

WASHINGTON COUNTY, CO
PRIVATE USE TRANSMISSION LINE ZONING REGULATIONS

1. PURPOSE AND INTENT.

These regulations are intended to protect the health, safety and welfare of the residents of the County and to encourage the safe, effective, efficient and orderly development and installation of transmission lines in the County while preserving and protecting the character and the stability of residential, agricultural, recreational, commercial, industrial and other areas within the County.

2. APPLICABILITY.

These regulations shall apply to transmission lines which are not subject to the County's 1041 Regulations.

3. PERMIT REQUIRED.

All transmission lines subject to these regulations require a use by special review permit. It is unlawful to construct or install transmission lines without a valid use by special review permit.

4. DEFINITIONS.

TRANSMISSION LINE

Those electrical lines and appurtenant facilities which meet the following criteria:

1. Either a series of three or more structures and appurtenant facilities erected above ground which support one or more conductors or a power line placed underground; and
2. Lines emanate from a power plant or a substation/transition site and terminate at a substation/transition site.

OWNER

The owner of the private use transmission lines, which shall include the operator and the permittee.

5. APPLICATIONS FOR PRIVATE USE TRANSMISSION LINES.

Applications for transmission lines shall include the following documents and information:

- A. Narrative. Narrative description of the overall project, route of the transmission line, voltage, letters of informed consent for easements and permission to survey for 100% of the proposed route(s), and how the proposed project complies with the requirements governing transmission lines set forth in these regulations.

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- B. Owner. If not the applicant, the owner must be identified in the application.
- C. Timeline. A proposed timeline for the project, including planning, permitting, construction and activation.
- D. Alternative Routes. Description of all potential alternative routes including environmental impacts for each alternative.
- E. Site Plan. The site plan is required to show development plans for transmission lines. The site plan must be clear and legible at an appropriate scale, as approved by the Planning and Zoning Department, to show all of the information required below:
 - 1. The maximum sheet size shall be 24" x 36".
 - 2. An information block in a corner of the map which includes the following: the preparation date; a scale; names and addresses of the owner and applicant, if different than the owner, names and addresses of engineer or surveyor who prepared the plan; addresses of the site; the number of the sheet and total number of sheets; and sheet title.
 - 3. A north arrow.
 - 4. Certifications for the property owner's signature, engineer or surveyor, the Chair of the Planning and Zoning Commission, the Chair of Board of County Commissioners, and County Clerk and Recorder.
 - 5. Legal description of the property where the transmission lines are proposed to be located.
 - 6. Vicinity Map. A vicinity map shall be drawn on site plan. The vicinity map shall be at a suitable scale. The following information shall be shown on the vicinity map:
 - a) Section, township and range.
 - b) Scale and north arrow.
 - c) Outline of the perimeter of the parcel proposed for the transmission lines.
 - d) For the parcels to be used for the transmission lines, the following information shall be provided on the site plan:
 - i. The scale of the project area shall be one (1) inch equals one hundred (100) feet.

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- ii. The drawing shall outline the boundaries of the parcels being considered for the transmission lines.
 - iii. The drawing shall include the location and identification of all of the following items within a two-hundred-foot radius of the boundaries of the parcels as well as within the parcels itself:
 - e) All public rights of way of record (including names).
 - f) All existing and proposed structures.
 - g) All utility easements or rights-of-way for telephone, gas, electric, water and sewer lines.
 - h) Adjacent property lines and respective owners' names.
 - i) Such additional information as may be reasonably required by the Planning and Zoning Department, the Planning and Zoning Commission or the Board of County Commissioners in order to determine the application meets the requirements of these Regulations.
- F. Viewscape Graphic. Graphical ground level representation of transmission line, poles and related facilities showing impact on viewscales from roadways and from occupied structures.
- G. Natural land reclamation, re-vegetation, and erosion control. A detailed revegetation plan for all land areas within the project area, describing all revegetation plans or efforts developed with collaboration with Washington County Conservation Districts. Such plan shall include, at a minimum:
 - 1. Description of all lands included.
 - 2. Plant and seed material to be used and the method and timing of their application.
 - 3. Source, amount, timing and seasonal duration of irrigation water to be applied to establish the intended revegetation, for a period no less than two (2) growing seasons.
 - 4. Implementation of the revegetation plan must include the costs of preparing the soil, seeding and planting vegetation and irrigating the same, costs of removal of noxious weeds, and revising and repeating the revegetation plan in the event the plan fails in whole or in part.

