

Pike Solar Project
El Paso County 1041 Application
Applicant: Pike Solar LLC
Submitted: April 2021



Prepared by:
JSI Construction Group LLC
1710 29th Street, Suite 1068
Boulder, CO 80301
Office + 1.303.440.7430

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Acronyms

AC – Alternating Current

APEN – Air Pollutant Emission Notice

CPW – Colorado Parks and Wildlife

CSU – Colorado Springs Utilities

CWA – Clean Water Act

DC – Direct Current

ESA – Endangered Species Act

FAA – Federal Aviation Administration

kV—Kilovolt

MW- Megawatt

PCD – Planning and Community Development of El Paso County

Phase I ESA – Environmental Site Assessment

PPA – Power Purchase Agreement

PPRBD – Pikes Peak Regional Building Department

PV – Photovoltaic

SCADA - Supervisory Control and Data Acquisition

SPCC Plan – Spill Prevention, Control, and Countermeasure Plan

SWMPP – Stormwater Management Program Plan

USFWS- United States Fish and Wildlife Service

USACE – United States Army Core of Engineers

WSE-O – Wind/Solar Energy Overlay

Article 3: Permit Applications

Section 2.303: Submission Requirements for all Permit Applications

(1) Completed Application Form

El Paso County 1041 Application is included in **Appendix A– 1041 Application Form** including a legal description of the Project property.

(2) Additional Information, as required by the Director

Updates added per EDARP comments.

(3) Certification of Deed of Mineral Owners and Notification of Mineral Owners of Surface Development

Please see **Appendix B– Certification of Notice to Mineral Estate Owners**. This verifies that the Applicant has researched the mineral estate owners and identified the list through the El Paso County Clerk and Recorder. At the time the Applicant receives a hearing date notice, the Applicant will provide notice to such mineral estate owners more than 30 days prior to the hearing date and submit verification to the county.

(4) Information describing the applicant

(a) Names, Addresses, including email and fax, organizational form, and business of the applicant and, if different, the owner of the Project

The Applicant for the 1041 Permit is Pike Solar LLC. Pike Solar LLC and JSI Construction Group LLC are wholly owned subsidiaries of juwi Inc. (“juwi”) and any documentation referencing juwi also pertains to JSI Construction Group LLC and Pike Solar LLC. Pike Solar LLC will be the owner of the Pike Solar Project (“Project”).

Applicant: Pike Solar LLC
1710 29th Street, Suite 1068
Boulder, CO 80301
Attention: Jay Sonnenberg, General Counsel
Contact: Claire Gerrish, Project Planner
Phone: 303.996.4154
Email: cgerrish@juwiamericas.com
Fax: 303.442.1981
Organization Type: a Delaware limited liability company
Business: Solar Project Development

Project Owner: Pike Solar LLC
The Project address will be determined upon obtaining a building permit.

(b) Names, Address, and Qualifications, including those Areas of Expertise and Experience with Projects Directly Related or Similar that Proposed in the Application, of Individuals who are or will be Responsible for Constructing and Operating the Project

JSI Construction Group, LLC will be responsible for the engineering, procurement, and construction of the Project. As such, the personnel overseeing the project are listed below.

JSI Construction Group, LLC
1710 29th Street, Suite 1068
Boulder, CO 80301

1. Mark Marion – SVP, Projects Group

Mr. Marion has direct supervision over the project management, permitting, procurement and construction functions and employees at juwi. His primary responsibility for projects in late stage development and under construction is to ensure the company is meeting its commitments to project stakeholders. Mr. Marion has had these responsibilities for over five years at juwi. Mr. Marion was previously a project manager for juwi responsible for projects in Arizona, Florida, Ohio and Utah. Prior to joining juwi., Mr. Marion worked in the Clean Energy & Fuels group of a technology consulting company for four years. He holds bachelor's and master's degrees from Yale University in Chemical Engineering.

2. John Tembrock – VP, Operations

Mr. Tembrock is the Vice President of Operations for juwi. In this role, Mr. Tembrock is responsible for managing, executing, and monitoring the engineering activities for all juwi projects. Mr. Tembrock has 20 years of experience designing and implementing industrial control and data acquisition systems. He has worked in the electric utility, semiconductor, and high-speed manufacturing industries. He has 14 years of experience designing and implementing environmental information systems for EPA air permitted facilities. In this role, he delivered more than 25 custom systems to large and medium utilities and facilities. His responsibilities included customer consultation, design, commissioning, and custom solutions. Prior to this, Mr. Tembrock designed and implemented facility wide ultra-pure water control systems in the semiconductor utility industry. He has been responsible for financial performance, planning, and implementation of many projects within the water purification industry and power industry.

3. Brian Vickers, PMP- Project Manager

Mr. Vickers is a project management professional with over 30 years of experience in managing projects in the environmental services and renewable energy industries. For juwi Inc. he is managing nearly 320MW AC of utility-scale photovoltaic power plants. Mr. Vickers' primary responsibilities include leading juwi's engineering, procurement, and construction activities to deliver a successful Pike Solar Project. Mr. Vickers has an MBA in Technology Management from the University of Phoenix and an MS in Hydrology from the University of Arizona.

4. Ryan Clegg – Project Engineer

Mr. Clegg is a project engineer at juwi. He joined juwi in 2018 as an Operations Center Engineer, where his responsibilities included real-time plant monitoring, responding to and troubleshooting outages, and performing both preventative and reactive maintenance on operating facilities. He transitioned to project engineering at the beginning of 2020, where he is involved with the equipment selection, layout design, and

production of construction drawing packages for two utility-scale PV solar projects. Mr. Clegg holds a BS in Mechanical Engineering and a BA in Plan II Honors from the University of Texas at Austin.

5. Claire Gerrish – Project Planner

Ms. Gerrish is the principal point of contact for the Pike Solar 1041 Application. At juwi, she oversees various projects within the portfolio to ensure development milestones are met in compliance with applicable regulations. Prior to joining juwi's Project Development team, she worked at Anadarko Petroleum as a Land Supervisor in managing permitting and land development program. She has experience in land acquisition and permitting for assets in Wyoming, Texas, Pennsylvania and Colorado. Ms. Gerrish has received her BA in Energy Management from the University of Oklahoma.

(c) Authorization of application by Project Owner

Not Applicable. Pike Solar LLC is the Project Owner for the Pike Solar Project.

(d) Documentation of the applicant's financial and technical capability to develop and operate the Project, including a description of the applicant's experience developing and operating similar Projects.

Financial capability: juwi is a private, Delaware corporation that was founded in 2008 and is a subsidiary of its German parent, juwi AG. juwi's ultimate parent company is an exchange-traded utility company in Germany named MVV Energie. juwi has a proven track record of arranging and securing over \$1 billion in equity financing for 22 solar energy generation projects with an aggregate nameplate capacity over 500 MW. Over time juwi has created strong and lasting relationships with a well-vetted and qualified group of strategic equity investors interested in pursuing ownership of the solar facilities that juwi develops and constructs. From this base of strategic equity investors, juwi can finance the construction of its projects using a milestone payment structure. juwi secures financing for the projects through a transfer of ownership of the project company to the equity investor after the project's offtake agreement is secured and prior to construction Notice to Proceed. As an integral part of the financing process, juwi executes an EPC contract to build the projects and an Operations and Maintenance ("O&M") contract to operate and maintain them. juwi executes O&M contracts with a minimum term of two years, but more typically, investors desire longer terms.

juwi can execute a variety of financial structures from a diverse set of capital providers for construction and long-term financing of the projects. Recently juwi has been successful financing projects in North America with unregulated subsidiaries of large investor-owned utilities, including Duke Energy Renewables, Dominion, PSEG Solar Source and AEP Renewables. These entities have institutional experience in owning and operating power generation facilities, tax exposure to efficiently utilize the benefits of the Investment Tax Credit ("ITC"), and large balance sheets with which to finance projects. Financing the Pike Solar project in a similar manner would be "on balance sheet" and would not require debt. In February of 2021, juwi launched a financing process to secure the funding of the Pike Solar project, with a top tier investment bank acting as juwi's advisor.

Technical capability to develop: juwi has all the in-house capabilities to develop utility-scale solar energy projects, including the Pike Solar Project. juwi's project team consists of renewable energy professionals with the necessary credentials and aptitudes in engineering, electrical design, planning and policy, real estate, law, and construction management. Additionally, the company operates in close coordination, and with support, of a network of outside consultants and counsel. These subject matter experts often focus on niches of the renewable energy industry and have worked on multiple juwi projects elsewhere in the country. By combining

in-house professionals with external consultants, juwi can tailor its development approach to a specific development context by incorporating best management practice and local knowledge to achieve superior outcomes.

juwi maintains long-term relationships with a variety of top-tier module suppliers and employs demonstration facilities to test potential suppliers' equipment. Globally, juwi AG has tested close to one hundred products in its test facilities. The use of actual operating data benefits juwi customers by improving standards of equipment procurement.

Technical capability to operate: Although juwi is not the long-term owner of its projects nor will be the owner of the Pike Solar Project, often, the company is enlisted to provide operation and maintenance (O&M) services to projects. Should juwi be contracted to provide O&M services, it has the necessary personnel and technology capable of maintaining the facility.

juwi currently provides O&M services to more than 230 MW of North American operating capacity and has been providing these services to many of its self-constructed facilities beginning at commercial operation. juwi's Operations Center has extensive experience gained from many years operating utility-scale solar projects.

juwi has developed a plant monitoring and control system which maximizes energy generation while minimizing the downtime associated with planned and forced outages. The system also provides for the necessary control and dispatching functionality required by sophisticated utilities and grid operators. The juwi supervisory control and data acquisition ("SCADA") system is among the most advanced in the industry. It delivers a high-level overview of plant operations in addition to environmental sensing and real-time electrical data associated with subsystems down to the individual array. More importantly, the system is designed to provide operators with a sub-second response to important events including communications outages, inverter failures, and breaker trips.

The existing Operations Center at juwi's headquarters in Boulder consists of a team of engineers and a SCADA system in real-time communication with the facilities that juwi operates. The Operations Center is staffed seven days a week, from sunrise to sunset, for the Eastern, Central, Mountain, and Pacific time zones. The Operations Center engineers are tasked with performing energy generation analyses, tracking and identifying possible irregularities in production, and categorizing and recommending design changes within the SCADA system to ensure the most effective monitoring and analysis in the future. The Operations Center Specialists serve as first responders to plant alarms and malfunctions and are responsible both for initiating troubleshooting procedures and for ensuring proper follow-up and completion of necessary repairs. Ultimately, the Operations Center serves as a communications hub for Project stakeholders, including juwi personnel, subcontractors, and Project owners.

Experience developing and operating: juwi has developed and built five projects in five different Colorado counties (Larimer County, Las Animas County, Adams County, Chaffee County, and El Paso County). The projects in the following table represent the utility scale solar PV projects that juwi has built or is currently developing under an executed power purchase agreement with the applicable utility. In addition, juwi AG has built over 3.0 GW of solar globally. juwi has never failed to reach commercial operation on a project under contract. For the projects shown on the succeeding pages, juwi performed design, procurement, and construction. juwi also served as the EPC contractor and managed services to bring the projects online.

Project, Location	Offtaker	MW _{DC}	Year Built
Dolores Canyon Solar, Colorado	 TRI-STATE	138	2023
Coyote Gulch Solar, Colorado	 TRI-STATE	149	2023
Axial Basin Solar, Colorado	 TRI-STATE	177	2023
Spanish Peaks II Solar, Colorado	 TRI-STATE	52	2023
Spanish Peaks I Solar, Colorado	 TRI-STATE	124	2023
Palmer Solar, Colorado	 Colorado Springs Utilities It's how we're all connected	82	2020
Trout Creek Solar, Colorado	 Sangre de Cristo ELECTRIC ASSOCIATION	2.7	2019
Pavant Solar II, Utah	 PACIFICORP A MIDAMERICAN ENERGY HOLDINGS COMPANY	63	2016
Pavant Solar III, Utah	 PACIFICORP A MIDAMERICAN ENERGY HOLDINGS COMPANY	26	2016
San Isabel Solar, Colorado	 TRI-STATE	38	2016
Rawhide Flats Solar, Colorado	 PLATTE RIVER POWER AUTHORITY	36	2016
Victory Solar, Colorado	 IRSA	16	2016
Whitethorn Solar, California	 Western Area Power Administration	4	2016
Pavant Solar, Utah	 PACIFICORP A MIDAMERICAN ENERGY HOLDINGS COMPANY	62	2015
L&D Solar, New Jersey (EPC)	 PSEG	13	2015
PNM Projects, New Mexico (EPC)	 PNM	12	2015
PNM Projects, New Mexico (EPC)	 PNM	12	2015
Rockfish Solar, Maryland	 SMECO People. Power. Progress.	13	2015
Newman Solar, Texas	 Electric Company	13	2014
Essex Solar, Vermont	 GREEN MOUNTAIN POWER	4	2014
Badger I Solar, Arizona	 aps	19	2013

Milford Solar, Delaware		15	2012
Queen Creek Solar, Arizona		25	2012
Mill Creek Solar, New Jersey (EPC)		4	2011
Cactus Garden Solar, Nevada		0.6	2011
Blue Wing Solar, Texas		16	2010
Highwoods Solar, N. Carolina (EPC)		1.5	2010
Jacksonville Solar, Florida		15	2010
Wyandot Solar, Ohio		12	2010
Mars Solar, New Jersey (EPC)		2	2009

(e) Written qualifications of report preparers

The 1041 Letter of Intent is a product of JSI Construction Group LLC and Pike Solar LLC. The following consultant companies contributed to reports referenced herein. Applicant appreciates its network of consultants in Colorado, which have assisted in the El Paso County Wind/Solar Energy Overlay (WSE-O) and 1041 Application.¹

Pinyon Environmental, Inc. (“Pinyon”) - Pinyon is an environmental consulting company operating for more than 26 years. Pinyon is staffed with experts who offer a variety of services including Biological Resources, Cultural Resources, Regulatory Compliance, Air Quality analysis, and more. Pinyon has completed well over 3,000 Phase I Assessments and contributed to over 5,400 projects during the life of the company. Pinyon’s problem-solving professionals provide professional product to meet their clients’ needs.

CORE Consultants, Inc. (“CORE”) - CORE is an environmental consulting and engineering company with headquarters in Colorado, providing environmental permitting, natural and cultural resource management, construction compliance monitoring, GIS, civil engineering, and land surveying services to the renewable energy, electric transmission, and land development industries. CORE has played a critical role in the development of over 15,000 MW of renewable energy projects and hundreds of miles of electric transmission lines throughout the U.S. CORE provides comprehensive services for all aspects of development, from greenfielding and micrositing, through construction management and operational compliance.

Terracon Consultants, Inc. (“Terracon”) - Terracon provided a range of environmental and geotechnical consulting services for the Project. Terracon is a 100% employee-owned consulting engineering firm providing quality services to a diverse portfolio of private and public clients. Since 1965, Terracon has evolved into a successful multi-discipline firm specializing in environmental, geotechnical, facilities, and construction materials

¹ This does not reflect a comprehensive list of all contributors to the Project. juwi undertakes a comprehensive review of credentials and experience when selecting potential consultants for a project.

testing. Evaluating, identifying, and designing programs to minimize the impact of human activity on natural and cultural resources is the key to Terracon’s natural/cultural resources program. Conservation of wildlife habitat, preserving archaeologically significant sites, and protection of vegetation are the guiding concerns in considering opportunities and constraints in developing innovation solutions for environmentally sensitive areas. Terracon’s national resources professionals include biologists, wetland specialists, ecologists, archaeologists, and architectural historians with many years of experience in dealing with local, state, and federal agencies in the areas of permitting and regulatory compliance.

Stantec Inc. (“Stantec”) - Stantec is an international professional services company originally founded as an environmental engineering firm in 1954. Stantec has diversified to provide a variety of engineering design and consulting services including transportation engineering. Stantec has been retained both by El Paso County and by juwi Inc. to perform road condition assessments in the County.

EMDEX LLC (“EMDEX”) - EMDEX is a company originating from Eneritech Consultants which was founded in 1982 to work on a variety of power-frequency electric and magnetic field (EMF) research projects. EMDEX staff has conducted EMF research and field measurements for numerous types of clients, including projects such as EMF characterization, source identification, and evaluation for various industrial, residential, and commercial environments.

(5) Information describing the Project

(a) Vicinity Map

See **Appendix C- Vicinity Map** depicting the code requested 50-mile buffer around the project site. The project will also have two haul routes from I-25 to the project site. These are depicted on **Appendix AI- Haul Route Map** with the respective exit numbers listed.

