until such time as draft text in ordinance form is prepared for the public hearing review. A public hearing has been called by the Planning Commission for December 2, 2025.

§153.012 Definitions shall hereby be amended to add the following definitions:

Data center, accessory. A use which is incidental and subordinate in both area and extent to a principal use of property and which serves the principal use for the purpose of storage, management, processing, and transmission of digital data, which houses computer or network equipment. Such accessory use shall be physically connected to the principal use and shall include no mechanical equipment not fully shielded by building walls and shall not include any external power generation equipment.

Data center: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, services, appliances, and other associated components related to digital data storage and operations, together with its accessory and appurtenant facilities, which may also include offices, air handlers, back-up power generators, water cooling systems and water storage facilities, utility substations, and other associated infrastructure necessary to support sustained operations at a data center. The term Data Center shall not include digital data computing facilities which are not the principal use of a property in extent or area but which

perform similar functions. The term Data Center shall not include data mining as defined by this ordinance.

Data center campus: A Data Center that occupies more than one building, but is otherwise interconnected by power supply, communication systems, power generation or other operational systems to form a unified Data Center facility. This definition may include, but shall not be limited to, “Technology Campus”, “Cloud Computing Center”, “Information Technology Campus”, and similar phrases and terms. May include data management or storage buildings, offices, and ancillary support buildings and structures including secure and controlled entrances, and perimeter fencing.

Data center floor area ratio (DCFAR): The floor area ratio for a data center facility shall be defined as the ratio obtained by dividing the total gross floor area of the principal data center building(s) by the total gross land area of the proposed Data Center Planned Unit Development, less the square footage of stormwater ponding or public waters (measured from ordinary high water level), wetlands (measured from the delineation line), easements necessary for public improvements, right of way required to be platted for any purpose, and land area for required setbacks and perimeter buffer yards established per this ordinance. All measurements shall be to the nearest 1/10th of an acre.

Data mining. A temporary or portable structure used primarily for the storage, management, processing, and transmission of digital data which houses computer or network equipment, systems, services, appliances, and other associated components related to digital data storage and operations. Such facilities are less than 5,000 square feet individually or when assembled in multiple temporary or portable structures and are not constructed of customary industrial building materials such as concrete panels, masonry block, brick or other similar materials. These facilities include no permanent employment on-site.

§153.045 Industrial Base Zoning Districts shall hereby be amended to add the following section:

Data Center Planned Unit Development (DCPUD) Zoning District

Purpose. The City Council finds that data center uses are highly variable in size, scope, impact, and potential issues, and all such variables may have differential impacts on existing and future land uses, or on the City’s land use plans and regulations. The purpose of the Data Center Planned Unit Development (DCPUD) Zoning District is to provide for, and regulate, Data Center development in appropriate locations, specifically within areas that are otherwise designated for Light Industrial Park land use in the Monticello

Comprehensive Plan (2040 Vision + Plan), as it may be amended. It is the intent of this ordinance that all costs of development and infrastructure attributable to data center development, if approved, shall be borne by the data center developers, owners, and/or operators, and that approvals, if granted, shall provide for financial guarantees in this regard as a condition of any such approvals. There shall be no inherent right to rezoning to DCPUD, nor to any of the approvals necessary to develop a data center in the City.

Definitions.

Data cCenter: A facility used primarily for the storage, management, processing, and transmission of digital data which houses computer or network equipment, systems, services, appliances, and other associated components related to digital data storage and operations, together with its accessory and appurtenant facilities, which may also include offices, air handlers, back-up power generators, water cooling systems and water storage facilities, utility substations, and other associated infrastructure necessary to support sustained operations at a data center. The term Data Center shall not include digital data computing facilities which are not the principal use of a property in extent or area but which perform similar functions. The term Data Center shall not include data mining as defined by this ordinance.

Data cCenter cCampus: A Data Center that occupies more than one building, but is otherwise interconnected by ownership or operator entity, and may include interconnection by power supply, communication systems, power generation or other operational systems to form a unified Data Center facility. This definition may include, but shall not be limited to, “Technology Campus”, “Cloud Computing Center”, “Information Technology Campus”, and similar phrases and terms. May include data management or storage buildings, offices, and ancillary support buildings and structures including secure and controlled entrances, and perimeter fencing.

Data center floor area ratio (DCFAR): The floor area ratio for a data center facility shall be defined as the ratio obtained by dividing the total gross floor area of the principal data center building(s) by the total gross land area of the proposed Data Center Planned Unit Development, less the square footage of stormwater ponding or public waters (measured from ordinary high water level), wetlands (measured from the delineation line), easements necessary for public improvements, right of way required to be platted for any purpose, and land area within required setbacks and perimeter buffer yards established per this ordinance. All measurements shall be to the nearest 1/10th of an acre.

Approval Criteria. No land shall be zoned as DCPUD unless the planned unit development is found consistent with all of the following factors, or if inconsistent, where the City Council specifically finds that the design of the facility has mitigated any inconsistent location factor.

- (a) Land is guided as Light Industrial Park in the City's applicable Comprehensive Plan.
- (b) Land is zoned I-1 (Light Industrial) District in the City's applicable zoning ordinance if currently annexed to the City of Monticello.
- (c) The DCPUD will be served by City sanitary sewer and water supplies for specified data center demands and is able to demonstrate to the satisfaction of the City that the DCPUD will not create shortages in the capacity of the City's sanitary and water supplies, or create an inability to provide adequate utility service in other existing or planned areas of the City, including the Monticello Orderly Annexation Area.
- (d) The DCPUD will provide the financial guarantees for the installation of all municipal utility, transportation, and any other public infrastructure deemed by necessary by the City to support the DCPUD and any infrastructure improvements or mitigation for the expected public infrastructure impact or capacity increase created or required by the DCPUD, and will identify a timeline satisfactory to the City for the submission of payments and securities for such infrastructure.
- ~~(e) The DCPUD, if developed in phases, will provide the necessary planning and financial guarantees to avoid the stranding or incomplete extension of municipal infrastructure resources to the furthest extent of the PUD. Except where expressly approved by the City Council, all public rights of way, infrastructure, and any other public improvements shall be dedicated and/or extended to limits of the property zoned DCPUD as a part of first-phase construction to facilitate extension to adjoining property.~~
- ~~(e)(f)~~ (f) The DCPUD will be adequately served with electricity supplies for the specified data center demands from the local electric power supplier as required by phase if applicable, and demonstrates power supply capacity to existing property owners in the City and planned areas of the City, including the Monticello Orderly Annexation Area.
- ~~(f)(g)~~ (g) The DCPUD will provide adequate vehicular and non-vehicular transportation facilities to serve the project and will adequately extend such facilities to serve adjoining future development areas.

~~(g)~~(h) The DCPUD will not displace other land uses the City deems important for the stable, long-term growth of the community, including other industrial lands or the City's industrial development goals and the absorption of land area for data center development is appropriate based on the City's industrial development goals.

~~(h)~~(i) The DCPUD will provide identified public benefits, including the creation and maintenance of tax base, and will avoid negative impacts such as those identified in this section, over the long term.

~~(i)~~(j) The DCPUD identifies and demonstrates adequate compliance with the provisions of this section and State law for exterior impacts perceptible from the boundaries of the facility, including but not limited to those for noise and lighting impacts.

~~(k)~~ The DCPUD will demonstrate compliance with all other applicable sections of this chapter.

~~(j)~~(l) All applicable State Pollution Control Agency, Department of Natural Resources, Department of Health, and Department of Transportation requirements are met to the City's satisfaction.

~~(k)~~(m) The DCPUD will not conflict with other elements of the City's Comprehensive Plan.

Permitted uses. Uses allowed in the DCPUD are as follows, subject to the procedural and performance standards of this District, and all generally applicable standards of the Monticello Zoning Ordinance:

- (a) Data Center
- (b) Data Center Campus
- (c) Accessory buildings and uses as expressly provided for by this section

Accessory uses. The following accessory uses are allowed:

(a) Offices:

~~(a)~~(b) Appurtenances, or support facilities such as outdoor generators, mechanical or electrical equipment including substations and transmission structures, or similar elements:-

~~(b)~~(c) Off-Street Accessory Motor Vehicle Parking, subject to the requirements of the Monticello Zoning Ordinance Section §153.067 per Parking Schedule #2:-

~~(c)~~ Signs, Fencing, and Off-Street Loading and Grading, Drainage Erosion Control and Stormwater Management and Erosion Control subject to the provisions of this chapter.subject to the requirements of the Monticello Zoning Ordinance Section §153.064.

- (d) ~~Other site development improvements regulated by the “Finishing Standards” of the Zoning Ordinance in Sections §153.060 – §153.070, except as otherwise prohibited or regulated by this Section;~~
- (e) ~~Roof-mounted solar energy systems of green-roof installations;~~
- (f) ~~EV charging stations;~~
- (e)(g) ~~Any other use that is subordinate to and serving the principal use and customarily incidental to the principal use. Such use must be depicted in DCPUD Development and Final Stage plans and be specifically authorized by the adopted DCPUD ordinance.~~

Prohibited uses. The following uses are specifically prohibited in the DCPUD:

- (a) The use of cargo containers, railroad cars, semi-trailer containers, and other similar storage containers, or any building that does not meet the building standards of this section;
- (b) Commercial wind energy systems;
- (c) Commercial telecommunication towers as defined by this ~~chapter ordinance;~~
- (d) ~~Ground-mounted solar energy systems;~~
- (d)(e) ~~Outdoor storage as defined by the chapter;~~
- (e)(f) ~~Data mining as defined by this ordinance.~~

Environmental Review. ~~If an EAW, EIS or AUAR is applicable for the proposed DCPUD project under State or law, such review must be completed prior to application. Individual components of a DCPUD development which may require separate environmental review may be completed after application. Such review is subject to the applicable provisions of this chapter.~~

District performance standards. Any application for amendment to the zoning map to rezone land to DCPUD under this Section shall be considered incomplete if it does not address each of the ~~performance standards items~~ in such a way as to provide the City with sufficient information to properly evaluate each element in this Section. Any deviation from these standards requires approval of a variance, which shall be reviewed in accordance with §153.0208.

- (a) Any application for DCPUD shall be accompanied by a proposed Preliminary Plat subject to the application and procedural requirements of Chapter §152: Subdivisions ~~for Preliminary Plat~~ and shall only be developed on land subject to said Plat. ~~The Exceptions as found §152.007 in are not applicable to the DCPUD.~~
- (b) The minimum ~~data center~~ floor area ratio (DCFAR) for the DCPUD and any individual phase of the DCPUD shall be .25. ~~At no time shall any individual developed phase of the of the DCPUD be constructed at an FAR of less than 25%.~~

(c) The minimum setback for all principal, and accessory buildings and appurtenant structures shall be as follows. 100' from any property line, except that the minimum setback shall be 200' from any property line abutting residentially guided or zoned property, or directly abutting delineated wetland, parkland, or recreational property, which is located in either the City or Monticello Township. Fences as required or permitted by this ordinance are not subject to the setback.

Table X-X					
Structure	Setback from Property Line				
	Parcels used for principal agricultural uses only	Parcels used, guided or zoned for residential or mixed-uses	Delineated wetland, public parkland, or public recreational property	Parcels guided or zoned commercial	Parcels guided or zoned industrial
Principal building structure(s) when any equipment (including generators) is fully screened by principal building(s) or located within a principal building(s), or is located to the interior of the principal structure(s) and ground mounted	100'	200'	200'	100'	100'
Principal building structure(s) when mechanical equipment (including generators) is oriented to any exterior portion of the structure(s) and/or non-ground mounted	200'	300'	300'	200'	200'
Off-Street Parking	100'	150'	150'	50'	50'
Off-Street Loading Facilities	100'	150'	150'	100'	100'
Fences or Walls	May be placed at any location between the property line and principal structure(s), except such fences or walls may not be located within a drainage and utility easement or designated wetland				

	<u>buffer area, and perimeter buffer landscaping materials must be planted on the exterior of the fence or wall.</u>				
<u>Other Accessory or Appurtenant Structures (exceptions: lighting)</u>	<u>100'</u>	<u>300'</u>	<u>300'</u>	<u>100'</u>	<u>100'</u>

(d) The maximum height for principal and accessory structures shall be ~~650'~~.

- i. Appurtenant structures may exceed the height of the principal or accessory structure by a maximum of 15'. Private communication antenna within the DCPUD may exceed this height up to a maximum of 100' as specifically identified and approved in the Final Stage PUD. Substation equipment within the DCPUD are exempt from this height requirement.

~~(d)~~(e) Principal building exterior finishes shall consist of materials compatible in grade and quality to the following:

- i. Decorative rock face block;
- ii. Glass;
- iii. Cast in place concrete or pre-cast concrete panels;
- iv. Brick

~~(e)~~(f) Accessory building exterior finishes shall consist of materials compatible in grade and quality to the following:

- i. Decorative rock face block;
- ii. Glass;
- iii. Cast in place concrete or pre-cast concrete panels;
- iv. Brick;
- v. Exterior insulated finish systems;
- ~~vi. Textured finishes on metal panel to simulate stucco or other similar treatments~~

(g) Noise emanating from the facility, or from any appurtenant or accessory use or element of the facility, shall be in compliance with and regulated by the State of Minnesota pollution control standards and rules. Mitigation strategies are required to be implemented to provide assurance of conformity with these regulations.

- i. Monitoring equipment must be installed and maintained over the operational life of the DCPUD. Monitoring stations must be placed at each DCPUD boundary property corner and every 1000' along the DCPUD property line when abutting residential property.
- ii. Monthly inspection of monitoring stations for operational sufficiency and monthly noise monitoring reports meeting State of Minnesota pollution control guidelines for measurement must be provided by a third-party

monitoring and inspection service over the operational life of the DCPUD. The monitoring service shall prepare a monthly report to the City of Monticello on the facility's noise performance.

(h) Back-up power generators may only be used for back-up power generation for uses within the DCPUD.

i. Testing of generators may only occur between the hours of 8 AM and 4 PM, Monday through Friday. A testing schedule must be filed annually with the City.

(f)(i) All lighting fixtures and illumination levels must meet the requirements of §153.063 Lighting, except that illumination must be 0.0 footcandles at the property line abutting properties used, zoned or guided for residential, civic or institutional, recreational, or parkland uses. No external light source shall be located closer than 50' from any property line of a parcel used, zoned or guided for residential, parkland or recreational uses.

(j) Any outdoor facilities or equipment such as back-up generators, parking and private circulation areas, other mechanical equipment, security or chain link fencing, or any other similar outdoor facilities shall be fully screened to 100% opacity when viewed at comparable grade from abutting property used, zoned, or guided for residential or recreational uses, and from the public right of way.

i. Landscaping materials used for screening may be counted toward the minimum site landscaping requirements of this chapter.

ii. Landscaping utilized for screening must be designed by a qualified landscape architect to meet the opacity requirements within 3 years of planting.

iii. Screening may be accomplished through individual or combination use of fencing or walls meeting the materials requirements of this section ordinance, landscaping, and/or berming.

iv. Landscaping materials and berming used for screening may be located within the required structure setback; fences and walls are subject to the structure setback above.

v. Buildings or building wing walls meeting the materials and setback requirements of this section may also be used for screening when directly abutting existing industrial uses of property guided or zoned for industrial uses.

vi. Walls used for screening purposes must install the required perimeter buffer landscaping materials on the exterior side of the wall.

vii. Chain link fence with slats shall not be used for screening purposes.

~~(k)~~ All trash enclosures and storage must be located within a structures and identified on DCPUD plans.

~~(g)~~(l) Rooftop mechanical equipment shall be fully screened when viewed from the adjoining property lines via screening walls or parapets which match the building materials of the building on which they are located.

(a) Site landscaping shall meet the required minimum site landscaping standards of this chapter, with the additional requirements or exceptions follows:

i. The DCPUD shall provide for established sodding in all ground cover areas not otherwise used for tree or shrub plantings except as exempted for approved native plantings;

ii. The DCPUD shall provide irrigation systems for all landscaped areas except as exempted for approved native plantings;

iii. The DCPUD shall not be required to install island delineation landscaping as required by this Chapter.

(m) A perimeter landscaping buffer shall be installed around the entire perimeter of the DCPUD and maintained for the duration of DCPUD facility operation per the applicable planting requirements of this chapter, subject to the following additional requirements or exceptions:

i. Installation of such buffer shall be required regardless of any intervening or abutting roadway or public right of way;

ii. Such buffer must include a 25% minimum evergreen species requirement, to be spaced throughout the buffer.

iii. The required landscaping buffer shall be installed and completed with the first each phase of development.

iv. The perimeter buffer landscaping material may be located within the applicable structure setback.

i.v. The perimeter buffer shall not be required where the DCPUD property boundary directly abuts a property used, guided or zoned for industrial uses.

~~(h)~~(n) Fencing or walls shall be constructed of maintenance free vinyl fencing or brick, stone, masonry or decorative stamped and colored concrete which mimic brick, stone or masonry.

~~(f)~~(o) Chain link fencing may be used for security purposes and shall be black or black coated vinyl and shall not include slats. Linear barbed wire is permitted on the top of such fenceline. In such case, screening to 100% opacity must be placed between the security fence and property line.

~~(f)~~(p) The facility shall provide parking for employees or service personnel at a rate per §153.067, Parking Schedule #2.

~~(k)~~ Except as provided in this Section, the DCPUD shall comply with all other requirements of this Ordinance.

~~(t)~~(q) Substations within the DCPUD shall be subject to the following:

i.iv. Must be located within the DCPUD;

ii.v. Must comply with the accessory setbacks as established herein ~~for all abutting properties which are not zoned DCPUD~~;

iii.vi. Must comply with the lighting standards established herein;

iv.vii. Must comply with the perimeter buffer requirements for landscaping materials per requirements of §153.060;

viii. Electrical transmission lines extended to the substation are not subject to §153.065 Underground Utilities;

v.ix. Substation equipment is not subject to the height requirements of this section or this chapter;

vi.x. The number of substations serving a data center or data center campus are limited to those necessary for operating the data center or data center campus exclusively.

~~(m)~~(r) In addition to the standards of ~~this~~ sSection, all other provisions of the City's ordinance, including zoning and subdivision regulations, shall apply to the facility, unless otherwise exempted. With regard to specific zoning district standards, the requirements of the DCPUD zoning district shall apply. Except for regulations of applicable zoning overlay districts, wwhere the terms of this sSection vary from the zoning and subdivision regulations, the requirements of this sSection shall apply.

DCPUD Initiation of Proceedings. Requests for DCPUD concept stage, development stage permit, rezoning to DCPUD, and DCPUD final stage permit shall be initiated by application of the property owner or other person having authority to file an application pursuant to § 153.027(B), Authority to File Applications.

DCPUD Application.

(a) Applications for rezoning to DCPUD shall be subject to this section and shall not be subject to the Specific Review Procedures and Requirements of this chapter for rezoning to Planned Unit Development.

(b) Submission of a DCPUD Concept Stage Submittal shall be in accordance with this Section and are not subject to the Specific Review Procedures and Requirements of this Chapter for Planned Unit Development.

~~(b)~~(c) Applications for DCPUD Development Stage Permit and DCPUD Final Stage Permit shall be in accordance with this section and are not subject to the Specific

Review Procedures and Requirements of this chapter for Planned Unit Development. The application for DCPUD Development Stage Permit and DCPUD Final Stage Permit shall not run concurrently.

~~(c)~~(d) Applications for Preliminary and Final Plat as required by this section shall be submitted in accordance with § 152: Subdivisions ~~for Preliminary and Final Plat.~~

~~(d)~~(e) Rezoning to DCPUD does not revoke, rescind or otherwise render as not applicable the requirements of this ordinance for any applicable overlay district effective at the time of annexation and as required by State law.

~~(e)~~(f) All other requirements or provisions not specifically provided for by this section or otherwise exempted shall be as per City Code.

DCPUD Concept Stage Submittal

Prior to submitting applications for development stage PUD, preliminary plat, and rezoning for the proposed DCPUD, the applicant is encouraged, at its option, to prepare an informal concept and present it to the Planning Commission and City Council at a concurrent workshop, as scheduled by the Community Development Department. The purpose of the concept stage submittal is to:

- (a) Provide preliminary feedback on the concept in collaboration between the applicant, City staff, Planning Commission, and City Council;
- (b) Provide a forum for public information on the DCPUD prior to a requirement for extensive engineering and other plans;
- (c) Provide a forum to identify potential issues and benefits of the proposal which can be addressed at succeeding stages of PUD design and review.

DCPUD Concept Stage Submittal Requirements

Proposals for a DCPUD Concept Stage Submittal shall include at least the information below to be considered complete (except as exempted by the Community Development Department based on a written request submitted by the proposer).

