

# Kiowa Solar Energy Project

RCU2017-00028

Southeast of Converse Road & E 56th Ave

October 17, 2017

Board of County Commissioners

Department of Community and Economic Development

**Case Manager: Chris LaRue**



# Request

Conditional Use Permit to allow a solar energy project

# Background

- Kiowa Solar LLC (subsidiary of Juwi, Inc.)
- Electricity generated from the project connects to an existing Intermountain Rural Electrical Association (IREA) substation
- Can produce approximately 80 megawatts of power



# Victory Solar Project

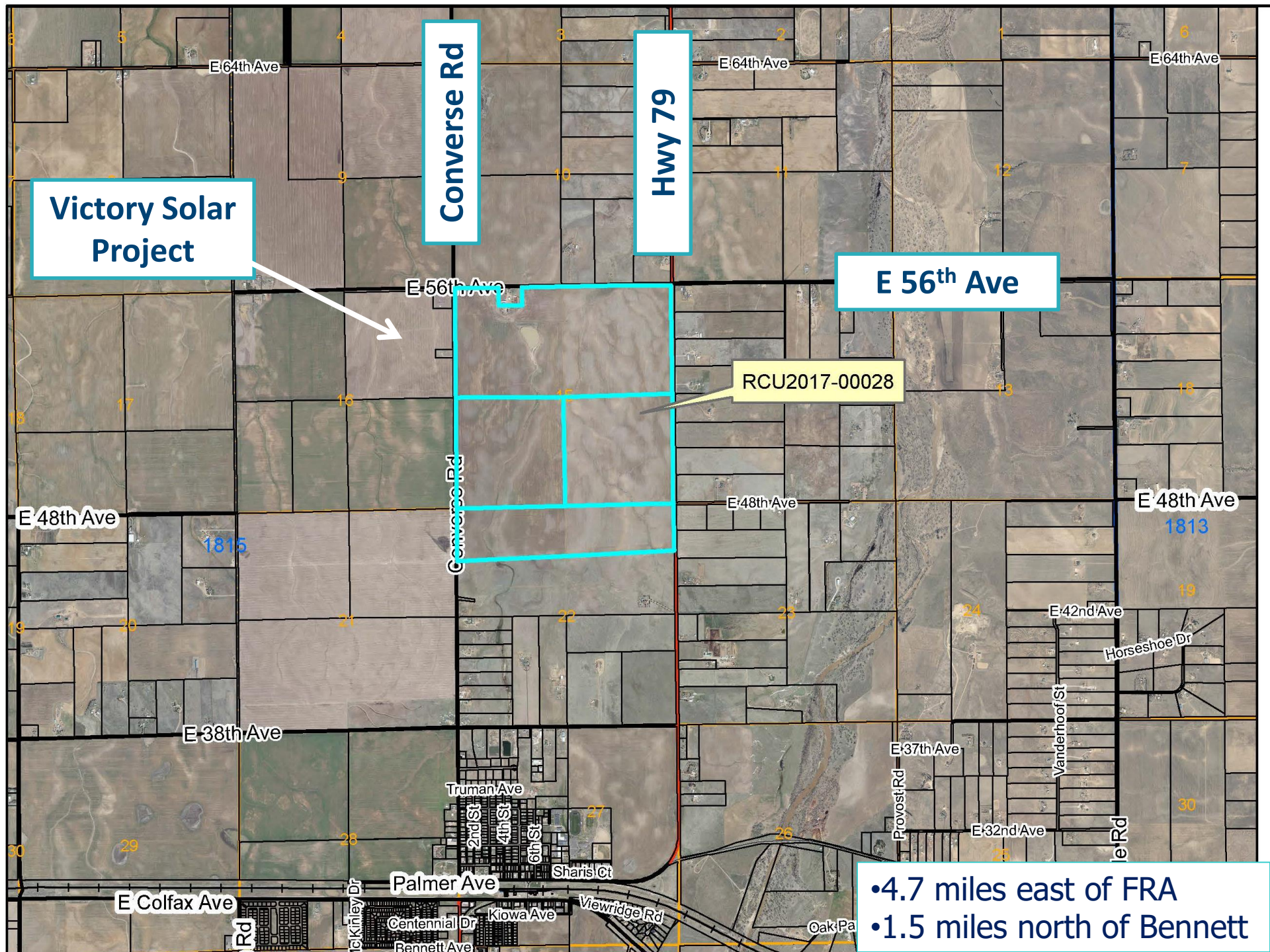
Converse Rd

Hwy 79

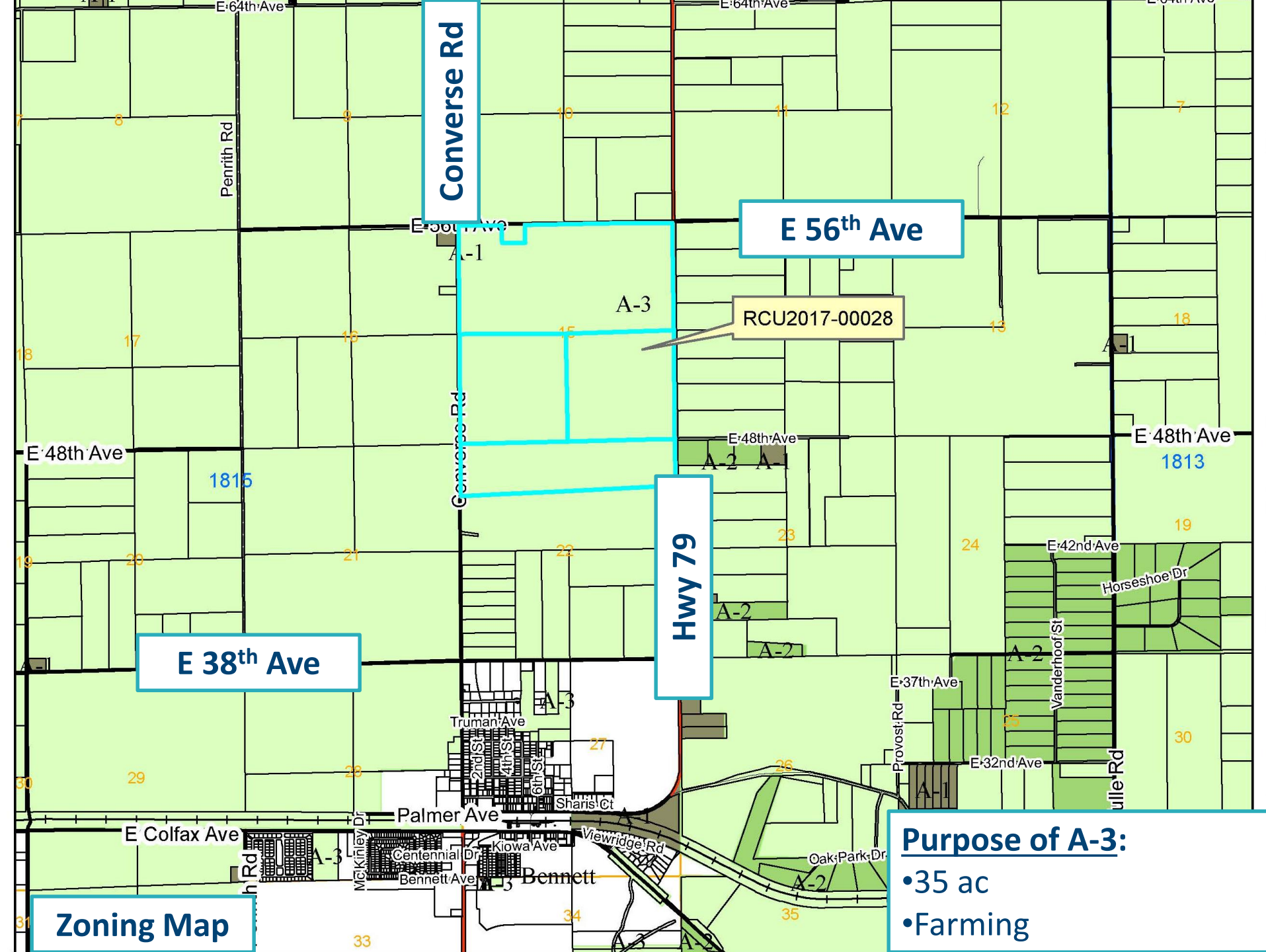
E 56<sup>th</sup> Ave

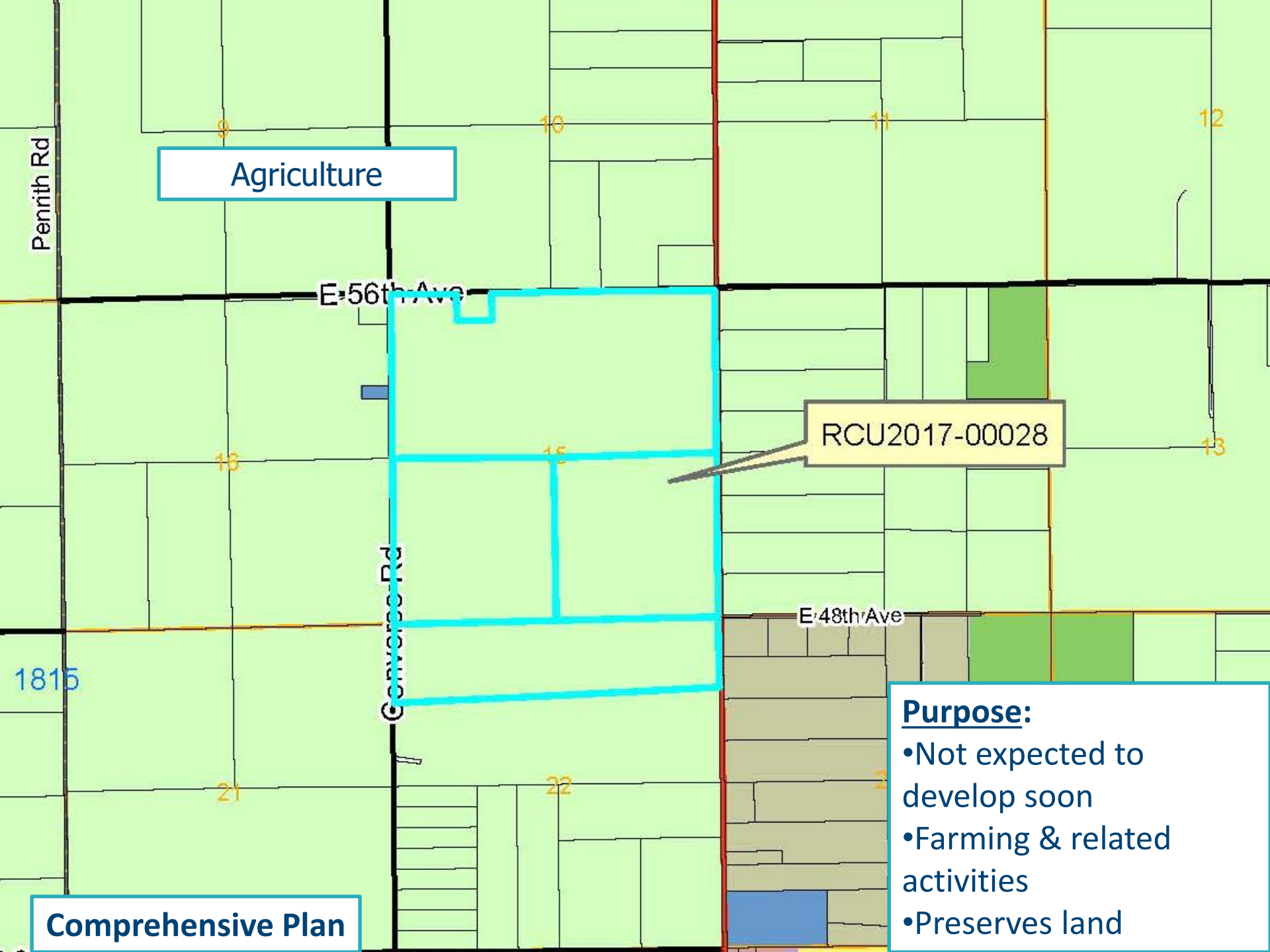
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- 4.7 miles east of FRA
- 1.5 miles north of Bennett









