

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS

Minutes of Meeting

February 6, 2024

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/83454197428> If you cannot connect via Zoom, you may submit written public comment to morgancountybcc@co.morgan.co.us by email by 4 p.m. on Monday February 5, 2024.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/83454197428> listen via phone, please dial: 1-312-626-6799, Meeting ID: 834 5419 7428

To watch and/or listen to the meeting but not participate, you may do so by connecting via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/83454197428> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 834 5419 7428

The Board of Morgan County Commissioners met Tuesday, February 6, 2024 at 9:02 a.m. Chairman Mark Arndt, Commissioner Jon Becker, and Commissioner Gordon Westhoff were in attendance. Chairman Arndt asked Morgan County Sheriff Dave Martin to lead the meeting in the Pledge of Allegiance.

CITIZEN'S COMMENT

There was no citizen comment provided.

CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of meeting minutes dated January 23, 2024
2. Ratify Chairman Mark Arndt's signature on Colorado Special Events Permit for Morgan Community College Foundation, signed January 23, 2024.
3. Ratify Chairman Mark Arndt's signature on Colorado Retail Liquor License Renewal Application for East Platte Avenue Liquors, signed January 23, 2024.
4. Ratify Chairman Mark Arndt's signature on Colorado Beer and Wine License Renewal Application for Longmeadow Game Resort and Event Center LLC, signed January 26, 2024.
5. Ratify the Board of County Commissioners approval on Morgan County Salary Structure 2024, signed January 22, 2024
6. Ratify the Board of County Commissioners approval on assignment of debt collections to Wakefield and Associates, Client #232125, #231484B, #232305, #232299, #232590, #230905, #232209, #231769, #232395A, #231955, #231962, #232047, #232225, #232166, #232451, #232272, #232534, #232187, #232219, #231860, #230076A, #232385, #232170, #232038, #232123, #232172, #231818, #232203B, #232203A, #232483, #232002, #232450, #232139, #232140, #232293A, #232017, #232352, #232335, #232099, #232404, #231852, #232334, #232589, #232020, #232313, #232120A, #232265, #232343, #232399A, #232063, #232596, #232347, #232595, #232294, #232382, #232430, #232341, #232114, #232188, #232303, #231690, #232012, #232016, #232500, #232066, #231990, #232108, #232331, #231430.
7. Ratify the Board of County Commissioners approval of Contract 2024 CNT 012, Top Door, LLC, Term of Contract February 8, 2024 through February 7, 2025.
8. Ratify the Board of County Commissioners approval of Contract 2024 CNT 013, Premier Fire Protection, Inc., Term of Contract January 25, 2024 through February 29, 2024.
9. Ratify the Board of County Commissioners approval of Contract 2024 CNT 015, Morgan County Attorney, Term of Contract January 1, 2024 through December 31, 2024.
10. Ratify the Board of County Commissioners approval of Contract 2024 CNT 016, Morgan County Central Services, Term of Contract January 1, 2024 through December 31, 2024.
11. Ratify the Board of County Commissioners approval of Contract 2024 CNT 017, Morgan County Assistant County Attorney, Term of Contract January 1, 2024 through December 31, 2024.
12. Ratify the Board of County Commissioners approval of Contract 2024 CNT 018, Morgan County Human Resources, Term of Contract January 1, 2024 through December 31, 2024.
13. Ratify the Board of County Commissioners approval of Contract 2024 CNT 019, Dependable Diesel Repair, Term of Contract January 1, 2024 through December 31, 2024.
14. Ratify the Board of County Commissioners approval of Contract 2024 CNT 020, Joseph R Hewgley, Term of Contract December 11, 2023 through March 1, 2024.
15. Ratify the Board of County Commissioners approval of Contract 2024 CNT 021, CPS HR Consulting, Term of Contract February 1, 2023 through July 31, 2024.
16. Ratify the Board of County Commissioners approval of Contract 2024 CNT 022, Transition Psychology Group, LLC, Term of Contract January 1, 2024 through May 31, 2024.
17. Ratify the Board of County Commissioners approval of Contract 2024 CNT 023, Northern Front Range Pest Control, Term of Contract January 3, 2024 through January 2, 2025.
18. Ratify the Board of County Commissioners approval of Contract 2024 CNT 024, Long Building Technologies, Inc, Term of Contract February 6, 2024 through February 5, 2025.

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19. Ratify the Board of County Commissioners approval of Contract 2024 CNT 025, AZ Neuro Centers, Term of Contract December 1, 2023 through May 31, 2024.
20. Ratify the Board of County Commissioners approval on Memorandum of Understanding 2024 MOU 02, School of EMS, Term of Contract January 1, 2024 through December 31, 2024.
21. Ratify the Board of County Commissioners approval on Memorandum of Understanding 2024 MOU 03, AIMS Community College, Term of Contract January 2, 2024 through January 1, 2025.
- ~~22. Ratify the Board of County Commissioners approval of Lease Agreement for rental property located at 602 Ellsworth Street, Brush, Colorado 80723.~~

At this time, Commissioner Westhoff made a motion to remove item twenty two as more work needs to be done on it; Commissioner Becker seconded the motion. The motion carried 3-0.

Commissioner Becker made a motion to approve items 1-21 from the consent agenda. Commissioner Westhoff seconded the motion. The motion carried 3-0.

UNFINISHED BUSINESS

There was no unfinished business.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Swearing in of Morgan County Sheriff's Deputy, Cameron P. Kondella

Morgan County Sheriff Dave Martin swore in Cameron P. Kondella.

Chairman Arndt noted the difficulty of the job of deputy and shared his appreciation for the people who do it.

Consideration of Approval – Morgan County Treasurer and Public Trustee Quarterly Report, 4th Quarter

Morgan County Treasurer and Public Trustee, Robert Sagel presented to the Board the Treasurer and Public Trustee 4th Quarter Report. Mr. Sagel summarized the report and provided documentation reflecting the data.

