

# EL PASO

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# COUNTY

STAN VANDERWERF  
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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**ADMINISTRATIVELY APPROVED PERMIT  
ISSUED TO CONDUCT A  
DESIGNATED ACTIVITY OF STATE INTEREST  
OR  
TO ENGAGE IN DEVELOPMENT IN A  
DESIGNATED AREA OF STATE INTEREST  
IN  
EL PASO COUNTY, COLORADO**

Pursuant to Guidelines and Regulations for Areas and Activities of State Interest of El Paso County (the "Regulations") heretofore adopted by the Board of County Commissioners, the Executive Director of the Planning and Community Development Department (the "Director"), acting pursuant to Section 2.202 of the Regulations, and on behalf of the Board of County Commissioners, has received an application from **Front Range-Midway Solar Project, LLC**, as co-applicant, (hereinafter "Developer"), as owners and applicants (hereinafter "Owner", "Applicant", and "Developer" for an Administratively Approved Permit to conduct the following matter(s) of state interest:

**Site Selection and Construction of Major Facilities of a Public Utility**

and has approved that application.

This Administratively Approved Permit authorizes the Applicant to conduct the following activity/development:

**Construction of the Front Range Midway Solar Array Project, which anticipates a 100.2 MW maximum energy generating capacity and a point of interconnection with either WAPA (Western Area Power Administration) or PSCo (Public Service Company of Colorado) at a location along the western portion of the project adjacent to an existing transmission line.**

On the tracts of land described in Exhibit A (attached).

For the following period: five (5) years expiring June 20, 2023.

In accordance with the plans and/or specifications approved by the Director on June 20, 2018, as well as the guidelines for administration adopted by the County for:

**Site Selection and Construction of Major Facilities of a Public Utility**

On the condition that the Applicant proceeds in conformity with all applicable federal and state statutes, regulations and permits as well as all applicable local land use controls including, but not

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limited to, applicable comprehensive or master plans, subdivision regulations, zoning and building codes.

And on the following additional conditions:

1. Prior to excavation or construction, approval of a site development plan by El Paso County Planning and Community Development (PCD) for the solar array facility is required. The site development plan application shall include, but may not be limited to the following information:
  - a. Site development plan drawings;
  - b. Final drainage report;
  - c. Stormwater Management Plan and Report (SWMPR);
  - d. Erosion and Stormwater Quality Control Permit (ESQCP);
  - e. Any permits required by the Colorado Department of Public Health and Environment, if needed;
  - f. Detailed reseeding plan;
  - g. Lighting plans and detailed specifications, including plans and specifications for temporary lighting, as applicable;
  - h. Sign plans, if signage is proposed;
  - i. Elevations of any above ground structures;
  - j. Emergency response plan, to be prepared in coordination with and acceptable to the El Paso County Office of Emergency Management;
  - k. Noxious weed management plan, to be prepared in coordination with and acceptable to El Paso County Environmental Services; and
  - l. Colorado Department of Health and Environment (CDPHE)-accepted surface and groundwater quality monitoring plans, if required.
2. The activity shall be conducted in accordance with the regulations of El Paso County and the accompanying documents/reports in the Planning and Community Development file for the matter of state interest permit application (AASI-18-002).
3. The Applicant shall provide copies of all required state and County air quality permits prior to approval of a site development plan application.
4. The Applicant shall comply with all applicable local, State, and Federal laws and regulations regarding the use, disposal, storage, and transportation of solid and/or hazardous materials on and off site.
5. Any signage must be approved by the El Paso County Planning and Community Development Department in accordance with Chapter 6 of the El Paso County Land Development Code pursuant to submittal of a separate application for a sign permit.
6. Site lighting, including temporary lighting, will be limited to that shown on the site development plan. All light fixtures shall be directional and positioned so that the light sources are concealed and fully shielded from adjacent properties and public roadways.
7. Operations shall comply with the County Noise Ordinance. If complaints occur, the County may require that the Applicant conduct additional testing to determine noise levels associated with construction or vehicle traffic noise levels. The County may require changes to the hours of operation or require installation of noise controls to achieve acceptable levels as defined in the County Noise Ordinance.

