

**Alamosa County
Land Use & Building Department
1041 Permit Application from RDC CO RD 116, LLC**



County Commission Meeting

Date: December 19, 2025

Prepared By: Richard Hubler, Land Use Administrator

Summary:

Alamosa County has adopted policies and land use codes in support of responsible solar energy development, especially renewable energy proposals that contribute to socioeconomic investment, irrigated agricultural cultivation, and land use compatibility.

Unlike the recent history of 1041 utility-scale solar permits, this project and this developer are at a community scale and connect with the electric distribution network instead of the transmission network. While the general technology is similar to larger PV generation, several factors that potentially impact surrounding neighborhood properties are therefore different. This project does not require or propose an electric sub-station, there is no proposed Battery Energy Storage System (BESS) and the overall land use is less than 40 acres.

Despite the smaller scale focus and distribution interconnection, this proposal is still regulated by the 1041 regulations adopted by Alamosa County, because it exceeds the 2MW threshold covered by Special Use Permits. Therefore, the application is subject to the same process for application, review and approval as large utility-scale applications. The preliminary application was submitted on November 4, 2024 and comments were provided to the applicant on December 16, 2024. A final application was submitted on June 12, 2025, and was determined by the County and our third-party reviewers at Logan Simpson to be incomplete. In addition to comments on the final application submittal, the county encouraged the applicant to pursue waiver requests for a number of items. This waiver request was considered and partially approved by the Board of County Commissioners on September 24, 2025. Following that public hearing, the applicant submitted an updated final application on October 17 in response to our prior comments and continued engagement with partner agencies. The final application, as reviewed below, was determined to be complete on November 14, 2025, and the public hearing was set for December 19, 2025 before the Alamosa County Board of Commissioners, acting as the Permit Authority.

Project Location:

This application proposes to develop and operate a 3.9 MW (ac) solar generation facility on approximately 20 acres of a 40 acre property at the northeast corner of County Road 116 US Hwy 160, being parcel 541502300147 owned by Timothy James Outman. The Applicant has provided documentation of development authority through a long term lease agreement, and requests a permit from the county for 45 years.

The legal description of the property on which the RDC CO Rd 116 LLC Community Solar Energy Facility is proposed is: Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section 2, Township 37 North, Range 11 East, N.M.P.M., County of Alamosa, State of Colorado.

Access and Traffic:

The subject property abuts US Highway 160 on the south and County Rd 116 on the west. Access is proposed from County Rd approximately 350 feet from the intersection with Hwy 160. The application includes a road condition analysis report and transportation plan, and the Applicant is coordinating with CDOT regarding both the access plan and haul route as well as the necessary temporary access permit. Staff proposes conditions related to CDOT permits and the impact to county roads.

Public Engagement:

The Applicant began outreach to neighbors in April 2025 and held an open house meeting on a public outreach meeting at Adams State University on June 18, 2025. Following the waiver hearing in September 2025 and in response to concerns expressed by the public during that hearing, the Applicant held a second public meeting at ASU on November 12, 2025. It is staff's determination that this effort meets the county's expectation for community engagement.

Analysis of Relevant Regulations:

In general, the information and specific responses in this application are adequate and work to meet the County's approval criteria. The final application includes a decommissioning plan and an emergency response plan in addition to a number of studies on the site conditions, resources, and development impacts. Due to current limitations with federal government agencies, we did not receive any specific response from our local USFWS staff, but a letter from USFWS was included in the application materials and Colorado Parks and Wildlife (CPW) did provide a comment letter that documented prior conversations with the Applicant about site layout. Staff did not receive comments or hear of any issues of concern from other local entities that have engaged on other 1041 solar projects, including the SLV Ecosystem Council (SLVEC), Friends of the San Luis Valley Refuges, Wetland Dynamics, or Ducks Unlimited, likely due to the general location and site conditions of the proposal. The Applicant did engage with CPW, SLVEC, Alamosa County Fire Protection District and Colorado Department of Transportation, as noted in the application.

The application notes that the Project Site contains, or is in proximity to, the following important wildlife habitats and surface water features:

- The Bureau of Reclamation Closed Basin Project canal runs east to west approximately a quarter mile north of the subject property. This is a concrete-lined canal that contains water throughout the calendar year.

- A pond is at the northwest of the subject property and fed by an artesian well. The site plan identifies that area and the proposed development avoids it.
- US Highway 160 abuts the property to the south. The site plan specifies a 100 foot setback from that property boundary to the project area fence, as well as a 50 foot setback from County Road 116 on the west. The PV panel arrays are set back an additional 20 feet from the project fence. Following consultant with CPW, the Applicant will utilize CDOT's big game exclusion fencing design to mitigate impacts to big game animals.

