

Prairie County Land Planning Board

November 7th, 2024

Prairie County Court House Court Room

217 West Park St Terry, MT 59349

www.prairiecounty.org

3:00 p.m. The Land Planning Board Lon Reukauf Chair, Lorin Larsen, Todd Tibbits, Renee Pirtz, and Tracy Dion. Introduction's Prairie County Commissioner Dennis Teske, and Ross Freehan with NextEra Energy.

Lon provided an update on what information he has found over the last week about wind turbines. The cost is about 4.5 million per wind tower. There are about 250 towers in the Clearwater windfarm. Two towers need to be about 10 blades length in distance between them. Side to side needs to be 3 blades apart, each blade is about 250ft, to 275ft.

Ross with NextEra: Total there are 776 megawatts, 284 towers in the Clearwater project.

Lon spoke with Rosebud Commissioner; Brink Power Line Company built the transmission lines. He also called MACo attorney, she said there are two zonings, part 1 zoning (citizens), and Part 2 zoning (smaller district than a whole county). Shane Eaton, 76-2-202,206 etc, Interim Zoning is more closely related to districts).

Already signed contracts opens the county to be sued.

It was mentioned that Cathrine McGreager (vice president for NextEra) is being considered for Department of Interior.

Tracey has there been any issues with property values? There is no data in the area that can contribute to understanding how property value is affected. At this time no good data, but will keep looking. Shane Eaton pointed out at the last meeting there was an example given by Wibaux County and repeated what that was.

Todd Tibbits "we need to protect what we have", until we have a good answer of land values changing and he suggested looking at land 15-25 miles from the windfarms. Lights flashing is a real problem.

Commissioner Teske "Tracy are you looking at both next to the farms and farther away?"

Tracy: Still looking at the information, and there is a process that needs to happen first as the land planning board. "Do you know the process we need to follow first"?

Todd Devlin met with MACo Lawyer Karen Alley, as well and asked for a flow chart of how zoning would happen.

Lon said, there should be information by next weeks Commissioners meeting, and get some legal advice ahead of the meeting.

Reene Pritz followed up with some other legal advice and went over in some detail some questions. She has copies of the question and answers that she went over.

How do the commissioners call for Interim Emergency Zoning? The county commissioners at a meeting can call for a vote that interim emergency zoning needs to be considered and looked into. Discussion is made first about why and what the district may be like before it can be requested. Required public notice ready to post, and ready to set a date for a public hearing. Notice must be published twice, 712121, 2310 requirements. Adoption would then be done by resolution.

She went over in more detail what is needed by commissioners, requirements and other details concerning how to enforce the zoning resolutions.

Before 1 year is up, the county must start the process to enact full zoning within the county or extend the interim zoning for up to one year. Can you be sued after enacting this zoning? Always can be sued, but the state gives counties broad authority over zoning.

Further discussion about the process of Interim Zoning

When are wind tower sites “grandfathered in”?

Shane Eaton: Wibaux County had that come up in their discussions, and said they determined construction had to be fairly far along to get “grandfathered in”.

MACo: Consider costs, enforcement, etc. This needs to be figured out before we start. 762101: Part 1 zoning: district zoning.

Todd: This should be county wide of Industrial Development Zoning.

Tracy: Saw what happened when city started zoning: Wibaux did a scoping before they started down this path to get a better understanding of support for the process.

Lon: Spoke to several people that are in favor of the wind turbines in a positive manner. What do they think of setbacks etc in Wibaux. The money coming in Clearwater project, they get money to support “mom & dad” and help kids get going on the farm.

Ross: Wibaux setbacks, 1/3 to 2/3rds turbines would have to be moved within Prairie County.

Commissioner Teske: You know where your sites are?

Ron: NextEra: Micro sites have been completed in October, and they are working on making the sites available to the landowners soon for feedback.

Lon said that his son explained that the wind turbines are right under a high air traffic area, that would makes the lights come on more often with ADS (Aircraft Detection System). How long do they stay on?

Ross: the Clear Water site doesn't have ADS (Aircraft Detection System). We would like to propose this for this site, (Glendive Project).

Todd: We need to be open to a larger view of the impact of the sites.

Lon: Sheriff Kieffer: Do you know anyone that has a fire plan next to a wind turbine area? Yes, I do and can get something together.

