

Board of County Commissioners of Lincoln County

Agenda for January 17, 2012

9:00 Call to order and Pledge of Allegiance

9:05 Conduct a hearing on a proposed supplemental appropriation to the 2011 Lincoln Community Hospital budget

9:30 Discuss priorities set, in order, by the Fair Board for work at the county fairgrounds. They are: 1. Speakers; 2. Update women's restroom under the grandstands; 3. Replace the kitchen floor in the Ellis Allen building; 4. Parking lot signage and guard rail; 5. Construct a storage shed on the west end of the Ellis Allen building; 6. Paint the grandstands substructure

11:00 Kevin Gildea and Anthony Ryan, representing NextEra Energy Resources, LLC, and representatives from CDOT to discuss Use by Special Review and Development Permits # 11-03 for Limon Wind, LLC; 11-04 for Limon Wind II, LLC; 11-05 for Limon Wind III, LLC; and 11-06 for the Eastern Colorado Interconnect, LLC

1:30 Parker Newbanks, Jr. to give an update on Veterans Service Officer activities

1. Approve the minutes from the January 10, 2012 meeting
2. Review and sign a letter to the Colorado Historical Society granting permission for the work to be completed on the door and window restoration and reconstruction on the Hugo Union Pacific Railroad roundhouse
3. Review the December 31, 2011 reports from the Treasurer's Office
4. Review and act on proposals from Plains Heating & Air Conditioning for the installation of an exhaust fan in the ceiling of the County Clerk's Office server room and for the installation of a new furnace, ducting, etc. at the Road & Bridge shop in Hugo
5. Review and sign the Colorado Parks and Wildlife Impact Assistance grant application
6. Review and renew the contract with Evergreen Systems & Technology LLC to provide IT services and website design
7. County Commissioners reports
8. County's Administrator's report
9. County Attorney's report
10. Old business
11. New business

The Board of Lincoln County Commissioners met on January 17, 2012, at 9:00 a.m. The following attended: Chairman Steve Burgess, Commissioners Gary Beedy and Ted Lyons, County Administrator Roxie Devers, and Acting Clerk to the Board Lisa Crawford. County resident Carson Kravig was present to observe for the day.

Chairman Burgess called the meeting to order and led the Pledge of Allegiance. The Board then heard from Ms. Devers regarding a proposed supplemental appropriation to the 2011 Lincoln Community Hospital budget. After Ms. Devers explained the circumstances regarding the appropriation, Commissioner Lyons motioned to adopt the resolution with the supplemental appropriation and Mr. Beedy 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 January 17, 2011 there were present:

Steve Burgess, Chairman	Present
Gary Beedy, Vice Chairman	Present
Ted Lyons, Commissioner	Present
Stan Kimble, County Attorney	Absent & Excused
Corinne Lengel, Clerk of the Board	Absent & Excused
Roxie Devers, County Administrator	Present

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

RESOLUTION #811 It was moved by Commissioner Lyons and seconded by Commissioner Beedy 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 Community Hospital received funds of \$1,680,000 in unanticipated bond proceeds to repay debt principal; and

WHEREAS, Lincoln Community Hospital has unappropriated fund balances and sufficient cash to meet its expenses and to allow \$220,000 from the unappropriated fund balance to be used for payment of general operating expenses; and

WHEREAS, this income was not anticipated at the time of the preparation of the 2011 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 that \$1,900,000 be appropriated into the 2011 Lincoln Community Hospital Fund budget;

BE IT FURTHER RESOLVED that the 2011 Lincoln Community Hospital Fund budget be increased by \$1,900,000, thus making the total Lincoln Community Hospital Fund budget \$14,228,250.

Upon roll call the vote was:

Commissioner Beedy, Yes; Commissioner Lyons, Yes; Commissioners Burgess, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Acting Clerk of the Board

Mr. Lyons then made a motion to approve the minutes from the meeting on January 10, 2012, as written. Mr. Beedy seconded the motion and it carried unanimously.

Next, Ms. Devers presented a letter to the Colorado Historical Society granting permission for the work to be completed on the door and window restoration and reconstruction on the Hugo Union Pacific Railroad Roundhouse. After a brief discussion it was signed by all commissioners.

The Board reviewed the December 2011 Treasurer's report and the 2011 Fourth Quarter Public Trustee's report.

Ms. Devers presented the proposals from Plains Heating & Air Conditioning for the installation of an exhaust fan in the County Clerk's Office server room for ventilation. Mr. Lyons motioned to accept the proposal in the amount of \$756.00 and Mr. Beedy seconded the motion, which carried unanimously.

Mr. Burgess then asked for the proposal from Plains Heating and Air Conditioning for the installation of a new furnace and ducts at the Hugo County Shop. He also stated that he had put in a call to Gregory G's Sandblasting and Insulation, who had recently installed the insulation in several of the courthouse offices to see if he could also insulate the ceiling at the county shop. After reviewing the proposal from Plains Heating and Air Conditioning, the commissioners decided to call Leon Kelly to clarify some of the questions they had. After the phone call to Mr. Kelly, it was decided to wait to make their decision until Chris Monks, the County Road Foreman, arrived later in the morning so that they could include him in the discussion.

The Board then reviewed a letter and the completed forms for the Colorado Parks and Wildlife Impact Assistance grant application. Ms. Devers explained that it would entitle each of the county schools a small sum of grant money. Mr. Beedy motioned to sign the application and Mr. Lyons seconded it, which carried.

Ms. Devers presented a contract with James Martin of Evergreen Systems & Technology LLC to provide IT services and web design to the county in 2012. With no opposition, Mr. Lyons motioned to sign the contract, Mr. Beedy seconded it, and it carried unanimously.

Ms Devers then advised the Board that Karla Yoder had decided against applying for the Public Health Nurse position.

At 9:30 a.m., Shawn Smith met with the Board to present his proposals for the remodeling projects at the fairgrounds. Travis Taylor, Lincoln County Extension Agent, was also present. Mr. Lyons began the discussion by explaining that he had compiled a list of projects at the fairgrounds that needed to be completed. He had discussed them at the recent Fair Board meeting as well. Mr. Lyons presented these to the Board in order of priority. The first was the speakers, and Mr. Burgess stated he had contacted Len Stone of Stone Communications who will look into further work to complete the speaker system. Next, Mr. Smith presented a contract to remodel the ladies restroom under the grandstands. He explained his plans and the cost of the project. During the discussion, Mr. Beedy asked about a water heater for the shower and it was decided to add a water heater specifically for the shower, which was added to the contract. After discussing the plans, Mr. Lyons motioned to accept the bid from Shawn Smith Construction in the amount of \$35,000, plus the additional cost of the water heater. Mr. Beedy seconded the motion and it carried unanimously.

Mr. Smith then presented his contract for replacing the tile flooring in the kitchen, bathrooms, and hallway in the Ellis Allen Building. All commissioners agreed this was a necessary project as well. Mr. Beedy then moved to accept the contract in the amount of \$6,682.50. Mr. Lyons seconded the motion and it carried.

Next, the commissioners discussed putting up a guard rail and signage posts in the parking area at the fairgrounds which could be interchanged with different signs as needed.

