TO: **El Paso County Planning Commission**
Brian Risley, Chair

FROM: **Kari Parsons, Planner III**
Jeff Rice, PE, Senior Engineer
Craig Dossey, Executive Director

RE: **Project File #: WSEO-21-001**
Project Name: Pike Solar Energy Project
Parcel Nos.: 56000-00-123 and 56000-00-140

OWNER:	**REPRESENTATIVE:**
Pike Solar Project, LLC 1710 29th Street, Suite 1068 Boulder, CO 80301	Juwi, Inc. 1710 29th Street, Suite 1068 Boulder, CO 80301

Commissioner District: 4

Planning Commission Hearing Date:	1/20/2022
Board of County Commissioners Hearing Date	2/1/2022

EXECUTIVE SUMMARY

A request by Pike Solar Project, LLC, for approval of a map amendment (rezoning) for the Pike Solar Energy Project pursuant to Section 4.3.5, Wind and/or Solar Energy Generation Plan Overlay District (WSE-O), of the El Paso County Land Development Code. The two parcels, totaling approximately 1,350 acres, are zoned RR-5 (Residential Rural), A-35 (Agricultural), and A-5 (Agricultural) and are located approximately three (3) miles south of the Link Road and Squirrel Creek Road intersection, approximately 2.3 miles east of Old Pueblo Road, and immediately adjacent to the east of the Palmer Solar facility. The applicant is proposing the WSEO map amendment (rezoning) to allow for

construction of an approximately 175 MW solar energy generation facility. The WSE-O map amendment proposes an array site, associated equipment, meteorological monitoring devices, electrical collection devices, energy battery storage, ten lay down areas, maintenance facility buildings, overhead 230 kV transmission line, an expansion of the Williams Creek Substation, and connections to the existing electrical transmission corridor.

The applicant has secured a power purchase agreement (PPA) with Colorado Springs Utilities (CSU). Approval of a development impact mitigation agreement (see attached) is also being requested which is proposed to address the cost of maintenance and potential repairs to County Infrastructure, as depicted in the approved haul route plan, during construction of the solar project.

The applicant is proposing one phase of development of the overall solar energy project to include a solar array site, associated equipment, energy storage, meteorological monitoring devices, electrical collection devices, ten (10) lay down areas, a substation expansion, and the electrical transmission corridor with a maximum generating capacity of 175 MW.

A. REQUEST/MODIFICATIONS/AUTHORIZATION

Request: Approval of a map amendment (rezoning) for the Pike Solar Energy Project pursuant to Section 4.3.5, Wind and/or Solar Energy Generation Plan Overlay District (WSE-O), of the El Paso County Land Development Code. The two parcels, totaling approximately 1,350 acres, are zoned RR-5 (Residential Rural), A-35 (Agricultural), and A-5 (Agricultural). The applicant is proposing the WSEO map amendment (rezoning) to allow for construction of an approximately 175 MW solar energy generation facility. The WSE-O map amendment proposes an array site, associated equipment, meteorological monitoring devices, electrical collection devices, energy battery storage, ten lay down areas, maintenance facility buildings, overhead 230 kV transmission line, an expansion of the Williams Creek Substation, and connections to the existing electrical transmission corridor. A development impact mitigation agreement is also requested with this application (see attached).

Waiver(s)/Deviation(s): The applicant is not requesting any waivers or deviations of the Land Development Code (LDC) (2021) or Engineering Criteria Manual (2016) (ECM) with this application.

Authorization to Sign: WSE-O Plan, development impact mitigation agreement and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. PLANNING COMMISSION SUMMARY

Request Heard:
Recommendation:
Waiver Recommendation:
Vote:
Vote Rationale:
Summary of Hearing:
Legal Notice:

C. APPROVAL CRITERIA

In Approving a Wind Solar Energy Overlay (WSE-O), Section 4.3.5.G of the El Paso County Land Development Code (2021), states the BoCC shall find that:

- The application is in general conformance with the El Paso County Master Plan, including applicable Small Area Plans or there has been a substantial change in character of the neighborhood since the land was last zoned.
- The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111, § 30-28-113, and § 30-28-116.
- The site is suitable for the intended use(s), including the ability to meet the general development standards of the Land Development Code, except as otherwise amended by the specific overlay zoning district.
- The application is consistent with the specific development standards in the Land Development Code pertaining to wind and/or solar energy generation facilities.
- The application meets the air, water, light, odor or noise standards established by County, State, or federal regulations.
- The proposed use(s) will not be detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
- The proposed use(s) will not cause undue burden on existing infrastructure.

D. LOCATION:

Abutting zoning and land use:

North: A-5 (Agricultural) /Landfill & Grazing
South: RR-5 (Residential Rural) & I-3 (Industrial) / Grazing
East: A-35 (Agricultural) / Grazing
West: RR-5 (Residential Rural) & (WSE-O) Wind Solar Energy Overlay / Palmer Solar Facility

E. BACKGROUND

The applicant, Pike Solar Project, LLC, initiated discussions with the County regarding the process for developing the solar energy project on September 15, 2020. An early assistance meeting (EA-20-134) was held by PCD staff, with the

applicant on October 20, 2020, in attendance were the City of Fountain, the Colorado Department of Transportation (CDOT), and the Hanover Fire Protection District. A follow up meeting was held November 3, 2020 to finalize the proposed haul routes for construction traffic, which allowed the traffic impact study and related documents to be completed by the applicant's team. The applicant conducted an on-line community meeting on January 13, 2021, which was advertised in the Shoppers Press on December 9, 2020, December 16, 2020, December 23, 2020, December 30, 2020, and January 6, 2021. No comments have been provided to PCD staff or to the applicant by citizens regarding the proposed project at this time.

A formal Areas and Activities of State Interest (aka 1041 Permit Application) (AASI-21-002) was submitted on April 21, 2021. If the WSE-O map amendment is approved by the Board of County Commissioners, it is anticipated that the 1041 Permit will be issued administratively by the Planning and Community Development Executive Director. A formal WSE-O rezoning application was submitted on September 3, 2021. A site development plan for a single-phase solar project is anticipated to be submitted by the applicant following the Planning Commission hearing on the rezoning request.

F. ANALYSIS

1. Land Development Code Compliance

Section 4.3.5, WSE-O (Wind and/or Solar Energy Generation Plan Overlay District), of the El Paso County Land Development Code was adopted by the Board of County Commissioners on August 11, 2011, in an effort to address interest in developing utility-scale wind and/or solar energy generation facilities within El Paso County. The purposes of the adopted regulations are:

- To regulate wind and/or solar energy generation facilities which are not subject to C.R.S. § 40-1-103 and C.R.S. §30-28-110 and Section 5.3.3. of this Code;
- To site wind and/or solar energy generation facilities where they are most appropriate, considering impacts to the environment, visual corridors, existing infrastructure, and the established development pattern;
- To ensure the preservation of public health, safety, and welfare;
- To provide a regulatory scheme that is designed to address certain standards regarding setbacks, height restrictions, and other requirements for wind and/or solar power energy generation facilities;
- To provide mitigation measures for impacts associated with large-scale wind and/or solar energy generation facilities; and

- To provide greater design flexibility and efficiency in siting wind and/or solar energy generation facilities.

2. **Relationship between WSE-O and Appendix B: Guidelines and Regulations for Areas and Activities of State Interest (a.k.a. "1041 Regulations")**
   On June 6, 2013, the El Paso County Board of County Commissioners, pursuant to Section 24-65.1-101, et seq., C.R.S., adopted Appendix B of the El Paso County Land Development Code, which is titled "Guidelines and Regulations for Areas and Activities of State Interest", and as further amended by the Board of County Commissioners on August 6, 2013. Commonly referred to as "1041 Regulations", the Guidelines and Regulations serve to "facilitate identification, designation, and administration of matters of state interest," of which is included the designated activity of state interest for "Site Selection and Construction of Major Facilities of a Public Utility" within Chapter 5 of Appendix B. The proposed 175 MW capacity Pike Solar Array is subject to guidelines and regulations of Appendix B, specifically Chapter 5, pursuant to the definition of "power plant" within the regulations. The definition of "power plant" includes the following:

   > "Any solar or wind electrical energy generating facility or addition thereto with a generating capacity in excess of five hundred (500) kilowatts, and any appurtenant facilities."

3. **Relationship of Wind and/or Solar Energy Generation Plan Overlay District to Base (Underlying) Zone District**
   Section 4.3.5.A.3.a of the Code states that the, "WSE-O functions in combination with base zoning districts to both modify the existing standards associated with the base zoning districts and to impose additional requirements and standards on specific properties." This means that the rights and restrictions associated with the base zoning districts (A-5, A-35, and RR-2.5) associated with the individual properties included in this request will only be modified as indicated on the proposed WSE-O Plan, if approved.

4. **Zoning Compliance**
   The WSE-O zoning can be applied for in any base zoning district. Section 4.3.5.B of the Code provides recommended use and dimensional standards for development within a WSE-O plan area. However, the same section also states that, "the use, dimensional, and development standards for a WSE-O district shall be set forth in the approved WSE-O plan, and shall include: uses, maximum structure height(s), minimum setbacks, structure elevations, access, accessory

structures, signage, lighting, project phasing, and other standards necessary to administer the plan."

Below is a comparison between the recommended use and dimensional standards and the proposed standards within the Pike Solar Energy Project WSE-O:

A. Use Standards

a. Principal Uses

Section 4.3.5. Recommended Principal Uses for a Solar Project

The Code anticipates solar panels (arrays), transmission line(s), substations, energy storage, meteorological monitoring devices, and energy generation facility-related solar panels as allowed principal uses.

Proposed Front Range Midway Solar Energy Project WSE-O Principal Uses

The proposed WSE-O Plan is proposing meteorological monitoring devices, energy generation facility-related solar panels, energy storage, substation expansion, transformer, stand, inverter, power poles and a 230kV line as principal uses. The applicant has depicted the locations of each of the proposed principal uses on Sheets 2, 4, 5, 6, 7, of 8 of the proposed WSE-O rezoning plan (see attached).

b. Accessory Uses

Section 4.3.5 Recommended Accessory Uses for a Solar Project

The Code anticipates collection lines, maintenance facilities, laydown areas and other accessory uses necessary to carry out the intent of the overlay zoning as allowed accessory uses.

Proposed Front Range Midway Solar Energy Project WSE-O Accessory Uses

The proposed WSE-O Plan does include site specific accessory uses. Laydown areas for construction proposes, an energy storage area, a maintenance building, and collection lines from the solar arrays to the project substation are proposed as accessory uses with this WSE-O request.

B. Dimensional Standards

a. Maximum Structure Heights

Section 4.3.5.B.2.a Maximum Structure Heights

The Code states that the height restrictions for solar panels are established by the specific WSE-O zoning and plan. All other structures (e.g., inverters and transformers) shall comply with the height restrictions of the base (underlying) zoning district unless otherwise established by the specific WSE-O zoning and plan.

b. Structure Setbacks

Section 4.3.5.B.2.b Structure Setbacks

The Code states that all structures within a WSE-O Plan, except wind turbines and transmission lines, shall "meet the setbacks of the underlying zoning district unless otherwise established by the specific wind/solar energy generation overlay district zoning and development plan."

Section 4.3.5.B.2.b.iv of the Code states that, "there shall be no setback requirement for the transmission lines."

The density and dimensional standards established within the A-5 zoning district as identified in Chapter 5, Table 5-4 of the Code are as follows:

- Setbacks – 25 feet front, rear and side
- Maximum building height – 30 feet
- Maximum lot coverage – none

The density and dimensional standards established within the A-35 zoning district as identified in Chapter 5, Table 5-4 of the Code are as follows:

- Setbacks – 25 feet front, rear, and side
- Maximum building height – 30 feet
- Maximum lot coverage – none

The density and dimensional standards established within the RR-5 zoning district as identified in Chapter 5, Table 5-4 of the Code are as follows:

- Setbacks – 25 feet front, rear and side
- Maximum building height – 30 feet
- Maximum lot coverage – 25 percent

Proposed Pike Solar Energy Project WSE-O Maximum Structure Heights

The proposed WSE-O Plan identifies the following as the maximum heights for each anticipated structure type:

Solar Panels – 15 feet tall as measured from finished grade to the top of the solar module in the vertical position.
Inverter and Transformer – 20 feet tall as measured from finished grade
Meteorological Monitoring Poles – 20 feet tall as measured from finished grade.
Power Poles – 100 feet tall as measured from finished grade.
Substation – 75 feet tall as measured from finished grade
Operation and Maintenance Building – 30 feet maximum as allowed by underlying zone district
Energy Storage Facilities – 30 feet maximum as allowed by underlying zone district

Proposed Pike Solar Array WSE-O Structure Setbacks

The proposed structure setbacks with the WSE-O Plan are proposed to be a minimum of 25 linear feet.

5. Master Plan Compliance

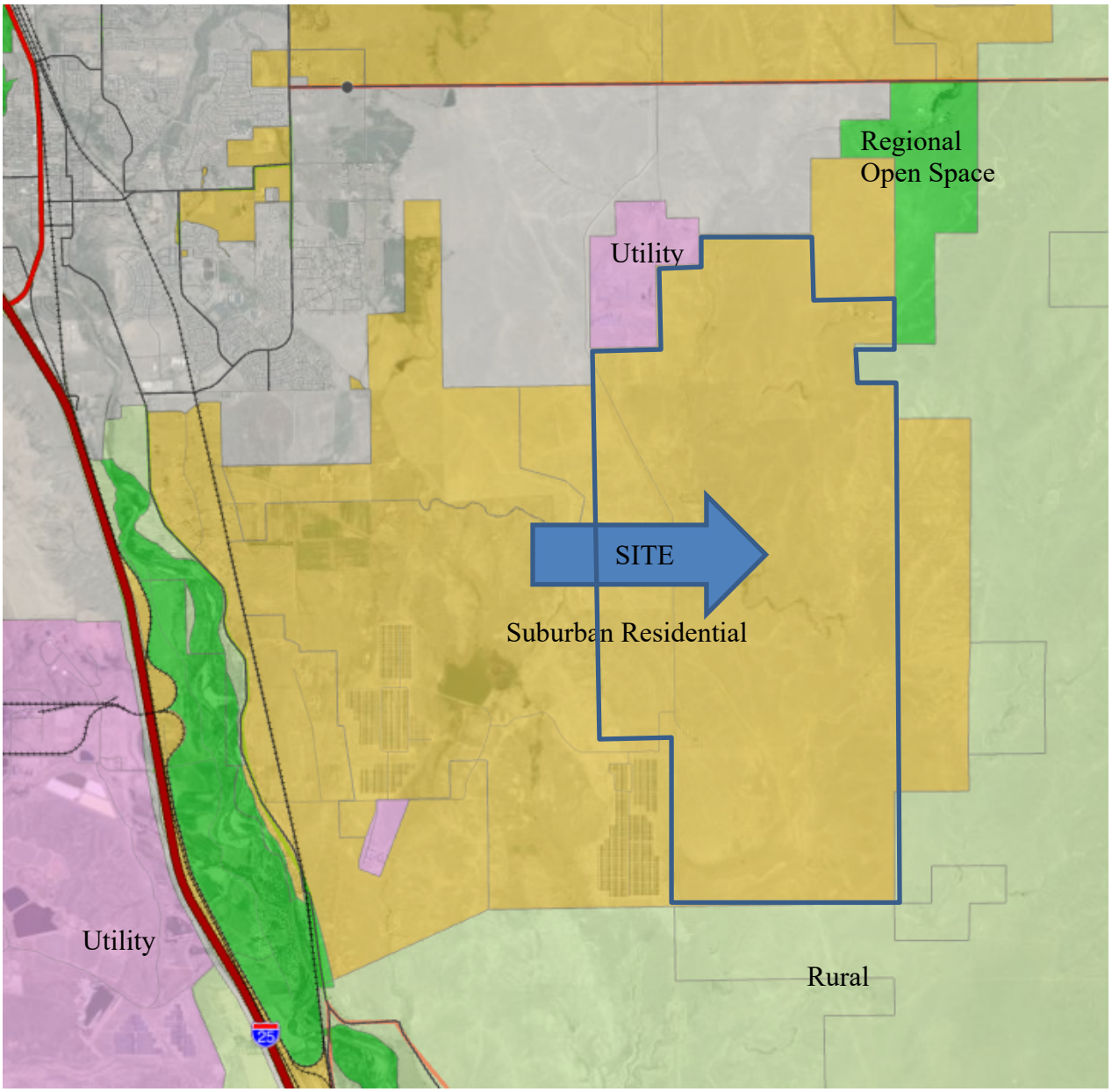
A. Your El Paso County Master Plan

1. Placetype: Suburban Residential

Placetype Character: "Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.

Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County. Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential

placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon."



Recommended Land Uses:

Primary

- Single-Family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre

Supporting

- Single-family Attached
- Multifamily Residential
- Parks/ Open Space
- Commercial Retail
- Commercial Service
- Institutional

Analysis:

The parcels are designated as Suburban Residential. However, it should be noted that at the time the "Your El Paso County Master Plan" was being drafted, an application for the Pike Solar Project was already anticipated and the adjacent Palmer Solar project was completed. Chapter 8, Infrastructure, Page 108, Alternative Energy Section discusses the ongoing solar energy projects, more specifically, the Plan states,

> "Pike Solar + Battery Project: A project is currently underway for 150 MW of new energy generation facility and a 25-MW battery storage system. This project is expected to come online in 2023. At this time, it is the largest energy storage facility announced in Colorado. The battery associated with this project will be used to store cost-efficient solar energy during the day so that it can be used during expensive peak demand periods and at night. It will also provide CSU with valuable information about improving solar power integration into the system.
>
> Palmer Solar Project: In April 2020, the Palmer Solar Project, CSU's largest solar project to date, was brought online. Containing more than 220,000 panels on about 700 acres southeast of Colorado Springs, Palmer Solar provides 60 MW of electricity to customers, enough to power about 22,000 homes annually."

Additionally, a property shown as being within the Utility Placetype is located to the north and west of the site as depicted in the graphic above. The relevant goals and objectives are as follows:

> Goal LU1: Ensure compatibility with established character and infrastructure capacity.

Strategy LU3: The Utility placetype, which includes facilities such as landfills, power plants, water treatment facilities, and water reservoirs, is often located adjacent to the Rural or Large-Lot Residential placetypes as these are largely uninhabited areas.

Community Facilities & Infrastructure, Goal 5.3: Ensure adequate provision of utilities to manage growth and development.

Priority LU4: Continue to evaluate development impact fees, requiring adequate private investment to defray the cost of capital improvements needed due to new development so that new development will not overburden County resources, and will be served by adequate infrastructure until they can be incorporated if necessary or desired.

Objective CFI3-6: In general, all forms of energy generation should be considered and appropriately sited in the County as opportunities arise.

Objective RT1-1: Wherever possible new park facilities should partner and co-locate with municipal service facilities or public amenities such as schools.

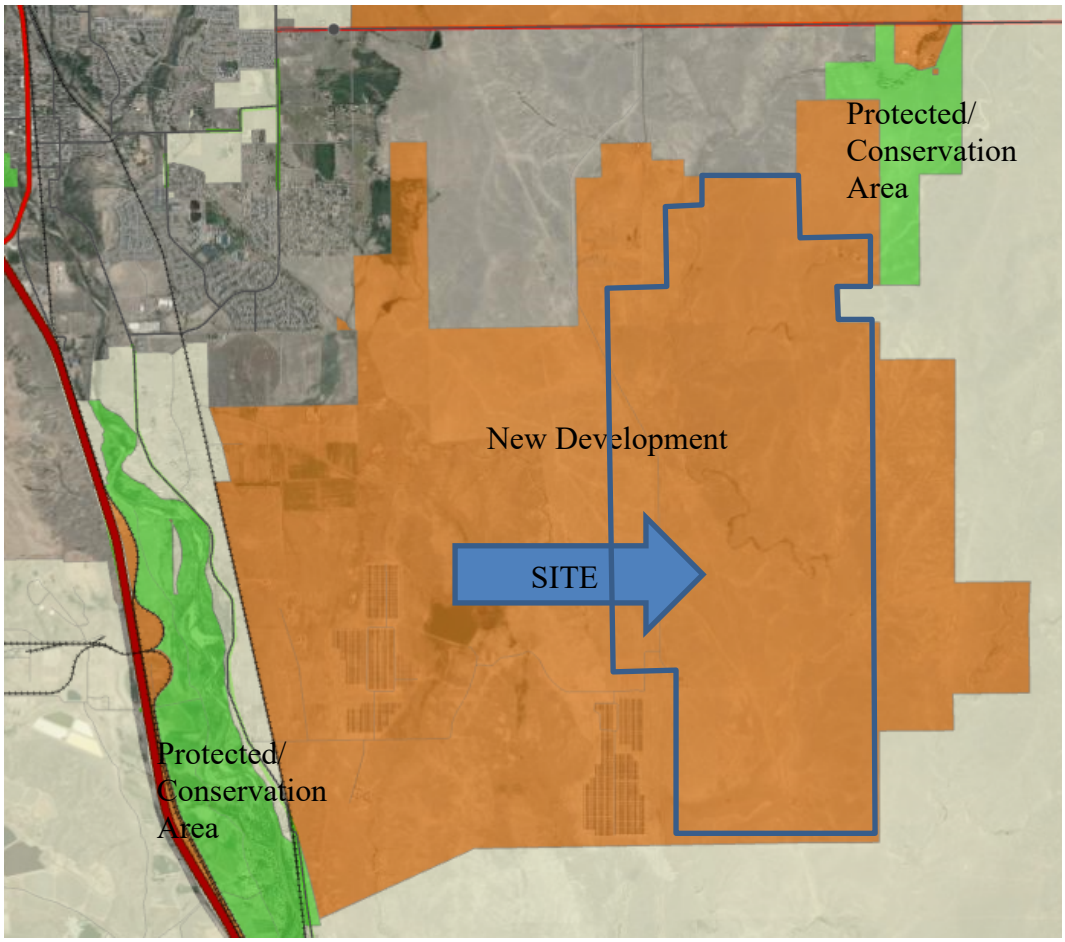
While this area is classified as Suburban Residential, the existing development and approved development in this area is alternative energy generation, specifically solar energy as noted in the Plan. Although the area is not depicted as a Utility Placetype, it is located in a rural area of the County, where residential and commercial growth is limited due to a lack of central water and wastewater services. In developing the Master Plan, it was determined that advanced siting/mapping of utility facilities would be too difficult to map due to unpredictable future utility demands and the availability of adequately sized land, therefore, the siting of such facilities should be evaluated on a case-by-case basis.

The Plan recommends that utility type land uses be located adjacent to rural areas. The subject property is zoned for agricultural and residential land uses. The applicant is in general agreement with the draft development mitigation impact agreement (see attached), which requires the applicant to maintain and repair public infrastructure relative to the construction of the Pike Solar project to not overburden El Paso County

resources. Additionally, the WSE-O plan depicts the Kane Primary Regional Trail Corridor easement through the site, which is anticipated to connect to the Kane Open Space, which is consistent with the Plan.

2. Area of Change Designation: New Development

"These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built-out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood."



The Area of Change identifies that "Undeveloped portions of the County that are adjacent to a build-out area will be developed to match the character of that adjacent

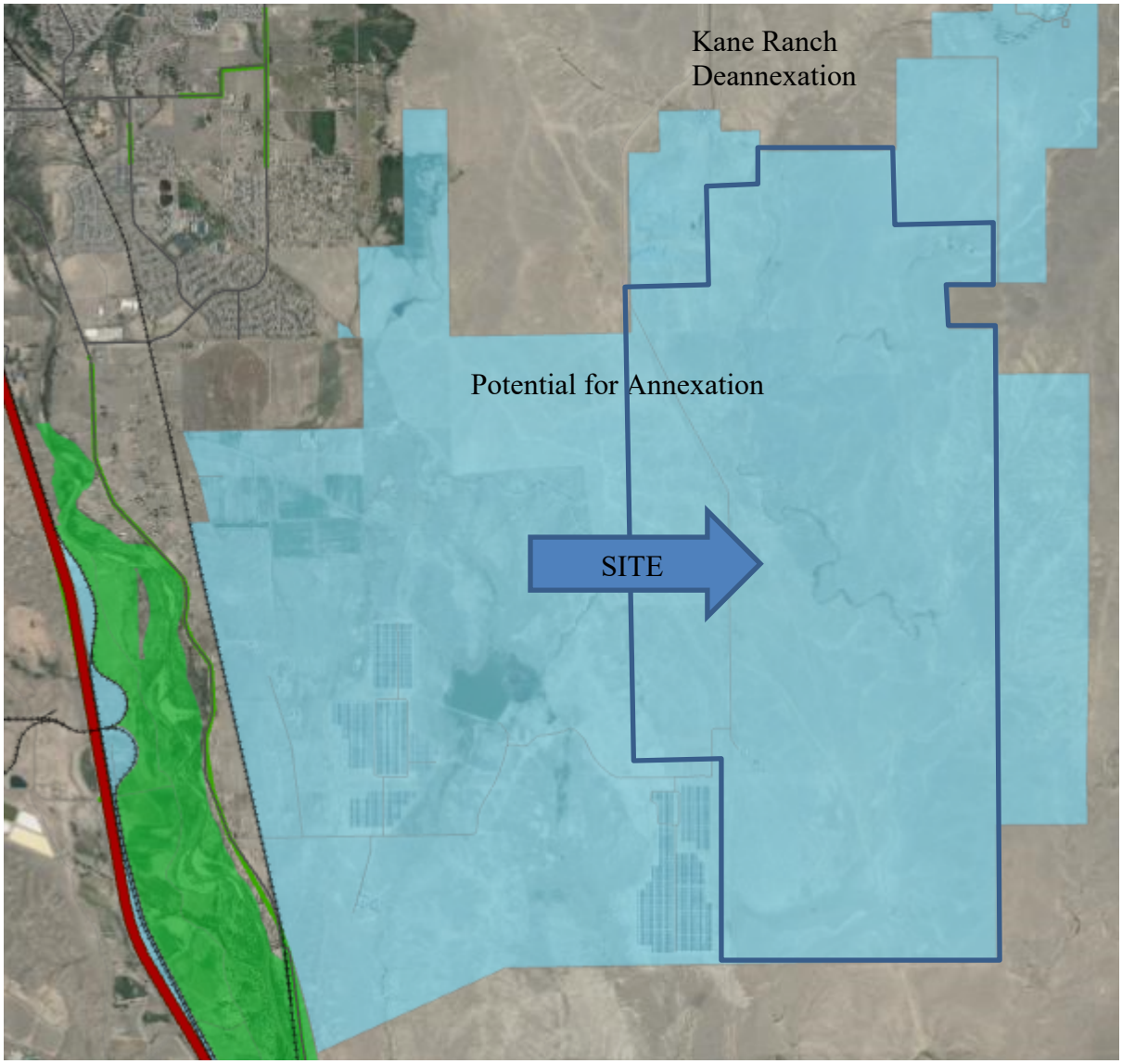
development…” As discussed above, the surrounding area is utilized for solar energy production. The proposed alternative energy project is consistent with the immediately adjacent existing alternative energy development to the west and the land fill to the north; therefore, the proposed development conforms to those recommendations of the Area of Change.

3. **Key Area Influences**: **Potential Area for Annexation**

The Potential Annexation Area recommends:

- The County should provide input and support to municipalities when updating their annexation plans to help identify areas for incorporation into municipalities based on infrastructure needs maintenance costs and available funding, municipal interest and capacity, and other factors.
- Coordinate regularly with municipalities to maintain knowledge of plans for annexation.
- Continue to evaluate development impact fees, requiring adequate private investment to ensure any long-term maintenance of new development will not overburden County resources, and will be served by adequate infrastructure until they can be incorporated if necessary or desired.
- Ensure all future municipal annexations are contiguous to municipal limits to prevent the formation of enclaves of unincorporated areas.
- Prioritize the annexation of existing unincorporated County enclaves as opportunities arise.
- Actively participate in the development of any new or updated comprehensive annexation plans being prepared by the incorporated municipalities, as appropriate.
- Coordinate with each of the municipalities experiencing substantial growth to develop an intergovernmental agreement aimed at:
    - Improving the process of transferring publicly owned infrastructure through the annexation process.
    - Furthering shared goals and expectations of growth management.