Agriculture

E 56th Ave

RCU2017-00028

E 48th Ave

Converse Rd

**Purpose:**

- Not expected to develop soon
- Farming & related activities
- Preserves land

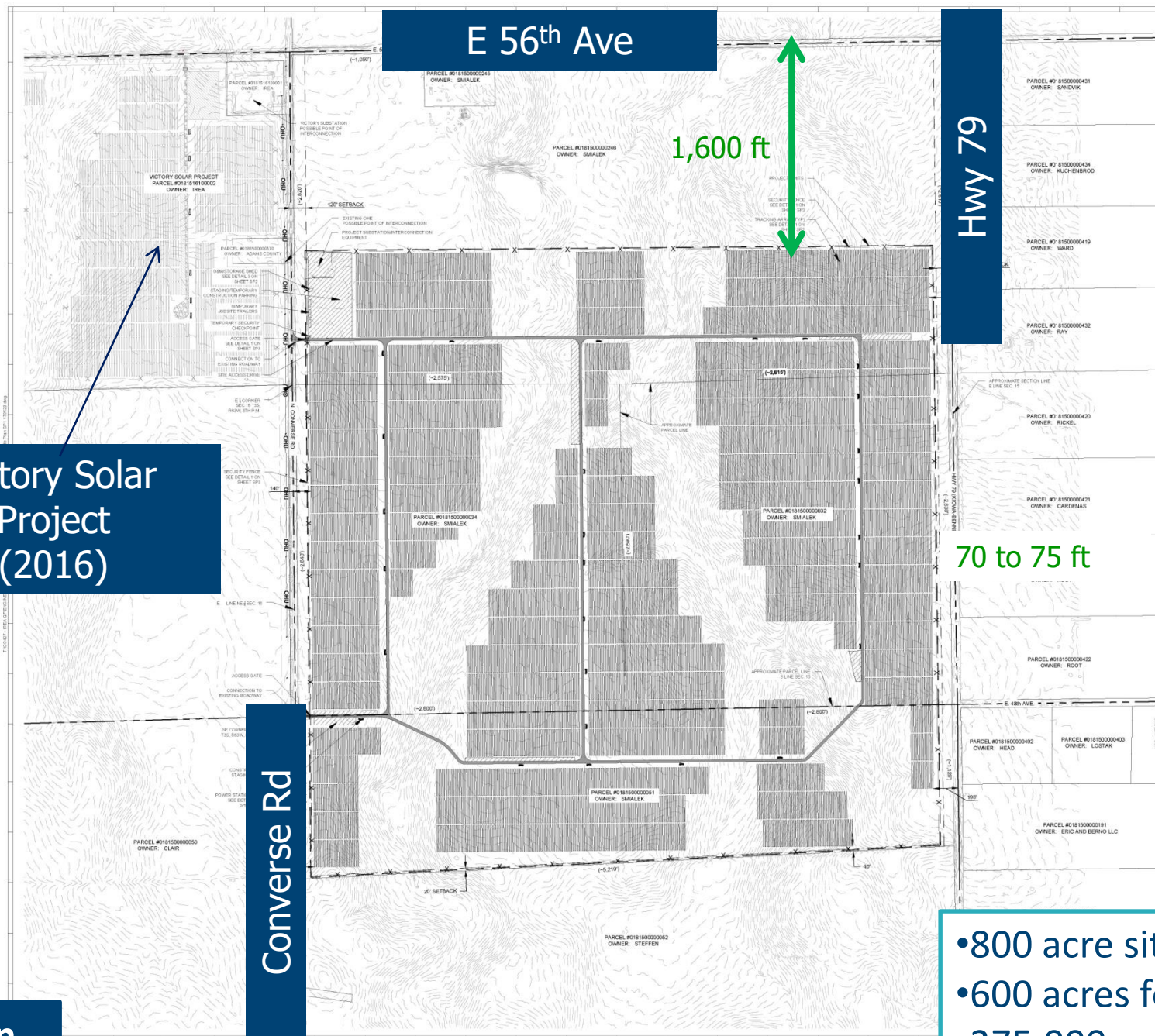
Comprehensive Plan

# Conditional Use Permit Approval Criteria

Section 2-02-08-06

1. Permitted in A-3
2. Consistent with purpose of regulations
3. Comply with performance standards
4. Compatible with surrounding area
5. Addressed any offsite impacts
6. Site is suitable
7. Adequate site plan
8. Adequate infrastructure





E 56th Ave

Hwy 79

1,600 ft

70 to 75 ft

Victory Solar  
Project  
(2016)

Converse Rd

Site Plan

- 800 acre site
- 600 acres for solar
- 275,000 panels



# Development Standards

- Maximum Allowed Height: 15 feet
  - Proposed panel height: 7 feet
- Setbacks:
  - Front: 50 ft / 120 ft section line road
  - Side: 10 ft
  - Rear: 20 ft

# Development Standards

- Fencing
  - 7 foot tall chain link around perimeter
  - East side will have black vinyl coating
  - Farming activities will occur outside of fencing

