

# Director of Equalization

## Roberts County

411 2<sup>nd</sup> Ave E      Sisseton SD 57262  
605.698.3205      [roborteq@venturecomm.net](mailto:roborteq@venturecomm.net)

February 11, 2020

ENGIE

To whom it may concern:

This letter is written to formally inform you that on January 28, 2020 the Roberts County Board of Adjustment (Board) approved your request for an amendment to the conditional use permit to operate a Wind Energy System originally granted on January 29, 2019. Further, this letter is to serve as notification that pursuant to SDCL 11-2-61 the Board's decisions described in this letter have been filed in the office of the Board of Adjustment (Roberts County Zoning Office) as of the date of this letter.

The amendment to the original conditional use permit will allow you to operate a wind energy system with up to 23 wind towers and other structures/uses in the manner approved in January 2019 permit with the change allowing for the maximum height of the tower to be 598.75 feet. A change from the maximum height of 591 feet in the original application. The Board approved the amendment to the Conditional Use Permit based upon the testimony at the meeting. The official findings of fact will be filed at the zoning office upon review and signature of the Chairperson of the Board. Please contact this office if you would like a copy of the findings of fact for your records.

This letter will be attached to the Conditional Use Permit originally granted in January of 2019 and will serve as record of the decision of the Board on January 28, 2020. If you have any other questions you may reach me at 605-698-3205 between the hours of 8:00 a.m. and 5:00 p.m. on Monday through Friday.

Sincerely,



Shari Gamber

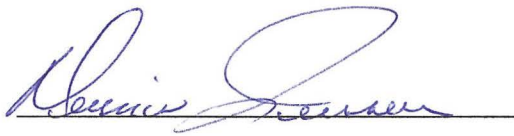
Roberts County Zoning Officer

**Findings of Fact**  
**Amendment to Conditional Use Permit**  
**ENGIE (Petitioner): Wind Energy Systems**  
**January 28, 2020**

This matter having come before the Roberts County Board of Adjustment and the Board having taken testimony and heard the evidence, the Board enters the following Findings of Fact in support of its motion to approve the Petitioner's application for an amendment to a Conditional Use Permit originally granted on January 29, 2019

1. The application complies with the Standard Findings of Fact for Conditional Uses contained in Article 20 Section 2002.5 of the County's Zoning Ordinance.
2. The following use is listed in the A – Agricultural Zone District of the Roberts County Zoning Ordinance and (Ref: SDCL 11-2-17.3):
  - Wind Energy Systems (Ref: Zon. Ord. 6.04.17).
3. Engie applied for an amendment to its original conditional use permit granted on January 29, 2019 to allow a change in the maximum height of the wind towers from 591 feet to 598.75 feet.
4. The application and testimony at this meeting allowed the Board to adequately review how the applicant will satisfy requirements of Section 1613 of the Roberts County Zoning Ordinance; including tower height, flicker, appearance, and noise.
5. The applicant satisfactorily demonstrated the ability to meet required setbacks for turbines from property lines, right-of-way, residences, businesses, government facilities and other structures, uses, municipalities and features which would require setback.
6. The application and testimony during the meeting adequately addressed all concerns of the ordinance. All issues that were brought up with the application or during testimony which relate to the Zoning Ordinance or Land Use Plan were adequately addressed.
7. The Board considered and determines that, with conditions proposed by the Board, the proposed use will meet the intent, purpose, and regulations of the Comprehensive Land Use Plan and Zoning Ordinance.
8. Further, the satisfaction of the conditions of the Zoning Ordinance regulating Wind Energy Systems (Section 1613) and all conditional use permits (Section 2002) satisfies Section 601 (Statement of Intent - Agricultural District) of the Roberts County Zoning Ordinance.

9. Therefore, the Board of Adjustment finds that it is empowered to grant the amendment to the conditional use permit originally granted on January 29, 2019, and that the granting of the amendment will not adversely affect the public interest.
10. The Board requests the zoning officer to prepare the findings of fact which are to be approved by the Chairman of the Board; and for the zoning officer to issue the conditional use permit, building permits or other items associated with said conditional use permit.
11. The Conditional Use Permit was approved by a vote of unanimous vote (Ref: SDCL 11-2-59).



Dennis Jensen, Chairperson  
Roberts County Board of Adjustment

Date Approved: January 28, 2020

Date Signed: 02/11/2020

Date Filed: 2/11/2020

Conditional Use Permit Number(s): 3901