- (a) A listing of contact information including name(s), address(es), email(s) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates;
- (b) A listing of the following site data: Address, current land use guidance, current zoning, parcel size in gross acres and square feet, and current legal description(s);
- (c) A narrative explaining the applicant's proposed objectives for the DCPUD, and public values that the concept submitter believes may be achieved by the project;

- (d) A narrative description of proposed DCPUD use, including anticipated or known accessory or appurtenant uses;
- (e) A narrative description of the public infrastructure requirements of the DCPUD ss known;
- (f) Conceptual information on proposed power transmission routing within the city and to the boundary of the DCPUD, if known;
- (g) Calculation of the proposed DCPUD FAR;
- (h) Outline a conceptual development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas);
- (i) A concept PUD proposal illustrating:
 - i. Proposed DCPUD boundary;
 - ii. Layout of proposed lots and proposed uses. Denote outlots planned for public dedication and/or open space (schools, parks, etc.);
 - iii. General location of wetlands and/or watercourses over the property and within 200 feet of the perimeter of the subdivision parcel
 - iv. Location of existing and proposed streets within and immediately adjacent to the subdivision parcel;
 - v. Proposed sidewalks and trails;
 - vi. Proposed location of any electrical substation(s);
 - vii. General location of wooded areas or significant features (environmental, historical, cultural) of the parcel;
 - viii. Location of utility systems and connection points that will serve the property including the proposing routing to demonstrate service to the furthest extent or boundary of the DCPUD;
 - ix. Location of access points to public right of way.

DCPUD Concept Stage Submission Review.

Upon receiving a PUD concept plan proposal, the Community Development Department shall:

- (a) Schedule a joint workshop of the Planning Commission and City Council and shall provide notice of the meeting to all property owners within 350 feet of the property boundary of the proposal. During the joint workshop, the Planning Commission and City Council may make comment on the merit, needed changes, and suggested conditions which may assist the proposer in future application for proposed rezoning and PUD development plan.

- (b) The Planning Commission and City Council will also take comment from the public as part of the joint workshop. The comment is explicitly not a public hearing on the concept and the public comments are intended to represent preliminary feedback related to the DCPUD concept information.
- (c) The Council and Planning Commission shall make no formal decision as part of the consideration. The City Council and Planning Commission's comments are explicitly not an approval or decision on the project, and are intended to represent preliminary feedback on the DCPUD concept information and its relationship to the comprehensive plan and this DCPUD ordinance.

DCPUD Development Stage Permit, Preliminary Plat and Rezoning Application Submittal Requirements.

Proposals for a DCPUD Development Stage Permit and Rezoning to DCPUD shall include at least the information below to be considered complete (except as exempted by the Community Development Department based on a written request submitted by the proposer).

- (a) Project narrative, including:
- i. Existing zoning district(s) and comprehensive plan land use designation of subject DCPUD property area and all adjacent lands within 350' of the subject DCPUD property boundary;
 - ii. Statement explaining the applicant's proposed objectives for the DCPUD, and public values that will be achieved by the project including general projections for tax base, building valuation, employment creation or other community benefit;
 - iii. Statement of how the project will meet each of the Approval Criteria and District Performance Standards as required by this section;
 - iv. A narrative description of proposed DCPUD uses and operations, including anticipated or known accessory or appurtenant uses, such description shall include any information on X?;
 - v. Proposed phasing of full DCPUD site development, including number of phases, development timeline for each phase and for the full DCPUD, and
 - vi. Calculation table detailing the gross area calculation of the full DCUD, the area calculation of each exception to the DCFAR, and resulting FAR for each phase of the DCPUD and full DCPUD of building within each phase;
 - vii. Listing of all required federal and state permitting and current status of permitting;

- ~~viii.~~ Maximum building height for any proposed principal structure on site; maximum height of any additional appurtenant or accessory structure on site;
 - ~~vi-ix.~~ Description of proposed building materials for all principal and accessory buildings meeting the requirements of this ordinance;
 - ~~vii-x.~~ Estimated square footage calculation of full usable/buildable area within the DCPUD;
 - ~~viii-xi.~~ Maximum building coverage within the DCPUD site improvement boundary;
 - ~~ix-xii.~~ Estimated building square footage within the DCPUD site improvement boundary by phase;
 - ~~x.~~ Total maximum impervious surface coverage within the DCPUD.
- (b) Proof of title in a form approved by the City Attorney;
- (c) Legal description of the property for which the DCPUD is requested;
- (d) All information required for Preliminary Plat as provided in § 152.040, including dedication;
- (e) Certificate of survey for illustrating the full DCPUD property boundary signed by a registered land surveyor and current within three months of plat application to include legal description, all public utilities including pipe size, material type, depths, location, and detail of private utilities or easements, any other easements of record;
- (f) DCPUD site improvement plan(s), including:
- i. Citation of the proposed name of the project, contact information for the developer and individual preparing the plan, signature of the surveyor and civil engineer certifying the document, date of plan preparation or revision, and a graphic scale and true north arrow;
 - ii. Minimum setback requirements as required by this section;
 - iii. Layout of proposed lots with future lot and block numbers;
 - iv. Area calculations for each parcel within the DCPUD property boundary;
 - v. Outlots planned for public dedication and/or open space;
 - vi. Easements and rights-of-way within or adjacent to the subject DCPUD property boundary, including detail on ingress and egress from the subject site to abutting or adjacent public right of way;;
 - vii. Location of all electrical substation and transmission equipment located within the DCPUD, including area in acreage and applicable setback for substation and general height information;
 - viii. Location, width, and names of existing and proposed streets and rights of way within and immediately adjacent to the subject DCPUD property boundary and all connection points to public right of way;

- ix. Proposed sidewalks and trail connection points to public rights of way and any planned public sidewalk and pathways;
 - x. Area calculations for gross land area, wetland areas, wetland buffers, right-of-way dedications, conservation areas, and proposed public parks;
- (g) Graphic depiction of site development phasing plan by acreage over the full DCPUD property, including proposed public utility easement corridors and/or rights of way;
- (h) Delineation and functional assessment of wetlands and/or watercourses over the DCPUD property and within 200 feet of the perimeter of the subdivision parcel dated within the last six months;
- (i) Delineation of the ordinary high water levels of all water bodies;
- ~~(j)~~ Conceptual grading, drainage and erosion control plan prepared by a registered professional engineer providing for stormwater management planning based on the maximum impervious surface area of the site, providing all information outlined in § 153.069(C); plans must show existing contours at intervals of two feet. Contours must extend a minimum of 200 feet beyond the boundary of the parcel(s) in question;
- ~~(j)(k)~~ If an environmental review was required for the DCPUD development proposal, the final approved mitigation plan shall be provided with a detailed narrative on how the proposed DCPUD Development Stage submissions address components of the mitigation plan and timeline for implementation or completion of each mitigation plan requirement, including detail on the financial participation of the applicant. If individual project components supporting the DCPUD require additional environmental study, such study may be completed after application for Development Stage permit, but are required to be completed prior to application for Final Stage permit.
- ~~(l)~~ Noise study meeting MPCA measurement standards detailing existing ambient noise levels measured at 1000' foot interval points of the DCPUD boundary and current within 6 months of the date of application.
- ~~(k)~~(m) Traffic study which shall include adjacent local roadways where access is provided and nearest collector roadways, as well as the collector roadways intersections with the nearest arterial roadway, evaluating:
- i. Average Daily Traffic and Peak Hour tTraffic volumes for passenger vehicles during normal operations;
 - ii. Average Daily Traffic and Peak Hour tTraffic volumes and routes for construction traffic during each phase of site development;
 - iii. ~~Any insufficient street or intersection design pursuant to project;~~
 - ~~iv:~~iii. Project volume, Likely routes and frequency for commercial vehicles supporting routine operations;

iv. Proposed location of right of way and pathway connections, including sidewalks and trails, ~~connections~~ through or along the site perimeter to ensure system connectivity to the furthest extent of the DCPUD boundary;

v. Any insufficient street or intersection design pursuant to project construction, projected by phase;

vi. Proposed improvements to mitigate insufficient design, including an analysis of the projected cost of any public infrastructure necessary to adequately serve the project as identified above by phase, or to ensure that the infrastructure required by this section is adequately accounted for;

~~v.vii.~~ ~~Information on the applicant's proposed financial contribution sufficient to provide such public service demand. Sufficient information regarding the applicant's financial capacity to support the required improvements and system upgrades.~~

~~(f)(n)~~ A study that identifies both City and private utility supply and demand on the relevant system. Such study shall evaluate demand by proposed phase and timeline for construction and include water, wastewater, and stormwater system information, and shall demonstrate to the satisfaction of the City that the proposed facility can both (1) be adequately served by the existing or planned capacity of the utility, and (2) will not impede access or limit service capacity to those utilities by other future users in the City's planning and service territory; ~~(3) is designed to provide adequate service to the furthest extent of the DCPUD, and (4) that the applicant has provided sufficient information regarding the financial capacity to support the required improvements or system upgrades. Such study shall include:-~~

i. Provide a specific utility phasing plan which demonstrates alignment with the proposed development phasing and timing;

~~ii.~~ ~~Any deficiencies identified by the study shall be accompanied by a mitigation plan, including financial mitigation.~~

ii. ~~P~~The study shall provide preliminary plans for extension of all public facilities, including utilities, roadways, pedestrian facilities, and other such public ~~infrastructure facilities~~ to the furthest extent of the ~~DCPPUD property~~ boundary as determined by the City Engineer and approved by City Council;

iii. Include an analysis of impacts to surrounding private utility systems and mitigation required;

iv. Identify deficiencies in the public system pursuant to the project and provide a mitigation plan for identified deficiencies;

- v. ~~Updates or additional system plans or studies for public utilities reflecting the impact of increased demands and infrastructure required by the DCPUD; to be prepared to the specification of the City Engineer.~~
- vi. ~~Include an analysis of the projected cost of any public infrastructure necessary to adequately serve the project as identified above by phase, and to ensure that the infrastructure required by this section is adequately accounted for; and the applicant's proposed contribution is sufficient to provide such public service demand and capacity increase as applicable;~~
- vii. ~~Sufficient information regarding the applicant's financial capacity to support the required system studies, public improvements and system upgrades;~~
- viii. ~~For capacity and demand greater than that anticipated for light industrial uses, a companion review study to verify above shall be provided;~~
- iii-ix. ~~The applicant may request that the City complete such utility studies, at the applicant's cost.~~
- (o) ~~Landscaping and perimeter buffer plan illustrating:~~
- i. ~~Location and proposed elements (walls, berming, landscaping) for site screening as required by this section.~~
- ii. ~~Location and proposed elements (walls, landscaping) for perimeter buffer as required by this chapter.~~
- (p) ~~Listing of all required federal and state permitting and current status of permitting.~~
- (q) ~~A fiscal summary benefits statement for purposes of preparing the Site Improvement Plan Agreement, estimating the annual property tax generation from the project by phase, including:~~
- i. ~~Estimated a detailed analysis of City property tax share per Minnesota law;~~
- iv-ii. ~~An. The fiscal benefits statement shall include an analysis of the projected cost of any public infrastructure necessary to adequately serve the project as identified above by phase;~~
- v. ~~Statement identifying the, or to ensure that the infrastructure required by this Section is adequately accounted for, and the applicant's proposed contribution is sufficient to provide such public service demand.;~~
- (m)(r) ~~Statement, study, or permit provided by the electric utility provider which demonstrates adequate capacity for the DCPUD, provides a summary of the proposed routing plan and required electrical infrastructure improvements, and which details any expected impact to local or regional power supply;~~

(s) Statement of telecommunication provider(s) information detailing sufficient system improvements as to avoid any local service interruption during normal operations;

~~(n)(t)~~ Any other information as directed by the Community Development Department required to evaluate the specific ~~Data Center~~ PUD proposal.

DCPUD Development Stage Permit and DCPUD Rezoning Review.

- (a) The application for rezoning to DCPUD shall be reviewed in accordance with § 153.028(B), Zoning Ordinance Text and Zoning Map Amendments.
- (b) The application for Preliminary Plat shall be reviewed in accordance with City Code 152.026, Preliminary Plat Procedure.
- (c) As part of the review process for the DCPUD applications, the Community Development Department shall generate an analysis of the proposal against the Approval Criteria of this ~~section~~chapter to formulate a recommendation regarding the rezoning to the Planning Commission and City Council.
- (d) As part of the review process for the DCPUD Development Stage Permit, a Site Improvement Plan Agreement (SIPA) shall be prepared by the City following the application submittal, which details and controls the development phasing, required site improvements, and financial impact and planning which embodies the terms and conditions of the approval given by the Council, including but not limited to the development phasing, required public improvements, minimum performance standards, and the fiscal requirements, guarantees, and securities necessary for the construction of all required public improvements. and which controls the installation of all required improvements for the proposed DCPUD. Such draft agreement shall be included for the City Council's review ~~and approval~~ of the Development Stage Permit. The SIPA shall include a requirement that until the time of approval of a final stage permit and the applicant has met each of the conditions of approval required by the City Council, in addition to other requirements including publication, the rezoning ordinance for DCPUD will not be ~~effective~~considered and no development ~~may occur within the DCPUD~~rights are conferred.
- (e) The Planning Commission shall hold a public hearing on the DCPUD applications and consider the application's consistency with the intent and purpose of the DCPUD and comprehensive plan goals. The hearing for rezoning and Preliminary Plat may run concurrently with the hearing for the DCPUD Development Stage permit. The Planning Commission shall make recommendations to the City Council on the merit, needed changes, and suggested conditions of the proposed rezoning, Preliminary Plat and DCPUD development plan. The Community Development Department may forward an application to the City Council without a

recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.

- (f) Development Stage DCPUD approval shall occur by adoption of a rezoning ordinance for the subject property specifying the uses, standards, and other requirements of said DCPUD zoning district. Such ordinance shall include an effective date clause which delays the effective date of the ordinance until the time of approval of a final stage permit and the applicant has met each of the conditions of approval required by the City Council, in addition to other requirements including publication. No permits for development within the PUD may be issued until the ordinance takes effect. If the final stage DCPUD is not approved by the City Council, or the applicant fails to meet the conditions as described, the ordinance shall not take effect, will not be published, and the subject property shall retain its previous zoning designation.
- (g) The City Council may hold a public hearing on the request for DCPUD on the request for DCPUD Development Stage Permit, preliminary plat, and DC PUD rezoning if they deem such necessary.
- (h) After consideration of the Planning Commission recommendation and/or hearing, if applicable, the City Council may approve the Development Stage DCPUD permit or any part thereof in such form as it deems advisable. The City Council's decision will include the required conditions of the proposed rezoning, preliminary plat and DCPUD development stage permit. Approval of the amendment to rezone to DCPUD shall require the approval of the majority two-thirds present of all the members of the City Council, except as may be exempted by state statute.
- (i) After consideration of the Planning Commission recommendation and/or hearing, if applicable, the City Council may, in its sole discretion, deny the Development Stage DCPUD permit, the DCPUD Preliminary and/or Final Plat, or any part thereof. Such denial shall be based on findings of fact that specify the conditions where the application fails to meet the required terms of the DCPUD zoning process, standards, or other requirements therein. The City shall be under no obligation to approve any DCPUD rezoning, plat, or permit, and no DCPUD applicant shall have any expectation or right of approval of any such rezoning, plat, or permit.

Final Stage Permit Application and Final Plat Submittal Requirements.

An application for final stage permit and final plat that conforms with the approved development stage permit and preliminary plat and associated PUD rezoning ordinance shall be submitted no later than 60 days following the date of the development stage permit approval for review. One extension to this timeline may be granted by the City

Council for such submittal for a maximum of an additional six months, and the applicant shall request waivers for any statutory time limits as necessary. The applicant shall submit such extension request no later than 14 days prior to the deadline for the application submission. Applications which fail to meet this deadline shall be deemed void and shall require review and re-application according to the development stage process of this chapter.

Proposals for a DCPUD Final Stage Submittal shall include at least the information below to be considered complete (except as exempted by the Community Development Department based on a written request submitted by the proposer).

- (a) All rRevised DCPUD Development Stage Application submittal requirements plans as identified above shall be updated and resubmitted with the Final Stage DCPUD Permit application to incorporate all changes required by the DCPUD Development Stage permit approval and Preliminary Plat;
- (b) Transportation and utility extension and connection plans meeting the requirements of the City Engineer;
- (b)(c) _____ All information required for Final Plat as provided in § 152.041;
- (c)(d) _____ Up-to-date title evidence dated within the last 3 months for the subject property in a form acceptable to the City shall be provided as part of the application for the DCPUD Final Plat;
- (d)(e) _____ Developer shall provide warranty deeds for property being dedicated to the city for all parks, outlots, etc., free from all liens and encumbrances except as otherwise waived by the City Council;
- (e)(f) _____ Developer shall provide all easement dedication documents for easements not shown on the Final Plat including those for public and private utilities, trails, ingress/egress, etc., together with all necessary consents to the easement by existing encumbrancers of the property;
- (f)(g) _____ Private covenant documents or easements necessary to implement and maintain the DCPUD as approved by the city;
- (g)(h) _____ The applicant shall execute the final Site Improvement Plan Agreement which references all terms and conditions of the DCPUD, including but not limited to-site improvement plans and performance standards, required phasing, required public improvements, completion dates for improvements and related, fiscal impact requirements, guarantees and securities, the required letters of credit, all required development fees and infrastructure improvement payments and/or securities, escrows, and warranties, and their timing of submission and any other information deemed necessary by the city;

~~(h) The city shall, upon approval of the DCPUD Final Stage permit, recording of the Final Plat, and recording of the Site Improvement Plan Agreement, publish the DCPUD ordinance. Such ordinance shall create a zoning district that is specific to the property for which the PUD was applied, and shall be designated in such a way as to be able to mark the official zoning map to identify the DCPUD ordinance. The DCPUD ordinance shall also designate that such property is thereby rezoned to the DCPUD district as adopted. Approval of the amendment to rezone to DCPUD shall require the approval of two-thirds of all the members of the City Council, except as may be exempted by state statute.~~

PUD Final Stage and Final Plat review.

- (a) The application for Final Plat shall be reviewed in accordance with City Code §152.027, Final Plat Procedure.
- (b) The application for PUD Final Stage DCPUD Permit and Final Plat shall be considered by the City Council at a public meeting, following a review and report by the Community Development Department. Approval of the PUD Final Stage and Final Plat shall be by simple majority vote of all members of the City Council, except where State law may specifically require a super majority.
- (c) ~~The City shall, upon approval of the DCPUD Final Stage permit and satisfaction of all conditions of DCPUD approval, publish the DCPUD ordinance. Such ordinance shall create a zoning district that is specific to the property for which the PUD was applied, and shall be designated in such a way as to be able to mark the official zoning map to identify the DCPUD ordinance. The DCPUD ordinance shall also designate that such property is thereby rezoned to the DCPUD district as adopted. Final stage DCPUD approval shall occur by adoption of a rezoning ordinance for the subject property specifying the uses, standards, and other requirements of said DCPUD zoning district.~~ Such ordinance shall include an effective date clause which may delay the effective date of the ordinance until such time as the applicant has met each of the conditions of approval required by the City Council, in addition to other requirements including publication. No approvals are valid, and no permits may be issued, until the ordinance takes effect. If the final stage DCPUD is not approved by the City Council, or the applicant fails to meet the conditions as described, the ordinance shall not take effect, and the subject property shall retain its previous zoning designation.

Site Improvement Plan Agreement.

- (a) ~~An approved~~The DCPUD, ~~if approved,~~ shall be governed by the approved Site Improvement Agreement and shall be binding on all successors, heirs, and assigns;

(b) The agreement shall include, at a minimum, reference to the approved DCPUD site improvement plans and performance standards, adopted ordinance, required public improvements and, completion dates for improvements and related, fiscal impact requirements, guarantees and securities, the required letters of credit, all required development fees and infrastructure improvement payments and/or securities, escrows, and warranties, and their timing of submission, and any other information deemed necessary by the city;

~~(c) The agreement shall stipulate that all required state and federal permits are required to be issued and confirmed as issued by the developer and all additional environmental reviews as required by the applicable environmental review mitigation plan are complete prior to any development, including grading, within the DCPUD boundary;~~

~~(d) The agreement shall identify the financial requirements for the installation of all municipal utility, transportation, and any other infrastructure deemed by the City as necessary to support the DCPUD and to mitigate the expected infrastructure impact or capacity increase created or required by the DCPUD, and a timeline satisfactory to the City for the submission of payments and securities for such infrastructure.~~

~~(e) The agreement shall require on-going compliance with approved landscaping and screening plans for the full extent and operation of the effective DCPUD;~~

~~(f) The agreement shall provide for securities necessary to review and verify compliance with the noise requirements of this section;~~

~~(g) The agreement shall stipulate any extension authorized by the City Council for timeline of recording of the final plat or timeline for the final platting of outlots within the plat;~~

~~(b)(h) _____ The agreement shall require that the recording of the final plat, rezoning proceedings, SIPA, and any applicable deeds, common area maintenance agreements, or other City agreements specific to the subject DCPUD occur prior to any development, including grading, within the DCPUD boundary.~~

~~(e)(i) _____~~ For any DCPUD which includes subdivision of parcels which have no direct frontage on a public street, the site improvement agreement shall require common maintenance and easement agreement.

Site Plan review. Following approval of the DCPUD, development within the DCPUD shall be subject to the Site Plan review process of this chapter. Site plans shall be consistent with the approved DCPUD ordinance and all other applicable provisions of this chapter. A liaison from the Planning Commission and City Council will participate in the Site Plan review process.

Timeline for performance.

