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BOARD OF COUNTY COMMISSIONERS
COUNTY OF YUMA, STATE OF COLORADO
ORDINANCE NO. 2026-03 LUC-SETBACKS

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF YUMA COUNTY AMENDING THE YUMA COUNTY'S LAND USE CODE LUC-SETBACKS

WHEREAS, pursuant to C.R.S. §§ 30-15-401, *et seq*., and 30-28-101, *et seq*., the Board of County Commissioners of Yuma County (the "Board") has the authority to adopt ordinances, resolutions, rules, and regulations necessary to promote the public health, safety, and welfare of the citizens and to provide for the physical development of land within Yuma County, Colorado (the "County");

WHEREAS, following a properly-noticed public hearing, the Board heard testimony and considered an amended version of the Land Use Code, attached hereto and incorporated herein by this reference (the "Land Use Code");

WHEREAS, the Board finds and determines that the Land Use Code is necessary and prudent and will promote the public health, safety, and welfare of the citizens of Yuma County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR YUMA COUNTY, COLORADO:

Exhibit A will detail the following Section changes:

Section 2-102, C(3) Added data on Met Tower
Section 4-101, B(13) #13. Added definition on Met Towers.
Section 4-107 – throughout the section, modified Applicant to be Permittee
Section 4-107 D, E, F(1,3) – took out references to Utility Scale Wind Energy Facility, etc.. to move it to new section.
Section 7-104 – throughout the section, modified Applicant to Permittee
Section 7-104 – B(#4) – restructured, and updated Noise and added Shadow Flicker
Section 7-104 – B(11) – added artificial lighting.
Section 7-105 – new section for Decommissioning requirements for UWEF
Appendix A – added new setbacks, deleted old setbacks.
Appendix B - Definitions – added new definitions.

INTRODUCED, READ, APPROVED ON FIRST READING, AND ORDERED PUBLISHED this 30th day of September, 2026.

TO BE ADOPTED ON SECOND READING, this 14th day of October, 2026.

THE BOARD OF COUNTY COMMISSIONERS OF YUMA COUNTY, STATE OF COLORADO

Scott Weaver, Chairman

Mike Leerar, Commissioner

Adam Gates, Commissioner

YUMA COUNTY SEAL COLORADO

ATTEST:

Haleigh D. Studer
Yuma County Clerk and Recorder

Attachment - Exhibit A

EXHIBIT A
SECTION 2-102: CLASSES OF LAND USE PERMITS.

SECTION 2-102: CLASSES OF LAND USE PERMITS.

Yuma County has adopted four (4) classes of permits: Activity Notice Permit, Administrative Land Use Permit, Minor Land Use Permit and Major Land Use Permit. The determination of the notices or class of permits that will be required for a Land Use Change shall be made at the time of the preapplication interview that takes place with the Administrator.

A. **Activity Notice Permit.** The primary purpose of the Activity Notice Permit is to track growth impact to the County, such as impact to roads, to existing residents and the impact of growth to the school systems. The Activity Notice Permit is not required to be approved by the Planning Commission, but will be approved by the Administrator, and submitted to the Assessor when finalized. Permits may be issued by the Administrator under Section 4-102 of this Code for any of the following Land Use examples:

1. **Residential Changes Including Agriculture.**
    a. **Single Family Dwelling.** The construction of one (1) single family dwelling and accessory uses that are incidental and secondary to the single-family dwelling on a single lot shall require an Activity Notice,
    b. Addition to single family dwelling,
    c. Add a garage, storage, or shop building,
    d. Add a residential Wind Energy System,
    e. Add a residential Solar Energy System,
    f. Add a residential Battery Energy Storage System.
2. **Commercial Changes.**
    a. Adding grain bins,
    b. Adding an antenna tower,
    c. Adding additional equipment to the antennae tower.

B. **Administrative Land Use Permit.** An Administrative Land Use Permit refers to a minor land use change that is reviewed and approved by the administrator. The permit is typically for relatively small-scale projects or changes in land use that are considered to have minimal impact on the surrounding area, without requiring a full public hearing or Planning Commission review. Administrative Land Use Permits are not required to be approved by the Planning Commission, but they will be shared with the County Assessor. This permit will be presented to the BoCC for approval of resolution. Permits may be issued by the Administrator under Section 4-103 of this Code for any of the following Land Use examples:

1. Construction of a second or third dwelling unit on a single parcel of land thirty-five (35) acres in size or larger.
2. **Lot Line Adjustments.** An Administrative Land Use Permit shall be required for the adjustment of lot lines between lots. The purpose of making a lot line adjustment is to correct boundary errors, align boundaries with topographic features, or straighten boundaries. This applies only to contiguous lots, neither of which lies within a subdivision approved pursuant to these Land Use Regulations, and which are not subject to merger with each other pursuant to Section.

