[EXT] Grant County Ordinance (Meeting Today)

Paul Waldron <pbwaldron@tnics.com>

Tue 4/17/2018 12:54 PM

To: Atyeo-Gortmaker, Krista <Krista.Atyeo-Gortmaker@state.sd.us>;

April 17, 2018

Krista,

I cannot be in attendance at the Planning and Zoning meeting today, however I wish to express my opinion:

I would support keeping the current ordinance in place. Please DO NOT consider a new ordinance or changes to the current. Changing the current ordinance provides no tangible benefits while it would hamper future investment interests in your community.

We hope this does not get changed!

Thank you for accepting my comments,

Barbara Waldron as P.O.A.
on behalf of my father, Rollo Korth.
as a land owner in the Dakota Range Wind footprint

CENTER *for* RURAL AFFAIRS
VALUES | WORTH | ACTION

April 17, 2018

Grant County Planning and Zoning Board
210 E. 5th Avenue
Milbank, SD 57252

The Center for Rural Affairs is a private non-profit, established in 1973 and based in Lyons, Nebraska. The Center works to promote social and economic justice, environmental stewardship, and strengthen rural communities. An essential component to meeting these goals is bringing communities together and identifying the ways in which they believe they can improve their lives. This is especially true when considering new opportunities like renewable energy generation, which can create new economic activity in rural communities while also providing clean power.

The National Renewable Energy Lab's wind resource assessment data highlights South Dakota's potential to generate wind energy. The state was able to generate over 30% of its energy from wind in 2016, or approximately 291,000 homes.

According to the NREL's Jobs and Economic Development Impact (JEDI) model, an 80 MW wind farm in South Dakota has the capacity to support up to 322 jobs related to construction, and 12 jobs related to long-term operations of facilities. These employees are often located in or near rural communities where they feed into the local economy. A project of this size also provides $241,500 in annual land lease payments to landowners, offering them an additional source of income. These projects also generate new tax revenue which assists counties in funding essential services like schools, fire, emergency services, and police, as well as road improvements.

To date, the resources developed in South Dakota have made a significant difference to local economies. The wind industry supports up to 2,000 jobs in operations and maintenance, construction, manufacturing, and many other support sectors. The state has several manufacturing facilities associated with wind energy production. Landowners throughout the state also receive about $3 million each year in direct land-lease payments, providing a new source of income.

Renewable generation like wind has great potential to continue delivering these benefits to rural communities in South Dakota. But as more wind energy is being developed in states like South Dakota, it is important that local officials carefully consider ordinances and regulations. If these

standards are too restrictive, the potential for development can be all but eliminated in some counties and communities.

Attached with this comment are four maps of Lancaster County, Nebraska prepared by the Nebraska Farmers Union and State Senator Ken Haar. Each map shows address points in the county surrounded by buffer zones that would be required under different sound standards, represented by circles on the map. White space outside of the circles on each map represents areas where a wind turbine could be sited in compliance with those sound standards.

These maps--ranging from 50 dB, 45 dB, 40 dB, and 37 dB--show the effect of increasingly restrictive standards on potential new wind development. It is key that local officials be aware of the effect that new standards may have and how they may eliminate new development in a county. Attached with these maps is a Wind Energy Ordinance Guide that the Center has created to act as a primer on wind energy ordinances for officials and citizens.

Crafting well-balanced standards is essential to protecting local residents and communities, while also allowing for landowners and developers to identify locations where renewable wind energy can be sited responsibly. To fully capture the benefits of new renewable generation, local stakeholders and developers must work together to identify and address concerns, and ultimately determine the best way to build renewables in the community.

Lucas Nelsen
Policy Program Associate
Center for Rural Affairs

INFORMATION GUIDE:
WIND ENERGY ORDINANCES

Wind turbines are multiplying across the U.S., and most are installed in rural areas overlooking crops, cattle, timber, and lakes. Rural communities have experienced several benefits from the development of wind energy, but the growth of the industry has also presented a challenge in the form of local regulations that may be insufficient or out-of-date.

Wind ordinances on the city, county, and state levels may be hard to understand, whether you are an expert or just becoming familiar with the industry. The Center for Rural Affairs has gathered some helpful items to note when reviewing ordinances.

New ordinance application and project requirements, helpful recommendations, and key definitions found in this guide!

DEFINITIONS

Common terms found in wind ordinances include:

Wind Energy Conversion System (WECS) — a machine or mechanism that utilizes wind to generate electricity or mechanical energy. A WECS can be a single turbine or an entire wind farm.

