

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

December 9, 2019

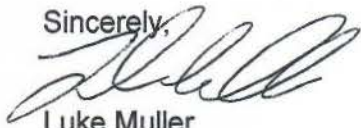
Amber Christenson
16217 466th Ave
Strandburg, SD 57265

Dear Ms. Christenson,

This letter is written to inform you that in reviewing your appeal to the Board of Adjustment, an error was noticed in my letter sent to you dated November 20, 2019. In that letter, I referred to the date of issuance of Building Permit number 4211 (Operation and Maintenance Building for Blattner Energy/Crowned Ridge LLC) as August 30, 2019 (prior to the picture provided in your appeal.) However, upon further review, the building permit was actually issued on September 11, 2019. Therefore, on the basis of the picture provided to this office dated September 2, 2019, Crowned Ridge LLC/Blattner Energy has been mailed the attached letter ordering the payment of an administrative fee in accordance with the Violations and Penalties provisions of the Codington County Zoning Ordinance. Be advised, this letter supersedes my decision in reference to the question/complaint regarding the construction upon the Operation and Maintenance Building in the November 20, 2019 letter. It does not affect the rest of that letter, nor your appeals relating to the remaining two of those questions/complaints.

Once again, thank you for allowing me time to review these questions and complaints. If you have any questions you may reach me at 882-6300 between the hours of 9:00 a.m. and 11:00 a.m. on Mondays, Wednesdays, or Fridays.

Sincerely,



Luke Muller
Codington County Zoning Officer

cc: Rebecca Morlock-Reeves

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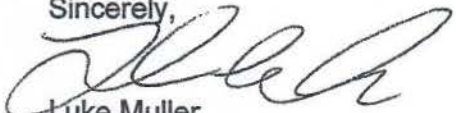
Blattner Energy
Attn: Alicia Jurgensen
392 County Road 50
Avon, MN 56310

Dear Ms. Jurgensen,

In an appeal filed with the Codington County Zoning Officer, it appears that your company had commenced construction on the operation and maintenance building issued building permit number 4211, on September 11, 2019. The attached picture indicates that the structure construction had substantially commenced as of September 2, 2019. Based upon the information available to the zoning officer at this time, the zoning ordinance requires an administrative fee of \$1,154 to be paid on or before December 16, 2019 to resolve the matter. If the fee is not paid before then, further penalties may be assessed.

If you have any questions you may reach me at 882-6300 between the hours of 9:00 a.m. and 11:00 a.m. on Mondays, Wednesdays, or Fridays.

Sincerely,



Luke Muller
Codington County Zoning Officer

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November 20, 2019

Amber Christenson
16217 466th Ave
Strandburg, SD 57265

Dear Ms. Christenson,

This letter is written in response to the complaints received from you by the Board of Adjustment and forwarded to my office at its meeting on October 21, 2019. I have used the information you provided my office in supplement to those complaints (received via email) on Monday November 4, 2019. First, a decision to issue a conditional use permit may only be reversed in accordance with SDCL 11-2-61 or upon reconsideration in accordance with the By-Laws of the Codington County Board of Adjustment. The time for reconsideration and appeal to circuit court has expired. Therefore the scope of review in the case of your complaints is limited only to violation of the zoning ordinance, or conditions of the conditional use permit issued to Crowned Ridge Wind, LLC and Crowned Ridge Wind II, LLC. If a violation is found, it is my duty to notify the permit holder of the action needed to correct the violation. Some of the items for which complaints were made have already been rendered moot by actions of the applicant since the complaints have been filed, and others are not matters under the authority of this office. Please find the following complaints addressed below:

Oversized loads and oversized loads without pilot cars:

Those complaints are matters under the authority of the applicable road authority and/or the Sheriff's Office. The information pertaining to those complaints should be forwarded to those offices.

