

MORGAN COUNTY PLANNING COMMISSION
September 11th, 2023

The Morgan County Planning Commission met on Monday, September 11th, 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, Pete Mercer, Robert Pennington, Clayton Miller, Erik Mohrlang, Rob Chilson and Dave Musgrave were present. Nicole Hay, Planning Director, Cheryl Brindisi, Planning and Zoning Administrative Assistant, Jenafer Santos, Planning and Zoning Technician, Kathryn Sellars, Morgan County Attorney and Karol Kopetzky, IT Specialist attended.

APPROVAL OF AGENDA:

It was moved by Erik Mohrlang and seconded by Dave Musgrave to approve the Agenda as presented. Motion Carried 7-0.

APPROVAL OF MINUTES:

It was moved by Robert Pennington to approve the Minutes from the August 14th, 2023 Planning Commission meeting. Clayton Miller seconded. Motion passed 7-0.

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

OLD BUSINESS: : Taelor Solar 1, LLC-Continued from August 14th, 2023.

NEW BUSINESS: Sandy Hills Family Dairy, LLC

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

OWNER: Sandy Hills Family Dairy, LLC
APPLICANT: Tim Naylor - AGPROfessionals

This application is for an Amended Special Use Permit to allow for the expansion of an existing permitted Sandy Hills Family Dairy confinement operation (CAFO), formally known as Cactus Acres Holsteins which has been a permitted operation since 1993. An Amended Special Use Permit for an expansion to 5,600 animal units was granted by Resolution 2000 BCC 59 and is included in your packets. The permitted area is located in a part of the NW¼ and the N½SW¼ of Section 14, Township 3 North, Range 59 West of the 6th P.M., Morgan County, Colorado, aka 15884 County Road 10, Fort Morgan, Colorado.

This request is for an expansion into a part of the NE¼ of Section 15, Township 3 North, Range 59 West of the 6th P.M. and an animal expansion to 14,245 animal units or 14,500 head. In addition, they intend to install a heifer operation, composting, and an anaerobic digester facility on the parcel west of the existing operations. They will also install an additional dairy barn, two free stalls, and exercise lots south of the existing dairy operations. The property is zoned Agriculture Production and in the Wiggins Fire District and Fort Morgan Fire District.

The applicant also submitted a variance application for a reduction of setback for the feeding operation from occupied structures. The variance application was considered by the Board of Adjustment in a public hearing on August 21, 2023. That request was granted by Resolution 2023 BOA 02 and is also included in your packets.

Included in your packets is a letter from Morgan County Quality Water stating they will have no problem providing water. A letter from Bijou Irrigation requesting conditions including any run-off should slope away from the ditch, a 60 foot setback from the edge of the ditch for buildings and corrals to allow for maintenance, and proven ability to contain run off that might occur.

Referral responses from XCEL, CDOT, CDPHE, and the Town of Wiggins are also included in your packets.

In reviewing this application, the Planning Commission and Board of County Commissioners are required to make a finding that the criteria for granting a Use by Special Review in Section 2-395 of the Morgan County Zoning Regulations has been met.

Section 2-395 Special Use Permit Criteria:

- A. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan. Specifically:

The property is located in the southwestern planning area as defined by the Morgan County Comprehensive Plan. In this area Comprehensive Plan goals include:

Encourage the preservation of agricultural production land to ensure continuation of this important industry. The facility is an agricultural business related to the dairy industry. The property use is necessary in Morgan County to preserve the agricultural economic base historically attributed to the area.

- B. The application documents are complete and present a clear picture of how the use is to be arranged on the site.
- C. The Site Plan conforms to the district design standards of Section 2-420 and Section 4-200 of the Morgan County Zoning Regulations.
- D. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvement, site plan requirements or other mitigation measures.
As the operation is existing, additional impacts are expected to be minimal. Proposed use impacts upon existing uses and the environment are detailed in the included Nutrient Management Plan and Nuisance Plan.
- E. The special use proposed has been made compatible with the surrounding uses and is adequately buffered from any incompatible uses by distance and topography.
A variance was granted from existing residences located within 1,320 feet of the proposed site. Other adjacent uses include pasture and dry farmland.
- F. The special use poses no or minimal risk to the public health, safety and welfare.
Subject to the implementation of the Nuisance Control Plan, the application satisfies this criteria.
- G. The special use proposed is not planned on a nonconforming parcel.
The proposed Special use is located on a conforming parcel.
- H. The applicant has adequately documented a public need for the project. 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 existing dairy operation supplies milk for consumption and to local processing facilities to be made into other food products.