# Referral Comments

- No concerns from any referral agencies
- Property Owners

Notifications Sent	Comments Received
42	29

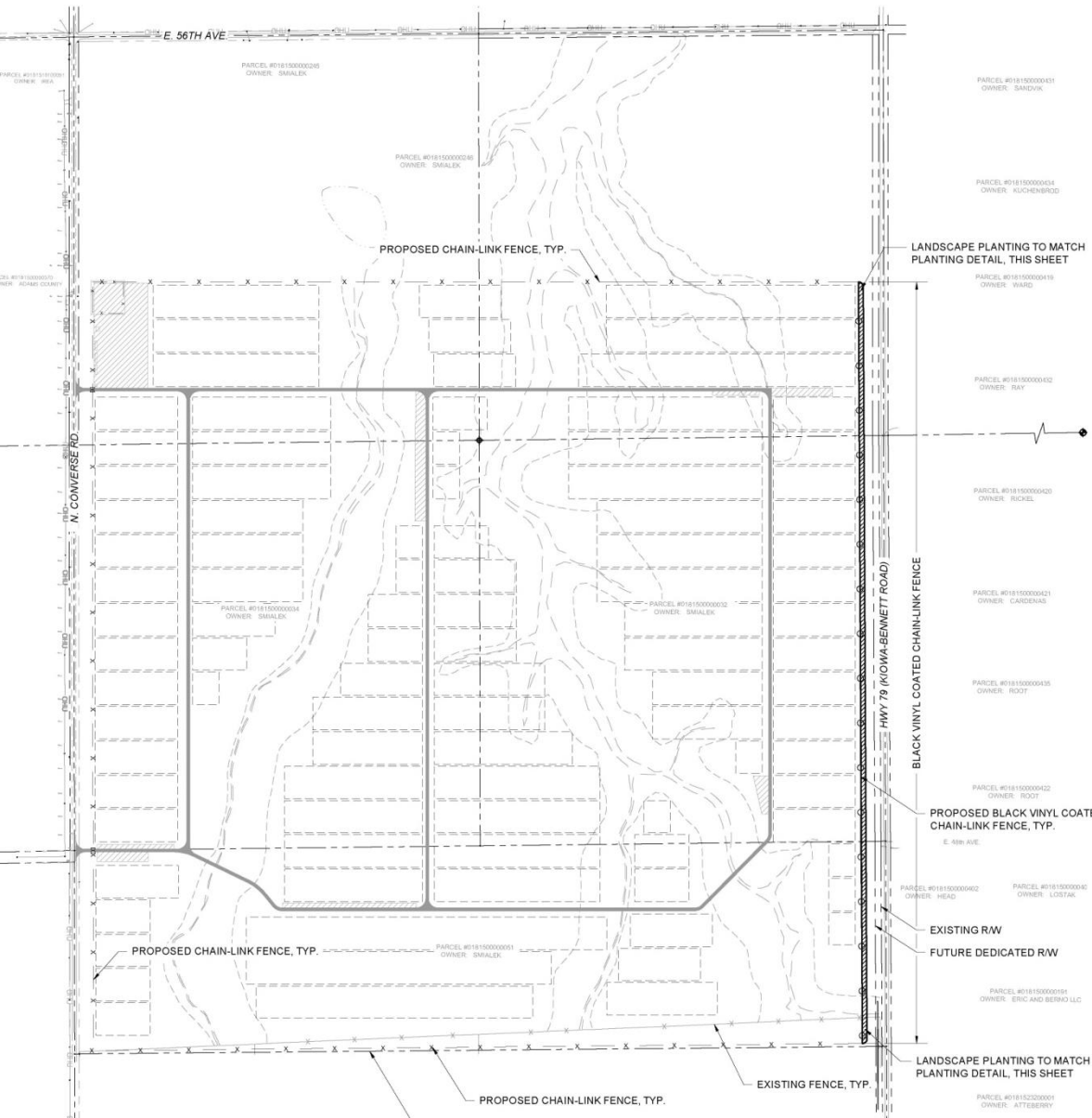
*½ mile notification area*

- Concerns included loss of agricultural land, visual impacts, & devaluation of property values.



# Referral Comments

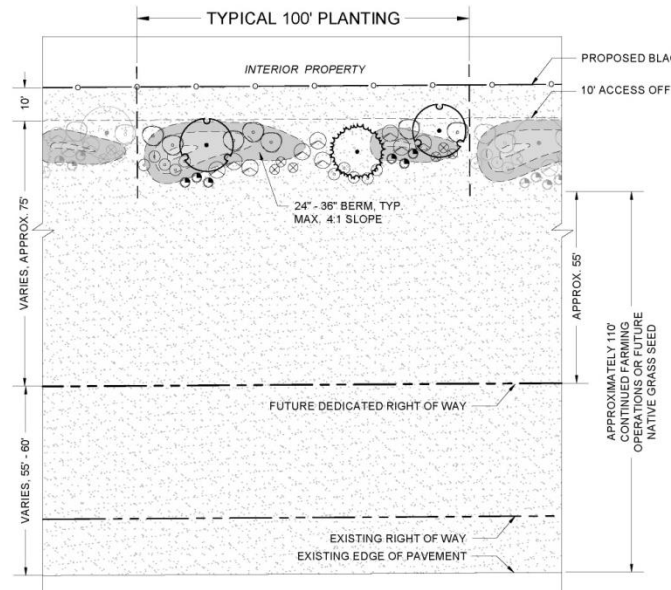
- Anadarko Petroleum Company
  - Surface use agreement
- Division of Wildlife
  - Preservation of any wetlands
  - Wildlife habitat
  - No concerns after reviewing site plan



TREES				
BOTANICAL NAME / COMMON NAME		PLANTING SIZE	QTY / 100'	QTY (PROJECT)
Evergreen Tree (species similar to Pinon Pine or Curl-leaf Mountain Mahogany, determined by availability; to be approved by Owner)		5' Ht.	1	47
Forestiera neomexicana / New Mexico Privet		1" Caliper	2	94

SHRUBS & ACCENTS				
BOTANICAL NAME / COMMON NAME		PLANTING SIZE	QTY / 100'	QTY (PROJECT)