The next request that was discussed was a request from the Fair Board to build a new storage shed at the west end of the Ellis Allen building. All commissioners agreed that this project would be put on the list for a later time once the first four projects are completed. Lastly, the request for repainting of the grandstands was brought before the Board and, once again, it was decided to wait on this project until a re-evaluation of the Conservation Trust Funds can be reviewed.

Mr. Burgess then asked that Mr. Smith be provided with a schedule at the fairgrounds to find a suitable time to complete the projects. It was decided that Mr. Smith would start with the flooring in the Ellis Allen Building sometime in March.

Before Mr. Smith left the meeting, he asked about a previous estimate he had worked up for replacing the copper water lines in the Sheriff's Office. Sheriff Nestor and Captain Tweden were asked to join the meeting to discuss the contract. When they arrived, it was decided they would proceed with the project. Mr. Lyons made a motion to accept the contract with Smith

Construction Company in the amount of \$4,180 to replace the copper water lines in the Sheriff's office. Mr. Beedy seconded the motion and it carried unanimously.

Mr. Beedy then informed the Board that he had spoken with a representative from CDOT with a request for a meeting from the CARR group to discuss some concerns with the state taking the lead in the Rail Relocation Project. Mr. Beedy stated that CDOT was hesitant to meet with a large group of citizens and requested that only the commissioners, Roxie Devers, and board members of CARR be in attendance. Mr. Burgess stated that he would like to have a pre-meeting on February 7, 2012, to make sure that all their concerns are addressed at the meeting with CDOT.

Mr. Taylor then advised the Board that the annual CARR Board meeting will be held on February 13 at the Hugo School. A representative from the Oil and Gas Commission will be present to answer questions and discuss any topics of interest. Mr. Taylor asked if the commissioners would have any concerns or questions for the representative. Ms. Devers will compile a list of topics from the commissioners.

Prior to the Board's 11:00 a.m. appointment, Road & Bridge and Shop Foreman Chris Monks joined the meeting, at which time he was asked his input on insulating the Hugo Shop ceiling and adding the new furnace and air conditioning. Mr. Monks agreed that all the projects needed to be completed and the air conditioning would be a welcome addition to get rid of a window unit that is used now.

At 11:00 a.m., a meeting was conducted with Kevin Gildea, Anthony Ryan, and others representing NextEra Energy Resources, LLC, along with representatives from CDOT, to discuss permits that have been recently authorized by the Lincoln County Land Use Board. Land Use Administrator Ken Morrison joined the meeting as well as County Attorney Stan Kimble. Mr. Morrison began by explaining that NextEra had requested that the permits be authorized by the County Commissioners. Mr. Beedy stated he would be abstaining from discussion and voting since he had personal business with NextEra. After a question and answer period in which all concerns were addressed, Mr. Morrison read Resolution No. 812. Mr. Lyons made a motion to approve the resolution, Mr. Burgess seconded the motion, and it carried.

RESOLUTION NO. 812

A RESOLUTION GRANTING THE APPROVAL OF A USE BY SPECIAL REVIEW AND DEVELOPMENT PERMIT FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A WIND ENERGY GENERATING FACILITY OF APPROXIMATELY 166 MW, TOGETHER WITH PAD MOUNT TRANSFORMERS, BURIED AND OVERHEAD CABLE, SUBSTATIONS, PRIVATE GRAVEL ROADS, METEOROLOGICAL TOWERS, OPERATIONS AND MAINTENANCE FACILITIES, RELATED EQUIPMENT AND STRUCTURES, RIGHTS-OF-WAY, TEMPORARY BATCH PLANT AND A TRANSMISSION LINE, AND OTHER ANCILLARY FACILITIES, AND USES IN PORTIONS OF TOWNSHIP 7S RANGE 56W, SECTIONS

13, 14, 23, 24, 25, 26, 27, 33, 34, 35, 36; TOWNSHIP 8S RANGE 56W, SECTIONS 1, 2, 3, 4, 5, 6, 9,10,11; TOWNSHIP 7S RANGE 55W, SECTIONS 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32; AND TOWNSHIP 8S RANGE 55W, SECTIONS 3, 4, 5, 6, 7, 8, 9, 10 IN LINCOLN COUNTY, COLORADO.

WHEREAS, Limon Wind, LLC ("Limon Wind") has applied for the approval of a Use By Special Review and Development Permit ("Project Approvals") to construct a wind energy generation facility in accordance with the Lincoln County Application for Use By Special Review Permit submitted by Limon Wind, dated November 4, 2011, together with the Use By Special Review Site Plan dated November 3, 2011 (together, the "Application"). The property subject to the Project Approvals is described in the attached Exhibit A (the "Property").

WHEREAS, the property is currently zoned Agricultural under the Lincoln County Zoning Resolution; and

WHEREAS, Section 2-220 of the Lincoln County Zoning Resolution allows for the approval of a Use By Special Review and Development Permit within the Agricultural Zoning District in accordance with the provisions of Article 3 of the Lincoln County Zoning Resolution; and

WHEREAS, Limon Wind has obtained the consent of the owners of the Property to the Application and the Project Approvals in the form of leases and/or easement agreements which authorize Limon Wind to construct the Wind Energy Generation Facility and to obtain the Project Approvals; and

WHEREAS, due to the substantial investment to be made by Limon Wind, and the amount of detailed planning, engineering and related work that will be required to construct the Wind Energy Generation Facility, Limon Wind has requested that the duration of the Project Approvals be for a term in excess of one year, as permitted by Section 1-210 of the Lincoln County Zoning Resolution; and

WHEREAS, at a public hearing held on December 20, 2011, the Lincoln County Land Use Board approved the Use By Special Review and Development Permit; and

WHEREAS, pursuant to Section 3-110 of the Lincoln County Zoning Resolution the Lincoln County Board of County Commissioners chose to review the Application, together with the staff report and the Decision of the Land Use Board; and

WHEREAS, at a meeting of the County Board of County Commissioners held on January 17, 2012, the Lincoln County Board of County Commissioners held a public meeting at which it considered the Application, the staff report on such Application, the decision of the Land Use Board, the record of proceedings before the Land Use Board, and such other information as was brought before the Board of County Commissioners at such hearing; and

NOW BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, COLORADO:

I. APPROVAL:

The application of Limon Wind, LLC for a Use By Special Review and Development Permit is GRANTED, subject to the conditions set forth below. The Use By Special Review and Development Permit, including the applicant's right to construct, repair, maintain, and operate the Wind Energy Generation Facility, shall remain valid for a period of 50 years, or until such time as Limon Wind, its transferees, successors and assigns no longer own, lease, or otherwise occupy an interest in the Property described in Exhibit A, whether by lease, easement, or otherwise, whichever occurs last.