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SECTION 4-104: MINOR LAND USE PERMIT PROCEDURES.

A. **Applicability.** The Minor Land Use Permit process may apply only to those Land Use Changes that have been determined to fall within the Minor Land Use Permit Class. See Section 2-102.

B. **Complete Permit Application.** Following the determination of class of Land Use Permit and the application fee, the application shall be submitted to the Administrator, together with the appropriate application fee. The Administrator may request additional information that may be necessary to evaluate the application. The Administrator may waive any part of the application material requirements when the information would not be relevant.

1. **Contact Information.** Name address and phone number.
2. **Legal Description.** Please provide location, township, range, and section.
3. **Total acres of land involved in the project.**
4. **Acres being divided into parcels?**
5. **Written Description of the Proposed Land Use Change.** A brief written description of the proposed Land Use Change shall be submitted to the Administrator. The written description shall include the type of Land Use Change, and the total number of acres of the site where the change will occur and how the Land Use Change complies with the applicable standards.
6. **Include a Vicinity Map.** An 8½ × 11-inch vicinity map locating the parcel in the County. The vicinity map shall clearly show the boundaries of the site, and the ownership and use of adjacent properties.
7. **Include a Survey.** A survey is a scaled drawing that shows how a piece of land is divided into lots, streets, and blocks. It's a legal document that establishes the boundaries of a property. It can be a preliminary survey that is either recorded or not.
8. **Drainage and Erosion Control Plan (not applicable to vacations or final plats).** For Land Use Changes that will require any excavation, grading or other surface disturbance, a plan showing existing and proposed grading for the site and practices to prevent erosion and run-off during and after construction.
9. **Noxious Weed Control Plan.**
10. **Wastewater System (not applicable to vacations or final plats).** For Land Use Changes that must be served by wastewater, a description of any proposed wastewater treatment system, including location and size of leach field, sewer service lines, and treatment facilities and certification by a professional engineer that the system is in compliance with state standards and adequate to serve the proposed development.
11. **Water System (not applicable to vacations or final plats).** For Land Use Changes that must be served by water, a description of the source and capacity of the water supply, including location and size of well(s) and/or water lines to serve the proposed use. The applicant shall provide proof of adequate physical and legal supply to serve the proposed Land Use Change, including a letter of approval from the State Engineer documenting that the proposed water supply is adequate to serve the proposed use.
12. **Impact Analysis (not applicable to vacations or final plats).** Description of the impacts that the proposed Land Use Change may cause, based upon the relevant standards and criteria in Article 5 and a complete description of how the applicant will ensure that impacts will be mitigated and standards will be satisfied.

1. **Notification of Incompleteness.** If the application is not complete, the Administrator shall notify the applicant in writing of any materials that must be submitted before the application can be deemed complete. The time to review the application shall not begin to run until the completeness determination has been made.

2. **Completeness Date.** Once the application is complete, the Administrator shall stamp the application with the date that it was determined to be complete and all-time frames within this Code pertaining to review of the application shall be based on the completeness date.

E. **Review and Approval.** Every application may be approved, approved with conditions or denied by the County and will be reviewed according to the procedures in this Code for the particular class of permit.

F. **Review of Minor Land Use Permit by Administrator.**

1. Following the preapplication conference described in Section 4-101(A), and the determination that the application is complete under Section 4-101(E) the following process will apply to review a Minor Land Use Permit. In addition to the application fee that reflects the minimum costs to process the application, the applicant is responsible for paying the direct costs of review of the application, including but not limited to costs of referral agencies and outside consultants.

2. **Evaluation of Application by Administrator.** The Administrator shall review the application for compliance with the relevant standards and criteria set forth in Article 5. Within thirty (30) days of the date that the application was determined to be complete, the Administrator shall prepare a report that recommends approval, approval with conditions or denial of the application for a Minor Land Use Permit. The report shall be forwarded to the applicant and to the Planning Commission prior to the Planning Commission meeting when the application will be reviewed.

3. **Review by Referral Agencies.** The Administrator may send copies of the application to any referral agencies and consultants deemed necessary by the County.

4. **Schedule of Planning Commission Meeting.** Upon determination of completeness, the Administrator shall schedule the application for review by the Planning Commission at a regular meeting to be held not more than forty-five (45) days from the date that the application is deemed complete.