Artemisia tridentata / Big Sagebrush		5 Gal.	7	332
Rhus trilobata gro-low / Fragrant Sumac		5 Gal.	9	427
Ribes cereum / Wax Currant		5 Gal.	8	380
Schizachyrium scoparium / Little Bluestem		1 Gal.	6	285
Yucca glauca / Plains Yucca		12" Ht., 12" Spr.	6	285

MISCELLANEOUS	
DESCRIPTION / SPECIFICATION	
	<b>Berm in-Fill</b> <b>NOTE:</b> BERMS ARE SHOWN DIAGRAMMATICALLY AND SHALL VARY ALONG THE LENGTH OF THE LANDSCAPE APPLICATION, MATCHING DESIGN INTENT FOR SCREENING. BERMS SHALL APPEAR NATURAL, ROLLED, AND IRREGULAR. EACH 100' SECTION SHALL HAVE APPROXIMATELY THE SAME VOLUME OF BERMING, BUT MAY VARY FROM 1 - 3 SEPARATE BERMS. <b>NOTE:</b> THE QUANTITY, LOCATION, AND SIZE OF BERMS WILL BE DEPENDENT UPON THE AVAILABLE SOIL BASED ON THE BALANCE OF THE GRADING FOR THE OVERALL PROJECT.
	BLACK VINYL COATED CHAIN-LINK FENCE
	STANDARD CHAIN-LINK FENCE