(b) Executive Summary of the project included scope and need

Scope. Pike Solar LLC proposes to construct, operate, and decommission the Pike Solar Project, a solar facility capable of generating up to 175 megawatts (“MW”) alternating current (“AC”) of photovoltaic (“PV”) solar energy. This Project will also have potential for up to a 75 MW battery energy storage system (“BESS”). The proposed Solar Project consists of single-axis tracking ground-mounted solar arrays and associated infrastructure sited within approximately 1,350 acres of the WSE-O on land owned by the City of Colorado Springs (“City”) on behalf of its enterprise Colorado Springs Utilities (“Utilities”) in El Paso County (“County”).

^[1] The Project will be located within two parcels owned by Utilities including 56000-00-123 and 56000-00-140 in El Paso County, Colorado.

The equipment in this Project facility system include solar panels, racking equipment, local power stations (each with a DC to AC inverter, medium-voltage transformer, and associated SCADA equipment), weather sensors, underground 1.5kV DC collection lines, underground 34.kV AC collection lines, a 230 kV overhead transmission line that is approximately 1,400’ long, a battery energy storage system, a local substation and control building with associated metering, protection and SCADA devices, and maintenance facilities. Lastly there will be 9 laydown yards located throughout the site for construction materials. A depiction of these locations can be seen in our **Appendix D- 1041 Map Plan**.

^[1] Colorado Springs Utilities is a charter-created municipal enterprise of the City of Colorado Springs, Colorado. The City owns and operates the Colorado Springs Utilities, which includes the electric light and power system, in accordance with the home rule charter of the City. Accordingly, Colorado Springs Utilities and City of Colorado Springs act in coordination as it pertains to issues covered by such charter.

The Solar Project will be a single-axis PV tracking system that connects directly to the Utilities' existing 230-kilovolt ("kV") transmission system. In its first year of operation, the facility will have a generating capacity of approximately 485,785 MWh, directly powering local homes, business, and institutions.

The Utilities will also be requesting an expansion to their substation in order to accommodate for the power generated from this project. Williams Creek is an existing 230kV ring bus substation that will be expanded into a breaker and a half in bays 2, 3, and 4 with the installation of six circuit breakers. This expansion will accommodate a loop in of the existing 230kV NX-CL transmission line and a renewable customer tap. The substation plot does not require expansion and updates to drainage, grading, ground grid, cable trench, fencing, yard rock, conduit, cabling, steel, bus, instrumentation, protection and control, and substation equipment will only be installed or modified as required for the installation of the new equipment. No work for other future expansion will be considered.

Need. The key reasons that the Utilities desires to acquire renewable energy additions are to achieve the Energy Vision renewable energy goals, to respond to trends in customer surveys indicating interest in the Utilities expanding its renewable energy portfolio, to respond to Utilities' customer base to move beyond the Renewables Portfolio Standards ("RPS") and to prepare for any potential increased Colorado or national RPS.

The Utilities' Board approved the 2020 Energy Vision in 2011 and amended it in 2016 through the approval of the Electric Integrated Resource Plan ("EIRP"). The goal of the Utilities is to provide 20% of its total electric energy through renewable resources with at least one percent from distributed generation sources. The Utilities determined the need of approximately 250,000 MWh per year of additional energy from renewable resources. When the Request for Proposal ("RFP") was released, the Utilities requested proposals from 25,000 MWh up to 250,000 MWh of energy per year to deliver starting in 2020 and would consider proposals that could deliver by 2023. juwi submitted its bid (RFP-GM-141545) on May 31, 2018 and the Project was accepted in February 2019. The Project presented in this application will plan to be fully commissioned by December 31, 2023.

In addition to Utilities' needs described above, the Pikes Peak Area of Council Governments (PPACG) Regional Sustainability Project authored a plan called "Looking to Our Future - Pikes Peak Region 2030" which developed a strategy and vision for the future of the region. The plan is based upon the principles of sustainability by balancing economic vitality, healthy community, and stewardship of natural resources for current and future generations. A highlighted component of the plan is energy; specifically: (1) decreasing overall energy use through conservation and energy efficiency and (2) the production and consumption of renewable and/or sustainable energy.

(c) Plans and Specifications of the Project in sufficient detail to evaluate the application against the Applicable Review criteria.

Please see **Appendix D– 1041 Map Plan** for a detailed Project layout, resource maps, and relevant considerations to the proposed Project. The Map Plan identifies the planned use for the land and include several supplemental attachments providing details as to the surrounding ownership, haul routes for construction, easements and existing infrastructure, physical constraints that the Applicant is working around, and the overall siting envelope of the Project. The package provides all details associated with the Project design and factors assessed for the site.

(d) Description of alternatives to the Project considered by the Applicant.

As a trusted Colorado-based energy developer and builder, juwi has cultivated critical relationships with government and Special District landowners in El Paso County. The relationships enable juwi to have optionality when exploring site locations and project design.

Besides Utilities’ land, there were two alternative locations considered for the Project: 1) juwi considered land owned by Woodmoor Water and Sanitation (“Woodmoor”) adjacent to the juwi-developed, built, and operated Palmer Solar Project and 2) juwi considered using its lease covering up to 3,100 acres with the Colorado State Land Board (CSLB) east of the Williams Creek Substation substation. Applicant undertook a comprehensive analysis of the alternative locations and determined the current site and design was best considering Utilities’ renewable energy goals, available land rights, electrical interconnection, and other development criteria based upon juwi’s extensive experience proposing solar energy projects across Colorado. Since the Utilities was the owner of the land where the proposed Project site is shown, this ultimately was chosen for continuity into the Williams Creek Substation.

(e) Schedules for designing, permitting, constructing, and operating the Project, including the estimated life of the Project.

Milestone	Start	Finish
1. Major Permit Approvals (WSE-O, 1041)	Q1 2021	Q2 2021
2. Secondary Approvals (Site Plan Review, PPRBD permit)	Q2 2021	Q3 2021
3. Pre-construction (surveys, engineering)	Q3 2020	Q2 2021
4. Site Improvements, Substation and Project Construction	Q3 2021	Q4 2023
4.1 Civil Construction (site grading; roads)	Q4 2021	Q1 2023
4.2 Post Rack Module Install	Q3 2022	Q2 2023
4.3 Electrical Install	Q3 2022	Q2 2023
4.4 Construction of Interconnection Facilities	Q2 2022	Q4 2022
5. Initial Energization	Q1 2023	
6. Plant Commercial Operation	Q3 2023	Q4 2023
7. Seeding and close out Stormwater Permit	Q3 2023	Q4 2023
8. Estimated life of the Project/1041 Timeframe	2023	2058
9. Final Decommissioning Plan submittal	Q4 2058	
10. Begin Active Revegetation and Site Restoration	Q2 2059	

(f) The need for the Project, including a discussion of alternatives to the Project that were considered and rejected; existing/proposed facilities that perform the same or related function; and population projections or growth trends that form the basis of demand projections justifying the Project.

Several factors contribute to the need for the project:

1. The Utilities has developed a plan of action in response to outside requests and customer feedback to expand the renewable energy portfolio powering the grid.
2. The Utilities will need to replace some existing power sources to the grid as well as respond to increased demand stemming from population growth.
3. Utilities must meet the State’s current RPS and prepare for anticipated increases in RPS requirements in coming years.

Further, the RFP-GM-141545 was released by Utilities to address these same needs, namely:

- Legislative requirements
- Customer feedback

- Capacity availability

Utilities' developed a Sustainable Energy Plan through their Energy Vision. Within this plan, the Utilities will achieve an 80% carbon reduction and retire all coal generation by 2030, including the Martin Drake Power Plant. The goal of the plan is to modernize the grid with new technologies such as the Project within this Application. The Utilities' projected demand growth rate is 0-1% over the next 10 years and has a peak electric load of 908 MW.

The State of Colorado has also published additional literature encouraging increased renewable facilities and enlisting a need for growth to utilities such as CSU. On January 14, 2021, Governor Polis released the "Greenhouse Gas Pollution Reduction Roadmap." In 2019, Gov. Polis partnered with the Colorado General Assembly to pass 14 pieces of climate legislation, including the Climate Action Plan to Reduce Pollution (House Bill-1261), which established science-based targets of reducing statewide greenhouse gas (GHG) pollution 26% by 2025, 50% by 2030, and 90% by 2050 from 2005 levels. Governor Polis directed state agencies to develop a roadmap to achieving these goals with a whole-of-state effort, focusing particularly on the nearer term 2025 and 2030 targets. Utilities committed to the Governor's plans and specifically agreed to reduce pollution by at least 80% and transition to renewables.

The need for this Project is shaped not only from the State of Colorado standards, but also upon the Utilities' long-term goals and benefits shown within the scope of the specific RFP. Support for increasing renewable energy is illustrated in community interest and local programs developed by groups, such as the Pike Peak Area of Council Governments. This local council authored a document titled, "Looking to Our Future- Pikes Peak Region 2030," which described goals toward increasing renewable energy.

In assessing all options for the Project, the Utilities RFP 141545 proposed many alternative interconnection locations. The first option was located at the Williams Creek Reservoir and another at North Clear Springs Ranch. Each location could support up to 12 MW, with the Applicant being responsible for funding the cost of adding additional capacity to these locations. Additionally, interconnection availability exists at four separate Colorado Springs Airport sites, which can each support up to 10 MW, but the Applicant would be responsible for connecting costs.

Multiple points of interconnection were considered including the following that would not connect directly into the Utilities' system but that could serve as a delivery point:

- Midway Substation - interconnected to the Western Area Power Association Colorado Missouri (WACM) at the Midway substation
- Monument Substation - interconnected to Tri-State Generation and Transmission Association (TSGT) at the Monument Substation
- Fuller Substation - interconnect to Xcel Energy (Xcel) and Tri-State Generation and Transmission Association (TSGT) at the Fuller Substation

These third-party points of interconnection require additional costs associated with wheeling transmission to a Utilities delivery point. Bearing in mind Utilities' goal of delivering cost effective renewable energy to the citizens of Colorado Springs, the Applicant decided against using these alternatives. Ultimately, the Williams Creek Substation was determined to be the best and most economic location for interconnection given that it was recently upgraded during juwi's construction of the Palmer Solar Project.

Beyond project economics and capacity availability at the Williams Creek Substation alone, the Applicant recognized an opportunity to build adjacent to the existing Palmer Solar Project, multiple high voltage transmission lines, an electrical substation, gas pipelines, and a landfill in its effort to minimize the Project's visibility and to alleviate potential conflicts with the citizens of Colorado Springs and Fountain. Utilities' land

was chosen instead of land owned by one of the two alternatives in the area for the reasons discussed above in 5(d).

According to the U.S. Census Bureau El Paso County experienced a 15% growth rate between 2010 and 2019. Projections estimate continuous county growth and needs for energy to satisfy such growth.

(g) Description of relevant conservation techniques to be used in construction and operation of the Project.

During the construction phase of the Project, the Applicant plans to create a footprint on only the lands necessary to build the Project. Wildlife, cultural, and wetland reports were rendered in effort to minimize impacts. **Appendix J- CPW Correspondence** contains a letter from the Colorado Parks and Wildlife Department having reviewed our proposed project as well as the biological reports conducted on the property to confirm our plan of action to minimize impacts to the wildlife and their habitats on the site. Surveys will be conducted prior to construction to ensure there are no threatened or endangered species found on the property or appropriate restrictions are taken in the area. Precautions will be taken including exclusionary fencing that is safe for wildlife and transmission lines are only planned for short distances required for interconnection.

Appendix R- Grading and Erosion Control Plan and **Appendix- S- Drainage Plan** will be used to maintain the integrity of the lands and for erosion control.

The Integrated Noxious Weed Management Plan (**see Appendix X**) will be used to help prevent non-native vegetation from growing on the Project site.

Appendix AD- Lighting Plan provides an outline for how artificial lighting will be used on the Project during time of construction and once the Project becomes operational. The plan notes that lighting will be used on an 'as needed' basis. Construction is limited to daylight hours so artificial lighting will be extremely limited. In addition, lighting will only be used for motion sensing near the equipment once the Project is operational. Limiting our lighting efforts is another conservation technique in place for the Applicant.

Traffic for the construction will be managed through **Appendix AJ- Traffic Memo** which estimates a volume between 150-202 vehicle trips per day during construction. The construction team plans to work within the 7 a.m.- 7 p.m. timeframe Monday through Saturday and maintain speeds within the site at 11 mph. This are designed for conservation techniques as well as limiting impact on the community.

(h) Description of demands that this project expects to meet to meet and basis of those demands

The demand for this Project is generated from the Utility RFP that was awarded to the Applicant. This is attached as **Appendix AL- Utility Request For Proposal**. The RFP ultimately was generated from the goals founded from the Utility Energy Vision Sustainable Energy Plan. Through the Sustainable Energy Plan, the goals of the utility will be to reduce carbon emissions at least 80% by 2030 and 90% by 2050, increase renewable energy, retire all coal generation by 2030 and reduce reliance on fossil fuels. The Martin Drake Power Plant is set to retire in 2030. The demands through this plan have allowed for solar energy growth through projects like Pike Solar, as well as upgrades to the Williams Creek Substation, in order to accommodate for the increased power provided to the system.

The Sustainable Energy Plan follows legislative and regulatory initiatives by the State of Colorado to reduce greenhouse gas emissions. The Colorado Greenhouse Gas Pollution Reduction Roadmap is a plan to achieve

100% renewable energy by 2040 and enlists Colorado utilities to join in the commitments. In 2019 legislative session Colorado passed House Bill 19-1261, the Climate Action Plan to reduce Pollution. To ensure Colorado continues to progress with this bill, Governor Polis directed state agencies to develop the comprehensive roadmap. The commitment from the Utility falls in line with their existing Sustainable Energy Plan and overall demand for cleaner energy in the State of Colorado.

The Project will produce 175 MW AC at maximum capacity and is anticipated to have a 35-year lifespan. The Project PPA is attached as **Appendix E- Power Purchase Agreement**, which evidences the Utilities attempting to meet the power needs of its local customer base. The PPA was executed between Colorado Springs Utilities, an enterprise of the City of Colorado Springs (“Utilities”) and Pike Solar LLC (“Seller”) on September 14, 2020. The PPA outlines the terms and conditions by which the Seller will sell and dispatch all energy generated by the Project to Utilities including a guaranteed energy generation requirement.

(i) Adjacent Property Owners

The following list includes the unique property owners (including Woodmoor Sanitation District No. 1 and land owned by City of Colorado Springs) that share a property line with the parcels of the proposed Project.

Table 1: Adjacent Property Owners

APN	Last Name	First Name	Address	City	State	Zip Code
56000-00-137	DISTRICT	WOODMOOR				80132
56000-00-158	NO 1	WATER AND SANITATION	1845 WOODMOOR DR	MONUMENT	CO	
56000-00-130	LANDFILL INC	BROADACARE	1235 NORTH LOOP W STE 205	HOUSTON	TX	77008
56000-00-153	PROPERTIES V LLC	CORUNDUM	1 S NEVADA AVE STE 200	COLORADO SPRINGS	CO	80901
46000-00-058	EL PASO	COUNTY	27 E VERMIJO AVE	COLORADO SPRINGS	CO	80901
46000-00-041	CITY	OF COLORADO SPRINGS	PO BOX 1575	COLORADO SPRINGS	CO	80901
46000-00-046						80202
56000-00-030						
46000-00-015	STATE	OF COLORADO	633 17TH ST STE 1520	DENVER	CO	
56000-00-131						80817-9520
56000-00-029						
46000-00-019	RANCHES	HANNA	15680 HANOVER RD	FOUNTAIN	CO	

(6) Property rights, other permits and approvals

- (a) Description of property rights that are necessary or that will be affected by the Project, including easements and property rights proposed to be acquired through negotiation or condemnation**

Table 2:

Necessary Property Rights			
Property Right Type	Owner	Proponent	Purpose
Land Lease	City of Colorado Springs (Colorado Springs Utilities)	Pike Solar LLC	Authorizing use of CSU land for the Pike Solar Project (including substation)
Temporary Access Easement	Woodmoor Water & Sanitation District No. 1	Pike Solar LLC	Authorizing temporary access road through Woodmoor and Palmer Solar LLC land

Table 3:

Property Rights affected by Project			
Property Right Type	Owner	Proponent	Purpose
Encroachment Agreement	Public Service Company of Colorado (Xcel)	Pike Solar LLC	Agreement authorizing transportation access and MV cable across 225ft wide easement
Encroachment Agreement	Mountain View Electric Association (Tri-state)	Pike Solar LLC	Agreement authorizing transportation access and MV cable across 100ft wide easement
Encroachment Agreement	Kinder Morgan	Pike Solar LLC	Authorizing transportation access across existing gas pipeline easements

*The negotiated encroachment agreements may be included in our Site Development Plan submittal.

