

**MORGAN COUNTY PLANNING COMMISSION**  
**August 14th, 2023**

The Morgan County Planning Commission met on Monday, August 14<sup>th</sup>, 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, Erik Mohrlang, Rob Chilson and Dave Musgrave were present. Clayton Miller attended via Zoom. 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 Dave Musgrave and seconded by Erik Mohrlang to approve the Agenda as presented. Motion Carried 5-0.

**APPROVAL OF MINUTES: *Minutes from the July 10, 2023 and also July 17, 2023.***

It was moved by Robert Pennington to approve both sets of Minutes. Dave Musgrave seconded. Motion passed 5-1 with Eric Mohrlang abstaining due to last month's absence.

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

**OLD BUSINESS:** None

**NEW BUSINESS: Taelor Solar 1, LLC**

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

**APPLICANT: Taelor Solar 1, LLC-Matt Mooney & Liam Norris**  
**OWNERS: L&R Rumsey Land, LLC & Magnum Feedyard, LLC**

These applications are for Special Use Permits for the activities described below. The applicants are 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 will require separate action by motion.

**Taelor Solar 1 Energy Collector Facility** with a maximum power output of 250 MWac. The permitted area is located in part of Sections 4 thru 9, 17, 18, 20, and 21, Township 2 North, Range 60 West and a part of Section 31, Township 3 North, Range 60 West of the 6<sup>th</sup> PM, Morgan County, Colorado. The permitted area is zoned Agriculture Production and is located in the Wiggins Fire District.

The applicant, Taelor Solar 1, LLC, proposes a solar collector facility within a 4,410-acre project area. The facility will consist of photovoltaic (PV) panels, inverters and associated transformers, underground electric collection lines and/or above ground cabling, access roads, a project substation, security fencing, and an operations and maintenance building. The applicant has also requested waivers of the setback requirements for several interior property lines and several rights-of-way along section lines.

**Taelor Solar 1 Battery Energy Storage System (BESS)** with a capacity of up to 500 MWhs (a maximum power output of 125 MWac). The permitted area is located in part of Sections 8 and 9, Township 2 North,

Range 60 West of the 6<sup>th</sup> PM, Morgan County, Colorado. The permitted area is zoned Agriculture Production and is located in the Wiggins Fire District.

The applicant, Taelor Solar 1, LLC, proposes a BESS within a 10-acre project area. Geotechnical investigation will determine foundation and compaction requirements. Bess equipment could have pre-cast concrete bases or concrete could be delivered to the site. Vegetation within the BESS site will be removed and weed management plans will be prepared prior to the start of construction and following construction. The perimeter will be surrounded by security fence. The applicant has also requested waiver of the setback requirements for a right-of-way along a section line.

In addition to the permit applications, packets for the Planning Commission hearing include referral responses from the FEMA, CDOT, Town of Wiggins, and Xcel Energy.

The projects are proposing to interconnect at a new switching station along Xcel Energy's Fort Lupton to Pawnee 230KV transmission line, which runs through the project area. A crossing agreement will also be obtained to accommodate the projects electrical lines crossing Xcel Energy's transmission line.

A designated floodplain is identified on the western part of the site along Rock Creek. A hydrology study for the area was completed in order to avoid the FEMA designated floodplain and any other potential areas of concern. Matt Harris with Harris Engineering Consultants, Inc., the County's consulting engineer, did not have any major comments after review of the preliminary engineering reports with drainage plans. One note he did have was some substantial differences between the area inundated during the 100-Yr 24-hour event and the regulatory Zone A floodplain. The calculated 100 yr. storm depths and the FEMA Zone A floodplain are both overlaid on the Site Plan Map for clarity.

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 2-395 of the Morgan County Zoning Regulations have been satisfied. In addition, the County shall consider whether the application for solar collector facility complies with the requirements of the Solar Collector Regulations and the BESS complies with the requirements of the BESS Regulations in Zoning Regulations.

Section 2-395 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 southwest 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.

