

**MORGAN COUNTY PLANNING COMMISSION**  
**October 15, 2024**

The Morgan County Planning Commission met on Tuesday, October 15, 2024, at 6:00 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, Rob Chilson and Dave Musgrave and Pete Mercer were present. Vice Chairman, Erik Mohrlang was absent. Nicole Hay, Planning Director, Cheryl Brindisi, Planning and Zoning Administrative Assistant, Jenafer Santos, Planning and Zoning Technician and Karol Kopetzky, IT Specialist attended.

**APPROVAL OF AGENDA:**

It was moved by **Dave Musgrave** and seconded by **Rob Chilson** to approve the Agenda as presented. Motion passed 4-0. Pete Mercer was unavailable at this time to vote on the Agenda.

**APPROVAL OF MINUTES:** It was moved by **Robert Pennington** and seconded by **Dave Musgrave** to approve the August 12, 2024 and September 9, 2024 Minutes. Motion passed 4-0. Pete Mercer was unavailable at this time to vote on the Minutes.

**OLD BUSINESS:** None

**NEW BUSINESS:** Amendments to the Morgan County Zoning and Subdivision Regulations, Pivot Solar 71 LLC, Roadrunner Energy Farm, LLC.

**PROCEDURAL:** **Chairman Nathan Troudt** read the hearing process for the Regulation Amendments portion of the meeting.

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

**AMENDMENTS**  
**MORGAN COUNTY ZONING AND SUBDIVISION REGULATIONS**

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

Notice requirements – Zoning and Subdivision Amendments. The proposed amendments revise the requirements related methods of published and public notices for land use permits, variances, subdivisions, and text amendments to the Subdivision and Zoning Regulations. Currently, when required, notices have been published in Fort Morgan Times, as the general newspaper of circulation in the County. Recently, the Fort Morgan Times has changed their publishing schedule. The paper will be published (hard copy) once a week on Thursdays. The deadline to get notices published in the paper has also changed, moving it up a week, causing applications to be delayed. With this change, staff started looking more closely at the Zoning and Subdivision Regulations’ requirements for published notices for each type of application. Some of the notice requirements are statutory and require at least one publication in a newspaper of general circulation in the County.

Generally, the proposed amendments to the Zoning Regulations would eliminate published notices in the newspaper for special use permits and variances and only require posting to the website to match what is currently being done for conditional use permits.

The proposed amendments to the Subdivision Regulations would also make notices more consistent across the permit types. Amendments to Subdivision Regulations would now include published notice on the website which is consistent with amendments to the Zoning Regulations. Deviations from Subdivision Regulations, amended plats, major subdivisions, minor subdivisions, plat vacations and replats would require website notices only and eliminate publishing in the newspaper. Notices posted on properties would also be added for major and minor subdivisions.

Nicole Hay  
Morgan County Planning Director

**PUBLIC COMMENT OPEN:** None

**PLANNING COMMISSION DISCUSSION:** None

It was moved by **Robert Pennington** and seconded by **Robert Chilson** to approve the Amendments to the Morgan County Zoning and Subdivision Regulations for Notice Requirements.  
Motion passed 5-0.

The Amendments will move on to the Board of County Commissioners meeting on Wednesday, November 6, 2024 at 9:00 A.M.

**PROCEDURAL:** **Chairman Nathan Troudt** read the hearing process for the Land Use portion of the meeting.

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

**APPLICANT: Pivot Solar 71, LLC, Bradley Thomas on behalf of Pivot Energy**  
**LANDOWNER: Terry L. & Anna M. Larsen Trusts**

This application is for a special use permit to allow for a solar collector facility with a maximum of power output of 1.8 MWac. The permitted area is located in part of the SW1/4 of Section 33, Township 4 North, Range 56 West of the 6<sup>th</sup> PM, Morgan County, Colorado. The permitted area is zoned Rural Residential and is located in the Brush Rural Fire Protection District.

The applicant, Pivot Solar 71, LLC, proposes a solar collector facility within an approximate 14 acre leased area. This project is immediately adjacent to existing solar projects operated by Pivot Energy and approved in Resolution 2021 BCC 19. The facility will consist of solar panels and inverters mounted on steel posts/beams, concrete pad mounted transformers, and other electrical equipment.

The haul route is I-76 east to County Road 24; County Road 24 south to County Road S; County Road S east to County Road 26; County Road 26 north to the project site access. Due to space constraints at the existing access to the solar facilities, a new access is proposed off of County Road 26. The site will be surrounded by the same game fence as the sites immediately adjacent, which is similar to the type of fence used by Colorado Department of Transportation.

During construction, onsite activity is expected to take place between the hours of 7 a.m. and 6 p.m., Monday through Friday and the crew will be made up of approximately 40 people. During operation, the facility will not be staffed so will have minimal traffic impacts once constructed.

In addition to the permit application, packets for the Planning Commission hearing include referral responses from Xcel Energy and the City of Brush. Xcel has no particular concern provided the developer/contractor continues to work with Xcel designers and Right of Way Division Agent. The City of Brush would like the same consideration for a 500 foot setback from the golf course property line as there is currently with residences to the south as well as landscaped screening.

Matt Harris with Harris Engineering Consultants, Inc., the County's consulting engineer, reviewed the preliminary drainage analysis and associated preliminary site plan. As the applicants represent that natural depressions on the property will be used to collect stormwater runoff, he recommends that infiltration testing be conducted at these locations to demonstrate that the underlying soils have sufficient capacity to infiltrate the captured stormwater per the requirements defined by the State of Colorado. Furthermore, he recommends that excess stormwater runoff that would otherwise drain offsite should either be detained and released in a controlled manner per the provisions of the Morgan County Zoning Regulations or captured and infiltrated in accordance with the requirements referenced above.

