

BURKE COUNTY, BOWBELLS, NORTH DAKOTA

CONDITIONAL USE REQUIREMENTS

TO ACCOMPANY BUILDING PERMIT No. 2019-012

NAME OF APPLICANT NORTHERN DIVIDE WIND LLC (WIND FARM)

HAVING REVIEWED THE CONDITIONAL USE WITH RESPECT TO THE PROVISIONS OF ARTICLE 4, SECTION 4 OF THE BURKE COUNTY ZONING REGULATIONS, THE BURKE COUNTY COMMISSIONERS AGREE TO THE ISSUANCE OF A BUILDING PERMIT TO THE ABOVE NAMED APPLICANT, CONTINGENT UPON THE FOLLOWING CONDITIONS:

CONDITIONS - SEE ATTACHED

SHOULD THE APPLICANT VIOLATE ANY OR ALL OF THE ABOVE STATED CONDITIONS, THE BUILDING PERMIT SHALL BE DECLARED INVALID, AND APPROPRIATE ACTION WILL BE INSTITUTED BY THE BURKE COUNTY COMMISSIONERS.

on behalf of
Marla MacBeth Richard Durning 11/19/2019
SIGNATURE OF ZONING ADMINISTRATOR DATE

SEE ATTACHED LIST(S)
SIGNATURE OF LANDOWNER

[Signature]
SIGNATURE OF APPLICANT

8/30/19
DATE

Conditions to Conditional Use Permits to Northern Divide Wind, LLC

1. Development shall be in accordance with the Burke County Zoning Regulations, as well as all applicable County, State, and Federal rules and regulations.
2. Development shall be in accordance with the application materials submitted by Northern Divide Wind, LLC to the Burke County Planning & Zoning Board.
3. Development shall be limited to a maximum of 74 wind turbines, 2 met towers, an electrical substation, and an operations and maintenance building as well as any required infrastructure.
4. The location of the wind turbines shall be as generally shown in the drawings submitted by Northern Divide Wind, LLC, which includes alternate locations for turbine provided by Northern Divide Wind, LLC which shall only be used if a turbine location specified by Northern Divide Wind, LLC will not be constructed and in no event shall the total turbines exceed 74. Any significant change to the location of the turns and/or addition of turbines shall be require approval by the County Commission.
5. The developer shall be responsible for all maintenance associated the turbines and private roads accessing the turbines the operation of the project.
6. The developer shall enter into a road maintenance agreement with Burke County and all affected townships to ensure that all county and township roads shall be repaired or restored to a condition at least equal to the road condition prior to construction of the project.
7. The developer shall be responsible for dust control along the haul routes.
8. Lighting.
 - a. Turbines – Except for FAA required lighting, wind turbine generators within the project will not be artificially lighted. Developer shall use new technology as approved by the FAA to reduce nighttime lighting effects.
 - b. Substation – Shall limit all lighting after construction on all project components including the substation and switchyard, to the minimum necessary for safety and maintenance purposes in a manner consistent with the rural and scenic character of the location and its natural nighttime conditions.

9. Spray Planes – Developer shall work with local farmers and spray plane operators to ensure that spray planes are able to safely spray agricultural fields within the project boundary.
10. Any water disturbance or diversion shall be in accordance with North Dakota Century Code, Burke County Water Board, and State Water Commission.
11. The developer shall work in concert with law enforcement and emergency responders to facilitate public safety. This includes the provision of additional special rescue equipment and training necessary to accommodate high-angle rescues if necessary for law enforcement and emergency responders.
12. Each turbine must be marked with an identification number large enough to assist identification of the turbine number in an emergency.
13. Prior to wind energy facility construction, the developer shall provide evidence that a wind energy facility map identifying wind turbine locations and numbers have been filed with local fire departments, ambulances, law enforcement, and county emergency managers.
14. Prior to construction of the wind farm, Proof of Approval by the North Dakota Public Service Commission.
15. Prior to wind energy facility construction, the developer shall provide a copy of the approval of the transmission line from the Mountrail County Planning and Zoning Commission and/or Mountrail County Commission.
16. Prior to wind energy facility construction, a copy of the signed decommissioning and restoration bond agreement with the State of North Dakota.
17. Within 90 days of wind energy facility construction, the developer shall submit to the Zoning Administrator an updated and final map or survey demonstrating actual compliance with the requirement and conditions of this conditional use permit.
18. The developer shall report to the Zoning Administrator should the termination or abandonment of leases or easements for the wind energy facilities occur. Reclamation of the sites shall be completed within 180 days of termination or abandonment of leases or easement.
19. Any proposed change of the conditional use permit shall require a hearing before the Burke County Planning and Zoning Board and approval from the Burke County Commission.