Towers being constructed without permits:

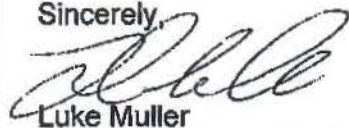
- Prior to issuance of any building permits (after the October 21 meeting) I conducted site visits of all proposed towers.
 - I found that construction had started on twenty-seven (27) towers for which building permits had not yet been obtained.
- On October 30, 2019 Blattner Energy and Crowned Ridge Wind LLC were notified that an administrative fee in the amount of \$54,108 was required in addition to any previously submitted fees due to the violation.
- On November 1, 2019 payment of \$54,108 was provided by Blattner Energy.
- As of November 6, 2019 all towers for which this office has received building permit application and/or are under construction have been issued building permits.
- This matter is considered resolved in accordance with the zoning ordinance.

Stop construction of any turbines which were permitted at the county with 1.7 mw generators, unless and until there is documentation provided by the applicant proving the turbines will comply with the county permit CU018-007.

- Codington County Zoning Ordinance makes no mention of requirement to list the power generation of any specific wind tower nor the project as a whole.
- No conditions of the Conditional Use Permit granted by the Board of Adjustment on July 16, 2018 limited the power generation of any specific tower in any way.
- Regarding speculated differences in noise generated by any tower on the basis of changing the power generation:
 - There is no requirement for a Noise Study in the Codington County Zoning Ordinance and therefore no parameters for the study which was provided. Thus, changing the power output does not violate any requirements of Section 5.22.03.12.
 - As referenced previously in this letter, the Board provided conditions obligating the Wind Energy System to meet noise requirements and a manner for enforcing violations.
- Therefore changing the Mw of some towers does not affect the status of the Conditional Use Permit issued to Crowned Ridge Wind, LLC and Crowned Ridge Wind II, LLC.

Thank you for your patience in allowing me to fully review and address these complaints. If you have any questions you may reach me at 882-6300 between the hours of 9:00 a.m. and 11:00 a.m. on Mondays, Wednesdays, or Fridays.

Sincerely,



Luke Muller
Codington County Zoning Officer

cc: Rebecca Morlock-Reeves

Codington County Building Permit Application

Permit Number 4211

Date: 8/16/2019

Applicant's Name Blattner Energy, Inc

Phone Number: 320-356-7351

Address 392 County Road 50, Avon, MN 56310

Owner's Name Crowned Ridge Wind, LLC

Phone Number: 512-970-6254

(If different than Applicant)
Address 1014 14th St. SE, Watertown, SD 57201

(If different than Applicant)

Development Site Legal Description Zemlicka Addition in the W 1/2 of the NW 1/4 of section 11-118-51

Development Site Street Address 16138 464th Ave South Shore, SD 57263

concrete + Post Office for Zip Code

Existing Zoning Designation: Agriculture

Type of Application (Check all that apply)

☒ New Structure ☐ Alteration/Addition ☐ Accessory Building
☐ Demolition ☐ Excavation ☐ Moving

Please describe the proposed work: Operations and Management Building for the Crowned Ridge Wind LLC Wind Farm

Building Size (in sq. ft.) 2250

Lot Area (# of acres) 35

Heating System Forced Air Gas

Type of Siding Metal Panels

Building Height 19 ft

Roof Type 3/12 pitch steel

Basement Area: None N/A Partial Full

Est. Project Construction Cost/Value (including labor) \$850,000.00

Foundation Type Concrete

Roofing Material Galvanized Standing Steel Se

Required Application Submissions

- ☐ Residential Development in the Agricultural Zone - Documentation showing the building site meets the minimum lot requirement of thirty-five (35) acres.
- ☐ Development in Commercial and Industrial Zoning Districts - Documentation showing the building site meets the minimum lot requirement of ten (10) acres.
- ☐ Residential Development - Signed and notarized Agricultural Easement / CAFO Easement (if required)
- ☐ 911 Sign Purchase (per Codington County Commission Ordinance 29)
- ☐ Moved In Buildings - Signatures as required in Section 5.06 of Codington County Zoning Ordinance.
- ☐ Name of installer of the private sewage system. DoBoer Construction Inc.
- ☐ A sketch of the proposed property, showing the following, shall accompany this application:
 - 1. North direction
 - 2. Dimension of proposed structure
 - 3. Street names
 - 4. Location of proposed structure on lot
 - 5. Dimension and location of existing buildings on site
 - 6. Front and side yard setbacks
 - 7. Other Information as may be required