- (a) Upon DCPUD approval, the applicant is required to record the Final Plat within 365~~0~~ days of the Council's approval of Final Stage and Final Plat. One extension from this requirement may be granted by the Council upon request for extension by a person having authority to file an application. An extension shall be requested in writing and filed with the city at least 14 days before the voidance of the approved Final Plat and Final Stage PUD. The request for extension shall specify the desired timeline of extension and shall state facts showing a good faith attempt was made to meet the final plat submission requirement. Such request shall be presented to the City Council for a decision. The City Council may deny or modify the extension timeline at its sole discretion and there shall be no inherent right to extension.
- (b) A building permit for a principal structure within the first phase of development on site shall be filed within 1 year 6 months of the filing of the Final Plat. An extension shall be requested in writing and filed with the city at least 14 days before the date of one year date, based on the date of recording of the final plat with the Wright County recorder. The request for extension shall specify the desired timeline of extension and shall state facts showing a good faith attempt was made to meet the building permit submission requirement. Such request shall be presented to the Council for a decision. The City Council may deny or modify the extension timeline at its sole discretion and there shall be no inherent right to extension. The City Council may act after the 1 year period to revoke the DCPUD, revoke the governing Final Stage PUD approval, revoke the SIPA, and rezone the land to any other zoning district, following a public hearing to be held by the City Council.
- (a)(c) If there is a lapse of more than 3 years between completion of any individual phase and in-proceeding to any subsequent and successive phase of development as approved by the SIPA, notwithstanding on-going construction within an active phase of development as approved by the SIPA, the City Council may act after the 3 year period to revoke the DCPUD, revoke the governing Final Stage PUD approval, revoke the SIPA, and rezone the land to any other zoning district, following a public hearing to be held by the City Council.

Amendment to DCPUD. Approved PUDs may be amended upon request by those having authority to submit an application per this section. from time to time as a result of unforeseen circumstances, overlooked opportunities, or requests from a developer. At such a time, the applicant shall make an application to the city for a DCPUD amendment which shall follow the same process as defined in this section for Development and Final Stage Permit, which applications shall not run concurrently. Such amendment shall not:

1. Introduce any other principal use inconsistent with this section. In such case, the application shall request revocation of the DCPUD for that portion of the

land proposed for the amended principal use(s) and shall be subject to the application requirements of this chapter, as applicable;

2. Eliminate, diminish, or vary from the minimum performance standards of this section;

1.3. Eliminate, diminish, or vary from the standards established by the DCPUD ordinance;

2.4. Amend any Final Stage site improvement plan element required by the approved DCPUD is section;

3.5. Exceed any maximum or minimum established in the DCPUD Final Stage narrative;

4.6. Create non-compliance with any condition attached to the approval of the DCPUD Final Stage plan;

5.7. Create non-compliance with any term or condition of the approved Site Plan Improvement Agreement.

Revocation. If at any time the facility is in violation of the conditions of approval, including terms of the Site Improvement Plan Agreement, the Data Center Planned Unit Development approvals may be revoked by the City Council following a public hearing to be held by the City Council and the ordinance for DCPUD repealed. Such action shall be by majority vote of all of the members of the City Council.

§153.090 Use Table – Base Zoning Districts, Industrial Uses, shall hereby be amended as follows:

Insert Data center/Data center campus

Data center/Data center campus shall be Permitted in DCPUD only and shall be prohibited in all other zoning districts.

Additional Requirements: §153.045

§153.092 Accessory Use Standards, Table 5-4 shall hereby be amended as follows:

Insert Data center, accessory.

Data center, accessory shall be Conditionally permitted in I-1 and I-2 districts only.

Additional Requirements: May be allowed within approved Planned Unit Development Districts by amendment to PUD.

§ 153.026 Summary of Decision-Making and Review Bodies, Table 2-1 shall hereby be amended as follows:

Insert Data Center Planned Unit Development

Section 153.045

Review by Community Development Department (R), Planning Commission (H), City Council (D)

DRAFT

Data Center Timeline Review: City Land Use Process Events & Actions



The timeline below illustrates the research, review, and decisions by city council, boards, and commissions related to the general introduction of data center land uses within the city.

Event & Details	Materials
July 22, 2024: City Council Special Meeting Topic: Data Center Discussion	<ul style="list-style-type: none"> • Agenda • Minutes (PDF)
September 23, 2024: Special Joint City Council & Planning Commission & Economic Development Authority Workshop Topic: Data Center Discussion & Research	<ul style="list-style-type: none"> • Agenda • Minutes (PDF)
February 4, 2025: Planning Commission Regular Meeting Public Hearing: Item 2A. Comprehensive Plan Amendment for Technology Industry Land Uses	<ul style="list-style-type: none"> • Agenda • Minutes (PDF)
February 24, 2025: City Council Regular Meeting Item 4A. Comprehensive Plan Amendment for Technology Industry Land Uses	<ul style="list-style-type: none"> • Agenda • Minutes (PDF)
June 2, 2025: City Council Special Meeting Topic: Discussion on Data Centers	<ul style="list-style-type: none"> • Agenda • Minutes (PDF)
July 1, 2025: Planning Commission Workshop Topic: Draft Data Center Zoning Ordinance	<ul style="list-style-type: none"> • Agenda • Minutes (PDF)
July 21, 2025: Special City Council & Planning Commission Joint Workshop Topic: Draft Data Center Zoning Ordinance	<ul style="list-style-type: none"> • Agenda • Minutes (PDF)
August 19, 2025: Planning Commission Special Meeting Public Hearing: Item 2. Draft Data Center Zoning Ordinance	<ul style="list-style-type: none"> • Agenda • Draft minutes to be approved 11/3
September 2, 2025: Planning Commission Regular Meeting Continued Public Hearing: Item 2A. Data Center Zoning Ordinance	<ul style="list-style-type: none"> • Agenda • Draft minutes to be approved 11/3
September 24, 2025: Special City Council & Planning Commission Joint Workshop Topic: Draft Data Center Zoning Ordinance; Public Question & Answer Following the Workshop	<ul style="list-style-type: none"> • Agenda • Minutes Not Yet Available
October 7, 2025: Special City Council & Planning Commission Joint Workshop Topic: Draft Data Center Zoning Ordinance	<ul style="list-style-type: none"> • Agenda • Minutes (PDF)
November 3, 2025: Special City Council & Planning Commission Joint Workshop Topic: Draft Data Center Zoning Ordinance	

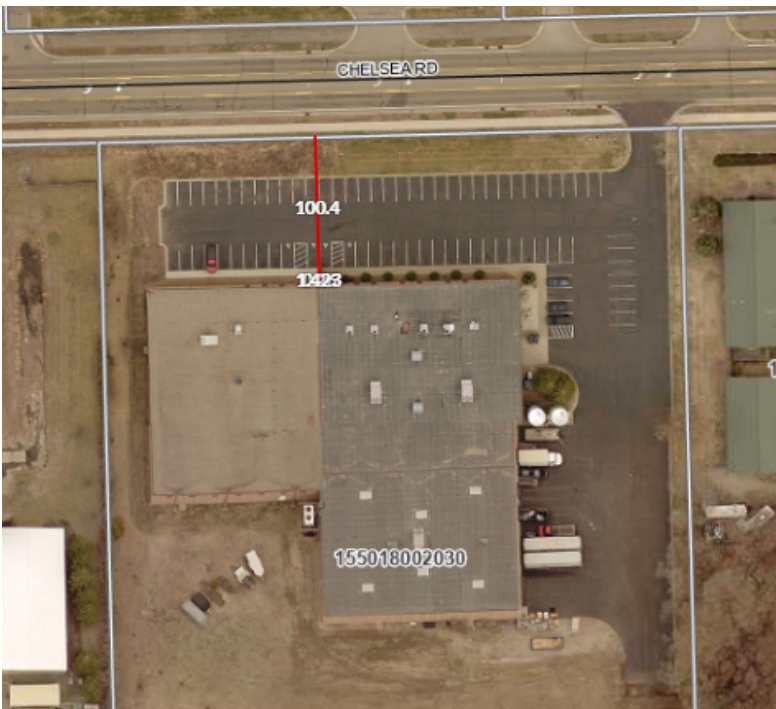
SETBACKS & HEIGHT



**BLOCK 52 | 17.5' SETBACK FROM
PINE ST. / PROPERTY LINE**



75' HEIGHT



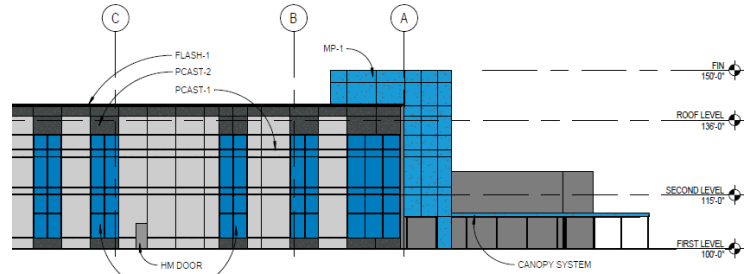
**AROPLAX | 100' SETBACK FROM
CHELSEA / PROPERTY LINE**



23.5' HEIGHT

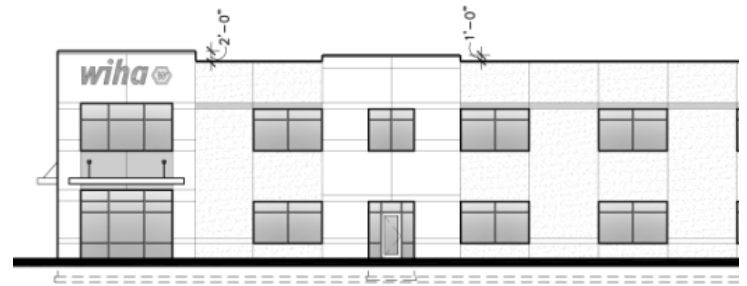
Setbacks : 0-100'

SETBACKS & HEIGHT



50' HEIGHT

UMC | 253' SETBACK FROM CHELSEA RD. / PROPERTY LINE



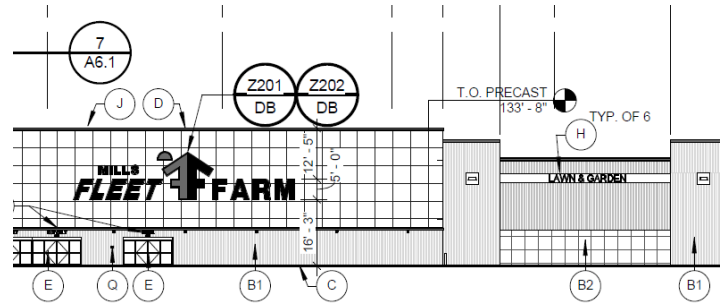
35' HEIGHT

WIHA | 355' SETBACK FROM 7TH ST. W



Setbacks : 250'-350'

SETBACKS & HEIGHT



**31' HEIGHT
(SILO 65')**

FLEET FARM | 650' SETBACK FROM CHELSEA RD

Setbacks : 350'+

FLOOR AREA RATIO



**516 E 7TH ST
12.79 ACRE PARCEL
1.739 ACRE BUILDING =
0.13 F.A.R**



**9668 FALLON
2.00 ACRE PARCEL
0.44 ACRE BUILDING =
0.22 F.A.R**

FLOOR AREA RATIO



**10531 DALTON AVE NE
4.68 ACRE PARCEL
1.5 ACRE BUILDING =
0.32 F.A.R**



**9600 FALLON AVE NE
4.05 ACRE PARCEL
1.39 ACRE BUILDING =
0.34 F.A.R**

A Guide to Noise Control in Minnesota

Acoustical Properties, Measurement, Analysis, and Regulation



Minnesota Pollution Control Agency

November 2015

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Foreword

The Minnesota Pollution Control Agency (MPCA) is empowered to enforce the State of Minnesota noise rules. These rules and supporting acoustical information can be viewed in the document, “A Guide to Noise Control in Minnesota.” This publication is intended to provide information on the basics of sound and noise regulation.

Revised 2015

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Introduction

Noise is a pollutant. While its physical and emotional effects are difficult to define quantitatively, the noise level itself can be measured.

Sound: An alteration of pressure that propagates through an elastic medium such as air and produces an auditory sensation.

Noise: Any undesired sound.

The Minnesota Pollution Control Agency (MPCA) is empowered to enforce the State of Minnesota noise rules ([Minn. Rules Ch. 7030](#)). Minnesota's primary noise limits are set by "noise area classifications" (NACs) based on the land use at the location of the person that hears the noise. They are also based on the sound level in decibels (dBA) over ten percent (L_{10}), or six minutes, and fifty percent (L_{50}), or thirty minutes, of an hour.

For residential locations (NAC 1), the limits are $L_{10} = 65$ dBA and $L_{50} = 60$ dBA during the daytime (7:00 a.m. – 10:00 p.m.) and $L_{10} = 55$ dBA and $L_{50} = 50$ dBA during the nighttime (10:00 p.m. – 7:00 a.m.) ([Minn. R. 7030.0040](#)). This means that during a one-hour period of monitoring, daytime noise levels cannot exceed 65 dBA for more than 10 percent of the time (six minutes) and cannot exceed 60 dBA more than 50 percent of the time (30 minutes).

1. Noise rules in Minnesota

1.1 The basics

Minnesota's noise pollution rules are based on statistical calculations that quantify noise levels over a one-hour monitoring period. The L_{10} calculation is the noise level that is exceeded for 10 percent, or six minutes, of the hour, and the L_{50} calculation is the noise level exceeded for 50 percent, or 30 minutes, of the hour. There is not a limit on maximum noise.

The statutory limits for a residential location are $L_{10} = 65$ dBA and $L_{50} = 60$ dBA during the daytime (7:00 a.m. – 10:00 p.m.) and $L_{10} = 55$ dBA and $L_{50} = 50$ dBA during the nighttime (10:00 p.m. – 7:00 a.m.) ([Minn. R. 7030.0040](#)). This means that during the one-hour period of monitoring, daytime noise levels cannot exceed 65 dBA for more than 10 percent of the time or 60 dBA more than 50 percent of the time.

The basic noise rules for other noise area classifications are:

Noise Area Classification	Daytime		Nighttime	
	L_{10}	L_{50}	L_{10}	L_{50}
1	65	60	55	50
2	70	65	70	65
3	80	75	80	75

1.2 Noise area classifications

Noise area classifications (NAC) are based on the land use at the location of the person who hears the noise, which does not always correspond with the zoning of an area. Therefore, noise from an industrial facility near a residential area is held to the NAC 1 standards if it can be heard on a residential property.

Some common land uses associated with the NACs include:

NAC 1: Residential housing, religious activities, camping and picnicking areas, health services, hotels, educational services

NAC 2: Retail, business and government services, recreational activities, transit passenger terminals

NAC 3: Manufacturing, fairgrounds and amusement parks, agricultural and forestry activities

NAC 4: Undeveloped and unused land

Note that, although there is a NAC 4, there are no noise standards for these areas. The full list of NAC land uses can be found starting on [page 21](#) of this guide or in Minnesota Rule [7030.0050](#).

1.3 Common noise concerns

By Minnesota law, the MPCA is empowered to enforce the state's noise rules. Many other agencies and levels of government, however, have an important role to play in upholding the noise standards. Depending on the source and location of the noise, some agencies may be in a better position than others to help citizens with noise concerns.

Industrial facilities

The MPCA enforces noise standards at facilities for which it has issued an air permit. For complaints about noise at one of these facilities, please use the [Online Citizen Complaints Form](#). If you prefer, you may call the MPCA to make your complaint: 651-296-6300 within the Twin Cities metropolitan area or 1-800-657-3864 if you are outside of this area.

Local land uses

Local law enforcement agencies are empowered to enforce Minnesota state rules and laws relating to the prevention and control of pollution ([Minn. Stat. 115.071](#)). Many local governments also have nuisance noise ordinances or general public nuisance ordinances that can be used to enforce local noise concerns.

Local governments are required to take reasonable measures to prevent the approval of land use activities that will violate the state noise standard immediately upon establishment of the land use ([Minn. R. 7030.0030](#)). Municipalities should consider the state noise standard when reviewing and approving new projects in their jurisdiction. The MPCA can provide some expertise to support this review process. Please contact noise.pca@state.mn.us.

Roads and highways

The Minnesota Department of Transportation (MnDOT) handles complaints about noise on highways and other roads it manages. According to [Minn. Stat. 116.07.2a](#), most roads are exempt from Minnesota's state noise rules. MnDOT does, however, have policies, agreed on with the MPCA, for providing noise mitigation when it is determined to be both feasible and reasonable. MPCA reviews some MnDOT projects and noise mitigation decisions. For further information on MnDOT's noise policies, please visit its [website](#).

Vehicles

[Minn. R. 7030.1000-1060](#) outlines Minnesota's state rules relating to motor vehicle noise. In addition to the state rules, local governments may have nuisance sound ordinances, which are often easier to enforce than the state rule. As with noise relating to local land-use decisions, contacting your local government or law enforcement is your best course of action.

Airplanes

The Metropolitan Airports Commission (MAC) responds to all concerns regarding noise relating to aircraft or the airports. For more information, please see its [website](#).

Snowmobiles, off-highway vehicles, and motor boats

The Minnesota Department of Natural Resources (MDNR) has source-specific noise rules for snowmobiles ([Minn. R. 6100.5700.5](#)), off-highway vehicles ([Minn. R. 6102.0040.4](#)), and motor boats ([Minn. Stat. 86B.321](#)), requiring them to be equipped with proper mufflers and conform to certain noise standards. For more information on MDNR regulations for snowmobiles, off-highway vehicles, and boats, please visit its [website](#).

Mining

The MDNR also has source-specific rules to restrict noise and vibrations from different types of metallic mining operations ([Minn. R. 6130.3900](#) and [6132.2900](#)). Local governments are relied upon to consider noise when approving and permitting sand and gravel mining operations. The MPCA enforces noise standards at mining facilities for which it has issued an air permit. For complaints about noise at one of these facilities, please use the [Online Citizen Complaints Form](#). If you prefer, you may call the MPCA to make your complaint: 651-296-6300 within the Twin Cities metropolitan area or 1-800-657-3864 if you are outside of this area.

Gun clubs

[Minn. Stat. 116.07.2a](#) exempts gun clubs from the receiver-based noise standards administered by the MPCA. However, [Minn. Stat. 87A](#) includes some standards regarding gun club noise. Through this statute, the MDNR is authorized to regulate gun club noise. For further information, please visit its [website](#).

Motor vehicle race track

[Minn. Stat. 116.07.2a](#) exempts motor vehicle race tracks built before July 1, 1996 from Minnesota's noise standards. All tracks built since that date must comply with the noise rules. Local governments have often been successful in working with exempt tracks to mitigate noise concerns by establishing time and date restrictions, muffler requirements, and noise barriers.

1.4 Regulatory agencies

Several agencies have noise regulations for different noise sources. Noise rules either set standards based on the source of the noise (source standards) or based on who hears the noise (receiver-based standards).

Minnesota Pollution Control Agency - The MPCA has a receiver-based standard intended to limit noise levels and protect the health and welfare of the general public. The MPCA enforces the standard at facilities for which the agency issues air quality permits. The MPCA also works with other agencies and levels of government to enforce noise standards and reduce violations through pre-construction project reviews.

Local Agencies - Local governing agencies, such as a cities and counties, are relied upon to enforce noise standards relating to local land use and often have ordinances regulating noise levels. They are also responsible for not allowing land uses that would immediately violate the state noise standard. For instance, local governments should be cautious of allowing a loud local utility facility to locate in a residential area.

Minnesota Department of Natural Resources - The MDNR has source standards for snowmobiles, motorboats, personal watercraft, off-highway vehicles, and gun clubs. MDNR also has source standards for metallic mining operations. For more information, see its [website](#).

Metropolitan Airport Commission - The MAC is responsible for all noise issues related to the Minneapolis-St. Paul International Airport and reliever airports. For more information, see its [website](#).

Federal Aviation Administration - The FAA has source regulations for commercial jet engines. All commercial jet engines must meet noise emission criteria prior to being certified for flight. However, the Metropolitan Airport Commission is the best contact for noise concerns related to its airports. Additional information on the FAA's noise standards can be found on its [website](#).

Minnesota Department of Transportation – MnDOT is responsible for state highway noise mitigation. It works with the Federal Highway Administration (FHWA) and the MPCA to evaluate road projects for noise impacts and possible mitigation measures. For more information see the Department's [website](#).

Federal Highway Administration (FHWA) - The FHWA does not have actual noise standards, but has a 70 dBA L₁₀ guideline that is used to determine federal funding for noise abatement on highway projects. New highway projects must go through a noise impact analysis and be considered for abatement measures. Information on FHWA's noise policies can be found on its [website](#).

Federal Railroad Administration (FRA) - Regulation of railroad-related noise is the responsibility of the FRA. For more information see the Administration's [website](#) and to contact them about a noise concern, call 1-800-724-5040.

Occupational Safety and Health Administration (OSHA) - OSHA has regulations to protect against hearing loss in the workplace. These are "dose standards" that restrict the amount of noise an employee receives over a period of time, such as eight hours. For additional information, visit OSHA's [website](#).

Housing and Urban Development (HUD) - HUD has noise regulations that establish acceptable noise zones for HUD housing projects. More information can be found on HUD's [website](#).

2. Basics of how sound works

2.1 Waves and sound pressure level

Sound travels in a wave motion through the air to our ears. A good way to imagine wave motion is with a weight hanging from a spring. Picture the following diagram (Figure 1) as a single weight and spring combination varying as time progresses along the horizontal axis.