In reviewing these applications, 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 2-455 of the Morgan County Zoning Regulations have been satisfied. In addition, the County shall consider whether each application for solar collector facility complies with the requirements of the Solar Collector Regulations in Zoning Regulations.

#### Section 2-455 Special Use Permit Criteria:

- (A) The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan. The property is located in the northeast planning area.

#### Chapter 2 – Plan Summary

##### 2.II.A - Economic Development

Goal – Diversify the economy in Morgan County to broaden business employment opportunities for residents and to further economic growth.

*The project would 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 the life of the project.*

##### 2.E.1 Utilities

Goal: To ensure that adequate and financially secure public utilities are provided to all developments in Morgan County.

*This project will not require the use of water, sewage or telecommunications onsite and the proposed connection to the utility grid will result in upgrades made to the areas existing electric distribution grid at Pivot's sole cost.*

#### Chapter 5 - Environment

##### 5.IX

Goal - To preserve the manmade and natural environment in order to enhance the quality of life in Morgan County.

*This project will not impact wetlands, floodplain or drainage patterns. This project will encourage use of renewable resources and production of electric power.*

- (B) All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.
- (C) The Site Plan conforms to the district design standards of Section 2-470 and Section 4-820 of the Morgan County Zoning Regulations.
- (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 water trucks will be used for dust mitigation. Upon completion of the project the site will be reseeded with a native low-growth prairie grass mix. Landscaping maintenance will occur on a regular basis during the growing season.*
- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.  
*The proposed solar facility is compatible with the co-located solar facilities and has been designed to meet or exceed the 500' setback requirements to the residences to the south. To the north is Interstate 76 and to the east is Petteys Park Golf Course.*
- (F) The special use poses only the minimum amount of risk to the public health, safety and welfare as set by federal, state or county regulation, whichever is the strictest.  
*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 proposed is not planned to be developed on a non-conforming parcel.  
*The parcel is conforming.*
- (H) The applicant has adequately documented a public need for the project, all pertinent technical information, and adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.  
*The energy generated from this project will be injected into Xcel Energy's existing electrical infrastructure and will provide cost savings to participating electrical ratepayers as part of Xcel Energy's Solar\*Rewards Community program.*
- (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.  
*This project does not require a water supply.*

The following conditions are recommended if the Special Use Permit is approved:

1. 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.

2. 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.
3. Pivot Solar 71 LLC will comply with proposed decommissioning plan, any modifications/deviations from the proposed plan must be approved by the County. The County must be notified in writing when Pivot Solar 71, LLC commences decommissioning.
4. The solar collector facility shall be enclosed by a security fence and be secured at all times. Emergency services must have access at all times.
5. Prior the commencement of construction, Pivot Solar 71 LLC will enter into a road use agreement for the use of any public road during construction which shall include the following:
  - i. A map showing which County roads will be used during construction.
  - ii. A pre-construction baseline inventory of County roads 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 to be used during construction. The mitigation plan shall also include any dust mitigation activities.
  - iv. A requirement that the applicant 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 Pivot Solar 71 LLC is not in default of any provision of the public improvements agreement. The County shall inspect the restored roads and Pivot Solar 71 LLC 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. Pivot Solar 71 LLC shall be responsible for correcting or properly completing the restoration.

- f. The residual fifteen percent (15%) retained by the County shall act as security for Pivot Solar 71 LLC's guarantee that the restoration remains free of defect during a two-year warranty period. Pivot Solar 71 LLC 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.
6. The project area shall be reclaimed and/or reseeded as soon as practicable but no later than six months after Pivot Solar 71 LLC, LLC has completed construction, unless the County Planning Administrator grants an extension for demonstrated good cause.
7. Construction occurring within ¼ quarter mile of any residence shall not commence earlier than 7 a.m.
8. Pivot Solar 71 LLC 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.
9. Pivot Solar 71 LLC shall comply with all applicable law and regulations related to safety and emergency management during construction and on-going operations.
10. Pivot Solar 71 LLC shall be responsible for the payment of all costs and fees incurred by the County associated with this Permit. The County shall invoice Pivot Solar 71 LLC for costs and fees and payment will be due by Pivot Solar 71 LLC within thirty (30) days of the date of the invoice. Failure to pay may result in enforcement actions by the County.

Nicole Hay,  
Morgan County Planning Administrator

**APPLICANT: Kyle Sundman, Representative of Pivot Solar,** presented this application to the Planning Commission.

**LANDOWNER: Terry Larsen** also added additional information to this project pertaining to the infiltration of the sandy soil and also noted that this ground is wasteland and not able to be farmed.

**PLANNING COMMISSION DISCUSSION:**

**Robert Pennington** asked about the grazing techniques that would be utilized on this property once the solar garden was complete.

**Kyle Sundman** explained that it would depend on the local shepherds and their available flock size, etc.

**Dave Musgrave** asked if Pivot Solar still oversees and has liability over the solar garden to the west of this one? What happens when the equipment expires?

**Kyle Sundman** said that another company owns that solar garden. It is common practice for a developer to build solar projects and then sell them to larger companies. The equipment doesn't necessarily expire,

they may produce 1/2% less each year. They will still be producing a sufficient amount several years later.

**PUBLIC COMMENT OPEN IN FAVOR:** None

**PUBLIC COMMENT OPEN AGAINST:**

**Chuck Miller**, 26060 Co Rd S, Brush, CO 80723, lives within a ½ mile to the south of this project. He states that he has no problem with the usage but has concerns with the traffic and future development of the County. He suggests that the applicant should pave the ½ mile. Chuck expressed that there would be few workers resulting in not many jobs being created. Chuck expressed his concern that the various counties that generate green energy are not benefiting as they should. He is unsure of where this energy created here in Morgan County is going. Chuck also noted that he has yet to see a water truck spray to keep the dust down as a result from the previous Pivot Solar project. He stated that his map didn't show a 500' setback from the Brush Golf Course.

