

COMMUNITY & DEVELOPMENT SERVICES

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**MEETING MINUTES
PLANNING COMMISSION**

Agriculture Building, 95 Ute Avenue, Kiowa, CO 80117

DATE: June 4, 2025 TIME: 6:00 PM

(June 3, 2025, Planning Commission Meeting CONTINUED)

1. CALL TO ORDER: 6:05 PM – Chair Kirkwood

2. ROLL CALL: 6:05 PM – Wendy Doyle

Commissioners Present: Chair Kevin Kirkwood, Vice Chair Robert Poletiek, Van Sands, Dede Schott-Grace, Kyle DeNardo, Nicole Hunt, Diana Edstrom, and Dan McCallin. John Gresham 6:46 PM arrival.

Meeting Staff: Jennifer Jones, Planning Manager and Wendy Doyle, PC Recording Secretary.

Meeting Staff Consultant: Stephanie Blochowiak, SWCA Environmental Consultants Inc.

3. PUBLIC HEARINGS #1 AND #2 (CONCURRENTLY): 7:13 PM

XCEL COLORADO POWER PATHWAY MAJOR 1041 (1041-2024-9235)

XCEL COLORADO POWER PATHWAY SPECIAL USE BY REVIEW (SUR-2024-9236)

Chair Comment: Kevin Kirkwood

Staff Presentation, Applicant Presentation, Public Testimony, and Applicant Rebuttal portions of the public hearing process were completed on June 3, 2025.

Board Discussion: Chair Kirkwood

Brief discussions held between PC, Staff, and Applicant Team (new commenters Parker Wrozek, Sr. Manager Transmission Line Engineering and Tom Hamilton, JLL - independent advisor, land valuation). Topics included: standard and community meetings held; public feedback methods/results; Federal Aviation Administration (FAA) requirements—lights on top of towers not required; and County development requirements specific to major utility service buffering/screening.

Commissioner Poletiek:

- Comment - Key Observation Point (KOP) 8: Highway 86 (simulated conditions) photo slide is not representative of the surroundings as it does not show three homes located at 90 and 180 degrees from the angle of the photo; raising the question of true transparency of KOP photo slides.
- Inquiries – (application addressed reliability of power being delivered into and out of Harvest Mile Substation supplying power to a portion of the eastern front range). (1.) What is the true need of the line if Comanche is being shuttered? (2.) What will backfill Comanche on the 345? *Applicant*-a number of solar projects built/being built as Comanche has been shut down; cannot speak to any additional goings on; Tundra Substation installed on those 345 lines to install a large solar farm; Rocky Mountain Solar just south of the Comanche plant that's being commissioned right now; two other large solar projects happened that tie into the Comanche Substation; and plan typically is to replace that with solar and wind generation.
- Inquiry - amount of wind and solar generation will equate to the three plants that use to be there in Pueblo? *Applicant*-assumes so.
- Inquiry – regarding parallel power flow Tundra (east of Comanche) into Harvest Mine. *Applicant*-power flow does, more or less parallel between the Pueblo area and the Denver area.
- Comments – reference to Hari Singh's report to the Colorado Public Utilities Commission (PUC) and concerns including need for power generation to be as close to the substations as possible; Elbert County identified as a

huge potential for wind and solar projects; route proximately of other segments; and potential for substation locations in Elbert County along Segment 5.

- Inquiry – asking the real intent of Segment 5; if it's not to carry the load, is it only to be able to provide an on/off ramp of power generation into the grid? *Applicant*-cannot speak to Hari's testimony; generally, Segment 5 is to bring power from the southeast corner of the state towards the front range and provides redundancy. In the loop, if there was an outage, planned outage, or maintenance work needed, the power can flow the other direction basically. The project is to deliver the generation from the eastern part of the state to the front range.
- Inquiry – for property taxes paid for existing transmission lines in Elbert County. *Applicant*-based on 2023 numbers, it was a little over 2 million dollars in property tax value to Elbert County. The commissioner stated, according to Elbert County's Treasurer's office tax records, the tax base to the general fund was \$224,000.

Commissioner Edstrom: Inquiries/Comments injected during a pause in Commissioner Poletiek's questioning period.

