



ELBERT COUNTY

Community & Development Services

PLANNING COMMISSION

REGULAR MEETING

Tuesday, September 1, 2026, 6:00 PM

Agricultural Building, 95 Ute Avenue, Kiowa, CO 80117

1. **CALL TO ORDER:** 6:00 PM Chair Kirkwood.
2. **INVOCATION/PLEDGE OF ALLEGIANCE:** 6:00 PM Chair Kirkwood.
3. **ROLL CALL/ATTENDANCE:** 6:01 PM Wendy Doyle.
Commissioners Present: Chair Kevin Kirkwood, Kyle DeNardo, John Gresham, Dan Guthrie, Ken Madsen, Dede Schott-Grace, and Nicole Hunt.
Commissioners Absent: Vice Chair Robert Poletiek and Dan McCallin.
Meeting Staff: Jennifer Jones, Community & Development Services Director; Lance Ingalls, County Attorney; Wendy Doyle, PC Recording Secretary; and Mars Garcia, CDS Digital Media Specialist.
Staff Consultant: Mary Geisinger, Planner – Logan Simpson.
4. **STAFF REPORT:** 6:01 PM Chair Kirkwood. Jennifer Jones reported recent actions of the Board of County Commissioners. Chair Kirkwood provided an update on the Elbert County Comprehensive Plan. Ms. Jones added the Planning Commission is scheduled to have a Comprehensive Plan work session on September 29, 2026.
5. **CITIZEN COMMENTS:** 6:03 PM Chair Kirkwood. None.
6. **APPROVAL OF MEETING MINUTES:** 6:04 PM Chair Kirkwood.
Commissioner Hunt moved to approve the meeting minutes of August 18, 2026, as presented.
Commissioner DeNardo seconded the motion.
Call for Vote: Chair Kirkwood.
Motion Passed 6 – 0. Commissioner Guthrie abstained.
7. **PUBLIC HEARING PROCESS:** 6:05 PM Chair Kirkwood discussed the role of the Planning Commission and the public hearing process.
8. **PUBLIC HEARINGS:** 6:06 PM Chair Kirkwood.

PUBLIC HEARING #1, SHEPHERD SOLAR 1041, 1041-2026-0001 AND PUBLIC HEARING #2, SHEPHERD SOLAR SPECIAL USE BY REVIEW, SUR-2026-0002 OPENED:

Staff Presentation: Staff Consultant, Mary Geisinger (Planner - Logan Simpson), *stated cases 1041-2026-0001 and SUR-2026-0002 will be presented together.*

Applicant, BayWa Renewables, is requesting approval of a Special Use by Review (SUR) land use permit and 1041 permit to construct and operate a solar energy facility across approximately 1,990-acres with a battery energy storage system (BESS) and operations & maintenance building (O&M). The SUR application is contingent upon the concurrent approval of the 1041 Areas and Activities of State Interest application for the Shepherd Solar Project. The subject properties - Parcel Numbers: 1926300138, owned by J&D Farm Properties LLC c/o Donna Maranville; 1831000038, owned by Jack and Linda Maranville; and 1936000044, owned by Chad and Cindy Maranville, total approximately 3,300-acres with a historic use of dry upland agriculture and grazing. The proposed project would only utilize approximately 1,990-acres of the total properties to focus infrastructure around the interconnection location and access points and preserve the remaining acreage for agriculture infrastructure and sensitive habitats. The proposed project is located in the southeast portion of Elbert County, southeast of Simla and Matheson, off County Road 149 to the west, and County Road 46 to the south. All the subject and surrounding properties are zoned Agriculture (A). The project is a proposed utility-scale renewable energy development consisting of a 199-MW photovoltaic solar energy facility with an associated 100-MW battery energy storage system (BESS). The proposed project, situated around the existing Tri-State Transmission line, will also include a substation. Other topics presented included Site Characteristics; Timeline of Project; Public Notification; Community Meeting and Public Comment; Referral Process; Considerations for Decision; SUR Findings & Review Criteria; SUR Potential Conditions of Approval; Major 1041 Findings & Review Criteria along with Additional Criteria and Criteria for Major Facilities of a Public Utility; and Major 1041 Potential Conditions of Approval.

Applicant Presentation: 6:42 PM Chair Kirkwood.

