



Commissioners: Arbuthnot and McMillian, Elliott telephoned into the meeting  
Deputy Clerk to the Board: LaShelle Benbow  
Planning & Zoning Administrator: Matt Carter  
County Attorney: Nathan Shultz  
Audience: Sue Ann Lowrey, Pete Aragon, Wayne Rusher, Linda Sullivan, Shad Sullivan, Luke Esch, Patrick Esch, Mary Beth Tucker, Shirley Ager, Adam Wingard, Graham Basecke, Krista Toiaonce, Kelli Jo Brubaker, Tom Haggins, and Bruce Fickenschler.

Arbuthnot began the hearing by asking AES if they had anything that they wanted to say. Adam Wingard stated that he is convinced that their project will have little to no impact on neighboring properties.

Arbuthnot mentioned that he and Elliott visited the Comanche Solar Project located in Pueblo, Colorado. They were very impressed how the property was maintained. The fences were clear of tumbleweeds, there was vegetation on the ground around the panels, and the property was very well kept. This facility did not appear to have any issues that would cause blowing dirt.

McMillian inquired if the bond that would be issued for the project would account for cost inflation. Adam Wingard stated that it does account for cost inflation, and it would be in the County's name.

Wayne Rusher asked if any of the commissioners have taken a drive to see the property where this project is being planned. Elliott responded that he has been to the area numerous times.

Tom Haggins had several questions for the commissioners regarding traffic control and roadways, and eminent domain potential. Tom explained that public service companies of Colorado have the power of eminent domain. Power lines will require 150 foot right of way, which equates to 18 acres per mile for an easement. If neighboring property owners do not agree to the proposed line or easements there is potential for private property being taken through eminent domain. Tom stated that Xcel Energy does not have a single use clause in their previous energy agreements, and he would recommend that a single use clause be made a stipulation for their energy contract. Arbuthnot explained that there would be a mitigation plan in effect for maintaining the roadways, and controlling the dust from them. Our County Attorney will assist in reviewing contracts.

Shad Sullivan said that private property rights are his passion, and he will defend a property owners right to generate income off of their land. This particular project is a balancing act between the revenue that it will provide to various parties, and the impacts that it will have on neighboring persons and property. He wants to ensure that the appropriate level of due diligence is conducted to ensure that families and lands will be protected from negative impacts. He also asked how the Esch family will directly contribute to the Crowley County Community. Luke Esch said Crowley County will benefit from the tax revenue that it will receive from the project.

McMillian commented that he was recently in the San Luis Valley, and saw a number of solar farms. Even though they were small in comparison to this proposed project, he did not see anything about the property that would have a negative impact on surrounding properties. Arbuthnot mentioned that he spoke to a Commissioner in this area about their solar farms. The commissioner stated that they did not experience any negative impacts from the solar farms.

Adam Wingard said it is paramount that AES is part of the community, and they do plan on getting involved in various aspects of our community.

Kelli Jo Rusher asked what the commissioners plan is to provide fire and ambulance coverage at the proposed site. Patrick Esch stated that the water from a pond on the land can be used for fire suppression. Provided the state issues them a permit, he can provide 250,000 gallons of water storage that can be used for dust mitigation and fire suppression. Adam Wingard stated that they will have written plans to address such concerns, and there will be hands-on training completed prior to the start of construction.

Pete Aragon asked what the actual property was for this project. What was originally posted in the newspaper has since changed, and he was not aware of a public notice being posted that addressed this change. Matt Carter explained that the land is less than what was originally proposed. The original legal description included two whole sections, when only half of each of those sections are part of the legal description for the project.

Mary Beth Tucker spoke up and said that people need to be good neighbors and stewards of the land.

Sue Ann Lowery is concerned that the Esch family hasn't been in touch with their neighbors to discuss the project, since they do not live on the land.

Pete Aragon stated that he does not feel the commissioners can make a decision today, because there are too many unknowns at this point.

McMillian read a list of seven stipulations that are required in order for this use by review request to be approved. They are:

- 1) Crowley County use tax of 2% on all construction materials;
- 2) Sales tax of 2% on energy sold to the transmission line;
- 3) Revegetation plan for the disturbed area;
- 4) Road mitigation plan;
- 5) Decommission bond;
- 6) Decommission plan; and
- 7) Weed and pest control.

Tom Haggins asked if AES can get a revegetation bond? Benchmarks need to be set as to what is considered successful revegetation.

Kelli Jo Brubaker wants the commissioners to take responsibility to ensure that the community and the neighboring property owners are protected from negative impacts.

Wayne Rusher asked why the bond cannot be in the name of the surrounding landowners, rather than in the County's name, since it is the property owners responsibility to maintain the property. Adam Wingard stated that it would be more beneficial to address such requirements in contracts rather than in a bond. Nathan Shultz agreed, and he said that bond insurance companies will tie up payouts in legal battles for a very long time.

Arbuthnot called for a vote. Motion by McMillian, subject to the seven stipulations. Elliott seconded the motion, and wants a review of the transmission line plan as he does not want eminent domain to occur on anyone's lands. Arbuthnot stated that when the project is at a point where the County will enter into contracts with AES, a public notice will be placed in the Ordway New Era letting the public know the date and time of such a meeting where the contracts will be approved.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye  
Elliott-----Aye  
McMillian-----Aye

After the vote had taken place, Shirley Ager stated that she wants to see AES get involved with our local youth by providing education on solar projects and employment in such an industry. She has requested this three times.

No further business appearing the meeting was recessed.  
Minutes taken by LaShelle Benbow.

ATTEST:

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Melinda Carter, County Clerk

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Blaine Arbuthnot, Chairman