G. **Review and Recommendation by Planning Commission.**

1. The Minor Land Use Permit Application shall be considered by the Planning Commission at a regular meeting scheduled not more than forty-five (45) days from the date that the application is deemed complete by the Administrator. No public hearing by the Planning Commission is required for a Minor Land Use Permit.

   a. **Notice to Adjacent Property Owners.** Not less than fifteen (15) days prior to the date of the BoCC hearing, the County shall notify property owners within five hundred (500) feet of the exterior boundary of the site by sending a written notice by certified mail, return receipt requested. The written notice will describe the proposed permit amendment and setting forth the time, date and place of the hearing. Per the published Yuma County Fee schedule, the applicant will be responsible for the fees incurred to sending notices.

   b. **Notice to Mineral Estate Owners.** Not less than thirty (30) days prior to the date of the BoCC hearing, the County shall notify mineral estate owners with mineral interest in the parcels in where surface development is occurring on-site by sending a written notice by certified mail, return receipt requested. For parcels in which no surface development is occurring, notice to mineral estate owners shall be required in a matter defined by the BoCC at the recommendation of the Administrator or Planning Commission. Per the

SECTION 4-107: FINANCIAL SECURITY REQUIREMENTS FOR MAJOR LAND USE PERMIT.

The ~~applicant~~permittee may be required to provide financial security as the BoCC determines necessary to guarantee completion of public improvements, compliance with permit conditions, or completion of decommissioning of a USES, UWEF or UBESS system.

A. **Form of Financial Security.**

1. The ~~applicant~~permittee shall provide financial security in any form and combination acceptable to the BoCC. Evidence of the selected form(s) of financial security shall be included with the application materials.

2. The Board may reject the proposed forms of financial security if the evidence submitted does not adequately ensure that the required funds will be available. The ~~applicant~~permittee shall be notified in writing within sixty (60) days of receipt of the evidence of financial security of the decision to accept or reject the proposed form(s) of financial security.

B. **Public Improvements.** Where public improvements will be required to serve a Major Land Use Change, no Major Land Use Permit shall be issued until the ~~applicant~~permittee has submitted adequate financial security to guaranty completion of the public improvements. However, if a Major Land Use Permit holder must obtain an Activity Notice Permit before commencing construction related activities, the posting of adequate financial security is not required until the Activity Notice Permit is issued.

1. **Improvements Agreement and Financial Security.** The ~~applicant~~permittee shall provide an improvements agreement, agreeing to construct any Public Improvements required by the land use, together with financial security in an amount not less than one hundred twenty-five percent (125%) of the estimated cost of the required Public Improvements. The financial security shall be sufficient, in the judgment of the Board, to make reasonable provisions for completion of the Public Improvements in compliance with the plans and specifications and with the terms of the improvement's agreement.

2. **Request for Inspection.**

   a. The BoCC shall inspect completed Public Improvements following receipt of the permittee's request for inspection pursuant to terms of the improvement agreement.

   b. If the BoCC determines that any of the Public Improvements are not constructed in compliance with the plans and specifications or with terms of the improvement agreement, the County shall provide the permittee with a written explanation of the noncompliance and a deadline for coming into compliance. Failure to comply with the plans and specifications or with the terms of the improvement agreement shall be a violation of this Land Use Code and may be subject to the enforcement provisions of Article 13 of this Code.

3. **Release of Financial Security for Public Improvements.** The permittee may apply to the BoCC for release of the financial security following inspection of completed Public Improvements.

   a. The request for release of the financial security must be submitted in writing to the Board a minimum of ten (10) working days before the next regularly scheduled meeting at which the Board may consider the request.

   b. The BoCC shall release the financial security once the Public Improvements have been accepted by the County.

EXHIBIT A

SECTION 4-107: FINANCIAL SECURITY REQUIREMENTS FOR MAJOR LAND USE PERMIT

~~a. Financial security shall be in an amount equal to the decommissioning costs, based upon an estimate of the decommissioning costs certified by a professional Engineer and updated every five (5) years. Within 90 days of each 5-year PE recertification, the financial security shall be adjusted upward if the updated estimate exceeds the currently bonded amount. The amount of financial security shall not decrease below the prior period's bonded amount adjusted for inflation using the Engineering News-Record Construction Cost Index (ENR CCI) or the Consumer Price Index (CPI), whichever is greater, even if a revised PE estimate would otherwise permit a reduction.~~