II. FINDINGS OF FACT:

1. That proper notice has been provided as required by law for the public hearing before the Board.
2. That the information contained in the record of proceedings and presented to the Board at the public hearing is extensive and complete, and that all pertinent facts, matters and issues were submitted and considered by the Board.
3. That the Wind Energy Generation Facility, as described in the Application, is consistent with the minimum zoning requirements set forth in the Lincoln County Zoning Resolution.
4. That the Wind Energy Generation Facility is consistent with the goals and strategies set forth in Lincoln County's Comprehensive Plan.
5. That the Wind Energy Generation Facility will be compatible with the character of the surrounding neighborhood and will not have negative impacts on adjacent properties. The Wind Energy Generation Facility has been designed to mitigate any potential noise, odor, vibration, glare and similar impacts associated with the proposed land use.
6. That the Wind Energy Generation Facility will not cause undue traffic, congestion, dangerous traffic conditions, or other vehicle-related impacts due to the implementation of project-wide Best Management Practices and effective traffic control measures during construction.
7. That the Wind Energy Generation Facility will not require a level of community services or facilities that is not available, and the Applicant will provide the necessary improvements to address any deficiencies to facilities and services that the use would cause. All public roads, utilities,

bridges and septic systems to be developed in connection with the Wind Energy Generation Facility will comply with County standards.

8. The operating characteristics of the Wind Energy Generation Facility shall not create a nuisance and the project has been designed to minimize impacts on neighboring properties with respect to noise, odor, vibrations, glare, and similar conditions.
9. That an adequate water supply is available to provide water to the Wind Energy Generation Facility either through a public water supply system or wells adequate in quality and quantity to serve the development and approved by the State Engineer. The water supply will comply with all applicable requirements of the Colorado Water Quality Control Division and the State Engineer.
10. That the Wind Energy Generation Facility will not cause significant deterioration of surface or groundwater resources. The Wind Energy Generation Facility has been designed and will be constructed to:
 - a. Prevent any changes to patterns of water circulation, conditions of the substrate, extent and persistence of suspended particulates, and the clarity, odor, color or taste of water
 - b. Comply with applicable water quality standards
 - c. Control levels of point and nonpoint source pollution
 - d. Prevent any changes in seasonal flow rates and temperature for affected streams
 - e. Prevent changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces
 - f. Prevent changes in circulation patterns, seasonal water levels and temperature of lakes or reservoirs
11. That the Wind Energy Generation Facility will not significantly degrade wetlands or other aquatic habitat and riparian areas. The Wind Energy Generation Facility is designed to avoid such areas or to minimize disturbance in these areas. Specifically, the Wind Energy Generation Facility will not:
 - a. Cause any significant changes to the structure and function of wetlands and to unique, rare, delicate or irreplaceable riparian areas, vegetation, forest or woodlands

- b. Cause any significant changes to the filtering and nutrient uptake capacities of wetlands and riparian areas
 - c. Cause any significant changes to aerial extent of wetlands and evolution of wetland species to upland species
12. That the Wind Energy Generation Facility will not cause significant deterioration of grasslands or farmland.
 13. That the Wind Energy Generation Facility will preserve the integrity of existing and natural drainage patterns. Where required by County standards, a stormwater retention system shall be provided to retain stormwater runoff in excess of historic flows and shall be designed for a 100-year flood.
 14. That to the extent necessary, the Wind Energy Generation Facility will be served by an adequate wastewater treatment system that meets all applicable County, state and federal standards.

III. CONDITIONS:

1. This Project Approval does not limit or affect the private property rights of mineral owners to reasonably access and use the surface of the permit area for the purpose of exploring for, developing and/or producing oil, gas and other minerals in accordance with Colorado law.
2. All trucks delivering materials to the Wind Energy Generation Facility shall use State highways as their primary access to the Limon Wind Project to the greatest extent possible.
3. Trucks that use Lincoln County roads to deliver construction materials to the Wind Energy Generation Facility will use routes designated by the Lincoln County Road and Bridge Foreman. Legal load limits will be strictly observed.
4. Upon completion of the Wind Energy Generation facility all "improved county roads" will be returned to the roadway widths in existence prior to commencement of construction as designated by the Lincoln County Road and Bridge Foreman. All "improved county roads" that have been horizontally re-aligned will be returned to their original alignment unless the adjacent landowners and Lincoln County accept the re-alignment: acceptance to be in writing.

5. Limon Wind and contractors agree to maintain any Lincoln County Road utilized by haul vehicles to deliver construction materials to the various work locations. This maintenance to include any dust abatement required.
6. Where Wind Energy Generation Facility traffic uses Lincoln County Bridges the owner or contractor, as applicable, will be held responsible for any damages done to the bridges as a result of such use.
7. All vehicles (excluding emergency vehicles) accessing the project must observe Lincoln County road speed limits.
8. All construction debris (including concrete truck clean out) and trash cannot be buried nor burned on site but must be disposed of at a properly permitted landfill on a regular basis. Suitable containers/dumpsters shall be utilized to prevent the debris from becoming wind-blown.
9. All reclamation materials: native seed mixtures, mulch and erosion control materials shall be certified as weed free.
10. Prior to obtaining any building permits there shall be in place a fully executed roadway agreement between Lincoln County and NextEra Energy Resources, LLC.
11. The applicant shall, to the extent required by Colorado law, reasonably accommodate access to and development of subsurface mineral interests with respect to their proposed use of the property for wind farm facilities. In this regard, the applicant shall, as a condition of approval and prior to the construction or installation of any wind farm facility, provide evidence that it has entered into, or made good faith and commercially reasonable efforts to enter into, surface use agreements or other compatible development agreements with mineral estate owners who have filed timely objections to the land use applications pursuant to Colorado statutes.
12. Prior to the issuance of any building or construction permits, the Applicant and the Board of Lincoln County Commissioners shall enter into a written agreement which includes resolution of the fees to be paid by the Applicant relative to a combined permitting and sales and use tax assessment. The County agrees, however, that in no event shall the permitting fees/use or sales tax to be paid by the Applicant be assessed at a rate higher than similar projects previously approved by the Board of County Commissioners.

BE IT THEREFORE RESOLVED, that a Use By Special Review and Development Permit is granted to Limon Wind, LLC, to construct a Wind Energy Generation Facility in accordance with the terms of the Application, subject to the conditions set forth above. The

Lincoln County Board of County Commissioners retains continuing jurisdiction over the permit to address future issues concerning the site and to ensure compliance with the conditions of the permit. The applicant is responsible for complying with all of the forgoing conditions and all other county zoning or other land use regulations. Noncompliance with any of the conditions may be cause for revocation of the permit.

Done the 17th day of January, 2012.

LINCOLN COUNTY BOARD OF COMMISSIONERS
LINCOLN COUNTY, COLORADO

I, Lisa Crawford, Acting Clerk to the Board in and for the County of Lincoln, State of Colorado, do hereby certify that the foregoing Resolution was adopted by the County Board of County Commissioners of the County of Lincoln and State of Colorado, in regular session on the 17th day of January, 2012.

Acting Clerk to the Board

Mr. Morrison then read Resolution No. 813 and Mr. Burgess made a motion to adopt the resolution. Mr. Lyons seconded the motion, which carried.

