



GRANT COUNTY SOUTH DAKOTA
PLANNING AND ZONING OFFICE

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APPROVED

Minutes for the meeting of Grant County Planning and Zoning/Board of Adjustment.

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

Alternates present: Don Weber Jeff McCulloch

Members absent:

Others present: Mark Mauersberger David Lau Patrick Adams Jeff McCulloch Don Weber Greg Wall Kelly Owen Levi Waddell Teresa Kaaz Amber Christenson Derek Nelson Roland Jurgens James Angerhofer Ruby Holborn Geo Holborn Kristi Mogen Kathy Tyler Tim Tyler Christian Reimche Bill Street Vincent Meyer Joan Street Tyler Wilhelm Jeff Bryle Dan Seuer

Agenda for the meeting of Grant County Planning and Zoning/Board of Adjustment.

Meeting Date: **Tuesday, April 17, 2018** **Meeting Time: 4:00 P.M.**
Court House Basement

1. **Call Meeting of the Planning Commission to Order** by Nancy Johnson at 4:02 pm
2. Invitation to address the Planning Commission- a paragraph of protocol was read by Johnson:
This year the legislature passed a law requiring county and city boards to provide the general public an opportunity to address the Planning Commission. While that law does not go into effect until July 1st. We adopted the bylaw in January for this to occur at Board of Adjustment meetings and will begin this month doing it at our planning commission meetings. So, if you want to address the planning commission on any issue you will be given 3 to 5 minutes during the open agenda item. Time restraint will be based upon number of individuals addressing the Planning Commission. If the issue you want to talk about is on the agenda, please use that time to address the Planning Commission. Are there any individuals that want to address the Planning Commission? If so, please provide your name, address and the topic you want to discuss so we can add you to the open agenda item.
 - a. Kelly Owen 15629 468th Ave Stockholm- wind ordinance
 - b. Dan Seuer 1701 7th St NE Watertown -wind ordinance
 - c. Vince Meyer 15452 Milbank- Board member conflict of interest.
 - d. Dave Lau 1257 Crestview Watertown, Dakota Range Wind- wind ordinance
 - e. Mark Mauersberger Sheridan Road Summit, Dakota Range- wind ordinance
 - f. Kristi Mogen 15161 471st Twin Brooks- wind ordinance
3. Approval of Agenda
4. Approval of Minutes:
 - a. Monday- March 12, 2018 Motion by Hansen second by Leddy carries 7-0.
5. Plats
 - a. James Angerhofer and Sheryl Angerhofer, owners and Marsha Angerhofer, owner of the East 22 Rods of the North 20 Rods of the West 45 Rods of the NW1/4NE1/4 of Section 17, Township 120 North, Range 48 West of the 5th P.M., Grant County, South Dakota request the plats of Lots 1,2,3 and 4 of James & Gavin Angerhofer Addition (Alban Township) Motion by Adler second by Mach carries 7-0.
 - b. Gerald L & Arlis J Christensen, owners of the NW1/4 request the plat of Lot 1 of Gerald & Arlis Christensen Addition located in the NW1/4 of Section 14, Township 121 North, Range 50 West of the 5th P.M., Grant County (Osceola Township) Motion by Spartz second by Mach carries 7-0.
6. Board Discussion on establishing a process and timeline for Wind Energy Zoning Regulation Review.

Please review the Zoning Ordinance in your books: Section 1211. Energy System (Wes) Requirements found on pages 64 through 69. We will be referring to this ordinance in discussion.

The next item on the agenda is a board discussion on how to approach reviewing the County's existing wind energy system regulations. On March 27th the County Commissioners held a public forum and voted to have the Planning Commission look at the regulations. I want everyone to understand that this is not a public hearing on the regulations rather a board discussion on what to do next. First District has been asked to facilitate this process, so I am going to turn it over to Todd and Luke.

Todd Kays introduced himself and presented a power point with a brief history of Grant County Wind from ordinance writing in 2004, modification in 2009, CUPS in 2017 and Commission report from March 2017 which brings us to this point. Kays presented the process he proposed for the Planning Commission to use as per the request of the Commissioners to facilitate the discussion about the wind energy ordinance. Codrington County is going through the process, Roberts County went through it in fall 2017, Deuel County and Clark County are having periphery talks

The power point (available on public website) presented 3 questions for Planning Commission consideration and discussion: Does the Planning Commission feel the existing zoning regulations relating to wind are adequate at this time? If yes- we are done for now and no new meetings are necessary. Does the Planning Commission want to develop rules that in effect "zone out" wind energy systems? If yes, simple ordinance change and subsequent public hearings to adopt change. Does the Planning Commission feel that the wind regulation need to be reviewed and possibly updated? If Yes- how should the County proceed.

