

The Hyde County Board of Adjustment convened at 1:15 p.m. on Tuesday July 2, 2019. Present were Robert Bawdon, Chairman; Mel Buchheim, Kevin Baloun, Ronald VanDenBerg, and Greg Swenson. Also present: Carrie Stephenson, Emily Sovell, Darwin Baloun, Casey Willis, Kevin Solie, and Randy Houdek.

Chairman Bawdon called the meeting to order. Motion to approve the agenda by Swenson, seconded by Baloun. All in favor, motion carried.

Chairman Bawdon made introductions and Stephenson reviewed the rules for the hearing adopted by the Board.

1. Each person will have 3 minutes to speak
2. The order of speakers will be determined by order on sign in sheet
3. No rebuttal testimony
4. If you are agreeing with a previous speaker and no "new" testimony please just state: "I agree with "X" speaker and forego your remaining time
5. Testimony may be restricted if not staying on point of what is to be discussed specific to each hearing

Stephenson reminded everyone to sign the sheet provided. Stephenson also explained that the applicant would have unlimited time to explain their project/reasoning for application.

Variance Request V #2019-002

Applicant: Brett and Laura Tostenson

Request: Add to existing shelter belt.

The Hyde County Board of Adjustment reviewed request for V #2019-002. Members of the Board reviewed the application and location of the shelter belt. Motion by Swenson to approve Variance #2019-002, second by Buchheim. All in favor, motion carried.

Findings of Fact and Conclusions in the matter of Variance #2019-002. The Board having reviewed evidence from Brett and Laura Tostenson, hereby make the following findings:

1. Notice of hearing was published on June 20, 2019 and June 27, 2019;
2. Applicants presented the application and reasons for application: Variance of shelterbelt setback present in V#2019-002
3. No persons opposed
4. The Board of Adjustment finds provable hardship exists that would prohibit the owner from the reasonable use of the land involved;

The Board of Adjustment CONCLUDES: The Variance is GRANTED

Motion by Buchheim to approve findings of fact and conclusion, second by Baloun. Voting Aye: Buchheim, Baloun, VanDenBerg, Swenson, and Bawdon. Voting Naye: None. Absent and not Voting: None.

Conditional Use Permit CUP #2019-003

Applicant: Basin Electric Power Cooperative

Request: To construct and operate the proposed Chapelle Creek Switch Yard and microwave communications tower. The Project serves as the Point of Interconnection (POI) for the Triple H Windfarm.

Kevin Solie from Basin Electric Power Cooperative met with the Board of Adjustment. Solie reviewed the application and maps with the Board and answered questions regarding the project.

Motion by Swenson to conclude evidence portion, and move to deliberation- second by VanDenBerg. All in favor, motion carried. Abstain: Baloun.

Motion by Swenson to approve CUP # 2019-003, second by Buchheim. All in favor, motion carried.
Abstain: Baloun.

Findings of Fact and Conclusions in the matter of Conditional Use Permit CUP #2019-003. The Board having reviewed evidence from the applicant Basin Electric Power Cooperative, hereby makes the following findings:

1. Notice of the hearing was published on June 20, 2019 and June 27, 2019;
2. Proponents of the Conditional Use Permit (CUP) stated, in part: Described necessary point of interconnect in relation to the Triple H Wind Tower project.
3. No person opposed
4. The Board further finds that Applicant's mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the county and deems the proposal to be in harmony with the principal permitted uses;

The Board of Adjustment CONCLUDES: the CONDITIONAL USE PERMIT is APPROVED

Motion by Buchheim to approve findings of fact and conclusion, second by Swenson. Voting Aye: Buchheim, VanDenBerg, Swenson, and Bawdon. Voting Naye: None. Absent and not Voting: None. ABSTAIN: Baloun.

Conditional Use Permit CUP #2019-004

Applicant: Triple H Wind Project LLC

Request: Project substation location for Triple H Wind Project. Collection lines will connect to the project substation. Voltage at the substation is stepped up to 345 kV via a transformer to connect the Triple H Wind Project to Basin Electric's Switchyard.

Casey Willis from Engie met with the Board. The application from Triple H Wind Project LLC was reviewed. Willis answered questions from the Board regarding the project. Discussion was held regarding land plats for substations. Stephenson clarified that there will be 2 separate plats one for Basin Electric and one for the Triple H Wind substation.

