



PLANNING COMMISSION STAFF REPORT

PC Hearing Date: September 1, 2026

Case Planner: On behalf of Elbert County: Mary Geisinger, Planner & Jen Gardner, Senior Planner – Logan Simpson

Application: **Shepherd Solar; 1041-2026-0001**

Applicant: Natalie Aiello; BayWa Renewables

Subject Property: Parcel Nos. 1926300138, 1831000038, and 1936000044

Property Owner: J and D Farm Properties, LLC c/o Donna Maranville; Chad and Cindy Maranville; Jack and Linda Maranville

Project Summary

The applicant, BayWa Renewables, is requesting approval of a Special Use by Review land use permit to construct and operate a solar energy facility across approximately 1,990 acres with a battery energy storage system (BESS) and operations & maintenance building (O&M).

Background & Existing Conditions

The application for Special Use by Review (SUR) is contingent upon the concurrent approval of the 1041 Areas and Activities of State Interest application for the Shepherd Solar Project.

The subject properties total approximately 3,300 acres, with the historical use being dry upland agriculture and grazing. The proposed project would only utilize approximately 1,990 acres of the total subject properties to focus infrastructure around the interconnection location and access points, and preserve the remaining acreage for agriculture infrastructure and sensitive habitats.

The Project is a proposed utility-scale renewable energy development consisting of a 199-MW photovoltaic solar energy facility with an associated 100-MW battery energy storage system (BESS).

Site Characteristics

Site Description: The subject area is four parcels each ranging in size from 320 acres to 640 acres, encompassing a total development area of approximately 1,990 acres. All of the subject parcels are zoned Agriculture (A) and historically have been utilized for grazing and dry upland fields. Surrounding properties are all zoned Agriculture (A). The closest property with zoning other than Agriculture is a single parcel zoned Agriculture-Two (A-2), over a mile from the project site at the closest point.

Floodplain: Property contains a FEMA Zone A Floodplain along a stream going west to east.



Wetlands: There are nine documented, non-jurisdictional wetlands within the project area. There are six ephemeral stream swales throughout the site.

Access: The project proposes six access points from County Road 149, County Road 153, County Road 50, and County Road 46.

Timeline of Project

- Pre-Application Meeting – April 23, 2025
- Community Meeting – December 8, 2025
- Application First Submittal – March 12, 2026
- Application Completeness Determination – April 9, 2026
- Application Second Submittal – April 28, 2026
- Application Completeness Determination – May 26, 2028
- 1st Referral Period – May 28 to June 26
- 2nd Referral Period – July 22 to August 6
- Mailed notice sent to surrounding property owners within 2,640’ radius – August 19, 2026
- Public notice sign posted at subject property – August 10, 2026
- Newspaper notification published in Elbert County News – July 30, 2026
- Planning Commission Public Hearing – September 1, 2026
- Scheduled Board of County Commissioners Public Hearing – September 9, 2026

Public Notification

The applicant followed the public notification procedure as outlined in ECZR, Article II.E., which included newspaper notice to *Elbert County News*, mailed notification to surrounding property owners within a 2,640’ radius, and public notice signs posted at the subject property. Notifications were completed at least 14 days prior to the Planning Commission Public Hearing.

Community Meeting & Public Comment

The Applicant hosted a community meeting at the Hope Community Center in Simla on December 8th, 2025. The event was noticed per Elbert County requirements. Elbert County community members shared questions about long-term land stewardship, decommissioning obligations, visual and environmental effects, fire safety, electricity distribution, and local economic benefits. The Applicant provided a project overview presentation explaining the project’s size and configuration, use of existing grid infrastructure, preliminary timeline, and future project decommissioning.

A second community meeting was held by the applicant on April 2, 2026 in the Elbert County Agriculture Building. Approximately 18 people signed in at the meeting. Concerns and questions from the public included topics such as safety, natural disasters, drainage, water, site selection, property values, and construction.

Two public comments were received by Elbert County as of August 25, 2026. Concerns from property owners included property values, noise, environmental impacts, and land use effects on existing agricultural operations.