The Board was asked to share their own opinion: Mach feels he threw the Board under the bus and thought they could handle it without rewrite. But the questions about setbacks and how far in a country that is not flat like a town with blocks make that hard to tell whether 1500 ft or 2000ft is enough. Mach felt they could handle it with per site conditions. Kays explains that would put the board in a tough situation to choose winners and losers and could change the landowner incomes for a wind tower site. It is best not to do these things willy-nilly so you are relying on the experts and not what you think is best.

Adler stated that the 2 that were completed and approved are done- they are a done deal. Kays answered yes- they are done. Pillatzki states he has more to learn and he just doesn't know with 1500 feet of turbine and he wants to hear what the setback should be and what the people that live with them will stand and how they feel. Spartz stated he was up and down with wind. He would like to look at the regulations since there were 300 ft towers and now they are 500 ft; that is quite a difference in size. Leddy would like to have the board tour a site and asked if that would be allowed. Kays answered yes, it would be advertised with location and time for others to attend as well. Phones have dB readers that could be used by individuals to see that exact amount of sound at various locations for themselves.

Kays asked for any other questions from the board. Pillatzki would like to study the bond issues for decommissions. Kays answered they vary from 3-5-7-to 15 years and the life cycles of the equipment. We have to work with the experts and see what works with the equipment to know how to cycle those. Luke Muller also replied that a bond is state law for anything under 100 megawatts. Todd Kays followed up that PUC has the regulations for the bond amounts but Counties can have rules.

Johnson feels the wordin can be ambiguous with the distance of 500 feet or 110 percent from Right of way but it wasn't their intent to zone out wind energy. Simple changes with subsequent hearings to adopt would be ok. Kays replied that we aren't going to make this difficult and it shouldn't take long to be done.

Spartz feels that Grant County could survive with or without wind energy and asked if Grant County needs wind energy. Kays asked if they were looking to make a 2 mile setback there would be no need to drag it out and it should be said straight out that they don't want it. We had the same conversation with CAOF's and today there are still questions about why the process got drug out. Why go down that road if that is not the intent. Leddy felt it was appropriate to use our ordinance for the 2 power lines and that we don't want to zone out but would like to take a look at the ordinance. Pillatzki followed to say he would like to hear what the residents want whether they will get along and what the

pros and cons would be. Johnson feels they should take the opportunity and not zone out but everyone can be happy as some people want wind energy and some people want none.

Kays stated it was the consensus to move forward with the research of the wind energy ordinance and began discussion about the timelines and manner in which the board could move ahead with 5 meetings. May 2018 would be a 2-3 hour meeting to identify aspects of the current ordinance that the board feels need to be reviewed. The public will give their opinions of what they like and don't like. This will be compiled and organized for comment: setback noise decommission light flicker for example. June 2018 the P&Z Commission will start work meetings and be presented public comments and written materials and suggestions. July/August 2018 a rough draft would be completed. Late August a public reaction meeting would be held. September 2018 recommendations would go to Commissioners and hearing would be held.

At this time County Zoning Official will track phone calls and collect any written information, Any written information to be provided to the Planning Commission needs to be submitted to County Zoning Official at least 7 days prior to the meeting where the Planning Commission will discuss the specific wind topic, Any Person submitting their name and/or information will be informed of upcoming meetings and their topic of interest, all written information gathered will be made available to the public on a site hosted by First District.

The meetings will be working meetings for the staff to review topics, to review language that exists and discuss change and recommend language and there will be limited public comment. Public reaction will have 3 unfiltered opportunities with the draft hearing, if there are changes there will be a draft hearing and if there are recommendations there will be a hearing. This will allow a 2-3 minute testimony depending on how many people wish to address the board and then there is a hearing for the Commissioner at public adoption. Possibly in September something will come together that may have less than 100 percent agreement but is approved by the board and adopted and even then it could be referred and if it stands it refers back to today's rules.