Morgan County Treasurer and Public Trustee Quarterly Report
4th Quarter - 2023

	<u>This Quarter</u>	<u>This Year-to-Date</u>	<u>Last Year-to-Date</u>	<u>% Inc/Dec</u>
<u>Tax Collections</u>	\$430,214.56	\$56,655,361.79	\$57,250,839.41	-1.04%
<u>Collection % of Taxes</u>	0.75%	99.41%	99.86%	
<u>Treasurer Fees Earned</u>	\$30,990.82	\$673,605.59	\$680,995.38	-1.09%
CD's, T-Bills & Gov. Sec	\$20,624,320.35	\$20,624,320.35	\$29,436,705.01	
Banks Gov. Pool Accts	\$58,501,307.76	\$58,501,307.76	\$48,483,591.15	
<u>Total Investments</u>	\$79,125,628.11	\$79,125,628.11	\$77,920,296.16	1.55%
<u>Reserve Accounts</u>	\$14,340,546.35	\$14,340,546.35	\$12,849,510.20	11.60%
<u>Average Daily Balance</u>	\$79,836,316.84	\$79,845,961.94	\$76,963,841.76	3.74%
<u>Interest Earned</u>	\$951,502.86	\$3,524,621.83	\$1,325,203.93	165.97%
<u>Average Interest Rate</u>	4.767%	4.414%	1.722%	
<u>Foreclosure Excess Fees</u>	\$1,288.73	\$7,327.80	\$24,011.90	-69.48%
<u>Foreclosure Events</u>				
New Files	11	52	72	-27.78%
Cured	1	8	9	N/A
Withdrawn	12	44	36	22.22%
Sold	2	12	17	-29.41%
Deeded	2	12	17	-29.41%
<u>Releases of Deeds of Trust</u>	176	763	1295	-41.08%

Commissioner Westhoff made a motion to approve the Treasurer and Public Trustee 4th Quarter Report as presented by Morgan County Treasurer and Public Trustee, Robert Sagel, Commissioner Becker seconded the motion. At this time the motion carried 3-0.

Consideration of Approval – Bid Tabulation and Award, RFP 2024-0125-001 Fairgrounds Storm Damage Repair

Morgan County Building Maintenance Supervisor, Michael Cox, presented to the Board for approval, Bid Tabulation and Award RFP 2024-0125-001 Fairgrounds Storm Damage Repair. Mr. Cox explained that he received two bids; one from Buildings by Design in the amount of \$548,393.00 and the second one is from Pro Roofing America in the amount of \$408,293.18. Mr. Cox further summarized each bid in detail. He noted this was including all materials for all the buildings at the Morgan County Fairgrounds. He also noted that Pro Roofing America has recently moved into Morgan County.

At this time, Mr. Cox recommended the bid be awarded to Pro Roofing America, in the amount of \$408,293.18.

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Commissioner Becker made a motion to accept the Bid Tabulation and Award RFP 2024-0125-001 Fairgrounds Storm Damage Repair to Pro Roofing America, as recommended by Morgan County Building Maintenance Supervisor, Michael Cox, with Commissioner Westhoff seconding the motion. At this time motion carried 3-0.

Consideration of Approval – Bid Tabulation and Award, RFP 2024-0125-002 Ambulance Garage Storm Damage Repair

Morgan County Building Maintenance Supervisor, Michael Cox, presented to the Board for approval Bid Tabulation and Award RFP 2024-0125-002 Ambulance Garage Storm Damage Repair. Mr. Cox explained he received two bids one from Buildings by Design in the amount of \$101,572.00 and the second one is from Pro Roofing America in the amount of \$59,320.81.

Commissioner Becker noted that with a difference between bids this large that supervision of the project was very important.

At this time, Mr. Cox recommended the bid be awarded to Pro Roofing America, in the amount of \$59,320.81. Mr. Cox explained that Pro Roofing America is five percent below Buildings by Design.

Commissioner Westhoff made a motion to accept the Bid Tabulation and Award RFP 2024-0125-001 Ambulance Garage Storm Damage Repair, as recommended by Morgan County Building Maintenance Supervisor, Michael Cox, with Commissioner Becker seconding the motion. At this time motion carried 3-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

United States Representative Ken Buck’s communication director Darlene Carpio, gave updates for Representative Buck.

Meredith Burcham, Executive Director of CTSI spoke about the costs and recent difficulties with insurance coverage. She noted that the insurance pools that the County uses are fully funded though rates increased thirteen percent over the past year. She further explained more information to the commissioners.

Morgan County Clerk and Recorder, Kevin Strauch noted that the Public Logic and Accuracy Test will take place on February 7th at nine a.m. The public is invited to attend. He also noted that ballots for the 2024 Presidential Primary Election will be mailed next week.

Chairman Arndt noted that tax notices have been mailed even though the mail may be moving slowly and that citizens should be patient. He also noted Treasurer Sagel’s fifty years of service to the county.

Commissioners reviewed the calendar dated February 2, 2024 through February 13, 2024 with no changes.

Being no further business the meeting was then adjourned at 9:50 a.m.

Respectfully Submitted,

Kevin Strauch
Clerk to the Board

(Minutes ratified February 20, 2024)

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

s/ Mark A. Arndt
Mark A. Arndt, Chairman

s/Jon J. Becker
Jon J. Becker, Commissioner

s/ Gordon H. Westhoff
Gordon H. Westhoff, Commissioner

(SEAL)
ATTEST:

s/ Kevin Strauch
Kevin Strauch

PUBLIC HEARING

Chairman Arndt called the public hearing to order at 9:54 a.m. on Tuesday, February 6, 2024 in the Assembly Room of the Morgan County Administration Building.

Chairman Mark Arndt, Commissioner Jon Becker, and Commissioner Gordon Westhoff were present. Planning and Zoning Administrator Nicole Hay, Planning and Zoning Technician Jenafer Santos, IT Specialist Karol Kopetzky and Morgan County Attorney Kathryn Sellars were also present.

OLD BUSINESS: Taelor Solar 1, LLC Solar Energy Facility Resolution & BESS Resolution**APPLICATION:**

Applicant: Taelor Solar 1, LLC

Landowners: L&R Rumsey Land, LLC & Magnum Feedyard, LLC

Taelor Solar 1, LLC, Solar Energy Facility Legal Description: A part of Sections 4, 5, 6, 7, 8, 9, 17, 18, 20 and 21, Township 2 North, Range 60 West and a part of Section 31, Township 3 North, Range 60 West of the 6th PM, Morgan County, Colorado.

Taelor Solar 1, LLC, BESS Legal Description: A part of Sections 8 and 9, Township 2 North, Range 60 West of the 6th PM, Morgan County, Colorado.

Request: Taelor Solar 1, LLC has submitted a Special Use Permit Application to construct and operate a 250MW Solar PV project in conjunction with a 500MWh Battery Energy Storage System (BESS).

APPLICATION OVERVIEW: Continued hearing from January 23, 2024 with Public Comment Closed.

