

**HYDE COUNTY**

Application #: \_\_\_\_\_

**Application for Conditional Use Permit (CUP)**

Application Fee-\$200.00

**Applicant/Owner Name/Address:** Triple H Wind Project, LLC. 3760 State Street, Suite 200

Santa Barbara, CA 93105. Representative: Casey Willis

**Phone #:** 805-569-6185

**Current Zoning:** A-B

**Legal Description for Requested CUP (attach additional sheets if necessary):**

**Quarter** SE/4 **Section** 2 **Township** 111N **Range** 72W

**General Area or Street Address** Adjacent to Highway 47. Parcel will be used as the Operations and Maintenance Facility for the Triple H Wind Project.

**Reason for Requesting CUP:** Installation of an Aircraft Detection Lighting System (ADLS). Includes a request to install one (1) ~70 foot tower with 18 foot antenna and outdoor cabinet. The installation of an ADLS system is a condition of the approval on the Project from the PUC.

**1. Describe the special circumstances or conditions that exist that requires a CUP:** This is a component that would support the approved Triple H Wind Project.

**2. Describe how this variance, if approved, would affect neighboring property owners:** N/A

**3. What is the purpose/intended use of the proposed project:** Please see enclosed supporting information.

**4. Additional Information:** \_\_\_\_\_

**Attach plans and/or drawings for review by the board. The board may request additional documentation as necessary.**

**Applicant/Owner Signature:**  **Date:** 12/18/19

Application #: \_\_\_\_\_

The Hyde County Board of Adjustment takes the following action on the above application number:

\_\_\_\_\_ **Approved as applied**

\_\_\_\_\_ **Approved with following the special conditions:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ **Denied for the following reasons:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Chairperson, Hyde County Board of Adjustment

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attest by Hyde County Auditor

\_\_\_\_\_  
Date

***This permit/application shall automatically expire if the use permitted has not been started within two (2) years of approval or if the use permitted ceases for a period of twelve (12) months. This permit applies to the use of the property and remains valid for any future owners or operators as long as the use of the property does not change.***

**Official Use Only**

Date Application Filed: \_\_\_\_\_

Application Fee Receipt # (non-refundable): \_\_\_\_\_

Dates Published: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Notice of Board Action Sent to: Landowner \_\_\_\_\_

Zoning Administrator: \_\_\_\_\_

Further Action Required: \_\_\_\_\_



December 18, 2019

Hyde County  
Attn: Carrie Stephenson  
PO Box 379  
Highmore, SD 57345

**Re: Conditional Use Permit Filing – Aircraft Detection Lighting System**

Dear Ms. Stephenson,

On behalf of Triple H Wind Project, LLC, I am pleased to submit the attached Conditional Use Permit application for components of the Triple H Wind Project.

**Aircraft Detection Lighting System (ADLS).** As you know, the South Dakota Public Utilities Commission (PUC) approved the Triple H Wind Project in July of 2019. One of the conditions of the permit that was required is to install an aircraft detection lighting system (ADLS) that is approved by the Federal Aviation Administration (FAA). An ADLS system is used to minimize the use of nighttime obstruction lighting at wind projects when there are no aircraft in the vicinity. The ADLS utilizes a radar system that can detect the presence of aircraft within ~30 miles of the facility. If an aircraft is detected within this range, the lights operate as normal at night. If there are no aircraft within the detection area, the lighting remains off.

This requirement was not unique to Triple H. The PUC has been requiring this on all wind projects that they've approved for over a year. Terma is a manufacturer that has a system that has been approved for use by the FAA that we intend to use at the Triple H Wind Project. We are proposing to install this system next to the operations and maintenance building that will service Triple H. This O&M facility is generally located in the SE/4 of Section 2, Township 111N, R72W adjacent to Highway 47.

The CUP request is to install the necessary equipment associated with the ADLS system. This includes a tower that will be up to 70 feet tall in the location shown on the enclosed map. The tower will be equipped with an 18-foot antenna mounted on the top of the tower similar to the tower depicted in the attached documentation from Terma. In addition, there will be an outdoor cabinet at the base of the tower that will contain equipment associated with the system. This system is then connected directly to each turbine to control the lighting system in the towers. If the system is shutdown due to an event such as a power outage, the default operational mode involves having the lighting operate on the turbines as they normally do per the FAA.



Please let me know if you have any questions regarding this submittal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Casey Willis", written over a horizontal line.

Casey Willis  
Senior Project Developer

Enclosed.

