

**FILED**

APR 09 2019

*Donna Noyes*  
AUDITOR, HAND CO., S.D.

*Rx'd  
prior to  
meeting*

I would like to express the following opinion -

Re: Hand County Wind Zoning Ordinance

Because there is not currently mutually agreed upon, proven science on the effects of audible and inaudible sound, no one, including governments can be certain of the effects of wind tower noise. Because it is uncertain and involves public health and safety, government must maximize safety measures such as noise limits and setbacks to protect its citizens.

**The Only Proven Safety Measure is a Safe Setback**

- Setbacks must be measured from a non-participant's property line. A setback measured from a dwelling limits the non-participating landowner's use of their property, and greatly reduces protections from noise pollution and its proven ill effects, shadow flicker, property devaluation, and potential property damage from blade failure or fire.
- All landowners should have the right to do with their land what they choose as long as it doesn't harm or impede a neighboring land owner. A setback for safety reasons, regardless of its distance, must be maintained. Any zoning that allows a wind turbine to be built next to a non-participant's property line eliminates that property owner from safely using that land. It creates an easement over the neighboring, non-participating property that eliminates the owner from any further developments. This amounts to an uncompensated taking of private property rights.

I feel a two mile setback, with waivers allowed, should be the standard for Hand County. My research has shown that a 30dB noise level requires a distance of one mile so it cannot be heard. Inaudible sound effects are not as clearly stated. Since many areas will have a decibel level much higher than that, at least a two mile setback should be required. This would offer some protection to landowners and residents who are concerned about the ill effects of sound. If you do not share that concern a waiver agreed to by the landowner would allow them to have towers at whatever distance they choose.

I urge you to adopt a fair ordinance that will protect my rights as a landowner. The ordinance I recommend would allow others to make a choice also. I feel this would be fair to all parties.

**I strongly request that a two mile setback, with waivers allowed, be adopted.**

 Thank you, Donna Noyes

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