- I. For any special use requiring a supply of water that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity and reliability and in the case of human consumption, quantity, quality, and reliability.

Water will be provided by Morgan County Quality Water

The following condition is recommended for the special use permit:

1. The digester approved with this Permit may only process plant and animal materials originating from the permitted area of this SUP. No plant and animal materials originating from outside the permitted area shall be processed through the digester, until a separate special use permit is approved by the County.

Nicole Hay,
Morgan County Planning Administrator

APPLICANT: AGPROfessionals-Tim Naylor, presented this application on behalf of Sandy Hills Family Dairy to the Planning Commission. Tim also included that Sandy Hills Family Dairy is requesting Vesting Rights for an additional 5 years along with the 3 years for an overall total of 8 years.

PLANNING COMMISSION DISCUSSION:

Robert Pennington asked if there had been discussion for the need for turn lanes off of County Road Q?

Tim Naylor stated that it was not suggested by anyone.

Pete Mercer asked if a Traffic Report had been completed?

Nicole Hay said that they were talking with Road and Bridge and they have not stated one way or another about a need for any turn lanes.

Nathan Troudt asked for an explanation of why they were Vesting?

Tim Naylor explained that the Goedert's would like to buy out the remaining partners.

Clayton Miller asked if Quality Water is responsible for the full expansion or would some of the existing water shares be used?

Tim Naylor explained that they have an existing tap. They will have to purchase water from Quality Water. Kent Plagler, with Quality Water, has indicated that they have adequate water to supply their needs. Sandy Hills will need to buy more taps.

Eric Mohrlang asked if the amount of water for this project has been questioned by anyone?

Tim Naylor stated, "No. When we talked about expanding, Morgan Quality Water was the first people we contacted."

Erik Mohrlang stated that it appears from satellite pictures that a lot of the new heifer area is being used as a manure compost area.

Tim Naylor noted that there is a lot of manure in that area.

Pete Mercer asked if the 50-60 vehicles was spread out over the two-three shifts?

Tim Naylor believed that it would be over a couple shifts.

Clayton Miller asked if that would be additional employees or total?

Tim Naylor said that would be the total.

Clayton Miller asked what that would increase to?

Tim Naylor said that would basically double what it is today.

Public Comment Open For and Against:

Walter Longacre 10348 CO RD Q, Fort Morgan, Neighboring landowner, commented that he is in full support of this proposed expansion of Sandy Hills Family Dairy.

PUBLIC COMMENT CLOSED

PLANNING COMMISSION DISCUSSION:

Robert Pennington asked Nicole if a Traffic Study needed to be done due to the increased truck traffic and employee traffic or is that at the discretion of Road and Bridge?

Nicole Hay stated that it would most likely be at Road and Bridges discretion. Road and Bridge knows the area and the traffic. Nicole generally goes off of their recommendations. She doesn't believe that they had any issues with County Road Q. County Road 10 and the maintenance of it was their main concern.

Robert Pennington asked how did the existing ponds hold up this year to the heavy rains?

Tim Naylor mentioned that they did get close to going over but there was a lot of discharges this summer with the amount of rain in the northeast Colorado area. The State did take that in to consideration. As long as the various facilities affected were in compliance with their ponds the State did not take action with violations.

Clayton Miller motioned to approve this Amended Special Use application as presented along with the conditions that are outlined in the File Summary.

1. The digester approved with this Permit may only process plant and animal materials originating from the permitted area of this SUP. No plant and animal materials originating from outside the permitted area shall be processed through the digester, until a separate special use permit is approved by the County.

Dave Musgrave seconded the motion.

Roll call vote.

Motion carried 7-0.

This application will move forward to the Board of County Commissioners on October 3rd, 2023.

