

2/23/2018

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

Subject: Letter of Intent-Wind/Solar Energy Generation Overlay for the Front Range-Midway Solar Project – Second Submittal

Dear Ms. Parsons,

This Letter of Intent (LOI) is being submitted as part of the Wind/Solar Energy Generation Overlay (WSEO) Application for the Front Range-Midway (FRMW) Solar Project (Project). The original LOI was submitted on October 6, 2017. The Applicant and Project Owner is Front Range-Midway Solar Project, LLC (**Attachment A: WSEO Application**).

Introduction

The Project encompasses approximately 1,170 acres in El Paso County (EPC), Colorado. The Project is located west of Interstate-25 (I-25) approximately 20 miles south of downtown Colorado Springs on private and County owned lands secured by the Project through direct ownership and/or lease agreements. The Project is bounded on the west by County lands and by disperse residential development to the northwest and southwest, by rangeland to the north, by a gravel pit to the east, and by the Midway Waste Management Landfill to the south.

The Project would construct, operate, and maintain a 100.2-megawatt (MW) photovoltaic solar energy generation facility to provide clean, cost effective, renewable energy to one or more public utility companies operating in EPC. The Project would support local, state, and federal policy goals codified through statutes including Colorado's renewable energy standard (RES) statute (Section 40-2-124, C.R.S.). By 2020, this statute requires 30% of retail energy sales to be derived from renewable generation for investor owned utilities and 10% for large municipal utilities. The Project is anticipated to provide renewable energy to commercial utility off-takers for 25 years at a minimum. The Project would interconnect to one of two substations located adjacent to the Project: the Western Area Power Administration (WAPA) Midway substation, a federal power marketing agency within the U.S. Department of Energy (DOE), or the Public Service Company of Colorado (PSCo) substation owned by Xcel Energy. Numerous transmission lines converge at the Midway substation including those owned by Black Hills, CSU, and Tri-State. The PSCo substation is directly adjacent to Midway and operates independently of WAPA. The Applicant has engaged EPC during the development stage of the Project. There is currently no Power Purchase Agreement (PPA) in place; however, it is anticipated that multiple public utilities will issue Requests for Proposals (RFPs) in the near future for renewable energy produced at solar energy generation facilities along the Front Range within EPC. If the EPC Planning Commission and Board of County Commissioners (BOCC) approve the Project, it is anticipated that construction would commence once a PPA is obtained for the Project. As such, the construction schedule is dependent upon execution of a PPA. There is no phasing planned for construction; the Project would be constructed during one phase.

The proposed WSEO allowed principal uses would include solar panels, substations, and meteorological monitoring devices. Project accessory uses would include collection lines (including an overhead transmission line and underground collection power lines), maintenance facilities, and any other uses necessary to carry out the intent of the overlay zoning, including but not limited to DC to AC inverters, medium voltage transformers, circuit breakers and disconnect switches, and a communications system that would interconnect from the new Project substation to the WAPA or PSCo substation.

The proposed Front Range-Midway Solar Project WSEO Dimensional and Density Standards are provided in Table I below as required by Section 4.3.5 of the El Paso Land Development Code. Up to 50 sets of transformers and inverters would be located adjacent to panels and would be at a maximum height of 14 feet. Three to five meteorological stations would be located across the Project and would be at a height of 10 feet. We note that the maximum height for structures in the underlying zoning districts is 30 feet in the RR-5 and RR-2.5 Districts and 40 feet in the I-3 district. The maximum heights for structures within this WSEO overlay would be consistent with existing zoning in the underlying zoning districts at the date of application (see Table I below).

The transmission line would be located entirely within the Project boundary and would extend a short distance from the new Project substation to an existing bay within either the WAPA substation or PSCo substation; the length of the transmission line would be determined upon execution of a PPA, which in turn would determine the interconnection substation location (WAPA or PSCo). The transmission line would consist of overhead power lines; the overhead lines would be attached to 90-foot tall wood or steel poles with guyed supports and anchors on turning structures. The height of the power poles above ground level may vary based on ground conditions at each pole location. Transmission lines and appurtenant facilities would be constructed within the transmission line corridor as shown in the two options identified in the WSEO plan (**Attachment B: Wind/Solar Energy Generation Overlay Plan**). Dimensional standards of the transmission line would be consistent with the EPC Land Development Code at the date of application which excludes “fences or walls six feet in height or less, retaining walls less than four feet in height, poles, lines, cables or other transmission or distribution facilities of public utilities” from the definition of structure to which minimum setbacks and maximum heights apply. The FRMW WSEO Overlay District will not include minimum lot size or maximum lot coverage requirements.

Table 1. Proposed Dimensional Standards for Front Range-Midway Solar Project WSEO District

Overlay District	Underlying Zoning District	Minimum Setbacks for structures* (ft.) (Principal and Accessory Uses)	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					
Front Range-Midway WSEO	RR-5	25	14	90	14	14	35
	RR-2.5	25	14	90	14	14	35
	I-3	NA**	14	90	14	14	35

* Setbacks are not applicable to fences or walls six feet in height or less, retaining walls less than four feet in height, poles, lines, cables, distribution and transmission lines.. All setbacks shall be measured from the WSEO District boundary, except meteorological towers, which shall be setback as provided by the EPC Land Development Code as of the date of application for this WSEO District.

**NA is denoted since only transmission lines will be located within parcels zoned I-3

Front Range-Midway Solar Project, LLC is requesting a waiver of the requirement that a development impact mitigation agreement and associated fees are submitted at the time of an application for a WSEO overlay. The Applicant anticipates that construction will result in minimal impacts to roads used during construction. Roads will be returned to their condition prior to construction. A waiver request is submitted as an additional item as part of the WSEO application package.

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

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

Additionally, a WSEO Plan has been prepared in accordance with the EPC Development Services Department (DSD) requirements (**Attachment B**).

1) Project Owner/Applicant and Preparer

Applicant:

The Owner/Applicant and preparer of this application is Front Range-Midway Solar Project, LLC. The Point of Contact (POC) is Mr. Dave Iadarola.

Dave Iadarola
Project Developer
16105 West 113th St.
Lenexa, KS 66219
Phone: (720) 732-3154

Project Owner:

Front Range-Midway Solar Project, LLC
9070 and 9310 Rancho Colorado Boulevard
Fountain, CO 81008

2) Site Location, Size, and Zoning

Site Location

The proposed Project would be located in Sections 17, 20, 21 and 22, Township 17 South, and Range 65 West in EPC, Colorado. The Project is located west of Interstate-25 (I-25) approximately 20 miles south of downtown Colorado Springs on private and County owned lands secured by the Project through direct ownership and/or lease agreements. The Project is bound on the west by County lands and by dispersed residential development to the northwest and southwest, by rangeland to the north, by a gravel pit to the east, and by the Midway Waste Management Landfill to the south (**Attachment B**).