I hereby certify that I have read and examined this application and know the information contained herein to be true and correct. Further, it is hereby agreed between the undersigned, as owner, his agent or servant, and Codington County that for and in consideration of the premises and the permit to construct, erect, alter, install, move, excavate, and the occupancy of the structure as above described, to be issued and granted by the Zoning Officer, that the work thereon will be done in accordance with the description herein set forth in this statement, and as more fully described in the specifications and plans herewith filed; and it is further agreed to construct erect, alter, install, move, excavate, and occupy in strict compliance with the ordinances of Codington County and to obey any and all lawful orders of the Zoning Officer and all State Laws and regulations relating to construction, alteration, repairs, removal, safety and regulations pertaining to construction and installation of sewage disposal system. This permit is revocable for cause. The legal description referenced herein shall not be subdivided except in conformance with the Codington County Zoning Ordinance. This permit shall become null and void if the legal description referenced herein changes resulting in nonconformance with the Codington County Zoning Ordinance thereby resulting in the revocation of building rights and subsequent removal of the structures associated with this permit. The permit shall become void unless substantial progress has been made within six (6) months from the date of issuance. If completion date is beyond one (1) year, the reason for delay must be submitted to the Board of Adjustment and a request for extension made.

Alicia Jay
SIGNATURE OF CONTRACTOR/APPLICANT

8/16/2019
DATE

SIGNATURE OF OWNER

DATE

Site Sketch

* E-911 rural address signs shall be posted in a manner as to be legible and distinguishable from the street on which the property is located. This sign or address post must be used at the entrance of the primary driveway and placed in such a way that it can easily be seen when traveling from either direction upon the roadway.

Permit Issue Date

[Signature] 9/11/19

[Signature]
Codington County Zoning Officer

Joint Jurisdiction:

Yes

1

☒ No

City of Watertown Approval Date, If required

Reasons for Denying Permit

FOR OFFICIAL USE ONLY

Fee Paid:

8/30/19

Permit Expiration Date:

3/11/20

Variance/Conditional Use #

CU 018-006,007

Date:

1,154.00 #565272

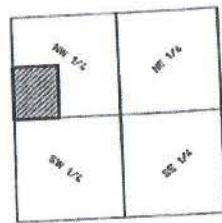
DOE Record #

20760

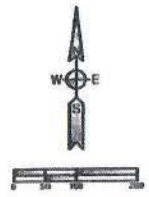
Date:

**SITE LAYOUT AND PERMIT EXHIBIT
ZEMLICKA ADDITION**
CROWNED RIDGE II WIND FARM
PART OF THE W 1/2 OF THE NW 1/4 SECTION 11,
TOWNSHIP 118 NORTH, RANGE 51 WEST OF THE 5TH P.M.,
CODDINGTON COUNTY, SOUTH DAKOTA

VICINITY MAP
NOT TO SCALE



SECTION 11
TOWNSHIP 118 N., RANGE 51 W., 5TH P.M.
CODDINGTON COUNTY, SOUTH DAKOTA



SCALE: 1" = 200'
Orientation of this bearing system is
South Dakota State Plane North (NAD 83)
All dimensions shown are in terms of
U.S. Survey foot Grid distances
Combined Scale Factor .999906265

NOTE: Site plan is based on the Substation
Grading Plan - drawing CR1-D-P002-2,
provided by Burns McDonnell dated 4/19/19

