



FREMONT COUNTY

DEPARTMENT OF PLANNING AND ZONING

615 MACON AVENUE, ROOM 210, CAÑON CITY, COLORADO, 81212

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LAND USE APPLICATION

SPECIAL REVIEW USE, CONDITIONAL USE PERMIT, COMMERCIAL DEVELOPMENT PLAN

It is recommended that the applicant schedule an appointment with a Department of Planning & Zoning Representative prior to application preparation and submittal to discuss the project as currently planned and future project proposals.

Project Name: Royal Gorge Energy Storage (RGES)

Site Address: Section 10 Township 18 Range 71 (see full legal description in Exhibit F)

Applicant(s)

Name(s) Royal Gorge Energy Storage, LLC

Address 800 Taylor Street, Ste. 200, Durham, NC 27701

Phone 919.520.2984

Fax NA

Email zwalker@straracleanenergy.com

Owner(s)

Name(s) Brett Provost

Address 1508 Willow Street, Cañon City, CO 81212

Phone 719.371.0301

Fax NA

Email bdpro4@aol.com

Authorized Representative / Agent / Consultant (if other than owner)

Name(s) Royal Gorge Energy Storage, LLC

Address same as above (applicant)

Phone same as above (applicant)

Fax _____

Email same as above (applicant)

Type of Application / Application Fee (There maybe additional fees for publications or professional reviews):

Special Review Use Permit \$1,800 Major Modification to existing permit \$500

Conditional Use Permit \$1,750 Major Modification to existing permit \$500

Commercial Development Plan \$1750 Major Modification \$500

The applicant shall provide **one (1) original document, and an electronic copy (either CD or flash/thumb drive) of the application**, site plan (**2 COPIES**) and all of its attachments (*copies of deeds, contracts, leases etcetera are acceptable*) at the time of application submittal along with the **application fee** set as per Resolution of the Board. Submittals shall be made to the Department no later than 3:00 pm on the submittal deadline date.

Process & Requirements Overview

Any application which is not complete or does not include all minimum submittal requirements will be rejected by the Fremont County Department of Planning and Zoning (Department). Further, any application that is inadequate or incomplete, may be subject to postponement of placement on an agenda of the Fremont County Planning Commission (Commission), pending receipt of an adequate and complete application.

Upon receipt of a complete application, the Department will review the application and all attachments and prepare a Department Submittal Deficiency and Comment Letter (D & C Letter), which will state the submittal deficiencies which must be addressed by the applicant, Department comments and/or questions about the application, and the number of revised application packets to be supplied to the Department for placement on an agenda of the Commission. An additional full application fee may be charged to the applicant, as per Resolution approved by the Board of County Commissioners (Board), if all deficiencies as per the initial D & C Letter are not adequately addressed or provided. Each subsequent D & C Letter, based on resubmitted items, will result in another full application fee. All such fees shall be paid along with the deficiency submittal, prior to any further review of the application.

The Department, Commission, and/or Board may require additional information at any time during the application process as may be deemed necessary for thorough consideration of the application and to enable an informed final decision.

Any Land Use application for that has been submitted after the use requiring the permit has been established on the property may be subject to a penalty fee in addition to the set application fee for such permit. The penalty fee shall be equal to the initial application fee for the Land Use Application. As with all land use applications payment of associated fees do not ensure approval of the application.

If the application is approved by the Board with contingencies the contingencies shall be completed to the Department within six (6) months of the approval date, or the approval shall be deemed rescinded and the application expired, after which, re-submittal of the application, including fees, and procedural requirements, will be required.

In approving an application for Land Use, the Board may require higher standards for development than required by the Fremont County Zoning Resolution (FCZR).

Modifications, major or minor, to the Land Use Permit as approved, shall be accomplished in compliance with requirements of the Fremont County Zoning Resolution.

Applicants shall pay all application fees to the Fremont County Treasurer's Office. Upon receipt of a complete application, a Department representative will provide the applicant with a payment check list to present to the Treasurer's Office with payment.