- (b) A list of all other federal, state, and local permits and approvals that will be required for the Project, together with any proposal for coordinating these approvals with the County permitting process. Copies of any permits or approvals related to the Project that have been granted.**

Table 4: Required Permits

Permit	Agency	Notes
Federal		
US Army Corps of Engineers (USACE)	Nationwide Permit- not required	Wetlands delineations reports have been submitted to USACE for Jurisdictional Determination. The final determination was made that no nationwide permits are required and there are no jurisdictional waters on the Project site. No further action is required.
Spill Prevention Control and Countermeasure (SPCC)	Environmental Protection Agency (EPA)	SPCC Plan required for aggregate oil containment on-sites that exceed 1,320 gal. of oil-filled transformers
State		
Air Pollutant Emission Notice (APEN)	Colorado Department of Public Health & Environment - Division of AIR Quality	No major permitting related to air quality or emissions is expected for the project. To comply with State regulations, a notice to proceed and terminate is required from the State of Colorado.
Construction Stormwater General Permit (NPDES)	Colorado Department of Public Health & Environment	Construction of the project requires application and approval by Colorado Water Quality Control Division to comply with regulations for stormwater discharges associated with construction activities. This will include development of a Stormwater Management Plan.
Temporary Access Permits	Colorado Department of Transportation	Temporary access permits will be obtained from CDOT for the two designated haul routes.
Haul Permits	Colorado Department of Transportation	Haul permits will be obtained from CDOT for loads that exceed specified size and/or weight requirements.
State Electrical Permit	State of Colorado Electrical Board- Department of Regulatory Agencies	This type of commercial solar energy generation facility requires inspections and approval by the State to adhere to electricity regulations.
County/Local		
Wind and Solar Energy Overlay (WSE-O)	El Paso County	In conjunction with this application is also a submittal for the WSE-O. This Overlay designation can be applied to any underlying zoning. A comprehensive application package will be submitted to the County that addresses planning issues and design considerations relevant to the El Paso County Master Plan and Policy Plan. The approval process includes coordination with County departments, agencies, and the public.
1041 Permit	El Paso County	In addition to WSE-O approval, the project meets criteria for Areas and Activities of State and Local Interest (1041 Permit). This application and permitting process can run concurrently with WSE-O, including meetings with the Planning & Community Development and Board of County Commissioner for approval. The project will adhere to conditions established through the 1041 process.
Site Development Plan	El Paso County	Site plan review is required before an application for a building permit. This review ensures project design is consistent with the El Paso County Code and conditions established in the WSE-O and 1041 permitting process.

Construction Permit	El Paso County	Permit will be obtained prior to Pike Solar Project construction
Erosion and Stormwater Quality Control Permit	El Paso County	El Paso County requires an Erosion and Stormwater Quality Control Permit prior to land disturbing activities.
Building Permit	Pikes Peak Regional Building Department	Following Site Plan Review, local regulations require review and approval of building plans and design. This includes electrical designs and other final drawings for the Project.
Temporary Access Permit	El Paso County	There is existing gate access from Birdsall onto the Woodmoor Water and Sanitation District no. 1 property. The access point onto the site may be a few hundred feet (east or west). Depending on final design, a Commercial Driveway Temporary Access Permit may likely be required.
Right of Way Permit	El Paso County	Work needed for the Access Permit requires a concurrent Work in Right of Way Permit
Haul Permits	El Paso County	Haul permits will be obtained from CDOT for loads that exceed specified size and/or weight requirements.
Haul Route	City of Fountain	Obtain general approval of haul route plans through City of Fountain

(c) Copies of relevant official federal and state consultation correspondence prepared for the Project; a description of all mitigation required by federal, state, and local authorities; and copies of any draft or final environmental assessments or impact statements required for the Project.

Several studies were conducted on the Project area, specifically, the **Appendix F- Biological Resources Report** dated November 2, 2020 and the **Appendix G- Phase I Environmental Site Assessment** dated October 21, 2020. Additionally, the **Appendix H- Non-Wetland Water Features and Wetlands Report** dated October 2, 2020 was rendered and submitted to state and federal agencies for review.

Colorado Ecological Services of the US Fish and Wildlife Service (USFWS) received our letter on November 10, 2020 and submitted their correspondence on December 7, 2020 expressing no concerns about the Project's impacts to species (**Appendix I- USFWS Correspondence**).

Additionally, the Applicant submitted a letter to the Colorado Parks and Wildlife (CPW) department on November 10, 2020. CPW responded on February 1, 2021 with general concurrence to all the biological report recommendations for wildlife and associated habitats. The Applicant has agreed to abide by the recommendations made by CPW. **Appendix J- CPW Correspondence** contains communications and recommendations for mitigation of wildlife impacts.

On October 2, 2020, correspondence was sent to the US Army Corps of Engineers (USACE) regarding Jurisdictional Approval for the wetland report (**see Appendix K- USACE Correspondence**). The final response was that no jurisdictional wetlands or waters were found. No further action is required.

Correspondence with the Federal Aviation Administration (FAA) dated October 13, 2020 is attached as **Appendix L- FAA Correspondence**, confirming a "No Hazard Determination" for the Project.

Communications with the Office of Archeology and Historic Preservation (OAHP) are attached as **Appendix M- OAHP Correspondence**. On December 21, 2020, the Applicant supplied the Office of Archeology and Historic Preservation with the Class I Cultural Resources Report dated October 2, 2020 for review. That office responded stating that no additional response would be required because the locations were specifically identified in the supplied report.

In preparing additional plans for this submittal, the Applicant has been in communications with Hanover Fire Protection District (**see Appendix N- Hanover Correspondence**). The Applicant has formally requested that the Fire District service the Project for any Emergency Medical Services (EMS) or fire emergency needs. The correspondence also details the emergency response plans currently being developed along with requesting the Fire District’s feedback in creating a mutually agreeable plan.

As an additional precaution, the Applicant has also submitted correspondence to the Pikes Peak Regional Building Department (PPRBD) with information regarding the design plan (**see Appendix O- PPRBD Correspondence**). This plan evidences the Project’s four planned road crossings that will traverse a 100-year floodplain. In the email dated January 20, 2021, Keith Curtis verifies that no issues exist with the Project plan, associated crossings, and floodplains. Therefore, the Applicant will be working to submit the permit applications for the Project’s projected crossings according to the building department code.

The Project has no major federal nexus requiring action or additional communication under the National Environmental Policy Act (NEPA) or other relevant federal law.

(7) Land-Use

(a) Project Map Detailing Current Land Use and Zoning, including adjacent lands

The Project area is currently divided into three zoning areas, including: Agriculture-5 (A-5), Agriculture-35 (A-35), and Residential Rural-5 (R-5). Please see **Appendix P- Zoning Map** for details.

The majority of the lands adjacent to the Project area have similar zoning categories; however, a small area south of the Project is categorized as Industrial-3 (I-3) zoning. Other adjacent lands are Incorporated City lands.

Appendix P also includes the land use of the project site and directly adjacent lands as well as a map of the public lands depicted surrounding the site.

(b) Affected Public Land Boundaries and Impacts

There are no federally owned lands in the Project vicinity. State lands have been identified; however, they are not considered “public lands” because they have specific beneficiaries outside of the general public. These are depicted on map within the **Appendix P- Zoning Map**. The Zoning Map identifies the boundaries of Un-Incorporated City lands, another map showing the land use and a third map identifying the public lands as a reference point. Additionally, there are lands owned by the City of Fountain for the landfill and lands owned by the State that have been earmarked for the Kane Ranch Open Space Parks and Trails design (**see Appendix AF**).

(c) Conformity with El Paso County Master Plan

The El Paso County Master Plan contains guiding documents for land use and zoning. The Project has met the guidelines under the Master Plan along with other Plans including: the El Paso County Policy Plan (“CPP”), Small Area Plans including the applicable South Central Comprehensive Plan, the Parks Master Plan, the Master Plan for Mineral Extraction, the Water Master Plan, and the Major Transportation Corridor Plan.

The sections below reflect the order of applicable goals and policies as they appear in the CPP.

COUNTY POLICY PLANS

CPP 1.0 Small Area Plans

- *Policy 1.1: Specifically encourage the active participation of affected municipalities in the development of new and revised SAP's.*

The Project area lies within the boundary of the South Central Small Area Plan in El Paso County. While this area is still mostly rural, this Small Area Plan was designed to offer a framework it plans for potential growth and development. The details of this Project's compliance with the South Central Comprehensive Plan are described below, after addressing the County Policy Plans.

CPP 2.0 Natural Systems

Goal 2.1: Preserve, enhance and restore the environment to acceptable health standards.

Renewable energy systems have the benefit of supplying power to the local energy grid without contributing to pollution. Solar energy is a clean alternative for providing electricity needs to the Utilities and growing community. The Project will be an unmanned solar field within an agriculture zoned field.

The Applicant will approach its initial construction and subsequent operations in an effort to mitigate any negative environmental effects. The Applicant has conducted several environmental studies which have determined the impacts and mitigation efforts as to wetlands, biological resources, wildlife, and cultural artifacts within the Project area.

CPP 2.1 Air Quality

Policy 2.1.1 Meet the Federal Clean Air and Clean Water Acts and its amendments

The Project will not result in adverse impacts to air quality. During the construction and operation phase of the Project, mitigation efforts will exist to reduce dust emissions. Pursuant to the El Paso County Land Development Code 6.3.1, the Applicant has included **Appendix Q- Air Quality Management Plan** that describes efforts to adopt Best Management Practices, minimizing fugitive dust during the construction phase of the Project. Some of these efforts will include applying water on haul roads and equipment and excavation faces, restricting vehicle speeds to eleven miles per hour, and suspending activities during high-wind events. Additionally, sediment control practices such as targeted grading will exist to help minimize fugitive dust (**see also Appendix R- Grading and Erosion Control (GEC) Plan**). The Applicant plans to submit an Air Pollutant Emissions Notice (APEN) prior to the start of construction, which will be submitted as-required to the Colorado Department of Public Health and Environment (CDPHE) for any project that disturbs or covers 25 or more contiguous acres of land or continues four or more months.

CPP 2.1 Hazardous Materials

- *Policy 2.1.3 Meet regulations and monitoring for the transportation and storage of hazardous materials and wastes.*
- *Policy 2.1.5 Encourage the practice of appropriate management techniques for handling and disposal of hazardous materials and wastes.*
- *Policy 2.1.6 Encourage the control, reduction, and elimination of hazardous materials and wastes at their sources.*

Applicant has included the Phase I Environmental Site Assessment report dated October 21, 2020 pertaining to the Project area (**see Appendix G**). The report findings indicate no presence of hazardous substances or petroleum products defined as Recognized Environmental Conditions (RECs), Controlled Recognized Environmental Conditions (CRECs), nor Historical Recognized Environmental Conditions (HREC) were found on the Project area.

The lithium contained in the BESS installed on the property will be considered a hazardous material. Several plans will exist ensuring that regulations are followed, and appropriate measures are taken to minimize impacts from the installation, operation, and decommissioning of said BESS. The BESS will be housed in a containerized unit, surrounded by security fencing, and the unit will undergo UL9540A testing. The plan for handling the battery will be agreed upon with the Hanover Fire Protection District. Should there be any

emergency associated with the Project, a guide on handling the battery is outlined in the **Appendix W-Emergency Response Plan**.

A Spill Prevention, Control, and Countermeasure (SPCC) Plan will be prepared for construction. The SPCC Plan will contain information regarding training, equipment inspection and maintenance, and refueling of construction vehicles with an emphasis on spill prevention. This plan will be implemented, and a hard copy will be located on-site during construction. The Applicant's finalized SPCC Plan will be supplied with the Site Development Plan application following this application.

Personnel will follow the project guidelines in the Operations and Maintenance Plan (**Appendix AH**). This plan will include landscape inspections to limit fire hazards, hazardous materials training for personnel, and BESS and other systems monitoring.

There will also be a Decommissioning Plan (**Appendix Y**), which will detail the proper disposal methods of components at the termination of Project operations.

CPP 2.1 Noise

- *Policy 2.1.7 Encourage the adoption of noise level standards which limit or mitigate adverse impacts to surrounding land-owners*
- *Policy 2.1.8 Carefully consider all proposed land uses adjacent to interstate highways, railroads, military training areas, and in designated flight zones to protect them from associated disruptive noise levels.*

The Project, once operational will produce negligible amounts of noise. Because there will be no permanent on-site employees, no traffic or personnel noise will be anticipated.

During the construction phase of the Project, several procedures will exist to control noise. The working hours for the site will be 7 a.m. to 7 p.m., Monday through Saturday – possibly, but rarely on Sundays. The Project will be located over a mile and half from residences. The traffic and haul routes have been designed around approve local haul routes and, in an effort, to minimize impact to the local community and to meet noise thresholds. The Applicant will abide by applicable noise guidelines in the Land Development Code 6.2.7 and will not exceed the maximum allowable 80 dBA for the anticipated construction activities. On-site employees will be instructed to abide by the Ordinance Concerning Noise Level 02-1 and the guidance stipulated in the Land Development Code for El Paso County.

CPP 2.1 Water Quality

- *Policy 2.1.1 Meet the Federal Clean Air and Clean Water Acts and its amendments*
Policy 2.1.9 Encourage approaches to land use that promote innovative techniques to protect water quality and encourage mitigation to reduce pollution from non-point sources such as run-off from roads, parking lots and lawn chemicals.

Several steps will be taken to protect water quality on the Project site. The Applicant has already obtained a Non-Wetland Water Features and Wetlands Report (**Appendix H**) dated October 2, 2020 from the US Army Corps of Engineers (“USACE”), which has jurisdictional determination to protect navigable waters of the US. This report identified applicable waters in the Project area and has allowed the Applicant to identify and develop appropriate Project area road crossings that intersect these waters – thus providing the necessary environmental protection.

Additionally, the Grading and Erosion Control Plan (**Appendix R**) and Drainage Report (**Appendix S**) identify the Applicant's anticipated drainage and erosion control measures to protect water quality. Several additional reports including a Stormwater Management Plan and an Erosion and Stormwater Quality Control Permit are in progress, which will be provided in the Site Development Plan submission to further promote innovative water protection techniques. Core Consulting has been supplying these reports in compliance with the County regulations and manuals.

Water is further addressed in this application in CPP 3.0: Water Resources.

CPP 2.2 Wildlife and Vegetation Impacts

- *Goal 2.2 Protect the flora and fauna found in the County's five life zones and transitional communities.*
- *Policy 2.2.1. Encourage a coordinated and systematic planning approach to identify, locate and protect critical areas of wildlife habitat from all five life zones and transitional communities.*
- *Policy 2.2.3 Evaluate the impact from proposed developments on watersheds and wildlife habitat with appropriate governmental agencies early in the development process.*
- *Policy 2.2.4 Provide incentives to encourage development to incorporate sensitive planning that ensures the protection of watersheds and wildlife habitat*
- *Policy 2.2.7 Comply with requirements of the federal Endangered Species Act*
- *Policy 2.2.8 Encourage the protection and preservation of state listed endangered and threatened species, species of special concern, and species with immediate conservation needs*

Efforts have been made in the Project design to identify and consider the presence of wildlife, vegetation, noxious weeds, and wetlands within the Project area. The Applicant has coordinated with various jurisdictional entities to verify that guidelines will be met, and the environmental impact will be kept to a minimum.

WILDLIFE

Several efforts have been made to protect wildlife within the Project area. A Biological Resources Report (**Appendix F**) was rendered on October 19, 2020 by Pinyon Environmental, Inc. The property has been predominately used as grazing lands and is located in a rural area. The report findings indicate that there are no critical habitats for any federally listed species that are categorized as threatened or endangered. Additionally, the Applicant notified the USFWS of the report's findings (**Appendix I- USFWS Correspondence**), and in a response dated December 7, 2020, they have indicated no concerns associated with the project design and report's findings.