In 2008, when Alamosa County adopted the Alamosa Master Plan, we stated a desire to be a leader in the development of renewable energy, and in 2009 we adopted these 1041 regulations to provide a permitting framework to accomplish that aim. Since that time, we have permitted 6 projects totaling more than 250MW, enough to power more than twice the number of housing units in the San Luis Valley. The 2008 Master Plan and the 2025 Imagine Alamosa County Comprehensive Plan also expressed a desire to preserve habitat and open spaces and while these strategic planning documents discussed the value of our viewsheds, we do not have any specific guidance or current regulations that affect development related to view sheds. This project site is located outside of those areas identified for agriculture or natural resource open space in the future land use maps of our recently adopted comprehensive plan. As part of the Solar*Rewards Community® program, this project provides the opportunity for local Xcel customers, including low-income customers, to obtain solar energy savings on their monthly bill.

Review of Approval Criteria:

1) The Permit Authority shall approve an application for permit for site selection and construction of a major facility of a public utility (with reasonable conditions, if any, in the discretion of the Permit Authority) only if the proposed site selection and construction complies with all of the following criteria:

a) The health, welfare and safety of the citizens of this County will be protected and served.

Response: The Applicant has demonstrated that the health, welfare and safety of the citizens of Alamosa County will be protected and served. Attachment H discusses the noxious weed and dust mitigation, and Attachment Q Hazard and Emergency Procedures discusses fire response. The Project will not emit any air pollution during operations nor utilize or generate any hazardous materials that could result in the releases of hazardous substances into the environment. During the construction phase the Project will bring temporary employment opportunities and an economic boost to the local community. Post-construction, a small number of permanent employment opportunities will be provided. Staff believes the Applicant has sufficiently addressed this criterion in their application.

b) The natural and socioeconomic environment of the County will be protected and enhanced.

Response: The Applicant provides an Economic Impact Analysis in Section 7 and Attachment L. The Applicant anticipates the Project will provide \$1M of added value to the local economy during the 4 month construction period. The Applicant has also developed a work-force training program as described in Attachment L that could benefit local citizens by training them for solar installations. The County agrees that the project would provide positive socioeconomic benefits.

The Applicant documents that this site poses minimal impacts to biologic resources and has no wetland or aquatic impacts. The site is currently mostly greasewood and has been used previously for grazing livestock. Wildlife exclusion fencing as specified by CPW should prevent conflict with any migrating large game animals in the area. Staff believes the Applicant has sufficiently addressed this criterion in their application.

c) All reasonable alternatives to the proposed action, including use of existing ROWs and joint use of ROWs wherever uses are compatible, have been adequately assessed and the proposed action is compatible with and represents the best interests of the people of the County and represents a fair and reasonable utilization of resources in the impact area.

Response: No new ROWs are proposed, and the proposal will connect to the existing distribution line adjacent to HWY 160. Staff believes the Applicant has sufficiently addressed this criterion in their application.

d) A satisfactory program to mitigate and minimize adverse impacts has been presented.

Response: The Applicant has documented a number of actions that mitigate and minimize potential adverse impacts. These are included in the current site design as well as plans for vegetation management and emergency response. The panels are relatively low to the ground and with minimal equipment, there will be little noise. The application includes a Visual Impact Review in Attachment F and a Noise Study in Attachment P. It will have negligible, if any, impact on air quality and the Applicant will obtain a Stormwater Discharge Permit prior to construction to prevent any non-point source pollution from the site and to maintain water quality control in any runoff. Staff believes the Applicant has sufficiently addressed this criterion in their application.

e) The nature and location or expansion of the facility complies with all applicable provisions of the master plan of this County and other applicable regional, metropolitan, state and national plans.

Response: This project supports the Imagine Alamosa County Comprehensive Plan focus on supporting renewable energy, and does so on a neighborhood scale. It will help Xcel and the state to meet energy production goals. Staff believes the Applicant has sufficiently addressed this criterion in their application.

- f) The nature and location or expansion of the facility complements the existing and reasonably foreseeable needs of the service area and of the area immediately affected by the facility.**

Response: This project will increase local production of clean energy, and provides an opportunity to directly benefit the Xcel customers in Alamosa County. The Applicant has demonstrated that the nature and location of the facility complement the existing and reasonably foreseeable needs of the service area. The Project and its location help improve energy reliability issues in the County and immediate neighborhood. Staff believes the Applicant has sufficiently addressed this criterion in their application.

- g) The nature and location or expansion of the facility does not unduly or unreasonably impact existing community services.**

Response: The Applicant has demonstrated that the nature and location of the facility does not unduly or unreasonably impact existing community services, including the Fire Department and Alamosa County Sheriff's Office, the school district, weed district, and Mosca-Hooper Conservation District. Instead, the Project is designed to have a positive impact on the surrounding community and will produce clean energy for County residents while also providing Xcel the opportunity to improve energy reliability. Consequently, the Project benefits the County without unduly or unreasonably impacting existing community services. Staff believes the Applicant has sufficiently addressed this criterion in their application.

