



GRANT COUNTY SOUTH DAKOTA
PLANNING AND ZONING OFFICE
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Correction to minutes- 5-14-19 meeting

- a. First District Staff presented an amendment to the minutes of April 8, 2019 to add the following (yellow highlighted) to paragraph 3 of page 5 "Pillatzki asks if there are further questions and calls for roll. Restatement of condition is to require a test well 1 mile above and below the specific pole locations. Aquifer readings are to be conducted preconstruction and post construction and then every 3 years with results to be provided to SDDENR. Leddy- no, Adler-no, Mach-no, Weber-yes, Spartz-yes, Pillatzki-yes. In a tie, the deciding vote is cast by the Chair, motion carries. ***Parliamentarian Note: This note is added for future reference regarding tie votes of the Board of Adjustment. Based upon advice from the Parliamentarian, the Chair noted that the amendment passed on a 3 – 3 vote. At the request of the State's Attorney, the Parliamentarian reviewed Robert's Rules of Order and determined that a vote which results in a tie results in the failure of the motion. (See Article VIII, Rule 46; and Article X, Rule 58.) However, since no member of the assembly rose to a point of order, nor appealed the ruling; the ruling stands for this action.**
- b. Motion to approve minutes as amended by Spartz and second by Hansen carries 7-0.

Minutes for the meeting of Grant County Board of Adjustment

Members present: Tom Adler Tom Pillatzki-attending telephonically Nancy Johnson Mike Mach Bob Spartz- reporting at 4:05 pm Mark Leddy Richard Hansen Don Weber- alternate

Members absent: Jeff McCulloch- alternate

Others present: Brittany Bruce Terrance Pellman Josh Akers Paul C. Larson Patrick Lynch Melissa O'Farrell Lance O'Farrell Cody Sumner Roxanne Reyes Chris Ollson Jay Haley Gary Sonstegard Elaine Sonstegard Daryl Hart Nichole Bury Jerry Bury Bert Loehrer Roger Angerhofer Tim Lindgren Wayne Borgheiinck Linda Lindgren Bobbie Bohlen Al Robish Brian Riniker David Schulte Tyler Wilhelm Perry Oberg Russ Lloyd Christine Root Ron Schmeling Jamie Gentile Sarah Sappington Amber Christenson Kristi Mogen Bill Street Kevin Owen Jim Nichols

Meeting Date: Monday, April 8, 2019

Meeting Time: 4:00 P.M. Court House Basement

1. **Call Meeting of the Board of Adjustment to Order** by Johnson at 4:13 pm.
2. No objections to Pillatzki attending via telephone conference. Johnson notes that the First District will be participating in this meeting. They will be providing parliamentarian/Board Support and staff report services.

3. Items to be added to agenda by Board Members or Staff. None to be added.
4. Invitation for citizens to schedule time on the Board of Adjustment Agenda for an item not listed. (5 minutes maximum time)
5. Approval of Agenda Motion by Adler second by Mach carries 7-0.
6. Approval of Minutes:
 - a. December 17, 2018-correction by amendment to previously approved minutes
 - i. Page 5- 8. Joel Koustrup-~~Summit~~- Codington County Motion by Mach second by Hansen carries 7-0.
 - b. February 11, 2019 Motion by Mach second by Spartz carries 7-0.
7. Disclosure of Conflicts/ Ex Parte Communication

At this time Johnson recuses herself and Hansen from the table as they are participants in the NextEra projects. Don Weber seated at the table for Hansen at 4:20. Pillatzki assumes the Chair position telephonically. Pillatzki appoints Spartz as Vice Chair in the event his call is dropped. No objection from the Board. Todd Kays is to assist Chair as Parliamentarian.
8. Public hearing to consider in full or in part a request to approve the following Conditional Use Permit CUP02112019A. Conditional Use Permit – Section 1101.03.14 “...**essential public utilities and service structures**”

- a. Crowned Ridge Wind, LLC; Crowned Ridge Wind II, LLC are requesting to construct approximately 24.5 miles of electric transmission line and a reactive power compensation substation. The transmission line crosses through the following townships: Alban, Big Stone, Grant Center, and Madison. The substation is to be constructed approximately ¼ mile west of the intersection of 485th Avenue and 145th Street.