APPLICANT: Taelor Solar 1, LLC-Matt Mooney & Liam Norris

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

Planning Commission Chairman, Nathan Troudt, asked the Board if they would like to open Public Comment for the continued Taelor Solar hearing. Public Comment was closed at the conclusion of the last Taelor Solar meeting.

Erik Mohrlang motioned to reopen Public Comment for this continued hearing, for only the new information that has been presented to the Board tonight and to strictly limit the comments to 3 minutes maximum.

Clayton Miller seconded that motion.

Roll call vote.

Motion carried 7-0.

APPLICANTS: Taelor Solar, LLC, represented by Matt Mooney, Balanced Rock Power Vice President and Liam Norris, Director of Engineering, located at 310 E 100 S. Moab Utah, 84532, and Taylor Henderson, Balanced Rock Power, 191 University Blvd, Denver CO. 80206, presented new information concerning this application to the Planning Commission.

Matt Mooney stated that they do understand that several of the neighbors to the north of the proposed project expressed concerns. He noted that today they are willing to offer up forgoing the installation of panels in the northern 320 acre section between County Road M and County Road M.5.

Robert Pennington asked for this area to be shown for viewing on the map shown on the screen. This map was made available and areas pointed out by staff via the Zoom platform as well.

Taylor Henderson pointed out on the map available for the presentation, the location of the acreage to be excluded.

Clayton Miller asked why is Taelor Solar willing to remove that area?

Matt Mooney explained their reasoning for forgoing the use of the 320 acres was due to several factors such as the neighbors living near the perimeter and also this area is flood prone. To build there would require engineering.

Taylor Henderson mentioned that based on the community feedback that they have received and the feedback that they have gathered most concerns were around the viewshed.

Matt Mooney encouraged the community members to meet with them to discuss this proposed project.

Rob Chilson asked about clarification for the changing of setbacks in the layout plan. He asked Taelor Solar for clarification that County Road M to County Road M.5, there will be no panels?

Matt Mooney answered, "Correct. We would request the ability to retain the ability to put lines, circuits and roads in that area as needed. We are willing to exclude that area from use for panels."

Taylor Henderson stated that Taelor Solar is asking, if this application is approved in favor of by the Planning Commission that their be a condition of no modules on that space. He understands that neighbors from the north enjoy the viewshed across Magnum Feedyards property, as do neighbors looking from the east to the west.

Rob Chilson asked what the closest solar panel to a residence is?

Taylor Henderson said that would be the area south of County Road M. He thought maybe a half of a mile. He said that 67 landowner letters with the company's information and a request for them to contact Taelor Solar were sent out to landowners within 2 miles of the proposed project in Morgan and Weld counties as well as those along the haul route.

Nathan Troudt asked if solar panels or battery storage can be seen from the outer edge of this 320 acres?

Matt Mooney said ½ mile.

Clayton Miller What equipment might still be there? Utilizing the 320 acres only for access?

Matt Mooney said, "Access or perhaps service. Which will be underground."

Nathan Troudt wanted to know if he would be able to visually see anything related to solar?

Matt Mooney stated, "Correct."

Taylor Henderson mentioned that in good faith they anticipate that the continued use would be irrigated pivots. Irrigated pivots is what it is today.

Clayton Miller asked if that was in written proposal or good faith?

Matt Mooney stated, "We are in good faith stating this on record."

Taylor Henderson stated, "We would offer this as part of the condition."

Nathan Troudt Asked for clarification shown on the presentation, that for the school district alone it would be \$48.2M for a 30 year commitment?

Matt Mooney said correct. The parcels in Weld County that Taelor Solar intends to seek permitting for, those parcels have taxing districts to the Wiggins school district for \$32.5M.

Dave Musgrave wanted to know why Weld County's Fire District is \$8.5M and Wiggins Fire District is \$2.8M?

Matt Mooney noted that it is a matter of allocation of megawatts. Taelor Solar is proposing 250MW of solar in Morgan and 650MW in Weld. Matt mentioned that Taelor Solar plans to host a town hall meeting at the Wiggins Elementary School on September 27th at 6:30 P.M.. They will plan to have subject matter

expert stations for people to come and meet with them regarding this proposed project to include topics on construction, property values, operations and technology as well as economic development.

