

## **WIND ENERGY FACILITIES**

### **100-Wind Power**

Wind power is an abundant resource in Cheyenne County. Renewable energy is important to our present day private and commercial economy. Cheyenne County encourages and promotes the development of this alternative energy source so long as the landowners and County are appropriately protected.

### **101-Wind Energy Permit**

The installation and operation of wind energy facilities, including, but not limited to, turbines and associated equipment and structures (collectively, "***Wind Energy Facilities***"), for the commercial production of electricity shall be allowed within Cheyenne County, Colorado only upon the issuance of a Conditional Use Permit in accordance with these regulations.

### **102-Applicability**

Insofar as these regulations conflict with other provisions of the Cheyenne County Comprehensive Plan and Zoning Ordinance, these regulations shall control. These regulations shall apply only to the commercial development of Wind Energy Facilities for the production of electricity to be used outside of the property on which such facilities are installed. A Conditional Use Permit for the installation and operation of personal Wind Energy Facilities by a landowner, or a conditional use permit for the installation of a meteorological tower and associated ground equipment, may be approved by a Conditional Use Permit as set forth in Section 4 of the Zoning Ordinance.

The County may request additional information that may be required to evaluate the proposed Wind Energy Facility. The County may waive or alter any of these minimum requirements if it is determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

### **103-Definitions**

**Conditional Use Permit.** For a Wind Energy Facility for commercial purposes to operate in the County a Conditional Use Permit is required. This is a permit issued by the County required for the siting, construction and operation of a Wind Energy Facility.

**Development Agreement.** In addition to requiring that each Wind Energy Facility obtain a Conditional Use Permit, Owner/Developer will also be required to execute a Development Agreement with Cheyenne County.

**Hub Height.** The distance measured from ground level to the center of the turbine hub.

**Owner.** The Owner is the entity or entities with legal or equitable interests in the Wind

Energy Facility, including their respective successors and assignees. Owner does not refer to the property owner from whom land is leased to locate a Wind Energy Facility unless the property owner has a legal or equitable interest in the Wind Energy Facility.

**MET Tower.** A meteorological tower used for the measurement of wind speed.

**Structure.** A structure refers to above-ground components of the Wind Energy Facility, including wind turbines and buildings accessory to the Wind Energy Facility. A structure does not include transmission line poles or substations.

**System Height.** The combined height of the tower, the wind turbine and any blade extended at its highest point, measured from ground level.

**Wind Energy Facility.** An electricity generating facility consisting of one or more Wind Turbines under common ownership or operating control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s).

**Wind Turbine.** A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator. The term "Wind Turbine" shall include the turbine, blade, tower, base and pad transformer.

#### **104-Application for Conditional Use Permits**

In order to obtain a Conditional Use Permit for wind energy development, Applicant shall submit an Application for a Conditional Use Permit for wind energy development to the County that contains, at the minimum, the general information and materials listed below. An Application Fee of \$.50/acre (with a minimum fee of \$7,500 and a maximum fee of \$15,000) will be paid at the time of filing the application materials. The purpose of the application fee is to compensate Cheyenne County for the cost of reviewing and processing applications for a Conditional Use Permit. The application fee shall be used to offset any costs that the County incurs in reviewing the Conditional Use Permit application, including costs incurred from retaining the services of outside agencies or technical consultants to review components of the Conditional Use Permit application. If the costs incurred by the County and outside review agencies and technical consultants exceed the amount of the application fee, any reasonable and documented additional costs will be discussed with Applicant prior to the County retaining these additional services, which services shall be paid by Applicant. The County Staff may request additional professional analysis as needed. Failure on the part of Applicant to timely pay any and all fees incurred shall cause the application to be non-compliant and the County shall not proceed with the application process until Applicant becomes compliant.

Within twenty-one (21) days following the receipt of the Conditional Use Permit application, the County Staff shall determine whether the Application is complete and shall notify Applicant in writing of same, or shall notify Applicant of any additional information needed to complete the application. An application shall be deemed complete if it includes all information identified as being required below.