In Figure 1 the first position of the weight on the spring is at rest with no forces exerted upon the system. If the weight is raised above its point of rest and the progression of the weight moving down and up again is observed over a period of time, a wave form is produced.

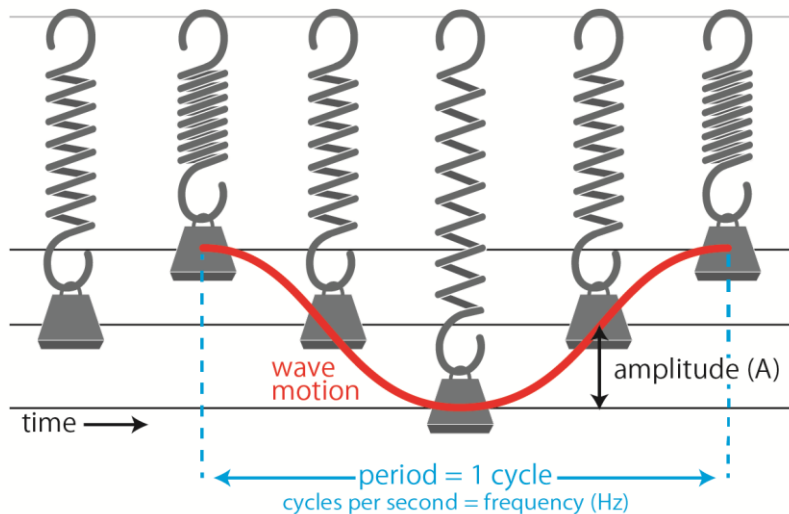


Figure 1. Weight on a spring – example of periodic motion

The *amplitude* of the moving weight is labeled as “A” in Figure 1 and corresponds with the maximum movement of the weight from its “at rest” position to the peak of the wave form either up or down. We hear changes in amplitude as changes in volume.

The *period* of the vibration is the amount of time taken to produce one complete cycle or, in this example, how quickly the weight moves from top to bottom and back. The number of cycles per second defines the *frequency* of the periodic (up and down) motion, which is given the unit of *hertz*, or *Hz*. We hear different frequencies as higher or lower pitched sounds.

Figure 2 shows how the weight on a string (two-dimensional) example of sound waves compares to the compression and expansion of sound waves through space (three-dimensional).

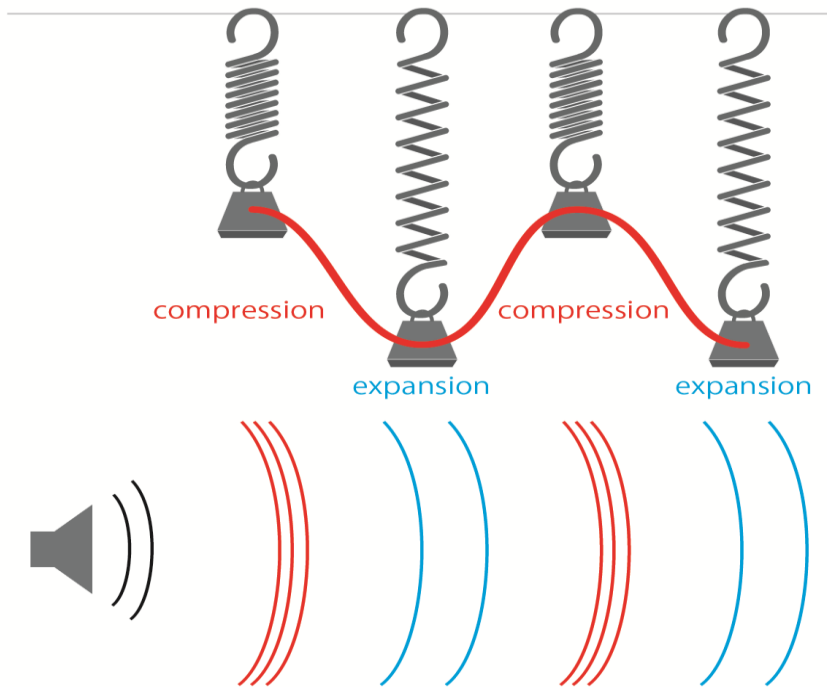


Figure 2. Comparison of periodic motion to sound waves

The graphical representation of sound waves in Figure 2 is of *pure tones*, which are sounds made up of a single frequency. A familiar example of a pure tone is the sound produced when a single key of a piano is pressed. For instance, the middle C key on a piano vibrates the associated wire at a rate of approximately 260 times per second or 260 Hertz. The vibration of the wire transfers its motion to the sound board of the piano, which then vibrates at the same frequency, causing the air adjacent to the sound board to form compression and expansion waves in the air emitting outward from the sound board. When received by the human ear, this is regarded as sound. Most sounds are not pure tones, but a mixture of tones of varying amplitude, frequency, and duration.

The *intensity* of a sound is the amount of sound energy at a given moment in a given area. The *sound pressure level*, measured in a unit called the *decibel*, or *dB*, is the ratio between the intensity of a sound and that of a reference pressure, which is the threshold of perception. The decibel is a logarithmic measurement which can accommodate a large range of values. The human ear can detect sounds more than a million times quieter than a jet aircraft during take-off; therefore, to have a system with a manageable range of numbers, the logarithm is used.

Sound pressure level = $20 \log_{10} * (\text{Measured Sound Pressure} / \text{Reference Pressure})$

Reference Pressure = $0.00002 \text{ Newtons} / (\text{meter})^2$

Many different properties affect the noise level of a specific source type. For example, three lawn mowers may have three different noise levels because of differences in each specific piece of equipment. Noise level also depends on the distance from the noise source and features of the surrounding environment.

Figure 3 provides a rough estimate of decibel levels of some common noise sources.

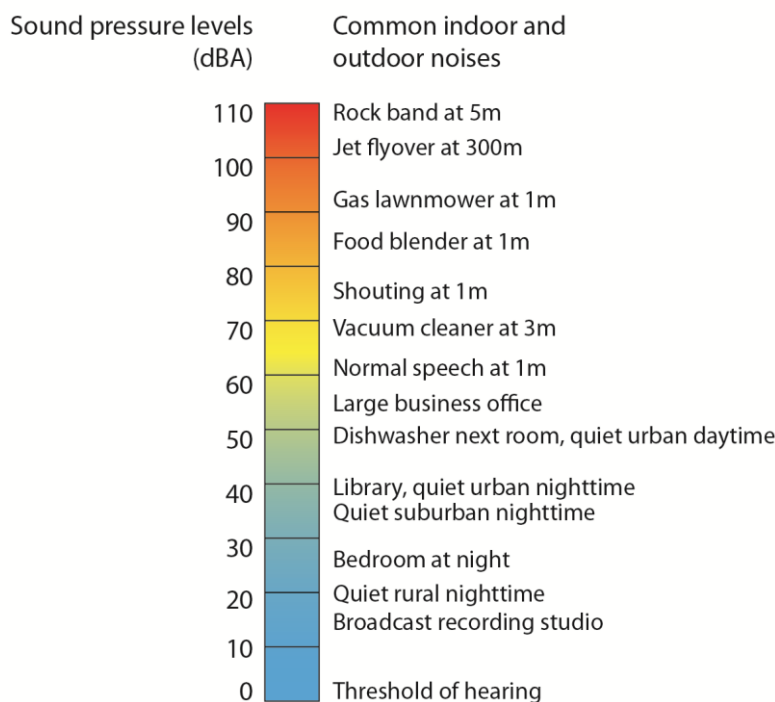


Figure 3. Decibel levels of common noise sources

2.2 Sound weighting networks

Sound level meters (SLM) used for monitoring can pick up sounds as a perfect computer, but the human ear is not as precise. The human ear cannot hear very low frequencies or very high frequencies. Weighting networks are used in noise monitors to adjust specific frequencies in the audio spectrum to attempt to duplicate the response of the human ear.

The C-weighting network represents the actual sound pressure level that is received by the sound level meter, and does not noticeably vary in its amount of compensation throughout the audio spectrum. C-weighting is used during the calibration of sound level meters to ensure that the sound level displayed on the meter is accurate and the same as the frequency of the calibrator.

The A-weighting network is used to duplicate the sensitivity of the human ear. At 100 Hertz, the A-weighting network filters out approximately 20 dB from the incoming signal before it is combined with the levels from the other frequency ranges to produce an A-weighted sound level.

The graph in Figure 4 represents the sensitivity of the human ear in comparison to the compensation of a C-weighting network and an A-weighting network. This illustration is useful in understanding how the ear is inefficient in the detection of lower frequencies and is very sensitive to higher frequencies.

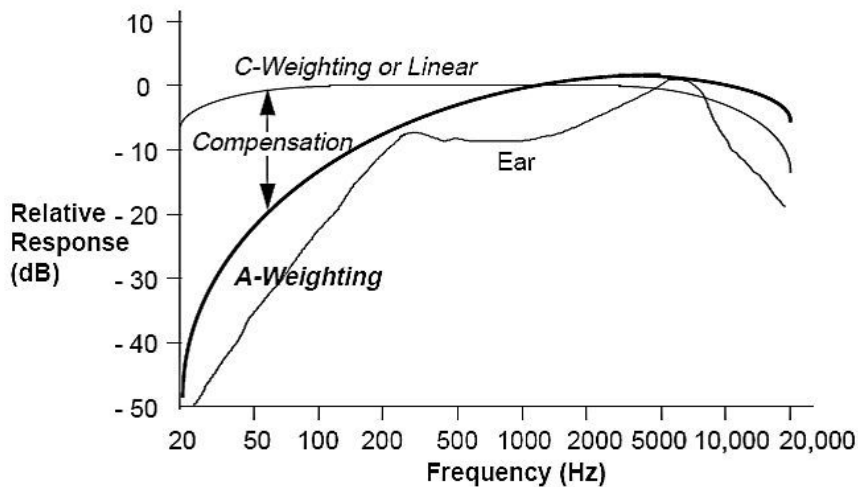


Figure 4. Weighting networks with sound measurements done in the A-weighting network are reported with the unit dBA

2.3 Human perception of sound

Sound has qualitative aspects that can be described with adjectives and quantitative aspects that can be described with measurements. Sound can be qualitatively perceived as pleasant or annoying, and quantitatively (as loudness) measured in terms of decibels.

Changes in loudness are described on a logarithmic scale because the human ear can hear such a wide range of sound levels. The human ear can usually tell the difference when sound changes by 3 dBA and a 5 dBA change is clearly noticeable. Because of how the logarithmic scale functions in compressing the measurements associated with sounds, an increase of 10 dBA sounds twice as loud.

± 1 dBA.....	Not Noticeable
± 3 dBA.....	Threshold of Perception
± 5 dBA.....	Noticeable Change
± 10 dBA.....	Twice (Half) As Loud
± 20 dBA.....	Four Times (One Fourth) As

Figure 5. Change in decibel level and perceived change in loudness

Number of sources

In many situations pertaining to noise control and monitoring, it is very useful to be able to add and subtract multiple sources of sound. This can be done with principles similar to how sound attenuation over distance is estimated.

A doubling of sound energy yields an increase of three decibels. For example, each generator at a factory produces sound that is measured at 70 decibels, so running one generator would create sound measured at 70 dBA, turning on a second generator would increase sound by 3 dBA to 73 dBA, and doubling again to four generators would increase sound levels to 76 dBA. Figure 7 illustrates this principle.

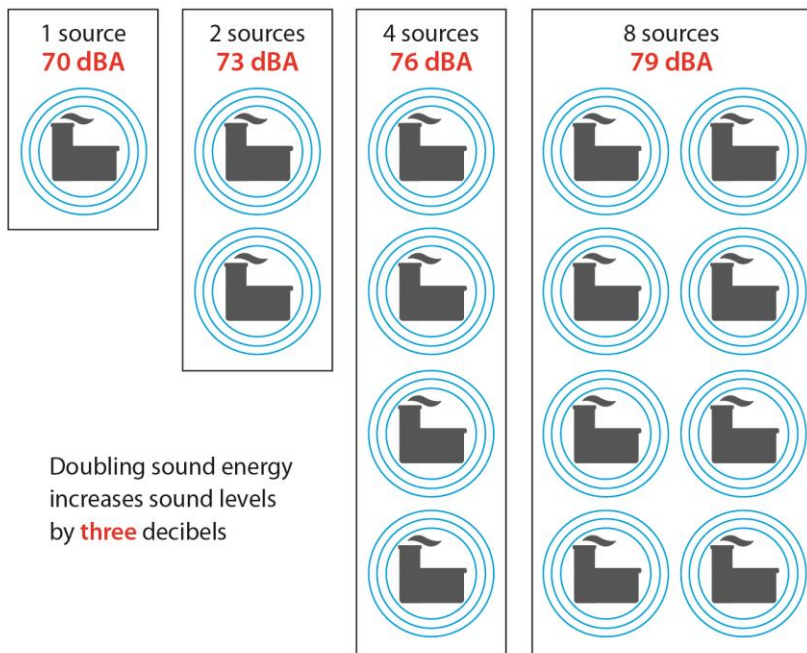


Figure 7. Addition and subtraction of decibel levels

In the same way, reducing the number of sources by half will reduce the sound pressure by 3 dBA.

Consider the perception of changes in decibel levels (Figure 5) compared to the example of addition or subtraction of sources (Figure 7). Doubling sources yields an increase of 3 dBA, which is a change that is just perceptible.

Background noise

Background, or ambient, noise consists of all noise sources other than the noise source of concern. This can include traffic, animals, machinery, voices, and other sounds.

Wind is often a major source of ambient noise and can frequently be a problem when trying to monitor a specific source of noise. The MPCA's noise test procedures state that measurements should not be made when noise from wind or precipitation results in a difference of less than 10 dBA between the background sound level and noise source being measured. In practice, this means that wind speeds must be below 11 mph when making noise measurements and rainy weather conditions should be avoided. When background noise is less than 10 dBA from the decibel level of the noise source to be measured, confidence in the accuracy of the measurement decreases.

In certain instances, when a single noise source is analyzed along with other noise sources, correction factors can be used to isolate the noise source being monitored and calculate its individual noise level. This is done by measuring and recording the total noise level of all sources. Next, the noise source to be isolated is turned off and a noise level reading is taken with all the other existing noise sources in operation. The background noise level is then subtracted from the total noise level. The result is used in conjunction with the following background noise correction chart (Figure 8) to find the approximate noise level of the source.

Figure 8 is a graph used to estimate the amount of background noise influencing a measurement. Based on the measured background noise it gives the corresponding decibel level to be subtracted from the total measurement to determine the decibel level of the noise source being monitored.

For example, if the total noise level is 74 dBA, and then falls to 70 dBA when the source of interest is turned off, the difference of four decibels between the total noise level and background noise indicates that two decibels should be subtracted from the total. This means that a 72 dBA noise level can be attributed to the monitored source in the absence of background noise.

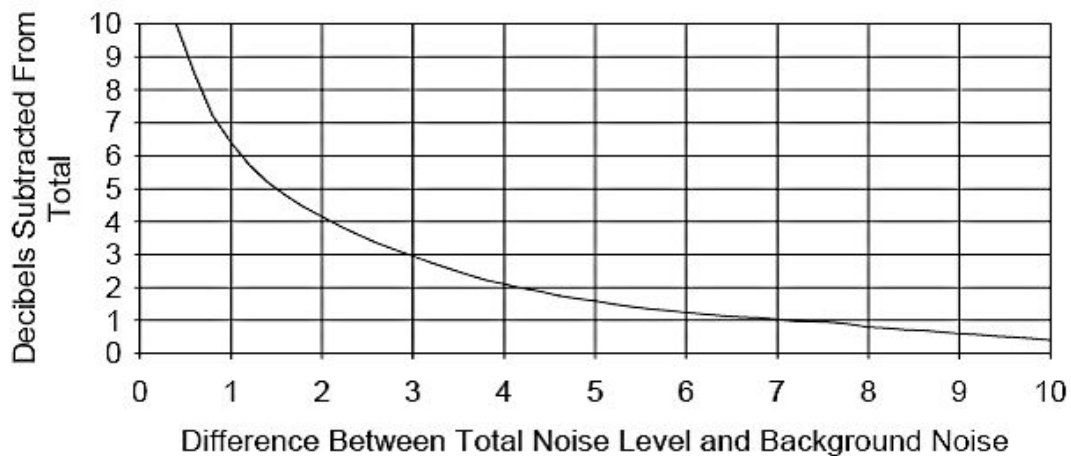


Figure 8. Background noise correction

3. Measurement procedures

This guide contains two measurement procedures. The general protocols remain the same, but your choice of procedure depends on the capabilities of your sound level meter (SLM). Noise Test Procedure 1 (NTP-1) should be used if your SLM is capable of calculating monitoring results and Noise Test Procedure 2 (NTP-2) should be used if your SLM only displays instantaneous readings.

3.1 General procedures

Sound level meter

Your sound level meter and microphone must comply with the specifications for ANSI S1.4-1983 Type 0, 1, 2, or S.

Calibration

You must also have a calibrator of a known frequency and sound level. Calibrators should be compared to a lab standard periodically. Calibration must be performed before and after the monitoring period. Adjustments should be made if necessary.

Weather conditions

Measurements should not be made when noise from wind or precipitation results in a difference between the background sound level and noise source being measured that is less than 10 dBA. In practice, this means that wind speeds must be below 11 mph and rainy weather conditions should be avoided. Temperature and humidity should be within equipment specifications.

Background noise

As mentioned in the previous section, background noise is any ambient noise other than the noise to be measured, including wind, precipitation, traffic, etc. The difference between the sound level of the source being monitored and that of the background noise must be less than 10dBA. See [page 11](#) for suggestions on how to correct for background noise.

Location of measurement

Properly choosing a monitoring location is an important consideration. Measurements should be made in the appropriate NAC, at the area of normal outdoor human activity nearest to the noise source. The monitoring location may not necessarily be at the property line; for instance, if the property of the complainant is large and residential outdoor activity is limited to a backyard patio (possibly such as on a farm).

Measurements must be made outdoors from at least three feet off of the ground (a tripod is helpful for this). Another important part of site selection is the consideration of errors caused by reflecting objects, such as a house or other large manmade or natural structures. Measurements should be made at least as far away from any large reflecting object as from the noise source being measured. If this is not possible, stay at least 30 feet from structures.

Documentation of measurement

A survey form must be completed containing date, time, location, noise source, wind speed/direction, temperature, humidity, equipment information (make, model, serial number), site sketch with the location of the noise source and measurement location (including appropriate distances), data and calibration information. A sample survey form can be found on page 16.

3.2 Noise Test Procedure 1: Measurement procedure for non-impulsive noise

The following test procedure has been approved by the Commissioner of the MPCA for the measurement of non-impulsive noise. The general procedures described above ([3.1 General procedures](#)) should be followed whether you are using the NTP-1 or NTP-2 procedures.

Instrumentation:

- Sound level meter and a microphone conforming to type 0, 1, 2, or S specifications under ANSI S1.4-1983
- Calibrator of known frequency and level
- Small screwdriver for sensitivity adjustment
- Microphone windscreen
- Noise survey form
- Tripod (optional)

Monitoring procedure:

Monitoring must be conducted for at least a one hour time period. Sound meter must use the "A" weighting and FAST response characteristics. Follow your manufacturer instructions to obtain the L_{10} and L_{50} results.

3.3 Noise Test Procedure 2: Manual measurement procedure for non-impulsive noise

The following test procedure has been approved by the Commissioner of the MPCA for the measurement of non-impulsive noise. The general procedures described above ([3.1 General procedures](#)) should be followed whether you are using the NTP-1 or NTP-2 procedures. The NTP-2 procedure is to be used with SLMs that cannot calculate noise statistics and only provide instantaneous readings.

Instrumentation:

- Sound level meter and a microphone conforming to type 0, 1, 2, or S specifications under ANSI S1.4-1983
- Calibrator of known frequency and level
- Small screwdriver for sensitivity adjustment
- Microphone windscreen
- Noise survey form
- Tripod (optional)

Manual monitoring procedure:

Using a hand-held SLM, take an instantaneous sound reading every 10 seconds and record on a data sheet. A partner is very helpful.

Continue taking sound readings for one hour, which will give you 360 individual readings. Figure 9 provides an example of a manual monitoring data sheet.

To determine the L_{10} , take the 36th loudest (10 percent of 360 = 36) individual sound reading by counting from the loudest to the quietest on the data sheet. For example, in Figure 9, the L_{10} = 63 and is the 36th X from the top of the sheet.

To determine the L_{50} , take the 180th loudest (50 percent of 360 = 180) individual sound reading. In Figure 9, the L_{50} = 57 and represents the 180th X from the top of the sheet.

