

DELTA COUNTY PLANNING COMMISSION

**Delta County Roubideau Room
320 W. 5th Street, Delta, CO 81416
Wednesday, January 12, 2022 @ 5:30 p.m.**

**Tom Kay, Chair
Tate Locke, Vice-Chair
Carl Holm, Director/Secretary**

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The public can join the meeting remotely by registering in advance of the meeting at:
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After registering, you will receive a confirmation email containing information about joining the meeting.

REGULAR MEETING AGENDA

5:30 P.M. – CALL TO ORDER

ROLL CALL

DISTRICT 1

Dick Gilmore

Steve Schrock

Steve Shea

Cindy Watson, Associate

DISTRICT 2

Layne Brones

Tate Locke, Vice Chair

Hardy Hutto

Vacant, Associate

DISTRICT 3

Jacob Gray

Tom Kay, Chair

Eli Wolcott

Kate Darlington, Associate

PUBLIC COMMENTS

This is time set aside for the public to comment on matters not on the agenda. The Chair may set a time limit for speakers.

AGENDA ADDITIONS, DELETIONS, AND CORRECTIONS

The Planning Commission Secretary will announce if there are any changes to the agenda that arose after posting of the agenda.

SCHEDULED ITEMS

1. PLN21-030/Garnet Mesa Solar LLC

Consider a motion to rescind the Planning Commission’s approval on November 17, 2021 of PLN21-030 Garnet Mesa Solar Renewable Energy with Staff recommendations and conditions.

RECOMMENDATION: Planning Commission direction.

CERTIFICATION OF POSTING

On January 5, 2022 at 4:00 PM, Kim Henderson did post the above AGENDA as public notice of the January 12, 2022 meeting. The official notice is placed on the front entrance of the Delta County Courthouse located at 501 Palmer, Delta, Colorado and a courtesy copy is sent to the Delta County website at www.deltacounty.com.

2. PLN21-030/Garnet Mesa Solar LLC

NOTE: If the Planning Commission's approval on November 17, 2021 of PLN21-030 is not rescinded, the original recommendation remains and there is no additional action to consider.

Consider a Limited Use Permit to install and operate an 80MW ground mounted solar photovoltaic energy generating facility. The project involves two sites consisting of three (3) parcels totaling 472+ acres generally located west of 2200 Road and at the southwest corner of G Road and 2100 Road, approximately 2.2 miles east of Delta (Parcels: 3455-231-00-001, 3455-232-00-009, 3455-133-00-020).

RECOMMENDATION: Staff recommends that the Planning Commission recommend that the Board of County Commissioners:

- a. Find that PLN21-030 complies with the Land Use Code; and
- b. Approve PLN21-030, a Limited Use Permit for an 80MW ground mounted solar photovoltaic energy generating facility developed over three (3) parcels totaling 472.85 acres generally located between 2200 Road on the east and 2050 Road on the west, north and south of G Road, Delta (Parcel: 3455-231-00-001, 3455-232-00-009, 3455-133-00-020), subject to conditions.

3. PLN21-049/S. Rasmussen

Consider rezoning the western 10 acres of Parcel 319335100032 from A-35 to A-5 to eventually become part of a subdivision generally located east of Stardust Lane and south of Cedar Mesa Road, Cedaredge.

RECOMMENDATION: Staff recommends that the Planning Commission continue this item to the January 26, 2022 Regular Planning Commission Meeting.

COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

This is time set aside for the Commission to comment, request, or refer a matter that is not on the agenda for future consideration.

DEPARTMENT REPORT

This is time set aside for the Director to report on matters affecting the Department.

ADJOURNMENT

Next Meeting: Wednesday, January 26, 2022 at 5:30 pm, Delta County Administration Building, Delta, CO

CERTIFICATION OF POSTING

On January 5, 2022 at 4:00 PM, Kim Henderson did post the above AGENDA as public notice of the January 12, 2022 meeting. The official notice is placed on the front entrance of the Delta County Courthouse located at 501 Palmer, Delta, Colorado and a courtesy copy is sent to the Delta County website at www.deltacounty.com.



STAFF REPORT

Delta County Planning Commission

**Delta County Roubideau Room
320 W. 5th Street, Delta, CO 81416**

Wednesday, January 12, 2022 @ 5:30 p.m.

PLN21-030/Garnet Mesa Solar LLC (DMEA/Guzman Energy)

Consider a motion to rescind the Planning Commission's approval on November 17, 2021 of PLN21-030 Garnet Mesa Solar Renewable Energy with Staff recommendations and conditions.

RECOMMENDATION:

There are two options for the Planning Commission (PC) to consider:

Option 1: If the motion to rescind passes, then there will be a new hearing on the project before the PC, which has been scheduled at that same meeting (January 12, 2022).

Option 2: If the motion to rescind fails, then the original motion/action remains in place. The PC recommendation from November 17, 2021 will be forwarded to the Board of County Commissioners for consideration.

SUMMARY/DISCUSSION:

On November 17, 2021, the Delta County Planning Commission (PC) voted 6-3 to recommend approval of the Use Permit for a, 80MW renewable energy facility to the Board of County Commissioners (BoCC). The Director sent a follow up letter to the applicant identifying the next steps, including a request for information prior to scheduling this matter before the BoCC.

At the regular meeting on December 8, 2021, the Chair called a Special Meeting to hold an executive session regarding new information received relative to this project. This Special Meeting was held on December 15, 2021.



During the open session, Commissioner Gray disclosed a potential conflict that surfaced following the PC action on November 17, 2021, and recused himself from any other consideration of PLN21-030. The PC was provided options for addressing this new information after the action was taken. As part of the Commissioner Referral item on the agenda, a Commissioner requested a future agenda item to consider a motion to rescind the November 17, 2021 PC approval. In addition, a separate item was requested to consider the project (PLN21-030), should the motion to rescind pass.

This item is for consideration of a motion to rescind the prior PC action. There will be opportunity to speak on the motion (should the PC action be rescinded) as part of this hearing. This is not a hearing to discuss the merits of the project. There will be a new PC hearing to discuss the merits of the project following this item should the motion to rescind pass.

All information received to date relative to this project remains part of the public record. Once this is resolved at the PC, the matter will be scheduled for the Board of County Commissioners to consider a final action. That is another opportunity to discuss the merits of the project.

Prepared by: Carl P. Holm, AICP, Planning & Community Development
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December 28, 2021

Attachment(s):
- None



STAFF REPORT

Delta County Planning Commission

**Delta County Roubideau Room
320 W. 5th Street, Delta, CO 81416**

Wednesday, January 12, 2022 @ 5:30 p.m.

PLN21-030/Garnet Mesa Solar LLC (DMEA/Guzman Energy)

*If the Planning Commission's approval on November 17, 2021 of
PLN21-030 is rescinded:*

Consider a Limited Use Permit to install and operate an 80MW ground mounted solar photovoltaic energy generating facility.

The project involves two sites consisting of three (3) parcels totaling 472+ acres generally located west of 2200 Road and at the southwest corner of G Road and 2100 Road, approximately 2.2 miles east of Delta (Parcels: 3455-231-00-001, 3455-232-00-009, 3455-133-00-020).