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5. If the applicant believes that revegetation is not necessary and that dry land agricultural practices may be undertaken the applicant must present evidence from an expert agronomist, local conservation district, local NRCS Office or other appropriate source that dry land agricultural practices is reasonably possible and that air quality, significant environmentally sensitive factors, visual aesthetics, nuisance factors and all other appropriate considerations as set forth herein will be satisfied. The Board of County Commissioners shall make the final decision whether revegetation is necessary under these circumstances.
- H. Drainage and Erosion Control Plan. This plan shall include:
- a) A description of practices that will be utilized to prevent erosion and run-off during construction.
 - b) A detailed mitigation and remediation plan to prevent destructive erosion processes in the area after construction.
- I. Wildlife Impact Study. A study completed by an independent, qualified wildlife biologist and/or ornithologist should be provided including the following:
1. Consult with and provide documentation from the CPW and/or the United States Fish and Wildlife Service (USFWS) in regard to best practices and guidelines in the siting, design, and operation of a transmission line, towers, poles, and related facilities to protect the natural resources of watersheds, wetlands, and wildlife habitat on site and in the biologically significant surrounding areas.
 2. The results of any environmental review requested from the Colorado Parks and Wildlife (CPW).
 3. A literature review for threatened and endangered species, more specifically for birds and bats.
 4. The results of supplemental environmental surveys conducted by the applicant to provide information related to avian population, including migratory birds, critical fly ways, migratory routes, feeding areas, and or nesting and lekking sites for protected species.
 5. The analysis shall also include an explanation of potential impacts and proposed mitigation plans.
- J. Economic Impact Study Required. The study shall include probable financial impact regarding jobs, tax revenue, lease payments and property values at a minimum and average

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set-backs distances. Business and residential growth potential shall be considered. The study shall include, without limitation, the following:

1. The amount of property taxes to be generated by the project.
 2. The amount of sales taxes to be generated by the project.
 3. The amount of other applicable taxes to be generated by the project.
 4. The construction dollars to be spent locally.
 5. The number of construction jobs and estimated construction payroll
 6. The number of permanent jobs and estimated continuing payroll.
 7. The costs associated with the impact on roads or other County infrastructure in the project area.
 8. The projected effect on property values in the surrounding areas within a 5 mile radius of the project.
- K. Environmental Analysis. In the absence of a required environmental analysis by a state or federal agency which encompasses the entire project area, provide a project impact review and a proposed impact mitigation plan. The project impact review and mitigation plan shall address all of the following:
1. Flora and noxious weeds on the site.
 2. Soil erosion and drainage, amount of soil to be displaced, removed or damaged to be coordinated with the local Conservation District.
 3. Historic, cultural or archaeological resources within transmission line project area.
 4. A summary of the current research regarding the health effects of electromagnetic field ("EMF") levels, conducted by health and scientific professionals, including those who do and do not receive utility sponsorship.
 5. The EMF levels under maximum and average line loads at the base of utility poles, underneath the wires between poles, at the edge of the closest habitable building along the proposed route and the point, above ground, where EMF level would be highest.
 6. A description of the reasonable and prudent measures the applicant would take to minimize EMF levels along all possible routes.

