

10/26/2018

Ms. Kari Parsons
Project Manager
El Paso County Planning and Community Development Department
2880 International Circle
Colorado Springs, CO 80903

Subject: Letter of Intent-Wind/Solar Energy Generation Overlay for Grazing Yak Solar, LLC

Dear Ms. Parsons,

This Letter of Intent (LOI) is being submitted as part of the Wind/Solar Energy Generation Overlay (WSE-O) Application for the Grazing Yak Solar Project (Project). The Applicant and Project Owner is Grazing Yak Solar, LLC (Applicant; **Attachment 1: WSE-O Application Form**), a wholly-owned subsidiary of NextEra Energy Resources, Inc (NextEra).

Introduction

The Applicant is pleased to present this application for a WSE-O zone for the Grazing Yak Solar Project located southeast of the Town of Calhan in El Paso County, Colorado. The proposed Grazing Yak solar array (solar array) will be located in an area that will cover approximately 270 acres currently used as range land situated east and south of the intersection of McQueen Road and Washington Road on a privately-owned parcel. The proposed underground collection line corridor (collection line) will run approximately one mile from the north end of the solar array area to the existing Golden West Wind Energy Project (“Golden West”) substation and the corridor will encompass approximately 12 acres of privately-owned land located north of the solar array. The solar array is surrounded by privately-owned range land to the north, south, east and west. The Applicant has secured leases for the properties that have underground collection line on them, and an option to purchase the land on which the solar array will exist (**Attachment 2: Project Lease Agreements**). The Applicant has obtained liability insurance for the Project (**Attachment 3: Proof of Liability Insurance**).

The Applicant will construct, operate, and maintain the Project, a 35-megawatt (MW) photovoltaic solar energy generation facility, to provide renewable energy to Colorado Springs Utilities (CSU), which provides energy to the city of Colorado Springs. The Project will support local, state, and federal policy goals including CSU’s Energy Vision renewable energy goals, which aims to produce 20% of energy generation from renewable energy sources by 2020, while maintaining a regional energy cost advantage. In addition, the Project will support Colorado’s renewable energy standard (RES; C.R.S § 40-2-124). By 2020, this statute requires 30% of retail energy sales to be derived from renewable generation for investor-owned utilities and 10% for large municipal utilities. The Project’s Power Purchase Agreement (PPA) states that the Project will provide energy to CSU for a term of 25 years (**Attachment 4: Power Purchase Agreement**). The Project’s collection lines will connect to the existing Golden West substation owned and operated by the Applicant. Energy will be transferred via an existing 29-mile transmission line to the Public Service Company of Colorado’s (PSCo) Jackson-Fuller Substation located in Falcon, Colorado at which point energy will be metered and delivered to CSU.

The Applicant submitted an interconnection request to Public Service Company of Colorado (PSCo) in November 2017 for the 35 MW Project. The combined Feasibility and System Impact Study was

received on October 17, 2018 (**Attachment 5: Interconnection Agreement Status**). The Facilities Study is expected in January, and the final large generator interconnection agreement (LGIA) is expected to be executed in early 2019. The Applicant has been in regular communication with PSCo throughout this process, and fully expects that the final LGIA will be executed well before start of construction.

The development and construction schedules are sequenced to support a commercial operations date of December 2019. The Applicant commenced Project discussions with the County on February 7, 2018 for the early assistance meeting. The Applicant anticipates presenting the Project to the Board of County Commissioners (BoCC) for approval of the WSE-O and 1041 applications in early 2019. The Site Development Plan (SDP) will be provided immediately thereafter, targeting approval by May of 2019. Assuming timely approval of all permits and the SDP, construction will begin in July 2019. There is no phasing planned for construction; the Project would be constructed during one phase.

The proposed uses allowed by the WSE-O will include solar panels, collection lines, DC to AC inverters, medium voltage transformers, circuit breakers and disconnect switches, and the existing Golden West substation and Operations & Maintenance (O&M) building.

The proposed Project WSE-O Dimensional and Density Standards are provided in Table I below as required by Section 4.3.5 of the El Paso Land Development Code. Up to 18 transformers and inverters would be located adjacent to panels and would be up to a maximum height of 18 feet. The Applicant requests a maximum height of 35 feet within the WSE-O zone for the Project, since the Project would require alteration of the existing Golden West substation which contains infrastructure no taller than 35 feet (see Table I below).

The Project area is primarily situated within the Golden West existing WSE-O (**Attachment 6: El Paso County Zoning Map**). The WSE-O zone for the Grazing Yak Solar Project consists of all parcels containing the solar array, collection line and substation upgrades (**Attachment 7: Preliminary Site Plan, Attachment 8: Legal Descriptions**).

Table I. Grazing Yak Proposed WSE-O Dimensional Standards

| Overlay District | Underlying Zoning District | Minimum Setbacks for structures* (ft.) (Principal and Accessory Uses) | Maximum Height of Solar Panels (ft.) | Maximum Height of Inverter-Transformer Pairs (ft.) | Maximum Height of existing Substation Facilities (ft.) |
|-------------------|----------------------------|---|--------------------------------------|--|--|
| | | Perimeter | | | |
| Grazing Yak WSE-O | A-35 | 25 | 14 | 18 | 35 |

* Setbacks are not applicable to fences or walls seven feet in height or less, retaining walls less than four feet in height, poles, lines, cables, distribution and transmission lines. All setbacks shall be measured from the WSE-O District boundary,

Proposed facilities include solar panels and single axis trackers, transformers and DC to AC inverters, and an underground collection connecting the solar arrays to the existing Golden West substation. The Golden West substation will require minor upgrades to connect the solar array. These upgrades will include extending the 34.5kV overhead bus to accommodate a new 34.5 kV feeder breaker. Additionally, the new breaker will be supplied with new revenue grade meters. The solar panels area is arranged in arrays that run from east to west across the solar array area. Panels are clustered into modules and

fixed to the ground on piles that support the panels. A motor is affixed to a central pile that provides power so that panels can track the movement of the sun. At a neutral tilt, panels are parallel to the ground at a typical height of 5 feet. At a maximum tilt, the height of the panel typically reaches approximately 10 to 14 feet in height. Up to 18 inverters and transformers will be located adjacent to solar arrays. Each transformer and inverter pair footprint will measure approximately 25 by 9 feet and will not exceed 18 feet in height; transformers will measure approximately 15 to 18 feet in height. It is anticipated that the Project will use Jinko 390-395 W solar panels and 3.14 MVA Power Electronics inverters. A 6-foot tall chain link fence with a 1-foot barbed wire will be installed around the solar array for safety and security of the solar panel area.

Collection lines from the inverters will converge at the northeast corner of the solar array; the collection lines will be buried underground and will run approximately one mile to the existing Golden West substation. At present, the underground collection line corridor measures approximately 200-feet in width along County parcels 1200000388, 1200000387, 1200000276, and 1200000056. The exact location of the collection line within the corridor will be determined at the SDP phase. Construction would require the addition of one bay in the existing Golden West substation to accommodate power collected from the Project.