DISCUSSION: Board of County Commissioners:

Chairman Arndt noted that Attorney Kathryn Sellars was instructed to look at the concerns and speak with the Commissioners separately about any questions or concerns. It was also noted that the representatives for Taelor Solar, along with the representatives for Magnum Feedyard and L&R Rumsey Land were also present.

Commissioner Gordon stated that it is a very contested project, which is concerning.

Commissioner Becker asked if we received the new map showing the areas they will not build? None of the setbacks were pushing this closer to residential, they were all internal setbacks?

Nicole Hay answered that was correct for both questions.

Chairman Arndt asked Attorney Kathryn Sellars for clarifications regarding the mineral holder condition listed?

Attorney Kathryn Sellars answered that condition (e) in the Resolution requires an actual survey map that addresses the footprint of those solar panels and the mineral rights areas.

Chairman Arndt clarified that the applicants were supplied with the resolutions.

Chairman Arndt asked the applicants if they had any questions about this resolution?

Matt Mooney, V.P. of Balanced Rock Power did not have any questions or comments regarding this resolution.

Chairman Arndt informed the applicants that the survey would have to be submitted prior to construction.

Commissioner Becker wanted to make sure that the applicants understood condition (j) and were okay with this?

Matt Mooney stated they have read and understood (j) and have no objection to that condition.

Chairman Arndt asked if the Road Use Agreement and haul routes have been identified and if they are all set in stone?

Nicole Hay answered that the haul route has been set in stone and the Road Use Agreement is something that will come prior to construction.

Commissioner Becker stated that we wanted to make sure that the sheriff and local authorities are willing to enforce those haul routes.

Attorney Kathryn Sellars stated that they have not given the sheriff the authority to enforce the haul route, it must be done by separate action. While it would be a violation of the land use permit, the sheriff can't take any criminal enforcement. If the haul route is not being used and something else is being used, we can notice a public hearing for enforcement.

Commissioner Westhoff motioned to approve Resolution 2024 BCC 07, a resolution granting a special use permit to Taelor Solar 1, LLC for a solar collector facility located in Sections 4-9, 17, 18, 20, & 21, Township 2 North, Range 60 West and part of Section 31, Township 3 North, Range 60 West of the 6th P.M., Morgan County, Colorado and granting waivers for certain setback and property lines.

Commissioner Becker
seconded.

Motion carries 3-0.

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

**RESOLUTION
2024 BCC 07**

A RESOLUTION GRANTING A SPECIAL USE PERMIT TO TAEOR SOLAR 1, LLC FOR A SOLAR COLLECTOR FACILITY LOCATED IN SECTIONS 4 THROUGH 9, 17, 18, 20, AND 21, TOWNSHIP 2 NORTH, RANGE 60 WEST AND PART OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 60 WEST, 6TH P.M., MORGAN COUNTY, COLORADO AND GRANTING WAIVERS FROM SETBACKS FOR CERTAIN SECTION AND PROPERTY LINES

WHEREAS, L&R Rumsey Land, LLC and Magnum Feedyard, LLC (the "Owners") own property located in Sections 4 through 9, 17, 18, 20, and 21, Township 2 North, Range 60 West and part of Section 31, Township 3 North, Range 60 West, 6th P.M., Morgan County, Colorado ("Property") in the Agriculture Production zone;

WHEREAS, Taelor Solar 1, LLC (the "Applicant"), on behalf of and with authorization of the Owners, has applied for a special use permit for a solar collector facility (the "Application") to be located on the Property;

WHEREAS, by separate request, the Applicant requested waivers from the setback requirements from section lines and from setback requirements from property lines within the project boundary;

WHEREAS, after holding a duly noticed public hearings on August 14 and September 11, 2023, the Morgan County Planning Commission recommended that the Application be denied;

WHEREAS, on January 23, 2024, the Board of County Commissioners of Morgan County, Colorado held a public hearing on the Application and continued the hearing for further consideration of the Application, but not additional public comment, to February 6, 2024;

WHEREAS, notice of the public hearing before the Board of County Commissioners was properly published and the notice was properly posted at the Property;

WHEREAS, during the public hearing the Board of County Commissioners received testimony and evidence from staff, the Applicant, and the public; and

WHEREAS, after considering all relevant testimony and evidence, the Board of County Commissioners desires to approve the Application, subject to certain conditions set forth herein.

NOW, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO:

1. APPROVAL.

The Application is hereby granted, subject to the conditions set forth herein. This Resolution shall constitute the special use permit (hereinafter referred to as this “Resolution” or the “Permit”).

2. FINDING OF FACT.

Subject to the Applicant, as the Operator, satisfying and complying with all conditions set forth herein, the following findings are made:

- a. The use and location are in conformance with the Morgan County Comprehensive Plan. Specifically:
 - i. The project will provide economic benefit to Morgan County through increased revenues to the county and school district tax bases through the taxation of the projects. To the extent possible, the operator will seek to hire local contractors throughout construction and life of the project.
 - ii. The project conforms to the Goal and Policy 10 in Chapter 4 of the Comprehensive Plan by encouraging the location of new industry and the expansion of existing businesses that will provide employment opportunities and increase the tax base to strengthen the economy of Morgan County. The project contributes to the Colorado New Energy Economy, by attracting and maintaining renewable energy projects to capture this.
 - iii. Preserving the manmade and natural environment in order to enhance the quality of life in Morgan County. The project will not impact wetlands or drainage patterns. Rock Creek and its surrounding floodplain will be

avoided by the site layout. A desktop review and field assessment has been completed for the site to avoid adverse impacts on plant and wildlife species. These projects will encourage use of renewable resources and production of electric power.

- b. The application is complete and presents a clear picture of how the use is to be arranged on the site.
- c. Subject to the conditions below, the site conforms to the district design standards of the Morgan County Zoning Regulations, specifically Secs. 2-420 and 4-820.
- d. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures. Once construction is completed, traffic will be minimal and the glare report indicates no glare will impact neighboring properties. During construction and when necessary, either water or dust control chemicals will be used for dust mitigation and will be addressed in the Road Agreement. Best management practices (BMP) will be implemented to protect newly established vegetation for Storm Water Management and Erosion Control.
- e. The special use is compatible with surrounding uses and buffering is not necessary because the adjacent uses are compatible. Residences are more than the County's 500-foot setback requirement. The majority of the parcels adjacent to the facility are zoned Agricultural Production District and are vacant, except the Magnum Feedyard.
- f. This special use poses only the minimum amount of risk to public health, safety, and welfare and it will not increase risk to public health, safety or welfare. The project will have minimal impacts on surrounding adjacent uses as the facility is unstaffed, generates no emissions, emits no light or discernible noise.
- g. The special use will not be located on a nonconforming parcel of land.
- h. The Applicant has adequately documented a public need for the project in the form of increased economic development. The Applicant has submitted all pertinent technical information, has demonstrated that it has adequate financial resources to implement the project, and has paid all County fees and review costs. The general purpose of the project is to maximize energy production from available solar resources to deliver renewable electricity to the bulk power transmission system to serve the needs of electric utilities and their customers.
- i. The Applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity and reliability. Water will be sourced from the wells owned by Magnum Feedyard, LLC.