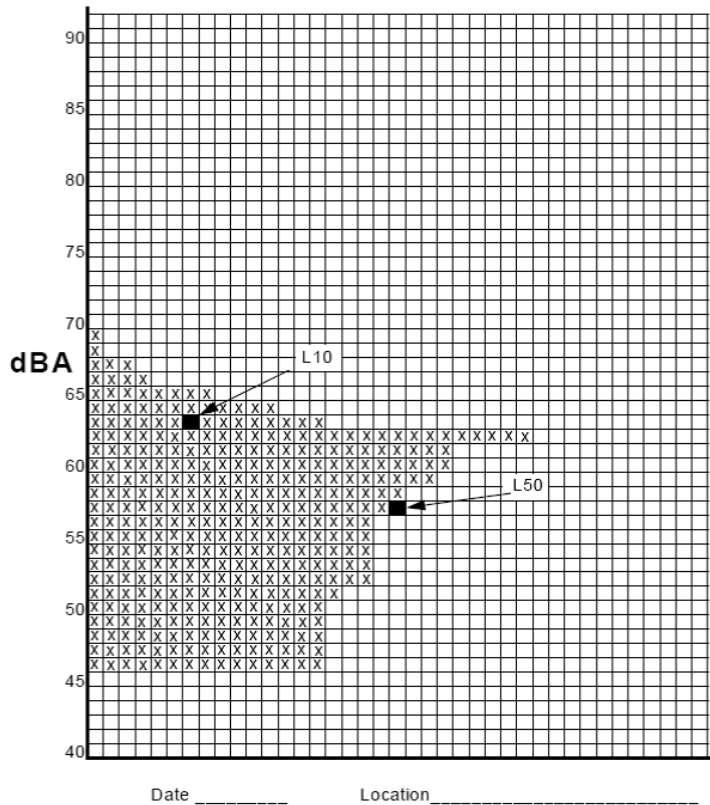
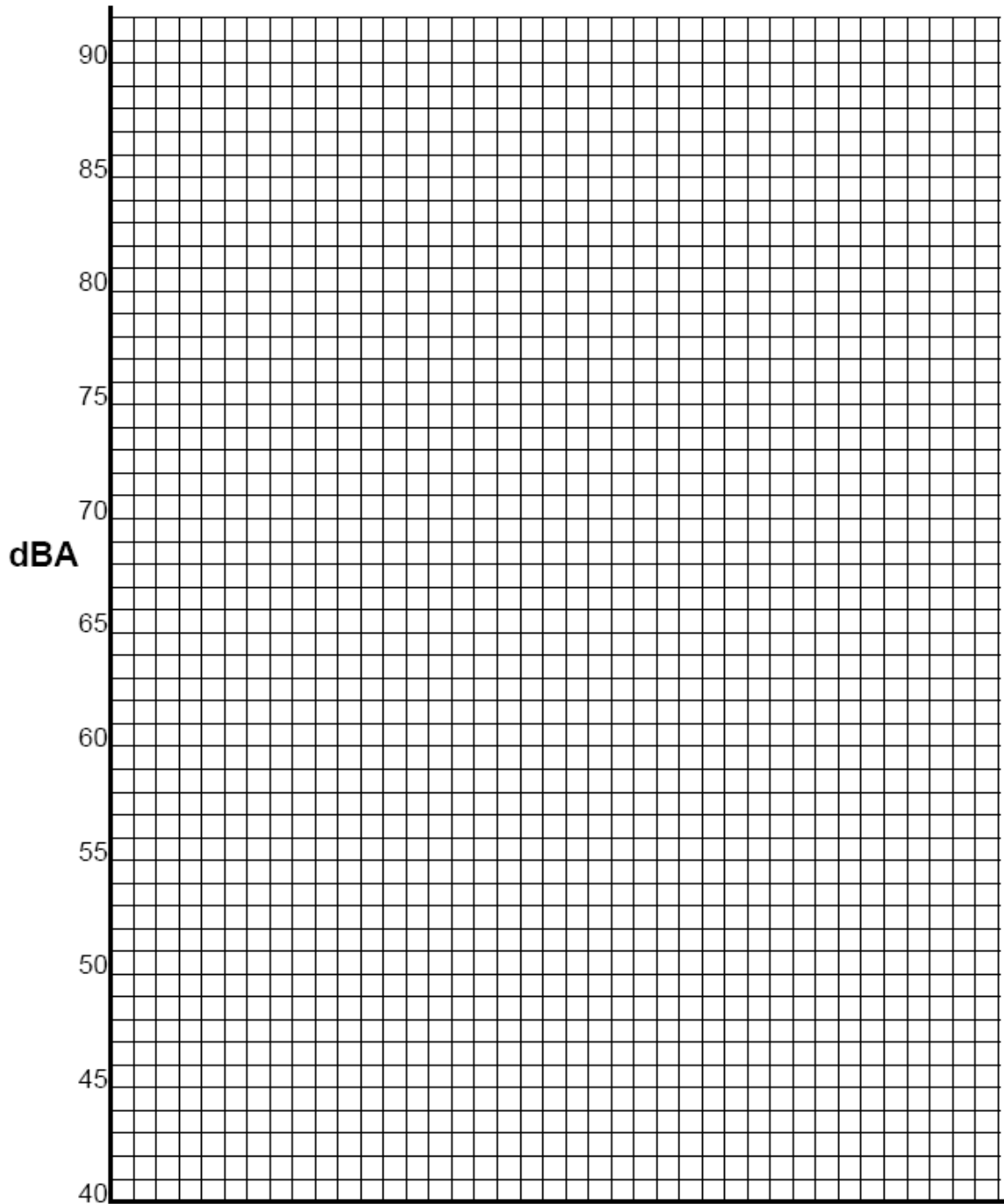


Figure 9. Example manual monitoring data sheet

Manual Monitoring Data Sheet



Date _____

Location _____

Noise survey

Investigator _____ Date _____

SLM Manufacturer and Model _____ Serial Number _____

Calibrator Manufacturer and Model _____

Calibrator Serial Number _____ Calibrator Frequency (Hz) _____

Initial Calibration (dBA) _____ Final Calibration (dBA) _____

Meteorological Conditions: Wind Speed _____ Direction _____ Temperature _____

Source _____

Monitor Location _____

Time Start _____ Time End _____

Results L₁₀ _____ dBA L₅₀ _____ dBA

Diagram (*Indicate noise source, receiver, microphone location, reflecting objects, obstructions, landmarks, and distances*)

4. Minnesota noise pollution statutes and rules

Minn. Stat. § 116.07 POWERS AND DUTIES.

Subdivision 1. **Generally.** In addition to any powers or duties otherwise prescribed by law and without limiting the same, the Pollution Control Agency shall have the powers and duties hereinafter specified.

Subd. 2. **Adoption of standards.** (c) The Pollution Control Agency shall also adopt standards describing the maximum levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere, recognizing that due to variable factors no single standard of sound pressure is applicable to all areas of the state. Such standards shall give due consideration to such factors as the intensity of noises, the types of noises, the frequency with which noises recur, the time period for which noises continue, the times of day during which noises occur, and such other factors as could affect the extent to which noises may be injurious to human health or welfare, animal or plant life, or property, or could interfere unreasonably with the enjoyment of life or property. In adopting standards, the Pollution Control Agency shall give due recognition to the fact that the quantity or characteristics of noise or the duration of its presence in the outdoor atmosphere, which may cause noise pollution in one area of the state, may cause less or not cause any noise pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, meteorological conditions and the fact that a standard which may be proper in an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such noise standards shall be premised upon scientific knowledge as well as effects based on technically substantiated criteria and commonly accepted practices. No local governing unit shall set standards describing the maximum levels of sound pressure which are more stringent than those set by the Pollution Control Agency.

Subd. 2a. **Exemptions from standards** No standards adopted by any state agency for limiting levels of noise in terms of sound pressure which may occur in the outdoor atmosphere shall apply to (1) segments of trunk highways constructed with federal interstate substitution money, provided that all reasonably available noise mitigation measures are employed to abate noise, (2) an existing or newly constructed segment of a highway, provided that all reasonably available noise mitigation measures, as approved by the commissioners of the Department of Transportation and Pollution Control Agency, are employed to abate noise, (3) except for the cities of Minneapolis and St. Paul, an existing or newly constructed segment of a road, street, or highway under the jurisdiction of a road authority of a town, statutory or home rule charter city, or county, except for roadways for which full control of access has been acquired, (4) skeet, trap or shooting sports clubs, or (5) motor vehicle race events conducted at a facility specifically designed for that purpose that was in operation on or before July 1, 1996. Nothing herein shall prohibit a local unit of government or a public corporation with the power to make rules for the government of its real property from regulating the location and operation of skeet, trap or shooting sports clubs, or motor vehicle race events conducted at a facility specifically designed for that purpose that was in operation on or before July 1, 1996.

Minn. Rules § 7030 NOISE POLLUTION CONTROL

7030.0010 INCORPORATION BY REFERENCE.

For the purpose of chapter 7030, American National Standards Institute, Specification for Sound Level Meters, S1.4-1983 is incorporated by reference. This publication is available from the American National Standards Institute, 1430 Broadway, New York, N.Y. 10018 and can be found at: the offices of the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113; the Government Documents Section, Room 409, Wilson Library, University of Minnesota, 309 19th Avenue South, Minneapolis, Minnesota 55454; and the State of Minnesota Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155. This document is not subject to frequent change.

The Federal Highway Administration publication, Sound Procedures for Measuring Highway Noise: Final Report, FHWA-DP-45-1R (August 1981) is incorporated by reference. This publication is available from the United States Department of Transportation, Federal Highway Administration, 1000 North Globe Road, Arlington, Virginia 22201 and can be found at: the offices of the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113; the Government Documents Section, Room 409, Wilson Library, University of Minnesota, 309 19th Avenue South, Minneapolis, Minnesota 55454; and the State of Minnesota Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155. This document is not subject to frequent change.

7030.0020 DEFINITIONS.

Subpart 1. Application. The terms used in this chapter have the meanings given them in this part.

Subp. 2. A-weighted. "A-weighted" means a specific weighting of the sound pressure level for the purpose of determining the human response to sound. The specific weighting characteristics and tolerances are those given in American National Standards Institute S1.4-1983, section 5.1.

Subp. 3. Daytime. "Daytime" means those hours from 7:00 a.m. to 10:00 p.m.

Subp. 4. dB(A). "dB(A)" means a unit of sound level expressed in decibels (dB) and A-weighted.

Subp. 5. Decibel. "Decibel" means a unit of sound pressure level, abbreviated as dB.

Subp. 6. Impulsive noise. "Impulsive noise" means either a single sound pressure peak (with either a rise time less than 200 milliseconds or total duration less than 200 milliseconds) or multiple sound pressure peaks (with either rise times less than 200 milliseconds or total duration less than 200 milliseconds) spaced at least by 200 millisecond pauses.

Subp. 7. L₁₀. "L₁₀" means the sound level, expressed in dB(A), which is exceeded ten percent of the time for a one hour survey, as measured by test procedures approved by the commissioner.

Subp. 8. L₅₀. "L₅₀" means the sound level, expressed in dB(A), which is exceeded 50 percent of the time for a one hour survey, as measured by test procedures approved by the commissioner.

Subp. 9. Municipality. "Municipality" means a county; a city; a town; a regional planning and development commission established under Minnesota Statutes, chapter 473; the metropolitan council; or other governmental subdivision of the state responsible by law for controlling or restricting land use within its jurisdiction.

Subp. 10. Nighttime. "Nighttime" means those hours from 10:00 p.m. to 7:00 a.m.

Subp. 11. Person. "Person" means any human being, any municipality or other governmental or political subdivision or other public department or agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agency, legal entity, other than a court of law, or any legal representative of any of the foregoing, but does not include the agency.

Subp. 12. Sound pressure level. "Sound pressure level", in decibels, means 20 times the logarithm to the base 10 of the ratio of the pressure to the reference pressure. The reference pressure shall be 20 micronewtons per square meter.

7030.0030 NOISE CONTROL REQUIREMENT.

No person may violate the standards established in part [7030.0040](#), unless exempted by Minnesota Statutes, section [116.07](#), subdivision 2a. Any municipality having authority to regulate land use shall take all reasonable measures within its jurisdiction to prevent the establishment of land use activities listed in noise area classification (NAC) 1, 2, or 3 in any location where the standards established in part [7030.0040](#) will be violated immediately upon establishment of the land use.

7030.0040 NOISE STANDARDS.

Subpart 1. Scope. These standards describe the limiting levels of sound established on the basis of present knowledge for the preservation of public health and welfare. These standards are consistent with speech, sleep, annoyance, and hearing conservation requirements for receivers within areas grouped according to land activities by the noise area classification (NAC) system established in part [7030.0050](#). However, these standards do not, by themselves, identify the limiting levels of impulsive noise needed for the preservation of public health and welfare. Noise standards in subpart 2 apply to all sources.

Subp. 2. Noise standards.

Noise Area Classification	Daytime		Nighttime	
	L ₁₀	L ₅₀	L ₁₀	L ₅₀
1	65	60	55	50
2	70	65	70	65
3	80	75	80	75

7030.0050 NOISE AREA CLASSIFICATION.

Subpart 1. Applicability. The noise area classification is based on the land use activity at the location of the receiver and determines the noise standards applicable to that land use activity unless an exception is applied under subpart 3.

Subp. 2. Noise area classifications. The noise area classifications and the activities included in each classification are listed below:

Noise Area Classification	Land Use Activities	
1	Household Units (includes farm houses)	Transient lodging
	Group quarters	Mobile home parks or courts
	Residential hotels	Other residential
	Cultural activities and nature exhibitions	Medical and other health services
	Correctional institutions	Educational services
	Religious activities	Motion picture production
	Entertainment assembly	Resorts and group camps
	Camping and picnicking areas (designated)	Other cultural, entertainment, and recreational activities.
2	Railroad terminals (passenger)	Bus passenger terminals (intercity)
	Railroad terminals (passenger and freight)	Bus passenger terminals (local)
	Rapid rail transit and street railway passenger terminals	Bus passenger terminals (intercity and local)
	Other motor vehicle transportation	Marine terminals (passenger)
	Airport and flying field terminals (passenger)	Marine terminals (passenger and freight)
	Airport and flying field terminals (passenger and freight)	Automobile parking
	Telegraph message centers	Transportation services and arrangements
	Wholesale trade	Retail trade -- apparel and accessories
	Retail trade -- building materials, hardware, and farm equipment	Retail trade -- automotive, marine craft, aircraft, and accessories
	Retail trade -- general merchandise	Retail trade -- furniture, home furnishings, and equipment
	Retail trade -- food	Retail trade -- eating and drinking
	Other retail trade	Finance, insurance, and real estate services

	Personal services	Repair services
	Business services	Legal services
	Other professional services	Contract construction services
	Governmental services (except correctional institutions)	Miscellaneous services (except religious activities)
	Public assembly (except entertainment assembly and race tracks)	Amusements (except fairgrounds and amusement parks)
	Recreational activities (except designated camping and picnicking areas)	Parks.
3	Food and kindred products -- manufacturing	Textile mill products -- manufacturing
	Apparel and other finished products made from fabrics, leather, and similar materials -- manufacturing	Lumber and wood products (except furniture) -- manufacturing
	Furniture and fixtures -- manufacturing	Printing, publishing, and allied industries
	Paper and allied products -- manufacturing	Chemicals and allied products -- manufacturing
	Petroleum refining and related industries	Primary metal industries
	Rubber and miscellaneous plastic products -- manufacturing	Stone, clay, and glass products -- manufacturing
	Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks -- manufacturing	Railroad, rapid transit, and street railway transportation (except passenger terminals)
	Miscellaneous manufacturing (except motion picture production)	Fabricated metal products -- manufacturing
	Motor vehicle transportation (except passenger terminals)	Aircraft transportation (except passenger terminals)
	Marine craft transportation (except passenger and freight terminals)	Communication (except telegraph message centers)
	Highway and street right-of-way	Utilities
	Race tracks	
	Fairgrounds and amusement parks	Agricultural
	Agricultural and related activities	Fishing activities and related services
	Other transportation, communication, and utilities (except transportation services and arrangements)	Forestry activities and related services (including commercial forest land, timber production, and other related activities)
	All other activities not otherwise listed.	

4	Undeveloped and unused land area (excluding non-commercial forest development)	Non-commercial forest development
	Water areas	Vacant floor area
	Under construction	Other undeveloped land and water areas.

Subp. 3. Exceptions. The noise area classification for a land use may be changed in the following ways if the applicable conditions are met.

A. The daytime standards for noise area classification 1 shall be applied to noise area classification 1 during the nighttime if the land use activity does not include overnight lodging.

B. The standards for a building in a noise area classification 2 shall be applied to a building in a noise area classification 1 if the following conditions are met:

- (1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 30 dB(A);
- (2) the building has year-round climate control; and
- (3) the building has no areas or accommodations that are intended for outdoor activities

C. The standards for a building in a noise area classification 3 shall be applied to a building in a noise area classification 1 if the following conditions are met:

- (1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 40 dB(A);
- (2) the building has year-round climate control; and
- (3) the building has no areas or accommodations that are intended for outdoor activities.

D. The standards for a building in a noise area classification 3 shall be applied to a building in a noise area classification 2 if the following conditions are met:

- (1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 30 dB(A);
- (2) the building has year-round climate control; and
- (3) the building has no areas or accommodations that are intended for outdoor activities.

7030.0060 MEASUREMENT METHODOLOGY.

Subpart 1. Measurement location. Measurement of sound must be made at or within the applicable NAC at the point of human activity which is nearest to the noise source. All measurements shall be made outdoors.

Subp. 2. Equipment specifications. All sound level measuring devices must meet Type O, I, II, or S specifications under American National Standards Institute S1.4-1983.

Subp. 3. Calibration. All sound level measuring devices must, at a minimum, be externally field calibrated before and after monitoring using a calibration device of known frequency and sound pressure level.

Subp. 4. Measurement procedures. The following procedures must be used to obtain representative sound level measurements:

A. Measurements must be made at least three feet off the ground or surface and away from natural or artificial structures which would prevent an accurate measurement.

B. Measurements must be made using the A-weighting and fast response characteristics of the sound measuring device as specified in American National Standards Institute S1.4-1983.

C. Measurements must not be made in sustained winds or in precipitation which results in a difference of less than ten decibels between the background noise level and the noise source being measured.

D. Measurements must be made using a microphone which is protected from ambient conditions which would prevent an accurate measurement.

Subp. 5. Data documentation. A summary sheet for all sound level measurements shall be completed and signed by the person making the measurements. At a minimum, the summary sheet shall include:

- A. Date
- B. Time
- C. Location
- D. Noise source
- E. Wind speed and direction
- F. Temperature
- G. Humidity
- H. Make, model, and serial number of measuring equipment
- I. Field calibration results
- J. Monitored levels
- K. Site sketch indicating noise source, measurement location, directions, distances, and obstructions.

7030.0070 SOUND ATTENUATION MEASUREMENT METHODOLOGY.

Subpart 1. Purpose. Sound level measurements made for assessing sound attenuation as specified in part [7030.0050](#), subpart 3, item B, C, or D, shall be made according to the requirements of this part.

Subp. 2. Equipment. The equipment shall meet the requirements specified in part [7030.0060](#), subpart 2.

Subp. 3. Calibration. The equipment must meet the calibration requirements specified in part [7030.0060](#), subpart 3.

Subp. 4. Measurement procedure.

The measurement procedure described in FHWA-DP-45-1R, section 8 must be used for determination of the sound attenuation.

Subp. 5. Equivalent methods. Methods equivalent to those described in subpart 4 may be used provided they are approved by the commissioner of the Minnesota Pollution Control Agency. The commissioner shall approve an alternative method if the commissioner finds that the method will produce representative data and results which are as reliable as the methods specified in subpart 4.

7030.0080 VARIANCE.

If, upon written application of the responsible person, the agency finds that by reason of exceptional circumstances strict conformity with any provisions of any noise rule would cause undue hardship, would be unreasonable, impractical, or not feasible under the circumstances, the agency may permit a variance upon the conditions and within the time limitations as it may prescribe for the prevention, control, or abatement of noise pollution in harmony with the intent of the state and any applicable federal laws.

7030.1000 DEFINITION.

"Motor vehicle" means any self-propelled vehicle not operated exclusively upon railroad tracks and any vehicle propelled or drawn by a self-propelled vehicle and includes vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires but not operated upon rails, except snowmobiles.

7030.1010 PROHIBITIONS.

Subpart 1. Operation of vehicle. No person shall operate either a motor vehicle or combination of vehicles of a type subject to registration pursuant to Minnesota Statutes, chapter 168 at any time or under any condition of grade, load, acceleration, or deceleration in such a manner as to exceed the noise limits contained herein for the category of motor vehicle and speed limits specified, when tested with a measurement procedure approved by the commissioner.

Subp. 2. Sale of vehicle. No person shall sell or offer for sale a new motor vehicle or combination of vehicles of a type subject to registration pursuant to Minnesota Statutes, chapter 168 which when maintained according to the manufacturer's specifications would exceed the noise limits contained herein for the category of motor vehicle and speed limits specified, when tested with a measurement procedure approved by the commissioner.

Subp. 3. Modification of vehicle. No person shall modify a motor vehicle or combination of vehicles of a type subject to registration pursuant to Minnesota Statutes, chapter 168 in a manner which will amplify or increase the noise emitted by the vehicle, above the noise limits contained herein for the category of motor vehicle and speed limits specified, when tested with a measurement procedure approved by the commissioner. No person shall operate a motor vehicle so modified.

Subp. 4. Sale of parts. No person shall sell or offer for sale replacement or additional parts for a motor vehicle or combination of vehicles of a type subject to registration pursuant to Minnesota Statutes, chapter 168 which when installed in the vehicle will amplify or increase the noise emitted by the vehicle, above the noise limits

contained herein for the category of motor vehicle and speed limits specified, when tested with a measurement procedure approved by the commissioner. No person shall operate a motor vehicle incorporating such parts.