In accordance with County requirements as described in the *Land Development Code Site Specific Development Plan*, this LOI includes the following information:

- 1) Owner/applicant and consultant, including addresses and telephone numbers
- 2) Site location, size, and zoning
- 3) Request and justification
- 4) Existing and proposed facilities, structures, roads, etc.
- 5) Deferral and waiver requests (if applicable) and justification
- 6) The purpose and need for the change in zone classification
- 7) The total number of acres in the requested area
- 8) The total number of residential units and densities for each dwelling unit type
- 9) The number of industrial or commercial sites proposed
- 10) Approximate floor area ratio of industrial and/or commercial uses
- 11) The number of mobile home units and densities
- 12) Typical lot sizes: length and width
- 13) Type of proposed recreational facilities
- 14) If phased construction is proposed, how will it be phased
- 15) Anticipated schedule of development
- 16) How water and sewer will be provided
- 17) Proposed uses, relationship between uses and densities
- 18) Areas of required landscaping
- 19) Proposed access locations
- 20) Approximate acres and percent of land to be set aside as open space, not to include parking, drive, and access roads

Additionally, a WSE-O Plan has been prepared in accordance with the County Development Services Department (DSD) requirements (**Attachment 9: WSE-O Plan**).

1) Project Owner/Applicant and Preparer/Consultant

| | |
|--|--|
| Owner/Applicant Grazing Yak Solar, LLC Aley Davidson, Project Developer 700 Universe Boulevard Juno Beach, FL 33408 Phone: 561.814.7287 Project Owner: Grazing Yak Solar, LLC 700 Universe Boulevard Juno Beach, FL 33408 | Preparer/Consultant: CORE Consultants, Inc 1950 W Littleton Blvd, Suite 109 Littleton, CO 80120 Phone: 303.7013.4444 |
|--|--|

2) Site Location, Size, and Zoning

Site Location

The proposed Project facilities will be located in Sections 20 and 29, Township 12 South, and Range 61 West in El Paso County, Colorado. The Project is located approximately four miles southeast of the Town of Calhan. The Project is bound on the north, south, and west by the existing infrastructure of Golden West (**Attachment 6**). Golden West operates on leased land situated on privately-owned rangelands. Privately owned rangelands bound the Project on the east. The Golden West substation is located on land owned and operated by Golden West Power Partners, LLC, a subsidiary of NextEra Energy Resources, Inc. The WSE-O zone included all parcels that are crossed by Project facilities (**Attachment 10: WSE-O Affected Boundaries Map**).

Specifically, the proposed WSE-O zone would consist of the following parcels:

| Parcel ID | Current Zoning | Landowner |
|------------|----------------|---|
| 1200000040 | A-35 | Henriatte Long |
| 1200000388 | A-35 | Timothy and Colleen Pachak (Recent new owners; Lease and Title covered under Balsick Parcel No. 1200000387) |
| 1200000387 | A-35 | Adam M and Kristin K Balsick |
| 1200000276 | A-35 | William K Henderson and Monica L Deines-Henderson |
| 1200000056 | A-35 | BS Wind, LLC (Gary B Skaggs) |
| 1200000339 | A-35 | Golden West Power Partners, LLC (Owned by Applicant) |

Size

The proposed WSE-O parcels will encompass 1,224 acres, and will include the solar array, collection line corridor, and the parcel encompassing the existing Golden West substation and O&M building. The solar array will be located on approximately 270 acres within the 1,224-acre proposed WSE-O and consist of single axis tracking solar PV panels, DC to AC inverters, switches, and underground collection lines. The solar array will be located on County parcel 1200000040. An occupied residence is located on the northern portion of the parcel 1200000040 (46-acres), and the solar array will be recorded as a new, 270-acre parcel after the approval of the Project. The collection lines will transport energy from the inverters and will converge at the northeast corner of the solar array area and run approximately

one mile north along a 200-foot wide underground collection line corridor to interconnect to the existing Golden West substation.

Zoning

The Project is located on parcels zoned A-35 (agricultural – 35 acres; **Attachment 6**).

3) Request and Justification

The purpose of the Project is to construct, operate, and maintain a 35-MW photovoltaic solar power generation facility to provide solar-generated renewable energy to CSU. The need for the Project was established primarily by CSU's Energy Vision renewable energy goals, which aims to produce 20% of energy generation from renewable energy sources by 2020, while maintaining a regional energy cost advantage. In addition, the Project supports Colorado's RES (C.R.S § 40-2-124) which requires 30% of retail energy sales to be derived from renewable generation for investor owned utilities and 10% for large municipal utilities by the year 2020. Other statutes and policy directives that require or encourage the production of renewable energy include the Colorado Governor's Climate Action Plan, and local initiatives of Colorado rural cooperatives, municipal utilities, and generation and transmission associations.

Conformance to County Master Plan

The activities associated with the Project are compatible with the current County Master Plan (Master Plan) which consists of the County Policy Plan (CPP), small area plans (SAPs), the Parks Master Plan, the Master Plan for Mineral Extraction, drainage basin planning studies and the major transportation corridors plan. The Master Plan guides land use in the County. The Master Plan has been reviewed as part of this process and specific component plans under the Master Plan have been identified and reviewed further as they are impacted by the location and nature of the Project, including the CPP. The Project is located in an area of the County that is proposed to be included in the Eastern County SAP. At present, there is no Eastern County SAP issued from the County Planning and Community Development Department. The following is a summary of key elements of the CPP with a detailed discussion of those elements that are relevant to the Project. Specific sections, goals, and policies from the CPP are outlined below.

The following Sections 1.0 through 13.0 reflect components of Chapter I of the CPP and describe how the Project would conform to those components.

Conformance to Goals and Policies of the County Policy Plan (CPP)

CPP 1.0 Small Area Plans

The County has developed SAPs to provide a framework for development within areas of the County that have similar land use patterns. The WSE-O is situated within the portion of the County that is proposed to be included in the Eastern County SAP. At present, there are no planning districts or goals and policies identified for the proposed Eastern County SAP.

CPP 2.0 Natural Systems

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

Solar energy generation is a clean, renewable energy that will not contribute to the pollution in the area. Construction and operation activities will be planned to minimize and mitigate any negative effects to the environment.

Air and Water Quality

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

The Project will acquire the applicable construction permits, adhering to federal air and water regulations prior to construction. The solar generation facility will not require operating air or water permits.

The Project would not result in adverse impacts to air quality. Some particulate emissions from dust generation would result from the operation of heavy equipment during construction. However, these emissions would be temporary and limited to active areas of construction. Best Management Practices (BMPs) would be implemented during construction to mitigate dust emissions. Specifically, water trucks will be utilized to spray disturbed areas to minimize dust emissions (**Attachment 11: Air Quality Management Plan**).

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.

