

Monday November 8, 2010

The Deuel County Zoning Board met on Monday 8, 2010 at 7:00 P.M., in the Commissioners' room of the Courthouse in Clear Lake. Those present were board members Dennis Kanengieter, Paul Brandt, Gary Jaeger, Jay Gislason, and Ray VanLiere. Also present was Attorney John Knight and Zoning Officer Jodi Theisen.

1) Chairman Dennis Kanengieter called the meeting to order. The minutes from the October 12, 2010 minutes were discussed. Motion by Jaeger, seconded by Gislason to approve the October 12, 2010 minutes. All voted in favor and motion carried.

2) Motion by VanLiere, seconded by Gislason to approve the November 8, 2010 agenda. All voted in favor and motion carried

3) Motion to remove Dennis Nosbush's variance to move in a garage within the 20 ft of the edge of the road in Sec. 5-114-47 Lots 20-20A Agnes Place, Lake Cochrane, Norden Township, Deuel County, South Dakota. This garage would be moved in from Canby, MN. Nosbush stated that the reason that he is asking for the 20 ft variance is because he wanted to be able to access his existing garage and proposed garage, which he would like to put his bobcat in. This would allow him to back up onto the road and not dig up his yard. Nosbush stated that he wanted to place the shed 20 ft back instead of 30 ft because he wanted to get access between this garage and the existing garage. Nosbush provided a plot sketch to show the depth dimensions on it, so the board would know how big the lot was. Nosbush stated that on the west side there is a 30% slope and that there are shrubs planted on the slope. Nosbush stated that the road has a 10 mph sign posted. Motion by Jaeger, seconded by Gislason to grant a variance to place the garage 25 ft from the edge of the road. The findings for this variance are that the road is a 10 mph speed limit, the slope on the west side of the property is 30%, and that the rural water access is on the west side of the existing shed. A roll call vote was had: Van Liere – yes; Gislason – yes; Jaeger – yes; Brandt – yes; Kanengieter – yes Motion carried.

4) Corey Steele, representing himself and Providence Energy LLC, appeared before the Board to apply for a special exception to construct, own, and operate up to 5 wind turbines that are 2.2 megawatts (MW) in size, for a total of up to 11 MW located on NE1/4SE1/4 17-114-47 in Deuel County, South Dakota. Along with the special exception Steele provided the board the Wind Energy System (WES) Application and applied for a variance of 150 ft from the adjoining property line for the wind project. Steele stated that the feeder lines would be underground and will interconnect with the 115 KV transmission line. Gislason discussed that they perform a Ray Lose study and questioned that the T-2 tower was located in a slough. The board opened the meeting up to the public for questions. Jim & Kellie Lewis had concerns about the setbacks for towers along the adjoining property lines and from the road. Bruce Gray also showed

concern about the variance request and questioned at what point is it feasible to make this project work 5 towers or 1 tower. Lewis Miller stated that if they erect a tower within 500 ft from the property line it is infringing on Jill Eilers wind rights as her property is located to the south of this Steele's property. Jim Lewis stated when you ask the zoning board for a variance you have to state the hardship. What is the Steele's hardship? Steele stated that the hardship is because of the amount of acres that they own is 40 acres. Steele stated that they are local owners that want to get the benefit of the towers instead of outside companies getting all of the benefits. Joan Ovall stated she had concerns for the local people who live around that area about the maintenance of the towers and the noise of the 5 towers so close to each other. Ovall stated that they live 4 miles south of the Steele property. Gray questioned what are the steps for the decommissioning of the the towers. Gislason stated that they need a feasible plan for decommission of the towers. Vanliere stated that we should not grant a variance because the ordinance is in place for a reason and we have other companies that follow this ordinance. Motion by Vanliere, seconded by Brandt that this special exception and variance be tabled so that Steele can provide an application for the towers without the variance of 150 ft from the adjoining property line. A roll call vote was had: Van Liere – yes; Gislason – yes; Jaeger – yes; Brandt – yes; Motion carried.

5) John Hindbjorgen came before the board to discuss the process applying for a variance to plant trees within 100 ft from the road of right of way.

6) Matt Splide came before the board to discuss the process of applying for a variance to build a garage closer than 150 ft from the road right of way.

7) Motion Jaeger, seconded Gislason to adjourn the meeting. All voted in favor and motion carried.

Jodi Theisen
Deuel County Zoning Office

Dennis Kanengieter
Chairman, Zoning Board