

Codington County Planning Commission/Board of Adjustment Minutes

February 14, 2018

The Codington County Planning Commission/Board of Adjustment met for an ordinance review work session on February 14, 2018 at the Codington County Extension Complex.

Members of the Planning Commission/Board of Adjustment present were: Bob Fox, Myron Johnson, Rodney Klatt, Brenda Hanten, Mel Ries, Mark O'Neill, and Luke Muller (Planner at First District Association of Local Governments/ Codington County Zoning Officer).

Others present were Jean Stevens, Dan Kaaz, Teresa Kaaz, Shad Stevens, Patrick Lynch, Jamie Dolen, Terry Pellman, Rose Steen, Christine Root, Lynn Johnson, Mark Mauersberger, Dennis Garvey, Lee Gabel, Tyler Wilhelm, Chris Ollson, Sara Brink, Dan Crisler, John Johnson, Gary Hamann, Dawn Hamann, Bob Fox, Jeff Bryce, John Schliesman, Jon Hansen, Mark Comes, Charlie Waterman, Brad Howell, Chad Kranz, Ed Raml, Barbara Waldron, Anita Raml, Todd Kays, and Becky Goens.

Chairman Fox brought the meeting of the Board of Adjustment to order at 12:00 p.m. The goal of this meeting is to prepare a draft ordinance for public hearing.

Todd Kays, Director of First District of Local Governments, gave a presentation on recent results of a survey in Codington County with regard to its current zoning ordinance. A copy of this presentation can be found attached to the paper file in the office of Codington County Zoning or on the website at codington.org.

Muller briefly reviewed the ordinances and how they came into existence, specifically why there is a 35-acre rule and the intent to support agricultural uses in the county vs. residential uses and the Land Use Plan.

Chairman Fox reviewed the process of the ordinance review.

Muller reviewed Section 5.22.01 Applicability. Written comments were received by Paul Johnson, Bridget Johnson, Patrick Lynch, and Melissa Lynch suggesting that any towers over 75' be prohibited. Patrick Lynch spoke in opposition of wind towers being placed in Codington County. Danial Kaaz spoke in opposition of wind towers being placed in Codington County.

Muller reviewed 5.22.02 Federal and State Requirements. There was no one present to speak on this section.

Muller reviewed Section 5.22.03 General Provisions. Jean Stevens addressed Topsoil Protection and Compaction. Tyler Wilhelm discussed reasons for possible additional site visits once the towers have been erected. Teresa Kaaz addressed weight restrictions on township roads and heavy equipment use on the roads. Township supervisors were advised to address those issues when preparing a Haul Road Agreement. Patrick Lynch addressed water quality testing pre-construction and post-construction.

Muller reviewed the setbacks within Section 5.22.03. The Board is in agreement that setbacks should be measured from the right-of-way and not the center of the road as is all other ordinance setbacks are measured. Patrick Lynch addressed setback concerns regarding ice throw. Chris Ollson, Ollson Environmental, indicated there is a very low probability of ice throw. A tower usually would crumple over onto its side and it is very rare for a tower to tip over. Mark Comes requested clarification on setback which is from wall line of the neighboring principal building to the wall line of the tower base for participating members. Patrick Lynch addressed the noise level. Todd Kays gave some history on the Land Use Plan and recommendations based on industry standards from other states that had developed wind energy standards. These have been used as guidelines in developing our wind energy ordinance. Chris Ollson spoke regarding the 50 decibel level. There are safety checks done on the towers and if any tower operates at a higher decibel level, then it is in need of repair and can be shut down accordingly. Jon Schliesman has concerns about how the sounds and noises may impact his autistic son. Shad Stevens addressed noise caused by the turbines and would like to see increased setbacks. He also addressed issues with shadow flickering and ice throw. Jean Stevens opposes wind towers and encourages the board members to conduct their own research on health effects, property values, etc. Sara Brink opposes wind towers to be placed in Codington County. Gary Hamann opposes wind towers to be placed in Codington County. Jamie Dolen opposes wind towers to be placed near the South Shore and Punished Woman's Lake areas of Codington County. He would like to some consideration for separate setbacks for towns and incorporated areas. Patrick Lynch would like $\frac{3}{4}$ mile setbacks. Dennis Garvey suggested the Planning Commission visit areas with existing towers. Dan Kaaz would like his property respected as a nonparticipating member. He would like to see a $\frac{3}{4}$ mile setback from property line.

Motion to adjourn made by Ries, second by Hanten. Motion passed unanimously.
Meeting adjourned at 3:05 p.m.

Respectfully Submitted,

Becky Goens, Secretary