

Suggestion to add grandfather clause - Jones suggested to not include it as the agreement is binding.

**ORDINANCE #19-  
AN ORDINANCE AMENDING THE EXISTING HAND COUNTY COMPREHENSIVE  
PLAN PROVIDING FOR WIND ENERGY SYSTEM (WES) REQUIREMENTS**

Article 16. Section 1601. Applicability

The requirements of these regulations shall apply to all WES facilities except private non-commercial facilities with a single tower height of less than one-hundred forty (140) feet and used primarily for on-site consumption of power.

Article 16. Section 1602. Federal and State Requirements

All WESs shall meet or exceed standards and regulations of the Federal Aviation Administration and South Dakota State Statutes and any other agency of federal or South Dakota state government with the authority to regulate WESs.

Rx'd @

CC-MTG

from Comm.

Jones

**FILED**

MAY 07 REC'D

*Doug D.*  
AUDITOR, HAND CO., S.D.

Article 16. Section 1603. General Provisions

1. Mitigation Measures.

- a. Site Clearance. The permittees shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation and maintenance of the WES.
- b. Topsoil Protection. The permittees shall implement measures to protect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected land owner.
- c. Compaction. The permittees shall implement measures to minimize compaction of all lands during all phases of the project's life and shall confine compaction to as small an area as practicable.
- d. Livestock Protection. The permittees shall take precautions to protect livestock during all phases of the project's life.
- e. Fences. The permittees shall promptly replace or repair all fences and gates removed or damaged during all phases of the project's life unless otherwise negotiated with the affected landowner.
- f. Roads
  - i. Public Roads. Prior to commencement of construction, the permittees shall identify all state, county or township "haul roads" that will be used for the WES project and shall notify the state, county or township governing body having jurisdiction over the roads to determine if the haul roads identified are acceptable. The governmental body shall be given adequate time to inspect the haul roads prior to use of these haul roads. Where practical, existing roadways shall be used for all activities associated with the WES. Where practical, all- weather roads shall be used to deliver cement, turbines, towers, assemble nacelles and all other heavy components to and from the turbine