Specifically, the proposed Project and WSEO would consist of the following parcels:

Parcel ID	Current Zoning	Landowner
5717007004	RR-5	EPC
5717007005	RR-5	EPC
5717007006	RR-5	EPC
5717007019	RR-5	EPC
5717007047	RR-2.5	Powell Homes, LLC
5717007052	RR-2.5	Front Range-Midway Solar Project LLC
5717008023	RR-2.5	Front Range-Midway Solar Project LLC
5717008024	RR-2.5	Front Range-Midway Solar Project LLC
5720000007	I-3	Fountain Valley Power LLC c/o Black Hills Energy Capital
5720007001	RR-5	Black Hills Fountain Valley II LLC
5720007002	RR-5	Black Hills Fountain Valley II LLC

5720007003	RR-5	Black Hills Fountain Valley II LLC c/o SWG Fountain Valley II LLC
5720007004	RR-5	Black Hills Fountain Valley II LLC c/o SWG Fountain Valley II LLC
5721001002	RR-2.5	Midway Development Company Inc.
5721001003	RR-2.5	Midway Development Company Inc.
5721001004	RR-2.5	Midway Development Company Inc.
5721001005	RR-2.5	Midway Development Company Inc.
5721001006	RR-2.5	Midway Development Company Inc.
5721001007	RR-2.5	Midway Development Company Inc.
5721001008	RR-2.5	Midway Development Company Inc.
5721001009	RR-2.5	Front Range-Midway Solar Project LLC
5721001010	RR-2.5	Front Range-Midway Solar Project LLC
5721001011	RR-2.5	Midway Development Company Inc.
5721001012	RR-2.5	Midway Development Company Inc.
5721001013	RR-2.5	Midway Development Company Inc.
5721001014	RR-2.5	Midway Development Company Inc.
5721001015	RR-2.5	Midway Development Company Inc.
5721001017	RR-2.5	Front Range-Midway Solar Project LLC
5722001001	RR-2.5	Midway Development Company Inc.
5722001002	RR-2.5	Midway Development Company Inc.
5722001003	RR-2.5	Midway Development Company Inc.
5720000010	RR-5	U.S. Reclamation Service, U.S. Dept. of Interior, Bureau of Reclamation
5720000003	RR-5	Public Service Co. of Colorado c/o Property and Local Taxes

Size

The Project would be located on approximately 1,170 acres and consist of single axis tracking solar PV panels, DC to AC inverters, switches, and a new transmission line which would interconnect from the new Project substation to the WAPA or PSCo substation.

Zoning

The majority of the Project is zoned RR-2.5 (rural, single family, and residential dwellings). Parcels are approximately 2.5 acres within this zoning designation. Land to the northwest of the WAPA and PSCo substation is zoned RR-5; RR-5 is designated rural-residential parcels that are five-acres in size. A single parcel located south of the WAPA and PSCo substation is zoned I-3 (heavy industrial); a Southwest Generation natural gas-fueled electric generation unit is located on this parcel (**Attachment B**) and operates pursuant to a Use Subject to Special Review approval, No. AL-00-027. Approval of this Project application would allow a WSEO on the parcels currently zoned RR-2.5, RR-5, and I-3, without affecting the uses approved by the Use Subject to Special Review, No. AL-00-027.

3) Request and Justification

The purpose of the Project is to construct, operate, and maintain a 100.2-MW photovoltaic solar power generation facility to provide clean, cost effective, renewable energy to one or more public utility companies with connections to this area in EPC. The need for the Project was established by multiple factors including local and state statutes including Colorado's RES statute (Section 40-2-124, C.R.S) which requires 30% of retail energy sales to be derived from renewable generation for investor owned utilities and 10% for large municipal utilities by the year 2020. Other statutes and policy directives that require or encourage the production of renewable energy include the Colorado Governor's Climate Action Plan, and local initiatives of Colorado rural cooperatives, municipal utilities, and generation and transmission associations.

Conformance to EPC Master Plan

The activities associated with the Project are compatible with the current EPC Master Plan (Master Plan) which consists of the County Policy Plan (CPP), small area plans (SAPs), the Parks Master Plan, the Master Plan for Mineral Extraction, drainage basin planning studies and the major transportation corridors plan. The Master Plan guides land use in EPC. The Master Plan has been reviewed as part of this process and specific component plans under the Master Plan have been identified and reviewed further as they are impacted by the location and nature of the Project, including the CPP and the applicable SAP (South Central Comprehensive Plan). The following is a summary of key elements of the CPP, and the South Central Comprehensive Plan (SCCP) with a detailed discussion of those elements of both plans that are relevant to the Project. Specific sections, goals, and policies from the CPP are outlined below.

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

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

CPP 1.0 Small Area Plans

EPC has developed Small Area Plans (SAPs) to provide a framework for development within areas of the County that have similar land use patterns. The WSEO is situated within the portion of EPC that is addressed under the SCCP. The SCCP provides a framework for potential growth and development in the South Central Area. Additionally, the South Central Area is divided further into planning districts to allow for planning and development that is more specifically appropriate for the unique characteristics of particular areas within the South Central Area. The Project is located within the West Area planning district. The Project's conformance to the relative goals and policies of the West Area planning district are discussed below, following this discussion detailing the Project's conformance to the CPP.

CPP 2.0 Natural Systems

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

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

The Project has taken a conservative approach to due diligence by conducting multiple environmental studies and coordinating with the appropriate regulatory agencies including Colorado Parks and Wildlife (CPW) and the US Fish and Wildlife Service (USFWS). In 2013, the Project conducted a Critical Issues

Analysis (CIA) and submitted it to the USFWS and CPW for concurrence in 2014 (**Attachment C: Critical Issues Analysis**). Both agencies provided feedback; and in 2015, wetlands, threatened and endangered species and cultural resource field surveys were conducted (**Attachment D: Wetlands, Waterbodies, and Threatened, Endangered, and Species of Special Concern Report for the Project**). See below for a description of relevant Project documents.

The Project would potentially require an interconnection to the Midway substation operated by the Western Area Power Administration (WAPA), a federal power marketing agency within the U.S. Department of Energy (DOE). Since the WAPA substation is a federal entity, an interconnection agreement between the Project and the WAPA substation would establish a federal nexus. As such, approval of an interconnection agreement between the Project and the WAPA substation requires National Environmental Policy Act (NEPA) review with the Department of Energy (DOE) acting as the lead agency in the review. NEPA review of the Project interconnection with the WAPA substation commenced in late 2015 and evaluated the Project's potential impact on multiple resources including, but not limited to: public health and safety, air quality; water, vegetation, wildlife, special status species and cultural resources. The NEPA review concluded with a Finding of No Significant Impact (FONSI) issued on September 21, 2016. (**Attachment E: Finding of No Significant Impact & Final Environmental Assessment**). Further, WAPA determined that the Project incorporated WAPA's Standard Construction Practices and Best Management Practices (BMPs). As such, WAPA determined that the Project would not result in potential impacts that would be considered significant and no mitigation measures would be required additional to those embedded within the Project description. In addition, the Project conducted a voluntary public scoping effort between August 5, 2015 and September 10, 2015 during which interested parties located proximally to the Project could provide comments. Fort Carson Military Base (Fort Carson) is located approximately 1.5 miles to the west of the Project and was given the opportunity to comment on the Project during the public scoping effort. Fort Carson personnel did not oppose the Project. In addition, the Army Compatible Use Buffer Program, which gives Fort Carson the right of first refusal for any potential development on the 120 acres of EPC owned land within the Project, was discussed during the public scoping effort. Based on an agreement between EPC and Fort Carson, EPC must receive approval from Fort Carson prior to permitting any development action on those 120 acres. Fort Carson issued a letter stating their approval of Project development on the 120 acres of EPC owned land on March 13, 2017 (**Attachment V: Fort Carson Approval Letter**).

2.1 Air Quality

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

2.2 Noise Control

Policy 2.1.7 Encourage the adoption of noise level standards which limit or mitigate adverse impacts to surrounding land-owners.

