

# COMMISSIONERS PROCEEDINGS 1

## BOARD OF COUNTY COMMISSIONERS

Minutes of Meeting

September 14, 2022

As reflected in posted agenda:

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/81103956827> If you cannot connect via Zoom, you may submit written public comment to [morgancountybcc@co.morgan.co.us](mailto:morgancountybcc@co.morgan.co.us) by email by 4 p.m. on Tuesday September 13, 2022.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/81103956827> to listen via phone, please dial: 1-312-626-6799, Meeting ID: 811 0395 6827

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The Board of Morgan County Commissioners met Tuesday, September 14, 2022 at 9:11 a.m. with Chairman Jon Becker, Commissioner Mark Arndt and Commissioner Gordon Westhoff in attendance. Chairman Becker asked Morgan County Planning and Zoning Administrator Nicole Hay, to lead the meeting in the Pledge of Allegiance.

### PUBLIC HEARING

Chairman Becker called the hearing to order at 9:12 a.m. in the Assembly Room of the Morgan County Administration Building. Present were, Chairman Jon Becker, Commissioner Mark Arndt, Commissioner Gordon Westhoff, Morgan County Attorney Jeff Parker and Morgan County Planning and Zoning Administrator Nicole Hay.

**Applicant:** Public Service of Colorado-Xcel Energy

Supporting documents can be found at:

<https://morgancounty.colorado.gov/xcel-energy-colorados-power-pathway-project>

#### **Description of application:**

Concerning Public Service Company of Colorado's 1041 Permit Application for a Major Facility of a Public Utility to construct and operate a transmission line and proposed new substation in a portion of Colorado's Power Pathway located in Morgan County.

Ms. Hay explained that on April 6, 2022, Charlotte Bolduc, Planning Technician and I met with representatives from Xcel Energy, Tetra Tech, and Gilbert F. McNeish Attorney at Law for a preapplication conference regarding the Colorado's Power Pathway Project. After a discussion between the Board and Staff on April 26, 2022, the Board moved to waive the preliminary preapplication for the Xcel Power Pathway. The motion carried 3-0.

On June 30, 2022, Public Service Company of Colorado, a Colorado corporation doing business as Xcel Energy, submitted a 1041 Areas and Activities of State Interest Application for Colorado's Power Pathway. A waiver was also requested from the requirements of Section 3-305(2)(b)(iii) of the Morgan County Zoning Regulations, which requires property title information, due to the significant length and varied character of the corridor. The gathering and ensuring the accuracy of the required information is not readily achievable.

On July 13, 2022, Xcel Energy was sent a letter informing Xcel Energy of the determination of a complete application and the granting of a partial waiver requesting a supplement to the application identifying active irrigation ditches.

In March 2021, Xcel filed a Certificate of Public Convenience and Necessity (CPCN) application with the Colorado Public Utilities Commission (CPUC) describing the public benefits of constructing Pathway. Written approval of the CPCN was provided by CPUC in June of 2022.

In addition to the permit application, packets for the BOCC hearing include the supplement identifying the active irrigation ditches, a response from Colorado Department of Transportation referral agency letter, and a copy of the written approval of the CPCN received from the CPUC.

This is a project to improve the state's electric grid and enable future renewable energy development. The proposed project will include approximately 48 miles of new 345-kilovolt double-circuit electric transmission line that will be constructed in 2 different segments and a new electric substation in Morgan County.

The general location of the proposed transmission line route is south of Wiggins and Fort Morgan and crosses Highway 71 south of Brush. A single pole will be used in most locations and will be brown or rust color and typically 105 to 140 feet in height.

The new Canal Crossing Substation is proposed approximately 5 miles south of the existing Pawnee substation. It will be constructed on approximately 80 acres with a 10-foot tall security fence.

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Xcel conducted public outreach to receive public and stakeholder feedback and input on the line route and substation site. Current land uses will be mainly unchanged after construction allowing agricultural activities along the transmission line except for the small areas occupied by the transmission poles.