The Project contracted CORE to prepare a Preliminary Drainage Report for the initial submittal of the WSE-O (**Attachment 12: Preliminary Drainage Report**). The report identified major and minor drainage basins in the Project. The Project will not impact historic flow rates of major or minor drainage basins within the Project. Most internal access roads will consist of native compacted soils to 12-inches in depth. Some solar array access roads will require gravel. Stormwater detention facilities will be installed to maintain historic flows associated with stormwater runoff resulting from the gravel road locations within the solar array. The Storm Water Management Plan (SWMP), Grading Erosion and Sediment Control (GESC) plan, and Spill Prevention, Control, and Countermeasure (SPCC) plan will be completed prior to construction and will include both temporary and permanent BMPs to prevent erosion and sedimentation to drainage basins within the solar array or collection line corridor resulting from grading. The SWMP and GESC will be submitted as part of the application for a County Erosion and Storm Water Quality Control Permit (ESQCP) prior to construction.

Noise Control

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 Applicant retained Epsilon to perform a Project Noise Study (**Attachment 13: Noise Study**). Predicted decibel levels of construction noise were modeled at the solar array boundary, and at receptors within a one-mile radius of the solar array. The Noise Study assessed predictable construction and operations noise of the Project and determined that during the construction phase, noise may exceed decibel levels listed in the County Ordinance Concerning Noise Levels in Unincorporated El Paso County (Ordinance No. 02-1) at the solar array property boundary when activities are close to the edge of the solar array property boundary. Noise levels would meet County Ordinance thresholds at all adjacent residences (receptors). Construction activities would typically be limited to normal working hours between 7:00 am and 6:00 pm, Monday through Saturday. Work outside of these hours would be limited and would be restricted away from the solar array boundary to meet permissible construction noise levels outlined in the ordinance. The Applicant is in the process of obtaining waivers from adjacent landowners that state their support for the Project, regardless of the potential for some construction noise exceeding the County Ordinance thresholds at the northern boundary of the solar array. Noise

levels associated with installation of the underground collection line will not exceed County Ordinance thresholds.

Noise produced during Project operations will be negligible to sound receptors within the one-mile radius of the solar array. Solar panels are silent; however, inverters do emit sound (**Attachment 13**). The sound emitted from an inverter has a similar intensity as an air conditioner and the sound dissipates significantly and quickly with distance. The noise study determined that no noise will be received by any sound receptors (occupied residential or occupied work space) within a one-mile radius of the solar array or underground collection line.

Wildlife and Vegetation Impacts

Goal 2.2 Protect the flora and fauna found in the County's five life zones and transitional communities.

Policy 2.1.2 Encourage local environmental regulations governing protection of natural resources to be consistent with state and federal regulations

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

The Applicant has conducted multiple environmental studies. The Applicant contracted CORE Consultants, Inc. (CORE) to complete a natural resource survey to assess habitat and wildlife species that may occur on the Project area (**Attachment 14 Wetlands, Waterbodies, and Threatened, Endangered and Species of Special Concern Report**). CORE conducted a desktop review and natural resources survey to identify the potential for the presence of state or federally listed threatened and endangered species (TES) and state species of concern (SC), and potential waters of the U.S. (WOUS) in the solar array and the collection line (Study Area). The desktop review and natural resources surveys indicated that no federally or state listed species, or their associated habitat, have the potential to occur or were observed on the Project. Swift fox (*Vulpes velox*) has the potential to den in the Project; however, no swift fox or dens were observed during the natural resources survey (**Attachment 14**). To avoid potential impacts to swift fox, the Applicant will conduct swift fox surveys during the pupping season. The Applicant recognizes that general wildlife, including big game, do have potential to occur in the solar array area.

The Applicant is in the process of coordinating with the U.S. Army Corps of Engineers (USACE) regarding jurisdictional status of the drainages crossing the Project. Colorado Parks and Wildlife (CPW) will also be consulted to issue Project-specific recommendations (**Attachment 15: Review Letter – Colorado Parks and Wildlife**).

According to USGS National Land Cover Database, the primary land cover type in the Project area is grassland/herbaceous. Herbaceous plants observed in the Study Area were dominated by buffalo grass (*Bouteloua gracilis*), arctic sage (*Artemisia frigida*), meadow barley (*Hordeum brachyantherum*), needle and thread (*Hesperotipa comata*), sulphur buckwheat (*Polygonum umbellatum*), and blazing star (*Liatris squarrosa*). Vegetation that will be temporarily impacted by construction will be reseeded following construction with a native seed mix. Reseeded areas will be protected from erosion with appropriate

BMPs. Revegetation methods will likely include broadcast seeding and/or drill seeding a mix of native grasses. It is anticipated that weed stubble, following noxious weed treatment and mowing of the site, will secure seed in the topsoil. The exact method of revegetation is dependent upon the time of year at which construction would start. As such, specific revegetation methods will be detailed during the Site Development Plan phase.

Noxious Weed Control and Revegetation

The Applicant contracted CORE to prepare a Noxious Weed Management Plan (**Attachment 16: Noxious Weed Management Plan**). Pre-construction surveys and treatment will conform to applicable County requirements for noxious weed control and management. Revegetation of the site, where possible, will occur following construction according to procedures noted above. The Project will be monitored and treated for noxious weeds one growing season following commercial operations date.

Wetlands

The potential for the presence of WOUS was described in the Wetlands, Waterbodies, and Threatened, Endangered, and Species of Special Concern Report (**Attachment 14**). CORE performed a desktop review and natural resources survey to identify the potential for the presence of WOUS. The desktop review indicated that an unnamed tributary to Horse Creek drains the solar array in an easterly direction, and a stock pond is located along the tributary in the central portion of the solar array. Horse Creek traverses the central portion of the collection line corridor. A FEMA Zone A floodplain is located across the main channel of Horse Creek traversing the collection line corridor. CORE performed a natural resources survey on August 23, 2018. The unnamed tributary presented as an upland swale with no defined bed and bank. The stock pond was bermed with no apparent outlet to downstream. It is CORE's opinion that no potentially jurisdictional water features are located on the solar array or collection line corridor. CORE submitted a request to USACE Albuquerque District Southern Colorado Regulatory Office for an Approved Jurisdictional Determination (JD) for the Project and will include the Approved JD in the next submittal of this WSE-O application.

Hazardous Materials

Construction, operation and maintenance activities will comply with applicable local, state and federal laws and regulations regarding the use of hazardous substances. There will be no significant amounts of hazardous materials stored in the construction right-of-way or at temporary staging sites. Enclosed containment would be provided for trash. Construction waste, including solid waste, petroleum products or other potentially hazardous materials may be transported to a licensed recycling or disposal facility authorized to accept such materials. Spill prevention materials will be maintained on site as required. Operational personnel will follow guidelines posted in the Project Operations & Maintenance Plan (**Attachment 17: Operations & Maintenance Plan**). The Applicant has prepared a Decommissioning Agreement to ensure Project components are disposed of properly at the termination of Project operations (**Attachment 18: Decommissioning Agreement**).