**RESOLUTION
NO. 813**

A RESOLUTION GRANTING THE APPROVAL OF A USE BY SPECIAL REVIEW AND DEVELOPMENT PERMIT FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A WIND ENERGY GENERATING FACILITY OF APPROXIMATELY 200 MW, TOGETHER WITH PAD MOUNT TRANSFORMERS, BURIED AND OVERHEAD CABLE, SUBSTATIONS, PRIVATE GRAVEL ROADS, METEOROLOGICAL TOWERS, OPERATIONS AND MAINTENANCE FACILITIES, RELATED EQUIPMENT AND STRUCTURES, RIGHTS-OF-WAY, TEMPORARY BATCH PLANT AND A TRANSMISSION LINE, AND OTHER ANCILLARY FACILITIES, AND USES IN PORTIONS OF TOWNSHIP 8S RANGE 56W, SECTIONS 3, 11, 12, 13, 14, 15, 23, 24, 25, 26; TOWNSHIP 8S RANGE 55W, SECTIONS 1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34; TOWNSHIP

**9S RANGE 55 W, SECTIONS 3, 4, 5, 8, 9; AND TOWNSHIP 8S RANGE 54W,
SECTIONS 6, 7 IN LINCOLN COUNTY, COLORADO.**

WHEREAS, Limon Wind II, LLC ("Limon Wind II") has applied for the approval of a Use By Special Review and Development Permit ("Project Approvals") to construct a wind energy generation facility in accordance with the Lincoln County Application for Use By Special Review Permit submitted by Limon Wind II, dated November 4, 2011, together with the Use By Special Review Site Plan dated November 3, 2011 (together, the "Application"). The property subject to the Project Approvals is described in the attached Exhibit A (the "Property").

WHEREAS, the property is currently zoned Agricultural under the Lincoln County Zoning Resolution; and

WHEREAS, Section 2-220 of the Lincoln County Zoning Resolution allows for the approval of a Use By Special Review and Development Permit within the Agricultural Zoning District in accordance with the provisions of Article 3 of the Lincoln County Zoning Resolution; and

WHEREAS, Limon Wind II has obtained the consent of the owners of the Property to the Application and the Project Approvals in the form of leases and/or easement agreements which authorize Limon Wind II to construct the Wind Energy Generation Facility and to obtain the Project Approvals; and

WHEREAS, due to the substantial investment to be made by Limon Wind II, and the amount of detailed planning, engineering and related work that will be required to construct the Wind Energy Generation Facility, Limon Wind II has requested that the duration of the Project Approvals be for a term in excess of one year, as permitted by Section 1-210 of the Lincoln County Zoning Resolution; and

WHEREAS, at a public hearing held on December 20, 2011, the Lincoln County Land Use Board approved the Use By Special Review and Development Permit; and

WHEREAS, pursuant to Section 3-110 of the Lincoln County Zoning Resolution the Lincoln County Board of County Commissioners chose to review the Application, together with the staff report and the Decision of the Land Use Board; and

WHEREAS, at a meeting of the County Board of County Commissioners held on January 17, 2012, the Lincoln County Board of County Commissioners held a public meeting at which it considered the Application, the staff report on such Application, the decision of the Land Use Board, the record of proceedings before the Land Use Board, and such other information as was brought before the Board of County Commissioners at such hearing; and

**NOW BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
LINCOLN COUNTY, COLORADO:**

I. APPROVAL:

The application of Limon Wind II, LLC for a Use By Special Review and Development Permit is GRANTED, subject to the conditions set forth below. The Use By Special Review and Development Permit, including the applicant's right to construct, repair, maintain, and operate the Wind Energy Generation Facility, shall remain valid for a period of 50 years, or until such time as Limon Wind II, its transferees, successors and assigns no longer own, lease, or otherwise occupy an interest in the Property described in Exhibit A, whether by lease, easement, or otherwise, whichever occurs last.

II. FINDINGS OF FACT:

15. That proper notice has been provided as required by law for the public hearing before the Board.
16. That the information contained in the record of proceedings and presented to the Board at the public hearing is extensive and complete, and that all pertinent facts, matters and issues were submitted and considered by the Board.
17. That the Wind Energy Generation Facility, as described in the Application, is consistent with the minimum zoning requirements set forth in the Lincoln County Zoning Resolution.
18. That the Wind Energy Generation Facility is consistent with the goals and strategies set forth in Lincoln County's Comprehensive Plan.
19. That the Wind Energy Generation Facility will be compatible with the character of the surrounding neighborhood and will not have negative impacts on adjacent properties. The Wind Energy Generation Facility has been designed to mitigate any potential noise, odor, vibration, glare and similar impacts associated with the proposed land use.
20. That the Wind Energy Generation Facility will not cause undue traffic, congestion, dangerous traffic conditions, or other vehicle-related impacts due to the implementation of project-wide Best Management Practices and effective traffic control measures during construction.
21. That the Wind Energy Generation Facility will not require a level of community services or facilities that is not available, and the Applicant will provide the necessary improvements to address any deficiencies to facilities and services that the use would cause. All public roads, utilities,

bridges and septic systems to be developed in connection with the Wind Energy Generation Facility will comply with County standards.

22. The operating characteristics of the Wind Energy Generation Facility shall not create a nuisance and the project has been designed to minimize impacts on neighboring properties with respect to noise, odor, vibrations, glare, and similar conditions.
23. That an adequate water supply is available to provide water to the Wind Energy Generation Facility either through a public water supply system or wells adequate in quality and quantity to serve the development and approved by the State Engineer. The water supply will comply with all applicable requirements of the Colorado Water Quality Control Division and the State Engineer.
24. That the Wind Energy Generation Facility will not cause significant deterioration of surface or groundwater resources. The Wind Energy Generation Facility has been designed and will be constructed to:
 - g. Prevent any changes to patterns of water circulation, conditions of the substrate, extent and persistence of suspended particulates, and the clarity, odor, color or taste of water
 - h. Comply with applicable water quality standards
 - i. Control levels of point and nonpoint source pollution
 - j. Prevent any changes in seasonal flow rates and temperature for affected streams
 - k. Prevent changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces
 - l. Prevent changes in circulation patterns, seasonal water levels and temperature of lakes or reservoirs
25. That the Wind Energy Generation Facility will not significantly degrade wetlands or other aquatic habitat and riparian areas. The Wind Energy Generation Facility is designed to avoid such areas or to minimize disturbance in these areas. Specifically, the Wind Energy Generation Facility will not:

- d. Cause any significant changes to the structure and function of wetlands and to unique, rare, delicate or irreplaceable riparian areas, vegetation, forest or woodlands
 - e. Cause any significant changes to the filtering and nutrient uptake capacities of wetlands and riparian areas
 - f. Cause any significant changes to aerial extent of wetlands and evolution of wetland species to upland species
- 26. That the Wind Energy Generation Facility will not cause significant deterioration of grasslands or farmland.
 - 27. That the Wind Energy Generation Facility will preserve the integrity of existing and natural drainage patterns. Where required by County standards, a storm water retention system shall be provided to retain storm water runoff in excess of historic flows and shall be designed for a 100-year flood.
 - 28. That to the extent necessary, the Wind Energy Generation Facility will be served by an adequate wastewater treatment system that meets all applicable County, state and federal standards.