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- L. Airport and Aircraft Safety Report. Evidence the transmission lines and all related facilities do not create a hazard for aircraft; and they will comply with all applicable regulations governing airport and aircraft safety, including without limitation, Federal Aviation Administration regulations.
- M. Communication Interference. A report demonstrating each transmission line is designed, constructed, and operated so as not to cause radio and television or other communication interference.
- N. Road access to project site. The applicant must only use designated traffic routes as approved by the County. Routes shall be chosen to minimize traffic impacts, taking into consideration project related traffic during school bus times, wear and tear on local roads, and impacts on local businesses and agricultural activity. Existing roads shall be used to the extent possible or if new roads are needed, they shall minimize the amount of land used and the adverse environmental impacts. The applicant is responsible for remediation of any damaged roads due to siting and installation of the transmission lines and related facilities. Dust and soil erosion will be mitigated by the applicant during construction and operation of the project. If any County roads will be used during construction of a transmission lines and related facilities for the purpose of transporting parts, materials and/or equipment, the applicant shall enter into a road agreement with the County, in a form provided by the County, and shall also include the following:
 - 1. A map showing which County roads will be used during construction.
 - 2. A pre-construction baseline survey of County roads to be used during construction to document their pre-construction condition.
 - 3. A mitigation plan to address potential impacts to County roads to be used during construction.
 - 4. A legally binding agreement between the applicant and the County that requires the applicant to return any County roads to their pre-construction baseline. The agreement shall describe any anticipated improvements to existing roads, bridges, or other infrastructure, as well as measures which will be taken to restore damaged or disturbed access routes following construction. This plan shall include dust mitigation procedures during construction and operation of the project.
 - 5. Estimation of costs of maintenance during construction, or restoration or repairs anticipated as a result of the use of the County road(s).
 - 6. To secure the maintenance and restoration of the County roads, applicant shall furnish the County, at applicant's expense and prior to commencement of installation and construction of the project, cash or an irrevocable letter (or letters)

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of credit in which the County is designated as beneficiary in an amount equal to one hundred fifteen percent (115%) of the estimated costs of maintenance and restoration of the County roads as described in the road agreement provided by the County.

- O. Decommissioning Plan and Site Restoration Plan. The decommissioning and site restoration plan shall include:
1. Contact information for all parties involved (e.g., landowner, developer, utilities, etc.).
 2. The anticipated life of the transmission lines and related facilities.
 3. Triggering events for decommissioning and removal.
 4. The manner in which the transmission lines and related facilities will be decommissioned, and the sites restored including removal of all structures, cabling, electrical components, debris, foundations, and restoration of roads. Any removal must be to a depth agreed to in landowner agreements or down ten (10) feet whichever is greater.
 5. A soil and vegetation remediation plan established in collaboration with the Washington County Conservation Districts focused on specific measures for site preparation, selecting revegetation species, soil fertility, proper planting methods and noxious weed management aimed to re-establish ground cover to prevent soil erosion and provide wildlife habitat.
 6. A non-salvage cost estimate for the decommissioning prepared by a professional engineer or contractor with expertise in related decommissioning projects.
 7. Roles and responsibilities of each party involved in the decommissioning.
 8. The requirement to enter a road use agreement prior to decommissioning. The road use agreement shall comply with the requirements in Section 5(N) above.
- P. Deposit. In addition to application and permit fees, the applicant shall deposit with the County an amount estimated to cover the fees and expenses of consultants and experts reasonably necessary to assist the County in reviewing and evaluating permit applications. All fees for such consultants shall be borne by the applicant. The amount of the deposit shall be determined by the County after the initial review of the application for completeness.

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1. If at any point during the application review and processing, the County determines the deposit to be insufficient, the County may require the applicant to deposit additional monies with the County.
 2. If the applicant fails to deposit additional funds with the County within fourteen (14) days after receiving notice from the County, the application review process shall cease until the applicant makes the required deposit.
 3. If the applicant does not make the required additional deposit within ninety (90) days of the notice, the applicant shall be deemed withdrawn and any remaining deposit shall be returned to the applicant.
 4. Any deposit amounts which are in excess of actual costs shall be returned to the applicant within ninety (90) days of final decision on the application.
 5. An itemized billing of all expenses shall be provided to the applicant, except for any confidential information or work product.
- Q. Sales and Use Tax. Sales and/or use tax will be assessed and will be due upon completion of the project.
- R. Impact Fee. Issuance of any permit under these regulations shall be conditioned on payment to the County of an impact fee as established by the County's fee schedule.

