

July 16, 2019
Regular Meeting

10:00 Public Hearing of The Planning and Zoning Commission and Board of County Commissioners on Proposed Change of Ordinance B2004-01-23B Section 1215.03.2.

A public hearing of The Planning and Zoning Commission and the Board of County Commissioners was held. A sign in sheet was present at the Hearing and is available at the Deuel County Auditor's Office. Present for the Deuel County Planning and Zoning Commission were Dennis Kanengieter, Steve Rhody, Paul Brandt and alternates Judith Homan and Gary DeJong. Also present was board member Kevin DeBoer and State's Attorney John Knight. Board member Mike Dahl was not present. Kanengieter called the Zoning Board meeting to order. Kevin DeBoer recused himself because he was told by the courts he has a conflict of interest although he disagrees. Attorney Knight asked if he had a financial interest in the subject of this meeting and he said he did not. The Deuel County Planning and Zoning Commission discussed an amendment to a Zoning Ordinance in Section 1215.03.2.d – Wind Energy System setbacks. 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. To read: Distance from the Lake Park District located at Lake Cochrane 3 miles, Lake Park District located at Lake Alice 2 miles and Lake Park District located at Bullhead Lake 1 mile. Opened to public comments.

Public comments were included:

John Henslin: Looked at comprehensive land use and stated 2 miles is legal. Lake Alice Shores is a good example of area of development transition. It is the largest lake in Deuel County with much potential and good tax potential. His projected figures were \$50k per year for lots and \$375,000 per year after a completely developed district. He says its development is good for population growth and good for economy. He recommends the current ordinance stand. He encouraged both boards to re-evaluate before making a decision.

Barbara McCarty: She described her land at Lake Alice and she would like to develop it into lots. The wind towers coming would affect the future development of the Lake and these lots. If the setbacks would be kept at 2 miles, it would also protect the eagle that she sees every day. She wants the ordinance to stand as is.

John Homan: He wants the ordinance to be left at 2 miles. It will protect property owners and allow for future developments; he compared it to Lake Cochrane which the setback is at 3 miles. It will protect the eagle's nest that is there. At 2 miles the towers could be moved to different locations. He feels the benefits should be spread to different landowners to benefit others in the county. He spoke of conflict of interest of certain Board members. He was disappointed in the joint meeting being held because of the time of day it prevents people from attending. He said the corruption continues and the lawsuits will as well.

Discussion was held among the Zoning Board Members. Paul Brandt stated the intent of the original motion is what is being clarified in the language of the amended ordinance. Board member DeJong read April 17, 2017 meeting minutes that stated the intent was to keep the setback from the Lake Park District and not the Lake. Jill Eilers

asked for a definition of what the Lake Park District is. A lake park district is 1000 feet from the high water mark as defined in ordinance.


Greg Toben: He expressed his support for the ordinance change as he feels the original intent was Lake Park District.

Dennis Evenson: Representing Deuel County Ag Development, he stated studies have been done in the past on development. He said the most major industry we have is agriculture and the ordinance should be protecting agriculture.


John Henslin: He spoke a second time stating that the minutes taken are not the judge, what takes precedence is what is voted upon and approved. He thinks the here and now is the most important. He also feels agriculture is not the only thing that affects Deuel County anymore.

John Homan: In response to Evenson's agriculture comments, he said there is nothing ag about wind turbines. And that this is also recreational, hunting/fishing area.

Paul Brandt said this ordinance is what was decided at all the previous public meetings. The ordinance needs to change to line up with the intent. This is permitted by special exception for ag land in our county. 1) Paul Brandt moved, seconded by Kanengieter to recommend the approval to amend Article XII Section 1215.03.2.d Wind Energy System of the Deuel County Zoning Ordinance. Board member DeJong spoke of concerns for Will Stone's business which Stone considers does not need to be just a structure as defined previously. DeJong wants to address that issue but it was determined that it should be addressed at a separate meeting. Discussion was held. The Planning Commission will vote to recommend approval of this ordinance to the County Commissioners. Roll call vote: Kanengieter-yes; Brandt-yes; DeJong-yes; Rhody-yes; Homan-yes; motion carried. The Planning and Zoning Commission adjourned.



Jodi Theisen
Deuel County Zoning Officer



Dennis Kanengieter
Chairman, Zoning Board