- Inquiry – tax documents submitted for 2023, why aren't most current provided when Treasurer's website has all records for what was paid this year? In many cases, Xcel presented outdated documents used as references. *Applicant*-application materials were prepared and submitted last year; tax bills often don't come available until the beginning of the year; and will confirm some numbers and get current information.
- Inquiry – will other documents be found that are old; found 2019 census numbers? *Applicant*-yes, will depend on the information; will address each as they come up; and have been working on the project since 2020. The commissioner stated it completely unacceptable that the time hasn't been taken to go back and provide the County with the most current information.

Commissioner Poletiek: Continued

- Inquiry – for confirmation received statement of taxes due for the year 2024? *Applicant*-confirmed.
- Presented – newsfeed of a quote from an Xcel employee that contained “adjusted the route by 50 miles.” (Channel 7 attended June 3, 2025 PC meeting). Where was the 50 miles the route was moved? *Applicant*-references the 50 miles shift to the east from the original study areas that were included in the Certificate of Public Convenience and Necessity (CPCN) filing.
- Inquiry – asking what government authority within Colorado gives you (applicant) the capability to claim eminent domain as a private company? Following brief exchanges and research time allotted, applicant responded: State of Colorado Statute, Title 38, Articles 4 and 5. Article 5 references ability for transmission/public utility. Commissioner Edstrom requested the statute be read aloud. *Applicant*-will obtain and oblige.
- Inquiry – as to how many court proceedings have started for immediate possession in Elbert County prior to approval of the project. *Applicant*-currently filed on 13 landowners in Elbert County.
- Inquiry – about placards of a public feedback/participation meeting exercise (dots on a map) not included in information submitted. *Applicant*-the public elected to not participate in a map route exercise for the bulk of the meetings resulting in the results not being used in route selection. The commissioner commented based on the limited choices, the citizens did not want to put a dot on their neighbor's property. *Applicant*-believes that is correct.
- Inquiry- regarding the use of existing rights-of-way (ROW). Applicant-explained ROW factors including land rights already owned by Xcel and circumstances surrounding expanded rights-of-way.
- Inquiry – following review of a map of wind turbines currently in Elbert County asked if a route around Limon was ever considered. *Applicant*-analysis did not find a feasible alternative there; some landowners elected to place conservation easements on their property after the transmission line was constructed.
- Inquiry – if transmission lines can be constructed on state land? *Applicant*-yes, it is permissible but never a guarantee; State Land Board process; portions of Pathways is on state land; Segment 5 crosses a portion of state land.
- Comments – transmission lines following the Economic Development Zone (EDZ) nullify the benefit of the zone to landowners due to easement restrictions; negative impact to landowners.
- Inquiry – route selection was based upon what pipeline? *Applicant*-provided clarification via an Elbert County Vicinity Map reflecting the proposed transmission route and its area adjacent to the pipeline
- Inquiry – if there are current contracts to sell power wholesale to CORE and Mountain View? *Applicant*-have had a transmission service wholesale arrangement with CORE; and, as an integrated grid, also support a number of utilities that interconnect at the same location.
- Inquiry – for the (technically) maximum voltage that is feasible to bury and maintain the dielectric distance necessary between the hot lines. *Applicant*-in the United States, the highest AC voltage underground is 500-kV over an approximate 4-mile section; 345-kV technical limitations are about 20 miles.

Additional applicant comments included: existing 345-kV coming out of Comanche is at existing capacity; Comanche Plant Unit #3 is not due to retire until the end of 2031, a part of the clean energy plan which is an electric resource plan; current Xcel wind development in some eastern counties; replacement generation efforts; power demand; and transmission projects around the Denver metro area.

Commissioner Gresham:

- Comments – questions already addressed, and in electric lineman and fireman experiences, never had a fire start from a transmission line; had several start from overhead and underground distribution lines.