Motion by Leddy second by Adler to approve the applicant's request for a Transmission line and Substation as identified in the application. Luke Muller proceeds by reading the staff report. After the reading was complete Pillatzki opened the public hearing by giving the applicant 15 minutes to present their permit request.

Tyler Wilhelm, Developer, presents the purpose of the request for Crowned Ridge Wind I & II that carries the Codington County and Grant County energy 34 miles to the Big Stone South Substation. Routing criteria and the application of the routing shows 100% landowner easement and minimization of crop land use. Various maps were presented with Transmission line and substation descriptions with the 600 to 1000 ft spans in a 150 ft corridor.

Pillatzki calls Proponent testimony of 3 minutes. Staff was directed to call the roll from the sign in sheets of attendees to summon them to testify.

Jim Nichols- Lake Benton MN- Wind development is great. There are 3,000 towers in his state and 300 in his county.

Staff called the following names as proponents- they declined further comment: Roxanne Reyes, Chris Ollson, Jay Haley, Gary Sonstegard, Elaine Sonstegard, Daryl Hart, Nichole Bury, Jerry Bury, Bert Loehrer and Bobbie Bohlen- who agreed with Jim Nichols, Cody Sumner- plat, Brian Rinniker, David Schulte, Perry Oberg, Russ Llyod, Ron Schmeling, Jamie Gentile, Sarah Sappington. Any others in favor was called 3 times by Pillatzki.

Pillatzki calls Opponent testimony of 3 minutes. Staff was directed to call the roll from the sign-in sheets again.

Kristi Mogen- Twin Brooks, Objection to Leddy and asked for immediate removal and objection to Mach as NextEra has contracts with Ottertail. Mogen believes that the application is incomplete. Would like more information regarding the transmission line plies - height, base width, color and glare addresses. Mogen believes that the Board has not had enough time to review the application. Mogen states that the route has changed from the between the application and the hearing as it was discussed at the 3/29/19 PUC hearing. A 3-minute increase to time was given to Mogen by the Chair. She reviewed the plans and further believes that the applicant is not honest and asks for denial.

Amber Christensen-Strandburg, Objects to the request. Does not believe that Board approved T-lines in 3 townships last December as part of previous application. Further does not believe that transmission lines are a public utility as listed in ordinance. Does have questions regarding pollution of the aquifer and the number of acres the substation is located upon.

Patrick Lynch- Codrington County, Based upon his interpretation of SDCL 49-41 B 2.1, he believes that the State does not define Transmission lines as the County and the County has no legal standing to approve the application.

Linda Lindgren- South Shore, Objects to the request. Would like to see a decommission plan. She is concerned about stray voltage.

Tim Lindgren-South Shore, Spoke against Wind energy systems and the transmission line as electricity from wind is unreliable, intermittent, and blight on viewshed

Roger Angerhofer-Milbank, Objects to the application as NextEra is involve with lawsuits for nuisances in Florida

Staff called the following names as opponents - they declined further comment: Kevin Olson, Wayne Borgheiinck, Bill Street

Since Pillatzki provided Mogen with additional time for testimony, he called 3 times and offered additional time to others. No further comments. Public hearing was closed at 5:05 pm. Applicant was called back to the table. Staff asked questions of the applicant that were raised during testimony.