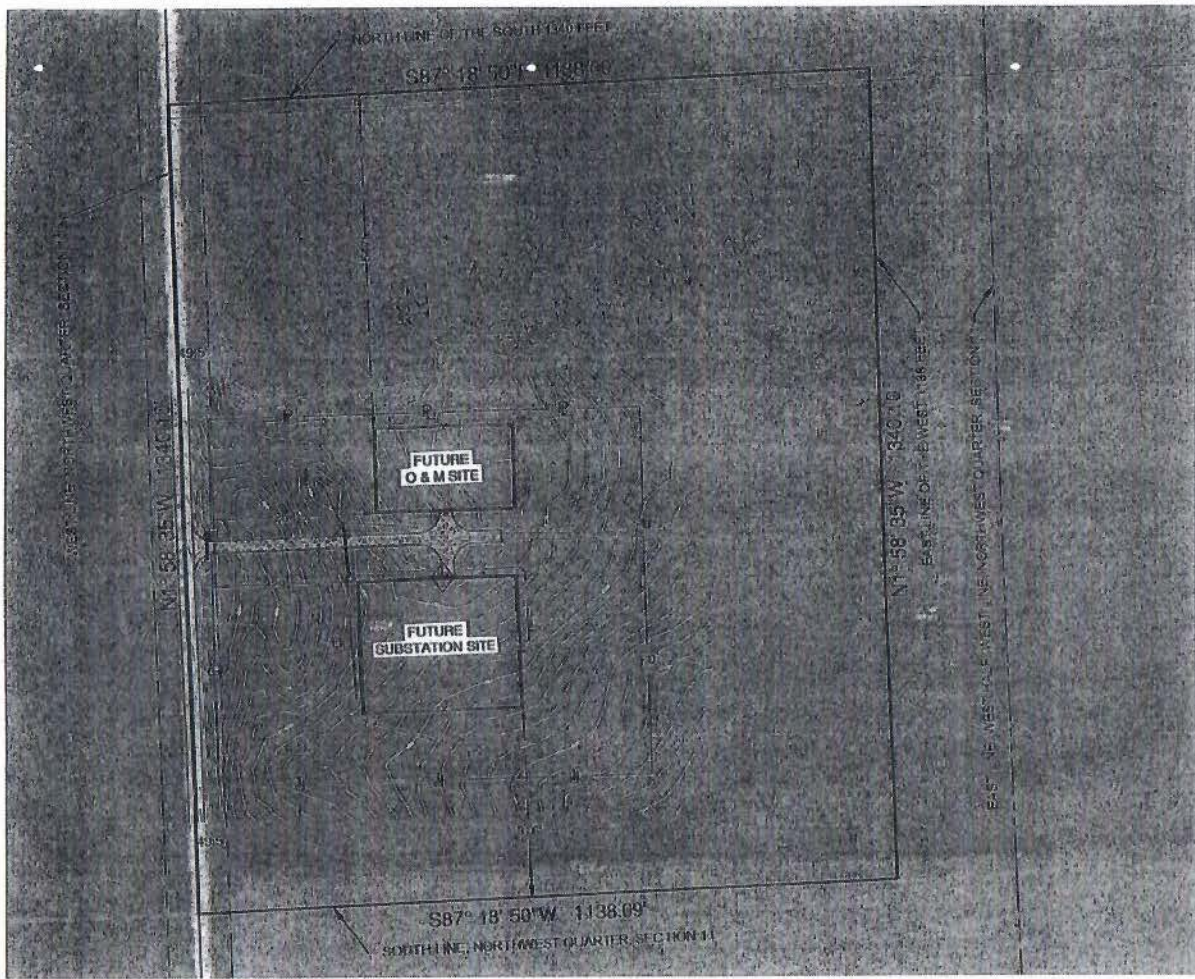
LEGEND

- ROAD RIGHT OF WAY LINES
- EXISTING EASEMENT LINES
- NEW PARCEL LINES
- SECTION LINE
- QUARTER SECTION LINE
- PROPOSED GRAVEL SURFACE

SURVEYOR'S CERTIFICATE

I hereby certify that this Plat of Survey was prepared and
the related survey work was performed by me or under
direct supervision and that I am a duly Licensed Land
Surveyor under the laws and rules of South Dakota.

