

Board of County Commissioners of Lincoln County  
Agenda for February 18, 2020

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Hugo Area Fire Protection District to discuss an annual report
- 10:00 Dan Hendricks to discuss carpeting in the Lincoln County Courthouse
- 10:30 Review and act upon proposed Resolution Number 1007; A Resolution authorizing a Supplementary Budget Appropriation for the Lincoln County General Fund
- 10:30 Review and act upon proposed Resolution Number 1008; A Resolution authorizing a Supplementary Budget Appropriation for the Lincoln County Conservation Trust Fund
- 10:30 Review and act upon proposed Resolution Number 1009; A Resolution authorizing a Supplementary Budget Appropriation for the Lincoln Lodging and Tourism Fund
- 11:00 Patrick Leonard to discuss the weed coordinator position
- 11:30 Parker Newbanks to present an annual update for the Lincoln County Veterans Office
- 1:00 A Continuation of the February 6, 2020 Public Hearing regarding transmission line setbacks

1. Approve the minutes from the February 6, 2020 meeting
2. Review the employee timesheet for Landfill Manager Mickey Jaques
3. Review the January, 2020, reports from the County Assessor, County Clerk & Recorder, County Sheriff and County Treasurer
4. Review the July, 2019 through December, 2019 Schedule of Receipts and Disbursements from the Lincoln County Treasurer's Office
5. Review the January, 2020, reports from the Colorado Counties Casualty and Property Pool and the County Workers' Compensation Pool
6. Review and act upon Ambulance Permit #112 for a basic life support ambulance for the Limon Area Fire Protection District
7. Review and act upon a contract with Razors Edge Livestock LLC for the CPRA Rodeo
8. Discuss an appointment for the Lincoln Community Hospital Board
9. Review and act upon a Contract Amendment for the Community Development Block Grant
10. Review and act upon an employment agreement with Jeremy Forristall as the certified operator of the county's wastewater collection system at the Fairgrounds
11. Review and act upon the COR900000 Annual Report Form for Stormwater Discharges Associated with Non-Extractive Industrial Activity
12. County Commissioner reports
13. County Attorney's report
14. County Administrator's report
15. Old Business
16. New Business

The Board of Lincoln County Commissioners met at 9:00 a.m. on February 18, 2020. The following attended: Chairman Steve Burgess, Commissioner Ed E. Schifferns, County Administrator Jacob Piper, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel. Commissioner Doug Stone arrived at 9:20 a.m.

Chairman Burgess called the meeting to order and led the Pledge of Allegiance. Others in attendance at that time were Greg Westfall with the Limon Area Fire Protection District, and Scott Poss and Brian White with the Hugo Area Fire Protection District. Lora Bledsoe, also with the Hugo AFD, arrived shortly afterward.

Since Mr. Westfall was there to hear the outcome of the ambulance permit, Mr. Burgess suggested they jump to agenda item #6 to save him time. After reviewing the paperwork, Mr. Schifferns made a motion to approve Ambulance Permit #112 for a basic life support ambulance for the Limon Area Fire Protection District. Mr. Stone seconded the motion, which carried unanimously.

Scott Poss introduced himself as the president of the Hugo Area Fire Protection District, as well as members Lora Bledsoe and Brian White. He explained that they'd operated for a full year now and wanted to meet with the Board to see if they had any questions or concerns. Mr. Poss said they'd taken a conservative approach in their first year of operation, enabling them to retain quite a bit of money in savings. The department received three grants in 2019, and Mr. Poss said they'd worked with Emergency Manager Ken Stroud and applied for another one for backup generators. The district board believes in training and tends to approve as much as possible for their volunteers. Mr. Piper commented that FEMA wants counties to create a countywide fire mitigation plan, but so far, Lincoln County hasn't done it. He added that even if a disaster occurs in another county, FEMA will sometimes pay post-disaster grants to surrounding counties.

Mr. Burgess asked about the department's ambulance service, and Mr. Poss responded that they'd made several upgrades to what they had, but they were still short on EMTs. They started paying the EMTs \$20 per call in January to show their appreciation. Mr. Poss added that the ambulance service benefits the district because it shows a profit. Mr. Poss also felt that there is much more stability in having a fire district instead of a volunteer department.

