

**ADMINISTRATIVELY APPROVED PERMIT ISSUED TO
PIKE SOLAR LLC
PIKE SOLAR PROJECT AND WILLIAMS CREEK SUBSTATION EXPANSION
(PCD FILE NO. AASI-21-002)
TO CONDUCT DESIGNATED ACTIVITIES 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 Sections 2.303, 2.405, and 5.201 of the Regulations, and on behalf of the Board of County Commissioners, has received an application from the **Pike Solar LLC** (hereinafter "Applicant") for an Administratively Approved Permit to conduct the following matter(s) of state interest:

Site Selection and Construction of Major Facility of a Public Utility

and has approved that application (AASI-21-002).

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

Construction of an approximately 175 Mega Watt (MW) solar energy generation facility to include: an array site, associated equipment, meteorological monitoring devices, electrical collection devices, energy battery storage, ten lay down areas, maintenance facility buildings, overhead 230 Kilo Volt (kV) transmission line, an expansion of the Williams Creek Substation, and connections to the existing electrical transmission corridor.

Within parcels (5600-00-123 and 56000-00-140) of land depicted in Exhibit A (attached).

The construction of which is to be completed within the following period: (5) Five years expiring March 28, 2027.

In accordance with the plans and/or specifications approved by the Director on March 28, 2022, as well as the guidelines for administration adopted by the County for:

Site Selection and Construction of Major Facility 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 limited to, applicable comprehensive or master plans, subdivision regulations, zoning and building codes.

And on the following additional conditions:

1. Prior to trenching or construction, approval of a site development plan by the El Paso County Planning and Community Development Department for the solar energy generation facility (PPR-22-008) is required. The site development plan application shall meet the requirements of Chapter 6 of the El Paso County Land Development Code (2021) as determined by the Planning and Community Development Director.
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 Department's files for the matter of state interest permit application (AASI-21-002), the Wind Solar Energy- Overlay application (WSEO-21-001), and the Development Agreement as recorded at Reception No. 222030637.
3. Applicant shall provide an updated haul route plan showing the proposed routes that may be used within El Paso County for oversized/overweight loads prior to approval of the site development plan.
4. 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. Non-typical circumstances may include extended time needed to expeditiously restore traffic flow and/or public access, extended time needed to ensure public health and safety, or extended time needed to maintain utility service. 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.
5. No project related material delivery or hauling may occur on Sundays throughout the project's construction period. No project related material delivery or hauling may occur during the "Hanover Days" Festival (dates to be determined).
6. 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.
7. 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.
 8. The Applications, their 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 Applicants to the County at least 60 days and no sooner than 90 days prior to the start of decommissioning activities.
 9. 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.
 10. Issuance of this Permit is only valid with the approved Wind and/or Solar Energy General Plan Overlay (WSE-O-21-002) District. Approval of this Permit is limited as depicted on the WSE-O plan.
 11. 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 175 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 1041 site plan map attached as Exhibit B.

12. Site lighting, including temporary lighting, will be limited to that shown on the site development plan(s). All light fixtures shall be directional and positioned so that the light sources are concealed and fully shielded from adjacent properties and roads.
13. 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 noise controls may need to be installed to achieve acceptable levels as defined in the County Noise Ordinance.
14. 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.
15. 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.
16. Construction Permits, Work in the Right-of-Way Permits, and Special Transport Permits shall be obtained where necessary for construction in or through County rights-of-way.
17. Access Permits shall be obtained for all temporary and permanent accesses to the project from County roads.

In the event that the Applicant fails to take substantial steps to initiate the above development or activity within twenty-four (24) 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 Director.

Date: March 28, 2022

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

A handwritten signature in black ink, appearing to read 'CDossey', is positioned above a horizontal line.

On behalf of Craig Dossey, Executive Director
Planning and Community Development Department

Exhibit "A"
Legal Description

Legal Description

Tract 1:

The following described lands located in Township 16 South, Range 64

West of the 6th P.M., El Paso County, Colorado:

Section 19: The SE $\frac{1}{4}$ NW $\frac{1}{4}$; Lots 3 and 4 (W $\frac{1}{2}$ SW $\frac{1}{4}$) and the E $\frac{1}{2}$ SW $\frac{1}{4}$

Section 30: Lots 1, 2, 3 and 4 (W $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$); E $\frac{1}{2}$ NW $\frac{1}{4}$ and the E $\frac{1}{2}$ SW $\frac{1}{4}$

Section 31: Lots 1 and 2 (W $\frac{1}{2}$ NW $\frac{1}{4}$) and the E $\frac{1}{2}$ NW $\frac{1}{4}$

The following described lands located in Township 16 South, Range 65 West of the 6th P.M., El Paso County, Colorado:

Section 13: All except the NW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 14: E $\frac{1}{2}$

Section 23: E $\frac{1}{2}$

Section 24: All

Section 25: All

Section 26: NE $\frac{1}{4}$

Section 36: N $\frac{1}{2}$

Parcel ID: 56000-00-123

TRACT 2:

All the real property, together with improvements, if any, situate, lying and being in the County of El Paso and State of Colorado, described as follows:

Portions of Sections 11, 12 and 13, Township 16 South, Range 65 West and portions of Sections 7, 18 and 19, Township 16 South, Range 64 West of the Sixth Principal Meridian, El Paso County, Colorado, more particularly described as follows:

All of said Section 12;

The East Half of said Section 11;

The Northwest Quarter of the Northeast Quarter of said Section 13;

The Northeast Quarter of the Southwest Quarter and Government Lots 3 and 4 of said Section 7;

The East Half of the West Half and Government Lots 1, 2, 3 and 4 of said Section 18;

Government Lots 1 and 2 and the Northeast Quarter of the Northwest Quarter of said Section 19;

EXCEPTING from said Sections 11 and 12 those portions described in Book 5734 at Page 253.

Parcel ID: 56000-00-140

Said Tracts are further described on the Land Survey Plat No. 97902142 of the Records of El Paso County, Colorado.

This property contains a calculated combined area of 217,729,159 square feet (4,998.37 acres) more or less.

