

Appendix D: Brookings County Conditional Use Permit

Basin Electric Deer Creek Station Project

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BROOKINGS COUNTY ZONING

COPY

CONDITIONAL USE PERMIT # 2009cu017

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An Application for a Conditional Use Permit having been filed with the Brookings County Zoning Commission, a copy of the Application being attached hereto. Such Application being made by: Basin Electric Power Cooperative by Gavin McCollam, regarding the following real property: (legal description):

“NE1/4 of Section 25, SE1/4 of Section 25, NE1/4 of Section 36, Sections 24, 25, 13 all in T111N, R48W (Sherman Township); Sections 18, 7, 6 of T111N, R47W(Lake Hendricks Township); Sections 32, 29, 20, 19, 18, 7, 8, 6, 5 of T112N, R47W (Lake Hendricks Township).

After due notice, a public hearing having been held on the Application on the 1st day of December 2009.

1. The Brookings County Zoning Commission hereby finding that it is empowered to grant such Conditional Use under the following Section(s) of the Brookings County Zoning Ordinance: Article 11: Section 11.01: “A” Agricultural District and further finding that the granting of the Conditional Use will not adversely affect the public interest.

2. The Brookings County Zoning Commission further finds and certifies that the following specific rules governing the conditional use requested will be complied with:

(list as applicable)

PUC Approval is required.
SD DENR Permits are required.

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3. The Brookings County Zoning Commission further finds that satisfactory provisions and arrangements have been made concerning the following, where applicable:

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- a. Entrance and exit to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Requirements: (if any) 484th Ave
Entrance off of

- b. Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare or other effects of the special exception on adjoining properties and properties generally in the district.

Requirements: (if any) NO comments

- c. Utilities, refuse and service areas, with reference to locations, availability, and compatibility.

Requirements: (if any) NO burning of construction debris
Trash hauling service will be used.

- d. Screening and buffering with reference to type, dimensions and character.

Requirements: (if any) NO comments

- e. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.

Requirements: (if any) 16 sq ft signs
Construction signs are allowed.

- f. Required yards and other open spaces.

Requirements: (if any) NO comments

- g. General compatibility with adjacent properties and other property in the district.

Requirements: (if any) **Comprehensive plan requirements met for agricultural district.**

4. The Brookings County Zoning Commission further determines and conditions this Conditional Use Permit upon the following additional special conditions or safeguards:


Sherman Township road agreement is required prior to construction.

Road agreements ^{are} ~~is~~ required between Brookings County Highway Department and Basin Elec Power coop.

The Brookings County Zoning Commission by two-thirds (2/3) vote of its full membership hereby grants the above Petitioner(s) a Conditional Use Permit for the above described real property for the use as follows:

A natural gas power plant.

This Conditional Use Permit is specifically conditioned upon initial and continued compliance with all of the requirements and conditions in 3 and 4 above and upon compliance with all applicable provisions of the Brookings County Zoning Ordinance.

The Brookings County Zoning Director is  authorized to issue any required building permits for construction consistent with the requirements of this Conditional Use Permit.

Dated this 1st day of December 2009.


Chairman Brookings County
Zoning Commission

copy

BROOKINGS COUNTY ZONING DEPARTMENT

Brookings County 1921 Building
601 4th St. Suite 105,
Brookings, SD 57006
(605) 696-8351
Email: zoning@brookingscountysd.gov

November 20th, 2009

Basin Electric Power Cooperative
% Mr. Chris Miller
1717 E Interstate Ave
Bismark, ND 58503-0564

Dear Mr. Miller,

The Brookings County Zoning Commission will hold a public hearing for your conditional use 2009cu017 request on Tuesday, December 1st, 2009, at 7:00 P.M. The meeting will be held at the Brookings County Resource Center, 826 32nd Ave, Brookings, SD 57006. You, or a representative chosen by you, should attend the meeting. On the back of this notice is a copy of the public notice for your conditional use 2009cu017 request which was published in the Brookings Register on November 17th and 24th, 2009, White Tri-City Star & Elkton Record on November 19th and 25th, 2009, Hendricks Pioneer on November 18th and 25th, 2009. Please call our office if you have any questions.