PROJECT INFORMATION:

Property Owner: Garnet Mesa Land LLC
Applicant: Garnet Mesa Solar LLC
Representative: Matthew Kosakowski, Citra Power
Site Address: 20426 G Road, Delta
Location: Section 23, Township 15S, Range 95W, 6thPM
Parcel ID: 3455-231-00-001, 3455-232-00-009, 3455-133-00-020
Parcel Size: 240 Ac, 41.8 Ac, 191 Ac (472.8+ Ac total)
Zoning: A-20, A-5

RECOMMENDATION:

Staff recommends that the Planning Commission recommend that the Board of County Commissioners:



- a. Find that PLN21-030 complies with the Land Use Code; and
- b. Approve PLN21-030, a Limited Use Permit for an 80MW ground mounted solar photovoltaic energy generating facility developed over three (3) parcels totaling 472.85 acres generally located between 2200 Road on the east and 2050 Road on the west, north and south of G Road, Delta (Parcel: 3455-231-00-001, 3455-232-00-009, 3455-133-00-020), subject to conditions.

SUMMARY:

On November 17, 2021, the Planning Commission (PC) voted 6-3 to recommend approval of the subject Use Permit with staff recommendations plus additional conditions to address:

- Decommission Bond
- Landscape Bond
- Road Inspection & Repair Bond - following construction
- Irrigation Plan – consult a local expert in flood irrigation
- Consider Aesthetics for Utility Poles being replaced
- Solid Fence around the substation - to mitigate sight and sound
- Landscape the south end of South-West Site
- Hooded Lighting - turned off except for emergency maintenance
- Traffic Control Plan – construction period.

Staff sent a follow up letter to the applicant summarizing the conditions and identifying the next steps. This letter requested information ahead of the BoCC to address some of the issues raised by the PC. On December 16, 2021, additional information was received via email in response to that letter (**Attached**). This report focuses on new (supplemental) information received since the November 17th hearing.

DISCUSSION:

The 11/17/21 staff report is **attached** for reference. The following discussion identifies and evaluates issues raised at the Planning Commission hearing on 11/17/21 and evaluates new information submitted since that hearing.

Flood Irrigation. The PC had noted that the applicant could provide a letter from a local farmer about how to best irrigate these sites. Staff noted that the South-West site has been fully irrigated so continuing irrigation would likely be less of an issue if the topography is not changed (graded). The North-East site would be more challenging given the topography and only part has been irrigated in the past. **Condition 8** establishes performance standards for this item.

Utility Poles. There was discussion at the PC meeting about replacement of utility poles to the substation. DMEA noted that this aspect had not been engineered yet, but the poles could be up to 115 feet tall. The PC expressed concern about aesthetics and requested a definitive determination on the type of



poles to be used (height, style). The main issue is to try to avoid poles that require lighting on top.

Staff finds that what a public utility does with their infrastructure is not subject to local jurisdiction review other than to permit utility work within a County Right-of-Way. The applicant excluded the transmission line from the permit submission because, as a public utility, DMEA is regulated by the Public Utilities Commission (PUC). It should be noted that if the solar project never existed and DMEA needed to upgrade the line to taller/different poles, there would be no land use permit required—they would just do the work and get any administrative ROW permits they might need.

That being said, both the project and DMEA want to mitigate concerns from the County if possible. Height, design type (monopole or H-frame), and material are basically the only three variables. Within these categories, engineering and electrical code compliance will dictate nearly every point.

In the follow-up letter, the first choice is to use a wood pole. Alternatively, the applicant proposes using a “rusty” finish if steel is the final engineering call (applicant provided a photo showing an example). In addition, it was determined that FAA does not require top of pole lighting for any structure under 200 feet tall. Staff recommends that no condition be included on this item, but rather identify if the “rusty” metal finish is preferred if a steel pole/tower is required.

Utility Easement (Hofschulte). At the hearing, it was presented that there was some misrepresentation by the applicant’s real estate representative with the Hofschulte family. From the County’s perspective (within our authority), documentation shows that there is a 30-foot easement across the Hofschulte property that can be used for utilities. The PC recommended a condition that the applicant mend relations; however staff finds that this is more of a request than a condition because the dispute is a civil matter. Therefore, staff recommends that no condition be included on this item.

That said, staff requested an update when possible. Also, staff inquired if the parties intend to pursue a separate application for a Lot Line Adjustment between Garnet Mesa and Hofschulte (PLN21-053). The applicant’s reply provides some additional detail on the status of this item.

Substation Screening. The PC recommended adding a condition to require a solid fence around the substation to mitigate sight and sound. (e.g. block wall, wood fence, etc.). The applicant states that there are multiple possible designs (material, color, texture) that are technically feasible with this type of project, and provided three examples. Staff recommends specifying Option 3 (**Attachment, Exhibit 4.d, Figure 3**) as a condition off approval (**Condition 9**).



Additional Landscape. At the hearing, the PC requested adding landscaping along the south end of the South-West site. The applicant has agreed and amended the Landscape Plan accordingly to illustrate this change. **Condition 1** requires the project to be constructed and maintained in accordance with approved plans so staff believes that no additional condition is required.

Lighting. There was a discussion about lighting at the hearing. Lighting is required at the facility, but that lighting would be off except when personnel are present (safety). Staff has included **Condition 11** to include a Lighting Plan to identify where lighting is located and shielded as much as possible for this type of facility. Said Plan should also include notes about the operation; lights will remain off not unless needed for personnel, hooded, etc.

Trash Control. **Condition 12** reiterates what has been presented by the applicant for controlling trash during construction.

Traffic Control. It was noted at the hearing that there will be increased traffic during construction. There is a traffic study included with the application. The PC requested a plan describing how traffic will work during construction, including; a flag-person on site during peak periods (and what those periods are), construction hours (7AM to 7PM), where employees park, etc. Additional information has been provided (**Attached**).

Generally, the South-West site will be used for staging materials and employees until the rest of the project is completed. All construction traffic will enter off G Road at the northern end near the substation site where the existing access is located. Construction traffic will exit the site onto 2100 Road just south of Solar Court. A Flagger will be present during AM and PM peak traffic periods, which according to the Traffic Study is expected between 7:00-10:00 AM and 3:00-7:00 PM. **Condition 13** requires a Final traffic Plan that includes this new construction traffic information.

It has been stated that the intent is to hire locally as much as possible. However, there are requisite qualifications for this type of work that must be met.

Compatibility

A question has been raised about neighborhood compatibility with a facility built around residences. At staff's request, the applicant provided some examples of personal experience with projects located near or immediately adjacent to residential neighborhoods:

1. Minnesota. Despite not having great sun, this state has a prolific solar program. Citra Power has been involved with building three projects there so far. These projects are similar to Garnet Mesa in that they are built on Ag land, but are still in the suburbs and have many residential neighbors, so they are taking best practices learned from this part of the county and applying it to Garnet Mesa.



2. Connecticut. Citra has one project currently under construction in Connecticut that has a couple residential neighbors.
3. Colorado. Citra is supporting a project just south of Colorado Springs in Fountain that is being nested directly within a subdivision. El Paso County and the HOA here didn't put a hard requirement for vegetation in the land use permit because no one thought anything would grow, but everyone approved and the project has its permit.