The Biological Resources Report does identify the following state-listed species categorized as 'threatened' and/or 'species of concern' along with corresponding recommended actions:

- State-Listed Threatened Species:
 - Burrowing Owl- Conduct Prairie Dog removal when the Burrowing Owls are absent between October 31 and March 15.
- State-Listed Species of Concern:
 - Bald Eagle- No nests were located within a half-mile of the project site, however, should they be found prior to construction, a quarter-mile buffer would need to be implemented to avoid encroachment on the habitat.
 - Ferruginous Hawk- None were observed within the project area, however, should they be found prior to construction, a half-mile radius would be required around an active nest
 - Mountain Plover- None were observed within the project area, however, should the Applicant decide to minimize potential for Mountain Plover, vegetation-clearing and ground disturbance should be planned between August 31 and April 1.
 - Black-Tailed Prairie Dog- Prairie Dog removal will be required for the Project Site and require coordination with CPW.
 - Swift Fox- Efforts to mow the shortgrass prairie vegetation and fill burrows within a quarter mile of the proposed ground disturbance should occur between June 15 and March 15.
 - Northern Leopard Frog- None were located at the Project site and no action is required.

To confirm compliance, the Applicant supplied these report findings and recommended actions to CPW. The Applicant will adopt measures in the construction, operation, and maintenance of the Project that adheres to the above-mentioned recommended actions. CPW submitted a letter of concurrence (**Appendix J**) in recommendations for surveys and methods of handling wildlife and associated habitats.

VEGETATION

The Project area is a rural undeveloped location consisting of shortgrass prairie habitat and rangeland areas. Site studies have not documented any sensitive or listed plant species in the analysis. The current vegetation on the site is dominated by species such as common sunflower, field bindweed, kochia, lambsquarters, western wheatgrass, blue grama, buffalo grass, cholla, fourwing saltbush, leafy false goldenweed, and prickly pear cactus. These vegetation species are identified in the Non-Wetland Water Features and Wetlands Report (attached as **Appendix H**). Construction will temporarily impact this vegetation, but re-vegetation efforts are planned following project development. Disturbances will be limited to the planned development area with the remaining leased property left in its original condition. The Project will be designed around a reservoir expansion area that will remain untouched along with a potential trail available for future development. Vegetation maintenance efforts will be addressed by following the Integrated Noxious Weed Management Plan (**Appendix X**) guidance and through mowing. The Decommissioning Plan (**Appendix Y**) details how the lands surrounding the project will be restored through re-seeding and reclamation efforts.

NOXIOUS WEEDS

An Integrated Noxious Weed Management Plan was developed (**Appendix X**) and rendered on December 14, 2020. This report, which has been cross-referenced with the El Paso County Noxious Weed Management Plan, lists the following findings of Noxious Weed types and associated management goals:

- List A species:
 - No species listed within the report
- List B:
 - Hoary Cress- Pursuant to the CDA and the El Paso County Noxious Weed Management Plan, this is a priority for elimination and such actions are recommended.
 - Canada thistle- The CDA and the El Paso County Noxious Weed Management goal for this species is suppression.
 - Salt Cedar- The CDA and the El Paso County Noxious Weed Management goal for this species is suppression.
- List C:
 - Field Bindweed- Management and mitigation efforts for List C species is not required by law and management is not recommended.

Best Management Practices have then been identified to manage said Noxious Weed species. Mechanical and Chemical methods shall treat List B species. The Applicant will implement the following treatment recommendations:

- Hoary Cress elimination techniques include mowing repeatedly throughout the spring and summer in combination with herbicides during the early spring and summer.
- Canada Thistle has a suppression recommendation that requires mowing every 10-21 days, coupled with during the spring to bloom stage and in the fall immediately following mowing.
- Salt Cedar suppression requires cutting down trees and applying herbicides to the stump and roots systems.

WETLANDS

As part of the Applicant's pre-development actions, Pinyon Environmental, Inc. rendered The Non-Wetland Water Features and Wetlands Report dated October 2, 2020, which identifies wetlands and potential wetlands throughout the Project area (**Appendix H**). The Applicant provided this report to the USACE in a letter dated October 2, 2020. The final response was that no jurisdictional wetlands or waters were found, and this correspondence is included. No further action is required.

CPP 3.0 Water Resources

- *Policy 3.1.7 Carefully analyze each new development's proposed use of water.*
- *Policy 3.3.2 Consider the water requirements for natural areas adjacent to proposed developments*
- *Policy 3.3.4 Implement appropriate measures to protect and/or mitigate effects of point and non-point sources of pollution to surface water*
- *Policy 3.3.6 Evaluate the consequences to surface water from new development including run off of natural soils, as well as chemical compounds that may result from the proposed uses including pesticides, herbicides and hydrocarbons*

During the project construction phase, an estimated 4,475,000 gallons of water will be required for the Applicant's dust mitigation efforts. The Applicant is working with the Utilities to negotiate water usage terms with the goal of utilizing onsite water from the Williams Creek Pump Station (see **Appendix Z- Water Service Letter**).

This Project, once operational, will have negligible impacts on water quantity or quality. Although the Applicant hopes to rely upon natural rainwater to clean the solar panels, occasionally pumped water may be required.

CPP 4.0 Historic Resources

- *Goal 4.1 Encourage preservation and enhancement of historical resources.*
- *Policy 4.1.1 Support a systematic inventory to identify and categorize historic sites, structures and artifacts*
- *Policy 4.1.6 Encourage reporting of all artifacts unearthed during construction of roadcuts, utility lines, outside storage, water tanks and buildings.*

A Class I Cultural Resource Report desktop review was conducted, and a report rendered on October 2, 2020 (**see Appendix AA**), identifying the cultural and historic resources within the Project Area. The report identified three resource locations where additional studies would be required prior to any construction activities. Two of the locations (5EP.4830 and 5EP.4832) are identified as Archeological Resource Types that "Need More Data." The third location (5EP.4849) is an Archeological Resource Type that is categorized as "Officially Eligible." The current Project design plans do not intersect or interfere with these identified locations, and the Applicant will abide by the recommended actions by fencing and avoiding these locations, preventing interference.

As an additional precaution, the Applicant supplied the Office of Archeology and Historic Preservation (OAHP) with the reports, letters, and available information and the Applicant's proposed response plans. In the correspondence attached, the Applicant requested for the OAHP to review the Class I Cultural Resources Report. On December 28, 2020, the Applicant received a letter from the OAHP, which verified that (i) the resources in the report do not pertain to the per view of their review, (ii) Section 106 of the National Historic Preservation Act and the Colorado State Register Act (Colorado Revised Statute (CSR) 24-80.1) does not apply, and (iii) the Project design will not interfere in any potential cultural resources on the property.

CPP 5.0 Economic Development

- *Goal 5.1 Maintain a land use environment which encourages quality economic development that is compatible with surrounding land uses.*

- *Policy 5.1.1 Encourage economic development that enhances a sense of community, provides vigor to the economy and considers the environment while contributing to the overall health of the County.*
- *Policy 5.1.6 Promote economic development alternatives, such as locating in industrial parks, which place the lowest strain on available infrastructure*

The construction phase of the Project will provide more than 300 temporary construction jobs, and the Applicant will implement efforts to recruit locally for those positions. juwi intends to work closely with the Colorado Springs-based Pikes Peak Workforce Center, matching workers with the Project. Specifically, the Applicant has established a relationship with Crystal Volmar, a Business Specialist at Pikes Peak Workforce Center and plans to work with her team to take advantage of the Workforce Center’s programming resources, hiring events, and job fairs.

The Project will also benefit local business in Fountain and Colorado Springs, including the food service industry, lodging, fuel stations, equipment rentals, and hardware/tool supply vendors. Additionally, the Project will provide increased tax revenue.

Perhaps the Project’s most impactful and obvious long-term benefit to the growing community will be providing clean energy capable of powering 58,200 homes.

CPP 6.0 Growth and Land Use

- *Goal 6.1.b Support growth and development in the unincorporated County in a manner which reasonably limits long term public costs, provides for the development of supporting infrastructure, preserves environmental quality, provides economic opportunities, and otherwise enhances the quality of life.*
- *Policy 6.1.1: Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.*
- *Policy 6.1.3: Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.*
- *Policy 6.1.6: Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently.*
- *Policy 6.1.8: Encourage incorporating buffers or transitions between areas of varying use or density where possible.*
- *Policy 6.1.10: Ensure that new development will not create a disproportionately high demand on public services and facilities by virtue of its location, design or timing.*
- *Policy 6.1.11: Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.*
- *Policy 6.1.15: Recognize the need for new development and redevelopment to respond to changes in demographic, market and technological conditions.*
- *Policy 6.1.16: Allow for new and innovative concepts in land use design and planning if it can be demonstrated that off-site impacts will not be increased, and the health, safety and welfare of property owners and residents will be protected.*
- *Policy 6.2.1: Fully consider the potential impact of proposed zone changes and development on the integrity of existing neighborhoods.*
- *Policy 6.2.10: Utilize buffer zones to provide mutually compatible transitions between neighborhoods and adjoining development with differing uses or densities.*
- *Policy 6.6.6: Consider the development of cooperative building, zoning and infrastructure standards in areas that interface with municipalities and military properties.*

The purpose of this Project is to support the community of El Paso County in developing a renewable energy source that will interconnect on Utilities’ grid. This Project will provide a more sustainable and efficient energy source to help accommodate the ever-growing community.

During the construction phase of this project, the indirect benefits of the Project will be added business to the local food service industry, fuel stations and lodging businesses. The Project plans have been intentionally designed to reduce/mitigate the environmental impact to the wetlands, wildlife, and cultural resources of the Project area and surrounding lands. The Applicant will make environmental quality a priority through reducing impacts to most of the water features by specifically engineering/designing crossings through wetlands. The Project design will specifically avoid cultural locations and the wildlife plans will minimize impacts to wildlife and associated habitats.

The Project site was selected based upon the interconnection proximity to the Williams Creek Substation, which will provide the needed transmission infrastructure - an economic benefit. Additionally, the Project site will be compatible and meet the Utilities' goals because the land is owned by the City of Colorado Springs on behalf of its enterprise Colorado Springs Utilities. Also, the Project design will be compatible with the Applicant's goal to integrate this Project into a pre-existing project and substation, the Palmer Solar site, due to their similar land use and access circumstances.

The attached **Appendix P- Zoning Map** shows the current zoning throughout the Project area, which currently has three different zone types including Rural Residential- 5 (RR-5), Agricultural-5 (A-5), and Agricultural-35 (A-35). Much of this zoned land is owned by the State of Colorado, Unincorporated El Paso County, and the City of Fountain Sanitation Department. The Project site is also bounded by a small portion zoned as Industrial- 3 (I-3). The Project site is not intended to interfere with existing neighborhoods and is intentionally designed further away from residential homes in effort to minimize impacts on the community's residential areas.

CPP 7.0 Special and Unique Land Uses

- *Policy 7.5.1: Encourage the multiple uses of utility sites and corridors where feasible and appropriate.*

The Project site location will be particularly multi-faceted in its ability to connect to the pre-existing Williams Creek Substation infrastructure, which will not require new transmission line systems. In addition, the Project site will be located on a grazing land and has been designed to accommodate for a potential reservoir expansion area should the Utilities desire to expand their reservoir system in the future, while still maintaining operational abilities.

CPP 8.0 Parks, Trails, and Open Space

Pursuant to the 2013 El Paso County Parks, Trails and Open Space Master Plan, a proposed regional trail, the Kane Ranch Regional Trail, intersects the Project area, as well as the Kane Ranch Open Space proposed just north of the Project site. The Project sites have been presented to the County for review and coordination in effort to mutually benefit the community by providing the Project's clean renewable energy, while not interfering with the County's potential parks and trails plans – which have no proposed development schedule. Additionally, email correspondence between the El Paso County Parks Department has been included (**see Appendix AF**) evidencing the mutual goals of accommodating future potential trail systems by possibly modifying trail design.

The Project site will be located outside of any proposed development plans of the City of Fountain Parks Department and the City of Colorado Springs Parks Department.

CPP 9.0 Transportation

- *Policy 9.1.1 Identify and preserve the functional integrity of the corridors necessary to meet the County's potential future surface transportation needs.*
- *Policy 9.3.1 Place a high priority on maintaining the environmental condition when planning or building roads.*

- *Policy 9.3.4 Provide for noise attenuation and visual screening along major transportation corridors by incorporating techniques including setbacks, buffers, berms, and vegetation treatments.*

The Applicant has been working with the County, Colorado Department of Transportation (“CDOT”), and the City of Fountain on creating cohesive Traffic and Haul routes. The proposed construction travel plan was presented in the Early Assistance Meeting on October 21, 2020. Following this meeting, the Applicant has worked with the County, City of Fountain, CDOT, and the Hanover Fire Protection District in several follow-up discussions about traffic plans.

Appendix AI- Haul Route Map identify the two main routes for the planned construction traffic. The first, being called the Green Route, designed for daily personnel traffic, is designed for traffic to travel from I-25 through the City of Fountain designated truck routes to Squirrel Creek Road, and entering the project site from the North near the landfill. The second route, being called the Orange Route, designed for hauling the majority of the project equipment including modules and racking, is designed for traffic to travel from I-25 to Old Pueblo Road, east on Birdsall Road, and entering the project site from the West of the project onto a temporary road access route. Additionally, a temporary road is proposed for the Orange Route to connect the project from Birdsall Road. Details regarding the roads and haul plans and estimated traffic are outlined within **Appendix AJ- Traffic Memo** attached.

It is a top priority of the Applicant to develop a mutually agreed upon transportation plan by working with the County, City of Fountain, CDOT, Fire Department, and interested parties in the community. The Applicant would like to follow the El Paso County 2040 Major Transportation Corridor Plan as well as the City of Fountain Traffic Routes. In following these guidelines and working with the interested parties, the Applicant has also agreed to conduct road condition surveys pre and post-construction activities and to pay its proportional share for Pike Solar construction travel impacts to the two haul routes to keep the roads used by the Applicant well-maintained. Details surrounding these studies can be found in **Appendix AK- Road Conditions Survey Work Plan** which describes an approach and outlines methodologies to evaluation conditions of the paved roadways for the proposed construction travel routes as well as efficiently count representative samples of vehicles and vehicle classes along the two travel routes to understand local heavy traffic and project traffic. Finally, this work plan provides a means to assess the degradation of the routes over the course of construction and the proportion of degradation that is attributable to the construction of Pike Solar.

CPP 10.0 Water and Wastewater Facilities

- *Policy 10.2.2 Carefully consider the availability of water and wastewater services prior to approving new development.*

El Paso County developed the Water Master Plan to provide planning and projections regarding the supply and demand of water throughout the county by enlisting the public’s feedback for additional ideas and strategies. The Applicant is cognizant of the County’s Plan and community feedback and will work to minimize impacts of water usage to the Project, which

Overall, the proposed Project will be a low water-use development, with water only being used for dust mitigation, soil compaction, and necessary revegetation efforts. During construction, personnel will use portable sanitary units and carry in drinking water. The Project will not have an adverse effect on water and sewer demands. Sanitary and other wastewater will not be released into the Waters of the U.S.

The final response was that no jurisdictional wetlands or waters were found. No further action is required. **Appendix K** includes USACE correspondence associated with this determination request and decision. The final correspondence is included.

CPP 11.0 Drainage and Flood Protection

- *Policy 11.1.4 Require development plans to effectively address both quantitative and qualitative impacts of drainage within the project site*
- *Policy 11.1.8 Promote planning approaches which allow for interim solutions for drainage problems in less developed basins*
- *Policy 11.4.7 Limit new development in and modification of flood plains in accordance with regionally adopted floodplain regulations*

Because the Project will be designed specifically to reduce/avoid impacts to hydrologic flow to groundwater, wetland areas, and flood hazard locations, the Applicant has conducted studies, rendered reports, and is developing plans and identifying methods for appropriate drainage and flood protection.

The Non-Wetlands Features and Wetlands Report dated October 2, 2020 (**see Appendix H**) identifies possible wetland locations where the USACE may exercise Jurisdiction. This was Report was submitted to the USACE (**see Appendix K**) The final response was that no jurisdictional wetlands or waters were found. No further action is required. The road crossings will be designed as “no-rise” specifically to preserve the wetland and floodplain features without contributing any pollutants into the waters.

Additionally, the Applicant submitted a letter to the Pike’s Peak Building Department regarding the designed crossings that will intersect the 100-year floodplain. They responded by confirming that our Project will fall under the Code RBC313.19.2 of Nonresidential Construction (**Appendix O– PPRBD Correspondence**). The Project will not be considered a critical facility, and the planned crossings will only require permits – which will be submitted following this application.