- Establishing reasonable expectations for cross-jurisdictional collaboration and effective channels of communication at all levels of government.
- Developing cooperative planning areas, as appropriate.



The Planning and Community Development Staff contacted the City of Fountain regarding the potential for annexation of the area. The City of Fountain is not interested in annexation at this time. The adjacent property to the north, known as the Kane Ranch, declared their intention to disconnect (de-annex) approximately 2,400 acres from the City of Fountain by ordinance on November 4, 2021. Pursuant to C.R.S §31-12-501, the disconnection (deannexation) was heard by

the Board of County Commissioners on December 2, 2021. No action by the Board was required under State Statute.

B. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

Goal 1.2 – Integrate water and land use planning.

Goal 3.1 – Promote cooperation among water providers to achieve increased efficiencies on infrastructure.

The subject property is mostly located within Region 7, Fountain Area, which is expected to have the largest growth demand in the County by 2060. Specifically, the Water Master Plan states:

> "Region 7 could experience the largest demand growth in the County by 2060. Areas projected to develop by 2040 are located south of Fountain on the north and south sides of Link Road. Areas northwest of Fountain along the east and west sides of Marksheffel Road are also expected to grow by then, as well as the area south of Fountain on the west side of I-25. Directly west of Fountain, areas north and south of Squirrel Creek Road are expected to grow by 2060. One large development is expected south of Fountain by 2060, along the west side of I-25. Another is expected in the northeast corner of Region 7, along both sides of Bradley Road. See Figure 5.6 for the Region 7 growth map."

The far eastern portion of the site is within Region 6, of the Water Master Plan, which states:

> "Region 6 contains mostly agricultural areas that are not projected to experience significant growth by 2040 or 2060. The water supply for this area generally comes from independent wells. No growth map was created for this area."

The proposed development is located east of I-25, south of Squirrel Creek Road and east of the Palmer Solar Energy Generation facility. The site is not within a 2040 growth area and is outside of a water service provider service area.

Non-industrial development in this area of the County is not likely due to a lack of centralized services and due to other existing industrial (utility) land uses in the area. Colorado Springs Utilities has provided a water commitment letter to serve the development. A water truck is anticipated to be used to wash the solar panels. It is anticipated that the solar panels will be cleaned twice a year, requiring approximately 22,000 gallons (0.07 acre-feet) per year with no annual increase. In comparison, the presumptive use value for a single-family dwelling unit is 0.26 acre-feet of water annually, which is significantly higher than the anticipated water demand for the solar energy generation facility.

C. OTHER MASTER PLAN ELEMENTS

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Community Service Department, Environmental Division, Natural Resources Conservation Service (NRCS), the United States Fish and Wildlife Service (USFWS), and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies potential floodplain deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, severed mineral rights exist. The mineral rights owner has been notified of the application and hearing date by the applicant. No responses have been received.

Please see the Parks section below for information regarding The El Paso County Parks Master Plan (2013).

Please see the Transportation section below for information regarding the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

The applicant provided a document titled “Revised Geotechnical Engineering Report”, which was prepared by Terracon Engineering, Inc., dated August 30, 2021, and a document titled “Geologic Hazards Study” which was prepared by Kumar and Associates dated August 30, 2021. Colorado Geological Survey provided comments stating that the documents do not identify any significant

areas of geologic concern that would preclude development of the solar energy generation facility provided the recommendations and design criteria presented by the consultants in these reports are strictly adhered to during development of the site.

The property included within the proposed WSE-O Plan is not identified as being within a high wildfire hazard area. However, it should be noted that a fire, known as the Carson-Midway fire, did occur in an area located west of the proposed solar energy generation facility area in March of 2018. The fire resulted in the destruction of multiple dwellings and accessory structures. The Hanover Fire Protection District provides emergency services in this area of the County. Hanover Fire Protection District and the applicant have been corresponding through out the application process. The District has provided comment that they will request air monitoring equipment for the District's engine vehicle at the time of constructing the battery storage facility.

2. **Floodplain**
   The subject property contains Zone A floodplains as determined by FEMA Flood Insurance Rate Map (FIRM) panel numbers 08041C0967G, 08041C0970G, 08041C1000G, 08041C1160G, and 08041C1180G, dated December 7, 2018. Williams Creek and its tributaries flow from north to south through the site. A Floodplain Development Permit issued by the Pikes Peak Regional Building Department will be required for development in the floodplain.

3. **Drainage and Erosion**
   The subject property lies within the Lower Williams Creek, Upper Williams Tributary, and Upper Williams Creek drainage basins, all of which are tributary to Williams Creek. A conceptual preliminary drainage report was submitted with the Pike Solar WSE-O application. There will be minimal grading with this project and a minimal net increase in imperviousness due to site access roads and other site improvements. The drainage report states that historic drainage patterns will be maintained and, "Permanent water quality measures and detention facilities will not be necessary for the Project. Temporary water quality and erosion control measures will be provided during construction to prevent sediment laden water from discharging from the Site. Permanent check dams will be constructed throughout the site in areas where concentrated flows could affect graded areas." The report concludes that the project "[will] not cause any considerable change to the local hydrology." Drainage fees do not apply to WSE-O map amendments (rezonings).

This project has limited potential to cause short-term drainage, erosion, and sedimentation impacts to downstream properties. The applicant will be required to mitigate construction impacts with Best Management Practices (BMPs) as outlined in the Drainage Criteria Manual, Volume II and in accordance with El Paso County's MS4 permit requirements.

4. Transportation

The proposed Pike Solar project is generally located southeast of the City of Fountain, approximately one mile south of Squirrel Creek Road and two-and-a-half miles northeast of the Hanover Road/Old Pueblo Road intersection. Access is taken from private drives at Birdsall Road and Squirrel Creek Road.

A Haul Route Plan, a Road Condition Survey Work Plan, and a Transportation Memorandum were included with the submittals for this WSE-O map amendment application, which indicate that access to the site for heavy loads during construction will utilize the south route from Birdsall Road via Interstate 25 at exit 122 and Old Pueblo Road. Old Pueblo Road and the paved portion of Birdsall Road are owned and maintained by El Paso County. It is anticipated that up to ten oversize and overweight loads may need to be delivered using other routes, which, if necessary, will require specific permitting by the applicable governing jurisdictions of those roads. Passenger vehicle traffic of construction personnel will utilize the north route from Squirrel Creek Road, which is owned and maintained by the City of Fountain, via other City and County roads. Construction is anticipated to occur for up to 26 months with maximum construction traffic of 202 trips per day with 150 (74%) of those being passenger vehicles. The Transportation Memorandum includes a breakdown of the anticipated construction traffic types and impacts at the affected intersections.

After construction is complete, site operations and maintenance requiring onsite personnel are anticipated to occur five to ten times a month, depending on equipment reliability.

The Road Condition Survey Work Plan identifies the methodology that will be used to identify any road degradation associated with the project, which is essentially the same as the current County methods for determining road conditions. Per the Development Agreement, any road damages caused by the project are to be repaired, with degradation subject to reimbursement based on the percentage of project construction traffic factored over the design

life of the roads used. The Development Agreement has been drafted and is still under review at the time of staff report preparation.

The long-term traffic anticipated to be generated by the proposed Pike Solar project is in conformance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP), and the existing roads serving the proposed use are adequate to serve the anticipated traffic. The project will not impact any road alignments in the MTCP 2060 Corridor Preservation Plan. This project is subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended, at the time of final plat recording.

H. SERVICES

1. Water

A finding of water sufficiency is not required with map amendment (rezoning) requests. Colorado Springs Utilities has committed to providing potable water to the solar array facility for dust control during construction, and post-construction maintenance purposes.

2. Sanitation

The proposed use as a solar array does not require wastewater service. Temporary on-site facilities are anticipated to be utilized during construction.

3. Emergency Services

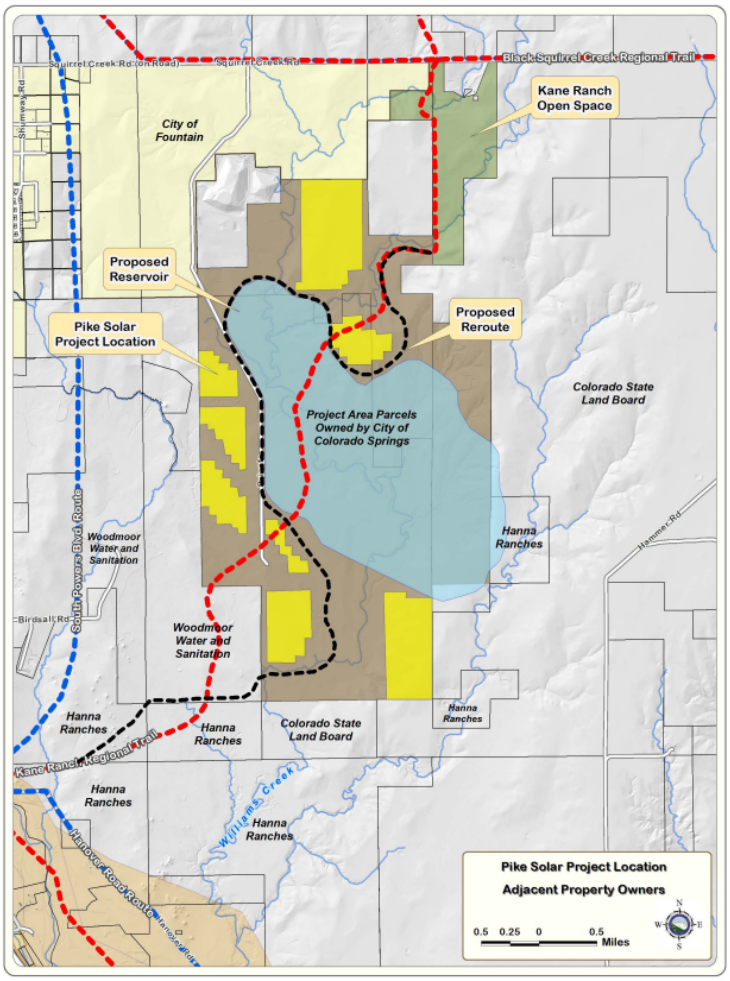
The subject parcels are located within the service area of Hanover Fire Protection District. Hanover Fire Protection District has provided comments and has agreed to provide emergency services to the project area. Staff recommends Condition of Approval No. 1.i below, which requires the applicant to work with the Pikes Peak Regional Office of Emergency Management to develop an acceptable emergency response plan, which will be required as part of the site development plan application.

4. Utilities

The State of Colorado mandate described in Colorado Revised Statute §40-2-124 requires 30 percent of retail energy sales to be deliverable from renewable energy generation for investor-owned utilities and 10 percent for large municipal utilities by year end 2020. Although construction of this facility will occur after the mandate deadline, it is anticipated that renewable energy will continue increase to meet the growing demands of the region. The solar energy generation facility will provide power to the Williams Creek substation where it will be integrated into the electrical grid and distributed to Colorado Springs Utilities customers.

5. **Parks/Trails**

The El Paso County Parks Master Plan (2013) depicts a trail corridor in this area. The applicant has depicted a trail corridor to be known as the Kane Ranch Primary Regional Trail Corridor through the site. The corridor is anticipated to loop around the future Upper Williams Creek Reservoir and up to the Kane Ranch Open Space. Parks fees are not due with map amendment (rezoning) requests.



6. **Schools**

A referral for the proposed map amendment (rezoning) was sent to Hanover School District No. 28. No comments were received in response.

I. APPLICABLE RESOLUTIONS:

Approval Resolution Page 27
Denial Resolution Page 28

J. STATUS OF MAJOR ISSUES

There are no remaining issues

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission find that the request meets the criteria for approval outlined in Section 4.3.5, of the El Paso County Land Development Code (2021) staff recommends the following conditions and notations:

CONDITIONS

1. Prior to excavation or construction, approval of a site development plan by El Paso County for the solar array facility is required. The site development plan application shall include, but are not limited to the following information:
    a. Site development plan drawings;
    b. Final Drainage Report;
    c. Stormwater Management Plan (SWMP)
    d. Any permits required by the Colorado Department of Public Health and Environment, if needed
    e. Detailed reseeding plan;
    f. Lighting plans and detailed specifications, including plans and specifications for temporary lighting, as applicable;
    g. Sign plans, if signage is proposed;
    h. Elevations of any above ground structures;
    i. Emergency response plan, to be prepared in coordination with and acceptable to the Office of Emergency Management;
    j. Noxious weed management plan, to be prepared in coordination with and acceptable to El Paso County Environmental Services; and
    k. Colorado Department of Health and Environment (CDPHE)-accepted surface and groundwater quality monitoring plans, if required.

2. The applicant shall provide copies of all required State and County air quality permits prior to approval of a site development plan application.

3. The applicant shall comply with all applicable local, State, and Federal laws and regulations regarding the use, disposal, storage, and transportation of solid and/or hazardous materials on and off site.

4. A County Erosion and Stormwater Quality Control Permit (ESQCP) shall be obtained prior to construction. All disturbed areas shall be promptly stabilized and re-vegetated in accordance with Best Management Practices (BMPs) as outlined in the Drainage Criteria Manual, Volume II.

5. The Board of County Commissioners, at a public hearing, shall have the authority to require the shutdown, removal, and/or relocation of any glare-causing component or components if the Board finds that any such component or components is/are creating a health and/or safety risk. Such shutdown, removal, and/or relocation requirement by the Board shall be based upon documented inspection of the facility by a County official at the applicant's expense.

6. The hours of operation during the construction and long-term maintenance of the project shall be limited to seasonal day time hours unless otherwise authorized by the Planning and Community Development Department Director prior to the proposed construction and/or maintenance. Requests to conduct nighttime construction activities shall be submitted to the Planning and Community Development Department Director at least two business days prior to the time of the proposed construction. Any failure to respond to the requests by the Planning and Community Development Department Director within two business days shall be interpreted as an approval of the request.

7. Site lighting, including temporary lighting, will be limited to that characterized in the Lighting Plan. The Detailed specifications shall be provided at the site development plan stage. All light fixtures shall be directional and positioned so that the light sources are concealed and fully shielded from adjacent properties and roadways, unless otherwise specifically authorized under the regulations of the Occupational Safety and Health Administration (OSHA) of the United States Environmental Protection Agency.

8. The Board of County Commissioners may elect at an open and public hearing, following full published notice, to approve a rezoning of the properties included within the WSE-O boundary for the purpose of removing the overlay zoning if the applicant has not begun construction within two (2) years of the date of Board of County Commissioners approval.

9. Approval of the WSE-O rezoning request is only valid with the additional approval of the concurrently reviewed 1041 permit application. Failure to receive a 1041 Permit shall render approval of the WSE-O rezoning null and void.

10. At least six (6) months prior to the initiation of decommissioning activities, Developer shall prepare a Project Decommissioning and Site Restoration Plan (PDSRP) prepared in sufficient detail to identify, evaluate, and resolve all

major deconstruction, environmental, hauling, and public health and safety issues reasonably anticipated by the developer on the date thereof and submit the same to the County for review and approval. The PDSRP shall describe the process that will be used to evaluate the options and select the measures that will be taken to restore, reclaim, or preserve the project site and to otherwise ensure the protection of the public against risks or dangers resulting from the project decommissioning. The PDSRP shall address provision for funding or bonding arrangements to meet the project site restoration or management costs and it shall include an estimate of market value of the equipment and salvage value of all other equipment and materials that do not have value at resale.

11. The developer shall provide notice to the Planning and Community Development Department of the date of initial delivery of power to the existing utility distribution system within 30 days following such date.

12. The developer, its successors or assigns, as the case may be, shall provide financial assurances sufficient for decommissioning costs in the form of a performance bond, guaranty or letter of credit, or cash to ensure the availability of funds for such costs to El Paso County no later than the beginning of year twenty (20) following the date of initial delivery of power. An updated engineering estimate of the amount of the decommissioning costs shall be provided by the developer to the County at least sixty (60) days and no sooner than ninety days prior to providing financial assurances to the County. If decommissioning should occur prior to year 20, an updated engineering estimate of the amount of the decommissioning costs shall be provided by the developer to the County at least 60 days and no sooner than 90 days prior to the start of decommissioning activities.

13. The approval is limited to the WSE-O plan as depicted. Any expansion, enlargement, or modification of the WSE-O Plan shall be subject to the provisions of Sections 4.3.5.E and F, as amended, of the El Paso County Land Development Code.

14. Development of the project shall be conducted in accordance with the regulations of El Paso County, conditions of approval and notations of the Board of County Commissioners and the accompanying documents/reports in the Planning and Community Development Department file for the rezoning application (WSEO-21-001).

15. Applicant shall comply with the provisions of the Development Impact Mitigation Agreement associated with this WSE-O project.

16. The applicant agrees on behalf of him/herself and any developer or builder successors and assignees that the applicant and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals.

NOTATIONS

1. If a map amendment (rezoning) application has been disapproved by the Board of County Commissioners, resubmittal of the previously denied application will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a application for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said application. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

2. Map amendment (rezoning) requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

L. PUBLIC COMMENT AND NOTICE

The Development Services Department notified 7 adjoining property owners on January 4, 2022 for the Planning Commission hearing. No responses have been received.

M. ATTACHMENTS

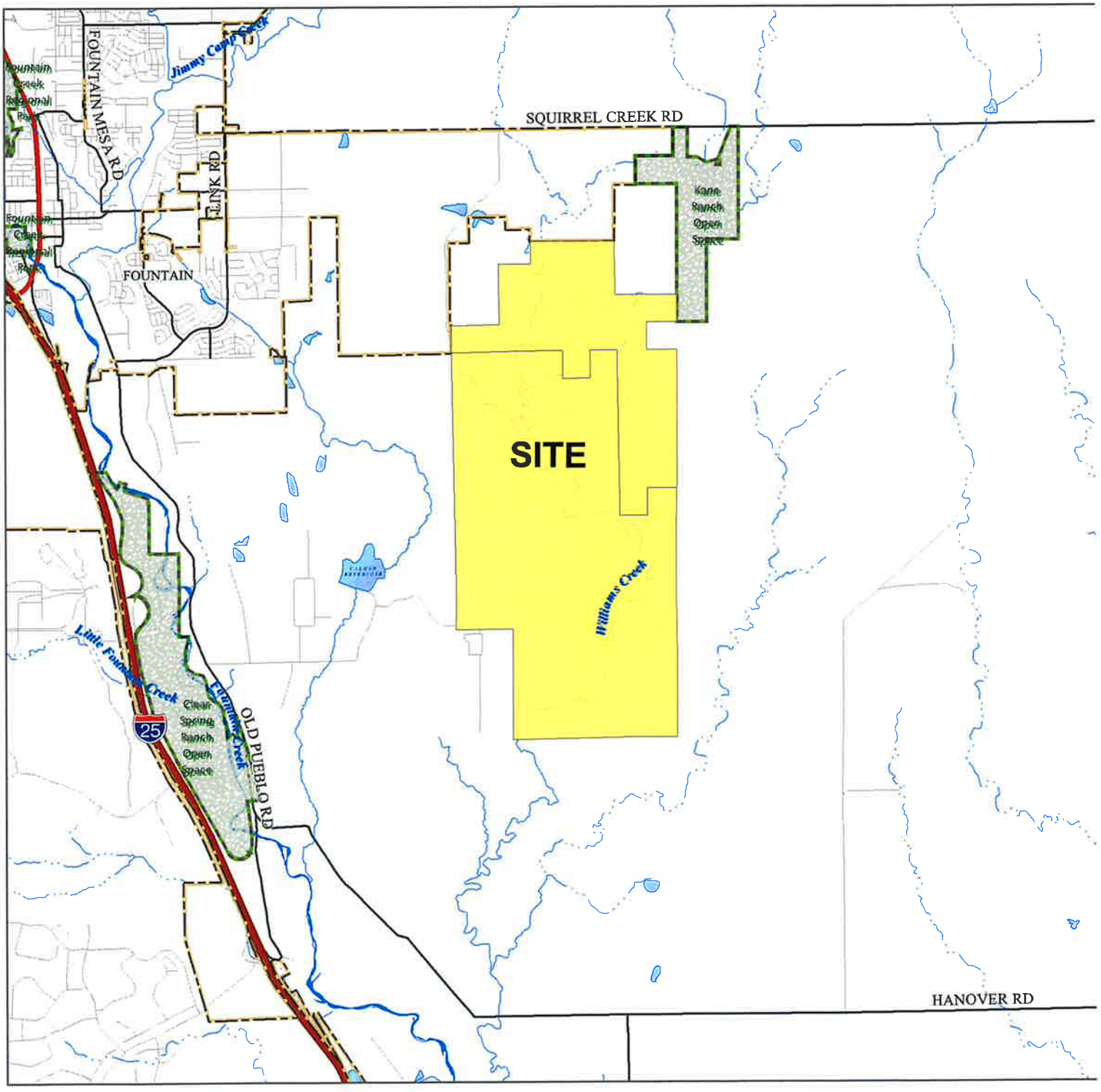
Vicinity Map
Letter of Intent
Pike Solar Energy Project WSE-O Plan
Visual Analysis
Haul Route
Development Impact Mitigation Agreement (Draft)

El Paso County Parcel Information

File Name: WSEO-21-001

Zone Map No.: --

Date: January 3, 2022



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
(719) 520-6600

1710 29th Street, Suite 1068
Boulder, CO 80301
Office + 1.303.440.7430

Kari Parsons, Project Manager/Planner III
El Paso County, Planning & Community Development
2880 International Circle
Colorado Springs, CO. 80910

Submitted electronically via EDARP: www.epcdevplanreview.com

November 9, 2021 (Submittal #2)

RE: Letter of Intent- Wind/Solar Energy Overlay (WSE-O) Application for Pike Solar LLC

Dear Ms. Parsons and El Paso County Planning and Development Department,

This Letter of Intent (LOI) is being submitted as part of the Wind/Solar Energy Generation Overlay ("WSE-O") Application for Pike Solar Photovoltaic and BESS ("Project") **(Appendix A- WSE-O Application Form)**. The Applicant and Project Owner is Pike Solar LLC ("Applicant"), a wholly owned subsidiary of juwi, Inc. (juwi).

Introduction to Project and Request

The Applicant is pleased to present this application for WSE-O zoning to construct, operate and decommission the Pike Solar Photovoltaic and BESS Project, a solar facility capable of generating up to 175 alternative current (AC) megawatts (MW) of photovoltaic (PV) solar energy. The proposed Project consists of ground-mounted solar arrays and associated infrastructure and it will also include a Battery Energy Storage System (BESS) capable of producing up to 75 MW of energy for four hours. JSI Construction Group LLC was selected as the authorized agent for permitting and building the Project.

The Project is located on 1,350 acres southwest of the town of Fountain in El Paso County, Colorado. The site is three miles southeast of the intersection of Link Road and Squirrel Creek Road. The Applicant has secured leases for two parcels owned by Colorado Springs Utilities (CSU). These parcels (56000-00-123 and 56000-00-140) fall within Township 16S, R64W, Sections 7,18, 19, 30, 31 and Township 16S, R65W, Sections 11, 12, 13, 14, 23, 24, 25, 26, 36 and comprise the site for the solar array, substation and BESS.

The Pike Solar Project was selected under CSU's RFP-GM-141545 Renewable Energy Solicitation (RFP) for new renewable energy generation resources to serve CSU's customers. The Project will support Colorado Springs Utilities Sustainable Energy Plan which will help reach the energy vision of an 80% carbon reduction and retire all coal generation by 2030. According to CSU, on August 27th, 2021, the Martin Drake Power Plant burned the last of its final delivery of coal. The plant will continue to operate on natural gas until the end 2022 when it will be demolished, which will align timely with the COD date for the Project. Additionally, this also aligns with and supports the Colorado Renewable Energy Standards (RES; C.R.S § 40-2-124) and the latest literature published from Governor Polis titled "Greenhouse Gas Pollution Reduction Roadmap" that was issued in January 2021.

The Applicant has completed pre-development activities for the Project, including site studies, energy agreements and design modeling to meet Project schedule and milestones. All studies, correspondence and associated plans can be found below in the appendices and referenced throughout this letter.

CSU, as the identified purchaser of the Project's power, entered into a Power Purchase Agreement (PPA) with Pike Solar LLC on September 14, 2020 **(Appendix E- Power Purchase Agreement)**. This agreement outlines the terms and conditions in which CSU agrees to purchase the electricity generated from this Project for a minimum of seventeen years and options to extend thereafter. Both Parties have entered into a Large Generator Interconnection Agreement (**Appendix AO – Executed Interconnection Agreement)**.

Current zoning for the undeveloped properties includes Residential Rural-5 (RR-5), Agricultural- 5 (A-5) and Agricultural-35 (A-35) **(Appendix P- Zoning Map)**. The surrounding land is primarily used for livestock grazing with dispersed residential development. The WSE-O zone for the Pike Solar Project consists of all parcels containing the solar array, collection line, substation, BESS and temporary laydown yards.

The proposed Project's WSE-O Dimensional and Density Standards are provided in Table 1 below as required by Section 4.3.5 of the El Paso County Land Development Code (LDC).

Table 1: Pike Solar WSE-O Amended Dimensional and Density Standards

Overlay District	**Underlying Zoning District**	**Minimum Setbacks for structures (ft.)**	**Maximum Height of Solar Panels (ft.)**	**Maximum Height of Transmission Line Poles (ft.)**	**Maximum Height of MET Stations (ft.)**	**Maximum Height of Inverter-Transformer Pairs (ft.)**	**Maximum Height of Substation Facilities (ft.)**
Pike Solar WSE-O	A-5	25	15	100	20	20	75
	A-35	25	15	100	20	20	75
	RR-5	25	15	100	20	20	75

Pike Solar LLC and CSU are requesting approval of the WSE-O Application for the Pike Solar Project. The purpose of the proposed WSE-O is to allow construction, operation, maintenance, and decommissioning of a utility-scale solar energy facility and BESS; specifically, the Pike Solar Project.
The solar PV system will be composed of photovoltaic modules that convert the sun's radiant energy into electricity. The modules will be mounted on horizontal single-axis tracking racks that rotate from east to west to track the sun over the course of each day. The modules will be electrically connected in series strings to achieve a system DC design voltage of 1500V DC. Cables from the module strings will be buried in trenches and combined with DC combiner boxes located strategically throughout the field. The DC combiners will connect multiple arrays in parallel, from which point the electricity will be conducted via cables to the inverters, which convert the DC power generated by the modules to grid-synchronized AC power. Step-up transformer(s) will raise the inverter AC output voltage to 34.5kV, and the Solar Project output will pass through an AC collection system to the Pike Solar substation and ultimately to the Point of Interconnection (POI) at the Williams Creek Substation via a proposed 1,400-foot 230kV overhead transmission line.

CSU 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.

This LOI seeks to address all relevant items as they pertain to El Paso County LDC Section 4.3.5 for the WSE-O, Wind and/or Solar Energy Generation Plan Overlay District. A WSE-O Plan has been prepared in accordance with the El Paso County Planning & Community Development Department (PCD) requirements **(Appendix D- WSE-O Overlay Plan)**.