CPP 3.0 Water Resources

Goal 3.1 Protect and enhance the quality, quantity and dependability of water supplies.

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

The Project will have negligible impacts on water quantity. Construction of the Project will require minimal water use; water will be used for dust control and mitigation during the movement and use of heavy equipment. Water will be purchased and hauled from a local water supplier by a water truck and will be applied to the ground during earth disturbing activities to minimize the production of dust. This will require approximately three million gallons for the term of construction. The Applicant is procuring a Water Commitment Letter from a water supplier that will be included in the final submittal of the WSE-O application for the Project.

It is anticipated that normal storm events will prevent dust and dirt buildup on the solar panels during operations and that no washing will be required. In the unlikely event that panels require washing, the Operations & Maintenance Plan will instruct maintenance technicians to use deionized water.

The Applicant has reviewed the Pikes Peak Area Council of Governments (PPACG) 208 Plan and determined that the Project will cause minimal to no impact to ground or surface water surrounding the Project. The Applicant will follow BMPs that will prevent erosion and sedimentation to the Horse watershed. The Project will not discharge materials into Horse Creek or the associated drainage in the solar array. The proposed locations of solar arrays and facilities will avoid Horse Creek and the unnamed tributary to Horse Creek. Installation of the collection lines will require trenching across Horse Creek resulting in temporary impacts to the existing contours of the drainage. Contours of Horse Creek will be returned to their pre-construction condition and elevation at the completion of the collection line installation. A GESC, SWMP, and SPCC plans will be developed to manage on-site pollutants during construction and as needed for operations.

CPP 4.0 Historic Resources

Goal 4.1 Encourage preservation and enhancement of historical resources.

The Applicant has consulted with the State Historic Preservation Office (SHPO) on potential effects to resources potentially eligible for the state historic register resulting from development of the Project. SHPO determined that no resources are located in the solar array or underground collection line corridor (**Attachment 19: Cultural Resources Letter from SHPO**).

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.

The Project may benefit local businesses in the County during Project construction since approximately 100 to 150 short term construction jobs will be created. Construction of the Project could positively impact short-term regional growth in the County. Population growth and development in the County are likely to continue regardless of whether the Project is constructed.

Although the Project itself does not offer community economic development, the production of additional solar energy to the grid provides a diversified energy source for CSU to support their Energy Vision renewable energy goals, which aim to produce 20% of energy generation from renewable energy sources by 2020, while maintaining a regional energy cost advantage.

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.

The Project may benefit local businesses in the County during Project construction since approximately 100 to 150 short term construction jobs will be created. Construction of the Project could positively impact short-term regional growth in the County. Population growth and development in the County are anticipated to continue regardless of whether the Project is constructed.

The Project would be located solely within properties leased by the Applicant (**Attachment 2 and 12; Attachment 20: Title Commitments**). Development and construction of the Project would not negatively impact land use types on adjoining parcels; i.e., adjoining parcels are zoned A-35 and are used for rangeland. The WSE-O and Project facilities will maintain a 25-foot setback from the property line per the County Land Use Code Chapter 5: Use and Dimensional Standards Table 5-4. The residence to the north of the solar array will be separated from the Project parcel with an area of approximately 46 acres following approval of the Project. In addition to rangeland surrounding the Project, the existing Golden West WSE-O bounds the Project to the north, south, and west. Golden West Power Partners, LLC, a subsidiary of the NextEra, is the owner and operator of Golden West. The Project would be owned and operated by Grazing Yak Solar, LLC, also a subsidiary of NextEra. Approving the WSE-O immediately adjacent to the existing WSE-O would prevent additional agricultural lands disturbance in other parts of the unincorporated portion of the County, and would complement the existing approved WSE-O. The Project has been sited and designed to reduce impacts to the environment and existing infrastructure.

The Project will have little impact on regional growth. Regional growth in the areas served by the Project is projected to occur regardless of whether the Project is constructed. Once operational, the Project will provide renewable solar energy to support growth and development in an environmentally sensitive way.

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.

The proposed use is contiguous and compatible with the existing land uses surrounding the Project. Land use types surrounding the Project include rangeland with some scattered residences. The residence to the north of the solar array will include a 46-acre parcel from the Project area parcel. The Project is bound to the north, south, and west by the Golden West WSE-O. Approval of the Project WSE-O will be contiguous with the Golden West WSE-O and would complement that approved use since both Projects provide renewable sources of energy that support the Colorado RES, as well as the CSU Energy Vision renewable energy goals.

Policy 6.1.6: Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently.

The Project does not require urban-level supporting facilities and services. Constructing the Project in this agricultural zone will preclude development in this area. Solar energy generated by the Project will be transferred via underground collection lines to the existing Golden West substation. From the Golden West substation, energy will travel via the Golden West 230 kV transmission line to the existing Jackson-Fuller substation. No new overhead lines or substation will be constructed to support the Project.

Policy 6.1.8: Encourage incorporating buffers or transitions between areas of varying use or density where possible.

Proposed setbacks are equal to or greater than the required setbacks established by the underlying zoning (A-35; **Attachment 6**). The residence to the north of the solar array will remain on an approximately 46-acre parcel that will incorporate the setbacks established by the zoning ordinances as set forth in Chapter 5 of the County LDC. The Project facilities are setback from parcel boundaries to the north, south, east, and west by 25-feet. The Applicant held a community meeting on September 18, 2018 to address any concerns of landowners in the vicinity of the Project. The Applicant invited members of the County Planning & Community Development Department. Eleven (11) community members attended the meeting to ask questions about the Project (**Attachment 21: Community Meeting Attendance Sheet**).

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.

Once operational, the Project will be an unmanned facility. Due to the limited required maintenance and remote electronic monitoring of the facility, the proposed use would not affect the existing transportation network, nor create a high demand on public services or facilities. The Applicant has developed an Emergency Action Plan (**Attachment 22: Emergency Action Plan**) to respond to natural hazards including fire. The Project will follow the emergency plan in place for Golden West. The risk of fire on the site is minimal since mowing of potential fuel sources would occur during the growing season. Nonetheless, the Applicant has developed a Wildland Fire and Hazard Mitigation Plan (**Attachment 23: Wildland Fire and Hazard Mitigation Plan**). The Project is located in a low fire hazard zone within the County as it is non-forested. Once operational, the Project will add to the electric energy supply to provide public services to others that obtain energy from CSU. In addition, the Project has obtained a fire commitment letter from the Calhan Fire District to service the Project in case of emergency (**Attachment 24: Fire Commitment Letter**).

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.

