

Procedures Manual

**Subject: WIND/SOLAR ENERGY GENERATION
OVERLAY (WSEO) PLAN**

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1.1. PURPOSE

The purpose of the WSEO plan is to provide the information necessary to rezone properties to the WSEO zoning district and to provide a graphical representation to serve as the zoning of the property after approval. The WSEO plan is a binding document which details land use, dimensional standards, and the general siting envelopes and corridors of principal structures and other appurtenant components.

1.2. BACKGROUND

The WSEO plan is a zoning document which sets forth final plans for development of the WSEO district, including detailed use, dimensional, and development standards, siting envelopes for structures, structure elevations, and other important site improvements.

The WSEO plan forms the basis of administering the WSEO zoning. It serves as the customized zoning rather than the Land Development Code; therefore, the WSEO plan must detail any zoning standards or administrative guidance for the review of development within the specific WSEO zone district boundary. Information necessary to implement the WSEO shall be included in a separate WSEO development guide if not depicted on the WSEO plan. The WSEO development guide has the same legal weight as the WSEO plan and is also binding. The WSEO plan may also be tied to a development agreement.

A WSEO plan serves several other functions as identified in the LDC, including as a support document for the establishment of vested rights (P-AR-039-08).

1.3. APPLICABLE STATUTES AND REGULATIONS

C.R.S. §§30-28-111, 113, and 114 authorize the Board of County Commissioners to adopt and amend zoning regulations for the regulation by districts or zones of the location, height, bulk, and size of buildings and other structures, percentage of lot which may be occupied, the size of lots, courts, and other open spaces, the density and distribution of population, the location and use of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, access to sunlight for solar energy devices, and the uses of land for trade, industry, recreation, or other purposes including methods for the administration of such regulations.

Section 1.18 of the LDC declares that regulation of the land and the attachment of reasonable conditions to the use, development or subdivision of land is an exercise of valid police power delegated by the State to the County.

Section 1.8.4 of the LDC authorizes the DSD Director to change the zoning map when zoning designations and amendments to the boundaries of a zoning district are approved by the Board of County Commissioners.

Section 2.1.2 of the LDC provides the authority for the DSD Director to establish standards for processing development applications.

Section 2.2.1 (B) of the LDC authorizes the Board of County Commissioners to impose conditions on a Map Amendment.

Section 2.2.1 (G) of the LDC authorizes the Board of County Commissioners to impose reasonable conditions upon approval of any application.

Section 2.2.4 of the LDC establishes the authorities of the DSD Director.

Section 4.3.5 of the LDC establishes the allowed uses and dimensional standards within the WSEO zoning district.

Section 4.3.5 of the LDC provides that a WSEO plan is associated with the WSEO zoning district.

Section 4.3.5 of the LDC establishes the purposes of the WSEO district, and the requirement to utilize a WSEO plan.

1.4. APPLICABILITY

WSEO plans are required to support the review of proposed rezoning applications to the WSEO District to ensure conformance with all requirements of State law and the LDC. The WSEO plan serves as the controlling document for administration of the WSEO after approval, recording, and implementation.

1.5. TECHNICAL GUIDANCE

1.5.1. Development Plan Sheets

The WSEO plan frequently includes multiple sheets, each meeting the sheet standards of this procedure. Typically the cover sheet is a title sheet with the general development information, and other distinct elements such as phasing, landscaping, transportation details, etc., are displayed on separate sheets.

1.5.2. Material and Sheet Size

The WSEO plan for review shall be on 24 inch by 36 inch paper. The WSEO plan for recordation shall be on 24 inch by 36 inch single/double matte Mylar or photographic blackline positive Mylar of the same or equivalent strength. The drawing shall include a minimum one inch border and shall meet all other recording requirements of the El Paso County Clerk and Recorder. A reduced 11 inch by 17 inch copy shall also be provided of each sheet.

1.5.3. Visual Representation

Font style, size, and density shall be selected to present an organized and easy to read document. Different lines should be represented by varying the line widths or density. For example, the boundary of entire project should be a wider and bolder line than a specific land use type line. Topography lines, where required, should be fine and dashed. Where necessary, a legend shall be provided on the drawing to identify line size or density differences.

1.5.4. Scale

The WSEO plan shall be drawn to a scale of one inch equals one hundred (100) feet (1 inch = 100 feet) or a scale of one inch equals fifty (50) feet (1 inch = 50 feet), unless the DSD Director approves a larger or smaller scale. Acceptable larger scales are one (1)

inch to twenty (20) feet, thirty (30) feet, or forty (40) feet. In the event a single sheet is not practicable, multiple sheets may be used so long as an index is provided on the first page, and on each sheet:

- Match lines are indicated; and
- A composite drawing is provided that shows the entire development, location of the match lines, sheet numbers, and the location of the sheet within the proposed subdivision by the shading in of the appropriate area on the composite drawing.