Referral Process

The project had two referral periods occurring in June 2026 and July 2026, and final revisions submitted in August 2026. The main revisions to the project included clarity on water and sewer use, updates to preliminary site plans, updates to narrative on existing conditions and traffic plans. The following agencies responded during the referral periods:

- Elbert County Planning
- Elbert County Assessor's Office
- Elbert County Clerk and Recorder
- Elbert County Building Department
- Elbert County Office of Emergency Management
- Elbert County Public Health
- Elbert County Public Works, Engineering
- Elbert County Public Works, Road and Bridge
- Elbert County Sheriff's Office
- Elbert County Historical Society
- Big Sandy Fire District
- Elizabeth Fire
- Colorado Geological Survey (CGS)
- Colorado Division of Water Resources (DWR)
- Colorado Department of Public Health and Environment
- Colorado Parks and Wildlife

There are no outstanding objections from any referral agencies. However, additional conditions have been requested from Public Works.

Considerations for Decision

The following could be taken into consideration for a decision on the application for Shepherd Major 1041 1041-2026-0001:

- All submittal requirements have been met.
- No outstanding objections from referral agencies.
- One comment was received prior to the community meeting about non-involvement in the project, with their land not being within the proposed project area.
- One public comment in opposition of the application has been received as of 8/25/2026. Additional concerns from nearby property owners and County residents about potential impacts have also been reported.
- Subject site is situated to utilize existing transmission lines.
- Located near the existing Rush Creek Wind Project and situated away from population centers.
- Project integrates wildlife corridors through the site.

Findings & Review Criteria

The following criteria, found in ECZR Article XVII.M, shall be considered by the Elbert County Community and Development Services (CDS) Director, the Planning Commission, and the Board of County Commissioners in the review of applications for 1041:

- a) **Documentation that prior to site disturbance associated with the Proposed Project, the applicant can and will obtain all necessary property rights, right of way and easements, permits and approvals (federal and state agencies included);**

All documentation of necessary property rights, right of way and easements, permits and approvals has been provided by the applicant. Several permits and approvals will not be obtained until the submittal of construction permits. For these approvals, the applicant has outlined a clear timeframe and schedule for when they will be anticipated. Narrative is included within Section 3.3 of the Application Narrative and the Cover Letter.

- b) **The Proposed Project protects water quality and supply according to the relevant provisions of an existing water quality plans;**

The proposed project will be setback from all water features within the project site. Water utilized for the proposed use construction will be hauled from offsite sources. The application outlines stormwater erosion controls, and the stormwater management plan and dust-suppression measures are designed to protect surface and groundwater quality in accordance with County standards. Additional information is available within the Cover Letter, Narrative sections 3.3, 3.6, 3.10.3, and 3.10.4. A preliminary stormwater report is also available in Appendix H and a wetland delineation within Appendix O.

Colorado Division of Water Resources (DWR) provided informal comments on the application and had no comments regarding this referral, so long as the existing well(s) on the property are used in accordance with their permitted terms and conditions.

A Stormwater Management Plan (SWMP), General Permit for Stormwater Discharges Associated with Construction Activity, and a Spill Prevention, Control, and Countermeasure Plan (SPCC) will be required prior to construction.

- c) **The Proposed Project is not subject to significant risk from natural hazards;**

The proposed project is sited within a low geological and meteorological hazard area. The applicant has coordinated with Big Sandy Fire Protection District, and they have no concerns with this project. See section 3.10.8 of the application narrative for additional information.

- d) **The Proposed Project is in general conformity with applicable master plans;**

The proposed project aligns with 2018 County goals for Land Use, Community Resources, and Economic Development. The proposed project has also taken into consideration current updates to the Comprehensive Plan for Elbert County and is jointly located with an existing transmission line. See sections 3.4, 3.5, and 3.17 of the application narrative for additional information.

- e) **The Proposed Project will not have significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems;**

The Proposed Project has committed to a Road Use Agreement, traffic management, a dedicated water storage tank, and training to support emergency response. Big Sandy Fire Protection District and Elbert County Office of Emergency Management will be included in these trainings.

See Section 3.6 of the application narrative for additional information.