- j. The project's maximum power output is 250 MWac and will occupy a maximum project area of 4,410 acres. No poles are contemplated as part of the project.
- k. The Applicant is the designated owner and operator of the solar collector facility approved by this Permit.

3. CONDITIONS.

The approval of the use by special review is conditioned upon the following:

- a. Proof of lease between the Applicant and the property owners must be submitted to the Planning & Zoning Department prior to construction.
- b. 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 stormwater permits.
- c. All necessary plans, reports, permits, and certificates will be submitted prior to issuance of any building permit associated with the solar collector facility and may include, but are not limited to, interconnection/crossing agreements, final drainage & erosion control plan, signed and sealed geotechnical report, decommissioning plan, operations and maintenance plan, Liability Insurance Certificate, final locations for any laydown yard, a copy of the APEN issued by the Colorado Department of Public Health and Environment, Unanticipated Discovery plan, and glare analysis.
- d. The Applicant and/or Owners will comply with the proposed decommissioning plan, any modifications/deviations from the proposed plan must be approved by the County. The County must be notified in writing when the Applicant commences decommissioning.
- e. Prior to construction, the Applicant shall submit a special use map, which substantially conforms with the Permitting Layout, dated January 30, 2024, in accordance with 2-420 and including the following:
 - i. Surveyed boundary of footprint of photovoltaic (PV) panels and inverters within the boundary area.
 - ii. Identified points of access for mineral rights owners. These points of access shall be void panels, inverters or other associated appurtenances.
- f. Photovoltaic (PV) panels and inverters shall only be located within the footprint as shown on the special use map.

- g. Any building greater than 120 sq. ft. will require a building permit.
- h. The substation and solar collector facility shall be enclosed by a security fence and be secured at all times. Emergency services must have access at all times.
- i. Prior to the commencement of construction, the Applicant will enter into a road use agreement for the use of any public road during construction. The agreement shall include the following:
 - a. A designated haul route or routes, subject to approval by the Morgan County Road & Bridge Department. A map showing the designated haul route to be used during construction.
 - b. A pre-construction baseline inventory of County roads on the designated haul route or routes to be used during construction to document their pre-construction condition, obtained by and paid for by the applicant.
 - c. A mitigation plan to address traffic congestion, control, and potential impacts to County roads on the designated haul route. The mitigation plan shall also include any dust mitigation activities.
 - d. A requirement that the applicant is 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 the Applicant are not in default of any provision of the road use agreement. The County shall inspect the restored roads and the Applicant 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. The Applicant 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 the Applicant's guarantee that the restoration remains free of defect during a two-year warranty period. The Applicant 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.

- h. Prior to the commencement of construction, the Applicant 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.
- i. The County will require written notice for all staging or laydown areas, or other temporary areas for construction or repair activities (“Temporary Areas”) utilized after final construction is completed. The Applicant 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 must notify the County at least thirty (30) days prior to the use of the temporary area. It shall be a condition 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. No permanent structures may remain in the Temporary Areas unless approved by the County pursuant to the applicable Morgan County Zoning Regulations.
- j. The project area shall be reclaimed and/or reseeded as soon as practicable but no later than six months after the Applicant has completed construction, unless the County Planning Administrator grants an extension for demonstrated good cause. The Applicant shall comply with the revegetation plan, submitted with the Application and dated January 2024. The Applicant shall notify the County Planning and Zoning Department that disturbance of the site has concluded within five (5) days of that event. Such notification shall include the timeline for the commencement of revegetation efforts, in compliance with this condition, and the seed mix as agreed upon by the Applicant and the landowners. The County may require, at any time, during the revegetation process, status reports from the Applicant on the revegetation of the site. The County or its designee may, upon five (5) days written notice to the Applicant enter into the project area to inspect the revegetation program. If revegetation is not successful, the Applicant shall notify the County within thirty (30) days and identify what actions the Applicant intends to undertake to complete a successful revegetation, including the identification of the plant ecologist who will assist the Applicant. At any point during the project, the County may engage a third party to review the information supplied by the Applicant related to the revegetation of the project area. All costs incurred by the County to inspect and evaluate the revegetation program shall be borne by the Applicant. Failure to pay such costs may be grounds for an enforcement action by the County including revocation of this Permit.
- k. Construction occurring within ¼ quarter mile of any residence shall not commence earlier than 7 a.m.
- l. The Applicant 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 undertake such abatement and lien the property for the costs of the abatement. Such abatement shall not be deemed to limit any other enforcement rights of the County.

- m. The Applicant shall comply with all applicable law and regulations related to safety and emergency management during construction and on-going operations.
- n. The Applicant shall be responsible for the payment of all costs and fees incurred by the County associated with this Permit. The County shall invoice the Applicant for costs and fees and payment will be due by the Applicant within thirty (30) days of the date of the invoice. Failure to pay may result in enforcement actions by the County.
- o. The Applicant shall pay the applicable Permit Fee, as adopted by the County Commissioners prior to construction.
- p. The project shall be substantially constructed, and the facility installed within six (6) years of the date of approval below. Failure to satisfy this condition shall result in the expiration of this Permit.
- q. This Permit is subject to all applicable provisions of the Morgan County Zoning Regulations.

4. SETBACK WAIVER

- a. Setback requirements established in the Morgan County Zoning Regulations for the following section lines are waived, subject to the reserved rights of Morgan County:
 - i. Section line between SW¼ Section 6 and NW¼ Section 7, Township 2 North, Range 60 West located within the project boundary.
 - ii. Section line between Sections 7 and 18, Township 2 North, Range 60 West
 - iii. Section line between Sections 17 and 18, Township 2 North, Range 60 West.
 - iv. Section line between Sections 17 and 20, Township 2 North, Range 60 West.
 - v. Section line between Sections 8 and 17, Township 2 North, Range 60 West.