Generally the approach in all cases is to provide vegetative screening and Ag fencing where appropriate. Connecticut has the benefit of much denser forests that can be used for starting with mature screening.

Since this one will not show up on Google Earth yet, the applicant provided a screenshot of the layout.





In addition the applicant provided a link that might also be helpful:
<https://blog.resourcewatch.org/2019/11/13/this-map-shows-29000-of-the-worlds-power-plants/> Orange dots indicate solar projects across the country, which makes it relatively easy to scroll around and find example of projects built in residential areas. You'll see a lot of neatly organized trees along perimeters to satisfy permit conditions.

It should be noted that construction will always be somewhat of an inconvenience to the neighbors with added traffic and a random high wind that can blow trash around. The applicant expressed their intent to have the site construction manager, who is there every day, walk door to door just before construction starts handing out their business card. If there is ever a specific concern, neighbors can reach that person directly to have an issue resolved quickly, or the manager can elevate it to be resolved (if needed).

Post construction, most complaints received by projects relate to vegetation. Either there is not enough and things are dusty, too much and it looks unkempt, or weeds have moved in and are spreading. The Plan, as presented, includes a partnership with the Sperry's for the sheep, the ground cover here will get more attention than a normal project. **Condition 6** requires a Landscape/Vegetation Bond to draw against if the County finds something more is needed and the operator is not responding.

Prepared by: Carl P. Holm, AICP, Planning & Community Development
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January 4, 2021

Attachment(s):

- 11/17/21 Planning Commission report
 - o Due to the large number/size of documents, Attachments for this report can be found online here: [Delta County Planning Commission Meeting for 11.17.21](#)
- Supplemental Information (12/16/2021)



Conditions of Approval - PC Recommendations
Garnet Mesa Solar Facility (PLN21-030)
January 12, 2022

1. Development of the Garnet Mesa Solar array shall be in accordance with approved plans and supplemental documentation to the satisfaction of the Director of Community Development and Natural Resources, including but not limited to:
 - a. Site Plan, Attachment 2.F.b dated 12/3/2021
 - b. Fuel Management Plan, Attachment 2.G dated 7/13/2021
 - c. Wetland/Biological Delineation, Attachment 3.E dated 6/21/2021
 - d. Prelim Geotechnical Report, Attachment 3.H dated 5/27/2021
 - e. Emergency Response Plan, Attachment 3.I dated Aug 2021
 - f. Hydrology Study, Attachment 3.J dated 8/5/2021
 - g. Draft SWMP, Attachment 3.K effective 2/1/2021
 - h. Vegetation and Noxious Weed Control Plan, Attachment 3.L dated 7/15/2021
 - i. Landscape Screening Plan, Attachment 3.M dated 12/3/2021
 - j. Construction Traffic Plan (See Condition #13)
 - k. Decommissioning Plan, Attachment 3.P dated 8/6/2021
 - l. Construction Schedule, Attachment 3.R dated Aug 2021
 - m. Agriculture Management Plan (See Condition #8)
 - n. Drainage Access Plan, Attachment 4.B submitted 8/25/2021
 - o. Operational Noise Assessment, Attachment 4.D dated 7/14/2021
 - p. Existing Property Conversion Plan, Attachment 4.E submitted 8/25/2021

Any significant modification shall require an amendment to be considered by the Planning Commission and Board of County Commissioners.
2. Parcel owners shall be responsible for any necessary easements or water delivery systems and for the removal of tail/wastewater back to the U.V.W.U.A. water delivery system for each lot (per letter dated September 27, 2021). [UUVUA]
3. Applicant/Owner/Operator shall offer for dedication to Delta County, 20-feet along the west side of 2100 Road for the purposes of public right-of-way. [County Engineering]
4. Applicant/Owner/Operator shall implement recommendations for wildlife movement in accordance with CO Parks and Wildlife letter dated October 5, 2021, including but not limited to: [CPW]



- a. Apply CPW standards for exclusionary fencing that is safe for wildlife, and to avoid entrapping wildlife within the facility during construction.
 - b. Avoid riparian areas, including a development buffer of 300 feet from the riparian edges.
 - c. Design security lighting to minimize light pollution and reduce impacts to wildlife (Also see Condition 11).
 - d. Conduct new surveys closer to the construction start date to identify and species of concern and to implement any necessary protections for said species (e.g. raptor nesting).
 - e. Develop a program that monitors avian and bat fatalities due to collision with solar panels or other infrastructure (post-construction).
 - f. During construction, install trench plugs, earth ramps or other means that would allow wildlife to escape from open trenches.
 - g. BMPs for methods to reduce impact of avian species from transmission line in this project area.
 - h. Retain sheep grazing within the security fence, and avoid grazing near riparian areas
5. Prior to beginning any construction activity, the applicant shall provide to the County a "Decommission Bond" in an amount that is at least equal to the cost estimate for decommissioning (\$4.4M). Said bond shall be held by the County as a financial guarantee until the facility is fully decommissioned and the site is restored.
6. Prior to beginning any construction activity, the applicant shall provide to the County a "Landscape/Vegetation Bond" in an amount that is at least equal to the cost of installing landscaping per the Landscape Screening Plan (contractor's estimate). Said bond shall be held by the County as a financial guarantee for success of the landscaping vegetation screening for 10 years or until the landscape has fully matured, whichever is later.
7. Prior to beginning any construction activity, the applicant shall provide to the County a "Road Inspection & Repair Bond" in an amount of \$50,000. Said bond shall be held by the County as a financial guarantee for any damage to County roads until the County has inspected and accepted the road conditions following completion of the facility construction.
8. Prior to beginning any construction activity, the applicant shall submit a final Agriculture Management Plan for review and approval by the Director



- of Planning. Said Plan shall include a Flood Irrigation Plan in accordance with a local irrigating expert.
9. A solid fence shall be installed around the substation that can mitigate sight and sound. Said design shall resemble the Option 3/Figure 3 of Exhibit 4.d provided with the supplemental application materials dated 12/16/2021.
 10. Prior to beginning any construction activity, the applicant shall submit a final Landscape Screening Plan for review and approval by the Director of Planning. Said Plan shall include revisions such as adding screening along the south end of South-West Site.
 11. Hooded lighting, turned off except for emergency maintenance. Lighting can be incorporated into the Operation Plan – identify where lighting is located, not unless needed for emergency, hooded, etc.
 12. The applicant shall be responsible to keep the site, and surrounding areas, in a neat and orderly condition at all times, including any cost to address trash generated at the Project site, or by Project employed personnel while on site, if the trash is blown or transported off site.
 13. Prior to beginning any construction activity, the applicant shall submit a final Construction Traffic Plan for review and approval by the Director of Planning. Said Plan shall include with the supplemental information submitted 12/16/2021.



