

**Alamosa County
Land Use & Building Department
1041 Permit Application from Haynach Solar, LLC**



County Commission Meeting

Date: January 14, 2026

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 preservation, and land use compatibility.

This project is similar to the 5 existing utility-scale solar projects, although it is larger than any currently operating and does include a Battery Energy Storage System (BESS) in addition to solar photo-voltaic (PV) production and an electric substation. It is proposed on land adjacent to the Xcel/Tri-State SLV substation and the Hooper Solar project, and includes approximately 626 acres previously permitted to San Luis Valley Solar Farm, LLC (SLVSF) by Resolution 2012-G-5. Ultimately, that permit to SLVSF was partially transferred to Solar Star III, LLC by resolution 2014-G-7 to develop only Phase 1 as the currently existing Hooper Solar Project. The proposed phases 2 and 3 were never built and their approval has expired. The current property owner for all the land included in the entire Haynach project, Lee Welch, has owned the land under the Haynach and Hooper Solar sites since 2005, and he intends to sell the subject property to the Applicant for development of the Haynach project.

The preliminary application was submitted on April 30, 2024 and comments were provided to the applicant on July 15, 2024. The Applicant submitted a request for common waivers to submittal requirements, which request was considered and partially approved by the Board of County Commissioners on April 9, 2025. A final application was submitted on August 1, 2025, and was determined by the County and our third-party reviewers at Logan Simpson to be incomplete. Alamosa County provided comments on the final application on September 23, 2025, and the Applicant provided a response on October 31, 2025. The final application as reviewed below includes that document submitted on August 1 and supplemented by the October 31 response. It was determined to be complete on November 25, 2025, and the public hearing was set for January 14, 2026 before the Alamosa County Board of Commissioners, acting as the Permit Authority.

Project Location:

This application proposes to develop and operate the Haynach Solar Hybrid Project, a 110 MW solar generation and 110 MW, 4-hour battery energy storage system (BESS) facility on approximately 1100 acres located north of Lane 8 N, between County Road 102 and County Road 104. The Applicant is estimating construction to start as soon as 2026, and plans for 40

years of operation. The subject property is seven quarter sections currently owned by Lee Welch, except for the potato storage corner development that was separated by the Welch Minor Subdivision land use case MS 24-002. Currently the subject property is four parcels, 500922100171, 500921100172, 500921200173, and 500916300040. The legal description is Tract 1 of the Welch Minor Subdivision according to the plat recorded at Reception No 391282, AND The NW 1/4, less and except the North 30 feet of Section 21, Township 40 North, Range 9 East, N.M.P.M. AND The S1/2, less and except the South 30 feet of Section 16, Township 40 North, Range 9 East, N.M.P.M. AND The N 1/2 and the SE 1/4 of Section 22, Township 40 North, Range 9 East, of the New Mexico Principal Meridian, County of Alamosa, State of Colorado.

Access and Traffic:

The subject property abuts Lane 8 N on the south, County Rd 102 on the west, County Rd 104 on the east and straddles Lane 9 N. Access is proposed from both County Road 102 and Lane 8 N. Transportation haul routes include CO Hwy 17 and CO Hwy 112 (Lane 12 N). Attachment 5 of the final application include a transportation impact study and level 2 auxiliary turn lane assessment that evaluated impacts of construction traffic on state highways and concluded that an auxiliary lane may be required at Lane 8 N and CO 17. The applicant is coordinating with CDOT regarding the haul route as well as the necessary temporary access permits. Staff proposes conditions related to CDOT permits and the impact to county roads.

Public Engagement:

The Applicant began outreach to the public in June 2025 through participation at the Alamosa Round-up. An open house was hosted on September 23, 2025 at the Alamosa Family Rec Center. The Applicant has communicated directly with neighboring landowners, as noted in the letter dated November 12, 2025. It is staff's determination that this effort meets the county's expectation for community engagement.

Analysis of Relevant Regulations:

This application is adequate to address the submittal requirements and works to meet the County's approval criteria. The final application includes an emergency response plan in attachment 12 and discusses decommissioning costs in the Economic Impact Assessment (attachment 4), noting potential costs could be as high as \$18 million. Attachment 5 addresses road use and impacts and Attachment 13 covers vegetation management. Staff recommends related conditions. The final application also includes a number of studies to address specific requirements of county 1041 regulations, including glare and noise, hydrology and wetlands, and biologic resources. A cultural resource report was submitted to the State Historic Preservation Officer on September 24, 2025. Colorado Parks and Wildlife (CPW) provided a comment letter that discussed avian conflict management best practices developed by the Avian Power Line Interaction Committee (APLIC), CDOT style exclusionary fencing, and

management of invasive weeds. CPW concluded that the project was “properly sited and will have minimal impact on wildlife resources.” While Staff has had extensive engagement with the Applicant since early 2024, we had had minimal interest or concern expressed by 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.