- vi. Section line between Sections 8 and 9, Township 2 North, Range 60 West.
 - vii. Section line between SE $\frac{1}{4}$ Section 5 and NE $\frac{1}{4}$ Section 8, Township 2 North, Range 60 West.
 - viii. Section line between SW $\frac{1}{4}$ Section 4 and SE $\frac{1}{4}$ Section 5, Township 2 North, Range 60 West.
 - ix. Section line between the W $\frac{1}{2}$ W $\frac{1}{2}$ Section 4 and W $\frac{1}{2}$ W $\frac{1}{2}$ Section 9, Township 2 North, Range 60 West located within the project boundary.
 - x. Section line between NE $\frac{1}{4}$ Section 20 and NW $\frac{1}{4}$ Section 21, Township 2 North, Range 60 West.
- b. Setback requirements established in the Morgan County Zoning Regulations for the following property lines are waived:
- i. Property lines located within the NW $\frac{1}{4}$ Section 21, Township 2 North, Range 60 West, within the project boundary, by excluding the property lines which are also section lines or constitute the project boundary.
 - ii. Property lines located in the N $\frac{1}{2}$ Section 20, Township 2 North, Range 60 West, within the project boundary, excluding the property lines which are also section lines or constitute the project boundary.
 - iii. All property lines within Section 7, Township 2 North, Range 60 West, excluding the property lines which are also section lines or constitute the project boundary.

5. GENERAL PROVISIONS.

- a. The Board of County Commissioners retains continuing jurisdiction over this Permit to ensure compliance with this Permit and the Morgan County Zoning Regulations. County Representatives are authorized to inspect the Property at any reasonable time upon notice to the appropriate Owner and the Applicant.
- b. This approval is conditioned on compliance with all information and representations contained in the Application and presented by the Applicant, which are incorporated into this Resolution.
- c. The Applicant shall comply and ensure compliance by third parties with all requirements, conditions and design standards set forth herein. Noncompliance shall be grounds for revocation of this permit by the Morgan County Board of Commissioners after notice and hearing.

DATED this 6th day of February, 2024.

THE BOARD OF
COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/ Mark A. Arndt
Mark A. Arndt, Chairman

s/ Jon J. Becker
Jon J. Becker, Commissioner

s/ Gordon H. Westhoff
Gordon H. Westhoff, Commissioner

(SEAL)

ATTEST:

s/ Kevin Strauch
Kevin Strauch

DISCUSSION: Board of County Commissioners:

Chairman Arndt noted that they were supplied with red-lined versions of 2024 BCC 08.

Attorney Kathryn Sellars mentioned that the biggest changes between previous BESS resolutions and the one they are reviewing today are conditions (n), (o), (p), and (q). The applicants had suggestions on condition (o) and (p).

Commissioner Westhoff asked what the industry standard and special equipment include?

Matt Mooney answered that they try to meet industry standard in terms of technical and safety standards. He then clarified that the equipment would be specific to the BESS.

Commissioner Westhoff asked they would be providing the fire department with the equipment to suppress the fire?

Drew McMahan, Balanced Rock Power clarified that they have been discussing this with the Wiggins Rural Fire District and have provided a draft agreement to them. Those specific items would not be necessary but they will continue to engage with the fire district. They would come to an agreement on what equipment both parties feel is necessary.

Taylor Henderson, Balanced Rock Power added they had an M.O.U. to the fire department 24 hours after the last public hearing.

Anthony Natale, Fire Risk Alliance stated there are no special agents to be provided that would suppress a lithium-ion fire. They would be limited to just using water. In regards to the special equipment, the fire departments usually already have it because this is essential equipment to every operation.

Commissioner Becker stated he did not like the language proposed by the applicant for condition (o). For condition (n) he suggested adding in Emergency Management, Wiggins Rural Fire District, and the Sheriff's office and have them sign off on equipment, training, and procedures. He would like that reviewed and approved every 3 years. This will allow them to identify what industry standard would be for this project. He agreed on the portion of condition (o) referring to the training timeline. Commissioner Becker also stated that what this would do is bring all of the professionals together and sort out an agreement prior to construction that would work with all departments listed previously.

Chairman Arndt mentioned that all fire agencies in Morgan County would need to be invited to the trainings.

Chairman Arndt asked the applicants to explain their reasoning for their suggested changes to condition (p).

Drew McMahan explained it was to isolate the concern to fires or failures to the specific container. They also believe that the timeframe listed to compile an after-action report is not a sufficient amount of time to create a meaningful analysis. They are proposing a letter to the public, relevant agencies, and the County with notification that something did occur. Within 30 days, they will have a formal after-action report that will be supplied.

Chairman Arndt has concerns about the battery storage. There are many residences in the area which differs this project from other projects approved in the past. If there are no concerns by the applicant with the safety of the battery storage, there should be no problem keeping the resolution that was supplied to them. If there is a problem, the County should have the ability to have the project shut down until a solution is figured out. He is wanting to keep the original language in condition (p).

Commissioner Becker said that he would agree with the applicant's comments about changing the timeframes for when a report is issued.

Taylor Henderson stated that it creates a challenge for financing if they were to leave the language unchanged in condition (p) due to the possibility for the plant to not be in operation if a failure were to occur and them having to shut down the entire BESS area rather than the container that had the failure.

Commissioner Westhoff's concern is if there is a failure in the BESS, the County Commissioners should have the ability to stop the process until there is a hearing and things are explained and corrected.

Anthony Natale explained that when there is a failure, you isolate that piece of equipment and the site will remain in service while that piece of equipment is being serviced. The only time the entire site is taken down is if the entire site is impacted.

Commissioner Becker questioned if the containers are bolted down or if they are just sitting?

Anthony Natale answered that all of the manufacturers require them to be bolted in.

Commissioner Becker asked what wind mph they can withstand?

Liam Norris, Balanced Rock Power, confirmed Anthony Natale's statement, adding that the wind load depends on the building code and the structural design depends on the final equipment selection and the final structural design.

Chairman Arndt voiced that if any special equipment would be needed due to the failure going outside the defensible space, then the whole facility would shut down. If the incident doesn't leave the defensible area, only the specific container related to the incident would need to be shut down. He would like the notification requirement and the after-action reports to stay the same as originally stated.

Commissioner Becker asked about smoke or anything like that, would that be considered leaving the defensible area?

Commissioner Westhoff would want to have the entire facility to be shut down if there is a major incident.

Taylor Henderson stated there is about a mile from the BESS facility to any residences.

Chairman Arndt asked what would be considered minor, and what would be considered major?

Anthony Natale noted that if more than 1 container has a failure, they would consider that a major event to where they would shut down the site.

