

BENTON COUNTY ORDINANCE NO. 347

WHEREAS, the Benton County Department of Development instituted proceedings to amend the Benton County Ordinance 185; and,

WHEREAS, on July 9, 2002, Notice of Public Hearing and intent to amend Benton County Ordinance was published in the official newspaper of the county; and,

WHEREAS, on July 23, 2002, the Benton County Planning Commission held a public hearing thereon and recommended same to the Benton County Board of Commissioners for approval and passage; and,

WHEREAS, on August 6, 2002, the Benton County Board of Commissioners held a public hearing and approved the proposed ordinance amendment; and,

NOW PURSUANT TO THE AUTHORITY VESTED BY MINNESOTA STATUTES SECTION 394.25, THE BENTON COUNTY BOARD OF COMMISSIONERS ORDAINS: that Sections of the Benton County Ordinance 185 be amended as follows:

Amend Sections 7.1.23, 7.2.22, 7.2A.22, 7.6.2, 7.6A.3, 7.7.2 and 7.8.2 by adding "*Wind Energy Conversion Systems*" to the list of conditional uses in all zoning Districts.

Amend Section 9, Special Provisions by adding Section 9.16 *Wind Energy Conversion Systems* (WECS).

WECS shall be conditional use permits in all zoning districts. All appropriate regulations within each zoning district must be complied with in addition to the regulations outlined below.

1. Applicants requesting a conditional use permit for a WECS shall furnish such scale drawings and information, as the County deems necessary. This information may include, but is not limited to the following: a site plan of the premises involved showing lot lines, the accurate location of all buildings and structures on the premises and on each adjacent lot and the location of the proposed tower and all guy wires, poles or anchors, and a sketch elevation of the premises accurately depicting the proposed tower and its relationship to structures on adjacent lots.
2. The permitted maximum height of a WECS shall be determined in one of two ways:
 - a. A ratio of one to one between the distance from the closest property line to any part of the WECS to the height of the tower.
 - b. A maximum of one hundred (100) feet in industrial districts and sixty (60) feet in business districts and on residentially used property in agricultural districts.The shortest height of the two above mentioned methods shall be used in determining maximum height. Height shall be measured from the surrounding grade to the rotor hub or top of the tower, whichever is higher.
3. No part of a WECS shall be located within or above any required front, side or rear setback area.
4. All WECS shall be designed to meet the following minimum standards:
 - a. An automatic braking system device capable of halting operation in high winds (40 m.p.h. or greater) shall be incorporated.

- b. The WECS shall be operated and maintained in a condition that will not cause unreasonable noise emission levels.
- c. The WECS shall be guarded against unauthorized climbing. The first twelve (12) feet of the tower shall be unclimbable by design or be enclosed by a six (6) foot high, unclimbable fence with a secured access.
- d. The WECS shall be designed and installed to withstand natural lighting strikes.
- e. The WECS electrical equipment and connections shall adhere to all state and local government, as well as power company rules, regulations and standards.
5. The owner of the WECS that is to be dismantled must accomplish such act within forty five (45) days after one year of discontinued use/operation or the County is empowered to dismantle such WECS and assess the costs against the property.
6. WECS that are by nature ornamental, rather than functional, shall be exempt from this Ordinance if the total height is less than twenty- five (25) feet.
7. In order to ensure adequate wind access, the County does encourage the use of private easements and restrictive covenants as a means to protect wind access.

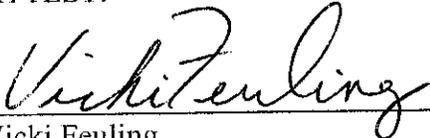
This ordinance shall be effective upon publication.

Approved and adopted by the Benton County Board of Commissioners this 6th day of August in the year of 2002.



Duane Cekalla, Chair
Benton County Board of Commissioners

ATTEST:



Vicki Feuling
County Clerk/Administrative Assistant

MARILYN J. NOVAK
COUNTY RECORDER
BY Marilyn J. Novak DEPUTY

OFFICE OF
BENTON COUNTY RECORDER
BENTON COUNTY, MN
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AND/OR RECORDED ON

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