Policy 2.1.8 Carefully consider all proposed land uses adjacent to interstate highways, railroads, military training areas, and in designated flight zones to protect them from associated disruptive noise levels.

During the construction phase, noise will not exceed decibel levels listed in the EPC Noise Ordinance. Construction activities would typically be limited to normal working hours between 7:00 am and 6:00 pm, Monday through Saturday. Work outside of these hours would be limited and would comply with EPC regulations. Haul routes would lead directly from the Project to the interstate and would not impact or increase noise on County Right of Way (ROW). A Haul Route Plan has been prepared as part of the Transportation Memo (**Attachment F: Transportation Memo, Haul Route Plan, and Traffic Data Collection**).

Solar panels themselves are silent, however inverters do emit sound. The sound emitted from an inverter has a similar intensity as an air conditioner and the sound dissipates significantly and quickly with distance. It is unlikely that a person standing outside of the perimeter fence line would be able to distinguish sound emitted from the inverters.

2.3 Wildlife and Vegetation Impacts

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

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

Policy 2.2.1. Encourage a coordinated and systematic planning approach to identify, locate and protect critical areas of wildlife habitat from all five life zones and transitional communities.

Policy 2.2.3 Evaluate the impact from proposed developments on watersheds and wildlife habitat with appropriate governmental agencies early in the development process.

Policy 2.2.4 Provide incentives to encourage development to incorporate sensitive planning that ensures the protection of watersheds and wildlife habitat

Policy 2.2.7 Comply with requirements of the federal Endangered Species Act

Policy 2.2.8 Encourage the protection and preservation of state listed endangered and threatened species, species of special concern, and species with immediate conservation needs

The Applicant contracted Western Ecosystems Technology, Inc. (WEST) to prepare a *Wetlands, Waterbodies, and Threatened, Endangered, and Species of Special Concern Report* in August of 2015 (**Attachment D**). The findings of this report were included in the NEPA review completed for the Project, which concluded in a FONSI (**Attachment E**).

No federally listed species or their associated habitat were identified at the Project site. Black tailed prairie dog (State Species of Concern) was identified on the Project Site. Prairie dog colonies are potential habitat for burrowing owl (State Threatened). Per CPW recommendations, the prairie dogs will be relocated prior to commencing earth-moving activities. If a relocation site is not available, prairie dogs will be humanely treated prior to construction.

CPW issued additional Project-specific recommendations since the first submittal of this WSEO application. The Project has issued a response letter which is appended to the original USFWS and CPW correspondence. The Project understands that there is suitable habitat for stated listed species on-site and will conduct pre-construction surveys so that avoidance and minimization measures can be implemented during construction. Project correspondence with the USFWS and CPW are included in **Attachment D**.

According to USGS National Land Cover Database, the primary cover type in the Project area is grassland/herbaceous with a small area of scrub/shrub. Cane cholla was observed to be a common plant species throughout most of the grassland in the Project; and Juniper trees were observed scattered in some of the drainage ways and at the northwest part of the Project area.

Vegetation that would be temporarily impacted by construction would be reseeded following construction with a native seed mix. Reseeded areas would be protected from erosion with appropriate best management practices (BMPs). Revegetation methods would likely include broadcast seeding and/or drill seeding a mix of native grasses. It is anticipated that weed stubble, following noxious weed treatment and mowing of the site, would secure seed in the topsoil. The exact method of revegetation is dependent upon the time of year at which construction would start. As such, specific revegetation methods would be detailed during the Site Development Plan phase.

2.4 Noxious Weed Control and Revegetation

The Applicant contracted CORE Consultants, Inc. (CORE) to prepare a Noxious Weed Management Plan (**Attachment G: Noxious Weed Management Plan**). Pre-construction surveys and treatment would conform to applicable EPC requirements for noxious weed control and management. Revegetation of the site, where possible, would occur following construction according to procedures noted above.

2.5 Wetlands

The potential for the presence of Waters of the U.S. (WOUS) was described in the *Wetlands, Waterbodies, and Threatened, Endangered, and Species of Special Concern Report* (**Attachment D**). No WOUS are located on the Project. Some non-jurisdictional drainages are located on the Project. Specifically, some non-jurisdictional headwaters to a tributary of Fountain Creek are located in the north central portion of the Project and coincide with the stock pond located on the Project. The Project understands that these headwaters provide drainage capture for the watershed. As such, solar arrays and facilities would avoid these headwaters and stock pond. The Project would not place fill into drainages or the stock pond during construction. The Project security fencing would be located north of the stock pond (**Attachment T: Front Range-Midway Solar Physical Constraints Map**).

2.6 Hazardous Materials

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

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

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

Policy 2.1.9 Encourage approaches to land use that promote innovative techniques to protect water quality and encourage mitigation to reduce pollution from non-point sources such as run-off from roads, parking lots and lawn chemicals.

The Project contracted CORE consultants, Inc. (CORE) to complete a Final Drainage Report for the Project (**Attachment J: Final Drainage Report**). The report identified major and minor drainage basins in the Project. The Project will not impact historic flow rates of major or minor drainage basins within the Project; storm water detention will be designed to maintain historic flow rates within the Project drainage basins (**Attachment J**). The Storm Water Management Plan (SWMP), Grading Erosion and Sediment Control (GESC) plan, and Spill Prevention, Control, and Countermeasure (SPCC) plan would be completed prior to construction and would include both temporary and permanent BMPs to prevent any erosion and sedimentation to drainage basins within the Project. The SWMP and GESC would be submitted as part of the application for an EPC Erosion and Storm Water Quality Control Permit (ESQCP) prior to construction.

CPP 3.0 Water Resources

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

Policy 3.1.7 Carefully analyze each new development's proposed use of water.

Policy 3.3.2 Consider the water requirements for natural areas adjacent to proposed developments

Policy 3.3.4 Implement appropriate measures to protect and/or mitigate effects of point and non-point sources of pollution to surface water

Policy 3.3.6 Evaluate the consequences to surface water from new development including run off of natural soils, as well as chemical compounds that may result from the proposed uses including pesticides, herbicides and hydrocarbons

The Project would have negligible impacts on water quantity. It is anticipated that the solar panels will require washing twice a year. This will require approximately 22,000 gallons per year that will be tapped from the Wigwam Water District. A water line within this district traverses the Project; the Applicant procured three taps from the district for use during construction and operations.

The Applicant has reviewed the Pikes Peak Area Council of Governments (PPACG) 208 Plan and determined that the Project would cause minimal to no impact to ground or surface water surrounding the Project. The Applicant would follow BMPs that would prevent erosion and sedimentation to the Fountain Creek watershed (**Attachment J**). The Project would not discharge materials into Fountain Creek or any associated tributaries. Headwaters to a tributary of Fountain Creek are located in the north central portion of the Project that coincide with the stock pond located on the Project. Solar arrays and Project facilities would avoid these headwaters. No fill would be placed within these drainages. A GESC, SWMP, and SPCC plans would be developed to manage on-site pollutants during construction and as needed for operations

CPP 4.0 Historic Resources

Goal 4.1 Encourage preservation and enhancement of historical resources.

Centennial Archaeology (CA) performed an intensive Class III Cultural Resources pedestrian survey of the Project in 2015 (**Attachment K: Class III Cultural Resource Inventory**). The findings of this report were included in the NEPA EA completed for the Project, which concluded in a FONSI (**Attachment E**). The

survey identified 32 isolated finds and six new sites. The isolated finds were considered prehistoric in nature and consisted of either single occurrences or small quantities of debitage; i.e., the material produced as the result of manufacturing chipped stone tools and lithics reduction. Two sites were determined by CA to be potentially eligible for listing on the National Register of Historic Places (NRHP). The Project activities would avoid the potentially eligible sites (**Attachment T**). The remaining four sites and isolated finds were deemed ineligible by CA for NRHP listing. CA did not recommend further investigation of the remaining items.