*Limited Use Permit Application
Garnet Mesa Solar Project*

December 16, 2021

Delta County Planning & Community Development
Attn: Carl P. Holm, AICP
295 W. 6th Street
Delta, CO 81416

SUBJECT: PLN21-030/Garnet Mesa Solar – Planning Commission Action Recommended Conditions to
Address prior to BoCC Hearing

Mr. Holm,

Thank you for the continued support of your office as we work through the final open topics on the Garnet Mesa Solar Project ("Project") prior to the upcoming Board of County Commissioners hearing. The project team is pleased to provide the attached updated materials to address the eight conditions the Planning Commission applied on their recommended approval at the November 17, 2021 Planning Commission hearing.

Below is a list of responses to each of the eight items to be addressed prior to the Board of County Commissioners hearing.

4.a. Flood Irrigating Plan (consult local irrigating expert). Provide a letter from a local farmer about how to best irrigate these sites. Note that the South-west site has been fully irrigate so likely less of an issue. The north-east site would be more challenging given the topography and only part has been irrigated in the past.

We have consulted with Joe Sperry (Sperry Livestock Corporation) regarding the irrigation plans for the project. Mr. Sperry operates a farm and sheep grazing operation nearby (20215 F Rd, Delta, CO) and has firsthand knowledge of the farming and irrigation best practices used in Delta County. Based on these discussions, flood irrigation is the recommended irrigation strategy, which should be feasible with some alterations to the ditches and furrows to better align with the solar design.

Mr. Sperry has committed to working with the Project during detailed engineering to ensure the irrigation design will keep the fields productive and green going forward. After construction is complete, the Project plans to partner with Mr. Sperry on ongoing field management, irrigation, and vegetation management, in addition to sheep grazing across the fields. We feel that this approach aligns interests to keep the fields irrigated during operation of the Project and fosters community partnership with local farmers.

Please see **Exhibit 4.a.** for the letter from Mr. Sperry about how best to irrigate the sites.

4.b. Consider aesthetic of replacing utility poles to substation. Please provide a definitive determination on the type of poles to be used (height, style). The main issue is to try to avoid poles that require lighting on top. If information is provided ahead of the BoCC meeting, it can avoid a condition.

The transmission line from the Project to the existing substation at the intersection of F Rd and 1900 Rd will be developed jointly between DMEA and the Project. The Project will be responsible for designing and constructing a new transmission line within the existing DMEA easement which will carry both the existing 46kV DMEA line and the new 115kV Project line.

The line along this route is currently a 46kV single circuit on wood poles that average 55 ft in height. The new line will carry both the Project's 115kV line and the existing DMEA 46kV line. The design for this transmission line is not yet complete and may use wood or steel structures as engineering requirements and applicable code dictate. Specific to the Planning Commission's question on lighting, the FAA does not require top of pole lighting for any structures under 200 ft above ground level and the new line for the Project is not expected to exceed 100 ft above ground level.

In acknowledgement of the comments of the board relating to visual impacts related to a change from wood to steel, if steel is ultimately selected, the Project is willing to use weathering Corten steel if desired by the Board of County Commissioners and the Planning Commission, which has a brown, organic finish which can help blend the structures into the surrounding landscape. Please see **Exhibit 4.b.** which provides sample images of the proposed material.

4.c. Mend relation with Hofschulte (easement). This is more of a directive/request than a condition. Please provide an update when possible after making contact with Mr. Hofschulte. Also, if the parties are not pursuing the application for a Lot Line Adjustment (PLN21-053), please submit a written request to withdraw the application.

Following the meeting with the County, the Project's management team reached out directly to the Hofschulte family to mend the relationship.

Initial discussions occurred with Jason Hofschulte on November 22, 2021, where we apologized for any misunderstandings and discussed potential paths forward, including completing the Boundary Line Adjustment for the northern acreage or acquiring the entire Hofschulte parcel.

Discussions continued with Jennifer Hofschulte on November 29, 2021. After consideration, they expressed their desire to sell the whole property as they were already planning to sell the property and move out of state. However, they wanted to discuss the property's valuation with realtors before



progressing the discussion. They are currently working on construction of a second single family home on the property and were planning to sell the parcel in March 2022.

On a subsequent call on December 8, 2021, Jason and Jennifer Hofschulte reiterated their desire to sell the entire parcel and not proceed with the Boundary Line Adjustment for the time being. Since the sale of the parcel would not occur for several months, we offered to have an appraisal performed now and offered to compensate the Hofschultes if the eventual sale price is less than the current appraised value. Jason Hofschulte did not want the appraisal to occur until construction was completed on the second home in the Spring of 2022.

Due to personal and medical reasons unrelated to the Project and ongoing construction on the second home, the parties agreed to continue discussions in January 2022.

We hope that these discussions and our commitment to find an agreeable solution shows a good faith effort to mend the relationship. As the Hofschultes move forward with completing their modifications and selling the property (and when they are ready to resume discussions), we commit to continue discussions in good faith to reach an equitable solution between all parties. If the Lot Line Adjustment is not pursued as part of these discussions, we will provide a written request to withdraw the application at that time.

4.d. Solid fence around the substation to mitigate sight and sound. Please provide plans for how this could be accomplished (e.g. block wall, wood fence, etc). If information is provided ahead of the BoCC meeting, it can avoid a condition.

Following the planning commission meeting, the Project team started discussing substation solid fencing options with our planned contractor. At the Planning Commission meeting, the Project was hesitant to definitively commit to solid fencing without first working through technical details with the engineering team to ensure all code requirements could be maintained with a solid wall fence. After completing these subsequent conversations, the Project team is satisfied that a solid substation fence is technically feasible, and we would be pleased to make this an additional condition of approval for the Project substation to mitigate the Planning Commission's concerns.

There are many options available for a solid visual barrier which would also help mitigate for any sound generated by the facility transformer. Please see **Exhibit 4.d.** which provides example solid substation fencing designs used on other substations across the country.

As can be seen in the provided examples, there are many possible designs, colors, and textures which can be utilized in the fencing detail. Since the detailed design of the facility will not be completed until after the Limited Use Permit is issued, the Project requests that the condition be applied generically within the permit language. The Project would propose to work with the planning department staff post permit issuance during the detailed design phase to present options for the exact design of the fence such that the Project and County may arrive collaboratively at a solution which would work for all parties.

4.e. Landscape south end of South-West site. Sounds like you are in agreement on this. A simple email to that effect would suffice for now. Eventually, we will want revised plans to illustrate this change. If information is provided ahead of the BoCC meeting, it can avoid a condition.

The Project agrees with this recommendation related to extending the vegetation buffer along the southern edge of the south-west site. Please see **Exhibit 4.e.** which contains revised versions of the Site Plan and Landscape Screening Plan which show the extended landscape buffer in this area.

4.f. Hooded lighting, turned off except for emergency maintenance. Lighting can be incorporated into the operation plan (now or later). — identify where lighting is located. not on unless needed for emergency, hooded, etc. If information is provided ahead of the BoCC meeting, it can avoid a condition.

There will be lighting for the Project at the substation, at the equipment pads, and at the operations and maintenance building.

At the substation, the lighting requirements are set by the National Electrical Safety Code (NESC) Rule 111.A. This rule requires that lighting be installed within the facility. However, under NESC's current interpretation of the code, substations of the type proposed for the Project are not required to keep the lights illuminated unless there are personnel present working within the substation fence. Therefore, the Project would have no issue committing to keep the lights at the facility turned off at all times except under a rare occasion when nighttime work is required to remain compliance with code.

