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December 21, 2022

Abercrombie Township Zoning
Commission and Board of Supervisors
Via E-mail: Dallas Loft at dwl@rrt.net
Via USPS Mail: 17249 Co Rd 8
Wahpeton, ND 58075

Re: Flickertail Solar Project, LLC's Zoning Ordinance Amendment Application

Dear Zoning Commission and Board of Supervisors:

Flickertail Solar Project, LLC ("Flickertail"), a wholly-owned subsidiary of Savion, LLC, is developing a solar energy generation system and a battery energy storage system (collectively, the "Projects") in Abercrombie Township, Richland County, North Dakota ("Township"). Flickertail has reviewed the Township's Zoning Ordinance ("Ordinance") and understands that solar energy generating systems and battery energy storage systems are not currently addressed in the Ordinance. As a result, in accordance with Ordinance Art. 8, Section 8.1 and North Dakota Century Code ("NDCC") Section 58-03-13, Flickertail submits this application requesting approval of proposed changes to the Ordinance ("Application"). Specifically, Flickertail requests that the Ordinance be amended to authorize solar energy generating systems and battery energy storage systems as conditionally permitted uses in the Agricultural District.

Flickertail understands a joint special meeting of the Township's Zoning Commission ("Commission") and Board of Supervisors ("Board") will be held on January 18, 2023. At that meeting, Flickertail requests the Commission and Board acknowledge receipt of and schedule a public hearing on the Application. Additionally, Flickertail requests the opportunity to provide the Commission and Board with information regarding the North Dakota Public Service Commission's requirements for solar energy generating systems, and to address any initial questions the Commission and Board may have regarding the Projects or the Application.

As part of the Application, enclosed is a version of the Ordinance that includes Flickertail's proposed amendments (proposed deletions are in red/strikeout text, and proposed additions are in blue/underlined text). Also enclosed are: (1) a draft publication notice for the January 18, 2023, joint special meeting of the Commission and Board (required per NDCC Sections 58-04-03 and 58-04-04); and (2) a draft publication notice for the joint special meeting and joint public hearing on the Application (required per NDCC Section 58-03-13 and Zoning Ordinance Art. 8, Section



8.1). The latter notice states that the Application will be available to the public at a specified website, which Flickertail has established.

To the extent helpful, enclosed is a summary of how we understand the amendment process would proceed in accordance with both the Ordinance and North Dakota statute. We recommend the Board discuss the amendment process with its own counsel and/or advisors to confirm the appropriateness of the process we have outlined.

The Zoning Ordinance does not specify a fee for an amendment application. Flickertail agrees to reimburse the Township for expenses associated with processing its Application, including hearing notice publication costs and any fees associated with securing a venue for the public hearing. We request the filing fee be set at the January 18, 2023, special meeting.

Ten copies of this letter and the enclosures are being delivered to Chair Dallas Loff. If additional copies are needed please let me know and Flickertail will bring more copies to the January 18, 2023, special meeting. In the meantime, should you have any questions, please feel free to contact me via telephone at 816-266-6384 or via e-mail at cmartens@savionenergy.com.

Thank you in advance for your cooperation.

Sincerely,



Christina Martens, RLA
Director of Permitting & Environmental

Enclosures:

- Abercrombie Township_Proposed Text Amendments_DRAFT 2022.12.20
- Abercrombie Twp – Proposed Ordinance Amendment_DRAFT Notice of Joint Special Meeting
- Abercrombie Twp – Project Ordinance Amendment_DRAFT Notice of Joint Special Meeting and Joint Public Hearing
- Abercrombie Township – Outline of Ordinance Amendment Process and Timing
- NDCC Chapter 58-03
- PSC Submittal Requirements Summary
- Constraints_Setback_Compairson

