

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 Dakota Range II, LLC to operate a Wind Energy System with up to 48 Wind Towers and other ancillary structures/uses.

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

Conditions to be placed upon the conditional use permit issued to Dakota Range II, LLC by the Codington County Board of Adjustment on June 19, 2017:

- 1) Effective Date and Transferability:
 - a. Upon issuance of applicant permit by South Dakota Public Utilities Commission.
 - b. This permit shall expire if no construction described within the application has occurred within three (3) years of issuance of a permit by South Dakota Public Utilities Commission; or if application for permit has not been made on or before June 19, 2020.
 - 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 for 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 County Ordinance in reference to remaining obligations including but not limited to: submittal of Haul Road Agreements, Submittal of Decommissioning Plan, Final site location of towers, building permit application, meeting applicable federal and state requirements, and consideration of bond for abandonment/decommissioning after 10 years.
- 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 feeder 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.

Mark Goodwin
Dakota Range II, LLC (Grantor)

by (Name): Mark Goodwin

its (Title): President & CEO

July 12th 2017
Date

Robert Fox
Chairperson
Codington County Board of Adjustment

8-21-17
Date

STATE OF _____

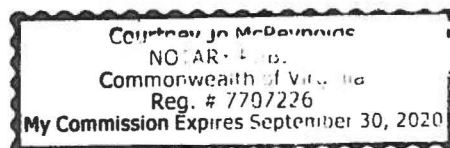
SS: _____

COUNTY OF _____

This instrument was acknowledged before me on July 12th, 2017 by Mark Goodwin, on behalf of Dakota Range II, LLC (Grantor).

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

Courtney Jo McDermott Notary Public
My Commission Expires: Sept. 30th 2020

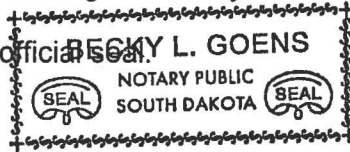


STATE OF SOUTH DAKOTA
SS:
COUNTY OF CODINGTON

This instrument was acknowledged before me on 8-21, 2017 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



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



Letter of Assurance

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

Conditions to be placed upon the conditional use permit issued to Dakota Range I, LLC by the Codington County Board of Adjustment on June 19, 2017:

- 1) Effective Date and Transferability:
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b. Violation of the terms of this conditional use permit will be determined by the Codington County Zoning Officer.

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- (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.

Mark Goodwin
Dakota Range I, LLC (Grantor)

by (Name): Mark Goodwin

its (Title): President & CEO

July 12th 2017
Date

Robt Fox
Chairperson
Codington County Board of Adjustment

8-21-17
Date

STATE OF _____

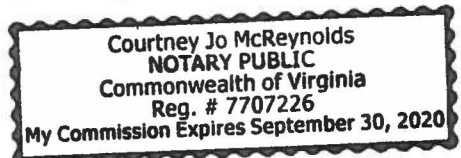
SS: _____

COUNTY OF _____

This instrument was acknowledged before me on July 12th, 2017 by Mark Goodwin, on behalf of Dakota Range I, LLC (Grantor).

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

Courtney Jo McReynolds Notary Public
My Commission Expires: Sept. 30th 2020



STATE OF SOUTH DAKOTA

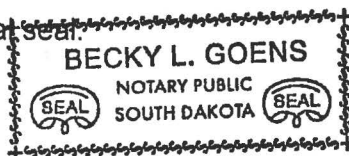
SS:

COUNTY OF CODINGTON

This instrument was acknowledged before me on 8-21, 2017 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





GRANT COUNTY SOUTH DAKOTA
PLANNING AND ZONING OFFICE

210 East 5th Avenue
Milbank, SD 57252-2499
Phone: 605-432-7580
Fax: 605-432-7515

January 3, 2018

Dear To Whom It May Concern:

As the Planning & Zoning Administrator in Grant County, South Dakota I report the satisfactory completion of the permit requirements and compliance with zoning ordinance for wind energy projects.

The Dakota Range Wind project I & II completed the public hearing requirements on June 12, 2017. The permit submitted, met all the regulations of the zoning ordinance and the facts were presented to the board during this public hearing.

The board heard testimony in support of the project from citizens of Grant County and no one reported opposition to the project when asked to testify during the public input portion of the hearing.