Commissioner McCallin:

- Comments - question the sincerity of exploring alternate routes; Hwy 86 and Kiowa-Bennett Road are the most highly visible and travelled in Elbert County; higher concentrations of population; and easiest access and distance between two points more important than citizen comments and concerns. *Applicant*-referenced Routing Considerations presentation slide and stated residents preferred route along Hwy 86 over Bijou Basin reducing other types of impacts, and Kiowa-Bennett Road is adjacent to CORE transmission line, a similar use.
- Comments – 56% of the landowners have not agreed to terms with public services, and negative impacts to landowners including legal representation costs, property value decreases and views. *Applicant*-confirmed condemnation cases have been filed on 13 landowners.
- Inquiry – on the legalities involved in eminent domain; seems premature when approval has not been received from the County. *Applicant*-typical to be working on a variety of land use/pre-construction permits up to the construction start date to work through approvals and requirements; land acquisition process starts very early as possession of ROW are required to start construction; activities are scheduled in relation to regulator milestone requirements for Pathway segments; no option to not hit in-service dates (based on PUC placed requirements) without penalties/costs; efforts with landowners on land acquisition began in 2023 as soon as the proposed route was announced in late 2022; attempted for two years to reach voluntary agreements on land rights and are now proceeding with condemnation.
- Inquiry – if it is somewhat typical that the majority of landowners have not agreed to your proposals at this point in the timeline. *Applicant*-some projects it is the case, others not, hard to predict.

Commissioner Edstrom:

- Comments – by turning down the application, turning down the route; not a matter of requesting to change or move the route and move forward with the application.
- Request – for documentation to support comments included in the agenda packet that the route was changed based upon public input; did not find community input/facts to backup assertion that the public wanted the route where it is running. *Applicant*-referenced Segment 5 Routing History, direct feedback drawn on a map by a member of the public; and supported in conversations with state agencies.
- Comments - 21 of 47 landowners did not agree to negotiate a right-of-way; 13 are in court proceedings; and abomination that landowners have to pay lawyers and court costs to fight giving up land to provide service to the front range.
- Inquiry – for specifics on communications with landowners including methods and content. *Applicant*-cannot speak to negotiations; disclosed steps in the eminent domain process required prior to filing condemnation cases; and described communications, information provided, and efforts extended to landowners.

Applicant Response - to a prior request for Xcel condemnation authority. *Applicant*-located specific citations CRS 38-4-103, CRS 38-5-104, and CRS 38-5-105. Definitions and highlights related to the granting of eminent domain were recited. Brief discussion ensued including a reference to CRS-38-101.

Commissioner Edstrom: Continued

- Inquiry – if lights will be on top of transmission towers. *Applicant*-no, lights are not required per Federal Aviation Administration (FAA) requirements.
- Inquiry – as to the height of existing CORE power poles. *Applicant*-depending on engineering factors, generally 80-100 feet tall for double circuit 115-kV towers.
- Inquiry – on the compatibility of the proposed towers in comparison to existing CORE poles. *Applicant*-diameter of proposed towers 6 – 9 feet.
- Inquiries – pertaining to land use permits (ROW) and eminent domain in other counties. *Applicant*-All ROW acquired for Segments 1, 2, and 3. Segment 4 has all land use permits and land rights. Understanding is no filings

in Segments 2 and 3 went through condemnation completely; Segment 1 has several in process that have agreed to immediate possession; and Segment 4 had one landowner go to court for immediate possession that settled out of court.

- Request – for percentages of filings initiated for eminent domain in other counties (Elbert County over 50%). *Applicant*-percentages not readily available; although Elbert County’s percentage is higher than some other counties.
- Inquiry – (SUR Application) pertaining to the applicant referencing an impact fee in the amount of \$2.5 million (estimate) as a local benefit. *Staff*-impact fee addressed is actually a fee related to the SUR process, in the adopted fee schedule, equal to 2% of construction costs; not technically an impact fee, per regulations. *Applicant*-incorrect term “impact fee” can be changed to “construction fee” as referenced in the code; fee will be paid as code requires; and aware of requirement via code review and an invoice from county staff. Commissioner had referred to a transcript of applicant comments and the SUR zoning regulations. Discussion resulted in the disclosure of construction costs to Elbert County estimated at \$127,488,931.50 (2% = \$2.5Million) and a request to staff to get the amount estimate documented and signed by the applicant. Staff-reviewed the outlined process highlighting the fee is not due unless the project is approved at the BOCC; a certain amount of time is allowed to provide the fee; the exact dollar amount is not yet determined, allowing opportunity for the county to review and confirm the amount. *Applicant*-will provide an estimated construction cost in Elbert County; available for the BOCC meeting, per Commissioner Kirkwood.