**Nicole Hay** clarified that the applicant is meeting the required 70' setback from the property line in the Morgan County Zoning Regulations. The City of Brush had asked for the 500' setback as shown in the letter that was received and submitted to this hearing as additional information after the Planning Commission packets had went out. Pivot Solar is aware of this letter. As of now the applicant is moving forward with this application and following the Morgan County Regulation setback requirements.

**Chuck Miller** would like to see this 500' setback be considered. He would also like to see them be more involved with the community.

**Kyle Sundman** responded that the solar project creates investment at the front end and doesn't return any profit to the developer until several years later. Pivot Solar respects the City of Brush's 500' setback to residences request but believes that it would not make financial sense to implement that setback. Kyle also addressed Chuck Millers remaining concerns in further detail.

**Robert Pennington** asked how much traffic is anticipated? Have vehicle counts been submitted to Road and Bridge?

**Kyle Sundman** said 15-20 vehicles for the first few months, and then 1-4 each quarter.

**Nicole Hay** noted that yes it has been submitted and reviewed by Road and Bridge. They do not have any concerns with the traffic or haul route.

**Dave Musgrave** asked where the equipment and supplies are built.

**Kyle Sundman** explained that they try to obtain their building materials from the US but may at times acquire materials from other countries.

**Robert Pennington** asked how the haul routes are determined. Robert suggested another potential haul route.

**Nicole Hay** explained the various haul routes that were considered but noted that each of them have residences along the way.

**Kyle Sundman** stated that they could review the potential routes again with Road and Bridge.

**PUBLIC COMMENT REOPENED:**

**Chuck Miller** suggested proposed haul routes. Chuck wanted to see setbacks revisited and potentially changed in the Morgan County Regulations in the future.

**PUBLIC COMMENT CLOSED:**

**Robert Pennington** asked if it was Kyle who suggested landscape screening?

**Kyle Sundman** said that the City of Brush requested landscape screening and he suggested that if they find that to be a good option then Pivot would look into it. However, that piece of property does not have water available for irrigating the landscape screening.

**Robert Pennington** moved to approve the project with the conditions outlined in 1 through 10 of the File Summary and revisiting the haul route. **Pete Mercer** seconded.  
Motion passed 4-1 with Dave Musgrave voting no.

This application will move on to the Board of County Commissioners hearing on Wednesday, November 6, 2024 at 9:00 A.M.

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

**APPLICANT: Roadrunner Energy Farm, LLC**  
**OWNERS: Gold Spur genetics, LLC, Bonnie Frazier, Bruce B. Bass Family LLLP, Michael L. Dixon Family LLLP, Mary Ellen Hellyer, and Martha Colburn**

These applications are for special use permits for the activities described below. The applicant is requesting two special use permits: one for the solar collector facility and one for the battery energy storage system (BESS). The Planning Commission will conduct one public hearing for two applications, but each application must be evaluated separately under the applicable criteria and will require separate action by motion.

### **Roadrunner Energy Farm**

The applicant, Roadrunner Energy Farm, LLC, proposes a solar collector facility within a 2,886-acre project area. The facility will consist of photovoltaic (PV) panels, trackers, inverters, transformers, above ground cabling, access roads, a project substation and switchyard, an operations and maintenance building, security fencing, and an approximate half-mile generation tie (gen-tie) line connecting the solar collector facility to the point of interconnection. The applicant has also requested waivers of the setback requirements for several interior property lines and several rights-of-way along section lines.

This facility will have a maximum power output of 500 MWac. The project area is located in a part of Sections 17, 19, 20, and 29-32, Township 3 North, Range 55 West, and a part of Sections 5 and 6, Township 2 North, Range 55 West of the 6<sup>th</sup> PM, Morgan County, Colorado. A gen-tie line will also go through Section 24, Township 3 North, Range 56 West of the 6<sup>th</sup> P.M.. Morgan County, Colorado to a point of interconnection. The project area is zoned Agriculture Production and is located in the Brush Fire District.

### **Roadrunner Energy Farm Battery Energy Storage System (BESS)**

The applicant, Roadrunner Energy Farm, LLC, proposes a BESS within an approximate 8.3-acre project area. This facility will have a capacity of up to 2,000 MWhrs (a maximum power output of 500 MW). The project area is located in a part of Section 19, Township 3 North, Range 55 West of the 6<sup>th</sup> PM, Morgan County, Colorado. The project area is zoned Agriculture Production and is located in the Brush Fire District.

### **Referral Responses**

In addition to the permit applications, packets include responses from CDOT, Colorado Parks and Wildlife, Morgan County Soil Conservation District, WAPA, Xcel.

### **Drainage Plans**



Matt Harris with Harris Engineering Consultants, Inc., the County’s consulting engineer, reviewed the preliminary Hydrologic and Hydraulic Report and associated preliminary site plan. As the applicants represent that natural depressions on the property will be used to collect stormwater runoff, he recommends that infiltration testing be conducted at these locations to demonstrate that the underlying soils have sufficient capacity to infiltrate the captured stormwater per the requirements defined by the State of Colorado. Furthermore, he recommends that excess stormwater runoff that would otherwise drain offsite should either be detained and released in a controlled manner per the provisions of the Morgan County Zoning Regulations or captured and infiltrated in accordance with the requirements referenced above. Finally, the final site plan should reflect any potential “no-build” areas where excessive stormwater inundation depths would preclude development, as determined by the hydrologic and hydraulic analysis performed by the applicant’s engineer.

### **Haul Routes**

The applicants propose access points off of State Highway 71 and off of County Road O.5 near the corner of County Road O.5 and County Road 30. County Road N is not a designated haul route. However, it will serve as a crossover for access between the north and south sites of the project.

The applicant provided a preliminary traffic impact analysis (TIA) of haul routes and anticipate traffic numbers. See Memo from Westwood Professional Services, dated July 8, 2024.