The solar array will integrate aesthetically with the surrounding Golden West Wind Energy Project. The Applicant contracted CORE to complete a visual impact analysis to determine what can be seen once the Project is constructed (**Attachment 25: Visual Impact Analysis**). The map containing the viewshed model identifies that the project can be seen by areas immediately adjacent to the solar array and from the north and east of the solar array. Areas to the west and south over a half mile away cannot view the solar array due to the rolling topography. As depicted in the photo simulations, the solar arrays will be visible from Washington Road, and minimally visible from Funk Road and Judge Orr Road. Therefore, the solar arrays will not significantly impact the viewshed in the surrounding area. Also, given the existing landscape of the wind turbines, the solar panels are integrated within the context of adjoining properties and uses. As part of the visual impact analysis, CORE completed a glare analysis using the ForgeSolar GlareGauge analysis tool. Solar panel technology has advanced to reduce glare in order to minimize impacts to migratory birds and wildlife, overhead aircraft, and local traffic. The glare analysis conducted for the Project determined that the solar arrays will not produce significant glare (**Attachment 25**), and therefore will have minimal impacts to migratory birds and wildlife, overhead aircraft, or local traffic.

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.

Utilization of the Project site for generating electricity from renewable energy rather than fossil fuels offers significant public health benefits. Solar generated energy has no associated toxic emissions and requires essentially no water to operate and thus does not pollute water resources or strain local water supplies. Solar development of the Project site would be an innovative use of the land that would not adversely impact adjacent and surrounding residents and property owners and would be protective of human health and the environment.

Goal 6.2 Protect and Enhance Existing and Developing Neighborhoods.

Policy 6.2.1: Fully consider the potential impact of proposed zone changes and development on the integrity of existing neighborhoods.

The Project is sited adjacent to the existing Golden West WSE-O on parcels zoned A-35. There are few existing residences in the vicinity of the Project; the Project would maintain a minimum setback of 500 feet from all neighboring residences, including the residence located immediate north of the solar array. The Project would not negatively impact the integrity of the existing neighborhoods since land use is largely rangeland, with a few Rural Residential (RR-5) parcels in the vicinity. The Project WSE-O would complement the existing Golden West WSE-O and would minimize impacts to other unincorporated, agriculture-zoned portions of the County.

Policy 6.2.10: Utilize buffer zones to provide mutually compatible transitions between neighborhoods and adjoining development with differing uses or densities.

The Project area is sited a minimum of 500 feet from adjacent and nearby residences, which includes one residence 500 feet north of solar array boundary. In addition, the proposed Project will be contiguous with adjoining land uses since the Golden West WSE-O bounds the Project to the north, south, and west.

Policy 6.6.6: Consider the development of cooperative building, zoning and infrastructure standards in areas that interface with municipalities and military properties.

The proposed Project is located adjacent to rangeland zoned A-35. In addition, the Project is surrounded by the existing Golden West WSE-O. The Project would be consistent and contiguous with the existing Golden West WSE-O and does not interface with any local municipalities. The Project does not interface with military properties. A screening was conducted to determine if Project facilities required notification to the Federal Aviation Administration (FAA) due to hazards of tall structures sited near airports or frequencies emitted. The Applicant used the FAA Notice Criteria Tool to determine requirements for filing with the FAA for the proposed Project facilities. The FAA Notice Criteria Tool determined that no notice to the FAA would be required since Project facilities do not exceed the height thresholds for FAA notification (**Attachment 26: Determination of No FAA Notice Required**).

CPP 7.0 Special and Unique Land Uses

The purpose of this section of this regulation is to address some of the land uses which are ancillary to traditional residential, commercial, office, industrial and agricultural categories. Examples of these special uses would include waste facilities, transmission facilities, recreational facilities, and mining facilities. Since solar facilities were not originally included in this list of special and unique land uses, the WSE-O application process was created to address renewable energy use, including solar facilities and ancillary facilities. Nonetheless, some goals and policies in this section apply to the development of a solar facility.

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

Solar energy generated by this Project will interconnect with the existing Golden West substation, where it will be transferred via the existing Golden West transmission line to the Jackson-Fuller substation. In addition, the northern portion of the Project collection line corridor, running approximately one mile north from the northeast corner of the Project area, will be sited immediately east and adjacent to the Golden West collection line corridor. In addition, the Project is sited in a location that is bound by the Golden West existing WSE-O immediately to the north, south, and west (**Attachment 6**).

CPP 8.0 Parks, Trails, and Open Space

The Project is located on rangeland zoned A-35. Parcels zoned A-35 abut the Project on all sides. The adjacent properties are privately owned and do not provide parks, trails, or open space for any County residents. As such, the Project would not impact any existing County parks, trails, or open spaces and fully conforms to the goals and policies within this section of the CPP.

CPP 9.0 Transportation

The Project is not anticipated to significantly impact local traffic patterns over the long term; traffic resulting from construction would be temporary and would include the delivery of solar panels and associated components that would be delivered to the site via flat-bed trucks. Approximate staging area locations for incoming equipment and materials are depicted in the WSE-O Plan (**Attachment 9**). The staging areas will be used temporarily during construction and returned to pre-construction conditions, utilizing native seed mix to revegetate the disturbed areas.

Haul routes to the Project entrance would come from the north via North Calhan Highway to Washington, or from the south via State Highway 94 to Calhan Highway and Judge Orr Road (**Attachment 27: Haul Route Plan**). Potential haul routes are provided on the haul route plan that would be used to access a laydown area proposed on the parcel containing the existing Golden West substation and O&M building on Funk Road and transport supplies to the solar array via either McQueen or Currier Road (**Attachment 27**). The final haul route plan will be submitted with the final submittal of this WSE-O application. The use of the alternate routes for construction traffic depend on where the supplies are coming from and where the laydown areas are located.

The Applicant retained Sustainable Traffic Solutions to assess traffic on the haul routes leading to the Project (**Attachment 28: Transportation Memorandum**). The study has assessed the main haul routes from US Highways 24 and 94 to Calhan Highway leading to the solar array. The traffic study determined that Project construction traffic would increase traffic in the area for the limited time of the delivery of Project components and transport of heavy equipment. After delivery of Project components, traffic would increase during construction in the vicinity of the Project as a result of contractor vehicles traveling to and from the Project. The construction traffic would be restricted to the established haul routes as described above.

Haul routes were designed for contractors and their drivers to avoid any potential traffic bottleneck issues during construction (**Attachment 27**). Project roads would be constructed first, to support solar component deliveries to different areas of the Project and would provide a means of travel throughout the site.

- Solar modules would be delivered to the site on either 40-foot flatbed trucks or in 40-foot containers with a maximum of 220 trucks are expected with a maximum of 9 trucks per day over a seven-week period.
- Racking material would be delivered in a maximum of 200 container trucks over a six-week period.
- Inverters will be brought to the Project site in up to 24 deliveries over a six-week period.
- One oversized crane will be delivered and then demobilized.
- The balance of solar array equipment will be delivered in approximately 30 loads over a six-week period; container size will be 40 feet or smaller.
- The construction trailer/office would require two trucks for delivery and two trucks for demobilization.
- Peak construction traffic is expected between August and October 2019; approximately 150 employees are expected during this time, generating no more than 150 roundtrips per day to and from the Project site; employee parking will be onsite at the staging area.
- Water trucks used for construction and fugitive dust control will use a designated haul route from the likely source, located approximately 19 miles from the Project site located on Handle

Road, with up to 6 trucks a day for 3 months and tapering off for the last 3 months of construction.

