ORDINANCE NO. B2022-01-11

#B2022-01-11, 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 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 1248. Essential Services;

Section 1248.01. Applicability.

The requirements of these regulations shall apply to overhead electrical transmission lines with a voltage greater than 345 kV

Section 1248.02 Federal and State Requirements.

Essential Services 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 Essential Services;

Section 1248.03. General Provisions.

1. Setback Requirements

a. **The foundations of towers associated with transmission lines with voltage greater than 345 kV must have a setback of 2,000 feet from any existing inhabited residence in all Zoning Districts. This includes, but is not limited to, support structures greater than 100 feet tall, base diameters of 25 feet in width, or wing spans of 30 feet.**

b. **An existing inhabited residence is defined as a residence that is occupied prior to whichever occurs first:**

   i. **the transmission line developer's filing of a facility permit application with the South Dakota Public Utilities Commission, or**
   ii. **the developer's filing of a conditional use permit (CUP) application with the county.**

c. **The owners of an inhabited residence shall have the right to waive the 2,000-foot setback requirement. Such a waiver must be in writing and filed with the Zoning Office prior to construction of the tower subject to the waiver. The minimum setback under a waiver shall not be less than 125% of the height of the tower, measured from the nearest point of the existing inhabited residence.**

BE IT FURTHER ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that Article XI, "Zoning Districts," Section 1101 "A" Agricultural District, Section 1101.04 Conditional Uses, adopted by Ordinance B2022-01, as amended, of the Zoning Ordinance of Deuel County be amended by by adding language in bold and underline language:

12. Essential service~~;~~ **provided they meet the requirements of Section 1248;**

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.

Chairperson

Auditor

1st Reading: April 7, 2026
2nd Reading: April 21, 2026
Adopted: April 21, 2026
Published: April 22, 2026
Effective: May 12, 2026

DEUEL COUNTY AUDITOR S.D. SEAL CLEAR LAKE