

Codington County
Planning Commission / Board of Adjustment

1910 West Kemp Avenue
Watertown, SD 57201-3048

Email: codington.county@sdstate.edu
Website: codington.org

Phone: (605) 882-6300
Fax: (605) 882-6302

July 20, 2018

Crowned Ridge, LLC and Crowned Ridge II, LLC
700 Universe Blvd.
Juno Beach, FL 33408

To whom it may concern

This letter is written to formally inform you that on July 16, 2018 the Codington County Board of Adjustment (Board) approved your request for a conditional use permit to operate a Wind Energy System on property described in your application within Germantown, Leola, Waverly, Kranzburg, and Rauville Townships.

The Conditional Use permit will allow you to operate a wind energy system with up to 164 wind towers and other structures/uses in the manner presented in your application and at the meeting. The Board approved the Conditional Use Permit based upon the staff report, testimony at the meeting and in the application, findings read at the meeting, and conditions to be agreed upon in a letter of assurance. The official findings of fact will be filed at the zoning office upon review and signature of the Chairperson of the Board. Please contact this office if you would like a copy of the findings of fact for your records. As noted, the Board approved your permit subject to you signing a letter of assurance with the following conditions:

- 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 Codrington 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 July 16, 2023.

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 Codrington 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 Codrington County Board of Adjustment to the Codrington 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 Codrington County Board of Adjustment may be deemed a separate violation.

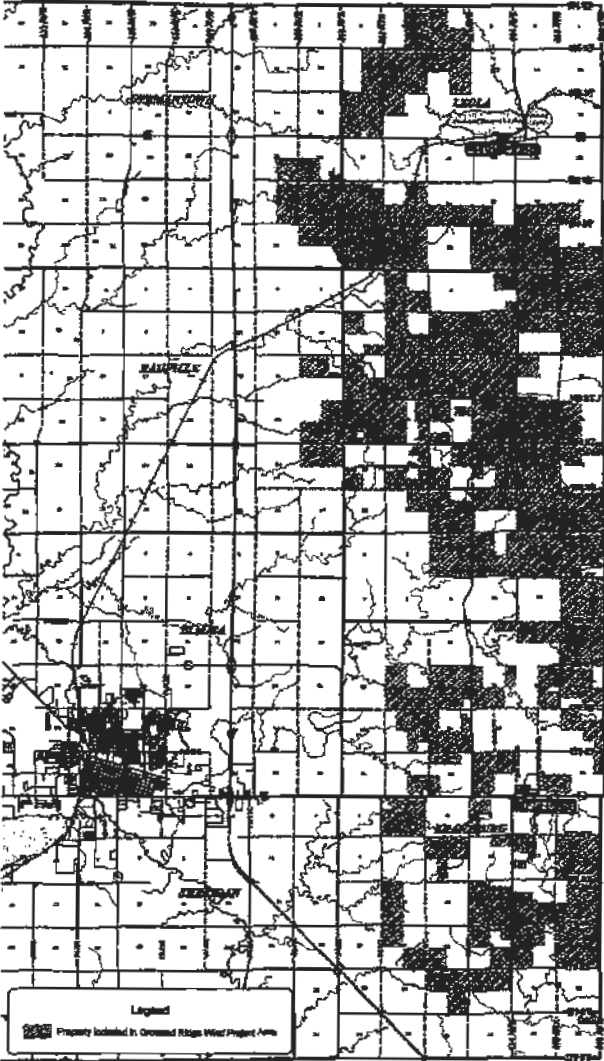
I have attached the Letter of Assurance to this letter for your signature. Please note, two letters of assurance have been attached to be signed on behalf of the separate entities (Crowned Ridge, LLC and Crowned Ridge II, LLC.) These letters of assurance will be filed with this letter and the original application at the Zoning Office. If you would like a copy of the letter of assurance after signature from the Chairperson of the Board, please contact this office. Further, if you have any other questions you may reach me at 882-6300 between the hours of 9:00 a.m. and 11:00 a.m. on Mondays, Wednesdays, and Fridays.

Sincerely,


Luke Muller
Codington County Zoning Officer

Exhibit "A"

 **Crowned Ridge, LLC and Crowned Ridge II, LLC:
Wind Energy System Orientation Map**



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

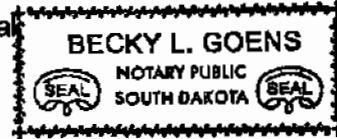
This instrument was acknowledged before me on 15 September 2018 by

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



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 II, 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 II, 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.