1.5.5. Map Contents

The WSEO plan map shall contain adequate information to meet the requirements of State law, all applicable provisions of the County Master Plan and LDC, and any conditions of approval imposed by the approving body (i.e., Board of County Commissioners or DSD Director). As a result, the WSEO plan may consist of multiple sheets, and may include other information such as notes to ensure the plan conforms to any local regulations or State laws. Inaccurate, incomplete or poorly drawn WSEO plans shall be rejected. At a minimum, a WSEO plan shall include the following information:

(A) Title Block and Reference Information

- Name of proposed WSEO centered on the top of the plan and at the top of each sheet. On each sheet, a subtitle, in smaller lettering, shall indicate the quarter section(s)(1/4), section, township and range in which the development is located. The name of the County and the State shall be included in the subtitle. Each sheet shall have the file number in the bottom left hand corner, along the right hand side, or lower right hand corner that reads, "DSD File No. XXX-XXX-XXX".
- Name, address and telephone number of the owners of record located in a separate table on the plan.
- Date of preparation, date of survey, north arrow, written and graphic scale located in the lower right hand corner of each sheet.
- Names, address, and telephone number of person(s) responsible for preparing the plan (e.g., licensed surveyor, licensed engineer or designer of the plat) located in the lower right hand corner.
- Date of submission with provisions for dating revisions located in the lower right hand corner.
- Vicinity map (scale of 1"=2000' in general scale preferred, but does not have to be a scaled drawing) showing the development in relation to section lines and existing or proposed streets within one mile, and the general area of the county.

(B) Legal Description and Associated Information

The legal description on the WSEO plan shall include:

- A legal boundary description showing the location and dimension of all boundary lines and survey monuments of the properties proposed

to be rezoned expressed in feet and hundredths of a foot prepared by a registered land surveyor. Total acreage and surveyed description of the area. The legal description for the properties shall be included in the following format: "A parcel of land in the 1/4 of Section XX, Township XX South, Range XX West, of the Sixth Principal Meridian, County of El Paso, State of Colorado, more particularly described as follows:" The legal description that follows this introduction may be by one of the following two means: (1) by metes and bounds, incorporating a complete traverse and meeting the accuracy standards described above; or (2) by subdivision, block and lot numbers Surveyor Information and Notes

- Reference to the information relied on to establish all easements, rights-of-way, and other features which may include specific reference to a certain title policy including the policy number.

(C) Cover Sheet

The following wording shall be placed verbatim beginning in the upper left hand area of the map:

- General Provisions
A statement establishing the purpose and intent of the WSEO zoning district.
- Authority
This WSEO is authorized by Chapter 4 of the El Paso County Land Development Code.
- Applicability
The provisions of this WSEO shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by this WSEO Plan, as amended and approved by the Development Services Department Director or Board of County Commissioners.
- Adoption
The adoption of this WSEO plan shall evidence the findings and decisions of the El Paso County Board of County Commissioners that this WSEO Plan for (name of WSEO) is in general conformity with the El Paso County Master Plan, El Paso County Policy Plan and applicable Small Area Plan(s); is authorized under the provision of the El Paso County Land Development Code; and that the El Paso County Land Development Code and this WSEO plan complies with the Colorado Planned Unit Development Act of 1972, as amended.
- Relationship to County Regulations
The provisions of this WSEO Plan shall prevail and govern the development of (name of WSEO), provided, however, that where the provisions of this WSEO plan do not address a particular subject, the

relevant provisions of the El Paso County Land Development Code, as amended and in effect at the time of the WSEO plan approval (or owner acknowledge the WSEO changes with the Code), or any other applicable resolutions or regulations of El Paso County, shall be applicable.

- Relationship to Base Zoning District

Approval of this plan does not in any way reduce or alter the regulations and provisions of the underlying base zoning district(s). Instead, this plan provides those properties within the specific WSEO zoning district with additional allowed uses, regulated by specific development standards.

- Enforcement

To further the mutual interest of the residents, occupants, and owners of the WSEO and of the public in the preservation of the integrity of this WSEO plan, the provisions of this plan relating to the use of land shall run in favor of El Paso County and shall be enforceable at law or in equity by the County without limitation on any power or regulation otherwise granted by law.

- Conflict

Where there is more than one provision within the WSEO plan that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern.

- Maximum Level of Development

The allowed uses and structure siting envelopes shown on the WSEO plan is the maximum development authorized for construction.