Sincerely,

Richard Haugen

Richard Haugen
Brookings County
Zoning Department

PUBLIC NOTICE

Basin Electric Power Cooperative by Mr. Gavin McCollam has made an application, 2009cu017, to the Brookings County Planning and Zoning Commission for a conditional use. Article 11.00 Agricultural District, Section 11.01: Conditional Use # 15: Water pumping stations, elevated tanks and similar essential public utilities and service structures. The property is described as: "NE1/4 of Section 25, SE1/4 of Section 25, NE1/4 of Section 36, Sections 24, 25, 13 all in T111N, R48W (Sherman Township); Sections 18, 7, 6 of T111N, R47W (Lake Hendricks Township); Sections 32, 29, 20, 19, 18, 7, 8, 6, 5 of T112N, R47W (Lake Hendricks Township).

The public hearing will be held at the Brookings County Resource Center, 826 32nd Ave, Brookings, SD 57006 on Tuesday, December 1st, 2009 at 7:00 P.M.

All interested persons may attend and be heard at this time.

Robert Hill
Brookings County
Zoning Director

Published 2x at the total approximate cost of _____.

APPLICATION FOR CONDITIONAL USE PERMIT

Date of Application: November 10, 2009

Permit Number: 2009cu017

To: Brookings County Planning Commission
601 4th St, Suite 105
Brookings, South Dakota 57006

COPY

A.) I/We, the undersigned property owner (s), do hereby petition the Brookings County Planning & Zoning Commission of Brookings County, South Dakota, to grant a Conditional Use to the Brookings County Zoning Regulations for the purpose of:

Basin Electric Power Cooperative is proposing to construct and
own a 300-megawatt (MW) (net) combined-cycle natural gas energy
conversion facility and associated linear facilities. Main
components of the project include the combined-cycle natural gas
energy conversion facility, 1.5-mile-long water pipeline and
associated well, a 0.75-mile-long transmission line, and a 13.2-mile-
long natural gas pipeline.

B.) Section(s) of Zoning Regulations authorizing Conditional Use:

Brookings County Zoning Ordinance, Article 5.00 provides general
conditional use requirements. Article 11.00 indicates conditional
uses allowed in areas that are zoned Agricultural.

C.) Legal Description of Property:

Energy conversion facility site: NE quarter of T111N R48W Sect. 25
Well site and water pipeline: SE quarter of T111N R48W Sect. 25 and
NE quarter of T111N R48W Sect. 36.
Natural gas pipeline: T111N R48W Sect. 25, 24, and 13; T111N R47W
Sect. 18, 7, 6, and T112N R47W Sect. 32, 29,
20, 19, 18, 7, 8, 6 and 5. T113N R47W Sect. 31 and 30.

Form continued on page 2

SKETCH

Please draw a sketch of the site. Show both the existing and the proposed structures. Include the location of public roads, septic treatment systems, feedlots, streams, lakes and drainage areas.



SEE ATTACHED PERMIT APPLICATION PACKET.

Name:

Address:

Guidelines for Applying for a Conditional Use Permit

1. The application, along with a \$100.00 filing fee, made out to "Brookings County Zoning"; must be completed & returned to the Brookings County Zoning Office at 601 4th St, Suite 105, Brookings, SD 57006 by 5:00 P.M. on the second Tuesday of the month, in order to be on the next's month's regularly scheduled meeting agenda. The Zoning Board meets the 1st Tuesday of the Month at 7:00 PM from (November-March), during Daylight Saving Time (April-October) the board meets at 8:00 PM. The meetings are held at the Brookings County Resource Center, 826 32nd Avenue, Brookings, SD 57006.
 - a.) **Application**-page 1, "**Purpose of** "- in this area, write down what you propose to do, operate or build.
 - b.) **Section of Zoning Regulations to be exempt** – this area will be filled out by the zoning office according to what section of the ordinance pertains to your situation.
 - c.) **Legal Description** – is the legal description of the property where you asking for the conditional use.
 - d.) **Print & sign your name**, page 2, along with address & phone number.
 - e.) **Draw a site plan**, page 3, of proposed conditional use area, as pictures will be taken of this area 2 weeks prior to the meeting date. You will be contacted by the Zoning office to set up a time for you to be present when the pictures are taken to ensure we have the correct location of the proposed conditional use.
 - f.) **Application fee** - \$100.00 made out to "Brookings County Zoning"; to be sent along with application.
 - g.) All adjoining landowners will be notified by mail & public notice will be published in the paper, with date & time of hearing of the conditional use request.
 - h.) Plan to attend the zoning meeting to present your case to the board. You will receive a letter of notification from the zoning office as to the date, time & place of the hearing.