- Map of the proposed tower location
- ADLS information from Terma





Triple H Wind Project

12/18/2019

### Legend

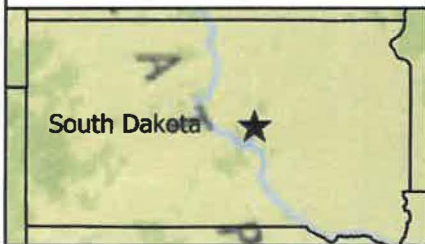
#### Radar Tower



#### Parcel Boundaries

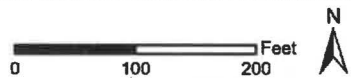


### Project Location

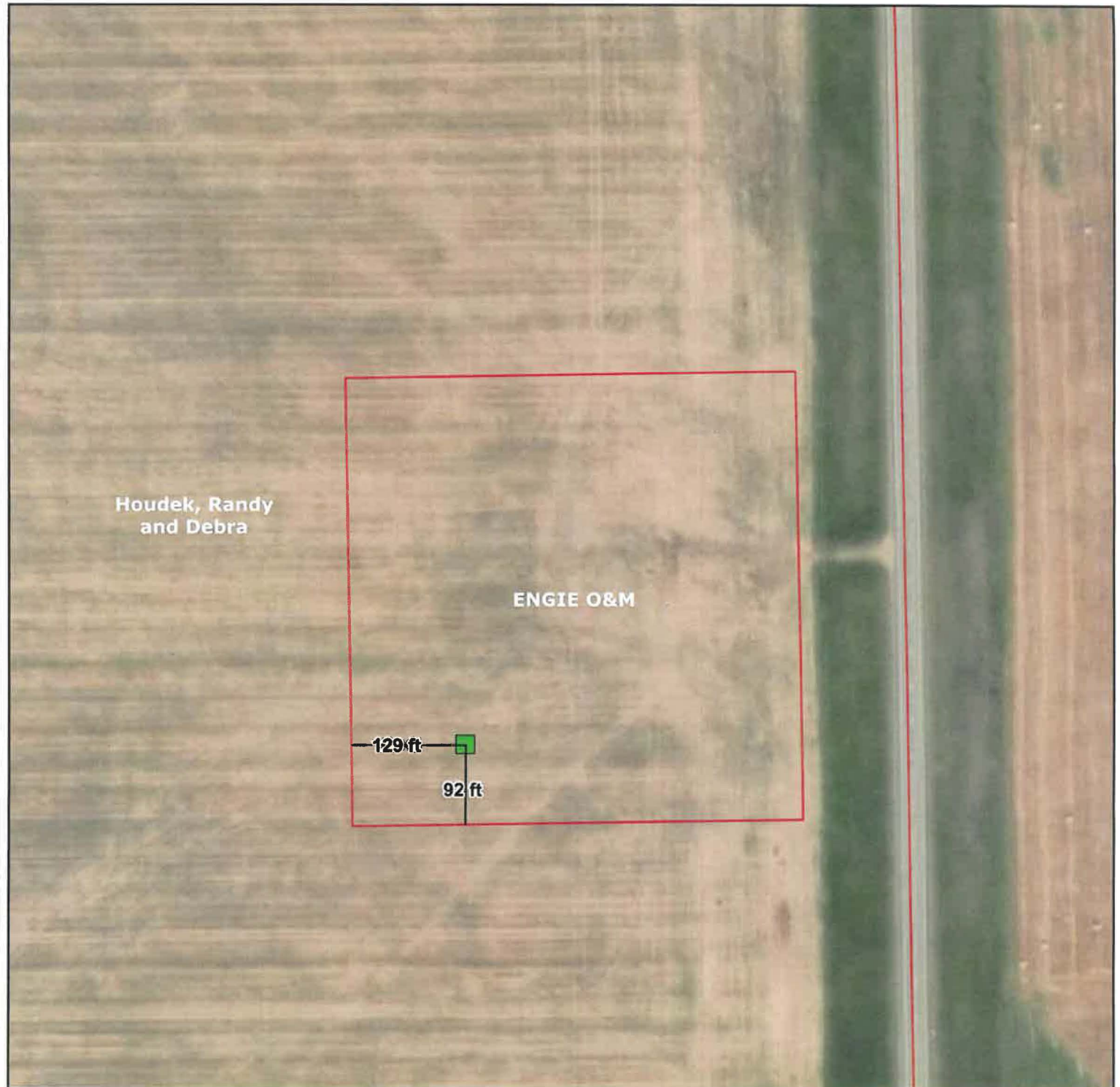


### Reference

NAD 1983 State Plane South Dakota South, US Feet



**CONFIDENTIAL**



# Obstruction Lighting Control (OLC)

Introducing the Terma SCANTER 5202 Radar





# SCANTER 5202 Key Features for OLC / ADLS

- ❑ Solid State Technology
- ❑ Open Network Architecture
- ❑ Leader in Open Standards (i.e., IALA, NMEA...)
- ❑ 360° coverage
- ❑ 10+ NM Detection Range (i.e., 23 mile diameter) w/12' Compact Antenna; and 14+ NM (i.e., 32 mile diameter) w/18' High Gain Antenna
- ❑ Low Power, Reliability, Gradual Degradation on LRU failure;
- ❑ Mature, proven, and deployed since 2011
- ❑ Proven core product (common HW base across product lines)
- ❑ Commercial-off-the-Shelf: More than 300 operational worldwide

SCANTER 5202



Wind Turbines



Safe Operations



# Flexible OLC / ADLS Solution

- Coverage:** SCANTER 5202 provides comprehensive 360° coverage with a range of 14+ NM.
- Cost-effective:** Flexible positioning allows mitigation of multiple wind farms with single sensor.
- Scalability:** From a single radar solution to multiple radars with fused data presentation.
- Performance:** Detect aircraft, including ultralights in any conceivable weather condition.
- Integration:** Can easily be retroactively installed into existing developments as well as applied to new developments (i.e., turbine & light indep.).
- Support:** COTS product backed by over 60 years of developing and supporting radar systems for land and naval applications.