Siting this project on disturbed agricultural land in the heart of northwest Alamosa County’s potato production area avoids many potentially negative impacts to natural resources. The subject property is also within Subdistrict 1 of the Rio Grande Water Conservation District, where Staff expects to see farms retiring production and/or water rights. These considerations formed the basis of the Energy Overlay in the recently adopted Imagine Alamosa County Comprehensive Plan. In fact, this specific property was identified on the Sensitive Solar Resources map from 2010 as not having significant bio-diversity value and being irrigated parcels without surface water rights. These factors supported the county’s prior approval of the San Luis Valley Solar Farm in 2012.

In addition to standard conditions for legal agreements and development timeframes, Staff also proposes conditions related to the BESS and the projected sales tax revenues.

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. The final application includes attachments that address the positive economic impact (attachment 4) revegetation and weed management (attachment 13) and hazardous materials, and emergency response (attachment 12). It addresses potential negative impacts from traffic (attachment 5), glare (attachment 6), and noise (Attachment 7). 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 subject property is appropriately located in that area of the county already seeing transition from active irrigated agriculture to fallowed land and other uses. The prior disturbance on this site and the surrounding area is documented in the

final application narrative and biological resources and wetland studies (attachments 8 & 9). Wildlife exclusion fencing as specified by CPW should prevent conflict with any migrating large game animals and APLIC recommended design for transmission interconnection lines and towers will minimize avian impacts. The Economic Impact Assessment (attachment 4) states that this \$331M project will generate \$39.5-\$50 million in direct economic impact during construction and \$2M annually during operation.

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: This proposal intentionally locates the project site adjacent to existing utility infrastructure, including the SLV Substation jointly owned by Xcel and Tri-state, and proposes access from existing county roads- Rd 102 and Lane 8N. 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 addressed throughout the project narrative and attachments. Table 2-1 of the October 31 response letter summarizes those best management practices and specific actions that protect biologic, soil and cultural resources, and limit traffic and visual impacts. 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 is located within an identified Solar Opportunity Area on the Energy Overlay of the recently adopted Imagine Alamosa County Comprehensive Plan. The Project 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.

- 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, supporting Xcel's statewide renewable generation plans. Its location adjacent to the existing Hooper PV solar site, and across Lane 8N from the approved RWE BESS site complements development in the area. The broader area is currently irrigated agricultural quarter

sections that will not be impacted by this development. 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: No additional community services are needed, nor will this project overly impact those services provided by the area's special districts, including the Mosca-Hooper VFD, Northwest Weed District, or Sangre de Cristo School District. 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: During the 16-month construction period, road use and traffic will increase as noted in the transportation study (attachment 5). The largest impact will result from the BESS container units, which are typically semi-trailers weighing 80,000 pounds. The transportation study indicates that this traffic will predominately impact Lane 8 N, which is easier to maintain as it is unpaved. The county's standard conditions include a Road Agreement that addresses measurement and management of this type of impact. 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: This area is not known to Staff as having special meteorological or climatic conditions, and therefore many of the relevant submittal requirements were waived by the County Commission. 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 final application includes a water rights summary in attachment 10 that discusses the historic groundwater rights and the recent transfer of the majority of them to the Rio Grande Water Conservation District. There are no surface water rights associated with any of the subject property. Staff believes the Applicant has sufficiently addressed this criterion in their application.

k) Adequate water supplies are available for facility needs.

