

The Hyde County Board of Adjustment convened at 1:00 p.m. on Tuesday August 10, 2021 in the east wing of the Hyde County Memorial Auditorium. Present were Mel Buchheim, Vice Chairman; Ronald VanDenBerg, Greg Swenson, Randy Olson (alternate), and Randy Hague (alternate). Also present: Emily Sovell, Carrie Stephenson, Cheri Wittler, Robert Bawdon, Kevin Baloun, Casey Willis, Brett Koenecke, Dan Knox, Doug Knox, Dick Knox, Richard LaFurge, James Moshier, Patricia LaFurge, Mark Klebsch, Mary Lee Klebsch, Katherine Porter, Shirley Dittman, Kyle Hieb, Donald Carroll, Daniel Carroll, Paul Knox, Rio Knox, Trey Knox, Tonja Jessen, Nick Nemec, Darwin Baloun, Arlen Mehrer, Steve Jessen, Lynn Morford, Adam Roth, Brady Rinehart, Corien Reding, Raymond Reding, Monte Melvin

Vice Chairman Buchheim called the meeting to order. Motion to approve the agenda by Swenson, second by VanDenBerg. All in favor, motion carried.

Carrie Stephenson, Zoning Administrator, went over the rules for the public hearing, and reminded everyone to please sign in to speak and sign in as present at the hearing.

1. Each person will have 3 minutes to speak other than the applicant
2. The order of the speakers will go off of how they are signed up on the speaker 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 forgo your remaining time
5. Testimony may be restricted if not staying on point of what is in the ordinances/application as that is the only topic happening during this hearing

Introductions of Board of Adjustment members and alternates were made. Motion to adopt rules by VanDenBerg, second by Olson. All in favor, motion carried.

Conditional Use Permit #2021-001

Applicant: North Bend Wind Project, LLC

Request: To build, construct and operate the North Bend Wind Project.

Casey Willis, Senior Advisor, for the North Bend Wind presented facts about the project including but not limited to: project originated in 2015, approximately 40,000 acres of land under easement, PPAs have not been signed for the project, selected GE turbines, selected Wanzek Construction, target commercial operation-end of 2022, propose 51 turbines in Hyde County-27 in Hughes County, 200 MW generation capacity, point of interconnect-Ft. Thompson to Oahe 230 kV line, operations/maintenance will share building with Triple H, one permanent meteorological tower, tower height 496 ft., substation/switchyard proposed in E ½ of section 16-leased from SD State Lands in Pratt Township, capital investment in Hyde/Hughes County \$265-\$285 million, possibly create 8-10 full time positions, employ 400 people during construction, projected to generate approximately \$967,000.00 annually in production taxes or \$29 million over the 30 year project life, stable and long term payments to participating landowners, increased use of local services/sales tax generation, setbacks in compliance with Hyde County standards (or waivers signed), preliminary schedule: PUC permit issuance March 2022; start of construction April 2022; Turbine deliveries June-August 2022; Substation Energization October 2022; Commercial Operation Date November 2022. Willis concluded his presentation with the following:

*Conditional Use Permit Requested Items

1. Requested authorization to approve 51 wind turbine locations.
2. Requested approval to move the turbines up to 250 feet from the points reflected in the map and tied to turbine coordinates included in the development plan submitted with the application.
3. Requested approval for the Project Substation located in the E ½ of Section 16, T 110N, R 73W with access provided by the Holabird Grade Road.
4. Requested approval of 3 permanent met tower locations, of which 1 location will be constructed. The proposed permanent met tower would be up to 100 meters (328 feet) tall.

Buchheim called for any questions of Willis following his presentation. Question was asked regarding number of waivers for setback, as there was only one received for Hyde County. Willis responded that there were 6 total for the project including Hyde/Hughes County. Buchheim asked how many permanent employees there are for the Triple H Wind Project, and why they don't live in Hyde County which was supposed to be one of the indirect benefits of these projects. Willis responded that they can't dictate where employees live. Hague asked if the project would go forward if Hughes County did not approve. Willis could not answer that question. Olson asked the cost per unit, per owner, per year that the company was paying participating landowners. Willis stated that is proprietary information that can't be disclosed. Buchheim inquired about safety concerns he had with the Triple H Project. Willis responded that they would not be using the same gravel pit. There being no more questions, Buchheim asked that anyone signed up to speak come forward.

Dick Knox, Paul Knox, Nick Nemec, Dan Knox, Doug Knox, Tonja Jessen, and Mark Klebsch gave public testimony. Testimony included but was not limited to: family farm with concerns about being surrounded by towers, would like tower #47 removed from project, total lack of communication with company, concerns with decommissioning towers/financial status of company, natural prairie preservation, archaeological concerns, tower size increasing, weather caused the bad roads during Triple H construction, roads are in better shape than they were before, easier to get farm equipment around with larger approaches, ask for reasonable setbacks, with prevailing winds in Hyde County being NW to SE there will be noise issues for farm site, request to have tower #47 removed from project, life-long resident that supports local business and employs full time employees would like tower #47 removed from project, not a 30 year project to some-it is a forever farm in Hyde County, roads are better than before Triple H project, as far as safety-local trucks don't get over either, this company does a good job with research regarding wildlife/habitat etc., there would be more people living here if more housing was available, opportunity to build better/expand and bring more money to county and school, roads are in better shape than before Triple H, cows love the shade.

Casey Willis asked to readdress the archeological concerns. Engie has a complete avoidance policy regarding artifacts, etc. Meaning that if something is found or noticed they flag that area and avoid it completely. Willis stated they do not have a lot of problems with this as it is mostly an agricultural area.

Motion by Swenson, second by Hague to close the evidence portion of the hearing. All in favor, motion carried. The Board moved to deliberation. The Board asked Willis if tower #47 could be moved to the north part of the section. Hague asked if it was possible to condition approval on removal of tower #47, at that point Willis went on record as saying they would eliminate tower #47 from the project.

Motion by VanDenBerg to approve Conditional Use Permit #2021-001 contingent upon the removal of tower #47 from the project, second by Hague. Voting Aye: VanDenBerg, Swenson, Olson, Hague. Voting Naye: Buchheim. Absent and not Voting: None. Motion carried.

Findings of Fact and Conclusions in the matter of Conditional Use Permit #2021-001. The Board having heard evidence from Applicant North Bend Wind Project, LLC, hereby make the following findings:

1. Notice of hearing was published on July 29, 2021 and August 5, 2021;
2. Proponents of the Conditional Use Permit (CUP) stated, in part: Economic Development; Increased tax base; Compliance with intent of local zoning ordinances; Employment Opportunities
3. Opponents of the CUP stated, in part; Noise, impact on established farmsteads and potential archeological sites
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;

The Board of Adjustment CONCLUDES: The Conditional Use Permit is GRANTED contingent on the removal of tower site #47 located in Pratt Township.

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

Motion by VanDenBerg, second by Swenson, that the Board of Adjustment meeting adjourn at 1:55 p.m. All in favor, motion carried.

Hyde County Board of Adjustment

ATTEST:

Mel Buchheim, Vice Chairman

Marilyn Ring, Hyde County Auditor

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