



September 6, 2024

McPherson County Planning & Zoning  
Commission and Board of County  
Commissioners  
c/o Hunter Heinrich  
P.O. Box 50  
Leola, SD 57456  
Via E-mail: mcphersondoe@valleytel.net

Re: National Grid Renewables Comments on Proposed Ordinance #2024-1

Dear Planning & Zoning Commission and Board of County Commissioners:

National Grid Renewables is developing the Leola Wind Farm, a 400+ megawatt (MW) wind energy project located in McPherson County, SD. The Leola Wind Farm is comprised of approx. 60,000 acres of voluntarily leased land and will bolster the local economy by providing lease payments to landowners, creating jobs, generating significant local tax revenue, and providing financial contributions through National Grid Renewables' charitable fund.

On March 15, 2024, we provided written comments on the County's February 2024 draft of proposed amendments to the wind energy systems section of the Ordinance. We appreciate the County's consideration of those comments and are thankful for the continued opportunity to participate in the development of fair, equitable, and reasonable zoning ordinances for the benefit of the McPherson County community and all parties involved.

For the County's consideration, National Grid Renewables provides the following additional written comments on the County's updated draft of its proposed amendments to the zoning ordinance ("Ordinance #2024-1"). We also intend to provide comments in person when Ordinance #2024-1 is considered by the Planning & Zoning Commission on September 10, 2024.

**Comments on Ordinance #2024-1.**

**Noise.**

Section 5.22.03(14) of Ordinance #2024-01 pertains to the noise limits for Wind Energy Systems ("WES"). National Grid Renewables supports a noise limit of 50 dBA at the principal buildings of existing off-site residences and businesses. However, as currently drafted, the noise limit applies too broadly to all "principal and accessory structures" and "buildings." The terms "principal structures" and "accessory structures" are not defined, but "structures" is very broadly defined (fences, mailboxes, etc.). Also, "buildings" is defined very broadly to include structures designed to support, shelter, and protect people, animals, and property.

National Grid Renewables recommends revising Section 5.22.03(14) as follows:

Noise. Noise level shall not exceed 50 dBA, average A-weighted Sound pressure including constructive interference effects at the perimeter of the principal buildings of existing off-site residences and businesses.



National Grid Renewables' proposed revisions are consistent with the County's interest in protecting residents by imposing a noise limit for WES at occupied residences and businesses, while also providing a clearer standard which will be more practical to apply.

**Setbacks.**

**Table 1** (provided at the end of these comments) outlines the WES-specific setbacks proposed in in Section 5.22.03(2) of Ordinance #2024-1. National Grid Renewables' concerns with and suggestions regarding the setbacks are also noted in **Table 1**.

Should you have any questions, please feel free to contact Chad Peterson via telephone at 952.206.8747 or via e-mail at [cpeterson@nationalgridrenewables.com](mailto:cpeterson@nationalgridrenewables.com). We look forward to working with McPherson County on the Leola Wind Farm and continuing to build strong, long-lasting relationships with the community.

Sincerely,

Thank you,

A handwritten signature in black ink, appearing to read "Chad Peterson".

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**Table 1: Proposed Setbacks & National Grid Renewables Comments**

Proposed WES Setback (Ordinance #2024-01)	National Grid Renewables Suggested Revisions	National Grid Renewables Comments/Rationale
<p>Distance from existing off-site occupied dwelling, business, churches, and buildings or structures shall be at least five thousand two hundred eighty feet (5,280'). Distance to be measured from the wall line of the neighboring principal building to the base of the WES turbine.</p>	<p>Distance from existing off-site occupied dwelling, business, and churches shall be at least 1/3 mile. Distance to be measured from the wall line of the neighboring principal building to the base of the WES turbine.</p>	<p>We strongly recommend deleting “buildings” and “structures”. “Building” and “structure” are both very broadly defined and include things such as sheds, fences, and mailboxes. Applying this setback to “buildings” and “structures” would not advance the County’s interest in protecting its inhabitants but would interfere with the rights of property owners to use their property as they see fit.</p> <p>Additionally, the setback distance (5,280 feet) is significantly greater than typically applied to inhabited dwellings. A 5,280-foot setback reduces opportunities for landowners to maximize the use of their property. For example, a 5,280-foot setback results in an approximately 25 percent reduction in buildable land available to both landowners and National Grid Renewables within the Leola Wind Farm project area. The setback may also require wind projects to have larger, more sprawling footprints in McPherson County.</p> <p>A 1/3 mile setback adequately protects the health, safety, and welfare of area residents, while also balancing the private property rights of landowners to choose how they want to use their property.</p>
<p>Distance from centerline of public roads shall be one thousand (1000) feet or one hundred ten percent (110%) of the height of the wind turbine, whichever distance is greater. The vertical height of the wind turbine is</p>	<p>Distance from centerline of township roads shall be at least one hundred ten percent (110%) of the height of the wind turbine. Distance from centerline of county and state roads shall be at</p>	<p>We recommend imposing different setbacks to township and county/state roads, to balance the interest in protecting users of the roadways while also taking into account the different levels of use of the roads.</p>

