

Planning Commission Minutes

For July 17, 2018

Members Present: Chairman Dwight Freeman, Wesley O'Rourke, Grover Hathorn, Everett Myers, Charles Stilling, Randy Kern and Dixie Diltz – Secretary.

Members Absent with notification: Leonard Brown, Mike Mitchell, and Alternate Cary Aloia

Member Absent without notification:

Others Present: Raymundo Gomez, Luke Fallone, Britt Hughes, Esperanza Flores, Mike Anderson, Randy Barriantez, Gilbert Atencio, Judy Peterson, Megan Peterson, Ron Peterson, Lisa Robirds, Rick Robirds, Cozette Price, Kent Price, Jonathan Moore, Wanda Paterson, and Don Greenbourg.

Chairman Dwight Freeman called the meeting to order at 1:35 pm.

Grover Hathorn made a motion to approve the Agenda with the cancelation of Terlingua Management Trust Replat. Wesley O'Rourke seconds. Motion carried unanimously.

Wesley O'Rourke made a motion to approve the April 17, 2018 minutes, Dwight Freeman seconds, Motion approved unanimously.

Grover Hathorn made motion to approve the June 19, 2018 minutes, Everett Myers seconds, motion approved unanimously.

First Item of Business: Conditional Use Application for a Cultural Resort Facility. Reading from the application, Chairman Freeman gives details of the property and location. The parcel is zoned commercial. The previous use of the property was a Drive in Theater which began in the 1950 and was discontinued in the 80's. Most of the uses proposed by applicant are permitted by right in the commercial zoning, with the RV parking being the only use that requires conditional permitting.

Mike Anderson, on behalf of LNMark, LLC, gave a brief overview of the proposed project. The old sign is currently being rehabilitated, work is currently being done on the snack bar and screen. LNMark, LLC plans to add guest rooms using steel shed or quansit buildings and yurts. LNMark, LLC has been working closely with Rio Grande County Land Use and Building Departments to assure their plans will meet all codes and requirements. Mark Anderson introduces Randy Barriantez who is the senior project director handling construction, Ray Gomez is working on the architectural drawings and renderings, and Luke Fallone is living in the Del Norte area for the summer and is the eyes and ears on the ground helping on the project while he's on break from architectural school.

LNMark is currently working with Davis Engineering and BioHabitat's on the water calculations, power calculations and waste water calculations. These calculations will help to determine the number of RV hookups. The site will have an onsite manager for check in and check out and maintaining the site. Access will be on County Road 11 North with the Highway 285 access point being designated as "emergency only". They are currently working on trip generation calculations and with CDOT regarding the concerns mention in the response from Jo Heinlien. The property will be entirely fenced.

Comment by Division of Water Resources is discussed and the needs for fire suppression water have been reviewed.

Chairman Freeman questions if the "Board" should look only to approve stage one and wait on stage two. Randy Kern reminds the board that the development planned on phase one is allowed by right and the applicant doesn't need board approval. The planned development on phase two will need approval and since

the infrastructure for that development would best be installed along with the infrastructure for the initial phases, the applicant would be better served if they could get approval now.

Wesley O'Rourke makes a motion to approve with the stipulation that the applicant is in compliance and remains in compliance with Colorado Department of Transportation, Division of Water Resources and the San Luis Valley Water Conservation District. Grover Hathorn seconds the motion. Motion passes on a vote of 5 ayes, 0 no.

Second Item of Business: Conditional Use application for a 2MW Solar Farm, presented by Debra Martinez and Community Energy Solar, LLC. Chairman Freeman states the location of the proposed solar farm is on Debra Martinez's property on Sherman Ave just west of the Monte Vista Middle School. The proposed solar farm is the same size as the previously approved project on the school property. The property is currently 39.6 acres and they are proposing to use approximately 12 acres for the solar field. Debra Martinez and Community Solar held a community meeting on June 5th, 2018 at the location. Two of the adjoining neighbors attended the meeting and heard information on the project, no opposition was voiced at that time. Notice of public hearing was published in the Monte Vista Journal on June 13th, 2018 and notification was mailed to property owners within 1,500 feet on June 4th.