7030.1020 SCOPE.

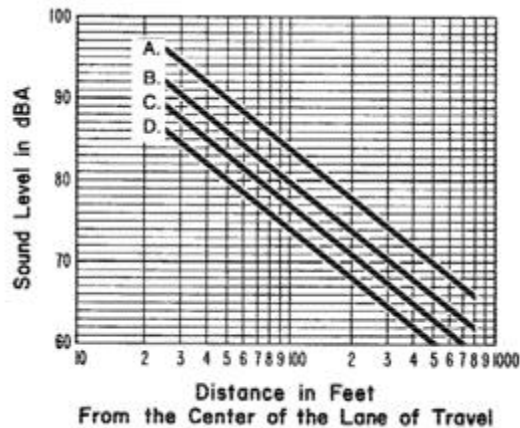
This chapter applies to the total noise from a vehicle or combination of vehicles of a type subject to registration pursuant to Minnesota Statutes, chapter 168 and shall not be construed as limiting or precluding the enforcement of any other provision of law relating to motor vehicle exhaust noise.

7030.1030 EXCEPTIONS.

Vehicles under parts [7030.1050](#) and [7030.1060](#) are allowed to exceed the noise limits contained herein when performing acceleration maneuvers for safety purposes.

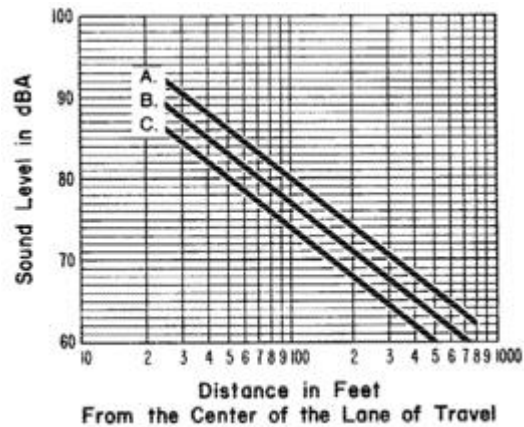
7030.1040 NOISE LIMIT FOR VEHICLES OVER 10,000 POUNDS.

Motor vehicle noise limits for vehicles with a manufacturer's gross vehicle weight rating of more than 10,000 pounds and any combination of vehicles towed by such motor vehicle.



- A. Speed limits greater than 35 mph.
- B. Speed limits equal to or less than 35 mph and stationary run-up tests (for vehicles with governed engines). For stationary run-up tests on all-paved surfaces, add 2 dBA.
- C. Speed limits equal to or less than 35 mph and stationary run-up tests (for vehicles with governed engines), for vehicles manufactured on or after January 1, 1978. For stationary run-up tests on all-paved surfaces, add 2 dBA.
- D. Speed limits equal to or less than 35 mph and stationary run-up tests (for vehicles with governed engines), for vehicles manufactured on or after January 1, 1982. For stationary run-up tests on all-paved surfaces, add 2 dBA.

7030.1050 MOTOR VEHICLE NOISE LIMITS FOR MOTORCYCLES.



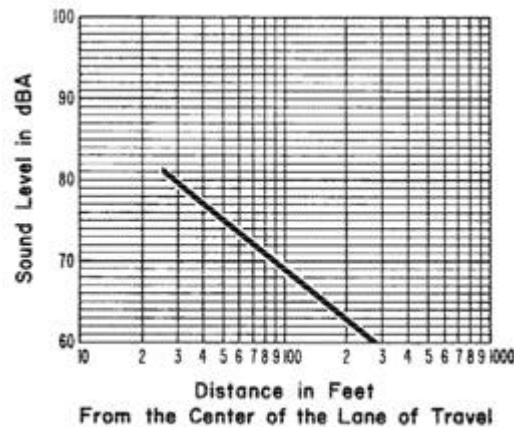
A. For vehicles manufactured before January 1, 1975.

B. Speed limits greater than 35 mph for vehicles manufactured on or after January 1, 1975.

C. Speed limits equal to or less than 35 mph for vehicles manufactured on or after January 1, 1975.

7030.1060 NOISE LIMITS FOR OTHER VEHICLES.

Motor vehicle noise limits for any other motor vehicle not included under parts [7030.1040](#) and [7030.1050](#) and any combination of vehicles towed by such motor vehicle.



Minn. Stat. § 86B WATERCRAFT OPERATION

86B.321 NOISE LIMITS.

Subdivision 1. **Operation in excess of noise limits prohibited.** A person may not operate a motorboat under any condition of load, acceleration, or deceleration in a manner that exceeds the noise limits contained in subdivision 2.

Subd. 2. Noise limits. (a) The noise limits for the total noise from the marine engine or motorboat may not exceed:

(1) for marine engines or motorboats manufactured before January 1, 1982, a noise level of 84 decibels on the A scale measured at a distance of 50 feet from the motorboat or equivalent noise levels at other distances as specified by the commissioner in a pass-by test or 86 decibels on the A scale measured at idle in a stationary test at least four feet above the water and at least four feet behind the transom of the motorboat being tested; and

(2) for marine engines or motorboats manufactured on or after January 1, 1982, a noise level of 82 decibels on the A scale measured at a distance of 50 feet from the motorboat or equivalent noise levels at other distances as specified by the commissioner in a pass-by test or 84 decibels on the A scale measured at idle in a stationary test at least four feet above the water and at least four feet behind the transom of the motorboat being tested.

(b) The noise limits in paragraph (a) do not preclude enforcement of other laws relating to motorboat noise. The officer or deputy doing the testing shall determine which test or tests shall be used. Failure to pass either the pass-by or stationary idle test is a violation of this section.

(c) Equivalent noise levels under paragraph (a) shall be specified by the commissioner by written order and published in the State Register. The noise level determinations are exempt from the rulemaking provisions of chapter 14 and section [14.386](#) does not apply.

Subd. 3. Applicability. The provisions of this section do not apply to motorboats operating under a permit issued under section [86B.121](#) or a United States Coast Guard marine event permit in a regatta or race while on trial runs or while on official trials for speed records during the time and in the designated area authorized by the permit.

86B.521 MOTORBOAT NOISE CONTROL.

Subdivision. 1. Exhaust muffling system required. A motor may not be used on a motorboat unless it is equipped with an efficient muffler, underwater exhaust, or other device that adequately muffles or suppresses the sound of the exhaust of the motor so as to prevent excessive or unusual noise. A motor may not be equipped with an altered muffler, muffler cutout, muffler bypass, or any other device designed or installed so that it can be used to continually or intermittently bypass any muffler or muffler system installed in the motorboat or to reduce or eliminate the effectiveness of such a muffler or muffler system.

Subd. 2. Sale of motor that exceeds noise limits prohibited. A person may not sell or offer for sale a marine engine or motorboat that would exceed the noise limits contained in section [86B.321, subdivision 2](#), under a test procedure approved by the commissioner if the motor is maintained according to the manufacturer's specifications.

Subd. 3. Modification of engine to exceed noise limits prohibited. (a) A person may not modify a marine engine or motorboat in a manner that will amplify or increase the noise emitted by the marine engine or motorboat above the noise limits contained in section [86B.321, subdivision 2](#), under a test procedure approved by the commissioner.

(b) A person may not operate a motorboat with an engine modified to increase noise above the noise limits.

Subd. 4. Sale of parts that cause excessive noise prohibited. (a) A person may not sell or offer for sale replacement or additional parts for a marine engine or motorboat which when installed in the marine engine or motorboat will amplify or increase the noise emitted by the marine engine or motorboat above the noise limits contained in section [86B.321, subdivision 2](#), under a test procedure approved by the commissioner.

(b) A person may not operate a motorboat incorporating parts prohibited to be sold under paragraph (a).

Subd. 5. Applicability. The provisions of this section do not apply to motorboats operating under a permit issued under section [86B.121](#) or a United States Coast Guard marine event permit in a regatta, or race, while on trial runs, or while on official trials for speed records during the time and in the designated area authorized by the permit.

Subd. 6. Rulemaking exemption. The test procedures under subdivisions 2, 3, and 4 shall be established by written order by the commissioner and published in the State Register. The establishment of test procedures is exempt from the rulemaking provisions of chapter 14 and section [14.386](#) does not apply.

Minn. Stat. § 84.8 SNOWMOBILES

84.871 EQUIPMENT REQUIREMENTS.

Subdivision. 1. Mufflers. Except as provided in this section, every snowmobile shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not emit or produce a sharp popping or crackling sound. This section does not apply to organized races or similar competitive events held on (1) private lands, with the permission of the owner, lessee, or custodian of the land; (2) public lands and water under the jurisdiction of the commissioner of natural resources, with the commissioner's permission; or (3) other public lands, with the consent of the public agency owning the land. No person shall have for sale, sell, or offer for sale on any new snowmobile any muffler that fails to comply with the specifications required by the rules of the commissioner after the effective date of the rules.

6100.5700 REQUIRED EQUIPMENT.

Subp. 5. Mufflers. Mufflers:

A. No person shall operate a snowmobile unless it is equipped with a muffler as required by law and these rules, except that snowmobiles may be operated in organized events as authorized by Minnesota Statutes, section [84.871](#), without such a muffler.

B. No snowmobile manufactured on or after June 30, 1970, and before February 1, 1972, for sale in Minnesota, except snowmobiles designed for competition purposes only, shall be sold, or offered for sale, unless it is equipped with a muffler that limits engine noise to not more than 86 decibels on the A scale at 50 feet.

C. No snowmobile manufactured on or after February 1, 1972, for sale in Minnesota, except snowmobiles designed for competition purposes only, shall be sold, or offered for sale, unless it is equipped with a muffler that limits engine noise to not more than 82 decibels on the A scale at 50 feet.

D. No snowmobile manufactured on or after April 1, 1975, except a snowmobile designed for competition purposes only, shall be sold, offered for sale, or operated in Minnesota unless it is so equipped and has been certified by the manufacturer to conform to a sound level limitation of not more than 78 decibels on the A scale at 50 feet as originally equipped.

E. In certifying that a new snowmobile complies with the noise limitation requirements of this rule, a manufacturer shall make such a certification based on measurements made in accordance with the SAE Recommended Practice J192(a), as set forth in the Report of the Vehicle Sound Level Committee, as approved by the Society of Automotive Engineers September 1970 and revised November 1973.

F. No snowmobile shall be sold or offered for sale in Minnesota unless its maker has previously furnished the commissioner with a certificate of compliance certifying that all snowmobiles made by that maker meet or exceed the applicable noise level restrictions established by these rules. The certification of compliance shall be in the form of a "Snowmobile Safety Certification Committee" label conspicuously attached to the machine showing certification by the Snowmobile Safety and Certification Committee, Inc., or a label showing compliance with Snowmobile Safety Certification Committee standards accompanied by a letter containing test results of an evaluation of noise levels by a competent independent testing laboratory. Snowmobiles intended for competition purposes only shall be exempt from this part provided a separate placard identifying that such snowmobile is not so equipped is conspicuously and permanently affixed thereto.

G. Except for organized events as authorized by Minnesota Statutes, section [84.871](#), no snowmobile shall be modified by any person in any manner that shall amplify or otherwise increase total noise level above that emitted by the snowmobile as originally equipped, regardless of date of manufacture.

Minn. Stat. § 87A. SHOOTING RANGES

87A.05 NOISE STANDARDS.

Allowable noise levels for the operation of a shooting range are the levels determined by replacing the steady state noise L_{10} and L_{50} state standards for each period of time within each noise area's classification with a single $Leq(h)$ standard for impulsive noise that is two dBA lower than that of the L_{10} level for steady state noise. The noise level shall be measured outside of the range property at the location of the receiver's activity according to Minnesota Rules, parts 7030.0010 to 7030.0080, as in effect on May 28, 2005. For purposes of this section, " $Leq(h)$ " means the energy level that is equivalent to a steady state level that contains the same amount of sound energy as the time varying sound level for a 60-minute time period.

Minn. Rules § 6102, RECREATIONAL VEHICLES

6102.0002 DEFINITIONS.

Subpart 1. Scope. For the purposes of parts [6102.0002](#) to [6102.0080](#), the terms defined in this part have the meanings given them.

Subp. 2. ATV. "ATV" means an all-terrain vehicle.

Subp. 3. Commissioner. "Commissioner" means the commissioner of Natural Resources.

Subp. 4. Department. "Department" means the Department of Natural Resources.

Subp. 5. OHM. "OHM" means an off-highway motorcycle.

Subp. 6. ORV. "ORV" means an off-road vehicle.

Subp. 7. Vehicle. "Vehicle" means an OHM, ORV, or ATV.

6102.0040 REQUIRED EQUIPMENT.

Subp. 4. Mufflers.

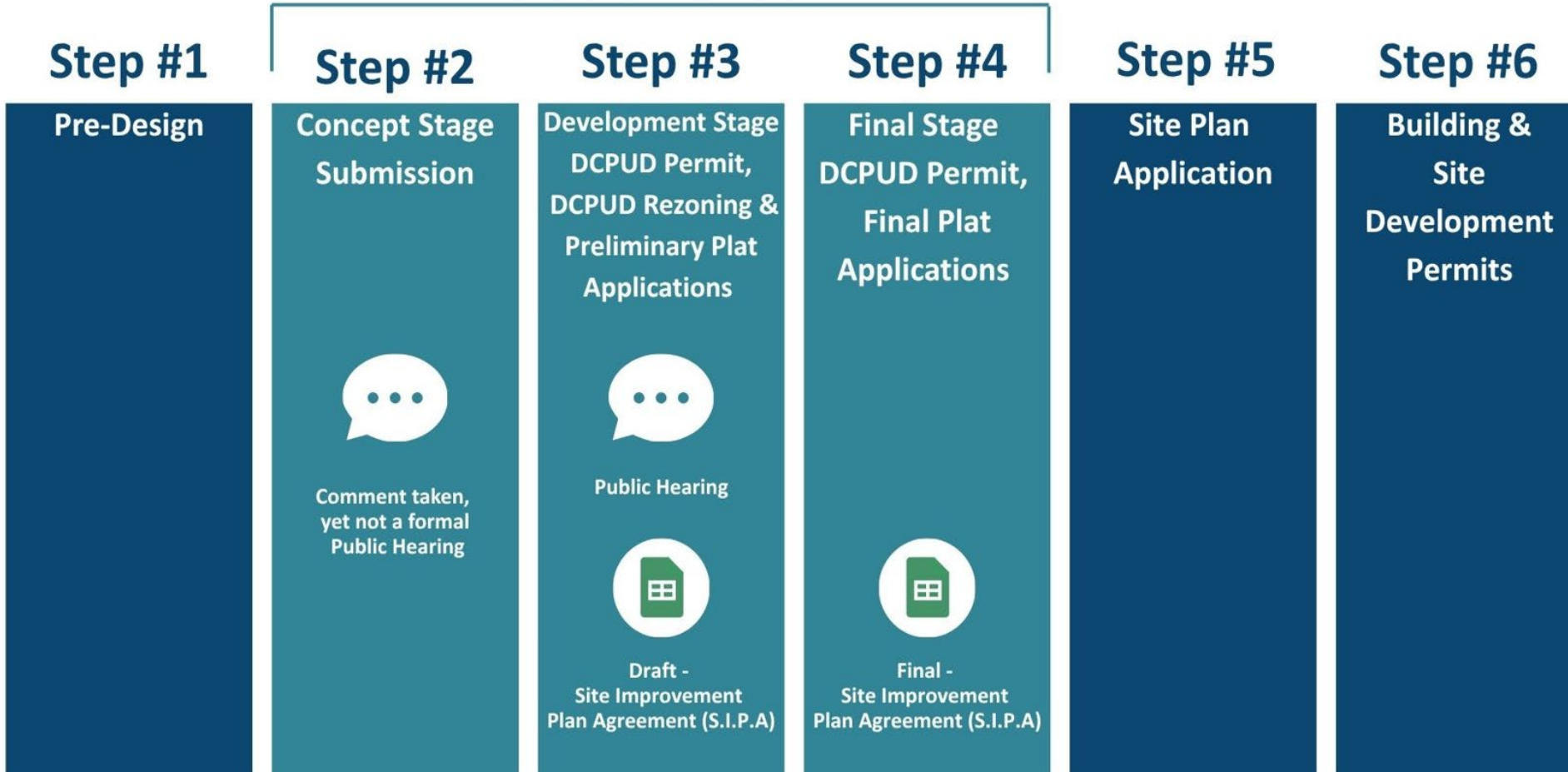
A. No person shall operate a vehicle unless it is equipped with a muffler having a spark arrestor approved by the United States Forest Service as described by Code of Federal Regulations, title 36, chapter II, section 261.52, paragraph (j).

B. Vehicles shall not be sold, offered for sale, or operated in this state unless equipped so that overall noise emission does not exceed a sound level limitation of not more than 99 decibels on the A scale from a distance of 20 inches using test procedures and instrumentation as set forth in the Society of Automotive Engineers' Standard, SAE J1287, June 1988, or, if different procedures or instrumentation are used, a noise level equivalent to that level.

C. No noise suppressing system or muffler shall be equipped with a cutout, bypass, or similar device and no person shall modify or alter that system or its operation in any manner which will amplify or increase the noise emitted by the vehicle's motor to exceed the noise limits established in this subpart, except for organized events as authorized by Minnesota Statutes, sections [84.795](#), subdivision 7; [84.804](#), subdivision 5; and [84.928](#), subdivision 5.

PROPOSED PROCESS

Board Review



* Process information and submittals are draft for discussion and subject to City Attorney comment



Monticello »» 2040

— VISION + PLAN —

COMPREHENSIVE PLAN | NOVEMBER 23RD, 2020 ADOPTION

CHAPTER 3:
***LAND USE, GROWTH AND
ORDERLY ANNEXATION***

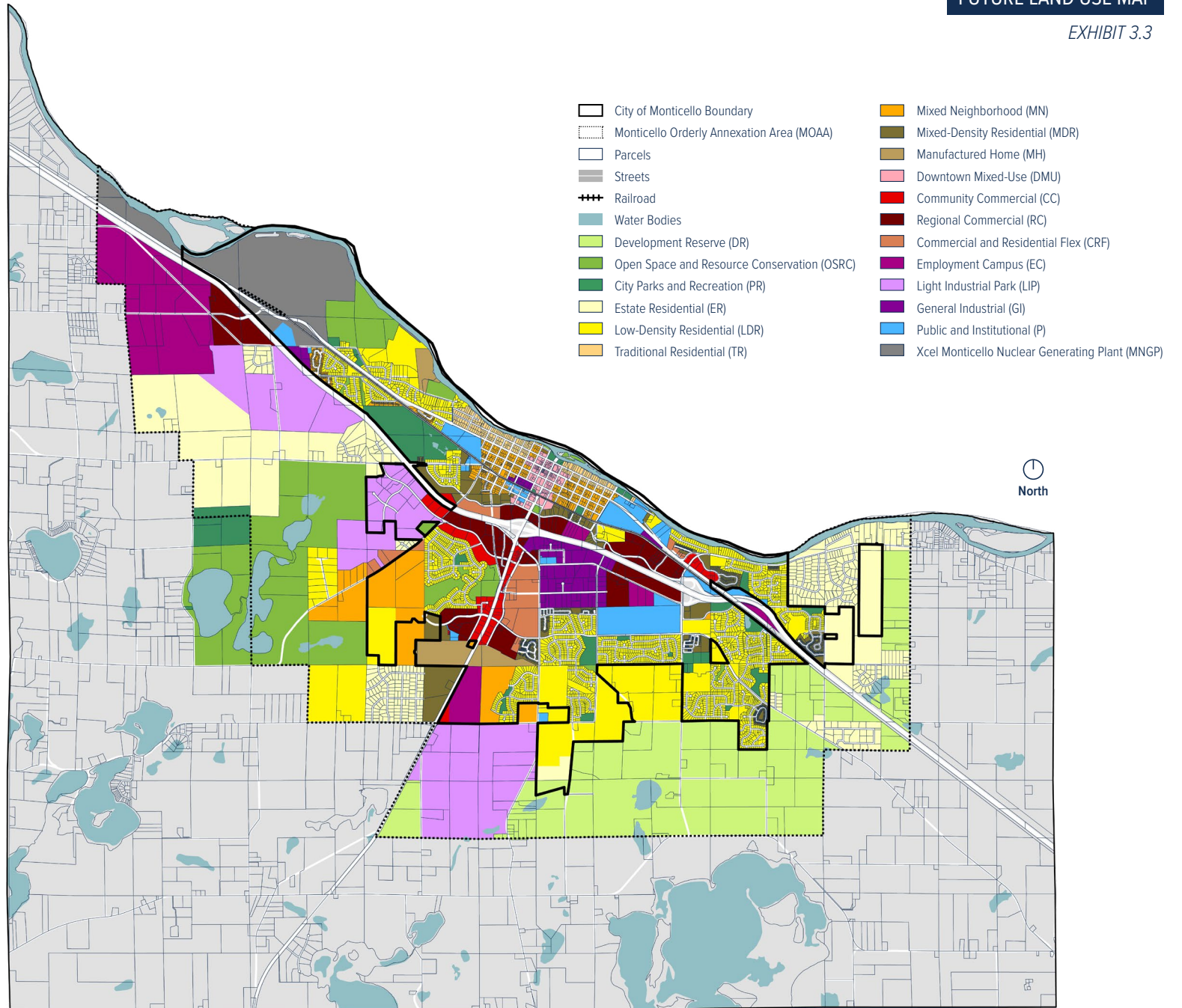


TABLE 3.7: FUTURE LAND USE ACREAGES

Land Use Categories	Acreage
Development Reserve	3,100
Open Space and Resource Conservation	1,171
City Parks and Recreation	418
Estate Residential	1,102
Low-Density Residential	2,198
Traditional Residential	74
Mixed Neighborhood	635
Mixed-Density Residential	348
Manufactured Home	135
Downtown Mixed-Use	48
Community Commercial	125
Regional Commercial	433
Commercial and Residential Flex	174
Light Industrial Park	757
General Industrial	220
Employment Campus	752
Public and Institutional	268
Xcel Monticello Nuclear Generating Plant	616

Note: This acreage includes both developed and undeveloped land within the City and MOAA.