*Both projects will generate additional property taxes without strain on public resources provided by the county. To the extent possible the operator will seek to hire local contractors throughout construction and the life of the project.*

#### Chapter 5 - Environment

##### 5.IX

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

*Both projects will not impact wetlands or drainage patterns. Rock Creek and its surrounding floodplain will be avoided by the site layout. A desktop review and field assessment has been completed for the site to avoid adverse impacts on plant and wildlife*

*species. These projects will encourage use of renewable resources and production of electric power.*

- 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 4-820 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.  
*Both projects will result in minimal impacts to off-site areas. During construction and when necessary either water or dust control chemicals will be used for dust mitigation and will be addressed in the Road Agreement. 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 is adequately buffered from any incompatible uses by distance and topography.  
*The closest residence to the facility will meet the Counties 500 foot setback requirement. All other residences are more than 500' to the north and west. The majority of the parcels adjacent to the facility are zoned Agricultural Production District and are vacant, except the Magnum Feedyard.*
- F. The special use poses no or minimal risk to the public health, safety and welfare.  
*Granting the Special Use Permits will not increase risk to public health, safety or welfare.*
- G. The special use proposed is not planned on a nonconforming parcel.  
*Both projects are located on conforming parcels.*
- 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 general purpose of both 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 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.  
*Both projects are expected to require a supply of water both during construction and operation phases. Water for the Taelor Project will be sourced from the Magnum Feedyard, LLC Ranch.*

The following conditions are recommended for the special use permits:

**1. Taelor Solar 1 Collector Facility:**

- a. Proof of lease between Taelor Solar 1, LLC and the property owners must be submitted to the Planning & Zoning Department prior to construction.
- 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 glare analysis.
- d. Taelor Solar 1, 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 the Applicant commencing decommissioning.
- e. Any building greater than 120 sq. ft. will require a building permit.
- f. 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.
- g. Prior the commencement of construction, Taelor Solar 1, LLC will enter into a road use agreement for the use of any public road during construction which shall include the following:
  - a. A map showing which County roads will be used during construction.
  - b. 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.
  - c. 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.
  - d. A requirement that the applicant to return any County roads to their pre-construction baseline condition.
  - e. 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 Taelor Solar 1, LLC are not in default of any provision of the public improvements agreement. The County shall inspect the restored roads and Taelor Solar 1, 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. Taelor Solar 1, 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 Taelor Solar 1, LLC's guarantee that the restoration remains free of defect during a two-year warranty period. Taelor Solar 1, 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.

- h. Prior the commencement of construction on a segment, Taelor Solar 1, 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.
- 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. Taelor Solar 1, 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 of 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 reclaimed and/or reseeded as soon as practicable but no later than six months after Taelor Solar 1, 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. Taelor Solar 1, 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 under this Agreement, draw upon the Performance Guarantee to pay the cost and expenses of abating the nuisance. The decision to draw on the Performance Guarantee shall be within the sole discretion of the County.
- m. Taelor Solar 1, LLC shall comply with all applicable law and regulations related to safety and emergency management during construction and on-going operations.
- n. Taelor Solar 1, LLC shall be responsible for the payment of all costs and fees incurred by the County associated with this Permit. The County shall invoice Taelor Solar 1, LLC for costs and fees and payment will be due by Taelor Solar 1, LLC within thirty (30) days of the date of the invoice. Failure to pay may result in enforcement actions by the County.

**2. Taelor Solar 1 BESS Facility:**

- a. Proof of lease between Taelor Solar 1, LLC and the property owners must be submitted to the Planning & Zoning Department prior to construction.
- 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.
- d. Taelor Solar 1, 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 the Applicant commencing 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 the commencement of construction, Taelor Solar 1, 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. The County may require that the road use agreement for the solar collector facility govern any road impacts related to the construction of the BESS or require a separate road use agreement.
- h. 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. Taelor Solar 1, 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 of 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.
- i. The project area shall be reclaimed and/or reseeded as soon as practicable but no later than six months after Taelor Solar 1, LLC has completed construction, unless the County Planning Administrator grants an extension for demonstrated good cause.
- j. Construction occurring within ¼ quarter mile of any residence shall not commence earlier than 7 a.m.
- k. Taelor Solar 1, 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 under this Agreement, draw upon the Performance Guarantee

to pay the cost and expenses of abating the nuisance. The decision to draw on the Performance Guarantee shall be within the sole discretion of the County.