Appendices:

A – WSE-O Application Form

B – Certification of Notice to Mineral Estate Owners

C- Vicinity Map

D – Intentionally Blank

E- Power Purchase Agreement

F- Biological Resources Report

G- Phase I Environmental Site Assessment

H- Non-Wetland Water Features and Wetlands Report

I- USFWS Correspondence

J- CPW Correspondence

K- USACE Correspondence

L- FAA Correspondence

M- OAHP Correspondence

N- Hanover Correspondence

O- PPRBD Correspondence

P- Zoning Maps

Q- Air Quality Management Plan

R- Grading and Erosion Control (GEC) Plan

S- Drainage Report

T- Geotechnical Engineering Report

U- Elevation Plans

V- Fire Prevention and Protection Plan

W- Emergency Response Plan

X- Integrated Noxious Weed Management Plan

Y- Decommissioning Plan

Z- Water Service Letter

AA- Class I Cultural Resources Report

AB- Electromagnetic Interference Report

AC- Visual Simulation

AD- Lighting Plan

AE- Community Meeting Advertisements

AF- Parks and Trails Proposal

AG- Colorado Springs Utilities Service Territories Map

AH- Operations and Maintenance Plan

AI- Haul Route Map

AJ – Traffic Memo

AK– Road Conditions Survey Work Plan

AL– Utility Request for Proposal

AM– Proposed Fountain Easement Route & Correspondence

AN– Geologic Hazards Study

WSEO Plan Map

Interconnection Agreement

Proof of Liability Insurance

Tri State Crossing Agreement

Xcel Crossing Agreement

Draft Kinder Morgan Crossing Agreement

Correspondence with Kinder Morgan Regarding Agreement and Execution Timing

GEC Report – Stormwater Management Plan (90% final)

Additional Documents:

Project Owner/Applicant and Consultant Information

	Name	Address	City	State	Zip	Telephone
Project Owner/Applicant	Pike Solar, LLC	1710 29th Street, Suite 1068	Boulder	CO	80301	303.440.7430
	Colorado Springs Utilities	2855 Mesa Road	Colorado Springs	CO	80904	719.668.3862
Point of Contact	Sophie Kiepe, Project Planner	1710 29th Street, Suite 1068	Boulder	CO	80301	720.245.2922
Consultants	Pinyon Environmental, Inc.	3222 South Vance Street, Suite 200	Lakewood	CO	80227	303.980.5200
	Core Consultants, Inc. David Bacci	1950 W Littleton Blvd. Suite 109	Littleton	CO	80120	303.730.5974
	Terracon Tyler Compton	4172 Center Park Drive	Colorado Springs	CO	80916	719.597.2116
	Stantec Fadi Jadoun	3133 West Frye Road Suite 300	Chandler	AZ	85226	480.687.6128
	EMDEX, LLC Chris Hooper	1356 Beaver Creek Drive	Patterson	CA	95363	408.866.7266

Site Location, Size, and Zoning

Site Location

The proposed Project will be in all or portions of Township 16S, R64W, Sections 7,18, 19, 30, 31 and Township 16S, R65W, Sections 11, 12, 13, 14, 23, 24, 25, 26, 36 in El Paso County, Colorado. The Project is located approximately 3 miles southeast of the intersection of Link Road and Squirrel Creek Road in the city of Fountain. The Fountain Landfill is adjacent to the northwest boundary of this Project. The Palmer Solar LLC photovoltaic facility is located west of the Project. Other surrounding lands are predominantly grazing lands with dispersed residential areas.

Size

The proposed WSE-O siting envelope totals approximately 1,350 acres and will include the solar array, collection line corridor, substation, BESS and temporary laydown yards. The solar array will consist of a single-axis tracking solar PV panels, DC to AC inverters, switches and underground collection lines. The underground plowed medium voltage AC feeders, or collection lines, will transport energy from the inverters to converge at the transformer in the substation located on parcel 56000-00-123. The above-ground high-voltage AC feeders, spanning approximately one mile, will transport the energy to the Williams Creek Substation. Additionally, there will be a BESS co-located with the on-site substation on parcel 56000-00-123 for a capacity of up to 75MW and 4 hours of energy storage.

Zoning

The proposed WSE-O zone would consist of the below parcels and ownership **(Appendix P)**:

Parcel ID	Current Zoning	Landowner
56000-00-123	A-35	Colorado Springs Utilities
	RR-5	Colorado Springs Utilities
56000-00-140	A-5	Colorado Springs Utilities
	A-35	Colorado Springs Utilities
	RR-5	Colorado Springs Utilities

Request

The Applicant requests approval of a WSE-O zoning amendment for the Pike Solar Project, a solar facility capable of generating up to 175 alternative current (AC) megawatts (MW) of photovoltaic (PV) solar energy. The proposed Project consists of ground-mounted solar arrays and associated infrastructure and it will also include a Battery Energy Storage System (BESS) capable of producing up to 75 MW of energy for four hours. The Applicant has worked to develop a plan that complies with local regulatory requirements as well as state and federal requirements. The Project will provide a clean alternative for electricity needs of the community.

The need for this Project is based upon the Utility plans, state and federal renewable initiatives and local renewable goals. 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 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. 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.

Justification

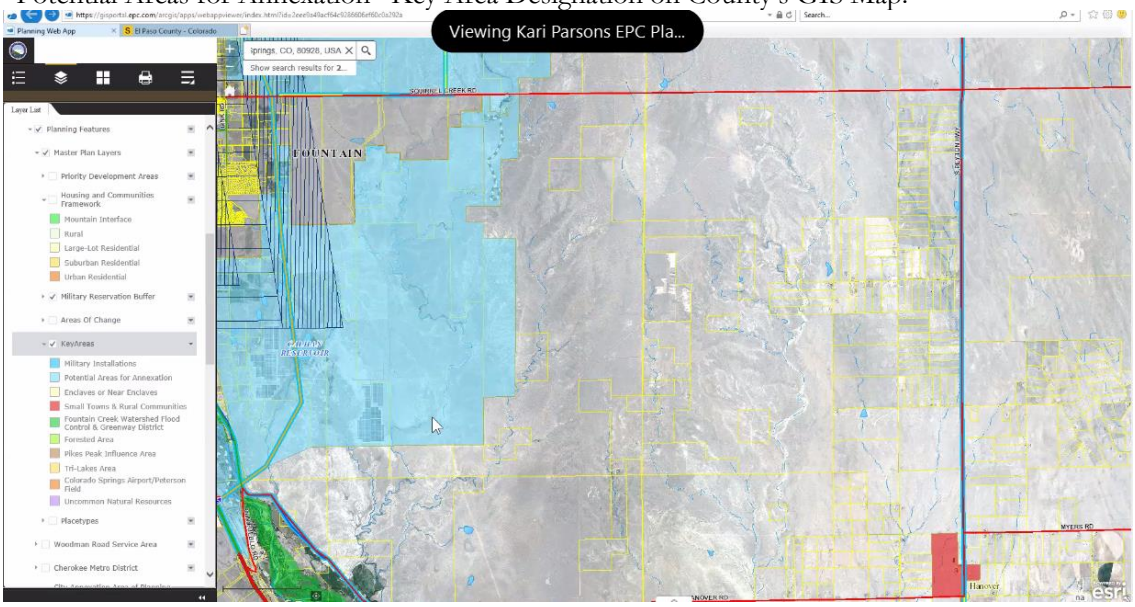
4.3.5.(G)(1) Review Criteria for Approval of WSE-O Application.

- **The application is in general conformance with the El Paso County Master Plan, including applicable Small Area Plans or there has been a substantial change in character of the neighborhood since the land was last zoned.**
  The application is in general conformance with the *Your El Paso Master Plan* (referred to herein as "Master Plan") and other adopted countywide Plans. Specifically:

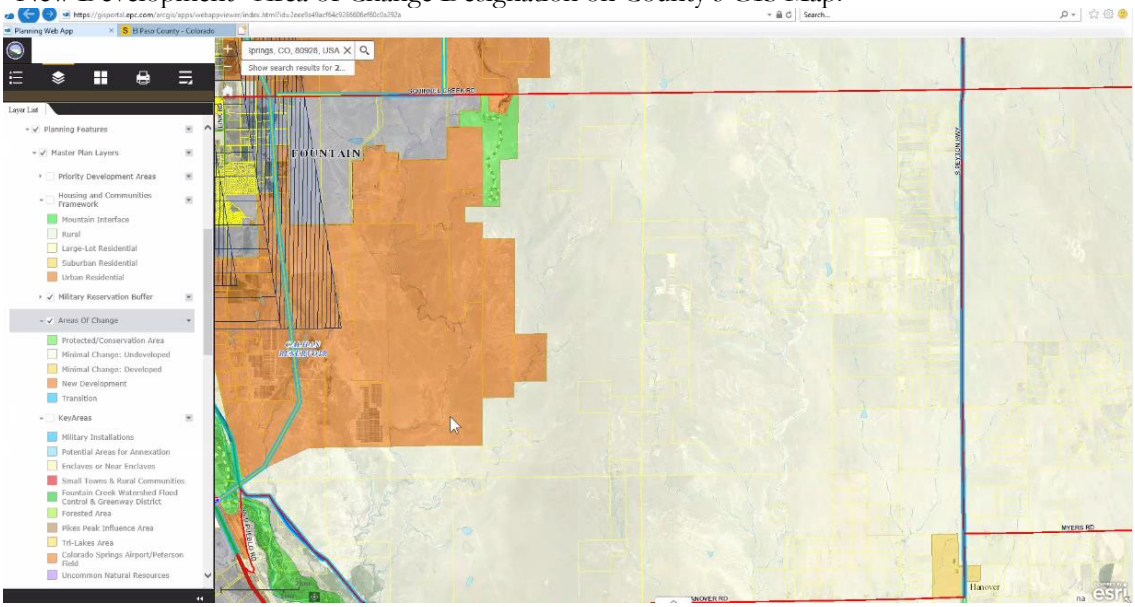
  Master Plan Implementation: Guidance for Evaluating Land Use Applications

  - *Is the proposed use located within a Key Area? If so, how will the proposed use affect the unique identity or character of the Key Area?*
    The project is within the Key Area "Potential Areas for Annexation". This area has been identified as a potential area for annexation into the City of Fountain. Being that the project location is outside of the urban and residential developed area of Fountain, and adjacent to the Fountain Landfill and existing utility infrastructure, the proposed Project has been well sited to complement existing surrounding uses, and in turn, would strengthen the existing unique identity or character of the Key Area. The nature of the Project being a solar energy facility, producing minimal to no odor, sound, light, or other nuisance to surrounding properties, make it an appropriate use alongside the existing public utility and waste management services. Should this area indeed be annexed and developed, it is likely that this portion of the Key Area would naturally be focused and maintained for siting large and public infrastructure land uses.

    "Potential Areas for Annexation" Key Area Designation on County's GIS Map:

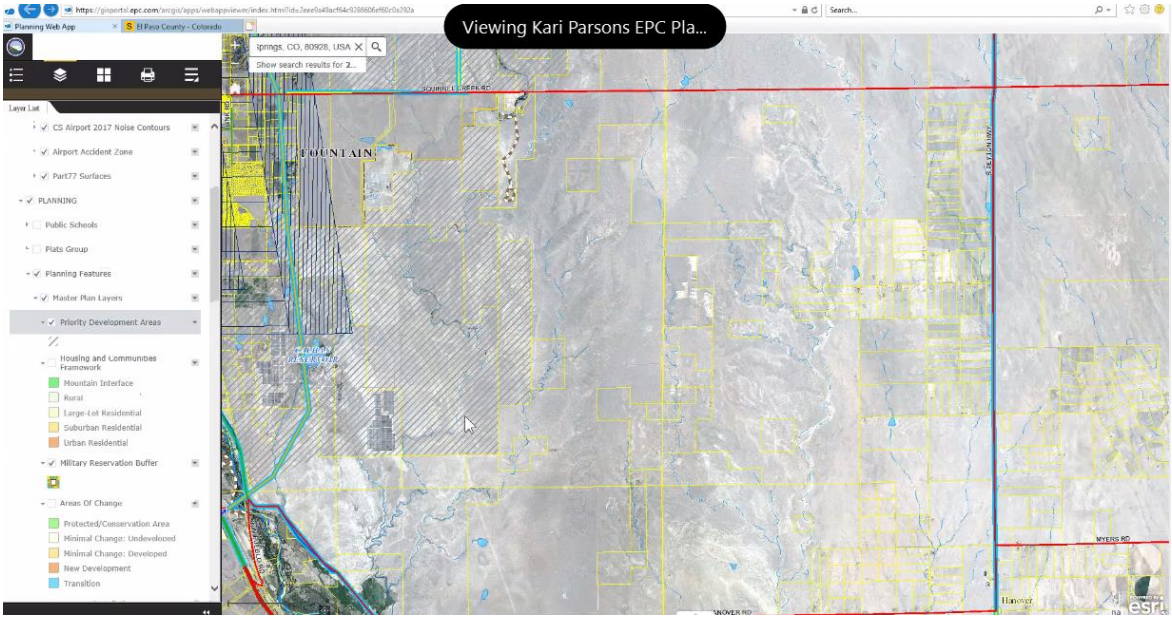


"New Development" Area of Change Designation on County's GIS Map:



- *Is the use located within a Housing Priority Development Area? If so, is the proposed use one of the identified housing types for the area?*
  The Project is located within the Fountain Area Housing Priority Development Area identified within the Master Plan. As shown and discussed on Page 53 of the Master Plan, the city of Fountain has the potential to expand south and east, and as such the Project's location should be considered for suburban residential development in order to match the development pattern of the City. While the Project's use is not the identified suburban residential use or housing type, the Project is a necessary component to accommodating the anticipated population growth by providing a needed public utility. Further, the Project area is already characterized by the adjacent Fountain landfill and utility infrastructure, resulting in the Project's use being consistent with the adjacent uses and furthering several of the Master Plan's recommendations to collocate certain types of uses as a means to conserve open space and preserve community character in other areas served by these types of projects.

"Fountain Area" Housing Priority Development Area Designation on County's GIS Map:



- *Is the use located within a Commercial Priority Development Area? If so, is the proposed use one of the identified commercial uses for the area?*
  The Project is not located within any Commercial Priority Development Area identified within the Master Plan.

- *Is there existing infrastructure to which the proposed development can connect? If so, is connection proposed and how will it be accomplished? If not, is there a plan for future extension of infrastructure to the property?*
  The Project is sited adjacent to, and designed to utilize, existing infrastructure to which it can connect, consistent with Master Plan Objective HC2-1 and its Guidance for Evaluating Land Use Applications. 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 approximately 1,300' from the Project substation to the Williams Creek Substation. In order to construct the Project, temporary power will be required and negotiated with MVEA from an existing power line nearest to the Project substation location in order to limit construction impacts. Additionally, as noted in the Master Plan on Alternative Energy, "energy generation should be considered and appropriately sited in the county as opportunities arise". The Pike Solar Project will bring an additional 175 megawatts (MW) of solar energy onto the Colorado Springs Utilities (CSU) electrical grid. The Pike Solar Project is poised to satisfy CSU Utilities customers' increasing demand for energy, paired with the state's renewable energy generation goals.

- *Does the development trigger the need for pedestrian or multimodal connections and are such connections being proposed?*

The Project's development does not trigger the need for pedestrian or multimodal connections, as the Project will be an unmanned facility during operation (except for maintenance needs), will not generate a residential density increase, and will not otherwise attract or draw people to the area. For these reasons, the development does not trigger the need for pedestrian or multimodal connections.

- *Does the proposed use/development incorporate appropriate conservation design principles as identified in the Master Plan?*
  Conservation design principles uses development patterns that aim to preserve contiguous areas of open space and protect environmental features and areas by grouping development together. While this reference was made within the Master Plan to discuss residential clustered development, this approach and aimed objective are relevant to the Project. The Project groups development together by siting the utility infrastructure together with existing utility and public infrastructure development. The Project has been sited and designed to meet the growing population's energy needs while collocating and concentrating the public infrastructure uses together with its adjacency to the Fountain Landfill and other CSU-owned infrastructure.

- *Will the proposed use/development further the County's objective of meeting the Vision, Principles, Goals, and Objectives of the Master Plan?*
  The Project will promote and contribute to meeting the County's objective of meeting the Vision, Principles, Goals, and Objectives of the Master Plan. The Master Plan's Vision is centered on meeting projected growth in a strategic and sustainable way. The Project contributes to the County meetings its vision by providing the City and County's residents with needed power through a clean, renewable energy source (during a time of additional energy demand with the decommissioning of the City's coal power plant) and doing so through a development which is collocated and clustered with existing electrical utility infrastructure. Additionally, the Project works to broadly meet the Community Facilities and Infrastructure category of Goals & Principles outlined within the Master Plan. Specifically, the Project furthers Goal 5.1, which calls on coordination with agencies to provide high-quality community facilities, services, and infrastructure to enhance quality of life, and Goal 5.3, which calls to ensure adequate provision of utilities to manage growth and development.

  Additionally, the Master Plan's Alternative Energy section identifies renewable energy as an opportunity within the County that should be considered as opportunities arise (Pg. 108 of the Master Plan). The Pike Solar Project is specifically called out within this portion of the Master Plan, noting that the Project's battery is the largest energy storage facility announced in Colorado and will provide CSU with valuable information about improving solar power integration into the system.

- *Does the proposed use/development support the Implementation Objectives and Specific Strategies of the Master Plan?*
  The Project supports the Implementation Objectives and Specific Strategies of the Master Plan. Below is an example of an Implementation Objective and Specific Strategy supported by the Project:

  Goal E2:
  Promote sustainable best practices with regard to development and infrastructure.

The Project supports this Goal by proposing a sustainable, clean energy generation facility use through the efficient siting and development approach of collocating and concentrating the use in an area that is already developed for utility or other public facilities such as the Fountains Landfill.

***Objective E2-3**: Promote alternative products and services that substitute for environmentally damaging ones.*
The Project supports this objective by promoting clean, renewable energy as an alternative power source that substitutes, and has the potential to dis/replace, traditional fossil fuel energy sources. The transition toward clean, renewable energy is of utmost importance in combating climate change and relieving local communities' populations from the health and environmental impacts of traditional power plants (like the Martin Drake Power Plant).

***Specific Strategy:** Conservation design should be considered and evaluated alongside development considerations such as land use, zoning, traffic, infrastructure, and utilities as part of any development review and approval process in the County.*
The Project supports this Specific Strategy as part of the implementation of Objective E2-3 and Goal 2 with its alignment with conservation design principles. To reiterate the above response regarding the Project's use of conservation design principles, conservation design principles use development patterns that aim to preserve contiguous areas of open space and protect environmental features and areas by grouping development together. The Project has been sited and designed to meet the growing population's energy needs while collocating and concentrating the public infrastructure uses together with its adjacency to the Fountain Landfill and other CSU-owned infrastructure.

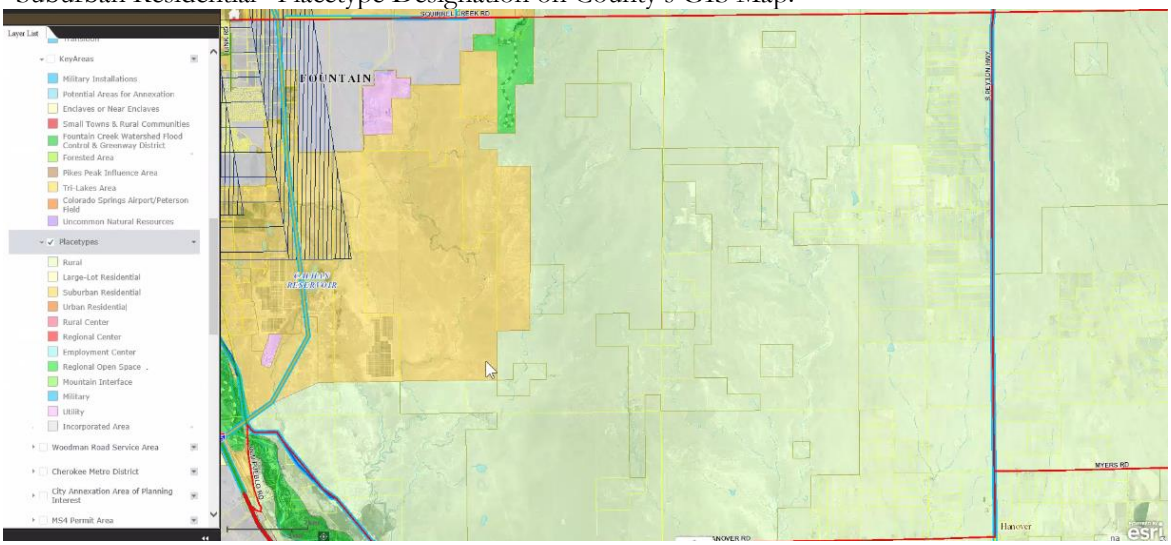
Master Plan Implementation: Guidance for Evaluating Land Use Applications, Additional Factors to Be Considered

- *Larger Land Area – There are several individual large parcels as well as situations in which multiple smaller adjacent parcels are all owned by a single landowner. These parcel configuration and ownership situations create desirable opportunities for siting larger land uses, some of which may trigger the requirement for approval of a variance of use request. Multiple parcels under the same ownership, for example, could be consolidated to support and mitigate the impacts typically associated with large-scale land uses, such as energy generation facilities, landfills, mineral extraction operations, or concrete batch plants*
  The Project is consistent with this factor. The two parcels comprising the Project area are large in scale and under the same ownership, making the site ideally suited for energy generation, a large land use, and in turn allowing for the mitigation of impacts (such as visual impacts and neighborhood character) typically associated with large-scale land uses such as energy generation facilities. Further, the Project's location adjacent to the Fountain Landfill, the Palmer Solar facility, and various CSU infrastructure, together make these parcels a suitable location for the Pike Solar project.

- *Well-Integrated within Established Placetype – When land use requests propose a use that is different than what a respective Placetype typically anticipates, the siting, scale, intensity, setbacks, and aesthetic nature should be evaluated to determine if the use can be appropriately integrated into the surrounding area. Where the proposed use is a desired use but exhibits some degree of use-to-use incompatibility, enhanced methods of buffering and screening should be considered and implemented, as appropriate, at a scale that ensures reasonable mitigation of anticipated negative impacts.*
  The Project is located within the Suburban Residential Placetype. As noted above, the Project is ideally situated adjacent to existing large-scale utility and public infrastructure uses. Both of these existing adjacent land uses are also located within the Suburban Residential Placetype. As such,

while the project's use is different than what this Placetype typically anticipates, the proposed use is consistent in nature and scale with the existing land uses of the immediately surrounding area. As such, the Project is sited and proposed in an ideal location, where concerns of use compatibility and negative impacts due to same are avoided by virtue of the existing character and surrounding uses.

"Suburban Residential" Placetype Designation on County's GIS Map:



Master Plan Objective HC2-1: development should be prioritized to efficiently utilize and extend existing infrastructure...
As noted above, the Project is sited and designed to efficiently utilize and extend existing infrastructure. There is existing electrical utility infrastructure surrounding the Project area, including the recently permitted and developed Palmer Solar project. The Pike Solar project will build upon and effectively expand existing utility infrastructure, which in turn also meets and promotes sustainable development and growth concepts by concentrating and clustering utility-focused development in a single area, thereby alleviating pressures on other areas in the County for similar utility development.

Infrastructure, Alternative Energy - Page 108
The Master Plan specifically announces the Pike Solar Project within the Alternative Energy Subsection of the Infrastructure Section (Pg. 108). The Master Plan identifies solar energy as sustainable, renewable, and especially plentiful in El Paso County. The Pike Solar project is poised to deliver clean power to thousands of County residents, and directly contribute to CSU in better serving its customers through new, cleaner technologies.

Master Plan Objective HC2-6: carefully analyze each development proposal for their location compatibility with the natural environment, and cohesion with the existing character.
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 by 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 requested and received a Jurisdictional Determination from the US Army Corp. of Engineers and it was determined that there are no Waters of the US within the boundaries of the Project.

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.

The Project site was selected for its proximity to the point of interconnection at Utilities' Williams Creek Substation and because the land is owned by the City of Colorado Springs on behalf of its enterprise Colorado Springs Utilities. Also, the Project has few direct neighbors other than the Palmer Solar Project and an extensive network of transmission facilities and lines.

Parks, Trails and Open Space Master Plan (2013)

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. CSU has earmarked a Reservoir Expansion Area on the Project site that will remain open should the Utilities make plans in the future for this land. In addition, the Applicant worked with the El Paso County Parks and Trails Department to discuss potential future trail design within the site. The regional trail would connect to the Kane Ranch Open Space identified by the Parks and Trails Department. 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)**.

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. A Visual Simulation **(Appendix AC)**, which shows renderings of the Project area from various angles to ensure no visual impairments are affecting the land for the local community. 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.

There are no proposed recreational facilities included in this WSE-O application.

Water Master Plan (2019)

The Project is consistent with the County's adopted Water Master Plan (WMP) and, in alignment with community feedback received, the Applicant will work to minimize impacts of water usage to the Project. Overall, the proposed Project will be a low water-use development. 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 CSU to utilize onsite water via the Williams Creek Pump Station, located in Region 7 (see Appendix Z- Water Service Letter). The Project is sited within both Regions 6 and 7 under the WMP. A tower will be placed for trucks to fill up water, which will be connected to an above ground pipe/fire hose, which will run from it to the hydrant on other side of the fence outside of the Williams Creek Pump Station where a meter/valve for connection will be installed. The contractor will track daily water usage and submitted monthly reports. Water will only be required during the construction phase to mitigate dust and maintain air quality. After the Project becomes operational, water needs are not anticipated. During construction, personnel will use portable sanitary units and carry in drinking water for personal use. The Project will not have an adverse effect on water and sewer demands. Sanitary and other wastewater will not be released into Waters of the U.S.

The Project, once operational, will have negligible impacts on water quantity or quality. In the US and Europe, more than half of the water drawn from nature is used for power generation. Traditional fossil fuel power plant facilities require considerable water consumption for operation and maintenance, such as to clean and process the fuel and to cool the power plants via constant water circulation. Additionally, hydroelectric power plants evaporate an average of 18 gallons of fresh water per kWh used by the consumer. Water consumption required for the Pike Solar project pales in comparison; the Project will require minimal, if any, water once in operation. The estimated 4,475,000 gallons of water required during the Project's construction phase is for dust mitigation efforts and will only be temporary demand. Considering the foregoing, the minimal water usage required for the Pike Solar Project meets the goals and policies identified in the Water Master Plan.

55% of El Paso County's water sources of supply is imported renewable water, much of which (35%) is provided by CSU. The Pike Solar Project will receive water from CSU's Williams Creek Pump Station during the construction phase. As noted in the WMP, CSU has taken innovative steps to assure renewable water deliveries to their customers. As such, the Project, by way and virtue of CSU standard practice, directly meets and aligns with WMP Policy 4.2.2 to encourage renewable water supplies and reduce the dependency on non-renewable water supplies, as well as Goal 5.4 to promote the long-term use of renewable water.

The Project's close proximity to the existing Williams Creek Pump Station, owned and operated by CSU, will allow for the Applicant to utilize existing infrastructure to receive the water necessary during the Project's construction phase. This aligns with Policy 5.2.4 to encourage the locating of new development where it can take advantage of existing or proposed water supply projects that would allow shared infrastructure costs.

Water usage related to, or resulting from, the Project will not be needed at full buildout (year 2060). As such, the Project will not contribute to, or impact, the current estimated build-out (2060) demand as described in the Water Master Plan. Rather, the extremely low-water use nature of solar power facilities effectively reduces and absorbs the projected regional demand for water at full build-out, as solar projects such as Pike Solar contribute to the decommissioning and replacement of traditional power plants which are comparatively high-water consumers.

2040 Major Transportation Corridor Plan (2016) (MTCP)

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.

Proposed Access Locations

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. The two access points are depicted on **Appendix AI- Haul Route Map.** This map identifies the two main routes for the planned construction traffic. Old Pueblo Road is depicted as a rural collector on the on the MTCP 2040 Roadway Plan (Classifications and Lanes). The analysis and recommendation made within **Appendix AJ - Traffic Memo** do not identify improvements to this road as being necessary for this development. The Traffic Memo also notes that the Project will not impact any of the roads that are highlighted in the 2060 Corridor Preservation Plan.