Mr. Burgess wanted to know if there was anything the county could do, and Ms. Bledsoe asked the commissioners to keep them in mind if they heard of any other grant opportunities.

As the fire district group dispersed, Steve Monks stopped in to ask Mr. Burgess about a road issue. Mr. Burgess told him he hadn't brought it up yet but would do so later on.

Mr. Schifferns made a motion to approve the minutes from the meeting held on February 6, 2020, as submitted. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed Landfill Manager Mickey Jaques' timesheet, as well as the January 2020 reports from the Assessor, Clerk and Recorder, Sheriff, and Treasurer. Also reviewed were the July 2019 through December 2019 Schedule of Receipts and Disbursements from the County Treasurer, and the January 2020 reports from the Colorado Counties Casualty and Property and Workers' Compensation Pools.

While reviewing the contract with Razor's Edge Livestock, LLC, for the CPRA rodeo at the county fair, Dan Hendricks, Melody McKinsey, and John Mohan arrived to discuss the carpeting project in the courthouse. Mr. Kimble asked if the contract included a provision that the livestock company was responsible for any music licensure, if necessary. Mr. Piper said it did not, and Mr. Kimble said they should include it. Any music provided during the rodeo must now be licensed, so Mr. Kimble felt it would be the livestock provider's responsibility. Mr. Piper left to add a clause to the contract, and those remaining discussed how many boxes of carpet tiles would be in the shipment, and where they would store it. Ms. McKinsey said that Hugo Lumber would see if they would ship it to their distribution center in Denver, and then they could go and pick it up, which would save quite a bit of money on the freight.

The group also discussed the flooring in the driver examiner's office, the angle requested, and whether or not to put it directly over the carpet, since the cove base is narrower than the current baseboard. The driver examiner had asked Mr. Hendricks if they could remove an unused floor electrical outlet while they were working. Mr. Schifferns felt they shouldn't, in case someone ever needed it, but the Board agreed to cap it for future access if necessary.

Taylor Henderson, with the Arriba Wind Farm, stopped in at 9:20 a.m., and Patrick Leonard and Parker Newbanks, Jr., arrived at 9:30 a.m.

Mr. Hendricks said they could start in the Clerk's office over the weekend, and Mrs. Lengel noted that the driver examiner was out Thursday and Friday, so they could begin then if they wanted. As for the carpeting, Mr. Hendricks said he'd like to start with the hallways so they could determine how long it would take to remove the old carpet. The commissioners told him to make sure the courts were done before May as there was a pretty significant trial on the docket. Otherwise, they'd have to push it out farther. The court clerk also asked for two or three weeks' notice before Mr. Hendricks started working so that they could move things.

As Mr. Hendricks, Ms. McKinsey, and Mr. Mohan left, Mr. Burgess told Mr. Schifferns that he'd asked Mr. Mohan to clean out the alcove between the clerk's and commissioners' offices.

Mr. Schifferns made a motion to approve the contract with Razors Edge Livestock, LLC, with the addition of the contractor providing music licensure, if necessary. Mr. Stone seconded the motion, which carried unanimously.

Mr. Newbanks said he had a conflict with his scheduled appointment of 11:30 and asked if he could address the Board earlier. Mr. Burgess told him that was fine, so Mr. Newbanks gave his annual report for the Lincoln County Veterans' Office. When he'd finished, Mr. Piper told him

that they'd included increased internet speed in the 2020 budget if he wanted to contact Eastern Slope Rural Telephone Association to set it up. Mr. Newbanks asked Mr. Piper to do it for him.

At 11:00 a.m., the Board met with Patrick Leonard to discuss the Weed Coordinator position. Mr. Piper provided a pay scale, informed Mr. Leonard that the starting salary was \$3,452 per month, and then explained the benefits package. Mr. Burgess described the current weed coordinator's schedule, adding that the commissioners would expect Mr. Leonard to drive a truck or help one of the road districts out if he found that he'd put in fewer hours than anticipated. Since the job depends greatly on suitable weather conditions, Mr. Burgess said he might have to work some weekends during the spraying months (from April to October) to get his hours in. Mr. Shade typically houses the truck at his residence, but Mr. Stone said that they could find room at the Karval shop for it if Mr. Leonard preferred. He added that he would have Rick Ashcraft get him some keys to the gate and building, and Mr. Leonard could get gas and water in Karval to save him a trip to Hugo. Mr. Burgess told him that all maintenance on the truck, save for the trip to Washington every three years, occurred at the Hugo shop, so he would need to coordinate that with Chris Monks.