- Project Tracking

At the time of any final plat application, the applicant shall provide a summary of the development, to date, to Development Services Department, in order to assure maximum development limits are not exceeded.

- The following certifications on a single sheet, which is typically the cover sheet: Surveyor, Title Verification, Board of County Commissioners, Clerk and Recorder, and DSD Director.
- Acknowledgments of the execution of the WSEO plan by the property owner(s) or authorized representative (Statement of ownership and acknowledgment) before a notary public.

(D) Names, Numbering, Lots, Blocks, Tracts and Road Information

- Right-of-way lines, widths, classifications, and street names of all existing and proposed streets within and immediately adjacent to the property being rezoned. Street names, if shown on the WSEO plan,

shall be approved by El Paso Teller E9-1-1 Authority. Alleys, greenways, bikeways, trails, sidewalks, and other transportation links shall also be indicated. Private drives and streets shall be labeled as such.

- The use designations and beneficiary of all proposed or existing easements and rights-of-way showing when conveyed by reception number, and rights-of-way.
- Distinct structure siting envelopes shall be clearly delineated, using appropriate line type, and identified label (e.g., Structure Envelope 1), and category (wind turbine, solar array, substation, etc.), and include specific information regarding each use type, area, maximum structure coverage, and maximum structure height. The same shall be required for all other appurtenant components.
- Distinct structure siting corridors shall be clearly delineated, using appropriate line type, and identified by label (e.g., Structure Corridor 1), and category (transmission line, collection line, etc.), and include specific information regarding each use type, width, carrying capacity, maximum structure height for those portions located above ground, and minimum depth for those portions located below ground.
- Development phases shall be clearly delineated, using appropriate line type, and identified (e.g., Phase 1), if applicable.

(E) Other Development Plan Information

- Sheet Index
- The boundary of the WSEO zoning district delineated with a heavy solid line.
- The identification and designation of the boundary lines of any 100-year floodplain, and the source of the designation.
- Names of all adjoining subdivisions with dotted lines of abutting lots. If the adjoining land is unplatted, it should be shown as such.
- Adjacent ownership (including names, addresses, and tax parcel numbers) and zoning.
- Labels reading "Not a part of this plan" and dashed lines delineating areas that do not constitute a part of the WSEO plan.
- Statement regarding ownership and maintenance for streets, parks, trails, open space, schools, or other uses and dedication of public streets, alleys and easements to the County (may be included in a land use data table).
- Access locations to existing, adjacent, and proposed Major Transportation Corridors Plan (MTCP) roads.
- Internal roads, including right-of-way dimensions, if applicable, and surface widths.

- Utility easements shown and labeled, whether existing or proposed.
- Final planned use of the property, including access, internal roadways, structure elevations, and other site improvements, as appropriate.
- The development standards for each land use and/or phase if not in specifically included in a separate development guide. The standards shall outline the allowed, special, temporary, and accessory uses within the specific WSEO zoning district (matrix format similar to the format in the LDC is preferred). Reference shall not be made to the requirements of other zone districts of the LDC; the WSEO plan shall be a comprehensive set of requirements for the specific WSEO zoning district.
- The horizontal dimensional standards shall include setbacks from existing habitable structures, above ground utilities, public rights-of-way, and the specific WSEO zoning district boundary. The vertical dimensional standards shall include maximum heights and minimum depths for all structures and appurtenant components.
- Any specific signage provisions, including any development entryway signage.
- The review standards for site plan, site development plan, and authorization of building permits, if different than the provisions and regulations of the LDC.

(F) Additional Information (most appropriately on the cover sheet)

- Land use data table for entire plan area. The total gross area, gross structure siting envelope area by use, and total linear distance of all transmission and collection lines.
- Energy generation and transmission capacity table for the entire facility. The maximum energy generation capacity for each turbine string and/or solar array; the type, function, and capacity of any substation; and the capacity of each transmission and collection line.
- Reference to the development guide, where applicable.
- Relationship to any development agreement, if applicable.
- Statement that maintenance of easements shall be the responsibility of the property owner; or specify another entity.
- All applicable standard notes and certificates required by El Paso County staff.
- Any notes that were a requirement or condition of the WSEO plan approval or in the opinion of the DSD Director further the purposes of the LDC.

1.6. RELATED PROCEDURES

1.6.1. Governing Procedures

P-AR-039-08 Vested Rights

P-AR-034-11 WSEO Rezoning (Map Amendment)

1.6.2. Other Related Procedures

P-GP-013-08 Development Agreements

P-AR-066-08 Development Agreement/Subdivision Improvement Agreement
Amendment