

Everything you wanted to know about oil but were afraid to ask



Or

Oil for Dummies

by Doug Maurstad

You've got to Be Kidding Me!

Or should I call this article "Turn a Blind Eye!" If you read the Sioux City Journal, Sunday May 25, 2008, they would like you to think that Hyperion is the greatest thing since night baseball. At least the Journal thinks so by the comments noted on the Opinion page.

It doesn't matter whether or not you are for or against Hyperion; this vote is whether or not to change the ordinance. Hyperion's application was approved by the Union County Commissioners back in March. The problem still persists; the application is not compliant with either the comprehensive plan of 2005 or the zoning ordinance. To make matters worse, the proposed ordinance that we are to vote on June 3rd was not written by Union County, it was written by Hyperion.

Paragraph 3B, page 26 of the 2005 Comprehensive Plan for Union County SD states and I quote that "Agricultural land is a non renewable resource. Once public and private decisions are made that result in the conversion of agricultural land to non-agricultural uses, the vital resource is almost always irretrievably lost. Of substantial importance to the county is to preserve all agricultural land in the county by whatever means are available and effective, until such time that logical and orderly urban development follows."

The last sentence of paragraph A3, page states that "The character of the Agricultural Protection Area should remain agricultural in nature with industry or commercial business permitted only when it will benefit the area without degrading the environment.

I submit that Hyperion's application is not compliant with Paragraph 3B of the Comprehensive Plan or Section 1301 (1) of Article 13 of the Zoning Ordinance. Therefore, until it conforms to the Comprehensive Plan, their application to rezone this Agricultural Protection Area should be denied.

The bold faced items are taken from my testimony before the Union County Planning and Zoning committee on January 16, 2008 and before the commissioners on January 22, 2008 and again on March 3, 2008.

Save Union County filed a lawsuit with the 1st District Court of South Dakota and this issue is awaiting a ruling by the Circuit Judge on whether or not this lawsuit should go forward.

What I cannot understand is - what part of this application is not compliant with the Master Plan and Zoning Ordinance don't people get?

Once again, the planning and zoning commissioners did not write this ordinance that we are voting on, this ordinance was writ-

ten by Hyperion. We are giving Hyperion a license to do as they please if we allow this to happen.

Here are just a couple of items that Hyperion has written into this ordinance.

1. They propose to use what is called BACT (best available control technology) to control emissions. Contrary to what it says, it is the lowest standard of control.

2. The Applicant may need to modify the design and layout of the Project to obtain the State and Federal Approval. Accordingly the Ordinance is intended to be as flexible as permitted by law to allow for and accommodate such modifications.

3. Any such revised Master plan shall, automatically and without further action by the board, be deemed to be incorporated into this ordinance as a revised Exhibit B.

4. The applicant may, at any time, include additional portions of the subject property within the Industrial Zone by delivering a revised Master Zone plan to the Zoning Administrator provided the property will always be located more than 1/8th of a mile from the outside property line.

5. The Land Use Administrator may cancel a building permit only if the work described in the building permit has not been substantially completed according to the estimated construction schedule unless the applicant can demonstrate that the delay was caused by delays in obtaining state and federal approvals, delays in obtaining project financing delays in obtaining equipment, materials, or labor and any other cause beyond the direct and sole control of the permit holder.

6. This is the coupe de grace - - all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

If we pass this ordinance, we are absolutely nutty. How or why would anyone in their right mind allow this to happen? Do we need a refinery in South Dakota so bad that we will allow them to do whatever they desire to accomplish this?

Do you know what bothers me the most? The Sioux City Journal has not printed the facts correctly; in fact, they have completely distorted the facts. They keep praying on your mind that Hyperion is good for Sioux City, good for Siouxland and Good people like the folks from Hyperion would be totally honest and straightforward with us about this project.

I don't know how many times I can say this, but Hyperion's application is not compliant with the 2005 Comprehensive plan and the zoning ordinance. Until they revise their application to make it compliant we have no choice but to do what the zoning commission and the county commissioners were afraid to do. Vote NO!