

**NOTICE OF ADOPTION
ORDINANCE B2004-01-08A
AN ORDINANCE AMENDING SECTION 1215 ADOPTED BY ORDINANCE B2004-01 JULY
6TH, 2004, AS AMENDED, OF THE ZONING ORDINANCE OF DEUEL COUNTY**

Notice is hereby given that Ordinance #B2004-01-08A, An Ordinance Amending Section 1215 Adopted by Ordinance B2004-01 July 6th, 2004, As Amended, of the Zoning Ordinance of Deuel County was duly adopted by the Board of County Commissioners on the 19th day of August, 2008 and will become effective on the 23rd day of September, 2008.

Ordinance B2004-01-08A

AN ORDINANCE ENTITLED, An Ordinance to Amend Section 1215 Wind Energy System (WES) Requirements Adopted by Ordinance B2004-01, July 6th, 2004, as amended, of the Zoning Ordinance of Deuel County.

Be it ordained by the Board of County Commissioners of Deuel County, South Dakota: that Section 1215 adopted by Ordinance B2004-01 July 6th, 2004 as amended, of the Zoning Ordinance of Deuel County be amended to change section 1215 Wind Energy System Requirements as follows: (Changes only are printed with those parts in bold and underlined as additions and those parts with a line through them as deletions to the ordinance)

1215.03 General Provisions

1. Mitigation Measures

f. Roads

i. Public Roads Prior to commencement of construction, the permittees shall identify all state, county or township "haul roads" that will be used for the WES project and shall notify the state, county or township governing body having jurisdiction over the roads to determine if the haul roads identified are acceptable. The governmental body shall be given adequate time to inspect the haul roads prior to use of these haul roads. Where practical, existing roadways shall be used for all activities associated with the WES. Where practical, all-weather roads shall be used to deliver cement or concrete, turbines, towers, assemble nacelles and all other heavy components to and from the turbine sites.

2. Setbacks

a. Distance from existing off-site residences, business and public buildings shall be not less than one thousand (1,000) feet. Distance from on-site or lessor's residence shall be not less than five hundred (500) feet or one hundred and ten percent (110%) of the wind turbine height, whichever is greater. For purposes of this section only, the term "business" does not include agricultural uses.

b. Distance from public right-of-way shall be one hundred and ten percent (110%) ~~one (1) times~~ the height of the wind turbines, measured from the ground surface to the tip of the blade when in a fully vertical position.

c. Distance from any property line shall be one hundred and ten percent (110%) ~~two (2) times~~ the height of the wind turbine, measured from the ground surface to the tip of the blade when in a fully vertical position unless wind easement has been obtained from adjoining property owner.

5. Turbine Spacing. The turbines shall be spaced no closer than is allowed by the turbine manufacturer in its approval of the turbine array for warranty purposes. ~~The turbines shall be spaced no closer than three (3) rotor diameters (RD) within a string and five (5) RDs between strings. If required during final micro siting of the turbines to account for topographic conditions, up to 10 percent of the towers may be sited closer than the above spacing but the permittees shall minimize the need to site the turbines closer.~~

7. Electrical Cables. The permittees shall place electrical lines, known as collectors, and communication cables underground when located on private property except when total distance of collectors from the substation require an overhead installation due to line loss of current from an underground installation.

8. Feeder Lines. The permittees ~~shall~~ **may** place overhead electric lines, known as feeders, on public rights-of-way if a public right of way exists.

9. Decommissioning/Restoration/Abandonment

b. Site Restoration. Upon expiration of this permit, or upon earlier termination of operation of the WES, the permittees shall have the obligation to dismantle and remove from the site all towers, turbine generators, transformers, overhead **and underground** cables, foundation, buildings and ancillary equipment to a depth of ~~four feet~~ **forty two (42) inches**.

13. Noise. Noise level shall not exceed 50 DBA, **average A-Weighted Sound pressure at the perimeter of existing residences**, ~~including constructive interference effects at the property line of existing off site residences, businesses, and public buildings.~~

14. Permit Expiration. The permit shall become void if no substantial construction has been completed within **three (3)** ~~two (2)~~ years of issuance.

Passed and adopted this 19th day of August 2008.

Chairperson

Auditor

This ordinance shall become effective 20 days after the last publication of this notice two successive weeks in the official newspaper, thereby repealing all ordinances or parts thereof in conflict herewith unless a referendum is timely involved prior thereto.

Dated this 19th day of August, 2008
Pam L. Lynde, Deuel County, South Dakota

August 27, 2008
September 3, 2008

Effective Date September 23rd, 2008