



Re-submittal Form

Case Number: _____

Case Manager: _____

Resubmitted Items:

- Development Plan/ Site Plan
- Plat
- Parking/ Landscape Plan
- Engineering Documents
- Subdivision Improvements Agreement
- Other: _____

*All re-submittals must have this cover sheet and a cover letter addressing review comments.

The cover letter must include the following information:

- Restate each comment that requires a response
- Provide a response below the comment with a description of the revisions
- And identify any additional changes made to the original document

For County Use Only:

Date Accepted: _____

Edocs # _____



Mr. Greg Barnes
Planner II, Community and Economic Development
Adams County, Colorado
4430 S. Adams County Pkwy
1st Floor, Suite W2000A
Brighton, CO 80601

August 17, 2017

Dear Mr. Barnes:

Attached please find the formal resubmittal packet for the Oak Leaf Linnebur Solar Project, case number RCU2017-00032. We reached out individually to each person or entity who commented, and believe we have adequately addressed all concerns. All of Oak Leaf's responses are **highlighted in yellow** below. Please let us know if there are any items outstanding or if you have questions. Thanks, as always, for your help in this project.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "John Hereford".

John Hereford, Partner
303-333-1339
john@oakleafep.com

Oak Leaf Energy Partners
2645 E. 2nd Ave, Suite 206
Denver, CO 80206

Commenting Division: Engineering Review

Name of Reviewer: Greg Labrie

Date of Initial Comments: 8/9/17

Email: glabrie@adcogov.org

Comment: ENG01: The applicant must provide a copy of the access approval document onto Hudson Road from the City of Aurora. Oak Leaf spoke with Mr. Labrie and let him know that we are in communication with the City of Aurora regarding this comment. Mr. Labrie told Oak Leaf we do not need this document (referenced above) imminently, but rather it was a “heads up” to ensure that we address the access with the City, given they are the AHJ. We will abide by all regulations put forth by the City to ensure we have lawful and adequate access to our project site.

Date of Correspondence with Commenter: 8/15/17 (Telephone)

Commenting Division: Planner Review

Name of Reviewer: Greg Barnes

Date of Initial Comments: 8/9/17

Email: gjbarnes@adcogov.org

Comment:

PLN01: The subject property is approximately 300 acres, and is zoned Agricultural-3 (A-3). The use of the property for solar gardens can be approved conditionally by the Board of County Commissioners in this zone district. **Understood.**

PLN02: The request for a solar garden is located in the northeastern corner of the 300 acre parcel. This portion of the parcel is also zoned for Airport Influence Zone, Airport Noise Overlay, and Airport Height Overlay Zones. These designations require an aeronautical study, FAA approval of the use, restrict residential development, and incorporate noise reduction measures for commercial and industrial uses. These uses are also expected to avoid creation of glare and attraction to wildlife. The proposal for solar gardens on the property allows the property owner use of the property that may meet all of these requirements.

Oak Leaf understands that the county’s position is that the FAA needs to approve the use, and Oak Leaf is in contact with the FAA, and per the feedback received on 8-16-17 from the FAA, is in the process of taking the project site through the FAA 7460-1 review. Oak Leaf understands that this is a condition to the county’s CUP and will continue to work with the FAA to obtain their 7460 approval. To date, Oak Leaf has conducted two glare studies and does not anticipate any issues with the FAA. Additionally, there is another solar array under development immediately north of our site which received no comment from the FAA.

PLN03: Per Section 4-03-03-02-10, the maximum height of solar panels is 15 feet. The proposal indicates that panel height will be 10 feet. **Correct.**

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PLN04: Per Sections 3-10-07-03 and 4-03-03-02-10. all panels must meet the required setbacks of the A-3 zone district. Please provide an illustration of proposed setback of panels from the property lines. We have updated our site plans to include annotation of the setbacks from the property lines, and they meet the requirements. These revised site plans are amended to this re-submittal packet.

PLN05: Is there a recorded easement for access on the property to the north?
The easement will be recorded with the County concurrently with the Conditional Use Permit. The easement is provided for in the site lease document with the landlord and will be inserted into the lease document as an exhibit. It will be recorded with the county after the facility has been built so we can generate an accurate and specific legal description.

Date of Correspondence with Commenter: 8/11/17 (Telephone)

Commenting Division: ROW Review

Name of Reviewer: Marissa Hillje

Date of Initial Comments: 8/07/17

Email: mhillje@adcogov.org

Comment:

ROW01: Please record an easement over the new access road and show reception number on site plan. Please send Adams County a copy of the recorded access easement.

Per our latest conversation, we understand it is acceptable to do this concurrently with our application for Building Permit, which will happen after our CUP is approved. See comments above (PLN05) on the process for recording the access easement.

ROW02: Please show all applicable recordings on site plan. This is to ensure that no structures are encroaching other parties interests.

Per conversations with Ms. Hillje, we provided a copy of the Title Commitment with active links on 8-14-17.

ROW03: There is a well shown on the site plan that is approximately 200 ft from the site plan boundary.