Commercial/utility-scale WECS — wind systems with a total capacity of 100 kilowatts (kW) or greater.

Decibel (dB) — a unit of measurement used for the intensity of a sound.

Decibel A-weighting (dBA) — a measurement of sound using decibels that have been A-weighted. A-weighting is a frequency-dependent curve (or filter) which is applied to a sound pressure microphone to mimic the effects of human hearing. Given the same sound pressure levels, microphone recordings can be different than the levels perceived by the human ear.[1]

Feeder circuits/lines — a power line or network of power lines used as a collection system to carry energy generated by a WECS to a substation or other interconnection point. These lines may be underground or overhead.

System height — refers to the height of a WECS, either the total height or the height to a specific part of the system. Total height is most often defined as the height of a WECS from the ground to the tallest point, usually the tip of a rotor blade.

Meteorological tower — a tower placed near a proposed project site which is used to measure the wind energy resource of the area.

Non-participating landowner — any landowner that has not signed a lease agreement with the project owner or developer, often adjacent to or near the project.

Occupied building — a residence or other building used for public gatherings or that contains human occupants. This definition excludes buildings used for storage, machine shops, and other structures that do not have human occupants for a prescribed length of time.

Operator — the entity or individual that operates a WECS facility.

Owner — the entity or individual that has ownership over a WECS facility.

Participating landowner — a landowner who has signed a lease agreement with a project owner.

Rotor — the hub and blade assembly of a WECS, which is responsible for converting the kinetic energy of wind. The blades of the rotor are pushed by the wind causing this assembly to rotate on its axis.

Residential/small-scale WECS — a system that often has a capacity of less than 10 kW or up to 100 kW. Residential and small-scale WECS may be in separate locations.

Shadow flicker — flickering shadows caused by the rotation of WECS rotor blades in front of a light source, such as the sun.

Substation — a facility used to convert electricity produced by a WECS to a higher voltage allowing for interconnection to high voltage transmission lines.

Transmission line — a power line used to carry electricity from collection systems or substations over long distances.

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1 Siemens Experimenter. July 28, 2016. "What is A-weighting?" https://community.plm.automation.siemens.com/t5/Testing-Knowledge-Base/What-is-A-weighting/ta-p/357894

APPLICATION REQUIREMENTS

County boards require applicants to submit information before they will consider a project. Boards may allow applicants to provide select information at a later date.

	COMMONLY REQUIRED ITEMS
1	Name of applicant.
2	Name of the project owner.
3	Description of the project — this should include the number of turbines, specifications for the turbines (such as height, capacity, manufacturer, model, etc.), locations for turbines and the substation, and proximity to homes and other structures.
4	Map of the project location and the surrounding area.
5	A decommissioning plan outlining the process for turbine removal and property restoration before an easement is returned to the landowner.
6	A power purchase agreement or other agreement for the sale of power generated from the facility.
7	Evidence of a transmission plan or agreement for the project.
8	Acoustical analysis of the project site. This measures sound/noise already present on the land, and provides a baseline for noise level limits that may be outlined in the ordinance.
9	A road use plan that outlines routes that will be used to transport equipment and workers. This plan should include an assessment by a county engineer of the selected roads, and a plan for repairing any potential damage caused to roads by heavy machinery or equipment. The county may also require a bond from the applicant to fix any damage that may occur.
10	Notices from relevant agencies showing the project will not be a hazard to electronic communications or air traffic.
11	Documentation of easement agreements for WECS and associated facilities, if necessary.

PROJECT REQUIREMENTS

Below are several requirements for siting, construction, and operation that are commonly found in ordinances:

1. **Setback requirement** — distance of a WECS from occupied dwellings, and in some cases, property lines. The requirement most often used is 1,000 feet. Turbine height is also commonly used to determine the setback distance, such as a formula of three times the height of a turbine for a setback. County officials may choose to allow some setback requirements to be waived if residents affected by the setback voluntarily agree.

2. **Noise limits** — county officials may create requirements for limits on noise generated by WECS, sometimes dependent on the location that would experience the noise, such as an occupied residence, a nonresidential structure like a school, etc. As previously mentioned, if county officials intend to place limits on noise, the baseline noise level at a project site should be established prior to construction. Limits should be similar to noise standards for other forms of development in the county. Typically, noise standards for WECS are 50 or 45 dBA.

3. **Shadow flicker** — a limit on shadows caused by a WECS at occupied structures. Most ordinances require projects to comply with an annual limit, typically no more than 30 hours annually for each structure. Roadways may also be included as areas with shadow flicker limits.

