

March 27, 2018

The Grant County Commission met in special session at 10AM with Commissioners Buttke, Dummann, Mach, Stengel and Street. Chairman Buttke called the meeting to order. Motion by Dummann and seconded by Street to approve the agenda. Motion carried 5-0. Due to the number of people in attendance, the meeting was moved to the courtroom.

The two items on the agenda for the special meeting are a discussion on the county zoning regulations regarding Wind Energy Systems (WES) and possible action to request the P & Z Board to review existing regulations and make a recommendation(s) to the Commission regarding the zoning regulations on Wind Energy Systems and the second item is a discussion and possible action on a moratorium on Wind Energy Systems during the review process of the WES regulations.

Members of the public present were Derek Nelson, Philip Taecker, Vince Meyer, Patrica Meyer, Raymond Beutler, Todd Lounsbery, Blake Sime, Kevin Krakow, , Bob Hicks, Alice Moyer, Allen Rickter, Randol Holt, Ann Loeschke, Roger Loeschke, Val Cameron, Kathy Tyler, Tim Tyler, Mark Lounsbery, Helaine Fonder, James B. Berg, Dave Van Veen, Nelson Ransom, Tellus Waddell, Jerald Pauli, Rodney Thaden, Jim DeVaal, Ashlie Veen, David Stengel, Leonard Stengel, Ronald R. Capp, Miles Schmacher, Mark Wattier, Jamie Gentile, Tara Tyson, Terence Pellman, Alaine Bunde, Kenny Bunde, Susan Oslund, James Pike, Roger Hansen, Eric Hansen, Dick Hansen, Mollie Smith, Paul Nelson, Christian Reimche, DuWayne Wohlleber, Leo Kannas, Jim Berkow, Larin Bunde, Tyrone Nordquist, Greg Wall, Teresa Kaaz, Amber Christenson, Kenny Wiese, Shirley Wiese, Al Lounsbery, Kristi Mogen, Allen Amdahl, Arlyn E. Wohlleber, Jim Urban, Brent Wiethorn with KMSD and Holli Seehafer with Grant County Review.

Chairman Buttke read the first item on the agenda. Commissioner Dummann requested to speak. He spoke on having the P & Z review the ordinance section on wind energy for the setbacks because of the increase in the size of the towers and also looking at the issue of setbacks from the buildings for non-participating individuals.

Commissioner Mach expressed his thoughts on the amount of time the P & Z spent on reviewing the CAFO section of the ordinance with issues still remaining. The

issue is we cannot make everyone happy, let the P & Z handle the issue through their board to establish conditions upon the CUP.

Commissioner Street spoke on respect for those non-participating individuals who do not want the towers close to their buildings. Not trying to stop wind energy, but he is in favor of having the P & Z review the regulations.

Executive Director of First District Todd Kays and Planner Luke Muller reported on the wind energy systems regulations they have assisted other counties with reviewing and/or revising. Todd addressed the issue that a moratorium requires a ten day public notice before action is taken by a commission.

Commissioner Dummann thought it would be a good idea to open up the section on wind and let the P & Z board handle the issue. He stated he has land in two wind farms and will not vote on the question of opening the ordinance.

States Attorney Reedstrom advised the Commission a moratorium vote could not be taken today because SD law requires a public notice requirement of 10 days prior to a public hearing. Also, a finding of public safety would need to be stated in the emergency clause of a moratorium. States Attorney Reedstrom addressed the issue of the rules of the ordinance applying to a CUP at the time of the approval. If the regulations are revised, those regulations are applied to any CUP that would apply after the new regulations have been adopted. He stated the proper course of action would be for the Commission to request the P & Z to review the section on wind energy, if that is the vote of the Commission.

Commissioner Street suggested a moratorium be implemented. Commissioner Dummann expressed his views against a moratorium.

Commissioner Stengel would like the P & Z to handle the setback issue through conditions on permits. His view is the rules should not be changed midstream. Two wind energy farms have received a CUP and suggested the wind company work with the non-participants on setbacks.

Commissioner Buttke agrees with a review of the regulations as there is room in the county for wind farms, but also need to be careful. He is against a moratorium.

This meeting was scheduled for the commission agenda items, not as a public hearing. Chairman Buttke asked for one person on each side of the issue to speak.

Leonard Stengel, a local resident who has land in the wind farm area, spoke in favor of wind energy. He believes P & Z has done a good job with handling complaints before the board. Believes wind energy is good for the economy as taxes are needed. The leases will add income for the local farmers.

Kelly Owen, a farmer and rancher in the Stockholm area stated he is not against economic development. He understands the wind farms are coming to the area, but with the tower sizes getting taller, he would like to see consideration be given to non-participants as a 1000' feet from a property line is not enough. He does not believe it is an unfair request for the P & Z to review the regulations on wind energy.

Motion by Mach to adjourn the meeting. Motion died due to lack of a second.

Motion by Street to open the wind energy section of the ordinance. Motion failed due to a lack of a second.

Commission continued discussion on opening the section of wind energy or having the P & Z address setbacks through conditions on the CUP.

First District Executive Director asked Chairman Buttke permission to address the Commission. He addressed the issue of an equal protection issue if the P & Z Board issues conditions through the CUP. If it is the intent of the county to have the P & Z look at the wind energy regulations, have them look at lighting, noise, setbacks, flicker or decommission. Determine the policy to administer. Does not recommend conditions be placed on a case by case basis or a moratorium be implemented.

Commission Street stated a review of the regulations does not affect the current participants, but would address concerns for those who do not want towers close to their homes.

Chairman Buttke asked if the Commission would like to address the issue of wind energy review.

Commissioner Street made a motion to open the section of the land use ordinance on wind energy systems for the P & Z Board to address the items of setbacks, light and sound and any other issue relating to wind energy the P & Z Board believes should be reviewed with recommendations to be sent to the Commission. Motion was seconded by Buttke. Motion carried 4-0 with Commissioner Dummann abstaining from the vote.

Motion by Street to advertise in the legal newspaper the notice of a hearing for the consideration of a moratorium on wind energy. Motion died due to a lack of a second.

Executive Director of First District Todd Kays asked for a point of clarification if the Commission would like the assistance of First District to assist with P & Z with the review of the wind energy regulations. Chairman Buttke replied yes for First District to help facilitate the review process.

It is the policy of Grant County, South Dakota, not to discriminate against the handicapped in employment or the provision of service.

The next scheduled meeting dates will be April 3, 10 (Equalization) and 17, 2018 at 8 AM. Motion by Mach seconded by Stengel to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

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Karen M. Layher, Grant County Auditor

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Marty Buttke, Chairman, Grant County Comm.