Commissioner Becker stated that either situation would cause an after-action report to happen still.

Commissioner Westhoff stated that the resolution should still state that the Board of County Commissioners would still have the to approve restarting operations at the BESS facility after a major failure.

Attorney Kathryn Sellars reiterated the Commissioners' suggestions that are as follows: In sections (n) and (o), these 2 conditions will be combined. The agreement mentioned in section (n), in addition to the Wiggins Rural Fire Protection District, is going to include the Sheriff and Emergency Management. All 3 entities listed are going to have to sign off on the appropriate training and equipment necessary to respond to potential incidents at the location. That should be reviewed every 3 years by those same entities. There will be annual training on equipment if necessary for all the entities listed in condition (o) which include law enforcement, ambulance, fire, and emergency services.

Commissioner Becker stated that the training should be agreed upon by all of the entities listed, and it doesn't have to be annual. It should be listed in the agreement that will be drafted up amongst them.

Attorney Kathryn Sellars continued with the reiteration of the Commissioners' suggestions, stating that condition (p) will classify the two types of failures; minor and major. Minor would be described as when an incident occurs in one battery container that will only cause a shutdown of that affected container. The incident notification within 3 days, the after-action report within 30 days, and the public hearing process will all remain as originally proposed with the reserved power of the Board to shut down operations. A major incident will be 2 or more containers, an incident where fire leaves or occurs outside of the defensible area, or causes an evacuation of a nearby home. A major incident will cause a full shutdown of the facility. The incident notification within 3 days, the after action report within 30 days, and the public hearing process will all remain as originally proposed.

Chairman Arndt mentioned that any notification to citizens such as a shelter-in-place or evacuation should be considered.

Commissioner Becker moved to approve Resolution 2024 BCC 08, a Resolution granting a Special Use Permit to Taelor Solar 1, LLC for a Battery Storage Facility located in Sections 8 and 9, Township 2 North, Range 60 West of the 6th PM, Morgan County, Colorado with the conditions as noted to be amended.

Commissioner Westhoff seconded.

Chairman Arndt noted that on the BESS facility, it is because of the number of residences near the facility, these conditions are important.

Motion carries 3-0.

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

**RESOLUTION
2024 BCC 08**

**A RESOLUTION GRANTING A SPECIAL USE PERMIT TO TAEOR
SOLAR 1, LLC FOR A BATTERY ENERGY STORAGE FACILITY
LOCATED IN SECTIONS 8 AND 9, TOWNSHIP 2 NORTH, RANGE 60
WEST, MORGAN COUNTY, COLORADO**

WHEREAS, L&R Rumsey Land, LLC and Magnum Feedyard, LLC (the “Owners”) own property located in Sections 8 and 9, Township 2 North, Range 60 West, 6th P.M., Morgan County, Colorado (“Property”) in the Agriculture Production zone;

WHEREAS, Taelor Solar 1, LLC (the “Applicant”), on behalf of and with authorization of the Owners has applied for a special use permit for a battery energy storage facility (the “Application”) to be located on the Property;

WHEREAS, after holding a duly noticed public hearings on August 14 and September 11, 2023, the Morgan County Planning Commission recommended that the Application be denied;

WHEREAS, on January 23, 2024, the Board of County Commissioners of Morgan County, Colorado held a public hearing on the Application and continued the hearing for further consideration the Applicant, but not additional public comment, to February 6, 2024;

WHEREAS, notice of the public hearing before the Board of County Commissioners was properly published and the notice was properly posted at the Property;

WHEREAS, during the public hearing the Board of County Commissioners received testimony and evidence from staff, the Applicant and the public; and

WHEREAS, after considering all relevant testimony and evidence, the Board of County Commissioners desires to approve the Application, subject to certain conditions set forth herein.

NOW, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO:

6. APPROVAL.

The Application is hereby granted, subject to the conditions set forth herein. This Resolution shall constitute the special use permit (hereinafter referred to as this “Resolution” or the “Permit”).

7. FINDING OF FACT.

Subject to the Applicant, as the Operator, satisfying and complying with all conditions set forth herein, the following findings are made:

1. The use and location are in conformance with the Morgan County Comprehensive Plan. Specifically:
 - iv. The project will provide economic benefit to Morgan County through increased revenues to the county and school district tax bases through the taxation of the projects. To the extent possible, the operator will seek to hire local contractors throughout construction and life of the project.

- v. The project conforms to the Goal and Policy 10 in Chapter 4 of the Comprehensive Plan, by encouraging the location of new industry and the expansion of existing businesses that will provide employment opportunities and increase the tax base to strengthen the economy of Morgan County. The project contributes to the Colorado New Energy Economy, by attracting and maintaining renewable energy projects to capture this.
- vi. Preserving the manmade and natural environment in order to enhance the quality of life in Morgan County. The project will not impact wetlands or drainage patterns. Rock Creek and its surrounding floodplain will be avoided by the site layout. A desktop review and field assessment has been completed for the site to avoid adverse impacts on plant and wildlife species. These projects will encourage the use of renewable resources and production of electric power.
- m. The application is complete and presents a clear picture of how the use is to be arranged on the site.
- n. Subject to the conditions below, the site conforms to the district design standards of the Morgan County Zoning Regulations, specifically Secs. 2-420 and 4-820.
- o. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures. During construction and when necessary, either water or dust control chemicals will be used for dust mitigation and will be addressed in the Road Agreement. Best management practices (BMP) will be implemented to protect newly established vegetation for Storm Water Management and Erosion Control.
- p. The special use is compatible with surrounding uses and buffering is not necessary because the adjacent uses are compatible. Most of the parcels adjacent to the facility are zoned Agricultural Production District and are vacant, except the Magnum Feedyard.
- q. This special use poses only the minimum amount of risk to public health, safety, and welfare.
- r. The special use will not be located on a nonconforming parcel of land.
- s. The Applicant has adequately documented a public need for the project in the form of increased economic development. The Applicant has submitted all pertinent technical information, has demonstrated that it has adequate financial resources to implement the project, and has paid all County fees and review costs. The general purpose of this project and the solar facility is to maximize energy production from available solar resources to deliver renewable electricity to the

bulk power transmission system to serve the needs of electric utilities and their customers.

- t. The Applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity and reliability. Water is only needed during construction and will be supplied by trucks and sourced from an off-site location.
- u. The project's maximum has a capacity of up to 500 MWhrs (a maximum power output of 125 MWac) located within 10-acre project area.
- v. The Applicant is the designated owner and operator of the BESS facility approved by this Permit.