The lighting at the equipment pads and operations building are installed purely for the safety and convenience of facility staff when they are required to work on site equipment at night. The light fixtures installed in all locations would only be illuminated when personnel are present and performing work. The Project would keep the lights turned off at all other times. The Project would also commit to installing dark sky compliant fixtures in all locations where lighting is required.

4.g. Trash control during construction. Include language front your contracts into the operation plan (now or later). If information is provided ahead of the BoCC meeting, it can avoid a condition.

The contractor hired to construct the Project will have specific obligations within their contract stipulating requirements related to trash and debris disposal. These obligations for trash control extend



beyond the project perimeter and make the contractor responsible for any debris generated at the Project site, or by Project employed personnel while on the site, if the trash is blown or transported off site. Ultimately, the Project understands and accepts full responsibility for keeping the site, and surrounding areas, in a neat and orderly condition at all times.

Trash bins will be placed across the site for ease of disposal of small materials. Additionally, at the end of each day, all larger loose debris generated that day will be disposed of properly into designated dumpsters. The contractor will have the contractual obligation to ensure no loose debris is left on the site overnight such that it may be blown offsite and impact neighbors.

4.h. Traffic Control. Provide a plan (now or later) showing the loop traffic for south-west parcel, note flag-person on site during peak periods (and what those periods are), construction hours and where employees park (also express intent to hire locally as much as possible), etc. If information is provided ahead of the BoCC meeting, it can avoid a condition.

Please reference **Exhibit 4.h.** which will aid in interpreting the following descriptions. The site is setup such that all semi-truck traffic will enter from the northern driveway and exit from the secondary southern driveway. The Project anticipates all construction trailers and parking will be setup along the approximate 60-100ft space north of the final fence line. Passenger vehicle traffic for construction personnel would enter and exit from this northern driveway. Peak traffic is expected from 7-10 am and 3-7 pm, please reference the Construction Traffic Plan provided as Exhibit 3.O. in the original permit package for additional detail. To control traffic during these peak periods, a safety flagger would be placed at the driveway point during these hours. Additionally, if allowed per the County roads department, signage will be installed to alert traffic to the active construction site entrance.

Since the project expects to max out at several hundred employees, it is not expected that all personnel will be parking on the site itself. For projects of this type with limited available land, contractors typically arrange for offsite parking at existing lots and run shuttles during the peak morning and evening periods. We expect this to be the case for the Garnet Mesa Solar Project.

Since space is limited, a temporary laydown facility will be setup within the anticipated footprint of the solar array itself. The solar array in this region will be installed last to allow for the area to be used for staging equipment, materials, and parking during peak construction periods.

Relative to local hiring preferences, the Project fully intends to hire as many local personnel with the requisite experience as are available. While projects of this type typically bring in experienced management teams and superintendents under a prime contractor from other areas to oversee the work, the vast majority of the hundreds of staff doing all mechanical and electrical installation work are sourced locally. The prime contractor will typically put out notices in local papers and will run job fairs prior to construction to efficiently screen and staff the project. Additionally, subcontracts for fencing,



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civil work, landscaping, trash and facilities maintenance, and equipment rentals will all be placed with local firms.

We hope that we were able to successfully address your questions above and appreciate the thoroughness of the County's review of the Project. Following your review of the updated materials, should you have any further questions or comments please do not hesitate to reach out.

Sincerely,

Matthew Kosakowski
Project Manager and Owner's Representative
kosakowski@citrapower.com
303-884-5598



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Exhibit 4.a.

Flood Irrigation Plan Letter of Support

Joe Sperry
Sperry Livestock Corporation
20215 F Road
Delta, CO 81416

December 9, 2021

Garnet Mesa Solar
Attn: Matt Kosakowski
1125 17th Street, Suite 740
Denver, CO 80202

SUBJECT: Garnet Mesa Solar Irrigation Plan

Mr. Kosakowski,

I am providing this letter to support the ongoing permitting process of the Garnet Mesa Solar project located in Delta County, Colorado. My farm and sheep grazing operation is located at 20215 F Rd, Delta, CO (intersection of F Rd and 2000 Rd), which is also located in Section 23 and is less than one mile to the southwest of the proposed project. As a local farmer, we have firsthand knowledge of farming and irrigation best practices used in this area of Colorado, and we are happy to provide the Board of County Commissioners with assurances that we will be involved in supporting the project on irrigation design issues.

We have been in ongoing discussions with the Garnet Mesa Solar team to provide field maintenance, irrigation management, and sheep grazing for the Garnet Mesa Solar project once construction has been completed. Since we will be utilizing these fields to graze sheep, we share the same goal of keeping the fields irrigated and productive to support our flock.

To keep the fields green, they should be irrigated using the allotted UVWUA water shares. The southern parcels (~281.9 acres) have been fully irrigated in the past through flood irrigation, so continuing with this strategy is recommended. The existing ditches and furrows may need to be adjusted to better align with the solar tracker rows (North-South) to make sure that the irrigation and furrows can be maintained after construction.

The northern parcel (~181.5 acres) has been partially flood irrigated in the past, but there are some dryer areas that do not appear to have been recently irrigated. The available UVWUA water rights in the northern parcel (67.4 shares) should be enough to irrigate the whole acreage, so it is recommended that flood irrigation be used for these fields as well. This approach should be feasible for most of the fields, but there may be some difficult areas due to terrain. Similar to the southern fields, the ditches and furrows may need to be adjusted to better align with the solar project rows.

After construction, if the sheep grazing or ongoing site activities alters the water flow over time, the furrows may need to be repaired and re-creased on an as-needed basis to ensure water reaches all parts of the fields as intended. The site manager should be able to identify any areas each year during irrigation. The spacing between the rows (11-22') should be sufficient for farm equipment to provide regular access and any field management activities.

To ensure that the irrigation plan is optimized for our flock, we plan to collaborate with the Garnet Mesa Solar team during the engineering and construction of the project. The design will need to incorporate some changes to the ditches and furrows, which should be included in the final civil design of the project. We will review the final proposed solar layout and any changes to the irrigation design to ensure that the fields can be adequately watered, and our sheep can thrive. We also plan to help manage the irrigation of the fields during operation to ensure they stay green year to year for our sheep flock. We feel that this partnership with a local farmer is the best way to keep the fields irrigated and productive for the life of the solar project.

Please let me know if you have any questions. We look forward to working with the Garnet Mesa Solar team as the project moves forward and are excited to expand our sheep operation on these fields.

Sincerely,

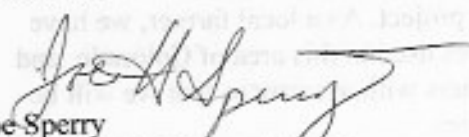

Joe Sperry
Sperry Livestock Corporation

Exhibit 4.b.

Transmission Pole Material Palette



Figure 1: Corten Weathering Steel Detailed Coloring



Figure 2: Corten steel transmission poles in a similar monopole configuration as to what would be used for the Project

Exhibit 4.d.