1. Taelor Solar 1, LLC shall comply with all applicable law and regulations related to safety and emergency management during construction and on-going operations.
- m. Taelor Solar 1, LLC shall be responsible for the payment of all costs and fees incurred by the County associated with this Permit. The County shall invoice Taelor Solar 1, LLC for costs and fees and payment will be due by Taelor Solar 1, 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

**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, presented this application to the Planning Commission.**

**PLANNING COMMISSION DISCUSSION:**

**Dave Musgrave** asked how a solar facility can be shut down in the event of an emergency?

**Liam Norris and Matt Mooney** explained the various approaches to the process of shutting down a solar facility noting that, tripping the main circuit breaker that goes to the grid will shut down the whole plant. Through the SCADA controls, you can turn off each of the inverters and open the breakers at each individual position on the site to disconnect at multiple locations. The site can be shut down in specific areas as needed.

**Pete Mercer** asked if shutdown is done offsite? Where is your SCADA located?

**Liam Norris** explained that a control house is available onsite to be able to shut down the plant but it can be shut down remotely as well. There is a full enclosure in the substation. The fulltime center is located offsite.

**Matt Mooney** noted that if the sun is up, the panels are hot.

**Dave Musgrave** asked about the fire protocol.

**Liam Norris** explained the procedure for fire control at the solar facility. He also mentioned that the vegetation control would be in place to help mitigate fire. He mentioned that they would train the Fire Department.

**Pete Mercer** asked who pays for the fire department training and them putting out the fire?

**Matt Mooney** stated that he believed the cost of training the fire department would be comped by the project. Once it is built, the project would be tax payer contributing from subsequent county emergency services.

**Robert Pennington** asked about compacted soil for the access roads. "Are you bringing in road base or gravel or are you just going to try to compact the existing sand?"

**Liam Norris** noted that it will be based off of the final geotechnical exam. He believes that it would be a geotextile fabric with a compacted aggregate on top.

**Robert Pennington** asked for an example of an aerial photo of similar solar projects.

**Erik Mohrlang** asked if they had a chance to review what Road and Bridge had responded? Road and Bridge has a different idea of what your proposed route should be compared to what you have provided.

**Matt Mooney** answered, no, he has not had a chance to review the Road and Bridge haul route proposal.

**Nathan Troudt** asked how far is the furthest panel to any residence?

**Matt Mooney** mentions that in the layout they have complied with the 500 ft. setbacks to the fenceline.

**Robert Pennington** asked if the material used for the other half of this Taelor Solar Project, that is located in Weld County, will come through Morgan County's haul route to get to the Weld County Taelor Solar Project?

**Matt Mooney** stated, "That is our anticipation, yes. In terms of the way the roads are laid out. The shortest path. It is not finalized and there are alternate routes that we might seek."

**Pete Mercer** asked if anyone was contracted to buy their power?

**Matt Mooney** Xcel Energy has not announced who has been awarded any RFP's yet. That will take place September 11<sup>th</sup>, 2023.

**Dave Musgrave** asked if they have considered putting this facility closer to the Front Range? Can a big storm cause the panels to not work?

**Matt Mooney** explained the reasoning behind choosing this location in Morgan County. The proximity of the transmission lines worked the best for the power to be transmitted.

**Nathan Troudt** asked if the solar panels are damaged beyond repair can they be recycled?

**Liam Norris** gave examples of how they can be recycled. The panels are hail tested and the glass is similar to windshields. If they break they won't shatter everywhere.

**Matt Mooney** explained that the panels can be stowed at different angles to avoid total damage from hail.

**Pete Mercer** wanted more examples of Taelor Solar utilizing local contractors.

**Matt Mooney** stated that they try to source labor from the local population first. If they cannot find qualified labor, they will need to reach out to external sources.

**Liam Norris** noted that if there are laborers in the community, they can train them for one portion of the construction and they can train for each phase of the construction. Some positions are specialized labor as well.

**Pete Mercer** asked how many projects have they developed? 20-30? How many jobs will that provide for a project of this size to this community?