Commissioner Hunt:

- Inquiries – as to why applicant submitted an unfinished application. *Applicant*-feel applications are complete based on the requirements outlined in code; elected to request the applications be moved forward to hearing as code allows given there was not an agreement whether the applications were complete or not; wanted to make sure the permitting process moved forward in accordance with Colorado’s statutory timelines; statutory timelines not met can result in the applications being deemed approved without going to hearing; and moved forward for the applications to be heard by the jurisdiction as opposed to potentially having them deemed approved by not meeting those statutory deadlines.
- Inquiry – if ever worked with another county with a provision to go ahead and move forward without a finished application. *Applicant*-thinks have not.
- Inquiry – pertaining to applicant choosing an adversarial-type path by moving forward to hearing with staff recommending denial of the applications. *Applicant*-intent was not adversarial; felt it would create a more adversarial relationship to have applications deemed approved by statutory timelines without public hearing.
- Inquiry – on the possibility a route change is before the County in the next year due to unforeseen circumstances. *Applicant*-does not anticipate that; proposed preferred route has completed engineering and design, materials procured, poles are designed and created for placement locations.
- Inquiry – if projects in other counties have had changes in route made throughout the process. *Applicant*-certainly rare to amend or change during the process.
- Inquiry – if there are any other feasible alternatives to the proposed route. *Applicant*-in terms of technically feasible, there are often a number of them; routing study does not indicate it is the only feasible route, it is the route selected based on a balancing of factors needed to be considered.
- Inquiry – for the number of other feasible routes. *Applicant*-evaluated 500 miles of routes technically feasible (routes could be designed and built) in Elbert County; does not have number of routes information; intent of routing study was to communicate what was looked at and factors considered that led to the proposed selection.
- Inquiry – if considered burying parts, if not all, of the line in Elbert County. *Applicant*-originally contemplated in the CPCN filing and the PUC’s written decision that undergrounding the route was not in the best interest of the rate pairs; not considered from that point forward; routing study purpose was to consider an overhead transmission; would evaluate the feasibility should a party be interested in covering the cost differential to place something underground.
- Inquiry – if there was an instance in which a county agreed to pay the extra cost to bury a line. *Applicant*-a jurisdiction and a number of golf courses.
- Inquiry – if Xcel has ever paid to bury a line in Colorado. *Applicant*-yes, placed underground where land cannot be acquired for ROW for overhead lines (space not available – i.e., downtown Denver); PUC makes the decision; project starting point is always overhead as least expensive to construct/easiest/fastest/maintenance/repair;
- Comment/Inquiry – irony of Elbert County where people move for scenic vistas, beautiful views to get away from the city just to have these overhead transmission lines completely ruin the rural character and nature of what makes this county different than Denver or any other high-density city. Are these considerations that the PUC evaluates as they are making these kinds of determinations or is it strictly based on the case that you make to the

PUC? *Applicant*-cannot speak on behalf of the PUC; PUC form set up to ensure that there are multiple points of view so commissioners can make a decision that is best for the State of Colorado not only for our rural communities but also for rate payers across the state; reliability, safety, and affordability first and foremost for Xcel Energy; in most cases, industry best practice is to build overhead. Commissioner stated staff and the community have significant concern with the safety component of overhead lines.

