

STATE OF SOUTH DAKOTA)
COUNTY OF HAND)

BEFORE THE HAND COUNTY
BOARD OF ADJUSTMENT

THE MATTER OF THE APPLICATION)
OF SWEETLAND WIND FARM, LLC)

FINDINGS

I.

That the Applicant, Sweetland Wind Farm, LLC, has made two applications, both dated October 14, 2019, for a conditional use permit to construct an approximately 200-megawatt wind energy generation facility in Sweetland Substation Tract 1, situated in the Southeast ¼ of the Southeast ¼ of Section 18, Township 111 North, Range 66, West of the 5th P.M., and to construct of a utility switchyard connecting the project to the Western Area Power Administration (WAPA) existing 230-kV transmission line in Sweetland Switchyard Tract 1, situated in the Southeast ¼ of Section 3, Township 110 North, Range 66, West of the 5th P.M., all located in Hand County, South Dakota.

II.

That according to the Comprehensive Plan for Hand County land development, utility substations primarily for transmitting energy generated by wind turbines and Wind Energy Systems (WES) are not considered an agricultural use, therefore the proposed use of the said real estate is specifically prohibited by Hand County zoning ordinances without applicant first obtaining a conditional use permit, for which Sweetland Wind Farm, LLC, has filed a written application pursuant to Article 5, Section 507, stating the grounds on which it is requested.

III.

That upon said applications, notice of hearing was given as required by the Hand County Zoning Ordinance. Notice of public hearing was made at least 15 days in advance by publication in a newspaper of general circulation, the Miller Press, and the

owner of the property for which the conditional use is sought, or his agent, was notified by mail.

IV.

A public hearing was held November 5, 2019, at the Hand County Courthouse. Proponents appeared; opponents and those neutral to the proposed project did not appear. A presentation by the proponents in support of the conditional use and testimony on behalf of the Applicant was received at said hearing. No testimony for opponents or those neutral to the proposed project was offered.

V.

A properly notice meeting of the Hand County Board of Adjustment was held on November 5, 2019. NOW, THEREFORE, the applications, testimony at the hearing, arguments of individuals at the hearing and materials submitted prior thereto, having been considered it is the FINDING of the majority of the Hand County Board of Adjustment that:

1. The Hand County Board of Adjustment has jurisdiction and is empowered by the ordinance cited in the applications to grant or deny the applications of Sweetland Wind Farm, LLC, for a conditional use permit.
2. A conditional use permit may not be granted by the Board if the granting of the conditional use would adversely affect the public interest.
3. Before any conditional use is decided, the Hand County Board of Adjustment must make specific findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provisions and arrangements have been made concerning the following, where applicable:

- (A) "Ingress and egress 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";

FINDINGS: The majority of the Board finds that ingress and egress is adequate for the proposed use, but applicant shall execute a Road Haul Agreement with Hand County, South Dakota.

- (B) "Off-street parking and loading areas where required; with particular attention to the items in (A), above, and the economic, noise, glare or odor effects of the conditional use on adjoining properties generally in the district";

FINDINGS: The majority of the Board finds that this requirement is not applicable to the application.

- (C) "Refuse and service areas, with particular reference to the items in (A) and (B), above";

FINDINGS: The majority of the Board finds that this requirement is not applicable to the application.

- (D) "Utilities, with reference to locations, availability and character";

FINDINGS: The majority of the Board finds that the utilities in the referenced locations are adequate for the proposed use.

- (E) "Screening and buffering with reference to type, dimensions and character";

FINDINGS: The majority of the Board finds that this requirement is not applicable to the application.

- (F) "Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district";

FINDINGS: The majority of the Board finds that applicant has made and will continue to make adequate effort toward maintaining the requirements listed in Article 16, Section 1603 of the Hand County Zoning Ordinance for the proposed use.

- (G) "General compatibility with adjacent properties and other property in the district."

FINDINGS: The majority of the Board finds that the proposed project is compatible with adjacent properties and other properties in the district.

THE BOARD FUTURE FINDS:

Satisfactory provisions and arrangements have been made, or may be made, through the conditions placed upon the operation, and the granting of the conditional use would be in harmony with the purpose and intent of the zoning ordinance.

The granting of the conditional use permit, with conditions, would not adversely affect the public interest.

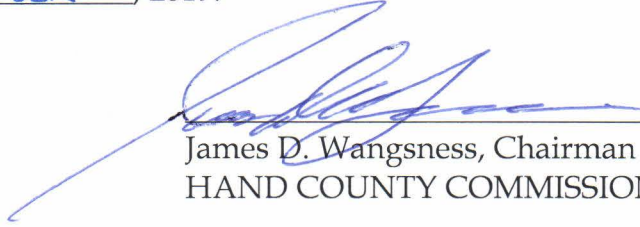
VI.

That the Board of Adjustment's vote, on a motion to approve the conditional use permit applications of Sweetland Farms, LLC, was four in favor and no opposed thereto. Commissioner Rogers was not present at the November 5, 2019 meeting.

IT IS THEREFORE, ORDERED that said application is granted, specifically conditioned upon initial and continuing compliance with all of the conditions and requirements herein and upon compliance with all applicable provisions of the Hand County zoning ordinances, and conformance with all State and Federal regulations and standards.

Dated this 4th day of DECEMBER, 2019.




James D. Wangsness, Chairman
HAND COUNTY COMMISSION


Doug DeBoer, Hand County Auditor

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AUDITOR, HAND CO., S.D.