Since the initial application, the applicant met with CDOT, who requested a more detailed TIA. Once this is obtained by the County, it will be reviewed by the County’s engineering contractor, HDR Engineering (“HDR”).

### **Review by HDR**

HDR reviewed the preliminary TIA supplied with the initial application. HDR also made a site visit to review the conditions of County Roads O.5, 30 and N. A memo from HDR with recommendations is included in the packet.

County Road O.5: Given that the trip generation indicates a substantial increase in traffic the County should require Roadrunner Energy Farm, LLC to upgrade County Road O.5 to gravel.

County Road 30 (Between County Road O.5 and County Road N): County Road 30 is not a designated haul route. However, due to past drainage issues along this segment, special attention should be given to stormwater management. After comprehensive stormwater analysis prior to construction if stormwater is found to exceed the site’s capacity and is not contained onsite, Roadrunner Energy Farm, LLC would be responsible for mitigating the drainage on County Road 30. Roadrunner Energy Farm, LLC should work with the County to implement Drainage Improvements.

County Road N (Site Crossover): Prior to construction, the exact location of the crossover should be clearly defined. Pre and post construction surveys should be completed for the segment of County Road N affected by the crossover. It would be expected that this crossover will be used during construction. Any damage must be repaired by Roadrunner Energy Farm, LLC.

### **Criteria for Evaluation**

In reviewing these applications, the Planning Commission and Board of County Commissioners are required to make a finding that the criteria for granting a use by special review permit in Section 2-455 of the Morgan County Zoning Regulations have been satisfied. In addition, the County shall consider whether

each application for a solar collector facility complies with the requirements of the Solar Collector Regulations and each BESS facility complies with the requirements of the BESS Regulations in Zoning Regulations.

Section 2-455 Special Use Permit Criteria:

- A. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan. The property is located in the southeast planning area.

Chapter 2 – Plan Summary

2.II.A - Economic Development

Goal – Diversify the economy in Morgan County to broaden business employment opportunities for residents and to further economic growth.

*The projects would 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 the life of the project.*

Chapter 4 – Economic Development

Goal – Encourage 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.

Policy 10. Contribute to the Colorado New Energy Economy; work to attract and maintain renewable energy projects to capture this.

Chapter 5 - Environment

IX-Environmental Resources and Hazards Plan

Goal - To preserve the manmade and natural environment in order to enhance the quality of life in Morgan County.

*The projects will not impact wetlands or floodplains and will 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 documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.
- C. The Site Plan conforms to the district design standards of Section 2-470 and Section 4-820 of the Morgan County Zoning Regulations.
- D. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.

*The applications will both have short-term impacts to off-site areas during construction and long-term impacts to off-site areas during the life of the project related to the use of County Roads. The level of impacts during construction and after construction is completed are likely differ in degree.*

*The off-site impacts during construction and the life of the property will need to be addressed by Roadrunner Energy Farm, LLC. The execution of Road Use Agreement, as required by the Morgan County Zoning Regulations, is a proposed condition for approval.*

*Best management practices (BMP) will be implemented to protect newly established vegetation for Storm Water Management and Erosion Control.*

- E. The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.

*The closest residences to the project area will meet the required setback of 500 feet. The residences are along County Road N and west of State Highway 71. The parcels adjacent to the facility are zoned Agricultural Production District and are pastureland.*

- F. The special use poses only the minimum amount of risk to the public health, safety and welfare as set by either federal, state or county regulation, whichever is strictest.

*Granting the special use permits will not increase risk to public health, safety, or welfare.*

- G. The special use proposed is not planned to be developed on a non-conforming parcel.

*The projects are located on conforming parcels.*

- H. The applicant has adequately documented a public need for the project, all pertinent technical information, adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.

*The general purpose of the proposed projects 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. For any special use requiring a supply of water for human consumption that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity, quality, and reliability. For any special use which does not require a supply of water for human consumption, an adequate source of water for the proposed use in terms of quantity and reliability must be obtained prior to commencement of the use.

*The projects are expected to require a supply of water during construction for dust control measures and during operation. Water for the project will be sourced from off-site commercial suppliers.*

The following conditions are recommended for the special use permits:

**1. Roadrunner Energy Farm, LLC Solar Collector Facility Conditions**

- a. Roadrunner Energy Farm, LLC must demonstrate ownership or possession of the property prior to commencement of construction. Roadrunner Energy Farm, LLC can demonstrate satisfaction with this condition through vested title in its name, or a lease or other agreement directly with the property owner allowing the permitted use to be conducted on the property.
- 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 an adequate supply of water.
- d. Roadrunner Energy Farm, LLC will comply with the proposed decommissioning plan, any modifications/deviations from the proposed plan must be approved by the County. Roadrunner Energy Farm, LLC must notify the County in writing thirty (30) days prior to commencing decommissioning.
- e. Any building greater than 120 sq. ft. will require a building permit.
- f. No poles shall exceed a height of 100 feet, including any portion of the gen-tie line. Any poles that exceed this height will require prior approval from the County, upon a showing by Roadrunner Energy Farm, LLC that such height is necessary for operations. Such additional height may be approved by the County Planning Administrator upon application by Roadrunner Energy Farm, LLC. The County Planning Administrator may request any additional information necessary to determine whether approval should be granted.
- g. 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.
- h. Prior the commencement of construction, Roadrunner Energy Farm, LLC will enter into a road use agreement for the use of any public road during construction. The agreement shall include the following:
  - vi. 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.
  - vii. 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 Roadrunner Energy Farm, LLC.
  - viii. 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.
  - ix. A requirement that Roadrunner Energy Farm, LLC is to return any County roads to their pre-construction baseline condition.
  - x. 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 Roadrunner Energy Farm, LLC are not in default of any provision of the

road use agreement. The County shall inspect the restored roads and Roadrunner Energy Farm, LLC 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. Roadrunner Energy Farm, LLC shall be responsible for correcting or properly completing the restoration.

