

**AGENDA**  
**MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS**  
Assembly Room, Administration Building  
231 Ensign Street, Fort Morgan, CO 80701  
Tuesday, February 6, 2024

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](mailto: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

9:00 A.M.

**A. WELCOME – CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

**Commissioner Westhoff**  
**Commissioner Arndt**  
**Commissioner Becker**

**1. CALL TO ORDER**

STAND IN RECESS  
(\*Recess as necessary)

**B. CITIZEN'S COMMENT PERIOD**

Citizens are invited to speak to the Commissioners on agenda or non-agenda items. There is a 3-minute time limit per person, unless otherwise noted by the Chairman. Please note that no formal action will be taken on these items during this time due to the open meeting law provision; however, they may be placed on future posted agenda if action is required.

\*Morgan County is committed to making its public meetings accessible to persons with disabilities. If you need special accommodations, please call (970)542-3500, extension 1410, at least 2 business days in advance of a meeting to make arrangements.

### C. CONSENT AGENDA

All matters under the consent agenda are considered to be routine by the Board of County Commissioners and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, any Board member may ask that the item be removed from the Consent Agenda and considered separately:

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.

#### **D. UNFINISHED BUSINESS**

#### **E. GENERAL BUSINESS AND ADMINISTRATIVE ITEMS**

1. Swearing in of Morgan County Sherriff's Deputy, Cameron P. Kondella.
2. Consideration of Approval – **Morgan County Treasurer and Public Trustee Quarterly Report**, 4th Quarter (Robert Sagel, Morgan County Treasurer and Public Trustee)
3. Consideration of Approval – **Bid Tabulation and Award**, RFP 2024-0125-001 Fairgrounds Storm Damage Repair (Michael Cox, Morgan County Building Maintenance)
4. Consideration of Approval – **Bid Tabulation and Award**, RFP 2024-0125-002 Ambulance Garage Storm Damage Repair (Michael Cox, Morgan County Building Maintenance)

#### **F. COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS**

1. Commissioners Calendar for week of February 2, 2024, through February 13, 2024

#### **G. PUBLIC HEARING**

1. **Applicant:** Taelor Solar 1, LLC (Continued public hearing from January 23, 2024) – (Public comment closed)

**Landowners:** L&R Rumsey Land, LLC and Magnum Feedyard, LLC.

**Legal Description:** A part of Sections 4 thru 9, 17, 18, 20, and 21, Township 2 North, Range 60 West and in a Part of Section 31, Township 3 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 up to a 250 MWac solar PV project in conjunction with an up to 500 MWhrs Battery Energy Storage System (BESS).

**Action Item:**

- a. Consideration of Approval – 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

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through 9, 17, 18, 20, and 21, Township 2 North Range 60 West and part of Section 31, Township 3 North, Range 60 West, 6<sup>th</sup> P.M., Morgan County, Colorado and Granting Waivers from setbacks for certain Section and Property lines.

- b. Consideration of Approval – Resolution 2024 BCC 08 - **A Resolution Granting a Special Use Permit to Taelor Solar 1, LLC** for a Battery Energy Storage Facility located in Sections 8 and 9, Township 2 North, Range 60 West Morgan County, Colorado.

2. **Applicant & Landowner:** Coy Palmer

**Legal Description:** A parcel of land located in the W½ of Section 7, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M., Morgan County, Colorado. Also known as 12012 Highway 144 Weldona, CO 80653.

**Request:** 3-Lot Minor Subdivision. The total acreage being divided into 3 Lots is 24.26 acres. 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. Lot 3 has an existing residence.