- h) The nature and location or expansion of the facility will not create an expansion of the demand for government services beyond the reasonable capacity of the community or region to provide such services, as determined by the Permit Authority.**

Response: The Applicant has demonstrated that the Project does not create an expansion of the demand for government services beyond the reasonable capacity of the community or region to provide such services. The Applicant has conducted a survey of the existing road conditions, engaged with CDOT regarding access permitting and haul routes, and does not have an on-site office facility that would need sanitation and water supply. The Project needs no school, health, garbage, or housing services and thus provides needed benefits to the County without expanding the demand for government services. Staff believes the Applicant has sufficiently addressed this criterion in their application.

- i) The facility site or expansion area is not in an area with general meteorological and climatological conditions which would unreasonably interfere with or obstruct normal operations and maintenance.**

Response: Sections 6.3 Atmospheric Conditions and 6.4 Site Geology as well as the Hydrology Report in Attachment K and Biotic and Aquatic Conditions Report in Attachment I provide documentation that the Project Site is not in an area with general meteorological and climatological conditions that would unreasonably interfere with or obstruct normal operations and maintenance. Some submittal requirements regarding

this criterion were waived by the Permit Authority. Staff believes the Applicant has sufficiently addressed this criterion in their application.

- j) The nature and location of the facility or expansion will not adversely affect the water rights of any upstream, downstream, or adjacent communities or other water users.**

Response: The proposal does not intend to use water from on the property and the Applicant has obtained a bulk water permit from East Alamosa Water & Sanitation District. Water Rights will not be adversely affected by the Project. Water use associated with the Project will be negligible, and the Applicant proposes purchase of bulk water for those needs. Staff believes the Applicant has sufficiently addressed this criterion in their application.

- k) Adequate water supplies are available for facility needs.**

Response: The Applicant's proposal to haul water for construction and panel cleaning is consistent with similar applications approved by Alamosa County. During the construction phase of the Project, water will be used for dust suppression and during the operations phase of the project, minimal water will be used for panel cleaning. Staff believes the Applicant has sufficiently addressed this criterion in their application.

- l) The nature and location of the facility or expansion will not unduly interfere with any existing easements for or rights-of-way, for other utilities, canals, mineral claims or roads.**

Response: The planned one hundred foot setback of the fenced project area from from US Hwy 160 and fifty foot setback from the and county road means that there will be no interference with any existing easements. Staff believes the Applicant has sufficiently addressed this criterion in their application.

- m) The Applicant is able to obtain needed easements for drainage, disposal, utilities, access, etc.**

Response: Access to the subject property is from County Rd 116. A preliminary Conceptual Transportation Plan, Attachment N, illustrates the transportation routes and the capacity of those routes. The Applicant is coordinating with the Colorado Division of Transportation, Region 5 (CDOT), regarding access during construction, and long-term access during the operational phase is negligible. Attachment J Drainage Report discusses existing conditions and the limited impact the proposal will have on surface run-off. The Applicant will have to obtain all necessary permits or approvals related to transportation, access, or easements, including any temporary access permits required by CDOT as a standard condition of any county permit that is approved. Staff believes the Applicant has sufficiently addressed this criterion in their application.

- n) Adequate electric, gas, telephone, water, sewage and other utilities exist or shall be developed to service the site.**

Response: The Project is producing power and the minimal water required will be trucked in. There are no support facilities being proposed and therefore none of the

other services (sewage, gas, etc.) are required for the Project. Staff believes the Applicant has sufficiently addressed this criterion in their application.

- o) The nature and location for expansion of the facility will not interfere with any significant wildlife habitat or adversely affect any endangered wildlife species, unique natural resource or historic landmark within the impact area.**

Response: The application includes discussion of wildlife and habitat in section 9.5 and Attachment I. CPW provided a comment letter dated December 5 that noted the big game exclusion fencing. Attachment G documented the cultural resources in the vicinity and provided a response should development uncover any such items on the subject property. Staff believes the Applicant has sufficiently addressed this criterion in their application.

- p) The nature and location or expansion of the facility, including expected growth and development related to the operation and provision of service, will not significantly deteriorate air quality in the impact area.**

Response: The Applicant will obtain air and water quality permits for CDPHE for construction related activities, and such permits are a standard condition of county approval. The operational phase of the project has no impact to air quality. Staff believes the Applicant has sufficiently addressed this criterion in their application.

- q) The geological and topographic features of the site are adequate for all construction, clearing, grading, drainage, vegetation and other needs of the facility construction or expansion.**

Response: The Applicant has documented that the geological and topographic features of the site are adequate for all needs of the facility construction in Section 6.4 and Attachment E. Staff believes the Applicant has sufficiently addressed this criterion in their application.