[Signature] Date _____
Kam M. Klock
South Dakota license number 7627



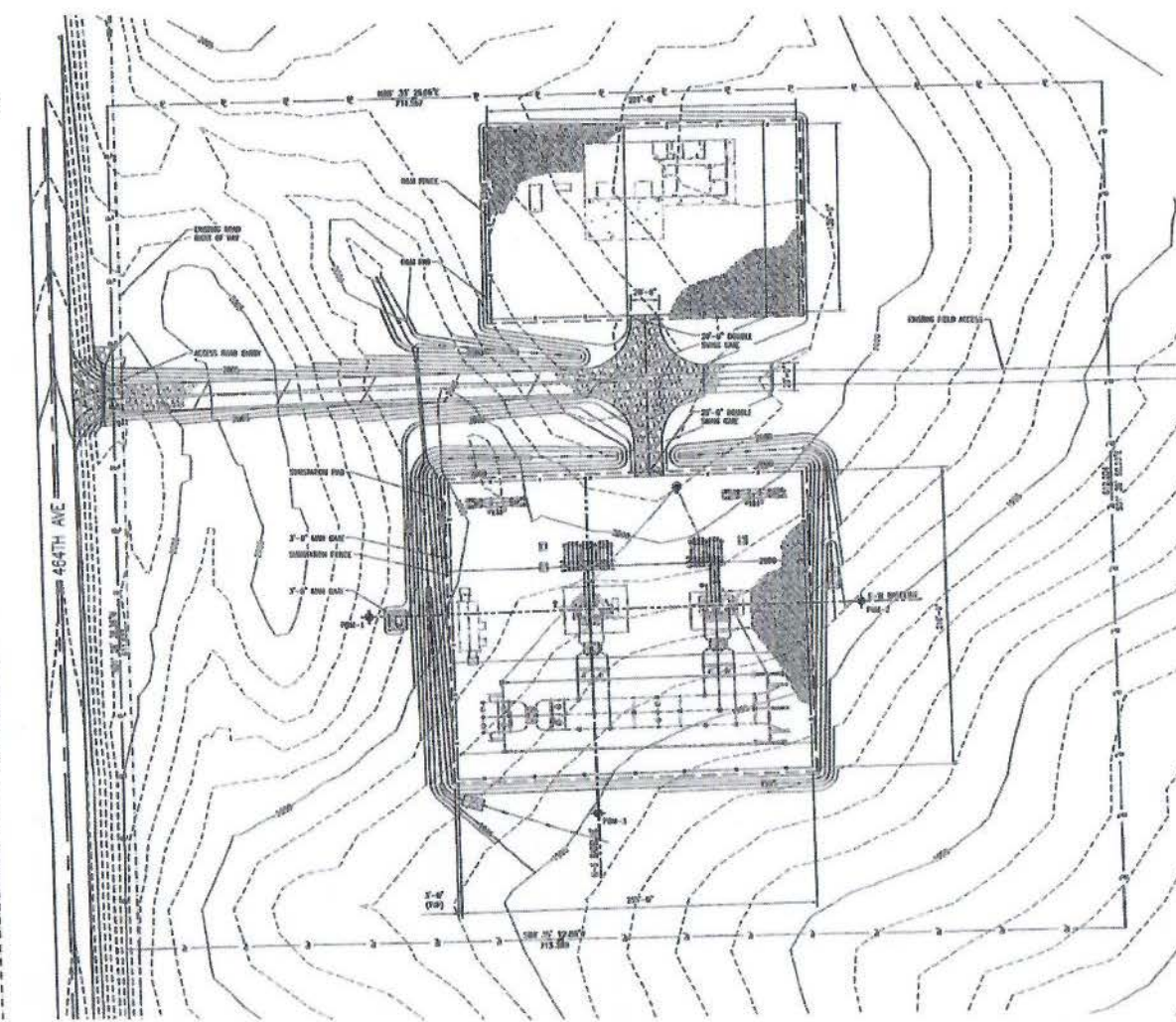
**SITE LAYOUT AND PERMIT EXHIBIT
ZEMLICKA ADDITION**
CROWNED RIDGE II WIND FARM
PART OF THE W 1/2 OF THE NW 1/4 SECTION 11,
TOWNSHIP 118 NORTH, RANGE 51 WEST OF THE 5TH P.M.,
CODDINGTON COUNTY, SOUTH DAKOTA

