

Prepared by: Krista Atyeo-Gortmaker
Grant County Zoning Officer
210 East 5th Avenue
Milbank, SD 57252
605-432-7580

Letter of Assurance

A Conditional Use Permit under Grant County Zoning Ordinance 11.01.03.22., "Wind Energy Systems" has been granted by the Grant County Board of Adjustment to Cattle Ridge Wind Farm, LLC to operate a Wind Energy System with up to 25 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 Cattle Ridge Wind Farm, LLC by the Grant County Board of Adjustment on April 8, 2019:

1) Effective Date and Transferability:

- a. Upon issuance of permit by South Dakota Public Utilities Commission.
- b. This permit shall expire on April 8, 2022 if no substantial construction as described in the application has commenced; or the permit shall expire on April 8, 2021 if a State Permit from the South Dakota Public Utility Commission has not been issued.
- c. 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. Applicant 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.
- d. Applicant agrees to submit final WES maps, points of contact, soil and erosion plan, decommissioning plan and haul road agreements as required by ordinance.
- e. Applicant agrees to obtain building permits prior to commencing construction on any towers.
- f. Applicant agrees to meet all State and Federal requirements.

3) Obligation to Meet Requirements:

- a. Applicant agrees to meet requirements of Section 1211 of the Grant County Ordinance in reference to remaining obligations including but not limited to: submittal of Soil Erosion and Sediment Control Plans, Haul Road Agreements, Decommissioning Plan, Final site location of towers, building permit application, meeting applicable federal and state requirement as required by Section 1211
- b. Applicant acknowledges the ability of the Board of Adjustment to require some form of financial assurance to cover the anticipated costs of decommissioning the WES Facility. Final Decommissioning Plan to be submitted as required by ordinance.
- c. Applicant agrees to provide haul agreements in accordance with Grant County Zoning Ordinance Section 1211.04.f and County Resolution 2014-36. Unless otherwise agreed to between the road authority and the applicant, Grant County requires, at a minimum the Applicant to abide by the following terms to be included in the Agreements:
 - i. Unless otherwise agreed upon between the applicant and Road Authority, the applicant shall be responsible for any costs associated with damage done to haul roads during construction. Further, damaged haul roads will be repaired to preconstruction status.
 - ii. Unless otherwise agreed upon between the applicant and Road Authority, the applicant shall be responsible for any costs associated with extraordinary maintenance and graveling on those roads used during the construction of the proposed use.
 - iii. Unless otherwise agreed upon between the applicant and Road Authority, all road work whether customary or extraordinary shall be done under the authority and supervision of the Road Authority and meet its specifications. The work shall be done through the applicable contractor unless the applicant receives prior

authorization from the applicable road authority to conduct its own repairs or maintenance.

- iv. The Road Authority shall be responsible for all ordinary snow removal on their respective roads on the same basis as provided to the remainder of the Road Authority. Any additional snow removal deemed necessary for the applicant to continue its operations is hereby authorized to be done at applicant's expense.

- d. In the event the haul road agreements hereinbefore described are not executed, the applicant, his heirs, assigns or successors in interest of the Applicant agree that all the terms and conditions of Item "c", above, are to be deemed a covenant running with the above-described property. Furthermore, it is agreed that, in accepting title to the above-described property any grantee, heir, assign, or successor in interest to the undersigned expressly agrees to be bound by the terms of Item "c".

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.