Secretary Diltz informs the board that after the writing on the staff report she did receive a phone call from Lisa Robirds who is in attendance. Also received a call from Steve Goldstien, he indicated he would be at the meeting but did not indicate if he was opposed or supportive. Luke from Colorado Division of Wildlife called in to comment after receiving copy of the application, Luke stated that the Division of Wildlife had "no formal comments as the site sits so far from Homelake to be of concern to them."

Jonathon Moore, Community Energy, gives a short overview of the proposed project. In the absence of Debra Martinez, Jonathon states that he believes Ms. Martinez's is facing challenges on her property with adequate water for irrigation needs. Leasing a portion of her land to Community Energy Solar for a solar farm seems a good way to balance the challenges on her property. Jonathon gives some historic information on Community Solar and previous projects. A photograph of the Conejos solar project is shown as an example of what is proposed on the Martinez land. The Conejos project is located on Highway 285 north of Romeo. The proposed layout on the project is a square and the interconnection is underground and will feed up to the existing pole. Occasionally Xcel will set another pole and then tie it to the existing pole. The question "why here?" is explained by Jonathon. Several issues determine where a Solar project could go, including access to a substation with capacity, availability of transmission lines, willing land owner, flat terrain, open view and not a lot of environmental constraints. Homelake substation has 4 MW of capacity available. In discussions with Ms. Martinez, the first location was to the east of the existing proposed location however, it was Ms. Martinez's desire to locate it on land that was less productive and harder to irrigate. The community meeting held in June was done to explain and answer any questions that the neighbors may have, it was not a requirement for the applicant to have. Mr. Moore and Ms. Martinez choose to have the meeting in an effort to address any questions and try to work with the neighbors to address any issues, prior to completing the project plans. Neither of the two neighbors who attend that meeting in June is present at today's meeting and neither of them, after the June meeting was in opposition to the project. Mr. Moore states he is sorry that people didn't show up, however, he and Ms. Martinez tried.

The fencing is described; there are no water or sewer requirements on the project. It's unmanned and after initial construction will generate very little traffic, less than 10 trips per year. No external lighting and noise levels less than single family residential and much less than agricultural. Although the project does not bring jobs to the county, Wanda Paterson explains that there are other benefits the County will gain, such as an increase in property taxes revenue, and the donated energy benefit to low income homes in the area. Another benefit is that this project will not add any stresses to the County services.

The location of the proposed project in relation to the Middle School Project is discussed. Charles Stilling questions the engineering on the piles and if the soil types have been taken into consideration.

In summary, Mr. Moore states that in his opinion the project meets the County's requirements. It is proposed in an agricultural district which allows for Alternative Energy production by conditional use. He believes it compatible, as outlined, it's in conformance with the County's Master Plan and represents Rio Grande County as a good place to live and work.

Chairman Freeman asks the audience for questions to the applicant that has not already been discussed. Lisa Robirds states that one question she had originally was "were there any impact studies done as to the environment, wildlife, health and noise concerns", and she was told there was nothing required with the application. She also asked about the restriction of how many projects can be within a designated area. Mr. Moore informs her that Xcel requires that the point of interconnection must be at least ½ mile apart. Rick Robirds states that his property will be most affected because the junction box and tie in will be closest to his property. Kent Price asked why so close to a residential area. Jonathon Moore referred back to his explanation as to how they go about locating a property and the willingness of a property owner and location to distribution lines and substations. Lisa Robirds questions again if any impact studies have been done to research the impact on the wildlife, the waterfowl, or the deer. Jonathan Moore stated that they do cultural, archeological and environment assessment of all the properties, also a title search to look at extraordinary issues and a flood plain review. As for an environmental impact study, no, it is simply not required. Secretary Diltz explains that the application was sent to the Division of Wildlife and that Luke Hoffman responded back that the Division of Wildlife had no formal comments as the location was of no concern to them.

Gilbert Atencio presents a letter from his wife concerning health issues to be read. Kent Price questions if the project could be located differently to reduce the impact on neighbors. Chairman Freeman states that this is Ms. Martinez's real-estate and to impose on her ownership decisions is not the duty of the board. If it CAN be done there would be a substantial amount of redrawing and recalculating to be completed by the applicants. With no further questions, Chairman Freeman offers the floor to Lisa and Rick Robirds for their presentation.

