

**Waivers Included in the El Paso County Board of County Commissioners  
Resolution No. 19-111: Approve Grazing Yak Solar Array Wind and/or Solar  
Energy Generation Plan Overlay District Rezone (WSE- 18-002)**

**WAIVER**

The applicants are requesting approval of a waiver of the application of Section 4.3.5.D.2 of the Land Development Code. Section 4.3.5.D.2 of the Land Development Code states that, "A development impact mitigation agreement shall be required with all wind and/or solar energy generation plan overlay district applications." Impacts to County infrastructure are anticipated to be minimal with the construction of a solar energy generation facility. Minimal, if any, impacts to adjacent property are anticipated. Staff is not requiring impact mitigation with this application due to the minimal impacts, if any, anticipated with the project.

The applicants are requesting approval of a waiver of the application of Section 4.3.5.C.2 of the Land Development Code, which states that, "A decommissioning plan and agreement shall be required with all wind and/or solar energy generation plan overlay district applications." The applicant has provided a decommissioning agreement, which provides a decommissioning scope of work and timing. The applicants have agreed to provide a detailed decommissioning and site restoration plan, a minimum of six (6) months prior to decommissioning activities. In addition, the applicants agree to provide financial assurances at least five (5) years prior to decommissioning the facility. Staff does not have an objection to the request if Recommended Condition of Approval Nos. 11 and 12 are approved.