Solid Substation Fence Options



Figure 1: Example solid substation fencing 1



Figure 2: Example solid substation fencing 2



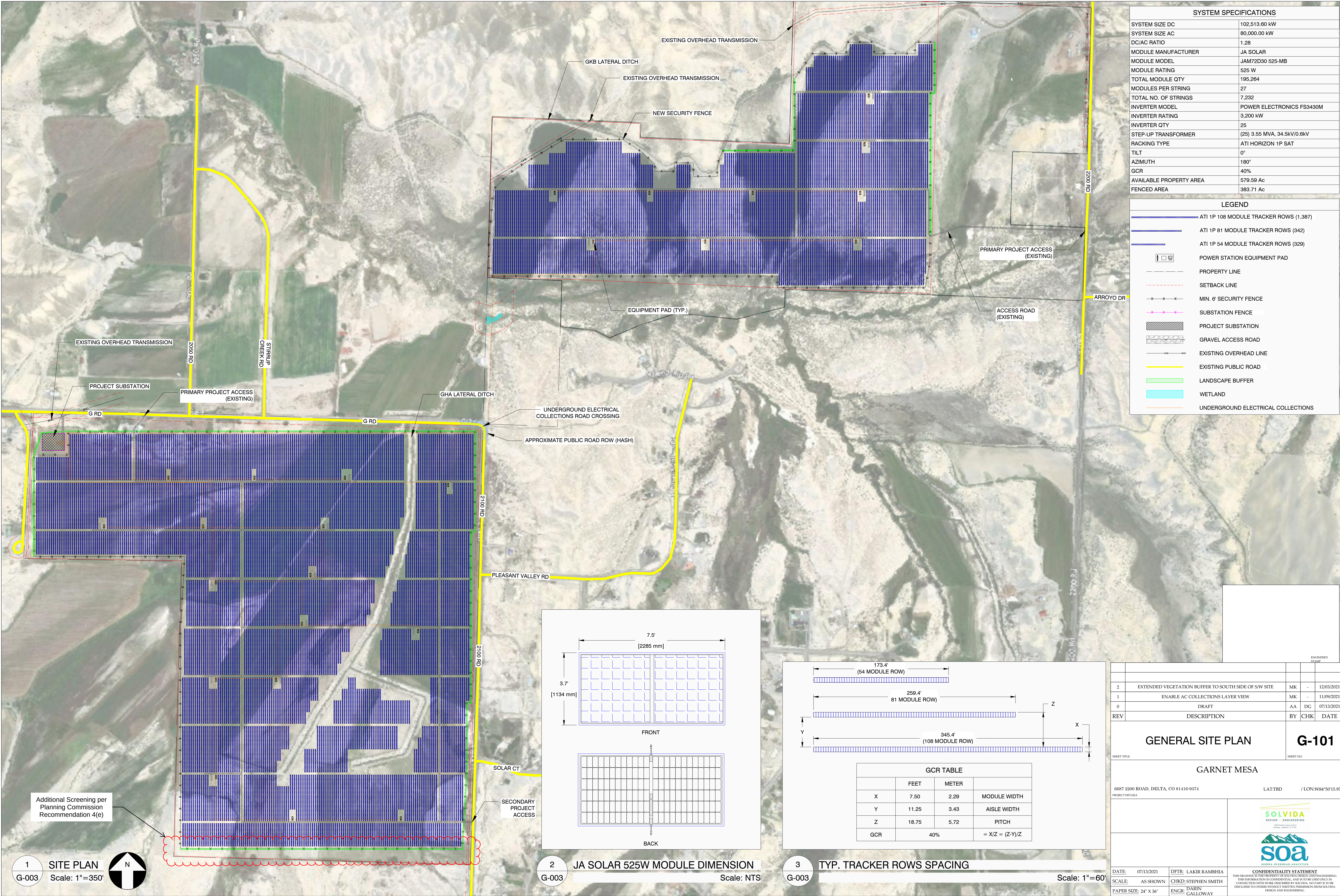
Figure 3: Example solid substation fencing 3



Exhibit 4.e.

Extended Vegetation Buffer

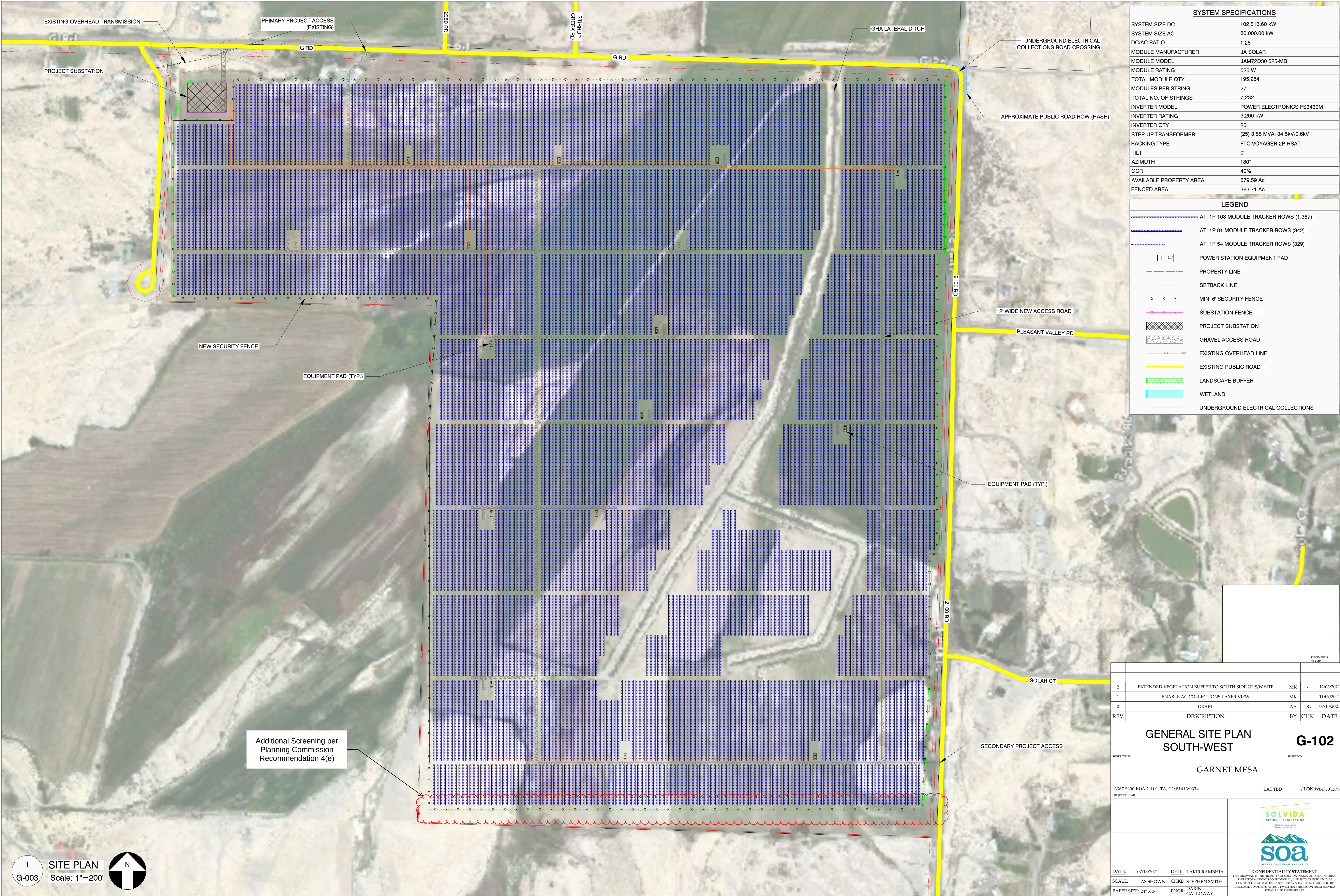
Part 1	Updated Exhibit 2.F. from original permit submittal package showing an extended vegetation buffer on the Site Plan.
Part 2	Updated Exhibit 3.M. from original permit submittal package showing an extended vegetation buffer in the Landscape Screening Plan.



