

Prepared by: Luke Muller
Codington County Zoning Officer
1910 West Kemp Avenue
Watertown, SD 57201

Letter of Assurance

A Conditional Use Permit under Codington County Zoning Ordinance 3.04.02.21., "Wind Energy Systems" has been granted by the Codington County Board of Adjustment to Crowned Ridge Wind, LLC to operate a Wind Energy System with up to 164 Wind Towers and other ancillary structures/uses described in the application.

Property location: As displayed in Exhibit "A" attached and hereby incorporated by reference.

Conditions to be placed upon the conditional use permit issued to Crowned Ridge Wind, LLC by the Codington County Board of Adjustment on July 16, 2018:

- 1) Effective Date and Transferability:
 - a. Upon issuance of permit by South Dakota Public Utilities Commission.
 - b. This permit shall expire if either no construction as described in the application has commenced within three (3) years of issuance by the County Board of Adjustment; or if a State Permit from the South Dakota Public Utility Commission has not been issued within two (2) years of issuance by the County Board of Adjustment; or any within three (3) years of the final decision regarding any appeal to circuit court relating to the issuance of the permit.
 - c. The applicant may apply for an extension of this permit if the requirements of 1.b above cannot be met.
 - d. The Conditional Use 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 plant 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 5.22 of the Codington

4) Violation and Penalties:

- a. Violations of requirements of the ordinance relating to the operations of a specific tower will result in enforcement/penalties in reference to the specific tower found to be in violation, and will be enforced in the manner as described in Section 4.b below.
- b. Violation of the terms of this conditional use permit will be determined by the Codington County Zoning Officer.
 - (1) The first violation substantiated by the Zoning Officer of this conditional use permit may result in a notification letter stating the violation and a prescribed period of time to remove the violation. A second violation occurring within one calendar year of the previous violation may result in a review of the validity of the conditional use permit and potential revocation of said permit. A third violation within one calendar year of the initial violation may result in revocation of the conditional use permit and cessation of all operations within forty-five days (45) of notice of revocation.
 - (2) The applicant may make appeal from the decision of the Zoning Officer or other agent of the Codington County Board of Adjustment to the Codington County Board of Adjustment. The applicant shall file with the Zoning Officer a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. Such appeal shall be taken within thirty (30) days. Appeals from the Board of Adjustment shall be taken to Circuit Court.
 - (3) Failure to comply with the decision of the Zoning Officer or other agent of the Codington County Board of Adjustment may be deemed a separate violation.

IN WITNESS WHEREOF, Codington County and the Grantor(s) have executed this Conditional Use Permit Letter of Assurance.


Crowned Ridge Wind, LLC (Grantor)
by (Name): John Di Donato
its (Title): Vice President

Date


Chairperson
Codington County Board of Adjustment

11-19-18

Date

STATE OF Florida
SS:
COUNTY OF Palm Beach

This instrument was acknowledged before me on 25 September 2018 by

STATE OF SOUTH DAKOTA

SS:

COUNTY OF CODINGTON

This instrument was acknowledged before me on 11-19, 2018 by Robert Fox, representing Codington County as the Chairman of the Codington County Board of Adjustment.

IN WITNESS WHEREOF, I hereunto set my hand and official seal

Becky L. Goens Notary Public
My Commission Expires: 5-17-22

