ELBERT COUNTY
Meeting Minutes
PLANNING COMMISSION HEARING
Elbert County Fairgrounds
95 Ute Ave., Kiowa, CO 80117
January 3, 2017

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 7:00 p.m. by Chairman, Daniel Rosales.

PLEDGE OF ALLEGIANCE

ROLL CALL

Commission members present: Dan Rosales, Ron Turner, Brian Harris, Paula Wilderman, Mike Kellison, Dan Michalak and Bob Lewis.

Staff present: Kyle Fenner, Director CDS; Tracey Aaron, Technical Coordinator CDS; Vince Harris, (Baseline); Ethan Watel, (Baseline); Jaxon Fagan, (Baseline).

STAFF REPORT ON BOARD OF COUNTY COMMISSIONERS ACTION(S)

A. Extended on the DOLA Grant to July 2018.

CONSENT CALENDAR

A. No items.

CITIZEN COMMENTS:

A. No items

PUBLIC HEARINGS / WORKSHOPS

A. SU-16-0013 and SU-16-0013/10-16-0017-1041 RUSH CREEK WIND FARM:
A request for special use review and 1041 permit for site selection and construction of a major facility of a public utility as an area and activity
of state interest for a proposed wind energy generating development located on approximately 71,871 acres in Eastern Elbert County.

1. Ethan Watel, Senior Planner, Baseline; Presenting to the Planning Commission. Ethan gave an overview of the Rush Creek Wind Energy Application consisting of a request for permission to build up to 210 Wind Turbines along with the accompanying 1041 permit application (for projects consisting of activities of state interest). This proposed project will utilize an area of approximately 71,000 acres.

2. Jaxon Fagan, Baseline; Presenting to the Planning Commission. Jaxon gave an overview of the above referenced applications to the Planning Commission. Overall site is about 71,000 acres; the majority of it is generally located between Limon and Simla. The facilities constructed will only cover about 1-2% of the actual land used for this project. This project has been determined to be in general compliance with the Elbert County Master Plan.

   a. Many entities and state and local agencies that were notified of the upcoming project and locations had no comment or stated no objection to the project.
   b. There were handouts presented by persons other than those involved in the development of this project regarding possible hazards or problems that may arise if the proposed project is completed.
   c. There were many letters received demonstrating unsolicited support for this project from local agencies, persons, landowners, and others.
   d. For more information regarding the details of this project, please see handouts and maps, both of which are available to view by visiting the CDS Department. There is an audio recording, and/or the attached transcript of this entire Planning Commission Hearing which will provide further details.
   e. Staff recommended approval of this application.

3. Presentation by Krista Mann with the project development group Invenergy Wind LLC, owner of Rush Creek Wind Energy LLC. Copy of complete presentation available at CDS.

4. Ron Turner made a motion to approve SU-16-0013 subject to completion of 18 conditions of approval. (see CDS file for conditions). Dan Michalak seconded the motion. Motion carried 7 to 0.

5. Ron Turner made a motion to approve 10-16-0017 (1041) subject to the completion of 3 conditions of approval. Dan Michalak seconded the motion. Motion carried 7 to 0.
for site selection and construction of a major facility of a public utility as an area and activity of state interest for an approximately 41 mile long, 345 kilovolt transmission line running generally north-south in the northeast corner of Elbert County

1. Ethan Watel gave an overview of the Special Use and 1041 permit application for the Rush Creek Transmission Line, a special use and 1041 permit site selection and construction of a major facility of a public utility as an area and activity of interest for approximately a 41-mile long 325 kilovolt transmission line running generally north-south in the northeast corner of Elbert County.

2. Jaxon Fagan gave his overview and presentation of the Rush Creek Transmission Line and accompanying 1041 project/permit. A lot of the same material and guidelines that apply to the Wind Farm Project apply to this project as well.
   a. Staff recommended approval of these applications.

3. Susan Innis with Xcel Energy made a presentation on the transmission line for the wind farm. This presentation is available in the CDS office.
   a. Dan Michalak made a motion to approve SU-16-0018 subject to completion of 16 conditions of approval. (See CDS file). Ron Turner seconded the motion. Motion carried 7 to 0.
   b. Dan Michalak made a motion to approve 10-16-0028 subject to the completion of 3 conditions of approval. Ron Turner seconded the motion. Motion carried 7 to 0.