Open for Public Comment

Close for Public Comment

Discussion and Decision

## I. ADJOURNMENT

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**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>Treas 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/Govt 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%

BOARD OF COUNTY COMMISSIONERS  
MORGAN COUNTY, COLORADO

\_\_\_\_\_  
Gordon H. Westhoff, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mark A. Arndt, Commissioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jon J. Becker, Commissioner

\_\_\_\_\_  
Date

**ATTEST:**  
(Seal)

\_\_\_\_\_  
Clerk to the Board

**BID TABULATION FOR RFP 2024-0125-001**  
**Fairgrounds Storm Damage Repair Project**

Bid Number	Bidder	Local	References	Building # 1	Building # 2	Building # 3	Building # 4	Building # 5	Total	Notes
1	<b>Buildings by Design</b>	Y	Y	\$252,261.00	\$126,130.00	\$87,743.00	\$21,936.00	\$60,323.00	\$548,393.00	
2	<b>Pro Roofing America</b>	N	Y	\$129,172.69	\$60,601.22	\$55,058.72	\$10,216.50	\$24,876.83	\$408,293.18	

I Recommend going with Pro Roofing America as they are below the 5% of Building by Design.

**BID TABULATION FOR RFP 2024-0125-002**  
**Ambulance Garage Storm Damage Repair Project**

Bid #	Bidder	Local	References	Metal Roofing	Windows	Exhaust/Venting	Gutters	Bid Amount Total	Notes
1	Buildings by Design	Y	Y	\$90,762.00	\$943.00	\$163.00	\$9,704.00	\$101,572.00	
2	Pro Roofing America	N	Y	\$27,550.00	\$4,000.00	\$1,250.00	\$8,000.00	\$59,320.81	

I Recommend going with Pro Roofing America as they are below the 5% of Building by Design.

# COMMISSIONERS CALENDAR

February 2, 2024 through February 13, 2024

February 02, 2024		Daily County Business
February 05, 2024	10:00 A.M. 11:00 A.M. 1:00 P.M. 2:00 P.M.	Monthly Region 4 Opioid Council Meeting BCC Office Meeting HR Department Meeting Building Maintenance Department Meeting
February 06, 2024	9:00 A.M. Hearing - Immediately following Board Meeting  11:00 A.M.	Board of County Commissioners Meeting (Assembly Room) (Please check <a href="https://morgancounty.colorado.gov/">https://morgancounty.colorado.gov/</a> for meeting options.) Planning & Zoning Hearing - Minor Subdivision, Coy Palmer Planning & Zoning Hearing - Taelor Solar 1, LLC Project Finance Department Meeting
February 07, 2024		Daily County Business
February 08, 2024	9:00 A.M. 10:00 A.M.	Commissioners Meeting with Morgan County Dairy Farmers UFR Agenda Meeting
February 09, 2024	9:00 A.M.	Commissioners Meeting with Sandhills Energy
February 12, 2024	10:00 A.M. 11:00 P.M. 1:00 P.M. 2:00 P.M.	Ambulance Department Meeting HR/Finance Department Meeting Communications Monthly Department Meeting BCC Office Meeting
February 13, 2024	10:00 A.M. 10:00 A.M. 1:00 P.M. 1:00 P.M.	Land Use Amendment Meeting County Attorney Office Hours MCEDC Meeting 911 Authority Board Meeting

*Unless otherwise noted, all meetings with department heads and other non-BOCC elected officials listed above may include an update on the status of the department, a general discussion of projects, any matters or concerns that the County needs to address, and activities and operations of the department.*

***Department meetings may be by conference call or virtual meeting upon request.***

CALENDAR SUBJECT TO CHANGE DUE TO AGREEABLE CANCELLATIONS AND/OR WALK IN BUSINESS

Posted 02/02/2024 @ 4:00 P.M. by Mindi Cloyd, Administrative Services Manager

\*\* All meetings are held in the Commissioner's Office located at 218 West Kiowa Avenue, Fort Morgan unless otherwise noted

\*Any meeting or event scheduled to be held at the Commissioners' Offices (218 West Kiowa Avenue, Fort Morgan, CO) will be relocated to a site with handicapped access upon request. For special assistance for the Morgan County Board of Commissioners meeting, please notify us 48 hours before the scheduled agenda item. Please call (970)542-3500, extension 1410, to request accommodation.

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

**RESOLUTION  
2024 BCC \_\_**

**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, 6<sup>TH</sup> 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, 6<sup>th</sup> 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:

- i. 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.
  - ii. 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.
  - iii. 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.
  - iv. A requirement that the applicant is to return any County roads to their pre-construction baseline condition.
  - v. 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.
  - vi. 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 SW<sup>1</sup>/<sub>4</sub> Section 6 and NW<sup>1</sup>/<sub>4</sub> 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 6<sup>th</sup> day of February, 2024.