6. APPLICATION REVIEW PROCESS.

Applications for transmission lines governed by these regulations shall be processed as follows:

- A. Application to County. All use by special review applications shall be submitted to the County Planning and Zoning Department, which shall review the application for completeness. The application shall not be scheduled for review by the Planning and Zoning Commission or the Board of County Commissioners until it is complete. If the application is incomplete, the applicant will be provided with a written statement detailing the missing information. If the application is complete, the Planning and Zoning Department will forward the application to the Planning and Zoning Commission for review.
- B. Fees. Applicant shall pay the application and permit fees as set by the Board of County Commissioners indicated on the Washington County fee schedule. The County shall notify the application of any required deposit pursuant to these regulations.
- C. Notice. Notice of public hearings before the Planning and Zoning Commission and the Board of County Commissioners shall be provided as follows:

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1. **Publication.** At least ten (10) calendar days prior to a public hearing, a notice shall be published by the Planning and Zoning Department at least one time in a general circulation newspaper within the County. A publisher's affidavit shall be submitted to the Planning and Zoning Department prior to the hearing date to verify the publication of the required notice.
2. **Written Notice.** At least fourteen (14) calendar days prior to a public hearing, a written notice shall be sent by certified mail with proof of mailing by the applicant to all property owners on both sides of the line and adjacent property owners within twenty-five hundred (2,500) feet of the boundary of the subject site. The proof of mailing receipts for each letter, a list of property owners notified, and a map illustrating the location of those properties within the required notice area shall be submitted to the Planning and Zoning Department prior to the hearing date.
3. **Notices shall contain the following information:**
 - a. The name of the applicant;
 - b. A brief description of the application;
 - c. A vicinity map showing the subject properties;
 - d. The date, time and location of the hearing and name of the decision-making body conducting the hearing; and
 - e. Notice indicating more complete information about the application is available at the Planning Department and provide the telephone number, address, and an email contact for the Planning Department.

D. **Public Hearings.**

1. **General.** No public hearing shall commence, nor testimony taken, until all notice procedures are met. At a hearing to consider an application the reviewing body shall review the data supplied by the applicant, review the findings and recommendations of the Planning and Zoning Department, and take testimony from all interested persons in attendance. The applicant shall offer evidence in support of the application sufficient to enable the reviewing body to consider the matter and make findings on the subject. The applicant has the burden of presenting all necessary and relevant information and evidence in support of the application.
2. **Planning Commission.** The Planning and Zoning Commission shall hold a public hearing on the application after required notice. After reviewing the Planning and Zoning staff report, if any, and receiving testimony and evidence, the Planning and

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Zoning Commission shall provide a recommendation to the Board of County Commissioners at the conclusion of the public hearing. Its recommendation shall set forth the findings of fact together with conditions of approval considered necessary to mitigate impacts and protect the public health, safety, and welfare.

3. Board of County Commissioners. The Board of County Commissioners shall hold a public hearing on the application after required notice. After reviewing the Planning and Zoning Department report and the Planning and Zoning Commission's recommendation and receiving testimony and evidence, the Board of County Commissioners shall render its decision within thirty (30) days after the conclusion of the public hearing. The decision shall set forth the findings of fact together with conditions of approval considered necessary to mitigate impacts and protect the public health, safety, and welfare.
4. Consultants. The County may hire any consultants and/or experts reasonably necessary to assist the County in reviewing and evaluating permit applications. All fees for such consultants shall be borne by the applicant, and the County may require the applicant to pay a deposit for those estimated costs prior to the County commencing any review of the application.