1 SITE PLAN
G-003 Scale: 1"=350'

2 JA SOLAR 525W MODULE DIMENSION
G-003 Scale: NTS

3 TYP. TRACKER ROWS SPACING
G-003 Scale: 1"=60'



SYSTEM SPECIFICATIONS	
SYSTEM SIZE DC	102,513.60 kW
SYSTEM SIZE AC	80,000.00 kW
DC/AC RATIO	1.28
MODULE MANUFACTURER	JA SOLAR
MODULE MODEL	JAM72D30 525-MB
MODULE RATING	525 W
TOTAL MODULE QTY	195,264
MODULES PER STRING	27
TOTAL NO. OF STRINGS	7,232
INVERTER MODEL	POWER ELECTRONICS FS3430M
INVERTER RATING	3,200 kW
INVERTER QTY	25
STEP-UP TRANSFORMER	(25) 3.55 MVA, 34.5kV/0.6kV
RACKING TYPE	FTC VOYAGER 2P HSAT
TILT	0°
AZIMUTH	180°
GCR	40%
AVAILABLE PROPERTY AREA	579.59 Ac
FENCED AREA	383.71 Ac

LEGEND	
	ATI 1P 108 MODULE TRACKER ROWS (1,387)
	ATI 1P 81 MODULE TRACKER ROWS (342)
	ATI 1P 54 MODULE TRACKER ROWS (329)
	POWER STATION EQUIPMENT PAD
	PROPERTY LINE
	SETBACK LINE
	MIN. 6' SECURITY FENCE
	SUBSTATION FENCE
	PROJECT SUBSTATION
	GRAVEL ACCESS ROAD
	EXISTING OVERHEAD LINE
	EXISTING PUBLIC ROAD
	LANDSCAPE BUFFER
	WETLAND
	UNDERGROUND ELECTRICAL COLLECTIONS

		ENGINEER'S STAMP	
2	EXTENDED VEGETATION BUFFER TO SOUTH SIDE OF S/W SITE	MK	12/03/2021
1	ENABLE AC COLLECTIONS LAYER VIEW	MK	11/09/2021
0	DRAFT	AA	07/13/2021
REV	DESCRIPTION	BY	CHK DATE
GENERAL SITE PLAN SOUTH-WEST		G-102	
PROJECT DETAILS		LAT: TBD / LON: W84°50'15.97"	
6687 2200 ROAD, DELTA, CO 81416-9374		SHEET NO.	
		GARNET MESA	
DATE: 07/13/2021	DFT: LAKIR RAMBHIA	CONFIDENTIALITY STATEMENT THIS DRAWING IS THE PROPERTY OF SOLVIDA DESIGN AND ENGINEERING. IT IS NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF SOLVIDA DESIGN AND ENGINEERING.	
SCALE: AS SHOWN	CHKD: STEPHEN SMITH		
PAPER SIZE: 24" X 36"	ENGR: DARIN GALLOWAY		