Motion by VanDenBerg to conclude evidence portion, and move to deliberation-second by Swenson. All in favor. Motion carried. Abstain: Baloun

Motion by VanDenBerg to approve CUP #2019-004, second by Swenson. All in favor, motion carried.
Abstain: Baloun.

Findings of Fact and Conclusions in the matter of Conditional Use Permit CUP #2019-004. The Board having heard evidence from Applicant Triple H Wind Project, LLC hereby makes the following findings:

1. Notice of hearing was published on June 20, 2019 and June 27, 2019.
2. Proponents of the Conditional Use Permit (CUP) stated in part:
Described necessary substation component to the Triple H Wind Tower Project
3. No person opposed
4. The Board further finds that the Applicant's mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the county and deems the proposal to be in harmony with the principal permitted uses;

The Board of Adjustment CONCLUDES: The Conditional Use Permit is APPROVED

Motion by Swenson to approve findings of fact and conclusion, second by VanDenBerg. Voting Aye: Buchheim, VanDenBerg, Swenson, and Bawdon. Voting Naye: None. Absent and not Voting: None. ABSTAIN: Baloun.

Conditional Use Permit #2019-005

Applicant: Triple H Wind Project LLC

Request: Wind turbine 100 was denied a variance and CUP in February 2019 as the prior location was within ½ mile of Highway 47. This current request complies with the ½ mile setback.

Darwin Baloun and Casey Willis met with the Board to review the application. Tower 100 is still listed as an alternative tower and may be removed from the project, but is now in compliance with Hyde County Zoning Ordinance.

Motion by VanDenBerg to conclude evidence portion, and move to deliberation-second by Buchheim. All in favor, motion carried. Abstain: Baloun

Motion by VanDenBerg to approve CUP #2019-005, second by Buchheim. All in favor, motion carried. Abstain: Baloun.

Findings of Fact and Conclusions in the matter of Conditional Use Permit CUP #2019-005. The Board having reviewed evidence from Applicant Triple H Wind Project LLC hereby makes the following findings:

1. Notice of hearing was published on June 20, 2019 and June 27, 2019
2. Proponents of the Conditional Use Permit (CUP) stated, in part: Described as Tower Number 100 in the over-all Triple H Wind Project.
3. No person opposed.
4. The Board further finds that the Applicant's mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the county and deems the proposal to be in harmony with the principal permitted uses;

The Board of Adjustment CONCLUDES: The Conditional Use Permit is APPROVED

Motion by Swenson to approve findings of fact and conclusion, second by VanDenBerg. Voting Aye: Buchheim, VanDenBerg, Swenson, and Bawdon. Voting Naye: None. Absent and not voting: None. ABSTAIN: Baloun.

Conditional Use Permit #2019-006

Applicant: Triple H Wind Project LLC

Request: Installation of a permanent meteorological tower, up to 100 meters (328 feet). Provides wind data for the Triple H Wind Project.

Casey Willis met with the Board and reviewed the application.

Motion by Swenson to conclude the evidence portion, and move to deliberation-second by VanDenBerg. All in favor, motion carried. Abstain: Baloun.

Motion by Swenson to approve CUP #2019-006, second by VanDenBerg. All in favor, motion carried. Abstain: Baloun.

Findings of Fact and Conclusions in the mater of Conditional Use Permit CUP #2019-006. The Board having heard evidence from Applicant Triple H Wind Project, LLC, hereby makes the following findings:

1. Notice of hearing was published on June 20, 2019 and June 27, 2019;
2. Proponents of the conditional Use Permit (CUP) stated, in part: Described as the permanent MET Tower necessary for the Triple H Wind Project.
3. No person opposed.

4. The Board further finds that Applicant's mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the count and deems the proposal to be in harmony with the principal permitted uses;

The Board of Adjustment CONCLUDES: The CONDITIONAL USE PERMIT is APPROVED

Motion by VanDenBerg to approve findings of fact and conclusion, second by Swenson. Voting Aye: Buchheim, VanDenBerg, Swenson, and Bawdon. Voting Naye: None. Absent and not voting: None. ABSTAIN: Baloun.

Motion by Buchheim, seconded by VanDenBerg that the Board of Adjustment meeting adjourn at 2:45 p.m. All in favor, motion carried.

Hyde County Board of Adjustment

ATTEST:

Robert Bawdon, Chairman

Marilyn Ring, Hyde County Auditor

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