7. CRITERIA FOR TRANSMISSION LINES

The following criteria will be used by the Planning and Zoning Commission and the Board of County Commissioners, when reviewing an application for use by special review. Use by special review permit may be granted only if:

- A. The proposed transmission lines comply with the standards and application requirements in these regulations.
- B. Impacts by the transmission lines on the surrounding properties have been adequately minimized, including but not limited to impacts on wildlife.
- C. The proposed transmission lines do not adversely impact the public health, safety, and welfare of the County.
- D. Location Priorities
 1. All above-ground transmission lines shall be sited to minimize the impact of poles and lines on existing or planned development, air traffic, regular agricultural processes/operations, wildlife and the environment. The routes shall be located to cause the least disruption to private or public property and the least hazard to

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people, animals, plants or the environment. The routes shall be located on private or public easements or rights-of-way.

2. The length of all transmission lines shall be minimized to the greatest extent practicable. Longer underground lines shall be preferred to shorter above-ground lines.
3. Above-ground transmission lines shall be located in existing transmission line easements and adjacent and parallel to existing above ground transmission lines to the greatest extent possible. Alternate locations for above-ground transmission lines may be approved in cases where the location protects viewscales to a greater extent than locating them in existing transmission easements in locations adjacent and parallel to existing transmission lines or locating them in existing transmission easements or adjacent and parallel to existing transmission lines is not practical.

E. Safety and Compliance. The transmission lines shall meet the following safety requirements:

1. The transmission line projects shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors of any and all appurtenant structures securely locked at all times when service personnel are not present.
2. All energy collection system wiring shall comply with all applicable safety and stray voltage standards.
3. All towers or poles must be unclimbable.

8. STANDARDS AND REGULATIONS

- A. Contact information for the owner shall be kept current with the County.
- B. Setbacks. Transmission lines and associated towers and poles shall be set back a minimum of 2,500 feet from the nearest point of any existing building designed or used for human occupancy or assembly including but not limited to a dwelling, school, child care facility, or church. However, the Board of County Commissioners, with a recommendation from the Planning and Zoning Commission, may impose a reduced setback if agreed to by the owner of the property on which the subject structure is located. Exception, if route is along an existing power line easement route, these setbacks may be waived with a recommendation from the Planning and Zoning Commission to the Board of County Commissioners.

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- C. Height. The distance from ground level to the top of any pole or appurtenance attached to the pole may not exceed one hundred fifty feet (150'). These poles and any appurtenances must be setback from any county public road a distance greater than the height of the top of the appurtenance (exception: when using existing power line easements, these distances may be waived by the Board of County Commissioners with recommendations from the Planning and Zoning Commission). The applicant may seek a variance as part of the application for the private transmission lines, for increased height. The variance may be granted by the Board of County Commissioners, with a recommendation from the Planning and Zoning Commission, based upon a demonstrated need for increased height due to topography or as a means to reduce the number of poles necessary to construct the project. Variances for increased height may be limited to specific poles along the private transmission line route.
- D. Operation and Maintenance. Each transmission line must be kept and maintained in good repair and condition at all times. If a transmission line is not maintained in operational and reasonable condition or poses a potential safety hazard, the owner shall take expeditious action to correct the situation, including transmission line removal. The owner shall keep a maintenance log on each transmission line and must provide complete log to the County within thirty (30) days of a request by the County. To assure compliance with this requirement, an annual audit of maintenance records, conducted by a qualified third-party maintenance expert acceptable to the County, and at the expense of the owner of the transmission line, may be requested with a copy of this report provided as specified by the County.
- E. Mechanical Failure. If there is a mechanical failure resulting in, but not limited to, an abnormal sound emission, or a public safety hazard, fire or injury to any person or property, the Planning and Zoning Department shall be notified of the event the next day of business following the event. The applicant shall provide the County at the time of application, an operational procedure for this event, a mitigation strategy, and appropriate emergency contact information. A written report describing the failure and the owner's response to the failure shall be submitted to the Planning and Zoning Department within 10 business days of the event.
- F. Decommissioning
 - 1. Updated Decommissioning Plan. The owner shall update the decommissioning plan every five (5) years after approval and provide a copy of the updated plan to the Planning and Zoning Department. If there are no updates to the plan, the operator shall notify in writing the County instead of submitting an updated plan.
 - 2. Security.

