

January 16, 2024

A Special Meeting of the McCook County Commission was called to order in the Court Room by Chairman Charles Liesinger.

Members present: Marc Dick, Dean Koch, Steve Gordon, and Chuck Mehlbrech.

Chairman Liesinger led the Pledge of Allegiance.

Chairman Liesinger called for approval of the agenda. Motion Koch to approve the agenda as posted. Second Mehlbrech. Motion carried.

Public comments that are specific to the site visit will be heard during the public hearing.

Roger Hofer provided each Commissioner with a copy of a Letter to the Editor that was published in last weeks newspaper.

Conflict of Interest: none.

At 9:00 a.m. the Board of Adjustment held a public hearing to provide information following a site visit to a Grant Solar solar farm located at New Underwood. Applicant: Grant Solar, LLC. Reason: Solar Energy Generating System 99 Mega Watts. Legal descriptions: W2NW4 Excluding N509' of W856', Section 13, Grant Twp; NE4 Section 14 Grant Twp; SE4 Section 14 Grant Twp; SW4 Section 14 Excluding Lot H2 Section 14, Grant Twp; SE4 Section 15 Grant Twp; and N2NE4 Excluding Tract 1 Sperling's Addition & Excluding H1 Section 23 Grant Twp.

Cori Kaufmann, Zoning Administrator, Sean Hegyi, Secog Planner, ten representatives from National Grid Renewables, and approximately a dozen public were present for the hearing.

Chair Liesinger welcomed everyone and turned the hearing over to Zoning Administrator Kaufmann to explain the meeting procedures. Kaufmann noted that National Grid Renewables will provide a video presentation of the site visit first, public comments from anyone present who also visited the site, the applicant will then be given time to address questions/concerns. Then the Board will discuss the application and share their findings and conditions.

Mollie Smith, Fredrikson & Byron PA, explained how this request for a conditional use fits the County zoning regulations and opened with a video of the site visit on November 28, 2023, at New Underwood. Smith provided a handout, to the Board members, that will follow along with the video presentation.

Joe Ibrahim (remotely) began the presentation of the Wild Springs site visit that he held with Commissioners Koch and Gordon. The Pennington County solar farm near New Underwood covers 1200 acres and is 128MW. The McCook County site is 735 acres and is 99MW. Topics discussed include maintaining natural resources, working with environmental groups, having fire breaks within the project, solar equipment & foundations, setbacks from fences, operations & maintenance building, substation, and broken panels (6 layers create the panels, no liquid). Ibrahim thanked the Board for their time. Mollie Smith informed Board that the Temporary Laydown Yard will be moved to N of Hwy SD42, no longer on S side. Smith added that SDDOT had no concerns, noting that there will be no access points on SD42. Comm Koch stated that he has concerns about access points off of SD42 and so does the SDDOT guy in Mitchell office. Smith directed the Board to the additional conditions that National Grid is proposing. Third-party construction liaison, monthly construction updates, vegetation management plan, drainage, road use safety, emergency response plan, broken panels, solar panel cleaning, snow removal during construction & operations, nameplate capacity reporting, insurance coverage, and decommissioning plan. Comm Mehlbrech asked if the County would be listed as an additional insured. Not typically done. Comm Dick asked if all fencing will be removed. Depends on ordinance requirements. Comm Koch asked how the County will know that no hazardous materials are being used to clean panels. National Grid can inform Zoning Administrator when cleaning is done, so she can check products being used. Comm Koch noted signage concerns regarding safety. National Grid cannot control 3rd party drivers. Comm Dick stated that there's

going to be a fatality. Comm Koch noted safety concerns for school kids who are driving & bus traffic with the location, not the solar farm in general. Comm Gordon noted great land management at the New Underwood site.

At this time, Chairman Liesinger opened the hearing for public comment from anyone who visited the site.

Joe Buseman - couldn't find a worse location, an incredibly poor idea. Drove by the New Underwood site on November 19th at 8:09 a.m. and there was glare from the panels.

With no further comments, Chairman Liesinger closed public comment portion of the hearing. Grant Solar LLC representatives were allowed time to answer questions that were brought up during the Public Comments.

Mollie Smith asked the Commissioners if they want additional conditions noted. Comm Koch asked that she contact Jay Temple in the Mitchell SDDOT office. Smith read from the Zoning Regulations regarding solar farms, noting that the project meets the County regulations and they've gone above and beyond meeting the conditions and requirements.

Kaufmann told the Board that they need to hold their discussion and note their findings.

Comm Koch-downstream landowners need to be notified of drainage plans, Board sees monthly updates, chain link fence (this looks good at New Underwood site). Comm Mehlbrech-have signed waivers from anyone in 1/2 mile of project, plant trees for natural screening, Board sees building plans, road safety agreement with SDDOT. Comm Dick-100' setback from road R-O-W, plant 6 rows of trees following NRCS plan, have a recycling plan and a fire & safety plan. Comm Gordon-independent traffic study. Comm Dick asked if law enforcement calls increase, can NGR force employee to pay for own attorney & cover court costs. Comm Koch asked if the State requires Ag class be changed to Commercial, can the County eliminate grandfathering? Zoning Administrator Kaufmann explained the rezone process and how it works, this is not an option. Also, that if the State creates legislation on the matter that we cannot go against the policies set. At this time, there is no State policy on the matter.

With no further input from the Board members, Kaufmann read the Findings of the Board. Drainage permits secured, setback waivers signed from residences and commercial businesses within a half mile, increase ROW setback to 100', natural screening planted around the perimeter with consulting NRCS, emergency response plan secured with Emergency Service Manager and filed with Zoning Administrator, building permits will be seen by the Planning Commission prior to zoning administrator review, road agreements with SDDOT and all access roads signed and filed with Zoning Administrator, and independent traffic study conducted and filed with Zoning Administrator at the cost of NGR.

Chairman Liesinger asked for a motion to approve or deny the conditional use application from National Grid Renewables. Mollie Smith asked for clarification on the condition to increase the ROW setback to 100' because this stops the project and doesn't follow the zoning regulations for solar farms. Can you propose a condition that would shut down project that's been approved? Koch noted that it's the commissioners turn to add to the conditions, and so we are. Motion Dick to approve the conditional use request noting the conditions that were read by Zoning Administrator Kaufmann. Second Gordon. Roll call vote: Ayes: Mehlbrech, Gordon, Dick, Koch, and Liesinger. Nays: none. Motion carried.

The meeting adjourned subject to call.

Dated this 16th day of January 2024.

Charles Liesinger _____
Chairman, McCook County Commission

ATTEST:
Geraldyn Sherman _____
Auditor, McCook County