4. **Lighting** — lights are placed on individual turbines to alert aircrafts of their presence. County officials often require that projects at least adhere to Federal Aviation Administration (FAA) regulations regarding lights on turbines. Some officials choose to prescribe lighting that is in compliance with FAA guidelines but has less visual impact by requiring the use of special lighting systems that avoid continuous lighting. Operators would instead employ tools such as radar to turn on external lighting only when aircrafts are approaching.

5. **Site restoration** — requirement that a project site is sufficiently restored post-construction and prior to any property being made available again to the landowner. This includes removal of equipment and any waste generated by the project, as well as requirements that ensure there has not been significant soil compaction or other damages affecting normal operations on the property.

6. **Signage** — requirements for signs on WECS and associated facilities providing the project name, address, emergency contact information for operator/technicians, and warnings.

7. **WECS appearance** — county officials may make certain requirements for the appearances of a WECS. These standards often require that WECS are a uniform color(s), and limit the addition of logos or signage beyond the name and logo of the project or manufacturer.

RECOMMENDATIONS

We suggest residents and local officials take the following steps when drafting new zoning regulations or ordinances, and when they are approached about a wind farm near their community.

1

Consult experts on key issue areas in a proposed ordinance. For example, specialized equipment and training are required to effectively measure the potential impacts of a wind energy system on sound/noise, frequency, etc. Anecdotal evidence should not be substituted for expert guidance, as it does not provide a sound foundation for zoning standards.

2

Communicate with officials from neighboring or similar counties who have wind development experience. Officials can provide valuable insight and give examples of what has worked in the past, as well as assist in identifying useful items to include in an ordinance.

3

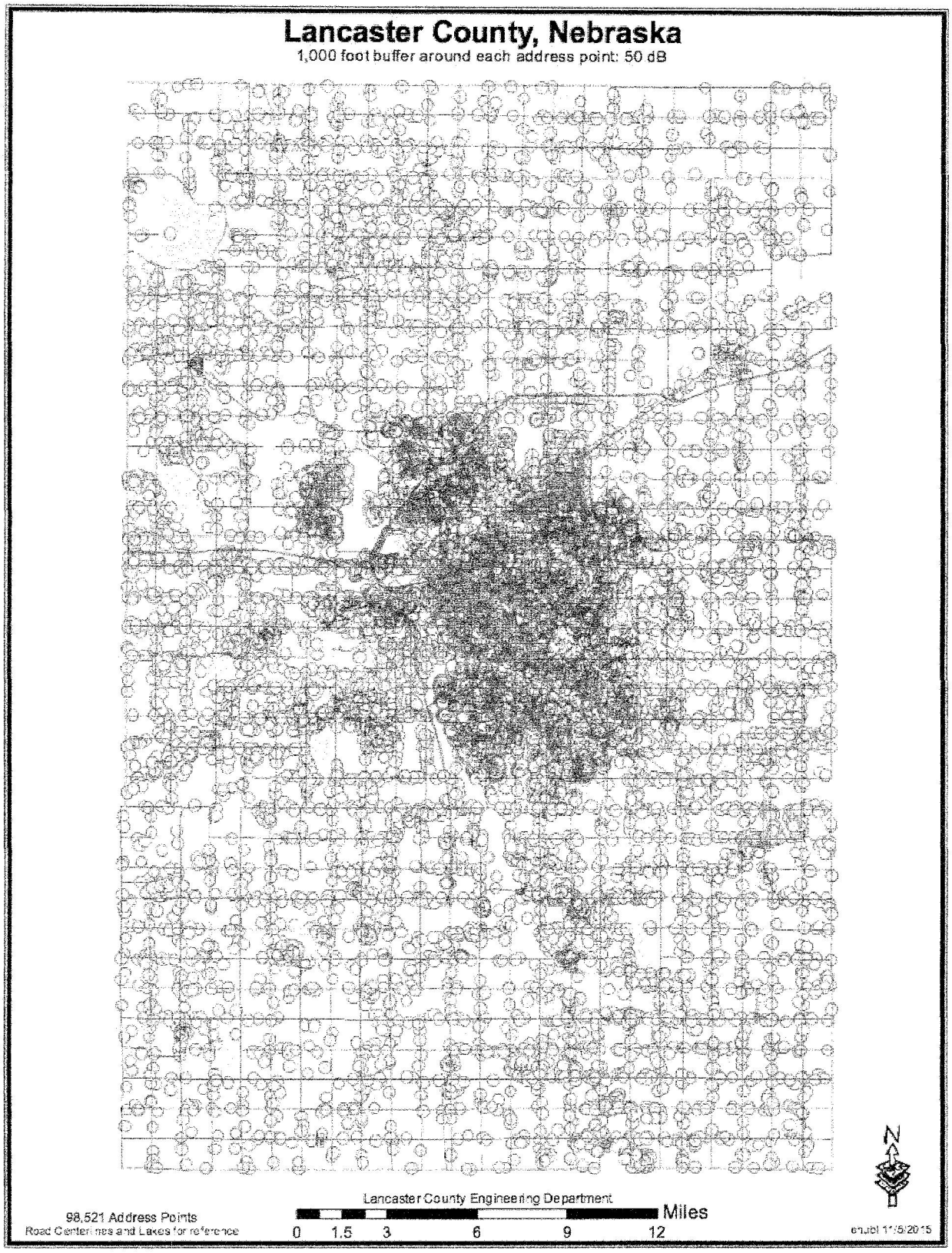
Encourage developers to hold community meetings to engage with members of the public early in the process of project development. The meetings should be an opportunity for developers to provide education on wind energy development, offer specific details about the project, and answer questions from local residents. Community members should also use the opportunity to share specific concerns.