**Matt Mooney** said 20-30 is close to the number. His expertise is more on the development side instead of the construction side to know how many jobs that could create. The standard in the industry is to engage with an EPC, an Engineer Procurement and Construction firm. The lead firm that they have been working with today is Primoris, and their headquarters are based in Aurora.

**Nathan Troudt** asked to have the BESS explained in further detail if a fire were to occur.

**Liam Norris** noted that the BESS are equipped with a fire suppression system. The batteries are contained in an enclosure and the fire wouldn't spread out. The containers have active venting systems required by the NFPA code as well if any gasses were to build up. They are also equipped with a secondary vent if the active venting system fails. The BESS has a series of codes that they have to abide by.

**Nathan Troudt** asked what the distance between containers is and how thick is the steel that the containers are made with?

**Liam Norris** explained that that would be technology dependent on how big they are and the testing that has taken place. The NFPA code requires 10 feet. Insurance adjusters may require bigger or smaller. Liam was unsure of the thickness of the steel used to make the containers. He will need to research this.

**Dave Musgrave** asked how long do the batteries last? What do you do with them when they are no longer useable?

**Liam Norris** noted that they last 20-25 years. That is the full life of them. "We consider lifetime to 60% of the initial battery full life. At the 60% they would be taken out and put into different uses or recycle because there is some battery life left in them. It's just not reliable enough to be put onto the grid."

**PUBLIC COMMENT OPENED:**

**PUBLIC COMMENT IN FAVOR: NONE**



## **PUBLIC COMMENT IN OPPOSITION:**

**Robert Mayer**, impacted homeowner and member of the Wiggins Fire Department. He compared a similar sized project in Pueblo Colorado, the Turkey Creek Solar Project, for discussion. He felt that Taelor Solar did not provide adequate notice, open houses or Town Halls to the general public for this proposed project. He feels that the application has insufficient information and research to be considered for complete for review with the Planning Commission. He mentioned that he has a petition with 365 signatures from neighbors and residents seeking to deny this application or at least impose larger setbacks on this project. He cited, The World Health Organization's recommendation of 2 km setbacks from any residence. Robert is asking for denial of the application until it can be revised to address the neighbor's concerns, wildlife concerns, historic artifact concerns, as well as the impact on the County. He noted that the haul route at exit 64 only has 1 eastbound off-ramp and no east bound on-ramp back on to I-76. He feels that this implies that the materials and aggregate haul would be supplied from outside of Morgan County and then hauled into Morgan County.

**Mark Tapey**, 2715 Co Rd M, Wiggins, neighboring landowner, stated that he owned and retired from a Commercial Industrial Mechanical based Company and has worked with several companies installing HVAC, inverters, etc. with similar applications such as this. He states that he is hypersensitive to EMF exposure. He is concerned that continuous exposure will trigger grand mal seizures. He states that he has no choice but to take legal action if his seizures come back after he has been seizure free for 7 years. Mark says that EMF radiation will have negative impacts on the surrounding neighbors. The panels will cause a "Heat Island effect." He asked how will they get water to wash the panels if Wiggins has scarce water? Will Wiggins have a hazmat crew? Mark is concerned about his property value decreasing.

**Randy Ravensborg**, 12851 MCR #2, neighboring landowner, states that he doesn't want to see a solar farm to the south of his home if the electricity is sent to another community. Randy expressed concern of this solar farm altering the wildlife patterns and habitat. He also expressed concern about proper construction procedures.

**Joe Andres**, 1111 Bison Way, Kiowa Park, Independent Solar Broker, has been in this expertise for 7 years. He noted that the batteries are not good in the cold weather and cannot work under 14 degrees. He expressed concern that the solar farm will be taking the best land for this proposed use and devastate it.

**Mattie Bowling** 885 Co Rd M.5, Wiggins, Director of Administration at a commercial company and neighboring landowner. She wants to keep her home and surroundings the way that they are without a solar farm next to her property. She expressed concern about the notice from the County, possible health risks to humans and livestock, destruction of property if there were a fire, road maintenance, visual pollution, light reflection from the panels coming in to their homes, noise and distraction from years of construction, property devaluation, habitat destruction and ecosystem impacts, water availability, resources and drainage plan of water used to clean off dusty solar panels, heat index from local weather anomalies. As a Mineral Right's owner on her property, she asks that this project be moved in order to protect her right's and that of the future generations to come. Mattie also reiterated other similar concerns from the previous speakers in opposition to this application.

