

Additions are in red.

CHAPTER 10. ADDITIONAL PROVISIONS APPLICABLE TO SITE SELECTION AND CONSTRUCTION OF MAJOR FACILITIES OF A PUBLIC UTILITY

A. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO SITE SELECTION AND CONSTRUCTION OF MAJOR FACILITIES OF A PUBLIC UTILITY

1. The applicant must provide the following information concerning title of the project site, which shall be the entire proposed alignment or corridor under consideration at the time of the application for transmission line and pipeline projects:
 - a. The names and addresses of all surface property owners of the project site and within one thousand three hundred twenty (1,320) feet of the boundaries of the property proposed to be physically disturbed, except for transmission line or pipeline projects, for which the names and addresses of all surface property owners for five hundred (500) feet on either side of the centerline of the proposed alignment shall be provided.
2. The applicant must provide the following items and information:
 - a. A sketch or map showing the following:
 - I. If a power plant is proposed, the area within ten (10) miles from the site.
 - ii. For transmission lines or pipelines, provide a map showing all existing transmission lines (115 kV or greater) or pipelines (ten-inch in diameter or greater) for a distance of two (2) miles beyond any reasonable alternative studied.
 - b. For upgrades of existing transmission lines (115 kV or greater) or gas pipelines (ten-inch diameter or greater), provide a sketch showing all existing transmission lines and pipelines within one (1) mile on either side of the proposed alignment.
 - c. For all other major facilities of a public utility, provide a sketch showing the area within five (5) miles of the site if another major facility is proposed.
 - d. Type of facility - specify where applicable:
 - I. The voltages and lengths of transmission lines.
 - ii. Power source and generating capacity.
 - iii. The functions and sizes of substations.
 - iv. For pipeline projects, the diameters and lengths of pipelines.
 - v. The capacities of the storage tanks and types of petroleum derivative to be stored.
 - vi. Corridor locations.
 - vii. Service area.
 - viii. Resource area (e.g., source of power being generated or transmitted, source of petroleum derivative being transported).
 - ix. Describe applicable support facilities (e.g., pollution control, parking areas, landscaping, etc.) to be provided.

- e. Projected development schedule:
 - I. Estimate maximum number of employees, number of shifts and employees per shift during the construction, operation and maintenance phases of the project.
 - ii. Specify any future phases or extensions of the facility and relationship of the facility (if currently foreseen) to larger programs and plans.
- 3. Analysis of nonstructural alternatives to the project such as conservation of energy use, no development or management (different scheduling, conservation programs, facility design, land trades, etc.), if applicable.
- 4. Analysis of reasonable structural alternatives to the project such as alternate locations and routes, alternative types of facilities, use of existing rights-of-way, joint use of rights-of-way with other utilities and upgrading of existing facilities.
- 5. Analysis of design alternatives concerning access, landscaping, architectural controls and so forth.

B. ADDITIONAL CRITERIA APPLICABLE TO SITE SELECTION AND CONSTRUCTION OF MAJOR FACILITIES OF A PUBLIC UTILITY

- 1. The Board of County Commissioners shall approve an application for permit for site selection and construction of a major facility of a public utility (with reasonable conditions, if any, in the discretion of the Board of County Commissioners) only if the proposed site selection and construction complies with the following criteria, to the extent applicable, and taking into consideration the purpose and intent of these Section 1041 Regulations. (The Board may rely upon the findings and approvals of other governmental entities having jurisdiction over those criteria listed below with respect to their environmental determinations or regulatory compliance.
 - a. All reasonable alternatives to the proposed action, including use of existing rights-of-way and joint use of rights-of-way wherever uses are compatible, have been adequately assessed and the proposed action is compatible with and represents the best interests of the people of the County and represents a fair and reasonable utilization of resources in the impact area.
 - b. The facility site or expansion area is not in an area with general meteorological and climatological conditions which would unreasonably interfere with or obstruct normal operations and maintenance.
 - c. The nature and location of the facility or expansion will not adversely affect the water rights of any upstream, downstream or agricultural users, adjacent communities or other water users.
 - d. Adequate water supplies are available for facility needs.
 - e. The nature and location of the facility or expansion will not unduly interfere

with existing easements, rights-of-way, other utilities, canals, mineral claims or roads.

- f. Adequate electric, gas, telephone, water, sewage, and other utilities exist or shall be developed to service the site.
- g. The applicant has obtained or will obtain all property rights, permits, and approvals necessary for the proposed project, including surface, mineral and water rights and easements for drainage, disposal, utilities, access, etc. If the applicant has not obtained all necessary property rights, permits and approvals, the Board may, at its discretion, grant the permit conditioned upon completion of the acquisition of such rights prior to issuance of a zoning or building permit by the County.
- h. The proposed project will not present an unreasonable risk of exposure to or release of toxic or hazardous substances within the impact area. The determination of effects of the project shall include the following considerations:
 - I. The means by which outdoor storage facilities for fuel, raw materials, equipment and related items are adequately enclosed by a fence or wall.
 - ii. The likelihood of hazardous materials or wastes being moved off the site by natural causes and forces.
 - iii. Containment of inflammable or explosive liquids, solids or gases.
- I. The scope and nature of the proposed project will not unnecessarily duplicate existing services within the County.
- j. If the purpose and need for the proposed project are to meet the needs of an increasing population within the County, the area and community development plans and population trends demonstrate clearly a need for such development.

CHAPTER 10.a. ADDITIONAL PROVISIONS APPLICABLE TO SITE SELECTION AND CONSTRUCTION OF MAJOR FACILITIES OF A PUBLIC UTILITY FOR UTILITY-SCALE WIND FACILITIES

A. ADDITIONAL SUBMITTAL REQUIREMENTS APPLICABLE TO SITE SELECTION AND CONSTRUCTION OF MAJOR FACILITIES OF A PUBLIC UTILITY FOR UTILITY-SCALE WIND FACILITIES

1. **Wind Resource Map** that identifies wind characteristics including prevailing wind direction and minimum, maximum, and average wind speeds.
2. **Noise**
Please check back to this document for proposed requirements to be inserted shortly.
3. **Shadow Flicker**
For utility scale wind energy systems, a copy of the Shadow Flicker Analysis. The applicant shall conduct an analysis on potential shadow flicker at occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year.
4. **Electromagnetic Interference**
Evidence that the project will not be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference. Further, evidence shall be provided that the project will not be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
5. **Complaint Resolution**
A Complaint Resolution process shall be developed that includes a method to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the County from acting on a complaint. The process shall also include contact information where a project representative can be reached during normal business hours during construction of the project.

B. ADDITIONAL CRITERIA APPLICABLE TO SITE SELECTION AND CONSTRUCTION OF MAJOR FACILITIES OF A PUBLIC UTILITY FOR UTILITY-SCALE WIND FACILITIES

The Board of County Commissioners shall approve an application for permit for site selection and construction of a major facility of a public utility for utility-scale wind facilities (with reasonable conditions, if any, in the discretion of the Board of County Commissioners) only if the proposed site selection and construction complies with the following criteria, to the extent

applicable, and taking into consideration the purpose and intent of these Section 1041 Regulations. (The Board may rely upon the findings and approvals of other governmental entities having jurisdiction over those criteria listed below with respect to their environmental determinations or regulatory compliance.

1. Noise Limits

Please check back to this document for proposed noise criteria to be inserted shortly.

2. Electromagnetic Interference

No utility scale wind or solar energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No utility scale wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.