

From: Craig Dossey
Sent: Friday, July 12, 2019 5:53 PM
To: 'Mark Marion'
Cc: Kari Parsons; Diana May; Brad Walters; 'Todd Evans'; David Parkerson
Subject: RE: Stop Work Response

Mr. Marion,

This email is a follow up to your letter dated July 12, 2019 (today), which was in response to the Stop Work Order issued by El Paso County for the Palmer-Williams Creek solar energy generation project (PCD File Nos. AASI-18-006, WSEO -18-006, and PPR-19-006). To summarize, the Stop Work Order was issued due to extensive non-compliance with County-approved and conditioned land use approvals. A summary of the material points of your letter and my responses are included below:

1. You state that you have commenced construction of a road (the "Internal Road") to connect the two "halves" of the project. This connection is necessary, as you know, to ensure that hauling traffic to and from the site is limited to approved haul routes. You previously chose to haul on unapproved County roads, causing damage to those roads. You commit to continuous construction of the Internal Road, which you estimate to take two to three weeks.

RESPONSE: Again, this Internal Road connection is necessary to achieve full site access and to avoid additional illegal hauling on County owned and maintained roadways. Construction activities on the site that are uniquely necessary to construct the Internal Road are permitted at this time.

2. Your letter states that you have now directed your subcontractors and material suppliers to use only the haul routes approved in the Project permits. Obviously, this should have been achieved on your end prior to initiating any hauling within El Paso County, in order to ensure compliance with the associated land use approvals. You also commit to ceasing all deliveries to the "Squirrel Creek Site via the Link Road route" and commit to only delivering to that "half" of the project once the Internal Road is completed, which means that all hauling until the Internal Road is constructed must be performed along the Birdsall Road route.

RESPONSE: I concur with this approach. With that said, hauling along the Birdsall route and construction on the Birdsall "half" of the project may resume. Please be advised that if ANY hauling occurs along any County Roads not approved for hauling for the purpose of constructing the Project then the Planning and Community Development Department may pursue full revocation by the Board of County Commissioners of all land use approvals for the project, including, but not necessarily limited to, the "1041" Permit, the WSEO overlay rezoning, and the Site Development Plan.

Please be advised that this decision shall serve as a temporary suspension of the Stop Work Order only as it pertains to hauling and construction on the Birdsall site of the project. The restrictions of the Order shall still apply as it pertains to hauling and construction on the Squirrel Creek site.

3. You indicate that the Road Condition Survey for the unauthorized Hanover Road to Peyton Highway route, which is the route that you illegally chose to haul on and subsequently caused damage to, has been completed. You also indicate that the Pavement Assessment will

commence on July 15, 2019. You also accept full responsibility for paying your fair share of the road damage repairs.

RESPONSE: I greatly appreciate your immediate attention to this matter. The safe travel of the citizens of El Paso County is of the utmost importance and the cost to remedy the damage caused by the Project should in no way be borne by the tax payers of the County. The Planning and Community Development Department, which is the lead department for the County on the permitting and inspection of the project, will continue to monitor your progress in achieving remediation of the roadways with the County's Department of Public Works. If at any time there is a lack of good faith effort to make the County whole as it relates to the degradation of the County's roads then the current STOP WORK ORDER will no longer be suspended, following notice to you as the project point of contact, and County staff may pursue full revocation by the Board of County Commissioners of all land use approvals for the project, including, but not necessarily limited to, the "1041" Permit, the WSEO overlay rezoning, and the Site Development Plan.

Again, this correspondence should not be perceived or otherwise interpreted as the County "lifting" the Stop Work Order, but instead serves as a temporary suspension of the Order as detailed above.

Please feel free to contact me with any questions or comments.

Sincerely,

Craig Dossey

Executive Director

El Paso County Planning and Community Development Department

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EXCITING NEWS: WE ARE UPDATING THE COUNTY MASTER PLAN AND NEED YOUR INPUT! Please complete the County Master Plan Survey at <https://elpaso-hlplanning.hub.arcgis.com/>

To review all El Paso County projects go to: <https://epcdevplanreview.com/>

To review the El Paso County Land Development Code go to: https://library.municode.com/co/el_paso_county/codes/land_development_code

From: Mark Marion [<mailto:MMarion@juwiamericas.com>]

Sent: Friday, July 12, 2019 8:53 AM

To: Kari Parsons; Craig Dossey

Subject: Stop Work Response

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Kari and Craig,

Thanks for the conversation yesterday. As discussed, we wrote a plan for our path forward. Please see attached. I'll be available all day via email or cell phone at 508-479-3903.

Regards,

Mark

Mark D. Marion

SVP, Projects Group

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