Liam Norris states that Taelor Solar is aware of the road conditions and bridges along the haul route. They are willing to work with Road and Bridge to set that up on a Road Use Agreement. Taelor Solar is offering to pave the portion of County Road M that they will be using to reduce any of the dust through there. Liam reiterated that they would like to talk to the neighbors along the haul route and community members that are affected. The majority of the traffic on this project will take place in the summer. Dust suppression will be applied to keep the dust down during this project.

Robert Pennington asked what the length of time the construction would be?

Liam Norris said approximately 22 months but it can be done in a shorter timeframe. Weld County and Morgan County construction will take place simultaneously.

Taylor Henderson said that an advertisement of their town hall meeting will be posted in the Lost Creek Guide in advance of the meeting. Taelor Solar mailed notices to landowners along the haul Route and landowners within 2 miles in Morgan County and 2 miles in Weld County of the proposed project area. They would like to gather information from people that would like to speak about this project.

Clayton Miller asked if the 320 acres that are being excluded this evening were in the letters to the landowners that Taelor Solar recently sent out?

Matt Mooney stated, No, they decided to offer that up this evening.

Robert Pennington asked about the flight plans on page 5, section 3.2.2. in the Glare Study.

Matt Mooney said that it means that no airports exist within a 10 mile radius of that study. Matt pointed out that there are solar panels around DIA.

Nathan Troudt asked if it their was a consideration of the commercial airliners flying over this project.

Liam Norris noted that the modules are manufactured in such a way that have a coating on the front that absorbs the light and does not reflect it. The glass frames are optimized in order to avoid reflection.

Robert Pennington stated that in Section 3.2.3, these routes were assessed for glare at a height 3½ feet above grade. Robert asked if that was the panels themselves or is that like a height of a vehicle going down the road?

Taylor Henderson said that it is the bottom edge of the panels and a tube height of 5 feet off of the ground. That is the point where the solar panels are tipping over.

Robert Pennington asked about Section 2.4 of the Glare Study. Asked if the resting angle is flat, 90 degrees?

Liam Norris explained 0 degrees would be flat. The resting angle won't be at 0 degrees. The panel will be resting at an approximate 10 to 15 degrees.

He explained that the only time that they would be flat is when the sun is directly above them.

Throughout the day they track perpendicular with the sun.

Taylor Henderson noted that the results of the Glare Study included the 320 acres discussed tonight from the original plan. The study mentions that it was not impactful.

PUBLIC COMMENT OPENED: Chairman Nathan Troudt reminded those in attendance of this Planning Commission meeting that there is a 3 minute limit for any public commenting. The public commenting is strictly limited to the new information brought forth this evening by the applicant.

PUBLIC COMMENT IN FAVOR:

Steve Gabel, Owner and Operator of Magnum Feedyard, 11665 MCR 1, Wiggins, CO. Steve is in favor of this project. He stated, "The concessions of the development partner that we have, have agreed to not build any panels on the only property that Magnum Feedyard would have had involved in Morgan County. I think this shows their willingness to get along. The community has made statements that they

just heard about this in the last 6-8 weeks.” Steve noted that he has negotiated with Balanced Rock for the last 2½ years. He mentioned that at the August 14th, 2023 meeting it was commented by the public that Balanced Rock had first approached Gutterson Ranch and then Cervi Ranch. He feels that this is an inaccurate statement and states that they were never contacted to be involved in the project. “The fact that Balanced Rock has agreed to not build any panels on the Morgan County land that we have contracted to them, which would be south of County Road M.5 and west of County Road 1, means that the closest panels would be built on Magnum owned property in Weld County. That’s at least a ½ mile away from any residence. Steve encouraged the Planning Commission to recognize that Balanced Rock is acting in good faith. They have made several attempts to contact the community members, most of whom aren’t willing to visit with them about the project. The only way for those bridges to be mended is for both sides to sit down and communicate.” Steve urged the Planning Commissioners to approve this application to move on to the Board of County Commissioner’s.

PUBLIC COMMENT AGAINST:

Sandy Gomke: 12851 MCR 2, Wiggins, Co. This project has been in the works since 2022. She states that she did not know about it until late June, into July and that is when she received her first letter. Sandy was concerned about the road conditions, bridges, wildlife, the devaluation of the homes nearby and the visual pollution caused by the placement of panels and materials. She also noted that towns of Wiggins, Roggens and Keenesberg are not on the list to get electricity from Xcel Energy and wanted to know how this project would benefit Wiggins?