During operation of the Project, the site will be visited routinely to perform maintenance and operation activities. Access for these activities would be via Washington Road (**Attachment 27**).

A haul route video survey was conducted on August 28, 2018 to record the current road conditions of the proposed haul routes leading to the solar array (**Attachment 29: Road Condition Survey Statement**). The haul route video survey will be submitted to the County Planning & Community Development Department as part of this WSE-O application. The video indicated generally good conditions of haul route roads.

The Applicant requests a waiver for the Development Impact Mitigation Agreement since delivery of Project components and equipment will have minimal impacts on the roads along the haul route (**Attachment 30: Development Impact Mitigation Waiver Request**). The Applicant agrees to return roads to the condition as recorded in the haul route video survey. Construction traffic would enter the site via access off Washington Road.

No traffic detours are anticipated for construction. Temporary signage at the site entrance may be installed during the construction period.

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 Project does not include public roads. Construction and operation and maintenance personnel will utilize a private Project access road constructed off Washington Road. Proposed haul routes include routes along North Calhan Highway, Calhan Highway, Judge Orr Road, Washington Road, and Funk Road to arrive and depart from the Project access along Washington Road, and laydown yards along Washington Road and Funk Road (**Attachment 27**).

Based on recommendations in the geotechnical report (**Attachment 31: Geotechnical Engineering Report**), the private Project access roads would consist of native compacted soil located between solar arrays to allow maintenance technicians access to individual arrays during routine maintenance. The entrance road will be graveled to accommodate higher volumes of traffic (**Attachment 9**).

CORE assessed visual impacts of the Project (**Attachment 25**). The photo simulation determined that there will be minimal visual impacts to the surrounding viewshed. The solar arrays will be visible from Washington Road, and minimally visible from Funk Road and Judge Orr Road. However, given the existing landscape of the wind turbines, the solar arrays will not significantly impact the viewshed in the surrounding area. Also, the solar panel arrays are setback approximately 900 feet from Washington Road, making them less visible from the road and homes to the north of Washington Road. The solar panels do not produce glare to avoid impacts to vehicular traffic (**Attachment 25**).

One residence is located in the vicinity of the Project area 500 feet north of solar array, with a second residence located on the parcel immediately north of the solar array across Washington Road (over 1000 feet north of the solar array). The structure located on the parcel to the east of the solar array is an unoccupied storage shed and not a residence (**Attachment 9**). Solar panels will measure approximately 10-14 feet at full tilt; inverters and transformers will not exceed 10 feet in height. The map containing the viewshed model identifies that the project can be seen by areas immediately adjacent

to the solar array and from the north and east of the solar array (**Attachment 25**). Areas to the west and south over a half mile away cannot view the solar array due to the rolling topography. As depicted in the photo simulations, the solar arrays will be visible from Washington Road, and minimally visible from Funk Road and Judge Orr Road. Therefore, the solar arrays will not significantly impact the viewshed in the surrounding area.

The Applicant held a community meeting on September 18, 2018 and invited members of the County Planning & Community Development Department (**Attachment 21**). The Applicant will coordinate with landowners to mitigate any reasonable visual impact concerns identified during the community meeting.

The Project is not located close to a major transportation corridor. The closest major transportation corridor is Judge Orr Road, located approximately one mile south of the Project area. Construction noise would not reach traffic along Judge Orr Road.

CPP 10.0 Water and Wastewater Facilities

The Project will not have an adverse impact to water or sewer demands as the Project does not require water or wastewater facilities. Sanitary or other wastewater is not anticipated to be released into WOUS during construction, operation or maintenance of the Project.

Construction personnel would use portable sanitary units during construction and they would carry in drinking water. Approximately three-million gallons of water will be used for dust mitigation, purchased from a commercial supplier. Additionally, water may be required for washing of the panels during operation, however, it is not anticipated that panels will require washing. Normal precipitation events will substitute for manual washing of the panels.

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

The Project will not require long term water or wastewater services. Construction personnel will utilize portable sanitary units and will carry in drinking water. It is anticipated that approximately three-million gallons of water will be utilized during construction for dust mitigation, purchased from a commercial supplier.

CPP 11.0 Drainage and Flood Protection

The Project will protect the general drainage patterns on the site, allowing for continuation of the stormwater drainage into Horse Creek, with no changes to floodplains or groundwater hydrology. Groundwater recharge will continue on site, as rainwater flows off the panels onto the vegetated ground.

Currently there are man-made earthen berms installed in the 1900s across the site to detain stormwater and prevent erosion. It is anticipated that grading will be required to flatten the berms in some locations within the solar array for adequate structural support and aspect of the solar panels. Grading will not alter the overall drainage basins identified in the preliminary drainage plan, and stormwater flow will continue to drain into Horse Creek (**Attachment 12**). Existing stormwater drainages will remain, and the solar arrays will be setback from the drainages. A culvert may be installed at the drainage crossing, and BMPs will be implemented at appropriate locations. A portion of the entrance road will be graveled and will require detention facilities as shown in the preliminary drainage plan (**Attachment 12**).

The Project will not create runoff in excess of historical levels, change historic topography or adversely affect drainage (**Attachment 12**). The Applicant or its contractor will obtain a permit for storm water discharges associated with construction activities in compliance with the Colorado Water Quality Control Act and will provide, maintain, and operate temporary facilities to control erosion and sediment releases, and to protect Project facilities from flooding during construction in accordance with the permit. The Project or contractor will comply with the permit by implementing a SWMP that identifies possible pollutant sources that may contribute pollutants to stormwater and identify and implement BMPs that will reduce or eliminate potential water quality impacts. The final SWMP, GESC, and ESQCP application will be submitted to the County in conjunction with the construction permit(s) required for the Project.

There are not expected to be facilities or structures associated with Project construction that will impact flood elevations. Floodplain map revisions are not expected to be required for construction of the Project. The collection line corridor will cross a FEMA Zone-A floodplain located across Horse Creek north of the Project area. The contractor will either bore under or trench across the drainage and associated floodplain. The floodplain elevation will not be altered in either option. Boring would avoid impacts to Horse Creek and floodplain; trenching impacts would be temporary in nature and recontouring and reseeding would occur immediately following installation of the collection lines.

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 flood-plain regulations

Based on recommendations in the geotechnical report (**Attachment 31**), the private Project access roads would consist of native compacted soil located between solar arrays to allow maintenance technicians access to individual arrays during routine maintenance. The entrance road will be graveled to accommodate higher volumes of traffic. The Project design will account for effects on drainage and will maintain the general pre-existing drainage patterns. Detention facilities will be installed to preserve historic flows that will result from stormwater runoff associated with the proposed gravel road locations (**Attachment 12**).