**Jolene Baumgartner**, 0747 Co Rd M.5, Wiggins, one of her biggest concerns was that this is a multi-phased project and the only information available at this time is for this first phase. She says that she contacted the Weld County Commissioners and they informed her that they have no knowledge of this proposed plan. She would like to know why all of the phases are not complete and submitted before considering phase 1? She would like to request that Morgan County considers placing this application on hold until all phases are completed before making any decisions. She brought up concern that the approved route will take them across a 19-ton bridge (38,000 pounds). She has a trucking company and states, "That would be a very light load for them. A truck and a trailer alone can range from 26,000 pounds to 30,000 pounds." She also reiterated other similar concerns from the previous speakers in opposition to this application.

**Brandon Allart**, 1151 Co Rd M, Wiggins, reiterated similar concerns from the previous speakers in opposition to this application. He was also concerned about the "Lake Effect" that this may have on the birds as some reports have shown that some species of birds will dive into the solar panels thinking that it

is part of a lake while looking for food, causing injury or death. Brandon also expressed concern about the glare that the panels may cause for the FAA and the course for commercial airplanes. Brandon would like to know in an example with SCADA network, in an emergency, what happens when an onsite operator is not qualified to open the air switches that needs to be pulled? Who will take care of the hazard that persists? Where does the venting system vent to? The atmosphere or will it flow to mine or my neighbor's houses? Brandon suggest that the County looks into secondary containment around the BESS in case of a leaking battery. He noted that Rock Creek has flowed at least 5 times this year and doesn't want to see hazardous materials flow into the creek.

**Addison Mayer**, 1150 Co Rd M.5 Wiggins resident. She is proactively involved in FFA and this year her SAE for FFA is Bee Keeping. She is a young, award winning entrepreneur in making various items with what her honey bees produce. Addison states that at home she has several hives that she has owned for several years and horses that she tends to daily. She is concerned that this solar facility will have impacts to the ecosystem nearby and damage her bees due to the agriculture land that will be taken for and changed for this solar farm and also the possible chemicals that may be used. She also reiterated other similar concerns from the previous speakers in opposition to this application.

**Sandy Ewertz**, 4504 Co Rd V, Wiggins resident, reiterated similar concerns from the previous speakers in opposition to this application. Sandy states that her family had owned the Rumsey Ranch in the past and when it sold, the family retained the mineral rights. She is concerned that this solar farm negates her mineral rights and makes them worth nothing. She notes that the family also has a lease with Public Service until December 1<sup>st</sup>, 2029 for mineral rights. In the lease it states that they will not do anything to the sub surface. She is concerned about what this will do to the family's lease because she states per her attorney that this will be breaking the lease.

**Bernice Sawall**, 2432 Co Rd M, Wiggins. She is the closest resident to the solar farm, with a 500-foot setback. She is concerned about the noise that the invertor station will cause and also the reflective heat that the panels will create. She and her husband have been in this area for 34 years. They built there house themselves and it is their legacy to leave this property and home to their grandson. Bernice expressed that she feels this legacy will be destroyed by a solar farm of this magnitude. She is concerned about the health risks associated with the panels creating radiation. She also reiterated other similar concerns from the previous speakers in opposition to this application.

**Shandra Jacobs**, 1532 Co Rd M, Wiggins. Shandra expressed concerns of inadequacy in the application. She states that she was not notified. Shandra is not the recorded landowner of this property. She reiterated similar concerns from the previous speakers in opposition to this application.

**Scott Hoyt**, 753 Co Rd M.5, Wiggins, reiterated similar concerns from the previous speakers in opposition to this application as well as wind load and hail concerns for the solar panels. Scott would like to see it moved farther away from residences. He explained that he did not know about this project except for the letter that he received 2 weeks previous to this meeting.

