



Regulations for Areas and Activities of State Interest; Elbert County Zoning Regulations and Elbert County Subdivision Regulations;

3. The proposed land uses are compatible with existing and allowable land uses in the surrounding area because the lot sizes, densities, and uses are comparable to surrounding properties; and

4. The proposed land uses will not result in significant impact to the health, safety, and welfare of the residents and landowners of the surrounding area; and

WHEREAS, the Board of County Commissioners, having found that this hearing was properly noticed, and having reviewed the recommendations of the Planning Commission, and having reviewed the documentation of the applicant, and having listened to all public comment, and being fully advised in the premise.

BE IT THEREFORE RESOLVED, the Board of County Commissioners does hereby approve **10-16-0017 RUSH CREEK WIND FARM 1041 PERMIT and SU-16-0013 RUSH CREEK WIND FARM SPECIAL USE REVIEW** with conditions of approval to include:

10-16-0017 RUSH CREEK WIND FARM 1041 PERMIT

1. The 1041 Permit will not become effective until all fees are paid, conditions of approval are met, and County required documents are recorded; and
2. Recordation action of all appropriate documentation in Condition 1 above is to occur within 180 days after the Board of County Commissioners' approval; and
3. Approval of the Rush Creek Wind Farm Special Use Review SU-16-0013.

SU-16-0013 RUSH CREEK WIND FARM SPECIAL USE REVIEW

1. The Special Use will not become effective until a 1041 Permit for Site Selection and Construction of a Major Facility of a Public Utility is approved and any documents related to the approval are recorded; and
2. The Written Restrictions, as amended, shall be made a part of the Special Use Site Plan document; and
3. The Special Use will not become effective until all fees are paid, conditions of approval are met, and documents recorded; and
4. Recordation action of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval; and
5. The applicant or project owner shall provide Site Plan Exhibits according to the standards of the Special Use Review Written Restrictions prior to the issuance of building permits; and



6. The applicant or project owner shall gain formal Site Development Plan approval for the Operations and Maintenance building prior to the issuance of building permit for the Operations and Maintenance Building; and
7. The applicant or project owner shall execute a Master Road Use Agreement with Elbert County prior to the issuance of building permits; and
8. The executed Master Road Use Agreement shall include measures to mitigate fugitive dust during construction; and
9. The applicant shall obtain access permits for each access point from private access roads to Elbert County Roads and State Highways, as the case may be, and
10. The Elbert County Road and Bridge Department shall inspect all newly constructed private roads that are open to non-participating property owners or the general public to ensure that they conform to the standards of the Elbert County Roadway Construction Standards and Specifications manual; and
11. The applicant or project owner shall provide a Stormwater Management Plan prior to the issuance of building permits; and
12. The applicant or project owner shall provide a Reclamation and Noxious Weed Plan prior to the issuance of building permits; and
13. The applicant or project owner shall provide documentation for any water source used during construction. The County shall require documentation to be submitted to Elbert County Community and Development Services; and
14. Any development within the 100-year flood plain will require an Elbert County Floodplain Development Permit, which will be reviewed against the Elbert County Floodplain Development Standards; and
15. The applicant shall comply with the request of the Elbert County Mapper to provide maps of roads to the towers to aid in the assignment of addressing; and
16. The site plan shall be amended to show the correct setbacks from non-participating property lines; and
17. The applicant shall provide detailed results and a copy of the preliminary Bird and Bat Conservation Strategy (BBCS) to Elbert County CDS prior to the commencement of construction; and
18. Applicant shall agree to contact and make a good faith effort to work with Elbert County Communications Authority (ECCA) for the purpose of allowing ECCA space on the applicant's towers/equipment for the location of ECCA equipment; and



19. As agreed by the parties, the applicant shall execute a Financial Assurance Agreement with Elbert County prior to the commencement of construction; and
20. Permit holder shall provide documentation to Elbert County containing more detail regarding estimated projected revenues to Elbert County, based on existing State of Colorado tax regulations, and facilitate follow up meetings with Elbert County staff and State of Colorado Division of Property Taxation staff, to the satisfaction of the Board of County Commissioners.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:


_____ Aye
DANNY WILLCOX, CHAIR


_____ Aye
CHRISTOPHER RICHARDSON, VICE CHAIR


_____ Aye
GRANT THAYER, COMMISSIONER

**ATTEST: DALLAS SCHROEDER
COUNTY CLERK**

BY: 
Clerk to the Board