CPP 5.0 Economic Development

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

The Project may benefit local businesses in EPC during Project construction. Construction of the Project could positively impact short-term regional growth in EPC. Population growth and development in EPC are likely to continue regardless of whether the Project is constructed.

Although the Project itself does not offer community economic development, the production of additional solar energy to the grid provides a diversified energy source for local utilities requesting alternative energy choices.

CPP 6.0 Growth and Land Use

Goal 6.1.b Support growth and development in the unincorporated County in a manner which reasonably limits long term public costs, provides for the development of supporting infrastructure, preserves environmental quality, provides economic opportunities, and otherwise enhances the quality of life.

The Project may benefit local businesses in EPC during Project construction. Construction of the Project could positively impact short-term regional growth in EPC. Population growth and development in EPC are anticipated to continue regardless of whether the Project is constructed.

The Project would be located solely within property owned or leased by the Project Company and should not interfere with adjoining land uses. Four parcels leased by the Project (5717007019, 5717007004, 5717007005, 5717007006) are owned by El Paso County (**Attachment A, Attachment B, Attachment W: Title Commitment Index and Title Commitments**). The Project has been sited and designed to reduce impacts to the environment and existing infrastructure.

The Project should not increase regional growth. Rather, regional growth in the areas served by the Project is projected to occur regardless of whether the Project is constructed.

Once operational, the Project will provide renewable solar energy, infrastructure to support growth and development in an environmentally sensitive way.

Policy 6.1.1: Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.

The proposed use would allow for solar development on the property without negatively impacting the existing topography, transportation infrastructure or utility systems in the area and provides the benefit

of renewable energy without increasing coal combustion emissions. Solar development of the Project site would not impact the land use of the surrounding area.

Policy 6.1.3: Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.

The proposed use fits within the predominantly industrial uses in the immediate area and allows for the developer to locate the solar arrays near existing utility infrastructure. The Project is consistent with existing utility development at the site.

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

Solar energy generated by the Project can tie in to one of two existing substations (WAPA or PSCo) located adjacent to the Project.

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

Proposed setbacks are equal to or greater than the minimum required for the underlying zoning district (**RR-2.5: 25 feet; RR-5: 25 feet; I-3: 30 feet**). Some residential lots located in the vicinity of Boca Raton Heights, Van Whye Court, Moab Court, and La Questa View are situated between proposed solar arrays. Setbacks between solar arrays and residential lot property lines exceed 25 feet in all cases; and in most cases, exceed 100 feet. The closest existing residence is approximately 265 from proposed solar arrays. The Applicant held a community meeting on September 13, 2017 to address any concerns, visual or otherwise, of landowners in the vicinity of the Project. At least 26 members of the community were present. No visual concerns were raised by residents; specifically, no visual concerns were raised by landowners with properties in the vicinity of Boca Raton Heights, Van Whye Court, Moab Court, and La Questa View. The Applicant will hold another community meeting on January 31, 2018, to give landowners another opportunity to voice their concerns regarding construction and operations of the Project, visual or otherwise. Members of the EPC Planning & Community Development Department are invited and encouraged to attend the community meeting planned for January 31, 2018. The Applicant will coordinate with landowners to mitigate any reasonable visual impact concerns identified.

Policy 6.1.10: Ensure that new development will not create a disproportionately high demand on public services and facilities by virtue of its location, design or timing.

Once operational, the Project will be an unmanned facility. Due to the limited required maintenance and remote electronic monitoring of the facility, the proposed use would not affect the existing transportation network, nor create a high demand on public services or facilities. The Applicant has developed an Emergency Response Plan (**Attachment L: Emergency Response Plan**) to respond to natural hazards including fire; however, the risk of fire on the site is minimal since mowing of potential fuel sources would occur during the growing season. Once operational, the Project will add to the electric supply to provide public services to others in the community.

Policy 6.1.11: Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

The solar arrays would be consistent with surrounding industrial land uses, e.g., Pikes Peak International Raceway, Fort Carson Military Base, Midway Waste Management Landfill. In addition, after construction, the site will be re-vegetated with a native seed mix.

Policy 6.1.16: Allow for new and innovative concepts in land use design and planning if it can be demonstrated that off-site impacts will not be increased and the health, safety and welfare of property owners and residents will be protected.

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

Goal 6.2 Protect and Enhance Existing and Developing Neighborhoods.

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

The Project site is located adjacent to an existing electric substation and associated transmission lines. Given this and the proposed setbacks and distance from existing residences (closest residence at approximately 265 feet from the WSEO boundary), the Project would not negatively impact the integrity of the existing neighborhoods. Adjoining subdivisions are minimally developed and are platted mostly on the western and northwestern edges of the Project boundary.

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

The proposed setbacks, which are consistent with the underlying zoning setback requirements (RR-2.5: 25 feet; RR-5: 25 feet; I-3: 30 feet), would allow the site to integrate itself into the surrounding industrial uses.

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

The proposed Project is located adjacent to existing rural residential development, electrical substations and high-power transmission lines, the Midway Waste Management Landfill, and Interstate 25. The Project would be consistent with existing adjacent industrial uses and it will have little impact on the existing rural residential neighborhoods to the west and northwest.

CPP 7.0 Special and Unique Land Uses

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

solar facilities and ancillary facilities. Nonetheless, some goals and policies in this section apply to the development of a solar facility.

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

Solar energy generated by this Project will interconnect with one of two existing substations located adjacent to the Project. Three alternate routing options exist for the new transmission line location (**Attachment M: Preliminary Site Plan**).

CPP 8.0 Parks, Trails, and Open Space

The Project is located on undeveloped land zoned RR-2.5, RR-5, and I-3. Residential development and existing industrial facilities abut the property. The adjacent property is privately owned and does not provide parks, trails, or open space for any EPC residents. As such, the Project would not impact any existing EPC parks, trails, or open spaces and fully conforms to the goals and policies within this section of the CPP.

CPP 9.0 Transportation

The Project is not anticipated to significantly impact local traffic patterns; traffic resulting from construction would be temporary and would include the delivery of solar panels, utility poles, and associated components that would be delivered to the site via Rancho Colorado Boulevard, El Hambre View, and La Questa Drive (**Attachment F**). Approximate staging area locations for incoming equipment and materials are depicted in the WSEO Overlay Plan (**Attachment B**). These areas are within the permanent Project fence-line, and will be ultimately be consumed by the solar arrays as the Project is completed. Thus, they are temporary in nature.

A maximum of 600 trips are anticipated with a maximum of six trips per day over a 32-week period. The Applicant has prepared a haul route map to contractors and their drivers to avoid any potential traffic bottleneck issues during construction (**Attachment F**). Project roads would be constructed first, to support solar component deliveries to different areas of the Project and would provide a means of travel throughout the site, outside of Rancho Colorado Boulevard, El Hambre, and La Questa Drive. During operation of the Project, the site would be visited routinely to perform maintenance (**Attachment H**). A haul route video survey was conducted on December 13, 2017 to record the current road conditions of the proposed haul route. The video has been uploaded to EDARP and indicated generally poor road conditions, with the exception of the recently improved La Questa Drive. Since road conditions are generally poor, the Project requests a waiver of the Development Impact Mitigation Agreement and associated fees. In addition, the Project requests a condition of approval that if construction does not start within six months of the haul route video being recorded, an updated haul route video can be provided prior to construction. The waiver request will be submitted as an additional item as part of the WSEO application.