Project Number: R17.00669
Date: 05/31/2019
Drawn By: CMH
Approved By: KMK
Sheets: 1 of 1



Copyright: Stuebs-Burns-McDonnell-Fargo-St Paul
5701 South Corporate Place
Sioux Falls, South Dakota 57108
Phone: 605.323.2306 Fax: 605.323.2308
Web: www.ulteig.com





1. INDEX OF BEARING, PROPERTY NUMBER, ROAD INFORMATION AND NEIGHBORHOOD INFORMATION OBTAINED FROM THE STREET PERSONNEL BY:
ELLEN ZIMMERMAN
5700 SOUTH CENTRAL, PLACE
SOUTH FRIES, TX 77060
2. EXHIBITION OF SOUTH CENTRAL HIGHWAY ZONE, 2003-07, HADLEY A. HANSEN INDIVIDUAL AND VERTICAL DATA, RESPECTIVELY.

[illegible]

PERMANENT RESEARCH LOCATIONS			
Point	Slope, PLAGE		Elevation
	NORTHING	EASTING	
POM-1	416379.56	2763009.83	26
POM-2	416391.06	2764245.29	10
POM-3	416236.09	276452.27	15

CHI-0-P002-2	CRIMINAL PLAN
CHI-0-P002-3	CRIMINAL STRONG
CHI-0-P002-4	CRIMINAL TENDS
CHI-0-P002-5	CRIMINAL CONTROL PLAN
CHI-0-P002-6	CRIMINAL TENDS, CRIM.
CHI-0-P003-1	GENERAL MANAGEMENT PLAN
CHI-0-P003-2	PERCE DEMOS