**LANDSCAPE PLANTING DETAIL**  
**EASTERN FRONTAGE ALONG HIGHWAY 79 (100' TYPICAL)**

**PLANT**  
Contra  
shrubs  
shop c  
irrigato  
assembl  
approv



**CURRENT CONDITION - E SIDE OF HWY 79, LOOKING WEST**



**SIMULATED CONDITION - E SIDE OF HWY 79, LOOKING WEST**



**South on Converse Rd**







East on 56<sup>th</sup> Ave





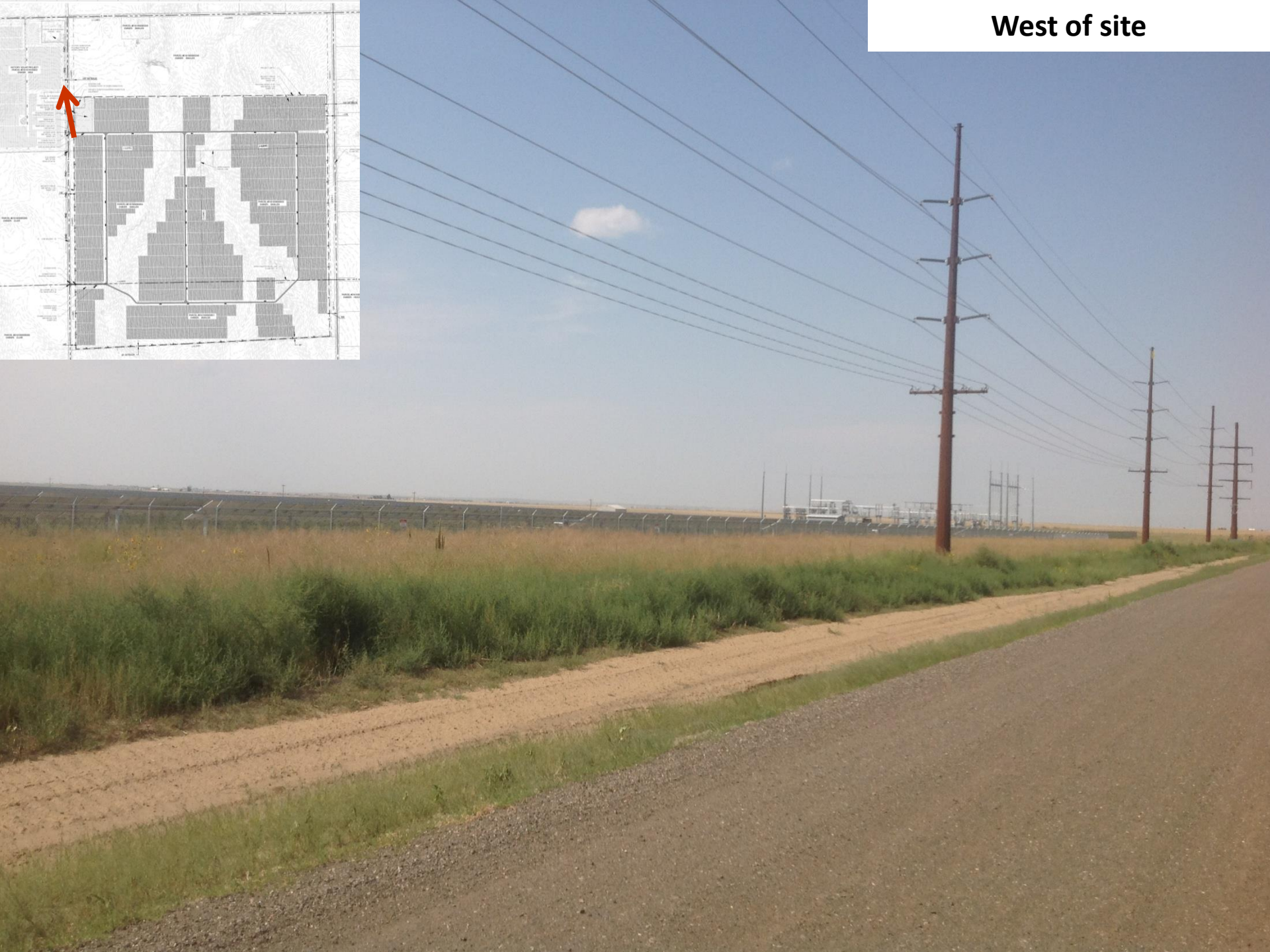
**SE into site**



**PUBLIC NOTICE**



**West of site**

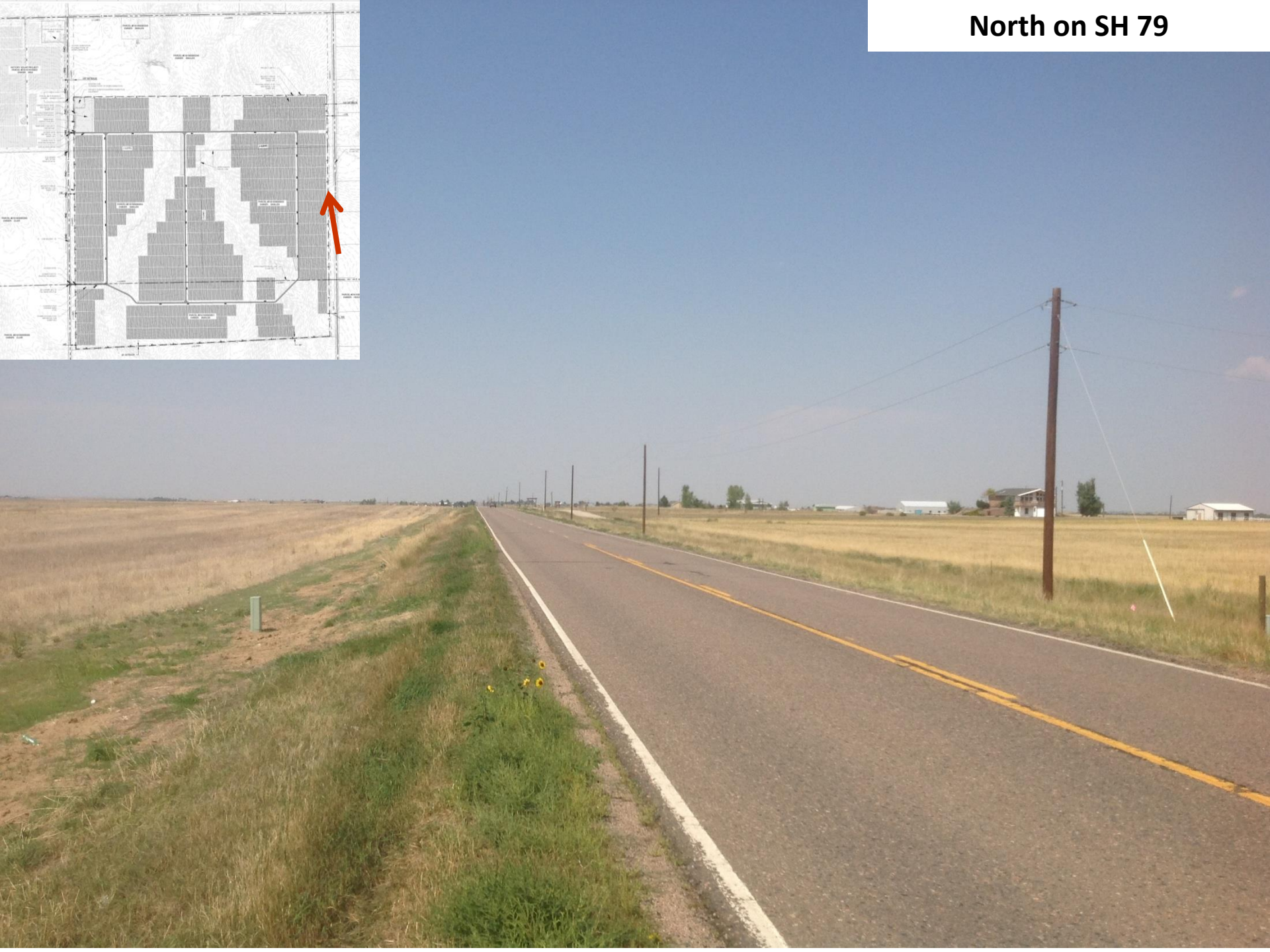






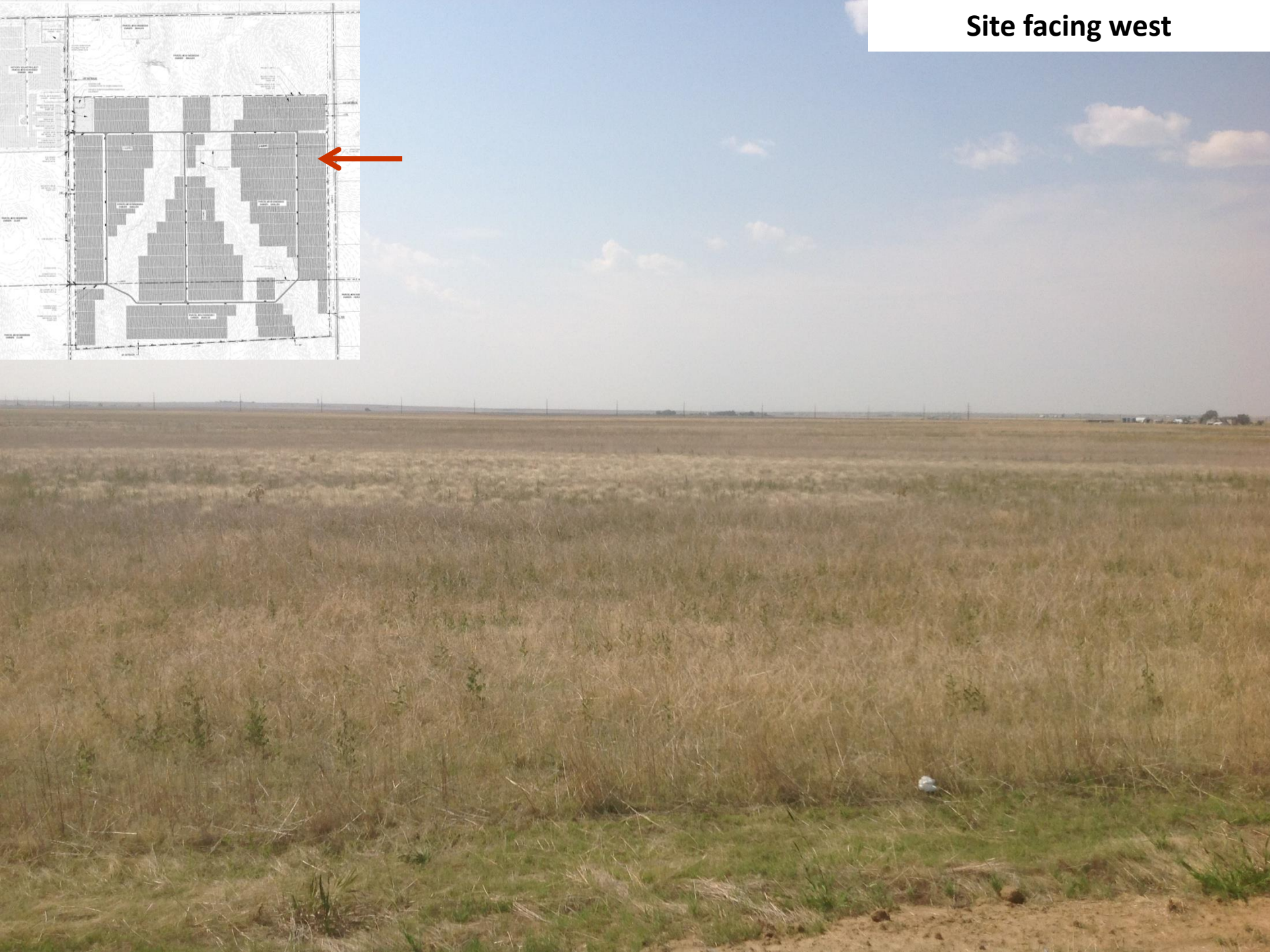


North on SH 79





**Site facing west**



# PC Hearing Update

- PC 9/14-17 & 9/28/17
  - 3 residents provided testimony (petition submitted)
    - Landscaping & screening for east side
    - Wildlife impacts
- Applicant responded
  - Neighborhood meeting 9/21
  - Landscape plan for east side
  - Moving panels 250 ft from centerline of Hwy 79
  - Avian Habitat Analysis
  - Environmental / biological study
  - Victory Solar site mowed

# Recommendations

- Staff determination is the request and the proposed use of the property is consistent with:
  - Development Standards
  - Comprehensive Plan
  - Compatible with Surrounding Area
- PC & Staff recommend **Approval** based on 8 Findings-of-Fact, 3 Conditions Precedent, and 10 Conditions.

# Condition Precedent

1. Prior to issuance of a building permit, the applicant shall dedicate the following rights-of-way to Adams County:
  - a. 10 feet for Converse Road