Construction on Segment 2 and the Canal crossing Substation is anticipated to start in 2023 and end in 2025. Construction on Segment 1 is anticipated to start in 2024 and end in 2026.

## Guidelines and Regulations for Areas and Activities of State Interest, Morgan County, State of Colorado

The overall purpose and intent of the provisions of County’s 1041 Regulations that apply to Xcel’s project are as follows:

- (1) To encourage planned and orderly land use development;
- (2) To provide for the needs of agriculture, forestry, industry, business, residential communities, and recreation in future growth;
- (3) To encourage uses of land and other natural resources which are in accordance with their character and adaptability;
- (4) To conserve soil, water, forest and agricultural resources and to protect vested water rights;
- (5) To protect the beauty of the landscape;
- (6) To promote the efficient and economic use of public resources;
- (7) To regulate the site selection and construction of major facilities of a public utility to prevent significant deterioration or degradation of existing air and water quality in Morgan County;
- (8) To avoid or reduce direct conflicts with adopted local government, regional and state master plans; and
- (9) To regulate the site selection and construction of major facilities of a public utility to preserve the health and welfare of the citizens of Morgan County.

See Morgan County 1041 Regulations § 3-101.

Section 3-306 of the Morgan County 1041 Regulations require a review of certain criteria when determining whether to approve the proposed Xcel project, as follows:

- (1) The Board of County Commissioners shall approve an application for permit for site selection and construction of a major facility of a public utility (with reasonable conditions, if any, in the discretion of the Board of County Commissioners) only if the proposed site selection and construction complies with the following criteria to the extent applicable:
  - (a) The health, welfare and safety of the citizens of this County will be protected and served;
  - (b) The natural and socio-economic environment of this County will be protected and enhanced;
  - (c) All reasonable alternatives to the proposed action, including use of existing rights-of-way and joint use of rights-of-way, wherever uses are compatible, have been adequately assessed and the proposed action represents the best interests of the people of this County and represents the best utilization of resources in the impact area;
  - (d) A satisfactory program to mitigate and minimize adverse impacts has been presented;
  - (e) The nature and location or expansion of the facility complies with all applicable provisions of the master plan of this County, and other applicable regional, metropolitan, state, and national plans;
  - (f) The nature and location or expansion of the facility complements the existing and reasonably foreseeable needs of the service area and of the area immediately affected by the facility;
  - (g) The nature and location or expansion of the facility does not unduly or unreasonably impact existing community services;
  - (h) The nature and location or expansion of the facility will not create an expansion of the demand for government services beyond the reasonable capacity of the community or region to provide such services, as determined by the Board;
  - (i) The facility site or expansion area is not in an area with general meteorological and