**Nathan Shafer**, 2543 Co Rd O, Wiggins, reiterated similar concerns from the previous speakers in opposition to this application. Nathan spoke of financial differences between cropland and a solar farm. He also gave examples of taxes and revenue.

**Jessica Price**, 12434 Co Rd 1, Wiggins, reiterated similar concerns from the previous speakers in opposition to this application. Jessica states that she received a notice in the mail approximately 3 to 4 weeks ago from today's date, concerning this project. She feels that she did not have enough time to review the application before this meeting. She noted that the Planning and Zoning Department did reach out to her via the telephone as well, to let her know that the application was available to be reviewed in person at the Planning and Zoning Department office. She would like to have seen this application posted on the Home Page of the Morgan County website.

**Allen Price Jr.**, 12434 Co Rd 1, Wiggins, expressed concern about the possible crime and theft that this proposed solar project may attract to the Wiggins area. He wants to see that the land around him still has wide open views without a solar farm next to his house.

**Rod Wilson**, spoke on behalf of his parents Ted and Vera Wilson located at 12494 Co Rd 2, Wiggins. All are longtime residents of the Wiggins area. He reiterated similar concerns from the previous speakers in opposition to this application.

**Stephanie Mayer**, 1150 Co Rd M.5, Wiggins, reiterated similar concerns from the previous speakers in opposition to this application. Stephanie expressed concerns that this solar company has not made adequate efforts in notifying nearby landowners as well as concerns of improper posting and location of Notice signs for the general public.

**Justin Steffen**, 2547 Co Rd M, Wiggins, reiterated similar concerns from the previous speakers in opposition to this application. Justin expressed concern over the 400 proposed employees making daily trips on Co Rd M. He moved to his residence many years ago as to not live near a highway.

**Virginia Steffen**, 2547 Co Rd M, Wiggins, has lived at this location for 23 years. Virginia reiterated similar concerns from the previous speakers in opposition to this application as well as concerns of fire department response times and also dust stirred up from vehicles, semis and construction of the project. She feels that this area is being exploited for power from a large company and also from people that do not understand the local residences way of life in this secluded area.

**Kodi Hill**, 1007 Co Rd M.5, Wiggins, voiced concern about possible health and fire risks that she felt could arise in the future due to this potential solar farm. Kodi also reiterated similar concerns from the previous speakers in opposition to this application.

**Wayne Ewertz**, 4504 Co Rd V, Wiggins, grew up near the Rumsey Ranch. Wayne reiterated similar concerns from the previous speakers in opposition to this application as well as also expressing concerns about feeling that the owner of the property should own 100% of the mineral rights.

**Matt Yocum**, 43781 Co Rd 42½ Orchard, Co., is a 3<sup>rd</sup> generation rancher in this area. Matt reiterated similar concerns from the previous speakers in opposition to this application. Matt also expressed concern about truck traffic coming through Morgan County for the Weld County portion of this project. He spoke about the scarce water availability in this area as well as, fire, dust, revegetation plan, etc. He noted that the money funding this project is Israeli backed. He doesn't want to pay for foreign fuel as well as buy foreign funded electricity.

**Jillian Steffen**, 2547 Co Rd M, Wiggins, reiterated similar concerns from the previous speakers in opposition to this application. Jillian raises livestock and as a young individual would like to have a healthy future in this location. She is concerned that this proposed project will cause health hazards among other things previously mentioned from earlier speakers and drive her generation away from this area if it is covered by a field of solar panels.

**Chris Coar**, 747 Co Rd M.5, Wiggins, reiterated similar concerns from the previous speakers in opposition to this application. Chris feels that Balanced Rocks Environmental Study is incomplete. He feels that there are more wildlife creatures that are not addressed in this study.

**Ray Dechant**, 13126 Highway 52, Wiggins, expressed that this proposed project sounds like it is, "Solyndra 2023."

**CJ Warnburg**, 885 Co Rd M.5, Wiggins, reiterated similar concerns from the previous speakers in opposition to this application. CJ feels that the people of this area deserve better than what the solar company is offering.