Response: Property Owner Lee Welch maintains ownership of groundwater rights for the south half of Section 16, north of Lane 9 N. These water rights could be sold with the property to the Applicant, who would have to convert them to non-agricultural uses through water court to use them for operations and maintenance. This is discussed in Attachment 10, although estimates for construction water and annual water use are

high, likely related to panel washing. The Applicant could apply for an exempt commercial well permit or an augmented well to cover the needs of the operations building and support the fire storage cistern for the BESS. 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 site layout (in attachment 3) is designed to avoid existing electric utility easements and new project-related utility crossings on Lane 9 N will require a ROW permit from Alamosa County Road & Bridge. 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 proposed from County Rd 102 and Lane 8 N. The current preliminary layout does not fully illustrate circulation within the site, which will be finalized prior to construction. 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 telecom is available along Lane 8 N. The preliminary layout in Attachment 3 indicates a portable restroom, but Staff will work with the applicant when permitting the Office Building to install an OWTS as required by county regulations and proposes related conditions. 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 Biological Resources Review (attachment 8) concluded that there were no suitable habitats for federal or state listed species. This report documents that the subject property is not within 1 mile of any potential conservation areas of the Colorado Natural Heritage Program (CNHP) and CPW comments state that the project is not within mapped High-Priority Habitat areas. The entire San Luis Valley is a migratory bird flyway, and the application proposes pre-construction surveys consistent with USFWS and CPW comments. These nest surveys are a standard condition of any county approval of a 1041 permit. 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 subject property is mostly flat, formerly tilled farmland. Based on this condition, the County Commission waived specific submittals addressing this topic. The hydrology study documents that the site is capable of supporting the proposed development. 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 Wetland study in attachment 9 documents that the project will not impact resources under jurisdiction of the USACE, including jurisdictional wetlands or Waters of the U.S (WOTUS). 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 criterion seeks to balance any loss of agricultural or natural resources against the project benefits. This project does not further reduce the productivity of agricultural lands as the current property owner, Lee Welch, has already fallowed the land and transferred the majority of ground water rights. The subject property has no surface water rights and the historic ground water pumping is most impacted by the limitations of Subdistrict 1. Staff believes that the comments from CPW and both internal and third party review by Logan Simpson support the analysis that the proposed development has minimal impacts to any natural habitats. This site is an appropriate location for this project and has excellent long term benefits for this subject property and the county.

- 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 relevant conditions:**

1. The initial term of the 1041 permit shall be 40 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 not be unreasonably withheld 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 Response 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 thirty-six (36) 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 thirty-six (36) months of the issuance date of this Permit, the Applicant may request an extension of the construction initiation deadline for this Permit from the Permit Authority, said request shall only be considered after a public hearing.
7. Prior construction, the Applicant shall conduct preconstruction nest surveys to identify and protect designated protected and threatened species.
8. Prior to construction, the Applicant shall provide the county with a final site layout showing access and internal circulation, parking areas, and all structures and utilities.

9. Prior to construction of any battery energy storage system “(BESS)”, the Applicant shall obtain a construction permit from Alamosa County for the BESS, including third party review consistent with NFPA 855 Standard, 2026 edition.
10. 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.
11. 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, OWTS/septic, plumbing, and electrical permits.
12. For the purposes of sales tax, any and all specialized equipment and replacement equipment for this permitted project shall have a delivery destination address of Alamosa County. Within ninety (90) days after commencement of commercial operation, the estimated sales tax to Alamosa County shown on Table 9-3 of the Haynach Solar Hybrid Project Economic Impact Assessment (dated July 2025) is due.
13. The Applicant shall obtain adequate legal water to support proposed operations and maintenance and provide documentation to the county, and the Applicant shall construct and maintain a fire-supply cistern of at least twenty-five thousand (25,000) gallons, located adjacent to the BESS.
14. During construction and operation, the Applicant shall protect natural and biologic resources consistent with state and federal regulations and best practices and Table 2-1 of the final application, including coordination with Colorado Parks & Wildlife, installation of the project fencing as specified in the application and site control measures for small animals.
15. This permit is valid for use only by the Applicant and its affiliates and the successors of the permitted Applicant and such affiliates. “Affiliate” means any company that controls, is controlled by, or is under common control with the permitted Applicant. The Applicant shall have the right to assign this permit to an affiliate without the consent of Alamosa County. The Applicant may transfer this permit to a non-affiliate third party only upon the express written consent of Alamosa County which shall not be unreasonably withheld but may include additional or revised conditions. The Applicant shall only be released from its obligations under this permit following assumption of all obligations by the assignee. Any assignee will be subject to all applicable approved permit conditions, including but not limited to any Decommissioning and Restoration Agreement, Road Agreement, or Community Development Agreement as applicable, as well as 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(s) or other parties in connection with the financing for the project without notice to County and without County’s approval.
16. On an annual basis applicant shall provide updated contact information to Alamosa County.

17. Safety Clause: In the event that the completed projected creates an unknown or unexpected safety concern as identified by any state or federal regulatory agency, the Applicant shall make reasonable efforts to mitigate said concern as soon as possible.