

ORDINANCE NO. B2022-01-07

#B2022-01-07, AN ORDINANCE AMENDING ORDINANCE B2022-01, AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR DEUEL COUNTY, SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTERS 11-2, 1967 SDCL, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that Article II, "Definitions" adopted by Ordinance B2022-01, as amended, of the Zoning Ordinance of Deuel County be amended by adding language in bold and underline and removing strikeout language:

Utility ~~(in reference to Wind Energy Systems)~~. Any entity engaged in this state in the generation, transmission or distribution of electric energy including, but not limited to, a private investor-owned utility, cooperatively owned utility, and a public or municipal utility.

BE IT ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that Article XII, "General Requirements," adopted by Ordinance B2022-01, as amended, of the Zoning Ordinance of Deuel County be amended by adding language in bold and underline and removing strikeout language:

**Section 1247. Public and Private Utilities;**

**Section 1247.01. Applicability.**

**The requirements of these regulations shall apply to all Public and Private Utilities facilities.**

**Section 1247.02 Federal and State Requirements.**

**All Public and Private Utilities shall meet or exceed standards and regulations of the South Dakota State Statutes and any other agency of federal or state government with the authority to regulate Public and Private Utilities.**

**Section 1247.03. General Provisions.**

**1. Mitigation Measures**

**a. 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 Public and Private Utilities 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 Public and Private Utilities. Where practical, all-weather roads shall be used to deliver cement or concrete, and all other heavy components to and from the Public and Private Utilities sites.**

**ii. The permittees shall, prior to the use of approved haul roads, make satisfactory arrangements with the appropriate state, county or township governmental body having jurisdiction over approved haul roads for construction of the Public and Private Utilities for the maintenance and repair of the haul roads that will be subject to extra wear and tear**

**due to transportation of equipment and Public and Private Utilities components. The permittees shall notify the County of such arrangements upon request of the County.**

## **2. Setback**

### **Noise.**

- a. **Noise level for residences shall not exceed 45 DBA, average A-Weighted Sound pressure. The noise level is to be measured at the perimeter of existing residences. The property owners shall have the right to waive the respective setback requirements, the waiver needs to be in writing and filed with the Zoning Office.**

BE IT FURTHER ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that Article XI, "Zoning Districts," Section 1102 "C1" Commercial/Industrial District, Section 1102.04 Conditional Uses, adopted by Ordinance B2022-01, as amended, of the Zoning Ordinance of Deuel County be amended by adding language in bold and underline language:

7. Public and Private Utilities, **provided they meet the requirements of Section 1247;**

This ordinance shall become effective upon the date of publication of this notice in the official newspaper, thereby repealing all ordinances or parts thereof in conflict herewith unless a referendum in timely involved prior thereto.

1st Reading: September 16, 2024

2nd Reading: October 1, 2024

Adopted: October 1, 2023

Published: October 9, 2023

Effective: October 29, 2024