III. CONDITIONS:

- 12. This Project Approval does not limit or affect the private property rights of mineral owners to reasonably access and use the surface of the permit area for the purpose of exploring for, developing and/or producing oil, gas and other minerals in accordance with Colorado law.
- 13. All trucks delivering materials to the Wind Energy Generation Facility shall use State highways as their primary access to the Limon Wind II Project to the greatest extent possible.
- 14. Trucks that use Lincoln County roads to deliver construction materials to the Wind Energy Generation Facility will use routes designated by the Lincoln County Road and Bridge Foreman. Legal load limits will be strictly observed.
- 15. Upon completion of the Wind Energy Generation facility all "improved county roads" will be returned to the roadway widths in existence prior to commencement of construction as designated by the Lincoln County Road and Bridge Foreman. All "improved county roads" that have been

horizontally re-aligned will be returned to their original alignment unless the adjacent landowners and Lincoln County accept the re-alignment: acceptance to be in writing.

16. Limon Wind II and contractors agree to maintain any Lincoln County Road utilized by haul vehicles to deliver construction materials to the various work locations. This maintenance to include any dust abatement required.
17. Where Wind Energy Generation Facility traffic uses Lincoln County Bridges the owner or contractor, as applicable, will be held responsible for any damages done to the bridges as a result of such use.
18. All vehicles (excluding emergency vehicles) accessing the project will observe Lincoln County road speed limits.
19. All construction debris (including concrete truck clean out) and trash cannot be buried nor burned on site but must be disposed of at a properly permitted landfill on a regular basis. Suitable containers/dumpsters shall be utilized to prevent the debris from becoming wind-blown.
9. All reclamation materials: native seed mixtures, mulch and erosion control materials shall be certified as weed free.
10. Prior to obtaining any building permits there shall be in place a fully executed roadway agreement between Lincoln County and NextEra Energy Resources, LLC.
11. The applicant shall, to the extent required by Colorado law, reasonably accommodate access to and development of subsurface mineral interests with respect to their proposed use of the property for wind farm facilities. In this regard, the applicant shall, as a condition of approval and prior to the construction or installation of any wind farm facility, provide evidence that it has entered into, or made good faith and commercially reasonable efforts to enter into, surface use agreements or other compatible development agreements with mineral estate owners who have filed timely objections to the land use applications pursuant to Colorado statutes.
12. Prior to the issuance of any building or construction permits, the Applicant and the Board of Lincoln County Commissioners shall enter into a written agreement which includes resolution of the fees to be paid by the Applicant relative to a combined permitting and sales and use tax assessment. The County agrees, however, that in no event shall the permitting fees/use or sales tax to be paid by the Applicant be assessed at a

rate higher than similar projects previously approved by the Board of County Commissioners.

BE IT THEREFORE RESOLVED, that a Use By Special Review and Development Permit is granted to Limon Wind II, LLC, to construct a Wind Energy Generation Facility in accordance with the terms of the Application, subject to the conditions set forth above. The Lincoln County Board of County Commissioners retains continuing jurisdiction over the permit to address future issues concerning the site and to ensure compliance with the conditions of the permit. The applicant is responsible for complying with all of the forgoing conditions and all other county zoning or other land use regulations. Noncompliance with any of the conditions may be cause for revocation of the permit.

Done the 17th day of January, 2012.

LINCOLN COUNTY BOARD OF COMMISSIONERS
LINCOLN COUNTY, COLORADO

I, Lisa Crawford, Acting Clerk to the Board in and for the County of Lincoln, State of Colorado, do hereby certify that the foregoing Resolution was adopted by the County Board of County Commissioners of the County of Lincoln and State of Colorado, in regular session on the 17th day of January, 2012.

Acting Clerk to the Board

Next, Resolution No. 814 was read by Mr. Morrison, and Mr. Lyons made a motion to adopt said resolution. Mr. Burgess seconded the motion, which carried

**RESOLUTION
NO. 814**

A RESOLUTION GRANTING THE APPROVAL OF A USE BY SPECIAL REVIEW AND DEVELOPMENT PERMIT FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A WIND ENERGY GENERATING FACILITY OF APPROXIMATELY 77 MW, TOGETHER WITH PAD MOUNT TRANSFORMERS, BURIED AND OVERHEAD CABLE, SUBSTATIONS, PRIVATE GRAVEL ROADS, METEOROLOGICAL TOWERS, OPERATIONS AND MAINTENANCE FACILITIES, RELATED EQUIPMENT AND STRUCTURES, RIGHTS-OF-WAY, TEMPORARY BATCH PLANT AND A TRANSMISSION LINE, AND OTHER ANCILLARY FACILITIES, AND USES IN PORTIONS OF TOWNSHIP 7S RANGE 55W, SECTIONS 25, 26, 27, 33, 34, 35, 36; TOWNSHIP 8S RANGE 55W, SECTIONS 3; TOWNSHIP 7S RANGE 54 W, SECTIONS 31, 32; AND TOWNSHIP 8S RANGE 54W, SECTIONS 5, 8 IN LINCOLN COUNTY, COLORADO.

WHEREAS, Limon Wind III, LLC ("Limon Wind III") has applied for the approval of a Use By Special Review and Development Permit ("Project Approvals") to construct a wind energy generation facility in accordance with the Lincoln County Application for Use By Special Review Permit submitted by Limon Wind III, dated November 4, 2011, together with the Use By Special Review Site Plan dated November 3, 2011 (together, the "Application"). The property subject to the Project Approvals is described in the attached Exhibit A (the "Property").

WHEREAS, the property is currently zoned Agricultural under the Lincoln County Zoning Resolution; and

WHEREAS, Section 2-220 of the Lincoln County Zoning Resolution allows for the approval of a Use By Special Review and Development Permit within the Agricultural Zoning District in accordance with the provisions of Article 3 of the Lincoln County Zoning Resolution; and

WHEREAS, Limon Wind III has obtained the consent of the owners of the Property to the Application and the Project Approvals in the form of leases and/or easement agreements which authorize Limon Wind III to construct the Wind Energy Generation Facility and to obtain the Project Approvals; and

WHEREAS, due to the substantial investment to be made by Limon Wind III, and the amount of detailed planning, engineering and related work that will be required to construct the Wind Energy Generation Facility, Limon Wind III has requested that the duration of the Project Approvals be for a term in excess of one year, as permitted by Section 1-210 of the Lincoln County Zoning Resolution; and

WHEREAS, at a public hearing held on December 20, 2011, the Lincoln County Land Use Board approved the Use By Special Review and Development Permit; and

WHEREAS, pursuant to Section 3-110 of the Lincoln County Zoning Resolution the Lincoln County Board of County Commissioners chose to review the Application, together with the staff report and the Decision of the Land Use Board; and

WHEREAS, at a meeting of the County Board of County Commissioners held on January 17, 2012, the Lincoln County Board of County Commissioners held a public meeting at which it considered the Application, the staff report on such Application, the decision of the Land Use Board, the record of proceedings before the Land Use Board, and such other information as was brought before the Board of County Commissioners at such hearing; and

NOW BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, COLORADO:

I. APPROVAL:

The application of Limon Wind III, LLC for a Use By Special Review and Development Permit is GRANTED, subject to the conditions set forth below. The Use By Special Review and Development Permit, including the applicant's right to construct, repair, maintain, and operate the Wind Energy Generation Facility, shall remain valid for a period of 50 years, or until such time as Limon Wind III, its transferees, successors and assigns no longer own, lease, or otherwise occupy an interest in the Property described in Exhibit A, whether by lease, easement, or otherwise, whichever occurs last.

