

- public facilities and utilities which serve or are proposed to serve the area.
2. Will not change the essential character of the area, and through its design, construction, operation, and maintenance is harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
 3. A thorough evaluation of the water body and the topographic, vegetation and soils conditions on the site must be made to ensure:
 - a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - b. The visibility of structures and other facilities as viewed from public waters is limited;
 - c. The site is adequate for water supply and on-site sewage treatment; and
 - d. The types, uses and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
 4. The Planning Commission, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfil the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
 - a. Increased setbacks from the ordinary high water level;
 - b. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
 - c. Special provisions for the location, design and use of structures, sewage treatment systems, watercraft launching and docking areas and vehicle parking areas.

5.5.4.6 Criteria for the Issuance of a Conditional Use Permit for a Micro and/or Non-Commercial WECS

The County Board may grant a Conditional Use Permit after considering the recommendation by the Planning Commission, and if the Board determines a request satisfies the requirements of this Ordinance, and the granting of the Permit will not unreasonably interfere with the adjacent land uses and/or endanger the public health, safety, and welfare. The County Board shall establish adequate evidence to the following findings:

1. The parcel under consideration for the installation of a Micro and/or Non-Commercial WECS demonstrates the capacity to safely accommodate the proposed WECS by not posing a risk to adjacent residential uses, public facilities, and/or thoroughfares.
2. The proposed Micro and/or Non-Commercial WECS will not have adverse effects of stray voltage, or interfere with cellular, radio, or television signals.

3. The evaluation of the potential fall zone based on the 1.1 and 1.5 times overall height setback to determine the absence of obvious conflict points.
4. Assurance that the proposed WECS adheres to the local energy provider specifications and is compatible with the power grid if the petitioner intends to sell back power.
5. Consideration shall be given in that the proposed location shall not create undue burden onto neighboring properties and structures in which the WECS could create a moving shadow created by the sun shining on rotating turbine blades.
6. The Micro and/or Non-Commercial WECS shall not exceed sixty (60) decibels using the A scale (dBA), as measured at the property line, except during short-term events such as severe windstorms and utility outages.
7. In no circumstance, shall a Micro and/or Non-Commercial WECS exceed one hundred fifty (150) feet in height.
8. For all Micro and/or Non-Commercial WECS, the manufacture's engineer or another qualified engineer shall certify that the overall design of the apparatus and its installation is within accepted professional standards.
9. The proposed WECS has an appearance that reduces or eliminates visual obtrusiveness.
10. Any other factors relevant to the proposed Micro and/or Non-Commercial WECS.

Appeal to District Court

All decisions by the Board of Adjustment or the Variance Hearing Officer, in granting variances or in hearing appeals from any administrative order, requirement, decision, or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within 30 days, after receipt of notice of the decision, to the district court in the county in which the land is located on questions of law and fact.

Any party that would like to submit an appeal to the decision just rendered at a public hearing must do so to the District Court. The Planning Department is not responsible for filing the appeal.

Figure 5.4 Appeal to District Court

5.6 Variances

5.6.1 Purpose

The purpose of this section is to provide for deviations from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Ordinance.

5.6.2 General Provisions and Standards for Evaluating a Variance

1. The County shall serve, as the Board of Adjustment and shall not grant a variance from the regulations of this Ordinance unless it shall make findings of fact based upon the evidence presented based on the following standards, as required by Minnesota State Statute 394.27 Subd.7.
 1. The request will not alter the essential character of the locality nor substantially impair environmental quality, property values, or the public health, safety or welfare in the vicinity.
 2. Unreasonably increase the congestion on public thoroughfares.