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- a. Prior to commencement of the construction or installation of any transmission line structure, the owner shall submit to the Planning and Zoning Department proof of financial guarantee in an amount of 150% of total decommissioning project cost, provided by a surety bond, letter of credit, or cash, in a form acceptable to the County.
 - b. The amount of the guarantee shall be updated every two (2) years at the rate of 1.5 times CPI (consumer price index) for each year.
 - c. Failure to keep such financial security in full force and effect at all times while the structure exists shall constitute a material violation of a special use approval and these regulations and shall subject the owner to all available remedies to the County, including enforcement action, fines, revocation of the special use approval and transmission line removal.
 - d. The owner shall be responsible for the payment of all attorney fees and other costs incurred by the County in the event the transmission line(s) are not voluntarily removed in accordance with the decommissioning plan and the County must enforce removal.
 - e. The owner shall execute any and all documents (as provided or approved by the County), sufficient to provide the County with a perfected security interest in monies deposited with the County for the purpose of decommissioning any transmission line.
3. Abatement and Decommissioning. If the transmission lines, or any portion of the lines, are not operational or operated for a continuous period of 12 months, it shall be considered abandoned, and the County may direct its owner to decommission it pursuant to this section. The owner shall execute any and all documents sufficient to provide to release the security guarantee to the County for the purpose of decommissioning. If the owner fails to decommission the transmission line(s) as required, the County may contract for its removal and charge the current owner for all additional costs incurred.
4. Discontinuation or Abandonment of Project
 - a. Thirty (30) days prior to such time that transmission lines are scheduled to be abandoned or discontinued, the owner shall notify the Planning and Zoning Department by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.
 - b. Within one (1) year of the date of abandonment or discontinuation, the owner shall complete the physical removal of the transmission lines and

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related facilities and site restoration. This period may be extended at the request of the owner, upon approval of the Planning and Zoning Commission.

5. Decommissioning of discontinued or abandoned transmission lines and related facilities shall include the following:
 - a. Physical removal of all transmission lines and aboveground appurtenant structures from the subject property including, but not limited to buildings, machinery, equipment, cabling, equipment shelters, security barriers, electrical components, roads, unless roads need to remain to access buildings retrofitted for another purpose, or the landowner submits a request to the Planning Commission that such roads remain.
 - b. Below-grade structures, such as foundations, footers, and all other equipment installed with the system shall be removed in accordance with these regulations; however, these structures may be allowed to remain if a written request is submitted by the landowner and a waiver is granted by the Board of County Commissioners subject to determination that there is no public health or safety issues with allowing the structures to remain.
 - c. Compacted soils shall be de-compacted as agreed to by the landowner.
 - d. Restoration of the topography of the project site to its preexisting condition, except that any landscaping or grading may remain in the after-condition if a written request is submitted, and a waiver is granted by the Board of County Commissioners subject to a determination that any waiver will not result in nuisance conditions.
 - e. Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local, state, and federal solid waste disposal regulations.
 - f. An executed road use agreement complying with the requirements in Section 5(N) above prior to commencement of decommissioning.

9. LIABILITY INSURANCE AND RESPONSIBILITY FOR COSTS.

The owner is required to demonstrate that their insurance has a minimum coverage of \$5 million per occurrence and \$10 million aggregate. The insurance shall remain in effect during the permit. In the event a public service such as police, fire, or rescue is required due to the operation, maintenance, or failure of the transmission lines, any cost incurred as a result of said event shall be the sole responsibility of the owner of the transmission lines.