1. Height/size/color: span areas 180 ft elongation, monopole without guy wires for self-support only, 150 ft easement allowing conductor swing in the ROW for blowout, 25-30 ft off ROW and 150 ft off center.
2. Material and color- Perry Oberg is galvanized steel structure of grey.
3. Mogen statement of route change- Wilhelm reports that is allowed and has been requested through the PUC as a deviation from centerline of pole with no changes to the easements. PUC allows for this and approves of these changes for the final project. Kays asks a follow-up clarity question - Does this change shift the line with a substantial difference. Wilhelm - No. it will not go outside the published boundary map or deviate from the section and less than ½ mile and is recognized at the PUC for the T-line application at 230 kilovolts.
4. Staff asked if the applicant was one of the listed public utility entities as identified in Section #284 "Essential services.... Wilhelm – They are transmitting electrical energy as a private IOU owned as Crowned Ridge Wind.
5. Does the application address decommissioning- Wilhelm - yes if line is not used it is sold or removed; a condition is fine if done with consistency to other entities already permitted.
6. What is foundation depth- 40-50 feet after the geo-type is determined to use 1 of the 2 types in state process.
7. Floodplain development- yes through the FIRM maps with consultant
8. How will lighting be addressed at substation - lighting is mercury vapor flood type and requirement is air in the 13 acres footprint the fenced area is 2 acres.
9. Aquifer protection- Sara S answers as the environmental consultant states the infrastructure that is within the shallow aquifer area has already gained approval and it is examined extensively and moved as necessary.

Pillatzki asks if the board has questions for the applicant. DENR first occurrence aquifer map retrieved for reference.

1. Mach asked if decommissioning would require removal to 4 ft or if the landowner would be responsible. Spartz stated that would be landowner.
2. Weber asked if galvanized would be the painted typical grey- Applicant – Yes. Weber inquired about current lawsuits – Applicant declined comment, Applicant states that NextEra will pay and have financial assurance to cover any problems in full.
3. Pillatzki asks what will be done to protect the aquifer and what the number of poles would be-geo-technical work will notice an avoidance of an area for this zone approved work but everything is done to decrease the impact already. What is specified to do if they hit water? dewater etc? Each location is drilled, and designers create the solutions and that goes to the construction team, information would come from them as that is the construction portion and plans are in place for all contingencies.
4. Spartz asks what if shallow aquifer is broke in what is protecting the ground water? Geotech drills ahead of time and avoids an area-they just don't locate there if it doesn't support the pole. Map shows about 6 miles that may be affected, and test wells could be done with clear specifications and conformance standards.

Pillatzki calls for motion and reading of the Findings of Fact. Muller reads the following questions

1. Is the Board satisfied that the standard findings of fact adopted in our by-laws were addressed by this application?
2. Is the Board satisfied that the application was submitted prior to our application deadline?
3. Does the Board agree that this permit should not become effective until all required permits are granted by the state and federal government, including the remaining applications and licenses referenced in the application?
4. Does the Board agree that the application and testimony at this meeting allowed the Board to adequately review how the applicant will satisfy requirements for an Electric Transmission Line and reactive power compensation substation ?
5. Does the Board agree that the applicant submitted all information required to obtain a permit?
6. In the Board's review of written testimony submitted, the application, Staff Report or testimony provided tonight; are there any other issues brought up which relate to the Zoning Ordinance or Land Use Plan that the Board needs to be addressed?
7. Does the Board agree that the issuance of this conditional use permit will not adversely affect the public interest if operated according to our ordinance and the conditions prescribed?
8. Does the Board agree the conditions recommended by staff report should be incorporated into the conditional use permit?
9. Does the Board have any additional recommended conditions to add to this permit?
10. Are there any other issues within the County's ordinance or proposed conditions that you feel should be addressed with this action?
11. Does the Board agree that it is empowered to issue the permit?
12. Does the Board request the zoning officer to prepare the findings of fact consistent with these questions to be approved by the Chairman of the Board; and any other items associated with this conditional use permit?

No objections from the board on Finding of Fact (FOF) questions 1-6, 8, 10, and 12.

(FOF) 7-Spartz points out his concerns with shallow aquifer.

(FOF) 9 – Additional Conditions - Decommissioning- A motion was offered by Spartz to include a condition requiring notification of the county after 6 months of non-use of the transmission line utilizing decommissioning standards from Wind Energy Section of the Ordinance. Further, said decommission would be completed within 6 months of notification. 2nd by Weber. Adler objects and would like to allow applicant 2 years to decommission after notification. Substitute motion was offered to Spartz and accepted with a second from Leddy. Roll call vote: Leddy- yes; Adler- yes; Mach-yes; Weber- no; Spartz- no; Pillatzki- yes with 4 yes and 2 no it is approved.

