ELBert COUNTY
Meeting Minutes
PLANNING COMMISSION HEARING
BOCC HEARING ROOM
215 COMANCHE ST
KIOWA 80117
FEBRUARY 20, 2018

Note: These meeting minutes are only a summary of the meeting. Duplication of the audio recording is available, for a fee, by contacting Community & Development Services.

The Planning Commission Meeting was called to order at 7 pm by Chair Dan Rosales

PLEDGE OF ALLEGIANCE

ROLL CALL

Commission members present: Dan Rosales, Ron Turner, Brian Harris, Paula Wilderman, Dan Michalak, Bob Lewis, Linda Krausert, and Jim Keen.

Staff present: Sam Albrecht, County Manager; Vince Harris (Baseline), Acting Interim CDS Director; Tracey Aaron, CDS Administration; Jaxon Fagan, Baseline; Ethan Watel, Baseline;

STAFF REPORT ON BOARD OF COUNTY COMMISSIONERS ACTION(S)

A. No items

CITIZEN COMMENTS ON GENERAL ITEMS – None

CONSENT CALENDAR

A. No items

JAXON FAGAN – PRESENTATION OF STAFF REPORT

Overview of Sundance Solar Application SU-17-0036, and 1041 permit 10-17-0037. The proposed location for this project is Kiowa Bennett Rd and County Road 154. Jaxon continued with his presentation, including photos of the different views from multiple areas of the project. The presentation
included renderings of the proposed site after completion, to include solar arrays and placement of buildings, fencing, electrical lines, and other details. Jaxon continued with discussion regarding referral comments that were received after the referral period ended, including comments received from CPW. This was provided to the PC as an addendum to their previously received staff report for this evening, as the information was only received on February 20, 2018 (the day of this hearing). There was additional discussion about the required setback for a substation that resides within the land that is proposed to be used for this application. Jaxon continued to summarize the remainder of any and all referral comments that were received with regard to this project. Economic benefits were discussed as well, and the need for the project was brought into the presentation as well. This is a summary of the overall presentation made by Jaxon Fagan; ultimately this project was found to be in general conformance with the Elbert County Master Plan, and the Elbert County Zoning Regulations and Requirements. The CDS Department and staff recommended this application for approval subject to certain conditions.

- 1050 acre project area; project to utilize approx. 650 acres.
- The Special Use will not become effective until the 1041 permit is approved.
- All fees are paid, conditions are met, and all documents are recorded within 180 days.
- Economic benefits for the county through impact fees, building permit fees, and sales tax.
- There will be mitigation for the dust during the project.
- There will be a vegetation management plan.
- Relocation of existing overhead power lines.
- CPW staff will be allowed to be present during the construction of the perimeter fence to ensure there are no negative impacts to the wildlife corridors.
- There will be agreements between the applicant and Kiowa FD to ensure all guidelines recommended by the Fire District are followed.
- CPW and the applicant had discussions in order to satisfy the largest concerns expressed by CPW, which was that the wildlife corridors were not satisfactory. The applicant and CPW agreed on a remedy for this and all parties were satisfied.
- There were also additional comments with Kiowa Fire. These concerns were discussed and addressed, and all concerns were found to be addressed appropriately. Only the impact fees still require a discussion with the applicant.
- The other concern remaining was the setback of the existing substation on the property, which is owned and operated by IREA. A requirement for this project would be for the applicant to build an additional substation they require for this project. The setback requirements were addressed. For details regarding the remainder of any conditions and further condition detail there is an audio recording of this entire hearing available through the CDS Department.
BEGIN MICHELLE ZIMMERMAN – CYPRESS CREEK RENEWABLES

Michelle gave an overview of the proposed project. She detailed the company she works with, Cypress Creek Renewables, and what types of projects they have been or are a part of. Michelle is the project manager for this proposed solar project.

