

PARK COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS
Resolution No. 2024- 044

A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT ALLOWING A MAJOR UTILITY FACILITY (BATTERY ENERGY STORAGE SYSTEM) ON A PARCEL OF LAND KNOWN AS LOT 26 THOUSAND PEAKS RANCHES, ADDRESSED AS 33705 HIGHWAY 9, HARTSEL

WHEREAS, the Applicant, RWE Solar Development, LLC, has applied for a Conditional Use Permit to construct a Battery Energy Storage System Facility (BESS), including the BESS yard and a substation yard on the above-mentioned property, and a transmission line connecting the project substation to the existing Hartsel Substation as described on the Site Development Plan attached hereto as Exhibit A, and

WHEREAS, at a regularly scheduled public meeting of the Park County Board of County Commissioners (BOCC), the BOCC held a public hearing and reviewed the application and all supporting documentation, the recommendations of the Planning Commission, the Planning Department, and the testimony of the Applicant and members of the public; and

WHEREAS, during said public meeting, the BOCC found that the application for the conditional use permit meets the criteria for a conditional use permit as set forth in Section 5-503 of the Park County Land Use Regulations.

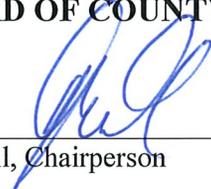
NOW THEREFORE, BE IT RESOLVED THAT THE PARK COUNTY BOARD OF COUNTY COMMISSIONERS HEREBY INCORPORATES THE FINDINGS CONTAINED IN THE STAFF REPORT AND APPROVES THE APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A NEW BATTERY ENERGY STORAGE SYSTEM FACILITY AS DESCRIBED IN THE APPLICATION, SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant will submit an Emergency Response Plan that has been reviewed and approved by the Hartsel Fire Department, the South Park Ambulance District, and the Park County Emergency Management Department, to the Building Department for review prior to the issuance of any permits.
2. A Drainage, Erosion and Sedimentation Control Plan, Stormwater Management Plan, Dust Control Plan, and Noxious Weed Plan must all be provided prior to issuance of any building permits.
3. A noise analysis demonstrating design compliance with Park County regulations must be provided prior to the issuance of any building permit, and the BESS facility, once in operation, must comply with the Park County Noise Ordinance.
4. Any vegetation planted must be native drought resistant species.
5. Other than the security fencing around the proposed structures, which is not required to comply with CPW recommendations, any other fencing on the property must be wildlife friendly and completed in accordance with CPW recommended standards as outlined in the document provided by CPW, "Fencing with Wildlife in Mind."
6. Any lighting on site must be compliant with the Park County Land Use Regulations and must be down-lit and shielded.

- 7. As it is expected that the BESS will have a 20-year life span, a Decommissioning Agreement must be signed by the applicant and Park County prior to issuance of any building permits.
- 8. A performance bond in the estimated amount of the cost of decommissioning and removing the BESS shall be required prior to issuance of any building permits.
- 9. The Conditional Use authorized by the Permit cannot be expanded in scope, area, use, or in any manner inconsistent with the Permit.
- 10. The Conditional Use Permit shall expire on the date the facility is decommissioned, and the Decommissioning Agreement shall provide for terms and conditions governing remediation and providing for the remediation performance bond and such other necessary terms and conditions as the County shall determine.

Moved, seconded, and passed this 26 day of November, 2024.

PARK COUNTY BOARD OF COUNTY COMMISSIONERS



Amy Mitchell, Chairperson

ATTEST:



County Clerk

Commissioner Wissel	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Commissioner Elsner	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Commissioner Mitchell	Aye <input type="checkbox"/>	Nay <input checked="" type="checkbox"/>

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Milena Kassel
Park County