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- climatological conditions which would unreasonably interfere with or obstruct normal operations and maintenance;
- (j) The nature and location of the facility or expansion will not adversely affect the water rights of any upstream, downstream, or agricultural users, adjacent communities or other water users;
  - (k) Adequate water supplies are available for facility needs;
  - (l) The nature and location of the facility or expansion will not unduly interfere with any existing easements for or rights-of-way, for other utilities, canals, mineral claims, or roads;
  - (m) Adequate electric, gas, telephone, water, sewage, and other utilities exist or shall be developed to service the site;
  - (n) The nature and location for expansion of the facility will not interfere with any significant wildlife habitat or adversely affect any endangered wildlife species, unique natural resource or historic landmark within the impact area;
  - (o) The nature and location or expansion of the facility, including expected growth and development related to the operation and provision of service, will not significantly deteriorate water or air quality in the impact area;
  - (p) The geological and topographic features of the site are adequate for all construction, clearing, grading, drainage, vegetation, and other needs of the facility construction or expansion;
  - (q) The existing water quality of affected state waters will not be degraded below state and federal standards or established baseline levels.
  - (r) The proposed project will not have a significantly adverse net effect on the capacities or functioning of streams, lakes and reservoirs in the impact area, nor on the permeability, volume, recharge capability, and depth of aquifers in the impact area.
  - (s) The benefits of the proposed developments outweigh the losses of any natural resources or reduction of productivity of agricultural lands as a result of the proposed development.
  - (t) The applicant has obtained or will obtain all property rights, permits, and approvals necessary for the proposed project, including surface, mineral, and water rights and easements. for drainage, disposal, utilities, access, etc. If the applicant has not obtained all necessary property rights, permits and approvals, the Board may; at its discretion, grant the permit conditioned upon completion of the acquisition of such rights prior to issuance of a zoning or building permit by the County.
  - (u) The proposed project will not present an unreasonable risk of exposure to or release of toxic or hazardous substances within the impact area. The determination of effects of the project shall include the following considerations:
    - (i) The means by which outdoor storage facilities for fuel, raw materials, equipment and related items are adequately enclosed by a fence or wall;
    - (ii) The likelihood of hazardous materials or wastes being moved off the site by natural causes or forces;
    - (iii) Containment of inflammable or explosive liquids, solids or gases.
  - (v) The scope and nature of the proposed project will not create duplicate services within the County; and
  - (w) If the purpose and need for the proposed project are to meet the needs of an increasing population within the County, area and community development and population trends demonstrate clearly a need for such development.
- (2) The Board of County Commissioners shall deny the permit if the proposed development does not comply with the applicable criteria in subsection (1) of this Section.
- (3) The Board may impose additional mitigation requirements and conditions on an applicant as follows if it complies with each of the following steps:
- (a) The Board shall make written findings that each such requirement and condition is necessary to ensure that the proposed project will not result in significant adverse net effect on the resources, values and conditions referenced above.

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- (b) The Board shall also find in writing that each such requirement and condition is necessitated by the proposed project.
- (c) All such findings shall be based on material in the administrative record.
- (d) The Board shall base the additional requirements and conditions on applicable design standards as adopted by the County, to the extent that such standards then exist.

See Morgan County 1041 Regulations § 3-306.

**Analysis**

- (a) *The health, welfare and safety of the citizens of this County will be protected and served.*

There are no anticipated substantial adverse impacts to the health, welfare and safety of the County’s citizens. The impacts to agricultural land will be minimal as the right-of-way is 150 feet wide and certain agricultural activities may continue in the right of way. Although transmission lines can generate electromagnetic fields, Xcel’s lines will comply with all applicable laws, including the National Electric Code. Moreover, most of the lines will be in sparsely populated areas.
- (b) *The natural and socio-economic environment of this County will be protected and enhanced.*

Impacts to the natural environment are anticipated to be temporary and limited in nature. Most impacts will occur during the construction phase, and Xcel will be required to use best management practices to avoid harm to areas outside of the lines’ right-of-way. Some relatively minor temporary economic benefits are expected as construction crews work on the Project. However, because the crews will be relatively small and the construction will be temporary, the direct economic benefits are not anticipated to be substantial. The installation of the transmission lines will provide additional opportunity for power generation projects to connect to Xcel’s system. Landowners may benefit by contracting for the use of their land for solar and wind generation projects that would otherwise not occur. These generation projects will come with benefits and drawbacks. New jobs will be available and construction crews will use local businesses. However, wind and solar projects have additional impacts on the area, including use of agricultural land, and noise, visual, and wildlife impacts.
- (c) *All reasonable alternatives to the proposed action, including use of existing rights-of-way and joint use of rights-of-way, wherever uses are compatible, have been adequately assessed and the proposed action represents the best interests of the people of this County and represents the best utilization of resources in the impact area.*

Xcel has provided a Routing and Siting Study as Attachment A to its application. Xcel undertook substantial efforts to engage with the public. Please see Section 3.4.1 for Segment 1 and Section 3.4.3 for Canal Crossing Substation and Segment 2 of the Routing and Siting Study for more information. The Routing and Siting addresses how Xcel considered a variety of factors in selecting the route of the transmission lines and how the route was modified to address these factors. A substantial portion of the route for the transmission line is in the public right-of-way. The transmission line routing and substation siting study information is set forth in Attachment A to Xcel’s application. Section 11 of Xcel’s narrative addresses alternatives considered by Xcel.
- (d) *A satisfactory program to mitigate and minimize adverse impacts has been presented.*

