

The Deuel County Zoning Board met on Monday November 21, 2016 at 6:00 P.M., at the 4-H Service Center, Deuel County Fairgrounds 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. Motion by Jaeger, seconded by Dahl to approve the October 17, 2016 minutes. All voted in favor and motion carried.

Motion by Dahl, seconded by Brandt, to approve the November 21, 2016 Agenda. All voted in favor and motion carried.

1. Motion by Dahl, seconded by Jaeger, to remove from the table the Plat of Lot 2A & Lot 3 in SE1/4NE1/4, Section 26-113-48, Scandinavia Township. All voted in favor and motion carried. Motion by Dahl, seconded by Jaeger, to approve the Plat of Lot 2A & Lot 3 in SE1/4NE1/4, Section 26-113-48, Scandinavia Township. All voted in favor and motion carried.
2. Motion by Brandt, seconded by Holborn to remove from the table the Special Exception that was applied by the Town of Astoria. The request, if granted, would permit the applicant to use the following property: Lot 3 in SE1/4NE1/4, Section 26-113-48 Scandinavia Townships, to construct a waste water treatment pond for the Town of Astoria in Ag zoning district. All voted in favor and motion carried. Motion by Brandt, seconded by Holborn, to grant the special exception to construct a waste water treatment pond on Lot 3 in SE1/4NE1/4, Section 26-113-48 Scandinavia Township, for the Town of Astoria in Ag zoning district. The findings for this special exception is that the lagoon is generally compatible to adjacent properties and that they have a permit from the DENR. All voted in favor and motion carried.
3. Jerry & Deb Broksieck applied for a Variance Permit. The request, if granted, would permit the applicant to use the following property: : S157' E200' in NE1/4 & N600' E650' in SE1/4 of Section 29-116-50 in Goodwin Township, to move in a 14' x 20' shed that is closer than 150' from the road right-of-way in an AG zoned district. Broksieck stated that they had a smaller shed there prior and they didn't know that they had to apply for a permit or a variance. The shed is 55 feet from the road right-of-way. Motion by Dahl, seconded by Jaeger, to grant a Variance to have a 14' X 20' shed that was moved in 55' from the road right-of-way in an AG zoned district. The new shed is not a safety issue and will not cause a snow problem. There are trees located to the west and to the north and it is a 50' road right-of-way. All voted in favor of and the motion carried.
4. Mark & Meredith Junker petition 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. Junker stated that he met with the Deuel County Commissioners and the Deuel County Zoning Board on September

18, 2016, and applied for the special exception, and November 21, 2016, was the first public meeting. Junker stated that they interviewed some residents from the White and Toronto area regarding the concerns about the noise, shadow flicker, and the set-backs from the nonparticipating residences.

1. No shadow flicker on a non-participation residence or on any area within one hundred feet of a Non-Participation residence.

3. A setback of 3,280 feet from non-participation a residences, and distance from participating residence shall be not less than 1,000 feet. For purpose of this section only, the term “business” does not include agricultural uses.

4. Noise level shall not exceed 35 dBa, average a –Weighted Sound pressure within 100’ of Non-Participation residences.

Junker, Carrie Hawley, Casey Carlson, & David Janes own small acreages. They stated their concerns about property values, the setbacks concerning noise, and impact they have with some towers located around their property. Allan Klapprodt stated he does not own any land with wind towers. However, he has concerns about farming around the towers, the erosion, and lighting. Brandt asked the property owners if they have ever measured the dBA and the property owners stated no they haven’t. Holborn asked the property owners when harvesting was happening could they hear the combine before the towers? Holborn stated when he was in the area with the towers during harvest he could hear the combine first then he could hear the towers.

Jarred Gass, an attorney and property owner within one mile from the existing towers by Astoria and Toronto, read a letter from Robert Bohn. Bohn owns a residence near the existing towers and stated concerns about the resale value, noise and flicker. Gass stated he did build a new home one mile from the existing towers. Gass stated that he recommends that the ordinance set back should be 1 mile for non-participating residences and 1000 feet from participating residence.

Jeff & Kelley Collins stated that they don’t have any towers now but there is a possibility that they could have towers around them. Their concerns are about the noise and the flicker because they home school and this could cause a distraction. Heath & Will Stone stated their concerns about future towers and property line set back. They are concerned about the hunting and how it would affect their family business for waterfowl and nesting birds.

Brett Koenecke, who represents Avangrid, stated there a lot of positives from the wind towers and the suggested amendments for the set-backs, noise, and no shadow flicker will be a project killer. The surrounding states and counties all have the 50 dBA and the 100 feet setback. The state PUC has a 55 dBA requirement. The Zoning Board had

questions about the red lights, shadow flicker, and the set back Avangrid would be comfortable with. Koenecke stated that he would contact Avangrid and would get back to the board with information.

Dan Litchfield from Invenergy stated that they are working on the Deuel Harvest Wind Farm that would be located in Deuel County. They are looking at 120 wind towers that are 2.5 mw on 55,000 acres of leased land. They have done wildlife studies. They have paid around \$300,000 in development payments already. Michael Blazer a senior management of Invenergy, 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' to a 5280' setback would kill a wind tower project. He stated that property values won't go down in value according to a real estate appraiser and that the towers have no negative impact on surrounding property values.

Doyle Thompson, Steve Hanson, and Dennis Evenson, property owners and Deuel County residents, stated that they are for the wind towers and leaving the setback the same. They stated with the clean power act that the wind power is coming and it is going to stay. Also it is a supplementary income for the Ag producers. The farmers are farming the wind just like they farm the ground.

Dale Roth from Astoria stated that he is in favor of the wind projects in Deuel County and the current ordinance. A 20 dBA is a whisper, 50 dBA is a refrigerator, and 100 dBA is a snowmobile or a jet ski. Russel Olson who used to live in Deuel County, but now lives in Brookings, and Calvin Mush, a Deuel County resident, states with the tax benefits it would help with the township and roads and other financial problems. It would also help with the schools. Ken Mudahl stated that he owns the local gas station in White, SD and after the wind towers came into northern Brookings County they have helped his business. They owned the station before and with constructions of the towers they have brought in over \$300,000, and he is expanding the station and doing updates.

Bill Jordt, a resident of Iowa, stated that Spirit Lake County Iowa is expanding towers and it is near Lake Okoboji. That lake has a lot of expensive land around and it is not affected by the towers. The school district in Plymouth County has a wind tower on the campus. He encouraged the board to look into what other counties have experienced.

Brenda Taylor and Faye Stone residents of Deuel County stated that they showed concerns after all of the statements that were provided to the Deuel County Zoning board that night. They were wondering if a property guarantee could be put in place, and that the board should be concerned changing the set back from 1000' to at least 1500'. Ron Ruhd, Lake Cochrane Association co-president, stated at the next meeting they would like to state their recommendations. They would like to have different setbacks for different zoned districts.

5. Brandt called the meeting.

Jodi Theisen
Zoning Officer

Dennis Kanengieter
Chairman, Zoning Board