



GRANT COUNTY SOUTH DAKOTA
PLANNING AND ZONING OFFICE
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Minutes for the meeting of Grant County Planning Commission

Members present: Tom Adler Tom Pillatzki Nancy Johnson Mike Mach Bob Spartz Mark Leddy

Alternates present: Jeff McCulloch

Members absent: Don Weber Richard Hansen

Others present: Jim Wohlleber Carlene Wittnebel Kevin Krakow Teresa Kaaz Amber Christensen
Kristi Mogen Garry Ehlebracht Mark Mauersberger Bill Street Brooke Bealer David Lau

Meeting Date: **Tuesday, October 9, 2018 Meeting Time: 4:00 P.M. Courthouse basement**

1. **Call Meeting of the Planning Commission to Order** at 4 PM by Chair Nancy Johnson
2. Items to be added to agenda by Board Members or Staff- no additions
3. Invitation to address the Planning Commission- Amber Christiansen- emailing/WES Kristi Mogen- WES Mark Mauersberger- WES Mauersberger gave his time to Commissioner Street who arrived late and did not get the opportunity to speak up when the board asked for Open Address.
4. Approval of Agenda Motion by Leddy second by Pillatzki carries 6-0.
5. Approval of Minutes: **Monday, September 17, 2018** Motion by Mach second by Spartz carries 6-0 after discussion making no changes.
6. Plats- presentation of each plat by Zoning Officer Atyeo-Gortmaker.
 - a. Carlene Wittnebel, owner of the NE1/4 requests the plat of Lot 1 of Wittnebel Addition in Section 34, Township 119 North, Range 48 West of the 5th P.M., Grant County, South Dakota (Vernon Township) Motion by Adler second by Pillatzki carries 6-0.
 - b. Beverly Fransen, owner of Lot 1 of the plat entitled, 'Lots 1 and 2 of Fransen Subdivision in the County of Grant, South Dakota, located in the SE ¼ and the S1/2SW1/4 of Section 1, Township 120 North, Range 52 West of the 5th P.M., Grant County, South Dakota requests the replat of Lots 1&2 of Fransen Second Subdivision. (Mazeppa Township) Motion by Spartz second by Leddy carries 6-0.
7. Wind Energy Ordinance Review – Planning Commission work session on Grant County Wind Energy System Zoning Regulations.

Todd Kays begins his portion of the meeting by giving an overview and stating this is the fourth meeting and will follow the same ground rules as set by the Planning Commission at the beginning of the process. This is a work meeting for the Planning Commission and there will be 3 opportunities to have public input coming in the near future. This is a cursory review and a reflection for what has been heard and placed in a rough draft and it is also a time of setting timelines and forum dates to reflect any recommended changes and to move forward with a tentative hearing date.

Kays begins the review of the paper form of the draft in Section 1211.03:f:3 which is roads. This is the Road haul agreement form that Kerwin would complete or a township would complete. If these are negotiated in good faith the agreement is complete but if there is an impasse the county will arbitrate or place the conditions on the permit and it becomes a civil matter.

Setbacks are created in a matrix and stems from discussion which was mostly 5/2 votes by the planning commission but Kays gathered that 1500 feet for participating as well as non-participating with the option for participating to shrink to 110% the tower height to the residence. Established 5280 feet to municipality. The setback to property line or ROW was found ok with current by the board. Property line could be shrunk to 110% to height. Kays was given no other direction.

Lighting became ADLS preferred with approval but the required FAA regulations would have to be adhered to if approval of the ADLS was not acquired.

Feeder lines to include collector lines in items 7 and 8 could be above or below ground and would require approval of ROW usage from the County Commissioners.

Flicker in item 9 would follow the PUC regulation and the landowner agreement would be filed in the ROD office.

Decommissioning if the facility comes down and without county money requires a financial assurance. Currently it could be required at 10 years and proposed will be shall be required. Pillatzki asked about the responsibility shift and Kays explained that it was a county can choose the involvement. Leddy clarified that a letter of credit would be the same. Kays pointed out that it would be short sighted to have just 1 tool so this would be a combination of tools to get at the same thing. PUC uses similar wording and Clark County does too.