~~b. The BoCC, at its discretion, may waive its requirement for financial security if the applicant demonstrates to the Board's satisfaction that:~~

~~(1) The landowner agreement(s) includes provisions that ensure decommissioning of the Utility Scale Wind Energy Facility, Utility Solar Energy System or Utility Battery Energy Storage System in compliance with the Decommissioning Plan; and~~

~~(2) The landowner has consented to a waiver of the financial security that would be required by the BoCC.~~

2. **Request Inspection.**

   a. Following written request of the Owner or Operator, or at the BoCC's discretion the County shall review final decommissioning of a Utility Scale Wind Energy Facility, Utility Solar Energy System or Utility Battery Energy Storage System to confirm compliance with the Decommissioning Plan and these regulations.

   b. If the BoCC determines that the decommissioning is not in compliance, the BoCC shall furnish the Owner or Operator with a written explanation of the noncompliance and a deadline for coming into compliance.

      (1) Failure to decommission the Utility Scale Wind Energy Facility, Utility Solar Energy System, or Utility Battery Energy Storage System in compliance with the Decommissioning Plan and these regulations shall be a violation of this Land Use Code and may be subject to the enforcement provisions of Article 13 of this Code.

      (2) If decommissioning does not proceed in accordance with the Decommissioning Plan and these regulations, the BoCC shall have the right to enter the property at the BoCC's discretion and cause the appropriate abandonment and decommissioning measures to be completed.

3. **Release of Financial Security for Decommissioning ~~Utility Scale Wind Energy Facility,~~ Utility Solar Energy System or Utility Battery Energy Storage System.** The Owner or Operator may apply to the BoCC for release of financial security once the decommissioning of the ~~Utility Scale Wind~~ or Solar Energy System has been completed.

   a. The request for release of the financial security must be submitted in writing to the BoCC a minimum of ten (10) working days before the next regularly scheduled meeting at which the Board may consider the request.

SECTION 4-107: FINANCIAL SECURITY REQUIREMENTS FOR MAJOR LAND USE PERMIT.

The ~~applicant~~permittee may be required to provide financial security as the BoCC determines necessary to guarantee completion of public improvements, compliance with permit conditions, or completion of decommissioning of a USES, UWEF or UBESS system.

A. **Form of Financial Security.**

1. The ~~applicant~~permittee shall provide financial security in any form and combination acceptable to the BoCC. Evidence of the selected form(s) of financial security shall be included with the application materials.

2. The Board may reject the proposed forms of financial security if the evidence submitted does not adequately ensure that the required funds will be available. The ~~applicant~~permittee shall be notified in writing within sixty (60) days of receipt of the evidence of financial security of the decision to accept or reject the proposed form(s) of financial security.

B. **Public Improvements.** Where public improvements will be required to serve a Major Land Use Change, no Major Land Use Permit shall be issued until the ~~applicant~~permittee has submitted adequate financial security to guaranty completion of the public improvements. However, if a Major Land Use Permit holder must obtain an Activity Notice Permit before commencing construction related activities, the posting of adequate financial security is not required until the Activity Notice Permit is issued.

1. **Improvements Agreement and Financial Security.** The ~~applicant~~permittee shall provide an improvements agreement, agreeing to construct any Public Improvements required by the land use, together with financial security in an amount not less than one hundred twenty-five percent (125%) of the estimated cost of the required Public Improvements. The financial security shall be sufficient, in the judgment of the Board, to make reasonable provisions for completion of the Public Improvements in compliance with the plans and specifications and with the terms of the improvement's agreement.

2. **Request for Inspection.**

   a. The BoCC shall inspect completed Public Improvements following receipt of the permittee's request for inspection pursuant to terms of the improvement agreement.

   b. If the BoCC determines that any of the Public Improvements are not constructed in compliance with the plans and specifications or with terms of the improvement agreement, the County shall provide the permittee with a written explanation of the noncompliance and a deadline for coming into compliance. Failure to comply with the plans and specifications or with the terms of the improvement agreement shall be a violation of this Land Use Code and may be subject to the enforcement provisions of Article 13 of this Code.

3. **Release of Financial Security for Public Improvements.** The permittee may apply to the BoCC for release of the financial security following inspection of completed Public Improvements.

   a. The request for release of the financial security must be submitted in writing to the Board a minimum of ten (10) working days before the next regularly scheduled meeting at which the Board may consider the request.

   b. The BoCC shall release the financial security once the Public Improvements have been accepted by the County.