4

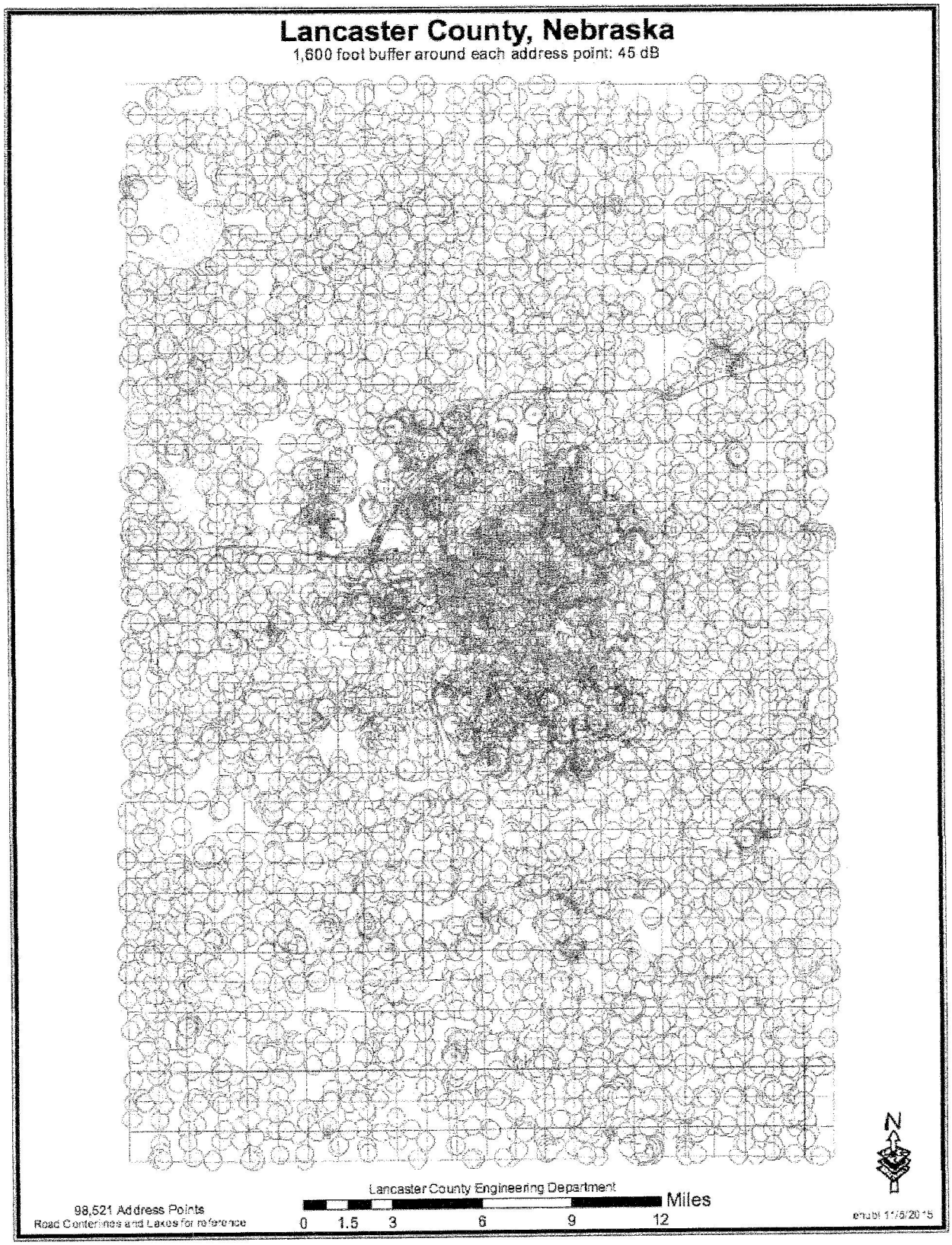
Consider potential unintended consequences of ordinances and zoning standards. Items such as setbacks and noise limits can significantly limit the ability of project developers to site projects in a county if made too restrictive. The Nebraska Farmer's Union has prepared maps showing the effects of increasingly restrictive noise standards on wind development (on the next pages). Each map marks the location of homes and examples of the buffer area that would be required with each noise limit. These maps show how low acceptable noise standards make wind energy development increasingly difficult or impossible.

