

Tower #57

Applicant: Xcel Energy on behalf of Northern State’s Power Co. (See “Order Granting Motion for Approval of Transfer of Permit *EL18-003 SDPUC*)

Owner: Allen Amdahl

Rec. # 13886

Property Description: LOTS 1 & 2 AND S1/2 OF NE1/4 of 3-119-52

Zoning Designation: A – Agricultural; ~~Zone B – Aquifer Protection Overlay District; Zone C – Aquifer Protection Overlay District~~

History/Issue(s):

Conditional use permit granted: June 19, 2017

PUC Permit/order: July 23, 2018 (See Final PUC Order)

Section	Title	Notes
5.22.02	Federal and State Requirements	Dakota Range LLC Permit to Construct Facility (July 23, 2018) Exercised LOA’s Condition 1.a. & 1.d.
5.22.03.1(a)	Site Clearance	Provided
5.22.03.1(b)	Topsoil Protection	Provided
5.22.03.1(c)	Compaction	Provided
5.22.03.1(d)	Livestock Protection	Provided
5.22.03.1(e)	Fences	Provided
5.22.03.1(f.i)	Public Roads	Ellen Heine is current contact will be transferring to local contractor
5.22.03.1(f.ii)	Haul Roads	Haul road agreements received greater than 60 days prior
5.22.03.1(f.iii)	Turbine Access Roads	Ellen Heine is current contact will be transferring to local contractor
5.22.03.1(f.iv)	Private Roads	Ellen Heine is current contact will be transferring to local contractor
5.22.03.1(f.v)	Control of Dust	Ellen Heine is current contact will be transferring to local contractor
5.22.03.1(g)	Soil erosion and Sediment Control Plan	Provided
5.22.03.2	Setbacks	Setbacks from: Nearest NP Residence: > 1,500’ (5,807’) (Cole) Nearest Right of Way: 541.75’ (602’) Property Line > 541.72 (1,928’) Municipality > 5,280’
5.22.03.3	Electromagnetic Interference	Agreed to “not operate the WES so as to cause microwave, television, radio, or navigation interference contrary to FCC regulations or other law.” And will mitigate if problems arise.

Section	Title	Notes
5.22.03.4	Lighting	
5.22.03.5	Turbine Spacing	Rotor diameter specified per tower location (446.92'). Ref: https://en.wind-turbine-models.com/turbines/1839-vestas-v136-4.2
5.22.03.6	Footprint minimization	Turbines are concentrated rather than spread across easement area; but had to be spread to avoid towns. Towers and ancillary electric (boxes, transformers, etc, to be combined as much as possible.
5.22.03.7	Collector Lines	PUC Permit Provided; route provided; haul road and license agreements obtained.
5.22.03.8	Feeder Lines	
5.22.03.9	Decommissioning/ Restoration/ Abandonment	Final Decommissioning Plan to be submitted when required by ordinance
5.22.03.10	Height from Ground Surface	Vestas V136-4.2 Low HH = 492.5'
5.22.03.11	Towers	
5.22.03.12	Noise	Noise not to exceed 50dBA at the property line of a residence. (Figure 5-2B Sound Study) Checked
5.22.03.13	Flicker	No requirement at time of CUP; but analysis provided.
5.22.03.14	Permit Expiration	6 months from issuance
5.22.03.15.a	Required Information [Boundaries]	Provided
5.22.03.15.b	Required Information [Easements/ Affidavit]	Provided
5.22.03.15.c	Required Information [Receptor Map]	Provided
5.22.03.15.d	Required Information [Final site map]	Provided
5.22.03.15.e	Required Information [Other WES Sites]	Provided
5.22.03.15.f	Required Information [Project Schedule]	Provided

5.22.03.15.g	Required Information [Mitigation Measures]	Provided (none additionally specified)
5.22.03.15.h&i	Required Information [Haul Roads and easements for transmission]	Provided
5.22.03.15.j	Required Information [USFWS Consultation]	Provided

Subject to conditions of agreed upon letter of assurance, including below:

2) 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 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 5.22
- 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 on or before June 19, 2027.
- c. Building permit complies with the above requirements which exceed those in effect at the time of the Conditional Use Permit approval. Zoning Office will provide information regarding ability to meet regulations at time of Conditional Use Permit approval upon request.

3) 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.

Disclaimer:

This building permit authorizes the construction of the structure, its location, and use as specified within the attached application provided it complies with the provisions of the Codington County Zoning Ordinance, as amended. Any changes to the location or structure shall be made only in accordance with the Codington County Zoning Ordinance and may require amendment or replacement of this building permit. Further, should it be determined that construction and/or operation of the structure herein described does not comply with the provisions of the zoning ordinance, said structure will be required, at the expense of the applicant, to be modified, moved, removed, etc. in a manner to ensure compliance with the Codington County Zoning Ordinance.