The other drainage-related plans supplied for this Project include the Grading and Erosion Plan (**see Appendix P**) and the Drainage Report (**see Appendix S**), which will comply with the El Paso County Drainage Criteria Manual.

Additional plans and permits will be submitted following this application, including the Stormwater Management Plan (SWMP), which will follow the Best Management Practices (BMP) guidelines.

CPP 12.0 Other Services and Utilities

- *Goal 12.4 Reduce the adverse impacts and maximize the efficiency of energy generation, transmission and distribution systems.*
- *Policy 12.4.1: Ensure that electric, natural gas, petroleum and other facilities (generation, distribution, pipelines and storage) are located in a manner which is safe, environmentally sensitive and which does not unreasonably burden particular property owners with adverse impacts.*
- *Policy 12.4.3: Promote energy efficiency through careful siting, design and landscaping, especially the use of passive solar.*
- *Policy 12.4.5: Encourage the use of existing easements for utility installation in order to reduce negative impacts in other areas.*
- *Policy 12.4.7: Allow for the effective use of renewable energy resources especially where it minimizes the local impacts on neighboring properties and non-renewable energy use.*

The Project site, designed in a safe and efficient manner, will be located on Utilities-owned property next to the Williams Creek Substation and other existing solar facilities. The Project design will reduce overall impacts and create efficiencies in the design by limiting the overhead transmission line to a short distance of about 1,300’ from the Project substation to the Williams Creek Substation. In order to construct the Project, temporary power will be required but will be negotiated with MVEA from an existing power line nearest to the Project substation location in order to limit construction impacts.

One of the Project's many safety and efficiency features will be fencing built around the Project's components and module sections. This fencing will also provide added safety to the community should the El Paso County Parks department decide to develop trail systems around the project site.

With a primary goal of the Project design being to minimize environmental impacts while create efficiencies, the Applicant has analyzed wildlife, cultural resources, wetlands, and water features in effort to minimize disruption to the existing environment.

To further ensure the safety to the community **Appendix AB- Electromagnetic Interference Report** (EMF) was rendered, which illustrates that the Project will not adversely affect the community through radiation, emission levels, and electromagnetic interference with radio transmissions.

To illustrate the potential impacts of the Project design, the Applicant has included the **Appendix AC- Visual Simulation**, generated by Core Consulting, which shows a simulation of the design from various location. Results from this report indicate that there will not be significant issues related to the surrounding views for neighboring communities and the project will not inhibit views of the mountains.

Additionally, an **Appendix AD- Lighting Plan** was also included in this application, which details when lighting will be used, both during the construction phase and operational phase, and the lighting's potential impacts on neighboring properties. Lighting will be scarcely needed during the construction phase as the Project will be constructed during natural daylight hours. Once the Project is operational, lighting will be limited to motion lighting and limited to O&M facility lighting as well as interior located equipment.

CPP 13.0 Housing

The proposed Project will not include a housing component.

CPP 14.0 Public Finance District

- *Policy 14.1.2: Encourage coordination among existing and potential future special districts, municipalities, utilities, and other entities in order to provide needed facilities and services in the most cost-effective, equitable and environmentally sensitive way possible.*

The Project will not require a public finance district.

The Project will initially be financed by juwi AG, a parent company of the Applicant, third party equity financing will also be sought. With a proven record of securing over \$1 billion in equity financing for 22 solar energy generation projects of more than 500 MW, the Applicant has built strong relationships with qualified investors to develop and construct projects throughout the county.

CPP 15.0 Land Development Regulations

The Project will follow County-designated Land Development Regulations and conditions of approval. The Applicant has worked to follow requirements needed for the 1041 application and corresponding WSE-O application to the County for approvals. The Applicant attended an Early Assistance Meeting on October 21, 2020, as well as multiple follow up meetings, to discuss the Project's proposed haul and travel routes, material delivery, and personnel. In further effort to properly set up agreeable construction transportation plans, the Applicant will be delivering a Traffic Memo and Road Conditions Survey Work Plan to the County, the City of Fountain, and the Colorado Department of Transportation (CDOT).

The website for the Project has been established at <http://juwicolorado.com/pikesolar/>. Additionally, the Applicant placed an ad in the El Paso County and Fountain Newspaper that ran on 5 different dates in an effort to advertise the project, promote the Project website, and allow the community to prepare questions for the Applicant at a community meeting (see **Appendix AE- Community Meeting Advertisement**). The

community meeting was held on January 13, 2021 at 6 p.m. in a virtual meeting. The meeting was held for 40 minutes and there was no community attendance, therefore no direct opposition presented in the meeting.

The Applicant has worked to properly and concurrently apply through the 1041 and WSE-O processes. The Applicant will also prepare accordingly for a comment period and the follow-up hearing for the application. Upon completion of these items, but prior to construction, the Applicant anticipates applying for the Site Development Plan and building permits.

Once the 1041 hearing date and associated details are established, the Applicant plans to notice the local owners via mailers. The list of these owners was established in accordance with the guidelines stipulated in section 2.303 part 3 of this Application and can be found in **Appendix B- Certification of Notice to Mineral Estate Owners**.

SOUTH CENTRAL COMPREHENSIVE PLAN

El Paso County has developed Small Area Plans (SAPs) within the county. The Project site is located within the South Central area and is subject to its corresponding South Central Comprehensive Plan (SCCP). The South Central committee further divided the Area into ten different districts, with the Project site being located within District 7: Open Lands. The Plan outlines five criteria analysis factors to help evaluate for future growth within each district. In addition, the Plan identifies goals in which the districts can work toward.

District 7: Open Lands Identifies the below criteria that have been outlined within the SCCP.

- **Construction Suitability: Is the district buildable in terms of existing and man-made conditions?** Chico Creek and several of its tributaries run through the middle of the district, and these stream corridors have been designated as 100-year floodplain. Most of the remaining area consists of soils with moderate constraints. There are also some areas, mostly adjacent to Chico Creek, which have severe soil constraints to development, which can generally be minimized with sensitive and appropriate design and construction.
- **Accessibility: Is the district accessible by a safe and functioning roadway system?** The only paved roads within this planning district are (1) Hanover Road, which runs east/west across the middle portion of the Project property and (2) Peyton Highway, which runs north/south along in the eastern portion of the Project property. Both of these roads are presently designed to handle low volume, rural traffic.
- **Existing Land Use: What type of land use presently exists in the area?** Although small portions of land are used for irrigated crops, the vast majority of this area is used for grazing and ranching.
- **Community Services: Are community services available near the district?** There are no community services within this planning area. A limited number of services exist at the Hanover Road/Peyton Highway intersection, in the eastern portion of the district. The nearest medical and shopping facilities are located between five and eighteen miles away.

In addition, the SCCP outlines Goals and Policies associated with each District. We have referenced these below along with a description of how the Project plans to address them.

Natural Systems

- *Goal 1.A: Maintain and Improve the existing natural environment and the area's natural resources.*
- *Policy 1.1: Development should minimize disturbance to the natural environment.*

- *Policy 1.2: Any potential adverse effects due to the disturbance of natural hazard areas should be mitigated. Natural hazard areas include but are not limited to steep slopes, 100-year floodplains, flood ways and geologic hazards.*
- *Policy 1.3: Development or agricultural operations should correct any negative environmental impacts which they create. These environmental impacts may include, but are not limited to, erosion, increased runoff, noxious weeds, damage to ground cover or tree loss.*
- *Policy 1.4: Wherever possible, drainage ways and 100-year floodplains should be maintained in their natural condition.*
- *Policy 1.5: New development should not increase historic runoff downstream unless a stormwater management plan is approved by the County.*
- *Policy 1.6: Developers should pay their fair share of necessary on and off-site drainage improvements. Drainage basin planning studies may be required if a proposed development will result in significant drainage impacts. Basin boundaries have been preliminarily delineated by the County Public Works Department.*
- *Policy 1.7: New developments should minimize negative impacts to air quality.*
- *Policy 1.8: Fugitive dust should be controlled by practices acceptable to the County and other responsible governing agencies.*
- *Policy 1.9: During development, natural vegetation should be retained to the greatest degree possible. Riparian vegetation along major water courses should be given special protection.*
- *Policy 1.10: Disturbed areas should be replanted immediately following construction with temporary measures utilized to minimize wind blown soils and erosion.*
- *Policy 1.11: Significant wildlife habitats, identified by the Colorado Division of Wildlife, should not be destroyed or altered by new development. The Colorado Division of Wildlife should be contacted when a development is proposed.*
- *Policy 1.12: Mineral extraction operations should be consistent with the County Master Plan for the Extraction of Commercial Mineral Deposits.*

The Project site is specifically designed to uphold the integrity of the existing water systems and wildlife, while minimizing overall impacts to the land. The Project design accommodates most of the water features within the site boundary, including the 100-year floodplain. In working with the USACE (**Appendix K**), the final response from both the regional office and headquarters was that no jurisdictional wetlands or waters were found. No further action is required. It was determined that four road crossing would traverse the 100-year floodplain. In effort to maintain the features and their natural flows, the road crossing will be specifically engineered as concrete pads, which will allow water to cross and prevent any pollution from dredge/fill material. A permit with the Pikes Peak Regional Building Department will be obtained. The modules and facilities will be designed outside of the floodplain in order maintain its natural condition.

Air quality is also being taken into consideration throughout the construction process. During the construction phase, guidelines for fugitive dust will be addressed. Water will be used to dampen the construction site in order to prevent dust from soil. The Applicant has read the Land Development Code in reference to dust and debris and have put preventative efforts in place pursuant to 6.2.7. Upon completion of the project, the site will not cause negative impacts to the air.

This application also includes **Appendix Y- Decommissioning Plan** to address the plan in which the Applicant will work to restore and reclaim the land at the end of the life of the Project. Part of this plan includes re-seeding efforts and vegetation reclamation. Efforts to maintain the natural environment will be restored.

Another important component to acknowledging the natural systems of the site location is wildlife. A Biological Resources Report (**Appendix F**) was rendered to provide input on mitigation efforts the Applicant could exercise to minimize impact to wildlife and their habitats. This report was also provided to CPW for analysis. The Applicant will work with these governmental entities to ensure habitats are not destroyed and minimal impact affects the wildlife and nature on the Project site.

Growth and Land Use

- *Goal 2.A: Guide growth and development in a manner which respects the needs of a new community and the existing rural character and provides the greatest public benefit while causing the least amount of negative impacts.*
- *Goal 2.B: Ensure that support facilities for urban growth are well sited so they do not detract from the existing visual and environmental character of the area.*
- *Policy 2.1: The rural character of the area should be preserved.*
 - *A: The majority of the land should remain ranchland.*
 - *B: The County should study the viability of implementing a Transfer of Development Rights System to help in the long-term preservation of ranchland in a fair manner (refer to the discussion at the end of the chapter).*
 - *C: Growth should be orderly and compact rather than randomly scattered. Leapfrog development should be discouraged.*
 - *D: Subdivisions of 35 acres of greater lots should be discouraged unless they have an erosion control plan which is approved by the SCS.*
 - *E: Portions of developments remaining in open space should be leased back to ranchers, whenever possible.*
 - *F: Site planning and building design should minimize visual exposure of roads and structures. Low horizontal buildings which are compatible with the environment should be encouraged over high-profile structures which compete with the environment and create negative visual impacts.*
- *Policy 2.2: The type and distribution of land use should be consistent with policies established for each sequential growth scenario. See Scenarios A, B and C.*
- *Policy 2.3: Designated growth areas in the Sequential Growth Scenarios should be recognized as focal areas for development.*
- *Policy 2.4: New growth should improve the character and land values of the area.*
- *Policy 2.5: Any project on State land, within the South Central Area, should be consistent with all the goals and policies generated in this plan as well as with any other relevant County policies.*
- *Policy 2.6: Physical development activities within the planning area should be consistent with the Land Development Guidelines as promulgated in Article II, of the El Paso County Land Development Code.*
- *Policy 2.7: Any industrial or special use developments such as radio towers, extraction sites, general industry, or waste-handling facilities should be carefully located to minimize such negative impacts as visual degradation, environmental damage, hazards to human health, traffic increases or any other compatibility or use problems which would lower the quality of life in the area.*
- *Policy 2.8: Low impact uses which do not require a well-developed transportation system, have low visual impacts, and which have minimal water requirements should be allowed in the planning area if they are not otherwise inconsistent with these policies.*

The goal of the Project will be to provide public benefit by adding renewable resourced energy into the community's grid system. The Project land is currently rural grazeland owned by City of Colorado Springs on behalf of its enterprise Colorado Springs Utilities. The Project will be designed in an orderly, compact, and efficient manner, by being located near and tying into the existing Williams Creek Substation.

Upon completion, the Project site will be unmanned, remain rural, and create minimal impacts to the lands. The Utilities has earmarked a Reservoir Expansion Area on the Project site that will remain available for a potential trail outlined by the El Paso County Parks and Trails Department that would connect to the Kane Ranch Open Space. This potential trail been thoughtfully integrated into the Project design in effort to help the land remain rural and to benefit the public (**Appendix AF- Parks and Trails Proposal**). A Visual Simulation (**Appendix AC**), which shows renderings of the Project area from various angles, details that the majority of

the views within the area will not feature Project components and also verifies that no mountain scape views will be inhibited.

This Project will not require any developed transportation system or substantial water use. It will be a low-impact project and will maintain the South Central Area's goals of growth while being mindful of land use.

Land Use Compatibility

- *Goal 3: Through careful design, buffering and education of residents to the needs of adjacent users, nearly any land use can be made compatible with its neighboring land use. At the same time, two otherwise compatible uses can be poor neighbors as a result of poor design, inadequate buffering, or a lack of understanding between neighbors.*
- *Policy 3.1: Mixed uses and density ranges should be permitted as long as potential negative impacts on neighboring uses are mitigated. Consideration of compatibility should include, but not be limited to traffic, smoke, dust, odors, noise, light, building height/bulk/materials and colors, as well as visual impacts.*
- *Policy 3.2: The county should deem any development incompatible and therefore unacceptable when the proposed development potentially:*
 - *A: Produces adverse effects upon the desirability of surrounding existing development or lands.*
 - *B: Impairs the stability or value of existing adjacent development.*
 - *C: Adversely affects the quality of life of existing adjacent development.*
 - *D: Exhibits a lack of quality or function in site planning and design.*
 - *E: Creates a public danger or nuisance to surrounding areas.*
 - *F: Alters the basic character of adjacent land uses or of the entire community.*

The Project is currently rural rangeland that is located adjacent to another solar project and local substation facility. The Project development will be compatible with the Wind and Solar Energy Overlay zoning already in place at the Palmer Solar site. Upon completion, the Project will not cause any traffic, dust, noise, light, or odor issues. During the construction of the Project, several plans will be in place to mitigate these issues, including a Traffic Memo, Lighting Plan, and Operation and Maintenance Plan. The rural location of the Project site was specifically chosen to minimize community impacts and to efficiently connect to the Williams Creek Substation.

Visual Quality

- *Policy 4.1: Any new facilities or developments should be carefully sited to minimize the adverse visual impacts to existing developments or to views of the mountains.*
- *Policy 4.2: Large visual intrusions into the landscape, such as radio towers or transmission lines, should be located away from residences and on lands with a lower elevation. These major visual intrusions should be consolidated as much as possible.*
- *Policy 4.3: New developments should mitigate adverse visual impacts from public roadways caused by road cuts, outside storage, building scale, disturbed native vegetation and other negative visual intrusions.*
- *Policy 4.4: Advertising signs should be well designed to be compatible with the surrounding environment. Signs should be low profile and shared when possible. All signs should meet County and State sign regulations.*

The Visual Simulation (**Appendix AC**) details the Project's impacts and provides five different projections from various points near the Project site, which will be located southeast of the City of Fountain. Because the residential areas are located west of the Project area, the Project will not inhibit the mountain views for those homes.

