

April, 3, 2017

Mr. Bathke
Director of Planning & Zoning- Davison County

Information for Wind Energy Ordinance in Davison county

Why is there growing Opposition to Wind Energy Systems (WES)? History is why. As the history of WES develops, we are learning, growing, and changing as new information becomes available. Because we are learning from history of the last 10-15 years of WES in SD, we have a great opportunity to develop responsible WE Zoning in Davison County

Commented [HH1]:

I have looked into some concerns Stated by the Davison County Planning & Zoning:

- cannot dedicate our entire schedule to researching wind energy systems. (this is certainly understood, therefore we, the citizens have also gathered information to present to the board)
- several surrounding counties have ordinances with a setback of 1,000 feet. (yes in less densely populated counties and based on old regulations not suitable for Davison county)
- 1 mile set-back would basically bar a large-scale wind energy system from being constructed in county limits. (not so, see radial compensation opt-in below)

The fact is; Davison county is #3 in the state for population density and will require a unique ordinance to bring wind energy into the county.

The following examines this concern;

Is the goal of this ordinance to make revisions to allow Wind Energy to come in and take our property rights, or rather it is to safeguard and protect our current property rights, prior to allowing them access?

Blanketed eminent domain via Zoning

A short setback of less than one mile in a densely-populated county as Davison, is in essence the county giving eminent domain, condemning private property to benefit a for-profit, private company. Sparsely populated Aurora, Jerald, Bon Homme counties do not have this density factor Davison has. The fact is that without radial compensation and a 1 mile setback Wind Energy can take freely our rights, lifestyle, property value, and development potential, away from us without paying us anything.

Radial compensation opt-in:

Increasing the setback distance does not bar a large-scale wind energy project from coming into the county. It protects the preexisting occupants and land owners from losing their property rights.

I recommend a 1 mile setback (from the property line, not the occupied residence) and an opt-in to participate and receive compensation, for the following reasons:

- It will meet the property interests of both land owners and adjacent land owners.
- It will help compensate for real-estate losses
- It will appease neighbor conflicts
- Brings more money to the local economy through shared compensation
- It will make living with wind turbines more tolerable to those most affected

If the wind energy proponents do not compensate the non-participating as well as the participating landowners and residents, the non-participating will involuntarily pay part of the easement acquisition costs. Without a compensation, PLAN, wind developers can take, free of charge, my property rights of developing, expanding, using my property as I see fit. How compensation works; The non-participating land owner enters into an easement contract with wind energy to be compensated for loss of his use and property rights and now becomes a participating owner- compensated justly. One way or the other- the non-participating is going to pay.

Population density in Davison and surrounding counties

Source 2017 world media group usa.com

- Davison 45.2
- Aurora 3.8
- Jerauld 3.9
- Bon home 12.1
- Hyde 1.7

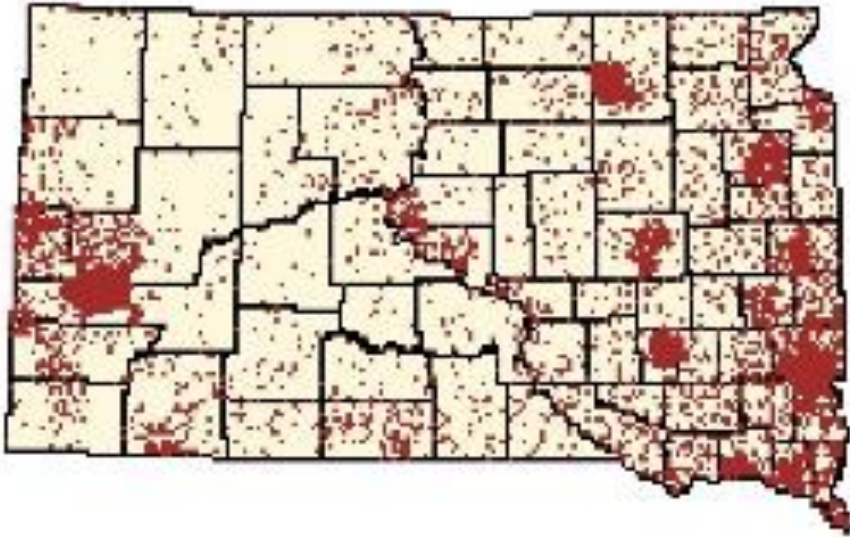
Davison 3rd in population density in the state with 45.2 persons per sq. mile. That is almost 12 times denser than our neighboring county to the west. Aurora

The map below shows a clear picture of the unique characteristics each county has.

Davison County needs an ordinance planned for our county's unique attributes

Dot Density 1 Dot Per 100 Persons

(1) Population



Observations

Wind energy uses its muscle with Reverse Adaptation (instead of WES adapting to our preexisting conditions).

(As wind energy seeks to expand further it is moving into more densely populated counties, new conflicts arise and the placement of wind towers becomes much more complex. If we fail to learn from the history of wind energy in prior locations, we cannot make relevant decisions about the future of wind energy in our county. Failure to have regulations that will safeguard against the problems experienced in other areas, prior to allowing it into Davison county, will only result in the need for Reverse Adaptation .

–Wind energy proponents are forcing counties to Reverse Adapt to conform to their requirements.

--If wind energy doesn't fit –then Reverse Adapt by changing or developing your ordinances so that it will be given access.

– If wind energy puts up towers that prove to be too close to property lines, as with Dakota Plains Energy in Campbell County Wind Farm, then Reverse Adaptation and propose legislation that will modify the setback distance. 'SD Senate Bill 76 in early 2016- (This proposed bill attempts "to remove the base 500 foot setback, allowing developers to bunch up turbines too close to a property line, and appears to be an effort to retroactively fix a developer's problem. This is not good lawmaking policy" David Ganje) *Dakota Free Press* article 1/25/16.

–If wind energy is killing too many eagles, then Reverse Adaptation – article – page 14- '*This Land was Your Land*. <http://docs.wind-watch.org/Bryce-2016-This-Land-Was-Your-Land.pdf> : ('Federal law protects nearly all domestic species of birds under the Migratory Bird Treaty Act. Under the 1918 law, it is a federal crime to kill more than 1,000 different bird species. Yet the federal government has shown reluctance to prosecute wind-energy companies in connection with bird deaths. The government has also been reluctant to prosecute wind-energy companies under the Bald and Golden Eagle Protection Act. The U.S. Fish and Wildlife Service in mid-2016 proposed an extension on the length of permits for accidental eagle kills currently permitted for the wind industry and other entities. The proposal would extend the permit from the current five years to 30 years. The changes would allow wind-energy producers to kill or injure as many as 4,200 bald eagles every year. The agency estimates that there are about 72,434 bald eagles in the continental U.S.')

Wind Energy Reverse Adapts to the facts of wind energy history findings.

Reverse Adaptation is requiring the current, pre-existing, landowners and residents to conform to the demands of an outside, private entity for their profit, rather than safeguarding each resident's interests and then allowing them to have input into the decisions of whether or not wind energy can fit into our structure, for our residents' benefit.)

Tower height has an exponential factor- The taller the tower; the louder, the more intrusive, the greater the impact on land values, ag, health, etc.

Wind energy has not made adjustments to recommendations regarding this exponential fact of life. In other words 1.1X may have been fine for a small turbine but not the giant modern turbines. The setback factor must be enlarged.

Sincerely Doug Hansen