Policy 9.3.1 Place a high priority on maintaining the environmental condition when planning or building roads.

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

The Project has no external roads designed for access during construction or operations (**Attachment M**). Construction access will use existing routes from Interstate-25 according to the proposed haul route (**Attachment F**). Due to the distance of the Project relative to the highway, the construction will incur

minimal noise and visibility impacts along the interstate corridor. Internal Project access roads would be constructed between solar arrays to allow maintenance technicians access to individual arrays during routine maintenance (**Attachment M**).

Some residential lots located in the vicinity of Boca Raton Heights, Van Whye Court, Moab Court, and La Questa View are situated between proposed solar arrays. The closest existing residence is approximately 265 from proposed solar arrays. The Applicant held a community meeting on September 13, 2017 to address any concerns, visual or otherwise, of landowners in the vicinity of the Project. At least 26 members of the community were present. No visual concerns were raised by residents; specifically, no visual concerns were raised by landowners with properties in the vicinity of Boca Raton Heights, Van Whye Court, Moab Court, and La Questa View. The Applicant will hold another community meeting on January 31, 2018, to give landowners another opportunity to voice their concerns regarding construction and operations of the Project, visual or otherwise. Members of the EPC Planning & Community Development Department are invited and encouraged to attend the community meeting planned for January 31, 2018. The Applicant will coordinate with landowners to mitigate any reasonable visual impact concerns identified.

CPP 10.0 Water and Wastewater Facilities

The Project should not have an adverse impact to water or sewer demands and would not require additional water or wastewater facilities. Sanitary or other wastewater is not anticipated to be released into waters of the U.S. during construction, operation or maintenance of the Project.

Construction personnel would use portable sanitary units during construction and they would carry in drinking water. It is likely that water would be used for dust suppression, soil compaction, and re-vegetation of areas disturbed during construction. Additionally, water would be required for washing of the panels during operation. It is anticipated that panels would require washing twice per year. The Project will utilize water from one or more of the three water taps that have been procured from the Wigwam Water District. A water line belonging to this district traverses the Project.

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

The Project will not require long term water or wastewater services. Construction personnel will utilize port-a-potties, and potable water will be provided.

CPP 11.0 Drainage and Flood Protection

The Project is not anticipated to impact hydrologic flow of surface water or groundwater, nor affect groundwater recharge. Existing drainage patterns would be preserved. The Project would not create runoff in excess of historical levels, change existing topography or adversely affect drainage (**Attachment J; Attachment T**). Solar arrays and facilities would avoid the headwaters to a tributary of Fountain Creek in the north central portion of the Project. The Project understands that these headwaters convey major storm events and that any impacts to this drainage would require additional storm water detention facilities. The Project would not impact or alter these existing headwaters nor the stock pond that coincides with this drainage and would not place fill in these drainages (**Attachment T**). Project or its contractor would obtain a permit for storm water discharges associated with construction activities in compliance with the provisions of the Colorado Water Quality Control Act and would provide, maintain, and operate temporary facilities to control erosion and sediment releases, and to protect Project facilities

from flooding during construction in accordance with the permit. The Project or contractor would comply with the permit by implementing a SWMP that identifies possible pollutant sources that may contribute pollutants to storm water, and identify and implement BMPs that would reduce or eliminate potential water quality impacts. The final SWMP, GESC, and ESQCP application would be submitted to the County in conjunction with the construction permit(s) required for the Project. There are not expected to be facilities or structures associated with Project construction that would impact flood elevations. Site topography would be returned to existing grade where possible and in accordance with the design. Flood plain map revisions are not expected to be required for construction of the Project.

Policy 11.1.4 Require development plans to effectively address both quantitative and qualitative impacts of drainage within the project site

Policy 11.1.8 Promote planning approaches which allow for interim solutions for drainage problems in less developed basins

Policy 11.4.7 Limit new development in and modification of flood plains in accordance with regionally adopted flood-plain regulations

The Project design will account for effects on drainage and will maintain preexisting drainage patterns. No floodplains will be impacted by the Project construction. There will be minimal areas of additional permanent impervious surfaces as part of the Project that will impact storm water runoff; however, storm water runoff will be released at historic rates according to the BMPs detailed in the Final Drainage Report (**Attachment J**).

CPP 12.0 Other Services and Utilities

Goal 12.4 Reduce the adverse impacts and maximize the efficiency of energy generation, transmission and distribution systems.

The Project should not increase the need for fire protection, medical services, schools or other public facilities services, or utilities. The Hanover Fire District would service the Project; however, the risk of fire on the Project during construction and operation is minimal (**Attachment N: Fire Commitment Letter**). The Project would add to the supply of renewable energy to serve other uses in the area.

Policy 12.4.1: Ensure that electric, natural gas, petroleum and other facilities (generation, distribution, pipelines and storage) are located in a manner which is safe, environmentally sensitive and which does not unreasonably burden particular property owners with adverse impacts.

The Project design would be developed in a safe and environmentally sensitive manner on private property adjacent to similar uses. Any contractors working on the Project during construction would have a safety plan. All construction activities occurring on the Project would meet the Project Company's corporate standards for environmental responsibility and stewardship.

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

The Project would provide renewable energy and was sited in an area specifically identified for maximum efficiency in solar energy uptake. Additionally, the Project is located adjacent to two existing substations so that the transmission line would not create additional overhead lines outside the WSEO boundary. The

Project would maintain existing landscaping to the greatest extent possible and would be reseeded with native seed mixes.

Policy 12.4.7: Allow for the effective use of renewable energy resources especially where it minimizes the local impacts on neighboring properties and non-renewable energy use.

The Project would provide renewable energy to neighboring areas with minimal impacts to adjacent properties. The Applicant contracted CORE to prepare a *Visual Simulation and Solar Glare Hazard Analysis Tool Report (Attachment O: Visual Simulation and Solar Glare Hazard Analysis Tool Report)*. CORE utilized the Sandia National Laboratories Solar Glare Hazard Analysis Tool to identify the potential for glare resulting from the solar panels. Results of the tool indicated that the Project solar panels would not result in glare to any selected flight or ground observation points (**Attachment O**). Additionally, the Applicant prepared a *Summary of Project Lighting Memo and Lighting Plan* to ensure that construction and operation light pollution does not exceed County standards nor impact nearby residents or nocturnal wildlife (**Attachment P: Summary of Project Lighting Memo and Lighting Plan**). Neighboring properties would experience little to no visual impacts from either the solar array or transmission line. During operations, lighting would be turned on only when the substation is attended or when inverter maintenance is occurring. Otherwise, Project lighting would be motion-sensored and would remain off unless triggered. Lighting would be directional and would produce 0.1 lumen or less at Project property lines (**Attachment P**). There would be no need for new neighborhood utilities or other infrastructure due to the rezoning to WSEO to support this Project.

CPP 13.0 Housing

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

CPP 14.0 Public Finance Districts

The Project would not require a public finance district.

CPP 15.0 Land Development Regulations

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

The WSEO was specifically created by EPC for the purpose of wind and/or solar projects. No other variances for the development of this land use will be required. Meetings have been or will be held in association with the requirements of the land use processes, including the WSEO, 1041, and a public meeting for affected adjacent land owners and mineral estate holders.