Site & Development (Section 1)

1. Describe the proposed type of operation to include days & hours of operation, number of employees, & machinery:

RGES will consist of batter storage units located within enclosed cabinets mounted on outdoor concrete pads situated in rows. These battery cabinets will be connected by underground conduit, which will collect and run power to an on-site project substation. From there, a 0.2-mile generation tie-line over parcel APN 381910000029 will connect the project to Black Hill Energy's West Cañon Substation. One to two employees will be on-site up to 1-2 times per week for maintenance, as needed.

2. Property address or schedule number: APN 381910000029 / APN 99928310

3. Have the mineral interests been severed from the subject property? YES NO

a. If yes (severed) who is the mineral interest owner? _____

4. Is the property currently developed? YES NO

5. Existing types & sizes of structures: None

6. Proposed types & sizes of structures: Several rows of 6.8' wide x 10.4' deep x 8.1' height (or similar) battery storage containers and supporting electrical infrastructure; an approximately 230' wide x 120' deep x 55' tall (or similar) on-site Project Substation; a 30'-70' tall 0.2-mile long generation-tie line; and ancillary facilities as specified by the manufacturer and area utility (which may include, but is not limited to, detention basins, water tank(s), parking spots, internal access roads and an Operations and Maintenance building)

7. Lot Coverage (indicate percent or square footage): Existing 0% Proposed 11.9%

8. FCZR Citing: 4.1.4.21 Property size (acres or square footage): 79.4-acres

9. Amount of the property the use will encumber: 9.44-acres

10. Zone District: Agricultural Rural Land Use: Undeveloped

11. Please indicate the zone district & current land use for adjoining properties:

a. Northerly: (ZD) AF Land Use: BLM – undeveloped

b. Easterly: (ZD) AR / AF Land Use: Residential / undeveloped

c. Westerly: (ZD) AL/AR Land Use: Substation / undeveloped

d. Southerly: (ZD) US Highway 50 Land Use: US Highway 50

12. Master Plan – Planning District of property: Urban Growth Management District

(Please refer to Chapter four and planning district of the Fremont County Master Plan)

13. Name(s) and type(s) of road(s) the property is accessed from:

Access to the property is from Highway 50 on the southern edge of the property. An existing two-track dirt road leads from Highway 50 to the project location, which will be improved to allow for construction vehicle access.

14. Is access through adjacent properties? YES NO If yes, is access legally established through:

Deed of record Recorded Plat Court Order (Documentation shall be provided)

15. Estimated Traffic Count: <1 /day (See Exhibit 1.15)

Number of access points: 1

16. Is access from or within five-hundred feet (500') of a Colorado Department of Transportation Controlled Road:
 YES NO (If yes, CDOT approval/comments shall be required)
17. Does the property lie adjacent to or within three (3) miles of any municipal boundary lines (city/town limits)?
 YES NO Municipality Name(s) _____
18. Does the property lie within the boundaries or within ¼ of a mile of any service district?
 YES NO Entity Name(s) The property is within the Cañon City Area Metro Recreation and Park district and the Cañon City Area Fire Protection District.
19. Requested duration of proposed use: Life of use Estimated life of use years _____
20. Is temporary cessation proposed: YES NO Duration: _____
21. Is buffering required: YES NO (Contractor yards, Junk yards, Automobile graveyards, & Vehicle impoundment yards **require** buffering per FCZR 5.17.15)
22. Is landscaping proposed: YES NO a waiver is requested.
23. Total parking spaces: 4 standard size _____ compact _____ ADA _____
 (Standard 9' X 18') (Compact 7' X 15') (Please refer to section 5.3 & 5.4 of the FCZR)
24. Will the parking area include lighting? YES NO
25. Parking area surface type: CDOT Class 5 road base Thickness: 5"
26. Is a loading/unloading area proposed? YES NO Size: _____ Thickness: _____
27. Will hazardous materials be stored on site? YES NO
28. Will noxious weed control measures be included in the scope of the project? YES NO
29. Will any equipment meeting the Colorado Revised Statute definition of Special Mobile Machinery be stored or used onsite? YES NO
30. Mark all services and facilities necessary to accommodate the proposed use in addition to Fire Protection, Emergency Medical Response, & Law Enforcement:
 Roadway Maintenance Hospital Park & Recreation
 Airport Search & Rescue Schools Library
31. Utility Provider information: Please provide the name of provider below:
 a) Water: Storage Tank Only. Size to be determined.
 b) Sanitation: Septic System by county approved provider (if on-site O&M building required by BESS manufacturer or area utility)
 c) Electrical: Black Hills Energy
 d) Telephone: NA – cellular coverage
 e) Refuse: NA- pack-in/pack-out
 f) Irrigation Water: NA
 g) Natural Gas/Propane: NA
 h) Cable Television: NA