Applicant is Natalie Aiello-BayWa Renewables. Adam Williams, VP Development, BayWa Renewables reviewed the Project Team. Team members in attendance: Natalie Aiello, Permitting Manager/Annaka Egan, Community Engagement Manager/Cody Ledwig, Director of Construction with BayWa Renewables and Carolynne White (Local Land Use Counsel) Shareholder/Blaine Tracy, Associate with Brownstein Hyatt Farber Schrede, LLP. Team member not in attendance: Gina Burke with Jehn Water Consultants. Mr. Williams presented Project Benefits for Elbert County (Project Location/Economic Impacts/Other) and Safety and Environmental Review (Footprint/Solar Panels/Solar and BESS facilities-designed with layers of safety). Ms. Aiello presented an overview of some of the agencies and different stakeholder groups involved (such as county residents and process referrals); environmental overview (Wetlands and Streams/Wildlife/Natural Hazards/Water Use and Groundwater/ Weed Management/Stormwater); other topics reviewed included Site Layout; and Project Visual Simulations. Ms. White limited her presentation on Elbert County Code to focus on Water, Environment, and Safety Criteria. A slide reading Shepherd Solar was designed to protect water resources, avoid significant environmental impacts, and safeguard the surrounding community; along with summarized criteria, was reviewed.

Public Testimony Opened: 7:03 PM Chair Kirkwood.

Comments in opposition: Clint Buhring, Matheson, CO; Juliet Pfost, Matheson; Lori Ellefson, Simla, CO; Charlotte Fike, Matheson, CO; Nanette Peeters, Limon, CO; Lisa Buhring, Matheson; Greg Marshall, Ramah, CO; Almon Bott, Matheson, CO; Del Vahlig, Calhan, CO; and Terry Ashcraft, Matheson.

Topics included surrounding properties (decreased property value/increased property taxes), property owners and cattle health (soil and water deterioration/sterilization/contamination); public safety services; land use compatibility; project location and selection criteria; Elbert County's Comprehensive Plan; traffic and road maintenance; light/noise pollution; severe weather and natural hazard damage to solar panels/battery storage/property and risks to area properties; wildlife preservation/studies/habitats; historical/archeological/cultural/topographical tests, surveys, and studies; local employment; construction process; team lodging; equipment maintenance/repair/removal; and project delay request to allow additional input.

Comments in favor: None.

Meeting Recess: 7:45 PM to 7:55 PM Chair Kirkwood.

Applicant Rebuttal: 7:55 PM Chair Kirkwood.

Ms. White addressed comments raised during Public Testimony pertaining to technical issues (regulatory framework in place at time of application, pending changes county is considering, existing and new comprehensive plan under consideration, new/not yet approved alternative energy regulations). In response to documentation issues, for the record, the record does include all of the application materials and attachments that were included in the two applications – Major 1041 and the SUR – and are listed at the end of the narrative. The list includes topics raised during public testimony believed not to have been produced and all of the documents are public and available. Other topics addressed include County enforcement authority through county code and various required agreements to ensure accountability and the goal to hire locally. Ms. Aiello provided information including studies and surveys conducted prior to project design; mitigation measures related to wildlife and wildlife corridors involved; utilization of native grass seed mix; extensive environmental impact analysis conducted; cultural resources identified (two historical homesteads, archaeological site, centennial farm); and buffers. Mr. Ledwig addressed solar panel technology and weather impacts; County Road Usage Agreement and required surveys/conditions; road safety during construction period; and employment (local and non-local hiring).

Board Discussion: 8:11 PM Chair Kirkwood.

Board Discussion topics included approximately 219 construction workers; employee housing; local hiring; large equipment leasing/purchasing not local; equipment repairs local; approximately 300 vehicles (worker traffic and trucks entering and exiting) per day during 18 – 24 month construction period; traffic flow monitoring; Road Use Agreement status; road evaluation/survey process; applicant agreement to perform 3.5 mile road improvement to County Road 54 not related to project; CDOT review; traffic impact study; proximity of residential structures to proposed project; required and proposed setbacks, buffering, and landscaping; communications with property owners; project to serve regional electrical demand (within southwest power pool); benefits to Elbert County beyond tax revenue and SUR 2% cost of construction fee: continuing community contributions and sponsorships, two full-time employees onsite anticipated to be local, and local contractors to perform different maintenance activities (mowing/road maintenance) after construction completion; property value impact studies; site selection (options/considerations/alternate locations); site layouts; privately funded project; work with the State Historical Preservation Office (SHIPO) not required; voluntarily sought US Fish and Wildlife and Colorado Parks and Wildlife (CPW) involvement; wildlife (habitats/at least two corridors placement of 8' non-barbed wire, woven wire fencing proposed around the rays, substation, and BESS area; water projections/source; pre or post construction sale process; decommissioning bond; water runoff setbacks/impacts/mitigation measures/policies; public services equipment, emergency response times, onsite water tank, emergency response plan; soil sterilization, panel glare, and increase in area and wind temperatures not witnessed; 24/7 remote system control in Carlsbad, CA; security lighting (Bess/O&M building)/dark sky concept; solar projects developed in Colorado; battery storage units; battery hazardous materials – final battery/container may change before construction (meeting design and material standards/regulations); 14' maximum reach of solar panels; tractor system (electrical motors) panel tilting; extreme weather and natural hazards (tornado/high