- xi. The residual fifteen percent (15%) retained by the County shall act as security for Roadrunner Energy Farm, LLC guarantee that the restoration remains free of defect during a two-year warranty period Roadrunner Energy Farm, LLC 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.
- i. Roadrunner Energy Farm, LLC shall make all necessary improvements to the access roads prior to commencement of construction. Roadrunner Energy Farm, LLC shall be required to submit road specifications as required by the County Road & Bridge Department detailing the improvements. Such specifications will be reviewed and approved by the County and its consultants as necessary. Once such specifications are approved by the County, Roadrunner Energy Farm, LLC shall be required to enter into a public improvement agreement, which at a minimum will require the posting of adequate security in an amount equal to one hundred fifteen percent (115%) of the estimated costs to improve such roads to ensure the improvements are completed in conformity with the approved specifications and a two -year warranty period from preliminary acceptance for all improvements. The public improvement agreement may be combined with the required road use agreement and any required security for construction and restoration may be combined at the County's sole discretion.
- j. Prior to the commencement of construction, Roadrunner Energy Farm, LLC 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.
- k. 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. Roadrunner Energy Farm, LLC 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.
- l. The project area shall be restored and/or reseeded as soon as practicable but no later than six months after Roadrunner Energy Farm, LLC has completed construction, unless the County Planning Administrator grants an extension for demonstrated good cause.
- m. Construction occurring within ¼ quarter mile of any residence shall not commence earlier than 7 a.m.

- n. Roadrunner Energy Farm, LLC 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.
- o. Roadrunner Energy Farm, LLC shall comply with all applicable law and regulations related to safety and emergency management during construction and on-going operations.
- p. Roadrunner Energy Farm, LLC shall be responsible for the payment of all costs and fees incurred by the County associated with this Permit. The County shall invoice Roadrunner Energy Farm, LLC for costs and fees and payment will be due by Roadrunner Energy Farm, LLC within thirty (30) days of the date of the invoice. Failure to pay may result in enforcement actions by the County.
- q. Roadrunner Energy Farm, LLC shall pay the applicable Permit Fee, as adopted by the County Commissioners prior to construction.
- r. Roadrunner Energy Farm, LLC is the owner and operator of the solar collector facility.

## **2. Roadrunner Energy Farm, LLC BESS Facility Conditions**

- a. Roadrunner Energy Farm, LLC must demonstrate ownership or possession of the property prior to commencement of construction. Roadrunner Energy Farm, LLC can demonstrate satisfaction with this condition through vested title in its name, or a lease or other agreement directly with the property owner allowing the permitted use to be conducted on the property.
- 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, and an adequate supply of water.
- d. Roadrunner Energy Farm, LLC 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 Roadrunner Energy Farm, LLC commences decommissioning.
- e. Any building greater than 120 sq. ft. will require a building permit.
- f. The BESS shall be enclosed by a security fence and be secured at all times. Emergency services must have access at all times.

- g. Prior to the commencement of construction, Roadrunner Energy Farm, LLC 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.
- h. The County may require that the road use agreement for the associated solar collector facility govern any road impacts related to the construction of the BESS or require a separate road use agreement. In addition, for any public improvements to roads required for Phase 1 of the project for the associated solar collector facility, the County may require that the public improvement agreement govern public improvements for the construction of the BESS or require a separate public improvement agreement.
- 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. Roadrunner Energy Farm, LLC 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 restored and/or reseeded as soon as practicable but no later than six months after Roadrunner Energy Farm, LLC has completed construction, unless the County Planning Administrator grants an extension for demonstrated good cause.
- k. Construction occurring within ¼ quarter mile of any residence shall not commence earlier than 7 a.m.
- l. Roadrunner Energy Farm, LLC 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. Roadrunner Energy Farm, LLC shall comply with all applicable law and regulations related to safety and emergency management during construction and on-going operations.
- n. Roadrunner Energy Farm, LLC shall be responsible for the payment of all costs and fees incurred by the County associated with this Permit. The County shall invoice Roadrunner Energy Farm, LLC for costs and fees and payment will be due by Roadrunner Energy Farm, LLC within thirty (30) days of the date of the invoice. Failure to pay may result in enforcement actions by the County.
- o. Prior to commencement of construction, Roadrunner Energy Farm, LLC shall supply evidence of, at a minimum, an agreement between the Brush Rural Fire Protection District, Morgan County Sheriff’s Office, Morgan County Emergency Management Department and

Roadrunner Energy Farm, LLC concerning the provision of emergency and fire services to the BESS. As part of the agreement, Roadrunner Energy Farm, LLC shall provide training and equipment necessary to respond to any incident or failure of the BESS facility, or any portion of the facility. The initial training must be provided to law enforcement, fire, ambulance, and the Morgan County Emergency Management Department prior to the commencement of operations at the BESS facility. The agreement shall require ongoing training on a schedule determined by the parties to the agreement. The ongoing training shall be made available to all agencies for which the initial training is required in this condition. Every three years after the commencement of operations, the Brush Rural Fire Protection District, Morgan County Sheriff's Office, Morgan County Emergency Management Department and Roadrunner Energy Farm, LLC shall review the agreement to ensure adequate response training and equipment.