seq	date	by	chd	description
0	04/19/19	PJC	MEB	advice for construction


**BURNS
MEDONNELLI**

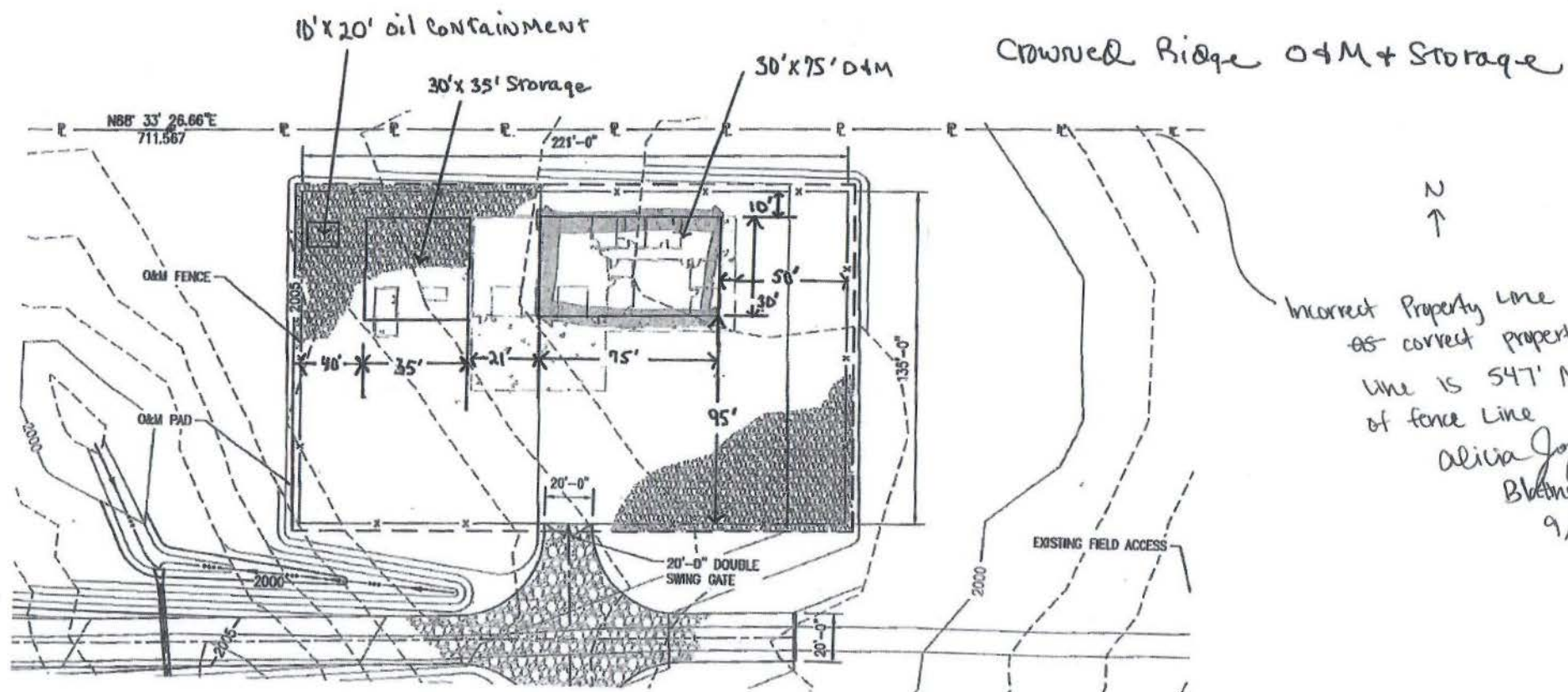
9100 WARD PARKWAY
KANSAS CITY, MO 64114
816-333-9400

date	04/19/99	initiated	P. KIRKELAW
designed	C. JORGENSEN	checked	M. BIRD

NEXtera
ENERGY

SOUTH DAKOTA
CROWNED RIDGE FVND
230/134 KV SUBSTATION
SITE PLAN

project	90230	contract	
drawing	CR1-D-P002-1	REV.	0
file CR1-D-P002-1.dwg			



4211

From: Alicia M. Jurgensen <AJurgensen@blattnerenergy.com>
Sent: Wednesday, September 4, 2019 3:43 PM
To: Luke Muller <luke@1stdistrict.org>; Josh R. Overman <joverman@blattnerenergy.com>
Cc: Wilhelm, Tyler (Tyler.Wilhelm@nexteraenergy.com) <Tyler.Wilhelm@nexteraenergy.com>; Bruce, Brittany <Brittany.Bruce@nexteraenergy.com>
Subject: RE: Building Permits

Luke,

Does this document work for the O&M building? This is what we used with the Substation I believe.

As far as the Batch Plant this will have to field fit once it arrives. That being said Blattner will ensure no (temporary or permanent) structures nor piles will be placed less than sixty-five (65) feet from any right-of-way nor twenty-five (25) feet from any property line.

Thanks,

Alicia Jurgensen
Project Construction Coordinator
Blattner Energy, Inc.
cell (320) 247-0234
[website](#) | [linkedin](#) | [twitter](#)

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