II. FINDINGS OF FACT:

29. That proper notice has been provided as required by law for the public hearing before the Board.
30. That the information contained in the record of proceedings and presented to the Board at the public hearing is extensive and complete, and that all pertinent facts, matters and issues were submitted and considered by the Board.
31. That the Wind Energy Generation Facility, as described in the Application, is consistent with the minimum zoning requirements set forth in the Lincoln County Zoning Resolution.
32. That the Wind Energy Generation Facility is consistent with the goals and strategies set forth in Lincoln County's Comprehensive Plan.
33. That the Wind Energy Generation Facility will be compatible with the character of the surrounding neighborhood and will not have negative impacts on adjacent properties. The Wind Energy Generation Facility has

been designed to mitigate any potential noise, odor, vibration, glare and similar impacts associated with the proposed land use.

34. That the Wind Energy Generation Facility will not cause undue traffic, congestion, dangerous traffic conditions, or other vehicle-related impacts due to the implementation of project-wide Best Management Practices and effective traffic control measures during construction.
35. That the Wind Energy Generation Facility will not require a level of community services or facilities that is not available, and the Applicant will provide the necessary improvements to address any deficiencies to facilities and services that the use would cause. All public roads, utilities, bridges and septic systems to be developed in connection with the Wind Energy Generation Facility will comply with County standards.
36. The operating characteristics of the Wind Energy Generation Facility shall not create a nuisance and the project has been designed to minimize impacts on neighboring properties with respect to noise, odor, vibrations, glare, and similar conditions.
37. That an adequate water supply is available to provide water to the Wind Energy Generation Facility either through a public water supply system or wells adequate in quality and quantity to serve the development and approved by the State Engineer. The water supply will comply with all applicable requirements of the Colorado Water Quality Control Division and the State Engineer.
38. That the Wind Energy Generation Facility will not cause significant deterioration of surface or groundwater resources. The Wind Energy Generation Facility has been designed and will be constructed to:
 - m. Prevent any changes to patterns of water circulation, conditions of the substrate, extent and persistence of suspended particulates, and the clarity, odor, color or taste of water
 - n. Comply with applicable water quality standards
 - o. Control levels of point and nonpoint source pollution
 - p. Prevent any changes in seasonal flow rates and temperature for affected streams

- q. Prevent changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces
 - r. Prevent changes in circulation patterns, seasonal water levels and temperature of lakes or reservoirs
39. That the Wind Energy Generation Facility will not significantly degrade wetlands or other aquatic habitat and riparian areas. The Wind Energy Generation Facility is designed to avoid such areas or to minimize disturbance in these areas. Specifically, the Wind Energy Generation Facility will not:
- g. Cause any significant changes to the structure and function of wetlands and to unique, rare, delicate or irreplaceable riparian areas, vegetation, forest or woodlands
 - h. Cause any significant changes to the filtering and nutrient uptake capacities of wetlands and riparian areas
 - i. Cause any significant changes to aerial extent of wetlands and evolution of wetland species to upland species
40. That the Wind Energy Generation Facility will not cause significant deterioration of grasslands or farmland.
41. That the Wind Energy Generation Facility will preserve the integrity of existing and natural drainage patterns. Where required by County standards, a storm water retention system shall be provided to retain storm water runoff in excess of historic flows and shall be designed for a 100-year flood.
42. That to the extent necessary, the Wind Energy Generation Facility will be served by an adequate wastewater treatment system that meets all applicable County, state and federal standards.

III. CONDITIONS:

20. This Project Approval does not limit or affect the private property rights of mineral owners to reasonably access and use the surface of the permit area for the purpose of exploring for, developing and/or producing oil, gas and other minerals in accordance with Colorado law.

21. All trucks delivering materials to the Wind Energy Generation Facility shall use State highways as their primary access to the Limon Wind III Project to the greatest extent possible.
22. Trucks that use Lincoln County roads to deliver construction materials to the Wind Energy Generation Facility will use routes designated by the Lincoln County Road and Bridge Foreman. Legal load limits will be strictly observed.
23. Upon completion of the Wind Energy Generation facility all "improved county roads" will be returned to the roadway widths in existence prior to commencement of construction as designated by the Lincoln County Road and Bridge Foreman. All "improved county roads" that have been horizontally re-aligned will be returned to their original alignment unless the adjacent landowners and Lincoln County accept the re-alignment: acceptance to be in writing.
24. Limon Wind III and contractors agree to maintain any Lincoln County Road utilized by haul vehicles to deliver construction materials to the various work locations. This maintenance to include any dust abatement required.
25. Where Wind Energy Generation Facility traffic uses Lincoln County Bridges the owner or contractor, as applicable, will be held responsible for any damages done to the bridges as a result of such use.
26. All vehicles (excluding emergency vehicles) accessing the project will observe Lincoln County road speed limits.
27. All construction debris (including concrete truck clean out) and trash cannot be buried nor burned on site but must be disposed of at a properly permitted landfill on a regular basis. Suitable containers/dumpsters shall be utilized to prevent the debris from becoming wind-blown.
9. All reclamation materials: native seed mixtures, mulch and erosion control materials shall be certified as weed free.
10. Prior to obtaining any building permits there shall be in place a fully Executed roadway agreement between Lincoln County and NextEra Energy Resources, LLC.
11. The applicant shall, to the extent required by Colorado law, reasonably accommodate access to and development of subsurface mineral interests

access to and development of subsurface mineral interests with respect to their proposed use of the property for wind farm facilities. In this regard, the applicant shall, as a condition of approval and prior to the construction or installation of any wind farm facility, provide evidence that it has entered into, or made good faith efforts and commercially reasonable efforts to enter into, surface use agreements with mineral estate owners who have filed timely objections to the land use applications pursuant to Colorado statutes.

12. Prior to issuance of any building or construction permits, the Applicant and the Board of Lincoln County Commissioners shall enter into a written agreement which includes resolution of the fees to be paid by the Applicant relative to combined permitting and sales and use tax assessment. The County agrees, however, that in no event shall the permitting fees/ use or sales tax to be paid by the Applicant be assessed at a rate higher than similar projects previously approved by the Board of County Commissioners.

BE IT THEREFORE RESOLVED, that a Use By Special Review and Development Permit is granted to Limon Wind III, LLC, to construct a Wind Energy Generation Facility in accordance with the terms of the Application, subject to the conditions set forth above. The Lincoln County Board of County Commissioners retains continuing jurisdiction over the permit to address future issues concerning the site and to ensure compliance with the conditions of the permit. The applicant is responsible for complying with all of the forgoing conditions and all other county zoning or other land use regulations. Noncompliance with any of the conditions may be cause for revocation of the permit.

Done the 17th day of January, 2012.

LINCOLN COUNTY BOARD OF COMMISSIONERS
LINCOLN COUNTY, COLORADO

I, Lisa Crawford, Acting Clerk to the Board in and for the County of Lincoln, State of Colorado, do hereby certify that the foregoing Resolution was adopted by the County Board of

County Commissioners of the County of Lincoln and State of Colorado, in regular session on the 17th day of January, 2012.

