

A Transmission Line is a Transmission Line is a Transmission Line

This is a turbine. (picture of turbine). This is a transmission line. (picture of transmission line).

Applications for turbines in wind energy projects must be permitted or denied within 6 months at our SD PUC. Applications regarding transmission lines are allowed a full year of research and study before the project must be allowed or denied by your commission.

This is a problem. (cover of Deuel Harvest application)

Within this application for Deuel Harvest North Wind 'Farm' is a transmission line. So, which is it, a 6 month permit or a 1 year permit? Why is there one application for 2 distinctly different projects, according to our own legislature and codified laws?

Does it matter that they claim the transmission line is 'only' 150', oh, but there is a 660' transmission line corridor, and that figure does not include the feeder lines? Statute 49-41B2.1. (statute) ... A transmission facility is... more than 150 kilovolts. According to this application, the transmission line is 345kV. For the record, these transmission and feeder lines cross public highways, and are using rights of way.

Here is the filed copy of the Findings of Fact from the county. If you reference number 10, there is no mention of a transmission line. They admit they did not adequately review the transmission line. No where is it listed. Number 11 of the same Findings of Fact document says the applicant 'demonstrated the ability to meet setback requirements for turbines'. Again, no mention of a transmission line or meeting requirements. I find no mention of transmission lines in the Findings of Fact at all.

Is the commission comfortable ramming through a transmission line decision in 6 months? I am here as a member of the public to say I am NOT comfortable with that. What other industry can cram 2 separate projects into one application with 2 time frames and sneak it by the public? The public is due your due diligence. Statue 49-41B-24. (statute) Permit for energy conversion facilities, AC/DC conversion facilities, or transmission facilities—Complete findings by commission required within year of application. Cramming a one year decision into 6 months is not in the best interest of public health and safety. It is sloppy, and it is fraudulent.

Here is another problem to add to your list, this application to the PUC is for up to 310.1 mw nameplate capacity. The county permit is for up to 300 mw. Again, a developer not only pushes the line, but tramples all over it. The public has only you to protect us from their thumbing their noses at our laws and property rights.

Deeply disturbing to me, and should be to you, is that 40% of these turbine contracts are held by absentee landowners. Those landowners are not going to be affected by the harmful health and safety impacts or annoyance of living by turbines, transmission lines, or the road congestion during construction and decommissioning; instead, they walk to

their mailbox for their wind welfare check, after a good night's rest, while they have signed away the peace and comfort of someone else's home and infringed on someone else's property rights.

You must deny this permit.

AMBER CHRISTENSON
STRANDBURG, SD


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49-41B-2.1

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49-41B-2.1. Transmission facility defined. For the purposes of this chapter, a transmission facility is:

(1) An electric transmission line and associated facilities with a design of more than one hundred fifteen kilovolts. However, if such a transmission line is less than two thousand six hundred forty feet, does not cross any public highway, and eminent domain is not used to obtain right of way, the transmission line is not a transmission facility for purposes of this chapter; or

(2) A gas or liquid transmission line and associated facilities designed for or capable of transporting coal, gas, liquid hydrocarbons, liquid hydrocarbon products, or carbon dioxide, excluding any gas or liquid transmission lines or associated facilities which meet any of the following criteria:

(a) Lines or facilities that are used exclusively for distribution or gathering;

(b) Steel pipe and associated facilities that cannot be operated at a hoop stress of twenty percent or more of specified minimum yield strength as defined by 49 CFR 192.3 as of January 1, 2013, or plastic pipe and associated facilities that cannot be operated at a design pressure of fifty percent or more as determined by the formula specified in 49 CFR 192.121 as of January 1, 2013; or

(c) Pipe which has nominal diameter of less than four inches and not more than one mile of the entire line is constructed outside of public right-of-way.