Justin Steffen: 02547 Co Rd M, Wiggins, Co. states that he was not contacted until June 26th. He felt that there was a discrepancy in the acreage that Rumsey’s had leased and the overall total of acreage at the proposed solar farm site. He was concerned about the zoning for this project and the devaluation of his property values, road conditions, more traffic and people. “It will no longer be Agricultural Property. It will be more of a Commercial Property.”

Jessica Price: 12434 Co Rd 1, Wiggins, Co. would like to see a Traffic Study done. Jessica is concerned that this proposed project will bring in more noise, traffic and nuisances. She noted that the pictures shown for references of previous solar farms did not show homes near them.

Jolene Baumgartner: 0747 Co Rd M.5, Wiggins, Co. Jolene expressed concerns that Taelor Solar only has a Fire Mitigation Plan for the batteries and not the facility as well. She said they do not have an adequate water supply for fires and also wanted to know why they have a \$1 million disease policy per employee. She noted that Taelor Solar’s incorporation date is January 23rd, 2023 and wanted to know how they can mention that they have been doing this for the last 2 years?

Becky Blake: 10283 Co Rd 95, Wiggins, Co. She is a resident on the Weld County side of this project. Becky expressed concern that she did not receive any notice until recently. She states that the aerial pictures of other solar projects provided by the applicant are significantly smaller than this one. Becky was curious if hotels in Morgan County would benefit from the workers staying in them or if Keenesberg or Hudson would benefit. She noted that the Glare Study was done by a company out of Canada and she wanted to know if it was based off of information or if it was emailed to them. She says that she will be contacting Taelor Solar to talk with them.

Larry Cash: 9524 WCR 93, noted that he was told that a Solar Farm cannot be within 5 miles of the airport. He stated that the Town of Wiggins sent a letter of opposition. He expressed that there is no water in the Wiggins area to be used for a facility this size. Larry stated that he received his first letter today and it was mailed Saturday.

Jennifer Haubert: 3119 Co Rd R, Wiggins, Co. expressed concerns about the traffic and the possible accidents this may cause on the route. She mentioned a traffic light or painted lines to help control the increased traffic.

Virginia Steffen: 02547 Co Rd M, Wiggins, Co. expressed the concern of the large size of this proposed project. She mentioned that if her road gets paved then the semis will travel at even higher speeds.

Chaundra Jacobs: 01532 Co Rd M, Wiggins, Co. expressed concern that she has not been notified of this project.

Robert Loose: resides in Weld County. His land borders this project on 2 sides. He stated in Range 62, 61, 60 there are 29 permitted alluvial wells. Out of the 29, 9 are domestic. In Weld county where he lives he has 5. Weld county does not have Quality Water and the residents rely on the alluvial water. Robert stated that the aquifer water level in 1935 was at 34' 10" when his Dad drilled for water. Today it is at 78'. Robert expressed concerns about the contamination from washing the screens and the underground infrastructure that will be put in. He stated that he was in contact with FAA and they informed him that they were not aware of the project. He contacted Centennial Airport and states that they informed him they are more concerned of the heat that the panels can put out more than the glare. "The heat is anticipated to be 10-20 degrees hotter above this project and the planes may have to climb to an altitude of 20,000." He noted that this project goes through 2 drainage basins that both ran this year. Robert mentioned that he did not agree to Public Service going through his property. He states that he only conceded due to threats of eminent domain. His family has lived on this land since 1938 and he is living in the house that he was born in.

Brandon Allart: 01151 Co Rd M, Wiggins, Co. states that he did not receive the letter that was mentioned to have been mailed out this last week to landowners within a 2 mile radius. Brandon stated that he has not signed for any certified letters recently either. He noted that on page 14, it mentions avoiding the Rock Creek floodplain. He pointed out that later in the application it mentions running circuits underground through the floodplain. Brandon mentioned he and his neighbors do not get Xcel Energy and they would like to see the project moved to somewhere that does receive Xcel Energy.