- f) **The planning, design, operation, and decommissioning of the Proposed Project will reflect principles of sustainability, resource conservation, energy efficiency and recycling or reuse;** The applicant has committed to multiple Best Management Practices, noted within Appendix J. The applicant has committed for their decommissioning process to maximize the recycling, reuse and salvage of applicable facility components (Appendix M). No concerns from referral agencies were raised in regard to principles of sustainability, resource conservation, energy efficiency and recycling or reuse. See section 3.2 of the application narrative for additional information.

- g) **The Proposed Project will not significantly degrade the environment. Appendix “A” includes the considerations that will be used to determine whether there will be significant degradation of the environment;**

The applicant addressed air, visual, surface water, groundwater, wetlands, wildlife, and vegetation within the application narrative (Section 3.10), emphasizing siting and design choices to avoid wetlands and high-priority habitats. CPW provided comment and had no concerns regarding the project.

- h) **The Proposed Project will not negatively impact High Priority Habitat defined by Colorado Parks and Wildlife and will include applicant consultation with and input from Colorado Parks and Wildlife about the proposed project’s potential impact on wildlife resources in the County;**

There is no designated Critical Habitat or High-Priority Habitat onsite. The applicant has coordinated with CPW for implementation of avoidance, minimization, and mitigation measures within the proposed project design. CPW provided comment and had no concerns regarding the project and suggested a few additional suggested measures. The applicant has responded to the comments and has integrated additional measures including several wildlife corridors.

See section 3.10.6 of the application narrative.

- i) **The Proposed Project will not cause a nuisance as defined within the Elbert County Land Use and Development Code;**

The 1041 proposal was reviewed by various experts, including Elbert County Public Health, Elbert County Public Works, Elbert County Office of Emergency Management and others, has not resulted in any anticipated significant air, odor, water, noise, or light pollution beyond an acceptable level per County Regulations. Lighting on the site is limited to security lighting and lighting around the substation. There is no anticipated noise or odor associated with the facility. There is also no anticipated air or water pollution with the proposed solar use.

- j) **The Proposed Project will not degrade areas of paleontological, historic or archaeological importance;**

There are no known cultural or historical sites within the proposed project site. The applicant has included an Unanticipated Discovery Plan and a desktop analysis of cultural resources. Elbert County Historical Society commented on the application and had no concerns.

- k) If the Proposed Project is designed to serve areas within the County, the Proposed Project is necessary to meet community development and population demands in those areas;**

The proposed project will support regional electrical demand and support grid reliability. The project will not require additional services from the County. See section 3.8 of the application narrative for additional information.

- l) The Proposed Project will not result in unreasonable risk of release of hazardous materials. In making this determination as to such risk, the BOCC's consideration shall include:**

a. Plans for compliance with federal and State safe handling, storage, disposal and transportation requirements.

b. Use of waste avoidance and minimization techniques.

The proposed use will include BESS and limited hazardous materials onsite. All fuels and oils will be stored meeting state safety standards. Proposed BESS specifications include extensive safety features and will be compliant with local, state, and federal safety standards. Additional safety features were included in the proposed project designs following comments from Big Sandy Fire District.

Finalization of following will be needed prior to construction:

- a. Traffic study and road maintenance agreement, with pertinent state permits
- b. Emergency Response Plan
- c. Final site plan and electrical specifications

For Major Review 1041, the following additional criteria shall be considered by the Elbert County Community and Development Services (CDS) Director, the Planning Commission, and the Board of County Commissioners in the review of applications:

- a) If the Proposed Project is designed to serve areas within the County, the Proposed Project is necessary to meet community development and population demands in those areas;**

The proposed project will support regional electrical demand and support grid reliability. The project will not require additional services from the County. See section 3.8 of the application narrative for additional information.

- b) The Proposed Project is technically and financially capable.**

The applicant has demonstrated extensive experience with development of renewable energy projects. BayWa r.e. has secured financing from parties including U.S. Bank, RBC, Berkshire Hathaway Energy, Commerz Bank, Societe General, and Rabo Bank. See section 3.4 in the application narrative for background on BayWa r.e.'s technical and financial capability. Appendix F contains an economic impact analysis with financial details related to the project.