- p. A minor incident, defined as failure of or fire in one battery container, shall trigger an immediate shutdown of the effected battery container by Roadrunner Energy Farm, LLC. A major incident is defined as occurrence of one or more of the following: 1) a failure of or fire in two or more battery containers, 2) when a fire expands beyond the defensible space required in condition (s), or 3) an incident at the BESS facility results in an order of evacuation or shelter in place to residents in the vicinity of the facility. A major incident shall trigger an immediate shutdown of the entire BESS facility by Roadrunner Energy Farm, LLC. Upon the occurrence of either type of incident, Roadrunner Energy Farm, LLC shall issue an incident notification within three (3) days of the incident. The incident notification will describe the time, duration or nature of incident and must be mailed to all property owners within a half mile of the BESS facility at the addresses of record through the Morgan County Assessor's Office; the County Planning and Zoning Department; the City of Brush; Brush Rural Fire Protection District; Morgan County Sheriff's Office; Morgan County Ambulance Services and Morgan County Emergency Management Department. Within thirty (30) days of the incident, Roadrunner Energy Farm, LLC shall deliver to the County Planning and Zoning Department an after-action report prepared by a qualified independent third-party with expertise in subject matter and shall identify any changes to the operations of the BESS facility necessary to maintain life and safety within the BESS facility and the neighboring residential properties. No operations may occur in the battery container or at BESS facility, as applicable based upon the type of incident, until the after-action report has been considered by the Board of County Commissioners at a noticed public hearing and the Board of County Commissioners approves restarting operations at the BESS facility, or within the battery container. Such a decision shall be made based upon the impact of the failure on neighboring residential properties, the threat and continuing threat to public safety, the response to the incident, cause of the failure and whether Roadrunner Energy Farm, LLC has implemented or is in the process of implementing changes to the operations of the BESS facility, or battery container, necessary to maintain life and safety within the BESS facility and the neighboring residential properties. Notice of the hearing shall be provided in the same manner as public notice for a permit for a use by special review as provided in the Morgan County Zoning Regulations, as amended. If the Board of County Commissioners decides that the BESS facility or the battery container, as applicable, may not be returned to operation, the Board of County Commissioners may direct Roadrunner Energy Farm, LLC 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, Roadrunner Energy Farm, LLC will submit a fire mitigation plan and emergency operations plan. These plans may be submitted as one plan at Roadrunner Energy Farm, LLC'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. Roadrunner Energy Farm, LLC must obtain the approval from the Brush 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, Roadrunner Energy Farm, LLC 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. Roadrunner Energy Farm, LLC shall pay the applicable Permit Fee, as adopted by the County Commissioners prior to construction.
- u. Roadrunner Energy Farm, LLC is the owner and operator of the BESS facility.

As per Sections 4-845 and 4-880 of the Morgan County Zoning Regulations, Roadrunner Energy Farm, LLC is also requesting approval of the three year renewals for both applications. The extension to a total of 6 years is being requested to accommodate the long lead time required to move through the interconnection processes and complete construction on a utility-scale project.

Nicole Hay,  
Morgan County Planning Administrator

**APPLICANT: Kristina Jansen, 345 Kellogg Way, Goleta, CA 93117, Representative of Roadrunner Energy Farm, LLC and Project Development Manager,** presented this application to the Planning Commission.

**Kelsie Singleton, 4626 Co Rd 65, Keenesberg, CO 80643, H2 Enterprises Consultant,** spoke about erosion control.

**Robert Pennington** asked Kristina to explain what a gentie line is?

**Kristina Jansen** explained that the gentie line or generation line is the transmission line from our product substation into the current existing transmission system.

**Robert Pennington** asked about wildlife corridors and CPW.

**Kristina Jansen** explained that there is a ½ mile open area allowing for east and west passage as a wildlife corridor. CPW stated that this was sufficient but requested the corners at the fence to be curved to allow wildlife to funnel through and not run into the fence.

**Dave Musgrave** asked if the amount of traffic was approved?

**Kristina Jansen** noted that they are focused on their own project but could imagine that that might require some additional coordination.

**Rob Chilson** asked if they will build this project and sell it or keep it?

**Kristina Jansen** stated that it depends. They will be working with other financial partners and operation maintenance partners. They would contract out O&M staff due to them not having the staff for that portion of the project. Roadrunner will maintain a stake of it.

**Rob Chilson** asked how that will affect decommissioning if it is sold?

**Kristina Jansen** explained that decommissioning is the responsibility of the project itself. That plan will be updated as part of the operations phase approximately every 5 years. The County will be holding the Decommissioning bond so it will have the funding required.

**Emily McMillan, 12701 Whitewater Drive, Minnetonka, MS 55343, Westwood Permitting Specialist**, explained in further the preliminary Decommissioning plan. If the solar facility ceases to perform its intended function or if the project owner opts not to repower it at the end of its useful life, the project must be decommissioned in accordance with Morgan County Regulations. As part of the preliminary decommissioning plan, the decommissioning cost minus the salvage value of the equipment is required to be made by Cash, Surety Bond or Irrevocable Letter of Credit. 50% of that is due prior to commencement of construction and the other 50% will be due prior to the 12<sup>th</sup> anniversary of the commencement of construction. In the event of the change of ownership, that obligation would transfer to the new owner.

**Robert Pennington** asked how the Decommissioning bond gets readjusted due to inflation. Is that over the life of the bond?

**Emily McMillan** explained that the preliminary decommissioning plan is based on the equipment proposed. The particular modules for the solar panels at this time. This is an iterative document. It will be updated throughout the process. If different modules are selected, those estimates will be rerun. That is something that is reevaluated throughout the operation of the project. Those numbers are continuously updated.

**Robert Pennington** asked if HDR reviews the decommissioning plan and check the costs?

**Nicole Hay** mentioned that since we have not had any go into the construction side of things she hasn't talked with them. They may have someone on staff that can do that. We are relying on part of our regulations is that their decommissioning plan is signed and sealed by a Colorado Engineer.

**Robert Pennington** was concerned that the costs of certain items seemed incorrect.

**Nicole Hay** noted that it is a requirement of the County's regulations that if there is an ownership change the applicant provide written notification within 30 days of the change. In that letter it will include who it is going to. They will sign off that they are taking over the decommissioning plan. They are taking over the bond. They are taking responsibility across the board.