We understand this comment was more for your internal notes, but Oak Leaf acknowledges the well and our site design has addressed all set back requirements. See amended revised site plan.

ROW04: Right-of-way Dedication: E 56th Ave. is a City of Aurora Rd and is classified as a 6-lane arterial road which requires 144ft wide (72ft for your half). The services of a licensed Professional Land Surveyor should be secured to create the legal description and exhibit of the right-of-way dedication.

Oak Leaf, along with the landowner Frank Linnebur, are parceling out a separate 35 acre area for our site. We confirmed with Ms. Hillje 8-14-17 that we are not required to allocate additional ROW along 56th Ave, per the correspondence below.

Marissa Hillje

Monday, Aug 14, 3:46 PM

> To: Kyle Cc: Greg, John

Kyle and John,

I appreciate the follow up to our conversation. After clarification from Greg Barnes, Adams County will not require additional Right-of-Way along E 56th Ave to be dedicated to City of Aurora, because the developed 35-acre parcel is not adjacent. I agree with all other responses to the ROW comments.

Regards,



Marissa Hillje

Right-of-Way Specialist, *Development Service - Development Review*

ADAMS COUNTY, COLORADO

4430 S Adams County Pkwy Ste W2203

Brighton, CO 80601-8218

O: 720.523.6837 | mhillje@adcogov.org

www.adcogov.org

ROW05: Right-of-way Dedication: Hudson Rd. is a City of Aurora Rd and is classified as a 4-lane arterial which requires 114ft wide (57' for your half). The existing half right-of-way width is 57ft (rec#2016000079782).

This ROW designation has already occurred in the context of the Sunshare solar project process. Attached find the ROW designation letter.

ROW06: Section line setbacks: E 56th Ave & Hudson Rd, are section lines, as per Adams County Standards, structures in A-3 zoning must be 120' away from section line.

We are significantly further than 120' from any section line, but we have updated the site plan to clearly show this. The revised site plan is attached.

ROW07: Please send a copy of the title commitment with active links, if possible.

Title commitment with active links was sent 8/14/17.

Date of Correspondence with Commenter: 8/11/17

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Commenting Division: Bennett Fire Protection District

Name of Reviewer: Captain Caleb J. Connor

Date of Initial Comments: August 9th, 2017

Email: lifesafety@bennettfirerescue.org

Comment:

- Bennett Fire Protection District has requirements for the applicant to meet including roadway access, KNOX fire department access, etc. The applicant should contact Bennett Fire Protection District directly to engage in this process.

Oak Leaf spoke with Captain Caleb J. Connor on 8-16-17 and are engaged in this process.

- Bennett Fire Protection District will require the applicant to address the facility's wildfire interface exposure to surrounding wildland area. There is some concern that if native vegetation is allowed to grow in and around the arrays that the equipment can be exposed to fire or vice versa an equipment malfunction can cause a fire which extends through vegetation outside the facility. A vegetation management plan will be required for this facility.

Oak Leaf has submitted a vegetation management plan directly to Bennett Fire Department.

We understand that complying with the fire department's request is a condition to the County's issuance of a CUP and will continue to work with them until they are satisfied.

- The proposed facility shall comply with the Bennett Fire Protection District's and Adams County's adopted fire code, International Fire Code 2012 ed, and should be conducted through the normal fire district plan review process. Understood.

- Bennett Fire Protection has no objections to the facility being constructed at the proposed location as long as applicable fire code requirements are met and any/all fire district requirements are addressed. Oak Leaf will meet the requirements of the applicable fire code and all fire districts.

Date of Correspondence with Commenter:

Commenting Division: Colorado Parks and Wildlife

Name of Reviewer: Justin Olson (District Wildlife Manager)

Date of Initial Comments: July 25th, 2017

Email: Justin.olson@state.co.us

Comment:

Upon review of the proposed referral request and an internal review of this parcel, Colorado Parks and Wildlife has four recommendations for this application to move forward as planned for approval:

Oak Leaf had a phone conversation with Greg Barnes 8/11/17 regarding these comments.

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1) Conduct surveys for grassland nesting birds if initial site disturbance occurs March 15 to July 31. If an active nest is observed, then the project proponent should contact CPW for how to proceed.

Oak Leaf understands that if our initial site disturbance occurs March 15th to July 31st we will need to conduct surveys for grassland nesting birds. We understand this will be a condition to our CUP.

2) Conduct a pre-construction burrow survey for prairie dogs (potential burrowing owl habitat) and swift foxes (use dens 7-8 inches in diameter). If either species (or their potential burrows) are observed, then the project proponent should contact CPW for how to proceed.

Oak Leaf understands this is a note on our CUP.

3) Conduct surveys for any nesting raptors within the project vicinity if initial site disturbance occurs March 15 to July 31. If an active nest is observed, then the project proponent should contact CPW for how to proceed.

Oak Leaf understands that if our initial site disturbance occurs between March 15th and July 31st we will be responsible for conducting a survey for nesting raptors within the project vicinity. We understand this will be a condition to our CUP.