8. CONDITIONS.

The approval of the use by special review is conditioned upon the following:

- a. Proof of lease between the Applicant and the property owners must be submitted to the Planning & Zoning Department prior to construction.
- b. 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 stormwater permits.
- c. All necessary plans, reports, permits, and certificates will be submitted prior to issuance of any building permit associated with the BESS facility and may include, but are not limited to, Electrical Diagram, final equipment specification sheet, contact information, maintenance plan, final drainage plan, decommissioning plan, emergency operation plan, and Liability Insurance Certificate.
- d. The Applicant and Owner will comply with the proposed decommissioning plan, any modifications/deviations from the proposed plan must be approved by the County. The County must be notified in writing when the Applicant commences decommissioning.
- e. Any building greater than 120 sq. ft. will require a building permit.
- f. The BESS facility shall be enclosed by a security fence and be secured at all times. Emergency services must have access to the facility at all times. The BESS facility shall be constructed and installed in the location which substantially conforms with the Permitting Layout, dated January 30, 2024.

- g. Prior to the commencement of construction, the Applicant 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. The County may require that the road use agreement for the related solar collector facility govern any road impacts related to the construction of the BESS facility or require a separate road use agreement.
- h. The County will require written notice for all staging or laydown areas, or other temporary areas for construction or repair activities (“Temporary Areas”) utilized after final construction is completed. The Applicant 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 must notify the County at least thirty (30) days prior to the use of the temporary area. It shall be a condition 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. No permanent structures may remain in the Temporary Areas unless approved by the County pursuant to the applicable Morgan County Zoning Regulations.
- i. The project area shall be reclaimed and/or reseeded as soon as practicable but no later than six months after the Applicant has completed construction, unless the County Planning Administrator grants an extension for demonstrated good cause.
- j. Construction occurring within $\frac{1}{4}$ quarter mile of any residence shall not commence earlier than 7 a.m.
- k. The Applicant 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, undertake such abatement and lien the property for the costs of the abatement. Such abatement shall not be deemed to limit any other enforcement rights of the County.
- l. The Applicant shall comply with all applicable laws and regulations related to safety and emergency management during construction and on-going operations.
- m. The Applicant shall be responsible for the payment of all costs and fees incurred by the County associated with this Permit. The County shall invoice the Applicant for costs and fees and payment will be due by the Applicant within thirty (30) days of the date of the invoice. Failure to pay may result in enforcement actions by the County.

- n. Prior to commencement of construction, the Applicant shall supply evidence of, at a minimum, an agreement between the Wiggins Rural Fire Protection District, Morgan County Sheriff's Office, and Morgan County Emergency Management Department and the Applicant concerning the provision of emergency and fire services to the BESS. As part of the agreement, the Applicant shall provide training and equipment necessary to respond to any incident or failure of the BESS facility, or any portion of the facility. The initial training must be provided to law enforcement, fire, ambulance, and the Morgan County Emergency Management Department prior to the commencement of operations at the BESS facility. The agreement shall require ongoing training on a schedule determined by the parties to the agreement. The ongoing training shall be made available to all agencies for which the initial training is required in this condition. Every three years after the commencement of operations, Wiggins Rural Fire Protection District, Morgan County Sheriff's Office, and Morgan County Emergency Management Department and the Applicant shall review the agreement to ensure adequate response training and equipment.
- o. A minor incident, defined as failure of or fire in one battery container, shall trigger an immediate shutdown of the effected battery container by the Applicant. A major incident is defined as occurrence of one or more of the following: 1) a failure of or fire in two or more battery containers, 2) when a fire expands beyond the defensible space required in condition (r), or 3) an incident at the BESS facility results in an order of evacuation or shelter in place to residents in the vicinity of the facility. A major incident shall trigger an immediate shutdown of the entire BESS facility by the Applicant. Upon the occurrence of either type of incident, the Applicant shall issue an incident notification within three (3) days of the incident. The incident notification will describe the time, duration or nature of incident and must be mailed to all property owners within a half mile of the BESS facility at the addresses of record through the Morgan County Assessor's Office; the County Planning and Zoning Department; the Town of Wiggins; Wiggins Rural Fire Protection District; Morgan County Sheriff's Office; Morgan County Ambulance Services and Morgan County Emergency Management Department. Within thirty (30) days of the incident, the Applicant shall deliver to the County Planning and Zoning Department an after-action report prepared by a qualified independent third-party with expertise in subject matter and shall identify any changes to the operations of the BESS facility necessary to maintain life and safety within the BESS facility and the neighboring residential properties. No operations may occur in the battery container or at BESS facility, as applicable based upon the type of incident, until the after-action report has been considered by the Board of County Commissioners at a noticed public hearing and the Board of County Commissioners approves restarting operations at the BESS facility, or within the battery container. Such a decision shall be made based upon the impact of the failure on neighboring residential properties, the threat and continuing threat to public safety, the response to the incident, cause of the failure and whether the Applicant has implemented or is in the process of implementing changes to the operations of the BESS facility, or battery container, necessary to

maintain life and safety within the BESS facility and the neighboring residential properties. Notice of the hearing shall be provided in the same manner as public notice for a permit for a use by special review as provided in the Morgan County Zoning Regulations, as amended. If the Board of County Commissioners decides that the BESS facility or the battery container, as applicable, may not be returned to operation, the Board of County Commissioners may direct the Applicant to take any necessary steps to protect the public safety and welfare or alternative, schedule a hearing to revoke this Permit.

- p. Prior to construction, the Applicant will submit a fire mitigation plan and emergency operations plan. These plans may be submitted as one plan at the Applicant's discretion; however, the plans or plan must address the following:
 - i. The fire mitigation plan shall include a site plan which includes strategic information for first responders including access points and road, gates and fence access restrictions, lock box locations, fire command center or response location(s), water supply location water source and control critical fire protection system information, site hazards, and high-level emergency response plan notes.
 - ii. The emergency response plan shall provide operational steps by site personnel and first responders if an incident or failure occurs. The plan should include equipment description and overview, emergency access, a site map, access points, staging areas, hazard evaluations, signage, and safety protocols.
- q. The Applicant must obtain the approval from the Wiggins Rural Fire Protection District for the plans required in condition (p) above. That approval must be obtained prior to the plans being submitted to the County.
- r. Due the high probability of wildland and grassland fires in Morgan County as established through the Morgan County Plan Element to the 2021 Northeast Colorado Regional Hazard Mitigation Plan, the BESS facility must be surrounded by a defensible space of at least 200 feet in width from the edge of the BESS facility. Within this defensible space, the Applicant must employ material which is nonflammable and will aid in the prevention of fire and suppress any vegetation or other flammable items. Conditions or materials which will create dust, such as the employment of dirt only in the defensible space, are also not permitted.
- s. The Applicant shall pay the applicable Permit Fee, as adopted by the County Commissioners prior to construction.
- t. The project shall be substantially constructed, and the facility installed within six (6) years of the date of approval below. Failure to satisfy this condition shall result in the expiration of this Permit.