EXHIBIT A

SECTION 4-107: FINANCIAL SECURITY REQUIREMENTS FOR MAJOR LAND USE PERMIT

~~a. Financial security shall be in an amount equal to the decommissioning costs, based upon an estimate of the decommissioning costs certified by a professional Engineer and updated every five (5) years. Within 90 days of each 5-year PE recertification, the financial security shall be adjusted upward if the updated estimate exceeds the currently bonded amount. The amount of financial security shall not decrease below the prior period's bonded amount adjusted for inflation using the Engineering News-Record Construction Cost Index (ENR CCI) or the Consumer Price Index (CPI), whichever is greater, even if a revised PE estimate would otherwise permit a reduction.~~

~~b. The BoCC, at its discretion, may waive its requirement for financial security if the applicant demonstrates to the Board's satisfaction that:~~

~~(1) The landowner agreement(s) includes provisions that ensure decommissioning of the Utility Scale Wind Energy Facility, Utility Solar Energy System or Utility Battery Energy Storage System in compliance with the Decommissioning Plan; and~~

~~(2) The landowner has consented to a waiver of the financial security that would be required by the BoCC.~~

2. **Request Inspection.**

   a. Following written request of the Owner or Operator, or at the BoCC's discretion the County shall review final decommissioning of a Utility Scale Wind Energy Facility, Utility Solar Energy System or Utility Battery Energy Storage System to confirm compliance with the Decommissioning Plan and these regulations.

   b. If the BoCC determines that the decommissioning is not in compliance, the BoCC shall furnish the Owner or Operator with a written explanation of the noncompliance and a deadline for coming into compliance.

      (1) Failure to decommission the Utility Scale Wind Energy Facility, Utility Solar Energy System, or Utility Battery Energy Storage System in compliance with the Decommissioning Plan and these regulations shall be a violation of this Land Use Code and may be subject to the enforcement provisions of Article 13 of this Code.

      (2) If decommissioning does not proceed in accordance with the Decommissioning Plan and these regulations, the BoCC shall have the right to enter the property at the BoCC's discretion and cause the appropriate abandonment and decommissioning measures to be completed.

3. **Release of Financial Security for Decommissioning ~~Utility Scale Wind Energy Facility,~~ Utility Solar Energy System or Utility Battery Energy Storage System.** The Owner or Operator may apply to the BoCC for release of financial security once the decommissioning of the ~~Utility Scale Wind~~ or Solar Energy System has been completed.

   a. The request for release of the financial security must be submitted in writing to the BoCC a minimum of ten (10) working days before the next regularly scheduled meeting at which the Board may consider the request.

SECTION 7-104: STANDARDS APPLICABLE TO WIND ENERGY FACILITY.

A. **General Standards.**

1. **Public Health, Safety and Welfare.** The proposed WEF shall not be detrimental to the health, safety or general welfare of the community.

2. **Compatibility.** The WEF shall not result in an adverse impact to adjacent land.

   a. The WEF will not interfere with desirable existing community patterns.

3 **Compliance with Comprehensive Plan and Intergovernmental Agreements.** The proposed WEF is consistent with relevant provisions of the Yuma County Comprehensive Plan and any intergovernmental agreement between the County and a municipality that applies to the area where the use will occur.

4. **Compliance with Other Regulations.** The WEF shall comply with all applicable rules and regulatory requirements of state and federal agencies, and of Yuma County.

5 **Water and Wastewater Service.**

   a. The water and wastewater service shall be adequate to serve the WEF.

   b. The water and wastewater systems shall comply with state standards.

6. **Roadways and Access.** The ~~applicant~~permittee will enter into a Long-Term Road Maintenance and Improvements Agreement with the County to final approval being received. This agreement will not be limited to but should address the following.

   a. Legal access to a public right-of-way to and from the WEF shall be safe and in conformance with access standards set forth in the County standards.

   b. The WEF shall not cause traffic congestion or unsafe traffic conditions.

   c. Adequate turning radii shall be installed at all entrances to accommodate large truck movement.

   d. Off-street parking and loading zones shall be surfaced with gravel or the equivalent and shall be graded to prevent drainage problems.

   e. Staging activities and parking of equipment and vehicles shall occur on-site and on private rights-of-way, and shall be prohibited on maintained County roads.

   f. The Major Land Use Permit ~~applicant~~permittee~~-~~ shall work with the County to ensure the proper maintenance and repair of all County roads utilized by the Wind Energy Project. All impacts to the roadway system shall be mitigated through roadway improvements or impact fees, or both.

