

ORDINANCE NO. 2024-03

AN ORDINANCE OF MCCOOK COUNTY, SOUTH DAKOTA, AMENDING ORDINANCE NO. 2014-01 – 2014 REVISED ZONING REGULATIONS FOR MCCOOK COUNTY BY AMENDING CHAPTER 3, AG: AGRICULTURAL DISTRICT, SECTION 3.03 CONDITIONAL USES; CHAPTER 4, RR: RURAL RESIDENTIAL DISTRICT, SECTION 4.02 CONDITIONAL USES; CHAPTER 5, LR: LAKE RESIDENTIAL DISTRICT, SECTION 5.02 CONDITIONAL USES; CHAPTER 6, C: COMMERCIAL DISTRICT, SECTION 6.02 CONDITIONAL USES; CHAPTER 7, LI: LIGHT INDUSTRIAL DISTRICT, SECTION 7.02 CONDITIONAL USES; CHAPTER 8, HI: HEAVY INDUSTRIAL DISTRICT, SECTION 8.02 CONDITIONAL USES; CHAPTER 9, FC: FLOODPLAIN/CONSERVATION, SECTION 9.02 CONDITIONAL USES; CHAPTER 11, ADDITIONAL USE REGULATIONS, SECTION 11.19 SOLAR ENERGY SYSTEMS; AND CHAPTER 19, DEFINITIONS, SECTION 19.02, DEFINITIONS.

BE IT ORDAINED BY MCCOOK COUNTY, SOUTH DAKOTA:

Section 1. That Chapter 3.03 of the 2014 Revised Zoning Regulations for McCook County, South Dakota is hereby amended to add the following conditional use:

3.03 Conditional Uses

Conditional Use	Applicable Standards
Small Accessory Use Solar Energy System	11.02, 11.06, 11.19, 17.01

Section 2. That Chapter 4.02 of the 2014 Revised Zoning Regulations for McCook County, South Dakota is hereby amended to add the following conditional use:

4.02 Conditional Uses

Conditional Use	Applicable Standards
Small Accessory Use Solar Energy System	11.02, 11.06, 11.19, 17.01

Section 3. That Chapter 5.02 of the 2014 Revised Zoning Regulations for McCook County, South Dakota is hereby amended to add the following conditional use:

5.02 Conditional Uses

Conditional Use	Applicable Standards
Small Accessory Use Solar Energy System	11.02, 11.06, 11.19, 17.01

Section 4. That Chapter 6.02 of the 2014 Revised Zoning Regulations for McCook County, South Dakota is hereby amended to add the following conditional use:

6.02 Conditional Uses

Conditional Use	Applicable Standards
Small Accessory Use Solar Energy System	11.02, 11.06, 11.19, 17.01

Section 5. That Chapter 7.02 of the 2014 Revised Zoning Regulations for McCook County, South Dakota is hereby amended to add the following conditional use:

7.02 Conditional Uses

Conditional Use	Applicable Standards
Small Accessory Use Solar Energy System	11.02, 11.06, 11.19, 17.01

Section 6. That Chapter 8.02 of the 2014 Revised Zoning Regulations for McCook County, South Dakota is hereby amended to add the following conditional use:

8.02 Conditional Uses

Conditional Use	Applicable Standards
Small Accessory Use Solar Energy System	11.02, 11.06, 11.19, 17.01

Section 7. That Chapter 9.02 of the 2014 Revised Zoning Regulations for McCook County, South Dakota is hereby amended to add the following conditional use:

9.02 Conditional Uses

Conditional Use	Applicable Standards
Small Accessory Use Solar Energy System	11.02, 11.06, 11.19, 17.01

Section 8. That Chapter 11.19 of the 2014 Revised Zoning Regulations for McCook County, South Dakota is hereby amended to read as follows:

11.19 Solar Energy Systems

The regulations regarding Solar Energy Systems, for both small accessory use and commercial use, shall be as follows:

A. General Requirements

1. The exterior surfaces of solar energy systems shall be generally neutral in color and substantially non-reflective of light. A unit shall be installed or located such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties, or roadways.
2. Solar energy systems must be installed in compliance with the National Electric Code, the manufacturer's specifications, and all other applicable codes. A copy of the manufacturer's installation and maintenance instructions must be submitted for review. Written evidence that utility company provider has been notified shall be submitted.
3. A solar energy system must be permanently and safely attached to the building, structure, or ground. Proof of the safety and reliability of the means of such attachment must be submitted to Authorized Official prior to installation.
4. Solar energy systems and the installation and use thereof must comply with the applicable building codes, County, State, and Federal requirements.
5. Solar energy systems are only allowed as an accessory use.

B. Small Accessory Use Solar Energy Systems

1. Building Mounted Systems. Building-mounted solar energy systems that do not exceed one (1) acre in lot coverage that primarily meet the needs of on-site users shall be a conditional accessory use in all zoning districts, subject to the following requirements:

- a. Building-mounted solar energy system may only be attached to a principal building, or an accessory building serving the principal use, such as a barn, garage, or shed.
- b. A roof-mounted unit on a sloped roof shall not project above the peak of the roof to which it is attached. When a roof-mounted unit is attached to a flat roof, it must not project higher than three (3) feet above the building height and must be screened with a wall at least one (1) foot taller than the unit. In no instance shall a roof-mounted unit exceed the maximum allowable height for the zoning district.
- c. Roof-mounted panels that are integrated as the surface layer of the roof structure may be located on any part of the roof.
- d. A wall-mounted solar energy system must not extend further than ten (10) feet from the building wall and must not extend into a required yard.

2. Ground Mounted Systems. Ground mounted solar energy systems that do not exceed one (1) acre in total lot coverage that primarily meet the needs of on-site users shall be a conditional accessory use in all zoning districts, subject to the following requirements:

- a. Height. A ground mounted solar energy system shall not exceed fifteen (15) feet in height, measured from the ground at the base of the unit.
- b. All power transmission lines must be underground.
- c. Setbacks. Ground mounted solar energy system must be located in the rear or side yard and must meet the required minimum side and rear yard setbacks of the district in which they are located.
- d. Screening. Ground mounted solar energy system must be screened to shield the public view to the maximum extent practicable. Screening shall be designated in the conditional use permit application. Screening requirements may be waived in locations where natural features and existing vegetation are proven to meet the screen objectives of this section.

C. Large Scale Use Solar Energy Systems, Prohibited. Any ground mounted solar energy system or building mounted solar energy system that exceeds one (1) acre

in total lot coverage is prohibited.

D. Applications and Procedures

1. Conditional Use Permit Application/Review. In addition to the requirements of Chapter 17.01(A), every conditional use permit application for a solar energy system application must include the following information:
 - a. A generalized plan for connecting the proposed project into the utility grid. This shall include evidence that an interconnection request for the project has been filed; or if an interconnection request has not been filed, all other utility interconnection information as requested by the Board of Adjustment. If the solar energy system is solely for use on the property, the applicant must notify utility company provider of the project and provide proof of contact in the application.
 - b. General information regarding the type, size, height, rated power output, performance, and safety of each model that will be used.
 - c. At least one (1) photograph or scaled drawing of each model that will potentially be used. Each photograph or scaled drawing must include the maximum height, dimensions, and general design.
 - d. A topographic map of the site including all wetlands, floodplains, floodways, and any other sensitive environmental areas. If any wetlands, floodplains, floodways, or other environmentally sensitive areas are located on the sitemap, the applicant must provide a plan for how they intend to minimize or prevent harmful impacts to these areas.
 - e. Project schedule with anticipated construction date(s) and completion date(s).
 - f. If ground mounted system, provide general information regarding how the applicant intends to protect livestock, protect and segregate topsoil from subsoil in cultivated lands, protect tile drainage, protect drainage ditches, control dust, and minimize the impacts of soil compaction.
 - g. If ground mounted system, provide general information regarding the species and habitats that could potentially be impacted by the

development on the site. This includes information about the site and neighboring properties, as development next to sensitive habitats greatly impacts species.