There are no anticipated non-mitigated adverse impacts other than the potential impact on County roadways, the potential for construction-related pollution of irrigation ditches, canals, and waterways, and unremediated land subsequent to construction activity. These concerns are adequately mitigated via the agreement between the County and Xcel, requiring Xcel to return any damaged County roadways to their condition prior to Xcel-caused damage. Xcel will be required to fully remediate land, including irrigation ditches, damaged by its construction activities. Please see Section 12 of Xcel’s narrative for additional details regarding how it will mitigate and minimize adverse impacts.
- (e) *The nature and location or expansion of the facility complies with all applicable provisions of the master plan of this County, and other applicable regional, metropolitan, state, and national plans.*

The project is compatible with the County’s master plan. It protects the agricultural character of the County, improves the state’s renewable energy opportunities and brings renewable energy opportunities to the County.
- (f) *The nature and location or expansion of the facility complements the existing and reasonably foreseeable needs of the service area and of the area immediately affected by the facility.*

The project is not anticipated to cause significant changes to the use of land in its area. Following

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construction, agricultural activities along the transmission line route can continue outside of the small area occupied by the transmission poles and the Canal Crossing Substation footprint.

- (g) *The nature and location or expansion of the facility does not unduly or unreasonably impact existing community services.*

No additional governmental services are required by the project.

- (h) *The nature and location or expansion of the facility will not create an expansion of the demand for government services beyond the reasonable capacity of the community or region to provide such services, as determined by the Board.*

No additional governmental services are required by the project during or after construction. There may be impacts on County roadways, which can be mitigated by requiring Xcel to prepare a traffic plan and remediate any damage caused to County roadways.

- (i) *The facility site or expansion area is not in an area with general meteorological and climatological conditions which would unreasonably interfere with or obstruct normal operations and maintenance.*

The equipment will be designed to withstand unusual meteorological events. The transmission lines and substation will be able to function normally in a wide range of County weather conditions.

- (j) *The nature and location of the facility or expansion will not adversely affect the water rights of any upstream, downstream, or agricultural users, adjacent communities or other water users.*

No water rights will be impacted by the Project.

- (k) *Adequate water supplies are available for facility needs.*

Water for construction activities will be trucked into the location and obtained from local permitted water sources. Large quantities of water are not necessary for the project.

- (l) *The nature and location of the facility or expansion will not unduly interfere with any existing easements for or rights-of-way, for other utilities, canals, mineral claims, or roads.*

As part of the land rights process, Xcel will identify existing easements and rights-of-way for other utilities, canals, mineral claims, or roads and will not cause any undue interference with existing easements or rights-of-way during construction and operation of Pathway.

- (m) *Adequate electric, gas, telephone, water, sewage, and other utilities exist or shall be developed to service the site.*

Any utilities required for the project will be adequate.

- (n) *The nature and location for expansion of the facility will not interfere with any significant wildlife habitat or adversely affect any endangered wildlife species, unique natural resource or historic landmark within the impact area.*

There will be impacts during construction of the Project, including increased construction equipment impact, noise, and dust. There could be sediment run off from the construction activities into irrigation ditches and other waterways. However, Xcel represents that it will implement best management practices to control sediment and runoff into canals and waterways during construction. Xcel will be regulated by CDPHE and is required to follow state standards to control fugitive construction dust. Once operational, most environmental impacts will be limited.

The transmission line route will span wetlands. Xcel believes it will be able to span most wetlands and therefore, will not adversely impact them. However, if a wetland cannot be spanned, Xcel will need to obtain appropriate permits from the Army Corps of Engineers.

Xcel has conducted studies on the impact of the Project on species in the area and has been engaged with Colorado Parks and Wildlife regarding the routing and related impacts of the transmission lines in the area. There will be impacts to habitat due to clearing activities for construction. However, these impacts should be limited to the 150-foot right-of-way.