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<b>Proposed WES Setback (Ordinance #2024-01)</b>	<b>National Grid Renewables Suggested Revisions</b>	<b>National Grid Renewables Comments/Rationale</b>
<p>measured from the ground surface to the tip of the blade when in a fully vertical position. The horizontal setback shall be measured from the base of the turbine to the centerline of the public road.</p>	<p>least one thousand (1000) feet or one hundred ten percent (110%) of the height of the wind turbine, whichever distance is greater. The vertical height of the wind turbine is measured from the ground surface to the tip of the blade when in a fully vertical position. The horizontal setback shall be measured from the base of the turbine to the centerline of the public road. This setback does not apply to unimproved section lines.</p>	<p>A setback of 1,000 feet is greater than typically applied to township roads. We recommend basing the setback distance on the total height of the turbine. The proposed setback of at least 110% the height of the turbine from township roads adequately protects users of the roads and therefore advances the County’s interest in protecting the health, safety, and welfare of its residents, while also balancing the private property rights of landowners to choose how they want to use their property.</p> <p>We also recommend also clarifying that this setback does not apply to unimproved section lines.</p>
<p>Distance from any property line shall be one thousand (1000) feet or one hundred ten percent (110%) of the height of the wind turbine, whichever distance is greater. The vertical height of the wind turbine is measured from the ground surface to the tip of the blade when in a fully vertical position. The horizontal setback shall be measured from the base of the turbine to the adjoining property line unless wind easement has been obtained from adjoining property owner.</p>	<p>Distance from any property line shall be at least one hundred ten percent (110%) of the height of the wind turbine. The vertical height of the wind turbine is measured from the ground surface to the tip of the blade when in a fully vertical position. The horizontal setback shall be measured from the base of the turbine to the adjoining property line unless wind easement has been obtained from adjoining property owner.</p>	<p>1,000 feet is greater than typically applied to property lines. A setback distance based on the height of the turbine (110%) adequately protects neighboring landowners and therefore is consistent with the County’s interest in protecting the health, safety, and welfare of its residents, while also balancing the private property rights of landowners to choose how they want to use their property.</p>
<p>i. Exception: The Board of Adjustment may allow setback/separation distances to be less than the established distances identified above, if the applicant obtains waivers from all</p>	<p>f. Exception: The Board of Adjustment may allow setback/separation distances to be less than the established distances identified above, if the</p>	<p>No substantive revisions proposed. As the intent of this exception provision appears to be to apply to all setbacks in this section, recommend making this Section 5.22.03(2)(f), to reduce confusion</p>

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<b>Proposed WES Setback (Ordinance #2024-01)</b>	<b>National Grid Renewables Suggested Revisions</b>	<b>National Grid Renewables Comments/Rationale</b>
<p>dwelling and owners of property within the setback distance. If approved, such agreement is to be recorded and filed with the McPherson County Register of Deeds. Said agreement shall be binding upon the heirs, successors, and assigns of the title holder and shall pass with the land.</p>	<p>applicant obtains waivers from all dwellings and owners of property within the setback distance. If approved, such agreement is to be recorded and filed with the McPherson County Register of Deeds. Said agreement shall be binding upon the heirs, successors, and assigns of the title holder and shall pass with the land.</p>	<p>caused by making it a subsection of just one setback.</p>