7. **Service Delivery System Capacity.** The WEF shall not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.

   a. **Impact Fees.** If the application shows that there will be unmitigated impacts to County roads or other County capital facilities caused by the WEF, the BoCC may assess an impact fee in the amount necessary to offset the impact to roads or other capital facilities.

B. **Resource and Environmental Protection Standards.**

and submit results to the County. If the County determines that the submitted results are inconclusive or are disputed by the complainant, the County shall retain an independent qualified acoustical engineer at the Operator's expense, whose findings shall be determinative for purposes of enforcement under Article 9 of this Code.

e. **Shadow Flicker.**

1. As part of the Land Use Permit application, the Permittee shall submit a shadow flicker analysis prepared by a qualified engineer using industry-standard shadow flicker modeling software. The analysis shall identify all inhabited structures predicted to experience any shadow flicker from any proposed Wind Turbine and shall model expected annual shadow flicker hours at each such structure. The analysis area shall be determined by the modeling software's output and shall not be artificially limited by the Permittee. The Permittee shall certify that the analysis captures all inhabited structures at which shadow flicker is predicted to occur.

The expected annual shadow flicker hours at all inhabited structures from any proposed Wind Turbine.

2. Maximum Shadow Flicker. Shadow flicker at any non-participating inhabited structure shall not exceed (thirty) 30 hours per calendar year.

3. Mitigation. Where the shadow flicker analysis demonstrates that the 30-hour annual limit will be exceeded at any non-participating inhabited structure, the Major Land Use Permit Permittee shall submit a mitigation plan demonstrating how compliance will be achieved. Mitigation may include, but is not limited to, turbine repositioning, automatic turbine curtailment systems, or shading solutions installed at the affected structure with the written consent of the property owner.

4. Automatic Shutdown. Where automatic turbine curtailment systems are proposed as mitigation, the curtailment system shall be capable of shutting down the affected turbine or turbines when shadow flicker at a non-participating inhabited structure would otherwise exceed the annual limit, and the Major Land Use Permit Permittee shall demonstrate system functionality as a condition of final permit approval.

5. **Erosion and Sedimentation Control.** Erosion and sedimentation control measures that ensure that disturbed areas and soil stockpiles are stabilized during construction shall be implemented. Disturbed areas shall be controlled within one (1) growing season, pursuant to an approved vegetation plan by Natural Resource Conservation Service (NRCS).

6. **Drainage and Stormwater Run-Off.** Run-off shall be kept on the site in a stormwater detention system approved by the County, and waters in excess of historic run-off shall be prevented from leaving the site during construction and after site development.

   a. If applicable, the ~~applicant~~permittee shall obtain a Stormwater Discharge Permit from the Colorado Department of Public Health and the Environment, Water Quality Control Division.

7. **Protection of Agricultural Lands.** The Wind Energy Facility shall not have a significant adverse impact on agricultural lands and agricultural operations.

3. **Minimum Ground Clearance.** The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.

4. **Safety and Security.**

   a. Fencing, or other barriers acceptable to the County, shall be installed to prevent unauthorized access to the WEF electrical interconnection facilities.

   b. All wiring between Wind Turbines and the WEF substation shall be underground.

   c. Guy wires shall be distinctly marked and fenced on all permanent towers.

   d. All access doors to Wind Turbine towers and electrical equipment shall be lockable.

   e. Signs warning of the electrical hazard and other hazards associated with the WEF shall be posted at the base of each Wind Turbine tower, electrical equipment, and at the entrance of the WEF.

   f. A security patrol or other security measure may be required if it is determined to be necessary and appropriate to ensure public safety.

5. **Fire Protection.** The WEF shall have adequate fire control and prevention measures.

6. **Underground Location of Powerlines.** Unless geologic conditions prevent underground installation, and control wiring and power-lines or installed underground except where the Facility collector wiring is brought together for connection to the transmission or distribution network. All underground installations located within the public road easement or right-of-way shall comply with the applicable permit and design requirements of Yuma County. See the Land Use Administrator for information on rights-of-way.

   a. **Restoration.** Any disturbed portion of the right-of-way shall be restored as nearly as possible to the condition as existing immediately prior to installation.

   b. **Safety.** Safety measures shall be implemented in accordance with County, state and federal requirements to protect the public.

   c. **Roadway Crossing.** If the installation crosses a roadway, it shall be located as perpendicular to the roadway as physically possible and installed in compliance with Yuma County requirements. See the Land Use Administrator for information on roadway crossings.

   d. **As-Built Drawings.** As-built drawings shall be provided to Yuma County once the installation has been completed.

   e. **Permit and Notice to Proceed.** Work shall not commence until the required permit(s) and notice to proceed with the installation(s) have been issued by Yuma County. See the Land Use Administrator for information on permits.