- (o) *The nature and location or expansion of the facility, including expected growth and development related to the operation and provision of service, will not significantly deteriorate water or air quality in the impact area.*

Drainage facilities will be constructed to address the increased impervious area caused by the substation. Best management practices will be followed during construction to minimize run-off into waterways and irrigation ditches. There will be increased air pollution from fugitive dust,



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fumes, and construction equipment exhaust. Because the majority of the construction activity will occur in sparsely-populated areas, the impacts are anticipated to be minimal. The County retains its nuisance-enforcement authority and will regulate Xcel’s construction activity if it results in adverse impacts to the neighboring properties.

- (p) *The geological and topographic features of the site are adequate for all construction, clearing, grading, drainage, vegetation, and other needs of the facility construction or expansion.*

The substation location is flat and minimal grading activity is expected. The majority of the transmission line route is also relatively flat. Therefore, no major topographic issues are expected. There will be clearing of vegetation within the 150-foot right-of-way to facilitate construction activities. Any damages will be reclaimed upon completion of construction.

- (q) *The existing water quality of affected state waters will not be degraded below state and federal standards or established baseline levels.*

There is some risk of runoff from the construction area into local waterways and irrigation ditches. However, Xcel will employ best management practices to avoid any significant issues. Upon completion of construction, the transmission line infrastructure will span most wetlands and waterways. If wetlands or waterways of the United States cannot be avoided, Xcel will be required to obtain federal permits.

- (r) *The proposed project will not have a significantly adverse net effect on the capacities or functioning of streams, lakes and reservoirs in the impact area, nor on the permeability, volume, recharge capability, and depth of aquifers in the impact area.*

See Section (q), above. There will be no impact on aquifers.

- (s) *The benefits of the proposed developments outweigh the losses of any natural resources or reduction of productivity of agricultural lands as a result of the proposed development.*

Minimal loss of agricultural land is anticipated. There could be some impact on natural resources, primarily resulting from impact of construction activity on wildlife habitat. However, Xcel is working with CPW to limit these impacts. The proposed development will provide some short term economic benefit to local businesses during construction. The longer term benefits include the opportunity for renewable power generation operations in the County to connect to the transmission facilities and the related environmental impacts of clean energy sources (wind and solar).

- (t) *The applicant has obtained or will obtain all property rights, permits, and approvals necessary for the proposed project, including surface, mineral, and water rights and easements for drainage, disposal, utilities, access, etc. If the applicant has not obtained all necessary property rights, permits and approvals, the Board may, at its discretion, grant the permit conditioned upon completion of the acquisition of such rights prior to issuance of a zoning or building permit by the County.*

Xcel will be required to obtain all necessary property rights for the transmission lines prior to commencement of construction. Xcel is unlikely to have the rights for all property in the County at commencement of construction, but will not commence construction on any section until the underlying rights are acquired.

- (u) *The proposed project will not present an unreasonable risk of exposure to or release of toxic or hazardous substances within the impact area. The determination of effects of the project shall include the following considerations:*

- (i) *The means by which outdoor storage facilities for fuel, raw materials, equipment and related items are adequately enclosed by a fence or wall;*
- (ii) *The likelihood of hazardous materials or wastes being moved off the site by natural causes or forces;*
- (iii) *Containment of inflammable or explosive liquids, solids or gases.*

No hazardous material is involved in the project other than fuel, lubricants, and coolants for machinery, which Xcel will store at its temporary construction areas. The County will be issuing permits for these temporary areas and will require that such material be stored appropriately in a manner that minimizes the risk of any spills.

- (v) *The scope and nature of the proposed project will not create duplicate services within the County.*

The transmission lines and substation fill a need for more transmission-related capacity for renewable energy generation facilities. They will not duplicate existing services in the County.

- (w) *If the purpose and need for the proposed project are to meet the needs of an increasing population*

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*within the County, area and community development and population trends demonstrate clearly a need for such development.*

The project is not aimed at meeting the needs of the County due to its increasing population.