5

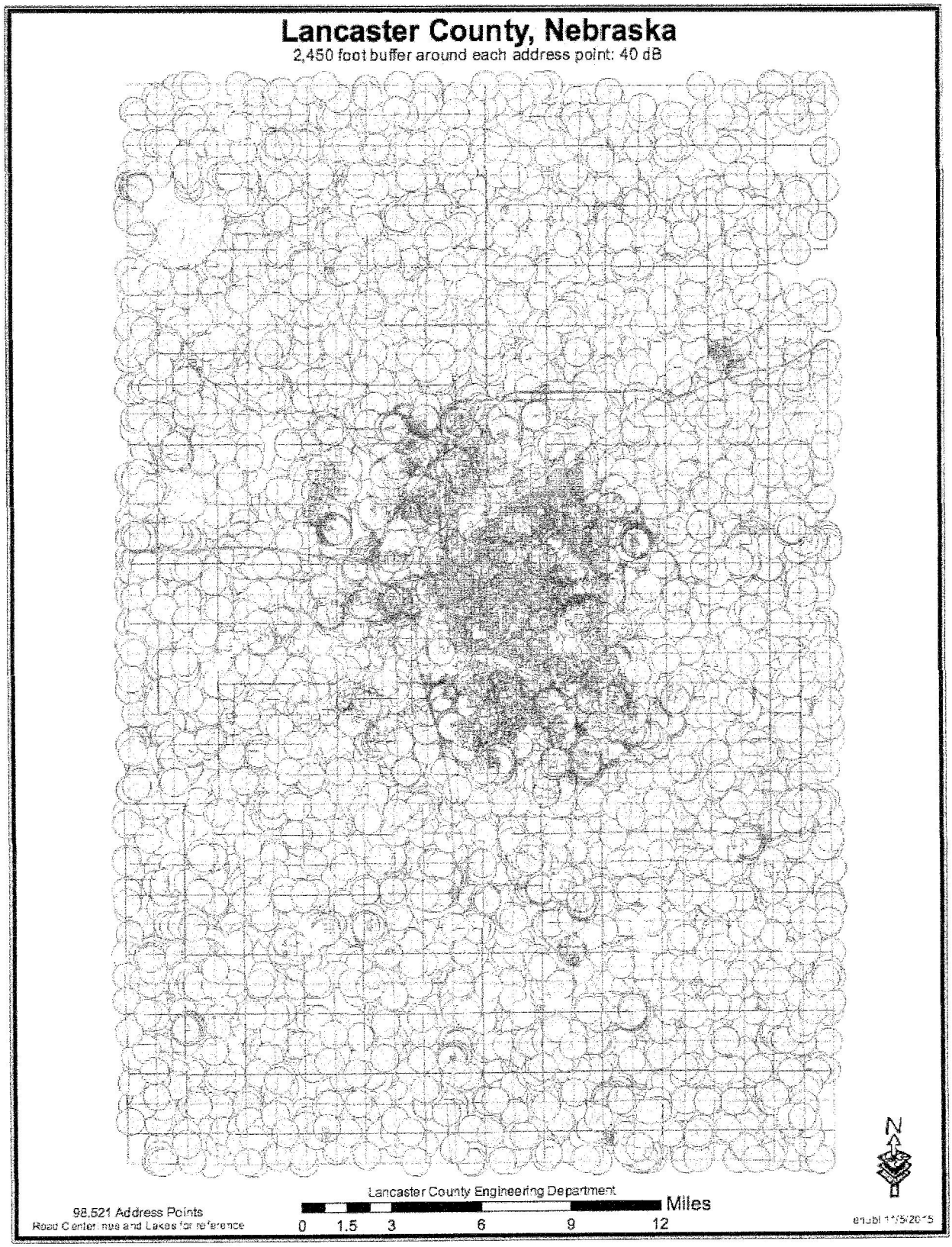
Counties should seek out ways to ensure developers address local concerns. For instance, a common requirement is that developers submit road use plans that include two items: clear measures for mitigating impacts to the local area and steps to repair any damage incurred during the construction of a project. Officials also sometimes require bonds for infrastructure, like roads, setting aside money from a developer to repair any damages caused by construction. Forming additional agreements like these will provide county officials and developers with clear expectations for the use of local land and infrastructure, as well as outline steps a developer or operator will undertake when repairing damages that may occur.