Acting Clerk to the Board

Lastly, Mr. Morrison read Resolution No. 815. Mr. Lyons made a motion to adopt the resolution, Mr. Burgess seconded the motion, and it carried

**RESOLUTION
NO. 815**

A RESOLUTION GRANTING THE APPROVAL OF A USE BY SPECIAL REVIEW AND DEVELOPMENT PERMIT FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A TRANSMISSION LINE, AS WELL AS ANCILLARY FACILITIES, WHICH MAY INCLUDE BURIED AND OVERHEAD CABLE, SUBSTATIONS, PRIVATE GRAVEL ROADS, METEOROLOGICAL TOWERS, OPERATIONS AND MAINTENANCE FACILITIES, RELATED EQUIPMENT AND STRUCTURES, RIGHTS-OF-WAY, BATCH PLANT, IN EACH CASE AS APPLICABLE, AND USES IN PORTIONS OF TOWNSHIP 8S RANGE 56W, SECTIONS 3, 4, 5, 6 IN LINCOLN COUNTY, COLORADO.

WHEREAS, Eastern Colorado Interconnect, LLC ("Eastern Colorado Interconnect") has applied for the approval of a Use By Special Review and Development Permit ("Project Approvals") to construct a Transmission Line in accordance with the Lincoln County Application for Use By Special Review Permit submitted by Eastern Colorado Interconnect, dated November 4, 2011, together with the Use By Special Review Site Plan dated November 3, 2011 (together, the "Application"). The property subject to the Project Approvals is described in the attached Exhibit A (the "Property").

WHEREAS, the property is currently zoned Agricultural under the Lincoln County Zoning Resolution; and

WHEREAS, Section 2-220 of the Lincoln County Zoning Resolution allows for the approval of a Use By Special Review and Development Permit within the Agricultural Zoning District in accordance with the provisions of Article 3 of the Lincoln County Zoning Resolution; and

WHEREAS, Eastern Colorado Interconnect has obtained the consent of the owners of the Property to the Application and the Project Approvals in the form of leases and/or easement agreements which authorize Eastern Colorado Interconnect to construct the Transmission Line and to obtain the Project Approvals; and

WHEREAS, due to the substantial investment to be made by Eastern Colorado Interconnect, and the amount of detailed planning, engineering and related work that will be required to construct the Transmission Line, Eastern Colorado Interconnect has requested that

the duration of the Project Approvals be for a term in excess of one year, as permitted by Section 1-210 of the Lincoln County Zoning Resolution; and

WHEREAS, at a public hearing held on December 20, 2011, the Lincoln County Land Use Board approved the Use By Special Review and Development Permit; and

WHEREAS, pursuant to Section 3-110 of the Lincoln County Zoning Resolution the Lincoln County Board of County Commissioners chose to review the Application, together with the staff report and the Decision of the Land Use Board; and

WHEREAS, at a meeting of the County Board of County Commissioners held on January 17, 2012, the Lincoln County Board of County Commissioners held a public meeting at which it considered the Application, the staff report on such Application, the decision of the Land Use Board, the record of proceedings before the Land Use Board, and such other information as was brought before the Board of County Commissioners at such hearing; and

NOW BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, COLORADO:

I. APPROVAL:

The application of Eastern Colorado Interconnect, LLC for a Use By Special Review and Development Permit is GRANTED, subject to the conditions set forth below. The Use By Special Review and Development Permit, including the applicant's right to construct, repair, maintain, and operate the Transmission Line, shall remain valid for a period of 50 years, or until such time as Eastern Colorado Interconnect, its transferees, successors and assigns no longer own, lease, or otherwise occupy an interest in the Property described in Exhibit A, whether by lease, easement, or otherwise, whichever occurs last.

II. FINDINGS OF FACT:

43. That proper notice has been provided as required by law for the public hearing before the Board.
44. That the information contained in the record of proceedings and presented to the Board at the public hearing is extensive and complete, and that all pertinent facts, matters and issues were submitted and considered by the Board.
45. That the Transmission Line, as described in the Application, is consistent with the minimum zoning requirements set forth in the Lincoln County Zoning Resolution.

46. That the Transmission Line is consistent with the goals and strategies set forth in Lincoln County's Comprehensive Plan.
47. That the Transmission Line will be compatible with the character of the surrounding neighborhood and will not have negative impacts on adjacent properties. The Transmission Line has been designed to mitigate any potential noise, odor, vibration, glare and similar impacts associated with the proposed land use.
48. That the Transmission Line will not cause undue traffic, congestion, dangerous traffic conditions, or other vehicle-related impacts due to the implementation of project-wide Best Management Practices and effective traffic control measures during construction.
49. That the Transmission Line will not require a level of community services or facilities that is not available, and the Applicant will provide the necessary improvements to address any deficiencies to facilities and services that the use would cause. All public roads, utilities, bridges and septic systems to be developed in connection with the Transmission Line will comply with County standards.
50. The operating characteristics of the Transmission Line shall not create a nuisance and the project has been designed to minimize impacts on neighboring properties with respect to noise, odor, vibrations, glare, and similar conditions.
51. That an adequate water supply is available to provide water to Transmission Line either through a public water supply system or wells adequate in quality and quantity to serve the development and approved by the State Engineer. The water supply will comply with all applicable requirements of the Colorado Water Quality Control Division and the State Engineer.
52. That the Transmission Line will not cause significant deterioration of surface or groundwater resources. The Transmission Line has been designed and will be constructed to:
 - s. Prevent any changes to patterns of water circulation, conditions of the substrate, extent and persistence of suspended particulates, and the clarity, odor, color or taste of water
 - t. Comply with applicable water quality standards

- u. Control levels of point and nonpoint source pollution
 - v. Prevent any changes in seasonal flow rates and temperature for affected streams
 - w. Prevent changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces
 - x. Prevent changes in circulation patterns, seasonal water levels and temperature of lakes or reservoirs
53. That the Transmission Line will not significantly degrade wetlands or other aquatic habitat and riparian areas. The Transmission Line is designed to avoid such areas or to minimize disturbance in these areas. Specifically, the Transmission Line will not:
- j. Cause any significant changes to the structure and function of wetlands and to unique, rare, delicate or irreplaceable riparian areas, vegetation, forest or woodlands
 - k. Cause any significant changes to the filtering and nutrient uptake capacities of wetlands and riparian areas
 - l. Cause any significant changes to aerial extent of wetlands and evolution of wetland species to upland species
54. That the Transmission Line will not cause significant deterioration of grasslands or farmland.
55. That the Transmission Line will preserve the integrity of existing and natural drainage patterns. Where required by County standards, a storm water retention system shall be provided to retain storm water runoff in excess of historic flows and shall be designed for a 100-year flood.
56. That to the extent necessary, the Transmission Line will be served by an adequate wastewater treatment system that meets all applicable County, state and federal standards.

III. CONDITIONS:

28. This Project Approval does not limit or affect the private property rights of mineral owners to reasonably access and use the surface of the permit area

for the purpose of exploring for, developing and/or producing oil, gas and other minerals in accordance with Colorado law.