Transportation

- *Goal 5.A: Assure a well-integrated and balanced transportation system is created which meets public needs with maximum efficiency, comfort, safety and economy.*
- *Policy 5.1: Existing paved County roads, in the South Central Area, should be upgraded to support the present truck traffic.*
- *Policy 5.2: The Fountain Creek bridge and intersection at Hanover Road and Old Pueblo Road should be improved in the near future to accommodate traffic more efficiently.*
- *Policy 5.3: Developers should contribute to the necessary off-site transportation improvements that are needed due to impacts caused by their development. These off-site impacts may include, but are not limited to, increased traffic volume, increased turning maneuvers, reduction in traffic speed, and reduction in traffic safety.*
- *Policy 5.4: Road easements should be preserved for all major proposed roads in the South Central Area. These easements should include Powers Boulevard, Marksheffel, Meridian, Curtis, Peaceful Valley and a potential road one mile south of Drennan Road. Adjacent property owners should be contacted prior to finalizing major road alignments to ensure the most appropriate regional alignment is designed. These alignments are depicted on the Transportation Map (Map 6).*
- *Policy 5.5: Access and Road Design (Please also refer to the County's Subdivision Criteria Manual):*
 - *A: Direct access to adjacent properties should be minimized on all major roads. Shared access is encouraged.*
 - *B: Roads within a new development should be logical, functional and provide a safe transportation network for all users.*
 - *C: New roads should logically connect with the existing roadway system.*
 - *D: Roads should be constructed to minimize run-off, erosion and maintenance.*
 - *E: Adequate road connections to adjacent properties should be provided.*
- *Policy 5.6: All necessary government entities should work together to plan the most appropriate traffic routes through the South Central Area.*
- *Policy 5.7: Government entities and landowners should work cooperatively to identify a logical north-south alignment for mass transportation paralleling the interstate 25/Fountain Creek corridor.*
- *Policy 5.8: Safe, efficient and comfortable bicycle and pedestrian movement systems should be provided as development occurs.*
- *Policy 5.9: A regional trail system should be developed to provide alternative transportation linkages.*

The proposed plan and routes for the Project's construction traffic can be found in **Appendix AI- Haul Route Map**, identifying the two routes that the Project will utilize. The attached **Appendix AJ- Traffic Memo** goes into further detail about the traffic plan and routes.

In effort to maintain the quality of the roads for the community, the Applicant is also conducting a survey (**Appendix AK- Road Conditions Survey Work Plan**) to evaluate the roads' present conditions and plans to maintain the roads' conditions by providing compensation to offset the Applicant's proportional contribution to road damage.

Special Facilities/Utilities

- *Goal 6.A: Provide efficient, timely and economical public facilities and services in a manner which best sustains a safe, healthful and enjoyable environment.*
- *Goal 6.B: Locate any above-ground facilities to maximize the preservation of the existing visual and environmental character.*
- *Goal 6.C: Ensure the health, life and safety of the population is maintained.*

Water/Wastewater

- *Policy 6.1: All developments should provide adequate and dependable water and wastewater service.*
- *Policy 6.2: If a water and/or wastewater district is established, it should meet all County and State standards to ensure an adequate system or supply is provided. When a water or wastewater system is proposed, the developer should demonstrate the following:*
 - *A: The district/company is well conceived, has adequate water to meet County requirements, and is well financed.*
 - *B: The district/company has a maintenance program to ensure that adequate services can be continuously provided.*
 - *C: The district/company is designed so expansion and extension of services to adjacent areas is feasible in the future.*
- *Policy 6.3: Water and sewer service should be designed on a regional scale to minimize the proliferation of small, individual systems. Joint use agreements should be used in order to minimize the number of systems and reduce long-term construction, operation and maintenance costs.*
- *Policy 6.4: The extension of services should be logical and minimize leapfrog development.*
- *Policy 6.5: Connections to existing and proposed regional water and wastewater systems are encouraged rather than the proliferation of smaller facilities.*
- *Policy 6.6: Developers proposing lots under 35 acres with individual wells, should run test wells, as needed, to ensure adequate water is available at reasonable depths.*
- *Policy 6.7: Individual septic systems should only be allowed on appropriate soils and on lots a minimum of 2.5 acres in size. Developments in areas with poor soils for septic systems may need lots larger than 2.5 acres. Developments with lots smaller than 5 acres are encouraged to use a central water or wastewater system.*
- *Policy 6.8: Whenever feasible, surface and groundwater resources existing in the South Central Area should be used for projects within this area.*
- *Policy 6.9: Water conservation techniques such as reuse of waste water and xeriscape landscaping, should be incorporated into the planning and design of projects.*
- *Policy 6.10: Adequate aquifer recharge should occur in the basins and aquifers from which water is extracted.*

Electric

- *Policy 6.11: The residents of the planning area oppose the choice of their planning area for the alignment of overhead high voltage power lines which do not directly benefit them. Any new lines which are approved should be buried.*
- *Policy 6.12: Utility substations; facilities and transmission lines, which are constructed should be carefully designed and sited. The proposed facility should ensure that the adverse visual, environmental, social, land use, health and economic impacts are minimized or mitigated.*
- *Policy 6.13: Any major proposed utility projects, which could have significant visual impacts, should include public involvement during all critical stages of plan development.*
- *Policy 6.14: Lower voltage utility lines (those generally under 35,000 volts) should be located underground in higher density, high use areas and any other areas where it is economically feasible.*

Hazardous Waste

- *Policy 6.15: The citizens of the South Central Area do not want a radioactive or hazardous waste facility within the area.*
- *Policy 6.16: The South Central Area should not be chosen as a hazardous or radioactive waste site. The potential for damage to human life, health and safety is too great. Growth is rapidly expanding towards the area from three directions. A site chosen in this area could easily be surrounded by a much greater population in the future and therefore could cause a safety hazard to a large future population.*
- *Policy 6.17: If no other hazardous or radioactive site can be found in the future and unfortunately, the South Central Area is chosen:*
 - *A: All the laws described in the State document Rules and Regulations Pertaining to Radiation Control as well as any other County, State and Federal regulations must be met.*

- *B: Adequate land is purchased for the disposal site to ensure safety for surrounding inhabitants and to reduce the chance of lowered land values near the site.*
- *C: The potential for hazardous waste accidents occurring on the existing roads are minimized. That a traffic route for vehicles using the facility is designed to provide the minimal amount of disturbance to existing residences.*
- *D: The roads are designed to minimize any increase in traffic on existing roads within the area.*
- *Policy 6.18: Residents do not support the location of conventional solid waste landfills in the planning area. If the area is chosen for the location of a landfill, this facility should meet strict compatibility standards regarding groundwater protection, visual screening, adequate buffering, control of dust and blowing trash and adequacy of road service.*
- *Policy 6.19: Outside storage of substantial quantities of materials such as tires construction materials, trailers, junk equipment and vehicles should only be allowed under Special Use zoning approved and then only after health, safety and compatibility concerns have been given adequate consideration. Any such uses which are approved should address the compatibility criteria listed in Policy 6.18.*
- *Policy 6.20: Mandatory tarping of commercial vehicles should be required as one of the conditions of approval for any applicable waste handling facility which is approved in the planning area.*

Parks

- *Policy 6.21: Potential regional park sites in the planning area should be identified as soon as possible, especially along the Fountain Creek corridor.*

The Project's intent is to provide safe, healthy, and economical solar photovoltaic facility to connect to the Utilities' grid. The Project's design will be mindful of the health and safety of the South Central Area population.

The Applicant's team will prioritize minimizing the Project's visual impacts. The Visual Simulation (**Appendix AC**) shows views of the planned Project from certain vantage points. The Project will only be visible from vantage points 3 and 4 looking eastward toward the Project. The Project will be located east of residential homes and this simulation ensures that it will not impair views of the mountains.

An overhead line will be installed at the southern end of the Project substation and will travel directly south to the northwestern corner of the Williams Creek Substation. The length of the gen-tie will be about 1,300' but will be located to minimize impairment of the neighbors' mountain views. During the construction, temporary power will be required and will be located near the Project substation. The Applicant is working with MVEA to negotiate temporary power as this is a source nearest to the substation.

Minimizing environmental impacts has been at the forefront of this Project's planning process. Several studies have been conducted to best assess the Project's environmental concerns and determine impact minimization efforts. These reports include the Non-Wetland Water Features and Wetlands Report (**Appendix H**), Biological Resources Report (**Appendix F**), and Class I Cultural Resources Report (**Appendix AA**). The Project has been designed to accommodate for water features, cultural resources, and wildlife.

The Project will also accommodate for other community needs by enhancing land use. Upon completion of the Project's construction, lands within the site may still be available for grazing because the modules and facilities will be fenced. The Utilities has earmarked a Reservoir Expansion Area on the Project site that will remain available for a potential trail outlined by the El Paso County Parks and Trails Department.

Community Services

- *Goal 7.A: Provide safe, efficient and economical community services to area residents.
Fire, Schools, Medical, Sheriff*
- *Policy 7.1: Each development should be required to maintain an adequate level of community services. New developments should contribute to the costs of improvements to help meet the demand for services generated by that development. Policies related to particular services are:*

- *A: New developments should aid in ensuring adequate fire protection for the area. This may include on-site cisterns, establishment of a fire district, and/or cash-in-lieu for operational equipment and facility expenses.*
- *B: New developments should aid in providing better medical services to the South Central Area.*
- *New developments should be asked for assistance in providing increased police protection. Cash-in-lieu payments for additional substations or additional staff may be necessary.*

The Applicant's does not intend to interfere in any community services provided to area residents. The Project will not require school or additional medical needs. The Applicant engaged the Hanover Fire Protection District to outline the details of a Fire Prevention and Protection Plan to mitigate potential incidents related to the Project site (**Appendix V**). The Applicant has also been working with the County to identify possible needs for police assistance regarding the road traffic along the construction route (**Appendix AJ**).

Government

- *Goal 8.A: Provide a framework for efficient government representation so that the ability of all residents to provide input is maximized.*
- *Policy 8.1: Governmental units, special districts, public service companies and other agencies involved in the planning area should work together to ensure that their efforts are coordinated and made known to area residents.*
- *Policy 8.2: The South Central Citizens' Advisory Committee should continue to operate as a semi-active organization in order to periodically review and provide comment on applicable land use requests which impact their area.*
- *Policy 8.3: All applicable land use items which affect the South Central Planning Area should be transmitted to designated representatives of the Advisory Committee for review.*

The Applicant has been transparent throughout the planning process and is actively engaged with the local community regarding the Project. The Applicant set up and participated in an Early Assistance meeting with the County on October 21, 2020. In addition, follow-up email correspondence has been ongoing in effort to address construction vehicles and materials, traffic routes, as well as road condition assessment plans. The Applicant also held a virtual zoom community meeting on January 13, 2021 at 6 p.m. in effort to address the public's concerns. A quarter page ad for the meeting was published in the El Paso County Advertiser and Fountain Valley Newspaper for five weeks including December 9th, 16th, 23rd, 30th of 2020 and January 6, 2020 (**Appendix AE- Community Meeting Advertisement**). There was no attendance from the general public and no concerns raised in this meeting.

The Applicant has been working to engage with local, state, and federal government agencies throughout the Project's planning process.

PARKS MASTER PLAN

The Applicant has been working to accommodate the current and future goals of the Parks and Trails department with the Applicant's own site development strategy. The Applicant has reviewed the 2013 El Paso County Parks and Trails and Open Space Master Plan and has been working with the County Parks and Trails Department to ensure that Project's design plan will be integrated with the Master Plan's goals. The email attached (**Appendix AF**) details correspondence with Park Planner, Ross Williams, who proposed the corresponding attached map as an amendment to the planned trail system. The Parks and Trails department has been working to analyze the Applicant's proposal and provide solutions in modifying the trail system design around the Project site and a potential CSU Reservoir Expansion Area. At this time, there is no proposed development schedule for the attached plans, but because the amended trail plan has already been identified and approved, no delays or issues will arise should the County Parks and Trails department move forward with the trail plans in the future.

MASTER PLAN FOR MINERAL EXTRACTION

El Paso County developed a Master Plan for Mineral Extraction dated in 1996. The purpose of the plan was to develop guidance for commercial mineral and natural resource extraction operations to minimize impacts to the community while enabling efficient removal of such minerals and natural resources. Because the proposed Project will not involve any mineral extraction, this master plan is not applicable to the Project.

EL PASO COUNTY WATER MASTER PLAN 2018

El Paso County adopted Colorado's Water Plan in 2015, which identifies goals, objectives, and actions for water maintenance in the State of Colorado. Additionally, El Paso County developed their corresponding Water Master Plan to further address water supply issues, create efficiencies, and encourage best practices for water demand. The plan also provides future projections for the County's water planning, demand, and supply.

The Project's water usage will be limited to dust mitigation, which is further outlined in the air quality sections of this application. The Project is projected to only use water during the construction phase of the project, and a water service negotiation is currently underway with the Utilities (**Appendix Z- Water Service Letter**). Upon project completion, the Project site will be unmanned and ideally rely upon rainwater for solar panel washing. Overall, the Project will have negligible effect on the County's water supply and the Water Master Plan.

The 2018 Water Master Plan also addresses groundwater and surface water. As part of the Applicant's analysis, a third-party consultant issued a Non-Wetland Water Features and Wetlands Report dated October 2, 2020 (**Appendix H**). The Applicant used this data to identify potential wetlands features and submit the information to the USACE for Jurisdictional Determination. Communication on this can be found in **Appendix K**. There were no jurisdictional waters identified on the property. This study and determination helps reiterate priorities to maintain water quality within the site.

2040 MAJOR TRANSPORTATION CORRIDOR PLAN

El Paso County adopted the 2040 Major Transportation Corridor Plan (MTCP), which provides guidance in helping to create effective and efficient transportation infrastructure to meet the community's future needs. This plan was approved on December 6, 2016 and given consent by the Board of County Commissioners on December 15, 2016. Several themes are outlined within the plan, including maintenance, funding, safety, and connectivity.

Because the Project location will be in an unincorporated portion of El Paso County, most of the plan's statistics are not as focused on the Project location, but rather on other major transportation corridors within the County. As depicted on the Household Growth chart within the plan, the current Project site will be located in a no growth area, while there are some medium growth patterns north of the Project location. The plan also depicts future travel corridors that may be needed for anticipated growth. One such corridor is Powers Boulevard, which is located west of the Project site and as currently drawn, would not interfere in the Project design.

The Project plan proposes two main haul routes for equipment and personnel (**Appendix AI- Haul Route Map**). One route, which the Applicant has designated as the "Green Route," will travel from I-25 through the City of Fountain to Squirrel Creek Road and enter the Project site from the north side of the project boundary. Additionally, the Green Route will align with the designated City of Fountain Official Truck Routes. The other route, which the Applicant has designated as the "Orange Route," will travel from I-25 to Old Pueblo Road and then to Birdsall Road. Traffic will enter the site through a temporary road constructed from the west of the project site off Birdsall Road. This route has been designated as the 'Orange Route'.

In reviewing the maps that show Existing Traffic Volumes within the plan, there are estimated counts of vehicles of approximately 900 vehicles on the Squirrel Creek Road and 420 vehicles on the Old Pueblo Road routes. Both routes are currently depicted as “Uncongested” through the Capacity Analysis and currently identified as ‘Adequate’ in an Existing Road Analysis Report within the Plan. The goal for the Project would be to continue to maintain a low impact on these roads.

The Applicant will be conducting a survey described in **Appendix AK- Road Conditions Survey Work Plan** to help understand the condition of the roads used for the Project. This plan also includes details for the method of assessing road surface damage and a plan for calculating the proportional impact the Project will have on such roads. A comparison of pre- and post-construction pavement analysis will be conducted as well as trip counts on the routes as compared with trip counts within the project site. This combined analysis will be used in order to calculate the proportion of road maintenance and damages attributable to the Project construction equipment and construction crew vehicles.

The goal of the road studies and proportional payments will be to help support the goals of the plan fund and maintain these haul routes. Safety is a primary goal for the community as well as the personnel who will be working on the project. The Applicant has reviewed the 2040 Major Transportation Corridor Plan to understand current and future vision for the community and is working with the county in order to minimize impacts and maintain the standards put in place by the residents of the county.

(d) Conformity to applicable regional and state planning policies

The Project was developed from several state and regional policies to increase renewable energy into the portfolio of the community. This project was also influenced by goals of the Utilities and community members.

The State has several planning policies, goals, and incentives in place to grow the renewable energy use within the state including Colorado Renewable Energy Credits (REC’s), Colorado Renewable Portfolio Standards (RPS) and following national RPS guidelines. The Project conforms to Colorado’s Renewable Energy Standards statute Section 40-2-124, C.R.S). In addition, Governor Polis released the “Greenhouse Gas Pollution Reduction Roadmap” on January 14, 2021. This roadmap outlines the goal of achieving 100% renewable energy by 2040. This roadmap builds on commitments that Colorado Springs Utilities and others have already made.

There are regional guidelines in place as well through the Pikes Peak Area of Council Governments (PPACG) Regional Sustainability Project called “Looking to Our Future- Pikes Peak Region 2030” Pike’s Peak vision 2030. The Energy Strategy Table within this report outlines a strategy to encourage utility-scale renewable projects within the region.