## **PUBLIC COMMENT CLOSED:**

### **5 Minute break for the Planning Commission meeting.**

**Matt Mooney** addressed and responded to several of the landowners concerns. He noted that Balanced Rock had made a public outreach concerning this proposed solar project. They sent, at the County's suggestion, notices by certified mail in advance of the County's notice 30 days prior. A phone number,

email address, website and Matt Mooney's name was on the letter, asking for the recipient of the letter to reach out to Balanced Rock to discuss this project and to address questions, comments or concerns. Matt states that they received 1 call back and that person is not here today. Matt mentions that he met with the County staff in the weeks coming up to this meeting. County staff relayed the public's concerns and comments. Matt stated that he tried to reach out to people and make him and his staff available for discussions.

**Liam Norris** discussed the terrain of the proposed site. They are aware of the sandy soils and have had subsurface testing done. Their plan is to do the least amount of earthwork as possible and leave as much native vegetation in place as they can. The solar panel posts can be adjusted to follow the natural terrain undulation as to not disturb the ground too much.

**Matt Mooney** added that they have had wetland surveys conducted to date, on the full acreage with wetland scientists, and they have confirmed that there are no jurisdictional wetlands on the site. Matt states that they will work with the Army Corps of Engineers when the time comes. He mentions that the steps and phases of this project will take time. They are in the Critical Issues Analysis stage right now with scientists who look at the property and then conduct a desktop analysis of the location. From there Balanced Rock will collaborate with CPW, environmental scientists and biologists. Those specialists will then tell Balanced Rock what they need to survey and what stipulations they need to do in order to be in compliance.

**Liam Norris** addressed concerns of possible glare. The solar arrays are built to absorb the light. They have an anti-reflective coating on them to prevent glare.

**Matt Mooney** stated that in the application narrative it describes the various angles that would have to be achieved in order for the minimal glare to be seen.

**Liam Norris** They will follow the ASCE building codes for this project. The solar panels will be able to withstand the 105 mph winds risk category for this site.

**Matt Mooney** This facility will be insured accordingly for a project of this magnitude. Matt mentioned to those gathered in attendance of this meeting that if they would like to contact him to please use the phone number or email account on the website.

**Robert Pennington** asked Liam and Matt to address the heat radiation from the panels?

**Matt Mooney** stated that this was new information to Liam and himself.

**Liam Norris** The hotter the modules get the worse that they perform. You don't want them to overheat. On average the panels are 20-30 hotter than ambient temperature. It cools off as soon as the electrons stop flowing through them.

**Matt Mooney** explained Balanced Rock commissioned a mineral owners report to understand who owns the underlying minerals. He states that notices were sent to the mineral rights owners of the land 30 days in advance of this hearing, to encourage them to reach out to Balanced Rock representatives or the County.

**Pete Mercer** asked for Liam to explain EMF transmissions.

**Liam Norris** mentioned that many people have solar panels installed on their roofs as well as several other locations nearby. He states that he cannot locate any studies that show that there are any amounts of harmful EMF's that come from these products.

**Matt Mooney** reiterated what Liam stated about EMF's.

**Robert Pennington** asked for an example of the proposed fencing around the facility.

**Liam Norris** explained that the fence would follow the NEC code. It would be a 6-foot-tall fence with an extra foot of barbed wire on the top of it. The entire array would be fenced.

**Robert Pennington** asked will the entire 4,000 acres be fenced in or will it be in sections?

**Liam Norris** The entire array or anywhere where there is electrical equipment, would be fenced. They would not fence across the flood area.

**Matt Mooney** Generally it would be 10 acres per MW. So the entire 4,000 acres wouldn't have panels on it. Matt pointed out that in the flood zone of proposed site, there are many naturally occurring wildlife corridors that will not be disrupted. The County Roads are considered a type of corridor as well. The 230 KB transmission line will not be fenced in and animals will be free to pass in that location also.

**Robert Pennington** asked Matt to elaborate on the water lease and needs. How much water are you proposing to use?

**Matt Mooney** stated, "We've put in our application a very high estimate to be conservative. I think it was 250 Acre-Feet during construction. 5-10 Acre-Feet per year during operations. That would be supplied by the existing landowners."