7. **Interconnection and Electrical Distribution Facilities.**

   a. All distribution lines, electrical substations, and other interconnection facilities shall be constructed to the specifications of the American National Standard Institute (ANSI), National Electrical Code (NEC), Institute of Electrical and Electronic Engineers (IEEE), and National Utility Standards.

   b. Interconnection shall conform to the requirements of the electric utility company, and applicable state and federal regulatory requirements.

SECTION 7-105: DECOMMISSIONING REQUIREMENTS FOR UWEF.

A. **Preservation of Land Use under the Decommissioning plan**. Decommissioning of a UWEF shall not interfere with surrounding land use.

B. **Financial Security.**

1. Financial security on a UWEF or UWEF component shall be in an amount equal to the decommissioning costs, based upon an estimate of the decommissioning costs certified by a professional Engineer and updated every five (5) years.

2. Within (ninety) 90 days of each 5-year PE recertification, the financial security shall be adjusted upward if the updated estimate exceeds the currently bonded amount. The amount of financial security shall not decrease below the prior period's bonded amount adjusted for inflation using the Engineering News-Record Construction Cost Index (ENR CCI) or the Consumer Price Index (CPI), whichever is greater, even if a revised PE estimate would otherwise permit a reduction.

3. Acceptable forms of financial security for decommissioning shall include: a surety bond; a federally insured certificate of deposit; government-backed securities; a corporate guarantee from a parent entity with a demonstrated investment-grade credit rating; an irrevocable letter of credit from a federally insured financial institution; or cash held in escrow. Self-bonding shall not be an acceptable form of financial security for decommissioning of a Utility Scale Wind Energy System unless the Board makes an affirmative finding, supported by financial documentation, that the Applicant has sufficient net worth to cover estimated decommissioning costs without third-party assurance.

C. **The BoCC, at its discretion,**

1. May waive its requirement for financial security if the applicant demonstrates to the Board's satisfaction that:

2. The landowner agreement(s) includes provisions that ensure decommissioning of the Utility Scale Wind Energy Facility, in compliance with the Decommissioning Plan; and

3. The landowner has consented to a waiver of the financial security that would be required by the BoCC.

D. **All above-ground structures and equipment** shall be removed. Underground removal shall comply with the following standards:

1. (1) All cables, conduit, and non-structural underground components shall be removed to a depth of no less than thirty-six (36) inches below the surface.

2. (2) All turbine foundations shall be removed to a depth sufficient to allow the resumption of normal agricultural operations on the site, as certified in writing by a licensed Professional Engineer.

3. (3) In no case shall foundation removal be less than (forty eight) 48 inches below the surface. A greater removal depth may be required by the County if site conditions, landowner agreement, or the PE certification indicate that a shallower removal would interfere with agricultural operations, irrigation infrastructure, or tillage equipment.

4. (4) All disturbed areas shall be revegetated and restored to pre-construction agricultural condition or to a condition mutually agreed upon in writing by the Major Land Use Permit Permittee and the affected landowner(s).

EXHIBIT A

Yuma County, Colorado, Land Use Code
APPENDIX A: SETBACKS

PROPERTY	LOCATION	ROAD TYPE	SETBACK
	existing road plans and future road plans. In the event of a potential conflict, solar panels may need to be relocated outside of this established ROW to allow for future construction of County roads. In the event that there is no conflict, the County may issue a waiver that will allow for placement of the solar panel within the existing County ROW. It is the responsibility of the applicant to apply for a waiver in these situations, and to provide exact location of proposed placement of solar panels and the distance from section lines. In the event a survey is required, the applicant will be responsible obtaining and for paying the costs of survey.		
Scenic Resources Setback	(5) **Scenic Resources Setback.** Solar panels comprising the SES shall be set back a minimum ¼ mile from any highway, designated to be a scenic highway or roadway by the Yuma County Comprehensive Plan or by the state. A scenic resource protection setback requirement may be reduced if the Board determines that the characteristics of the surrounding property eliminate or substantially reduce concerns related to scenic value.		
UTILITY WIND ENERGY FACILITY			
1. Measured from the outer boundary of the public utility right-of-way or easement [or from existing power line or telephone line]			
2. Measured from the outer boundary of the public road/highway right-of-way or railroad right-of-way			
UWEF	~~Above-ground public electric power lines or communication lines~~		~~2 times system height~~
UWEF	Setback from above-ground electric transmission lines (large power lines		1.2 times system height plus easement width (transmission); blade overhang plus easement width (distribution and communications)
UWEF	Setback from above-ground electric distribution lines (smaller power lines)		Blade overhang plus easement width (distribution and communications)