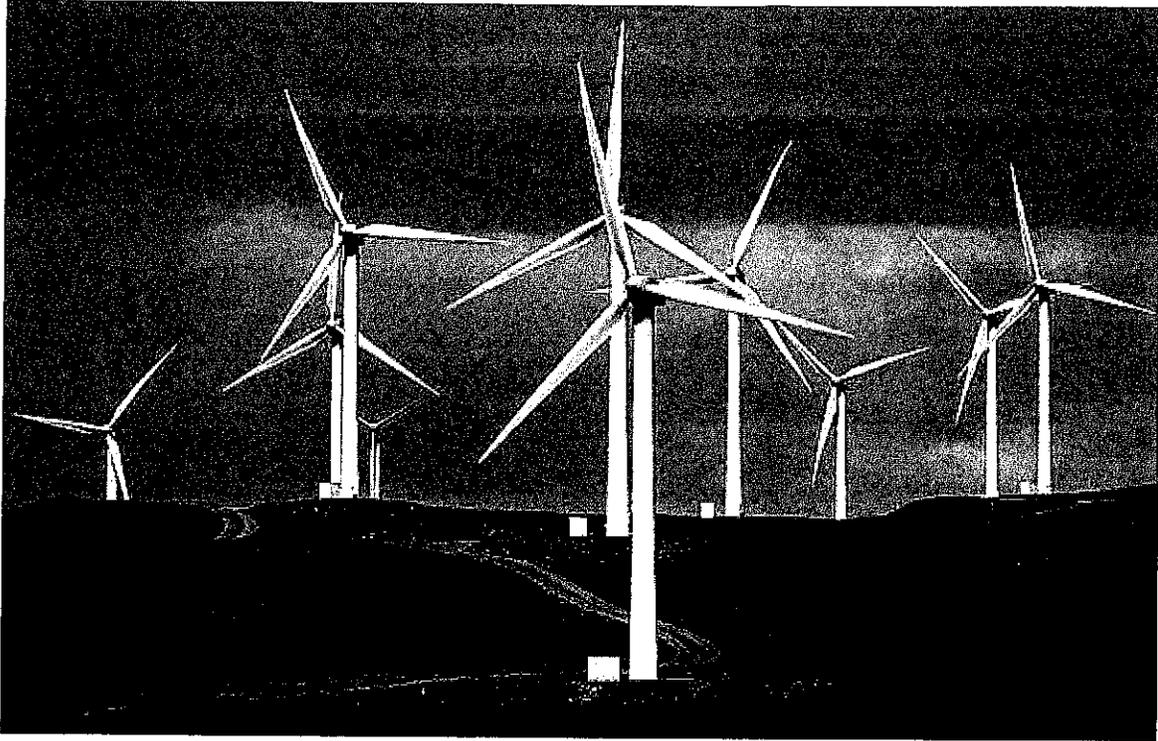
Nothing in this section precludes a utility from applying to the commission for a permit for the construction of an electric transmission line and associated facilities with a design of one hundred fifteen kilovolts or less. For the purposes of this chapter such electric transmission line and associated facilities is a transmission facility.

Source: SL 1994, ch 358, § 1; SL 2007, ch 274, § 1; SL 2009, ch 243, § 2; SL 2009, ch 244, § 1; SL 2010, ch 226, § 2; SL 2013, ch 237, § 2; SL 2017, ch 199, § 1.