The Utilities driving force is a program called, 2020 Energy Vision approved through the Electric Integrated Resource Plan (EIRP).

Through the planning process of the Project, the guidelines for the application also extend to various regional and state planning policies that consider factors such as water, parks and trails, local application processes, engineering requirements, and mitigation efforts. These include the El Paso County Master Water Plan built from the Colorado Water Plan, Pikes Peak Area Council of Governments Water Quality Plan, the Plan for Mineral Extraction, Parks Master Plan, the 2040 Major Transportation Corridor Plan (MTCP), the Colorado Noxious Weed Act, El Paso County Noxious Weed Management Plan, El Paso County Land Development Code, El Paso County Engineering Criteria Manual, El Paso County Drainage Criteria Manual, Volume 2 and the El Paso Community Wildfire Protection Plans.

The Applicant has consulted with local, state and federal regulatory bodies providing guidance on various components of the application.

(e) Conformity to federal land management policies

Federal land management plans or policies do not apply to this Project. The Project will be developed on land owned by the City of Colorado Springs on behalf of its enterprise Colorado Springs Utilities. The project will abide by regulations set forth by various federal agencies including US Army Corps. Of Engineers and will obtain input on the Project details during the review process.

(f) If relevant to Project Design, describe the agricultural productivity capability of land in the Project area, using Soils Conservation Service classification data.

The land is currently rural rangeland used for grazing. There is a portion of the land currently zoned as AA-5 and AA-35, however these lands do not provide the best characteristics for farmland.

(g) Describe probability that the Project may be significantly affected by earthquakes, floods, fires, snow, slides, avalanches, rockslides, or landslides and any measures taken to reduce impacts

The design of the Project was specifically planned as an unmanned facility. It can be run remotely and offers sensors that communicate with the main office systems when monitoring technical integrity. The equipment is designed, and manufacturers certify the ability of the panels to endure major weather events including floods, snow, hail or high winds. During high wind events, the panels have the ability to move to angle specifically to protect the equipment.

The Project site is located in rural El Paso County where the terrain is primarily rangeland and the topography would not meet criteria for weather events such as avalanches, rockslides, landslides.

The project is located near a floodplain and in the event of a flood, the project would have self-shut offs. It is also unmanned so there is minimal risk of the project affecting personnel safety. Lastly, in the event the facility was unexpectedly removed from the grid, this would not affect the community's power source. The design of the Project has incorporated a Drainage Report (**Appendix S**) and efforts to reduce impact of flood events has been considered in the civil design.

The Applicant has developed a Fire Prevention and Protection Plan (**Appendix V**) that has been supplied to the Hanover Fire Department. The Project is about 2 miles from the Fire Department and the plan implements a strategy in how to handle in fire sourced from the Project or in the event of wildfires affecting the Project site. This plan will be finalized over the next few months and submitted in our Site Development Plan submittal. Pursuant to the Wildfire Susceptibility Index outlined in the El Paso County Community Wildfire Protection the Project site is located in a moderate to high wildland fire susceptibility zone. This has been taken into account throughout the planning process and response plans enclosed in this application.

The Geotechnical Engineering Report (**Appendix T**) states that the geologic hazards in the area are anticipated to be low. Seismic activity is anticipated to be low and structurally, the area is relatively stable. The site grading will also help reduce erosion issues. Corrective work may be performed to reduce loose soils.

(h) Specify if excess services capabilities created by the proposed Project will prove likely to generate sprawl or strip development

The power generated for the Project will be assisting the Utilities in retiring other fossil fuel generated power plants, including the Martin Drake Power Plant. There will be no excess service capabilities created from this Project. The Williams Creek Substation will actually require system upgrades in order to take the additional

power generated from the Pike Solar Project. The upgrades needed will not impact the footprint of the Substation and will be conducted within the existing facility. The Project is not anticipated to lead to any kind of sprawl or strip development. The PV site is being built for Colorado Springs' Utilities and is a private project to service the grid for the Utilities. There will be no employees officed on site, and it is anticipated to have little impact on local services to contribute to sprawl or strip development.

(i) Specify whether the demand for the Project is associated with development within or contiguous to existing service areas.

The Project is being developed based upon demand by the Colorado Springs Utilities to provide more renewable energy sources to its customers under the Sustainable Energy Plan, a part of the CSU Energy Vision. The Applicant responded to the RFP request (**Appendix AL**) made by the Utilities and was awarded the project to develop by 2023. This Project will also tie into the pre-existing Williams Creek Substation on land located within the Utilities' service territory. The Project is also located next to a sister site called the Palmer Solar Project. **Appendix AG- Colorado Springs Utilities Service Territories Map** is attached to illustrate the area that the Project will provide energy to.

(8) Surface and subsurface drainage analysis

Several reports have been rendered to develop a civil design that maintains the integrity of the project and takes into account proper drainage and grading to prevent erosion. The Drainage Report (**Appendix S**) provides recommendations for site drainage and any changes that may need to be implemented to accommodate for the site design and maintain the integrity of the surface flows. The Grading and Erosion Plan (**Appendix P**) is the Applicant's civil design to help properly grade the site location to prevent erosion. Lastly, the Geotechnical Engineering Report (**Appendix T**) states that grades will be adjusted to provide positive drainage away from the structures. Infiltration of water into the utility or foundation excavations must be prevented during construction.

The Applicant will also be obtaining a permit for stormwater discharge associated with the construction activities. This will be in compliance with the Colorado Water Quality Control Act. Part of this permit includes providing a Stormwater Management Plan and ESQCP. This will be submitted with the Site Development Plans.

Please find the Geotechnical Engineering Report (**Appendix T**), a Preliminary Drainage Report (**Appendix S**), and an initial Grading and Erosion Control Plan (**Appendix R**) to help in the design patterns for surface and subsurface drainage of the Project. Since measures are taken to address runoff and drainage, the facility will not result in alterations or negative impacts to the area's natural hydrography. The Project will require a SWMP and approval of Erosion and Stormwater Quality Control Permit from El Paso County at the time of construction.

(9) Financial feasibility of the project

(a) Relevant bond issue, loan and financing approvals or certifications

Initial development will be financed by juwi AG, the parent company of the Applicant. Going forward, the Applicant has secured a PPA and will work toward financing structures for long-term ownership of the project. The Applicant has worked a variety of financial structures for the construction and long-term financing of projects. Most recently, the Applicant has had success in working with unregulated subsidiaries of large utilities, such as Duke Energy Renewables, Dominion, PSEG Solar Source and other similar entities that are most

efficient owners of utility-scale solar projects, having both tax exposure to utilize the benefits of the Investment Tax Credit (ITC) and large balance sheets with which to finance projects.

(b) Business plan that generally describes the financial feasibility of the Project

The Applicant can work their parent company to execute a variety of financial structures from a diverse set of capital providers for construction and long-term financing of the projects. Recently there has been success in financing projects in North America with unregulated subsidiaries of large investor-owned utilities. These entities have institutional experience in owning and operating power generation facilities, tax exposure to efficiently utilize the benefits of the Investment Tax Credit (“ITC”), and large balance sheets with which to finance projects. Financing the Pike Solar project in a similar manner would be “on balance sheet” and would not require debt. In February of 2021, juwi launched a financing process to secure the funding of the Pike Solar project, with a top tier investment bank acting as the parent company of the Applicant’s advisor.

(10) Local infrastructure and services impacts- and will include information describing existing capacity of and demand for local government services including but not limited to roads, schools, water and wastewater treatment, water supply, emergency services, transportation, infrastructure, and other services necessary to accommodate the Project.

Please find an impact analysis of existing capacity of and demand for local government services to accommodate the Project:

Roads: The Applicant has made roads and haul routes a priority in the planning process for this project. The goal being to minimize impact of the project on the existing roads. The Applicant has prepared a Road Conditions Survey Work Plan outlining a plan for surveying road conditions prior to and following construction. The Applicant has also agreed to pay a proportional amount for road maintenance attributable to the construction project. The plan in place for planned traffic and daily estimates of vehicles can be found in the Traffic Memo (**Appendix AJ**).

Schools: The Project would not affect any school systems within the area.

Wastewater/water treatment: No new water or wastewater facilities will be required for this Project. The Project will not include any such facilities during operation. During the construction phase of the project, portable sanitary units will be used, and water will be pumped from the Williams Creek Pump Station for dust mitigation purposes.

Water: Once operational, the Project will not require any water usage. During the construction phase of the Project water will be trucked in for specific needs including dust mitigation, soil compaction and necessary revegetation efforts.

Emergency services: The Applicant is working with the Hanover Fire Protection District to ensure that a Fire Prevention and Protection Plan (**Appendix V**) and Emergency Response Plan (**Appendix W**) is in place for the Project. The Applicant has enlisted feedback from the Fire Chief for the traffic haul route plans and emergency route plans to the site. The Hanover Fire Protection District has agreed to provide first response initiatives for Fire and EMS needs to the site location.

Transportation: The Applicant has included **Appendix AI- Haul Route Maps** and **Appendix AJ- Traffic Memo** to outline the main traffic and equipment haul routes proposed for the Project during the construction phase of the project. **Appendix AK- Road Conditions Survey Work Plan** also identifies strategies for

conducting road assessments. Upon project completion, site visits will be limited to periodic operation and maintenance visits that will minimally impact to the transportation and road systems.

Infrastructure: Temporary power will be required during the construction phase of the project. The Applicant is working with MVEA to negotiate temporary power use as this energy source is nearest to the planned substation location and will cause lower impact to the Project site. No other additional impacts to public infrastructure from Project construction or operations have been identified.

Other: (none)

(11) Recreational Opportunities

Currently, there are no recreational opportunities available on the Project site. The Applicant has communicated with the El Paso County Parks and Trails Department to discuss future park and trail plans that intersect the Project site. While no plans are scheduled to build at this time, the Applicant is working with the county to ensure that the Project and future recreational trails can both work in tandem to build a community environment that accommodates both goals. **Appendix AF- Parks and Trails Proposal** depicts the revised trail plan that may be designed in the future within the boundaries of the project site. It will connect to the Kane Ranch Open Space that is north of the Project location and would be designed around any potential future reservoir that CSU may develop. The Applicant has prioritized working with each entity to ensure that all goals could be met through the project development.

(12) Areas of Paleontological, Historic, or Archaeological Importance- Description of impacts and effect of the Project site on paleontological, historic and archaeological interest.

The Applicant enlisted a third party to conduct Class I Cultural Resource Desktop Review (**Appendix AA**), rendered the associated report on October 2, 2020. In this review, there were three locations identified that require more information before impacting the land associated with those locations. To preserve possible historic or archaeological findings, the Applicant has noted these locations, staked them in the field and advised the team to avoid these locations. The locations have been excluded from the project design to minimize impact of what may be in place. Two of the locations (5EP.4830 and 5EP.4832), are identified as Archeological Resource Types that “Need More Data” and one of the locations (5EP.4849), is an Archaeological Resource Type that is categorized as “Officially Eligible”.

Additionally, the Applicant submitted the associated findings and planned course of action to the Office of Archaeology and Historic Preservation (OAHP) On December 21, 2020. In a letter received via email on December 28, 2020, Mark Tobias from the OAHP office submitted a response and verified that Section 106 of the National Historic Preservation Act and the Colorado State Register Act (Colorado Revised Statute (CSR) 24-80.1) does not apply. The Project design will not interfere in any potential cultural resources on the property.

Lastly, we have completed analysis on wetlands and waters of the U.S. The final response was that no jurisdictional wetlands or waters were found. No further action is required. Correspondence associated with this request can be found in **Appendix K**.

(13) Nuisance- Descriptions of noise glare dust, fumes, vibration and odor levels anticipated by the Project.

When the project becomes operational, the site is an unmanned solar facility that has a negligible impact on any nuisance. There will be minimal dust or fumes resulting from periodic site visits from operations and maintenance personnel. The noise caused by a solar facility will be equivalent to an air conditioning unit and

the glare from solar panels will be minimal. The site is not located near any homes or near the roads to affect the local community.

During the construction phase, the Applicant will work to minimize noise, dust, fumes and other nuisances caused by project development. The Applicant will abide by 6.2.7 guidelines for Operational Standards in the Land Development Code. Construction activities will be limited to the times between 7 a.m. and 7 p.m. Monday through Saturday and will not exceed the maximum dBA permitted in the code. The dust mitigation efforts will be performed by spraying water onsite during the construction to prevent dust emission in the air.

Correspondence with the Federal Aviation Administration (FAA) dated October 13, 2020 is attached as **Appendix L- FAA Correspondence**, confirming a “No Hazard Determination” for the Project. The Project will not interfere in any aviation activities in the area.

Lastly, **Appendix AB- Electromagnetic Interference Report** (EMF) was rendered, which illustrates that the Project will not adversely affect the community through radiation, emission levels, and electromagnetic interference with radio transmissions. There will be no significant impact caused by electromagnetic interference.

(14) Air Quality- Description of the impacts and net effect that the Project would have on air quality during both construction and operation, and under both average and worst case conditions, considering particulate matter and aerosols, oxides, hydrocarbons, oxidants and other chemicals, temperature effects and atmospheric interactions.

This project will require an Air Pollutant Emissions Notice (APEN) prior to construction. The APEN form will include information regarding Fugitive Dust Control Plan for land development. Air quality impacts associated with the project are primarily from dust generation throughout the construction process. Earth moving equipment, skid loaders, trucks and personnel vehicles will contribute to diesel and gasoline emissions. Measures will be taken to minimize impact through water usage in dust control efforts.

Details further describing the Applicant’s Air Quality Management Plan is included in this application (**Appendix Q**). This plan outlines vehicle traffic times and timing of deliveries. It also provides additional details to the dust control measures planned.

(15) Visual Quality- Description of the impacts and net effect that the Project would have on visual quality, considering viewsheds, scenic vistas, unique landscapes and land formations within view of the Project area.

The Project site is located in a rural area and the nearest homes are over 1 ½ miles from the site. The site is located strategically next to the pre-existing Williams Creek Substation in order to connect the system more efficiently. The Palmer solar site already exists near the site as well as other electrical infrastructure, a gas pipeline, and a landfill.

We have included a Visual Simulation (**Appendix AC**) within the application to project how the project will look from various vantage points. The Project does not affect any scenic views toward the west. The arrays will be visible from Birdsall Road located at site 4 in the simulation which is southwest of the site.

The primary visual impact of the project will come from the ground-mounted solar arrays, which have a relatively low profile, conform to the existing terrain, and have minimal issues related to glare or reflection. The design of the project includes the construction of a single additional overhead line, adjacent for its entire length to existing or planned power infrastructure. There will be eight groups of arrays and each will be

fenced separately for safety purposes and to reduce the visual impact of the facility. The fencing will be located directly around each group of arrays. The fencing will be 7' in height in total, 6' of 11-gage mesh, and 1' of high visibility wire on top.

(16) Surface Water Quality

(a) Map or description of surface water relevant to the Project, including description of provisions of the applicable regional water quality management plan, and NPDES Phase II Permit and necessary El Paso County Erosion and Stormwater Quality Control Permit, Section 404 Federal Clean Water Act Permit that applies to the Project and assessment of whether the Project would comply with those provisions.

The proposed drainage patterns will match the existing drainage conditions and historic patterns. Overlot grading and specific areas within the Site will be required to facilitate construction of the solar arrays on adequate slopes. The overlot grading will follow the existing topography and will not alter the historic drainage patterns. Overall impervious area of the site will not increase except for the addition of gravel access roads and the concrete low water crossings throughout the Project. The details can be seen in the Drainage Report (**Appendix S**), Elevation Plans (**Appendix U**) that also indicate water patterns planned. The basis for these requirements and guidelines were found in the El Paso County Drainage Criteria Manual. In acting in further compliance, the State of Colorado EPA National Pollutant Discharge Elimination System (NPDES) Program requires the Applicant to obtain a Construction Stormwater General Permit supply a corresponding Stormwater Management Program Plan (SWMPP). This will help illustrate the ways that the Applicant will be controlling erosion and sediment releases within the Project site. The Applicant will also be requesting a Grading and Erosion Permit (ESQCP) with the corresponding Grading, and Erosion Control Plan (GEC Plan) with El Paso County prior to construction. The plan and associated application will outline possible pollutants, permanent stormwater control measures and mitigation efforts, Best Management Practices and methods for minimizing and eliminating impact to the waters. This submittal will follow the guidelines of the El Paso County Engineering Criteria Manual and the Drainage Criteria Manual, Volume 2.