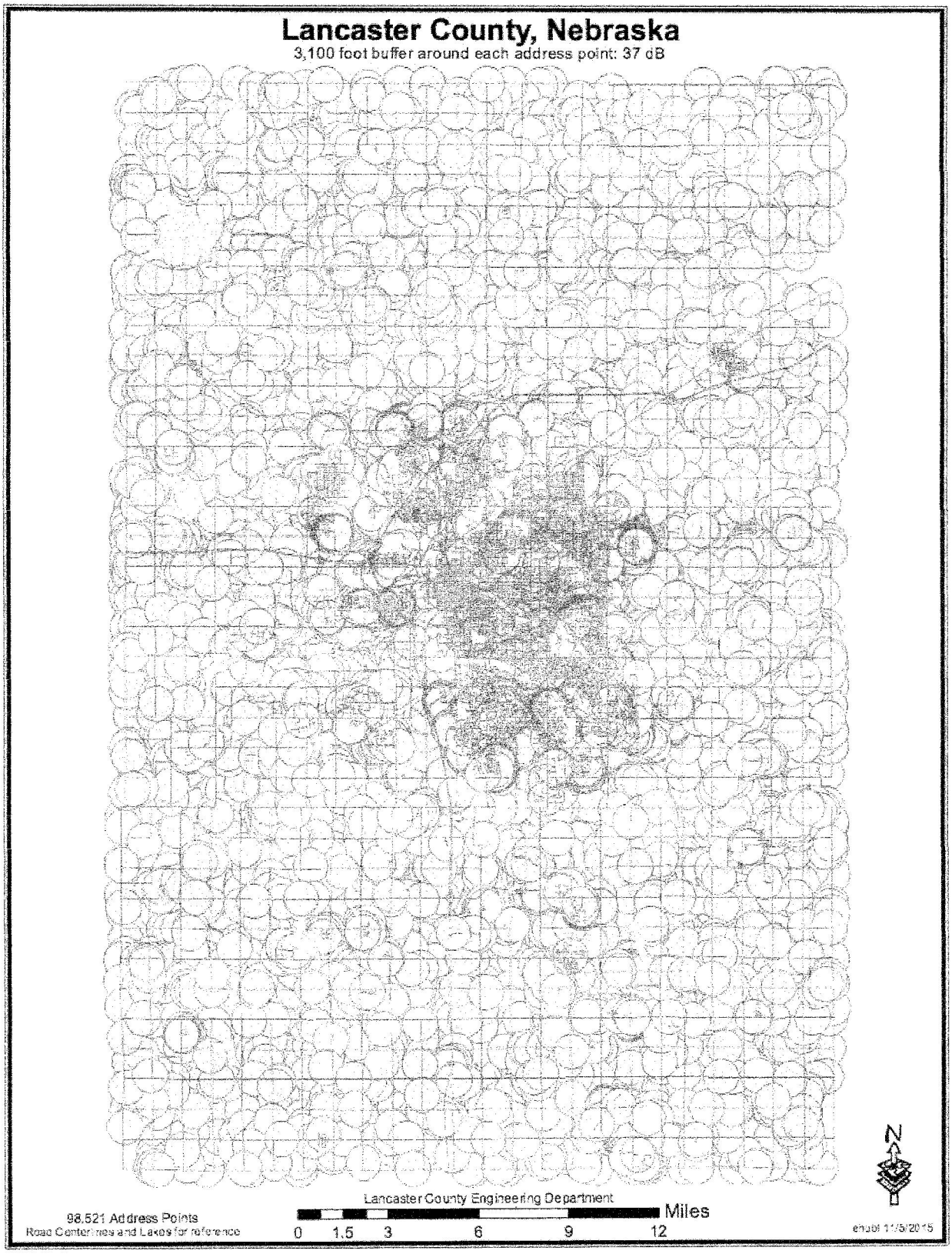
Source: Nebraska Farmer's Union



Source: Nebraska Farmer's Union



Source: Nebraska Farmer's Union



Source: Nebraska Farmer's Union

[EXT] Ordinance

Tim Thorpe <tntlowrider@gmail.com>

Tue 4/17/2018 11:50 AM

To: Atyeo-Gortmaker, Krista <Krista.Atyeo-Gortmaker@state.sd.us>;

I Tim Thorpe being a land owner in Grant County respectfully ask that the ordinance that affects development and potential wind development by left alone. This is a great opportunity for South Dakota to grow and enhance the overall economy of the state and that of Grant County. Please pass on to county commissioners to leave this ordnance alone.

Thank you,

Sincerely,

Tim Thorpe

Sent from my iPad

[EXT] Wind Energy Project

kaemac40 <kaemac40@gmail.com>

Thu 4/12/2018 3:31 PM

To:Atyeo-Gortmaker, Krista <Krista.Atyeo-Gortmaker@state.sd.us>;

I am writing to express my concern over changing the county oridinance. I believe this is unnecessary and would not be good for the future economic health of Roberts County. Please vote no.

Thank you

Kaylene Erlenbusch
PO Box 183
Hettinger, ND 58639

[EXT] Wind turbines

Lori Waddell <twaddell@tnics.com>

Thu 4/12/2018 4:50 PM

To: Atyeo-Gortmaker, Krista <Krista.Atyeo-Gortmaker@state.sd.us>;

Krista,

I have been working on developing wind farms around Summit and Marvin for 12 years. Please leave everything as is.

Thanks for your consideration.

Tellus Waddell

[EXT] Wind Ordinance Letter of Support

Christina Dexter <CDexter@sdfu.org>

Fri 4/13/2018 8:55 AM

To: Atyeo-Gortmaker, Krista <Krista.Atyeo-Gortmaker@state.sd.us>;

Cc: Karla Hofhenke <KHofhenke@sdfu.org>; Doug Sombke <DSombke@sdfu.org>;

1 attachment

Grant County letter of support.pdf;

Hello Krista,

I am emailing on behalf of S.D. Farmers Union to submit a letter of support in regards to the current wind development ordnance in Grant County. We would greatly appreciate the attached letter's distribution to the Grant County Planning and Zoning Committee prior to their April 7 meeting.

Sincerely,

Christina Dexter
Legislative Specialist
South Dakota Farmers Union
1410 Dakota Ave S. | Huron, SD 57350
www.sdfu.org
Cell: (605) 350-8410 |Office: (605) 352-6761 ext 122

South Dakota Farmers Union