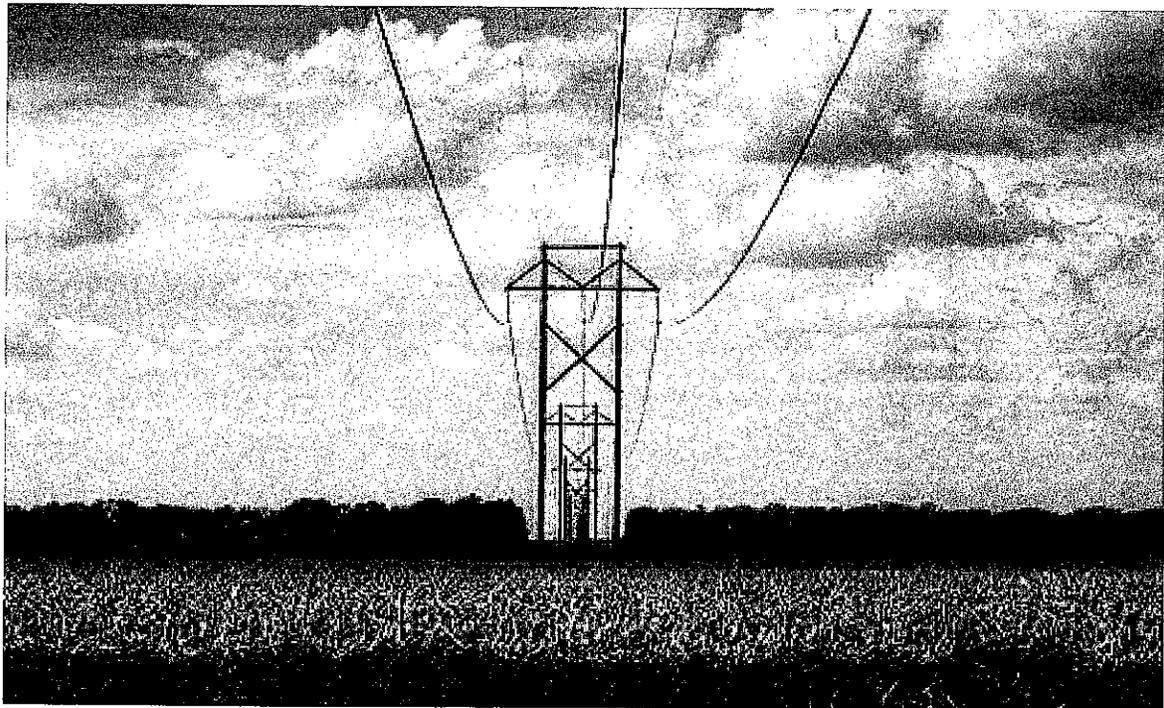
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Turbines