Impact Analysis
(Section 2)

1. **Dust and erosion control measures:**

During construction, best management practices will be followed by the construction company, including but not limited to potential permitting requirements such as those outlined in CDPHE's Land Development APEN, to reduce dust and erosion. Post construction, the site will be re-vegetated as outlined in the Revegetation and Noxious Weed Control Plan (Exhibit 2.1).

2. **Noise control measures:**

NA – During operation operations, noise would be generated by the battery enclosure A/C units, medium-voltage inverters/transformers, and the Project substation. Cumulative noise impacts at the nearest sensitive receptor are expected to be similar to or less than ambient noise (especially given the existing Black Hills Energy West Canon substation in close proximity to the Project.). Noise occurring during construction would be temporary in nature and will not exceed limits established by Colorado Law.

3. **Odor control measures:**

NA – During normal operations the project will not produce odors.

4. **Visual impact control measures:**

Three visual simulations are provided as part of this application. Views of the Project site are limited from adjacent property; element contrasts are generally considered weak, meaning that they can be seen but do not attract attention due to the Project repeating the form, line, color, texture, and night light of its surroundings. The BESS enclosures would be experienced from offsite viewing locations as a series of lightly colored, low and repeating horizontal forms and lines. These cabinets (10-15' above ground level), as well as the Project's substation, would be obscured by the business corridor along Highway 50 (see KOP 1), large mountains in the distance, existing vegetation, and proximity to existing electrical infrastructure (including both a large substation and several transmission lines). See Exhibit 2.4.

5. **Wildlife/plant habitat protection measures:**

A biological reconnaissance study was conducted in June 2023 and found no sensitive wildlife/plant habitat. CPW and USFWS were contacted for concurrence but did not respond. Please refer to the attached Biological Survey (Exhibit 2.5.1) and outreach attempts (Exhibit 2.5.2). A Revegetation and Noxious Weed Control Plan is included as Exhibit 2.1.

6. **Water quality and/or water way(s) protection measures:**

No stormwater will drain into public waters. A drainage report is attached as Exhibit 2.6.

7. **Safety measures to protect adjacent properties, residents, & agricultural operations:**

Adjacent properties are primarily undeveloped. The property will be fenced around the nine-acre site to protect adjacent properties. Outreach with the Cañon City Area Fire Protection District has confirmed appropriate fire protection measures have been implemented (Exhibit 3.15) A Site Plan is attached as Exhibit 2.7.

8. **Measures to protect and/or preserve archaeologically or historically significant sites:**

A desktop review was conducted for the Project area. Currently, no archaeological or historically significant artifacts have been discovered on-site. If any cultural resources are discovered, Colorado SHPO will be notified.

9. **Measures to limit or control offsite discernable vibrations:**

NA – There will be no offsite discernable vibrations associated with this project.