Test wells-Spartz offers a motion for test wells by the applicant pre and post over the shallow aquifer as identified by the adopted map at 1 per mile up to 6. 2nd by Mach. Open discussion began with Pillatzki asking if DENR would provide the enforcement if there was pollution. Leddy pointed out the pole sites would be bored by Geotech at each point and mitigation is taken before the pole is put in the ground because it impacts the depth and the tests will be completed already. This is an approved use in the zoning and if it is found to not be a suitable sight it would not be used by the foundation designers. It would not be done in the flood plain. Spartz asked about snowmelt and ponding and was told that would be a nonissue because it isn't an opening in the ground but rather a plug. Mach pointed out the board is not Geotech and shouldn't be doing their job. Spartz asked about stability and damage and Wilhelm replied depth is 50 ft average but in a shallower area a different type of foundation would be used. Leddy points out again the company mitigates all the risks and can show DENR that they have done so. Kays states aquifer protection is more for point source examples and transmission posts are an approved use in the ordinance. Mitigation is to be used if a pole hits a gravel vein and compromises the aquifer.

Pillatzki asks if there are further questions and calls for roll. Restatement of condition is to require a test well 1 mile above and below the specific pole locations. Aquifer readings are to be conducted preconstruction and post construction and then every 3 years with results to be provided to SDDENR. Leddy- no, Adler-no, Mach-no, Weber-yes, Spartz-yes, Pillatzki-yes. In a tie, the deciding vote is cast by the Chair, motion carries. Pillatzki then asks if there are any other conditions to be made. None offered.

(FOF) 11- Spartz is unsure he has the power to make the decisions.

A roll call vote was asked for by the Chair on the motion as amended to include the staff report recommendations and the 2 additional conditions placed upon it: 6-0 unanimous approval.

Pillatzki called for a recess. After approximately 10-minute break, Pillatzki reconvenes the Board.

- b. Public hearing to consider in full or in part a request to approve the following Conditional Use Permit CUP 02122019A Section 1101.03.22 **“Wind Energy System”** - The applicant Cattle Ridge Wind Farm, LLC, an indirect wholly owned subsidiary of Next Era Energy Resources, LLC, is requesting to operate a Wind Energy System with up to 25 wind turbines, associated electrical transmission lines, and operation facilities on certain property situated in Mazeppa, Stockholm and Twin Brooks Townships.

Motion to approve by Mach second by Leddy. Muller reads staff report pages 4-12 highlighting the information for all specifications has been addressed and met. Muller clarified a scribe's error in the staff report regarding flicker. He further stated that new maps were provided by the applicant on 3/15/19 and were made available to the public more than 10 days prior to the hearing. Pillatzki opened the public hearing with 15 minutes per the bylaws for the applicant.

Tyler Wilhelm, Developer, gave the overview of the permit and application. Development history of the combined Crowned Ridge and Cattle Ridge projects was also discussed. A comparative report of the previously approved Geronimo and NextEra Energy project was given to show the formerly permitted project now meets the new regulations adopted by Grant County, minimizes the footprint and identifies the total size of the farm structures.

Pillatzki calls for proponent testimony of 3 minutes. at 6:50 pm. Staff was directed to call the roll from the sign in sheets of attendees to summon them to testify.

Bobbie Bohlen- Milbank- states she agrees with Jim Nichols.

Jim Nichols- Lake Benton- is glad to see a 1,500 setback as that is what he has lived with for 15 years and he has never heard it in his house. A corn dryer is noisier. Light was worse with the city street light he lived with than the turbine. Flicker shows slightly on the wall when the sun is setting in the west but never caused a problem. Zero noise, little flicker and no issue with lights in 15 years.