20. This permit may be revoked by the County Commission anytime the applicant is in non-compliance with any of the conditions set by the Planning and Zoning Board or the County Commission for the issuance of the permit.
21. Construction of the wind farm shall be commenced within 2 years of the date of the conditional use permit and completion of the wind farm shall be within 4 years of the date of the conditional use permit.

November 19, 2019
Date

Marla MacBeth *on behalf of*
Richard Durings
Zoning Administrator

BURKE COUNTY, BOWBELLS, NORTH DAKOTA

CONDITIONAL USE REQUIREMENTS

To ACCOMPANY BUILDING PERMIT No. 2019-013

NAME OF APPLICANT NORTHERN DIVIDE WIND LLC (TRANSMISSION)

HAVING REVIEWED THE CONDITIONAL USE WITH RESPECT TO THE PROVISIONS OF ARTICLE 4, SECTION 4 OF THE BURKE COUNTY ZONING REGULATIONS, THE BURKE COUNTY COMMISSIONERS AGREE TO THE ISSUANCE OF A BUILDING PERMIT TO THE ABOVE NAMED APPLICANT, CONTINGENT UPON THE FOLLOWING CONDITIONS:

SHOULD THE APPLICANT VIOLATE ANY OR ALL OF THE ABOVE STATED CONDITIONS, THE BUILDING PERMIT SHALL BE DECLARED INVALID, AND APPROPRIATE ACTION WILL BE INSTITUTED BY THE BURKE COUNTY COMMISSIONERS.

on behalf of
Charla MacBeth Richard Durning 11/19/2019
SIGNATURE OF ZONING ADMINISTRATOR DATE

SEE ATTACHED LIST(S)
SIGNATURE OF LANDOWNER

[Signature]
SIGNATURE OF APPLICANT

9/30/19
DATE

BURKE COUNTY, NORTH DAKOTA
ZONING REQUEST APPLICATION

DATE: 6-13-2018

APPLICANT NAME: BURKE WIND, LLC, SUBSIDIARY OF NEXTERA ENERGY RESOURCES, LLC

ADDRESS: 700 UNIVERSE BLVD., JUNO BEACH, FL 33408

EMAIL ADDRESS: CLAY.CAMERON@NEXTERAENERGY.COM TELEPHONE NUMBER: 561-267-5044

OWNER (IF OTHER THAN APPLICANT):

NAME: _____

ADDRESS: _____

TYPE: BUILDING PERMIT AMENDMENT \$250.00
 X CONDITIONAL USE \$250.00 MAP
 VARIANCE \$250.00 RENEWAL (EXTENSION)

LEGAL DESCRIPTION OF PROPERTY: SEE ATTACHED DOCUMENTATION FOR LEGAL DESCRIPTIONS

DESCRIPTION OF REQUEST:

Burke Wind, LLC (Burke Wind) is submitting this application for a Conditional Use Permit to site, construct and operate the Burke Wind Energy Center Transmission Line (Project). The proposed project is located in Burke and Mountrail Counties, North Dakota and will consist of a 35-mile-long, 345 kV transmission line, 18 miles of which will be placed and permitted within Burke County.