**Required Submittals Attachments
(Section 3)**

1. Current Deed of Record: **Exhibits 3.1.1 and 3.1.2**
2. Water supply documentation: Public water sources require documentation evidencing the ability to provide service. Wells require documentation of a well permit and/or documentation that the existing well is adequate for the proposed use. **The Project will not connect to a public water source or require a well. See Section 3.6.2 of Exhibit A.**
3. Fremont County's Colorado Division of Water Resources Information Form. **Exhibit 3.3**
4. Sanitation Documentation: Public sewer shall require documentation evidencing ability to provide service. Onsite Wastewater System (OWTS) shall require a percolation test and report and a design plan from a certified engineer. Existing OWTS systems shall require documentation that the existing system is adequate for the proposed use. **The Project will not connect to a public sewer system. The Project would not require sewage for operation. See Section 3.6.3 of Exhibit A.**
5. Refuse Plan: Shall address the storage, collection, and disposal of refuse. It shall also document screening of refuse receptacles/areas. (Refuse plans require approval by the Fremont County Environmental Health Dept.) **NA – pack in/out**
6. Drainage Plan: Must contain all required items under FCZR 5.10 (Drainage plans require approval by the County Engineer). **See Exhibit 2.6. Strata understands that Fremont County Engineering's primary concern around drainage reports is that they are created in a professional manner that is easy to follow and interpret, and that the report provides a mechanism for the County to be able to oblige the future construction documents for the project to include a storm drainage system that meets or exceeds the County's drainage requirements. Because there could be some minor variations in the site between our Special Review Use permit and the final construction documents, we have provided the following information in our drainage report:**
 - Existing condition drainage map, including individual basin characteristics.
 - Proposed condition drainage map, including individual basin characteristics.
 - Rational Calculations utilizing a conservative imperviousness for the full site.
 - Detention Pond Sizing that includes a required minimum detention volume and allowable release rates.
 - A narrative that discusses the site's drainage characteristics and methods utilized for the design.
 - Maintenance of drainage features.

The above understanding was communicated to and acknowledged by J K Bunderson PE, Fremont County Engineer, on July 10, 2023.

7. Landscaping Plan or justification for waiver request. **Waiver. See Section 3.11 of Exhibit A.**
8. Lighting Plan or justification for waiver request. **Exhibit 2.7**
9. Noxious Weed Control Plan or justification for waiver request. (Plans and waiver requests require approval by the Fremont County Noxious Weed Manager). **Exhibit 2.1**

10. List of owners and mailing address for all properties located within a five hundred (500') foot radius of the subject property. **See Section 3.4 of Exhibit A.**
11. County Roadway Impact Analysis Form (If accessed off a county road) - **NA**
12. Colorado Department of Transportation Access Permit (If accessed off a CDOT controlled road) **Exhibit 3.12.**
13. Statement indicating how the proposed use complies with "Goals Objectives, and Implementation Strategies" of the Fremont County Master Plan District **See Section 3.3.2 of Exhibit A.**
14. Statement indicating how the proposed use will be in harmony and compatible with surrounding land uses and development in the area and/or measures that can be taken to make it in harmony & compatible. **See Section 3.2.4 of Exhibit A.**
15. Fire protection plan addressing method of fire protection, location of hydrants or other means of protection. If located within a fire protection district the plan shall be approved by the district. **Exhibit 3.15**
16. A detailed utility plan showing the proposed or existing location of all utilities. **NA – auxiliary power only**
17. Site Plan drawn to professional standards (3 hard copies 18" x 24" or 24" x 36") **Exhibit 2.7**
18. Submittals and exhibits should be clearly identified with section and/or question number located on the bottom right-hand corner, or otherwise tabbed or marked.

If Applicable Submittals

19. CDOT Notification form of Proposed Land Use and comments (if access is from or within 500' of a CDOT controlled road) **Exhibit 3.19.1, 3.19.2, and 3.19.3**
20. Mineral Interest Notification and certified mailing receipt. Notification & Mailing shall be completed within 30 days prior to the scheduled Planning Commission Meeting. (This is only required if the minerals interests are severed). **Exhibit 3.20**
21. Copies of all local, state, and federal licenses and/or status of applications. **See Section 3.6 of Exhibit A.**
22. In circumstances of Corporate Ownership, documentation evidencing who is eligible to execute documents on behalf of the corporation. **See Section 1.1 of Exhibit A.**
23. In circumstances where the applicant is not the owner written authorization from the owner specifying the extent to which the representation is authorized. **Exhibit 3.23.1 and 3.23.2**
24. In circumstances where a consultant is making an application on behalf of the owner, written authorization from the owner specifying the extent to which the representation is authorized. **NA**
25. In circumstances where the property owner of record is not involved in the operation or application, documentation indicating the right to occupy and use the property shall be provided. (Lease or similar document) **Exhibits 3.25.1 and 3.25.2**
26. Buffering Plan (If required). **NA**
27. Current registration for SMM equipment or documentation that equipment is on tax rolls associated with the property, to include list of machinery. **NA**