Noise will follow the PUC standard as discussed and Kays called the attention to that being 50 dBA for everyone. He also points out that the PUC on the last 2 have done that differently with the 25 feet form residence for participant set at 50 dBA and nonparticipant 25 feet to be 45 dBA. Kays polled the Commission for consensus and found agreement with what the PUC has used in the last 2 permits.

The final comments were made to remove arbitrary wording such as 60 days in a couple places that make it difficult to proceed when circumstances require working faster than the 60 day wait. For instance a project that had such wording in another county needed to be done prior to the rain setting in but couldn't be because ordinance required 60 day wait. In that case, the Commissioners rewrote the ordinance and removed the 60 day wording.

What is next: November 5, 2018 Public Forum and the November 13, 2018 regular meeting. An adoption process of 45-60 days with hearing- recommendations by the Planning Commission. Public hearing and 1st and second hearing by the commissioners and possible adoption of the recommendations. At this time the consensus of the County Commissioners will be required to change as recommended or not to change or to amend in their own way and hearings would be conducted as per ordinance.

8. Open address to Planning Commission for 5 minutes-

- A. Kristie Mogen- agenda is not on the website. Economics for the county- have they been completed? She spent 2 hours on the phone with SD DOR and would share her research. Concerns for public or people and shouldn't put money before the people. Arbitrary is a huge issue with picking numbers out of the air. PUC Docket # 1826 uses science. Will our community get protections when the PUC changes? Science ANSI was emailed this morning and didn't see if it was posted but Todd confirmed it was posted. All should be for public health and safety and this will be zero tax base. If you had the science would you use it? Leddy asked if there was evidence of the numbers of counties where the population has gone down because of towers. Mogen stated in MN the NPCA required the wind energy company to purchase 2 homes and goes on to Massachusetts information when Leddy asked her to provide SD facts. She will provide examples of turbines where people had to move away. Leddy asked if this would be SD facts and Mogen reports people in Toronto SD that were stuck and they would testify they had to move away. Teresa Kaaz interjected if they brought SD people would the board listen then? The homes are empty would you listen if we bring them? Leddy stated the public portion of the meeting is meant to hear from everyone that wishes to testify and they do listen. Mogen moved on to noise and infrasound a low frequency problem that caused people to move away. She listened to PUC information about this live this afternoon.
- B. Amber Christensen- stated she had not received the group email. Teresa Kaaz also reported she had not.
- C. Bill Street does feel right about the consideration of others and the non-participants. The participants have the right to have turbines and that is their right. Maybe the company should go door to door and ask what they can do. If there is a residence there it should have an economic value- they can check for a tower and see if there is going to be a tower there. What is the economic value to a non-participant and how are they considered. The setbacks in 1211.1 he feels the wording should be 1500 feet and in paragraph d- there is an exception to move that down which is fine for the landowner but can the board take it the other way and go above 1500 feet. He likes the ¾ miles setback that Clark County did and they still get to have their turbines. Financial assurance he feels

should make sure it is enough instead of just hope. Kays answered this question with clarification of the process that this takes in the county level only and the PUC has the right to have money aside too as a double barrel approach. Mogen asked the board not to give the power of the people away. Kays stated that the money each year can couple with the PUC money if it is not enough. Street then asks to check for enough and look at the test cases it should require certain things. Is \$7000 going to be enough and has anyone asked. Decommissioning process he is concerned about the cement and why it won't be completely removed. Kays explained that it is removed to a depth and the rest is on the landowner who has been paid all these years to have the turbine- if you want it removed it can be totally removed on your own and is not the county responsibility. Mogen points out that it would be removed from agriculture production forever. Kays states that it is really no different than a bunker silo or purchasing a car from a seedy salesman and when the car goes bad you don't put that back on the salesman that is your own responsibility. Street states the lines from farmers property should be part of the decommissioning process when the whole system is decommissioned.

9. Matters for Board Discussion/Staff Report- none

10. Next meetings:

a. Public Forum meeting: **Monday November 5, 2018 at 5:30 PM- basement**

b. Regular meeting: **Tuesday November 13, 2018 at 4:00 PM- basement**

11. Executive Session (if necessary) not necessary

12. Adjourn as the Grant County Planning Commission Motion by Mach second by Spartz carries 6-0.

Krista Atyeo-Gortmaker
Planning and Zoning Officer
Grant County