- Request/Inquiry – property value impact information be provided to families near or that own land that the transmission lines will be on. *Applicant*-group research (40 years) across different corridors, electric power lines, high voltage transmissions lines, and looking at other types of research others have done, there are no academic studies, no professional studies, of data that shows there is a reduction in value due to view; professional and academic studies on properties affected by transmission lines residing on top of properties show there could be a reduction to property value, that is why there is compensation for the use of the property and value effects; studies reviewed are inconclusive at best; percentage numbers typically go from positive 2-3% to maybe minus 10%, according to studies that have statistical basis for them; do not recall the names of the studies, can be obtained; studies have run the spectrum of being in urban, rural, and active agricultural areas. *Commissioner inquired* if there is a study specifically for rural or agricultural areas (certain character/scenic views/space) where people have moved away from the city (with city infrastructure) that shows whether or not the depreciation is larger for those property owners. *Applicant*-some studies done in Midwest rural areas and other studies around the country; for the most part, studies have shown (from a statistical perspective) inconclusive.
- Request – for clarification pertaining to fire concerns raised, applicant response including the County could use the money from the cost of construction to create a fire mitigation plan, and Xcel Energy’s safety pillar. *Applicant*-conduct wildfire mitigation planning on a state level in all facility areas that cover transmission and distribution; stated entities that receive plan information and where it is readily available; application contained the wildfire mitigation plan and information on wildfire mitigation and risk reduction during construction. The use of fees comment pertained to what was heard from fire districts and others about a community wildfire plan; applicant can’t and don’t have the information to conduct community wildfire mitigation studies; analyze wildfire risk and mitigation strategies; communicate with fire districts and Office of Emergency Management (OEM) as related to applicant facilities. Brief discussions addressed fire districts and Xcel’s involvement, agreements, and responsibilities.
- Inquiries – (1.) total number of landowners in Elbert County that have the transmission line going through their property, and (2.) timeline to obtain access on the total number of properties. *Applicant*-48 and 13 additional with temporary construction areas; 13 of the 48 are currently in eminent domain proceedings; easement acquired on 27 of the 48; 8 of the 48 remain in negotiation. Would like to have the land rights in place this Fall but that could easily extend into later this year or beyond.
- Request – for assessment of 1041 Zoning Regulations, Article XVIII, M. Approval Criteria, 1. (a) that allows the BOCC to defer a decision until outstanding property rights, permits, and approvals are obtained including ROW or easement versus a timeline mandated by the state of Colorado to move forward. *Applicant*-opinion that the statutory timelines (in terms of taking action on the application) could override or supersede the County criteria; the deadline agreed upon in the timeline for the County to make a decision is July 10, 2025.
- Inquiry – if Xcel is planning to sue Elbert County if the project doesn’t get approval. *Applicant*-in the event that any jurisdiction, Elbert County or others, deny the application, options are evaluated in terms of working within PUC backdrop authority or other forms of district court appeal and such; acknowledged in the CPCN filing that in the event that a land use application was denied, the options would be considered based on the reasons and rationale for the denial.

Meeting recess: 8:36 PM – 8:45 PM – Chair Kirkwood

Commissioner DeNardo:

- Inquiries – (1.) for the number of incomplete letters staff sent to the applicant, at the time of submittal, not counting the initial submittal, and (2.) review times. *Staff*-two completeness review letters were sent after the initial letter that was sent with the initial submittal; review time for the first submittal November 7th believe the 1041 letter was provided December 30th (within 28 days per the state statute-thinks the presentation has the dates); believe the SUR review letter was provided January 30th and after that everything was kept together in lockstep with both applications; on average, time applicant took to resubmit incomplete applications was 4 – 6 weeks.
- Inquiry – as to when the July 10th deadline was established between staff and the applicant. *Staff*-established after the applicant wanted to proceed to hearing; was an extension from an earlier date that had been agreed upon based on incomplete application.