The Conditional Use permits received unanimous approval by the Board of Adjustment as presented which makes the CUP permits effective immediately for the Dakota Range Projects to move forward in Grant County.

Sincerely,

Krista Atyeo-Gortmaker
Planning and Zoning Officer
Grant County

COPY

APPROVED

**GRANT COUNTY NOTICE OF APPEAL
CONDITIONAL USE PERMIT/VARIANCE APPLICATION**

DATE: May 3, 2017

PERMIT NUMBER CUP05232017A

APPLICANT (PRINT): Dakota Range I, LLC

PHONE: 612-834-2680

ADDRESS (PRINT): 310 4th St. Suite 200, Charlottesville, VA 22902

OWNER (PRINT): See Tab 4

PHONE: _____

IF DIFFERENT THAN APPLICANT

ADDRESS (PRINT): _____

I/WE, THE UNDER SIGNED, DO HEREBY PETITION THE BOARD OF ADJUSTMENT OF GRANT COUNTY, SOUTH DAKOTA, TO ISSUE A CONDITIONAL USE PERMIT OR VARIANCE FOR

(CIRCLE APPROPRIATE REQUEST)

THE PROPERTY DESCRIBED AS: LEGAL DESCRIPTION (PRINT)

See Tab 5

PARCEL NUMBER: See Tab 4

SITE STREET ADDRESS: See Tab 6

EXISTING LAND USE: AG

EXISTING ZONING: AG C/I PD NR

(CIRCLE ONE)

SIZE OF PARCEL: ACRES _____ LOT DIMENSIONS: WIDTH (FRONTAGE) _____ DEPTH _____

SURROUNDING LAND USE:

NORTH: _____

SOUTH: _____

EAST: _____

WEST: _____

CONDITIONAL USE PERMIT:

PLEASE DESCRIBE WHAT YOU PROPOSE TO DO AND WHY YOU ARE SEEKING A CONDITIONAL USE PERMIT
(ATTACH A SEPARATE SHEET OF PAPER IF NECESSARY).

The Dakota Range Wind Project is a proposed 150-turbine 300 MW Wind Energy System (WES), with up to 110 turbines located in Grant County. See Tabs 2 and 3 for further description of the proposed WES.

VARIANCE:

IF YOU ARE SEEKING A VARIANCE PLEASE PROVIDE A BRIEF STATEMENT OF THE VARIANCE DESIRED AND PLEASE STATE THE HARDSHIP REQUIRING RELIEF. (PROOF OF HARDSHIP IS ON THE APPLICANT - HARDSHIP EXAMPLES ARE ODD SIZE OR SHAPE OF THE LOT, UNUSUAL TOPOGRAPHY, ETC. ATTACH A SEPARATE SHEET OF PAPER IF NECESSARY).

SIGNATURE OF APPLICANT: M. G. Gai

SIGNATURE OF OWNER (IF DIFFERENT THAN APPLICANT): _____

NOTE: A SKETCH OF PROPOSED PROPERTY SHALL ACCOMPANY THIS APPLICATION, SHOWING THE FOLLOWING:

1. NORTH DIRECTION

2. DIMENSIONS OF PROPOSED STRUCTURE

3. STREET NAMES

4. OTHER INFORMATION AS MAY BE REQUESTED

5. LOCATION OF PROPOSED STRUCTURE ON LOT

6. DIMENSIONS OF FRONT AND SIDE SETBACKS

7. LOCATION OF ADJACENT EXISTING BUILDINGS

THE BOARD OF ADJUSTMENT MAY REQUIRE THAT SUCH PLANS BE PREPARED BY A REGISTERED ENGINEER OR LAND SURVEYOR

DATE FILED WITH ZONING OFFICER 5-23-2017 FEE PAID (NON-REFUNDABLE) ON 200-

HEARING DATE & TIME June 12, 2017 ACTION BY BOARD Approved

Conditions of permit: 3 special requests:

1. 2 systems treated as 1 2. Ability to install underground collection lines overhead when constructability makes it unreasonable to go underground 3. CUP become void after 3 years of SD siting permit issuance.