  - b. 40 feet for Highway 79
  - c. 40 feet for East 56<sup>th</sup> Avenue



# Condition Precedent

2. Prior to issuance of a building permit the applicant shall provide Adams County a copy of the executed surface use agreement with Anadarko Petroleum Company.
3. Prior to issuance of a building permit, the applicant shall conduct an environmental and biological study of the site, and will comply with all state and federal requirements for wildlife protection.

# Conditions

1. This conditional use permit shall expire on October 17, 2052.
2. The applicant shall install landscaping in accordance with the submitted landscaping plan (see exhibit 3.4).
3. The applicant shall utilize black vinyl coated chain link fencing on the east section of the property.
4. The solar panels on-site shall be removed when the conditional use permit expires, unless an extension or renewal is granted by the Board of County Commissioners.

# Conditions

5. At the expiration of one (1) year, if a building permit has not been issued for the solar project or the solar project use has not been established, this conditional use permit shall expire.
6. The solar panels shall be setback a minimum of 250 feet from the centerline of Highway 79.
7. Prior to issuance of a building permit, the applicant shall submit collateral for the landscaping improvements in the amount of one-hundred-twenty-five percent (125%) of the estimated cost of purchasing and installation of the landscaping.

# Conditions

8. Adams County shall release the landscaping collateral after two years contingent upon the following conditions:
  - a) All landscaping and required buffering shall be continually maintained including irrigation if applicable, weeding, pruning and replacing in a substantially similar manner as originally approved.
  - b) Living ground covers must be fifty percent (50%) established after the first growing season, and ninety percent (90%) established thereafter.
  - c) Non-living ground covers, such as rock or mulch must be one hundred percent (100%) intact after one (1) year and eighty percent (80%) intact thereafter.
  - d) Trees and shrubs must have a one hundred percent (100%) survival rate after one (1) year and a ninety percent (90%) survival rate thereafter.



# Conditions

9. After installation of the landscaping, a manual application of water to establish the landscaping shall be required for a minimum of two years.
10. Two years from the date of the final inspection of the landscaping, the applicant shall submit a compliance report of the status of the landscaping as outlined in condition # 8.

# Findings-of-Fact

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations, including but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.



# Findings-of-Fact

5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the proposed conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.