**Robert Pennington** does the County's requirement for the value of the bond take into consideration inflation or is it just what is it is today? 20 years ago the cost would have been a lot less than today.

**Nicole Hay** mentioned that she was unsure.

**Emily McMillan** reiterated that the document is a living breathing document that will adjust for costs as the project ages.

#### **PUBLIC COMMENT OPEN IN FAVOR:**

**Bruce Bass, 30621 Co Rd N, Brush, CO**, landowner of a portion of the land located where this project will be. Bruce states that he has lived in the same location for 77 years. This land has been in his family since 1918. He explained that the decision to allow this project to take place on his land was given careful consideration by him and his family and it was a bittersweet decision. They feel that the highest and best use of this ground is to put it into the solar farm. This solar farm is a ½ mile south from the one that was approved already. It has the same soil, rolling hills, etc. as the solar farm that was approved.

**Mike Dixon, 10826 Hwy 71, Brush, CO**, landowner of a portion of the land located where this project will be, believes this is the highest and best use of his land. He is supportive of renewable energy and helping to protect the environment. Mike noted that this is a good opportunity, since Pawnee will be decommissioned, not only to produce electricity for the State of Colorado but also to replace the revenue that Pawnee generated.

**Cody Frazier, 30289 Co Rd O, Brush, CO, is also representing his mother Bonnie Frazier.** Both are landowners of a portion of the land located where this project will be. Cody feels that this is the optimal use of the land. They moved there in 1981 and have ran cattle on their land ever since then. It has become harder to run cattle on the land due to low moisture for the grass to grow.

**PUBLIC COMMENT OPEN AGAINST:**

**Ed Churchwell, 30309 Co Rd N, Brush, CO,** neighboring landowner, doesn't feel that this is the right way to use this property. He has lived on his property for approximately 20 years. He states that he has bare ground on his property and has a hard time getting any grass to grow other than goatheads and sandburs. He is concerned that the land will not stay intact or be able to grow grass back on it. How long will H2 be onsite to get the grass reestablished? How many acres does 1,100,000 panels take up? He's concerned that the disturbed sand will blow into his yard and also that this project is too large of an area and the land will not be able to handle it all.

**Charlie Smith, 30478 Co Rd O, Brush, CO,** neighboring landowner, is concerned that property values will be impacted negatively. He states that if the native grass is disturbed, it will not regrow.

**Ron Felzien, 14395 Co Rd 30, Brush, CO,** neighboring landowner, is concerned that the BESS storage is in the wrong location. He feels that it is too close to the watershed of Bijou Creek if there was a disaster he thinks that it would impact the watersheds. He would like to see it moved back further to the east.

Ron also spoke about the soil conditions and erosion issues. He described access points that he felt would be better than what was proposed. He asked for clarification of the buffer zone.

**Dean Sather, 12701 Whitewater Drive, Minnetonka, MS, Westwood Project Manager,** explained the buffer zone study in further detail.

**Ron Felzien,** wanted to see the BESS moved off of the ridge that it was proposed to be placed.

**Marta Tadolini, 30215 Co Rd N, Brush, CO,** neighboring landowner, strongly opposes the proposed traffic that will be brought in for this project on County Road N. She feels this road cannot handle the traffic and Highway 71 is a dangerous highway. Marta is concerned that property values will decrease. She asked the following questions, Who will receive the generated electricity and would she like to know more about remote monitoring and SCADA. Will security lighting shine across the land? How will Morgan County benefit? How will it replace the revenue from Pawnee?

**Shawn Tadolini, 30215 Co Rd N, Brush, CO,** neighboring landowner and is on the school board. He states that the board gets regular updates from Pawnee and they claim that they are not going away. He asked about the \$32 million impact to the community over the span of 20-40 years. How does that impact us, directly or indirectly? He doesn't agree with the 1-3% effect on property values as mentioned previously. Renewable energy, does this have an impact on global warming by catching the sun's rays?

**Scott Knutsen, 10184 Quarry Hill Pl, Parker, CO,** consultant for Windy Hill Water. They do not oppose this project but would like to go on the record and ask the Planning Commission if they had received the letter that Windy Hill had sent to the Morgan County Planning and Zoning Department dated October 11<sup>th</sup> but received by the Planning and Zoning Department on October 15<sup>th</sup>. They are working with Kristina Jansen and have worked out an existing agreement. He wanted to reiterate that Windy Hill Water has easements that are currently showing panels to be installed over their easements according to the site plans. These easements are for pipelines and roadways.

**Chairman Nathan Troutt** confirmed receipt of the letter.

**Online zoom participant, Heidi Hannon, 11652 Hwy 71, Brush, CO,** is against this project. Some of her concerns are; decreased property values and appeal. Electromagnetic radiation health concerns from the panels and their boxes. Soil and water aquifer contamination from cadmium telluride and lithium from the batteries if they leak. Raising home insurance costs due to increase fire risks. They do not have a complete Fire Mitigation plan. Natural vegetation will be disturbed and cause blowing sand onto her property and vegetation loss for her animals to graze. If the company cannot fulfill their obligation and the land is to be reinstated back to the way it was, it will be hard to reinstate the land. She did not see a 70' setback line from her property on the map. She only saw it in the middle of the pasture. She expressed

concern that they cannot build within 500' of a residence but they can build within 500' of the property line causing her property value to decrease.

**PUBLIC COMMENT CLOSED:**

**APPLICANT RESPONSE TO QUESTIONS:**

**Kristina Jansen** invited John Mcknight to talk about property values.

**John Mcknight, 1787 Holeman Drive, Erie, CO**, used to live in this area as a long term resident. John has been in the business of land acquisition for over 30 years. He addressed the questions of impacts to property values and gave examples of study's that have taken place in this regard.