28. List of Hazardous materials stored and/or used on site, to include location of storage and management practices. **NA**
29. Copies of mining and reclamation plans (CUP's) **NA**
30. Required information set forth in FCRZ 8.13.17.1 (Airports) **NA**
31. Required information set forth in FCRZ 8.13.17.2 (Adult Uses) **NA**
32. Required information set forth in FCRZ 8.13.17.3 (Kennels) **NA**
33. Required information set forth in FCRZ 8.13.17.4 (Antennas & Towers): **Up to 5 transmission poles, which would be between 30' and 70' high depending on design specifications from Black Hills Energy across APN 381910000027. Proposed location of line is depicted on Exhibit 2.7.**

Site Plan Drawing Requirements

- a. Drawing Size: Minimum sheet size 18" x 24" to a maximum sheet size of 24" x 36";
- b. Written and graphic scale with minimum of 1" = 200' max 1" = 50';
- c. Appropriate title (SPECIAL REVIEW USE PERMIT, CONDITIONAL USE PERMIT, COMMERCIAL DEVELOPMENT PLAN FOR {name});
- d. Appropriate subtitle (brief description of the proposed use);
- e. Boundary drawing of the property with bearings and dimensions illustrating the legal description;
- f. Legal description of the property;
- g. Acreage or square footage of the subject property;
- h. Zoning classification of the subject property;
- i. Zoning classification of the adjoining properties;
- j. North Arrow;
- k. Vicinity map locating the subject property in relation to surrounding areas;
- l. Table indicating relationship between proposed and existing construction to remain on the property
- m. Minimum lot size, maximum lot coverage, maximum building height, minimum lot width, minimum setback requirements (Front, Two sides, & Rear)
- n. Size and shape of all existing & proposed structures: each structure shall be labeled/noted as existing or proposed. Dimensions from at least two property lines shall be noted;
- o. Location of all parking areas to include size, dimensions, surface type & thickness, type of space (ADA, Standard, Compact) and a table specifying the minimum numbers of spaces required for each category;
- p. Location of loading areas to include size, dimensions surface type & thickness;
- q. Labeled access points including interior roadways with dimensions, surface type & thickness, circulation pattern, and dimensions from property lines;
- r. Any proposed pedestrian areas & walkways to include dimensions, surface type & thickness;
- s. Location and dimensions of refuse areas;
- t. Identification and location of all drainageway, drainage facilities, including FEMA flood areas, to include dimensions from property lines;
- u. Location, height & type of lighting for parking and off-loading areas;
- v. Location, type, and size of all on-site identification signage (table may be used);
- w. All easements (existing & proposed) to include dimensions from property lines (beginning, end, & centerline) width, and if they are to be vacated or relocated;
- x. Significant natural features;
- y. Soil types
- z. Open space areas
- aa. Legend identifying symbols and/or lines

By signing this Application, the Applicant, or the agent / representative / consultant acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the application and any attachments to the Application, is true and correct to the best of the Applicant's knowledge and belief.

The Applicant understands that required private or public improvements imposed as a contingency of approval for the application may be required as a part of the approval process.

Fremont County hereby advises the Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of County Commissioners may take any and all reasonable and appropriate steps to declare null and void, any actions of the Board regarding the Application.

Signing this Application is a declaration by the applicant that all plans, drawings and commitments submitted with or contained within this Application are or will be in conformance with the requirements of the Fremont County Zoning Resolution.

Markus Wilhelm
Manager, Strata Manager, LLC, its Manager

Applicant Printed Name

Brett Provost
d/b/a Provost Landscape Supply

Owner Printed Name

Applicant Signature

Owner Signature

Date

Date

9/28/23

9-28-23