Transmission Lines



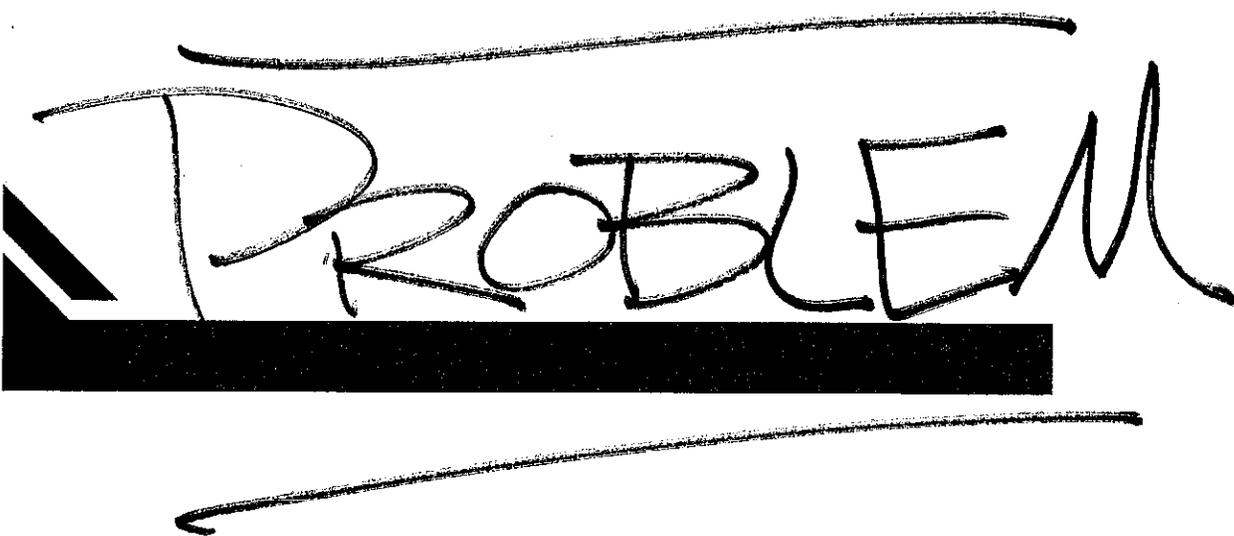


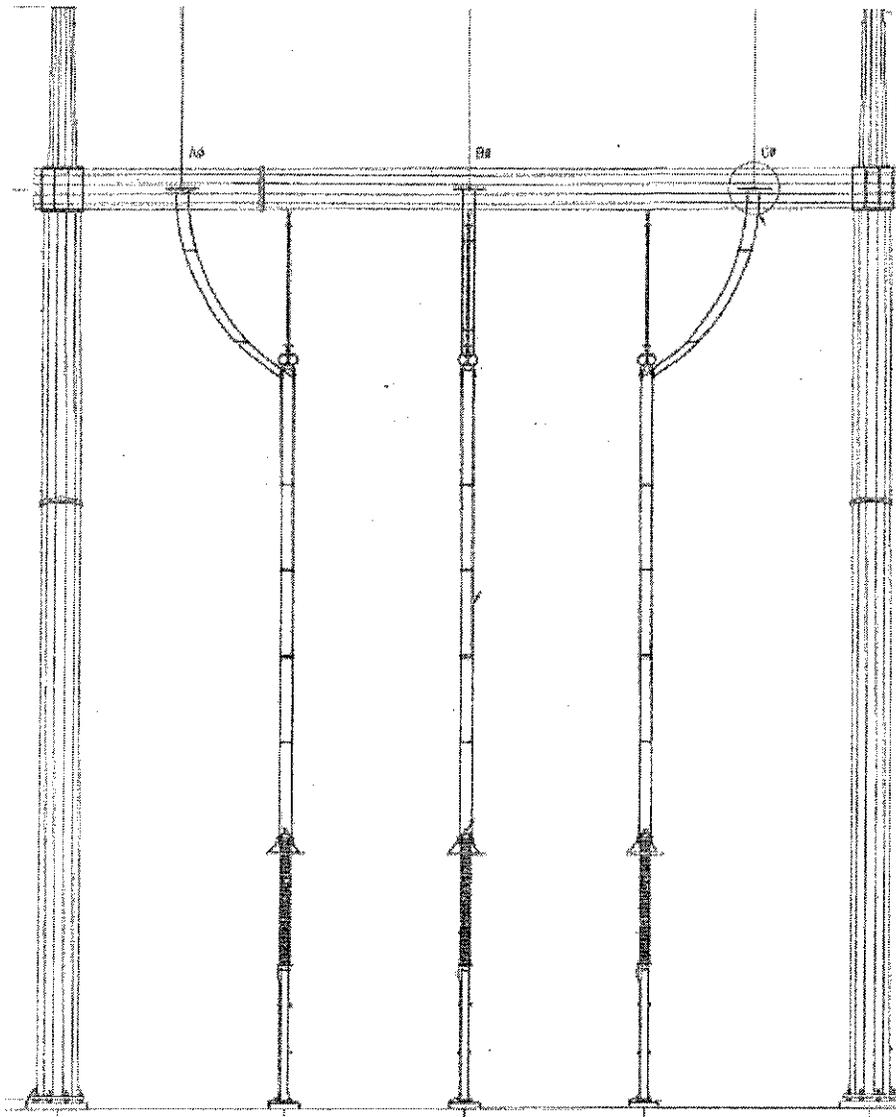
Application to the South Dakota Public
Utilities Commission for Energy Facility
Permits

Deuel Harvest Wind Energy LLC

Deuel Harvest North Wind Farm
November 30, 2018

PROBLEM





Invenergy

Figure A-5
Transmission Line Structure
Deuel Harvest North Wind Farm
Deuel Harvest Wind Energy LLC
Deuel County, South Dakota

49-41B-24. Permit for energy conversion facilities, AC/DC conversion facilities, or transmission facilities--Complete findings by commission required within year of application. Within twelve months of receipt of the initial application for a permit for the construction of energy conversion facilities, AC/DC conversion facilities, or transmission facilities, the commission shall make complete findings in rendering a decision regarding whether a permit should be granted, denied, or granted upon such terms, conditions or modifications of the construction, operation, or maintenance as the commission deems appropriate.