Mr. Leonard said he had a vacation scheduled for July 8 through July 11, so he would need that time off. He also asked if the county allowed an employee to hold another job simultaneously, such as when he wasn't spraying during the winter months, as long as he didn't owe hours to the county. Mr. Kimble said he'd look into it and that they should check the county's policy as well.

Mr. Leonard left, and Mr. Piper commented that he'd advertised the supplementary budget appropriations in the newspaper as required.

Mr. Schifferns made a motion to adopt a resolution authorizing a supplementary budget appropriation of \$264,844.19 to the 2019 General Fund budget. Mr. Stone seconded the motion, which carried unanimously.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado, held in Hugo, Colorado, on February 18, 2020, there were present:

Steve Burgess, Chairman	Present
Ed E. Schifferns, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Present
Corinne Lengel, Clerk of the Board	Present
Jacob Piper, County Administrator	Present

when the following proceedings, among others, were had and done, to-wit:

**RESOLUTION #1007** It was moved by Commissioner Schifferns and seconded by Commissioner Stone to adopt the following resolution:

**WHEREAS**, C.R.S. §29-1-109(1)(b) allows supplementary budget appropriations by the governing body when unanticipated revenues not assured at the time of the adoption of the budget are received from any source other than the local government’s property tax mill levy; and

**WHEREAS**, Lincoln County General Fund received funds of \$264,844.19 in unanticipated operating revenues which were used to pay \$264,844.19 in general operating expenses; and

**WHEREAS**, Lincoln County General Fund has unappropriated fund balances and sufficient cash to meet its expenses; and

**WHEREAS**, this income was not anticipated at the time of the preparation of the 2019 budget; and

**WHEREAS**, whatever increases were made in the expenditures, like increases were added to the revenue so the budget remains in balance as required by law.

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County, Colorado, that \$264,844.19 be appropriated into the 2019 Lincoln County General budget;

**BE IT FURTHER RESOLVED** that the 2019 Lincoln County General budget be increased by \$264,844.19, thus making the total Lincoln County General budget \$7,208,055.19.

Upon roll call the vote was:

Commissioner Stone, Yes; Commissioner Schifferns, Yes; Commissioner Burgess, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

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ATTEST:

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Clerk of the Board

Mr. Stone made a motion to adopt a resolution authorizing a supplementary budget appropriation of \$7,365.89 to the 2019 Conservation Trust Fund budget. Mr. Schifferns seconded the motion, which carried unanimously.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado, held in Hugo, Colorado, on February 18, 2020, there were present:

Steve Burgess, Chairman	Present
Ed E. Schifferns, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Present
Corinne Lengel, Clerk of the Board	Present
Jacob Piper, County Administrator	Present

when the following proceedings, among others, were had and done, to-wit:

**RESOLUTION #1008** It was moved by Commissioner Stone and seconded by Commissioner Schifferns to adopt the following resolution:

**WHEREAS**, C.R.S. §29-1-109(1)(b) allows supplementary budget appropriations by the governing body when unanticipated revenues not assured at the time of the adoption of the budget are received from any source other than the local government’s property tax mill levy; and

**WHEREAS**, Lincoln County Conservation Trust Fund received funds of \$7,365.89 in unanticipated operating revenues which were used to pay \$7,365.89 in general operating expenses; and

**WHEREAS**, Lincoln County Conservation Trust Fund has unappropriated fund balances and sufficient cash to meet its expenses; and

**WHEREAS**, this income was not anticipated at the time of the preparation of the 2019 budget; and

**WHEREAS**, whatever increases were made in the expenditures, like increases were added to the revenue so the budget remains in balance as required by law.

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County, Colorado, that \$7,365.89 be appropriated into the 2019 Lincoln County Conservation Trust Fund budget;

**BE IT FURTHER RESOLVED** that the 2019 Lincoln County Conservation Trust Fund budget be increased by \$7,365.89, thus making the total Lincoln County Conservation Trust Fund budget \$77,365.89.