LIGHT INDUSTRIAL PARK (LIP)

The Light Industrial designation accommodates a variety of light industrial uses. Uses are characterized by a higher level of amenities not required in the General Industrial designation. Characteristics such as noise, vibration and odor do not occur or do not generate significant impacts. Hazardous materials handling and storage may also occur but must be stored indoors or screened from the public right-of-way. Activities such as the handling of hazardous materials and outdoor storage are limited. This land use designation does not include the principal retail commercial uses found in the Employment Campus and a more limited range of commercial activities. Transportation impacts which occur are in direct support of the manufacturing or production use. The Light Industrial land use is distinguished from General Industrial land use by reduced potential for noise, visibility, truck activity, storage, and other land use impacts.

The Light Industrial Designation accommodates uses such as processing, assembly, production, and fabrication manufacturing which uses moderate amounts of partially processed materials, warehousing and distribution, research and development, medical laboratories, machine shops, computer technology, and industrial engineering facilities. Office uses also occur within these areas. This designation also accommodates limited local-serving commercial uses which may generate storage or noise impacts.

“Computer technology” includes active technology uses dominated by office and research-oriented businesses.

The Light Industrial Designation accommodates Data Center (or similar “Technology Campus”) development for passive computer storage and processing only when specific elements are demonstrated. Consideration of these uses in the LIP areas shall be subject to the following review requirements, among others as determined on a case-by-case basis:

- a. The City’s 2040 Plan recognizes data centers as a singularly unique land use due to size and scope.
- b. Data center use locations will not create conflict with other land uses, especially residential land uses, through off-site impacts including unusual amounts of noise, lights, odors, or other similar aspects. Data center users will demonstrate site conditions that meet this condition and are consistent with other light industrial development.
- c. Where data center development creates shortages in land supply, utility services, electric generation service to the broader area, or any other impacts on the City of Monticello or its neighboring communities, and which are not specifically mitigated by the data center developer and its associated partners, the City is under no obligation to accommodate the use within any land use district or location, or through any land use process.
- d. Data center uses shall demonstrate convincingly that its burden on municipal services, infrastructure, or fiscal condition is completely mitigated by the data center project and its developers, and such mitigation is sustainable by its subsequent owners, users, and other related entities.
- e. The data center will not inhibit future growth; it will accommodate and facilitate the extension of efficient and orderly municipal infrastructure to the edge of the development property consistent with the City’s plans for growth.
- f. Full and clear assurances from both the data center use and the electric utility provider that data center development will not create threats of power loss to the community, nor limit the city’s other growth and development interests in the future.

Data Center development is considered against each of these factors, and other site- or use-specific factors that may be relevant at the time of any such proposal. The City reserves the discretion to determine that any location or project has the potential to imperil the City’s infrastructure, related regional infrastructure, the City’s future land use goals, the City’s various economic development goals and objectives, the City’s financial and fiscal obligations and projections, or any other reasonable area of City authority. No area guided LIP (or any other land use category) shall have an inherent right to Data Center development under this amendment.

LIGHT INDUSTRIAL PARK (LIP) CONTINUED

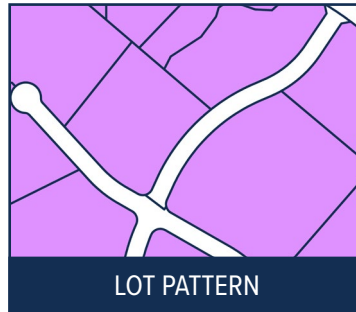
Industrial

- Warehousing and Distribution
- Light Manufacturing
- Assembly
- Production & Fabrication
- Research and Development
- Medical Laboratories
- Computer Technology

Commercial

- Minor Auto-Repair
- Self Storage

LAND USE MIX



➔ **2018 Correlating Zoning District**

IBC
Industrial Business Campus

I-1
Light Industrial District

ZONING INFORMATION

- **Floor Area Ratio (FAR):** 0.50 to 0.75
- **Height:** Up to 4 stories
- **Lot Area:** N/A

DEVELOPMENT FORM

Primary Mode
Vehicular with access to collectors and arterials

Secondary Mode
Shared bike/ pedestrian facilities

MOBILITY



This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 16

06/09/2025 Authored by Davids and Huot
The bill was read for the first time
R/S Rules Suspended, urgency declared
Read for the Second Time
Read for the Third Time
Passed by the House and transmitted to the Senate
06/12/2025 Presented to Governor
06/14/2025 Governor Approval

1.1 A bill for an act
1.2 relating to data centers; modifying various environmental and energy regulatory
1.3 requirements governing data centers; authorizing a clean energy and capacity tariff;
1.4 modifying sales and use tax exemptions; imposing a fee; classifying data; adding
1.5 and modifying various definitions; appropriating money; amending Minnesota
1.6 Statutes 2024, sections 103G.265, by adding a subdivision; 103G.271, by adding
1.7 a subdivision; 216B.02, by adding subdivisions; 216B.1691, subdivisions 2f, 2h,
1.8 as amended; 216B.2402, subdivision 10; 216B.241, subdivisions 1a, 2a; 297A.68,
1.9 subdivision 42; 297A.75, subdivision 1, as amended; proposing coding for new
1.10 law in Minnesota Statutes, chapters 84; 103B; 116; 144; 216B.

1.11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.12 Section 1. [84.0267] COORDINATION WITH MINNESOTA BUSINESS FIRST

1.13 STOP.

1.14 It is the policy of this state that inquiries related to the permitting of a data center are
1.15 also referred to the Minnesota Business First Stop Program administered by the Department
1.16 of Employment and Economic Development under section 116J.035, subdivision 8. The
1.17 commissioner must take reasonable steps to ensure that agency permitting staff are aware
1.18 of this policy and have the resources to efficiently refer those inquiries to Minnesota Business
1.19 First Stop.

1.20 Sec. 2. [103B.107] COORDINATION WITH MINNESOTA BUSINESS FIRST

1.21 STOP.

1.22 It is the policy of this state that inquiries related to the permitting of a data center are
1.23 also referred to the Minnesota Business First Stop Program administered by the Department
1.24 of Employment and Economic Development under section 116J.035, subdivision 8. The
1.25 executive director of the Board of Water and Soil Resources must take reasonable steps to

2.1 ensure that agency permitting staff are aware of this policy and have the resources to
 2.2 efficiently refer those inquiries to Minnesota Business First Stop.

2.3 Sec. 3. Minnesota Statutes 2024, section 103G.265, is amended by adding a subdivision
 2.4 to read:

2.5 **Subd. 5. Preapplication evaluation of certain water appropriation projects.** (a) This
 2.6 subdivision applies to a data center, as defined in section 216B.02, subdivision 11, whose
 2.7 proposed consumptive use exceeds 100,000,000 gallons per year and which requires a permit
 2.8 amendment or a new individual permit.

2.9 (b) In response to a contact from a data center regarding a project that is likely to be
 2.10 subject to this subdivision, the department may request preapplication information from the
 2.11 data center that is helpful in assisting the department to assess the factors affecting the ability
 2.12 of a water source to meet a project's water use needs at a proposed location, including:

2.13 (1) a project description;

2.14 (2) the project's estimated water use rates and volumes for the maximum day, maximum
 2.15 month, and average year;

2.16 (3) the anticipated source of water; and

2.17 (4) water quality or temperature requirements.

2.18 (c) The department may request any additional information necessary from the data
 2.19 center to assist it to assess the ability of a water source to meet a project's water use needs.

2.20 (d) The commissioner shall evaluate the information supplied under this subdivision
 2.21 and shall respond in writing, which may be electronically transmitted, describing potential
 2.22 water availability constraints at each proposed project site.

2.23 (e) In determining the impact of a potential project on water quality and quantity, the
 2.24 commissioner may consult with the commissioners of health, agriculture, and the Pollution
 2.25 Control Agency, and other state agencies.

2.26 (f) Any communication made or information exchanged under this subdivision between
 2.27 a data center and a government agency, or between government agencies, is nonpublic data,
 2.28 as defined in section 13.02, subdivision 9.

2.29 (g) None of the discussions, filings, or evaluations made under this subdivision preclude
 2.30 or supplant environment review, preliminary well-construction approval, appropriation
 2.31 permit review, or any other requirements under federal, state, or local law.

3.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.2 Sec. 4. Minnesota Statutes 2024, section 103G.271, is amended by adding a subdivision
3.3 to read:

3.4 **Subd. 5b. Large water appropriation projects; permit conditions.** (a) In issuing new
3.5 or modified water use permits to applicants that meet the definition of a data center, as
3.6 defined in section 216B.02, subdivision 11, whose proposed new or additional consumptive
3.7 use exceeds 100,000,000 gallons per year, or for existing permits where the permittee intends
3.8 to provide more than 100,000,000 gallons of water per year to a data center, the department
3.9 shall ensure that:

3.10 (1) public health, safety, and welfare are adequately protected;

3.11 (2) technologies or measures that promote water conservation, the efficient use of water,
3.12 and watershed health, are reasonably considered, including but not limited to using water
3.13 efficient fixtures and practices, recycling water before discharging, partnering with local
3.14 water utilities to use discharged water from the data center, using reclaimed water, installing
3.15 closed-loop systems, and supporting water restoration and replenishment in local watersheds;
3.16 and

3.17 (3) water use conflicts are addressed as prescribed in Minnesota Rules, part 6115.0740.

3.18 (b) The commissioner shall require an applicant to conduct an aquifer test as provided
3.19 under section 103G.287, if the commissioner determines that the test results are necessary
3.20 in order to ensure compliance with paragraph (a), clause (1).

3.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.22 **Sec. 5. [116.037] COORDINATION WITH MINNESOTA BUSINESS FIRST STOP.**

3.23 It is the policy of this state that inquiries related to the permitting of a data center are
3.24 also referred to the Minnesota Business First Stop Program administered by the Department
3.25 of Employment and Economic Development under section 116J.035, subdivision 8. The
3.26 commissioner of the Pollution Control Agency must take reasonable steps to ensure that
3.27 agency permitting staff are aware of this policy and have the resources to efficiently refer
3.28 those inquiries to Minnesota Business First Stop.

3.29 **Sec. 6. [144.0507] COORDINATION WITH MINNESOTA BUSINESS FIRST STOP.**

3.30 It is the policy of this state that inquiries related to the permitting of a data center are
3.31 also referred to the Minnesota Business First Stop Program administered by the Department

4.1 of Employment and Economic Development under section 116J.035, subdivision 8. The
 4.2 commissioner of health must take reasonable steps to ensure that agency permitting staff
 4.3 are aware of this policy and have the resources to efficiently refer those inquiries to
 4.4 Minnesota Business First Stop.

4.5 Sec. 7. Minnesota Statutes 2024, section 216B.02, is amended by adding a subdivision to
 4.6 read:

4.7 Subd. 11. **Data center.** "Data center" means a facility that is designed to have a load of
 4.8 100 megawatts or more and whose primary purpose is the storage, management, and
 4.9 processing of digital data via the interconnection and operation of information technology
 4.10 and network telecommunications equipment, including all related facilities and infrastructure
 4.11 for backup electricity generation, power distribution, environmental control, cooling, and
 4.12 security.

4.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.14 Sec. 8. Minnesota Statutes 2024, section 216B.02, is amended by adding a subdivision to
 4.15 read:

4.16 Subd. 12. **Qualified large-scale data center.** "Qualified large-scale data center" has the
 4.17 meaning given in section 297A.68, subdivision 42, paragraph (f).

4.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.19 Sec. 9. **[216B.1622] SERVICE TO VERY LARGE CUSTOMERS.**

4.20 Subdivision 1. **Very large customer class or subclass.** By December 15, 2026, the
 4.21 commission shall establish by order the definition and appropriate characteristics of a very
 4.22 large customer class or subclass for each public utility providing electric service. The
 4.23 commission may do this in a rate case under section 216B.16 for that utility or in another
 4.24 proceeding.

4.25 Subd. 2. **Tariff or energy supply agreement.** The commission may approve, modify
 4.26 or reject a tariff or electric service agreement proposed between a public utility and a very
 4.27 large customer establishing the terms and conditions under which the utility will provide
 4.28 electric service to the customer. As it evaluates a tariff or agreement under this section, the
 4.29 commission must consider how best to achieve the following required outcomes:

5.1 (1) all costs attributable to the utility's very large customers not exempt under subdivision
 5.2 3 are assigned to the very large customer class or subclass determined by the commission
 5.3 under paragraph (a);

5.4 (2) the electricity to be provided by the utility to a very large customer achieves each
 5.5 quantitative benchmark of the state's electricity standards under section 216B.1691, as
 5.6 demonstrated by a plan submitted by the utility to serve the additional load without recourse
 5.7 to requesting a delay or modification of these standards;

5.8 (3) the tariff or agreement contains protections necessary to ensure that other customers
 5.9 of the public utility are not placed at risk for paying stranded costs associated with the utility
 5.10 -serving the very large customer; and

5.11 (4) any other outcome deemed important by the commission to ensure the tariff or
 5.12 agreement is in the public interest.

5.13 Subd. 3. Existing tariff or agreements. This section shall not apply to existing, renewed,
 5.14 or extended electric service agreements of public utility customers meeting the threshold
 5.15 of a very large customer, or to very large customers that have been actively taking electric
 5.16 service from the public utility prior to 2020.

5.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.18 **Sec. 10. [216B.1623] CLEAN ENERGY AND CAPACITY TARIFF.**

5.19 The commission shall require each public utility to offer a clean energy and capacity
 5.20 tariff for commercial and industrial customers. The clean energy and capacity tariff shall
 5.21 require a special contract between the utility and one or more customers that shall:

5.22 (1) be optional for participating customers;

5.23 (2) permit participating customers to elect to serve some or all of their energy or capacity
 5.24 usage from new clean energy or capacity resources as long as reliability is maintained;

5.25 (3) require the participating customers to pay all proportional costs associated with the
 5.26 addition of the new clean energy or capacity resources including any utility costs caused
 5.27 by the addition of the new clean energy or capacity resources to the grid;

5.28 (4) develop an appropriate energy and capacity credit;

5.29 (5) prohibit cost shifting from the participating customers to other utility customers or
 5.30 vice versa; and

6.1 (6) allow a utility with an applicable tariff on file to demonstrate their existing tariff's
 6.2 compliance with this section.

6.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.4 Sec. 11. Minnesota Statutes 2024, section 216B.1691, subdivision 2f, is amended to read:

6.5 Subd. 2f. **Solar energy standard.** (a) In addition to the requirements of subdivisions 2a
 6.6 and 2g, each public utility shall generate or procure sufficient electricity generated by solar
 6.7 energy to serve its retail electricity customers in Minnesota so that by the end of 2020, at
 6.8 least 1.5 percent of the utility's total retail electric sales to retail customers in Minnesota is
 6.9 generated by solar energy.

6.10 (b) For a public utility with more than 200,000 retail electric customers, at least ten
 6.11 percent of the 1.5 percent goal must be met by solar energy generated by or procured from
 6.12 solar photovoltaic devices with a nameplate capacity of 40 kilowatts or less.

6.13 (c) A public utility with between 50,000 and 200,000 retail electric customers:

6.14 (1) must meet at least ten percent of the 1.5 percent goal with solar energy generated by
 6.15 or procured from solar photovoltaic devices with a nameplate capacity of 40 kilowatts or
 6.16 less; and

6.17 (2) may apply toward the ten percent goal in clause (1) individual customer subscriptions
 6.18 of 40 kilowatts or less to a community solar garden program operated by the public utility
 6.19 that has been approved by the commission.

6.20 (d) The solar energy standard established in this subdivision is subject to all the provisions
 6.21 of this section governing a utility's standard obligation under subdivision 2a.

6.22 (e) It is an energy goal of the state of Minnesota that, by 2030, ten percent of the retail
 6.23 electric sales in Minnesota be generated by solar energy.

6.24 (f) For the purposes of calculating the total retail electric sales of a public utility servicing
 6.25 fewer than 200,000 retail electric customers under this subdivision, there shall be excluded
 6.26 retail electric sales to customers that are:

6.27 (1) an iron mining extraction and processing facility, including a scam mining facility
 6.28 as defined in Minnesota Rules, part 6130.0100, subpart 16; ~~or~~

6.29 (2) a qualified large-scale data center; or

6.30 ~~(2)~~ (3) a paper mill, wood products manufacturer, sawmill, or oriented strand board
 6.31 manufacturer.

7.1 Those customers may not have included in the rates charged to them by the public utility
 7.2 servicing fewer than 200,000 retail electric customers any costs of satisfying the solar standard
 7.3 specified by this subdivision.

7.4 (g) A public utility may not use energy used to satisfy the solar energy standard under
 7.5 this subdivision to satisfy its standard obligation under subdivision 2a. A public utility may
 7.6 not use energy used to satisfy the standard obligation under subdivision 2a to satisfy the
 7.7 solar standard under this subdivision.

7.8 (h) Notwithstanding any law to the contrary, a solar renewable energy credit associated
 7.9 with a solar photovoltaic device installed and generating electricity in Minnesota after
 7.10 August 1, 2013, but before 2020 may be used to meet the solar energy standard established
 7.11 under this subdivision.

7.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.13 Sec. 12. Minnesota Statutes 2024, section 216B.1691, subdivision 2h, as amended by
 7.14 Laws 2025, chapter 20, section 183, is amended to read:

7.15 **Subd. 2h. Distributed solar energy standard.** (a) For the purposes of this subdivision,
 7.16 the following terms have the meanings given:

7.17 (1) "capacity" has the meaning given in section 216B.164, subdivision 2a;

7.18 (2) "industrial customer" means a retail electricity customer:

7.19 (i) whose numerical classification under the North American Industry Classification
 7.20 System begins with the numbers 31, 32, or 33;

7.21 (ii) that is a pipeline, as defined in section 216G.01, subdivision 3; ~~or~~

7.22 (iii) that is an iron mining extraction and processing facility, including a scam mining
 7.23 facility, as defined in Minnesota Rules, part 6130.0100, subpart 16; ~~and~~ or

7.24 (iv) that is a qualified large-scale data center; and

7.25 (3) "solar energy generating system" has the meaning given in Minnesota Statutes
 7.26 Supplement 2023, section 216E.01, subdivision 9a.

7.27 (b) In addition to the other requirements of this section, by the end of 2030, the following
 7.28 proportions of a public utility's total retail electric sales in Minnesota must be generated
 7.29 from solar energy generating systems:

7.30 (1) for a public utility with at least 200,000 retail electric customers in Minnesota, at
 7.31 least three percent;

8.1 (2) for a public utility with at least 100,000 but fewer than 200,000 retail electric
8.2 customers in Minnesota, at least three percent; and

8.3 (3) for a public utility with fewer than 100,000 retail electric customers in Minnesota,
8.4 at least one percent.

8.5 For a public utility subject to clause (2) or (3), sales to industrial customers in Minnesota
8.6 must be subtracted from the utility's total retail electric sales for the purpose of calculating
8.7 total retail electric sales in Minnesota.

8.8 (c) To be counted toward a public utility's standard established in paragraph (a), a solar
8.9 energy generating system must:

8.10 (1) have a capacity of ten megawatts or less;

8.11 (2) be connected to the public utility's distribution system;

8.12 (3) be located in the Minnesota service territory of the public utility; and

8.13 (4) be constructed or procured after August 1, 2023.

8.14 (d) A solar energy generating system with a capacity of 100 kilowatts or more does not
8.15 count toward compliance with the standard established in paragraph (a) unless the public
8.16 utility verifies that construction trades workers who constructed the solar energy generating
8.17 system were all paid no less than the prevailing wage rate, as defined in section 177.42, and
8.18 whose employer participated in an apprenticeship program that is registered under chapter
8.19 178 or Code of Federal Regulations, title 29, part 29.

8.20 (e) A public utility shall select projects to satisfy the standard established under this
8.21 subdivision through a competitive bidding process approved by the commission.

8.22 (f) The commission may modify or delay the implementation of the standard established
8.23 under this subdivision in accordance with the provisions of subdivision 2b.