Additional information regarding surface water is found within the Non-Wetland Water Features and Wetlands Report dated October 2, 2020 (**Appendix H**). The Applicant used this data to identify potential wetlands features and submit the information to the USACE for Jurisdictional Determination. Communication on this can be found in **Appendix K**.

Additionally, there is a location on the property that the Applicant has specifically designed around to allow CSU to potentially create a reservoir expansion area in the future. The reservoir is not part of the Applicant's project but simply a feature that is intentionally preserved to maintain surface water quality. This is located within a 100-year floodplain location and is avoided in order to allow for future surface water development within the boundaries of the Project site. These features can all be identified in the **Appendix D- 1041 Map Plan**.

The Project has worked to abide by the local guidelines for water. The Applicant has reviewed recommendations outlined in the El Paso County Water Master Plan. The Applicant also referred to the Pikes Peak Area Council of Governments Water Quality Plan. The Water Quality Plan was required under federal and state statutes to recommend future policies and technical strategies associated with the watersheds within the area. The Project site is located within the Fountain Creek Watershed.

(b) Existing data monitoring sources

There are no known existing data monitoring sources on site for surface water quality.

(c) Description of the immediate and long-term impact and net effects that the Project would have on the quantity and quality of surface water under both average and worst-case scenarios.

During the construction phase of the Project, there will be short-term impacts. Details for this site preparation and recommendations can be found in **Appendix T- Geotechnical Engineering Report**. To prepare the site, existing vegetation and unsuitable fill will be removed. The site will be preliminarily graded. All exposed areas will receive an engineered fill. The excavations will be sloped or shored. All grades will be adjusted for positive drainage way from structures during construction and will be maintained throughout the life of the Project. Landscaped irrigation adjacent to the foundation systems will be minimized or eliminated. Water will not be permitted to infiltrate the fill or subgrade to prevent soil movements, therefore grading will be designed to prevent this.

The final response was that no jurisdictional wetlands or waters were found. The regional district office and headquarters determination is included in the correspondence. No further action is required. No long-term impacts are anticipated in association with these waters.

Long-term impacts to water quality will be mitigated through the Best Management Practices and mitigation efforts shown in the SWMPP and GESQCP plan that will be submitted prior to construction. Plans and engineering designs will follow county guidelines to ensure minimal long-term impacts. The Drainage Report (**Appendix S**) will address all on-site and off-site impacts from the project.

(17) Groundwater Quality

(a) Map and/or Description of groundwater, including any and all aquifers relevant to the Project. At a minimum the description should include:

- i) Seasonal water levels in each portion of the aquifer affected by the Project**
Testing for groundwater was conducted through the **Geotechnical Engineering Report (Appendix T)**. Although groundwater levels can be expected to fluctuate with varying seasons and weather conditions, groundwater findings were minimal in the boring and test pit logs. There were 60 exploratory borings and 24 test pits conducted on the Project site. There was groundwater found in only one test pit at about 7 feet below existing site grade while excavating.
- ii) Artesian pressure in said aquifers**
The Project is not anticipated to effect groundwater, therefore artesian pressure was not tested.
- iii) Groundwater flow directions and levels**
The Project will not impact groundwater and therefore levels/directions were not assessed.
- iv) Existing aquifer recharge rates and methodology used to calculate recharge to the aquifer from any recharge sources.**

The Project is not anticipated to effect groundwater, therefore aquifer recharge rates were not tested.

- v) **For aquifers to be used as part of a water storage system, methodology and results of tests used to determine the ability of the aquifer to impound groundwater and aquifer storage capacity.**
Aquifers will not be used for water storage for this Project.
- vi) **Seepage losses expected at any subsurface dam and at stream-aquifer interfaces and methodology used to calculate seepage losses in the affected streams, including description and location of measuring devices.**
The Project is located above-ground and not expected to create seepage loss.
- vii) **Existing groundwater quality and classification.**
Groundwater was not monitored on the site. This is an above-surface development that will not have any measurable effect on groundwater.
- viii) **Location of all water wells potentially affected by the Project and their uses.**
A Phase I Environmental Site Assessment (**Appendix G**) dated October 21, 2020 was rendered and shows all wells located within the Property boundary. Most wells were either Plugged and Abandoned or the permit had expired. In the report, there are three water wells located on the property that were identified near the project designs. Map ID 10 is permit 23360-A. This is an active water well near the stock tank. Map ID 14 and Map ID 15 were constructed under Monitoring Hole Notice MH-55731 and MH-55733, respectively. They are known by the Utilities as MW-14 and MW-13. They are both permitted as a monitoring well and/or water quality sampling. The Project design does not impact these existing wells and has been specifically designed around them to ensure that no adverse effects to the groundwater.

(b) Impacts and net effect of the Project on groundwater quality

The Project will have little effect on groundwater quality. The Project will not use groundwater nor any wells on the property. The construction of the project is designed to have minimal to no effect on groundwater.

(18) Water Quantity

(a) Map or description of existing stream flows and reservoir levels.

The Utilities has designated a reservoir expansion area on the Project site. This area is specifically omitted from the Project design and the Applicant will be working around this area to allow preserve this for future use. The reservoir expansion area can be seen in **Appendix D- 1041 Map Plan**. This is a planned area that the Applicant has accounted for and included a buffer zone in the event CSU works to expand.

(b) Map or description of existing minimum Stream flows held by Colorado Water Conservation Board

Based on a review of the Colorado Water Conservation Board website, the Project is in the Washed Plan Fountain HUC8=11020003.

(c) Impacts and net effect on water quantity

The Project will not have effects on water quantity. Water will only be used as necessary for dust mitigation purposes, soil compaction and revegetation needs. The Applicant estimates 4,475,000 gallons of water to be used during construction. Water will not be needed after completion of the Project. A Permanent water supply or any demand for water use will not be required when the Project becomes operational.

(d) Methods for efficient water utilization

Water will be obtained from the Williams Creek Pump Station located onsite and utilized only for construction needs such as dust mitigation during the construction phase of the Project. The Project requires minimal amounts of water and thus is an efficient project for water conservation.

(19) Floodplains, Wetlands, and Riparian Areas; Wildlife and Wildlife Habitat

(a) Applicant shall only provide description of foregoing natural conditions, animal and plant life, at but not to exceed level of detail required by other federal, state permits or review which are applicable to the Project.

The Project location does intersect the 100-year floodplain. The project design has been constructed around the floodplain to the best of the Applicant's ability but there are four roads that cross the floodplain and are being designed in consultation with USACE and in a manner that will minimize impact to the floodplain. A letter has been drafted to the Pikes Peak Regional Building Department to address this crossing. Due to the fact that the Project upon completion will be an unmanned facility, it will not be required to have non-inundated access to the portion of the project built across the floodplain. The letter verifying such communication is attached as **(Appendix O)**.

The Applicant requested a study and subsequent report titled Non-Wetland Waters and Wetlands dated October 2, 2020 **(Appendix H)**. This report was supplied to USACE in to determine any claims for Jurisdictional Determination on specified locations that were identified **(Appendix K)**. The final response was that no jurisdictional wetlands or waters were found. No further action is required.

Environmental studies were conducted on the project site to verify that wildlife and associated habitats would be minimally affected. The reports rendered have been provided to CPW for review and concurrence in plans forward. **(Appendix J)**.

The Applicant enlisted a consultant to conduct a Biological Resources Report **(Appendix F)** and submitted said report to the Colorado Parks and Wildlife Department ("CPW") for its review. CPW provided its concurrence **(Appendix J)** with all recommended wildlife and habitat surveys included within the report. Applicant intends to incorporate all appropriate guidelines and surveys in its pre-construction planning for the Project.

(20) Soils, Geologic, Conditions and Natural Hazards

(a) Map of Geologic Conditions and Natural Hazards

Information regarding the Geologic Conditions and Natural hazards are attached in the Geotechnical Engineering Report as **(Appendix T)** which also includes a map and laboratory test results associated with the soil conditions of the area.

The report states that geologic hazards at the site are anticipated to be low. Seismic activity in the area is anticipated to be low and from a structural standpoint the property should be relatively stable.

The Geotechnical Engineering Report states that the geologic conditions of the site consist of valley-fill alluvium, Piney Creek alluvium, eolian sand and Pierre Shale bedrock. These are primarily various amount of sand and clay. Additionally, the Non-Wetland Water Features and Wetland Report **(Appendix H)** states that none of the soils are considered hydric. There are seven soil types mapped on the NRCS soil survey including:

- Ascalon Sandy Loam
- Heldt Clay Loam
- Fort Loam
- Manzanola Silty Clay Loam, Saline
- Midway Clay Loam
- Razor Midway Complex
- Ustic Torrifluvents, Loamy.

Pursuant to the Geotechnical Engineering Report **(Appendix T)** indicates that geologic hazards at the site is anticipated to be low. Seismic activity is anticipated to be low and structurally, the property is considered relatively stable. The site design will be properly graded to avoid erosional issues and further potential for natural hazards.

(b) Description of risks from natural hazards

There have been no natural hazards identified in the Project area. The Geotechnical Engineering Report **(Appendix T)** indicates low likelihood of geologic hazards. Seismic activity in the area is anticipated to be low and from a structural standpoint, the property should be relatively stable. Storm events and other natural hazards are considered in the civil design.

An Emergency Response Plan **(Appendix W)** is being developed for the site and the Applicant is working with the Hanover Fire Protection District to coordinate the plan.

Finally, the site will be designed to meet wind, snow-load, and other weather events, in accordance with El Paso County standards.

(c) Impacts and net effect on soil and geologic conditions

Earth moving consists primarily of grading and vegetation removal required for project development. The Project will likely result in ground disturbance for approximately 1,350 acres (less than the leased area and the WSE-O boundary due to setbacks and buffer distances). However, impacts on soils and geologic conditions will be negligible. Using existing topsoil for construction will help minimize erosion and help stormwater management. Since revegetation will happen after construction and ground disturbance is minimal following construction, there will be minimal impacts to soils and geologic conditions. The Project requires an approved

Grading and Erosion Control Plan (**Appendix Q**) which also highlights the mitigation efforts to affect the soil and geologic conditions and uphold the integrity of the property with the Project in place.

(21) Hazardous Materials

(a) Description of Hazardous Materials

A Phase I Environmental Site Assessment (**Appendix G**) was conducted and a report rendered on October 21, 2020 that verified there were not Recognized Environmental Conditions (REC's), Controlled Recognized Environmental Conditions (CREC's), nor Historical Recognized Environmental Condition (HREC) found on the property.

Hazardous Materials for this project include petroleum products utilized during the construction phase including motor oils, fuel and hydraulic fluids. Maintenance of vehicles will be conducted off-site. The Applicant will also be submitting a Spill Prevention, Control and Countermeasure (SPCC) Plan prior to construction.

An Operations and Maintenance Plan (**Appendix AH**) will be in place for personnel to follow project guidelines. This will include training for personnel regarding Hazards Materials.

The lithium contained in the BESS will be considered a hazardous material. Guidelines and precautions will be taken in installing, maintaining and decommissioning this component of the project. Should there be any emergency associated with the project, a guide on how to handle the battery is outlined in the Emergency Response Plan (**Appendix W**). The final Emergency Response Plan will be included in the Site Development Plan submittal.

(b) Location of storage areas and plans for contamination

The SPCC Plan that will be submitted will outline a plan for controls in the event of storage or contamination of hazardous materials. Additionally, an Emergency Response Plan (**Appendix W**) also addresses how to handle the BESS and potential emergencies associated with contamination. The final Emergency Response Plan will be submitted with a Site Development Plan and address feedback from the Hanover Fire Protection District.

(22) Monitoring Plan and Mitigation Plan

(a) Mitigation that is proposed to avoid, minimize, or compensate for adverse impacts of the Project and to maximize positive impacts.

i) Describe how and when mitigation will be implemented and financed

Several plans are included in this application to help minimize and mitigate adverse impacts to the Project site. The Applicant requests a waiver in providing the Monitoring and Mitigation Plan as the below will outline a series of other plans that should address these items.

In preparing the site for development, the Applicant prioritized obtaining reports and conducting studies to understand the environment, wildlife, and cultural artifacts on the site to ensure that the Project would not interfere and could work to preserve any of the findings. In doing so, the Applicant will work to avoid any potential cultural zones identified, create engineering design plans to avoid interference in the wetlands and waters of the U.S. as well as mitigate and minimize impact to the wildlife identified in the area. Vegetation removal will be limited to the areas within the siting envelope affected in the site design. An Integrated Noxious Weed Management Plan (**Appendix X**) is also in place to help mitigate noxious weeds throughout the life of the Project.

During the construction process, Grading and Erosion Control Plans (**Appendix R**) will be implemented to minimize impact in avoiding erosion and maintaining the integrity of the land. A Drainage Report (**Appendix S**) has been included in this application to illustrate how the Applicant will design the project to avoid drainage issues and interference in wetlands and waters of the U.S. There will be a Lighting Plan (**Appendix AD**) that will provide details on lighting needs both during the construction phase and operational phase of the Project. Lighting needs for the project will be very limited during both phases and only utilized as a necessity or intermittent through motion detection. In addition, the Applicant will be abiding by all guidelines stipulated in the 6.2.7 Operational Standards in the El Paso County Land Development Code including noise mitigation, dust prevention, odor, and vibration control. Additionally, the roads that will be used are identified in **Appendix AI- Haul Route Map**. The planned traffic plan for these routes and construction traffic is outlined in **Appendix AJ- Traffic Memo** and compensation for maintaining these roads will be determined through the studies conducted in the **Appendix AK- Road Conditions Survey Work Plan**.

Upon completion of the project and when the site becomes operational, the Applicant has plans in place to continue and maintain the site to ensure the facility is maintaining its functionality and safety as well as the overall site is upheld. The Applicant will be abiding by the Operations and Maintenance Plan (**Appendix AH**) to keep the facility operating properly and keep the site orderly. The Preliminary Fire Prevention and Protection Plan will be utilized for any emergency response needed for the Project. Finally, when the life of the project has ended, there is also a Decommissioning Plan (**Appendix Y**) as well as abiding by the terms of the lease of the property to ensure that the site is reclamation is conducted. The facility will be removed, and the land will be returned to its original condition.

With these plans in place during each phase of the project, it will help avoid and minimize potential negative affects to the site and will continue to help the Applicant proactively work toward the positive impacts and means of maintaining the integrity of the site.

Throughout the construction phase, there will be additional efforts included in the overall design that will be see in the **Appendix D- 1041 Map Plan**. The site includes staging areas to avoid creating an unnecessary footprint on the location. Timing for construction activities are considered to avoiding disturbance to the community by limiting activities from 7 a.m. to 7 p.m. Overall Best Management Practices will be implemented for conducted activities on the site and maintaining the site.

ii) Describe impacts that are unavoidable that cannot be mitigated.

One risk may be wildfires or other natural disasters that may occur in the area. Although unavoidable, the Applicant has several measures in place to help mitigate through the **Emergency Response Plan (Appendix W)**. Additionally, snowstorms may be an unavoidable natural occurrence. The Applicant's design team has engineered panels and racking systems that can handle predicted snow and wind loads. Should weights exceed the design, operations and maintenance teams will be called in to help in repairs.

(b) Methodology to measure impacts of the project and effectiveness of proposed mitigation measures.

Within many of these places there are measurement sources to ensure that the goals are achieved for mitigation of negative effects and promotion of positive impacts on the site.

One such measurement source is through routine monitoring and reporting. The Project will be under continuous monitoring systems to check functionality of the systems in place. In addition, the Applicant has an internal operations and maintenance team trained in ensuring the Project will be maintained properly.

The Applicant will conduct routine inspections related to the required plans that will be submitted during the Site Development Application process including: Stormwater Management Plan and Stormwater Quality Control Permit, and Spill Prevention Control and Countermeasure Plan. These plans will help ensure the Project maintenance is up to date.

(c) Description, location and intervals of proposed monitoring to ensure that mitigation will be effective.

To help mitigate issues a **Fire Prevention and Protection Plan (Appendix V)** is established to help eliminate potential hazardous issues. Systems will be in place within the facility to monitor that technology on the Project site. Should there be any issues with the systems in place, notifications will be received, and proper actions may be taken to ensure the safety and integrity of the Project site. This will be outlined in the Emergency Response Plan (**Appendix W**). Both plans are currently in a preliminary stage and will be reviewed and worked with the Hanover Fire Protection District. Final plan will be expected to be provided for the Site Development Plan submittal.

Applicant will adhere to all plans approved by El Paso County and PPRBD.

(23) Additional Information

There has been no additional information requested at this time.