Upon roll call the vote was:

Commissioner Stone, Yes; Commissioner Schifferns, Yes; Commissioner Burgess, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

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ATTEST:

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Clerk of the Board

Mr. Schifferns made a motion to adopt a resolution authorizing a supplementary budget appropriation of \$5,727.03 to the 2019 Lodging/Tourism Fund budget. Mr. Stone seconded the motion, which carried unanimously.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado, held in Hugo, Colorado, on February 18, 2020, there were present:

Steve Burgess, Chairman	Present
Ed E. Schifferns, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Present
Corinne Lengel, Clerk of the Board	Present
Jacob Piper, County Administrator	Present

when the following proceedings, among others, were had and done, to-wit:

**RESOLUTION #1009** It was moved by Commissioner Schifferns and seconded by Commissioner Stone to adopt the following resolution:

**WHEREAS**, C.R.S. §29-1-109(1)(b) allows supplementary budget appropriations by the governing body when unanticipated revenues not assured at the time of the adoption of the budget are received from any source other than the local government’s property tax mill levy; and

**WHEREAS**, Lincoln County Lodging & Tourism Fund received funds of \$5,727.03 in unanticipated operating revenues which were used to pay \$5,727.03 in general operating expenses; and

**WHEREAS**, Lincoln County Lodging & Tourism Fund has unappropriated fund balances and sufficient cash to meet its expenses; and

**WHEREAS**, this income was not anticipated at the time of the preparation of the 2019 budget; and

**WHEREAS**, whatever increases were made in the expenditures, like increases were added to the revenue so the budget remains in balance as required by law.

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County, Colorado, that \$5,727.03 be appropriated into the 2019 Lincoln County Lodging & Tourism budget;

**BE IT FURTHER RESOLVED** that the 2019 Lincoln County Lodging & Tourism budget be increased by \$5,727.03, thus making the total Lincoln County Lodging & Tourism budget \$154,927.03.

Upon roll call the vote was:

Commissioner Stone, Yes; Commissioner Schifferns, Yes; Commissioner Burgess, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

ATTEST:

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Clerk of the Board

After a brief discussion, Mr. Schifferns made a motion to appoint Dave Stone to replace Greg King on the hospital board. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed a contract amendment for the Community Development Block Grant, and then Mr. Stone made a motion to approve the amendment. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Piper said that John Mohan would like to obtain certification for the county's wastewater collection system at the fairgrounds but that he needed a year of experience with the system before he could do so. Jeremy Forristall, with the town of Hugo, agreed to handle any calls during that time since he already has the certification. Mr. Schifferns made a motion to sign an employment agreement with Jeremy Forristall as the certified operator of the county's

wastewater collection system at the fairgrounds for one year. Mr. Forristall will make \$25 per hour if he has to work on the system. Mr. Stone seconded the motion, which carried unanimously.

Mr. Stone made a motion to approve the COR900000 Annual Report Form for Stormwater Discharges Associated with Non-extractive Industrial Activity. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Burgess called for commissioner reports. Mr. Stone reported going by the Karval shop on February 7. He checked roads south of Karval on February 10, and while out, met up with Rick Ashcraft. They discussed the areas they would pave this summer as well as the wear on the expansion gaps in one of their bridges. Mr. Stone attended the fair board meeting on February 11, where they reorganized and discussed changes to the fair book. He received a call from a concerned party on February 13 regarding a possible sand and gravel pit on the Big Sandy. Mr. Stone checked roads on February 14 and then also went with Mr. Ashcraft to look at several others. On February 17, Mr. Stone attended the Hazard Mitigation Plan community meeting in the jury assembly room.

Mr. Schifferns reported attending the fair board meeting on February 11. He checked roads on the Thirteenth and spoke with Chris Monks about the impending snowstorm on February 17.