- h. Application must include a Decommissioning Plan. The Decommissioning Plan shall include a description of the manner in which the permittees will ensure that it has the financial capability to carry out the decommissioning process and any restoration requirements when they go into effect. Failure to submit the Final Decommissioning Plan shall constitute grounds for review and possible revocation of the conditional use permit.

2. Building Permit Application/Review

- a. Application Contents. In addition to the requirements of Chapter 15.01, every building permit application for a solar energy system must include the following information:
 - 1. A finalized agreement for connecting the property to the utility grid. The owner must provide written notice in the event the executed interconnection agreement is cancelled, renegotiated, expired, etc.
 - 2. Final information regarding the type, size, height, rated power output, performance, and safety of each model that will be used for the project.
 - 3. At least one (1) photograph or scaled drawing of each model that will potentially be used. Each photograph or scaled drawing must include the maximum height, dimensions, and general design.
 - 4. A finalized plan regarding the handling, processing, treatment, storage, and disposal of any wastes, fluids, or other pollutants that will be generated, emitted, or discharged during the lifetime of the project.
 - 5. For ground mounted systems, final information regarding how the permittee(s) intends to protect livestock, protect and segregate topsoil from subsoil in cultivated lands, protect tile drainage, protect drainage ditches, control dust, and minimize the impacts of soil compaction.

- b. Unless otherwise specified herein, failure to provide material, corrective, or supplemental information regarding any of the items listed in this Chapter within thirty (30) days of making or becoming aware of any such change shall constitute grounds for review and possible modification or revocation of the conditional use permit.

E. Decommissioning/Restoration/Abandonment.

1. Final Decommission Plan. The Final Decommission Plan shall describe in detail the manner in which the permittees will decommission the project. Failure to submit a Final Decommissioning Plan shall result in the Board of Adjustment reviewing the conditional use permit for possible modification or revocation.
2. Site Restoration. Upon expiration of the conditional use permit, or upon earlier termination of operation of the solar energy system, the permittee(s) shall have the obligation to dismantle and remove from the site all electrical generating equipment, overhead and underground cables, foundations, buildings and ancillary equipment to a depth of four (4) feet. To the extent possible, the permittee(s) shall restore and reclaim the site to its pre-project topography, including restoration of topsoil, revegetation and seeding. The site shall be restored in accordance with the requirements of this Section within eighteen (18) months after expiration or termination of the solar energy system at the site.
3. Termination of Operations Defined. The use of any electrical generating equipment, overhead or underground cables, foundations, buildings, ancillary equipment, or the project itself is presumed to have terminated if it is not actively used or generates no electricity for a continuous period of twelve (12) months.
4. Cost Responsibility. The owner or operator of the solar energy system is responsible for decommissioning and for all costs associated with decommissioning.
5. Failure to Decommission. If the owner or operator of the solar energy system does not complete decommissioning, the Board of County Commissioners may take any such action as may be necessary to complete decommissioning, including requiring forfeiture of the financial assurances.

Section 9. That Chapter 19.02 of the 2014 Revised Zoning Regulations for McCook County, South Dakota, is hereby amended to include the following definitions:

SMALL ACCESSORY USE SOLAR ENERGY SYSTEM: A single residential or small business-scale solar energy conversion system (photovoltaic cell) consisting of roof panels or ground mounted solar panels or arrays and associated control or conversion electronics not greater than one (1) acre in total lot coverage.

Section 10. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted this 7th day of November 2024.

Charles Liesinger

Chairman, McCook County Board of Commissioners

ATTEST:

Geralyn Sherman

Auditor

(SEAL)

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