Mark Tapey: 02715 Co Rd M, Wiggins, Co. read the Morgan County Regulations 3-165, 3-425 emphasizing that Agriculture land is a highly valued resource in Morgan County. He spoke about a Property Value Guarantee Agreement that he had brought to tonight's meeting. The landowners would get their property valued as it sets right now. He noted that in this contract it mentions that if the landowner cannot sell their property within the 5% of the appraised value then Taelor Solar can pick up the tab. They have a couple 180 day terms. If they cannot sell their property in those two cycles than Taelor Solar buys their property.

Chris Franzen: 1102 Johnson St, Wiggins, Co. expressed concerns about the fire suppression for a solar facility of this magnitude. He also noted that to extinguish a battery fire can be extremely difficult. He gave an example of the recent solar facility fire in New York that burned for 6 days. Chris raised concern over the vegetation of other smaller solar farms in Colorado where the weeds are not being maintained. He expressed that a 9,000 acre solar farm would be difficult to keep the weeds down especially after a rainy year like this year. Chris states that several local pilots will not fly over a facility like this or cropdust near it due to the heat that the solar panels can put off that can cause it to be too dangerous. He expressed his concern to keep this area Agricultural land.

Mattie Bowling: 00885 Co. Rd. M.5, Wiggins, Co. mentioned that she found it interesting that the applicant just let everyone know tonight that the project will no longer be in front of her home. She says it's not because of her outreach to them. She noted that her interaction with them was also with an energy company that told her that they needed a Right-of-Way through her property. This was approximately 8 months ago. Mattie says that she was told that if she did not give them a Right-of-Way they could take her to court. She gave them a counter offer and has never heard back from them. Mattie says she has not heard anything until she received a certified letter because she is a mineral owner. She also expressed concern over the increased traffic and road conditions and jobs lost in this county due to this project. She states that she has 820 total signatures on her petition against this project. That she would like to turn in to the County. (This petition has been added to the Taelor Solar file)

Billy Blair-Yokum: 43781 Co Rd 42 ½, Orchard, Co. States that she did not receive a letter. Billy would like to know where 10-acre feet of water mentioned in the application will come from. She is concerned that it will dry up the aquifer at the proposed rate and cause damage to the surrounding farmers, ranchers and neighbors water availability. She would like to see a 20-year Hydrology Study done. Billy also expressed concern about the increased traffic and road conditions. How will the roads and bridges handle

the multiple trucks needed to haul in 6 inches of topsoil on 10,000 acres mentioned in one of Taelor Solar's plans?

Robert Mayer: 01150 Co Rd M.5, Wiggins, Co. expressed concern over the need for bond measures to secure for upgrades of the fire suppression equipment throughout the years. He noted that it takes a special apparatus and a lot of water to fight a fire the size of the proposed solar farm. He referred to the fire at the solar farm in New York that burned for several days. Water would have to be hauled in to fight a large fire. He is on the Wiggins Fire Department and explained that the Wiggins Fire Department would bare the brunt of the burden first and then SE Weld would show up after the fact, where they are in mutual territory. He noted that there are a couple designated MedEvac Landing Zones in this area and the glare may be an issue. Robert states that at the last meeting on the 14th of August, Taelor Solar was to continue their discussions with the Wiggins Fire Department. He has not heard of an update. Taelor Solar went before the Wiggins Township meeting of Trustees and in discussion with the Mayor, were strictly encouraged to find a haul route so that when they moved into the Weld County portion of the project, all of that haul route would not bare the burden in Morgan County. He expressed concern about property devaluation. Robert stated that the outreach that Taelor Solar mentioned to have taken place with landowners as early as February, 2023 was not about this project but instead was about egress through the neighbors property.

Randy Ravensborg: 12851 CO Rd 2, Wiggins, Co. explained that he has lived in the area for 15 years. He expressed concern that there is an increased risk of fire and flood to the area. He looked through the Storm Water Management Plan and also the Hydrology Study and said that it didn't mention what impact Taelor Solar Facility would do to the flows of the creek. He states that the creeks will be affected. He says that the Storm Water Management Plan is a temporary plan for construction. Randy noted that the retention pond plan looks as if they will be using the creek as their retention pond.

