

PROPERTY RIGHTS

18. WIND & SOLAR FARMS (2026) AMENDED

WHEREAS, South Dakota has a clear legal framework for wind and solar energy development otherwise known as “Utility-Scale Alternative Energy”, covering easements, infrastructure stewardship, tax incentives, and property rights.

WHEREAS, South Dakota Law requires application process which govern land use, access and protection of land owner property rights for energy projects over a determined mega-watt production, local government also control with Resolution’s, Moratorium’s and Ordinance’s to follow for those below the state required permitting which should govern both wind and solar energy projects.

WHEREAS, South Dakota Law of 2024, the “ Infrastructure Stewardship Program (HB 1037) requires producers of wind and solar infrastructure to implement or participate in a product stewardship program. This program must cover the cost of collecting, transporting, and processing discarded wind and solar equipment.

WHEREAS, Wind and solar projects in South Dakota are subject to specific tax structures which are deposited into the renewable facility tax fund, with 20% going to the counties hosting projects.

WHEREAS, South Dakota counties are developing comprehensive plans defined as guides for government officials, residents and developers in regard to "decision-making" for current and potential future development within the county. The plan specifically provides a framework for land-use decisions, public service expansions, economic development, resource management and the general growth of the county while ensuring that land is utilized in a manner that aligns with community standards and environmental considerations. It establishes specific zoning districts, and outlines permitted uses, building height restrictions and setbacks, thereby promoting orderly development and mitigating potential conflicts between different land uses.

THEREFORE, BE IT RESOLVED The South Dakota Stockgrowers Association aligns with the protection of Private Property Rights with State and Local Government decisions. However, they do not encourage the removal of agricultural land for the purposes of renewable energy.