SCANTER 5202



Wind Turbines



Safe Operations

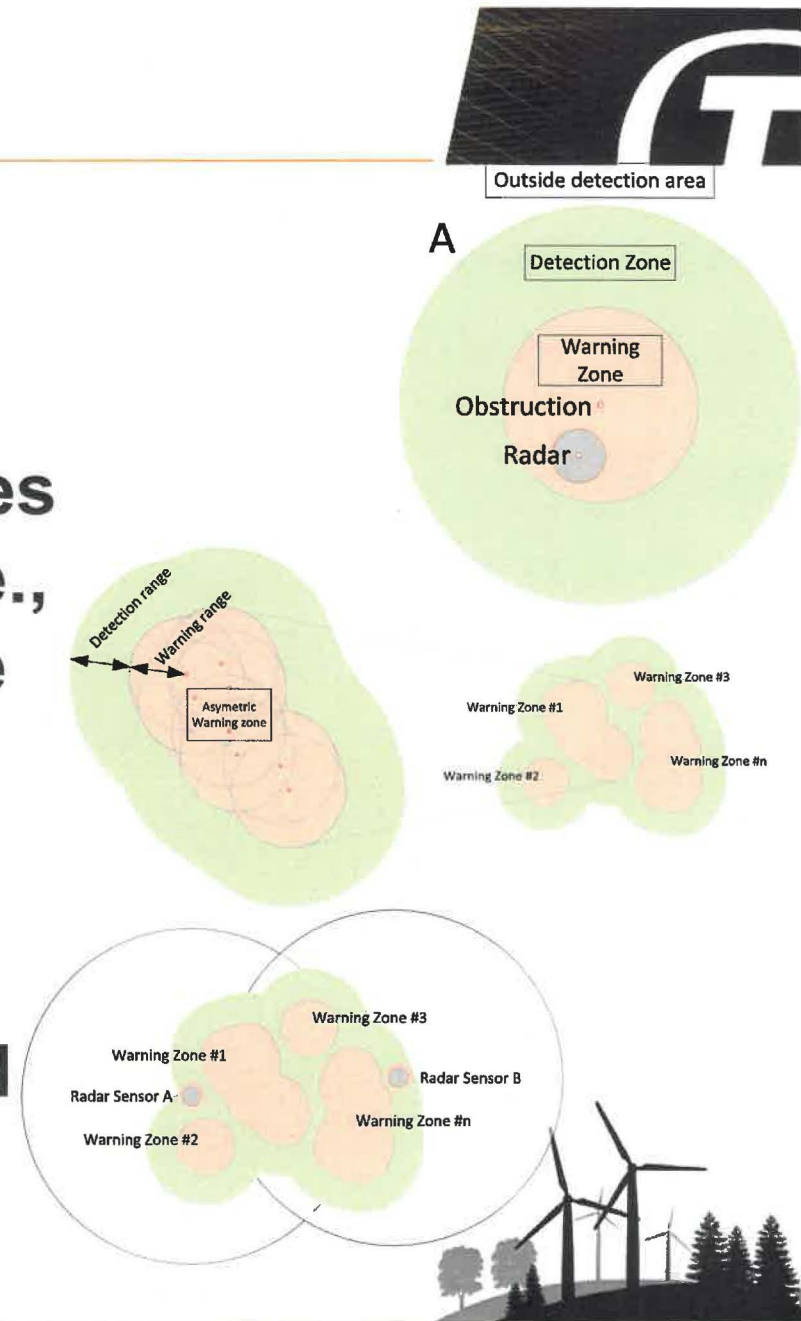


# Highly Configurable

From a single radar sensor w/one zone...to

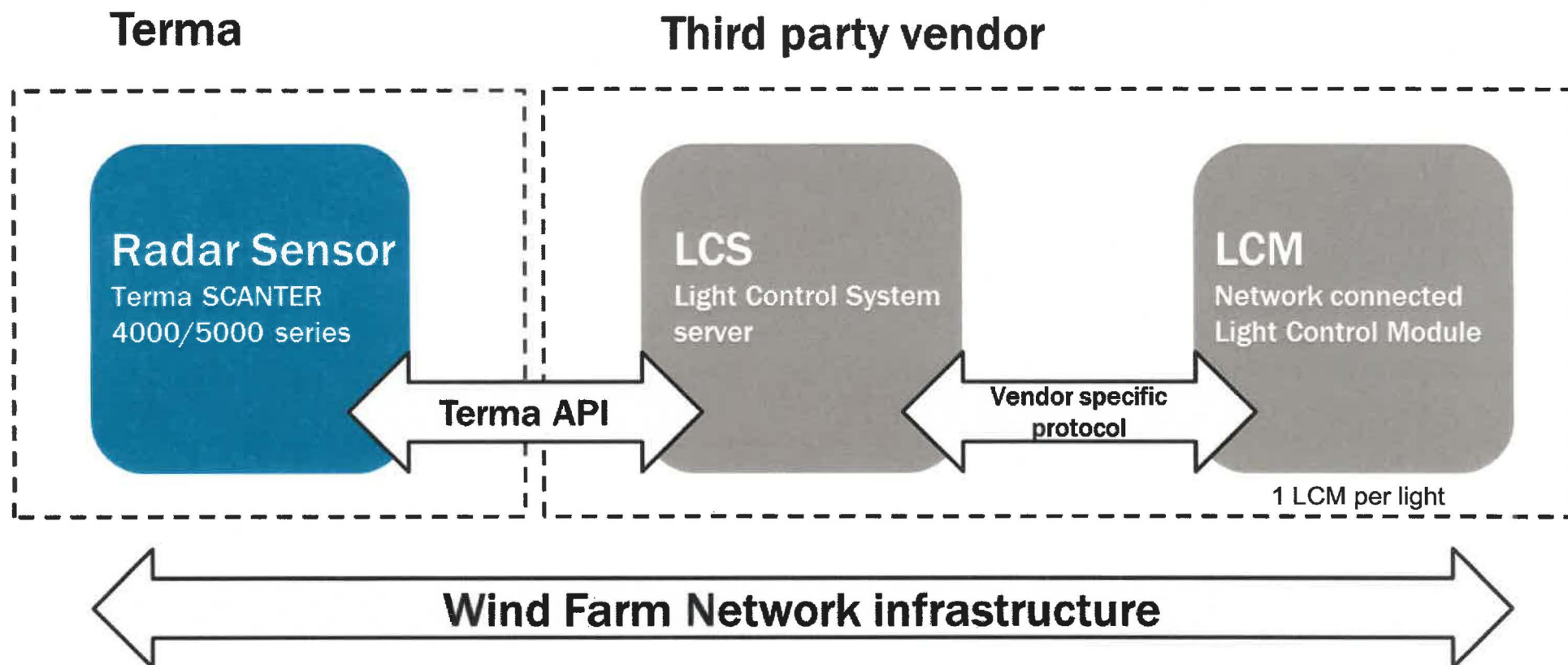
A single radar with individual zones defined within same wind farm (i.e., ability to enable lights in one zone at a time vice the whole wind farm)...