- Inquiry – if any type of National Environmental Policy Act (NEPA), environmental, historical, Section 106 done. Applicant-No environmental review conducted under NEPA; application presents assessment of impacts; conduct natural resource surveys as have access to properties; environmental review is conducted outside of a requirement to do so under NEPA by consultant Tetra Tech. Commissioner commented there are three points of interest/artifact where the pathway runs through. *Applicant*-cultural resources review done by Tetra Tech archaeologists; reviewed mitigation efforts related to areas of interest; absolutely avoid sensitive resources.
- Inquiry – related to completion of Colorado Parks and Wildlife (CPW) recommended specific survey protocols done by the United States Fish and Wildlife Service in order to determine habitat areas in the path. *Applicant*-where able to and have access surveys conducted; provided examples and typical timelines for survey protocols that need to be done at certain times of the year; not all of them have been done, but they will be done as appropriate before construction.
- Inquiry – for the exact start date of construction within Elbert County. *Applicant*-currently expect construction in Segment 5 to occur in Quarter 3, 2026, and complete in Quarter 2, 2027.
- Inquiries – pertaining to CPW construction schedule recommendations related to mule deer winter ranges and burrowing owls, and status of swift fox survey. *Applicant*-if can, will avoid construction during timeframes; if cannot, will take other precautions; don't think, at this point, would plan to shift towers; believe did not identify swift fox denning habitat; in general, work with both U.S. Fish and Wildlife Service and CPW on recommendations regarding species and surveys and coordinate, if needed, on construction impact.
- Inquiry – on the number of towers proposed in Elbert County. *Applicant*-275; average span between towers is 950.
- Inquiry – if transmission lines are required to go through State Historical Preservation Office (SHPO) *Applicant*-not in the sense of Section 106 consultation review; obtain records, conduct records research, and evaluate regardless of whether conducting a 106 process or not; reached out to SHPO, indicated only wanted to talk to federal agencies that may be involved in the project.
- Inquiry - if transmission line project is privately funded fully. *Applicant*-don't believe getting any state or federal grants; privately funded.
- Inquiry – on elk species habitat not being listed on big games species map. *Applicant*-habitat added to the map submitted in most recent information submitted to the County; in response to CPW comments; in responses to referral comments provided to the County on May 27, 2025.
- Inquiry – (benefit related) if a solid contract is in place that Elbert County power providers (CORE, Mountain View) can use the power. *Applicant*-not the one who negotiates the contracts; Colorado has open access transmission so even if don't have a contract with them currently, if they elect to apply to interconnect it would be evaluated and potentially have a contract in place.
- Inquiry – (benefit related) for number of jobs planning to allocate for Elbert County citizens (construction/project management). *Applicant*-don't know if have specific information; probably related to services.
- Inquiry – (benefit related) if contractors are being used located within Elbert County; and names, if defined. *Applicant*-one example is Town of Simla water contract, not sure of their employment. Commissioner inquired about additional contractors. *Applicant*-don't know if team has information at hand, can have more specifics available.
- Inquiry – for the benefit to Elbert County, per approval criteria. *Applicant*-in terms of a number of specifics, will get additional information on any local employment or opportunities; construction contractors will use local services. Long-term benefits: fees Elbert County may elect to assess; if application approved, taxes, long-term reliability being a benefit to the state of Colorado including Elbert County residences; can't speak to whether there are any Elbert County residents that are investors in Xcel; partnerships; potential future benefit if local service providers connect to Pathway to serve local loads. Commissioner commented realistic benefit is minimal to Elbert County as a whole. *Applicant*-did not provide additional information on any local employment or opportunities.
- Inquiry – for number of the 250 poles in the existing ROW. *Applicant*-none in existing ROW; portion of some of the route would overlap with existing ROW.
- Inquiries – (1.) if \$1.7 Billion construction cost for the entire project has allocation specifically for easement acquisitions, and (2.) for the percentage amount. *Applicant*-it does. Applicant did not provide the percentage amount requested.
- Inquiry – if a final offer, either an option agreement for an easement or an easement for them to sign, was presented to every property owner (54) the path is going through. *Applicant*-that is understanding; in some instances, over the lifetime of the project have had landowners refuse to take receipt of that information and those offers, don't think in that situation currently.

