

**Table 5.22.03.2
WES Setbacks**

		Setback Distance*	
		Vertical Height of Tower 75' to 500'	Vertical Height of Tower Over 500'
Participating occupied residence, business, church, or school		550'	550' plus 2.5' feet for each additional vertical foot more than 500' in height
Municipal Boundaries at the time of Conditional Use Permit Application		5,280'	5,280'
Non-Participating occupied residence, business, church, or school	Town District	5,280'	5,280'
	All other Districts	1,500'	1,500' plus 2.5' feet for each additional vertical foot more than 500' in height
Distance from the Right-of-Way of Public Road		110% of the height of the wind turbine**	
Distance from Property Line		110% of the height of the wind turbine***	

* Setback distance to be measured from the wall line of the neighboring principal building to the base of the WES tower. The vertical height of the wind turbine is measured from the ground surface to the tip of the blade when in a fully vertical position.

** The horizontal setback shall be measured from the base of the tower to the public right-of-way.

*** The horizontal setback shall be measured from the base of the tower to the adjoining property line unless wind easement has been obtained from adjoining property owner.

- ii. Exception: The Board of Adjustment may allow setback/separation distances to be less than the established distances identified above if the road authority, participating or non-participating landowners, or municipality (by resolution of the governing body) agree to a lesser setback/separation distance. If approved, such agreement is to be recorded and filed with the Codington County Zoning Officer. Said agreement shall be binding upon the heirs, successors, and assigns of the title holder and shall pass with the land.

Exhibit A