4) If any fencing is to be used to exclude the project area from wildlife, please consider wildlife-friendly fencing options and the use of a smooth wire strand around the top perimeter of the fencing. CPW can provide further information on fencing options if requested.

Oak Leaf will take into consideration the possibility of using wildlife friendly fencing options. We understand this is a note on our CUP.

Date of Correspondence with Commenter: 8/11/17

Commenting Division: Denver International Airport

Name of Reviewer: Brandon Howes (Principal Planner, Landside Planning)

Date of Initial Comments: July 27th 2017

Email: brandon.howes@flydenver.com

Comment:

1. The proposed development site is located approximately 12,385 ft. (2.34 miles) southeast of the south end of existing Runway 35R; and, 11,655 ft. (2.2 miles) south of the future Runway 36 threshold and within the future Runway 36 approach surface at DEN. The proposed solar array site is also located approximately 690 ft. south of the Airport property line. The location falls within the Title 14 CFR Part 77 Navigable Airspace Surfaces associated with DEN. As such, the Proponent may be required to provide Notice to the FAA via the FAA Form 7460-1 process. The FAA Obstruction Evaluation website is: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

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Please have the Proponent use the “Notice Criteria Tool” found on this website to determine the requirement to file Notice with the FAA.

Oak Leaf is undergoing this process concurrently with the rest of the CUP requirements. Recent comments Oak Leaf received from the FAA indicate that we will be required to go through a 7460-1 review process. We are engaged in that process now and we understand that our Conditional Use Permit will be contingent on satisfying the FAA with this study.

2. The applicant has indicated than an FAA Glare study was conducted for the project and was provided to Adams County. Could you please forward the DEN Planning Office a copy of the glare study associated with this project, to ensure that the future runway was taken into consideration in their analysis.

Oak Leaf has conducted glare studies for this site and will provide these to the county, DIA and the FAA as part of their 7460-1 review process.

3. Should any pilots or air traffic controllers complain of any glare or reflection issues subsequent to project completion, the problem will be required to be mitigated immediately.

Oak Leaf understands that should any pilots or air traffic controllers complain of any glare or reflection issues subsequent to project completion, the problem will be addressed with the FAA and DIA immediately.

Date of Correspondence with Commenter:

Result/Action Items:

Commenting Division: Tri County Health Department

Name of Reviewer: Vanessa Fiene (Environmental Health Specialist IV)

Date of Initial Comments: August 8th, 2017

Email: Not Included

Comment:

Renewable Energy

TCHD commends the applicant for bringing renewable energy generation to the community. Alternative energy supplies generally do not contribute to air and water pollution and can have a positive impact on the environment. **We agree.**

Wastewater for Construction Sites

Sewage has the potential to carry illness-causing organisms and must be handled properly to avoid spreading disease. The application does not specify how wastewater services will be provided during the construction for onsite employees. We anticipate that portable toilets will be necessary during construction. TCHD has no objection to the use of portable toilets, provided the units are properly cleaned and maintained. TCHD recommends that the applicant address these, in terms of numbers, locations, and

vendor and provide a portable hand sink near the restrooms. Portable toilets will be used during construction, and Oak Leaf will ensure the units are properly cleaned and maintained. We will also provide a portable hand sink near the restroom.

Solid Waste

Rodents, such as mice and rats, carry diseases which can be spread to humans through contact with rodents, rodent feces, urine, or saliva, or through rodent bites. As rodents are attracted to trash, TCHD strongly recommends that all trash dumpsters on site during construction are equipped with a closeable lid and with regular collection and disposal at an approved landfill. Oak Leaf understands the recommendation from TCHD that all trash dumpsters on site during construction are equipped with a closeable lid and with regular collection and disposal at an approved landfill.

Date of Correspondence with Commenter: Greg Barnes, 8/11/17

Commenting Division: Xcel Energy

Name of Reviewer: Donna George (Contract Right of Way Referral Processor)

Date of Initial Comments: July 18, 2017

Email: donna.l.george@xcelenergy.com

Comment:

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the conditional use permit documentation for Oak Leaf Hudson Site, and, in conjunction with the SunShare Hudson Site project (RCU2017-00031), the property owner/developer/contractor must contact Lynette Muncy, Siting and Land Rights Agent at (303) 571-7286 for development plan review. Please be aware PSCo owns and operates existing natural gas and electric distribution facilities within the subject property. Should the project require any new gas or electric service or modification to existing facilities, the property owner/developer/contractor must complete the application process via FastApp, Fax, Email, or USPS (go to:

https://www.xcelenergy.com/start_stop_transfer/new_construction_service_activation_for_builders). It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities. As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center at 1-800-922-1987 to have all utilities located prior to any construction.

Oak Leaf understands the comments from Xcel Energy. Oak Leaf is in contact with Xcel and will continue to work with Xcel with regard to all right of way, new electric service, etc., that are required as part of this project. This is done through the Solar Rewards Community Program interconnection approval process, which is already well underway. Oak Leaf will conduct all requisite utility locating prior to construction.

Date of Correspondence with Commenter: Greg Barnes, 8/11/17

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