Mr. Burgess reported attending the hospital board meeting on February 6. They addressed billing again. On February 10, Mr. Burgess and Bruce Walters looked at County Road 39 and County Road 3X after hearing from Mr. Kimble about them. Mr. Burgess agreed to contact Steve Monks and see if they could work out a solution. He and Mr. Walters also looked at the area on County Road 32, where the traffic accident occurred recently but could find no signs of road damage or anything else that might have factored into the wreck. Mr. Burgess got a call from Hugo Lumber on February 11, letting him know that they'd received the flooring for the courthouse. He contacted John Mohan to pick it up for the clerk's office so it would have time to acclimate. On February 13, Mr. Burgess attended the Centennial Mental Health meeting in Fort Morgan. They also struggle with Medicaid. Bruce Walters and other members of the District 2 road crew attended miner safety training at the courthouse. Mr. Burgess reported speaking with Steve Monks about Brents' request regarding County Road 39 on February 14. He also talked to Mr. Kimble about it. Mr. Burgess and Mr. Walters went to look at the entire road that they wanted graded, which would cross one mile of pasture. He felt it would take a lot of work to make the road into something they could even maintain. Mr. Burgess said that Road 4A would be a much more viable solution of getting Brents into their field, and he would be willing to maintain it between County Road 38 and County Road 39. Mr. Burgess contacted Kit Carson County Commissioner Dave Hornung about chips for chipping asphalt. They're getting them from Cheyenne and using a trucking company from Kansas for a back-haul. Freight is \$24 per ton, and rock is \$15.50 per ton. Mr. Burgess reported that he'd also gone by the open house for Morgan Community College, now located in Ben's Family Pharmacy. He said the area is impressive. Lastly, Mr. Burgess attended the Hazard Mitigation Planning workshop on February 17.

Mr. Kimble reported that he'd contacted Jeff Belveal and Logan Wilkins, with Colorado Parks and Wildlife, who were agreeable with a temporary closure of County Road 34.2 for a wildlife study. They couldn't meet with the Board for several weeks, but Mr. Kimble said he would be willing to put together a resolution and send it to them once the commissioners approved it. The Board agreed that a temporary closure of two years would be acceptable.

The only other item Mr. Kimble had to report was that Heather Brickey said fixing County Road 2W would take another four-to-six weeks due to the weather.

As for the pipe from the landfill, Clean Harbors in Deer Trail will take it. The county would have to take samples from the pipe for testing, and then the company will let the county know how to transport the material. Mick Jaques would have to handle the pipe since he has the permit.

There was no old or new business to discuss, so Mr. Burgess adjourned the meeting until 1:00 p.m.

At 1:00 p.m., the Board continued the public hearing regarding transmission line setbacks. Attending the hearing were Taylor Henderson, with the Arriba Wind Farm, Steve Gray, with Tri-State Generation and Transmission, Jennifer Herron and Nathan Keiser, with NextEra Energy, and Land Use Administrator Fred Lundy.

Mr. Lundy began by outlining the concerns of the developers and utility companies, which were the reduction or discontinuation of development based on the length of the setbacks, time constraints, and loss of money. Due to those issues, Mr. Lundy said they'd tried to add amendments to the zoning resolution that would satisfy both the landowner and the developers. The addition of landowner waivers would allow the developers to continue with their projects but also enable them to take their cases before the Land Use Board of Adjustments in extreme circumstances when a landowner refused to sign. Mr. Lundy added that setbacks would not exist within half a mile of any substation.

Steve Gray spoke up, stating that while he encouraged the commissioners to approve no setbacks, the additional amendments would make the resolution much better. He added that he would prefer clearer language regarding property owners, however. Mr. Gray voiced his concern with who would have to sign the waiver when an entity or several people owned one parcel. The group felt that the fee simple holder (or the parties named on the deed) were the required signers of the waiver. Mr. Kimble commented that if a corporation or entity owned a parcel, there should be an operating agreement that named who their legal signers were.

Mr. Lundy noted that there was no definition anywhere in the resolution for "property owner," but he felt that the historical practice should apply, which would be the deed holders. Jennifer Herron reiterated NextEra's position of zero setbacks, adding that they have to negotiate with every landowner, find an amenable route, and come before the Land Use Board and commissioners on each project anyway. Setbacks cause far more effort, time, and money during the development stages. She added that she assumed that zero setbacks were out of

the question and asked that the Board at least consider 250' to remain consistent with other counties in the state. Another of the problems with 750' setbacks was that they would likely split up parcels if the county required them.

Mr. Burgess asked how many feet they typically stay away from occupied structures currently, and Ms. Herron said they tend to use 200' or 250' as a standard practice.

Mr. Schifferns said that the information presented was very logical, and the commissioners were in a Catch-22 position between consideration for the landowners or stifling progress. He proposed amending the zoning resolution to allow for 250', instead of 750', setbacks. Mr. Stone agreed.