- Inquiry – if mailing is enough notice to proceed with filing eminent domain or condemnation if there is a refusal. *Applicant*-need to provide the notice and do provide the notice in a form that can track delivery and proof of delivery; first and only communication with landowners is never filing condemnation; process of communication was reviewed.
- Inquiry – if any ground is leased when purchasing easements. *Applicant*-correct, not in the way you would think of a lease for a renewable generation project.
- Inquiry – if payment is one-time compensation or annual. *Applicant*-a one-time payment.
- Inquiry – if initial compensation, and then along with annual compensation as fair compensation, ever presented as an option to any of the landowners, as the State of Colorado is requiring for other type of utilities. *Applicant*-annual payments or scheduled payments beyond a single one-time payment were not presented. Commissioner asked if it is something explored with landowners. *Applicant*-no, it is not.
- Inquiry – on what landowners are allowed to do with the property under easement language. *Applicant*-confirmed easement uses allowed include recreation, four-wheel, hunting, and agricultural; uses not allowed include building structures, tall growing trees, and well heads; generally, easement is 150-feet wide except where overlapping a public ROW may be less.
- Inquiry - (decommission plan related) if have offered to provide a security bond to the County for the removal of the transmission line. Commissioner noted in the plan: would be open to considering it be a condition of approval. *Applicant*-don't decommission transmission lines with very few exceptions; continue to maintain and operate transmission lines 100 years old in the state; in the event were to decommission, would have a plan approved by the PUC to do so specifying the requirements in that decommissioning. Discussion included future scenario, involved entities, process, and responsibilities. *Applicant*-not sure is the decision maker on whether would consider a decommissioning bond; could take that back.
- Inquiry – if a traffic plan implemented during the project to figure out how much traffic will be impacted – how construction will impact traffic through towns. *Applicant*-referenced information on anticipated traffic provided in the application as well as a road use agreement that would be put into place.
- Inquiry – (subdivision requirement related) as to why chose to be within the quarter mile buffer of 7 subdivisions. *Applicant*-where co-located (I.e., along the CORE line) believe that is the best place for that line to be placed and where within that difference, it is based upon the possibility of co-locating and the County approving that.
- Inquiries – (1.) pertaining to comment none of the towers would be lit, was FAA determination done on all 275 towers. (2.) letters of determination of no hazard. *Applicant*-Yes; all of the locations were processed via an online hazard tool; every structure has been submitted if required by the FAA; entire project does not have any lit towers.
- Inquiry – pertaining to screening and buffering, no landscaping proposed, and vegetation replacement. *Applicant*-confirmed not proposing to install any landscaping; reference to materials provided to the County; clarification on where trees are removed, landowners can elect (at own expense) to move trees or elect to take compensation dollars to plant trees.
- Inquiry – for shortest distance from the proposed route to the nearest: residential dwelling; commercial, agriculture, or business structure; filed subdivision; and school. *Applicant*-minimum distance of 75 feet to nearest residential dwelling. *Applicant* did not provide additional distance specifications requested.
- Inquiry – on the amount of water to be taken from the Town of Simla. *Applicant*-did not provide the requested information.

Commissioner Schott-Grace:

- Inquiry – on the number of construction trucks that will go onto a property to install a structure. *Applicant*-4 to 10 trucks (3 pieces per tower plus arms, foundation, and concrete).
- Inquiry – how is property repaired following construction. *Applicant*-storm water management plan will require bringing it back to original state; believes statute is 70% of growth; reviewed contractor reclamation and notice to landowners' processes; will bring it back to the landowner's satisfaction to land use before construction.
- Inquiry – for mitigation to prevent cross contamination between properties to protect animals. *Applicant*-unaware of issue being raised in talks with landowners; details around specific interactions would be in the landowner agreements and what is negotiated with each on them. Commissioner commented landowners need to know they have that option.
- Inquiry – pertaining to unresolved issues related to proof of fire protection with Elbert County's OEM; CORE transmission easement and encroachment concerns, and proximity to the school for health/hazards/threat of fire from the Kiowa School District. Commissioner commented they need to be addressed before any approval could go forward. *Staff*- an email was received from CORE Electric at 5:30PM today stating they have no further

comments; are working with Xcel through the process; and have no more concerns with the Elbert County process moving forward.

Commissioner Sands:

- Questions have already been answered.

Commissioner Kirkwood:

- Comment - Meetings were mentioned a number of times but outcomes were not mentioned.
- Comment - KOPs were disingenuous; do not estimate a length from the point of vantage to the actual structures and very clear some are on roads and not looking at local structures (one exception).
- Comment – Energy slides were disingenuous; showed a pattern of not-sustained energy flow examples such as a microwave and hair dryer.
- Inquiry – (to staff) if the package is complete. *Staff*-No. Signed proof of fire protection agreement forms are outstanding for Big Sandy Fire District and Kiowa Fire Protection District. The agreement is a requirement for all SUR applications. Commissioner commented several folks have pointed out that there are a number of “unknowns” in the commentary associated with areas where a response is usually seen.

