



STATE OF COLORADO }
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COUNTY OF ELBERT }

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Wednesday, the 28th day of February, 2018, there were present:

Christopher Richardson Commissioner
Danny Willcox Commissioner
Grant Thayer Commissioner
Dallas Schroeder Clerk to the Board

When the following proceedings, among others were had and done, to wit:

**APPROVE
RESOLUTION 18- 9**

**SU-17-0036 and 10-17-0037 SUNDANCE SOLAR
A REQUEST FOR SPECIAL USE REVIEW AND 1041 PERMIT FOR SITE
SELECTION AND CONSTRUCTION OF A MAJOR FACILITY OF A PUBLIC
UTILITY AS AN AREA AND ACTIVITY OF STATE INTEREST FOR A PROPOSED
SOLAR ENERGY GENERATING DEVELOPMENT LOCATED ON
APPROXIMATELY 1,050 ACRES IN NORTHWEST ELBERT COUNTY.**

WHEREAS, the applicant, Sundance Solar LLC, has submitted an application (case no. 10-17-0037) requesting approval of a 1041 Permit for the purposes of installing a solar energy generating development; and

WHEREAS, the applicant, Sundance Solar LLC, has submitted an application (case no. SU-17-0036) requesting approval of a special use review for the purposes of installing a solar energy generating development; and

WHEREAS, the proposed project is located southwest of the intersection of Kiowa-Bennett Road and County Road 154 in Elbert County; and

WHEREAS, the Planning Commission made the following Findings related to the applications:

- A. The proposal in general conformance with the Elbert County Master Plan;
- B. The proposal meets the criteria for approval in the Elbert County Guidelines and Regulations for Areas and Activities of State Interest; Elbert County Zoning Regulations and Elbert County Subdivision Regulations; and
- C. The proposed land uses are compatible with existing and allowable land uses in the surrounding area because the lot sizes, densities, and uses are comparable to surrounding properties; and

- D. The proposed land uses will not result in significant impact to the health, safety, and welfare of the residents and landowners of the surrounding area; and

WHEREAS, on February 20, 2018 the Planning Commission held a public hearing on these applications. At the hearing there were presentations by Staff and the applicant, and public comment was solicited. On a vote of 8 to 0 (10-17-0037) and a vote of 8 to 0 (SU-17-0036) the Planning Commission is forwarding the following recommendations to the Board of County Commissioners for their consideration; and

WHEREAS, the Board of County Commissioners, having found that this hearing was properly noticed, and having reviewed the recommendations of the Planning Commission, and having reviewed the documentation of the applicant, and having listened to all public comment, and being fully advised in the premise.

BE IT THEREFORE RESOLVED, the Board of County Commissioners does hereby approve **10-17-0037 SUNDANCE SOLAR 1041 PERMIT and SU-17-0036 SUNDANCE SOLAR SPECIAL USE REVIEW** with conditions of approval to include:

10-17-0037 SUNDANCE SOLAR 1041 PERMIT

1. The 1041 Permit will not become effective until all fees are paid, conditions of approval are met, and County required documents are recorded; and
2. Recordation of all appropriate documentation in Condition 1 above is to occur within 180 days after the Board of County Commissioners' approval; and
3. Approval of the Sundance Solar Special Use Review SU-17-0036

SU-17-0036 SUNDANCE SOLAR SPECIAL USE REVIEW

1. The Special Use will not become effective until a 1041 Permit for Site Selection and Construction of a Major Facility of a Public Utility is approved and any documents related to the approval are recorded; and
2. The Special Use will not become effective until all fees are paid, conditions of approval are met, and documents recorded; and
3. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval; and
4. The applicant or project owner shall execute a Master Road Use Agreement with Elbert County prior to the issuance of building permits; and
5. The executed Master Road Use Agreement shall include measures to mitigate fugitive dust during construction; and



6. The applicant shall obtain access permits for each access point from private access roads to Elbert County Roads and State Highways, as the case may be, and
7. The applicant or project owner shall provide a vegetation management plan to the Kiowa Fire Protection District and to Elbert County CDS prior to the issuance of building permits; and
8. The applicant or project owner shall relocate the existing overhead power line as requested in the January 4, 2018 letter from the Intermountain Rural Electrical Association; and
9. Colorado Parks and Wildlife will be allowed to be present during the perimeter fence construction to give guidance on Best Practices to minimize wildlife impacts; and
10. If site disturbance is to occur within the times specified in the September 21, 2017 letter from Colorado Parks and Wildlife, that the project developer will perform the recommended wildlife surveys and adhere to the recommended buffer distances from any habitat found by surveys.
11. The project developer will negotiate and execute a Development Agreement with Elbert County that includes the financial obligations of the project developer to the County.
12. The applicant shall create a plan to address visual mitigation of the array from CR 154, taking into consideration opinions and recommendations from adjacent landowners, CPW, and CSU extension offices. The CDS department shall review and approve a visual mitigation plan in advance of any building permit issued by Elbert County.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:


CHRISTOPHER RICHARDSON


DANNY WILLCOX


GRANT THAYER

ATTEST: 
DALLAS SCHROEDER
COUNTY CLERK

BY: Clerk to the Board