COPY APPROVED

**GRANT COUNTY NOTICE OF APPEAL
CONDITIONAL USE PERMIT/VARIANCE APPLICATION**

DATE: May 3, 2017

PERMIT NUMBER CUP 05232017B

APPLICANT (PRINT): Dakota Range II, LLC

PHONE: 612-834-2680

ADDRESS (PRINT): 310 4th St. Suite 200, Charlottesville, VA 22902

OWNER (PRINT): See Tab 4

PHONE: _____

IF DIFFERENT THAN APPLICANT

ADDRESS (PRINT): _____

I/WE, THE UNDER SIGNED, DO HEREBY PETITION THE BOARD OF ADJUSTMENT OF GRANT COUNTY, SOUTH DAKOTA, TO ISSUE A CONDITIONAL USE PERMIT OR VARIANCE FOR

(CIRCLE APPROPRIATE REQUEST)

THE PROPERTY DESCRIBED AS: LEGAL DESCRIPTION (PRINT)

See Tab 5

PARCEL NUMBER: See Tab 4

SITE STREET ADDRESS: See Tab 6

EXISTING LAND USE: AG

EXISTING ZONING: AG C/I PD NR
(CIRCLE ONE)

SIZE OF PARCEL: ACRES _____ LOT DIMENSIONS: WIDTH (FRONTAGE) _____ DEPTH _____

SURROUNDING LAND USE:

NORTH: _____

SOUTH: _____

EAST: _____

WEST: _____

CONDITIONAL USE PERMIT:

PLEASE DESCRIBE WHAT YOU PROPOSE TO DO AND WHY YOU ARE SEEKING A CONDITIONAL USE PERMIT (ATTACH A SEPARATE SHEET OF PAPER IF NECESSARY).

The Dakota Range Wind Project is a proposed 150-turbine 300 MW Wind Energy System (WES), with up to 110 turbines located in Grant County. See Tabs 2 and 3 for further description of the proposed WES.

VARIANCE:

IF YOU ARE SEEKING A VARIANCE PLEASE PROVIDE A BRIEF STATEMENT OF THE VARIANCE DESIRED AND PLEASE STATE THE HARDSHIP REQUIRING RELIEF. (PROOF OF HARDSHIP IS ON THE APPLICANT - HARDSHIP EXAMPLES ARE ODD SIZE OR SHAPE OF THE LOT, UNUSUAL TOPOGRAPHY, ETC. ATTACH A SEPARATE SHEET OF PAPER IF NECESSARY).

SIGNATURE OF APPLICANT: M. Goslin

SIGNATURE OF OWNER (IF DIFFERENT THAN APPLICANT): _____

NOTE: A SKETCH OF PROPOSED PROPERTY SHALL ACCOMPANY THIS APPLICATION, SHOWING THE FOLLOWING:

- | | |
|---|---|
| 1 NORTH DIRECTION | 5 LOCATION OF PROPOSED STRUCTURE ON LOT |
| 2 DIMENSIONS OF PROPOSED STRUCTURE | 6 DIMENSIONS OF FRONT AND SIDE SETBACKS |
| 3 STREET NAMES | 7 LOCATION OF ADJACENT EXISTING BUILDINGS |
| 4 OTHER INFORMATION AS MAY BE REQUESTED | |

THE BOARD OF ADJUSTMENT MAY REQUIRE THAT SUCH PLANS BE PREPARED BY A REGISTERED ENGINEER OR LAND SURVEYOR

DATE FILED WITH ZONING OFFICER 5-23 2017 FEE PAID (NON-REFUNDABLE) ON 200-
HEARING DATE & TIME June 12, 2017 ACTION BY BOARD Approved

Conditions of permit: 3 Special requests:

1. 2 systems treated as 1 2. Ability to install underground collection lines overhead when constructability makes it unreasonable to go underground 3. CUP become void after 3 years of SD siting permit issuance.

COPY APPROVED

**GRANT COUNTY NOTICE OF APPEAL
CONDITIONAL USE PERMIT/VARIANCE APPLICATION**

DATE: May 3, 20 17

PERMIT NUMBER CUP05232017C

APPLICANT (PRINT): Dakota Range I, LLC

PHONE: 612-834-2680

ADDRESS (PRINT): 310 4th St. Suite 200, Charlottesville, VA 22902

OWNER (PRINT): See Tab 4

PHONE: _____

IF DIFFERENT THAN APPLICANT

ADDRESS (PRINT): _____

I/WE, THE UNDER SIGNED, DO HEREBY PETITION THE BOARD OF ADJUSTMENT OF GRANT COUNTY, SOUTH DAKOTA, TO ISSUE A **CONDITIONAL USE PERMIT OR VARIANCE FOR**