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. Details regarding the roads and haul plans and estimated traffic are outlined within **Appendix AJ- Traffic Memo** attached.

In following further county 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.

The Applicant intends to enter into a Development Impact Mitigation Agreement with the County during the WSE-O process which addresses the impact on roads resulting from development of the Project**.**

- **The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111, § 30-28-113, and § 30-28-116;**
  The Project and WSE-O request comply with all applicable statutory provisions including but not limited to C.R.S. § 30-28-111, § 30-28-113, and § 30-28-116.

- **The site is suitable for the intended use(s), including the ability to meet the general development standards of the LDC, except as otherwise amended by the specific overlay zoning district;**
  The site is suitable for the proposed solar energy generation use. The existence of energy generation and electrical infrastructures surrounding the Project site make it an ideal location for the proposed use. Specifically, the Project's adjacency to the pre-existing Williams Creek Substation infrastructure makes it the ideal location from a use compatibility perspective, while also promoting efficient use of resources by allowing for interconnection without requiring any new transmission line systems. The Project is ideally sited within an area that is largely undeveloped to date, developmentally challenged from a water-rights perspective, and outside of the fast-developing (sub)urban areas. Areas of cultural significance are actively avoided, and a geotechnical investigation (refer to attached **Appendix T – Geotechnical Engineering Report**) has been completed to ensure suitability of the proposed project location and design. The Project has also been designed to provide adequate buffers from any streams and other waterbodies on the Project site.

  Additionally, the Project will meet the general development standards of the LDC except as amended by the approved standards of the proposed WSE-O overlay district.

- **The application is consistent with the specific development standards in the LDC pertaining to wind and/or solar energy generation facilities;**
  The application is consistent with the specific development standards in the LDC pertaining to wind and/or solar energy generation facilities. 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).

  A 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 mineral owners in accordance with State law. 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**.

- **The application meets the air, water, light, odor or noise standards established by County, State, or federal regulations;**

The Project meets all applicable air, water, light, odor, and noise standards. Specifically:

Air

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 LDC 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 submitted an Air Pollutant Emissions Notice (APEN) in May 2021 to the Colorado Department of Public Health and Environment (CDPHE. The APEN construction permit was deemed administratively complete and approved. Please refer to the APEN approval notice included in the WSE-O submittal package.

Water

Several steps will be taken to protect water quality on the Project site. 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.

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 developed plans and identified methods for appropriate drainage and flood protection.

The Grading and Erosion Control Plan (**Appendix R**) and Drainage Report (**Appendix S**), which will comply with the El Paso County Drainage Criteria Manual, identify the Applicant's anticipated drainage and erosion control measures to protect water quality. Several additional reports including a Stormwater

Management Plan (SWMP), which will follow the Best Management Practices (BMP) guidelines, and an Erosion and Stormwater Quality Control Permit (ESQCP) 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.

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.

Light

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.

Noise

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 LDC 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 El Paso County LDC.

Odor

No adverse odors will result from the proposed Project.

Hazardous Materials

The 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.

- **The proposed use(s) will not be detrimental to the health, safety, or welfare of the inhabitants of the area and the County; and**
  The Project will not be detrimental to the health, safety, or welfare of the inhabitants of the area and the County. Specifically:

  <u>Welfare</u>
  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. 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.

  <u>Safety</u>
  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 or through the Project site.

  <u>Environmental</u>

The Applicant will approach its initial construction and subsequent operations in an effort to mitigate any negative environmental effects. With a primary goal of the Project design being to minimize environmental impacts and disruption to the existing environment, 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.

Wildlife & Vegetation

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 Federal, State, and Local entities to ensure that guidelines are met and adverse environmental impacts are minimized.

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.

Historical Resources

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 Archaeological Resource Type that is categorized as "Officially Eligible." The current Project design does 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.

- **The proposed use(s) will not cause undue burden on existing infrastructure.**

The Project will not cause undue burden on existing infrastructure. Rather, the Project will enhance and strengthen existing electrical infrastructure while also focusing the use in an area already developed with critical electrical infrastructure. Additionally, the Project's proximity to the existing Williams Creek Substation infrastructure will allow for the project to interconnect without requiring new transmission line systems. Last, the Project will not unreasonably burden existing infrastructure such as roads; the Applicant intends to enter into a Development Impact Mitigation Agreement with the County during the WSE-O process which addresses the impact on roads resulting from development of the Project. Please refer to the Development Impact Mitigation Agreement included in the WSE-O submittal package.

Overall, the proposed Project will be a low water-use development. 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.

Existing and Proposed Facilities

Existing Facilities: The Project is located adjacent to multiple high voltage electrical transmission lines, the Williams Creek Substation, and Palmer Solar. The Project will interconnect at CSU's Williams Creek Substation. This was intentionally designed to avoid visual impacts derived from lengthy transmission line runs. Currently there are no other existing facilities on the proposed site.

Proposed Facility: The Pike Solar Project will be a solar PV system that will be composed of photovoltaic modules that convert the sun's radiant energy into electricity. The modules will be mounted on horizontal single-axis tracking racks that rotate from east to west to track the sun over the course of each day. The modules will be electrically connected in series strings to achieve a system DC design voltage of 1500V DC. Cables from the module strings will be buried in trenches and combined with DC combiner boxes located strategically throughout the field. The DC combiners will connect multiple arrays in parallel, from which point the electricity will be conducted via cables to the inverters, which convert the DC power generated by the modules to grid-synchronized AC power. Step-up transformer(s) will raise the inverter AC output voltage to 34.5kV, and the Solar Project output will pass through an AC collection system to the Pike Solar substation and ultimately to the Point of Interconnection (POI) at the Williams Creek Substation via a 1,400-foot 230kV proposed overhead transmission line. This Project will also have potential for up to a 75 MW battery energy storage system ("BESS"). This will be located near the project substation.

Williams Creek is an existing 230kV ring bus substation that will be transitioned into a breaker and a half in bays 2, 3, and 4 with the installation of seven circuit breakers. This reconfiguration will accommodate a renewable energy provider connection and a loop in of the existing 230kV Nixon-Claremont transmission line, including one new transmission tower within the existing alignment and easement. 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. The Williams Creek Substation is designed primarily as an interconnection or switching substation, not a load serving substation, and design capacity is not technically an issue at switching substations. The main design consideration at switching substations is the number of interconnection positions for generation connections and/or transmission line connections necessary for reliable power delivery. No work for other future expansion will be considered. There will be ten separate laydown areas totaling 60,407 square yards interspersed throughout the project along site access roads within fenced-in areas. Laydown areas will be removed at the end of construction, and the areas will be reseeded with a county-approved seed mix.

Deferral and Waiver Requests and Justification

The Applicant requests the following deferral:

- *Crossing Agreement with Kinder Morgan:*

- Justification: To meet the Project schedule, the Applicant requests that El Paso County review the application in advance of the finalization and execution of the Crossing Agreement with Kinder Morgan. The Applicant expects the Agreement to be finalized within the review period of the Site Development Plan submittal. Please refer to a copy of the draft crossing agreement, as well as email correspondence with Kinder Morgan regarding same, within the resubmittal package on EDARP.

The purpose and need for the change in zone classification

Purpose: The purpose of the WSE-O is to allow for the primary and accessory uses listed in the application. The Project's intent is to provide safe, healthy, and economical solar photovoltaic facility and BESS to connect to CSU's grid. The Project's design will be mindful of the health and safety of the community.

Need: The need for this Project is based upon the Utility plans, state and federal renewable initiatives and local renewable goals. 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 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. 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.

Proposed Facilities and Anticipated schedule of development

One solar energy generation facility and battery energy storage system is proposed for the WSE-O. Construction will occur in one phase until complete. Below please find a table identifying the anticipated schedule of development:

Milestone	Start	Finish
1. Major Permit Approvals (WSE-O, 1041)	Q1 2021	Q4 2021
2. Secondary Approvals (Site Plan Review, PPRBD permit)	Q4 2021	Q1 2022
3. Pre-construction (surveys, engineering)	Q3 2020	Q1 2022
4. Site Improvements, Substation and Project Construction	Q1-Q2 2022	Q4 2023
4.1 Civil Construction (site grading; roads)	Q1-Q2 2022	Q4 2022
4.2 Post Rack Module Install	Q2 2022	Q3 2023
4.3 Electrical Install	Q2-Q3 2022	Q3 2023
4.4 Construction of Interconnection Facilities	Q2 2023	Q4 2023
5. Initial Energization	Q4 2023	

6. Plant Commercial Operation	Q4 2023	
7. Seeding and close out Stormwater Permit	Q4 2022	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	

Proposed Uses

Proposed Use: The Applicant proposes to use the land for a 175 MW AC Photovoltaic Solar Energy Generation Facility which will also host a Battery Energy Storage System (BESS) up to 75 MW. The solar PV system will be composed of photovoltaic modules that convert the sun's radiant energy into electricity. The modules will be mounted on horizontal single-axis tracking racks that rotate from east to west to track the sun over the course of each day. The modules will be electrically connected in series strings to achieve a system DC design voltage of 1500V DC. Cables from the module strings will be buried in trenches and combined with DC combiner boxes located strategically throughout the field. The DC combiners will connect multiple arrays in parallel, from which point the electricity will be conducted via cables to the inverters, which convert the DC power generated by the modules to grid-synchronized AC power. Step-up transformer(s) will raise the inverter AC output voltage to 34.5kV, and the Solar Project output will pass through an AC collection system to the Pike Solar substation and ultimately to the Point of Interconnection (POI) at the Williams Creek Substation via a 230kV overhead transmission line.

Relationship Between Uses and Densities

Relationship between Uses and Densities: The land required to develop the 175 MW project is about 1,350 acres. This will include the modules, roads, substations, power stations, fencing, BESS system, laydown yards and proper grading and erosion control areas.

Areas of required landscaping

Required landscaping will be limited to vegetation management: reseeding, mowing, and control of noxious weeds. Given the rural and agrarian nature of the adjacent properties, seedbanks in the area will assist in passive revegetation. The Integrated Noxious Weed Management Plan **(see Appendix X)** will be used to help prevent non-native vegetation from growing on the Project site.

Thank you for your full consideration of this application.

Sincerely,

Sophie Kiepe, Project Planner
Pike Solar LLC
skiepe@juwiamericas.com

PIKE SOLAR PROJECT

PORTIONS OF LAND LYING WITHIN SECTIONS 7, 18, 19, 30, AND 31 TOWNSHIP 16 SOUTH, RANGE 64 WEST
SECTIONS 11, 12, 13, 14, 23, 24, 25, 26, AND 36 TOWNSHIP 16 SOUTH, RANGE 65 WEST
EL PASO COUNTY, COLORADO

GENERAL PROVISIONS:

THE PURPOSE OF THIS WSE-O PLAN IS TO:

· REGULATE AND SITE THE PIKE SOLAR WSE-O PLAN WHERE IT IS MOST APPROPRIATE, CONSIDERING SOLAR ASPECTS, IMPACTS TO THE ENVIRONMENT, VISUAL CORRIDORS, EXISTING INFRASTRUCTURE, AND THE ESTABLISHED DEVELOPMENT PATTERN.

· ENSURE THE PRESERVATION OF PUBLIC HEALTH, SAFETY AND WELFARE.

· IDENTIFY APPROPRIATE SITING ENVELOPES THAT COMPLY WITH SETBACKS, HEIGHT RESTRICTIONS, AND OTHER REQUIREMENTS OF SOLAR GENERATION FACILITIES DEFINED IN CHAPTER 4 OF THE EL PASO COUNTY LAND DEVELOPMENT CODE (LDC).

· PROVIDE MITIGATING MEASURES FOR IMPACTS ASSOCIATED WITH THE PIKE SOLAR WSE-O PLAN.

AUTHORITY

THIS WSE-O IS AUTHORIZED BY CHAPTER 4 OF THE EL PASO COUNTY LAND DEVELOPMENT CODE.

APPLICABILITY

THE PROVISIONS OF THE WSE-O SHALL RUN WITH THE LAND. THE LANDOWNERS, THEIR SUCCESSORS, HEIRS, OR ASSIGNS SHALL BE BOUND BY THIS WSE-O PLAN, AS AMENDED AND APPROVED BY THE EL PASO COUNTY DEVELOPMENT SERVICES DEPARTMENT DIRECTOR OR BOARD OF COUNTY COMMISSIONERS.

ADOPTION

THE ADOPTION OF THIS WSE-O PLAN SHALL EVIDENCE THE FINDINGS AND DECISIONS OF THE EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS THAT THIS WSE-O PLAN FOR THE FRMW PROJECT IS IN GENERAL CONFORMITY WITH THE EL PASO COUNTY MASTER PLAN, EL PASO COUNTY POLICY PLAN AND APPLICABLE SMALL AREA PLAN(S); IS AUTHORIZED UNDER THE PROVISION OF THE EL PASO COUNTY LAND DEVELOPMENT CODE; AND THAT THE EL PASO COUNTY LAND DEVELOPMENT CODE AND THIS WSE-O PLAN COMPLIES WITH STATE STATUTE.

RELATIONSHIP TO COUNTY REGULATIONS

THE PROVISIONS OF THE WSE-O PLAN SHALL PREVAIL AND GOVERN THE DEVELOPMENT OF THE PIKE SOLAR WSE-O PLAN, PROVIDED, HOWEVER, THAT WHERE THE PROVISIONS OF THIS WSE-O PLAN DO NOT ADDRESS A PARTICULAR SUBJECT, THE RELEVANT PROVISIONS OF THE EL PASO COUNTY LAND DEVELOPMENT CODE, AS AMENDED AND IN EFFECT AT THE TIME OF THE WSE-O PLAN APPROVAL, OR ANY OTHER APPLICABLE RESOLUTIONS OR REGULATIONS OF EL PASO COUNTY, SHALL BE APPLICABLE.

RELATIONSHIP TO BASE ZONING DISTRICT

EXCEPT AS PROVIDED IN LDC SECTION 4.3.5, APPROVAL OF THIS PLAN DOES NOT IN ANY WAY REDUCE OR ALTER THE REGULATIONS AND PROVISIONS OF THE UNDERLYING BASE ZONING DISTRICT(S). INSTEAD, THIS PLAN PROVIDES THE PROPERTY WITHIN THE SPECIFIC WSE-O ZONING DISTRICT WITH ADDITIONAL ALLOWED USES, REGULATED BY SPECIFIC DEVELOPMENT STANDARDS.

ENFORCEMENT

TO FURTHER THE MUTUAL INTEREST OF THE RESIDENTS, OCCUPANTS, AND OWNERS OF THE WSE-O AND OF THE PUBLIC IN THE PRESERVATION OF THE INTEGRITY OF THIS WSE-O PLAN, THE PROVISIONS OF THIS PLAN RELATING TO THE USE OF LAND SHALL RUN IN FAVOR OF EL PASO COUNTY AND SHALL BE ENFORCEABLE AT LAW OR IN EQUITY BY THE COUNTY WITHOUT LIMITATION ON ANY POWER OR REGULATION OTHERWISE GRANTED BY LAW.

CONFLICT

WHERE THERE IS MORE THAN ONE PROVISION WITHIN THE WSE-O PLAN THAT COVERS THE SAME SUBJECT MATTER, THE PROVISION WHICH IS MOST RESTRICTIVE OR IMPOSES HIGHER STANDARDS OR REQUIREMENTS SHALL GOVERN.

MAXIMUM LEVEL OF DEVELOPMENT

THE ALLOWED USES AND STRUCTURE SITING ENVELOPES SHOWN ON THE WSE-O PLAN IS THE MAXIMUM DEVELOPMENT AUTHORIZED FOR CONSTRUCTION.

APPLICANT AND LEGAL AUTHORIZATION

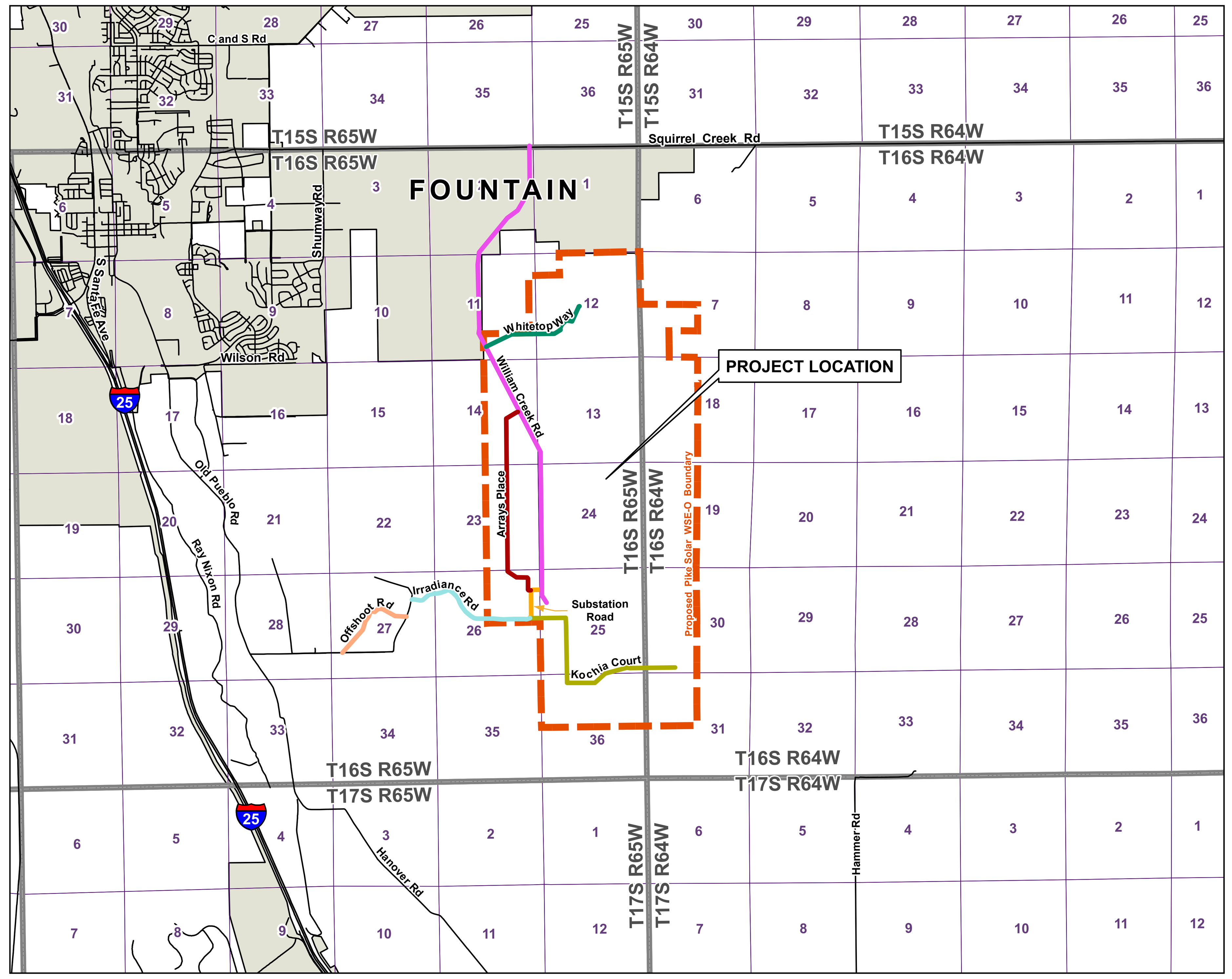
KNOWN ALL BY THESE PRESENTS: _______________________ IS THE LEGALLY AUTHORIZED REPRESENTATIVE OF THE PROPERTY INCLUDED WITHIN THIS WSE-O PLAN, AS DESCRIBED IN THE ACCOMPANYING LEGAL DESCRIPTION LOCATED ON SHEET 3 FOR THE PURPOSES OF THIS OVERLAY PLAN AMENDMENT APPLICATION.

IN WITNESS WHEREOF:

THE AFOREMENTIONED HAVE EXECUTED THESE PRESENTS THIS ____ DAY OF ____________ 20__.

_________________________________, AUTHORIZED PERSON,

THE ABOVE AND FOREGOING STATEMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF __________ 20__, BY ________________
WITNESS MY HAND AND OFFICIAL SEAL: ____________________
NOTARY PUBLIC
MY COMMISSION EXPIRES: ____________________



VICINITY MAP

APPLICANT:
PIKE SOLAR LLC
1710 29th Street Suite 1068
Boulder, CO 80301

DEVELOPER:
PIKE SOLAR LLC
1710 29th Street Suite 1068
Boulder, CO 80301

LANDOWNERS WITHIN THE WSE-O PLAN:
CITY OF COLORADO SPRINGS

TAX SCHEDULE NUMBERS & ZONING:

PARCEL ID	ZONING
5600000123	A-35 & RR-5
5600000140	A-5, A-35, & RR-5

COUNTY PARCELS:
5600000123, 5600000140

SITE ADDRESS:
TBD

TOTAL WSE-O PLAN:
1,350 ACRES

PROPOSED USE:
THE PROPOSED PIKE SOLAR PROJECT WOULD INCLUDE FACILITIES LOCATED WITHIN THE STRUCTURE SITING ENVELOPES. PROJECT FACILITIES INCLUDE SOLAR PANELS, A WSE-O PLAN SUBSTATION, AND METEOROLOGICAL MONITORING DEVICES. ACCESSORY USES INCLUDE COLLECTION LINES (INCLUDING AN OVERHEAD TRANSMISSION LINE AND UNDERGROUND AND OVERHEAD COLLECTION POWER LINES), AN OPERATIONS AND MAINTENANCE FACILITY, 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 WOULD INTERCONNECT FROM THE NEW WSE-O PLAN SUBSTATION TO THE EXISTING WILLIAMS CREEK SUBSTATION. INTERNAL ACCESS ROADS CONSTRUCTED BETWEEN SOLAR ARRAYS WOULD BE CONTAINED WITHIN THE WSE-O PLAN AREA. A BATTERY ENERGY STORAGE SYSTEM FACILITY LOCATED WITHIN THE SITING ENVELOPE WOULD BE COMPRISED OF MULTIPLE CABINETS TO HOUSE THE BATTERIES, INVERTERS, AND TRANSFORMERS. UP TO TEN TEMPORARY LAYDOWN AREAS WILL BE USED DURING CONSTRUCTION.

DEVELOPMENT SCHEDULE:
CONSTRUCTION IS ANTICIPATED TO BEGIN Q4 2021

GENERATING CAPACITY:
175 MW AC

SHEET INDEX	
1	WSE-O COVER PAGE
2	LEGAL DESCRIPTION & NOTES
3	ZONING MAP
4-8	PROJECT SITE PLAN

COUNTY CERTIFICATION
THIS OVERLAY REQUEST TO THE WSE-O HAS BEEN REVIEWED AND FOUND TO BE COMPLETE IN ACCORDANCE WITH BOARD OF COUNTY COMMISSIONER RESOLUTION NO.____________ DATED THE ___ DAY OF __________, 20__ APPROVING THIS WSE-O AND IN ACCORDANCE WITH ALL APPLICABLE EL PASO COUNTY REGULATIONS.

DIRECTOR, PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DATE

PRESIDENT, BOARD OF COUNTY COMMISSIONERS DATE

TITLE VERIFICATION
I, ______________, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE OF ALL LANDS DEPICTED AS WITHIN THE WSE-O DISTRICT BOUNDARY AS DESCRIBED HEREON AND THAT TITLE TO SUCH LANDS IS OWNED IN FEE SIMPLE, AT THE TIME OF THE APPLICATION.

THE ABOVE AND FOREGOING STATEMENT WAS ACKNOWLEDGED BEFORE ME THIS __ DAY OF ____________, 20__ BY ____________________
WITNESS MY HAND AND OFFICIAL SEAL: _________________

NOTARY PUBLIC
MY COMMISSION EXPIRES: _______________

SURVEYOR'S CERTIFICATE
I, NATHANIEL J. MAESTAS, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LGEAL FOR THE PIKE SOLAR WSE-O PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, BASED ON RECORD INFORMATION. THE DESCRIPTION DOES NOT REPRESENT A MONUMENTED HELD SURVEY PERFORMED BY CORE.

____

____

CORE
LAND DEVELOPMENT
ENERGY
PUBLIC INFRASTRUCTURE
3473 S. BROADWAY
ENGLEWOOD, CO 80113
303.703.4444

Know what's below. Call before you dig. 811

CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

CORE ASSUMES NO RESPONSIBILITY FOR EXISTING UTILITY LOCATIONS (HORIZONTAL AND VERTICAL). THE EXISTING UTILITIES SHOWN ON THIS DRAWING HAVE BEEN PLOTTED FROM THE BEST AVAILABLE INFORMATION. IT IS, HOWEVER, THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES.

#	REVISION DESCRIPTION	DATE	BY
1	1ST SUBMITTAL	10/22/21	CS
2	2ND SUBMITTAL	12/21/21	CS

PIKE SOLAR PROJECT
WSE-O PLAN
COVER
EL PASO COUNTY, COLORADO

DESIGNED BY:
DRAWN BY:
CHECKED BY:
JOB NO.
SHEET ___ OF ___

PIKE SOLAR PROJECT

PORTIONS OF LAND LYING WITHIN SECTIONS 7, 18, 19, 30, AND 31 TOWNSHIP 16 SOUTH, RANGE 64 WEST
SECTIONS 11, 12, 13, 14, 23, 24, 25, 26, AND 36 TOWNSHIP 16 SOUTH, RANGE 65 WEST
EL PASO COUNTY, COLORADO

LEGAL DESCRIPTION:

Tract 1:

The following described lands located in Township 16 South, Range 64 West of the 6th P.M., El Paso County, Colorado:

Section 19: The SE¼ NW¼; Lots 3 and 4 (W½ SW¼) and the E½ SW¼
Section 30: Lots 1, 2, 3 and 4 (W½ NW¼ and W½ SW¼); E½ NW¼ and the E½ SW¼
Section 31: Lots 1 and 2 (W½ NW¼) and the E½ NW¼

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

Section 13: All except the NW¼ NE¼
Section 14: E½
Section 23: E½
Section 24: All
Section 25: All
Section 26: NE¼
Section 36: N½

Parcel ID: 56000-00-123

TRACT 2:

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

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

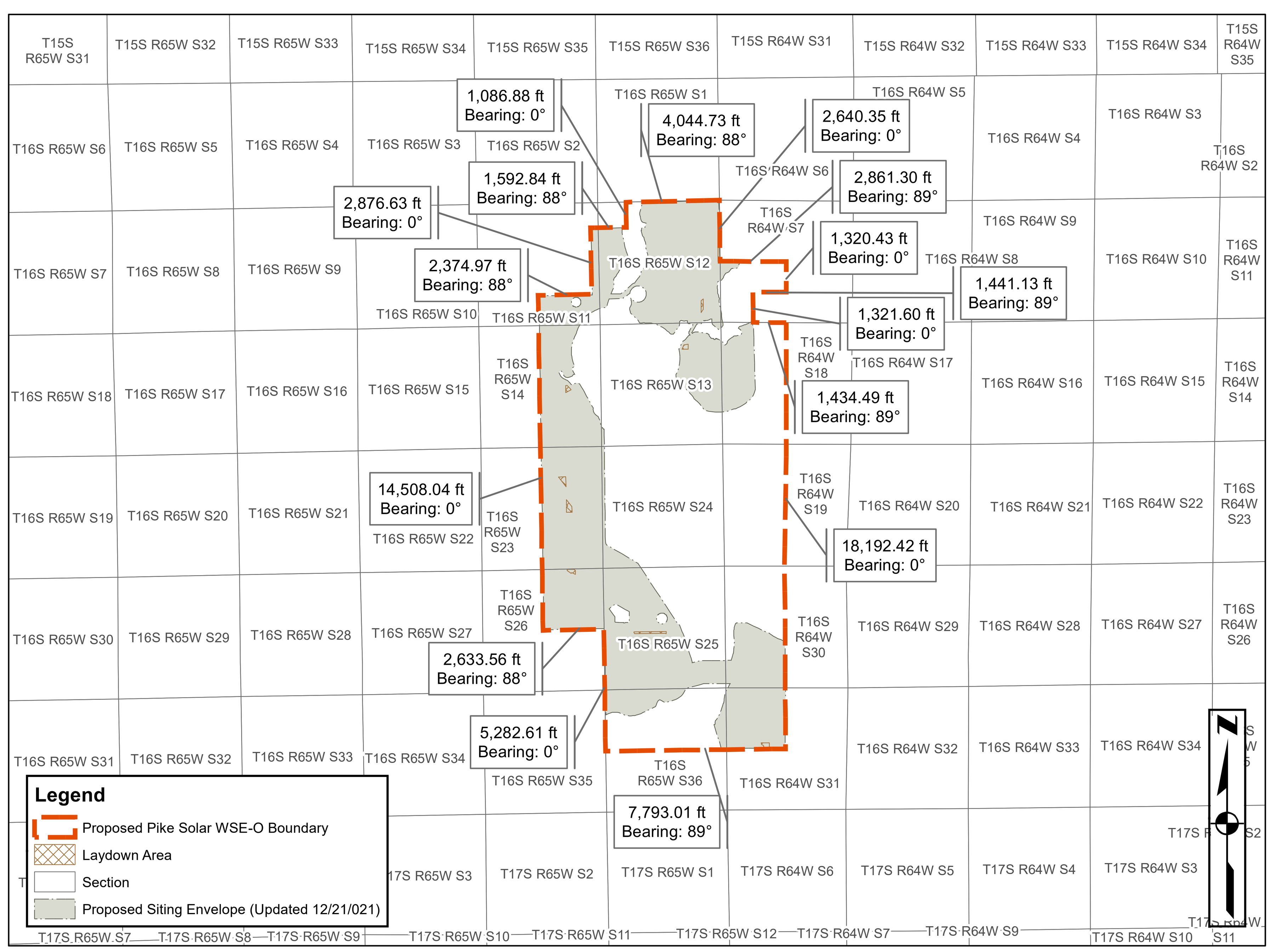
All of said Section 12;
The East Half of said Section 11;
The Northwest Quarter of the Northeast Quarter of said Section 13;
The Northeast Quarter of the Southwest Quarter and Government Lots 3 and 4 of said Section 7;
The East Half of the West Half and Government Lots 1, 2, 3 and 4 of said Section 18;
Government Lots 1 and 2 and the Northeast Quarter of the Northwest Quarter of said Section 19;

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

Said Tracts are further described on the
Land Survey Plat No. 97902142 of the
Records of El Paso County, Colorado
and contain approximately 1341.96 acres, more or less.