Additional Questions/Comments:

- Commissioner Poletiek: Comment - (related to comments made by the applicant subject expert on property value) according to the results of a study containing empirical data (mitigating circumstances to be considered) from areas across the United States, the effect of transmission lines on properties reflected devaluation of property anywhere from (negative) 15% to (negative) 34%.
- Commissioner Edstrom: Inquiries – as to the County’s plan for project management between departments and a project manager, assuming the project goes forward. *Staff*-conversations will continue as necessary; it all depends on the results of PC and BOCC public hearings; and Jennifer Jones, currently Planning Manager, will likely manage the project moving forward.
- Commissioner Hunt: Comment - after careful review of the report, the referral comments, and the application, recommends denial of both the 1041 and SUR applications. As the staff said, the applications are incomplete; they lack required fire safety agreements; and they leave key agency concerns unanswered; that alone disqualifies it under our zoning regulations. The applicant has also failed to show that the benefits to Elbert County outweigh the impacts, yet the County is asked to absorb the full, safety, visual, and infrastructure costs. We have a duty to follow the law and to protect our residents. Approving a major utility corridor through Elbert County without adequate fire planning or infrastructure would be irresponsible and potentially dangerous. Approving this would compromise the integrity of our land use process so I urge the commission to uphold our standards and recommend denial of the 1041 and the SUR applications and I would also like to add that I strongly encourage the BOCC, to the extent legally possible, to exercise the discretion our zoning regulations give them in Article 17, M, 2. (a) to defer making a final decision on the application until outstanding property rights, permits, and approvals are obtained including all ROW and easements.

Call for Motion: 9:39 PM – Chair Kirkwood

Commissioner DeNardo moved the Planning Commission makes a *recommendation of denial* to the Board of County Commissioners for Xcel Colorado Power Pathway Major 1041 (1041-2024-9235) on the basis that the applicant has not demonstrated compliance with the applicable approval criteria as required under the Elbert County Zoning Regulations. Specifically, the application fails to meet the requirements set forth in Article XVII, Section M. 1, Subsections c, e, g, h, j, and k; Article XVII, Section M. 2, Subsections a, e, and f; and Article XVII, Section M. 4, Subsection a.

Commissioner Schott-Grace seconded the motion.

Call for Roll Call Vote: Chair Kirkwood

Diana Edstrom – AYE.

Dan McCallin – AYE.

Kyle DeNardo – AYE.

Nicole Hunt – AYE.

John Gresham - AYE.

Dede Schott-Grace – AYE.

Van Sands – AYE.

Robert Poletiek – AYE.

Kevin Kirkwood – AYE.

Motion Passed 9 - 0.

Call for Motion: 9:42 PM – Chair Kirkwood

Commissioner DeNardo moved the Planning Commission makes a *recommendation of denial* to the Board of County Commissioners for Xcel Colorado Power Pathway Special Use by Review (SUR-2024-9236) on the basis that the applicant has not demonstrated compliance with the applicable approval criteria as required under the Elbert County Zoning Regulations. Specifically, the application fails to meet the requirements set forth in Article III, Section E. 5, Subsections a, b, c, d, f, g, and h.

Commissioner Poletiek seconded the motion.

Call for Roll Call Vote: Chair Kirkwood

Diana Edstrom – AYE.

Dan McCallin – AYE.

Kyle DeNardo – AYE.

Nicole Hunt – AYE.

John Gresham - AYE.

Dede Schott-Grace – AYE.

Van Sands – AYE.

Robert Poletiek – AYE.

Kevin Kirkwood – AYE.

Motion Passed 9 - 0.

PUBLIC HEARINGS #1 AND #2 (CONCURRENTLY)

XCEL COLORADO POWER PATHWAY MAJOR 1041 (1041-2024-9235) and XCEL COLORADO POWER PATHWAY SPECIAL USE BY REVIEW (SUR-2024-9236) CLOSED: 9:44 PM

4. ADJOURNMENT: 9:44 PM – Chair Kirkwood

Commissioner Schott-Grace moved to adjourn.

Commissioner DeNardo seconded the motion.

Motion Passed 9 – 0.