Multiple radar sensors with asymmetric zone layout and fused data presentation





# Simple System Architecture – 3 components



# System deliverables

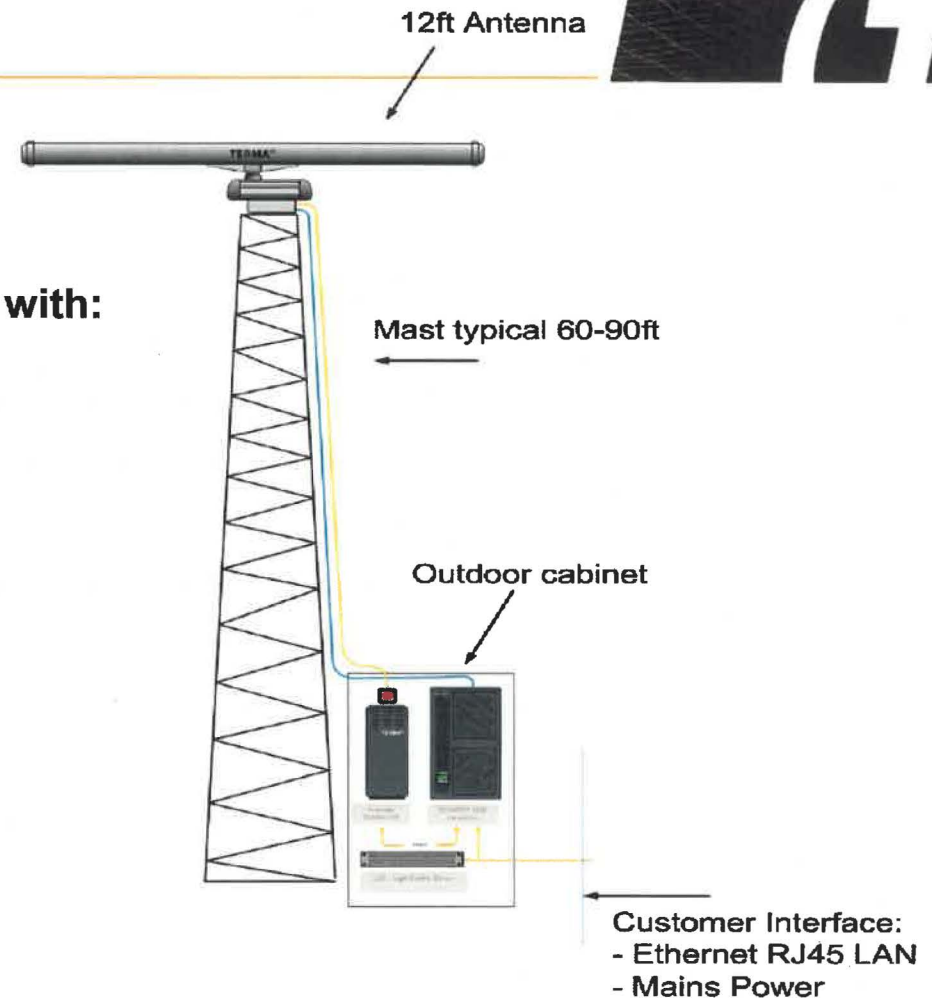


## List of delivered items:

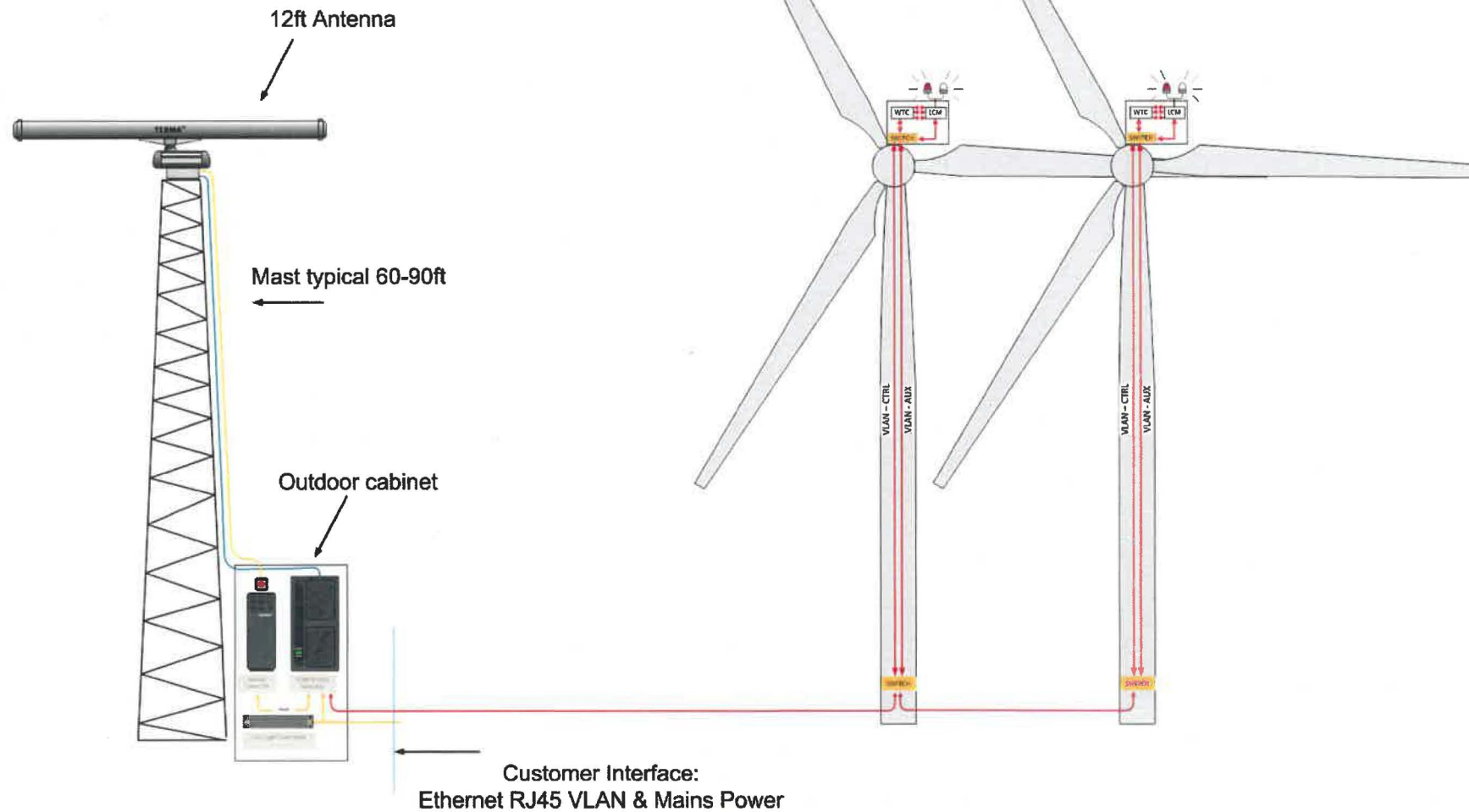
- **12' Compact Antenna, or 18' High Gain Antenna with:**
  - Antenna Motor
  - Mounting plate
- **Scanter 5202 Radar Transceiver**
- **Antenna Control Unit (ACU)**
- **Installation Materials Kit**
- **Light Control Server unit (LCS)**
- **Light Control Module (LCM) units**
- **Outdoor HVAC'd Cabinet**

## Customer Responsibility:

- **Concrete pad**
- **Antenna tower**
- **Power**
- **Ethernet**



# System Integration





# Example of Installations in Europe



# Approved in Multiple Countries



## System Approval

- Transmission allowance
- Exemption/ Conformity to requirements

## Regulatories

- US : - AC 70/7460-1L 'Obstruction Marking and Lighting'
- DE : - 'Allgemeine Verwaltungsvorschrift zur Kennzeichnung von Luftfahrthindernissen'
- DK : - 'BL3-11 Bestemmelser om luftfartsafmærkning af vindmøller'
- SE : - TSFS 2013\_9 and TSFS 2010\_155
- NO : - 'Forskrift om rapportering, registrering og merking av luftfartshinder'





# Hyde County Auditor

412 Commercial Ave. SE

Highmore, SD 57345

1-605-852-2519

Fax: 1-605-852-3178

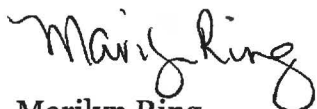
January 9, 2020

Triple H Wind Project, LLC  
C/O Casey Willis  
3760 State Street, Suite 200  
Santa Barbara, CA 93105

Dear Casey,

Enclosed please find a copy of the Application for Conditional Use Permit #2019-008. The action that was taken by the Board of Adjustment is on the back of the form. If you have any questions feel free to call 605.852.2519.

Respectfully,



Marilyn Ring  
Hyde County Auditor

Enclosure



**HYDE COUNTY**

Application #: 2019-008

**Application for Conditional Use Permit (CUP)**

Application Fee-\$200.00

Applicant/Owner Name/Address: Triple H Wind Project, LLC. 3760 State Street, Suite 200

Santa Barbara, CA 93105. Representative: Casey Willis

Phone #: 805-569-6185

Current Zoning: A-B

Legal Description for Requested CUP (attach additional sheets if necessary):

Quarter SE/4 Section 2 Township 111N Range 72W

General Area or Street Address Adjacent to Highway 47. Parcel will be used as the Operations and Maintenance Facility for the Triple H Wind Project.

Reason for Requesting CUP: Installation of an Aircraft Detection Lighting System (ADLS). Includes a request to install one (1) ~70 foot tower with 18 foot antenna and outdoor cabinet. The installation of an ADLS system is a condition of the approval on the Project from the PUC.

1. Describe the special circumstances or conditions that exist that requires a CUP: This is a component that would support the approved Triple H Wind Project.

2. Describe how this variance, if approved, would affect neighboring property owners: \_\_\_\_\_

N/A

3. What is the purpose/intended use of the proposed project: Please see enclosed supporting information.

4. Additional Information: \_\_\_\_\_

**Attach plans and/or drawings for review by the board. The board may request additional documentation as necessary.**

Applicant/Owner Signature: \_\_\_\_\_

Date: 12/18/19

Application #: 2019-008

The Hyde County Board of Adjustment takes the following action on the above application number:

X Approved as applied

Approved with following the special conditions: \_\_\_\_\_

Denied for the following reasons: \_\_\_\_\_

Robert Gaudin

Chairperson, Hyde County Board of Adjustment

01-07-2020

Date

Mary King

Attest by Hyde County Auditor

01-07-2020

Date

***This permit/application shall automatically expire if the use permitted has not been started within two (2) years of approval or if the use permitted ceases for a period of twelve (12) months. This permit applies to the use of the property and remains valid for any future owners or operators as long as the use of the property does not change.***

**Official Use Only**

Date Application Filed: 12-19-19

Application Fee Receipt # (non-refundable): 023969

Dates Published: 12-26-2019 and 1-2-2020

Hearing Date: 1-07-2020

Notice of Board Action Sent to: Landowner X MKR

Zoning Administrator 01-7-2020

Further Action Required: Ø

IN THE MATTER OF **CONDITIONAL USE APPLICATION NO. CUP-2019-008**

**Applicant: TRIPLE H WIND PROJECT, LLC**

A hearing was held on January 7, 2020 before the Hyde County Board of Adjustment concerning Conditional Use Application Number CUP-2019-008.

The Board, having heard evidence from Applicant TRIPLE H WIND PROJECT, LLC, hereby makes the following FINDINGS:

1. Notice of the hearing was published on December 26, 2019 and January 2, 2020;
2. Proponents of the Conditional Use Permit (CUP) stated, in part:  
Plans to install an Aircraft Detection Lighting System (ADLS). To install one 70 foot tower with 18 foot antenna and outdoor cabinet. On condition that installation is approved by the PUC.
3. No person opposed.
4. The Board Further FINDS that Applicant's mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the county and deems the proposal to be in harmony with the principal permitted uses;

The Board of Adjustment CONCLUDES: The CONDITIONAL USE PERMIT is APPROVED

Motion to approve Findings of Fact and Conclusion by Greg Swenson, second by Ron Van Den Berg

VOTES IN FAVOR: Melvin Buchheim, Greg Swenson, Ron Van Den Berg, Robert Bawdon,  
None opposed

ABSTAIN: Kevin Baloun

Date: 01-07-2020

Signature:

Robert Bawdon

Chairman of Board of Adjustments

ATTEST:

Marilyn King  
Hyde County Auditor







**HYDE COUNTY**

Application #: \_\_\_\_\_

**Application for Conditional Use Permit (CUP)**

Application Fee-\$200.00

**Applicant/Owner Name/Address:** Triple H Wind Project, LLC. 3760 State Street, Suite 200

Santa Barbara, CA 93105. Representative: Casey Willis

**Phone #:** 805-569-6185

**Current Zoning:** Ag

**Legal Description for Requested CUP (attach additional sheets if necessary):**

**Quarter** \_\_\_\_\_ **Section** \_\_\_\_\_ **Township** \_\_\_\_\_ **Range** \_\_\_\_\_

**General Area or Street Address** Southwest of Highmore. Please see attached submittal for more  
information on the project location

**Reason for Requesting CUP:** Request to modify CUP 2019-001. Request is to add participating land  
pursuant to Hyde County's Zoning Ordinance. No turbines require changes from the prior approval.

