



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING AGENDA

Regular Meeting Held in the BOCC Meeting Room
September 23, 2026 at 9:00 AM

- A. INVOCATION/PLEDGE OF ALLEGIANCE:** Bill Anderson
- B. CALL TO ORDER AND ROLL CALL**
- C. APPROVAL OF AGENDA**
- D. CONSENT AGENDA**
 - 1. Approval of CDS Mylars as needed
 - 2. Approval of Vouchers as needed
 - 3. Approval of September 9, 2026 Meeting Minutes
 - 4. Approval of CDS Development Projects Report
- E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS**
 - 1. A Presentation from 4-H (CSU Extension)
 - a. A Proclamation Recognizing National 4-H Week - October 4 through October 10, 2026
- F. CITIZEN PUBLIC COMMENT** This portion of the agenda is reserved for those who wish to address the BOCC on issues that are not scheduled for Discussion or Action. Individuals will be limited to one opportunity to speak for a period of up to five minutes.
- G. DISCUSSION ITEMS**
 - 1. A Presentation of the Final Report from Bruce Lytle, Moore Engineering, Inc. — *Countywide Denver Basin Aquifers Evaluation of Extent and Reliability.*
- H. LIQUOR LICENSING BOARD**
 - 1. PUBLIC HEARING — Special Event Liquor Permit for the Elbert County Chamber of Commerce
- I. ACTION ITEMS**
- J. BOARD PLANNING**
 - 1. Agenda Items for Next Meeting
 - 2. Workshops/Study Sessions
 - 3. Pending Hearings
- K. EXECUTIVE SESSION - IF NECESSARY** On rare occasions, the Board may need to hold an executive session pursuant to the Colorado Sunshine Act and in particular Section 24-6-402(4) C.R.S. This Agenda item

is a placeholder in case an issue comes up during the meeting for which an executive session becomes necessary. When applicable, the requirements of the statute will be followed to describe the type and purpose of the executive session, before any executive session will be held.

L. LAND USE HEARINGS 1:00 P.M.

1. Review of the Final Resolutions for Shepherd Solar
 - a. Consideration of a Resolution Denying the Special Use Review (SUR) for Shepherd Solar
 - b. Consideration of a Resolution Denying the Major 1041 Land Use Permit for Shepherd Solar
2. Consideration of Solar and Battery Energy Storage Systems Regulations

M. ADJOURNMENT

NOTICE:

Meeting minutes will be formatted as Action Minutes and summarize actions taken at the meeting. The full audio/video and agenda packet is available at <https://www.elbertcounty-co.gov>

NOTES ON PUBLIC COMMENT:

Note 1: Public Comment - This portion of the agenda is reserved for those who wish to address the BOCC on issues that are not scheduled for Discussion or Action. Individuals will be limited to one opportunity to speak for a period of up to five minutes.

Note 2: Discussion Items - This portion of the agenda is intended to introduce items that may require future board action. It allows for shaping of final decisions and allows for public input to ensure all aspects of the issue are fully considered before decisions are made. After each item, the chair will offer time for public comment limited to five minutes per person. Discussion Items may be moved to action items if, in the BOCC discretion, action is warranted.

Note 3: Action Items - This portion of the agenda is intended for items requiring a board decision. Prior to taking action, the chair will offer time for any final public input, limited to five minutes per person, prior to a vote.

Note 4: Land Use Hearings - Hearings for Land Use Items will be held at 1:00pm on meeting days. If all previous agenda items are completed earlier, the chair will recess until this scheduled time. If previous agenda items are not complete by 1:00pm, the land use hearings will proceed and adjourn before proceeding with any remaining agenda items. Land use hearings will follow the following sequence:

- Open Land Use Hearing
- Staff Presents Application and Recommendation of Planning Commission
- Applicant Presents
- Public Input on Application (five minutes per person)
- BOCC Questions and Discussion
- BOCC Decision
- Close Land Use Hearing

Check Number(s) (or transaction type): September 18, 2026 Payroll

ACCOUNTS PAYABLE

ACCOUNT: ALL ACCOUNTS
FUND: ALL FUNDS

**STATE OF COLORADO
COUNTY OF ELBERT**

The amount of \$ 679,592.99 was allowed on the within account(s)
in full payment hereof, by order of the Board of County Commissioners, order issued
on September 18, 2026

Chairman

Commissioner

Commissioner

Clerk

NOTICE

(In case of assignment, use this space)

For value received, I hereby assign the within claim to

and authorize the Board of County Commissioners to make payments to said
assignee.

