

**MORGAN COUNTY PLANNING COMMISSION
JUNE 13, 2022 MINUTES**

The Morgan County Planning Commission met on Monday, June 13, 2022, 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.

Robert Pennington, Erik Mohrlang, Mike Bailey, Dave Musgrave, Clayton Miller and Nathan Troudt were present. Pete Mercer was absent. Kathryn Sellars, Attorney for Morgan County, Nicole Hay, Planning Director, Cheryl Brindisi, Planning Technician, Jenafer Santos, Planning Clerk and Karol Kopetsky, IT Specialist were present.

It is noted that this Planning Commission meeting for June 13, 2022 was held in person with an option to attend remotely via the Zoom platform.

APPROVAL OF AGENDA:

It was moved by Robert Pennington and seconded by Mike Bailey to approve the agenda as presented. Motion carried 6-0.

APPROVAL OF MINUTES: June 6, 2022.

Robert Pennington brought it to the Planning Commissions attention that the June 6, 2022 meeting minutes reflected that Nathan Troudt moved to approve the minutes from this meeting. This information was incorrect. It also was shown that the postponing of the previous meetings decision was motioned by Nathan Troudt and this was also incorrect.

Nathan Troudt asked the Planning Commission if they would like to table the minutes from June 6, 2022 until they are confirmed and corrected.

Robert Pennington motioned to table the June 6, 2022 minutes to be approved until the next Planning Commission hearing. It was seconded by Erik Morhlang to table these minutes until the next Planning Commission hearing. Motion carried 6-0.

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

OLD BUSINESS:

Continuing tabled June 6, 2022 Planning Commission meeting decision on amendments to the Morgan County Zoning regulations concerning WIND ENERGY CONVERSION, SOLAR COLLECTOR, AND BATTERY ENERGY STORAGE SYSTEMS REGULATIONS.

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

**PLANNING COMMISSION
WIND ENERGY CONVERSION, SOLAR COLLECTOR, AND BATTERY
ENERGY STORAGE SYSTEMS REGULATIONS
AMENDMENT SUMMARY
June 13, 2022**

On January 4, 2022 the Board of County Commissioners adopted a moratorium on the processing of applications for wind and solar power generation or collection facilities, associated power lines and battery energy storage systems in Morgan County to allow for research to be conducted on the appropriate regulatory means for such facilities.

On May 10, 2022, draft of the regulations was produced and provided to the public, stakeholders and other interested parties for review and comment. A Planning Commission meeting was held on June 6, 2022, where the Commission heard comments from NextEra, National Grid Renewables, Duke Energy, and XCEL. The public hearing was continued until June 13, 2022 in order to receive a redraft of these new regulations.

Included in your packets are June 9th revised and redlined regulations and a map of Colorado Scenic and Historic Byways in Morgan County.

Some of the changes and clarifications include:

- Addition of “These regulations shall not apply to transmission lines built, owned, and operated by a public utility”
- Addition of Public Utility and Transmission Lines definitions
- Costs incurred by the County obtaining a pre-construction baseline survey shall be reimbursed by the applicant
- A scenic resource set back may be reduced if the Board determines that the characteristics of the surrounding property eliminate or substantially reduce concerns related to scenic value.
- Interconnection and Electrical Distribution Facilities shall comply with the most recent version of the National Electrical Safety Code.
- Decommissioning and bond requirements
- Approval Time Frame and Abandonment

Nicole Hay
Planning and Zoning Administrator

DISCUSSION:

Chairman Nathan Troudt turned the floor over to Kathryn Sellars, Attorney for Morgan County Planning and Zoning, for comments and clarification.

She stated that the redline packets that the Planning Commission has received, capture most of the changes that were discussed at the last meeting. If something does not please let her know.

A couple of items were not included that she wanted to discuss briefly:

On page 4 regarding submittal requirements for the Solar Collector. There was a suggestion to change the drawing terminology from conceptual to schematic. Schematic was left in there but was concerned that conceptual was a little too vague. Staff may have issues enforcing that.

The other change that was not included was language regarding a “Good Faith” effort in notification for mineral rights holders. That is controlled by State law and the process is very detailed and makes allowances for when mineral rights holders cannot be identified or found. The county may not have the authority to alter this process so that was not included.