(CIRCLE APPROPRIATE REQUEST)

THE PROPERTY DESCRIBED AS: LEGAL DESCRIPTION (PRINT)

See Tab 5

PARCEL NUMBER: See Tab 4

SITE STREET ADDRESS: See Tab 6

EXISTING LAND USE: AG

EXISTING ZONING: AG C/I PD NR
(CIRCLE ONE)

SIZE OF PARCEL: ACRES _____ LOT DIMENSIONS: WIDTH (FRONTAGE) _____ DEPTH _____

SURROUNDING LAND USE:

NORTH: _____

SOUTH: _____

EAST: _____

WEST: _____

CONDITIONAL USE PERMIT:

PLEASE DESCRIBE WHAT YOU PROPOSE TO DO AND WHY YOU ARE SEEKING A CONDITIONAL USE PERMIT
(ATTACH A SEPARATE SHEET OF PAPER IF NECESSARY).

The Dakota Range Wind Project proposes to build a 345 kV interconnection transmission line between the collector substation and interconnection switching station in conjunction with the WES. See Tabs 2 and 3 for further description.

VARIANCE:

IF YOU ARE SEEKING A VARIANCE PLEASE PROVIDE A BRIEF STATEMENT OF THE VARIANCE DESIRED AND PLEASE **STATE THE HARDSHIP REQUIRING RELIEF**. (PROOF OF HARDSHIP IS ON THE APPLICANT - HARDSHIP EXAMPLES ARE ODD SIZE OR SHAPE OF THE LOT, UNUSUAL TOPOGRAPHY, ETC. ATTACH A SEPARATE SHEET OF PAPER IF NECESSARY).

SIGNATURE OF APPLICANT: M. Guri

SIGNATURE OF OWNER (IF DIFFERENT THAN APPLICANT): _____

NOTE: A SKETCH OF PROPOSED PROPERTY SHALL ACCOMPANY THIS APPLICATION, SHOWING THE FOLLOWING:

- | | |
|---|---|
| 1 NORTH DIRECTION | 5 LOCATION OF PROPOSED STRUCTURE ON LOT |
| 2 DIMENSIONS OF PROPOSED STRUCTURE | 6 DIMENSIONS OF FRONT AND SIDE SETBACKS |
| 3 STREET NAMES | 7 LOCATION OF ADJACENT EXISTING BUILDINGS |
| 4 OTHER INFORMATION AS MAY BE REQUESTED | |

THE BOARD OF ADJUSTMENT MAY REQUIRE THAT SUCH PLANS BE PREPARED BY A REGISTERED ENGINEER OR LAND SURVEYOR

DATE FILED WITH ZONING OFFICER 5-23 2017 FEE PAID (NON-REFUNDABLE) YN 200

HEARING DATE & TIME June 12, 2017 ACTION BY BOARD Approved

Conditions of permit: 4 pm

1. 2 systems treated as 1
2. Ability to install underground collection lines overhead when constructability makes it unreasonable to go underground.
3. CUP become void after 3 years of SD siting permit issuance.

GRANT COUNTY



SOUTH DAKOTA

OFFICE OF COUNTY COMMISSIONERS

210 East 5th Avenue
Milbank, SD 57252-2499
Phone: 605-432-6711
Fax: 605-432-9004

October 4, 2017

To: The SD Public Utilities Commission

RE: Letter of Support

The Grant County Commission understands the need for the county to find new and creative business solutions to generate additional revenue. The County has noticed the benefits of South Dakota's strong wind resource and the exceptional economic opportunities it has delivered to communities (across the Midwest) and is excited to hear that APEX has entered into an agreement with Xcel Energy. Grant County is pleased to have been working closely with Apex Clean Energy on their plans to develop Dakota Range Wind. As such, the County endorses the project and looks forward to continuing our partnership with Apex to ensure Grant County's first wind farm is a success.

We believe Dakota Range Wind will significantly benefit our county for the next thirty years or more. After working with the Apex team, we are confident this development will be completed with minimal impacts to the natural environment and minimal disturbance to citizens. The Commission endorses this project and looks forward to the benefits that Grant County will experience upon completion of the project.

Thank you for your consideration.

Sincerely,

Marty Buttk

Marty Buttk, Vice-Chairman
Grant County Commission