**1. Location Map and Site Plan-** Applicant shall submit a location map and site plan, to scale, setting forth in reasonable detail the following information regarding the proposed Wind Energy Development:

- a. Location of the proposed Wind Energy Facility and the Project's boundary including all existing structures and facilities on the site;
- b. The names of the owners of real property within the project boundary and parcels within five-hundred (500) feet of project boundary;
- c. The land use, including the location of any irrigation facilities, within project boundary;
- d. The location of existing public roads, railroad tracks, all structures, dwelling units, microwave communication links, utility lines and facilities, irrigation facilities, easements and air strips and transmission lines within the project boundary as well as those within five-hundred (500) feet of the project boundary;
- e. The setback areas for existing public roads, railroad tracks, uninhabited structures, dwellings units, and above-ground electrical or communications lines within the project boundary.
- f. Project area boundary and approximate size of the site where the proposed Wind Energy Facility will be located, in areas or square feet.
- g. Description of access routes including road surface material, proposed measure for dust control and proposed maintenance schedule.

**2. Wind Energy Facility Details-** Applicant shall submit in reasonable detail the following information regarding the proposed Wind Energy Development:

a. **Site Control-** Applicant shall provide certification in the following form that at the time of making this Application it has secured development rights for all real property included within the boundaries of the proposed Wind Energy Development:

i. **Ownership Summary-** A list that provides the names of the owners of real property within the proposed Wind Energy Development, including the acreage and legal description of the property owned by such persons.

ii. **Proof of Site Control-** Copies of all of the recorded memorandums of leases or easements executed between

Applicant and the owners of all real property included within the boundaries of the proposed Wind Energy Development or evidence of Applicant's fee simple ownership of such property.

- iii. Certification by Applicant that Applicant has secured an equitable or legal interest to all properties located within the project boundary. Upon request, Applicant must provide proof of Applicants legal or equitable interest.

**b. Project Description-** Applicant shall submit a description in reasonable detail of the proposed Wind Energy Development including the following:

- i. A general description of the Wind Energy Facility development phases, including size and location;
- ii. A description of the possible Wind Energy Facilities that would be used in the construction and operation of the proposed Wind Energy Development; and
- iii. Certification of Applicant's intent to enter into an interconnection and crossing agreement(s) to applicable utilities.

**c. Decommissioning Plan-** Applicant shall provide the following information in regard to the decommissioning of its proposed Wind Energy Development which decommissioning shall begin in year 15 of the project. Such information shall be included as stipulations to the issuance of a Conditional Use Permit:

- i. A description of the triggering events for decommissioning the proposed Wind Energy Project or any portion thereof;
- ii. A plan for the removal of structures, debris and cabling including those below the soil surface to forty-eight (48) inches, or greater if provided in landowner agreements;
- iii. A plan for the restoration of the soil and vegetation of any affected areas within the boundaries of the proposed Wind Energy Development;
- iv. A description of the form of Financial Assurance for decommissioning as required under Section 111.B.13.

**3. Impact Analysis-** Applicant will provide a description of the impacts that the proposed Wind Energy Facility may cause including:

- a. A description of baseline conditions and the impacts that the proposed use may cause,
- b. A description of how Applicant will mitigate impacts; and documentation that applicable standards will be satisfied, and
- c. Assessment of the potential effects of the proposed project on County services and capital facilities; in the event that impact to County services or facilities from construction and operation of a Wind Energy Facility are identified, Applicant shall develop a plan to maintain County services and capital facilities. If Impacts cannot be fully mitigated, Applicant may be required to pay the County a mutually agreed upon impact fee to allow the County to maintain existing County services and capital facilities.

**4. Development Agreement-** Applicant shall include a draft version of Development Agreement with County as part of the permit application.

#### **105-Notification of Public Hearing**

At least thirty (30) days prior to the initial public hearing described below, Applicant shall provide written notice of said public hearing regarding the issuance of a Conditional Use Permit for a Wind Energy Development to the owners of real property and mineral rights holders within the proposed project site and owners of real property within five hundred (500) feet of the exterior boundary of the proposed project site.