29. All trucks delivering materials to the Transmission Line shall use State highways as their primary access to the Eastern Colorado Interconnect project to the greatest extent possible.
30. Trucks that use Lincoln County roads to deliver construction materials to the Transmission Line will use routes designated by the Lincoln County Road and Bridge Foreman. Legal load limits will be strictly observed.
31. Upon completion of the Transmission Line all "improved county roads" will be returned to the roadway widths in existence prior to commencement of construction as designated by the Lincoln County Road and Bridge Foreman. All "improved county roads" that have been horizontally re-aligned will be returned to their original alignment unless the adjacent landowners and Lincoln County accept the re-alignment: acceptance to be in writing.
32. Eastern Colorado Interconnect and contractors agree to maintain any Lincoln County Road utilized by haul vehicles to deliver construction materials to the various work locations. This maintenance to include any dust abatement required.
33. Where Transmission Line traffic uses Lincoln County Bridges the owner or contractor, as applicable, will be held responsible for any damages done to the bridges as a result of such use.
34. All vehicles (excluding emergency vehicles) accessing the project will observe Lincoln County road speed limits.
35. All construction debris (including concrete truck clean out) and trash cannot be buried nor burned on site but must be disposed of at a properly permitted landfill on a regular basis. Suitable containers/dumpsters shall be utilized to prevent the debris from becoming wind-blown.
9. All reclamation materials: native seed mixtures, mulch and erosion control Materials shall be certified as weed free.
10. Prior to obtaining any building permits there shall be in place a fully Executed roadway agreement between Lincoln County and NextEra Energy Resources, LLC.

11. The applicant shall, to the extent required by Colorado law, reasonably accommodate access to and development of subsurface mineral interests with respect to their proposed use of the property for wind farm facilities. In this regard, the applicant shall, as a condition of approval and prior to the construction or installation of any wind farm facility, provide evidence that it has entered into, or made good faith and commercially reasonable efforts to enter into, surface use agreements or other compatible development agreements with mineral estate owners who have filed timely objections to the land use applications pursuant to Colorado statutes.

12. Prior to the issuance of any building or construction permits, the Applicant and the Board of Lincoln County Commissioners shall enter into a written agreement which includes resolution of the fees to be paid by the Applicant relative to a combined permitting and sales and use tax assessment. The County agrees, however, that in no event shall the permitting fees/use or sales tax to be paid by the Applicant be assessed at a rate higher than similar projects previously approved by the Board of County Commissioners.

BE IT THEREFORE RESOLVED, that a Use By Special Review and Development Permit is granted to Eastern Colorado Interconnect, LLC, to construct a Transmission Line in accordance with the terms of the Application, subject to the conditions set forth above. The Lincoln County Board of County Commissioners retains continuing jurisdiction over the permit to address future issues concerning the site and to ensure compliance with the conditions of the permit. The Lincoln County Board of County Commissioners acknowledges and agrees that the Land Use Board's Approval of the [Application] serves as approval of the location and extent of the Transmission Line. The applicant is responsible for complying with all of the forgoing conditions and all other county zoning or other land use regulations. Noncompliance with any of the conditions may be cause for revocation of the permit.
Done the 17th day of January, 2012.

LINCOLN COUNTY BOARD OF COMMISSIONERS
LINCOLN COUNTY, COLORADO

I, Lisa Crawford, Acting Clerk to the Board in and for the County of Lincoln, State of Colorado, do hereby certify that the foregoing Resolution was adopted by the County Board of

County Commissioners of the County of Lincoln and State of Colorado, in regular session on the 17th day of January, 2012.

Acting Clerk to the Board

After the group from NEXTERA and CDOT left the meeting, Mr. Burgess called for the County Attorney's Report. Mr. Kimble passed out the Guidelines and Regulations for Areas and Activities of State Interest for Lincoln County, which he had completed for the commissioners. Mr. Burgess asked that the Board review it and meet back on January 31, 2012, to discuss it before proceeding with the proper channels to adopt it. Ms. Devers briefly discussed with Mr. Kimble the county policy concerning using FMLA and clarified questions from the commissioners regarding the policy.

After the lunch break, Mr. Beedy reported that, on January 11, he had attended Senator Bennett's Public Meeting in Limon where he spoke on the Ag Bill and gave information regarding farm programs. On the morning of January 13, he attended the State Transportation Advisory meeting in Denver and the Transit Freight and Rail Meeting in the afternoon.

Mr. Lyons reported that he and Mr. Burgess had done a check of the roads on the 6th of January, and on January 10th he attended a TPR meeting in Akron and the Fair Board Meeting in the evening.

Mr. Burgess then reported that he had attended the Fair Board meeting on January 10, and then on January 12 he attended the Centennial Mental Health meeting in Fort Morgan, where he learned that they had reported a loss for the year of 2011. On that same day, he attended the Bookmobile Meeting in Limon, where they discussed painting of the Bookmobile. Then on January 13, he went with County Weed Coordinator Wayne Shade to Loveland to haul back a pickup that the county had purchased for the Weed Department. On January 16, he spoke to Bart O'Dwyer regarding the finishing touches at the Genoa Shop. Lastly, he had received a call during the commissioner meeting from a county resident who wanted the commissioners to consider paving the remainder of Hwy 109 north of Genoa. Mr. Burgess advised the citizen that they had planned on paving a certain amount each year as funding provided.

At 1:30 p.m., Veteran Service Officer Parker Newbanks joined the meeting to talk about the recent business completed within his office. He provided a summary of the specific activities that were completed in the year of 2011, along with a breakdown of the monthly reports. Mr. Newbanks advised the Board that a future project for his services would be to convert to the computer. He informed them that the state would incur most of the expenses, with the exception of purchasing a computer, printer and internet access.

After Mr. Newbanks left, Mr. Burgess reported the gentleman from Gregory G's Sandblasting and Insulation had returned his call and would be coming out later in the week to do an estimate at the County Shop, along with estimates for the remaining offices in the courthouse.

Chris Monks returned to the meeting to drop off road reports and was again asked for his input on the furnace and air conditioning for the shop. After a brief discussion, it was decided that they would accept the bid from Plains Heating & Air Conditioning to install a new furnace and ducts, with the addition of an air conditioning unit. Mr. Beedy made the motion to accept the proposal from Plains Heating & Air Conditioning in the amount of \$5,693.00, with a \$350.00 rebate from Black Hills Energy. Mr. Lyons seconded the motion and it carried unanimously.

Mr. Beedy reported that since David Logan has resigned from the Spring Hill Cemetery Board, they would need to find a replacement. No decision was made at this time.

Travis Nall was then called to join the meeting to talk about working to repair and repaint the walls of each office that would be getting new insulation. He was asked if he would be willing to complete the projects even if he needed extra time outside his regular hours. Travis stated he had no problem doing the work, and the commissioners agreed to authorize extra time in order for him to complete the projects.

The discussion then turned to replacing the carpet in the jury assembly room, hallways, commissioner's room and the extension office. Roxie reminded the Board that the extension office and the jury assembly room were those next scheduled for new carpet and repainting, which would be completed this year.

With no further business brought before the Board, Mr. Burgess adjourned the meeting until January 30, 2012, at 9:00 a.m.

Lisa M. Crawford, Acting Clerk to the Board

Steve Burgess, Chairman