Michelle continued to speak of the site they have chosen, referenced above, and the details of the project including facts about solar and the basics of how solar arrays work, and what all is involved with projects like this. She also spoke to the jobs that would be created by this project, as well as the different types of solar ‘farms.’ She spoke to the fact that this project in particular is a ‘solar electric’ project; it is for the collection of electricity, and the panels themselves will move throughout the day to collect the optimum amount of sunlight. She proceeded to give an outline of solar technology, and the possibilities of things that may be of concern to citizens of Elbert County regarding the possibility of severe weather and what could happen to the solar panels. She proceeded to give examples of testing done on panels, the way the glass is manufactured, and how it works. Michelle gave a myriad of details about the project itself, how the system works, the noise it could possibly generate, safety, wildlife corridors, and other possible considerations and concerns. Additional information included why Cypress Creek Renewables chose this particular site for the project. She went into detail about many items including topography, access, neighboring parcels, environmental issues, and future impacts for Elbert County. She also spoke to the length of the possible solar array being in place, and what would occur when the solar array is removed. She spoke to the mitigation of disturbance of the land and the return of the land to pre-solar condition. She also spoke about the emergency response plans that have been agreed upon, and mineral rights, as well as property taxes. She spoke to the fact that the property tax benefits to Elbert County, for a project such as this, would be very beneficial. Any additional information regarding this presentation by Michelle Zimmerman is available via an audio recording of this hearing, available through the CDS Department.

END MICHELLE ZIMMERMAN PRESENTATION

BEGIN PUBLIC COMMENT – PERSONS WHO SPOKE:

Ron Burley, Rick Evans, Ursula Hummel, Trevor Smith, RaeMarie Knowles, Larry Willard, Corrie Massey, Karen White, Steve Biller.

CONCERNS:

Difficulty understanding the compatibility of a solar farm with the surrounding properties, carbon footprint, concerns of ‘notice’ requirements and the rules that regulate them, compensation for surrounding landowners from the applicant, light pollution, wildlife crossing, weed management, setback issues; can the setbacks be increased from CO RD 154? View of the
panels from neighboring property owners, transmission lines, loss of views of pasture land, road use agreement, concern over property values.

APPLICANT RESPONSES:

The applicant responded to all public comments; she offered her contact information to all those in attendance at this hearing. She continued by addressing 7 concerns mentioned in public comment to include the following: No light pollution will result from this project, dust mitigation plans in place, weed mitigation plans; possible tree growth on CO RD 154. The applicant indicated that they would like to do anything they can to ease these concerns, and to mitigate ‘view’ impacts for neighbors (no new transmission lines to be added). The applicant asked for feedback from neighbors to help them mitigate these concerns, when this project is decommissioned, the intent is to fully return it to the original condition from when the project began.

Ron Throup spoke regarding comments that were made through public comment regarding the impact of this proposed solar farm on surrounding home and property values. He gave an overview of the process involved during projects like this one. Mr. Throup continued to describe processes utilized when doing studies as to how a project like this would affect surrounding homes and land. The overall consideration of his statement was that overhead transmission lines tend to have a larger impact than projects such as this solar farm—one of the reasons being that the solar farm is a much “lower” type of project. It is not an obstructive type of project, and although the panels are noticeable, they do not stand up and out like other, larger types of power transmitters.

PLANNING COMMISSION DISCUSSION:

Dan Rosales, Ron Turner, Paula Wilderman, Dan Michalak, Brian Harris, Bob Lewis, Jim Keen, Linda Krausert.

TOPICS OF PC DISCUSSION:

- Value of surrounding properties affected?
- What if this application is approved, and IREA doesn’t opt to purchase power from Sundance Solar? Recommendation for a time line; one year from approval for Sundance Solar to begin project. Staff responded that there are procedures in place if the PPA is not agreed upon between the applicant and IREA. SUR projects have one year to fulfill their obligations as approved, or the SUR can be rescinded.
- Matthew McCaffrey (with applicant) spoke to the PC that if IREA did not finalize agreement with Sundance Solar, the project would not immediately be tabled, but instead the applicant would continue to pursue options for Sundance Solar and this project to continue to move forward with hopes of achieving agreement with IREA.
- Concerns over possible fires at the site of the solar farm; applicant responded that this corporation had never experienced a fire at any of their solar sites.
- Previous mention of jobs that would become available with this project. PC questions regarding how many ‘local’ persons would be employed by this project.
- The location of the nearest solar project and what is the size? The applicant spoke about a solar project that is near Bennett.
- Safety concerns over gaps in the fencing. CPW asks for wildlife ability to be able to migrate through the solar site. Gaps in the fence could lead to persons trying to access the solar site.
- Applicant reiterated that there is never an accessible transformer when staff is not present at the site. Transformers and buildings are always locked.
- Where would the “leftover power” go?
- Anchor systems for the solar panels (“flying debris is never good”). What would happen if wires came loose, or anchor lines? The applicant responded that all wires are underground per code. There are also Geotechnical studies of the soil, evaluated per local wind code. (150 mph – 3 second gusts.) The applicant also informed the PC that the panels can withstand golf ball size hail, and heavy winds.
- Will applicant remain as the manager of this project, or will it be sold? Applicant stated that their company has sold projects in the past, but they’ve maintained control over approximately 60% of previous projects. The applicant responded that whether this project was sold or not they would ensure that all conditions, agreements, and everything approved with regard to this project (through Elbert County) would remain in force.
- Areas of required notification
  - Light refraction-the panels are designed to move as the sun moves across the sky. Will the panels ultimately reflect light on to Kiowa-Bennett Rd and possibly cause traffic/safety issues? The applicant responded that most light is absorbed, not reflected.
  - Life expectancy of solar panels? Applicant responded approximately 25-35 year; Replacement of panels when necessary is already figured into this application and proposal.
  - Hydrologic study and the length of time taken for it to be completed; wetland delineation study. The applicant gave details of these studies to the PC.
  - Concerns as to “setting a precedence” if setback requirements were changed for the applicant, staff said there would not be an issue, the changes are part of an agreement.
  - There was discussion regarding the fees that would be paid to Kiowa Fire District. $50,000 impact fee for year of construction, once the project was commissioned, Kiowa Fire would gain approximately $46,000/yr. in taxes, as opposed to collecting a ‘one time’ $360,000 impact fee.
  - Landscaping ideas-berms, plants and trees with minimal water requirements.
  - Staff that will be on site and how often? How many local people would benefit from this solar farm with employment?
  - PC members had hoped to see actual solar arrays, not just artist’s renderings.
  - Questions as to how much of the property here would actually be included in the array. The applicant responded to questions about “what will the finished project look like” with comments reiterating their willingness to
show additional renderings, provide more pictures of the proposed project at this site, along with the willingness to provide actual photos of other solar projects that the applicant is or has been a part of. The applicant spoke of solar projects that are existing in other states that may provide a good comparison photographically as to what this project may look like upon completion.

- This proposed project is to be 75 megawatts.
- PC questions regarding how the project would be decommissioned once it has reached the limit of its usefulness. The applicant gave an overview of their company history, and also expressed the reasons behind the use of an LLC to apply for this project. Sundance Solar LLC will always be responsible to maintain the conditions of this property, regardless of what happens in the future with Cypress Creek Renewables. The applicant further explained the process of the site being decommissioned. The value of the items that would make up the solar farm, when decommissioned and recycled, would pay for any costs associated with returning the property to its original condition prior to the build out of the solar farm. The PC expressed some concern that the county may in some way be responsible for paying the price of cleanup. The applicant was very clear with what the process would be, and that the county would not end up having to pay to decommission this project in later years.

END PC QUESTIONS AND COMMENTS FOR APPLICANT

Discussion regarding this application resulted in the addition of a condition of approval for SU-17-0036; making a total of 12 conditions of approval. All conditions of approval and other items can be accessed through records in the Elbert County Community and Development Services Department.

Roll Call Votes:

10-17-0037 – Motion to recommend for approval with three Conditions made by Ron Turner, a second by Jim Keen; the motion carried, 8-0 with one commissioner absent.

SU-17-0036 – Motion to recommend for approval with 12 Conditions was made by Bob Lewis, a second by Dan Michalak; the motion carried, 8-0 with one commissioner absent.

Meeting adjourned at 10:15 PM