

**Amendments to the Morgan County
Zoning Regulations**

Planning Commission Hearing

May 8, 2023

7:00 P.M.

AMENDMENTS

MORGAN COUNTY ZONING REGULATIONS

AMENDMENTS SUMMARY



**MORGAN COUNTY PLANNING COMMISSION
AMENDMENT SUMMARY
May 4, 2023
May 8, 2023 (meeting date)**

**AMENDMENTS
MORGAN COUNTY ZONING REGULATIONS**

Included with this staff report are the proposed changes as outlined below.

Zoning Amendments

1. The proposed changes to the approval time frame and abandonment for Solar Collector Facilities, Battery Energy Storage Systems, and Wind Energy Facilities would allow the use permit to be valid for 3 years from the date of approval. An extension, up to a total of 3 years, may be requested from the appropriate decision-making authority by demonstrating a need and filing an application with the County Planning Department.

Nicole Hay
Morgan County Planning Director

PROPOSED REGULATIONS

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

RESOLUTION NO. 2023 BCC _____

**A RESOLUTION AMENDING THE MORGAN COUNTY ZONING REGULATIONS
CONCERNING THE EXPIRATION OF USE PERMITS GRANTED FOR SOLAR
COLLECTOR FACILITIES, BATTERY ENERGY STORAGE SYSTEMS AND WIND
ENERGY FACILITIES**

WHEREAS, the County desires to amend the Morgan County Zoning Regulations to permit more flexibility for the completion of construction and installation of solar collector facilities, battery energy storage systems and wind energy facilities while ensuring that use permits for abandoned projects will expire;

WHEREAS, on May 8, 2023, the Planning Commission held a duly noticed public hearing on the proposed amendments and recommended _____;

WHEREAS, on May 16, 2023, the Board of County Commissioners held a duly noticed public hearing on the proposed amendments;

WHEREAS, the Board of County Commissioners has complied with all relevant provisions for amending the Morgan County Zoning Regulations; and

WHEREAS, after considering public testimony received and the recommendation of the Planning Commission, the Board of County Commissioners finds these amendments to be in the best interest of the citizens of Morgan County.

NOW THEREFORE BE IT RESOLVED by the Morgan County Board of County Commissioners as follows:

Section 1. Section 4-845 of the Morgan County Zoning Regulations is amended to read as follows:

4-845 Approval Time Frame and Abandonment

The use permit for a principal ground-mounted solar collector facility shall be valid for a period of three (3) years from the date of approval. The owner and/or operator may seek an extension of the approval period from the appropriate decision-making authority by demonstrating a need for an extension and filing an application with the County Planning Department. Each renewal application shall be accompanied by the appropriate fee, as established by the Board of County Commissioners and may only be granted for year increments, up to a total of three (3) additional years. If the owner and/or operator fails to achieve substantial construction and installation of the facility within the approved period, including any extensions, the approval shall expire and a new application shall be required. The applicant shall be responsible to apply for and obtain any necessary extensions for any building permit issued for the facility.

Section 2. Section 4-880 of the Morgan County Zoning Regulations is amended to read as follows:

4-880 Approval Time Frame and Abandonment

The use permit for a BESS shall be valid for a period of three (3) years from the date of approval. The owner and/or operator may seek an extension of the approval period from the appropriate decision-making authority by demonstrating a need for an extension and filing an application with the County Planning Department. Each renewal application shall be accompanied by the appropriate fee, as established by the Board of County Commissioners and may only be granted for year increments, up to a total of three (3) additional years. If the owner and/or operator fails to achieve substantial construction and installation of the BESS within the approved period, including any extensions, the approval shall expire and a new application shall be required. The applicant shall be responsible to apply for and obtain any necessary extensions for any building permit issued for the BESS.

Section 3. Section 4-920 of the Morgan County Zoning Regulations is amended to read as follows:

4-920 Approval Time Frame and Abandonment

The use permit for a WEF shall be valid for a period of three (3) years from the date of approval. The owner and/or operator may seek an extension of the approval period from the appropriate decision-making authority by demonstrating a need for an extension and filing an application with the County Planning Department. Each renewal application shall be accompanied by the appropriate fee, as established by the Board of County Commissioners and may only be granted for year increments, up to a total of three (3) additional years. If the owner and/or operator fails to achieve substantial construction and installation of the facility within the approved period, including any extensions, the approval shall expire and a new application shall be required. The applicant shall be responsible to apply for and obtain any necessary extensions for any building permit issued for the facility.

APPROVED this _____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO

Gordon H. Westhoff, Chair

Jon J. Becker, Commissioner

Mark A. Arndt, Commissioner

ATTEST:
(SEAL)

Kevin Strauch, Clerk to the Board

NEWSPAPER POSTING AFFIDAVIT

**NOTICE OF PUBLIC HEARING
MORGAN COUNTY PLANNING COMMISSION
MAY 8, 2023 AT 7:00 P.M.
VIRTUAL AND IN PERSON IN THE ASSEMBLY ROOM, MORGAN COUNTY
ADMINISTRATIVE BUILDING, 231 ENSIGN, FORT MORGAN, COLORADO**

Notice is hereby given that on the date and time above (or as soon as possible following the scheduled time) and at the location above, or at such time and place as this hearing may be adjourned, the Morgan County Planning Commission will conduct public hearings on the following proposed **Amendments to the Morgan County Zoning Regulations**:

- 1.) **Zoning Amendments:** Approval Time Frame and Abandonment for Solar Collector Facilities, Battery Energy Storage Systems, and Wind Energy Facilities.

THE COUNTY WILL CONTINUE TO OFFER THE OPTION TO ATTEND MEETINGS REMOTELY. IF YOU HAVE ANY QUESTIONS REGARDING ATTENDING THE MEETING, PLEASE CONTACT THE PLANNING OFFICES AT 970-542-3526.

To participate remotely you may connect via Zoom at:

<https://us02web.zoom.us/j/84949380152>

Or Telephone:

Dial:

+1 719 359 4580 US

Webinar ID: 849 4938 0152

All materials will be available for inspection at the Planning Administrator's Office, 231 Ensign Street, basement, Fort Morgan, Colorado, during regular office hours. At the time of hearing, opportunity will be given for the presentation of evidence in support of or in opposition to the amendments.

Nicole Hay
Morgan County Planning Administrator

Published: April 22, 2023

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MAY 8, 2023 AT 7:00 P.M.
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COUNTY ADMINISTRATIVE BUILDING, 231 ENSIGN,
FORT MORGAN, COLORADO

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Nicole Hay
Morgan County Planning Administrator

Published: Fort Morgan Times April 22, 2023-1970838

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Morgan
State of Colorado

The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Fort Morgan Times*.
2. The *Fort Morgan Times* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Morgan County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Fort Morgan Times* in Morgan County on the following date(s):

Apr 22, 2023

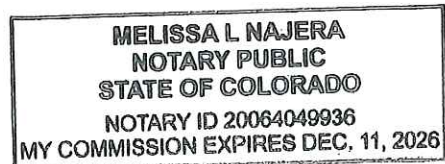
Shayla Najera
Signature

Subscribed and sworn to me before me this

24th day of April, 2023

Melissa L Najera
Notary Public

(SEAL)



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