

April 25, 2017
Special Meeting

The Deuel County Commissioners met in special session on Tuesday April 25 at 1:30 p.m. at the Clear Lake Community Center with Chairman Jaeger presiding. Those present were Commissioners Dumke, Jaeger, DeJong, Rhody and Pederson. Also present was Auditor Pam Lynde and State's Attorney John Knight. 1) Dumke moved, seconded by Rhody to approve the agenda as presented. A roll call vote was had: Rhody-yes; Dumke-yes; Pederson-yes; DeJong-yes; Jaeger-yes. Motion carried.

The purpose of the meeting was to hold a public hearing and first reading of Ordinance B2004-01-23B An Ordinance to Amend Section 1215 Wind Energy System (WES) Requirements Adopted by Ordinance B2004-01, July 6th, 2004, as amended, of the Zoning Ordinance of Deuel County. The Commissioners may schedule a second reading date.

The public was then given the opportunity to speak at the hearing:

1. Jesse Bermel- Avangrid- Bermel said they need setbacks they can work with; setbacks aren't workable with the proposed ordinance revisions. He also talked about their good neighbor program and would like to be able to use that in Deuel County.
2. Attorney Jared Gass- Gass stated the property value guarantee would protect existing property values to leave property values whole, no one would be making money on this; he also talked about the setbacks being from residences versus property line and said they should be from the property line.
3. Dr. Chris Ollson- Talked about the Nov. 20, 2016 hearing and detailed letter sent to the Planning and Zoning Board; he stated 1500' setback, 30 hours shadow flicker and 45dBA are all tied together; 45 dBA is protective; three times height of tower will ensure public health.
4. Fay Stone- owns a pheasant farm and clients do not want to hunt around wind towers; setbacks need to be from the property line; property taxes are not going to go down. Is the Zoning Board going to work with us when there are problems?
5. Will Stone- Stone said he feels the setbacks need to be from the property line; wind turbines will impact businesses; what value can be placed on the glacial lakes region.
6. John Henslin- Henslin spoke about the federal renewal tax credits available for wind energy companies; talked about the production tax credit available to energy companies; tax dollars in Deuel County are funding wind development.
7. Dennis Evenson-spoke on behalf of Deuel County Ag. Development; would like a no vote to proposed ordinance; should welcome wind energy companies into the community; now Commissioners are saying no to landowners; what about the additional revenue; say no to proposed ordinance.
8. Dale Roth-show of hands who is in favor of wind development; it is time to call for the first reading and be done with it.
9. Brett Koenecke- Koenecke said he is speaking on behalf of Avangrid Renewables; present ordinance revision is not a compromise; projects would not

- be competitive; buy back portion of the ordinance is not workable; taking from those who want to participate; developers have projects ready to go; vote to bring it here.
10. Lyn Overby – owns 9.5 acres north of Gary; should be able to build on our property in the future without being out of compliance; groundwater contamination; close proximity of water table to wind energy development; aquifer isn't place for wind development.
 11. Bill Jordt – there is an opportunity for Deuel county to get a piece of wind development; any extra dollars brought into county will help with roads and taxes; say no to ordinance revision.
 12. George Holborn – eight weeks ago attended a meeting in Pierre and asked Hunter Roberts if he would like to live in a wind farm and said no; best example is the testimony from Toronto residents concerning wind towers and they should get a say in the matter; two mile setback with waiver; visited with Walworth County where they have a two mile setback; talked about unequal treatment from one group to another.
 13. Russell Nelson – talked about the need to get away from fossil fuels; have to look to the future; wind energy is the new oil field; should be pushing for wind development.
 14. Dan Litchfield – Invenergy- the March 28 ordinance revision isn't compromise and doesn't allow for wind development; opposed to setbacks from towns; process has been unpredictable; 6 times the height of the tower setbacks, where did that come from; believe this is not in line with majority of voters in Deuel County; they look forward to harvesting the wind and support the Zoning Board recommendations.
 15. Red Anderson – lives two miles east of Stone's Truckstop; has signed up for towers in Deuel County; Zoning Board has spent lots of time on this and Commissioners start over; noise along Highway 212 doesn't bother them; have light flicker when a car passes by and have lived there for 22 years; Commissioners should listen to residents it is their responsibility; support recommendations of Zoning Board.
 16. Tyler Wilhelm – NextEra – supports the Zoning Boards recommendation; setback of 6 times the height of turbine is excessive and would make it impossible to work with.