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10. APPROVAL TIME FRAME AND ABANDONMENT

The use permit for a transmission line project shall be valid for a period of three (3) years from the date of approval. The owner may seek an extension of the approval period from the Board of County Commissioners by demonstrating a need for an extension and filing an application with the Planning and Zoning Department. Each renewal application shall be accompanied by the appropriate fee, as established by the Board of County Commissioners. Requested renewals may be in one year, two year, or three year terms. However, no extensions shall extend the approval period beyond six (6) years from the date of the original approval of the use by special review permit. If the owner fails to achieve substantial construction and installation of the facility within the approved period, including any extensions, the approval shall expire and a new application shall be required. The applicant or owner shall be responsible to apply for and obtain any necessary extensions for any building permit issued for the facility.

11. AMENDMENTS

- A. Change in ownership without any other amendments to the permit shall be considered a minor amendment and may be approved administratively by the Board of County Commissioners without a public hearing. Upon transfer or sale, the decommissioning bond shall be maintained at all times, the estimated costs of decommissioning shall be resubmitted, and the security bond adjusted to account for the new ownership. Any change in ownership shall be reported to the County within thirty (30) days of the change. Failure to do so may result in revocation or suspension of the use by special review permit.
- B. Any other changes to the permit shall be considered a major amendment and require approval of the County in the same manner as the original permit.

12. COMPLAINT RESOLUTION PROCESS. The following process is provided to address complaints regarding transmission lines:

- A. Property owners within the project boundary and owners of record of all adjacent property within a two-mile radius of a transmission line may submit written complaints of violations of these regulations or the permit conditions to the owner, with a copy to the County. The complaint shall describe the allegation violation in sufficient detail.
- B. The owner shall respond to the complaint within thirty (30) days providing a copy of the response to the County. If the complaint is not resolved to the satisfaction of the complaining party, it may request review by the Board of County Commissioners.
- C. The Board of County Commissioners, upon review of the complaint and response, may issue written notice to the owner, with a copy of the complaint, and notice of a public hearing on the complaint. Notice shall be provided at least thirty (30) days prior to the hearing and provide the date, time, and location of the hearing.

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- D. Upon conclusion of the public hearing, the Board of County Commissioners shall make a determination if such complaint has merit. The Board of County Commissioners may decide to modify the permit to address the violations alleged in the complaint, rescind the permit or dismiss the complaint. If the modification requires removal of lines or facilities or the permit is rescinded, the Board of County Commissioners shall set a reasonable deadline for compliance. Such determination shall be made in writing and a copy sent to the owner.

13. VIOLATIONS

- A. If there is an allegation violation of the conditions of use by special review permit or these Regulations, or if the approval or the permit was obtained by false representation or issued in error, the Board of County Commissioners may revoke the permit, and/or amend conditions imposed on the permit that are related to the violation. Amendment of the terms and conditions shall include the addition of new conditions and the removal of conditions. The Planning and Zoning Department shall first consider the alleged violation(s) and determine whether there is sufficient evidence that a violation(s) has occurred or is occurring. Upon a determination that sufficient evidence exists, the Planning and Zoning Department shall issue an order to show cause to the alleged violator, directing the alleged violator to appear before the Board of County Commissioners and show why the approval and/or permit should not be revoked or amended. The order to show cause shall set a time and date for hearing on the violation to be held at least fourteen (14) days from the date of the order. The order to show cause shall be personally served, posted on the property subject to the permit, or sent certified mail to the alleged violator and the owner, if different.
- B. The Board of County Commissioners shall conduct the show cause hearing and the owner may present evidence as to why the County should not revoke the permit or amend the conditions on the permit. The Board of County Commissioners may also hear from individuals directly aggrieved by the alleged violation. No other individuals have the right to be heard at the hearing. The Board of County Commissioners shall determine whether to revoke the permit and/or amend conditions within fourteen (14) days after the conclusion of the hearing. The Board of County Commissioners shall notify the alleged violator and/or owner in writing of its decision.
- C. Nothing herein shall be deemed to limit the County's rights to enforce any violation of its zoning regulations under state law.