Parcel ID: 56000-00-140

FROM CLARK LAND SURVEYING INC ALTA Dated 10/9/2020 revised 1/19/2021



NOTES:

1. The Pike Solar Photovoltaic and BESS Project will have a name plate rating of 175 MWAC that will be interconnected by a 230 kV transmission line.

2. This WSE-O Plan depicts solar energy sited on approximately 1,350 acres of land. The maximum anticipated generation capacity is approximately 175 MWAC.

3. The information and features in this WSE-O Plan were developed by relying on El Paso County GIS spatial data, land survey plats (prepared by Clark Land Surveying, Inc., dated 3/29/2021), Colorado Springs aerial imagery, and FEMA floodplain data.

4. The WSE-O Plan Development Standards were developed in accordance with Section 4.3.5 of the El Paso County Land Development Code, Appendix B and Procedures Manual Section S-PL-023-11.

5. In accordance with Section 4.3.5 of the El Paso County Land Development Code, meteorological towers have been set back a minimum distance of 1.5:1 from existing dwellings, existing above-ground utilities, public rights-of-way, and the WSE-O district boundary as depicted in this plan and are wholly outside of the floodplain areas identified in FEMA floodplain data. New meteorological towers will be constructed within the solar array envelopes depicted in Sheet 4 of this WSE-O Plan.

6. Facilities constructed as part of Pike Solar Photovoltaic and BESS Project will be constructed within horizontal and vertical siting envelopers as defined by the Dimensional and Density Standards for Pike Solar Photovoltaic and BESS Project WSE-O District (see Table 1 below).

7. Vertical heights of facilities constructed as part of the Pike Solar Photovoltaic and BESS Project shall comply with the Dimensional and Density Standards for Pike Solar Photovoltaic and BESS Project WSE-O District (see Table 1 below).

8. Specific alignment of the project roads and the electrical system will be provided at the Site Development Plan stage.

9. The Pike Solar Photovoltaic and BESS Project may post signs on the following facilities, including but not limited to:
a. Project roads
b. Fences
c. Signs will comply with Section 6.2.10 of the El Paso County Land Development Code. Details for all signs will be provided with the respective Site Development Plans and may require separate sign permits

10. All project roads and facilities will be maintained by the solar facility operator.

11. Site Development Plans will be required showing the detailed design of all facilities related to the project prior to construction.

12. "Basis of Bearings": Bearings for this description are based upon the east west centerline of Section 36, being monumented at the East Quarter Corner by a 2 ½" aluminum cap stamped, "PLS 10377" 0.3' above grade and at the West Quarter Corner by a 3 ½" aluminum cap stamped, "PLS 10377" 0.3' above grade, having a measured bearing of S88°57'59"W, for measured distance of 5241.71 feet.

13. Based on a jurisdictional determination made by the U.S. Army Corps of Engineers there are no Waters of the U.S. located within the proposed project. There will be no Nationwide Permits required for project activities. If future projects encroach on any Waters of the U.S., construction may require a Nationwide Permit under Section 404 of the Clean Water Act.

14. Cultural resource areas will be avoided and are not included in the structure siting envelopes.

15. This site layout is preliminary and not for construction. The site layout may change within the siting envelope.

TABLE 1. DIMENSIONAL AND DENSITY STANDARDS FOR THE PIKE SOLAR PHOTOVOLTAIC AND BESS PROJECT WSE-O DISTRICT

OVERLAY DISTRICT	UNDERLYING ZONING DISTRICT	MINIMUM SETBACKS FOR STRUCTURES[1] (FT)	MAXIMUM HEIGHT OF SOLAR PANELS (FT)	MAXIMUM HEIGHT OF TRANSMISSION LINE POLES (FT)	MAXIMUM HEIGHT OF MET STATIONS (FT)	MAXIMUM HEIGHT OF INVERTER-TRANSFORMER PAIRS (FT)	MAXIMUM HEIGHT OF SUBSTATION FACILITIES (FT)
		PERIMETER OF WSE-O BOUNDARY					
PIKE SOLAR WSE-O	A-5	25	15	100	20	20	75
	A-35	25	15	100	20	20	75
	RR-5	25	15	100	20	20	75

1. 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, TRANSMISSION LINES, OR OTHER TRANSMISSION OR DISTRIBUTION FACILITIES WHICH INCLUDES TRANSMISSION LINES. ALL SETBACKS SHALL BE MEASURED FROM THE WSE-O DISTRICT BOUNDARY, EXCEPT METEOROLOGICAL TOWERS, WHICH SHALL BE SET BACK AS PROVIDED BY THE COUNTY LAND DEVELOPMENT CODE AS OF THE DATE OF APPLICATION FOR THIS WSE-O DISTRICT.

CORE
LAND DEVELOPMENT
ENERGY
PUBLIC INFRASTRUCTURE
3473 S. BROADWAY
ENGLEWOOD, CO 80113
303.703.4444

#	REVISION DESCRIPTION	DATE	BY
1	1ST SUBMITTAL	10/22/21	CS
2	2ND SUBMITTAL	12/21/21	CS

PIKE SOLAR PROJECT
WSE-O PLAN
WSE-O LEGAL DESCRIPTION & NOTES
EL PASO COUNTY, COLORADO

DESIGNED BY:
DRAWN BY:
CHECKED BY:
JOB NO.
SHEET ___ OF ___

WSE-O District Boundary
Parcel Line Within Proposed WSE-O Boundary
Township
Section
Incorporated City
Parcel Line
Existing Road
Project Road
Project Haul Route
Proposed Kane Ranch Regional Trail Route
Proposed Laydown Area
Existing Williams Creek Substation
Existing Palmer Solar WSE-O
Fountain Sanitation District
Kane Ranch Open Space
State Land Board

El Paso County Zoning
A-35
A-5
I-3
RR-5

N

STATE OF COLORADO
4600000046
7486.97 ac

VACANT/ RANGELAND

HANNA RANCHES INC
4600000017
240 ac

A-35

NOT A PART OF PLAN

HANNA RANCHES INC
4600000019
160 ac

T16S R64W
T17S R64W

Kane Ranch Open Space

EL PASO COUNTY
4600000058
429 ac

COLORADO SPRINGS CITY OF
4600000041
800 ac

A-35

STATE OF COLORADO
4600000015
316.84 ac

T16S R64W
T17S R65W

T17S R64W
T17S R65W

COLORADO SPRINGS CITY OF
5600000140
1309.36 ac

RR-5

VACANT/ RANGELAND

I-3

STATE OF COLORADO
5600000030
320 ac

NOT A PART OF PLAN

A-5

25' CORRIDOR WIDTH

COLORADO SPRINGS CITY OF
5600000123
3654.65 ac

EXISTING WATER PUMP STATION

BROADACRE LANDFILL INC
5600000130
80 ac

A-5

EXISTING LANDFILL

EXISTING SOLAR ARRAY

EXISTING SUBSTATION

CORUNDUM PROPERTIES V LLC
5600000153
1536.16 ac

NORTHERN HAUL ROUTE (FROM SQUIRREL CREEK RD)

WOODMOOR WATER & SANITATION
5600000137
1024 ac

HANNA RANCHES INC
5600000029
320 ac

T16S R65W
T17S R65W

FOUNTAIN

WOODMOOR WATER & SANITATION
5600000158
330.44 ac

RR-5

NOT A PART OF PLAN

SOUTHERN HAUL ROUTE

Birdsall Rd

LEGAL DESCRIPTION
A PARCEL OF LAND LYING WITHIN
SECTIONS 7, 18, 19, 30, AND 31
TOWNSHIP 16 SOUTH, RANGE 64 WEST
SECTIONS 11, 12, 13, 14, 23, 24, 25, 26, AND 36

SCALE
0 500 1,000
Feet
1 inch = 1,000 feet

CORE
3473 S. BROADWAY
ENGLEWOOD, CO 80113
303.703.4444
LAND DEVELOPMENT
ENERGY
PUBLIC INFRASTRUCTURE

#	REVISION DESCRIPTION	DATE	BY
1	1ST SUBMITTAL	10/22/21	CS
2	2ND SUBMITTAL	12/1/21	CS

PIKE SOLAR PROJECT
WSE-O PLAN

ZONING AND LAND USE OVERLAY
EL PASO COUNTY, COLORADO

DESIGNED BY:
DRAWN BY:
CHECKED BY:

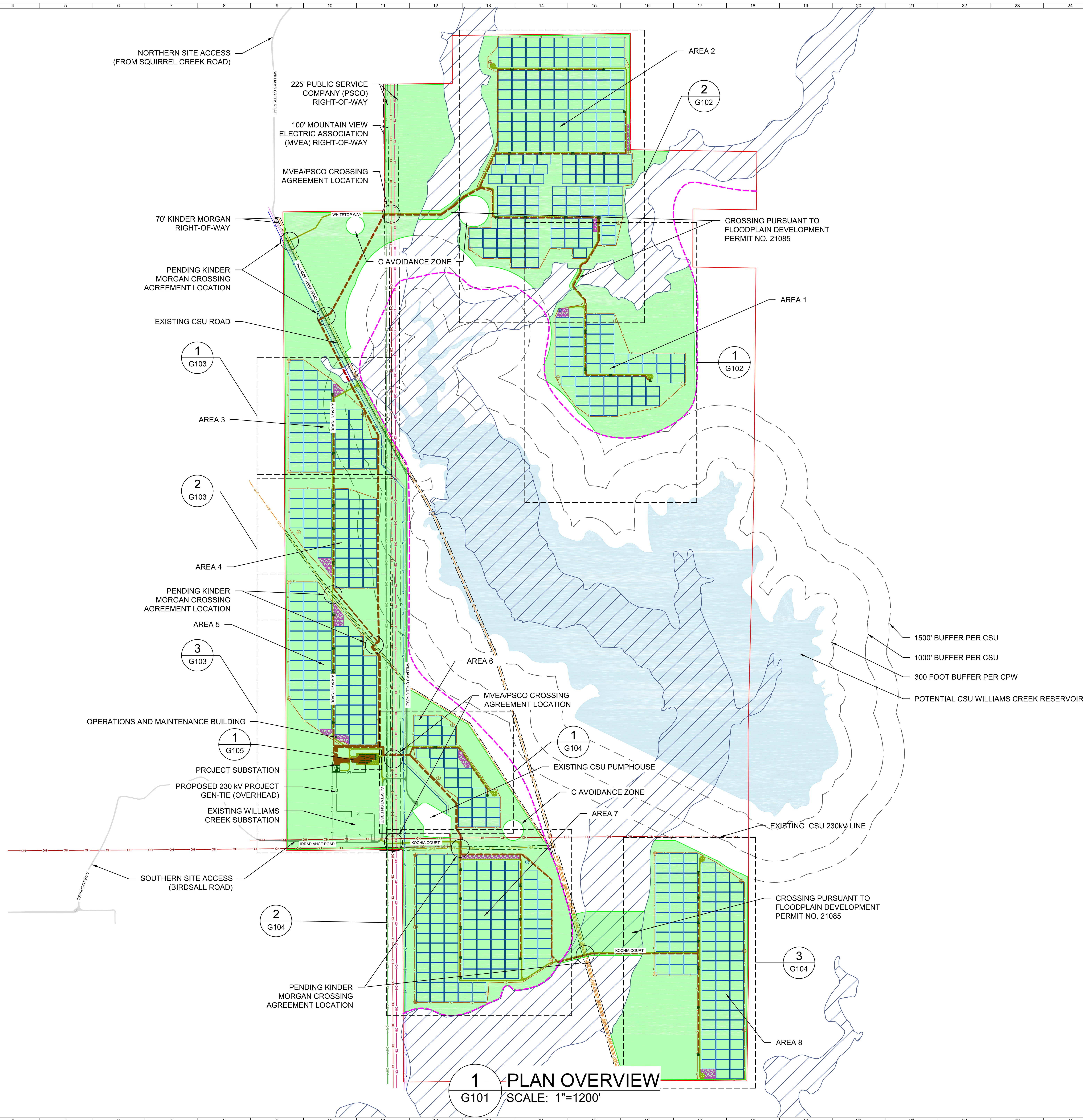
JOB NO.

SHEET
___ OF ___

PIKE SOLAR PROJECT

PORTIONS OF LAND LYING WITHIN SECTIONS 7, 18, 19, 30, AND 31 TOWNSHIP 16 SOUTH, RANGE 64 WEST
SECTIONS 11, 12, 13, 14, 23, 24, 25, 26, AND 36 TOWNSHIP 16 SOUTH, RANGE 65 WEST
EL PASO COUNTY, COLORADO

T:\CO465 - CSU - Pike Solar\ENGINEERING\01 Drawings\01 AutoCAD Working Drawings\11 Permitting\G101 General Site Plan - Copy.dwg



1 G101 PLAN OVERVIEW
SCALE: 1"=1200'

	GENERAL NOTES
1	COORDINATES ARE IN NAD83 COLORADO STATE PLANE, CENTRAL ZONE, US FT.
2	PROPERTY DESCRIPTION:1162 ACRES INSIDE PROJECT FENCE, SECTIONS 6, 7, 18, 30 AND 31 T16S, R64W, AND SECTIONS 1, 11-14, 23-26, 35 AND 36 T16S, R65W
3	NORTH ARROW CORRESPONDS TO TRUE NORTH AT SITE, NOT SURVEY NORTH

	LEGEND
	CSU PARCEL BOUNDARY
	WSEO SITING ENVELOPE
	EXISTING ROW BOUNDARIES
—x—x—	PROJECT FENCE
	SITE ACCESS ROAD (TYP 16' WIDE)
	EXISTING CSU ROAD
	GENERAL LAYDOWN AREA
—OH—OH—	PROPOSED OH GEN-TIE LINE - 230KV
	PROPOSED MV FEEDER PATH - 34.5KV
—OH—OH—	EXISTING OH TRANSMISSION LINE - 115KV
—OH—OH—	EXISTING OH TRANSMISSION LINE - 230KV
—OH—OH—	EXISTING OH TRANSMISSION LINE - 345 KV
—FO—FO—	EXISTING UG FIBER OPTIC LINE (CSU)
—W—W—	EXISTING UG WATER LINE (CSU)
—GAS—GAS—	EXISTING NATURAL GAS LINE
	FEMA FLOOD ZONE (NON-JURISDICTIONAL)
⊞	POWER STATION
⊕	ANEMOMETER
	WEATHER SUITE
	TRACKING ARRAY BLOCK
	PROPOSED REGIONAL TRAIL PATH

AREA	QUANTITY OF LAYDOWN AREA (SY)
1	5,107
2	7,607
3	4,818
4	2,403
5	15,185
6	5,291
7	13,169
8	6,827
TOTAL	60,407

NOTE: LAYDOWN AREAS SHALL BE REMOVED AT THE END OF CONSTRUCTION, AND AREAS RESEEDED WITH COUNTY-APPROVED SEEDING MIX.

GRAPHIC SCALE
600 0 600 1200 2400
Scale: 1"=1200'

TRUE NORTH

juwi
juwi Inc.
1710 29th St. Suite 1068
Boulder, CO 80301
www.juwiamericas.com

PIKE SOLAR
219.46 MW PV, 75 MW BESS, 175.00 MW PO1
EL PASO COUNTY, CO

REV	DRAWN	REVIEWED	REVISION NOTES
F	RMC 10/21/21		WSEO RESUBMITTAL

DRAWN BY: RMC
LATEST REV: F

PROJECT LAYOUT

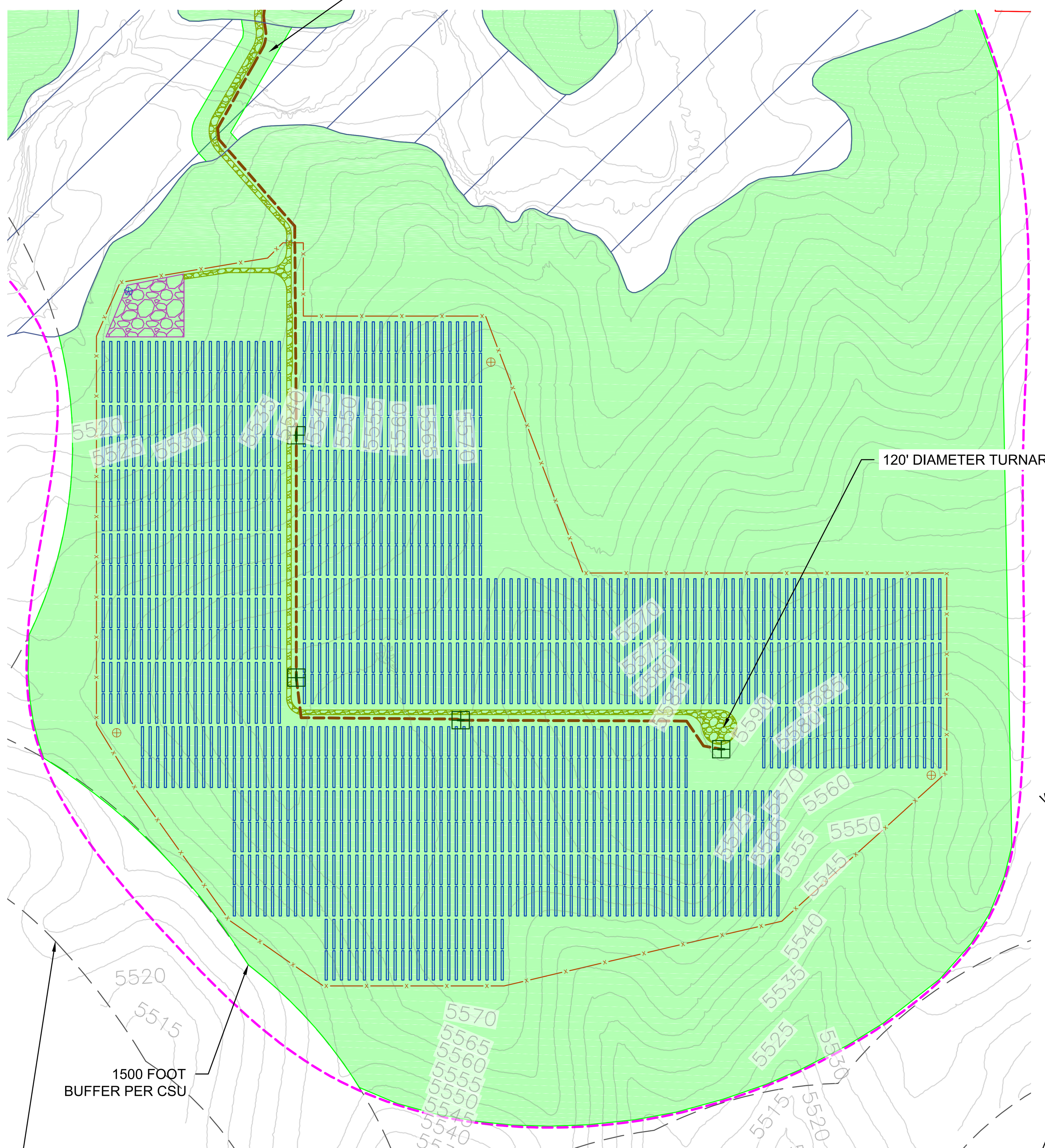
PRINT SIZE: ARCH D
ISSUED BY: JSI
JOB #: CO465
SCALE: 1"=1200'
DWG #:
G101

DWG TITLE:
GENERAL SITE PLAN - SITE OVERVIEW

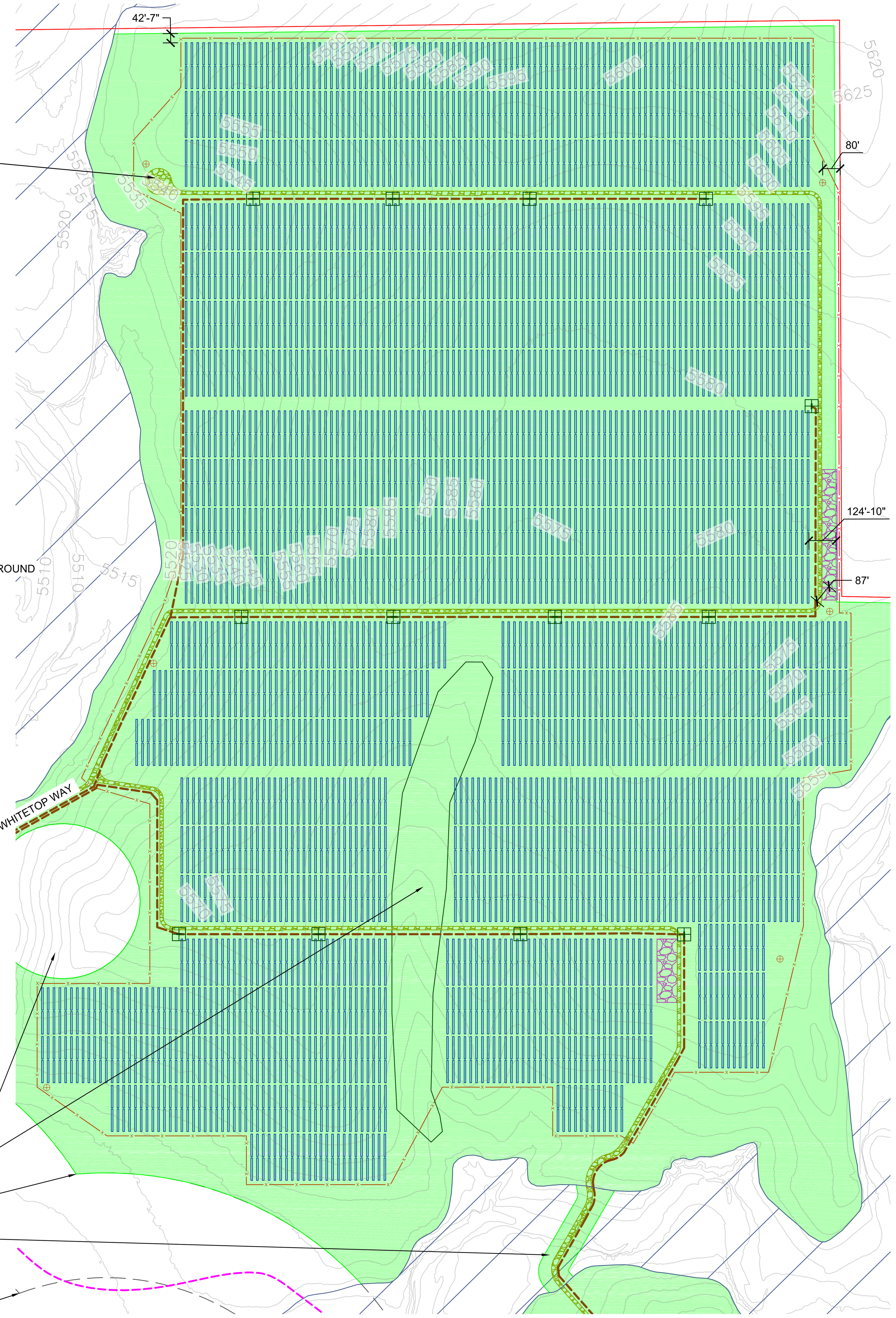
PIKE SOLAR PROJECT

PORTIONS OF LAND LYING WITHIN SECTIONS 7, 18, 19, 30, AND 31 TOWNSHIP 16 SOUTH, RANGE 64 WEST
SECTIONS 11, 12, 13, 14, 23, 24, 25, 26, AND 36 TOWNSHIP 16 SOUTH, RANGE 65 WEST
EL PASO COUNTY, COLORADO

AREA QUANTITIES			
AREA	ACRES INSIDE FENCE	LAYDOWN AREA (SY)	SITE ACCESS ROAD (INCLUDES AREA OUTSIDE FENCE) (FT^2)
1	115.80	5,107	95,132
2	356.75	7,607	303,406
NOTE: LAYDOWN AREAS SHALL BE REMOVED AT THE END OF CONSTRUCTION, AND AREAS RESEEDED WITH COUNTY-APPROVED SEEDING MIX.			