## **Recommended Conditions**

The following conditions are recommended if the 1041 Areas and Activities of State Interest Application for Colorado's Power Pathway transmission lines and substation (Canal Crossing Substation) is approved:

1. All necessary land use, environmental, and construction permits, approvals and authorizations will be obtained prior to the start of and during construction as required and may include, but are not limited to, land use permits, right-of-way (ROW) permits, road use agreements, access permits, oversize/overweight permits, grading permits, and storm water permits.
2. Any equipment additions at the Pawnee substation which are included in the Power Pathway project are not approved as part of this 1041 permit. Xcel is required to obtain all necessary land use approvals for any equipment additions at the Pawnee substation.
3. No poles shall exceed a height of 140 feet. Any poles that exceed this height will require prior approval from the County, upon a showing by Xcel that such height is necessary. Such additional height may be approved by the County Planning Administrator upon application and request from Xcel. The County Planning Administrator may request any additional information necessary to determine whether approval should be granted.
4. The Canal Crossing Substation shall be enclosed by a security fence at least 10 feet tall and be secured at all times.
5. Prior to the commencement of construction on a Segment, Xcel will enter into a road use agreement for the use of any public road during construction which shall include the following:
  - a. A map showing which County roads will be used during construction.
  - b. A pre-construction baseline survey of County roads to be used during construction to document their pre-construction condition, obtained by and paid for by the applicant and prepared by a Colorado licensed engineer.
  - c. A mitigation plan to address traffic congestion, control, and potential impacts to County roads to be used during construction. The mitigation plan shall also include any dust mitigation activities.
  - d. A requirement that the applicant to return any County roads to their pre-construction baseline condition.
  - e. A requirement to post financial security in an amount not less than one hundred fifteen percent (115%) of the estimated cost to complete all road restoration, in the form of an irrevocable letter of credit or cash escrow. Cost estimates shall be provided by a licensed Colorado engineer. Upon preliminary acceptance of the restored public road, the County shall release all but fifteen percent (15%) of total actual costs of restoration of the public roads, so long as Xcel is not in default of any provision of the public improvements agreement. The County shall inspect the restored roads and Xcel shall pay to the County the cost incurred by the County in conducting such inspections. These costs shall be due and payable upon demand of the County. Xcel shall be responsible for correcting or properly completing the restoration.
  - f. The residual fifteen percent (15%) retained by the County shall act as security for Xcel's guarantee that the restoration remains free of defect during a two-year warranty period. Xcel may at any time during the preliminary acceptance or warranty period offer to provide a substitute or supplemental form of financial security to that security as originally posted with and/or retained by the County. The County may accept substitute or supplemental forms of security in its sole discretion.
6. Prior the commencement of construction on a segment, Xcel must obtain all proper permissions from landowners to use private roads or develop access roads on any private property. No private access roads, new or currently in use, shall become public rights of way unless approved and accepted by the Board of County Commissioners.
7. The County will require temporary use permits for all temporary construction areas, any staging or laydown areas, or other temporary areas for construction activities ("Temporary Areas"). Xcel is required to obtain a temporary use permits for all Temporary Areas prior to placing any equipment, materials or any other items associated with the Pathway Project in the temporary construction area. To obtain a temporary use permit, at a minimum, Xcel must provide a map showing the Temporary Area by size (acreage and perimeter), a list of materials and equipment to be stored on the Temporary Areas, activities within the area (e.g., grading, storage, etc.), the length of time the temporary construction or staging or laydown areas will be in use and in the case of concrete batch plants, a copy of the APEN issued by the Colorado Department

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of Public Health and Environment. Temporary use permits issued for Temporary Areas may not be issued for a period longer than one year. There is no limit on the number renewals for the temporary use permits; however, Xcel must notify the County at least thirty (30) days prior to the end of a permit of its intent to renew. It shall be a condition of every temporary use permit issued under this provision that all equipment and materials must be removed from the Temporary Areas and the area returned to a condition similar to its condition prior to construction, in accordance with paragraph 10 below. No permanent structures may remain in the Temporary Areas unless approved by the County pursuant to the applicable Morgan County Zoning Regulations.

