

BOWMAN COUNTY PLANNING AND ZONING COMMISSION

BOWMAN COUNTY APPLICATION AND CONDITIONAL USE PERMIT

FOR

UTILITY-SCALE WIND ENERGY FACILITIES

Bowman County Zoning Commission
104 First Street NW Suite #4
Bowman, North Dakota 58623

Application #

1112

Application Date:

June 25, 2021

INSTRUCTIONS:

APPLICATION FEE = \$1000/MEGAWATT X 25%

Complete form and return the completed
application and fee to the address above.

Total Paid: \$ 52,175.00

Make check payable to Bowman County

Receipt Number: to be provided by county

Check received 7/1/2021 at 12:34 PM

APPLICANT INFORMATION:

Name: Bowman Wind, LLC, c/o Apex Clean Energy Holdings, LLC

Property Address: 310 4th St. NE, suite 300

City, State, Zip Code: Charlottesville, VA, 22902

Phone Number: (434) 220-7595

WIND ENERGY FACILITY:

Name: Bowman Wind, LLC

Mailing Address: 310 4th St. NE, suite 300

City, State, Zip Code: Charlottesville, VA, 22902

Phone Number: (434) 220-7595

OWNER/OPERATOR INFORMATION:

Name: Bowman Wind, LLC

Mailing Address: 310 4th St. NE, suite 300

City, State, Zip Code: Charlottesville, VA, 22902

Phone Number: (434) 220-7595

PROPOSED STARTING DATE OF CONSTRUCTION: Quarter 2 2022

PROPOSED COMPLETION DATE FOR CONSTRUCTION: Quarter 4 2022

ESTIMATED VALUE OF PROPOSED WORK: \$ 300 million

TOTAL MEGAWATTS: 208.7

TYPE OF INSTALLATION:GROUND-MOUNTED WIND FACILITY ☒BUILDING-MOUNTED WIND SYSTEM ☐**Pre-Application Requirements:**

☐ Pre-construction meeting with the Bowman County Planning and Zoning Commission
Bowman Wind met with Planning & Zoning Board, Commissioners, and Roads Department multiple times
and we commit to having this pre-construction meeting prior to construction.

APPLICATION CONTINUES ON THE FOLLOWING PAGES

ALL BLANKS ON THIS APPLICATION MUST BE FILLED-IN OR ANSWERED. INCOMPLETE FORMS MAY BE REJECTED.

The following are required to be submitted to the Bowman County Planning and Zoning Commission to meet the requirements of the Conditional Use Permit. ALL boxes must be "checked" and required supporting documentation attached to meet application requirements.

- ☒ (12 copies) of a detailed map showing required information [Section 6.11.3 (2A) 1-4]
- ☒ (12 copies) of the proposed Wind Energy Facility information and area [Section 6.11.3 (2B) 1-7]
- ☒ (12 copies) of the Product Description [Section 6.11.3 (2C) 1]
- ☒ (12 copies) of the Owner Agreement Notarized Affidavit(s) [Section 6.11.3 (2C) 2]
- ☒ (12 copies) of the Proof of Easement(s) with adjacent owners [Section 6.11.3 (2C) 3]
- ☒ (12 copies) of Proof of Airport Notification [Section 6.11.3 (2C) 4]
- ☒ (12 copies) of the Requirements for Environmental Impact Documentation [Section 6.11.3 (2C) 5]
- ☒ (12 copies) of Avian and Wildlife Impact Documentation [Section 6.11.3 (2C) 6]
- ☒ (12 copies) of the Operations and Maintenance Plan [Section 6.11.3 (2C) 7]
- ☒ (12 copies) of the Emergency Plan [Section 6.11.3 (2C) 8]
- ☒ (12 copies) of the complete Decommissioning Plan [Section 6.11.3 (2C) 9]
- ☒ (12 copies) of the Shadow Flicker Analysis [Section 6.11.3 (2C) 10]

The following are required to be submitted to the Bowman County Planning and Zoning Commission to meet the General Requirements for the Conditional Use Permit. ALL boxes must be "checked" and required supporting documentation attached to indicate that all application requirements have been met:

- ☒ Requirements for Appearance, Lighting, Facility Footprint, Agricultural Operations, Roads and Power Lines have been met [Section 6.11.3 (3A) 1-13]
- ☒ All setback requirements for occupied Structures and Facilities have been met [6.11.3 (2) A]
- ☒ All setback requirements for Public Roads and above-ground Communications and Electric Lines have been met [6.11.3 (2) B]
- ☒ All setback requirements for Participating and Non-Participating Properties have been met [6.11.3 (2) C]
- ☒ All setback requirements for Recreational Areas have been met [6.11.3 (2) D (1a-n)]

APPLICATION CONTINUES ON THE FOLLOWING PAGES

ALL BLANKS ON THIS APPLICATION MUST BE FILLED-IN OR ANSWERED. INCOMPLETE FORMS MAY BE REJECTED.