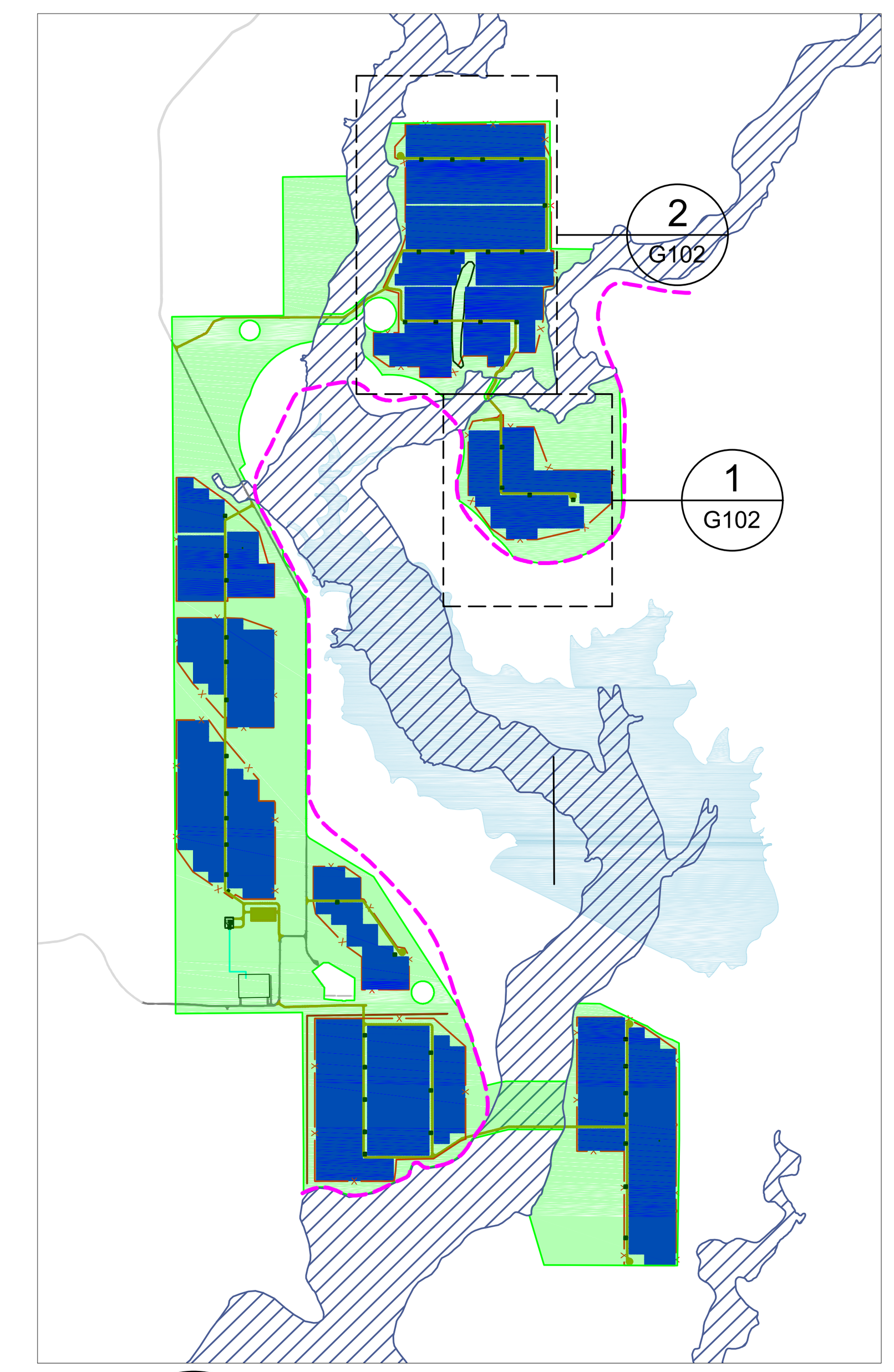
1 G102 AREA 1 - PLAN VIEW
SCALE: 1"=350'



2 G102 AREA 2 - PLAN VIEW
SCALE: 1"=350'

	GENERAL NOTES
1	COORDINATES ARE IN NAD83 COLORADO STATE PLANE, CENTRAL ZONE, US FT.
2	PROPERTY DESCRIPTION:1162 ACRES INSIDE PROJECT FENCE, SECTIONS 6, 7, 18, 30 AND 31 T16S, R64W, AND SECTIONS 1, 11-14, 23-26, 35 AND 36 T16S, R65W
3	NORTH ARROW CORRESPONDS TO TRUE NORTH AT SITE, NOT SURVEY NORTH

	LEGEND
🟥	WSEO BOUNDARY
🟩	WSEO SITING ENVELOPE
— - —	EXISTING ROW BOUNDARIES
—x—x—	PROJECT FENCE
▨	SITE ACCESS ROAD (TYP 16' WIDE)
▬	EXISTING CSU ROAD
▨	GENERAL LAYDOWN AREA
—OH—OH—	PROPOSED OH GEN-TIE LINE - 230KV
- - -	PROPOSED MV FEEDER PATH - 34.5KV
—OH—OH—	EXISTING OH TRANSMISSION LINE - 115KV
—OH—OH—	EXISTING OH TRANSMISSION LINE - 230KV
—OH—OH—	EXISTING OH TRANSMISSION LINE - 345 KV
—FO—FO—	EXISTING UG FIBER OPTIC LINE (CSU)
—W—W—	EXISTING UG WATER LINE (CSU)
—GAS—GAS—	EXISTING NATURAL GAS LINE
▨	FEMA FLOOD ZONE (NON-JURISDICTIONAL)
⊞	POWER STATION
⊕	ANEMOMETER
✿	WEATHER SUITE
- - -	PROPOSED REGIONAL TRAIL PATH
▮▮▮▮	TRACKING ARRAYS



3 G102 REFERENCE MAP
SCALE: NTS

GRAPHIC SCALE
175 0 175 350 700
Scale: 1"=350'

TRUE NORTH

juwi
juwi Inc.
1710 29th St. Suite 1068
Boulder, CO 80301
www.juwiamericas.com

PIKE SOLAR
219.46 MW PV, 75 MW BESS, 175.00 MW PO1
EL PASO COUNTY, CO

REV	DRAWN	REVIEWED	REVISION NOTES
F	RMC 10/21/21		WSEO RESUBMITTAL

DRAWN BY: RMC LATEST REV: F

PROJECT LAYOUT

TO BE REPRODUCED IN COLOR
PRINT SIZE: ARCH D
ISSUED BY: JSI
JOB #: CO465
SCALE: 1"=350'
DWG #:

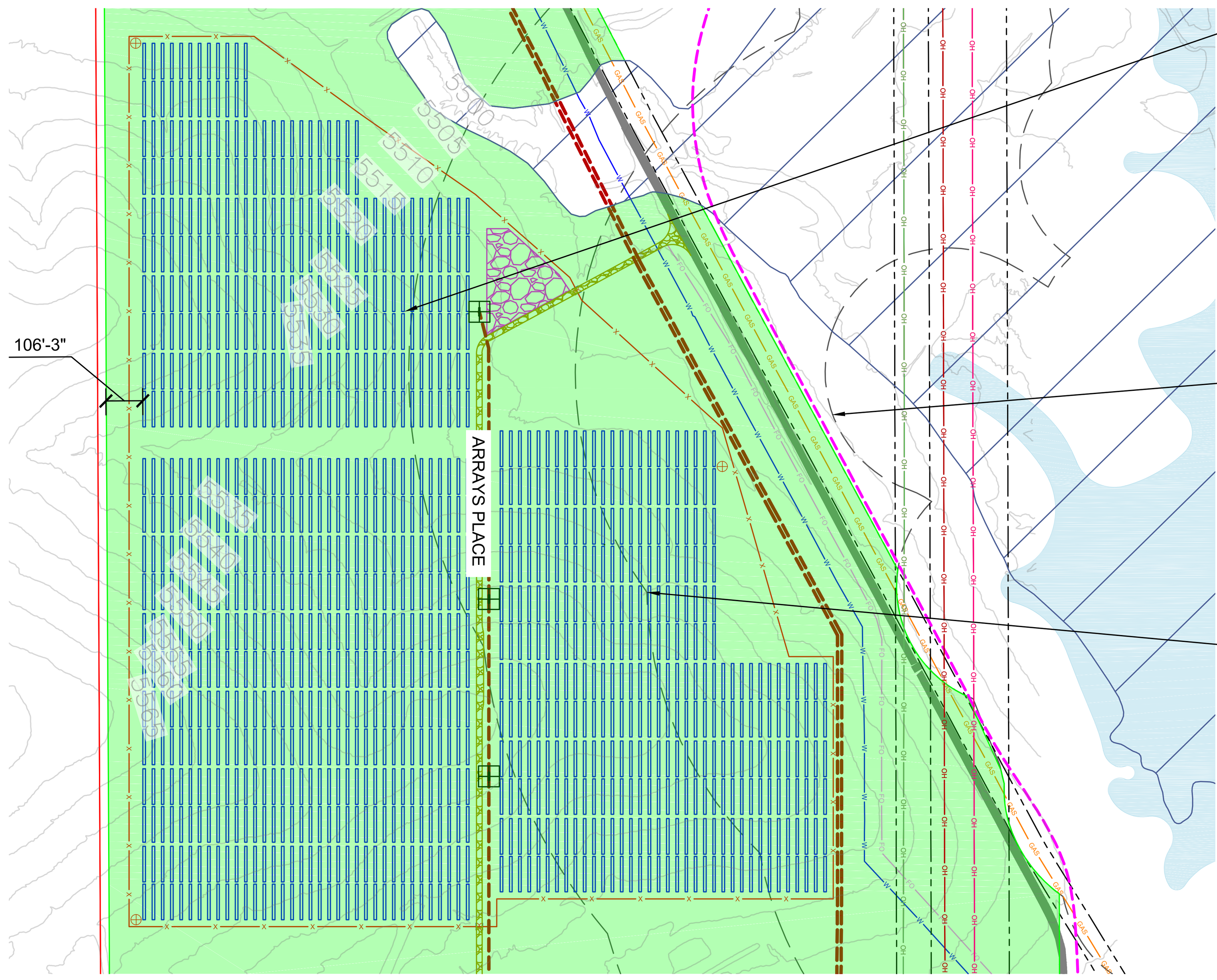
G102

DWG TITLE:
GENERAL SITE PLAN - AREAS 1, 2

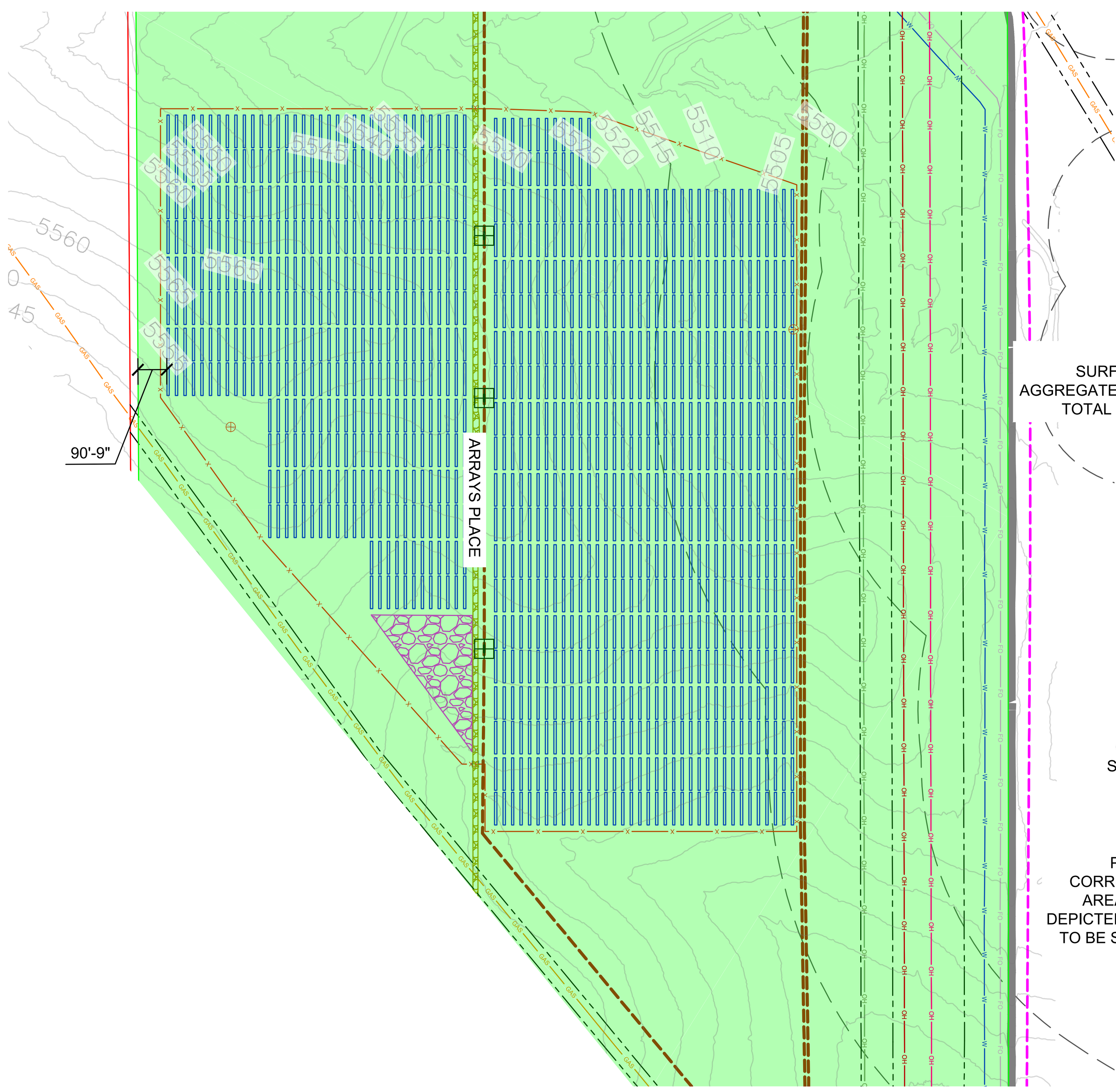
PIKE SOLAR PROJECT

PORTIONS OF LAND LYING WITHIN SECTIONS 7, 18, 19, 30, AND 31 TOWNSHIP 16 SOUTH, RANGE 64 WEST
SECTIONS 11, 12, 13, 14, 23, 24, 25, 26, AND 36 TOWNSHIP 16 SOUTH, RANGE 65 WEST
EL PASO COUNTY, COLORADO

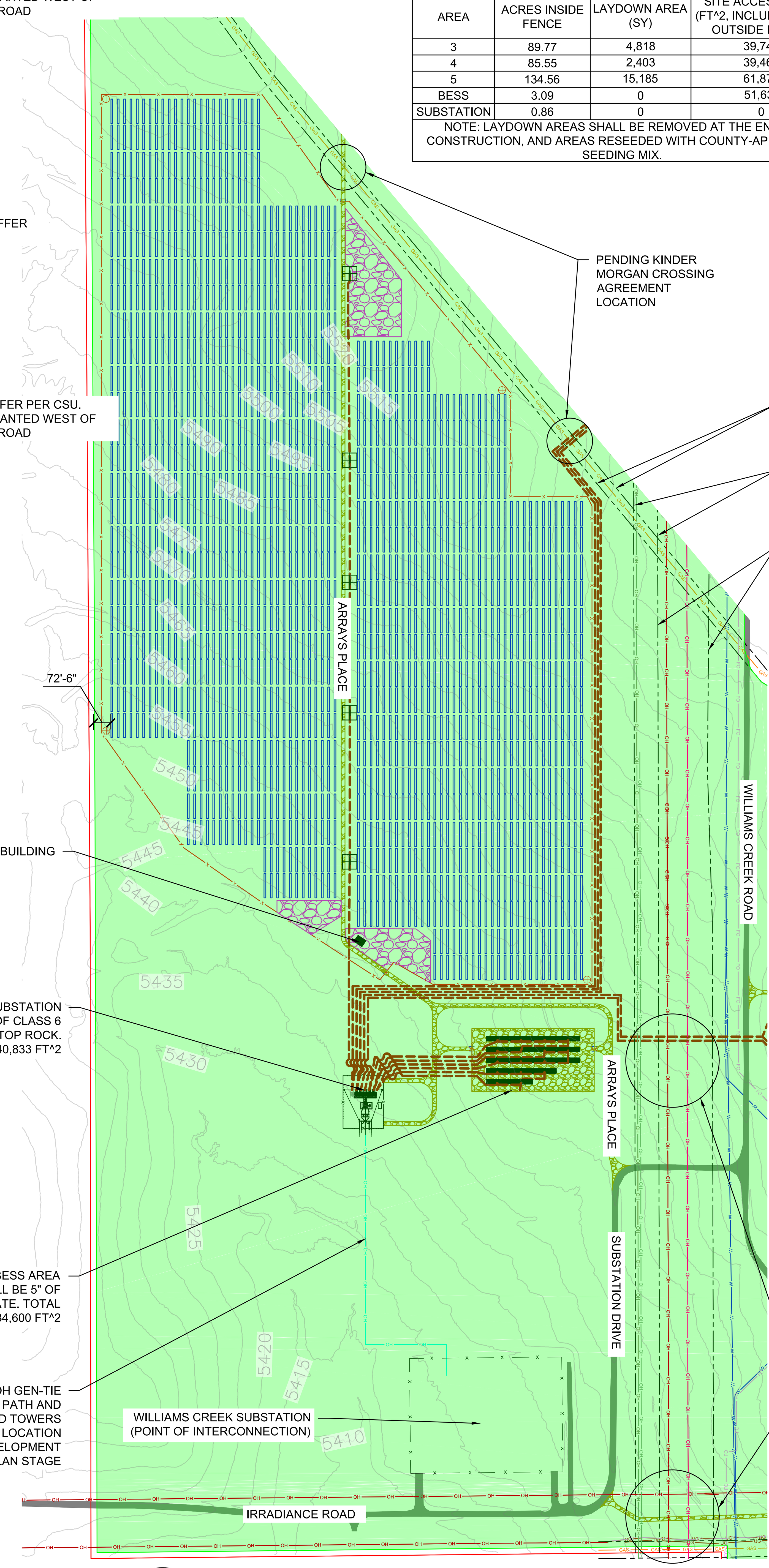
T:\CO465 - CSU - Pike Solar\ENGINEERING\01 Drawings\01 AutoCAD Working Drawings\11 Permitting\G102-G104 General Site Plan - Areas.dwg



1 / G103 AREA 3 - PLAN VIEW
SCALE: 1"=350'



2 / G103 AREA 4 - PLAN VIEW
SCALE: 1"=350'



3 / G103 AREA 5 - PLAN VIEW
SCALE: 1"=350'

AREA QUANTITIES

AREA	ACRES INSIDE FENCE	LAYDOWN AREA (SY)	SITE ACCESS ROAD (FT^2, INCLUDES AREA OUTSIDE FENCE)
3	89.77	4,818	39,749
4	85.55	2,403	39,467
5	134.56	15,185	61,877
BESS	3.09	0	51,631
SUBSTATION	0.86	0	0

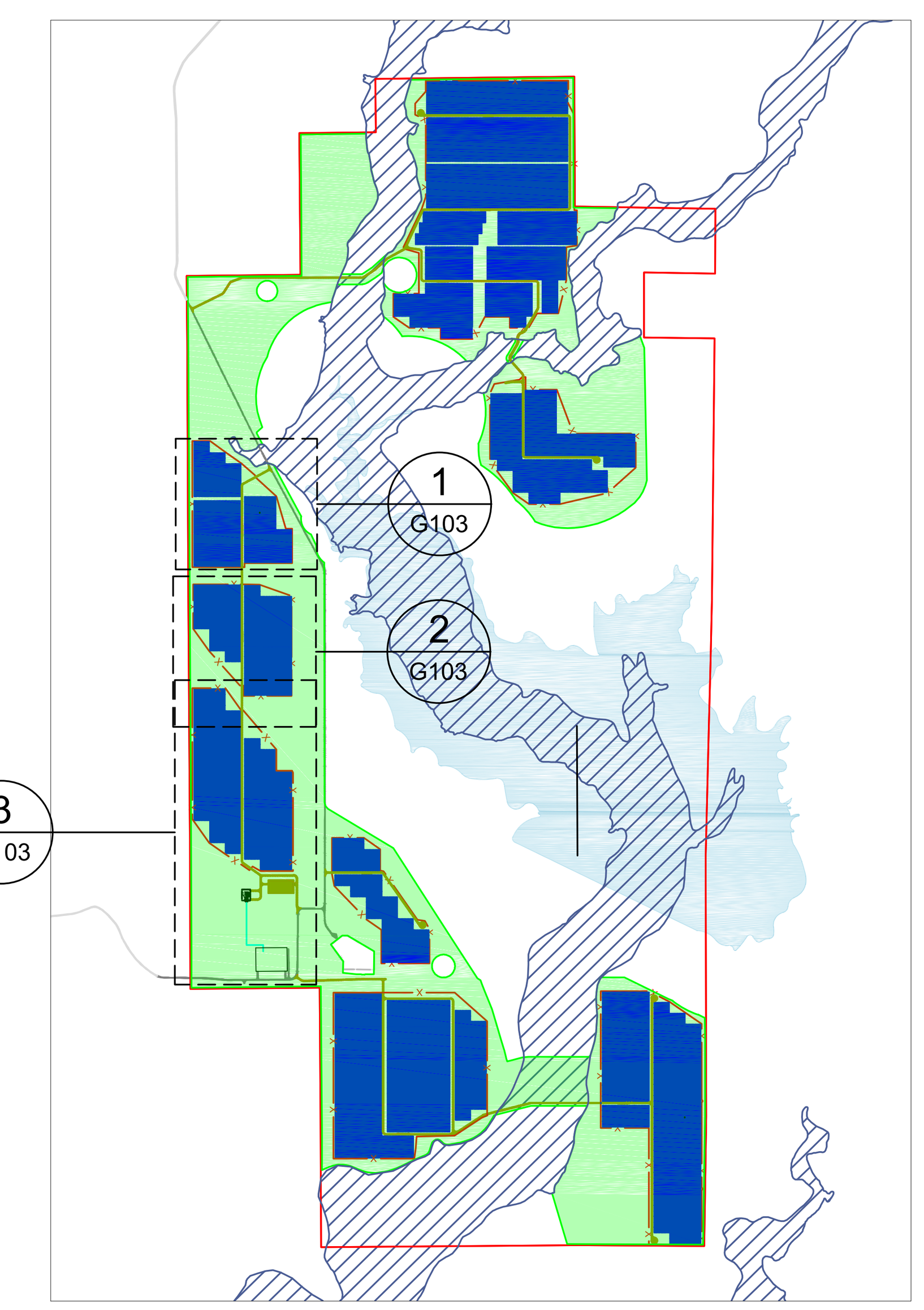
NOTE: LAYDOWN AREAS SHALL BE REMOVED AT THE END OF CONSTRUCTION, AND AREAS RESEEDED WITH COUNTY-APPROVED SEEDING MIX.

GENERAL NOTES

1	COORDINATES ARE IN NAD83 COLORADO STATE PLANE, CENTRAL ZONE, US FT.
2	PROPERTY DESCRIPTION:1162 ACRES INSIDE PROJECT FENCE, SECTIONS 6, 7, 18, 30 AND 31 T16S, R64W, AND SECTIONS 1, 11-14, 23-26, 35 AND 36 T16S, R65W
3	NORTH ARROW CORRESPONDS TO TRUE NORTH AT SITE, NOT SURVEY NORTH

LEGEND

🟥	WSEO BOUNDARY
🟩	WSEO SITING ENVELOPE
— - - —	EXISTING ROW BOUNDARIES
—x—x—	PROJECT FENCE
▨	SITE ACCESS ROAD (TYP 16' WIDE)
▬	EXISTING CSU ROAD
▨	GENERAL LAYDOWN AREA
—OH—OH—	PROPOSED OH GEN-TIE LINE - 230KV
- - - -	PROPOSED MV FEEDER PATH - 34.5KV
—OH—OH—	EXISTING OH TRANSMISSION LINE - 115KV
—OH—OH—	EXISTING OH TRANSMISSION LINE - 230KV
—OH—OH—	EXISTING OH TRANSMISSION LINE - 345 KV
—FO—FO—	EXISTING UG FIBER OPTIC LINE (CSU)
—W—W—	EXISTING UG WATER LINE (CSU)
—GAS—GAS—	EXISTING NATURAL GAS LINE
▨	FEMA FLOOD ZONE (NON-JURISDICTIONAL)
⊞	POWER STATION
⊕	ANEMOMETER
✪	WEATHER SUITE
- - - -	PROPOSED REGIONAL TRAIL PATH
▥	TRACKING ARRAYS



4 / G103 REFERENCE MAP
SCALE: NTS

GRAPHIC SCALE
175 0 175 350 700
Scale: 1"=350'

TRUE NORTH
N

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Boulder, CO 80301
www.juwiamericas.com

PIKE SOLAR
219.46 MW PV, 75 MW BESS, 175.00 MW PO1
EL PASO COUNTY, CO

REV	DRAWN	REVIEWED	REVISION NOTES
F	RMC 10/21/21		WSEO RESUBMITTAL

DRAWN BY: RMC | LATEST REV: F

PROJECT LAYOUT

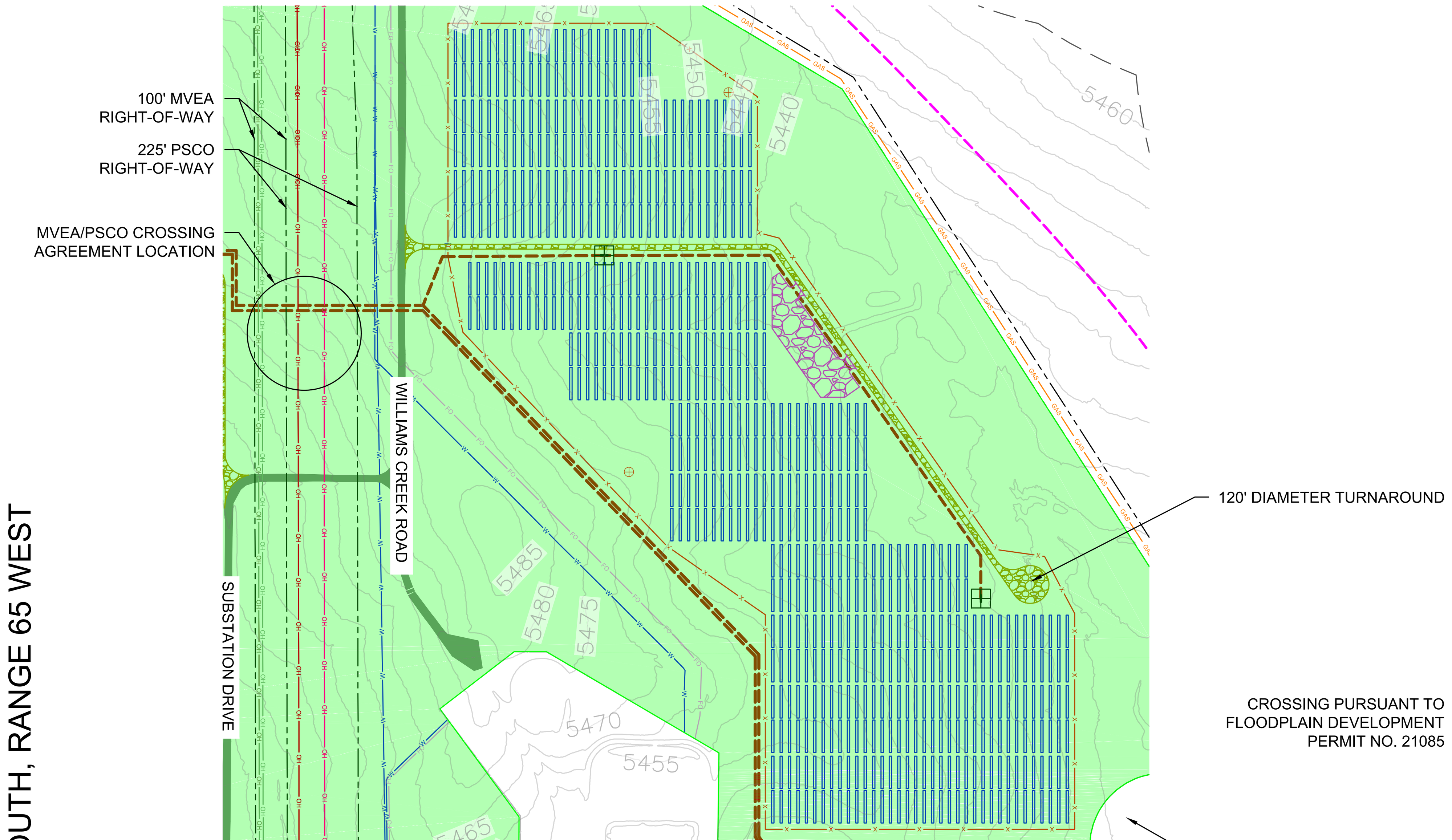
PROPRIETARY AND CONFIDENTIAL
TO BE REPRODUCED IN COLOR
PRINT SIZE: ARCH D
ISSUED BY: JSI
JOB #: CO465
SCALE: 1"=350'
DWG #:
G103

