

SENATE CONCURRENT RESOLUTION NO. 5

A CONCURRENT RESOLUTION, Encouraging flexibility by local governments to accommodate the development of wind energy projects.

WHEREAS, the nation continues to face serious problems providing sources of affordable energy; and

WHEREAS, one promising source of energy is wind; and

WHEREAS, wind turbines are now available in sizes and prices appropriate for residences; and

WHEREAS, a growing number of homeowners are choosing to purchase and erect such turbines; and

WHEREAS, county ordinances in some cases are unduly restrictive with respect to residential structures; and

WHEREAS, some homeowners associations' covenants or restrictions may prohibit the erection of residential wind turbines:

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-fourth Legislature of the State of South Dakota, the House of Representatives concurring therein, that the Legislature encourages counties and other local governments to be as lenient as possible in their residential wind turbine-related ordinances and to write their ordinances so as to allow erection of wind turbines on small parcels of land if the engineering design of the turbine support structure ensures that the structure can survive a 150-year wind event; and

BE IT FURTHER RESOLVED, that the Legislature encourages local governments to write their ordinances so that any residential property subject to covenants or other restrictions is exempt from any such restrictions that apply to the erection of residential wind turbines.

Adopted by the Senate,  
Concurred in by the House of Representatives,

February 20, 2009  
February 24, 2009

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Dennis Daugaard  
President of the Senate

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Trudy Evenstad  
Secretary of the Senate

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Timothy A. Rave  
Speaker of the House

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Karen Gerdes  
Chief Clerk of the House