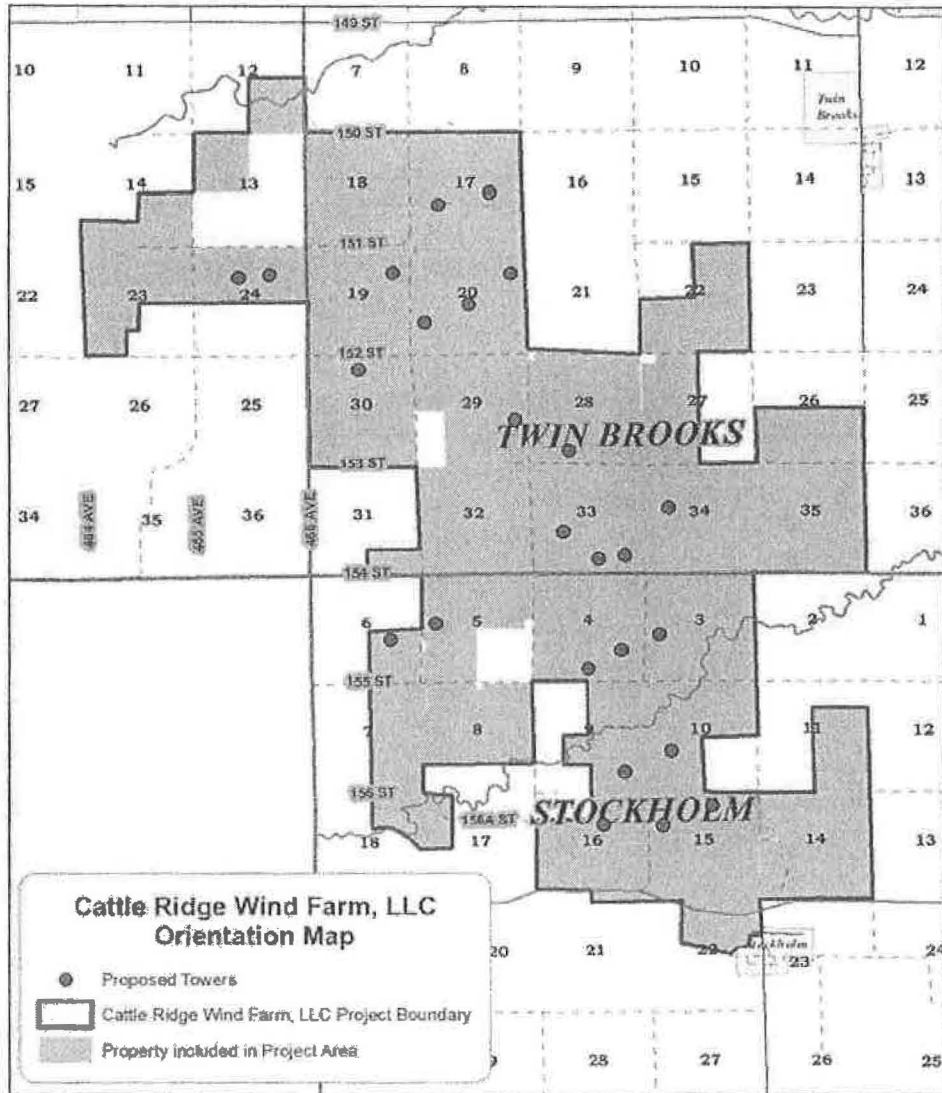
- b. Violation of the terms of this conditional use permit will be determined by the Grant County Zoning Officer.

(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/or cessation of the specific tower 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 Grant County Board of Adjustment to the Grant 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 Grant County Board of Adjustment may be deemed a separate violation.

5. Exhibit A



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

[Signature]
Cattle Ridge Wind Farm, LLC (Grantor/Applicant)
by (Name): John Di Donato
its (Title): Vice President

5-26-19
Date

[Signature]
Chairperson
Grant County Board of Adjustment

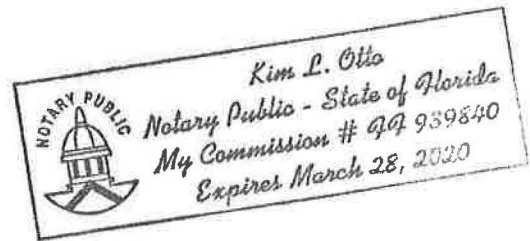
5/16/19
Date

STATE OF Florida
SS:
COUNTY OF Palm Beach

This instrument was acknowledged before me on April 16, 2019 by John Di Donato, on behalf of Cattle Ridge Wind Farm, LLC (Grantor/Applicant).

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

[Signature] Notary Public
My Commission Expires: _____



STATE OF SOUTH DAKOTA
SS:
COUNTY OF GRANT

This instrument was acknowledged before me on May 16, 2019 by Thomas P. Hatzki representing Grant County as the Chair of the Grant County Board of Adjustment.

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

[Signature] Notary Public
My Commission Expires: 10-17-21