Conformance to the Goals and Policies of the West Area Planning District within the South Central Comprehensive Plan

EPC has developed SAPs to provide a framework for development within areas of the County that have similar land use patterns. The WSEO is situated within the portion of EPC that is addressed under the SCCP. The SCCP provides a framework for potential growth and development in the South Central Area. The SCCP indicated the potential for Colorado Springs to expand electrical facilities on its land within the

South Central Area. The South Central Area is divided further into planning districts to allow for planning and development that is more specifically appropriate for the unique characteristics of particular areas within the South Central Area. The Project is located within the District 8 West Area, which is bounded on the west by the Fort Carson Military Base, on the east by I-25, on the south by the Pueblo County border, and on the north by the Colorado Springs lands. The SCCP identifies the following as critical factors of the West Area. The Project is consistent with the relative goals and policies as applied to the unique characteristics of the West Area as further described below.

1. Construction Suitability: The majority of the soils in the area present moderate constraints for development. There are several floodplains running east/west across the district which represent severe development hazards. Access to the area is difficult because of the steep slopes which exist along the southern, eastern and northern boundaries of the site.

The Applicant has prepared a *Preliminary Geotechnical Engineering Report (Attachment Q)* to inform Project design. The Applicant would avoid development hazards, including floodplains, and consider soil and topography constraints specific to the West Area.

2. Accessibility: The district is adjacent to I-25 and may be accessed from three interchanges. However, the road system beyond the highway is minimal. Only dirt roads exist and, on occasion, these roads are impassible. Access to this district is difficult due to the steep slopes along most of its perimeter.

The Project has performed a Haul Route Survey on the current road conditions and would return haul route roads to their pre-construction condition after construction. During Project operation, traffic to the site would be minimal.

3. Sewer and Water: The few ranches near I-25 have residential wells and septic systems.

The Project would be served by a Wigwam Water District water line that traverses the Project area through taps that have been procured. No sanitary sewer service would be required for operations and portable facilities would be used during construction.

4. Existing Land Use: The vast majority of the land is vacant and unused. The only existing uses are a few ranches, a gravel mining operation, a utility substation and power lines. A large portion of the area has been approved for large lot residential sites. These sites are generally about 10 acres in size. No residences have been built within this subdivision, but lots have been sold. The critical limiting factor has been a lack of water since the underlying Pierre Shale makes individual wells infeasible.

The Project is consistent with the existing land use of the West Area, located adjacent to the utility substation, which would minimize and confine the Project's above ground transmission lines to the Project site.

5. Community Services: No community services exist in the area. The closest services are in the City of Fountain and these are a minimum of six miles to the north.

The Project is appropriate for the West Area as it would not require nor add demand for community services.

6. *Noise Impacts:* There are noise constraints due to the military practices at Fort Carson. A Noise Level II impact zone extends up to a half mile into this planning district's boundary (refer to the Composite Map). Within this zone certain uses are considered incompatible. Mobile home parks and courts should not be built within the designated Noise II Zone. Residential uses should be discouraged. If residential uses must be allowed, measures to achieve noise level reduction of at least 25 db through special building practices, site design, berming and barriers should be used. Outdoor sports arenas where announcing is necessary should not be placed within the Noise Level II Zone.

The Project is an appropriate use in the West Area as it would not add to nor be negatively affected by noise impacts from Fort Carson.

SCCP I.0 Natural Systems

Goal I.A Maintain and improve the existing natural environment and the area's natural resources.

The Project construction will address revegetation, storm water management, fugitive dust control, and erosion control by implementing relevant BMPs during construction to best address these issues. More information regarding the BMPs to be used during construction can be found in the SWMP that would be developed and submitted to the County prior to construction. Revegetation methods would likely include broadcast seeding and/or drill seeding a mix of native grasses. It is anticipated that weed stubble, following noxious weed treatment and mowing of the site, would secure seed in the topsoil. The exact method of revegetation is dependent upon the time of year at which construction would start. As such, specific revegetation methods would be detailed during the Site Development Plan phase.

Policy 1.1: Development should minimize disturbance to the natural environment.

Policy 1.2: Any potential adverse effects due to the disturbance of natural hazard areas should be mitigated. Natural hazard areas include but are not limited to steep slopes, 100-year floodplains, flood ways and geologic hazards.

There are not expected to be facilities or structures associated with Project construction that would impact flood elevations. Site topography would be returned to existing grade where possible and in accordance with the design. Flood plain map revisions are not anticipated to be required for construction of the Project. The Applicant contracted Terracon to prepare a *Preliminary Geotechnical Engineering Report (Attachment Q: Preliminary Geotechnical Engineering Report)* that demonstrated that the soils would be appropriate for solar facilities and structures and that Project development would not result in or produce geologic hazards (**Attachment Q**). Since the report is preliminary, final geotechnical design considerations would be identified and mitigated, if necessary, during the Site Development Plan stage. The Project will not result in fill to any drainage ways that convey major storm events.

Policy 1.4: Wherever possible, drainage ways and 100-year floodplains should be maintained in their natural condition.

No Zone-A floodplains are located within the WSEO boundary. The Project would not impact or alter existing floodplains in the vicinity of the Project. (**Attachment J**).

Policy 1.7 New developments should minimize negative impacts to air quality

Policy 1.8 Fugitive dust should be controlled by practices acceptable to the County and other responsible governing agencies.

The Project would not result in adverse impacts to air quality. Some particulate emissions from dust generation would result from the operation of heavy equipment during construction. However, these emissions would be temporary and limited to active areas of construction. Best Management Practices (BMPs) would be implemented during construction including water application to mitigate dust emissions

SCCP 2.0 Growth and Land Use

Goal 2.B Ensure that support facilities for urban growth are well sited so they do not detract from the existing visual and environmental character of the area.

The Project would be constructed on private and County owned lands secured by the Project through direct ownership and/or lease agreements. The Project would be situated adjacent to industrial parcels and some rural residential development to the west and northwest. It is not anticipated that the Project, once completed, would significantly disturb or impede residents in the vicinity. Project visual simulations and glare analysis have demonstrated minimal nuisance levels resulting from the Project development and operations (**Attachment O**).

Policy 2.8: Low impact uses which do not require a well-developed transportation system, have low visual impacts, and which have minimal water requirements should be allowed in the planning area if they are not otherwise inconsistent with these policies.

The Project would provide renewable solar energy and would not result in high impacts to the property nor surrounding landowners. The Applicant contracted CORE to prepare a *Visual Simulation and Solar Glare Hazard Analysis Tool Report* (**Attachment O**) which demonstrated that the Project would result in negligible visual impacts to adjacent rural residents to the west and northwest. CORE utilized the Sandia National Laboratories Solar Glare Hazard Analysis Tool to identify the potential for glare resulting from the solar panels. Results of the tool indicated that the Project solar panels would not result in glare to any selected flight or ground observation points. Construction would require water for dust control, and operations would require minimal water for scheduled maintenance.

SCCP 3.0 Land Use Compatibility

The reports attached to this Letter of Intent demonstrate that the Project is not anticipated to:

- Produce adverse effects on the desirability of surrounding existing development or lands
- Impair the stability or value of existing adjacent development
- Adversely affect the quality of life of existing adjacent development
- Exhibit a lack of quality or function in site planning and design
- Create a public danger or nuisance to surrounding areas
- Alter the basic character of adjacent land uses or of the entire community.