Staff read 6 additional names as proponents, but no one wished to testify.

Pillatzki calls Opponent testimony of 3 minutes. Staff was directed to call the roll from the sign-in sheets again.

Patrick Lynch- Codington County brought up shadow flicker and sound pressure reports and stated that some people would have no effect, but the rules were for protecting the most vulnerable like kids and young people. He feels the board should protect kids. Reports from Jay Haley are misleading as he is not an acoustics engineer only a mechanical engineer. Reports are not stamped by EPAC and a statement says they assume no liability for use and release the liability to sole client SWCA.

Bill Street-LaBolt- heart goes out to non-participants for sound and infrasound and flicker as well as the safety zone intrusions. He says it should be required to have a hub height plus 10% and the encroachment should be at their expense. It could prevent building and be a little dangerous if the blades point at 600 ft at a building site and could be 150 ft closer for ice throw. Department of Revenue, Todd Bailey tells him at 2.3 kw per turbine at 25 turbines is 95,000 a year revenue for Grant County and that is only 20% of a bridge. It isn't much money and we can live without it. Each of the 3 schools would get \$95000 and after 5 years that would go away. 30 years it is 30 million \$\$ but that is not do or die for Grant County. This is a small project and it won't make much difference to us here and should be denied.

Kevin Owen-Stockholm- Concerned with lighting and wants ADLS Lighting made mandatory by the FAA.

Tim Lindgren- South Shore- sites the Cooperative Connections magazine article about the liability in extreme cold. When we would need it most the turbines would draw power as a net negative, and we would depend on coal, gas or the market. If we had to buy the power, it would be expensive and lead to power outages. Construction bills if left unpaid would up to the landowner. What happens if the lease is sold, it will hinder the Emergency flights, what about the safety zones?

Linda Lindgren- South Shore- Protest Leddy at the table as there is inheritable land in the project and should be a conflict of interest. Protest Mach is on the board as he works for Ottertail and they partner on projects. Negative health effects, disrupt the view shed, lack of sleep cause issues and infrasound will thicken heart walls, depression, cancer, autism and sinus infections will worsen in complex and the board thinks money is more important than safety.

Wayne Borgheiinck- Waverly- Why applying for 25 turbines, legislature in February 25-2019 developed tax credits and he computed the math and accused NextEra of overinflating the amounts of tax coming back to Milbank. Wants denial so community isn't strapped with danger and increased electric rates. SD takes 80% of the tax base right off the top.

Amber Christensen- Strandburg- 25 turbines is that all for Milbank, she couldn't do the math on the economic impacts, didn't have open house, gave no contributions to community, #504 shows 250 jobs not 450 and is misleading, 504a pedestrian safety and traffic study needed for planting and harvest congestion, noise, glare, odor what are hours of construction, will construction be more than 45dBa, what are the odors, what happens to the trash, will there be a blue room at each work site, how are utilities taken to the turbines, will there be negative net utilities, screens and buffers on the turbines, each turbine have a sign, strobe compatible, Clark County made a 3 mile setback and it is fine.

Kristi Mogen- Twin Brooks- When did NextEra Energy show up they were at the PUC in 2006 and they are in 36 states and should not be bragging and promised no money, bus didn't stop in Toronto to talk to people when on tour, Nichols controls his own turbine, there is signers remorse because the payments will not be enough to pay medical bills, after-market parts were used in Highmore and it killed 4 young men, Florida Power and Lights are bad actors, 504#4 empowered with conditions ¾ mile setback, property rights and constitutionality if flicker crosses the line,

Pillatzki directs the staff to direct the questions raised to the applicant.

What is the number of jobs associated with project during construction? Applicant responds "250" for Cattle Ridge - not whole project's combination,

How are utilities provide to the wind turbine? Perry Oberg answered each connected to the collector circuit,

Are there signs? Perry Oberg answered - turbine signs on each turbine with emergency number and designation on a reflective sticker,

How is refuse handled? - EPC company as subcontractors will handle all environmental items with ditches being cleaned at least 1 time each week- porta potties and blue rooms fall into this contract.

