

**Dolores County  
Board of County Commissioners**

**November 16, 2021**

A Public Meeting of the Dolores County Board of County Commissioners was held at the Public Service Center in Dove Creek, Colorado on November 16, 2021. Present for the meeting were Chair Floyd Cook, Vice Chair Julie Kibel, Commissioner Steve Garchar, Attorney Dennis Golbricht, County Administrator Margret Daves and Deputy Clerk to the Board Jody Gardner.

The meeting began with everyone reciting the Pledge of Allegiance.

**Guests**

**Zoom Attendees:** Mike Garchar, Julie Garchar, Kevin L. Jgarg, TreeHugger, Candice Lanyon, Iphone, Shari Garchar, Jo Mackenzie, Lesco Brandon and Galaxy J3 Luna Pro

**In Person Attendees:** Kristina Garchar, Cherrie Garchar, David Wood, Connie James Cannon, Lemoine Bradfield, Pat Thielen, Patty Trudeau, Bruce Mackenzie, Lyle Rice and Blake Crow

**In Person Attendees that spoke:** Steve Trudeau, Kimberly Wood, Dwayne Garchar, John Garchar and Glenn Leighton

**Dolores Canyon Solar LLC Representatives:** Mark Marion, Gregory Bunce, Bryan Lohoff and David Kimmett

**Dolores County Officials:** Sheriff Don Wilson, Deputy Sheriff Eric Stiasny, Treasurer Janie Stiasny, Road and Bridge Supervisor Steve Davis and Mapping and Addressing Director Amber Fisher

**CPW Representatives:** Brian McGee and Becca de Vergie

**Agenda**

There were no additions or deletions to the agenda.

**Dolores Canyon Solar Public Hearing**

Commissioner Cook opened the hearing.

Commissioner Garchar stated that due to his brother's financial stake in the project, he had been advised that his participation in the application review process could be seen as a conflict of interest and could possibly harm the County. Based upon those facts, rather than place the County in jeopardy, he would be abstaining from any involvement in the project application review and determination.

*Proceedings to the BOCC Meeting/Public Hearing on November 16, 2021*

Attorney Golbright provided a description of the Project together with the staff involvement and recommendations to date. The issues outlined by staff and presented for consideration were:

1)Decommissioning/reclamation/security; 2)road impacts; 3)screening; 4)sound 5)glare; 6)fire protection; 7)weed control 8)project expansion; 9)wildlife; 10)driveways; 11)lighting; 12)contributions to law enforcement costs; and 13) the contents of an LDA, including transfer language.

Senior Project Manager David Kimmitt answered specific questions from staff as well as the BOCC regarding the issues outlined.

**Wildlife and CPW Recommendations:** Mr. Kimmitt discussed the CPW recommendations including:

- Widening the migration corridor from 1000 feet to 1800 feet to allow for normal migration patterns to continue.
- Changing the fencing from chain link to welded wire with 6-inch spacings and to include steel posts. The recommended fencing height was also changed from 6' to 8'.
- An offsite compensatory mitigation was requested, such as a donation to Montezuma Land Conservancy).
- A CPAW representative answered additional questions regarding the wildlife impacts and mitigation measures sought. Applicant asked that they not be required to provide offsite mitigation but emphasized that the other CPAW recommendations had been followed.

**Decommissioning/Reclamation Bond:** Upon receipt of the project application, the Planning Commission requested that Applicant address the lack of detailed decommissioning/reclamation, as well as security. The Applicant conducted a study of the costs associated with decommissioning. The Applicant stated that the full cost for decommissioning in 35 years has been estimated at \$7,773,614.97. At the PC public hearing the Applicant stated that due to the 15-year power purchase agreement with Tri-State already in place, the posting of security to the County prior to that period was unnecessary. The PC did not agree and requested the full amount prior to commencement of the Project, with a review every five years. Following the PC public hearing the Applicant revised the security proposal by agreeing to the posting of security in the amount of \$6,360,449.00 prior to commencement of construction, with a reduction to 5% of the decommissioning estimate from operational status through year 15. The security would then ramp up to the full estimated amount over the remaining life of the Project. A third-party evaluation every five years was also proposed, as was a parent company guaranty as an acceptable form of security.

