

The Deuel County Zoning Board met on Monday January 9, 2017 at 6:15 P.M., at the Clear Lake Community Center in Clear Lake. Those present were members Dennis Kanengieter, Gary Jaeger, George Holborn, Paul Brandt, and Mike Dahl. Also present were Attorney John Knight and Zoning Officer Jodi Theisen.

Chairman Dennis Kanengieter called the meeting to order. The minutes from the December 12, 2016 meeting were discussed. Motion by Brandt, seconded by Holborn to approve the December 12, 2016 minutes. All voted in favor and motion carried.

Chairman Kanengieter asked for nominations for Chairman for 2017. Brandt made motion to elect Kanengieter as Chairman, that nominations cease, and a unanimous ballot be cast for Kanengieter, Dahl seconded the motion. All present voting yes; motion carried.

Chairman Kanengieter asked for nominations for Vice Chairman for 2017. Dahl made motion to elect Brandt as Vice Chairman, that nominations cease, and a unanimous ballot be cast for Brandt, Jaeger seconded the motion. All present voting yes; motion carried.

Motion by Dahl, seconded by Jaeger, to approve the January 9, 2017 Agenda. All voted in favor and motion carried.

Motion by Holborn, seconded by Brandt, to approve the 2017 Zoning Board Fees Schedule. All voted in favor and motion carried

1. Mark & Meredith Junker petitioned to amend the Ordinance Section 1215 Wind Energy System (WES) requirements and to place temporary suspension on all current and future WES applications until proposed changes to the ordinance are adopted.
- Ron Ruud, a Deuel County resident and co-president of the Lake Cochrane Association, requested the setback of 3 miles for the Lake Park District for a WES development. They also support a 3,280 foot setback for nonparticipating land owners and the 2 mile setback for municipalities. Ruud stated that Lake Cochrane is one of the most pristine areas and they have 208 residence on the lake and 30 public camping sites that are full every weekend in the summer. The primary reason for the additional mile setback as compared to municipalities, is the difference in ambient noise level and lifestyle. The cure to lower the dBa is distance. Visual beauty of the surrounding area and the skylines are very important to those living and visiting Lake Cochrane. Ruud stated that the Lake Cochrane residents are fearful for their property value.
- Roger Cutshaw, a Deuel County Resident, stated some of residents of Deuel County think that the ordinance is fine and to leave it alone. Others residents feel that the ordinance should be changed. There are a lot of concerns from the public about distances from homes and the property values. The zoning board needs to look at all the property owners rights and to protect them. He would like an increase in setbacks which would

limit the dBA noise and the shadow flicker. This proposal doesn't affect the wind companies if they have participating land owner. They can go closer than the 3,280 foot setback. The companies have a good neighbor agreement for smaller acreages that can't have a turbine because of their acres. If he loses 10% on his purchase price it would take 17 years to get that value back with the good neighbor agreement payment. Paul Brandt stated that the 3,280 foot setback would affect a lot of surrounding neighbor's land and that is not fair for those property owners. Cutshaw stated that if they are a participating land owner they can go closer than the 3,280 foot setback.

- Bill Jordt, a resident of Iowa, stated that he spoke with the Mayor of Spirit Lake, Iowa and David Kohlaase, who is on the Dickinson County Zoning and Environmental Health Board, and he stated that there is no negative effect on property value and no health problems have been reported and they have a 1000 foot setback. Jordt stated that they have family members here in Deuel County and they would like to harvest the wind to supplement their income.
- Mark Schmidt, a Deuel County Resident and a member of the Glenwood Township Board, stated that the economic development would be very beneficial to the county. The industrial economic growth is not looking at Deuel County they are looking at the bigger counties around us like Codington. Schmidt talked to a Clark County township board member and they stated how much the county, school, and the township benefits from the 11 turbines in their county.
- Dr. Chris Olson and Clay Carmeron from NextEra Wind Company, stated that there has been no health effects from the wind power. There has been a lot of studies about the health concerning the wind turbines. What he recommends would be 50 dBA and 1400 to 1500 foot setbacks. The main concern is to keep the dBA low enough to get a good night's sleep and to limit the shadow flicker to 30 hours per year. Holborn stated that to get a good night's sleep is to have the bedroom at 30 dBA. How would that affect a good night's sleep if you have a 50 dBA outside your home? Holborn stated that Lincoln County's ambient noise level is 25 or less. Olson stated that there are different variables and the wind doesn't blow all the time and blows at different levels. It is the balance to have the noise tolerable and to receive a good night sleep. Olson also stated that bigger doesn't always mean louder with the turbines. Brandt asked Olson at 3 miles are you going to hear the turbine? Olson stated you won't hear it, but you will see it.
- Jesse Bermel from Ibedrola Renewables Wind Company, stated that they have the wind farm in the southern part of Deuel County and 3 projects in Brookings County. Bermel stated they take pride in their company. Bermel stated that have been in contact with the property owners in southern Deuel County by letter and leaving cards on their doors. His company is comfortable with the 1500 foot setback and the 30 hours of shadow flicker. Holborn did a tour of the maintenance shed down by Toronto and helped him understand the turbines better. Casey Carlson, a Deuel County Resident that lives near the wind

farm by Toronto, stated that they just received a letter from them and no other contact has been made.