Signed this _____ day of _____, 20 _____

(Sign Here): _____

Date filed: _____

Liability	Taxes Debited	
Federal Income Tax		39,995.27
Earned Income Credit Advances		.00
Social Security - EE		27,955.39
Social Security - ER		27,955.26
Social Security Adj - EE		.00
Medicare - EE		6,867.72
Medicare - ER		6,867.72
Medicare Adj - EE		.00
Medicare Surtax - EE		204.73
Medicare Surtax Adj - EE		.00
Federal Unemployment Tax		39.43
FMLA-PSL Payments Credit		.00
FMLA-PSL ER FICA Credit		.00
FMLA-PSL Health Care Premium Credit		.00
Employee Retention Qualified Payments Credit		.00
Employee Retention Qualified Health Care Credit		.00
COBRA Premium Assistance Payments		.00
State Income Tax		17,628.69
State Unemployment Insurance - EE		.00
State Unemployment Insurance - ER		109.63
State Unemployment Insurance Adj - EE		.00
State Disability Insurance - EE		.00
State Disability Insurance - ER		.00
State Disability Insurance Adj - EE		.00
State Family Leave Insurance - EE		.00
State Family Leave Insurance - ER		.00
State Family Leave Insurance Adj - EE		.00
State Medical Leave Insurance - EE		.00
State Medical Leave Insurance - ER		.00
State Medical Leave Insurance Adj - EE		.00
State Parental Leave Insurance - EE		.00
State Parental Leave Insurance - ER		.00
State Parental Leave Insurance Adj - EE		.00
State LT-Care - EE		.00
State Childcare Contribution - EE		.00
State Childcare Contribution - ER		.00
Workers' Benefit Fund Assessment - EE		.00
Workers' Benefit Fund Assessment - ER		.00
Transit Tax - EE		.00
Local Income Tax		.00
School District Tax		.00
Total Taxes Debited	Acct. No. XXX8048	127,623.89
Other Transfers	ADP Direct Deposit	332,127.20
	ADP Direct Deposit	332,127.20
Bank Debits and Other Liability	Total Amount Debited From Your Account	459,751.09
	Adjustments/Prepay/Voids	.00
Taxes - Your Responsibility	None This Payroll	

Total Liability
459,751.09
459,751.09
459,751.09

Net Pay		Checks	.00	
		Direct Deposits	332,127.20	
		Subtotal Net Pay		332,127.20
		Adjustments	.00	
		Total Net Pay Liability (Net Cash)		332,127.20
Taxes				
Federal	Agency	You are responsible for Depositing these amounts	Amount debited from your account	
		EE withheld	ER contrib.	
	Federal Income Tax		39,995.27	
	Earned Income Credit Advances			
	Social Security		27,955.39	27,955.26
	Medicare		6,867.72	6,867.77
	Medicare Surtax		204.73	
	Federal Unemployment Tax			39.43
	Subtotal Federal		75,023.11	34,862.46
	FMLA-PSL Payments Credit			
	FMLA-PSL ER FICA Credit			
	Total Federal		75,023.11	34,862.46
State	CO State Income Tax		17,628.69	
	CO State Unemployment Insurance-ER	.2000		109.63
	Subtotal CO		17,628.69	109.63
	Total Taxes	.00	92,651.80	34,972.09
	Amount ADP Debited From Account XXX8048	Tran/ABA XXXXXXXXXX		127,623.89
	ADP Direct Deposit		332,127.20	
Transfers		Amount ADP Debited From Account XXX8048	Tran/ABA XXXXXXXXXX	332,127.20
Total Amount ADP Debited From Your Accounts				459,751.09

Excludes Taxes That Are Your Responsibility

236 Employee Transactions

COUNTY OF ELBERT
 Company Code: XER
 Region Name: DESERT MOUNTAIN

ADP Statistical Summary
Detail

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Batch : 7667
 Quarter Number: 3
 Service Center: 073