During construction, BMPs will minimize erosion and sedimentation due to grading of soils. No floodplains will be permanently impacted by the Project construction; temporary impacts may result from trenching across the floodplain of Horse Creek for the underground collection line if boring underneath the floodplain is not feasible. The trench will be backfilled immediately following installation of the collection lines and reseeded with a native seed mix. The original contours of the floodplain will not be altered.

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.

The Project will produce 35-MW of clean renewable energy to be provided to CSU in support of their Energy Vision renewable energy goals, which aims to produce 20% of energy generation from renewable energy sources by 2020, while maintaining a regional energy cost advantage. The Project will maximize efficiency of existing infrastructure and zoning overlays by interconnecting to the existing Golden West substation, which is a part of the existing Golden West WSE-O. Energy will be transferred via the

existing Golden West transmission line to the Jackson-Fuller substation. Essentially, the proposed Project will utilize existing infrastructure to transfer energy produced by the solar arrays.

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.

The Project is sited on private property in a rural area used for rangeland. The area surrounding the property includes Golden West, and the Project will utilize the existing Golden West substation for interconnection. Visual impacts of the project are relatively low due to the low height of the panels. The underground collection line is designed to reduce impacts to adjacent property owners.

Any contractors working on the Project during construction will have a safety plan and Emergency Action Plan (**Attachment 22**). All construction activities occurring on the Project will meet the Applicant's corporate standards for environmental responsibility and stewardship.

Policy 12.4.3: Promote energy efficiency through careful siting, design and landscaping, especially the use of passive solar.

The Project will provide renewable energy and was sited in an area specifically identified for maximum efficiency in solar energy uptake. In addition, the Project will interconnect to existing energy transfer infrastructure located within the adjacent Golden West WSE-O, thereby minimizing its impact to the landscape. The Project does not include landscaping; disturbed areas would be reseeded with native seed mixes following construction.

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 is sited on private property in a rural area used for rangeland. The area surrounding the property includes Golden West, and the Project will utilize the existing Golden West substation for interconnection. The Project will provide 35-MW of renewable energy to CSU to support their Energy Vision renewable energy goals, which aim to produce 20% of energy generation from renewable energy sources by 2020, while maintaining a regional energy cost advantage. In effect, the Project will reduce the local use of non-renewable energy sources since CSU provides electricity to residents of the Pikes Peak region.

Visual impacts of the project are relatively low due to the low height of the panels. The Project solar panels will not result in glare to any selected flight or ground observation points (**Attachment 25**). The Applicant prepared a Summary of Project Lighting Memo (**Attachment 32: Summary of Project Lighting Memo**) to ensure that construction light pollution does not exceed County standards nor impact nearby residents or nocturnal wildlife. There will be no permanently installed lighting located on the Project for operations and maintenance. The majority of construction and maintenance will occur during daylight hours. In the even that lighting is needed during evening hours, temporary lighting would be placed in a manner compliant with Chapter 6 of the El Paso County Land Development Code and regulations of the Occupational Health and Safety Administration and other applicable codes, standards, laws and regulations (**Attachment 32**).

CPP 13.0 Housing

The Project is not anticipated to impact housing availability. Adequate hotel/motel rooms exist approximately forty minutes west of the Project to accommodate the number of contractors for the duration of construction who may travel from outside of the County.

CPP 14.0 Public Finance Districts

The Project will not require a public finance district.

CPP 15.0 Land Development Regulations

The Project will follow existing County land development requirements and will not require a change to the land development regulations.

The WSE-O was specifically created by the County for the purpose of wind and/or solar projects. No other variances for the development of this land use will be required. Public meetings will be held in association with the requirements of the land use processes, including the WSE-O and 1041 hearings. A community meeting for affected adjacent land owners was held on September 18, 2018. Notifications were sent to all landowners within 1-mile of the project including information on the proposed project, permitting and comment opportunity, and community meeting (**Attachment 33: Adjacent Property Owner Notification Letter and List of Landowners**). All mineral rights owners have been notified of the Applicant's request for the Project WSE-O (**Attachment 34: Mineral Owner Notification Letters and Certifications**). Adjacent landowners and mineral rights owners will be notified again of the scheduled WSE-O and 1041 hearings, and their right to comment, at least 30-days prior.

4) Existing and proposed facilities, structures, roads, etc.

Existing Uses

At present, the proposed WSE-O boundary contains lands zoned A-35 and used for rangeland. One residential property is located within the parcel to be developed that will be contained within an approximately 46-acre area separate from the Project parcel. The proposed underground collection line traverses the existing Golden West WSE-O boundary.

Proposed Uses

The proposed WSE-O allowed principal uses will include solar panels. The proposed WSE-O also includes an underground collection line leading to an existing substation along parcels within the existing Golden West approved WSE-O. Project accessory uses will include any other uses necessary to carry out the intent of the overlay zoning, including but not limited to DC to AC inverters, medium voltage transformers, circuit breakers and disconnect switches, and a communications system that will interconnect at the Golden West substation. No roads will be constructed outside of the WSE-O boundary; private Project roads will consist of native compacted soil for access between solar arrays, with the main entrance road graveled to accommodate higher traffic levels. All Project access roads would be contained within the WSE-O (**Attachment 9**).

5) Deferral and waiver requests (if applicable) and justification

The Applicant requests that State permits from the Colorado Department of Health and Environment (CDPHE) be submitted prior to final Site Development Plan Approval.

The Applicant requests that the County accept an "access right" for detention pond maintenance in lieu of an easement. The County will be allowed access to the Project site in order to conduct stormwater management monitoring. Site access must be coordinated in advance with Project operations and

maintenance personnel due to security concerns. In the event of a stormwater related emergency (i.e. a significant rainfall event that has the potential to impact downstream conditions), the County may gain access to the site through emergency first responders. A detention maintenance agreement will be completed at the time of the Site Development Plan.

The Applicant requests easement crossing agreements be provided to the County prior to the ground disturbance of each crossing. Easements that may need to be crossed by the underground collection line include the Golden West collection line easement and the Washington Road ROW. This will be noted in the Site Development Plan. Since easement crossing agreements can require extensive and lengthy coordination with the easement holder, this condition will ensure that the necessary agreements are in place prior to each easement crossing without delaying the overall construction for the Project.

Below are the requested waivers of requirements that the zoning applicant submit a development impact mitigation agreement and associated fees. Letters of request are included as Optional Documents as part of the WSE-O application.

The Applicant requests as a condition of approval a waiver of the requirement that a zoning applicant provide a development impact mitigation agreement and associated fees at the time of an application for WSE-O rezoning by the Project as provided for in the El Paso County Land Development Ordinance, Section 4.3.5(D)(2). A haul route video survey was conducted to record the current road conditions of the proposed haul route for the Project. The video was recorded on August 28, 2018. The Applicant anticipates that Project construction will result in minimal impact to the community and its infrastructure. In addition, all roads used during construction will be restored to their pre-construction condition. Given this, the Applicant is requesting a waiver of the development impact mitigation agreement and associated fees, as noted above.