Source: SL 1977, ch 390, § 18; SL 1980, ch 328, § 2; SL 1981, ch 341; SL 2006, ch 242, § 5; SL 2009, ch 243, § 3; SL 2015, ch 235, § 2.

**Findings of Fact
Special Exception Permit
Deuel Harvest Wind Energy North LLC
January 22, 2018**

This matter having come before the Deuel County Board of Adjustment (Board) 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 a Special Exception Permit.

1. Deuel County adopted its Comprehensive Land Use Plan on April 6, 2004. (Ref: SDCL 11-2-11; 11-2-12; 11-2-13)
2. Deuel County adopted its current zoning regulations with ordinance #2004-1 on July 6, 2004. (Ref: SDCL 11-2-13)
3. Deuel County Zoning Ordinance appoints the Planning Commission to act as the Board (Ref: SDCL 11-2-49) and Deuel County Zoning Ordinance (Zon. Ord. Section 501)
4. The Deuel County Zoning Ordinance has identified the Board as the approving authority relating to special exceptions. (Ref: SDCL 11-2-17.3 and Zon. Ord. Section 504)
5. On December 22, 2017, Deuel Harvest Wind Energy LLC applied for a special exception permit to operate a Wind Energy System on property in Antelope, Altamont, Glenwood, Herrick, Lowe and Portland Townships As displayed in Exhibit "A" attached and hereby incorporated by reference
6. Required public notices pursuant to South Dakota Codified Law and Deuel County Zoning Ordinance was published in the paper on January 10 and 17, 2018. (Ref: SDCL 11-2-57 and Zon. Ord Section 504.2)
7. On January 22, 2018 a public hearing was held before the Board. At said hearing, testimony both in support and in opposition to the request was heard and reviewed by the Board (Ref: SDCL 11-2-57 and Zon. Ord. Section 504.3)
8. The following use is listed in the A – Agricultural Zone and Zone B of the Aquifer Protection Overlay District of the Deuel County Zoning Ordinance (Ref: SDCL 11-2-17.3):

Wind Energy Systems (Ref: Zon. Ord. Section 1101.03, Section 1215).

All special exceptions allowed in underlying districts, with the exception of those expressly prohibited in Zone B, may be approved by the Board of Adjustment provided they can meet Performance Standards outlined for the Aquifer Protection Overlay Zone. (Ref: Zon. Ord Section 1105.10.1)

9. This proposed project meets the definition of a Wind Energy System.

→ 10. The application and testimony allowed the Board to adequately review how the applicant will satisfy requirements for site clearance, topsoil protection, compaction, livestock protection, fences, public roads, haul roads, turbine access roads, private roads, control of dust, soil erosion and sediment control, electromagnetic interference, lighting, turbine spacing, footprint minimization, collector lines, feeder lines, decommissioning, tower height and appearance, noise and flicker. (Ref: Zon. Ord. Section 1215)

→ 11. The applicant satisfactorily demonstrated the ability to meet required setbacks for turbines from property lines, right-of-way, residences, businesses, Lake Park Districts, municipalities, government facilities and other structures, uses and features which would require setback. (Ref: Zon. Ord. Section 1215)

12. The reference to business in the ordinance is defined as a physical structure.

13. The applicant submitted Boundaries of the site proposed for WES on a USGS Map, a map of easements, copies of easement agreements with landowners, maps of occupied residential structures, businesses, churches, and buildings owned and/or maintained by a governmental entity, maps of sites for WES, access roads, and utility lines, location of other WES in general area, project schedule, and mitigation measures. (Ref: Zon. Ord. Section 1215)

14. The application and testimony at the meeting allowed the Board to adequately review and determine that satisfactory arrangements have been made, or may be made if conditions are placed upon the applicant concerning:

- a. Entrance and exit to property and proposed structures thereon; The proposed entrances and exits do not create a safety issue or hardship of any kind.
- b. Off-street parking and loading areas; Applicant has sufficient parking and loading at the proposed sites. The entrance and exit to the property and proposed structures, along with the off-street parking and loading areas will have no or minimal economic impact on the surrounding properties and properties generally in the district. The proposed project will have a positive economic benefit to the properties in the project and the county as a whole.
- c. Utilities; Applicant has adequate arrangements for utility services.
- d. Screening and buffering; Applicant meets the established setbacks for screening and buffering.
- e. Signs; Any signs will be located on site and will primarily be temporary in nature and do not appear to impact any other property or motorists.
- f. Required yards and other open space; Applicant has met the required setbacks.
- g. General compatibility with adjacent properties and other property in the district; Wind Energy Systems are a use allowed by special exception in the Ag District. Applicants proposed project meets the use contemplated by the ordinance.
- h. Refuse, and service areas; Applicant has made sufficient arrangement for the storage and disposal of its refuse and its proposed service areas are sufficient. (Ref: Zon. Ord. Section 504.5)
- i. The agreement in the required letter of assurance that the applicant will obtain a haul road agreement satisfies the requirement for a haul road agreement. (Ref: Zon. Ord. Section 1215)
- j. This permit shall not become effective until all required permits are granted by the state and federal government, including the remaining applications and licenses referenced in the application (Ref: Zon. Ord. Section 1215)

- k. In order to comply with the requirements of the Zoning Ordinance the Board of Adjustment prescribes the following conditions and safeguards in conformity with the Deuel County Zoning Ordinance to be agreed to in the form of a "Letter of Assurance":

1) Effective Date and Transferability:

- a. Upon issuance of applicant's permit by South Dakota Public Utilities Commission.
- b. This permit shall become void if no substantial construction described within the application has been completed within three (3) years of issuance by the South Dakota Public Utility Commission.
- c. The applicant may apply for an extension of this permit if the requirements of 1.b above cannot be met.
- d. For the purposes of this application substantial construction shall be considered the completion of at least 25% of the towers in the final layout are erected.
- e. The Special Exception permit is transferable. Subsequent owners/operators shall agree to the same conditions described herein.

2) General Requirements:

- a. There shall be no discharge of industrial processed water on the site
- b. Storage of petroleum products in quantities exceeding one hundred (100) gallons at one (1) locality in one (1) tank or series of tanks must be in elevated tanks; such tanks larger than eleven hundred (1,100) gallons must have a secondary containment system where it is deemed necessary by the Board of Adjustment.
- c. Grantor shall provide the zoning office with an updated local contact information of supervisor with authority to implement dust control and other necessary enforcement of the conditions of this permit.

3) Obligation to Meet Requirements:

- a. Applicant agrees to meet requirements of Section 1215 of the Deuel County Ordinance in reference to remaining obligations including but not limited to: submittal of Haul Road Agreements, Submittal of Decommissioning Plan, Final site location of towers, building permit application, meeting applicable federal and state requirements, and consideration of adequate security for abandonment/decommissioning.

15. That Wind Energy Systems such as proposed by the applicant are allowable in the A – Agricultural District and Zone B of the Aquifer Protection District under certain conditions. Therefore, The Board of Adjustment finds that it is empowered to grant the Special Exception, and that the granting of the Special Exception will not adversely affect the public interest.

16. The Special Exception Permit was approved on January 22, 2018 by a vote of 5 yes and 0 no. (Ref: SDCL 11-2-59).

17. Once these findings are approved by the Board and signed by the Board Chair the zoning officer shall issue the Special Exception Permit and any letters of assurance, building permits or other items associated with said Special Exception Permit.

18. The findings contained herein combined with the findings of the Board of Adjustment contained in the motion to approve the special exception permit serve as the Official Findings of Fact referenced in Section 504.4 and 504.5.

Danni Lee Veenendaal

Chairperson
Deuel County Board of Adjustment

Date Signed: 2-13-18

Date Filed: 2-13-18

Special Exception Permit Number(s): 19-02