8. The temporary use permit previously granted to Xcel at the northeast corner of County Road F and County Road 18 and due to expire shall become part of this 1041 permit and subject to the provision in paragraph 7 above.
9. Prior to use of any helicopters in connection with the Power Pathway project, Xcel shall provide at least thirty (30) days' written notice to the County Planning Administrator of the location of the helicopter fly yard and dates and hours of helicopter use. Xcel shall comply with all FAA requirements, including but not limited to, notice of evacuation to residences.
10. All Temporary Areas and transmission lines rights of way, not needed for Xcel's on-going operations or not used for crop production, shall be reclaimed and/or reseeded as soon as practicable but no later than six months after Xcel has completed construction in that segment, unless the County Planning Administrator grants an extension for demonstrated good cause.
11. Construction occurring within ¼ quarter mile of any residence shall not commence earlier than 7 a.m.
12. Xcel shall prevent the existence of any nuisances by way of its construction activities. All trash, litter, construction waste and any potentially hazardous materials shall be disposed of properly off-site. If the County determines that a nuisance exists and the nuisance is not abated or an abatement plan is not submitted to the satisfaction of the County, the County may, upon thirty (30) days' notice under this Agreement, draw upon the Performance Guarantee to pay the cost and expenses of abating the nuisance. The decision to draw on the Performance Guarantee shall be within the sole discretion of the County.
13. Xcel shall comply with all applicable law and regulations related to safety and emergency management during construction and on-going operations.
14. A drainage plan for the substation must be submitted for County review prior to the commencement of construction of the substation.
15. Xcel shall be responsible for the payment of all costs and fees incurred by the County associated with this Permit. the County shall invoice Xcel for costs and fees and payment will be due by Xcel within thirty (30) days of the date of the invoice. Failure to pay may result in enforcement actions by the County.

Ms. Hay stated that an email was received about mineral right notifications, as well as a discussion of the conditions of use. They will be added to the file.

At this time, Chairman Becker asked the applicant if there is anything they would like to add to the application. Andrew Holder, Area and Government Affairs Manager for Xcel presented a power point presentation about Xcel Energy, who Xcel is, as well as company information and background. Mr. Holder then explained the background information on the project. He then explained the positive economic effects for the community as well as the positive energy impact upon the area and the State of Colorado. He then explained the outreach the company has participated in to keep the community informed and the received feedback through said outreach.

Rita Ruderman, manager for Pathways Project Land Rights team spoke about the routing and siting stages of the project. She spoke of the various impacts that they have planned for and considered for the project and how these have been successfully handled by Xcel.

There were no questions from the Board at this time.

Chairman Becker then opened the public comment period.

Chairman Becker asked if there was anyone online who wished to make public comment in opposition of the application, noting no public comment online opposed.

Bill Marty of 11953 County Road 8, Fort Morgan Colorado, spoke of his opposition to the wind and solar power and its negative effects on wildlife.

Dan Danford of 9788 County Road 19, Fort Morgan Colorado, spoke of the nearness to the existing power lines and how it may inconvenience the nearby farmers by having to change the way they run their equipment.

Clark Green of 5687 County Road P, Wiggins Colorado, spoke of his concerns that irrigation wells will be under the proposed power lines and will be unable to be removed.



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Chairman Becker asked if there was anyone on online who wished to make public comment in favor of the application, noting no public comment online in favor.

Chairman Becker asked if there was anyone in the audience present wished to make public comment in favor of the application, noting no public comment.

At this time Chairman Becker closed the public comment portion.

At this time, Chairman Becker moved into discussion and decision.

Commissioner Arndt then asked Xcel to respond to the comments from the public comment period.

Ms. Ruderman stated they are glad to work with Mr. Clark to accommodate the well concerns. She then spoke about working with landowners to meet their concerns. Mr. Peterson, Transmission Line Engineer spoke about their inability to run parallel to some existing lines, but that they will work with landowners on their concerns.

Commissioner Arndt asked for consideration to Xcel about having a move wells and the difficulty in which it would present. Mr. Peterson spoke of how they will work with the landowners to do so.