- ☒ All setback requirements for Churches and Cemeteries have been met [6.11.3 (2) D (2)]
- ☒ All setback requirements for Shooting Ranges have been met [6.11.3 (2) D (3)]
- ☒ All setback requirements for Extra-Territorial Areas have been met [6.11.3 (2) D (4)]
- ☒ Requirements for Minimal Ground Clearance has been met [6.11.3 (3) 3]
- ☒ Requirements for Sound Levels have been met [6.11.3 (3) 4]
- ☐ Certificate of required Liability Insurance attached [6.11.6]

Per ordinance, will provide upon approval of the Wind Energy Application and prior to any construction.

All necessary, properly completed and notarized, Variances must be attached

Notarized variances were included in an application binder

A COUNTY ZONING/BUILDING PERMIT MAY BE REQUIRED IN ADDITION TO THIS APPLICATION IF ANY NEW BUILDING/STRUCTURES ARE TO BE CONSTRUCTED

IF THIS APPLICATION INCLUDES PLANS TO BUILD A STRUCTURE COMPLETE THE FOLLOWING:

No detailed plans were included but Bowman Wind will provide detailed plans prior to requesting a building permit (AECIP)

MAIN STRUCTURE

ACCESSORY STRUCTURES OR ADDITIONS

Type _____

Construction _____

Length _____

Width _____

Height _____

No. Stories _____

Foundation Type _____

Type _____

Construction _____

Length _____

Width _____

Height _____

No. Stories _____

Foundation Type _____

COMPLETE AND ATTACH A SKETCH SHOWING THE LOCATION AND IDENTIFICATION OF ALL PROPOSED NEW BUILDINGS CONSTRUCTED IN THE PROPOSED WIND ENERGY FACILITY

Figures 3+5 in the binders show the location of the O+M building and substation that are being proposed. Information about O+M can be found in section C. Supporting Information I.(f), and information about the substation can be found in C. I. (i)

Review and Inspections

The Bowman County Zoning Code Administrator(s) will inspect the facilities to insure conformity with the requirements of this ordinance. Inspections will occur during construction and may occur periodically during operations.

APPLICATION CONTINUES ON THE FOLLOWING PAGES

ALL BLANKS ON THIS APPLICATION MUST BE FILLED-IN OR ANSWERED. INCOMPLETE FORMS MAY BE REJECTED.

Public Hearings

Upon receipt of the application, the Planning and Zoning Commission, and any experts it may retain, will review the Application/Conditional Use Permit and hold a public hearing giving notice of which shall be published a least two (2) weeks prior to the hearing in the official newspaper of the county.

The Bowman County Planning and Zoning Commission, following the public hearing for the Conditional Use Permit, will make a recommendation to the Bowman County Board of Commissioners for the approval or denial, modification, and/or imposition of conditions on the application.

I CERTIFY THAT THE INFORMATION HEREIN AND ATTACHED HERETO, TO THE BEST OF MY BELIEF AND KNOWLEDGE, IS TRUE AND CORRECT AND THAT I WILL ADHERE TO ANY AND ALL REQUIREMENTS.

8/9/2021

Date

Bowman Wind, LLC
 Ken Young, COO of Apex Clean Energy Holdings, LLC, Manager of
 Apex GBR, LLC, Sole Member of Apex Clean Energy Finance, LLC,
 Sole Member of Bowman Wind, LLC

Signature of Applicant

If any part of a proposed Wind Energy Facility, or any building or structure is erected, constructed, reconstructed, altered, repaired or converted without first obtaining the proper permit, there will be a penalty assessed to the applicant at the rate of ten (10) times the original Permit Fee. If any building, structure or land is found to be in violation of this code, the Code Administrator or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action or proceeding:

- 1) To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
- 2) To restrain, correct, or abate such violations;
- 3) To prevent the occupancy of the building, structure, or land; or
- 4) To prevent any illegal act to conduct business or use in or about such premises.

A violation of any provision of this code or the regulations and restrictions made herein shall constitute the maintenance of a public nuisance and shall be a Class B Misdemeanor.

THIS SECTION TO BE COMPLETED BY THE COUNTY ZONING OFFICE

All application requirements, standards and codes have been met and application is complete.

Permit Fee Paid \$ _____

☐ Cash

☐ Check

Check # _____

_____ Date

_____ Planning and Zoning Office

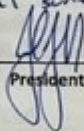
THIS SECTION TO BE COMPLETED BY THE COUNTY PLANNING AND ZONING BOARD

ACTION TAKEN: ☒ APPROVED ☐ DISAPPROVED

ADDITIONAL CONDITIONS THAT ARE TO BE MET: 1. A signed road use agreement with Bowman County. 2. Approval of a mediation process for all non-participating landowner complaints by the County Commissioners. 3. Full decommission plan to NDPSD to show 9 month plan + list Bowman county as 2nd beneficiary to financial security.

July 7, 2022

Date



President, Planning and Zoning Commission

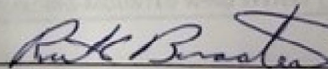
THIS SECTION TO BE COMPLETED BY THE COUNTY COMMISSIONERS

ACTION TAKEN: ☒ APPROVED ☐ DISAPPROVED

ADDITIONAL CONDITIONS THAT ARE TO BE MET: See above.

July 7, 2022

Date



Chairman, Bowman County Commissioners