- c) The applicant has the necessary expertise and financial capability to develop and operate the Proposed Project consistent with all requirements and conditions.**

The applicant has demonstrated extensive experience with development of renewable energy projects. BayWa r.e. has secured financing from parties including U.S. Bank, RBC, Berkshire Hathaway Energy, Commerz Bank, Societe General, and Rabo Bank. See section 3.4 in the application narrative for background on BayWa r.e.'s technical and financial capability.

Appendix F contains an economic impact analysis with financial details related to the project.

d) The Proposed Project will not significantly degrade any substantial sector of the local economy.

The applicant has provided documentation of local economic benefits (Appendix F). The project would provide benefits for increasing tax revenue and provided examples of where those taxes would be allotted. For additional information, see section 3.8 and Appendix F. The applicant has also signed an affidavit on their fiscal responsibility (Appendix E).

e) The Proposed Project will not unduly degrade the quality or quantity of recreational opportunities and experience.

There are no recreation features within or adjacent to the proposed project. The nearest recreational opportunities are located over ten (10) miles away from the project site. See section 3.9 of the application narrative and Figure 5 in Appendix A.

f) The benefits accruing to the County and its residents from the proposed activity outweigh the losses of any resources within the County or the losses of opportunities to develop such resources.

A solar facility is an allowable land use on Agriculture (A) zoned properties with a Special Use by Review and 1041 permit. The proposed project integrates setbacks from property lines, public rights-of-way, floodplains, wetlands, and waterbodies. The use does not interfere with agricultural activities on adjacent properties. The project supports the reliability of the regional electrical grid. See section of 3.14 of the application narrative for additional information.

g) The Proposed Project is the most suitable solution available based on consideration of need, location, existing technology, cost, impact and the regulations.

The applicant provided details on their siting process and considerations for alternative designs. The proposed project has included numerous avoidance, minimization, and mitigation efforts into their project design (Appendix J). See section 3.2 and 3.14 of the application narrative for additional information.

Additional Approval Criteria Applicable to Major Facilities of a Public Utility: In addition to the general criteria set forth in ECZR Article XVII, M, the following additional criteria shall apply to major facilities of a public utility:

a) Major facilities of a public utility shall be implemented so as to preserve desirable community patterns of traffic and transportation, aesthetics and landscape, residential and commercial development, commerce, and industry;

The proposed use will likely cause an increase in traffic on the existing nearby roadways, particularly during the construction phase. Two routes, County Road 149 and County Road 169, are currently identified as the primary preferred access routes, with County Road 133 and County Road 46 as other potential options. A traffic plan was prepared as part of the application packet (Appendix I). A final traffic plan and study will be required prior to finalization of the Road Use Agreement.

Elbert County Public Works has reviewed the application and discussed with the applicant future requirements. As part of a Road Use Agreement (RUA), a full traffic study and road



condition assessment will be needed. The applicant has responded to all comments. A condition of approval for a Road Use Agreement is recommended.

b) Major facilities of a public utility shall be located so as to avoid direct conflict with adopted local, State and regional master plan(s) unless demonstrated to be infeasible in an alternative evaluation as determined by the county.

The proposed project does not conflict with local, regional, or state master plans. No referral agencies presented objections to the proposed project. See additional information in section 3.5 and 3.17 of the application narrative.

Potential Conditions of Approval

Should the Planning Commission decide to recommend approval for Shepherd Solar 1041-2026-0001, the following conditions of approval may be appropriate:

2. The applicant shall remove signs within two (2) weeks of the conclusion of all notified meetings, public hearings, or decisions. Signs not removed within two (2) weeks may be removed by Elbert County, subject to reasonable charges for removal.
3. The Major 1041 permit shall not become effective until all fees are paid and conditions of approval are met.
4. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval.
5. In accordance with Elbert County Code XVII.N, a financial security in the form of a bond, irrevocable letter of credit, or similar posting shall be negotiated and paid to the County.
6. The Major 1041 permit approval is contingent upon approval of the concurrent Special Use by Review (SUR) application.
7. A Road Use Agreement (RUA), and associated requirements, must be finalized with Elbert County Public Works and executed before beginning any construction on site.
8. All required and pertinent "final" plans shall be submitted to Public Works and Public Health prior to the completion of construction permits.