**1. Describe the special circumstances or conditions that exist that requires a CUP:** \_\_\_\_\_

The request is simply to add participating property to the CUP where underground collection lines and  
roads would cross the property. This was not included in the original application.

**2. Describe how this variance, if approved, would affect neighboring property owners:** \_\_\_\_\_

N/A

**3. What is the purpose/intended use of the proposed project:** To add participating properties  
to the prior CUP authorization.

**4. Additional Information:** \_\_\_\_\_

**Attach plans and/or drawings for review by the board. The board may request additional documentation as necessary.**

**Applicant/Owner Signature:**  \_\_\_\_\_ **Date:** 12/18/19

Application #: \_\_\_\_\_

The Hyde County Board of Adjustment takes the following action on the above application number:

\_\_\_\_\_ **Approved as applied**

\_\_\_\_\_ **Approved with following the special conditions:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ **Denied for the following reasons:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Chairperson, Hyde County Board of Adjustment

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attest by Hyde County Auditor

\_\_\_\_\_  
Date

***This permit/application shall automatically expire if the use permitted has not been started within two (2) years of approval or if the use permitted ceases for a period of twelve (12) months. This permit applies to the use of the property and remains valid for any future owners or operators as long as the use of the property does not change.***

<b>Official Use Only</b>	
Date Application Filed: _____	Application Fee Receipt # (non-refundable): _____
Dates Published: _____	
Hearing Date: _____	
Notice of Board Action Sent to: Landowner _____	Zoning Administrator: _____
Further Action Required: _____	



December 18, 2019

Hyde County  
Attn: Carrie Stephenson  
PO Box 379  
Highmore, SD 57345

**Re: Conditional Use Permit Filing – Amendment to CUP 2019-001**

Dear Ms. Stephenson,

On behalf of Triple H Wind Project, LLC, I am pleased to submit the attached Conditional Use Permit application for components of the Triple H Wind Project.

**Amendment to CUP 2019-001.** As you know, CUP 2019-001 approved the proposed turbine locations for the Triple H Wind Project as outlined in the permit application that was submitted. My understanding is that the County Commissioners only intended to approve the turbine locations themselves and not necessarily the location of roads or underground collection line locations. Because of that the roads and underground collection lines were not shown in the original application submitted. Exhibit 1 contains the map that was submitted and approved in conjunction with CUP 2019-001.

We in the process of tax equity financing for the Project and it was suggested there is a conflict between the County's intent to approve the turbine locations and language from the Hyde County Zoning Ordinance. Specifically, the Hyde County Zoning Ordinance designates a "Wind Energy System" as a conditional use in the Ag District and requires a CUP. A "Wind Energy System" is defined as "a system of components which converts the kinetic energy of the wind into electricity or mechanical power, and which comprises all necessary components, including energy storage, turbines, power conditioning, control systems, transmission systems ..."

Collection lines, access roads, etc., are "necessary components" of a Wind Energy System.

There are a few parcels that were not included in the application for CUP 2019-001 that have either underground collection, roads or other necessary components to support the Triple H Wind Project. To resolve this conflict, we are submitting the attached map (Exhibit 2) in conjunction with this CUP amendment to account for all properties that are included with the Triple H Wind Project. Exhibit 3 contains a list of all participating properties where easements have been signed for the Triple H Wind Project.



Please let me know if you have any questions regarding this submittal.

Sincerely,

A handwritten signature in blue ink, consisting of several fluid, overlapping strokes.

Casey Willis  
Senior Project Developer










**Exhibit 1 – Layout Map Approved with CUP 2019-001.**



### Legend

-  Proposed Turbine Locations
-  Existing Wind Turbines
-  Occupied Residences
-  Project Landowners
-  PLSS Townships