SCCP 4.0 Visual Quality

The Applicant contracted CORE to conduct a visual simulation and glare analysis. Points of analysis for the visual simulation were selected based on input from the County. The Project would result in minimal visual impacts to adjacent rural residents to the west and northwest (**Attachment O**). The Project would be clustered with existing industrial infrastructure including the WAPA and PSCo substations, Midway Waste Management Landfill, gravel pit, and a Southwest Generation natural gas-fueled electric generation unit.

Policy 4.2: Large visual intrusions into the landscape, such as radio towers or transmission lines, should be located away from residences and on lands with a lower elevation. These major visual intrusions should be consolidated as much as possible.

The new transmission line would be located entirely within the WSEO boundary and would interconnect to an existing substation (WAPA or PSCo). The transmission line will extend from the Project substation, which is located adjacent to the existing substations, and will therefore will be short in extent. The Project would not result in significant visual intrusions to surrounding residents (**Attachment O**).

SCCP 5.0 Transportation

The Project would not significantly impact the existing or proposed transportation system. The Applicant has prepared a *Transportation Memo, Haul Route Plan, and Traffic Data Collection* (**Attachment F**) that demonstrated a minimal increase in vehicle frequency and visits during construction. A haul route would be utilized by all contractors working on the Project to avoid unanticipated construction vehicle bottlenecks in the vicinity of the Project. A haul route video survey was conducted to record the current road conditions of the proposed haul route. The video was recorded on December 13, 2017 and indicated generally poor road conditions, with the exception of the recently improved La Questa Drive. Since road conditions are generally poor, the Project requests a waiver of the Development Impact Mitigation Agreement and associated fees. In addition, the Project requests a condition of approval that if construction does not start within six months of the haul route video being recorded, an updated haul route video can be provided prior to construction. The waiver request will be submitted as an additional item as part of the WSEO application. Vehicle traffic would be minimal once operational.

SCCP 6.0 Special Facilities/Utilities

The Project would not create new development in the area or require new utilities to be provided in the South Central planning area.

Policy 6.12: Utility substations, facilities and transmission lines, which are constructed, should be carefully designed and sited. The proposed facility should ensure that the adverse visual, environmental, social, land use, health and economic impacts are minimized or mitigated.

The new transmission line associated with the Project would be situated entirely within the WSEO boundary and would interconnect to an existing substation (WAPA or PSCo) adjacent to the Project. The new transmission line would not result in additional impacts to the visual quality of the landscape (**Attachment O**).

Proposed facilities include solar arrays and single axis trackers, transformers and DC to AC inverters, meteorological towers, and a transmission line interconnecting the Project substation to one of two existing substations within the Project. Preliminary design would arrange solar panels in arrays across the Project. Panels are clustered into modules and fixed to the ground on piles that support the panels. A motor is affixed to a central pile that provides power so that panels can track the movement of the sun. Individual trackers typically measure 157 feet across. At a neutral tilt, panels are parallel to the ground at a typical height of six feet-ten inches. At a maximum tilt, the height of the panel typically reaches between 12 feet-nine inches and 13 feet-nine inches. Up to 50 inverters and transformers would be located adjacent to solar arrays. Each transformer and inverter pair footprint would measure approximately 20-feet by 10-feet; transformers would measure approximately 10 feet in height and inverters would measure approximately seven feet in height. Underground collection lines would transmit power to the Project

transmission line. The location and extent of the underground collection would be determined at the Site Development Plan stage. Transmission line poles would be constructed of wood and would have a minimum clearance above grade at 29 feet, after which point electric transmission facilities would be mounted to the poles between approximately 29-feet and 88-feet. Meteorological towers would include multiple tools including a Hukseflux SR200 pyranometer at approximately eight feet-two inches, a Lufft WS 601 multiparameter weather station at approximately 10 feet-eight inches, and a control enclosure EI CR1000 logger with a 12 AHR battery mounted to the tower at approximately five feet-six inches. The towers would each be powered by a 20 watt photovoltaic module attached to the tower immediately below the control enclosure.

The Applicant completed multiple studies demonstrating that the Project would not significantly impact existing environmental, social, land use, health, or economic levels within the surrounding community (**Attachment C; Attachment E; Attachment F; Attachment O; Attachment R: Notices to Adjacent Landowners and Certified Mailings**). Some residential lots located in the vicinity of Boca Raton Heights, Van Whye Court, Moab Court, and La Questa View are situated between proposed solar arrays. Setbacks between solar arrays and residential lot property lines exceed 25 feet in all cases. In most cases, setbacks between residential lot lines and solar arrays exceed 100 feet. Additionally, the Project has procured a Mineral Rights Certification Report to demonstrate that the Project would not impact mineral rights within the Project (**Attachment S: Mineral Rights Certification Report, Notices to Mineral Rights Holders, and Certified Mailings**).

Policy 6.13: Any major proposed utility projects, which could have significant visual impacts, should include public involvement during all critical stages of plan development.

The Project would not result in significant visual impacts, as documented in the *Visual Simulation and Solar Glare Hazard Analysis Tool Report* (**Attachment O**). However, a community meeting was held for all adjacent landowners on September 13, 2017. At least 26 members of the community were present. No visual concerns were raised by residents; specifically, no visual concerns were raised by landowners with properties in the vicinity of Boca Raton Heights, Van Whye Court, Moab Court, and La Questa View. The Project plans to conduct an additional community meeting in late January, 2018, during which time concerned landowners can voice their concerns regarding construction and operations of the Project, visual or otherwise. EPC Planning & Community Development Department personnel are invited and encouraged to attend the January 31, 2018 community meeting. The Project will work to practically mitigate any visual impacts concerns identified by adjacent residents. Additionally, the Project sent out *Notices to Adjacent Landowners* surrounding the Project in September 2017. (**Attachment R**).

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

Existing Uses

At present, existing distribution lines, the Southwest Generation natural gas-fueled electric generation unit, the WAPA and PSCo substations, and country roads are located within the extent of the WSEO boundary (**Attachment B**).

Proposed Uses

The proposed WSEO allowed principal uses would include solar panels, substations, and meteorological monitoring devices. Project accessory uses would include collection lines (including an overhead

transmission line and underground collection power lines), maintenance facilities, and any other uses necessary to carry out the intent of the overlay zoning, including but not limited to DC to AC inverters, medium voltage transformers, circuit breakers and disconnect switches, and a communications system that would interconnect from the new Project substation to the WAPA or PSCo substation (**Attachment B**). No additional roads would be created outside of the WSEO boundary; internal access roads would be constructed between solar arrays and would be contained within the WSEO (**Attachment M**).

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

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

The Applicant requests that the County accept an “access right” for detention pond maintenance in lieu of an easement. The County will be allowed access to the Project site in order to conduct stormwater management monitoring. Site access must be coordinated in advance with Project operations and maintenance personnel due to security concerns. In the event of a stormwater related emergency (i.e. a significant rainfall event that has the potential to impact downstream conditions), the County may gain access to the site through emergency first responders. A detention maintenance agreement will be completed at the time of the Site Development Plan.

The Applicant requests easement crossing agreements be provided to EPC prior to the ground disturbance of each crossing. This will be noted in the Site Development Plan. Since easement crossing agreements can require extensive and lengthy coordination with the easement holder, this condition will ensure that the necessary agreements are in place prior to each easement crossing without delaying the overall construction for the Project.