8. The applicant shall comply with federal and state laws, regulations, ordinances, review and permit requirements of applicable agencies including, but not limited to: Colorado Division of Wildlife, Colorado Department of Transportation, Colorado Department of Public Health and Environment, State Engineer's Office, United States Army Corps of Engineers (USACOE), Environmental Protection Agency, FEMA, and the United States Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
9. Any coordination and/or action required by the United States Fish and Wildlife Service or Colorado Parks and Wildlife which may be necessary to address the avoidance or mitigation of impacts of any current or future federally listed or locally sensitive species shall be considered binding. Copies and/or written notice of all documented coordination and/or required action shall be provided to the Planning and Community Development Department within 30 days of receipt by the applicant.
10. The hours of operation during the construction and long term maintenance of the project shall be limited to seasonal day time hours unless otherwise authorized by the Planning and Community Development Department Director prior to the proposed construction and/or maintenance. Requests to conduct nighttime construction activities shall be submitted to the PCD Director at least two business days prior to the time of the proposed construction. Any failure by the PCD Director to respond to the requests within two business days shall be interpreted as an approval of the request.
11. Within the first twelve months of operation, any complaints received by the County or the Developer, related to hazard or safety concerns pertaining to glare from the solar array shall be forwarded to the Developer. It shall be Developer's responsibility to resolve such complaints. The Developer shall have 30 days to assess the complaint and, if the occurrence of a hazard or safety concern is confirmed, then Developer shall propose a remedial plan to the County for review and approval by the PCD Director. If the Developer has not addressed glare complaints to the satisfaction of the PCD Director, the Board of County Commissioners, at an open and public hearing, shall have the authority to review the complaint and may require additional and reasonable mitigation or remedial actions. Such mitigation or remedial actions shall be based on the available evidence including a study, commissioned by the County, completed by an independent evaluator approved by mutual consent of the Parties, at the expense of the Developer, and/or a glare analysis provided by the Developer.
12. At least six (6) months prior to the initiation of decommissioning activities, Developer shall prepare a Project Decommissioning and Site Restoration Plan ("PDSRP") prepared in sufficient detail to identify, evaluate, and resolve all major deconstruction, environmental, hauling, and public health and safety issues reasonably anticipated by the Developer on the date thereof and submit the same to the County for review and approval. The PDSRP shall describe the process that will be used to evaluate the options and select the measures that will be taken to restore, reclaim, or preserve the project site and to otherwise ensure the protection of the public against risks or dangers resulting from the project decommissioning. The PDSRP shall address provision for funding or bonding arrangements to meet the project site restoration or management costs and it shall include an estimate of market value of the equipment and salvage value of all other equipment and materials that do not have value at resale.
13. Developer, its successors or assigns, as the case may be, shall provide financial assurances sufficient for decommissioning costs in the form of a performance bond,

guaranty or letter of credit, or cash to ensure the availability of funds for such costs to El Paso County no later than five (5) years prior to the termination of the delivery of power as identified in the power purchase agreement. An updated engineering estimate of the amount of the decommissioning costs shall be provided by the Developer to the County at least sixty (60) days and no sooner than ninety days prior to providing financial assurances to the County. If decommissioning should occur prior to the termination of delivery of power identified in the power purchase agreement, an updated engineering estimate of the amount of the decommissioning costs shall be provided by the Developer to the County at least 60 days and no sooner than 90 days prior to the start of decommissioning activities.


14. Applicant shall provide notice to the Planning and Community Development Department of the date of initial delivery of power to the existing utility distribution system within 30 days following such date.
15. Issuance of this Permit is only valid with the approval of the approved Wind and/or Solar Energy General Plan Overlay (WSE-O-17-001) District rezoning request. Approval of this Permit is limited as depicted on the WSE-O plan.
16. No expansion, enlargement, or modification of the activity shall be allowed, except that the Applicant shall be authorized to install technological upgrades to the existing facilities, which may result in an increase to the maximum energy generating capacity of 100.2 MW. Under no circumstances shall such technological upgrades result in an increase in the area or height of development nor shall any upgrade result in a reduction in the facility setbacks as depicted on the WSE-O plan.
17. A power purchase agreement between Front Range Midway Solar Array Project and the power purchaser identifying an 100.2 MW maximum energy generating capacity must be provided to the Planning and Community Development prior to the review and approval of the site development plan for the solar energy generation facility and appurtenant facilities.

This Administratively Approved Permit is valid for use only by the Applicant and may not be transferred unless consent is given by the County pursuant to Section 2.506 of the El Paso County Guidelines and Regulations for Areas and Activities of State Interest. In the event that the Applicant fails to take substantial steps to initiate the above development or activity within twelve (12) months from the date of this permit or, if such steps are taken, in the event the Applicant fails to complete the development or activity with reasonable diligence, this Administratively Approved Permit may be revoked by the Planning and Community Development Director.

Date: June 26, 2018

File: AASI-18-002

EL PASO COUNTY PERMIT AUTHORITY,  
ACTING THROUGH THE EXECUTIVE  
DIRECTOR OF THE PLANNING AND  
COMMUNITY DEVELOPMENT DEPARTMENT

  
By: Craig Dossey, Director