Mr. Stone made a motion to adopt a resolution amending the Lincoln County Zoning Resolution addressing setbacks on transmission lines. Mr. Schifferns seconded the motion, which carried unanimously.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado, held in Hugo, Colorado on February 18, 2020, there were present:

Steve Burgess, Chairman	Present
Ed E. Schifferns, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Present
Corinne Lengel, Clerk of the Board	Present
Jacob Piper, County Administrator	Present

When the following proceedings, among others, were had and done, to-wit:

**RESOLUTION #1010** It was moved by Commissioner Stone and seconded by Commissioner Schifferns to adopt the following resolution:

#### **RESOLUTION NUMBER 1010**

**THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, COLORADO  
A RESOLUTION TO AMEND THE LINCOLN COUNTY ZONING RESOLUTION  
ARTICLE 3, USE BY SPECIAL REVIEW PROCEDURES, DIVISION 2, APPROVAL  
STANDARDS AND CRITERIA FOR USES BY SPECIAL REVIEW, SECTION 3-220,  
ADDITIONAL STANDARDS, H. STANDARDS FOR REGULATION OF THE  
CONSTRUCTION AND OPERATION OF ELECTRICAL TRANSMISSION LINES.**

**WHEREAS**, Lincoln County has experienced and continues to experience substantial growth of the renewable energy industry in the unincorporated portions of the County; and

**WHEREAS**, the Board of County Commissioners, hereinafter referred to as the “Board”, has determined that regulations for transmission line construction and operation, and accessory facilities, should be amended for the benefit of the citizens of the County;

**NOW, THEREFORE BE IT RESOLVED:**

Change Section 3-220 H, 4, A, 1 to read:

No Transmission Lines shall be constructed within 250 feet of an occupied building. No transmission line shall be constructed directly over a non-occupied structure, or any other structure, including pools. This also includes structures permitted to be built. After the development application for a Transmission Line is received, no building permits received by the Land Use Administrator that may disrupt the approval or construction of the Transmission Line may be approved.

Add (a) to this section 1 to read:

a. Setbacks provisions may be waived if the following conditions are met:

- (1) Property owners may waive the setback requirements for occupied buildings on the participating landowner property and / or non-participating landowner property by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.
- (2) The written waiver shall notify applicable property owner(s) of the setback required by this ordinance, describe how the transmission line is not in compliance, and state that consent is granted for the transmission line to waive the setback as required by this Ordinance.
- (3) Any such waiver shall be signed by the applicant, the participating landowner(s) and / or non-participating landowner(s), and recorded in the Lincoln County Clerk and Recorder's Office.
- (4) If the minimum setback is waived, the applicable state and federal regulations for transmission lines shall be followed.

Add (b.) to this section 1 to read:

- (1) If a Transmission Line Facility Owner or Developer determines that the required setbacks for Transmission Lines as set forth above in this Section 4.A. are a hardship to the Facility Owner due to an extraordinary and exceptional situation, and that the waivers allowed in Section (a.) cannot be reasonably obtained, the applicant may appeal to the

Lincoln County Board of Adjustment and request a special exception to the required setbacks.

Add (c.) to this section 1 to read:

b. Transmission line setbacks shall not be applicable in these circumstances:

(1) The upgrading and replacement of an existing line. This includes an existing line that does not meet the definition of "Transmission Line" in this resolution.

(2) A section of transmission line that is within 2,640 feet of a substation, if that section is required to make connection to said substation.

Upon roll call the vote was:

Commissioner Burgess, Yes; Commissioner Schifferns, Yes; Commissioner Stone, Yes.

The Chairman declared the motion passed.

Board of County Commissioners  
of Lincoln County

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ATTEST:

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Clerk of the Board

Mr. Stone then made a motion to end the moratorium adopted via Resolution #999 on November 27, 2019, effective upon the Board signing the above resolution. Mr. Schifferns seconded the motion, which carried unanimously.

With no further business to come before the Board, Mr. Burgess adjourned the meeting at 2:10 p.m. The next meeting will be at 9:00 a.m. on February 27, 2020.

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Corinne M. Lengel, Clerk to the Board

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Steve Burgess, Chairman