All notices must be sent by certified mail, return receipt requested, or by a nationally recognized overnight courier to the last known address of real property owners and mineral right holders.

At a minimum, the notice must contain the following:

- (1) The time and place of the initial public hearing;
- (2) The nature of the hearing;
- (3) The location and legal description by section, township, and range the property that is the subject of the hearing;
- (4) The name of Applicant;
- (5) A statement that the Board of County Commissioners for Cheyenne County is considering an application for a Conditional Use Permit; and

- (6) The name and address of the real property owners and mineral right holders to whom notices were sent.

**106-Certification of Notice**

Prior to the initial public hearing described below, Applicant shall certify to the County in writing that notices were provided in accordance with the above requirements.

**107-Initial Public Hearing**

Not less than fourteen (14) days, but no more than sixty (60) days following certification by the County Staff that a Conditional Use Permit application is complete, County shall set the date, time, and location of an Initial Public hearing before the Board of Adjustment to consider the issuance of such Conditional Use Permit. The Board of Adjustment may recommend approval, conditional approval, or denial of the requested Conditional Use Permit. A file containing a written record of the action taken by the Board of Adjustment with regard to the requested Conditional Use Permit shall be maintained by the Board of Adjustment.

**108-Final Public Hearing**

At the Initial Public Hearing, but no more than seven (7) days following the Initial Public Hearing, the County shall set the date, time, and location of a Final Public Hearing before the Board of County Commissioners to consider the issuance of a Conditional Use Permit taking into consideration the recommendation of the Board of Adjustment. Final Public Hearing shall be no more than sixty (60) days following the Initial Public Hearing. A final determination on whether to approve or deny the Conditional Use Permit may be made at the Final Public Hearing. Such Conditional Use Permit shall be approved by a resolution of the Board of County Commissioners upon a majority vote. The Conditional Use Permit shall be valid for the life of the wind Energy Facility. If new turbines are installed that substantially and materially differ in quantity or technology from the turbines originally shown in the Detailed Site, Plan, an amendment to the Conditional Use Permit or a new Conditional Use Permit will be required prior to installation.

**109-Pre-Construction Materials**

One condition of any Conditional Use Permit shall be the requirement that prior to commencement of construction, Applicant be required to submit the following documentation:

1. **Detailed Site Plan-** Detailed Site Plan, prepared at a scale acceptable to County Staff, and certificate by a professional surveyor, shall also include

the following elements:

- a. Date of preparation, revision box, written scale, graphic scale, and north arrow (designated as true north).
  - b. Location of all proposed structures and facilities, including the location and dimensions for each Wind Turbine in the proposed Wind Energy Facility, including setbacks for each Wind Turbines from property lines.
  - c. Description of utility interconnection and crossing.
  - d. Detailed Site Plan shall be accompanied by a schematic drawing showing the Wind Turbine and range of dimensions, including system height, rotor diameter, hub height, and rotor ground clearance.
2. **Septic System-** If the proposed Wind Energy Facility includes uses that must be served by a septic system, Applicant shall comply with applicable Cheyenne County requirements. Applicant shall provide a statement certifying that the septic system for the Wind Energy Facility will comply with applicable County, State, and Federal requirements.
3. **Water Supply System-** If the proposed Wind Energy Facility includes uses that must be served by water, the Pre-Construction Materials shall describe the water source and sufficiency of the water supply for the Wind Energy Facility, including decreed or conditional water rights. If a well is required, Applicant shall obtain the necessary permit from the State of Colorado Office of the State Engineer.
4. **Water and/or Wind Erosion Control Plan-** As part of the Pre-Construction Materials, Applicant will provide a preliminary plan showing existing and proposed grading for the Wind Energy Facility site. The Drainage and Erosion Control Plan shall be accompanied by a description of practices that will be utilized to prevent erosion and run-off during construction. If there are any modifications to this plan, Applicant will provide a final Drainage and Erosion Control Plan prior to commencement of construction.
5. **Analysis for Erosion, Sedimentation and Flooding-** If any Wind Turbine or accessory facility included in the proposed Wind Energy Facility is located within the 100-year floodplain, the Pre-Construction Materials shall include a preliminary report that addresses the potential for wind erosion, water erosion, sedimentation and flooding. If there are any modifications to the locations of Wind Turbines or ancillary facilities, Applicant will provide a final report prior to commencement of construction.
6. **Geotechnical Report-** Applicant shall provide written certification that prior to construction, a professional engineer licensed in the State of Colorado, will complete a Geotechnical Study that includes the following:

- a. Soils engineering and engineering geologic characteristics of the site based upon onsite sampling and testing.
  - b. Foundation and tower systems design criteria for all proposed structures.
  - c. Slope stability analysis.
  - d. Grading criteria for ground preparation, cuts and fills, and soil compaction.
- 7. Road Agreement-** If any County Roads will be used during construction of a Wind Energy Facility for the purpose of transporting parts, materials and/or equipment, Applicant shall enter into a Roads Agreement with the County. The Roads Agreement shall comply with Cheyenne County Zoning Ordinance and shall also include the following:
- a. A map showing which County Roads will be used during construction.
  - b. A pre-construction baseline survey of County Roads to be used during construction to document their pre-construction condition.
  - c. A mitigation plan to address traffic congestion and potential impacts to County Roads to be used during construction.
  - d. A legally binding agreement between Applicant and the County that requires Applicant to return any County Roads to their pre-construction baseline condition.
- 8. Notification Requirements-**
- a. Notice to FAA. Applicant shall provide written certification that Federal Aviation Administration (FAA) forms will be submitted to the FAA in accordance with FAA requirements.
  - b. Notice to Operator(s) of Communication Link. If any Wind Turbine included within the proposed Wind Energy Facility is located within two (2) miles of any wireless communications link, Applicant shall certify that it will notify the operator of the communication link in writing about the proposed project at least 30 days prior to commencement of construction.
- 9. Liability Insurance-** Applicant shall provide evidence of liability insurance to cover loss or damage to persons and structures during construction and operation of the Wind Energy Facility.
- 10. Maintenance of Wind Turbines-** Applicant shall provide a statement certifying that the Wind Turbines will be maintained and operated in accordance with manufacturer specifications, Owner Environmental Health and Safety Plans, and applicable Occupational Health and Safety Administration (OSHA) requirements to ensure the safety of site personnel and the public.
- 11. Development Agreement-** Applicant shall execute a Development Agreement

with County and include a copy of this executed Agreement and the impact fee (as required under the Development Agreement) as part of the Pre-Construction Materials submittal.

12. **Additional Information and Waivers-** County may request additional information that may be required to evaluate the proposed Wind Energy Facility. County may waive or alter any of these minimum requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

## **110-Construction Approvals**

Following the approval of a Conditional Use Permit for Wind Energy Development in accordance with these regulations, and prior to the construction of a Wind Energy Facility on the property subject to such Conditional Use Permit, Applicant and the County shall enter into a Developer Agreement in the general form previously adopted by the Board of County Commissioners on July 23, 2009 (Revised May 19, 2011) and subject to modifications of said agreement approved by Applicant and the Board. Within seven (7) days after the execution of a Developer Agreement by the both Applicant and the Board, the County shall issue to Applicant a right to build letter, at which time Applicant may commence construction of its Wind Energy Development in accordance with the plans and specifications approved under the Conditional Use Permit.

## **111-Standards Applicable to Wind Energy Facility**

### **A. GENERAL STANDARDS**

1. **Public Health, Safety and Welfare-** The Proposed Wind Energy Facility shall not be detrimental to the health, safety or general welfare of the County and its citizens. The Wind Energy Facility, including all Wind Turbines, shall be maintained and operated in accordance with manufacturer specifications, Owner Environmental Health and Safety Plans, and applicable Occupational Health and Safety Administration (OSHA) requirements to ensure the safety of site personnel and the public.
2. **Compliance with Comprehensive Plan and Inter-Governmental Agreements-** The proposed Wind Energy Facility is consistent with relevant provisions of the Cheyenne County Zoning Ordinance.
3. **Compliance with Other Regulations-** The Wind Energy Facility shall comply with all applicable rules and regulatory requirements of the State and Federal agencies, and of Cheyenne County.
4. **Water and Wastewater Service-**
  - a. The water and septic system shall be adequate to serve the Wind Energy Facility.