Commissioner DeJong thanked everyone for their comments and said the Commissioners represent everyone in Deuel County; saying we do not care about the farmers is very wrong; trying to protect all residents of the county and try to give everyone what they would like. Commissioner Rhody expressed the same sentiments and said they do want the additional revenue in the county and do acknowledge the work and efforts of the Zoning Board.

Commissioner DeJong then asked several questions of the wind company representative concerning the proposed changes to the Zoning Ordinance:

1. Zoning Board recommendation of reducing the noise level from 50 dBA to 45 dBA at the perimeter of existing residences for non-participating residences; Jesse Bermel of Avangrid-yes can work with; Tyler Wilhelm Nextera-yes can work with; Dan Litchfield Invenergy-yes can work with
2. Limit for allowable shadow flicker at existing residences to 30 hours annually; all companies felt they could work with proposal
3. Setback from communities – 1.5 from Clear Lake and Toronto city limits; 1 mile from residences in Altamont, Astoria, Brandt and Goodwin; Avangrid could work with setback of Toronto and Astoria; Nextera could work with setback of Goodwin; Invenergy could work with setbacks from Clear Lake, Gary, Altamont and Brandt if town agrees to have them closer have a waiver option available
4. Setbacks at Lake Park Districts – Lake Cochrane-3 miles; Invenergy said no 3 miles will not work but 2 mile setback would; Lake Alice-2 miles Invenergy said could work with 2 miles at Alice; Bullhead Lake-1mile-Nextera said could work with 1 mile;
5. Decommissioning plan include posting a bond; all companies could work with this change
6. Property value guarantee; all companies could not work with this
7. Setbacks of 6 times the height of the wind turbine for non-participating residences and businesses; all companies could not work with this change but Avangrid and Nextera said they could possibly work with 4 times the height of the wind turbine for non-participating residences. Invenergy is opposed to 6 or 4 times the height of the tower and would agree with Zoning Board recommendation of 1500 feet.

Chairman Jaeger asked the Commissioners if they were ready to have the first reading of Ordinance B2004-01-23B as proposed. 2) DeJong moved, seconded by Rhody to amend Ordinance B2004-01-23B as follows:

2. Setbacks

Wind turbines shall meet the following minimum spacing requirements.

a. Distance from existing Non-Participating residences and businesses shall be not less than four times the height of the wind turbine. Distance from existing Participating residences, business and public buildings shall be not less than fifteen hundred feet. Non-Participating property owners shall have the right to waive the respective setback requirements.

~~Distance from existing off site residences, business and public buildings shall be not less than one thousand (1,000) feet. Distance from on-site or lessor's residence shall be not less than five hundred (500) feet or one hundred and ten percent (110%) of the wind turbine height, whichever is greater. For purposes of this section only, the term "business" does not include agricultural uses.~~

No change to:

d. Distance from the Lake Park District located at Lake Cochrane 3 miles, Lake Alice 2 miles and 1 mile from the Lake Park District at Bullhead Lake.

Eliminate: **Section 1215.04 Real Estate Property Value Assurance Plan**

Discussion followed. Chairman Jaeger then took a roll call vote on the motion: Pederson –yes; Rhody-yes; Dumke-yes; DeJong-yes; Jaeger-no. Motion carried. The first reading of the proposed changes to section 1215 Wind Energy System (WES) Requirements will tentatively be held May 16 with a second reading May 23.

Pederson moved, seconded by Rhody to adjourn. Motion carried.

Gary Jaeger, Chairman
Deuel County Commission

ATTEST:

Pam L. Lynde, Auditor

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