

**MORGAN COUNTY PLANNING COMMISSION**  
**May 8, 2023**

The Morgan County Planning Commission met on Monday, May 8, 2023, at 7:00 P.M. in the Assembly Room of the Morgan County Administration Building. The meeting was called to order by Chairman Nathan Troudt.

Chairman Nathan Troudt, Robert Pennington, Erik Mohrlang, Allyn Wind and Dave Musgrave were present. Clayton Miller attended via ZOOM platform. Pete Mercer was absent. Nicole Hay, Planning Director, Cheryl Brindisi, Planning and Zoning Administrative Assistant, Jenafer Santos, Planning and Zoning Technician were also present. Karol Kopetzky, IT Specialist attended via ZOOM platform.

**APPROVAL OF AGENDA:**

It was moved by Erik Mohrlang and seconded by Allyn Wind to approve the Agenda as presented. Motion Carried 5-0. Clayton Miller abstained.

**APPROVAL OF MINUTES:**

It was moved by Allyn Wind and seconded by Erik Mohrlang to approve the Minutes from the April 17, 2023 Planning Commission Hearing.

Motion carried 5-0. Clayton Miller abstained due to his absence from that meeting.

Chairman Nathan Troudt read the hearing process for tonight's meeting.

**OLD BUSINESS:** None

**NEW BUSINESS:** Amendments to the Morgan County Zoning Regulations.

**Planning Director, Nicole Hay**, read her file summary as follows:

**AMENDMENTS TO 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

**PLANNING COMMISSION COMMENTS:**

**Robert Pennington** asked for clarification on the extension process. Total of 3 years, 1 year at a time?

**Nicole Hay** explained that the applicant can ask for 2 or 3 if they want. It depends on where they are at in the process. They have to do it prior to the 3 years' deadline. They would fill out an application with us. Once they get to year 7, they will start all over with the entire process.

**Robert Pennington** asked if they have not broke ground and their first 3 years expire, can they ask for another 3 years?

**Nicole Hay** answered, "They have to do it prior to the original 3 years' deadline. They would fill out an application with us and then it would actually go to the Board of County Commissioners as a General

Business item for discussion. They would have to explain why they need the extension. That would give them a total of 6 years. Once they get to the 7th year then they will start all over with the entire process.

**Dave Musgrave** asked if the scenario was the whole 6 years?

**Nicole Hay** said that it's a possibility.

**Clayton Miller** asked if this is more consistent with the solar companies or what they are used to?

**Nicole Hay** gave an example of why we are asking to amend these regulations. Once a project gets approved, just because the Land Use is approved, they may not have a PPA from Xcel or whichever energy company. It may not come for 6 to 8 months. From there they have to finalize their decommissioning plan, geotechnical survey, drainage plan, etc. A lot of final plans have to come back to planning and zoning. Then some items are sent out to consultants for review and that can take up to 3 months. By then you're 10 months in to a project leaving them 24 months left to build. Nicole's understanding is that these size of projects take 3 years minimum to be built and become operational. These type of projects can become a waiting game to get started and completed. They want to get ahead with a land use permit but may not have the PPA yet. PPA stands for Power Purchase Agreement. If their project isn't picked, then they won't start construction and the permit expires after 3 years. Even if they were to approve these projects, we may not see final documents until this fall.

**Eric Mohrlang** asked if this will be retroactive to the ones that we've already approved?

**Nicole Hay** This will be going to the Board next Tuesday on the 16<sup>th</sup>. This will be the first thing so if they approve it, it will affect anybody after that. What was originally in the approval timeline was a 24-month period with only (2) 6 month extensions for a total of 3 years. The large solar projects will need more time.

**Allyn Wind** mentioned that he would like to see the abbreviations of SCF, BESS and WEF named in parenthesis, such as SCF (Solar Collector Facilities), BESS (Battery Energy Storage System), WEF (Wind Energy Facility) for better clarity and understanding of what these abbreviations represent in the regulations. It would be easier to understand what is being addressed.

**Robert Pennington** asked if extensions should be granted for 1 year increments? He thought it was for 1 year at a time.

**Nicole Hay** mentioned that since it is up to 3 years, they can ask for 1,2 or 3. It says in 1 year increments so they can't ask for 18 months but can ask for 1 or 2 years. That's what is meant by year increments. They will need to explain to the Board why they are asking for however many years. Sometimes it can be due to supply availability. How these are written is from the time of the approval, they have 6 years if they come back and ask for a 3-year extension. Once they hit the 7<sup>th</sup> year, it will be a new application process.

#### **PUBLIC COMMENT OPEN: NONE**

#### **PUBLIC COMMENT CLOSED**

**Robert Pennington** moved to recommend approval of the amendments to the zoning regulations as presented. Along with looking into adding the consistency of the abbreviations. Also to look into the wording if we are missing the 1-year increment or if that's how it is intended to be read.

**Dave Musgrave** seconded.

**Chairman Nathan Troudt** noted that it was moved by Robert and seconded by Dave to approve the Resolutions as presented with the additions of the acronyms as suggested by Allyn Wind and clarification on the 1, 2 and 3 year agreements.

Roll call vote. Motion passed 6-0.

These proposed amendments for Zoning Regulations will move on to the Board of County Commissioners meeting for May 16, 2023.

**Eric Mohrlang** motioned to adjourn the meeting. **Allyn Wind** seconded that motion. Motion passed 6-0. Meeting was adjourned at 7:28 P.M.

Respectfully submitted, *Cheryl Brindisi* Planning and Zoning Administrative Assistant