How late will workers work during construction? Typically. 6 am to 6 pm for the contractors, cranes and concrete is not typical at 2 am,

How do you handle traffic study numbers, closures, notices? Typically, they do not close the road , if a piece of equipment needs to cross it goes with flag cars and people.

Lighting by PUC that is approved was requested as ALDS at the discretion of the FAA.

Does Jay Haley have experience with noise and shadow licker reports – Haley states that his reports are approved and for over 30 years and 100's of studies and testified before permitting bodies many years.

Staff asked Leddy and Mach if they feel the conflict or bias presented has made a difference to them at this time and both reported they still feel no bias in the decision of the Board.

Will there be unexpected odors? Perry states no.

Are Tower materials reflective? Materials of the towers are non-reflective and no refractive as required by ordinance. Chris Ollson states the GE standard has a paint coat of grey for zero glare and zero reflectivity.

Was there an open house in Grant County? They have had a couple for landowners and the PUC handles this big project parts of the meetings.

Is power required at the turbine in the event there is a power outage?- If there is no power at the collection circuit there would be zero power at the turbine.

Pillatzki attempted to close the public hearing but 2 questions were raised that the public felt had gone unanswered:

The first question dealt with noise during construction being less than 45 dBa – Applicant response was that typical noise is a diesel truck and with the buffer zonings in the county the 1500 ft setback would be more than required when a combine running next door is over 90 dba

Second question dealt with shadows and shadow flicker and impact on use of adjoining property – Applicant stated that shadow flicker on any residence would be less than 30 hours per year.

Pillatzki now closes the public hearing at 7:40 pm and opened to Board discussion.

Spartz inquired if NextEra had met the 2150 for the closest non-participant and Leddy pointed out the closest in the book states 2152'. At PUC a question of crop destruction payments was raised and Nextera states they are already completing the account from crop over the year and the contract says they have 240 days. Cattle Ridge uses 90 days from the form completion and mutual agreement for payment terms. Shifts in individual contracts with timing and ownership as well as deaths and contracts needing updates are hold ups in some cases. Contacting landowners of road closes could be posted at elevators, road haul agreements have a plan layout, Brittany Bruce states a public post with a list of contractors could be established through Nextera and Blackner. Leddy states most of the area is grassland and shouldn't present large problems.

Leddy asked a clarity questions- 28 receptors is not a tower and not all houses either.

Mach states at 25 turbines 485 to the tip 2.3 megawatt in 2017 how many megawatts were proposed, and it shows it is generally the same. Vestas was used in the 1500 ft safety report, but these are GE turbines and shows a zero-safety zone and 1.1 times the tip height recommended. The safety stamp is for the area that is not recommended for occupying during a time of safety need like a fire it would be a perimeter. Inquiry was made to the number of jobs again and it was stated that 250 within Cattle Ridge and 450 on the whole project.

Weber asked about page 16 #8 if that was paid at time of commission like insurance paid. Likes the setbacks and the lighting request through FAA.

Adler asked about the average electricity over a year's time and it was averaged high at 40% output.

Pillatzki inquired about the 485 ft size and the model is a GE. The safety stamp did not give recommendations on this model but noted a document that had been available during ordinance and requested an area marked out with signs and left open. The lighting amendment should commit to a FAA decision as the ordinance states. He feels setback distance of 1500 ft should be a larger number. Spartz said at 22 degrees below zero the turbines shuts-off and inquired if this was a safety feature that indeed it was. Pillatzki wants 40 dBa sound pressure to be amended and Leddy states there are 0 over 42.9 dBa for non-participants.

Pillatzki began to make a motion but was reminded that the Chair should offer the opportunity for a Board member to make a motion, if the motion is not made, then the Chair may make a motion. He then asked if anyone on the board would make a motion for the 5 non-participants receptors in the noise table to be moved to below 40 dBa. Spartz seconds the motion. Attorney Miles Schumacher voiced his objection to the ordinance conditions that is not in accordance with the zoning rules adopted. Pillatzki called for a roll vote: Leddy- no, Adler-no, Mach-no, Weber-no, Spartz-yes, Pillatzki-yes. The amendment does not pass.