Commissioner Westhoff asked about the clearance of the wires on the poles. Mr. Peterson stated that they are at least 38.5 feet from the lowest point to the ground. Commissioner Westhoff then asked about crossing the existing WAPA lines. Mr. Peterson said it depended upon the height but they would be able to go above the existing lines.

Commissioner Becker asked about the timeline and the quantity of vehicles on a daily basis. Heather Brickey, Project Director for Pathways Project stated that it could be up to 15 to 20 vehicles on temporary construction areas per day.

Commissioner Westhoff asked about the amount of concrete per hole that would be used. Mr. Peterson stated that it was thirty to forty yards on average (or three to four trucks). Ms. Brickey stated that for the substation it could be several hundred trucks delivering rock.

Commissioner Arndt asked about working with Colorado Wildlife to offset impacts to the animals in the area. Ms. Ruderman spoke about how they will go above and beyond to meet all requirements with the Colorado Wildlife.

Commissioner Westhoff asked about the existing water protection district in Brush and if this project would interact with it. Ms. Ruderman stated that they aren't close enough to affect it.

Commissioner Arndt asked how deep the holes are. Mr. Peterson stated it depends upon the soil but usually 30 to 40 feet if not deeper depending upon the type of structure.

Commissioner Becker asked Ms. Hay if the conditions of use were presented to Xcel. She responded that they responded in an email. Ms. Ruderman mentioned that there were some small changes requested.

Mr. Parker spoke about the conditions and that staff has no issues other than condition three (height of poles without approval from commissioners). Xcel is requesting having to skip asking the Commissioners for approval, rather receiving blanket approval. Ms. Ruderman explained that this is to work with farm equipment, etc.

Commissioner Westhoff asked about the proposed helicopter usage. Mr. Peterson stated that they would be used to pull the wire in to its final location on the lines and little else.

Mr. Parker spoke on condition 5E and how Xcel would like to use a surety bond rather than irrevocable letter of cash and credit escrow to secure road maintenance. He explained that it was more difficult to obtain the money than an escrow. Ms. Ruderman said that Xcel was fine with not using a surety bond.

Mr. Parker spoke on condition ten and that Xcel would like for the project to be completed in 1 year versus six months. Ms. Ruderman said that it may be more difficult than anticipated and that a year is the standard for this size of the project.

Commissioner Arndt asked about the mineral rights and noted that two owner's rights could not be obtained by Xcel. Ms. Ruderman said that was correct.

Commissioner Arndt asked for the input from the road and bridge department on the reclamation of the roads. He then asked about easements and the acquisition of the rights from landowners. Ms. Ruderman stated that they are working and aren't completed completely. He then asked for more information about Mr. Green's question about the well location. Ms. Ruderman stated that they work with the landowners and that they offset the well can be offset vertically and that if the landowner needs more help, they will help in the future. Commissioner Arndt asked Mr. Green if this would help and he spoke further of his concerns.

Chairman Becker talked about how they need to make sure how everything is affected, etc. and further upon the conditions of use and asked for a motion and said that changing the six months to a year.

# 10 COMMISSIONERS PROCEEDINGS

Commissioner Arndt moved that the meeting be continued until September 27<sup>th</sup> to have staff work with Xcel to work on concerns about road and bridge, wells in the area, tower heights, and pole alignment concerns. Commissioner Westhoff seconded. At this time, the motion carried 3-0.

Being no further business the meeting was then adjourned at 10:44 a.m.

Respectfully Submitted,

Kevin Strauch  
Clerk to the Board

(Minutes ratified October 4, 2022)

**THE BOARD OF COUNTY COMMISSIONERS  
MORGAN COUNTY, COLORADO**

s/Jon J. Becker  
Jon J. Becker, Chairman

s/Gordon H. Westhoff  
Gordon Westhoff, Commissioner

s/Mark A. Arndt  
Mark A. Arndt, Commissioner

(SEAL)  
**ATTEST:**  
s/ Kevin Strauch  
Kevin Strauch