**Roads:** The BOCC was informed that a road agreement had been negotiated with Road & Bridge, with the involvement of the County Administrator. That agreement included road use and mitigation, including gravel costs and mag applications.

**Screening:** The BOCC considered the issue of possible screening and the expense associated therewith.

**Sound:** The BOCC was informed that the Applicant submitted a noise study that concluded sound from the Project would fall below state maximum standards.

**Glare:** The BOCC was informed that the Applicant submitted a glare study that indicated any glare from the project would be insignificant.

**Fire Protection and Weed Control:** The BOCC was informed that the Applicant had provided with the application acceptable proposals for weed control and fire protection.

**Law Enforcement:** The BOCC heard a stipulation from Applicant that contributions to law enforcement costs for extra road patrols during construction would be acceptable. Said amounts would be based upon 2 hours per day at the rate of \$20.00 per hour, five days per week during the 18-month construction phase.

**Miscellaneous:** The BOCC heard confirmation that the Applicant would be purchasing several driveway permits for access to the Project. Road & Bridge would dictate the actual driveway placements. Lighting on the Project will be minimal and downturned where used. Any expansion of the Project would be considered pursuant to provisions of the DCCLUR.

**Commissioner Cook opened the hearing to the public for comment:**

**Dwayne Garchar:** discussed the 35-year revenue and income that would benefit the County by permitting the Project. Locals will benefit from the electricity produced. During the 18 months of construction the local business will benefit from the revenue stream that the workers will bring. Mr. Garchar could not find any information indicating that there would be a decreased property value for anyone residing near the project. Mr. Garchar requested that the BOCC approve the project.

**John Garchar:** asked that approval of the project be granted.

**Glenn Leighton:** was in favor of a decommissioning bond to clean up the “eyesore”. Mr. Leighton questioned who the power generated would be sold to. Tri-State has the contract for the first 15 years. After that contract expires there are four repeat businesses that generally apply to pick up the contract.

**Steve Trudeau:** stated that he lives on Road M that is not a designated truck route. However, they consistently see trucks. He hopes that will not increase with this Project. Also recommended was high tensile wire instead of woven as there is less maintenance required. Mr. Trudeau was in favor of the Project.

**Kimberely Wood:** suggested that a donation to the Audubon Society be made for the animal and wildlife. She asked if local electric bills will increase. Mr. Kimmitt believes that rates will actually decrease. Ms. Wood asked if there would be considerable noise made from driving the posts. Mr. Kimmitt said a faint “tink” sound could be heard if near the Project. On average 600 posts a day will be driven. Ms. Wood also asked if local contractors would be hired. All aspects of the project (civil, electrical, fence etc.) will be resourced through local contractors if such services are available. Finally, Ms. Wood asked if employees would be bused to the job sight. Mr. Kimmitt said that does not look favorable as most will have their personal tools and/or equipment that will need transported as well. County staff felt that busing would inhibit the potential revenue stream to local business as well.

*Proceedings to the BOCC Meeting/Public Hearing on November 16, 2021*

**Commissioner Cook** asked if any of the Zoom participants would like to comment. There were no written or vocal responses, therefore, the public comment session was closed.

Commissioner Kibel discussed the benefits to the County with approval of the Project, including the revenue stream, together with the long history in Dolores County of respecting individual property rights. She then made a motion approving the application contingent upon finalization and approval of a Land Development Agreement (LDA) with inclusion of the discussed agreements and plans, together with provisions for an acceptable reclamation/decommissioning security agreement and possible wildlife mitigation.

Commissioner Cook seconded the motion and echoed the comments by Commissioner Kibel. Both Commissioners voted in favor of the motion.

The hearing was continued to December 6<sup>th</sup> for the purpose of consideration of a draft LDA.

#### **Executive Session**

There was no executive session.

Commissioner Cook adjourned the public meeting.



\_\_\_\_\_  
Chair to the Board of County Commissioners

\_\_\_\_\_  
Deputy Clerk to the Board of County Commissioners