EXISTING USE OF PROPERTY:

AGRICULTURAL

LOT SIZE _____ SETBACKS _____

LOT WIDTH _____ SIDEYARD _____

A SKETCH SHOWING ALL PROPOSED STRUCTURES AND THEIR LOCATIONS ON THE LOT MUST BE ATTACHED.

APPROXIMATE VALUE OF STRUCTURE(S) \$20 MILLION _____

PROJECTED VOLUME FOR GRAVEL PITS: _____

Attached agreements with application

SIGNATURE(S) OF LANDOWNER(S)

ACTION TAKEN Approved

Clay Cameron

SIGNATURE(S) OF APPLICANT(S)

Lebbie Kuyun

SIGNATURE OF ZONING ADMINISTRATOR

9/4/2018

DATE

BURKE COUNTY, BOWBELLS, NORTH DAKOTA

CONDITIONAL USE REQUIREMENTS

To ACCOMPANY BUILDING PERMIT No. 2018-013

NAME OF APPLICANT BURKE WIND, LLC

HAVING REVIEWED THE CONDITIONAL USE WITH RESPECT TO THE PROVISIONS OF ARTICLE 4, SECTION 4 OF THE BURKE COUNTY ZONING REGULATIONS, THE BURKE COUNTY COMMISSIONERS AGREE TO THE ISSUANCE OF A BUILDING PERMIT TO THE ABOVE NAMED APPLICANT, CONTINGENT UPON THE FOLLOWING CONDITIONS:

SHOULD THE APPLICANT VIOLATE ANY OR ALL OF THE ABOVE STATED CONDITIONS, THE BUILDING PERMIT SHALL BE DECLARED INVALID, AND APPROPRIATE ACTION WILL BE INSTITUTED BY THE BURKE COUNTY COMMISSIONERS.

Robbie Kuylen
SIGNATURE OF ZONING ADMINISTRATOR

9/4/2018
DATE

As attached agreements
SIGNATURE OF LANDOWNER

Clay Cameron
SIGNATURE OF APPLICANT

5/30/18
DATE

2019-014

BURKE COUNTY, NORTH DAKOTA ZONING REQUEST APPLICATION

DATE: 9-10-2019

APPLICANT NAME: NORTHERN DIVIDE WIND, LLC

ADDRESS: 700 UNIVERSE BLVD, JUNO BEACH FL 33408

EMAIL ADDRESS: CLAY.CAMERON@NEE.COM

TELEPHONE NUMBER: (561) 267-5044

OWNER (IF OTHER THAN APPLICANT):

NAME: RODNEY OLSON

ADDRESS: 546 28TH AVENUE SW, MINOT, ND 58701

TYPE: BUILDING PERMIT AMENDMENT \$250.00 AG → IND
 CONDITIONAL USE \$250.00 MAP
 VARIANCE \$250.00 RENEWAL (EXTENSION)

LEGAL DESCRIPTION OF PROPERTY: E1/2 E1/2 SE1/4 Section 17, Twp 161N Rng 93W

DESCRIPTION OF REQUEST:

REZONING OF (10) ACRES TO PERMANENT INDUSTRIAL FOR A COLLECTION SUBSTATION AND OPERATIONS & MAINTENANCE BUILDING. _____

EXISTING USE OF PROPERTY: AGRICULTURAL

LOT SIZE _____ SETBACKS _____
 LOT WIDTH _____ SIDEYARD _____

A SKETCH SHOWING ALL PROPOSED STRUCTURES AND THEIR LOCATIONS ON THE LOT MUST BE ATTACHED.

APPROXIMATE VALUE OF STRUCTURE(S) \$ _____

PROJECTED VOLUME FOR GRAVEL PITS: _____

Robney D Olson
SIGNATURE(S) OF LANDOWNER(S)

Donna B. Olson
SIGNATURE(S) OF APPLICANT(S)

ACTION TAKEN Approved

Marla MacBeth on behalf of Richard Durings
SIGNATURE OF ZONING ADMINISTRATOR DATE 11/19/2019