- r) The existing water quality of affected state waters will not be degraded below state and federal standards or established baseline levels.**

Response: This criterion is specific to water quality of state waters. The Applicant will be required to develop a Stormwater Management Plan and obtain relevant permit(s) from CDPHE as a condition of any approved permit. The Project will not impact resources under jurisdiction of the USACE, including jurisdictional wetlands or Waters of the U.S. Water quality will not be degraded on the site and the proposal is not subject to any permits from CDPHE required by HB 24-1379. Staff believes the Applicant has sufficiently addressed this criterion in their application.

- s) The benefits of the proposed developments outweigh the losses of any natural resources or reduction of productivity of agricultural lands as a result of the proposed development.**

Response: This project creates no direct impacts to the general productivity of agricultural lands as the subject property has only occasionally seen livestock grazing and has no special biologic or resource value. This criterion seeks to balance any loss

of natural resources against the project benefits. Staff believes that the comments from CPW and both internal and third party review by Logan Simpson support the analysis that the Application has addressed the impact to big game animals, as well as limited the potentially negative impacts of noise, visual impact, and traffic. This site is an appropriate location for this project, and the long term benefits outweigh any short term neighborhood impacts.

2) The Permit Authority shall deny the permit if the proposed development does not meet all of the criteria in subsection (1) of this Section.

It is Staff's position that the proposal meets all of the approval criteria.

Staff Recommendation

Based on review of the final application by Staff and the County's 3rd party review consultant Logan Simpson, Staff **Recommends Approval with the following conditions:**

1. The initial term of the 1041 permit shall be 35 years from the date that the permit is issued. The Applicant may request a maximum of two five (5) year extensions of said permit by making a renewal application to Alamosa County, which extensions shall be granted provided the Applicant is in compliance with all permit conditions at the time of each renewal application.
2. Prior to issuance of the Permit, the Applicant and Alamosa County shall enter into a Decommissioning and Restoration Agreement, to be effective upon issuance of the Permit.
3. Prior to issuance of the Permit, the Applicant shall submit a final Emergency Action Plan for acceptance by the Permit Authority, which plan shall be reviewed annually and updated as necessary.
4. Prior to issuance of the Permit, the Applicant and Alamosa County shall enter into a Road Agreement, to be effective upon notice by the Applicant of the initiation of construction.
5. The Applicant shall notify the County in writing at least 90 days prior to initiation of construction to confirm that the planned construction will meet the conditions of the existing permit and confirm that there are no substantial material design changes associated with the subsequent phases of the project. The Applicant will also publish public notice in the local newspaper for a duration of 5 days, commencing at least 30 days prior to initiation of construction for any phase of the project. The public notice will notify the public that construction will soon commence in accordance with all conditions of the 1041 permit, describe the construction activity, and provide contact information for the Applicant.
6. The Applicant shall initiate construction of the project within twenty-four (24) months from the date that the permit is issued. Initiation of construction shall be defined as the commencement of substantial improvement of the project site, including but not limited to any of the following: placement of a permanent structure on-site, the pouring of a permanent slab or footings, the installation of piles, or any other substantial improvement related to construction of the project, as reasonably determined by the Alamosa County Permit Authority in consultation with the Applicant. In the event that construction is not

initiated within twenty-four (24) months of the issuance date of this Permit, the Applicant can request an extension of the construction initiation deadline for this Permit from the Permit Authority, which renewal shall be made after a public hearing.

7. Prior to construction, the Applicant shall conduct preconstruction nest surveys to identify and protect designated protected and threatened species.
8. Prior to construction, the Applicant shall obtain relevant permit(s) for construction stormwater management from the State of Colorado, and provide the County with a copy of the permit.
9. Prior to construction, the Applicant shall obtain any applicable Federal, State, or County permits, including but not limited to CDOT and County access and ROW permits, Air Pollutant Emission Notice (APEN), building, plumbing, and electrical permits.
10. During construction and operation, the Applicant shall protect natural and biologic resources consistent with state and federal regulations and best practices, including coordination with Colorado Parks & Wildlife, installation of the project fencing as specified in the application and site control measures for small animals.
11. This permit is valid for use only by the Applicant and its parent(s) and subsidiary companies or the successors of such parent(s) or subsidiary companies. Applicant shall have the right to transfer this permit to any third party provided that Applicant shall only be released from its obligations under this permit following assumption of such obligations by the assignee and approval by the Permit Authority. Any assignee will be subject to all applicable approved permit conditions, including the Decommissioning and Restoration Agreement, Road Agreement, and any state or federal permits. The foregoing notwithstanding, Applicant shall have the right to collaterally assign any of its rights and obligations under the 1041 Permit and any related agreements or approvals to a lender, lenders or other parties in connection with the financing for the project without notice to County and without County's approval.