Jeremiah Jacobs: 1532 Ro. Rd. M stated that the Magnum Feedyard cannot control the dust that they create currently. How will the dust be handled in the future? He noted that he has looked in to research that shows an increase in thunderstorms and tornados over massive farms such as this.

PLANNING COMMISSION DISCUSSION:

PUBLIC COMMENT CLOSED:

10 Minute break for the Planning Commission meeting.

Rob Chilson asked what the specific acreage would be of the project with the 320 acres they proposed to not place panels on?

Matt Mooney said it was 4,140 acres minus the 320 acres.

Nicole Hay clarified that if it were approved today, it would be approved for the entire special use permit area, not just where the solar panels will be. The special use permit area would not be changing.

Taylor Henderson mentioned they would request a condition on approval of no modules or inverters to be installed on the 320 acres.

Rob Chilson asked if they were asking them to approve the entire 4,140 acres?

Taylor Henderson said "With a condition that on the piece of property, the half section of Magnum Feedyard will not have modules or inverters." That area is south of Co Rd M.5 and north of Co Rd M.

Matt Mooney corrected that the total acreage is 4,410 acres.

Rob Chilson asked the applicants to speak about the claims that people have not been receiving letters from them?

Matt Mooney specified that the people within a 2 mile radius in Morgan County, they have certified mail stubs for all but 2 of them. He noted that those letters were sent out voluntarily.

Taylor Henderson clarified that on June 16th, their team sent letters to neighbors in Morgan County within 2 miles, and 7 of them were returned. What is required of us is to send them with the last known address on the Assessor's site. He mentioned that he has also driven around the areas, knocked on doors,

and has left hand written letters and received negative responses. He believes there is a lack of willingness to engage from the community's side.

Matt Mooney added that they received one response with the initial batch of letters.

Dave Musgrave asked what happens if one of the counties (Weld or Morgan) decides to deny one of the applications?

Matt Mooney stated they plan to build out the Morgan County phase first.

Taylor Henderson clarified that they sent the mailers within 2 miles of Morgan County, within 2 miles of Weld County, and to residences along the haul route.

Clayton Miller asked the applicants to address the incorporation date of the business.

Matt Mooney answered that there is a holding company that holds a portfolio of projects. When we decide to bid it into an opportunity, its common business practice to assign the interests to a fully owned affiliate.

Clayton Miller asked the applicants to comment on the opposition from the Town of Wiggins.

Taylor Henderson said that there was a miscommunication. He said that the Town of Wiggins had no issues with the haul route.

Clayton Miller asked for clarification for the disease policy that was mentioned previously.

Matt Mooney believes it is common if there is a place of employment to insure your employees against that kind of risk. There is no inherent risk associated with this solar project.

Clayton Miller asked if they can comment on anything regarding the Wiggins Fire Department or a Fire Plan?

Matt Mooney emphasized that it is a process to work with the Fire District. We are in the early stages of that process. In order for them to work with the Fire District and to have a fully formed Fire Mitigation Plan, they will need to be further along in the process to know the equipment and finalized site plan. We fully intend to form those plans as the project matures.

Robert Pennington asked for clarification about the email from John with Morgan County Road and Bridge that states they wouldn't approve the road between Co Rd 1 and Co Rd 3 if it wasn't paved, is that correct?

Nicole Hay answered, "Correct."

Taylor Henderson commented that they are sensitive to the traffic concerns and welcome feedback for ways to address those concerns.

Matt Mooney re-emphasized the economic developments in this project.

Robert Pennington motioned to approve this project with the conditions (A) through (N), along with not developing the 320 acres that were mentioned, and paving Co Rd M.

Erik Mohrlang seconded the motion.

Rob Chilson, Robert Pennington, Erik Morhlang voted Yes. **Clayton Miller, Dave Musgrave, Pete Mercer and Nathan Troudt** voted No.

Motion is denied with a vote of 4-3.

Application moves on to the Board of County Commissioners for a future hearing date.

Clayton Miller motioned to adjourn the meeting.

Pete Mercer seconded the motion.

Motion carried 7-0.

Meeting was adjourned at 10:15P.M.

Respectfully Submitted,

Cheryl Brindisi, Planning and Zoning Administrative Assistant