Below are the requested waivers of requirements that the zoning applicant provide a PPA and a development impact mitigation agreement and associated fees. Letters of request are included as Optional Documents as part of the WSEO application.

The Applicant requests as a condition of approval a waiver of the requirement that a zoning applicant provide a power purchase agreement (“PPA”) at the time of an application for WSEO rezoning by the Project as provided for in the El Paso County Procedures Manual, Subject: Wind/Solar Energy Generation Plan Overlay (WSEO) Rezoning Map (Amendment) issued April 12, 2011. The Applicant intends to provide a PPA to the County during the Site Development Plan stage of the County review process within 3 years. The Applicant is requesting this waiver based on the due diligence-centered business model. The Applicant has been working to permit the Project since 2014 and is actively working with multiple utilities that currently have RFP’s in process for solar energy. Before entering into a PPA, one of our primary focuses is to first make certain that the project can be built, should it be able to secure a PPA. This is because once a PPA is signed, a utility will typically require that a large sum be posted. In that circumstance, if the Project cannot be permitted and/or built, the utility will keep the security for performance of the PPA. Our model is to permit projects prior to obtaining a PPA to reduce the risk associated with the possible loss of posted security in the event that rezoning does not occur. In addition, securing a permit prior to issuance of a PPA allows additional time for appropriate due diligence of the Project. The Applicant has gone to great lengths to engage in responsible development activities. To date, the Applicant has made considerable investment in the Project including the purchasing real property, completing federal

permitting through the National Environmental Policy Act (which took 2 years to complete), and completing interconnection studies and interconnection agreements with Western Area Power Administration and the Public Service Company of Colorado. We understand that El Paso County wants to minimize time spent on permitting projects that do not have certainty of being built. However, as an entity that owns real property in the County that was purchased to facilitate the Project, and has invested a substantial amount of time and capital in trying to bring a project to El Paso County, The Applicant requests a condition of approval (waiver of the requirement that a PPA accompany the WSEO rezoning application).

The Applicant requests as a condition of approval a waiver of the requirement that a zoning applicant provide a development impact mitigation agreement and associated fees at the time of an application for WSEO rezoning by the Project as provided for in the El Paso County Land Development Ordinance, Section 4.3.5(D)(2). A haul route video survey was conducted to record the current road conditions of the proposed haul route for the Project. The video was recorded on December 13, 2017 and indicated generally poor road conditions, with the exception of the recently improved La Questa Drive. Applicant anticipates that Project construction will result in minimal impact to the community and its infrastructure. In addition, all roads used during construction will be restored to their pre-construction condition. Given this, the Applicant is requesting a waiver of the development impact mitigation agreement and associated fees, as noted above. The Applicant also requests a condition of approval that if construction does not start within six months of the haul route video being recorded, an updated haul route video can be provided prior to construction.

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

The Applicant is proposing to construct a solar array on land that is currently zoned RR-2.5, RR-5, and I-3. The Applicant is requesting a WSEO to allow a solar energy generation facility to be developed on this land. Approval of land use for a solar facility would satisfy multiple local, state, and federal statutes including Colorado's RES statute (Section 40-2-124, C.R.S.) which requires 30% of retail energy sales to be derived from renewable generation by 2020 from investor owned utilities and 10% for large municipal utilities.

7) The total number of acres in the requested area

The total number of acres to be included in the requested WSEO is 1,170.

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

No residential units are included in this WSEO.

9) The number of industrial or commercial sites proposed

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

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

There are no proposed buildings included in this WSEO application.

11) The number of mobile home units and densities

There are no mobile home units included in this WSEO application.

12) Typical lot sizes: length and width

There are no new proposed lots included in this WSEO application. Any future lots would be subject to underlying zoning standards.

13) Type of proposed recreational facilities

There are no proposed recreational facilities included in this WSEO application.

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

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

15) Anticipated schedule of development

County permitting and initial design is underway. The construction schedule would be determined upon the execution of a PPA. However, it is anticipated that construction would begin sometime during 2018 and would take up to nine months to complete.

16) How water and sewer will be provided

No new water or sewer utilities would be required to be established for the Project construction or operations. Water would be required for dust mitigation during construction, and for washing panels during operation twice per year. A water line within the Wigwam Water District traverses the Project. Water will be obtained from one or more of the three water taps that the Applicant procured from the district.

17) Proposed uses, relationship between uses and densities

The proposed WSEO allowed principal uses would include solar panels, substations, and meteorological monitoring devices. Project accessory uses would include collection lines (including an overhead transmission line and underground collection power lines), maintenance facilities, and any other uses necessary to carry out the intent of the overlay zoning, including but not limited to DC to AC inverters, medium voltage transformers, circuit breakers and disconnect switches, and a communications system that would interconnect from the new Project substation to the WAPA or PSCo substation. Dimensional standards in the WSEO District would be as provided in Table I.

18) Areas of required landscaping

Noxious weeds would be treated prior to construction (**Attachment G**). Reseeding of native vegetation would occur where possible following construction. Revegetation methods would likely include broadcast seeding and/or drill seeding a mix of native grasses. It is anticipated that weed stubble, following noxious weed treatment and mowing of the site, would secure seed in the topsoil. The exact method of

revegetation is dependent upon the time of year at which construction would start. As such, specific revegetation methods would be detailed during the Site Development Plan phase. Operations would require regular mowing to prevent shading of the solar panels.

19) Proposed access locations

Access to the site would occur from Rancho Colorado Boulevard, El Hambre View, and La Questa Drive. Permanent access roads within the Project would be constructed in accordance with EPC's Roadway and Vehicular Access Standards EPC LDO Section 4.3.5(B)(3) to provide emergency access and movement through the site for regular scheduled maintenance. Maintenance vehicles would park at the project substation, if required, during maintenance activities. Otherwise, maintenance vehicles would park on private Project access roads, within the fence-line, to reach specific areas of the site.

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

No areas within the WSEO would be set aside as open space.

We appreciate your review of this WSEO information. Should you determine that additional items are required or have any questions during this review process, please contact Dave Iadarola at 720.732.3154 or at diadarola@tradewindenergy.com.

Attachments:

- A WSEO Application Form
- B Wind/Solar Energy Generation Overlay Plan
- C Critical Issues Analysis
- D Wetlands, Waterbodies, and Threatened, Endangered, and Species of Special Concern Report for the Project, and Updated CPW Correspondence
- E Finding of No Significant Impact & Final Environmental Assessment
- F Transportation Memo, Haul Route Plan, and Traffic Data Collection
- G Noxious Weed Management Plan
- H Operations and Maintenance Plan
- I Decommissioning Plan
- J Preliminary Drainage Report
- K Class III Cultural Resource Inventory
- L Preliminary Emergency Response Plan
- M Preliminary Site Plan and Site Plan with Easements
- N Front Range-Midway Solar Project Fire Protection Plan And Hanover Fire District Commitment Letter
- O Visual Simulation and Solar Glare Hazard Analysis Tool Report
- P Summary of Project Lighting Memo and Lighting Plan
- Q Preliminary Geotechnical Engineering Report
- R Notices to Adjacent Landowners and Certified Mailings
- S Mineral Rights Certification Report, Notices to Mineral Rights Holders, and Certified Mailings
- T Front Range-Midway Solar Physical Constraints Map
- U Wigwam Mutual Water Company Commitment Letter
- V Fort Carson Approval Letter
- W Title Commitment Index and Title Commitments

Sincerely,



Matt Gilhousen
Front Range-Midway Solar Project, LLC
Vice President