South Dakota Farmers Union

1410 Dakota Avenue South PO Box 1389 Huron, SD 57350 605.352.6761 www.sdfu.org

April 13, 2018

Dear Grant County Planning and Zoning Committee:

South Dakota Farmers Union stands in favor of the current Grant County ordinance on wind development and identifies the positive economic impact it has made in the area. Changing this ordinance would greatly limit future opportunities for wind development and hinder the ability of landowners to invest in their property as they wish. For farmers, ranchers and rural community members investing in the wind industry can prove to be a positive source of supplementary income all while greatly impacting the environment and furthering the development of renewable energy sources in our state.

As the ordinance stands currently there are no issues. It is in line with other standards around the Midwest, one of those being Brookings County, who actually hosts wind projects.

We commend Grant County on their past support of wind development in the area and urge the committee to consider the harmful impact any changes in the ordnance would have on future economic development and success of the county.

Sincerely,

Doug Sombke

Doug Sombke
President, South Dakota Farmers Union

[EXT] Grant County P & Z meeting

Tim Gapp <tgapp@tnics.com>

Fri 4/13/2018 3:08 PM

To:Atyeo-Gortmaker, Krista <Krista.Atyeo-Gortmaker@state.sd.us>;

Cc:'Patrick N. Adams' <patricknadams@gmail.com>;

April 13, 2018

Grant County Planning and Zoning
Grant County Court House
Milbank, SD 57252

Tim Gapp
45844 144th St.
Summit, SD 57266

Dear Committee

My name is Tim Gapp. I have been involved in supporting wind development in Grant County for the past 12 years. We have a great resource, especially in the Coteau Hills, for clean wind energy. It has been a long road to get to where we are right now in the final stages of wind development. Now that we are there, I urge you that this is not the time to start changing existing ordinances that have already been through the hearing process. You have heard the arguments against wind. For every study from a faraway source claiming risks to wind turbines there is another study that contradicts their findings. There is nothing new to review.