Pillatzki calls for motion and reading of the Findings of Fact. Muller reads the following questions

1. Is the Board satisfied that the standard findings of fact adopted in our by-laws were addressed by this application?
2. Is the Board satisfied that the application was submitted prior to our application deadline?
3. Is the Board satisfied that this application meets the definition of a Wind Energy System?
4. Does the Board agree that this permit should not become effective until all required permits are granted by the state and federal government, including the remaining applications and licenses referenced in the application?
5. Does the Board agree that the application, Staff Report, and testimony at this meeting allowed the Board to adequately review how the applicant will satisfy requirements for site clearance, topsoil protection, compaction, livestock protection, fences, public roads, haul roads, turbine access roads, private roads, control of dust, soil erosion and sediment control, electromagnetic interference, lighting, turbine spacing, footprint minimization, collector lines, feeder lines, decommissioning, tower height and appearance, flicker, and noise?
6. Does the Board agree that the applicant submitted all information required to obtain a permit?
7. Does the Board agree that the applicant demonstrated the ability to meet noise requirements?

8. Does the Board agree that the applicant demonstrated the ability to meet shadow flicker requirements?
9. In the Board's review of written testimony submitted, the application, Staff Report or testimony provided tonight; are there any other issues brought up which relate to the Zoning Ordinance or Land Use Plan that the Board needs to be addressed?
10. Does the Board agree that the issuance of this conditional use permit will not adversely affect the public interest if operated according to our ordinance and the conditions prescribed?
11. Does the Board agree the conditions recommended by staff report should be incorporated into the conditional use permit?
12. Does the Board have any additional recommended conditions to add to this permit?
13. Are there any other issues within the County's ordinance or proposed conditions that you feel should be addressed with this action?
14. Does the Board agree that it is empowered to issue the permit?
15. Does the Board request the zoning officer to prepare the findings of fact consistent with these questions to be approved by the Chairman of the Board; and any other items associated with this conditional use permit?

No objections from the board on Finding of Fact (FOF) questions 1-11 and 13-15.

FOF #12 Staff mentioned that in previous WES CUP permits that the Board required

1. Haul road agreements to be executed not less than 30 days prior to construction.
2. Haul Road Agreement language to include provision that the adjoining landowners be notified of road closures at least 2 days prior to road closure.

After discussion the makers of the original motion accepted the suggestions as a friendly amendment and adopted on a voice vote

Pillatzki then asked if any if anyone on the board would be interested in posing the motion to amend the flicker to 15 hours for non-participants and he called 3 times. Pillatzki then asked the board if anyone would offer a motion for setback to property lines and road ROW at 1500 feet and he called 3 times with no one answering. Pillatzki then offered a request for 1500 feet from any tower to adjoining property to be 25 ft from principal or 110% with the difference also being setback to minimize liability of the county for property damage or physical damage. Leddy stated this was an insurance issue and not under board legislation. Pillatzki continued to call 3 times for anyone who would offer his amendment/condition. There were no responses.

A roll call vote was asked for by the Chair on the motion as amended to include the staff report recommendations and the 2 additional conditions relating to haul roads: Roll call: Leddy-yes, Adler-yes, Mach-yes, Weber-yes, Spartz-yes, Pillatzki-no with a 5-1 vote the CUP was approved.

9. Open
10. Address to the Board of Adjustment- none
11. Matters for Board discussion/ staff report -none

12. Next meeting: 2nd Monday of each month, unless otherwise scheduled and published.
May 13, 2019 4 pm- Will need to be May 14 if there are items to come before the Board of Adjustment.
13. Executive Session (if necessary) no
14. Adjourn as the Grant County Board of Adjustment Motion by Mach second by Weber carries 5-0.

Krista Atyeo-Gortmaker
Planning and Zoning Officer
Grant County