DWG TITLE:
GENERAL SITE PLAN - AREAS 3, 4, 5

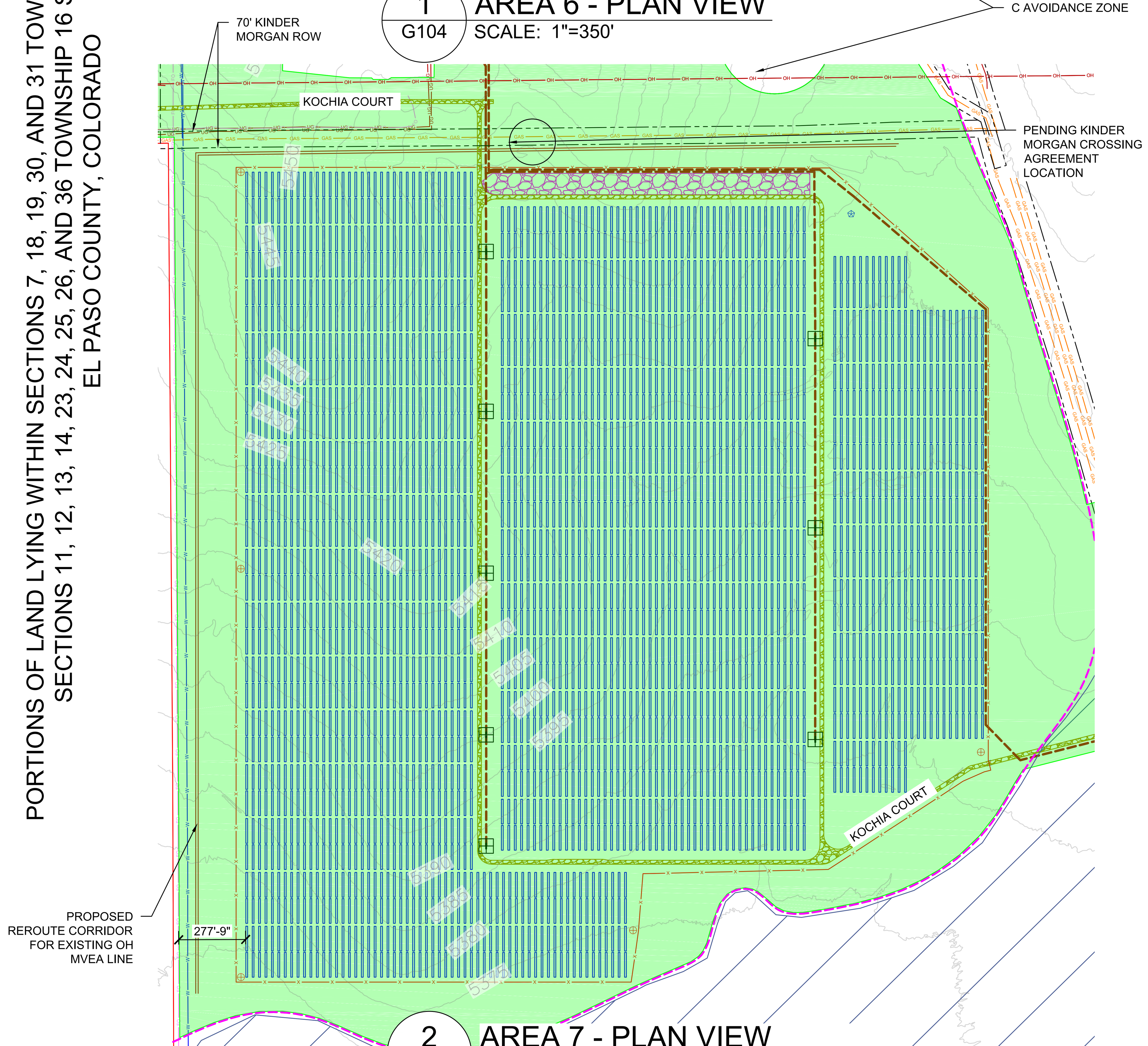
PIKE SOLAR PROJECT

PORTIONS OF LAND LYING WITHIN SECTIONS 7, 18, 19, 30, AND 31 TOWNSHIP 16 SOUTH, RANGE 64 WEST
SECTIONS 11, 12, 13, 14, 23, 24, 25, 26, AND 36 TOWNSHIP 16 SOUTH, RANGE 65 WEST
EL PASO COUNTY, COLORADO

T:\CO465 - CSU - Pike Solar\ENGINEERING\01 Drawings\01 AutoCAD Working Drawings\11 Permitting\G102-G104 General Site Plan - Areas.dwg

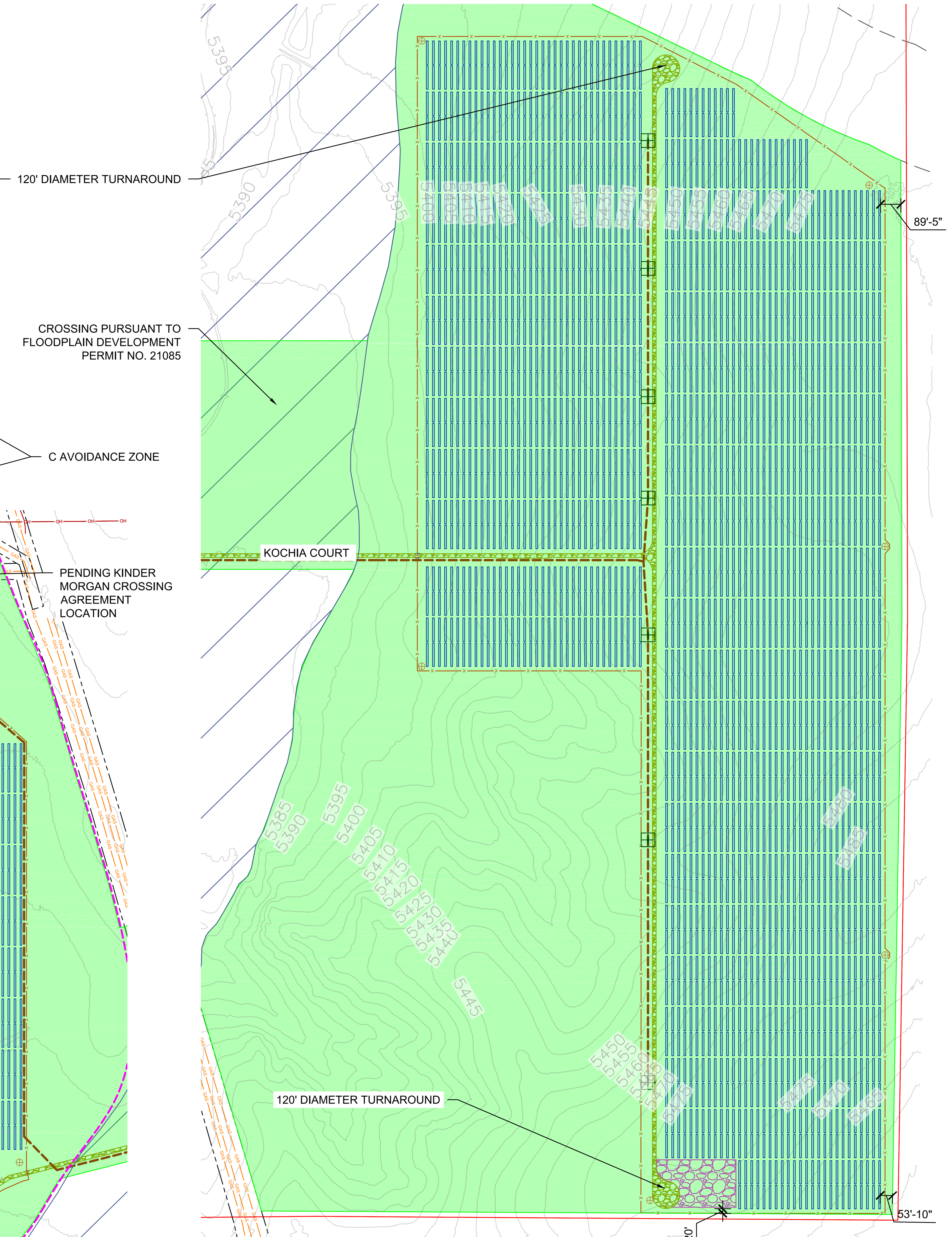


1 / G104 AREA 6 - PLAN VIEW
SCALE: 1"=350'



2 / G104 AREA 7 - PLAN VIEW
SCALE: 1"=350'

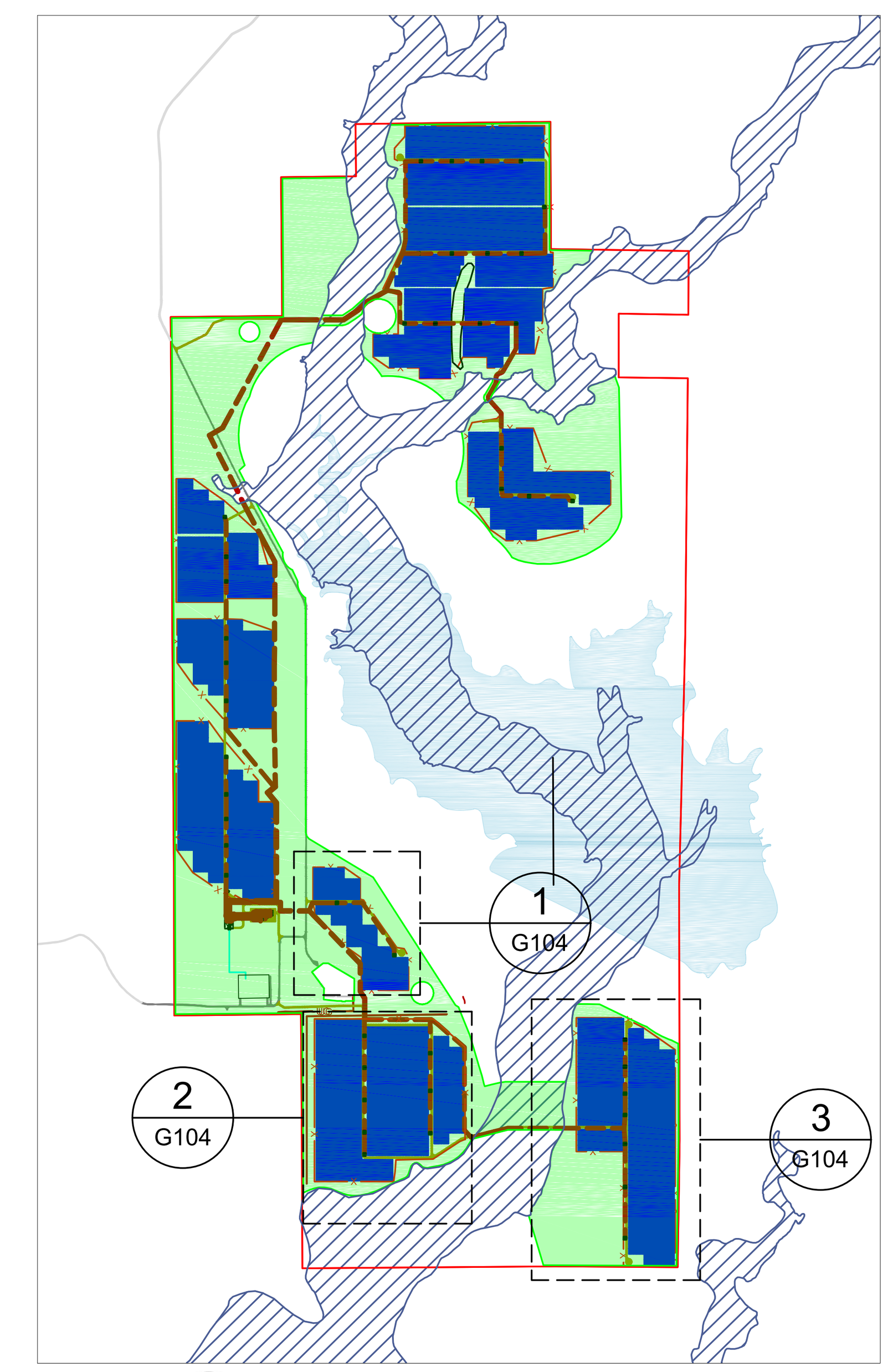
AREA QUANTITIES			
AREA	ACRES INSIDE FENCE	LAYDOWN AREA (SY)	SITE ACCESS ROAD (FT^2, INCLUDES AREA BETWEEN FENCES)
6	60.30	5,291	54,382
7	222.52	13,169	61,439
8	181.17	6,827	158,503
NOTE: LAYDOWN AREAS SHALL BE REMOVED AT THE END OF CONSTRUCTION, AND AREAS RESEEDED WITH COUNTY-APPROVED SEEDING MIX.			



3 / G104 AREA 8 - PLAN VIEW
SCALE: 1"=350'

	GENERAL NOTES
1	COORDINATES ARE IN NAD83 COLORADO STATE PLANE, CENTRAL ZONE, US FT.
2	PROPERTY DESCRIPTION:1162 ACRES INSIDE PROJECT FENCE, SECTIONS 6, 7, 18, 30 AND 31 T16S, R64W, AND SECTIONS 1, 11-14, 23-26, 35 AND 36 T16S, R65W
3	NORTH ARROW CORRESPONDS TO TRUE NORTH AT SITE, NOT SURVEY NORTH

	LEGEND
🟥	WSEO BOUNDARY
🟩	WSEO SITING ENVELOPE
— - - —	EXISTING ROW BOUNDARIES
—x—x—	PROJECT FENCE
	SITE ACCESS ROAD (TYP 16' WIDE)
	EXISTING CSU ROAD
	GENERAL LAYDOWN AREA
—OH—OH—	PROPOSED OH GEN-TIE LINE - 230KV
- - -	PROPOSED MV FEEDER PATH - 34.5KV
—OH—OH—	EXISTING OH TRANSMISSION LINE - 115KV
—OH—OH—	EXISTING OH TRANSMISSION LINE - 230KV
—OH—OH—	EXISTING OH TRANSMISSION LINE - 345 KV
—FO—FO—	EXISTING UG FIBER OPTIC LINE (CSU)
—W—W—	EXISTING UG WATER LINE (CSU)
—GAS—GAS—	EXISTING NATURAL GAS LINE
▨	FEMA FLOOD ZONE (NON-JURISDICTIONAL)
⊞	POWER STATION
⊕	ANEMOMETER
✪	WEATHER SUITE
- - -	PROPOSED REGIONAL TRAIL PATH
‖‖	TRACKING ARRAYS



4 / G104 REFERENCE MAP
SCALE: NTS

GRAPHIC SCALE
175 0 175 350 700
Scale: 1"=350'

TRUE NORTH

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Boulder, CO 80301
www.juwiamericas.com

PIKE SOLAR
219.46 MW PV, 75 MW BESS, 175.00 MW PO1
EL PASO COUNTY, CO

REV	DRAWN	REVIEWED	REVISION NOTES
F	RMC 10/21/21		WSEO RESUBMITTAL

DRAWN BY: RMC LATEST REV: E

PROJECT LAYOUT

PROPRIETARY AND CONFIDENTIAL
TO BE REPRODUCED IN COLOR
PRINT SIZE: ARCH D
ISSUED BY: JSI
JOB #: CO465
SCALE: 1"=350'
DWG #:

G104

DWG TITLE:
GENERAL SITE PLAN - AREAS 6, 7, 8

PIKE SOLAR PROJECT

PORTIONS OF LAND LYING WITHIN SECTIONS 7, 18, 19, 30, AND 31 TOWNSHIP 16 SOUTH, RANGE 64 WEST
SECTIONS 11, 12, 13, 14, 23, 24, 25, 26, AND 36 TOWNSHIP 16 SOUTH, RANGE 65 WEST
EL PASO COUNTY, COLORADO

1 / G105 BESS AREA - PLAN VIEW
SCALE: 1"=25'

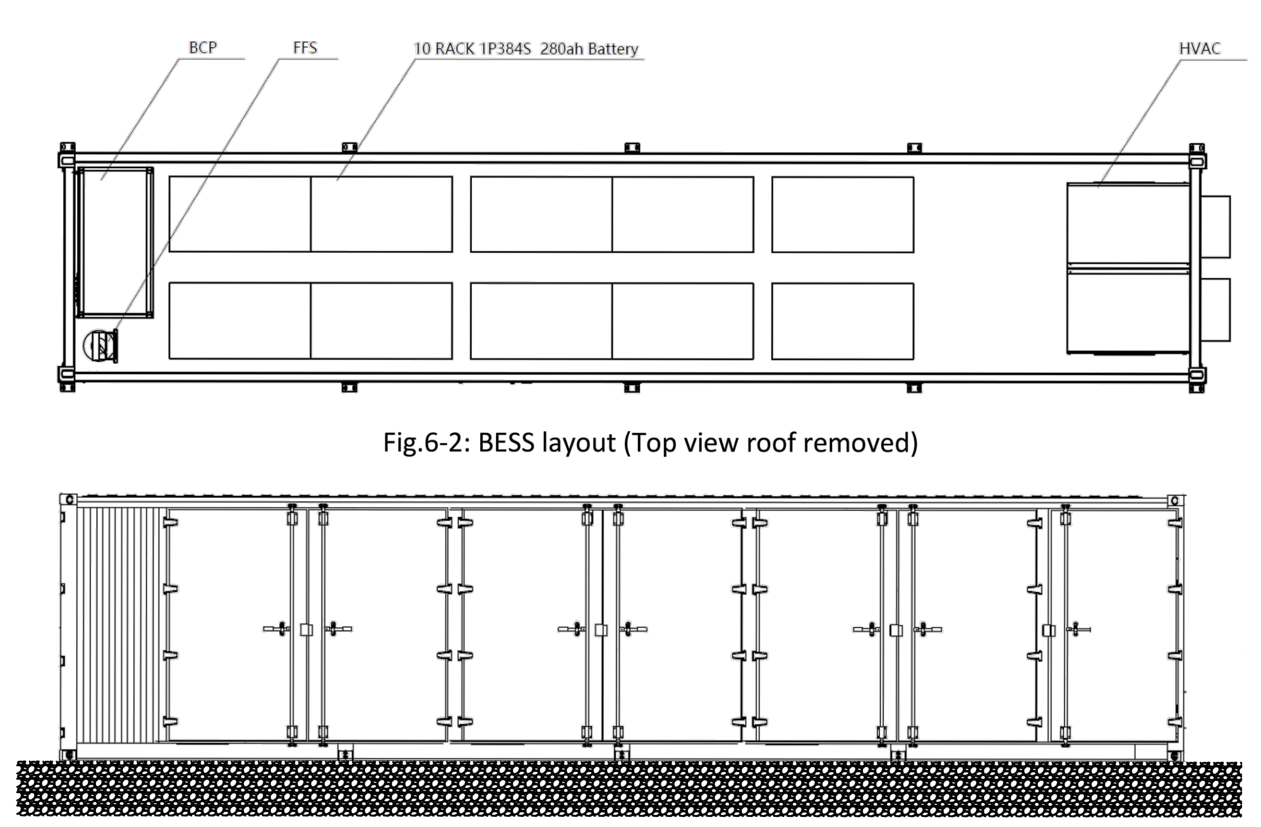
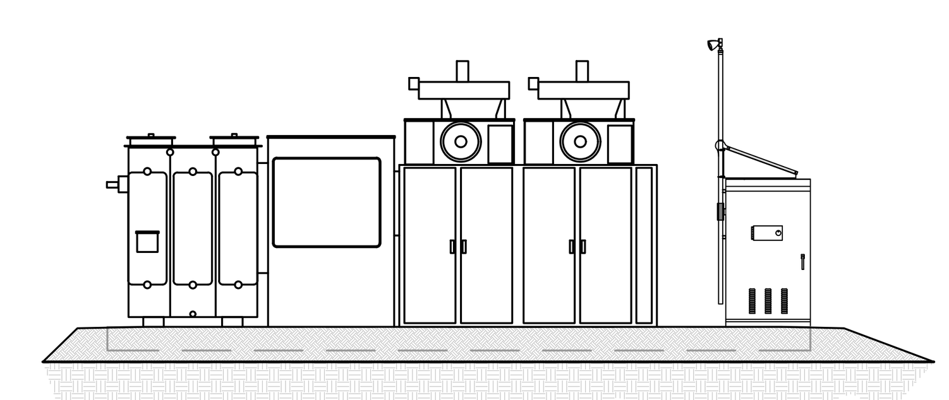


Fig.6-2: BESS layout (Top view roof removed)

Fig.6-3: BESS layout (Front view)

2 / G105 BESS CONTAINER (INDICATIVE)
SCALE: NTS

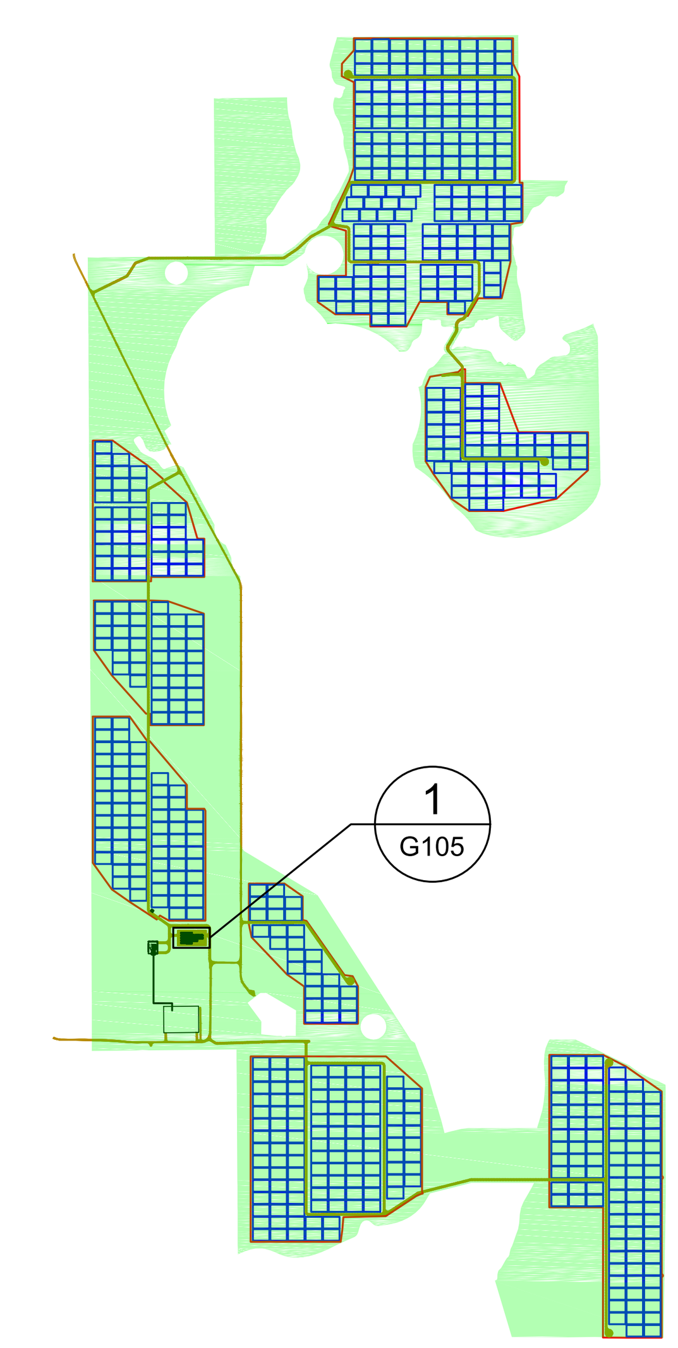


2 / G105 POWER CONVERSION SYSTEM (INDICATIVE)
SCALE: NTS

GENERAL NOTES

1. COORDINATES ARE IN NAD83 COLORADO STATE PLANE, CENTRAL ZONE, US FT.
2. PROPERTY DESCRIPTION:1162 ACRES INSIDE PROJECT FENCE, SECTIONS 6, 7, 18, 30 AND 31 T16S, R64W, AND SECTIONS 1, 11-14, 23-26, 35 AND 36 T16S, R65W
3. NORTH ARROW CORRESPONDS TO TRUE NORTH AT SITE, NOT SURVEY NORTH
4. REFLECTS A SUNGROW INTEGRATED SYSTEM. FOUR BESS CONTAINER PER PCS FOR EACH 3.5 MW BLOCK.
5. LAYOUT AND EQUIPMENT DETAILS ARE PRELIMINARY AND SUBJECT TO CHANGE BASED ON EQUIPMENT SUPPLIER. THE EXTENTS OF THE FINAL LAYOUT SHALL NOT EXCEED THE AREA SHOWN, AND THE EQUIPMENT ELEVATIONS SHALL NOT EXCEED THE DIMENSIONS SHOWN IN APPENDIX U.