**Liam Norris** clarified that the 5-10 Acre-Feet would be if they were to spray wash the modules. Modules are washed only with water and no chemicals.

**Dave Musgrave** asked where would they get the water?

**Matt Mooney** stated that they have a contract with one of the landowners, Magnum Feedyards, for water. The water would come from existing wells. No new wells.

**Robert Pennington** asked if a Glare Study had been completed?

**Matt Mooney** stated, "We have not completed a full Glare Study. We are relying on the explanation provided in our applications that we believe is pretty clear and the Glare Study is not narrative. However, if the Planning Commission sees fit, we can provide one."

**Robert Pennington** asked if the Glare Study was part of the requirements?

**Nicole Hay** stated, "No. It has been done on previous projects. It is not part of our requirements. It can be a standard requirement of projects this size. We look at where it is at and also talk to the company and rely on that."

**Dave Musgrave** was concerned about the glare that a previous solar project had put off.

**Matt Mooney** noted that he could not comment on that project or the way it was installed by another company, however, his company uses anti-glare technology on the panels.

**Liam Norris** stated that they use panels that follow the sun throughout the day to absorb the rays. They are not in a fixed position.

**Robert Pennington** asked how much noise comes from the invertors?

**Liam Norris** stated that it is about 60 decibels. If your standing next to it would be like the sound of a refrigerator running. The invertors are inward of the project. They are not adjacent to the project boundary.

**Robert Pennington** pointed out that in one of the pictures, it shows that one of the invertors is close to County Road M.

**Liam Norris** noted that some of the invertors may be close but the majority are inward of the project.

**Erik Mohrlang** asked what kind of security measures will be taken? Cameras, 24-hour patrols?

**Liam Norris** stated that during construction there will be 24-hour patrols.

**Robert Pennington** talked about mineral rights. How many invertors will be placed throughout this project?

**Matt Mooney** explained that most of the time you talk to the landowners that own the mineral rights.

**Liam Norris** stated possibly 50 invertors.

**Robert Pennington** asked if Balanced Rock had considered building a new road where the Xcel power lines are going across the property along the section line? Off of County Road 3 and a half a mile back. It would relieve traffic from going past the neighbors.

**Matt Mooney** stated that he cannot comment on that exactly. He would need to look at a map. They are open to exploring options like this.

**Rob Chilson** asked for clarification about whether the Wiggins Fire Department had completed a formal study.

**Nathan Troudt** noted that he is on the Wiggins Fire Department legal disclaimer. While Balanced Rock has met with WFD, they have not completed a formal study.

**Matt Mooney** noted that they have had a Pre-app meeting with Weld County Planning Department.

**Erik Mohrlang** asked if tax money from this would be funneled through the Wiggins Fire Department?

**Nathan Troudt** stated, "That is correct."

**Robert Pennington** noted that the Ag taxes within the Fire Protection District are very minimal. Any additional Mill Levy on a project of this scale is decided by the State. So you have no idea how much you can get allocated back to the Fire District.

**Morgan County Attorney, Kathryn Sellars** mentioned that the Mill Levy is set by the State.  
**Robert Pennington** asked if Matt or Liam had any aerial sized photos reflecting the scale of this project?  
**Liam and Matt** both stated that they had not pulled up any photos for an example.  
**Erik Mohrlang** Fire Mitigation has been brought up several times at the previous meetings.  
**Liam Norris** explained that in counties with solar farms, vegetation is important to help control erosion and the vegetation should be kept at about 12 inches for strong roots.

**Robert Pennington** motioned to table this meeting until September 11<sup>th</sup>, 2023, contingent upon the following items submitted; the Glare report, Reseeding vegetation component to the Erosion Control Plan and Aerial photographs of similar projects.

**Dave Musgrave** seconded.

Roll call vote.

Motion carried 7-0.

This application will be tabled until the next Planning Commission meeting on September 11<sup>th</sup>, 2023, to deliberate with no public comment.

**Erik Mohrlang** motioned to adjourn the meeting.

**Pete Mercer** seconded the motion.

Motion carried 7-0.

Meeting was adjourned at 10:15P.M.

*Cheryl Brindisi* Planning and Zoning Administrative Assistant