Period Ending : 09/12/2026
 Pay Date : 09/18/2026
 Current Date : 09/16/2026

Week 38
 Page 2

Liability	Taxes Debited		
Recap			
	Federal Income Tax	23,505.01	
	Earned Income Credit Advances	.00	
	Social Security - EE	14,240.93	
	Social Security - ER	14,354.93	
	Social Security Adj - EE	.00	
	Medicare - EE	3,330.48	
	Medicare - ER	3,357.20	
	Medicare Adj - EE	.00	
	Medicare Surtax - EE	.00	
	Medicare Surtax Adj - EE	.00	
	Federal Unemployment Tax	19.41	
	FMLA-PSL Payments Credit	.00	
	FMLA-PSL ER FICA Credit	.00	
	FMLA-PSL Health Care Premium Credit	.00	
	Employee Retention Qualified Payments Credit	.00	
	Employee Retention Qualified Health Care Credit	.00	
	COBRA Premium Assistance Payments	.00	
	State Income Tax	8,567.78	
	State Unemployment Insurance - EE	.00	
	State Unemployment Insurance - ER	20.90	
	State Unemployment Insurance Adj - EE	.00	
	State Disability Insurance - EE	.00	
	State Disability Insurance - ER	.00	
	State Disability Insurance Adj - EE	.00	
	State Family Leave Insurance - EE	.00	
	State Family Leave Insurance - ER	.00	
	State Family Leave Insurance Adj - EE	.00	
	State Medical Leave Insurance - EE	.00	
	State Medical Leave Insurance - ER	.00	
	State Medical Leave Insurance Adj - EE	.00	
	State Parental Leave Insurance - EE	.00	
	State Parental Leave Insurance - ER	.00	
	State Parental Leave Insurance Adj - EE	.00	
	State LTCare - EE	.00	
	State Childcare Contribution - EE	.00	
	State Childcare Contribution - ER	.00	
	Workers' Benefit Fund Assessment - EE	.00	
	Workers' Benefit Fund Assessment - ER	.00	
	Transit Tax - EE	.00	
	Local Income Tax	.00	
	School District Tax	.00	
	Total Taxes Debited	67,396.64	
	ADP Direct Deposit	152,445.26	
	Total Amount Debited From Your Account	219,841.90	
	Adjustments/Prepay/Voids	.00	
Bank Debits and Other Liability			
Taxes - Your Responsibility	None This Payroll		

Total Liability
219,841.90
219,841.90
219,841.90

Batch : 7666 Period Ending : 09/12/2026 Week 38
Quarter Number: 3 Pay Date : 09/18/2026 Page 1
Service Center: 073 Current Date : 09/16/2026

COUNTY OF ELBERT
Company Code: 69F
Region Name: DESERT MOUNTAIN

Net Pay		Checks	152,445.26	152,445.26
		Direct Deposits		
		Subtotal Net Pay		152,445.26
		Adjustments	.00	
		Total Net Pay Liability (Net Cash)		152,445.26
Taxes				
Federal	Agency	You are responsible for Depositing these amounts	Amount debited from your account	
		EE withheld	ER contrib.	
	Federal Income Tax		23,505.01	
	Earned Income Credit Advances			
	Social Security		14,354.93	
	Medicare		3,330.48	
	Medicare Surtax			
	Federal Unemployment Tax			
	Subtotal Federal		19.41	
			17,731.54	58,807.96
State	FMLA-PSL Payments Credit			
	FMLA-PSL ER FICA Credit			
	FMLA-PSL Health Care Premium Credit			
	Employee Retention Qualified Payments Cre			
	Employee Retention Qualified Health Care			
	Cobra Premium Assistance Payments			
	Total Federal		17,731.54	58,807.96
	CO State Income Tax		8,567.78	
	CO State Unemployment Insurance-ER .2000		20.90	
	Subtotal CO		20.90	8,588.68
		Total Taxes	17,752.44	67,396.64
		Amount ADP Debited From Account XXX8048	Tran/ABA XXXXXXXXXX	67,396.64
Other		ADP Direct Deposit	152,445.26	
Transfers	Amount ADP Debited From Account XXX8048	Tran/ABA XXXXXXXXXX		152,445.26
	Total Amount ADP Debited From Your Accounts			219,841.90

Excludes Taxes That Are Your Responsibility

119 Employee Transactions



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

Regular Meeting Held in the BOCC Meeting Room

September 9, 2026 at 9:00 AM

A. INVOCATION/PLEDGE OF ALLEGIANCE

Pastor Jim Kimbriel of Redemption Valley Church provided the Invocation and led the Pledge of Allegiance.

B. CALL TO ORDER AND ROLL CALL

The regular meeting was called to order at 9:02 AM. County Clerk Rhonda Braun called the roll.

