



# Grant County Compiled Zoning Ordinances

01/25/2018



008727

10. Abandoned Turbines. The permittees shall advise the County of any turbines that are abandoned prior to termination of operation of the WES. The County may require the permittees to decommission any abandoned turbine.
11. Height from Ground Surface. The minimum height of blade tips, measured from ground surface when a blade is in fully vertical position, shall be twenty-five (25) feet.
12. Towers.
  - a. Color and Finish. The finish of the exterior surface shall be non-reflective and non-glass.
  - b. All towers shall be singular tubular design
13. Noise. Noise level shall not exceed 50 dBA, average A-weighted Sound pressure including constructive interference effects at the perimeter of the principal and accessory structures of existing off-site residences, businesses, and buildings owned and/or maintained by a governmental entity. [Ord. 2004-1, Rev. 2004-1G]
13. Permit Expiration. The permit shall become void if no substantial construction has been completed within two (2) years of issuance.
14. Required Information for Permit. [Ord. 2004-1, Rev. 2004-1G]
  - a. Boundaries of the site proposed for WES and associated facilities on United States Geological Survey Map or other map as appropriate.
  - b. Map of easements for WES.
  - c. Affidavit attesting that necessary easement agreements with landowners have been obtained.
  - d. Map of occupied residential structures, businesses, churches and buildings owned and/or maintained by a governmental entity.
  - e. Preliminary map of sites for WES, access roads and collector and feeder lines. Final map of sites for WES, access roads and utility lines to be submitted sixty (60) days prior to construction.
  - f. Proof of right-of-way easement for access to utility transmission lines and/or utility interconnection.
  - g. Location of other WES in general area.
  - h. Project-specific environmental concerns (e.g. native habitat, rare species, and migratory routes). This information shall be obtained by consulting with state and federal wildlife agencies. Evidence of such consultation shall be included in the application.
  - i. Final haul road agreements to be submitted sixty (60) days prior to construction.

**AN ORDINANCE AMENDING GRANT COUNTY ORDINANCE #2004-1, AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR GRANT 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 THEREWITH**

WHEREAS, the Grant County, South Dakota, Board of County Commissioners, hereinafter referred to as the Board of County Commissioners, deems it necessary, for the purpose of promoting the health, safety, and the general welfare of the County, to enact zoning regulations and to provide for its administration, and

WHEREAS, the Board of County Commissioners has appointed a County Planning Commission, hereinafter referred to as the Planning Commission, to recommend the district boundaries and to recommend appropriate regulations to be enforced therein, and

WHEREAS, the Planning Commission has divided Grant County into districts, and has established by reference to maps the boundaries of said districts for administration and interpretation; has provided for definitions and for amendments to this Ordinance; has provided for the enforcement; prescribed penalties for violation of provisions; has provided for building permits within the districts; has provided for invalidity of a part and for repeal of regulations in conflict herewith; and has prepared regulations pertaining to such districts in accordance with the county comprehensive plan and with the purpose to protect the tax base, to guide the physical development of the county, to encourage the distribution of population or mode of land utilization that will facilitate the economical and adequate provisions of transportation, roads, water supply, drainage, sanitation, education, recreation, or other public requirements, to conserve and develop natural resources, and

WHEREAS, the Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, and

WHEREAS, the Planning Commission and Board of County Commissioners has given due public notice to a hearing relating to zoning districts, regulations, and restrictions, and has held such public hearings, and

WHEREAS, all requirements of SDCL 11-2, with regard to the preparation of these regulations and subsequent action of the Board of County Commissioners, has been met, and

WHEREAS, copies of said zoning regulations have been filed with the Grant County Auditor for public inspection and review during regular business hours, and

WHEREAS, all ordinances, or parts of regulations in conflict herewith are hereby expressly repealed;

THEREFORE BE IT ORDAINED that Ordinance 2016-01C is hereby adopted by the Board of County Commissioners, Grant County, South Dakota.

Voting aye: Commissioners Buttke, Dumann, Mach, Stengel

Voting nay: Commissioner Street

Adopted this 28th day of December, 2018.

Marty Buttke  
Chairperson  
Grant County Board of County Commissioners

ATTEST:  
Karen Seeger  
Grant County Auditor

This ordinance shall become effective 20 days after publication of this notice in the official newspaper, thereby repealing all ordinances or parts thereof in conflict herewith unless a referendum in a timely manner is file.

First Reading: December 18, 2018  
Second Reading: December 28, 2018  
Adopted: December 28, 2018  
Published: January 9, 2019  
Effective: January 28, 2019

Published once for an approximate cost of \_\_\_\_\_.

e. Failure to Decommission. If the WES facility owner or operator does not complete decommissioning, the Board may take such action as may be necessary to complete decommissioning, including requiring forfeiture of the bond. The entry into a participating landowner agreement shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors, and assigns, that the Board may take such action as may be necessary to decommission a WES facility.

~~10-11~~ Abandoned Turbines. The permittees shall advise the County of any turbines that are abandoned prior to termination of operation of the WES. The County may require the permittees to decommission any abandoned turbine.

~~11-12~~ Height from Ground Surface. The minimum height of blade tips, measured from ground surface when a blade is in fully vertical position, shall be twenty-five (25) feet.

~~12-13~~ Towers.

- a. Color and Finish. The finish of the exterior surface shall be non-reflective and non-glass.
- b. All towers shall be ~~single~~ tubular design

~~13-14~~ Noise. Noise level shall not exceed ~~50~~ 45 dBA, average A-weighted Sound pressure including constructive interference effects measured twenty-five (25) feet from at the perimeter of the ~~principal and accessory structures of existing off-site~~ non-participating residences, businesses, and buildings owned and/or maintained by a governmental entity.

Noise level shall not exceed 50 dBA, average A-weighted Sound pressure including constructive interference effects measured twenty-five (25) feet from the perimeter of participating residences, businesses, and buildings owned and/or maintained by a governmental entity.

Noise level measurements shall be made with a sound level meter using the A-weighting scale, in accordance with standards promulgated by the American National Standards Institute. A L90 measurement shall be used and have a measurement period no less than ten (10) minutes unless otherwise specified by the Board of Adjustment.

~~14-15~~ Permit Expiration. The permit shall become void if no substantial construction has been completed commenced within ~~two (2)~~ three (3) years of issuance; or if a State Permit from the South Dakota Public Utility Commission has not been issued within two (2) years of issuance of the permit.

~~15-16~~ Required Information for Permit.

- a. Boundaries of the site proposed for WES and associated facilities on United States Geological Survey Map or other map as appropriate.
- b. Map of easements for WES.
- c. Affidavit attesting that necessary easement agreements with landowners have been obtained.