**Kristina Jansen** reiterated that several studies have been done in similar scenarios but it may take a university several years to complete each study. Kristina addressed the questions concerning the location of the north and south entrances and County Road N. The northern entrance would utilize County Road O.5. The southern section they would utilize the private driveway off of Highway 71 onto Mike Dixons property.

**Larry Booth, 1606 Jones St, San Francisco, CA, 94109, Engineer Lead**, addressed concerns about solar panels posing electromagnetic radiation risks. He stated that they do not pose any more risks than what you would see in household electronics. He explained that some households have solar modules placed directly on their homes and located closer than what this project would be to a residence. Larry addressed concerns about global warming and heatsink. He noted that the solar modules are designed to collect light and convert it in the most efficient way possible with minimal heat conversion. Solar panel fields do not heat. They are incentivized to convert that to electricity.

**Kristina Jansen** explained that the security lighting would be located more around the high voltage equipment. The lighting would be wildlife friendly.

**Dean Sather**, explained the security lighting placement and duration in further detail. They will not be directed towards any of the residential areas. Lighting will be focused more on the BESS facility and high security areas and a minor portion of the project area.

**Larry Booth**, explained the Standards that the BESS must meet and that it also must be tested to ensure that all the appropriate measures are being met. These tests are to determine that the batteries will not have any leakage from their lithium ion cells internal to that system. There is no threat of leakage into water. This is also addressed in part of the fire fighter training that is performed and ultimately set into place with Brush Fire Department.

**PUBLIC COMMENT REOPENED**

**Online zoom participant, Luke Hannon, 11652 Hwy 71, Brush, CO**, is against this project. He does not see the positive impacts that this project will have. He is concerned that potential leakage from batteries will contaminate his aquifer. He has researched property values after projects such as these and could only find property valuations that were negatively impacted. He was not finding any complete mitigation measures within this application.

**Marta Tadolini** asked if there will be any cameras or drone activity associated with this project as security measures?

**Kristina Jansen** explained that that is not a standard practice.

**PUBLIC COMMENT CLOSED**

**Matt Dorenkamp with H2 Enterprises, 6301 CR 55, Keenesburg, CO 80643** has been in the reclamation business for 20 years. They are designing the reclamation plan to be effective with the various strategies taken into consideration for this location and climate.

**Kristina Jansen** explained that this project is in the preliminary design. Within the ALTA survey it will show where the final location of the solar facility is. Also, there will be a significant setback near Co Rd N and the site may not be visually seen. The terrain may obstruct the view of the panels as well.

**Nathan Troudt** asked, what is the actual acreage footprint of the solar panels as a rough estimate?

**Kristina Jansen** it is within the 2,800 acres. It will be located within all of that but will be spaced out. They are designed to take up much of the entire footprint taking into account the 500' setback and areas that are too steep to build the panels. 33% of the 2,800 acres that the solar panels will be covering.

**Nathan Troudt** from the outer edge of the solar panels to the nearest residence, what is that distance approximately?

**Kristina Jansen** explained that it would be at least the 500' setback per the County Regulations.

Kristina said that without the final design she would not be able to answer that question accurately.

**Nathan Troudt** asked if the applicant was opposed to doing some type of environmental windbreak to obscure the view of the panels?

**Kristina Jansen** stated that they weren't opposed to that.

**Robert Pennington** asked if there was special firefighting equipment or measures in case of a fire?

**Kristina Jansen** explained that regular firefighting equipment is recommended and the recommendations for a first responder is to do nothing. The BESS system is designed to be self-contained. It is more about keeping people away from it than having them move towards it.

**Mark Juergensen, 1875 S Bascom Ave, Campbell, CA**, has been in this business for several years. He explained that water is utilized to keep the container cool, not necessarily put it out.

**Nathan Troudt** asked what kind of measures have been considered for grass fires?

**Mark Juergensen**, spoke about his experience with 2 large wildfires in the State of California that threatened his house. He explained that reducing and maintaining the vegetation surrounding the area can help to mitigate a potential fire. The panels are made of silicone-sand and are not going to catch on fire.

The batteries themselves are surrounded by a 200' offset and gravel. In theory the project area would help to reduce fires since less vegetative fuel would be available to burn. In regards to soil conditions, the new equipment used to put pile drivers in and the effective weight distribution of the pile driver is like a human foot. Minimal disturbance. Cut and fill is less than 10% resulting in very minor impact to vegetation other than we will be managing and reducing the fuel amount by 70 to 80%.

**Robert Pennington** would like to encourage the Commissioners to discuss the thought of paving the roads where the facility will be accessed.

**Rob Chilson**, concerning the property owners along the project area along Co Rd N, Rob mentioned that it would be a good to have some kind of windbreak or berm to hide and block the view.

**Nathan Troudt** noted that a lot of the concern from the neighbors with solar farms is that a lot of them don't want to see it out their front or back door.

**Dave Musgrave** stated that he has not seen anyone clean up the weeds or vegetation on the previous solar gardens yet.

**Nathan Troudt** reiterated that mitigation is a huge concern for the area residents. He urged the applicant to work with the residents to address their questions and concerns.

**Rob Chilson** moved to approve the application along with the proposed conditions outlined in the File Summary as well as consider environmental barriers such as trees or a berm for visual screening and also reconsider the haul route as well as pave the haul route roads.

**Pete Mercer** seconded the motion.

Motion passed 4-1 with Dave Musgrave voting no.

This proposed Solar application will move on to the Board of County Commissioners meeting on Wednesday, November 6, 2024 at 9:00 A.M.

**Pete Mercer** motioned to adjourn the meeting. **Dave Musgrave** seconded that motion.

Motion passed 5-0.

Meeting was adjourned at 9:00 P.M.

Respectfully Submitted,

*Cheryl Brindisi*

Planning and Zoning Administrative Assistant