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

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Mark A. Arndt, Chair

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Jon J. Becker, Commissioner

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Gordon H. Westhoff, Commissioner

**ATTEST:**

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Kevin Strauch, Clerk to the Board

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

**RESOLUTION  
2024 BCC \_\_**

**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, 6<sup>th</sup> 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:**

**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 the 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. 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. Most 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.
- 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 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.
- i. 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.
- j. 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.
- k. The Applicant is the designated owner and operator of the BESS 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 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 ¼ 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 and the Applicant concerning the provision of fire services to the BESS.
- o. The Applicant shall provide required training and equipment to law enforcement, fire, ambulance, and the Morgan County Department of Emergency Management prior to the BESS facility commencing operation. That training and equipment shall address the appropriate operations for a response to any incident or failure of the BESS facility. The Applicant must obtain confirmation of such training from Morgan County Department of Emergency Management and provide that to the County Planning and Zoning Department. The BESS facility cannot commence operation until the confirmation is received by the County Planning and Zoning Department. In addition, during the term of this Permit, the Applicant agrees to provide all training and equipment requested by emergency services responders, including law enforcement, fire, ambulance, and Morgan County Department of Emergency Management, concerning emergency response to any incident or failure at the BESS facility potentially threatening life or property.
- p. Any failure in any part of the BESS requires an after-action report supplied by the Applicant within three (3) days of the failure. The after-action report must be mailed to all properties within a half mile of the BESS at the addresses of record through the Assessor's Office, the County Planning and Zoning Department, the Town of Wiggins, Wiggins Rural Fire Protection District, Morgan County Sheriff's Office and Morgan County Ambulance Services. The after-action report must be written by persons with expertise in subject matter. No operations may occur in the BESS facility 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. Such a decision shall be made based upon the impact of the failure on neighboring properties, the

threat and continuing threat to public safety, the response to the incident and cause of the failure. 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 decide that the BESS facility 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.

- q. 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.
- r. The Applicant must obtain the approval from the Wiggins Rural Fire Protection District for the plans required in condition (q) above. That approval must be obtained prior to the plans being submitted to the County.
- s. 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.
- t. The Applicant shall pay the applicable Permit Fee, as adopted by the County Commissioners prior to construction.
- u. 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.

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

**4. 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 6<sup>th</sup> day of February, 2024.

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

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Mark A. Arndt, Chair

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Jon J. Becker, Commissioner

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Gordon H. Westhoff, Commissioner

**ATTEST:**

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Kevin Strauch, Clerk to the Board



## MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

January 11, 2024

Coy Palmer  
12012 Hwy 144  
Weldona, CO 80653  
Sent via email:

Dear Coy:

Your Application for a Minor Subdivision will go to review and decision by the Board of County Commissioners. The hearing for the Board of County Commissioners will be held on **February 6<sup>th</sup>, 2024 at 9:00 A.M.**

**As per Section 2-390(B), notification sign postings need to occur no later than 10 days prior to each hearing and photographs accompanied by an affidavit to our office no later than 5 days prior to each hearing.** One sign facing each public right-of-way adjacent to the property is required. The county will provide one sign for each hearing, for Highway 144, it is up to you to post it.

Planning Commission sign notice dates: **Posted by January 26<sup>th</sup>, 2024**  
**Pictures and Affidavit by January 31<sup>st</sup>, 2024**

We will have the sign ready to be picked up in our office on January 19<sup>th</sup>, 2024.

It is necessary that you be present at the hearing to answer any questions the Board of County Commissioners may have. If you are unable to attend, a letter stating who will be representing you will be needed.

Do not hesitate to contact us at any time if you have questions.

Sincerely,

*Nicole Hay*

Nicole Hay  
Planning Administrator



**MORGAN COUNTY  
PLANNING AND ZONING DEPARTMENT**

**MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS  
FILE SUMMARY**

**February 6, 2024 Hearing date**

**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 6<sup>th</sup> 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