### Project Location

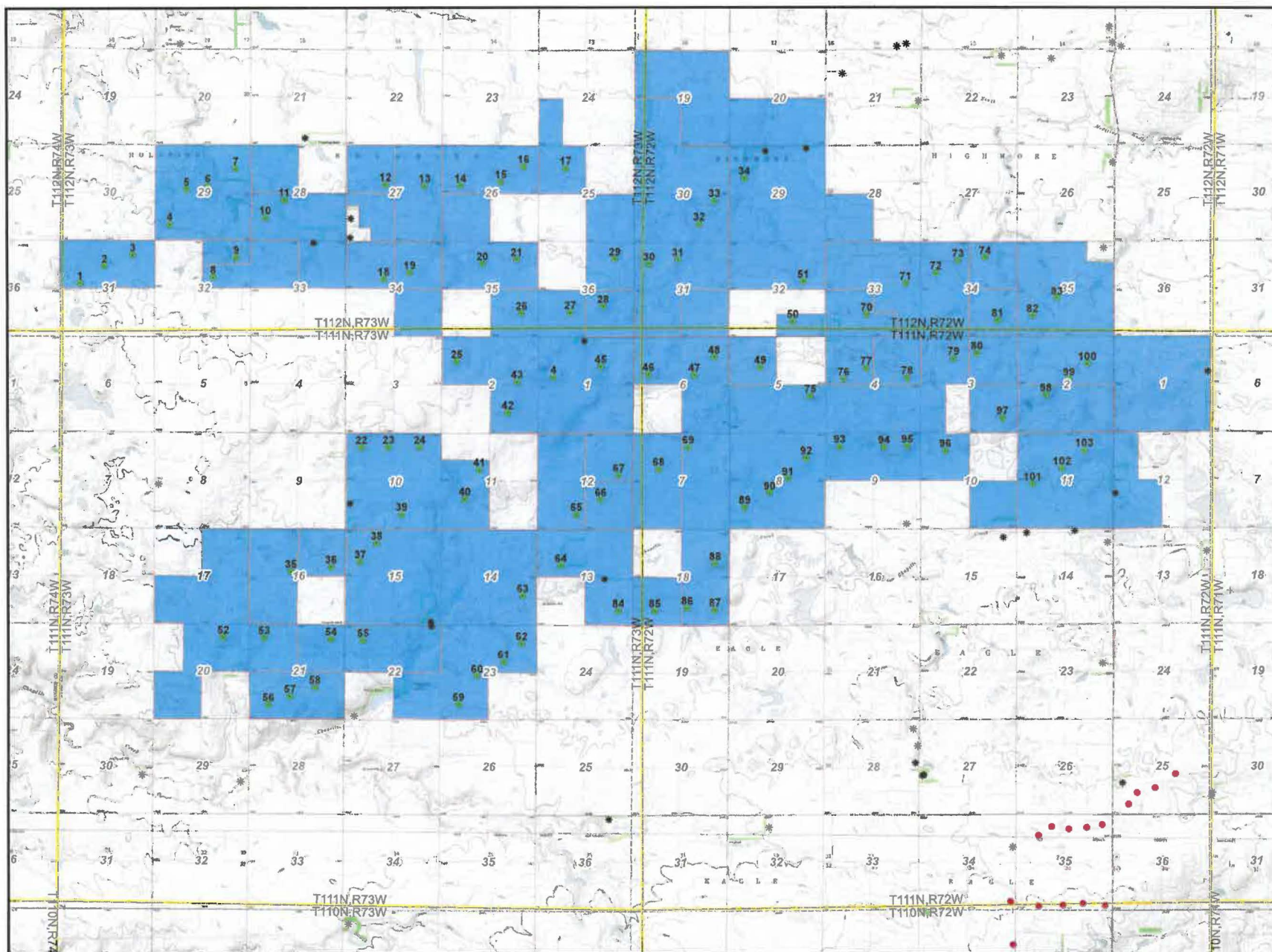


## Reference

NAD 1983 UTM Zone 14N



CONFIDENTIAL





**Exhibit 2 – Project Map Consistent of the Triple H “Wind Energy System” (Current CUP Amendment)**



CONFIDENTIAL

Reference

MA033 State Plane South Dakota South, US Feet



Legend

- Turbine v10
- Met Tower
- Planned
- Collection Line v10 IFCv2
- Access Road v10 IFC rev1
- Existing Transmission
- 138 KV
- 345 KV
- O & M
- POI
- Laydown Yard
- Project Substation
- Wind Easement Status
- Signed

Project Location



Triple H Wind Project

3/21/2023



**Exhibit 3 – All Participating Landowners as Identified in the Map in Exhibit 2.**

Parcel ID Number	Parcel Name	Acreage
19	Baloun Enterprises, Inc. (A)	960
24	Baloun Enterprises, Inc. (B)	240
26	Baloun Farms, Inc (A)	1583
48	Baloun Farms, Inc (B)	160
76	Baloun, Darwin	320
169	Baloun, Darwin & Baloun, Kevin	320
23	Baloun, Kevin & Cindy (A)	320
20	Baloun, Kevin & Cindy (B)	160
7	Barnes Trusts, Dorn & Linda	640
85	Blasdell, Lee & Sharon	155
149	Branine, Kenneth L (fka Branine Estate, Kenneth (A))	160
51	Cables Trust (A)	160
70	Cables Trust (B)	160
74	Cables Trust (C)	80
315	Cowan Family Land LP (A)	240
63	Cowan Family Land LP (B)	600
54	Darwin Baloun, Inc	2080
187	Davis, Mark	80
186	Davis, Marty & Amy	80
185	Davis, Michael	640
380	DDM, LLC	320
379	Doug Kroeplin Farms LLC	320
46	Doug Kroeplin Realty, LLC (A)	3880
184	DuBois Trust, Jerome (A)	480
313	DuBois Trust, Jerome (B)	1120
41	DuBois, Roberta (A)	320
183	DuBois, Roberta (B)	1881
147	Gill, Kay (A)	160
2	Gill, Kay (B)	320
204	Gossett Trusts, William & Nancy	156
16	Hamlin & Lyons	20
73	Hieb, David & Porter, Katherine (B)	160
1	Hogue, Billy	720
77	Houdek, Randy and Debra	320





84	Hull Trust, Naomi (A)	160
50	Hull Trust, Naomi (B)	163
43	Hull Trust, Naomi (C)	160
180	Jessen Trust, Mary (B)	320
45	Kaye Trust, Philip (A)	322
86	Kaye Trust, Philip (B)	160
42	Kusser Trust, Rodney (A)	320
18	Kusser Trust, Rodney (B)	160
44	Kusser Trust, Rodney (C)	160
174	L Bar X Land Co., LLC (B)	79
34	LaFurge, Richard & Patricia (A)	160
36	LaFurge, Richard & Patricia (B)	160
31	Lahman, Virginia et al	320
179	McDonald Trust B, Gary	320
175	McDonald Trust, Donna	1040
39	Meek, Delmas	520
27	Miller Trust, Rick & Jennifer (A)	160
56	Miller Trust, Rick & Jennifer (B)	160
33	Moshier Family Trust	320
391	Nemec, Mary Jo & Nick - Batch Plant	3
13	Nemec, Mary Jo & Nick (A)	320
72	Porter, Katherine (A)	163
52	Porter, Katherine (B)	363
314	Porter, Katherine (F)	160
338	Ratzlaff, Durward	320
21	Rittel, Ryan & Kristen	1454
57	Schimmel Land, LLC	80
80	Smith Trust, Elizabeth	660
350	Smith, Travis & Natasha (C) (fka Hamlin, Donald (B))	360
358	Smith, Travis & Natasha (D) (fka Hamlin, Donald (B))	120
176	State of South Dakota (A)	620
29	State of South Dakota (B)	160
22	State of South Dakota (C)	320
190	Triple F Real Estate, LLC	160
58	Twedt Trust, Velda	80
117	Volek, Clifford (B)	160



66	Volek, Keith & Janice (B)	160
17	Weber, Donita & Ivan, Jr. (fka Wentlandt)	20
168	Weber, Donita (fka Donita Ratzlaff)	165
200	Wurts Family LLC (A)	160
196	Wurts Family LLC (B)	320

# Hyde County Auditor

412 Commercial Ave. SE  
Highmore, SD 57345  
1-605-852-2519  
Fax: 1-605-852-3178

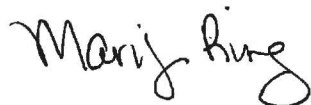
January 9, 2020

Triple H Wind Project, LLC  
C/O Casey Willis  
3760 State Street, Suite 200  
Santa Barbara, CA 93105

Dear Casey,

Enclosed please find a copy of the Application for Conditional Use Permit #2019-001-A. The action that was taken by the Board of Adjustment is on the back of the form. If you have any questions feel free to call 605.852.2519.

Respectfully,

A handwritten signature in black ink that reads "Marilyn Ring". The signature is written in a cursive, flowing style.

Marilyn Ring  
Hyde County Auditor

Enclosure





**HYDE COUNTY**Application #: 2019-001-A**Application for Conditional Use Permit (CUP)**

Application Fee: \$200.00

Applicant/Owner Name/Address: Triple H Wind Project, LLC. 3760 State Street, Suite 200Santa Barbara, CA 93105. Representative: Casey WillisPhone #: 805-569-6185Current Zoning: Ag

Legal Description for Requested CUP (attach additional sheets if necessary):

Quarter \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

General Area or Street Address Southwest of Highmore. Please see attached submittal for more  
information on the project locationReason for Requesting CUP: Request to modify CUP 2019-001. Request is to add participating land  
pursuant to Hyde County's Zoning Ordinance. No turbines require changes from the prior approval.

1. Describe the special circumstances or conditions that exist that requires a CUP: \_\_\_\_\_

The request is simply to add participating property to the CUP where underground collection lines and  
roads would cross the property. This was not included in the original application.

2. Describe how this variance, if approved, would affect neighboring property owners: \_\_\_\_\_

N/A3. What is the purpose/intended use of the proposed project: To add participating properties  
to the prior CUP authorization.