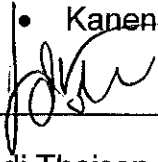
- Beth Soholt, Executive Director of Wind on the Wires. This company promotes renewable energy in the Midwest. Soholt stated that not every county in South Dakota has the opportunity to receive benefits from wind farm development (due to lack of transmission). Deuel has that opportunity because of the Big Stone South – Brookings County 345 kV transmission line that is being built and will be in service in the fall of 2017. This transmission line will provide the road to market for wind.
- Dennis Evenson, property owner and a Deuel County resident, stated that he is for the wind towers and leaving the setback the same. Also it is a supplementary income for the ag producers. The farmers are farming the wind just like they farm the ground. Evenson stated that the ordinance is good and they can have special exceptions to deal with different setbacks.
- Dean Maeyaert, a Deuel County Resident and co-president of the Lake Cochrane Association, had concerns about land use. He stated the ordinance affects all Deuel County property owners and we need to look at everyone's rights. We as a community have a choice to make to keep the unique and quaint area or to have an industrial park visible for miles and miles. Maeyaert stated, "Let's protect the scenic integrity of our community."
- James Evenson, Deuel County property owner, stated that he was an economic consultant and the wind power would have a direct effect on the community. It would increase jobs and and economic development.
- William Stone, property owner and a Deuel County resident, stated that he owns 395 acres and the wind farms are not a farming issue. It is a financial issue like ethanol, which caused greed. It caused the land rent and prices to increase. It caused property owners to drain water and to remove trees. He is concerned about setbacks. He was under the assumption that the transmission line was for the Big Stone 2 coal plant. However that project got shut down. Stone is concerned about increases in taxes and the increase in electric bills.
- Dan Litchfield from Invenergy Wind Company, stated that they are working on the Deuel Harvest Wind Farm that would be located in Deuel County. Litchfield stated that their company has a 1500' setback and they have a shadow flicker rule of 30 hours per year. He stated that if the zoning board increases the setback of 3280 feet it would kill a wind tower project. A limit of 0 shadow flicker is impossible.
- John Appelen, Deuel County property owner, stated that there are 3 wind projects in the process in Minnesota right now not too far from Deuel County. One is in Hendricks and

another in Ivanhoe. They have sold their power to Excel Energy. Appelen was wondering if the board had thought about a bond for these wind farms.

- Mark Junker stated none of these wind producers live near a wind farm. They don't deal with the noise and the flicker. Junker stated that they live in rural Deuel County for the peace, quite, and the scenery.
2. Motion by Brandt, seconded by Jaeger, to change WES Facility setback distance from a Non-Participating residences and Participating residences to not less than 1500 feet. Kanengieter called a roll call vote: Holborn-no, Jaeger-yes, Brandt-yes, Dahl-no, Kanengieter-yes. Motion carried. The Planning & Zoning Board then recommended to the Commissioners that they adopt the above changes.
  3. Motion by Brandt, seconded by Dahl, to limit allowable shadow flicker at existing residence to no more than 30 hours per annually. Kanengieter called a roll call vote: Holborn-no, Jaeger-yes, Brandt-yes, Dahl-yes, Kanengieter-yes. Motion carried. The Planning & Zoning Board then recommended to the Commissioners the above changes.
  4. Motion by Holborn, seconded by Jaeger, to change the noise level emitted by WES Facility. Shall not exceed 35 Dba within 100 feet of a Non-Participating residence. Kanengieter called a roll call vote: Holborn-yes, Jaeger-yes, Brandt-no, Dahl-no, Kanengieter-no. Motion did not carry.
  5. Motion by Dahl, seconded by Jaeger, to change the noise level emitted by WES Facility. Reduce the allowed noise level from 50 dBA at the perimeter of existing residences to 45 dBA, average A-Weighted Sound pressure, for non-participating residences. Kanengieter called a roll call vote: Holborn-no, Jaeger-yes, Brandt-no, Dahl-yes, Kanengieter-yes. Motion carried. The Planning & Zoning Board then recommended to the Commissioners the above changes.
  6. Motion by Dahl, seconded by Brandt, to change WES Facility setback distance from the Lake Park District located at Lake Cochrane & Lake Alice of 2 miles from the boundary of the Lake Park District, and 1 mile from the Lake Park District at Bullhead Lake. Kanengieter called a roll call vote: Holborn-no, Jaeger-yes, Brandt-no, Dahl-yes, Kanengieter-yes. Motion carried. The Planning & Zoning Board then recommended to the Commissioners the above changes be adopted.
  7. Motion by Jaeger, seconded by Kanengieter, to change WES Facility setback distance from the municipalities Gary, Altamont, Astoria, Brandt, Toronto, and Goodwin of 1 mile from the nearest residence and 1 1/2 miles from the nearest residence in Clear Lake, except the area of Clear Lake located in sections 11, 12, and 14. Kanengieter called a roll call vote: Holborn-no, Jaeger-yes, Brandt-yes, Dahl-yes, Kanengieter-yes. Motion carried.

The Planning & Zoning Board then recommended to the Commissioners the above changes be adopted.

- Kanengieter called the meeting.



Jodi Theisen  
Zoning Officer



Dennis Kanengieter  
Chairman, Zoning Board