wind/snow/lightening/large hail/spontaneous combustion) effects on solar panels, battery storage units, and project/neighborhood properties; damage repairs and insurance coverage; management of weeds; native, low growing seed mix grasses (under 16") and vegetation; solar production (495,000 individual panels) and battery storage capacities; electrical and equipment production and supply sources; quality and locations of visual simulations; economic impact assessment/residential equivalency analysis; tornado intensity Fujita scale (F-Scale); processes for BESS and solar panel fire prevention technology; cyber security and testing; compatibility with surrounding land use; and footprint reduction.

Cyber-attack protection and testing; battery storage area setbacks; and levelness of the project property to receive written responses.

Call for Motion: 9:41 PM Chair Kirkwood.

SHEPHERD SOLAR 1041, 1041-2026-0001

Commissioner Hunt moved the Planning Commission recommend denial to Shepherd Solar 1041-2026-0001 on the fact that the following criteria has not been met:

Elbert County Zoning Regulations (ECZR) Article XVII Sections M. 1. (c), (g), (i), (l) and ECZR Article XVII Section M. 2. (f) and Section M. 4. (a). All of those are related to natural hazards, environmental degradation, nuisance, the release of hazardous materials, the benefit does not outweigh the losses, and screening and buffering.

Commissioner DeNardo seconded the motion.

Call for Roll Call Vote: Chair Kirkwood.

Ayes: Ken Madsen, Kyle DeNardo, Nicole Hunt, Dede Schott-Grace, and Kevin Kirkwood.

Nays: Dan Guthrie and John Gresham.

Motion Passed 5 - 2.

Call for Motion: 9:45 PM Chair Kirkwood.

SHEPHERD SOLAR SUR, SUR-2026-0002

Commissioner DeNardo moved the Planning Commission recommend denial of the Special Use by Review for Shepherd Solar, SUR-2026-0002. The applicant has failed to demonstrate that the proposed use meets the following mandatory approval criteria set forth in the Elbert County Zoning Regulations:

Article III Section E. 5. (a) - The use is in harmony and compatible with the surrounding area and neighborhood. The industrial scale solar and battery energy storage facility is not compatible with the existing agricultural and rural residential character of the surrounding area, and (f) - The use will be adequately landscaped, buffered, and screened. The proposed landscaping, buffering, and screening measures are insufficient to adequately mitigate visual and other impacts on surrounding properties and the rural character of the area.

Commissioner Madsen seconded the motion.

Commissioner Kirkwood proposed the addition of (g) - not detrimental to health, safety, and welfare.

Commissioner DeNardo agreed to accept (g) in his motion.

Commissioner Madsen seconded with that.

Call for Roll Call Vote: Chair Kirkwood.

Ayes: Kevin Kirkwood, Dede Schott-Grace, Nicole Hunt, Kyle DeNardo, and Ken Madsen.

Nays: John Gresham and Dan Guthrie with comment: "I can't ignore property rights here. I vote nay."

Motion Passed 5 - 2.

PUBLIC HEARING #1, SHEPHERD SOLAR 1041, 1041-2026-0001 AND PUBLIC HEARING #2, SHEPHERD SOLAR SPECIAL USE BY REVIEW, SUR-2026-0002 ENDED: 9:47 PM.

- 9. ADJOURNMENT:** 9:47 PM Chair Kirkwood.
Commissioner DeNardo moved to adjourn.
Commissioner Guthrie seconded the motion.
Call for Vote: Chair Kirkwood.
Motion Passed 7 – 0.

NOTICE: These minutes are Action Minutes and summarize actions taken during the meeting. The full audio/video and agenda packet is available at <https://www.elbertcounty-co.gov>