

The Hyde County Board of Adjustment convened at 1:00 p.m. on Tuesday July 7, 2020 at the Highmore-Harrold School gym. Present were Robert Bawdon, Chairman; Mel Buchheim, Vice Chairman; Kevin Baloun, Ronald VanDenBerg, and Greg Swenson. Also present: Carrie Stephenson, Emily Sovell, Elizabeth Welk, Shantay Werdel, Mike Volek, Cheri Wittler, Derek McCloud, Kenny VanBalleygooyen, Steve Bonnichsen, Ron Bruneau, Quinton Cermak, Kurt Hieb, Brett Koenecke, Katherine Porter, Larry Bawdon, and Ellen Bawdon. Present via calling bridge: Casey Willis, Anita Ratzlaff, Faith Ruhl, Wayne Ruhnke, Marilyn Hanson, and Nick Ferens.

Chairman Bawdon called the meeting to order. Motion to approve the agenda by Swenson, seconded by VanDenBerg. 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 #2020-001

Applicant: Derek McCloud

Request: Plant shelter belt closer than setback.

The Hyde County Board of Adjustment reviewed request for V #2020-001. Members of the Board reviewed the application and location of the shelter belt. McCloud answered several questions from Board members regarding placement of shelter belt. Motion by VanDenBerg to approve Variance #2020-001, second by Buchheim. All in favor, motion carried.

Findings of Fact and Conclusions in the matter of Variance #2020-001. The Board having reviewed evidence from Derek McCloud, hereby make the following findings:

1. Notice of hearing was published on June 25, 2020 and July 2, 2020;
2. Applicants presented the application and reasons for application: Variance of shelterbelt setback presented in V#2020-001.
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 VanDenBerg to approve findings of fact and conclusion, second by Swenson. Voting Aye: Buchheim, Baloun, VanDenBerg, Swenson, Bawdon. Voting Naye: None. Absent and not Voting: None.

Chairman Bawdon and Commissioner Baloun recused themselves from the rest of the Board of Adjustment meeting. Vice Chairman Buchheim took over.

Conditional Use Permit CUP #2020-001

Applicant: Meridian Wind Project, LLC

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

Casey Willis, Senior Advisor for the Meridian Wind Project, LLC, presented facts about the Meridian Wind Project including but not limited to: located on approximately 14500 acres of land under easement, selected GE to supply turbines, selected Wanzek to construct the project, target commercial operation: end of 2021, proposed 74 locations-only 64 turbines will be constructed, 175 megawatts of generation capacity, interconnect with Chapelle Creek substation, one permanent meteorological tower, share Operations and Maintenance facility with Triple H Wind project, tower height 486 ft., proposed substation at intersection of 203rd St./339th Ave. in Van Order township, capital investment of \$220 million in Hyde County, create approximately 6-8 full time positions during operation, employ as many as 400 people during construction, projected to generate approximately \$842000.00 annually production taxes, stable and long term payment to participating landowners, increased use of local services/sales tax generation, setbacks in compliance with Hyde County standards, approximate timeline: PUC permit issuance January 2021; start construction March 2021; turbine deliveries July-August 2021; substation energization October 2021, commercial operation date November 2021. Willis concluded his presentation with the following: Conditional Use Permit Requests

1. Requested authorization to approve 74 wind turbine locations, of which 64 will be constructed.
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 to subdivide a 5-acre parcel for the Project Substation as shown in the application at the intersection of 339th Avenue and 203rd Street.
4. Requested approval of an approximately 9-mile long 345 kV transmission line between the proposed project substation and the Chapelle Creek Substation.
5. 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 "decommissioning" of towers and how much had been set aside for that purpose. Approximately \$86000.00 per tower, discussion followed regarding if that amount was sufficient. There being no more questions Buchheim asked that anyone signed up to speak come forward. Steve Bonnichsen and Nick Ferens gave public testimony. Both spoke in opposition to the project. Buchheim asked Willis how Meridian would be any different from Triple H when it comes to road maintenance. Willis and Kenny VanBalleygooyen replied that there would be more funding committed to stabilizing roads before construction would begin. Roads will be improving near Triple H now that deliveries are done. Brief discussion was held regarding a road inventory being done by an outside company and costs associated with inventory.

Motion by Swenson to conclude evidence portion, and move to deliberation at 1:48 pm- second by VanDenBerg. All in favor, motion carried

VanDenBerg asked for clarification on the timeline of the Meridian project, and how many towers were left to erect in the Triple H project. Approximately 30-35 towers left to complete the Triple H project (5-6 weeks). Buchheim questioned where the gravel for the Meridian project would come from. Construction company is in charge of that (Wanzek). Motion by VanDenBerg to approve CUP #2020-001 conditioned upon 1. completion of the Porter Addition plat for substation 2. satisfactory completion of the terms of the Haul Road Agreement with the Triple H project (Meridian will not start construction until all roads affected by the Triple H project are repaired), second by Swenson. Voting Aye: Swenson, VanDenBerg. Voting Naye: Buchheim. Motion failed. No further motions were made to approve or deny CUP #2020-001. Willis answered several questions from landowners on the calling bridge regarding placement of the towers.

Motion by VanDenBerg, second by Swenson to table deliberation on CUP #2020-001 until August 4, 2020 at 9:00 am. All in favor, motion carried.

Motion by Swenson, second by VanDenBerg, that the Board of Adjustment meeting adjourn at 2:38 p.m. All in favor, motion carried.

Hyde County Board of Adjustment

ATTEST:

Mel Buchheim, Vice Chairman

Marilyn Ring, Hyde County Auditor

Published once at the total approximate cost of _____.