

WAIVERS

Front Range-Midway Solar Project

Two waivers for the Front Range-Midway Solar Project were accepted for the development impact mitigation agreements and the Power Purchase Agreement. The following is a portion of the El Paso County Board of County Commissioners staff report for WSEO-17-001 approval dated April 24, 2018. The Applicant is requesting that the waiver approvals remain for the Amendment.

A. REQUEST/WAIVER/AUTHORIZATION

Request: A request by Front Range Midway Solar Project, LLC, for approval of an overlay rezoning for the Front Range Midway Solar Array pursuant to Section 4.3.5, WSE-O (Wind and/or Solar Energy Generation Plan Overlay District) zoning district, of the El Paso County Land Development Code. The 33 parcels, totaling 1,700 acres, are zoned RR-5, RR-2.5, and I-3. The applicant is proposing to place the Wind and/or Solar Energy Generation Plan Overlay Zoning District on the subject properties to allow for solar arrays, a substation, a transmission corridor and appurtenant components as allowed uses.

Waiver:

Section 4.3.5.D.2 of the Land Development Code states that, "A development impact mitigation agreement shall be required with all wind and/or solar energy generation plan overlay district applications." Staff is not requiring impact mitigation with this application due to the minimal, if any, impacts anticipated with the project. Therefore, the applicant is requesting a waiver of this section.

Waiver:

Section 4.3.5, Procedures Manual, P-AR-083-11, 1.5 *General Submittal List* of the Land Development Code identifies that a copy of the power purchase agreement shall be submitted with all wind and/or solar energy generation plan overlay district applications. A PPA has not been finalized to date due to ongoing negotiations between the applicant and the two (2) potential energy purchasers, PSCo and WAPA. No impacts are anticipated if the waiver is approved, as the solar array project will not be developed if the power purchase agreement is not finalized. Therefore, staff has no objection to the waiver request to defer the submittal of the power purchase agreement to submittal of the site development plan application.

Authorization to sign: WSE-O Plan and any other documents necessary to carry out the intent of the Board of County Commissioners.