

BOWMAN COUNTY PLANNING AND ZONING COMMISSION

BOWMAN COUNTY ALTERNATE ENERGY CONSTRUCTION PERMIT
FOR
UTILITY-SCALE WIND ENERGY FACILITIES

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

Application # 1198
Application Date: 7-22-2024

INSTRUCTIONS:

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

Make check payable to Bowman County

APPLICATION FEE = \$1000/MEGAWATT X 75%

Total Paid: 156,525

Receipt Number: 2692

APPLICANT INFORMATION:

Name: Apex Clean Energy
Property Address: 120 Garrett Street, Suite 700
City, State, Zip Code: Charlottesville, VA 22902
Phone Number: 434-220-7595

WIND ENERGY FACILITY:

Name: Bowman Wind, LLC
Mailing Address: _____
City, State, Zip Code: _____
Phone Number: _____

OWNER/OPERATOR INFORMATION:

Name: _____
Mailing Address: _____
City, State, Zip Code: _____
Phone Number: _____

PROPOSED STARTING DATE OF CONSTRUCTION: _____

PROPOSED COMPLETION DATE FOR CONSTRUCTION: _____

ESTIMATED VALUE OF PROPOSED WORK: \$ _____ TOTAL MEGAWATTS: _____

TYPE OF INSTALLATION:

GROUND-MOUNTED WIND FACILITY ☒

BUILDING-MOUNTED WIND SYSTEM ☐

Pre-Construction Requirements:

☒ Pre-construction meeting with the Bowman County Planning and Zoning Commission

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 Administrator, prior to the beginning of construction. ALL boxes must be "checked" and required supporting documentation attached to meet application requirements.

- ☒ A copy of the Site Plan and final blue print to scale [Section 6.11.5 (1A)]
- ☒ Names, dimensions and locations of utility easements [Section 6.11.5 (1B)]
- ☒ Approved copy of the Drainage Disposal Plan [Section 6.11.5 (1C)]
- ☒ Proof of financial surety for decommissioning and a detailed cost estimate [Section 6.11.5 (1D)]
- ☒ Owner/Operator's Proof of Surety [Section 6.11.5 (1E)]
- ☒ Copy of approved Water Acquisition, Reclamation and Disposal Plan [Section 6.11.5 (1F)]
- ☒ Payment and receipt of the remaining 75% Application Fee due [Section 6.11.5 (1G)]
- ☐ Copy(s) of all approved Utility Permit Applications [Section 6.11.5 (1H)]
- ☒ Copy of approved State Historic Preservation Office report [Section 6.11.5 (1I)]
- ☒ Copy(s) of all analysis of impacts to the natural environment [Section 6.11.5 (1J)]
- ☒ Copy of the Water Usage or Impact Study [Section 6.11.5 (1J)]
- ☒ Proof of required Liability Insurance [Section 6.11.6]
- ☒ Proof of Decommissioning Bond requirements have been met [Section 6.11.7 (1) A-E]

Any additional requirements or stipulations added or indicated on the Application/Conditional Use Permit must be met and completed prior to the issuance of the Alternate Energy Construction Permit and any construction to begin and proceed.

The following are additional requirements that need to be completed:

- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____

APPLICATION CONTINUES ON THE FOLLOWING PAGES

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

Review and Inspections

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

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.

Date

Signature of Applicant

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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.**
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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.

If substantial construction has not been instituted within three years of the date of approval of the AECP, the permit shall be null and void without further action of the Bowman County Planning and Zoning Board or the Bowman County Board of Commissioners.

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 \$ 156,525

☐ Cash

☒ Check

Check # 58387

8-9-2024

Date

Jodi Feier

Planning and Zoning Office

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

ACTION TAKEN: ☐ APPROVED ☐ DISAPPROVED ☒ Conditionally Approved

11-14-2024

Date

Chris V. Vile

President, Planning and Zoning Commission

The conditions are as follows:

1. The approach permits discussed in section 6.11.3.-3.A.6. of the Bowman County Wind Energy facility Ordinance must be finally approved by the Bowman County Commission.

2. the Utility Permit Application/boring permits discussed in section 6.11.5-1.H. of the Bowman County Wind Energy facility Ordinance must be finally approved by the Bowman County Commission.

Upon proof of the completion of these 2 conditions which shall be submitted to the Bowman County Tax Director and Zoning Administrator, the AEC P dated July 22, 2024 shall be finally approved without further action by Bowman Planning and Zoning Commission.

The conditions are as follows:

1. The approach permits discussed in section 6.11.3. 3.A.6. of the Bowman County Wind Energy Facility Ordinance must be finally approved by the Bowman County Commission.
2. The Utility Permit Application/boring permits discussed in section 6.11.5. 1.H. of the Bowman County Wind Energy Facility Ordinance must be finally approved by the Bowman County Commission.

Upon proof of the completion of these two conditions which shall be submitted to the Bowman County Tax Director and Zoning Administrator, the AECP dated July 22, 2024 shall be finally approved without further action by Bowman Planning and Zoning Commission.

Date: 08/09/2024
Time: 09:40:12

Oper: skidd

MISCELLANEOUS
*** ORIGINAL RECEIPT ***

Receipt#	Trans Date	Clerk ID	Batch#	Receipt Type	Receipt Total
2692	08/09/2024	skidd	20240809-000002	MISC	\$156,525.00

Received Of	On Account Of
APEX CLEAN ENERGY HOLDINGS LLC	ALTERNATIVE ENERGY CONSTRUCTION PERMIT APEX/BOWMAN WIND LLC

Line#	PT	Account	Description	Amount
1	G	2094.0000.3025	COUNTY PLANNING REVENUE	156,525.00
TOTAL:				156,525.00

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Payment Type	Doc#	Description	Amount
CHECK	058387	APEX CLEAN ENERGY HOLDINGS LLC	156,525.00
TOTAL:			156,525.00

X

Sydnee Kidd, TREASURER, Bowman County

X

(Deputy signing for Treasurer)