



Kelly Zorn Lowery
970-522-2341 Ext: 2
kelly@wlflawfirm.com

July 29, 2024

ATTN: NATIONAL RENEWABLE SOLUTIONS (“**NRS**”), AS OWNER OF THE OVERLAND PASS ENERGY, LLC:

REGARDING: SPECIAL USE PERMIT APPLICATION FOR A UTILITY SCALE WIND SYSTEM, THE OVERLAND PASS ENERGY WIND PROJECT (“**PROJECT APPLICATION**”) WITHIN SEDGWICK COUNTY, COLORADO;

AND:

SEDGWICK COUNTY, COLORADO’S DETERMINATION OF COMPLETION REGARDING NRS’ PROJECT APPLICATION AS OF JULY 29, 2024

Summary of Project Application to Date:

As of July 29, 2024, I, Kelly Zorn Lowery, as attorney for Sedgwick County, Colorado have fully reviewed NRS’ Project Application that was initially submitted to the County on May 31, 2024. (The County and NRS are referred to individually as “**Party**” and collectively as the “**Parties**” herein). Per the County’s Land Use Ordinance, Section 12, upon the County’s receipt of the Project Application, it was to make a determination where the Project Application met the requirements to be found complete (“**Completeness Determination**”) on or before June 17, 2024. However, as the timing of the Completeness Determination was deemed both impossible and impractical to comply with the other timing issues put forth in the County’s Land Use Ordinances, Section 12. Further, as this same issue had been previously addressed in the NRS’ preceding application, submitted in 2023, and whereas the County has not had time to amend its Land Use Ordinances, specifically Section 12, since the previous application; it was agreed upon by the Parties that the same solution that was used to review NRS’ previous application would be appropriate for this Project Application.

Whereas, if the County found that the Project Application complied with all the requirements as enumerated in Section 12.1.1(A), that a Determination of Sufficiency would be issued by the County and the Parties agreed that upon such issuance that the following actions would commence as more fully stated in Section 12.1.2(C) in the County’s Land Use Ordinance:

1. Review of Referral Agencies; and
2. Evaluation of Application by Administrator.

On June 17, 2024, the County found that the Project Application complied with the requirements as set forth in the County Land Use Regulations, Section 12.1.1(A). As such, the County issued its Determination of Sufficiency at such time. Since that time, the above actions; 1) referral agencies review, and 2) Administrator’s full evaluation of the application with all, if any, agency review comments; has been completed. As such, the County has been able to review the Project Application in its entirety and make the necessary Completeness Determination as is contemplated in Section 12.1.2(B).

Determination:

As Sedgwick County’s Attorney, it is my determination that for NRS’ Project Application that the following steps have occurred as is required pursuant to the County’s Land Use requirements:

1. Review of Referral Agencies; and
2. Evaluation of Application by Administrator.

Therefore, the County has made its Completeness Determination regarding NRS’ Project Application and has determined that NRS’ Project Application is complete to proceed with the next step of the application process. That next step being for NRS to prepare all such necessary mineral notices and mail the same to all mineral interest owners. In correlation with this step, the County shall prepare notice of the public hearings required for NRS’ Project Application.

Issuance:

Therefore, the County finds and issues its Completeness Determination for NRS’ Project Application this 29th day of July 2024.

BY: SEDGWICK COUNTY, COLORADO



Kelly Zorn Lowery
Sedgwick County, Colorado Attorney

4864-2924-9236, v. 2

4864-2924-9236, v. 2