Ross: ADS stays on as long as the aircraft are in the area. When using ADS the FFA requires that all towers have lights, if a site is not using ADS the ones around the outside of the project have lights. The FFA tells NextEra which turbines must have the lights on. The ADS system has a learning period, when it takes 6 months etc. to calibrate to let them operate correctly.

Commissioner Teske: All towers in the Clearwater do not have lights? Ross "To my understanding". They are over 250 ft; it would surprise me if they all didn't have a light.

Tracy, how does Prairie County know you will stand by your word?

Ross: I would like to propose a different option over zoning.

Shane: Says that it has been proven that contracts don't hold up in court with counties involved.

Lon: What can NextEra live with, and we should at least hear what he has to say about options.

Ross: Start 101 minutes into the recording. This is what an agreement could look like.

Ross: Zoning is an option, but also maybe we can provide an alternative.

Reene: We must be cautious, no agreement today.

Ross: We are not asking for an agreement, we just want to provide another option.

Ross: Provided a document (Exhibit A attached to minutes). Ross went over this document in detail. Various conversations about different topics of this document. The document states 1-mile setbacks from homes, first year bonding, ADLS Automatic Detection Lighting System (FFA has to approve) etc.

Lon: State section impacts of someone who owns a house off area. Setbacks will cut the number of turbines on each section of land, even if the landowner wants more.

Information about a fund with EPEDC, and how the money could be used for each of the counties. Tylene Eaton pointed out how other counties could get the best money or projects. Ross pointed out this can be done in a different way to specify what it is used for etc.

Lon: no matter how much money comes through property taxes for schools. The money is going into the state first and we get very little back. School equalization fund. (Homework on how to help our schools with NextEra's help). Also, he spoke with a John Allen and Doug Roehm, as about tax abatements for new developments. Schools cannot grant any tax abatements.

Real question how to get money from the wind turbines into our school directly. Various discussions on school, oil and gas taxes. Tylene made comments about quality of tax benefits to the county, for schools, fields etc. and how places in other areas that get gas fields have nice schools, fields etc.

Ross continued over the details on his proposal agreements, for options other than zoning. Further discussion on roads and good neighbor agreements.

Discussion on salvage value and decommissioning of towers down the road. Ross explained the best he could how this would work. Todd Tibbits also provided his opinion that the salvage value for the wind turbines could be negative.

Last subject on the list is a 25% assessing of taxable value for years 1-5. This is a tax abatement!

Commissioner Teske, we supplied the economic papers from NextEra to the state revenue to determine the values presented in those papers. Change is difficult; surprises are not in our best interest as a county.

How do these terms last past the ownership of wind project, such as your company selling.

Ross: Legal documents would be written into all sales/agreements going forward with new owners.

Todd: I commend your company for bringing these options to us for considerations.

Shane Eaton: had a meeting with commissioners last spring about tax abatements and taxes. We are already funding clean energy projects through taxes. He thinks the consensus was that everyone pays their share on taxes.

Lon is assigning some homework: Reese please look into enforcement of 762211 statute. Will it take more lawyers than our county attorney, and what kind of legal fees. Tracy please continue on land value assessment, and contact commissioners in Wibaux, we need good examples. Lon will contact MACo attorney and county attorney about this development agreement framework, I have no thoughts either way. Reese says we should have an attorney specific to the subject of zoning. Lon: Reese please as the attorney you cited about costs estimates etc.

Todd Tibbits suggested that Interim Zoning is a must, and it should start as soon as possible for one year as a planning board.

Lon: Does this constitute an emergency? MACo says no we don't, Reese says that her lawyer says we do.

Tylene: We need specific things in place on how decommission will happen.

Lon: Will NextEra show the county your insurance policy for disasters, or liability? Ross: Yes.

Commissioner Teske: Made a point that this subject needs to be presented to all citizens. The meeting last spring made it clear citizens don't want abatements.

Lon: What all needs done for zoning, or interim zoning.

Sheila Dixon: Getting people into this conversation is difficult, and hopes we get them involved in this process.

Todd: We need to go fast, but accurately on zoning.

Lon: Close on one note: "wind towers stop producing at -28c and 18.2F,"

We will be at the commissioners' meeting on Wednesday 13, 2024 at 3:00 p.m. and will provide the commissioners with the Land Planning Board recommendations.

Ross: Construction will start in Spring/early in 2026.

5:00 p.m. Meeting Adjourned.