April 19, 2017

9:00 A.M.

**WALWORTH COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF PROCEEDINGS**

The Walworth County Board of Commissioners met in special session on April 19, 2017 at 9:00 a.m. at the County Courthouse. Members present were: Jim Houck, Kevin Holgard, Melissa Miller, Scott Schilling and David Siemon. Also present were Auditor Rebecca Krein and States Attorney Jamie Hare.

Chairperson Siemon called the meeting to order.

The Pledge of Allegiance was recited by those in attendance.

**SECOND READING OF ORDINANCE #2017-1:**

**AN ORDINANCE AMENDING WALWORTH COUNTY ORDINANCE #83-2, AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR WALWORTH 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 Walworth 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 Walworth 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 Walworth 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 2017-1 is hereby adopted by the Board of County Commissioners, Walworth County, South Dakota.**

**NEXT HEARING:**

The board scheduled the next public hearing regarding the Walworth County Zoning Ordinances for May 10th, 2017 at 9:00 a.m.

Chairperson Siemon addressed the visitors and asked for any public comment on the proposed zoning ordinances.

**ARTICLE 6:**

No public comment.

**ARTICLE 5:**

The following persons addressed the Walworth County Commissioners regarding various aspects of article 5:

Jolene Buechler, Tim Hollerbach, Christine Sawinsky, Brian Gill, Pat Schnaible, Lyle Perman and Dick Randall, Brice Barton and Kate Valentine from Trade Winds.

**ORDINANCE CHANGES:**

Holgard moved and Schilling seconded to change the wording under setbacks, bullet #2, line C to read edge of property line. Voting Aye: 5; Nay: 0. The motion was adopted.

**QUESTION & ANSWER SESSION:**

The following persons addressed the board with questions pertaining to setbacks and Confined Animal Feeding Operations: Terry Hofer, Christine Sawinsky, Tim Hollerbach, Marlow Schaffer, Dick Randall, Brice Barton and Kate Valentine from Trade Winds.

**ORDINANCE CHANGES:**

Schilling moved and Holgard seconded to change the wording under Article II Definitions, Concentrated Animal Feeding Operation to 45 days instead of 120 days. The ordinance currently states the following: A Concentrated Animal Feeding Operation is defined as a lot, yard, corral, building or other area where animals have been, are, or will be stabled or confined for a total of 120 days or more during any 12 month period, and where crops vegetation, forage growth, or post-harvest residues are not sustained over any portion of the lot or facility. Roll call vote requested as follows: Holgard – Aye; Miller – Nay; Schilling – Aye; Houck – Nay; Siemon – Nay. The motion failed.

Schilling moved and Holgard seconded to change the classification chart under 5.8.01 for Confined Animal Feeding Operations. Roll call vote requested: All members present voted Aye. The motion was adopted.

Holgard moved and Schilling seconded to change the following under Wind Turbines section #2 Setbacks.

The ordinance currently reads:

Wind turbines shall meet the following minimum spacing requirements.

a. Distance from existing off-site residences, business and churches shall be at least ten thousand five hundred and sixty (10,560) feet or 2 miles. Distance from other existing buildings or structures shall be at least one thousand (1,000) feet. Distance from on-site or lessor’s residence shall be at least five hundred (500) feet. Distance to be measured from the wall line of the neighboring principal building to the base of the WES turbine.

b. Distance from the edge of a public right of way shall be two hundred percent (200%) of the height of the wind turbine. The vertical height of the wind turbine is measured from the ground surface to the tip of the blade when in a fully vertical position. The horizontal setback shall be measured from the base of the turbine to the centerline of the public road.

c. Distance from any property line shall be two hundred percent (200%) of the height of the wind turbine. The vertical height of the wind turbine is measured from the ground surface to the tip of the blade when in a fully vertical position. The horizontal setback shall be measured from the base of the turbine to the adjoining property line unless wind easement has been obtained from adjoining property owner.

i. Exception: The Board of Adjustment may allow setback/separation distances to be less than the established distances identified above, if the applicant obtains waivers from all dwellings and owners of property within the separation distance. If approved, such agreement is to be recorded and filed with the Walworth County Register of Deeds. Said agreement shall be binding upon the heirs, successors, and assigns of the title holder and shall pass with the land.

Motion to change as follows:

Wind Turbines and Meteorological towers shall meet the following minimum spacing requirements.

a. Distance from an incorporated municipality shall be at least five thousand two hundred and eighty 5,280 (5,280) feet or 1 mile. Distance to be measured from the incorporated municipality boundary to the base of the WES turbine.

b. Distance from existing off-site residences, business and churches shall be at least two thousand six hundred and forty (2,640) feet or ½ mile. Distance from other existing buildings or structures shall be at least one thousand (1,000) feet. Distance from and on-site or lessor’s residence shall be at least five hundred (500) feet. Distance to be measured from the wall line of the neighboring principal building to the base of the WES turbine.

c. Distance from the edge of a property line shall be one hundred ten percent (110%) of the height of the wind turbine. The vertical height of the wind turbine is measured from the ground surface to the tip of the blade when in a fully vertical position. The horizontal setback shall be measured from the base of the turbine to the centerline of the public road.

d. Distance from any property line shall be one hundred ten percent (110%) of the height of the wind turbine. The vertical height of the wind turbine is measured from the ground surface to the tip of the blade when in a fully vertical position. The horizontal setback shall be measured from the base of the turbine to the adjoining property line unless wind easement has been obtained from adjoining property owner.

Roll call vote requested as follows: Houck – Nay; Miller – Nay; Schilling – Aye; Holgard – Aye; Siemon – Nay. The motion failed.

**UNAPPROVED MINUTES:**

Houck moved and Miller seconded to approve publishing the unapproved minutes of April 19, 2017. Voting Aye: 4; Nay: 1.The motion was adopted.

**ADJOURNMENT:**

Houck moved and Holgard seconded to adjourn. Voting Aye: 5; Nay: 0. The motion was adopted.

**Full proceedings of this and all meetings of the Walworth County Board of Commissioners can be viewed from Walworth County’s official YouTube page—go to** [**www.walworthco.org**](http://www.walworthco.org)**, click on the “Quick Links” tab and follow the YouTube link to access commission meeting videos.**

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**DAVID SIEMON, CHAIRPERSON**

**ATTEST:**

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**REBECCA KREIN, AUDITOR**

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