- b. The water and septic system shall comply with County, State, and Federal standards.

**5. Roadways and Access-**

- a. Legal access to a public right-of-way to and from the Wind Energy Facility shall be safe and in conformance with access standards set forth in the County Road and Bridge Standards.
- b. The Wind Energy Facility shall make reasonable efforts to not cause traffic congestion during operations and unsafe traffic conditions during the construction phase or operations.
- c. Adequate turning radii shall be installed at all entrances to accommodate large truck movement.
- d. Off-street parking and loading zones shall be surfaced with gravel or the equivalent and shall be graded to prevent drainage problems.
- e. Staging activities and parking of equipment and vehicles shall occur on-site and on private rights-of-way, and shall be prohibited on maintained County roads.
- f. The use of any County roads during construction shall be in accordance with and in compliance of Federal, State, County and local regulations governing such activities. Applicant will prepare a Roads Agreement that includes a mitigation plan to address potential impacts to County Roads to be used during construction. As part of the Roads Agreement, Applicant at its expense will be required to return any County Roads that are impacted by construction to its pre-construction baseline condition.

- 6. Service Delivery System Capacity-** The Wind Energy Facility shall not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.

- 7. Impact Fees-** In addition to the Roads Agreement, Applicant shall also complete a study to assess the potential effects of the proposed project on County services and capital facilities. As currently structured, Applicant shall pay an impact fee of 0.89% of total project cost for impact fees. In the event that impacts to County services or County capital facilities from construction and operation of a Wind Energy Facility are identified, Applicant shall develop a plan to maintain County services and capital facilities. If impacts cannot be fully mitigated and County determines that impacts significantly exceed impact fees paid, Applicant may be required to pay the County a mutually agreed upon impact fee to allow the County to maintain existing County services and capital facilities. The Applicant, Owner and/or Operator shall provide all necessary training to allow the County to adequately handle the increased services provided by County services such as but not limited to local fire departments and ambulance departments caused by the construction and operation of the Wind Energy Facility.

## **8. Resource and Environmental Protection Standards-**

- a. Water Quality Protection-** The Wind Energy Facility shall not cause significant degradation of the quality of surface or ground water resources and shall comply with applicable County, State, and Federal water protection laws.
- b. Air Quality-** The proposed Wind Energy Facility shall comply with applicable County, State, and Federal air quality laws.
- c. Glare, Dust or Noise-** Construction and operation of the Wind Energy Facility shall not significantly increase existing glare, dust, or noise at surrounding properties.
  - (1)** To minimize the potential for glare, Wind Turbines shall be painted a neutral color such as matte white or matte gray.
  - (2)** The proposed Wind Energy Facility shall comply with the statutory provisions for maximum permissible noise levels in C.R.S. 25-12-103.
  - (3)** Fugitive dust and particulate emissions shall be controlled on the site.
  - (4)** Waste materials shall be handled, stored, and disposed of in a manner that controls fugitive dust, fugitive particulate conditions, blowing debris and other potential nuisance conditions.
  - (5)** The Wind Energy Facility shall comply with FAA minimum lighting requirements and be at the lowest intensity allowed. Any array of flashing or pulsed obstruction lighting shall be synchronized to flash simultaneously. No accessory lighting is permitted, except for lighting that is necessary for safety and security purposes.
- d. Erosion and Sedimentation Control-** Erosion and sedimentation control measures that ensure that disturbed areas and soil stockpiles are stabilized during construction shall be implemented. Disturbed areas shall be revegetated in accordance with landowner agreements.
- e. Drainage/Stormwater Run-off-** Run-off shall be managed in accordance with applicable County, State and Federal regulations. If applicable, Applicant shall obtain a Construction Stormwater Discharge Permit from the Colorado Department of Public Health and the Environment, Water Quality Control Division.
- f. Protection of Agricultural Lands-** The Wind Energy Facility shall not have a significant adverse impact on agricultural lands and agricultural operations above the standard provided in the landowner lease agreements.