The final thing noted is that the Planning Commission had recommended the deletion for Building Mounted Wind Energy Facilities on page 18 Section 4-900 WEF Standards (A) subsection (2). This states that building-mounted WEF’s may not exceed the height permitted for the zone district in which the project is located by more than five feet. The County Regulations allow for other things in certain areas such as chimneys, antennas, etc. to exceed and they are not subject to the height limit. It’s not uncommon to allow facilities that sit on top of a roof to exceed this height limit up to a certain point. Kathryn would like to revisit this to allow more flexibility.

Chairman Nathan Troudt asks if there are any further comments or discussion from the board?

Robert Pennington asked what is the building height restriction for an area like Estate Residential?

Morgan County Attorney Kathryn Sellars stated that she didn’t know but let’s say approximately 35 feet as an example.

Robert Pennington stated that it’s highly doubtful, unless they have like a two story house, that it exceeds the 35 feet.

Morgan County Attorney Kathryn Sellars stated that each zone area would be treated differently.

Robert Pennington stated that this is different due to these being free standing.

Kathryn Sellars stated that this is specific to Building Mounted WEF’s and they are not free standing.

Chairman Nathan Troudt asks if there are any further comments or discussion from the board?

No further comments.

Nathan Troudt opens this meeting up to public comment.

PUBLIC COMMENT OPEN:

Those speaking in favor of these proposed regulations.

Present was Andrew Holder with Xcel Energy. He is the Northern Colorado area manager. Address 1500 6th Ave. Greeley, Co.

He stated that Xcel Energy is in favor of these revisions. They are appreciative of the discussion and clarifications that took place at last week's Planning Commission meeting in regards to Public Utility Commission and separating public from private utilities in these regulations. He understands that the County is working on these regulations to ensure that we have a comfortable way to bring in solar and wind development in the private sector and understands that these regulations are more for the private companies versus the Public Utilities Commission. Xcel Energy appreciates the County's commitment on getting this clarified for them as they move through different processes. He asked if anyone had any questions for him? There were none at this time.

Chairman Nathan Troudt asked if anyone else in the Public or on the Zoom platform were in favor of these proposed regulations?

Karol Kopetsky, IT Specialist stated that Isaac from Duke Energy was present on Zoom but did not wish to speak at this time.

Morgan County Attorney, Kathryn Sellars stated that she did have a change that he had submitted to her this afternoon. She read his comment on page 9 Subsection 16. As a moving of word phrasing and a minor amendment as follows: "His suggested reading is that Underground Location of Electrical Collection System Wiring. Unless geological conditions or other technical engineering considerations, such as wiring between low voltage systems, prevent the underground installation electrical collection system wiring. And then the sentence goes on. So it just moved the redline with an amendment up into the..." Statement incomplete.

Chairman Nathan Troudt asked if there were any further positive comments?
There were no further comments.

Chairman Nathan Troudt asked if there was anyone that was not in favor of these regulations or a part of these regulations to please come forward and state their name, address and the reasons why they are not in favor of these regulations.
There were no further comments.

PUBLIC COMMENT CLOSED: by Chairman Nathan Troudt

Chairman Nathan Troudt asked if there was any further discussion from the Planning Commission?

Erik Morhlang asked what has changed regarding the wetlands part?

Morgan County Attorney Kathryn Sellars stated that no changes were made regarding that.

Chairman Nathan Troudt asked if there was anything else?
There were no further comments.

It was moved by Robert Pennington and seconded by Mike Bailey to recommend approval without conditions, to the regulation changes as presented to the Planning Commission, to the Board of County Commissioners.

Motion carried 6 in favor and 0 opposed. With 1 member absent. Motion passed to be heard by the Board of County Commissioners on Tuesday June 21, 2022 at 9 A.M.

Erik Morhlang made a motion to adjourn the meeting. Clayton Miller seconded that motion. Motion passed 6-0.

ADJOURN:

Meeting was adjourned by Nathan Troudt.

Respectfully Submitted,
Cheryl Brindisi, Planning Technician