Rick Robirds introduces himself and his wife. He states that they represent themselves, Gilbert Atencio and the Prices. They also represent those living on Sherman Ave, including Martin Velasquez, Gerald Palmgren and themselves. Rick Robirds states that all of them oppose this zoning change. Rick and Lisa present the board with a article on "Power lines and transformers: Health effects and safe distance" a chart with "Estimated Price Impact following New Commercial Development" taken from a Article by Jonathan A Wiley, Ph.D, titled "The Impact of Commercial Development on Surrounding Residential Property Values" as well as a spread sheet depicting property values and the estimated value decrease that the Robirds feel could result if this project is approved. A display board is also presented showing pictures of a solar project located near Sangre De Cristo. Rick and Lisa explain that although they received the letters regarding the community meeting they were unable to attend due to work schedules and confusion that this was the project by the school. They did not intend to avoid the applicants "sales pitch" it is just that they didn't realize it was the property directly behind them. Rick states that if this is approved the overall use of the land is being changed to utility industrial park and the impacts on the neighbors, wildlife and environment will be significant, and that heat generated will kill most of the living things around it. He also states that the land values of the eight adjacent property owners, according to the study by Jonathan A Wiley, will be decreased by 10 to 15 percent with a continued downward trend. Chairman Freeman asked where the study was done and Lisa Robirds says this study was done in Atlanta, Georgia between 2006 and 2014. Lisa says the study consisted of the effects of industrial parks on residential values and the results showed that the residences within the ½ mile radius were most affected.

Wesley O'Rourke comments that the proposed project is not an industrial park in his opinion.

A video and recording of "what it sounds like when you're standing next to the transfer station" is played by the Robirds. It is clarified that this is the Sangre De Cristo site, which is a utility grade site and not a community garden sized site.

Lisa Robirds states that according to the study she presented the adjoining land owners property values would decrease by approximately a combined amount of \$320,000. That would result in a substantial reduction to real estate taxes. The noise is what most is concerning to her. Rick Robirds gives a synopsis of the article "power lines and transformers: Health effects and safe distance". Radiation and magnetic fields and the links to cancer. Lisa Robirds reads the Letter from Barbara Atencio stating her oppositions based primarily on health concerns.

In closing, the Robirds ask the Board to vote no on this application, stating that they do not want to be part of the next health study on the risks associated with solar farms in residential areas.

A discussion of the graphs, charts and reports, the terms industrial park, commercial uses and the type and size of the solar facilities the Robirds used in their presentation is held. Wesley O'Rourke states that in his opinion using the term industrial park and using the pictures from a utility scale project is not representative of the project being presented.

In Jonathon Moore's rebuttal he presented pictures of a comparable site from a distance of 100'. He also feels that to represent this project as a zone change or as an industrial park is inaccurate. He refers to the pictures the Robirds presented and gave information on the large utility scale project and the equipment used at one compared to what is proposed on a community solar project. He reiterates that the proposal does have a 100' setback from the neighbor's property line with an additional 15' to the solar panels. Without the benefit of reading the studies provided by the Robird's, it is Mr. Moore's concern that the studies are based on high voltage power lines and utility scale systems. Mr. Moore suggests that everyone should go to the Romeo site and see that for comparison.

Ms. Price asked why the project can't be relocated and moved further from the neighbors' homes. The desires of the property owner to keep her most productive, easily irrigated property in production were stated again. The logistics of redesigning the project are discussed and after much discussion Mr. Moore acting on behalf of the applicant, requests a continuance on the hearing. Charles Stillings makes motion to continue the hearing to the August 21 meeting.

Secretary Diltz verifies the dates for available hearing dates. The board agrees to continue the hearing to August 21st, to allow time for the applicant and the neighbors to try to work toward a more agreeable design.

Jonathon Moore asks again for a continuance. Charles Stillings withdraws his motion. Application is continued to next meeting.

With no further discussion the meeting was adjourned at 4:25 pm.

Next meeting Aug 21, 2018