





2. The proposal meets the criteria for approval in the Elbert County Guidelines and 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 **10-16-0028 RUSH CREEK TRANSMISSION LINE 1041 PERMIT and SU-16-0018 RUSH CREEK TRANSMISSION LINE SPECIAL USE REVIEW** with conditions of approval to include:

**10-16-0028 RUSH CREEK TRANSMISSION LINE 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-16-0018.

**SU-16-0018 RUSH CREEK TRANSMISSION LINE 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 Special Use will not become effective until all fees are paid, conditions of approval are met, and documents recorded; and
3. Recordation action of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval; and
4. The applicant shall execute a Master Road Use Agreement with Elbert County prior to the commencement of construction; and
5. The executed Master Road Use Agreement shall include measures to mitigate fugitive



dust during construction; and

6. 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
7. The applicant shall provide an approved Colorado State Stormwater Pollution Prevention Plan prior to the commencement of construction; and
8. The applicant shall provide a Reclamation and Noxious Weed Plan prior to the commencement of construction; and
9. The applicant shall provide a legal description prepared by a professional land surveyor prior to the commencement of construction; and
10. The applicant shall provide an executed tree replacement agreement approved by the Colorado State Forest Service Franktown office prior to the commencement of construction; and
11. The applicant shall provide detailed results of pre-construction raptor nest, swift fox, and burrowing owl surveys to Colorado Parks and Wildlife, and summary results of the same surveys to Elbert County Community and Development Services prior to the commencement of construction; and
12. Construction activities shall not occur, and permanent structures shall not be constructed within the wildlife buffers recommended by Colorado Parks and Wildlife in their document, "Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors." Specifically:
  - a. Active Bald Eagle Nests 0.5 mile
  - b. Active Golden Eagle Nests 0.5 mile
  - c. Active Osprey Nests 0.25 mile
  - d. Active Ferruginous Hawk Nests 0.5 mile
  - e. Active Red-Tailed Hawk Nests 0.33 mile
  - f. Active Swainson's Hawk Nests 0.25 mile
  - g. Active Peregrine Falcon Nests 0.5 mile
  - h. Active Prairie Falcon Nests 0.5 mile
  - i. Active Northern Goshawk Nests 0.5 mile
  - j. Active Burrowing Owl Nests 150 feet
  - k. Active Unknown Raptor Nests 0.25 mile; and

13. If a burrowing owl is observed in the vicinity of a prairie dog town during transmission line construction, construction activity will be suspended temporarily to determine if there is an active nest within 150 feet of construction activities. Human activities and earthmoving activities shall not occur within 150 feet of active burrowing owl nests between March 15th and October 31st. If a burrowing owl is observed in an area other than a prairie dog town, construction shall be suspended until the bird moves 150 feet outside of the transmission line ROW; and



14. A letter from Agate Fire Protection district acknowledging that based on their communications with PSCO, the proposed transmission line project will be in compliance with the District's fire code and meets their requests for information and access to the temporary laydown yards; and
15. 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
16. The Site Plan documents will be revised to reflect the correct zoning districts; and
17. As agreed by the parties, the applicant shall execute a Development Agreement with Elbert County prior to the commencement of construction; and
18. 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**

