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Stark County

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OFFICE - STARK COUNTY COURTHOUSE

July 9, 2021

Dear Stark County Citizens:

I would like to start by thanking you all for being engaged and concerned citizens of Stark County. I write this today to clear up confusion and misunderstanding regarding the recent rescission of a wind energy moratorium.

As most of you already know, at the regularly scheduled June, 2021 County Commission meeting, a moratorium on wind energy was contemplated and approved. Moratoriums are a unique mechanism that are at times used to suspend or delay certain activities. Throughout the United States, moratoriums have been issued on a variety of activities and there have been prior challenges to their legality. Depending on the activity that is being suspended or delayed, moratoriums have been legally upheld by numerous courts.

After careful review of the moratorium that Stark County passed at the June meeting, I concluded that, because certain notice requirements and other procedural steps had not yet been accomplished, it was not legally binding. This means that the moratorium did not prohibit Marathon/One Energy from submitting a conditional use permit application to erect its proposed wind turbines.

The rescission of this wind energy moratorium does not mean that Marathon/One Energy, or any other individual or entity, has a green light to erect wind turbines in Stark County. While Marathon/One Energy's conditional use permit application has been accepted, it must go through the normal process Stark County already has in place, which includes review by the Planning and Zoning Committee, a public hearing, and ultimately a decision on whether that conditional use permit will be granted or denied.

By rescinding the moratorium at the July meeting, the Stark County Commissioners spared the County of Stark potentially burdensome and expensive litigation. They also recognized that Stark County may have a need for a moratorium in the future and because of that, agreed that an ordinance outlining the notice requirements and procedural steps required by the North Dakota Century Code would be beneficial to the citizens of Stark County. Stark County is working diligently on that ordinance and we look forward to hearing your comments when it is presented at a public hearing. By being proactive in this approach, we hope to avoid any future confusion or potential litigation when a moratorium is deemed to be appropriate.

Again, thank you for being attentive and engaged citizens.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Engelstad', written over the printed name.

Amanda R. Engelstad
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