8.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

8.25 Sec. 13. Minnesota Statutes 2024, section 216B.2402, subdivision 10, is amended to read:

8.26 Subd. 10. **Gross annual retail energy sales.** "Gross annual retail energy sales" means
8.27 a utility's annual electric sales to all Minnesota retail customers, or natural gas throughput
8.28 to all retail customers, including natural gas transportation customers, on a utility's
8.29 distribution system in Minnesota. Gross annual retail energy sales does not include:

8.30 (1) gas sales to:

8.31 (i) a large energy facility;

9.1 (ii) a large customer facility whose natural gas utility has been exempted by the
 9.2 commissioner under section 216B.241, subdivision 1a, paragraph (a), with respect to natural
 9.3 gas sales made to the large customer facility; and

9.4 (iii) a commercial gas customer facility whose natural gas utility has been exempted by
 9.5 the commissioner under section 216B.241, subdivision 1a, paragraph (b), with respect to
 9.6 natural gas sales made to the commercial gas customer facility;

9.7 (2) electric sales to:

9.8 (i) a large customer facility whose electric utility has been exempted by the commissioner
 9.9 under section 216B.241, subdivision 1a, paragraph (a), with respect to electric sales made
 9.10 to the large customer facility; ~~and~~

9.11 (ii) a data mining facility, if the facility:

9.12 (A) has provided a signed letter to the utility verifying the facility meets the definition
 9.13 of a data mining facility; and

9.14 (B) imposes a peak electrical demand on a consumer-owned utility's system equal to or
 9.15 greater than 40 percent of the peak electrical demand of the system, measured in the same
 9.16 manner as the utility that serves the customer facility measures electric demand for billing
 9.17 purposes; ~~or~~ and

9.18 (iii) a qualified large-scale data center; or

9.19 (3) the amount of electric sales prior to December 31, 2032, that are associated with a
 9.20 utility's program, rate, or tariff for electric vehicle charging based on a methodology and
 9.21 assumptions developed by the department in consultation with interested stakeholders no
 9.22 later than December 31, 2021. After December 31, 2032, incremental sales to electric
 9.23 vehicles must be included in calculating a public utility's gross annual retail sales.

9.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

9.25 Sec. 14. Minnesota Statutes 2024, section 216B.241, subdivision 1a, is amended to read:

9.26 Subd. 1a. **Large customer facility.** (a) The owner of a large customer facility may
 9.27 petition the commissioner to exempt both electric and gas utilities serving the large customer
 9.28 facility from contributing to investments and expenditures made under an energy and
 9.29 conservation optimization plan filed under subdivision 2 or section 216B.2403, subdivision
 9.30 3, with respect to retail revenues attributable to the large customer facility. The filing must
 9.31 include a discussion of the competitive or economic pressures facing the owner of the facility
 9.32 and the efforts taken by the owner to identify, evaluate, and implement energy conservation

10.1 and efficiency improvements. A filing submitted on or before October 1 of any year must
10.2 be approved within 90 days and become effective January 1 of the year following the filing,
10.3 unless the commissioner finds that the owner of the large customer facility has failed to
10.4 take reasonable measures to identify, evaluate, and implement energy conservation and
10.5 efficiency improvements. If a facility qualifies as a large customer facility solely due to its
10.6 peak electrical demand or annual natural gas usage, the exemption may be limited to the
10.7 qualifying utility if the commissioner finds that the owner of the large customer facility has
10.8 failed to take reasonable measures to identify, evaluate, and implement energy conservation
10.9 and efficiency improvements with respect to the nonqualifying utility. Once an exemption
10.10 is approved, the commissioner may request the owner of a large customer facility to submit,
10.11 not more often than once every five years, a report demonstrating the large customer facility's
10.12 ongoing commitment to energy conservation and efficiency improvement after the exemption
10.13 filing. The commissioner may request such reports for up to ten years after the effective
10.14 date of the exemption, unless the majority ownership of the large customer facility changes,
10.15 in which case the commissioner may request additional reports for up to ten years after the
10.16 change in ownership occurs. The commissioner may, within 180 days of receiving a report
10.17 submitted under this paragraph, rescind any exemption granted under this paragraph upon
10.18 a determination that the large customer facility is not continuing to make reasonable efforts
10.19 to identify, evaluate, and implement energy conservation improvements. A large customer
10.20 facility that is, under an order from the commissioner, exempt from the investment and
10.21 expenditure requirements of paragraph (a) as of December 31, 2010, is not required to
10.22 submit a report to retain its exempt status, except as otherwise provided in this paragraph
10.23 with respect to ownership changes. No exempt large customer facility may participate in a
10.24 utility conservation improvement program unless the owner of the facility submits a filing
10.25 with the commissioner to withdraw its exemption. A qualified large-scale data center that
10.26 pays the required fee under section 216B.72 is exempt from the requirement to contribute
10.27 to investments and expenditures made under an energy conservation optimization plan for
10.28 electric service filed under subdivision 2, or section 216B.2403, subdivision 3, and is not
10.29 required to comply with the provisions of this paragraph.

10.30 (b) A commercial gas customer that is not a large customer facility and that purchases
10.31 or acquires natural gas from a public utility having fewer than 600,000 natural gas customers
10.32 in Minnesota may petition the commissioner to exempt gas utilities serving the commercial
10.33 gas customer from contributing to investments and expenditures made under an energy and
10.34 conservation optimization plan filed under subdivision 2 or section 216B.2403, subdivision
10.35 3, with respect to retail revenues attributable to the commercial gas customer. The petition
10.36 must be supported by evidence demonstrating that the commercial gas customer has acquired

11.1 or can reasonably acquire the capability to bypass use of the utility's gas distribution system
 11.2 by obtaining natural gas directly from a supplier not regulated by the commission. The
 11.3 commissioner shall grant the exemption if the commissioner finds that the petitioner has
 11.4 made the demonstration required by this paragraph.

11.5 (c) A public utility, consumer-owned utility, or owner of a large customer facility may
 11.6 appeal a decision of the commissioner under paragraph (a) or (b) to the commission under
 11.7 subdivision 2. In reviewing a decision of the commissioner under paragraph (a) or (b), the
 11.8 commission shall rescind the decision if it finds the decision is not in the public interest.

11.9 (d) Notwithstanding paragraph (a), a large customer facility or commercial gas customer
 11.10 that is exempt from the investment and expenditure requirements of this section pursuant
 11.11 to an order from the commissioner as of December 31, 2020, is not required to submit
 11.12 additional documentation to maintain the exemption and must not be assessed any costs
 11.13 related to any energy conservation and optimization plan filed under this section or section
 11.14 216B.2403, including but not limited to costs, incentives, or rates of return associated with
 11.15 investments in programs for efficient fuel-switching improvements.

11.16 (e) A public utility is prohibited from spending for or investing in energy conservation
 11.17 improvements that directly benefit a large energy facility or a large electric customer facility
 11.18 the commissioner has issued an exemption to or that is otherwise exempted under this
 11.19 section.

11.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.21 Sec. 15. Minnesota Statutes 2024, section 216B.241, subdivision 2a, is amended to read:

11.22 **Subd. 2a. Energy and conservation account.** (a) The energy and conservation account
 11.23 is established in the special revenue fund in the state treasury.

11.24 (b) The commissioner must deposit money assessed or contributed under subdivisions
 11.25 1d, 1e, 1f, and 7 in the state treasury and credit it to the energy and conservation account
 11.26 in the special revenue fund. Money in the account assessed or contributed under subdivisions
 11.27 1d, 1e, 1f, and 7 is appropriated to the commissioner for the purposes of subdivisions 1d,
 11.28 1e, 1f, and 7.

11.29 (c) The commissioner must deposit money transferred from the fee on qualified
 11.30 large-scale data centers established in section 216B.72 in the state treasury and credit it to
 11.31 the account. Money transferred from the fee on qualified large-scale data centers is
 11.32 appropriated to the commissioner to conduct energy conservation, weatherization, and
 11.33 associated activities allowed under sections 216B.2403 and 216B.241, and the rules

12.1 applicable to those sections. The commissioner may spend money appropriated under this
12.2 paragraph anywhere in the state, but only:

12.3 (1) on low-income programs; and

12.4 (2) as the result of a request for proposals process administered by the department.

12.5 (d) Interest on money in the account accrues to the account.

12.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

12.7 **Sec. 16. [216B.72] QUALIFIED LARGE-SCALE DATA CENTER FEE.**

12.8 (a) The commissioner must collect an annual fee from the qualified large-scale data
12.9 center, on a schedule prescribed by the commissioner and deposited in the energy and
12.10 conservation account established in section 216B.241, subdivision 2a.

12.11 (b) The fee is based on the qualified large-scale data center's peak demand the utility
12.12 arranges to serve, reflecting the qualified large-scale data center's peak demand forecast
12.13 provided to the utility, expressed in megawatts (MW), as follows:

<u>Peak Demand</u>	<u>Fee</u>
12.15 <u>(1) 100 to 250 MW</u>	<u>\$2,000,000</u>
12.16 <u>(2) above 250 MW but below 500 MW</u>	<u>\$3,000,000</u>
12.17 <u>(3) 500 MW but below 750 MW</u>	<u>\$4,000,000</u>
12.18 <u>(4) 750 MW or greater</u>	<u>\$5,000,000</u>

12.19 (c) The fee data collected under this section must be treated as nonpublic data, as defined
12.20 under section 13.02, subdivision 9.

12.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

12.22 **Sec. 17. Minnesota Statutes 2024, section 297A.68, subdivision 42, is amended to read:**

12.23 **Subd. 42. ~~Qualified Data centers.~~** (a) Purchases of enterprise information technology
12.24 equipment and computer software for use in a qualified data center, ~~or a qualified refurbished~~
12.25 data center, or a qualified large-scale data center are exempt, except that computer software
12.26 maintenance agreements are exempt for purchases made after June 30, 2013. The tax on
12.27 purchases exempt under this paragraph must be imposed and collected as if the rate under
12.28 section 297A.62, subdivision 1, applied, and then refunded after June 30, 2013, in the manner
12.29 provided in section 297A.75. This exemption includes enterprise information technology
12.30 equipment and computer software purchased to replace or upgrade enterprise information

13.1 technology equipment and computer software in a qualified data center, ~~or~~ a qualified
 13.2 refurbished data center, or a qualified large-scale data center.

13.3 (b) Electricity used or consumed in the operation of a qualified data center or qualified
 13.4 refurbished data center is exempt.

13.5 (c) For purposes of this subdivision, "qualified data center" means a facility in Minnesota:

13.6 (1) that is comprised of one or more buildings that consist in the aggregate of at least
 13.7 25,000 square feet, and that are located on a single parcel or on contiguous parcels, where
 13.8 the total cost of construction or refurbishment, investment in enterprise information
 13.9 technology equipment, and computer software is at least \$30,000,000 within a 48-month
 13.10 period. The 48-month period begins no sooner than July 1, 2012, except that costs for
 13.11 computer software maintenance agreements purchased before July 1, 2013, are not included
 13.12 in determining if the \$30,000,000 threshold has been met;

13.13 (2) that is constructed or substantially refurbished after June 30, 2012, where
 13.14 "substantially refurbished" means that at least 25,000 square feet have been rebuilt or
 13.15 modified, including:

13.16 (i) installation of enterprise information technology equipment; environmental control,
 13.17 computer software, and energy efficiency improvements; and

13.18 (ii) building improvements; and

13.19 (3) that is used to house enterprise information technology equipment, where the facility
 13.20 has the following characteristics:

13.21 (i) uninterruptible power supplies, generator backup power, or both;

13.22 (ii) sophisticated fire suppression and prevention systems; and

13.23 (iii) enhanced security. A facility will be considered to have enhanced security if it has
 13.24 restricted access to the facility to selected personnel; permanent security guards; video
 13.25 camera surveillance; an electronic system requiring pass codes, keycards, or biometric scans,
 13.26 such as hand scans and retinal or fingerprint recognition; or similar security features.

13.27 In determining whether the facility has the required square footage, the square footage
 13.28 of the following spaces shall be included if the spaces support the operation of enterprise
 13.29 information technology equipment: office space, meeting space, and mechanical and other
 13.30 support facilities. For purposes of this subdivision, "computer software" includes, but is not
 13.31 limited to, software utilized or loaded at a qualified data center ~~or~~, qualified refurbished

14.1 data center, or qualified large-scale data center, including maintenance, licensing, and
 14.2 software customization.

14.3 (d) For purposes of this subdivision, a "qualified refurbished data center" means an
 14.4 existing facility that qualifies as a data center under paragraph (c), clauses (2) and (3), but
 14.5 that is comprised of one or more buildings that consist in the aggregate of at least 25,000
 14.6 square feet, and that are located on a single parcel or contiguous parcels, where the total
 14.7 cost of construction or refurbishment, investment in enterprise information technology
 14.8 equipment, and computer software is at least \$50,000,000 within a 24-month period.

14.9 (e) For purposes of this subdivision, "enterprise information technology equipment"
 14.10 means computers and equipment supporting computing, networking, or data storage,
 14.11 including servers and routers. It includes, but is not limited to: cooling systems, cooling
 14.12 towers, and other temperature control infrastructure; power infrastructure for transformation,
 14.13 distribution, or management of electricity used for the maintenance and operation of a
 14.14 qualified data center or qualified refurbished data center, including but not limited to exterior
 14.15 dedicated business-owned substations, backup power generation systems, battery systems,
 14.16 and related infrastructure; and racking systems, cabling, and trays, which are necessary for
 14.17 the maintenance and operation of the qualified data center ~~or~~, qualified refurbished data
 14.18 center, or qualified large-scale data center.

14.19 (f) For purposes of this subdivision, "qualified large-scale data center" means a facility
 14.20 in Minnesota:

14.21 (1) that is comprised of one or more buildings connected to each other by fiber and
 14.22 associated equipment that consist in the aggregate of at least 25,000 square feet, and that
 14.23 are located in one physical location or multiple locations; and

14.24 (2) for which the total cost of construction or refurbishment, investment in enterprise
 14.25 information technology equipment, and computer software is at least \$250,000,000
 14.26 collectively by the facility and its tenants within a 60-month period beginning after June
 14.27 30, 2025.

14.28 (g) A qualified data center, qualified large-scale data center, or qualified refurbished
 14.29 data center may claim the exemptions in this subdivision for purchases made either within
 14.30 20 ~~35~~ years of the date of its first purchase qualifying for the exemption under paragraph
 14.31 (a), or by June 30, 2042, whichever is earlier.

14.32 ~~(g) The purpose of this exemption is to create jobs in the construction and data center~~
 14.33 ~~industries.~~

15.1 (h) The exemption in this subdivision is effective for sales and purchases made allowed
 15.2 for qualified data centers, qualified large-scale data centers, and qualified refurbished data
 15.3 centers that were certified under paragraph (i) before July 1, 2042.

15.4 (i) The commissioner of employment and economic development must certify to the
 15.5 commissioner of revenue, in a format approved by the commissioner of revenue, when a
 15.6 qualified data center has met the requirements under paragraph (c) ~~or~~, a qualified refurbished
 15.7 data center has met the requirements under paragraph (d), or a qualified large-scale data
 15.8 center has met the requirements under paragraph (f). The certification must provide the
 15.9 following information regarding each qualified data center or qualified refurbished data
 15.10 center:

15.11 (1) the total square footage amount;

15.12 (2) the total amount of construction or refurbishment costs and the total amount of
 15.13 qualifying investments in enterprise information technology equipment and computer
 15.14 software;

15.15 (3) the beginning and ending of the applicable period under ~~either~~ paragraph (c) ~~or~~, (d),
 15.16 or (f) in which the qualifying expenditures and purchases under clause (2) were made, but
 15.17 in no case shall the period begin before July 1, 2012; and

15.18 (4) the date upon which the qualified data center first met the requirements under
 15.19 paragraph (c) ~~or~~, a qualified refurbished data center first met the requirements under
 15.20 paragraph (d), or a qualified large-scale data center first met the requirements under paragraph
 15.21 (f).

15.22 (j) Any refund for sales tax paid on qualifying purchases under this subdivision must
 15.23 not be issued unless the commissioner of revenue has received the certification required
 15.24 under paragraph (i) issued by the commissioner of employment and economic development.

15.25 (k) The commissioner of employment and economic development must annually notify
 15.26 the commissioner of revenue of the qualified data centers that are projected to meet the
 15.27 requirements under paragraph (c) ~~and~~, the qualified refurbished data centers that are projected
 15.28 to meet the requirements under paragraph (d), and the qualified large-scale data centers that
 15.29 are projected to meet the requirements under paragraph (f), in each of the next four years.
 15.30 The notification must provide the information required under paragraph (i), clauses (1) to
 15.31 (4), for each qualified data center ~~or~~, qualified refurbished data center, or qualified large-scale
 15.32 data center.

16.1 (l) Laborers and mechanics performing work to construct or refurbish qualified large-scale
 16.2 data centers must be paid the prevailing wage rate for the work as defined in section 177.42,
 16.3 subdivision 6. Work performed to construct or refurbish qualified large-scale data centers
 16.4 is subject to the requirements and enforcement provisions of sections 177.27, 177.30, 177.32,
 16.5 and 177.41 to 177.45. For purposes of this paragraph, "refurbish" does not include
 16.6 maintenance or equipment refreshment or replacement. The commissioner of employment
 16.7 and economic development must not certify a qualified large-scale data center under
 16.8 paragraph (i) unless the entity seeking an exemption certifies to the commissioner of
 16.9 employment and economic development that it has complied with this paragraph for all
 16.10 covered work after June 30, 2025.

16.11 (m) Within three years after being placed in service, a qualified large-scale data center
 16.12 must certify to the commissioner of commerce that the facility has attained certification
 16.13 under one or more of the following sustainable design or green building standards:

16.14 (1) BREEAM for new construction or BREEAM in-use;

16.15 (2) Energy Star;

16.16 (3) Envision;

16.17 (4) ISO 50001-energy management;

16.18 (5) LEED for building design and construction or LEED for operations and maintenance;

16.19 (6) green globes for new construction or green globes for existing buildings;

16.20 (7) UL 3223; or

16.21 (8) other reasonable standards approved by the commissioner of employment and
 16.22 economic development.

16.23 (n) Notwithstanding section 289A.38, subdivision 1, the amount of the exemption allowed
 16.24 to a qualified large-scale data center must be repaid to the commissioner of revenue if the
 16.25 commissioner of commerce determines that a qualified large-scale data center has not met
 16.26 the requirements under paragraph (m). Nothing in this paragraph prohibits the commissioner
 16.27 of revenue from making an assessment of tax, interest, or penalties if the commissioner of
 16.28 revenue determines that sales to and purchases made by a qualified large-scale data center
 16.29 do not qualify for the exemption under this subdivision.

16.30 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June
 16.31 30, 2025.

17.1 Sec. 18. Minnesota Statutes 2024, section 297A.75, subdivision 1, as amended by Laws
17.2 2025, chapter 20, section 233, is amended to read:

17.3 Subdivision 1. **Tax collected.** The tax on the gross receipts from the sale of the following
17.4 exempt items must be imposed and collected as if the sale were taxable and the rate under
17.5 section 297A.62, subdivision 1, applied. The exempt items include:

17.6 (1) building materials for an agricultural processing facility exempt under section
17.7 297A.71, subdivision 13;

17.8 (2) building materials for mineral production facilities exempt under section 297A.71,
17.9 subdivision 14;

17.10 (3) building materials for correctional facilities under section 297A.71, subdivision 3;

17.11 (4) building materials used in a residence for veterans with a disability exempt under
17.12 section 297A.71, subdivision 11;

17.13 (5) elevators and building materials exempt under section 297A.71, subdivision 12;

17.14 (6) materials and supplies for qualified low-income housing under section 297A.71,
17.15 subdivision 23;

17.16 (7) materials, supplies, and equipment for municipal electric utility facilities under
17.17 section 297A.71, subdivision 35;

17.18 (8) equipment and materials used for the generation, transmission, and distribution of
17.19 electrical energy and an aerial camera package exempt under section 297A.68, subdivision
17.20 37;

17.21 (9) commuter rail vehicle and repair parts under section 297A.70, subdivision 3, paragraph
17.22 (a), clause (10);

17.23 (10) materials, supplies, and equipment for construction or improvement of projects and
17.24 facilities under section 297A.71, subdivision 40;

17.25 (11) enterprise information technology equipment and computer software for use in a
17.26 qualified data center, qualified large-scale data center, or qualified refurbished data center
17.27 exempt under section 297A.68, subdivision 42;

17.28 (12) materials, supplies, and equipment for qualifying capital projects under section
17.29 297A.71, subdivision 44, paragraphs (a) and (b);

17.30 (13) items purchased for use in providing critical access dental services exempt under
17.31 section 297A.70, subdivision 7, paragraph (c);

18.1 (14) items and services purchased under a business subsidy agreement for use or
18.2 consumption primarily in greater Minnesota exempt under section 297A.68, subdivision
18.3 44;

18.4 (15) building materials, equipment, and supplies for constructing or replacing real
18.5 property exempt under section 297A.71, subdivisions 49; 50, paragraph (b); and 51;

18.6 (16) building materials, equipment, and supplies for qualifying capital projects under
18.7 section 297A.71, subdivision 52; and

18.8 (17) building materials, equipment, and supplies for constructing, remodeling, expanding,
18.9 or improving a fire station, police station, or related facilities exempt under section 297A.71,
18.10 subdivision 53.

18.11 **EFFECTIVE DATE.** This section is effective for sales and purchases made after June
18.12 30, 2025.