## **B. SITE AND FACILITY DEVELOPMENT STANDARDS-**

### **1. General Site Plan Standards-**

- a. The site is adequate in size and shape to accommodate the Wind Energy Facility and all appurtenant facilities.
  - b. To the extent practicable, the site shall be developed in a manner that preserves the natural features of the site, avoids areas of environmental sensitivity, and minimizes adverse visual impacts.
- 2. Height Restrictions-** The height and location of any structure within the Wind Energy Facility shall be subject to FAA approval.
- 3. Setbacks-** Unless otherwise required by federal or state regulations applicable to the Wind Energy Facility, the following minimum setbacks shall apply.
- a. **Measurement-** Front, rear and side setbacks shall be measured as the distance between the nearest lot/boundary line and the center point of a structure, along a line at right angles to the lot/boundary line.
  - b. **Safety Setbacks-** The following setbacks shall apply to each Wind Turbine comprising the Wind Energy Facility.

**MINIMUM SETBACKS**

Setback from above-ground public electric power lines or communications lines	1. 1 times system height, with a minimum setback of 250 feet
Setback from public road or highway or railroad <sup>1</sup>	1. 1 times system height, with a minimum setback of 250 feet
Setback from public road or highway with ADT <sup>3</sup> of 7,000 or more <sup>2</sup>	1. 1 times system height, with a minimum setback of 250 feet
Setback from inhabited structures, including: residence, school, hospital, church, public library, or other building open to the public.	2 times system height, with a minimum setback of 1,500 feet
Setback from all other property lines, unless appropriate easements are secured from adjacent property owners or other acceptable mitigation is approved by the Board.	1.1 times system height
1. Measured from the outer boundary of the public utility right-of- way or easement [or from existing power line or telephone line]. 2. Measured from the outer boundary of the public road/highway right-of-way or railroad right-of-way. 3. Average daily trips, based on traffic field measurements [determined by CDOT or County].	

- c. **Scenic Resources Setback-** Wind Turbines comprising the Wind Energy

Facility shall be setback a minimum 1/4 mile from any highway, designated to be a scenic highway or roadway by the Cheyenne County Zoning Ordinance or by the State. A scenic resource protection setback requirement may be reduced to 1.1 times the total Wind Turbine height if the Board determines that the characteristics of the surrounding property eliminate or substantially reduce considerations of scenic value.

**d. Notice and Record of Waiver or Reduction of Setback-**

- (1) Any proposed setback waiver or reduction shall be included in all public notices regarding the Conditional Use Permit application review.
- (2) If the application is approved with a setback waiver or reduction, the approved setbacks shall be specified in the approval.

**4. Minimum Ground Clearance-** The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than sixty (60) feet.

**5. Safety and Security-**

- a. Fencing, or other barriers acceptable to the County, shall be installed to prevent unauthorized access to the Wind Energy Facility substations.
- b. Reasonable attempts will be made to maximize the properties of underground wiring between Wind Turbines and the Wind Energy Facility substation.
- c. Guy wires shall be distinctly marked.
- d. Any climbing apparatus that is not secured behind a lockable gate or door shall be a minimum of fifteen (15) feet from ground level.
- e. Signs warning of the electrical hazard and other hazards associated with the Wind Energy Facility shall be posted at the base of each Wind Turbine tower, electrical equipment, and at the entrance of the Wind Energy Facility.

**6. Fire Protection-** The Wind Energy Facility shall have adequate fire control and prevention measures.

**7. Underground Location of Electrical Collection**

**System Wiring-** Unless geologic conditions or other technical or engineering considerations prevent underground installation, electrical collection system wiring and powerlines for the Wind Energy Facility shall be installed underground except where the Wind Energy Facility collector system wiring is brought together from the project substation to

the point of electrical interconnection. Overhead transmission lines are permissible from the project substation to the point of electrical interconnection.

