



RESOLUTION NO. P&D 18- 047

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

**A RESOLUTION DENYING 1041 PERMIT NO. 2018-003 FOR CONSTRUCTION OF A
MAJOR FACILITY OF A PUBLIC UTILITY WITHIN PUEBLO COUNTY, COLORADO**

WHEREAS, the Pueblo Board of County Commissioners is the Permit Authority authorized by House Bill (HB) 1041 (1974), as amended, to regulate areas and activities of State and local interest; and

WHEREAS, the Pueblo County Code, Title 17, Land Use, Division II. Areas and Activities of State and Local Interest, (aka 1041 Regulations), Chapter 17.168, Site Selection and Construction of Major Facilities of Public Utilities, lists criteria for construction of utilities that determine if a Permit is required from the Board of County Commissioners; and

WHEREAS, the applicant's proposed construction of a photovoltaic electrical generation facility (Stem Beach Solar Project, or "Project") on 739 acres (729 acre project site, 10 acres of a 150-foot buffer along the gen-tie line 0.5 mile corridor), with a generating capacity of a 100-megawatt (MW) solar energy generation facility, up to five acres of enclosed energy (battery) storage facilities, approximately 0.5-mile 115-kilovolt (kV) transmission (gen-tie) line, and the proposed transmission line alignment would originate from a new Project substation (Stem Beach substation), falls within one or more of the criteria listed in Chapter 17.168 of the Pueblo County Code and, therefore, requires a Permit from the Board of County Commissioners; and

WHEREAS, the applicant, Stem Beach Solar, LLC, submitted an application requesting approval of a permit to construct said Project within the following described lands within unincorporated Pueblo County:

Stem Beach Project Boundary

- The westernmost 1,500 feet of the parcel described as All of Section 16, Township 22 South, Range 65 West of the 6th P.M. lying West of Interstate Highway 25, County of Pueblo, State of Colorado
- East half and south half of the southwest quarter, Section 17, Township 22 South, Range 65 West of the 6th P.M., County of Pueblo, State of Colorado
- All of the north half lying north of Burnt Mill Road, Section 20, Township 22 South, Range 65 West of the 6th P.M., County of Pueblo, State of Colorado
- The westernmost 1,500 feet located north of Burnt Mill Road of the north half of the northwest quarter and the southwest quarter of the northwest quarter Section 21, Township 22 South, Range 65 West of the 6th P.M., County of Pueblo, State of Colorado

Stem Beach Project Gen-Tie Line

- The westernmost 1,500 feet of the West Half of Section 21, Township 22 South, Range 65 West of the 6th P.M., County of Pueblo, State of Colorado; and



RESOLUTION NO. P&D 18- 047 (CONT.)

WHEREAS, a public hearing, preceded by proper public notice, was opened by the Pueblo Board of County Commissioners on August 8, 2018, then continued to September 17, 2018, to September 18, 2018, to September 25, 2018, to October 16, 2018, and then continued to December 5, 2018, at which time, all those present at the hearings who desired to be heard were heard and their testimony recorded; and

WHEREAS, at its December 5, 2018 hearing, the Pueblo Board of County Commissioners closed the hearing and decided to render its decision on December 12, 2018; and

WHEREAS, the Board of County Commissioners finds that all administrative procedures and requirements as set forth in Title 17, Land Use, Division II. Areas and Activities of State and Local Interest of the Pueblo County Code have been fulfilled.

NOW, THEREFORE, BE IT RESOLVED that the Pueblo Board of County Commissioners, as the Permit Authority, does hereby **DENY** 1041 Permit No. 2018-003 to construct a Major Facility of a Public Utility within the County of Pueblo, Colorado, finding that a preponderance of evidence establishes the following:

- A. The health, safety, and welfare of the citizens of this jurisdiction will **not** be protected and served;
- B. The facility **will** adversely impact the physical, economic, or social environment of this jurisdiction, except as permitted in Section 17.168.040(C);
- C. An adverse impact is expected to occur, reasonable modifications and programs and other reasonable mitigating actions **were not being** implemented and maintained to minimize the degree of adversity of the impact;
- D. Other feasible alternatives to the proposed facility have **not** been assessed, and the proposed facility **does not** represent the best interest of the people of this jurisdiction and the best utilization of resources in this jurisdiction;
- E. There **does not** exist a need, or a reasonably foreseeable need, for the facility as proposed;
- F. Adequate resources (e.g., schools, water and air, roads, labor) **may** exist, or **possibly** will exist, for the construction and efficient operation of the facility; and
- G. The facility does not conflict with this jurisdiction's adopted Comprehensive Plan, or a Comprehensive Plan in the required statutory process of adoption, and all feasible actions have been taken to avoid conflict with other adopted plans of this jurisdiction, region, State, and nation. However, the 2002 Pueblo Regional Development Plan was most recently amended September 27, 2011 and is long overdue for an update to study activities in areas in Pueblo County.