

Tuesday October 13, 2009

The Deuel County Zoning Board met on Tuesday October 13, 2009 at 7:00 P.M., in the Commissioners' room of the Courthouse in Clear Lake. Those present were members Dennis Kanengieter, Paul Brandt, Gary Jaeger, Darwin Mack, and Ray VanLiere. Also present were Attorney John Knight, Zoning Officer Jodi Theisen, Donald D. Hanson, Merl Hamak, and 12 registered attendees.

- 1) Chariman Dennis Kanengieter called the meeting to order. The minutes from the September 14, 2009 minutes were discussed. Motion by Mack, seconded by VanLiere to approve the September 14, 2009 minutes. All voted in favor of and motion carried.
- 2) David & Kim Overby applied for special exception to construct a retaining wall 40' long 18" high to control erosion at Lot 38 Thokola Beach in Gov Lot 2 8-114-47. Motion by Jaeger, seconded by VanLiere to grant the above special exception for a retaining wall to be completed by November 1, 2009 on the property to David & Kim Overby. All voted in favor of and motion carried.
- 3) Plat of Block 1 Farm & Ranch Addition in the NW1/4 of NE1/4 of section 28-115-49 was presented for approval. Motion by Mack, seconded by Brandt. All votes in favor of to approve above described plat and motion carried
- 4) Tim Seck of Iberdrola Renewables, appeared before the Board to apply for a special exception to construct, own, and operate up to 25 wind turbines that are 2.0 megawatts (MW) in size, for a total of up to 50 MW located in the Buffalo Ridge II Wind Project in Deuel County, South Dakota. Along with the special exception Seck provided the board the Wind Energy System (WES) Application for the Bufflao Ridge II Wind Project. In this application Seck added a supplementary map that shows towers 189 and 190 shifting south, towers 193 thru 196 shifting east, and omitting tower 187 due to input information from land owners and for construction purpose. During these shifts the company needs to keep the towers in line. The board opened the meeting up to the public for questions. One of the questions was from Mary Christopherson concerning the damages and upkeep to the local roads. Seck and Kanengieter stated that the roads and intersections are going to be videotaped by Iberdrola Renewables and the local townships are to document the road before construction. Seck stated that roads will be built back to the original condition that they were before construction. Seck stated in the last three projects that Iberdrola Renewables have been involved with there were no complaints about the road conditions. Another concern from Christopherson was about getting to the tower across the property owners land. Seck stated that they will only stay on certain

access roads that are within the land owner's easements. They will maintain these roads during the different seasons and that the land owners can use these roads at any time. These roads will be low profile for easy access and drivability. David & Linda James showed concern about the towers being located west and southeast of their property and the property value of their acreage. Seck stated there have been studies that have shown increases and decreases to property value. John Knight stated that property value is based on demand and that we cannot establish demand. Seck suggested the Good Neighbor Agreement to the James'. Paul Brandt asked him to explain the Good Neighbor Agreement. Seck stated that the agreement is for small acreages that do not contain enough land to be involved in the tower easements that are located in the project. These agreements provide economic upsides to the land owner to be a part of the project. Brandt asked what exactly the setbacks for the towers from residences were and Seck stated in the county zoning ordinances they are 1000 feet and 50 DVA. Other states have 500 to 550 and 50 DVA. Brandt and Kanengieter stated that these 2 towers are within the 1000 foot setback from David & Linda James residence. Mack asked about the noise control if they receive complaints. Seck stated that they are monitored by SD PUC and will do a complete study to figure out the issue to get the tower back into compliance with regulations. Some other concerns from the public were tower placement and adjustments to the access roads. Motion by Mack, seconded by VanLiere to approve Iberdrola Renewables special exception permit to construct, own, and operate up to 25 wind turbines that are 2.0 megawatts (MW) in size, for a total of up to 50 MW located in the Buffalo Ridge II Wind Project in Deuel County, South Dakota. . Kanengieter called for a roll call vote: Mack-yes, Jaeger-yes, Brandt-yes, VanLiere-yes, and Kanengieter-yes. Motion carried

- 5) Motion Darwin Mack, seconded Gary Jaeger to adjourn the meeting. All voted in favor and motion carried

Jodi Theisen
Zoning Office

Dennis Kanengieter
Chairman, Zoning Board