All underground installations located within the public road easement or right-of-way shall comply with the applicable permit and design requirements of Cheyenne County Road and Bridge, and should include the following elements:

- a. **Restoration-** Any disturbed portion of the right of way shall be restored as nearly as possible to the condition as existing immediately prior to installation.
- b. **Safety-** Safety measures shall be implemented in accordance with County, State and Federal requirements to protect the public.
- c. **Roadway Crossing-** If the installation crosses a roadway, it shall be located as perpendicular to the roadway as physically possible and installed in compliance with the requirements of Cheyenne County Road and Bridge.
- d. **As-built drawings-** As-built drawings shall be provided to Cheyenne County Road and Bridge once the installation has been completed.
- e. **Permit and Notice to Proceed-** Work shall not commence until the required permit(s) and notice to proceed with the installation(s) have been issued by the County.

## **8. INTERCONNECTION AND ELECTRICAL DISTRIBUTION FACILITIES-**

- a. Transmission from the Wind Energy Facility substation to the point of electrical interconnection shall comply with the National Electric Code as well as all applicable State and Federal laws and code.
- b. Interconnection shall conform to the requirements of the electric utility company, and applicable State and Federal electrical codes.

## **9. ELECTROMAGNETIC INTERFERENCE-** Applicant shall minimize or mitigate any interference with electromagnetic communications caused by the Wind Energy Facility including radio, telephone or television signals.

## **10. CERTIFICATION OF EQUIPMENT AND APPURTENANT FACILITIES-**

- a. All wind turbine towers and foundations systems (i.e., structural systems) shall be reviewed by a registered structural engineer, licensed in Colorado, to confirm their compliance with the applicable State, Federal and local regulations and to conform with good engineering practices.



to the satisfaction of the County, letter of credit, or cash (“Financial Assurance”). Financial Assurance shall begin in year 15, secured by Owner/Developer or Operator or its Successors and Assigns, for the purpose of adequately performing decommissioning, in an amount equal to the decommissioning costs;

- e. An estimate of the decommissioning costs certified by a Professional Engineer to be updated every five (5) years following year 15 of the project;
- f. Identification of and procedures to access Financial Assurances;
- g. A provision that the terms of the Decommissioning Plan shall be binding upon Owner/Developer or Operator or its Successors and Assigns;
- h. If decommissioning does not proceed in accordance with the Decommissioning Plan, the County shall have the right, but not the requirement, to enter the property and cause the appropriate abandonment and decommissioning measures as determined by the approved Decommissioning Plan.
- i. A provision that the County shall have the right to review final decommissioning and reclamation to confirm it is consistent with the Decommissioning Plan.
- j. Applicant may provide documentation to the County to demonstrate that Financial Assurances for decommissioning costs have been sufficiently addressed as part of landowner agreements. Documentation of the selected form(s) of financial assurance to be secured in year 15 shall be filed with the County as part of the permit application procedures and prior to the approval of Applicant’s Conditional Use Development Permit. The County may reject the proposed forms of assurance of financial responsibility if the evidence submitted by Owner/Developer or Operator or its Successors and Assigns does not adequately assure that funds will be secured as required by these rules. Owner/Developer or Operator or its Successors and Assigns shall be notified in writing within 60 days of receipt of the evidence of financial assurance of the decision to accept or reject the proposed forms of financial assurance. If an application is approved, any bond or other form of financial assurance may be canceled by the surety only after ninety (90) days written notice to the Board of County Commissioners, and upon receipt of the Board’s written consent, which may be granted when the requirements of the bond or assurance have been fulfilled.
- k. Financial Assurance Forfeiture. Bond or other financial assurance forfeiture proceedings shall occur only in the event that

abandonment and decommissioning does not comply with the Decommissioning Plan and a cure period of 60 days has expired.