We have seen a steady decrease in population in Grant County and in rural areas of South Dakota. We now have an opportunity for new development which will provide a much needed financial benefit for land owners, an additional source of revenue for our local governments along with new job creation right in our back yard. The wind companies have done there diligence to answer any and all questions and concerns in past meetings and hearings. It is time to move forward with this development.

I respectfully ask the Grant County Planning and Zoning Committee to leave the current ordinances in place as it pertains to the setbacks of proposed wind turbines.
Sincerely,

Tim Gapp

[EXT] Grant Count ordiance change

Sharon Jurgens <sjurgens44@gmail.com>

Fri 4/13/2018 3:47 PM

To:Atyeo-Gortmaker, Krista <Krista.Atyeo-Gortmaker@state.sd.us>;

Dear Krista,

Although we do not own land in Grant County we do own land nearby in Roberts County. Changes made to the current ordinance could negatively impact our land.

We request that the ordinance changes before the Planning & Zoning Board not be considered.

Thank you,

Roland and Sharon Jurgens

[EXT] Grant County Ordinance Changes

Rollin Morehouse <rollinmorehouse@gmail.com>

Sat 4/14/2018 7:57 AM

To:Atyeo-Gortmaker, Krista <Krista.Atyeo-Gortmaker@state.sd.us>;

Cc:mark.mauersberger@apexcleanenergy.com <mark.mauersberger@apexcleanenergy.com>; David Lau <davidlauwind@gmail.com>;

Dear Grant County Planning & Zoning Board members–

As a native South Dakotan and landowner, I'm writing today to request the Planning and Zoning Board make no changes to ordinance(s) as any new changes may negatively impact (or limit) wind energy development in Grant County. I believe the current ordinance(s) are well-written and strongly balance the needs of the community and wind energy development, much like the thoughtful standards and well-grounded ordinances in neighboring counties like Brookings County.

As a child, I grew up in the land of the wind – South Dakota. Wind energy is a natural renewable resource and I strongly support its development. On our family farm, I remember times when the wind would blow so strong that snow drifts formed to the top of our big barn. Wind is part of our heritage. From windmills to wind turbines, we need to harness its power for the benefit of the community, our schools, and our future.

With all due respect to out-of-towners and well-organized outside interests, as a landowner who has paid hundreds of thousands of dollars in real estate taxes which will no doubt double or triple in my lifetime, I have one simple request: do NOT write new ordinances which will adversely impact my property rights, local economic development, jobs, and revenue streams for local, county, and state government.

Mine is but one voice, but it represents many landowners of like mind. I'm reminded of the old rule of retailing – for every one complaint by a customer, there are 26 other customers who felt the same way but, for a host of reasons, said nothing. Landowners are not well-organized. For a host of reasons, most just keep their head down. Just the same, when someone takes the time to voice concern, there's most likely 26 more who feel the same way. Please do not under-estimate our concerns.

Thank you for this opportunity to share my (our) concerns. Before your April 17th meeting, please go outside for a moment of contemplation, I'll bet the wind is blowing. Let's harness its power and honor our heritage.

Kind regards,

Rollin J. Morehouse

(952) 270-9333

[EXT] wind towers

Randol Holt <holtrandol@yahoo.com>

Sat 4/14/2018 10:43 AM

To:Atyeo-Gortmaker, Krista <Krista.Atyeo-Gortmaker@state.sd.us>;

I would hope the planning and zoning board leave current ordinance in place for wind towers. land owner Grant Co. Randol Holt

[EXT] Wind farm Regulations

Willie Bucklin <wbsummit@tnics.com>

Mon 4/23/2018 9:48 AM

To:Atyeo-Gortmaker, Krista <Krista.Atyeo-Gortmaker@state.sd.us>;

I am writing to state an opinion on the proposed new rules for wind towers. I do have land signed up for the wind farms.

It seems to me that if the rules are the same in Brookings county and they are working with active wind farms. those same rules should be adequate for Grant County.

Of course it would make sense to talk to the people in Brookings County to see what they think. They are the ones with experience with the towers.