

**MINUTES OF THE HUGHES COUNTY
PLANNING & ZONING COMMISSION
Hughes County Commission Room,
Hughes Co. Courthouse, Pierre, South Dakota
May 22, 2017, at 5:30 PM**

Members Present: Tom Rounds, (Chair), Brent Pries, Anissa Grambihler, Les Stewart, Lee Axdahl, Bill Johnston, Norm Weaver.

Staff Present: Kevin Hipple and Lee McCurrin

Guests Present: Steve Jessen, Mark Klebsch

Chair Rounds called the meeting to order at 5:30 PM.

Pledge of Allegiance:

Approval of Agenda:

Grambihler moved to approve the Agenda for May 22, 2017, Planning and Zoning Commission meeting. Motion seconded by Pries. Motion carried unanimously.

Approval of Minutes:

Axdahl moved to approve the Minutes of the April 24, 2017, Planning and Zoning Commission meeting. Motion seconded by Grambihler. Motion carried unanimously.

New Business:

Moratorium on LWECS:

Chairman Rounds opened up the floor for discussion, to address ordinance changes, in regards to setbacks and other issues, for Large Wind Energy Conversion Systems.

Norm Weaver started discussion by identifying his concerns which are setbacks from occupied properties, setbacks from property boundaries and right of ways, and setbacks from non participating land owners, he also feels that the decommissioning portion of ordinance needs to be addressed and strengthened. Weaver also mentioned that we may want to include the distribution system in the ordinance as well. It was also discussed that simply removing LWECS as a conditional use in AG B would address many of the concerns of the county, such as property value reduction and aesthetics. There was also discussion about historical landmarks and should there be a setback requirement for those types of situation. Kevin Hipple reminded the commission that some of those types of concerns could also be addressed during the negotiation phase of the conditional use permit.

The discussion then turned to bonding. Anissa Grambihler asked for clarification about how the bonding process would work, would the bonding be renewed annually? Also what would happen if the wind energy provider were to change ownership or fail financially? There was then some discussion about how the transmission and distribution from the LWECS to the electric utility would work and what

kinds of setbacks are required for those areas. Sound issues were discussed. Anissa Grambihler asked for a sound that would be comparable to the ‘hum sound’ that is related to LWECs. Several examples were given, including transmission line wind noise. Bill Johnston brought up the issue of Ultra Low Frequency Noise, and the health effects that are incurred. It was agreed that more study was required.

The discussion returned to setbacks, with Norm Weaver cautioning the planning commission to also remember that they do not want to be so restrictive with setbacks that it makes it too hard for landowners to be able to participate in LWECs projects. Bill Johnston suggested 1/2 mile from occupied property and 1000 feet from boundaries and R.O.W.’s. Norm Weaver suggested 1/2 mile from occupied property, 1/4 mile from non-participating property owners, property boundaries, and R.O. W.’s. He also suggested that any new occupied structures built after a wind tower is in place be at a 1/4 mile setback. Lee McCurrin asked for clarification on removal from AG B zoning and he was informed that removal from AGB was the planning commission intent.

The discussion turned to lighting and determined that FAA regulations and current county ordinance does appear to address that issue. Bill Johnston then brought up subsequent ownership and who and how accountability would be determined. Lee Axdahl asked the commission if historic landmarks needed to be addressed in the ordinance. There was discussion about how would it be possible to regulate that issue, and who would determine what a historical landmark would be. Chairman Rounds asked the staff what ordinances are in place in Hyde County and Kevin Hipple replied that at this time there are no ordinances in Hyde County, but they are working to establish some. However they were not ready to share that information with staff yet.

The Commission discussed, with Norm Weaver stating again that the county needs to put some “teeth” into that portion of the county ordinance. Bill Johnston asked about wind farm ownership and Norm Weaver explained the process as he understands it; the owner of the facility leases it to a second party, who in turn sells the energy. It was determined that Infinity Renewables is trying to lease land for a 500 megawatt wind farm. Anissa Grambihler wondered who would be responsible for the transmission lines and the discussion turned to location of power lines, how much are above ground, and how much are below ground. Anissa Grambihler asked for clarification on Infinity Renewables as the marketer.

There is waiver clauses in the current county ordinance and it was determined that staff should include waivers in new ordinance, for participating and non participating property owners. Anissa Grambihler asked for clarification about what constitutes an occupied property, which is someone actually lives on the parcel. There was discussion about the size of individual wind towers, Chairman Rounds brought up adding “teeth” to the conditional use permits. Taxes were also discussed, including where the tax money would end up.

Kevin Hipple asked the Planning Commission if they were ready for staff to write a draft ordinance to submit to planning commission. Norm Weaver stated again that the teeth in the bonding portion of ordinance needed to start at day 1 of the conditional use. There was more discussion about bonding and Bill Johnston brought up liability issues. Anissa Grambihler asked for clarification about how the bonding process would work. Kevin Hipple explained the process that happens during the conditional use permit negotiations, he went on to explain that as long as the bounds of the conditional use are met, there is not much the county can do, until the renewal process. Chairman Rounds suggested bonding, with annual review. There was discussion about other counties, and what their procedures are. Lee McCurrin mentioned to the planning commission that Hughes County population and land uses are

different than, say, Lincoln County SD. Hopefully the county will consider that when looking at those setbacks and boundaries. There was some discussion on sound noise from LWECS.

Chairman Rounds instructed staff to prepare a draft ordinance to submit to the Planning Commission.

The discussion turned to Previous & Future Projects, Lee McCurrin summarized the previous projects that were approved by the Hughes County Commission. Kevin Hipple then summarized Lot 96 Oahe Acres. Lois Schmidt wants to restart the zoning and PUD process, the original PUD and rezone request, was withdrawn from consideration in May 2014. A sketch plat had been approved by the Planning Commission, however staff research can find no action on the rezone request. Staff believes this plat and rezone request would meet the sketch phase portion of the platting process and the Planning Commission could waive the preliminary plan phase, and do the final plat and public hearing for rezoning in one meeting.

Summary of Previous & Future Projects:

- a. The Rezoning and Plat of Lot 1 and 2 of Rita and Cathi's Subdivision in the E1/2NE1/4NE1/4, and the W1/2NE1/4NE1/4 of Section 30, Township 112, Range 80, was approved by the County Commission at their meeting on May 15, 2017.
- b. The Plat of Lot 1 Horseshoe Ridge Estates in the SE1/4, Section 22, Township 112, Range 80 was approved by the County Commission at their meeting on May 15, 2017.
- c. Wind Farm Setback Ordinance Change: The County Commission voted to approve a 6 month moratorium on issuing conditional use permits for LWECS, while the Planning Commission reviews the current ordinance, and recommends changes.
- d. Future Pending: Plat of lots 6R and 7R, a replat of Lots 6 and 7 Prairie Rose Addition in the NE1/4NE1/4, lying north of the highway in Section 12, Township 110, Range 79

Meeting Adjourned at 7:40 PM

Grambihler moved to Adjourn. Motion seconded by Pries. Motion approved unanimously.

Next Meeting - The next meeting is scheduled for Monday, June 26, 2017.

Minutes by Lee McCurrin