Kays asked of the board if this is the process they wish to adopt to move forward. Spartz pointed out that a vote would show the issues with great polarity. Kays stated that a simple majority would make a non-binding recommendation to the Commissioners with the options yes or no and it goes back to the Commissioners who have a hearing and could choose to change the language themselves and it would come back to the P&Z Commission and it could go to a referral that way as well. Either way- the P&Z Commission needs to be ok with the process.

Kathy Tyler interrupted with a procedural clarification about the agendas and the intent of the website. Kays stated First District will host and make publicly available all the information at their site with a link from Grant County so all information is disseminated and available at the same time so as to maintain a fair system.

7. Open address to Planning Commission

- a. 4:45 Kelly Owen 15629 468th Ave Stockholm-He feels there are not adequate setbacks for non-participant rights. Setbacks are outdated- they were created when the towers were 320 feet and now they are 599 feet with an 820 foot tip height. It is about rights and respects of non-participants as they pay taxes too. He doesn't want to create conflict but asks for consideration in the process and not to accept new projects. Hear them equally and make an informed and educated unbiased decision.
- b. 4:47 Dan Seuer 1701 7th St NE Watertown business owner of Buffalo Ridge Airspray with Christian Reimche who has been here 17 years- pilot safety less spray jobs, landowners have rights and he supports that 100 percent, a fee structure will be changed to compensate flying around turbines and the pilot safety is affected. It will be an economic recourse put on businesses and farms and there will be jobs they cannot do. It isn't fair for the customers outside the perimeter to pay more for those who choose to have turbines that they have to fly in and around. He is not pro or against, they love what they do and their business loves working for you. They are locals and will stick around but please consider the neighbors in every aspect.
- c. 4:50 Vince Meyer 15452 Milbank- Board member conflict of interest. People on the board are getting towers and the company is purchasing green he wants to convince the board to get input

before they vote. 1-27-1-16 material posted conflict of interest for a school board and the culinary interest of indemnable interest. Culinary remedy to invalidate vote. SL20005 CH40.1 127.116 Misdemeanor 1-25-1 distributed printed material before the meeting on site needs to be 24 hours prior to meeting.

- d. 4:56 Dave Lau 1257 Crestview Watertown, Dakota Range Wind- economic benefits outweigh wind for example in Brookings. Lifelong landowner in Grant County and a land energy enthusiast that brought P&Z Commission a successful project with economic benefits far outweighing the concerns. Brookings County has had not negative impact and they chose not to change their ordinance because they found the wind energy has benefits and they want to expand. There were no opponents at the well-publicized hearings and they have many owner operators and large landowners that are not here because they are getting in the ready for the field work.
- e. 4:58 Mark Mauersberger Sheridan Road Summit, Dakota Range- June 13 hearing for PUC information that they have under their jurisdiction. There are official intervenors on record with the PUC, that is there process and the PUC will provide validity for the good start that was brought through Grant County process already. They have the Commissioner's support for the over 80,000 acres that are signed up in the project and support on site with the Excel build and the money they invested, it is a perfect time to get going.
- f. 4:59 Kristi Mogen 15161 471st Twin Brooks- non-participants get no say so make it equitable. All they wanted with CAFO was equity and equity for those not living in the footprint as they get zero consideration. Dr Olson spoke at PUC hearing about wind but he was a non-participant. We want a 2 mile setback with a waiver for allowing the turbines to be closer. This allows the choice to do what they want ot with their property. This project would devalue their property 40-60 percent within the view shed and doesn't mention no choice for health. Ask you to roll down your window and listen doesn't equal what Jeremy Kitson lives with in his home. Sound cannot be compared to a lightbulb and they want a level playing field but that doesn't equal a 6 month boom go it.
Kays asked that the record reflect- no P&Z Board members were opposed to the process that was laid out by First District and the board nodded their heads in agreement to move ahead as proposed with the timeline presented in the Power Point. Johnson replied yes- this was the P&Z Commissions intent.

8. Executive Session (if necessary) None called

9. Next meetings:

- a. Regular meeting: Monday- May 14, 2018 at 4 PM

Wind energy meetings may not happen at the same time as the regular meeting.

10. Adjourn as the Grant County Planning Commission by Hansen second by Adler carries unanimously.

Krista Atyeo-Gortmaker
Planning and Zoning Officer
Grant County