PLANNING COMMISSION DISCUSSION:

1. Dan Michalak voiced concerns regarding public health and safety in relation to placement of turbines; Krista spoke to 3500+turbines worldwide and the safety records of such.

2. Ron Turner voiced hope of local employment possibilities w/this project, he also had questions about bird and bat conservation and studies; Krista responded that Avian Powerline Interaction Committee is currently in use w/Xcel and there is extensive consultation w/Parks and Wildlife prior to the project.

3. Mike Kellison wondered what the purpose of the microwave towers would be; also who would benefit from and use the energy produced, what is the proposed life span of such a project?

4. Krista responded that the microwave towers are used to communicate w/other service areas, and Susan answered that most of
the energy created will remain in CO., wholesale and the public will benefit. Susan also stated that the average life span of this type of project/these facilities is/are 25 years.

5. Brian Harris wondered if current transmission lines could be used or “piggybacked,” Susan stated that the Xcel lines are different and larger so that isn’t a possibility. Mr. Harris and Paula Wilderman had questions and concerns about the outcome of any archaeological surveys/finds/studies; Krista responded that were anything discovered that necessitated further study, extra/other permitting would be required.

6. Paula Wilderman wondered when the full project could be “online?” Susan Innis responded “the end of “2018.” Paula Wilderman also had questions of early termination of project, economic benefit to EC, also wondered about “addressing,” and the max number of turbines. Susan assured her that no known project should be terminated “that early (5 years or less),” Krista stated she thought it would be a good idea to show a quarterly report of the economic benefit to Elbert County (possibility). Ethan Watel let Paula Wilderman know that the “addressing” had to do with mapping through Bart Chambers and the EC Assessor’s office.

7. Bob Lewis questioned the “life expectancy of turbines,” Krista responded that w/proper maintenance, approx. 25 years. He also had concerns about the effects of this project on FSA contracts and CRP land; Krista stated that compensation would be made to landowner if necessitated.

8. Additional Planning Commission comments and/or questions regarding these applications are all available by viewing the court transcript of this entire hearing; the audio recording is also available to hear through CDS.

PUBLIC COMMENT (PERTAINING TO CURRENT HEARINGS):

1. Several citizens submitted letters regarding the Wind Tower and Transmission line project. These letters are available in the CDS department.

2. There were several items (printed handouts) left with staff at this meeting regarding possible hazards associated with projects of this type. These are available to view by visiting the CDS department.

3. Several citizens spoke of the fairness of the offers made from Xcel and plans by Invenergy; there were many recommendations to the PC to approve these applications. There were also those that were not in support of these projects. Some of the citizens who spoke: Kevin-approached by Xcel in April 2016. Russell-“Thanks to Xcel.”
Jeanette Kochis – Rky Mtn Farmers Union; they are in support of this project, believes it’ll be beneficial to all.
Wayne Speck – South of Simla; sees wind farm potentially helping Elbert County.
Tim Brown – Bd of Directors, CO Farm Bureau-recommends these projects.
Kathleen -“Take this heavy weight seriously,” “Wind farms are funded by the taxpayers.” Not in favor of these projects.
Cliff Steis – Concerned about a lack of escrow acct to cover cleanup costs as needed; concerned about cost to Elbert Cty.
Ken Moore – In support, signed a lease w/ Invenergy
Craig – Concerns about impacts on soils, roads, taking down towers later.
Ryan – For his situation it’s a win-win, he is in support, encourages transparency.
Kip Parker – In support, former PC member and appreciates their work, hopes for their favorable consideration in this matter.
Steve Wilson – Would like to see utilization of some monies to improve roads, felt a great job was done “communicating.”
Susan Sherman – Concerned about lack of communication from Xcel; birds deaths as a result of project, bonding and responsibility to homeowner for cleanup.
Matt – Oil and Gas; future prices, mineral owners and their future willingness to release shares and/or ownership.

4. Applicant responded to public comments and questions; please see transcript and/or listen to audio for full disclosure.

END OF PUBLIC COMMENT

Meeting adjourned at 11:00 PM