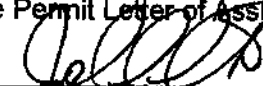
- 2) General Requirements:
 - a. There shall be no discharge of industrial processed water on the site
 - b. Storage of petroleum products in quantities exceeding one hundred (100) gallons at one (1) locality in one (1) tank or series of tanks must be in elevated tanks; such tanks larger than eleven 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

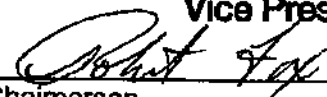
4) Violation and Penalties:

- 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 II, LLC (Grantor)
by (Name): _____
its (Title): John Di Donato
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 John Di Donato as behalf of Crowned Ridge Wind II, LLC (Grantor)

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



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 Crowned Ridge, LLC to operate a Wind Energy System with up to 32 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, LLC by the Grant County Board of Adjustment on December 17, 2018:

1) Effective Date and Transferability:

- a. Upon issuance of permit by South Dakota Public Utilities Commission.
- b. This permit shall expire on December 17, 2020 if no substantial construction as described in the application has been completed; or if a State Permit from the South Dakota Public Utility Commission has not been issued; or within two (2) 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:

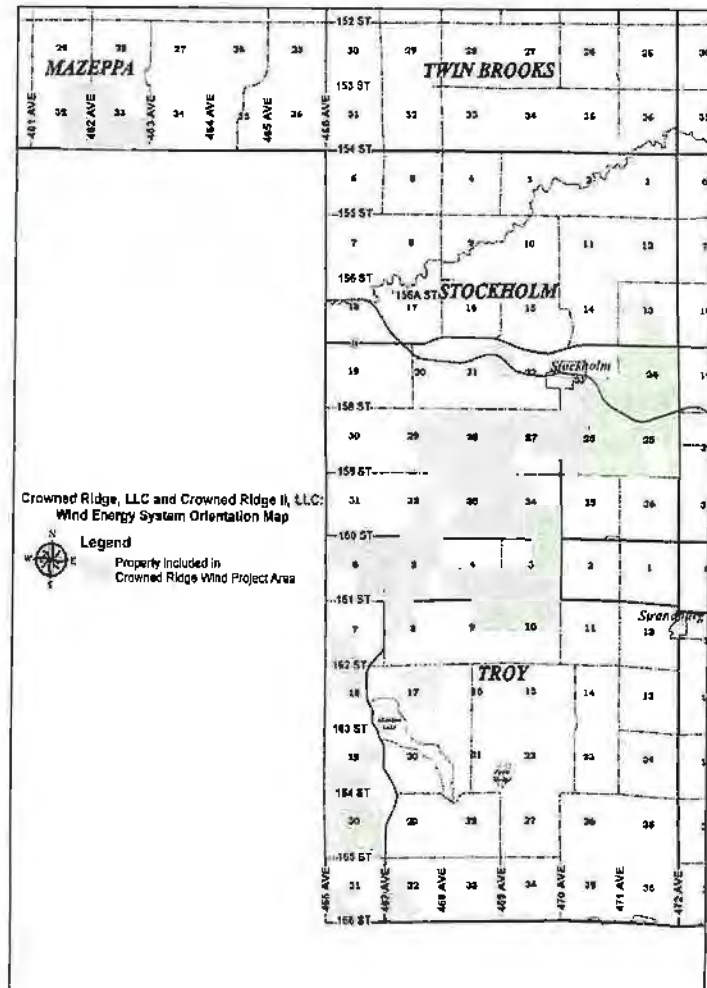
- a. Applicant agrees to construct all WES towers with a setback distance equal to or greater than exhibited in the application.
- b. Applicant agrees that the construction and operation of all WES towers will comply with noise and shadow flicker thresholds exhibited in the application's noise and shadow flicker analysis
- c. Applicant further agrees to meet requirements of Section 1211 of the Grant County Ordinance in a manner consistent with its application in reference to remaining obligations including but not limited to: submittal of Soil Erosion and Sediment Control Plans, Haul Road Agreements, Decommissioning Plan, Final

closure.

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



Chairperson
Grant County Board of Adjustment

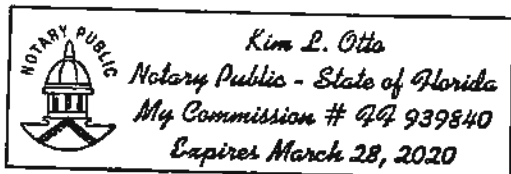
Date

STATE OF Florida
SS:
COUNTY OF Palm Beach

This instrument was acknowledged before me on January 11, 2019 by John Di Donato, on behalf of Crowned Ridge, LLC (Grantor/Applicant).

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

Kim L. Otto Notary Public
My Commission Expires: _____



STATE OF SOUTH DAKOTA
SS:
COUNTY OF GRANT

This instrument was acknowledged before me on _____, 201_ by Nancy Johnson, representing Grant County as the Chair of the Grant County Board of Adjustment.

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

Notary Public
My Commission Expires: _____