	LEGEND
— — —	MV FEEDERS - 34.5kV
—X—	PROJECT FENCE
▨	SITE ACCESS ROAD (TYP 16' WIDTH)



2 / G105 REFERENCE MAP
SCALE: NTS

GRAPHIC SCALE
-12.5' 0' 12.5 25' 50'
Scale: 1"=25'

TRUE NORTH

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juwi Inc.
1710 29th St. Suite 1068
Boulder, CO 80301
www.juwiamericas.com

REV	DRAWN	REVIEWED	REVISION NOTES
E	RMC 10/21/21		WSEO RESUBMITTAL

PIKE SOLAR
219.46 MW PV, 75 MW BESS, 175.00MW POI
EL PASO COUNTY, CO

DRAWN BY: RMC
LATEST REV: E

PROJECT LAYOUT

PROPRIETARY AND CONFIDENTIAL
TO BE REPRODUCED IN COLOR
PRINT SIZE: ARCH D
ISSUED BY: JSI
JOB #: CO465
SCALE: AS SHOWN
DWG #:
G105

DWG TITLE:
GENERAL SITE PLAN - BESS AREA

T:\CO465 - CSU - Pike Solar\ENGINEERING\01 Drawings\01 AutoCAD Working Drawings\11 Permitting\G105 - General Site Plan - BESS Layout - Copy_211220.dwg

PIKE SOLAR LLC

Appendix AC- Visual Simulation

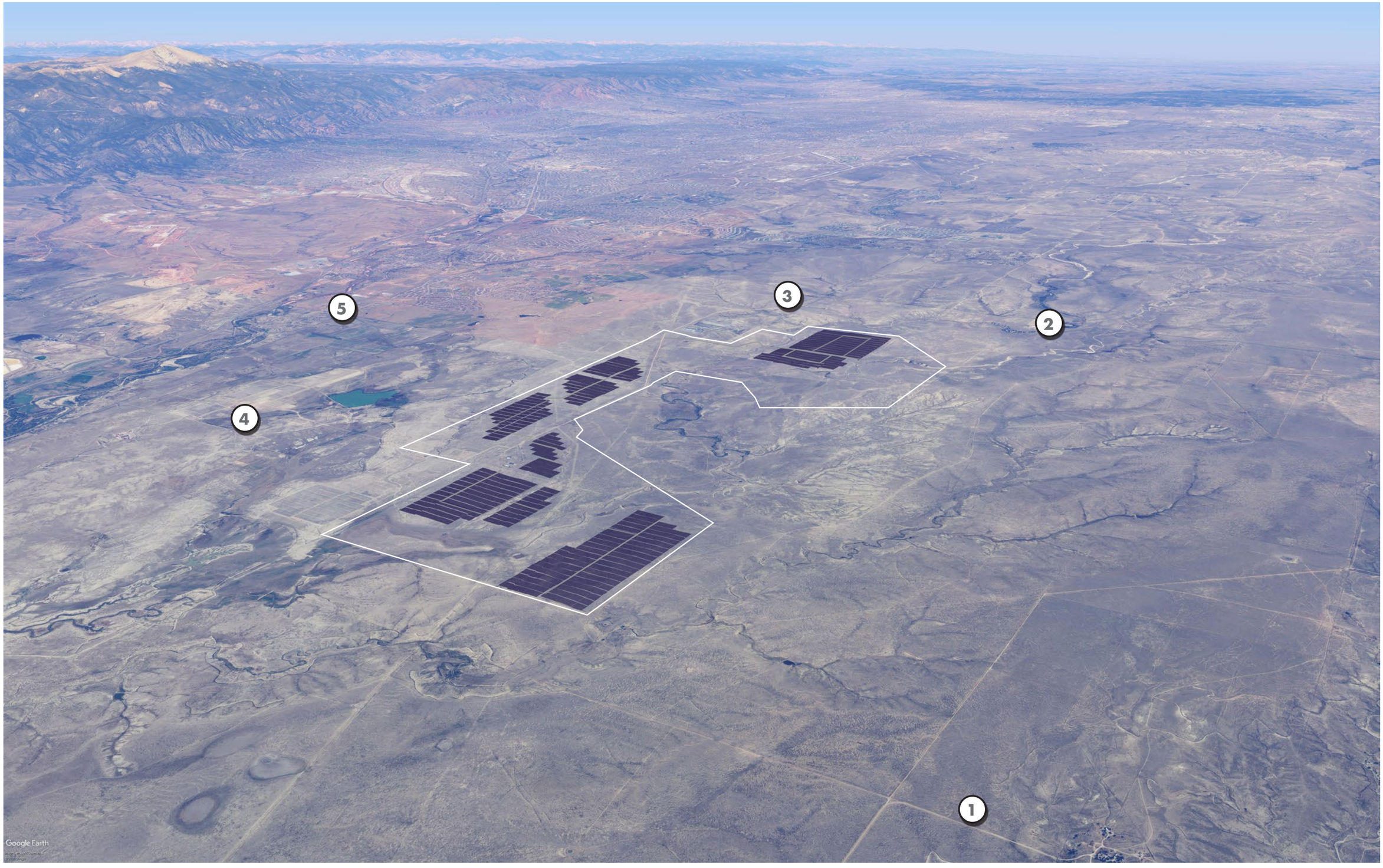


PHOTO VIEW LOCATIONS

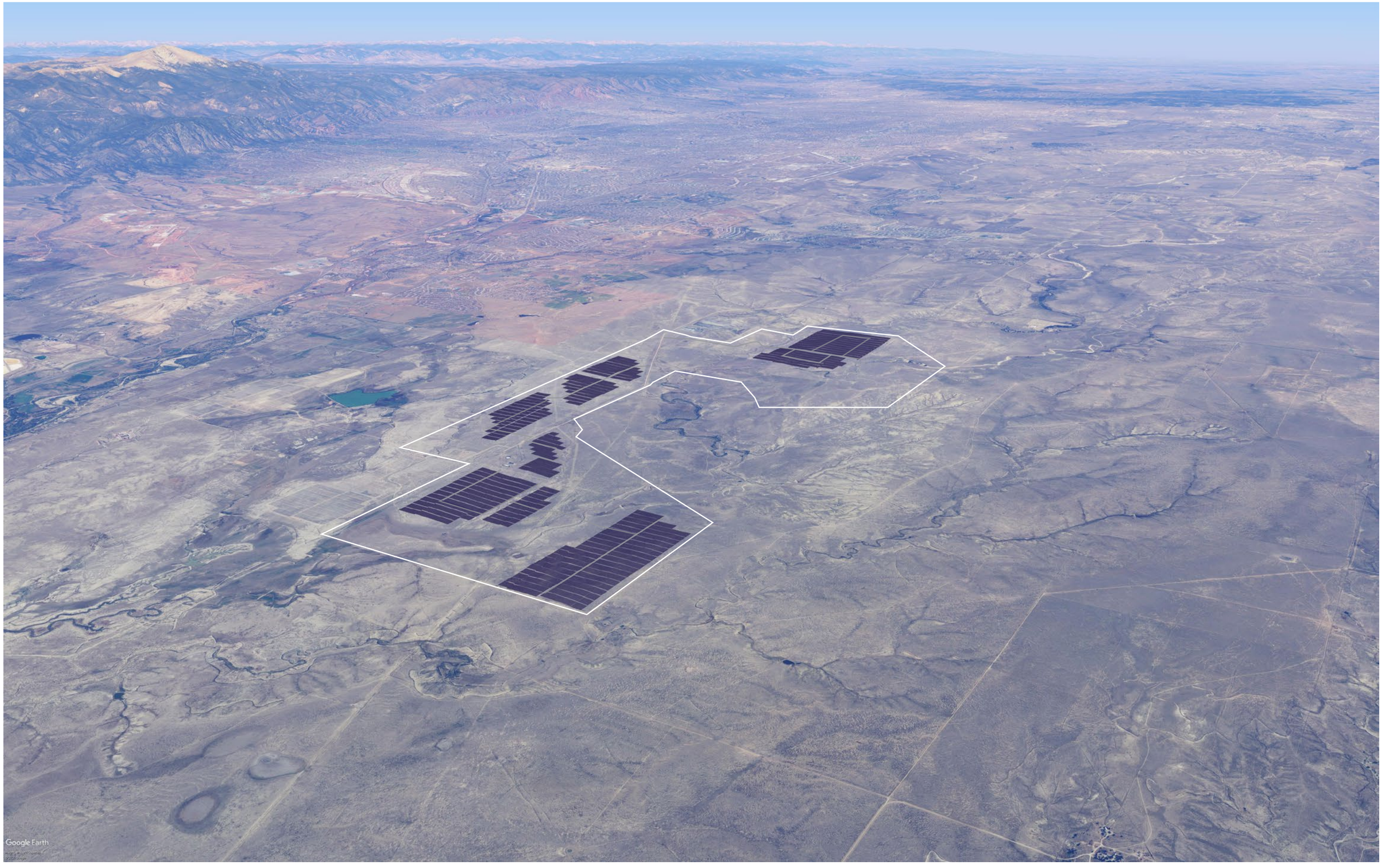
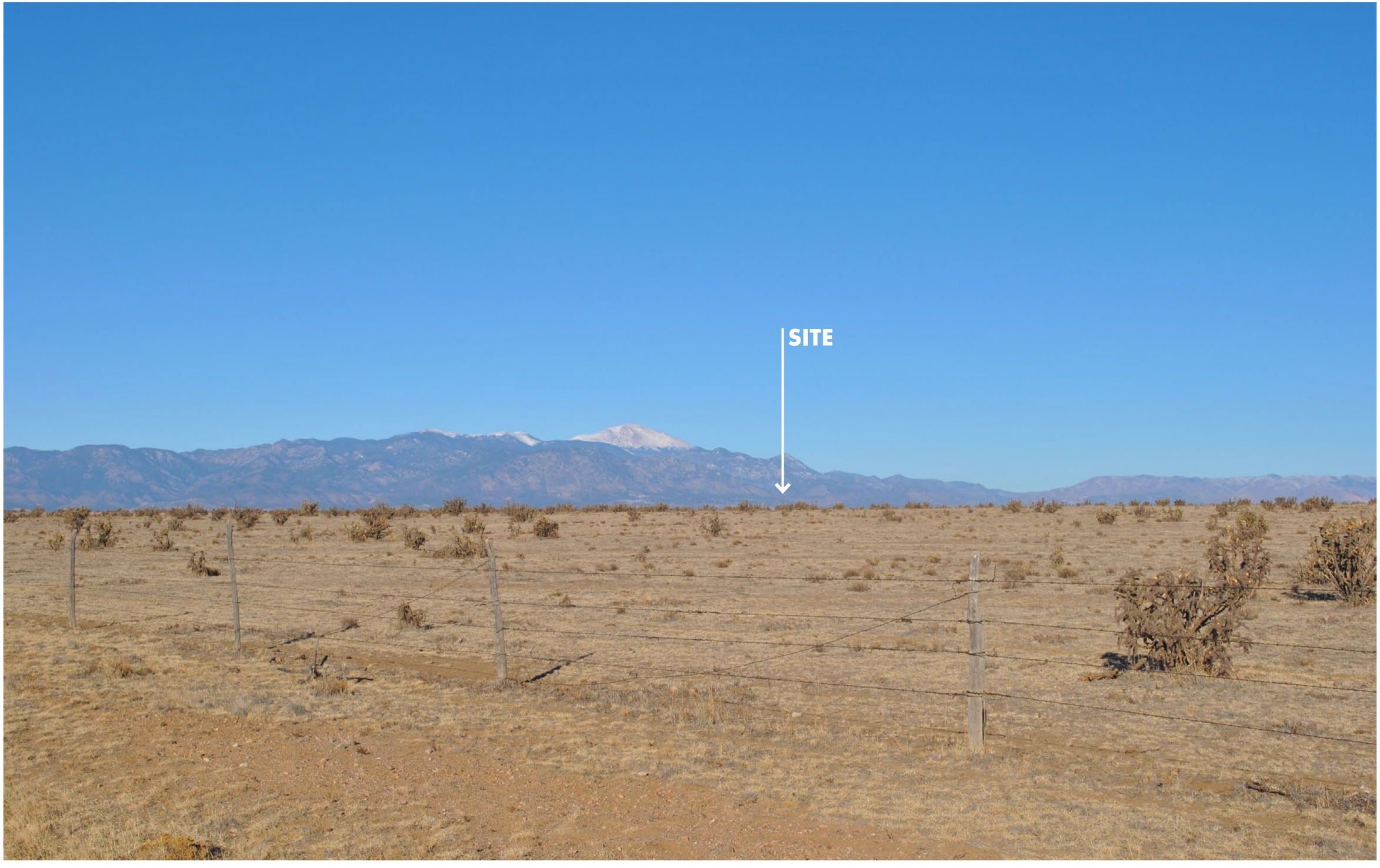


PHOTO VIEW LOCATIONS



LOCATION 1

LOCATION 2

LOCATION 3


Existing Substation
Existing Solar Array
SITE
Existing Solar Array
Security Cameras In Use
PRIVATE PROPERTY
NO TRESPASSING

LOCATION 4

LOCATION 5

NOTES: THE ROUTE FOR OVERSIZE/OVERWEIGHT LOADS WILL BE DETERMINED WITH PERMITS FOR THOSE LOADS AND MAY NOT CORRESPOND TO THIS PLAN.

LEGAL DESCRIPTION: A PARCEL OF LAND LYING WITHIN SECTIONS 7, 18, 19, 30, AND 31 TOWNSHIP 16 SOUTH, RANGE 64 WEST SECTIONS 11, 12, 13, 14, 23, 24, 25, 26, AND 36 TOWNSHIP 16 SOUTH, RANGE 65 WEST

CORE
LAND DEVELOPMENT
ENERGY
PUBLIC INFRASTRUCTURE
3473 S. BROADWAY
ENGLEWOOD, CO 80113
303.703.4444

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CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

CORE ASSUMES NO RESPONSIBILITY FOR EXISTING UTILITY LOCATIONS (HORIZONTAL AND VERTICAL). THE EXISTING UTILITIES SHOWN ON THIS DRAWING HAVE BEEN PLOTTED FROM THE BEST AVAILABLE INFORMATION. IT IS, HOWEVER, THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES.

#	REVISION DESCRIPTION	DATE	BY
1	1ST SUBMITTAL	xx/xx/xx	LP

PIKE SOLAR PROJECT
COMPLIANCE PLAN
HAUL ROUTE MAP
EL PASO COUNTY, COLORADO

DESIGNED BY:
DRAWN BY:
CHECKED BY:

JOB NO.
___

SHEET
___ OF ___

DEVELOPMENT AGREEMENT
PIKE SOLAR PROJECT

This Development Agreement ("Agreement") is entered into this ___ day of _____, 2022 ("Effective Date") by and between El Paso County, by and through the Board of County Commissioners of El Paso County, Colorado, a statutory county and political subdivision of the State of Colorado ("County"), the City of Fountain, Colorado, a statutory city and political subdivision of the State of Colorado ("City"), and Pike Solar LLC, a ~~Colorado~~ Delaware limited liability company ("Developer"). County, City, and Developer may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. Developer desires to construct and operate in unincorporated El Paso County a renewable solar energy facility known as the Pike Solar Project ("Project") on Property legally described in Exhibit A attached hereto and a map of which is set forth in Exhibit B attached hereto. The Property is owned by the City of Colorado Springs, and Developer has entered into a lease with the City of Colorado Springs to install and operate the Project and obtain all necessary approvals therefor.

B. The Project falls within the scope of the County's authority under Guidelines and Regulations for Areas and Activities of State Interest of El Paso County, contained in Appendix B of the El Paso County Land Development Code ("1041 Regulations"). The Project specifically falls within the scope of and must obtain a 1041 Permit under Chapter 5, Site Selection and Construction of Major Facilities of a Public Utility, of the 1041 Regulations.

C. The WSE-O, Wind and/or Solar Energy Generation Plan Overlay District zoning classification, found in Section 4.3.5 of the El Paso County Land Development Code ("Code"), requires Developer to submit and obtain approval of a WSE-O Plan and a development impact mitigation agreement in connection with the WSE-O rezoning in order to site solar energy generation facilities like those in the Project. The development agreement must address and mitigate any external impacts to nearby properties and existing infrastructure.

D. Pursuant to Section 1.106 of the 1041 Regulations, Developer must comply with both the 1041 Regulations and the County's zoning regulations, specifically the WSE-O Overlay.

E. The Parties recognize that the Project will create impacts on public infrastructure and property and that the purpose of this Agreement is to provide for the identification and mitigation of those impacts that can be quantified and to estimate in good faith a monetary value for any impacts that may not be readily identifiable or quantifiable under the 1041 Permit and WSE-O Overlay zoning processes.

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual promises contained here and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Incorporation of Recitals. The Recitals set forth above shall be incorporated by reference into this Agreement as if fully stated herein.

2. General Project Description. The Project is a 175 MW solar energy generation and storage facility consisting of photovoltaic modules aligned in arrays and affixed to a single-axis tracking system, a centralized AC-coupled battery energy storage system, a substation, an operations and maintenance building, and associated infrastructure, hereinafter collectively referred to as "Project Facilities."

3. Compliance with Applicable Laws. Developer must comply with all applicable federal, state, and local laws, ordinances, rules, and regulations and all applicable approvals, permits, and licenses in the construction, operation, and decommissioning of the Project. Developer may not commence any construction or installation activity related to the Project until obtaining all necessary approvals, permits, and licenses required to be obtained prior to such commencement of construction or installation.. Without limiting the generality of the foregoing, Developer shall obtain all of the following to the extent applicable to the Project: the Site Development Plan, appropriate documentation from the U.S. Fish & Wildlife Service and Colorado Parks & Wildlife in a form reasonably satisfactory to the County regarding threatened and endangered species, any water well decrees, determinations, and well permits that may be required by the Colorado Department of Natural Resources, and any water quality permits or approvals required by the Colorado Department of Public Health and Environment, and providing proof of the same to the County.

4. Time Limit on Installation and Construction. Developer shall initiate construction of the Project within one (1) year of the Effective Date and shall have three (3) years from the Effective Date to achieve Substantial Completion. For purposes of this Agreement, Substantial Completion means that the Project has completed construction activities, including restoration of any required areas, and is generating electricity. If the Developer does not begin construction within one (1) year of the Effective Date, then the Board of County Commissioners, at an open and public hearing following legal published notice, may elect to approve a rezoning of the Property for the purpose of removing the WSE-O Overlay zoning. Said one (1) and three (3) year periods shall be extended for any delays arising by an event of force majeure. In the event Developer has not achieved Substantial Completion by the end of the 3-year period, including any extensions arising from the application of an event of force majeure, the County may require Developer to seek an extension of the WSE-O Overlay zoning and/or an amendment to the 1041 Permit, or the Board of County Commissioners, at an open and public hearing following legal published notice, may elect to approve a rezoning of the Property for the purpose of removing the WSE-O Overlay zoning.

5. Project Facilities Repair, Maintenance, and Replacement. Developer shall be permitted to repair and maintain the Project Facilities without any further approval from the County or amendment to this Agreement, and to replace any element of the Project Facilities with a comparable element that is within the size limits and general configuration defined in the 1041 Permit and WSE-O Overlay zoning, is located in the same location as the element being replaced, and meets the Development Standards in the 1041 Permit and WSE-O Overlay zoning. The transportation and construction-related activities associated with the Project Facilities replacement process may require the Developer to obtain additional administrative permits prior to initiating construction.

6. Identification of Haul Routes. The Parties agree that the Project, particularly during construction, will impact County and City paved and unpaved roads based on the number of anticipated trips per day and the weight of the vehicles making such trips. Developer has identified three Haul Routes along public roads to and from the Project site. The Haul Routes and the jurisdictions responsible for their maintenance are depicted in Exhibit C, attached hereto.

a. Northern Route: The Northern Route exits I-25 at State Highway 16 and continues along State Highway 16, Mesa Ridge Parkway, Marksheffel Road, Link Road, and Squirrel Creek Road to a private road which accesses the Project site. This route is to be used for daily personnel traffic to and from the Project site.

b. Southern Route: The Southern Route exits I-25 at Old Pueblo Road and continues along Old Pueblo Road and Birdsall Road to a private road which accesses the Project site. This route is to be used to haul materials and equipment to the Project site.

c. Oversize Load Route: The Oversize Load Route, which will be defined in an approved County Haul Permit, and will depend on trucking requirements for turn radii. This route is to be used to transport oversize loads that cannot be accommodated along the Southern Route. The Oversize Load Route and Southern Route may be collectively referred to herein as the "Restricted Routes." Although Developer's current plan is to use the Northern Route to transport such oversize loads, the actual route constituting the Oversize Load Route ultimately will be determined in connection with the approval of the County Haul Permit.

7. Identification of Impacts to Haul Routes.

a. Developer shall prepare or cause to be prepared Road Condition Surveys for each Haul Route prior to commencing construction of the Project, one year after commencement of construction, and after Substantial Completion of the Project. Each Road Condition Survey shall be conducted in accordance with the Road Condition Survey Work Plan attached hereto as Exhibit D and shall be shared with the County within three (3) business days of completion.

b. Once construction commences and until Substantial Completion of the Project, Developer shall also make visual observations of the Southern Route every two weeks and of the Oversize Load Route following each day of use and complete a

Road Report, attached hereto as Exhibit E, documenting such observations, comparing them to prior observations and the most recent Road Condition Survey, and identifying any new damage to the roads and rights-of-way. Developer shall share such Road Report with the County and City, as applicable, within two (2) business days of completion.

c. County and City staff may also conduct periodic inspections of the Haul Routes at their discretion and shall complete a Road Report if any damage to a road or right-of-way is observed. Such Road Reports shall be shared with the other Parties within two (2) business days of completion.

8. Mitigation of Impacts to Haul Routes.

a. Road Damage During Construction. Should any Road Report or Road Condition Survey completed by any Party identify new damage to a road or right-of-way along a Haul Route, the Developer and the County or the City, as appropriate, shall make best efforts to meet within three (3) business days to determine whether such damage was caused wholly or partially by Developer's activities related to the Project and, if so, whether the damage shall be repaired by Developer, the County, or the City. If the damage is to be repaired by the Developer, Developer must obtain all appropriate permits and approvals, including but not limited to a City or County Work-in-the-Right-of-Way permit, prior to conducting such work. If the damage is to be repaired by the County or the City, the funds necessary to reimburse for the cost of such repairs may be withdrawn from the funds provided by Developer pursuant to paragraphs 8.b. or 8.c. below, as applicable.

b. Long-Term Maintenance Impacts to County Roads. ~~The Parties~~County and Developer agree that the projected use of the County roads located within the Restricted Routes by construction and other heavy vehicles will shorten the useful life of the ~~public~~ County roads on such routes in a manner that is not easily identified or quantified. The ~~Parties~~ County and Developer agree that a reasonable estimate of the cost of such long-term impacts is One Hundred Thirty-Three Thousand Five Hundred Six Dollars and 38/100 ($133,506.38) (the "County Road Funds"). Developer shall deposit this sum with the County in connection with approval of the Site Development Plan, and the County shall keep the funds in a restricted account separate from its general fund.

If road damage identified pursuant to paragraph 8.a. above is repaired by the County, the County may withdraw from the County Road Funds the amount necessary to reimburse itself for the cost of such repairs. If no County Road Funds are available due to previous reimbursements, the Developer shall reimburse the County for road damage repairs within thirty (30) days of receiving an invoice for such repairs. If Developer repairs road damage to a County road pursuant to paragraph 8.a. above, and the County-approved scope of such work exceeds that necessary to repair road damage wholly caused by Developer's Project activities, the County may authorize the return to Developer of escrow funds for the additional work. If any County Road Funds remain after Substantial Completion of the Project, the County shall be entitled

to retain such moneys as liquidated damages for the negative impacts to the useful life of the County roads located within the Restricted Routes.

c. Long-Term Maintenance Impacts to City Roads. The City and Developer agree that the projected use of the City roads located within the Northern Route or the Oversize Load Routes by construction and other heavy vehicles will shorten the useful life of the City roads on such routes in a manner that is not easily identified or quantified. The City and Developer agree that a reasonable estimate of the cost of such long-term impacts is One Hundred Thirty-Three Thousand Five Hundred Six Dollars and 38/100 ($133,506.38) (the "City Road Funds"). Developer shall deposit this sum with the City in connection with approval of the Site Development Plan, and the City shall keep the funds in a restricted account separate from its general fund.

If road damage identified pursuant to paragraph 8.a. above is repaired by the City, the City may withdraw from the City Road Funds the amount necessary to reimburse itself for the cost of such repairs. If no City Road Funds are available due to previous reimbursements, the Developer shall reimburse the City for road damage repairs within thirty (30) days of receiving an invoice for such repairs. If Developer repairs road damage to a City road pursuant to paragraph 8.a. above, and the City-approved scope of such work exceeds that necessary to repair road damage wholly caused by Developer's Project activities, the City may authorize the return to Developer of escrow funds for the additional work. If any City Road Funds remain after Substantial Completion of the Project, the City shall be entitled to retain such moneys as liquidated damages for the negative impacts to the useful life of the City roads located within the Northern Route or the Oversize Load Routes.

~~c.~~d. Use of Alternate Routes by Construction Traffic. The Parties agree that use of any route other than the Restricted Routes by construction and other heavy vehicles hauling materials and equipment to the Project site may result in damage to public roads and may shorten the useful life of such roads. The Parties also agree that this Agreement does not account for those damages and impacts on public roads outside the Restricted Routes. Developer shall be held responsible for the use of any road other than the Restricted Routes by its employees, contractors, and agents driving construction and other heavy vehicles to and from the Project site ("Unauthorized Use"). Should an Unauthorized Use be observed by County employees or documented by photo, video, or other corroboration of an observation by a member of the public or other third party, the Developer shall pay to the County Two Thousand Dollars ($2,000) for each day such Unauthorized Use occurs as liquidated damages for any resulting damage or negative impact to the public roads used. Developer shall pay such liquidated damages to the County within fourteen (14) days of receiving notice, along with any supporting evidence, of an Unauthorized Use.

9. Contacts/Party Representatives. The Parties designate the following representatives to receive all Road Reports and other notices and communications related to this Agreement. A Party may substitute its representative by providing written notice to the other Parties.

For the County:

For the City:

For the Developer:

JSI Construction Group LLC
1710 29th Street, Suite 1068
Boulder, CO 80301
Attn: Project Manager
Telephone: (720) 838-2302
Attn: General Counsel
Telephone: (720) 838-2290

10. El Paso County Road Impact Fee. Developer understands and agrees that the Project is subject to the provisions of the El Paso County Road Impact Fee and that the imposition of such Road Impact Fee is separate and does not arise from the 1041 Permit, the WSE-O Overlay zoning, or this Agreement. The Road Impact Fee shall be assessed at the time of Site Development Plan approval.

11. General Provisions.

a. Indemnity. The Developer and its successors and assigns shall indemnify and hold harmless the County ~~[~~and City~~]~~ and their respective elected officials and employees, agents, and contractors from and against any and all losses, injuries, damages, claims, demands, suits, liabilities, causes of action, settlements, costs, or expenses that are caused by or result from the acts and omissions of Developer or its employees, officer, or agents arising from the installation, construction, operation, maintenance, repair, and decommissioning of the Project. Nothing in this paragraph shall be interpreted to limit or waive any of the immunities, rights, limitations of liability and defenses afforded the County ~~[~~and City~~]~~ under the Colorado Governmental Immunity Act, C.R.S. 24-10-101, *et seq*.

b. Amendment. This Agreement may be amended by mutual agreement of the Parties only by a writing signed by all Parties.

c. Assignment. No Party may assign its rights and obligations under this Agreement without the prior written consent of all other Parties, which consent shall not be unreasonably withheld.

d. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective personal representatives, heirs, successors, and assigns.

e. Waiver. No delay in exercising any right or remedy under this Agreement shall constitute a waiver thereof by any Party hereto, and no waiver by the

f. Colorado Law and Venue. This Agreement shall be interpreted and enforced in accordance with the laws of the State of Colorado. In the event of any litigation that may arise hereunder, the Parties agree that jurisdiction and venue shall lie in the District Court of El Paso County, Colorado.

g. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The signature pages from one or more counterparts may be removed from such counterparts and such signature pages shall be attached to a single instrument.

h. Severability/Integrated Terms and Conditions. Because compliance with the terms and conditions of this Agreement is a condition of both the 1041 Permit and the WSE-O Overlay zoning, its terms and conditions are integrated into the 1041 Permit and the WSE-O Overlay zoning. Therefore, if any provisions of this Agreement are determined by a court of competent jurisdiction to be unenforceable or invalid, the 1041 Permit, the WSE-O Overlay zoning, and this Agreement shall be rescinded or suspended unless the Board of County Commissioners, in its sole subjective discretion, approves an amendment to the 1041 Permit, the WSE-O Overlay zoning, and/or this Agreement.

i. No Third-Party Beneficiary. This Agreement is made and entered into for the sole protection and benefit of the Parties hereto and their respective successors and assigns. Nothing in this Agreement is intended to create or grant to any third party or person any right or claim for damages or the right to bring or maintain any action at law or equity.

j. Entire Agreement. This Agreement, together will all exhibits attached hereto, constitutes the entire agreement between the Parties. This Agreement is specifically intended by the Parties to supersede all prior agreements, whether written or oral.

k. Recording. This Agreement shall be recorded in the public records of the El Paso County Clerk and Recorder.

In witness of the foregoing provisions, the Parties have executed this Agreement as of the Effective Date above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

_____
Chuck Broerman
County Clerk & Recorder

By: _____
Stan VanderWerf, Chair

Approved as to form:

_____
County Attorney's Office

[Insert City Signature Block]

JSI Construction Group LLC,
a Delaware limited liability company

By: _____
Name: Michael J. Martin
Title: President

STATE OF _____ :

: SS.:

COUNTY OF _____ :

The foregoing instrument was acknowledged before me this __ day of _____, 2022, by Michael J. Martin, the President of JSI Construction Group LLC, on behalf of the limited liability company.

Notary Public Signature

My Commission Expires:

EXHIBIT A

(Legal Description of Project Site)

EXHIBIT B

(Map of Project Site Location)

EXHIBIT C

(Map Identifying Haul Routes and Jurisdictions Responsible for Road Segments)

EXHIBIT D

(Road Condition Survey Work Plan)

EXHIBIT E

PIKE SOLAR ROAD REPORT

Background

Date	Enter date of observation	Time	Enter time of observation
Name	Enter name of inspector	Organization	Enter inspector's organization
Road Name	Enter name of assessed road	Weather Conditions	Briefly describe current temperature and precipitation

Attach a map showing the location of the observation

Description of Observations

Provide a detailed description of observations, including any damage noted.

Is any of the damage new since the last Road Report / Road Condition Survey?

Photo Log

Photo Description	Image Name