4. Additional Information: \_\_\_\_\_

**Attach plans and/or drawings for review by the board. The board may request additional documentation as necessary.**

Applicant/Owner Signature: \_\_\_\_\_

Date: 12/18/19

Application #: 2019-001-A

The Hyde County Board of Adjustment takes the following action on the above application number:

       Approved as applied

X Approved with following the special conditions: (1) All requested modifications to the Agreement for Road Use, Repair and Improvements be signed by Applicant/County through formalized Amendment  
(2) Applicant ensure Hyde County receives reimbursement for road assessment - required by Agreement for road use - current sum \$52,364.00 (3) Applicant properly apply for permission to maintain and erect utility lines through statutory procedure established by SDC 31.26.

       Denied for the following reasons: \_\_\_\_\_

Robert Bawdon

Chairperson, Hyde County Board of Adjustment

01-07-2020

Date

Marilyn King

Attest by Hyde County Auditor

01-07-2020

Date

***This permit/application shall automatically expire if the use permitted has not been started within two (2) years of approval or if the use permitted ceases for a period of twelve (12) months. This permit applies to the use of the property and remains valid for any future owners or operators as long as the use of the property does not change.***

**Official Use Only**

Date Application Filed: 12-19-19

Application Fee Receipt # (non-refundable): 023969

Dates Published: 12-26-2019 and 1-2-2020

Hearing Date: 1-07-2020

Notice of Board Action Sent to: Landowner X MUR

Zoning Administrator: 1-7-2020

Further Action Required: All conditions listed above

IN THE MATTER OF **CONDITIONAL USE PERMIT APPLICATION NO CUP-2019-001-A**

**Applicant: TRIPLE H WIND PROJECT, LLC**

**FINDINGS of FACT And CONCLUSIONS**

A hearing was held on January 7, 2020 before the Hyde County Board of Adjustment concerning Conditional Use Application Number CUP-2019-001-A.

The Board, having heard evidence from Applicant TRIPLE H WIND PROJECT, LLC,  
hereby makes the following Findings:

1. Notice of the hearing was published on December 26, 2019 and January 2, 2020;
2. Proponents of the Conditional Use Permit (CUP) stated, in part:  
Permitting applicant to incorporate participants in project covered by the CUP to place underground collection lines and roads across the property.
3. No person opposed.
4. The Board Further FINDS that Applicant's mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the county and deems the proposal to be in harmony with the principal permitted uses;

The Board of Adjustment CONCLUDES: The MODIFICATION of CONDITIONAL USE PERMIT is APPROVED, conditioned upon the following contingencies, which shall be met prior to construction of plans in this Amendment to CUP 2019-001-A:

1. All requested modifications to the Agreement for Road Use, Repair and Improvements be signed by Applicant and the County through a formalized amendment presented and executed by authorized representative of Applicant;
2. The applicant ensure Hyde County receives reimbursement for road assessment, which is required by said Agreement for Road Use in the current sum of \$52,364.00;
3. That Applicant properly apply for permission to maintain and erect utility lines through statutory procedure established by SDCL 31-26

Motion to approve Findings of Fact and Conclusion by Melvin Buchheim, Second by Greg Swenson

VOTES IN FAVOR: Melvin Buchheim, Greg Swenson, Ron Van Den Berg, Robert Bawdon  
None opposed

ABSTAIN: Kevin Baloun



Date: 01-07-2020  
Signature:

Robert Bawdon  
Chairman of Board of Adjustments

ATTEST: Mary King  
Hyde County, South Dakota     Hyde County Auditor

Conditional Use Permit  
Board of Adjustments









# HYDE COUNTY

Application #: CUP 2019-001

## Application for Conditional Use Permit (CUP)

Application Fee-\$200.00

Applicant/Owner Name/Address: Triple H Wind Project, LLC. 3760 State Street, Suite 200  
Santa Barbara, CA 93105. Representative: Casey Willis

Phone #: 805-569-6185

Current Zoning: Ag

Legal Description for Requested CUP (attach additional sheets if necessary): Please see attached submittal

Quarter \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

General Area or Street Address Southwest of Highmore. Please see attached submittal for more  
Information on the project location.

Reason for Requesting CUP: To build, construct and operate the Triple H Wind Project.

1. Describe the special circumstances or conditions that exist that requires a CUP: \_\_\_\_\_

A CUP is required to be approved by Hyde County pursuant to the newly enacted zoning ordinance.

2. Describe how this variance, if approved, would affect neighboring property owners: \_\_\_\_\_

The request is for the approval to build, construct and operate the Triple H Wind Project. The locations  
of the turbines are located on land in which the project has easements signed with the landowners.

3. What is the purpose/intended use of the proposed project: To build, construct and  
operate a wind energy project.

4. Additional Information: Please see the supplemental information included with this  
submittal.

**Attach plans and/or drawings for review by the board. The board may request additional documentation as necessary.**

Applicant/Owner Signature: \_\_\_\_\_

Date: 11/29/18

HYDE COUNTY

Application #: CUP-2019-006

Application for Conditional Use Permit (CUP)

Application Fee-\$200.00

Applicant/Owner Name/Address: Triple H Wind Project, LLC, 3760 State Street  
Suite 200, Santa Barbara, CA 93105. Representative: Casey Willis

Phone #: 805-569-6185

Current Zoning: Ag

Legal Description for Requested CUP (attach additional sheets if necessary):

Quarter SW/4 Section 8 Township 11N Range 72W

General Area or Street Address Southwest of Highmore

Reason for Requesting CUP: Installation of a permanent meteorological  
tower. Up to 100 meters (328 feet). Provides wind data for the  
Triple H Wind Project.

1. Describe the special circumstances or conditions that exist that requires a CUP: A

CUP is required per the County's Zoning Ordinance

2. Describe how this variance, if approved, would affect neighboring property owners: \_\_\_\_\_

N/A. A variance is not requested.

3. What is the purpose/intended use of the proposed project: Wind data monitoring

in conjunction with the operation of the Triple H Wind Project

4. Additional Information: \_\_\_\_\_

Attach plans and/or drawings for review by the board. The board may request additional documentation as necessary.

Applicant/Owner Signature: \_\_\_\_\_

Date: 6/10/19

Application #: 2019-006

The Hyde County Board of Adjustment takes the following action on the above application number:

X Approved as applied

\_\_\_\_\_ Approved with following the special conditions: \_\_\_\_\_

\_\_\_\_\_ Denied for the following reasons: \_\_\_\_\_

Robert Bawdon  
Chairperson, Hyde County Board of Adjustment

07-02-2019  
Date

Mary King  
Attest by Hyde County Auditor

7-2-2019  
Date

***This permit/application shall automatically expire if the use permitted has not been started within two (2) years of approval or if the use permitted ceases for a period of twelve (12) months. This permit applies to the use of the property and remains valid for any future owners or operators as long as the use of the property does not change.***

**Official Use Only**

Date Application Filed: 6-10-2019 Application Fee Receipt # (non-refundable): \$200

Dates Published: 6-20-2019 ; 6-27-2019

Hearing Date: 7-2-2019

Notice of Board Action Sent to: Landowner X

Zoning Administrator: CS

Further Action Required: Ø



HYDE COUNTY

Application #: CUP-2019-004

Application for Conditional Use Permit (CUP)

Application Fee-\$200.00

Applicant/Owner Name/Address: Triple H Wind Project, LLC. 3760 State Street  
Suite 200, Santa Barbara, CA 93105. Representative: Casey Wilk

Phone #: 805-569-6185 Current Zoning: Ag

Legal Description for Requested CUP (attach additional sheets if necessary):

Quarter SW/4 Section 12 Township 111N Range 73W

General Area or Street Address Southwest of Highmore

Reason for Requesting CUP: Project substation location for Triple H Wind Project.  
Collection lines will connect to the project substation. Voltage  
at the substation is stepped up to 345 kV via a transformer.

