

**DRAFT MOTIONS FOR DA24-003: FRONT RANGE ENERGY STORAGE VESTED RIGHTS AGREEMENT (DEVELOPMENT AGREEMENT)**

*The following motion would be consistent with the Applicant's request:*

**APPROVAL AS SUBMITTED:** In the matter of Case No. DA24-003, request by Front Range Energy Storage LLC, Applicant, on behalf of Lowry Environmental Protection Cleanup Trust Fund, Owner, to enter into a vested rights agreement, or "Development Agreement," for a proposed Battery Energy Storage System (BESS).

The Board of County Commissioners has negotiated the terms and conditions of a Development Agreement for BESS, relating to Use by Special Review Permit ("USR") UASI23-001, previously approved by Resolution 25-124, to allow the vesting of property rights in the USR and the terms and conditions of the Development Agreement for a period of seven years from the date of execution of the Development Agreement. The vesting of such property rights will run with the land as identified therein. The Board of County Commissioners finds that such terms are reasonably necessary to protect public health, welfare, and safety.

I therefore move to APPROVE the Development Agreement for the BESS and the associated vested rights AS PRESENTED during the public hearing on November 18, 2025.

The Public Works and Development Staff and County Attorney's Office are directed to publish notice of approval of the Development Agreement for the BESS in the Colorado Community Media (Littleton Independent, Englewood Herald, and Centennial Citizen) newspapers within fourteen days of this approval and to publish additional notice of approval of the Development Agreement in the I-70 Scout newspaper as soon as can be reasonably accomplished following approval of the Agreement.

[END OF RECOMMENDED MOTION]

**ALTERNATIVE MOTIONS:**

*The following Alternative Motion would be generally consistent with the applicant's request:*

**APPROVAL WITH CHANGES TO BE STATED AS PART OF MOTION:** In the matter of Case No. DA24-003, request by Front Range Energy Storage LLC, Applicant, on behalf of Lowry Environmental Protection Cleanup Trust Fund, Owner, to enter into a Development Agreement for a proposed BESS:

The Board of County Commissioners has read the Staff's Board Summary Report, and the requested Development Agreement for the BESS, approved for a Use by

Special Review Permit as UASI23-001 by Resolution 25-124 and approved for a Minor Subdivision as PM23-001 approved by Resolution 25-199, to include vesting of property rights through November 18, 2032, or to a date seven years from the date of recording the Development Agreement, whichever is later, for property currently owned by Lowry Environmental Protection Cleanup Trust Fund, and described in Exhibit A to the Development Agreement. The Board has further considered information presented during the public hearing and **generally concurs** with the proposal as presented.

I therefore move to APPROVE the Development Agreement for the BESS and the associated vested rights presented during the public hearing on November 18, 2025, WITH THE FOLLOWING CHANGES.

*Changes to the Agreement: Any changes to the Development Agreement should be read into the Record as part of the Motion for Approval with Changes:*

1. [change]
2. [change]

***ALTERNATIVE MOTIONS, CONTINUED:***

*The following Alternative Motion would not be consistent with the Applicant's request and may require amended Findings:*

**DENIAL:** In the matter of Case No. DA24-003, request by Front Range Energy Storage LLC, Applicant, on behalf of Lowry Environmental Protection Cleanup Trust Fund, Owner, to enter into a Development Agreement for the proposed BESS.

The Board of County Commissioners has read the Staff's Board Summary Report, and the requested Development Agreement for the BESS, approved for a Use by Special Review Permit by Resolution 25-124 and approved for a Minor Subdivision as PM23-001 approved by Resolution 25-199, to include vesting of property rights through November 18, 2032, or to a date seven years from the date of recording the Development Agreement, whichever is later, for properties currently owned by Lowry Environmental Protection Cleanup Trust Fund, and described in Exhibit A to the Development Agreement. The Board has further considered information presented during the public hearing and **does not concur** with the applicant's proposal.

I therefore move to DENY the request to enter into a Development Agreement for the BESS and the associated vested rights presented during the public hearing on November 18, 2025, based on the following findings:

*Changes to Staff Findings: Any changes to Staff Findings should be read into the Record as part of the Motion for Denial – these may include Staff Findings where*

appropriate, but may include additional or amended Findings in support of the motion to Deny the requested Agreement:

1. [change]
2. [change]

**ALTERNATIVE MOTIONS, CONTINUED:**

**CONTINUE TO DATE CERTAIN:** In the matter of Case No. DA24-003, request by Front Range Energy Storage LLC, Applicant, on behalf of Lowry Environmental Protection Cleanup Trust Fund, Owner, to enter into a Development Agreement for a proposed BESS: I move to CONTINUE [the public hearing] [action on this item] to [DATE, 2015], date certain [to obtain the following additional information: *state info requested*] [to further consider information presented during today's public hearing].