EXHIBIT A

Yuma County, Colorado, Land Use Code
APPENDIX A: SETBACKS

PROPERTY	LOCATION	ROAD TYPE	SETBACK
	contiguous property lines		
UWEF	Scenic Resource Setback.		Minimum of ¼ mile from any scenic highway or roadway eligible
UWEF	Minimum Ground Clearance		60 feet
~~UWEF~~	~~Wind Access~~	~~No Wind Turbine shall be located in such a manner that the center of the tower is within a distance equal to two times the rotor diameters from any lot line that is downwind and perpendicular to the dominant wind direction.~~	
~~UWEF~~	~~Scenic Resource Setback.~~	~~Wind Turbines comprising the Wind Energy Facility shall be setback a minimum of ¼ mile from any highway eligible or designated to be a scenic highway or roadway by the Yuma County Comprehensive Plan or by the state.~~	

Ecovoltaics. Solar energy systems that co-prioritize ecosystem services and energy production and apply ecological principles through the planning, design, and management of the array.

Elevated Building. A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement.

ENR CCI: stands for Engineering News-Record Construction Cost Index, a monthly index published by *Engineering News-Record* that measures changes in the cost of a hypothetical "package" of construction labor and materials compared to a base year

Existing Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a county.

Expansion to an Existing Manufactured Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Aviation Administration (FAA). The federal agency responsible for aircraft safety.

Federal Emergency Management Agency (FEMA). the agency responsible for administering the National Flood Insurance Program.

Federal Register. The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

Final Plat (Subdivision). A map of a land subdivision prepared according to applicable laws of the State of Colorado and these Regulations having the necessary affidavits for filing, and dedications.

Flood or **Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

The overflow of water from channels and reservoir spillways;

The unusual and rapid accumulation or runoff of surface waters from any source; or

Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood Control Structure. A physical structure designed and utilized expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying structures are those constructed in conformance with sound engineering standards.

Flood Insurance Rate Map (FIRM). An official map of a county, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the county.

EXHIBIT A

Yuma County, Colorado, Land Use Code
APPENDIX B: DEFINITIONS

Nonconforming (Use/Structure). A land division or lot, building or structure, or use of land legally existing at the time of enactment of these Regulations and which does not conform to these Regulations. Such land divisions, buildings or structures, or use of the land are "grandfathered" and subject to the terms and provisions of these Regulations.

No-Rise Certification. A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the one hundred (100) year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Outside Storage. The outside placement of items, including but not limited to vehicles that are inoperable, and mobile homes not connected to utilities not on a permanent foundation, for a period of more than twenty-four (24) hours.

Parcel. See Lot.

Parking Canopy Solar System. Ground-mounted solar collectors installed above parking areas.

Participating property line. means any property line shared with a parcel whose owner has executed a lease or easement agreement with the wind energy project operator, but who does not hold common ownership of record with the parcel on which the wind turbine is located.

Participating, contiguous property line. means any property line shared between two parcels held under common ownership of record by the same landowner, where that landowner has also executed a lease or easement agreement with the wind energy project operator for both parcels. "Contiguous" is defined by common ownership of record, not by project participation.

Permittee. A permittee is the individual, organization, legal entity, or successor in interest who has applied for and/or received official authorization from a competent authority to carry out a specific activity, use property, or operate under defined conditions.

PE Recertification. A written certification prepared and sealed by a Professional Engineer licensed in the State of Colorado, updating a prior cost estimate for the decommissioning of a Utility Wind Energy Facility, Utility Solar Energy System, or Utility Battery Energy Storage System. PE Recertifications shall be completed no less frequently than every five (5) years from the date of the prior certification, or at such earlier date as required by the Board of County Commissioners, and shall reflect current costs of labor, materials, and equipment necessary to complete decommissioning in compliance with the applicable Decommissioning Plan.

Physical Map Revision (PMR). FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

Plat. A plot of land.

Preliminary Plan (Subdivision). A map of a proposed land subdivision, prepared in conformance, that shows the character and proposed layout in sufficient detail to clearly illustrate the proposal for development.

Principal Use. The primary use of the land.

Private Utility. A business or service which is engaged in regularly supplying the public with some commodity or service which is of public consequences and need, such as electricity, gas, transportation or communication.