OVERVIEW



COMMON HACKBERRY



WHITE SPRUCE



PINYON PINE



BURR OAK



PRAIRIE DROPSEED

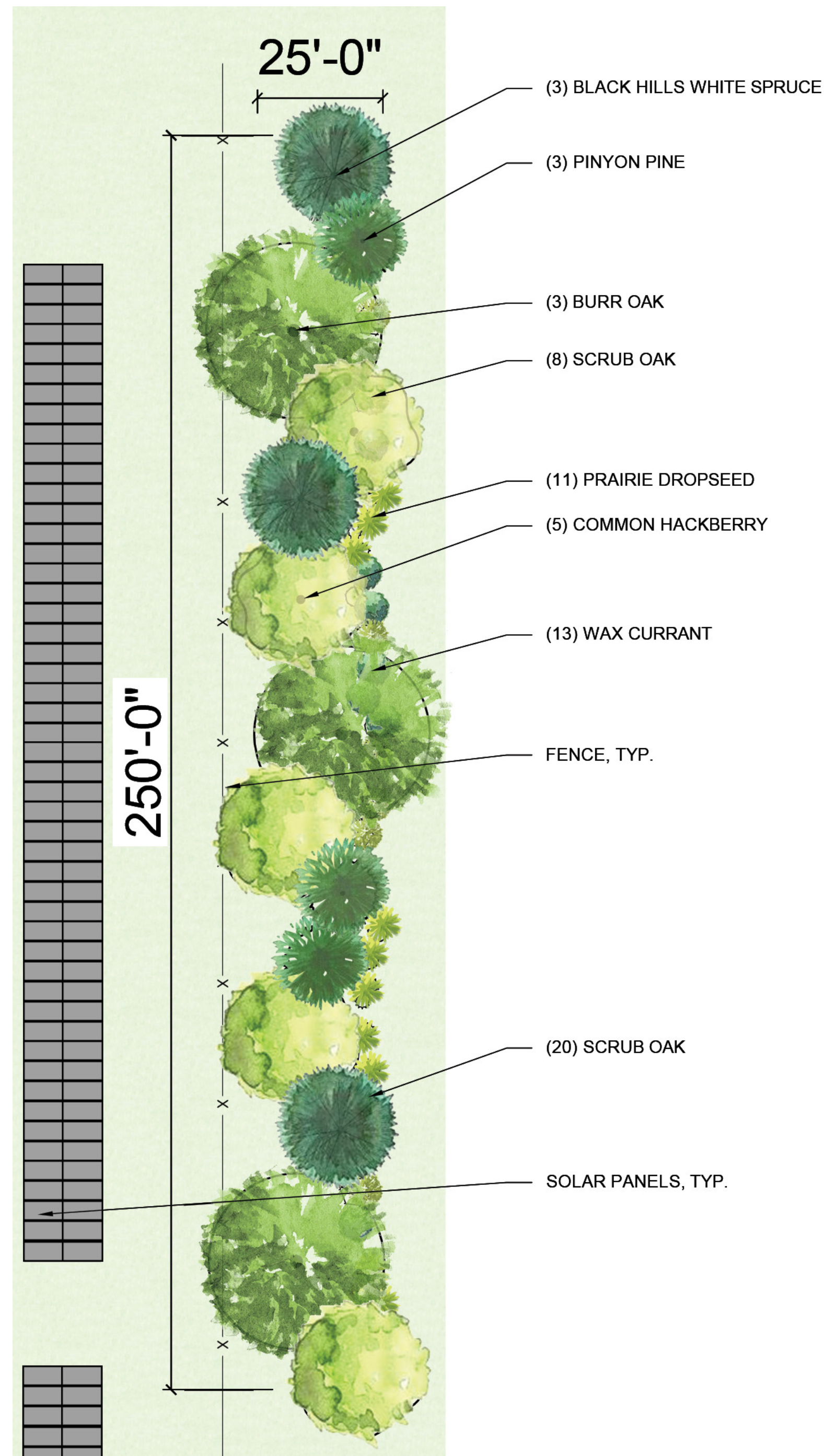


SCRUB OAK



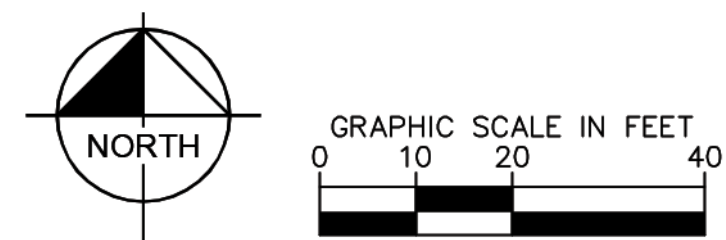
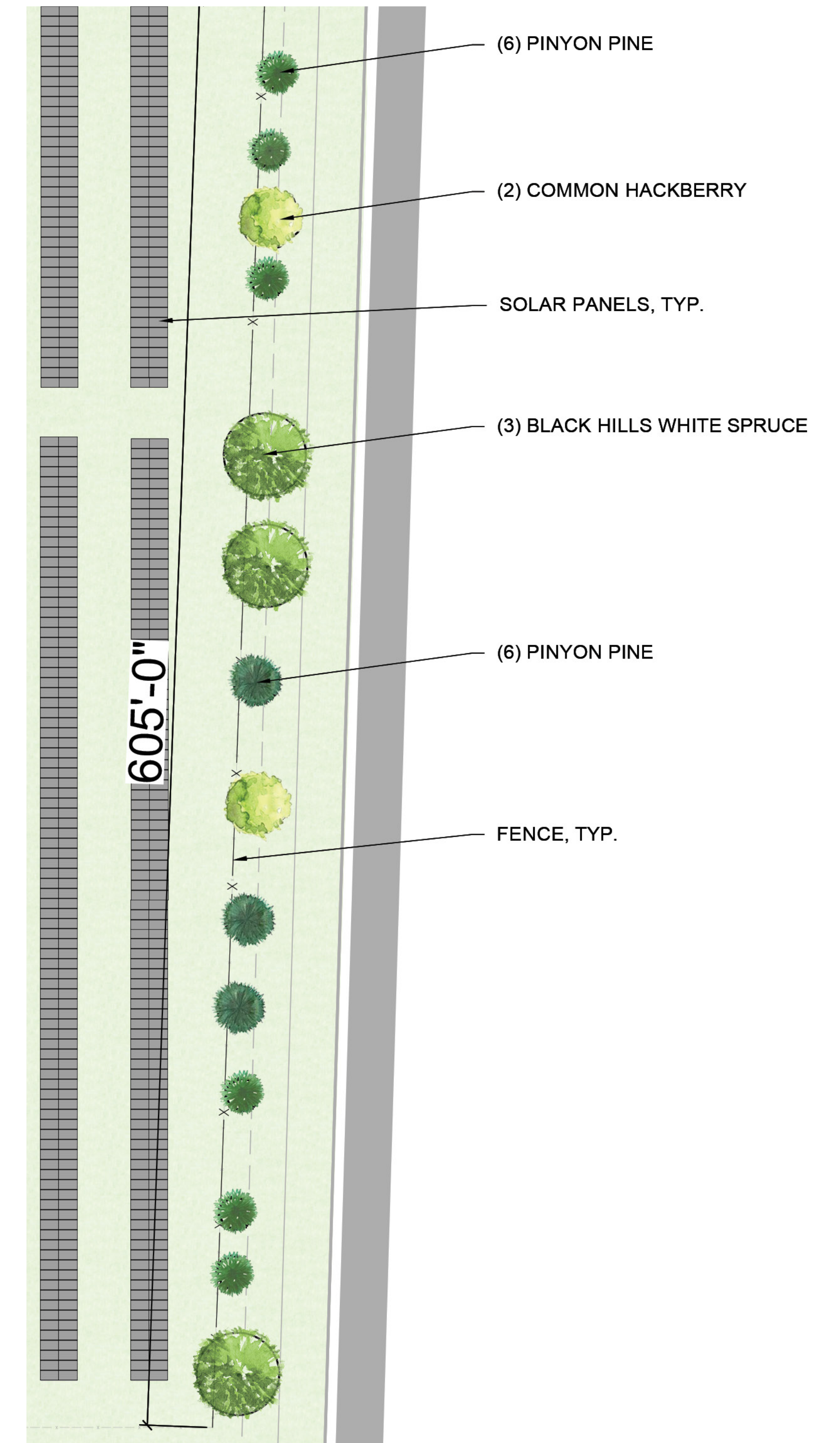
WAX CURRANT

TYPICAL 250' DENSE LANDSCAPE BUFFER ENLARGEMENT

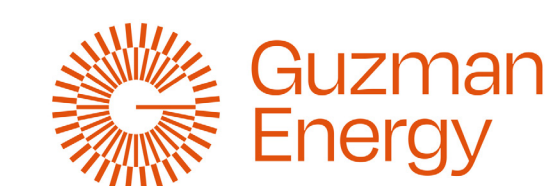


PLANT SCHEDULE						
TREES	CODE	BOTANICAL NAME	COMMON NAME	CONT	GAL	SIZE
	CO	CELTIS OCCIDENTALIS	COMMON HACKBERRY	B & B	1.5" CAL MIN	10' HT MIN
	PD	PICEA GLAUCA 'DENSATA'	BLACK HILLS WHITE SPRUCE	B & B	-	6' HT MIN
	PP	PINUS EDULIS	PINYON PINE	B & B	-	4'-6' HT
	QM	QUERCUS MACROCARPA	BURR OAK	B & B	1.5" CAL MIN	10' HT MIN
SHRUBS	CODE	BOTANICAL NAME	COMMON NAME	CONT	SPACING	SIZE
	QT	QUERCUS TURBINELLA	SONORAN SCRUB OAK	7 GAL	SEE PLAN	24" FULL
	RC	RIBES CEREUM	WAX CURRANT	3 GAL	SEE PLAN	18" FULL
	SH	SPOROBOLUS HETEROLEPIS	PRAIRIE DROPSEED	5 GAL	SEE PLAN	18" HT MIN

CONCEPTUAL SPARSE LANDSCAPE BUFFER ENLARGEMENT



LANDSCAPE





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Exhibit 4.h.

Southwest Parcel Traffic Control Plan