- u. This Permit is subject to all applicable provisions of the Morgan County Zoning Regulations.

9. GENERAL PROVISIONS.

- d. The Board of County Commissioners retains continuing jurisdiction over this Permit to ensure compliance with this Permit and the Morgan County Zoning Regulations. County Representatives are authorized to inspect the Property at any reasonable time upon notice to the appropriate Owner and the Applicant.
- e. This approval is conditioned on compliance with all information and representations contained in the Application and presented by the Applicant, which are incorporated into this Resolution.
- f. The Applicant shall comply and ensure compliance by third parties with all requirements, conditions and design standards set forth herein. Noncompliance shall be grounds for revocation of this permit by the Morgan County Board of Commissioners after notice and hearing.

DATED this 6th day of February, 2024.

THE BOARD OF

COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/ Mark A. Arndt

Mark A. Arndt, Chairman

s/Jon J. Becker

Jon J. Becker, Commissioner

s/ Gordon H. Westhoff

Gordon H. Westhoff, Commissioner

(SEAL)

ATTEST:

_____ s/ Kevin Strauch

Kevin Strauch

NEW BUSINESS: Minor Subdivision**APPLICATION:**

Applicant and landowner: Coy Palmer

Legal Description: W½ of Section 7, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. Also known as 12012 Highway 144, Weldona, CO 80653.

Request: This application is for a 3-lot Minor Subdivision of 24.26 acres

APPLICATION OVERVIEW:

Planning Administrator Nicole Hay read her file summary as follows:

APPLICANT and LANDOWNER: Coy Palmer

This application is for a 3-lot Minor Subdivision of 24.26 acres located in the W½ of Section 7, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. Also known as 12012 Highway 144, Weldona, CO 80653. The property is zoned agricultural.

Lot 1 will be 6.39 acres, Lot 2 will be 6.77 acres and Lot 3 will be 11.10 acres. Lots 1 and 2 are currently vacant and Lot 3 has an existing residence.

Section 8-195 of the Morgan County Subdivision Regulations requires review of the listed criteria and compliance to be determined prior to approval of the proposed subdivision.

In reviewing an application for a minor subdivision, the Planning Commission and the Board of County Commissioners shall apply the following criteria as listed from Section 8-195 of the Morgan County Subdivision Regulations:

- (A) Whether the application documents are complete and present a clear picture of how the subdivision is to be laid out including all infrastructure, easements, and access.
The application documents are complete:
- 1) Northeast Colorado Health Department has issued a letter regarding onsite wastewater treatment systems on Lots 1 thru 3.
 - 2) One Morgan County Quality Water tap exists for Lot 3 and once the necessary extension are made, Morgan County Quality Water would be able to serve Lots 1 and 2.
 - 3) All lots will be accessed by an access easement from one permitted driveway off of State Highway 144.
 - 4) Property is located in the Morgan Fire District.
 - 5) Soil map was provided by the Natural Resources Conservation Service.

- 6) The applicant notified the mineral rights owners.
- 7) Right to Farm notices were signed by the property owner and provided with the application.
- (B) Whether the proposed subdivision is consistent with the Morgan County Comprehensive Plan. The subdivision is located in the north central planning area.
 Chapter 2, Plan Summary
 Goal: Section 2.C.1- To encourage development where proposed development is compatible with existing land uses and access to public infrastructure is established.

Lot 3 has an existing residence and lots 1 and 2 are currently vacant with proposed development of single family homes. Other minor subdivisions and larger parcels used as single family home sites are in the area. There is access to State Highway 144, Morgan County Quality Water, and Xcel Energy service.

- (C) Whether the proposed subdivision is compatible with surrounding land uses and is adequately buffered as needed.

All properties adjoining this proposed subdivision are in the Agricultural Production District. To the north is a large parcel with a single family residence, Tomky Fish Farms, and Trace Tire shop. To the southwest there is a minor subdivision with larger parcels used as single family home sites, and pasture ground to the east. Buffer is created by the road and/or distance.

Planning Commission Meeting

This application was considered by the Planning Commission in a public hearing on January 8, 2024.

A neighboring landowner was present at the hearing and expressed their concerns regarding the existing gate at the entrance off of State Highway 144.

The Planning Commission recommended approval on a vote of 5 in favor and 1 opposed, 1 member was absent.

Nicole Hay
 Morgan County Planning Administrator

DISCUSSION: Board of County Commissioners to applicant:

At this time, Chairman Arndt asked the applicant if there was anything they would like to add to the application. Coy Palmer presented this application to the Board of County Commissioners.

Commissioner Arndt asked if it was in the Fort Morgan Fire District?

Coy Palmer answered that it was.

Commissioner Westhoff asked if they get seepage in their basements, crawlspaces, or footers from the nearby ditch?

Coy Palmer stated they have lot 1 drilled about 34 feet.

PUBLIC COMMENT OPEN: None

PUBLIC COMMENT CLOSED:

BOARD OF COUNTY COMMISSIONER COMMENTS:

Chairman Arndt noted that the gate that was discussed at the Planning Commission hearing held on January 8, 2024, is not within the Board's authority to change where that gate is placed. If there is an issue with the gate it doesn't have anything to do with Morgan County or this application.

Commissioner Westhoff moved to approve the 3-Lot Minor Subdivision, the legal description being a parcel of land located in the W½ of Section 7, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. Also known as 12012 Highway 144, Weldona, CO 80653.

Commissioner Becker seconded.

Motion carries 3-0.

Being no further business the meeting was then adjourned at 11:09 a.m.

Respectfully Submitted,
Jenafer Santos
Planning Technician

THE BOARD OF COUNTY COMMISSIONERS MORGAN
COUNTY, COLORADO

s/ Mark A. Arndt

Mark A. Arndt Chairman

s/ Jon J. Becker

Jon J. Becker, Commissioner

s/Gordon H. Westhoff

Gordon H. Westhoff, Commissioner

(SEAL)

ATTEST:

s/ Kevin Strauch

Kevin Strauch