The Applicant requests as a condition of approval a waiver of the requirement that an applicant provide a Decommissioning Plan at the time of an application for a WSE-O zone approval for Grazing Yak Solar, LLC (Grazing Yak) as provided for in the El Paso County Procedures Manual, Subject: WSE-O Rezoning Map (Amendment) issued April 12, 2011. In lieu of a Decommissioning Plan, the Applicant has submitted a Decommissioning Agreement that details the Project decommissioning scope and timing (**Attachment 18**). Grazing Yak will provide a Decommissioning and Site Restoration Plan to El Paso County at least six months prior to the initiation of decommissioning activities. In addition, Grazing Yak will provide financial assurances to El Paso County no later than the beginning of year 30 following the date of achieving commercial operation, or five years prior to the date of termination of commercial operation.

6) The purpose and need for the change in zone classification

The Applicant is proposing to construct a solar array on land that is currently zoned A-35. The Applicant is requesting a WSE-O to allow a solar energy generation facility to be developed on this land. Approval of land use for a solar facility will satisfy multiple local, state, and federal statutes including Colorado's RES statute (Section 40-2-124, C.R.S.) which requires 30% of retail energy sales to be derived from renewable generation by 2020 from investor owned utilities and 10% for large municipal utilities. In addition, the Project will supply 35-MW of renewable energy to CSU, which will support their Energy Vision renewable energy goals, which aim to produce 20% of energy generation from renewable energy sources by 2020, while maintaining a regional energy cost advantage.

7) The total number of acres in the requested area

The total number of acres to be included in the requested WSE-O is 1,224.

8) The total number of residential units and densities for each dwelling unit type

The proposed Project does not include residential units.

9) The number of industrial or commercial sites proposed

The Applicant is proposing one solar energy generation facility including the principal and accessory uses proposed herein be located within the WSE-O (**Attachment 9**).

10) Approximate floor area ratio of industrial and/or commercial uses

The proposed Project does not include buildings with floor area.

11) The number of mobile home units and densities

The proposed Project does not include mobile home units.

12) Typical lot sizes: length and width

The proposed Project does not include lots.

13) Type of proposed recreational facilities

The proposed Project does not include recreational facilities.

14) If phased construction is proposed, how will it be phased

Construction is not phased, and construction of the facility will occur in one phase until complete.

15) Anticipated schedule of development

County permitting and preliminary design is underway. It is anticipated that construction will begin July 2019 and will be complete by December 2019.

16) How water and sewer will be provided

No new water or sewer utilities will be required to be established for the Project construction or operations. Water will be required for dust mitigation during construction, and occasionally for washing panels during operation. The Applicant has requested a water commitment letter from a commercial supplier to provide water during construction and do not need water during operation.

17) Proposed uses, relationship between uses and densities

The proposed WSE-O allowed principal uses include solar panels. Project accessory uses will include collection lines, maintenance facilities, and any other uses necessary to carry out the intent of the overlay zoning, including but not limited to DC to AC inverters, medium voltage transformers, circuit

breakers and disconnect switches, and a communications system that will interconnect at the Golden West substation (**Attachment 9**). Dimensional standards in the WSE-O District will be as provided in Table I.

18) Areas of required landscaping

Landscaping is not proposed. Noxious weeds, if present, will be treated prior to construction (**Attachment 16**). Reseeding of native vegetation will occur where possible following construction. Revegetation methods will likely include broadcast seeding and/or drill seeding a mix of native grasses. The exact method of revegetation is dependent upon the time of year at which construction will start. As such, specific revegetation methods will be detailed during the Site Development Plan phase. Operations will require occasional mowing to prevent shading of the solar panels.

19) Proposed access locations

Access to the site will occur from Washington Road. Permanent driveway access and internal Project area access roads will be constructed in accordance with the County's Roadway and Vehicular Access Standards Section 4.3.5(B)(3) to provide emergency access to the site and movement through the site for regular scheduled maintenance. Internal Project access roads will be native compacted soils to a depth of 12-inches, with the main entrance road graveled.

20) Approximate acres and percent of land to be set aside as open space, not to include parking, drive, and access roads

No areas within the WSE-O will be set aside as open space.

Attachments:

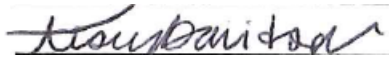
| LOI Attachment | Number |
|---|---------------|
| WSE-O Application Form (Type D Application Form) | 1 |
| Project Lease Agreements | 2 |
| Proof of Liability Insurance | 3 |
| Power Purchase Agreement | 4 |
| Interconnection Agreement Status | 5 |
| El Paso County Zoning Map | 6 |
| Preliminary Site Plan | 7 |
| Legal Descriptions | 8 |
| WSE-O Plan | 9 |
| WSE-O Affected Boundaries Map | 10 |
| Air Quality Management Plan | 11 |
| Preliminary Drainage Report | 12 |
| Sound Level Assessment | 13 |
| Wetlands, Waterbodies, and Threatened, Endangered and Species of Special Concern Report | 14 |
| Review Letter - Colorado Parks and Wildlife | 15 |
| Noxious Weed Management Plan | 16 |
| Operations & Maintenance Plan | 17 |
| Decommissioning Agreement | 18 |
| Cultural Resources Letter from SHPO | 19 |
| Title Commitments | 20 |
| Community Meeting Attendance Sheet | 21 |
| Emergency Action Plan | 22 |
| Wildland Fire and Hazard Mitigation Plan | 23 |

| LOI Attachment | Number |
|--|---------------|
| Fire Commitment Letter | 24 |
| Visual Impact Analysis | 25 |
| Determination of No FAA Notice Required | 26 |
| Haul Route Plan | 27 |
| Transportation Memorandum | 28 |
| Road Condition Survey Statement | 29 |
| Development Impact Mitigation Waiver Request | 30 |
| Geotechnical Engineering Report | 31 |
| Summary of Project Lighting Memo | 32 |
| Adjacent Property Owner Notification Letter and list of Landowners | 33 |
| Mineral Owner Notification Letters and Certifications | 34 |

Additional exhibits not specified as attachments above included a statement addressing the Electromagnetic Interference Report and the Authority to Represent Letters from all owners of parcels in the WSE-O zone except for the parcel owned by Timothy and Colleen Pachak (Parcel No. 1200000388), the land which, prior to dividing into a separate parcel, is covered under the lease signed by Adam and Kristin Balsick (Parcel No. 1200000388).

We appreciate your review of this WSE-O zone application information. Should you determine that additional items are required or have any questions during this review process, please contact Alsey Davidson at 561.814.7287 or at alsey.davidson@nexteraenergy.com.

Sincerely,



Alsey Davidson
Grazing Yak Solar, LLC
Project Developer