1. Describe the special circumstances or conditions that exist that requires a CUP: A

CUP is required per the County's Zoning Ordinance

2. Describe how this variance, if approved, would affect neighboring property owners: \_\_\_\_\_

N/A. A variance is not requested

3. What is the purpose/intended use of the proposed project: Connect the Triple

H Wind Project to Basin Electric's switchyard (separate CUP)

4. Additional Information: Project substation is 5 acres

Attach plans and/or drawings for review by the board. The board may request additional documentation as necessary.

Applicant/Owner Signature: [Signature] Date: 6/10/19

Application #: CWP-2019-004

The Hyde County Board of Adjustment takes the following action on the above application number:

X Approved as applied

\_\_\_\_\_ Approved with following the special conditions: \_\_\_\_\_

\_\_\_\_\_ Denied for the following reasons: \_\_\_\_\_

Robert Bawdon

Chairperson, Hyde County Board of Adjustment

07-02-2019

Date

Mary King

Attest by Hyde County Auditor

7-2-2019

Date

***This permit/application shall automatically expire if the use permitted has not been started within two (2) years of approval or if the use permitted ceases for a period of twelve (12) months. This permit applies to the use of the property and remains valid for any future owners or operators as long as the use of the property does not change.***

**Official Use Only**

Date Application Filed: 6-10-2019 Application Fee Receipt # (non-refundable): \$200

Dates Published: 6-20-2019 & 6-27-2019

Hearing Date: 7-2-2019

Notice of Board Action Sent to: Landowner X

Zoning Administrator: CS

Further Action Required: 0

HYDE COUNTY

Application #: CUP-2019-005

Application for Conditional Use Permit (CUP)

Application Fee-\$200.00

Applicant/Owner Name/Address: Triple H Wind Project, LLC. 3760 State Street  
Suite 200 Santa Barbara, CA 93105. Representative: Casey Wilk

Phone #: 805-569-6185

Current Zoning: Ag

Legal Description for Requested CUP (attach additional sheets if necessary):

Quarter NW/4 Section 2 Township 11N Range 72W

General Area or Street Address South of Highmore

Reason for Requesting CUP: Wind turbine 100 was denied a variance and  
CUP in February 2019 as the prior location was within 1/2 mile  
of Highway 47. This current request complies with the 1/2 mile setback.

1. Describe the special circumstances or conditions that exist that requires a CUP: A

CUP is required per the County's Zoning Ordinance.

2. Describe how this variance, if approved, would affect neighboring property owners: \_\_\_\_\_

N/A. A variance is not requested

3. What is the purpose/intended use of the proposed project: Installation of a  
wind turbine

4. Additional Information: \_\_\_\_\_

Attach plans and/or drawings for review by the board. The board may request additional documentation as necessary.

Applicant/Owner Signature: [Signature] Date: 6/10/19

Application #: CWP 2019-005

The Hyde County Board of Adjustment takes the following action on the above application number:

X Approved as applied

\_\_\_\_ Approved with following the special conditions: \_\_\_\_\_

\_\_\_\_ Denied for the following reasons: \_\_\_\_\_

Robert Bawdon  
Chairperson, Hyde County Board of Adjustment

07-02-2019  
Date

Mary King  
Attest by Hyde County Auditor

7-2-2019  
Date

***This permit/application shall automatically expire if the use permitted has not been started within two (2) years of approval or if the use permitted ceases for a period of twelve (12) months. This permit applies to the use of the property and remains valid for any future owners or operators as long as the use of the property does not change.***

**Official Use Only**

Date Application Filed: 6-10-2019 Application Fee Receipt # (non-refundable): \$200

Dates Published: 6-20-2019 & 6-27-2019

Hearing Date: 7-2-2019

Notice of Board Action Sent to: Landowner X

Zoning Administrator: CS

Further Action Required: Ø

## RESOLUTION

### RECITALS

#### I.

WHEREAS, Triple H Wind Project, LLC (Triple H), has filed an application with the Hyde County Board of Commissioners pursuant to Chapter 31-26 of the South Dakota Codified Laws, for authorization to maintain wires and necessary appurtenances and bury cable for the purpose of conducting electricity for lighting, heating and power purposes (Collection Lines) along certain public highways in Hyde County, South Dakota.

#### II.

WHEREAS, the Hyde County Board of Commissioners has the jurisdiction and authority to grant the application of Triple H as set forth in paragraph I above, subject to such conditions as it may desire to impose.

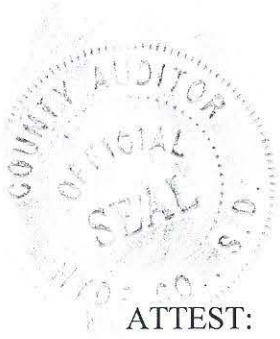
NOW, THEREFORE, BE IT RESOLVED by the Hyde County Board of Commissioners as follows:

1. That the application of Triple H dated February 4, 2020, for authorization to maintain wires and necessary appurtenances and bury cable for the purpose of conducting electricity for lighting, heating and power purposes along certain public highways in Hyde County, South Dakota is granted subject to the conditions set forth herein.
2. That this grant is for a period twenty (20) years from and after March 3, 2020, or as may be extended by the Hyde County Board of Commissioners in writing at a subsequent date.
3. That as consideration for this grant, Triple H agrees to indemnify and hold harmless Hyde County, its officers and employees from any and all liability, damages, claims, demands or otherwise, whether the same is based on contract or otherwise in law or in equity associated with the design, construction, installation, operating, inspecting, repairing, maintaining, replacing or removal of the Collection Lines along with all appurtenances thereto located pursuant to this grant, except such liability, damages, claims or demands which arise as a result of the intentional act or negligence of the county, its officers, employees or agents.
4. That as additional consideration for this grant, Triple H agrees to restore, at its expense, the affected areas to as good a condition as before said work was commenced and replace any structures affected, i.e. culverts and signs; and if the public highways in the county should be rebuilt or construction and maintenance of the county highways otherwise requires the removal or relocation of the Collection Lines, removal or relocation of the Collection Lines within the public highways shall be solely at the expense of Triple H.
5. That the rights and conditions of this grant shall be binding upon the successors and assigns of Triple H.



6. This grant shall further be subject to all rules and regulations as specified in the current edition of the National Electrical Safety Code.
7. That this grant shall not be effective until execution of the acceptance of the conditions set forth below by Triple H.

Dated this 3<sup>rd</sup> day of March, 2020.



HYDE COUNTY BOARD OF COMMISSIONERS

By: Robert Bawdon  
Chairman, Board of County Commissioners

ATTEST:

Marie Ring  
Hyde County Auditor

The foregoing resolution was made by Commissioner Van Den Berg and seconded by Commissioner Swenson and upon a vote being taken thereon:

The following voted YEA: Buchheim, Van Den Berg, Swenson, Bawdon

The following voted NAY: None

Absent: Balow

Whereupon the Chairman declared the resolution adopted.

ACCEPTANCE OF CONDITIONS

I, Jonathan Koehn, Vice President for Triple H Wind Project, LLC  
acknowledge that I have reviewed the terms and conditions of the resolution set forth above and,  
being authorized so to do on behalf of Triple H Wind Project, LLC, do hereby accept all of the  
terms and conditions set forth in such resolution.

Dated this 27 day of March, 2020.

TRIPLE H WIND PROJECT, LLC

By: 

Name: Jonathan S. Koehn

Title: Vice President