

March 12, 2019
HAND COUNTY ZONING MEETING
MILLER, SOUTH DAKOTA

The Hand County Zoning Board convened at 3:32 p.m. on Tuesday, March 12, 2019. Members present were Chairman J.D. Wangsness, Gib Rodgers, Luke Wernsmann, Jim Jones and Greg Palmer. Zoning Director Terry Augspurger was also present as well as several county residents.

Member Jones reviewed the most recent version of WIND ENERGY SYSTEM (WES) REQUIREMENTS with the board and gallery. Mr. Jones explained this was a composite of three other documents from other counties. Definitions were worked on (Section 4, items 1 & 2), which define Occupied Residence and Participating Party.

Setbacks, as shown in Table 1, included the 1,320' (1/4 mile) for participating occupied residence and 2,640' (1/2 mile) for non-participating occupied residences. Discussion followed about a 2 mile setback and how some residents may desire to have it. It was concluded but not decided that this could be examined before the next meeting and see if a workable solution or compromise could be reached should someone desire the 2 mile set back. This process could be similar to a covenant on the property, recorded at the Registrar of Deeds.

Other topics of discussion included:

- That a violation of the ordinance remains a class 2 misdemeanor, the same level of offense as most traffic violations.
- Tower lighting requirements will meet FAA standards at any time in the future, not those in place currently.
- Noise levels detected based on proximity of the structure and the listener.
- Decommissioning Plan was included into the document.

Gallery members, Candice Lockner, Renae Morog, Steve Yearous, Dean Lockner and James Iverson spoke on various topics to the board.

Candice Lockner read a hand-out aloud on the topics of projected revenue from the structures, life span of the towers, conflicts of interest between board members and the builders of the wind farm, the signed memorandum of understanding with Sweetland, misuse of ag land for industry, foreign owned LLC's reaping tax rewards for their investments without liability and Vibroacoustic Disease (VAD) all designed to support a request for a two mile setback.

Member Rodgers was excused from the meeting at 4:02 p.m.

Renae Morog questioned the board about their "taking notice" of Vibroacoustic Disease and issues surrounding residency and access to the documentation.

James Iverson questioned the setback being presented at 1/4 mile when previously it was 1/2 mile.

Dean Lockner questioned the validity of the financial projects presented previously and how he believes the figures are an inaccurate portrayal of the facts.

Steve Yearous also questioned the board's decision to skip a two mile set back.

The board answered that the two mile setback would legislate controls over property owners other than the requestor / host of the tower. This may be too intrusive upon people who have no interest one way or another in the project but would bind them by law.

Candice Lockner also questioned the liability of the county should the project be built and then something goes wrong. Lockner felt the county would be liable after having given permission.

At the conclusion of the meeting, the remaining board members agreed to consider and look into a way to achieve an elective two mile setback.

The Zoning Board will meet next at 7:30 p.m. on Tuesday, April 9, 2019. This meeting will follow the equalization board meeting on that same date.

It was moved by Member Jones, second by Member Palmer to adjourn the meeting. Chairman Wangsness declared the meeting adjourned at 5:23 p.m.

James D. Wangsness, Chairman
Hand County Zoning Board
(Attest)
Doug DeBoer, Hand County Auditor

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