Dallas Schroeder - Present

Mike Buck - Present

Byron McDaniel - Present

C. APPROVAL OF AGENDA

Motion: Approval of Agenda as presented

Commissioner McDaniel made a motion to Approve the Agenda as presented. Commissioner Schroeder seconded the motion.

Aye - Dallas Schroeder, Byron McDaniel, Mike Buck

Nay - None

D. CONSENT AGENDA

Motion: Approval of Consent Agenda as presented

Commissioner Schroeder made a motion to Approve the Consent Agenda as presented. Commissioner McDaniel seconded the motion.

Aye - Dallas Schroeder, Byron McDaniel, Mike Buck

Nay - None

1. Approval of CDS Mylars as needed
2. Approval of Vouchers as needed
3. Approval of August 26, 2026 Meeting Minutes
4. Approval of CDS Development Projects Report
5. Approval of Liquor License Renewal for The Patch
6. Approval of Liquor License Renewal for Murphy Express #8796

E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

Commissioner Schroeder thanked everyone who came out to the groundbreaking for Drill Tech Drilling and Shoring's new Regional Office in Elbert County.

1. Staff Recognition

Commissioner Schroeder presented a plaque to the Elbert County Public Trustee/Treasurer, Sherry Hewlett, congratulating her on 30 years working with Elbert County and recognizing all her hard work and dedication.

F. CITIZEN PUBLIC COMMENT

None

G. DISCUSSION ITEMS

1. A Presentation regarding Traffic Assessment Cameras - Andrew Nichols, National Data & Surveying Services

Public Works director Monty Hankins clarified that cameras, located in the northwest corner of Elbert County, are for traffic assessment cameras. Any new P.U.D. being built is required to provide traffic studies.

Chris McGranahan, a civil engineer with LSE Transportation Consultants, introduced Andrew Nichols of National Data & Surveying Services, who gave a presentation as to what the traffic assessment cameras collect and how they work. Mr. Nichols emphasized that these are not flock cameras and do not pick up any facial recognition. They are strictly for traffic assessments as developments are being built. Signs will be posted to inform the public of the use of traffic study cameras.

The Commissioners and Mr. Nichols discussed data collected and how the information is used.

H. LIQUOR LICENSING BOARD

1. PUBLIC HEARING — Special Event Liquor Permit for the Elbert County Sheriff's Office Foundation

Motion: To Open a Public Hearing for Liquor Licensing Board

Commissioner McDaniel made a motion to Open a Public Hearing for Liquor Licensing Board. Commissioner Schroeder seconded the motion.

Aye - Dallas Schroeder, Byron McDaniel, Mike Buck

Nay - None

Public Hearing Opened at 9:33 AM

Executive Admin Assistant Kayleigh Mannering presented the application for the special event liquor permit. No comments have been received and staff recommends approval. The Sheriff's Office Foundation event will be held at Messer Arena, September 26, 2026, from 4:00 PM - 10:00 PM.

Public Comment - None

Motion: Approve the Special Event Liquor Permit for the Elbert County Sheriff's Office Foundation

Commissioner McDaniel made a motion to Approve the Special Event Liquor Permit for the Elbert County Sheriff's Office Foundation. Commissioner Schroeder seconded the motion.

Aye - Dallas Schroeder, Byron McDaniel, Mike Buck

Nay - None

Motion: To Close a Public Hearing for the Special Event Liquor Permit for the Elbert County Sheriff's Office Foundation

Commissioner McDaniel made a motion to Close a Public Hearing for the Special Event Liquor Permit for the Elbert County Sheriff's Office Foundation. Commissioner Schroeder seconded the motion.

Aye - Dallas Schroeder, Byron McDaniel, Mike Buck

Nay - None

Public Hearing Closed at 9:34 AM

I. ACTION ITEMS

1. Consideration of Proposed Fee Agreement for Shepherd Solar

County Attorney Lance Ingalls gave a brief presentation on the fee agreement for Shepherd Solar.

Public Comment - None

Motion: Approve Fee Agreement for Shepherd Solar

Commissioner McDaniel made a motion to Approve the Fee Agreement for Shepherd Solar. Commissioner Schroeder seconded the motion.

Aye - Dallas Schroeder, Byron McDaniel, Mike Buck

Nay - None

2. Consideration of a Resolution Amending Resolution 26-01 Organization Meeting 2026 Appointments and Reappointments - Adding Time Value Investments as a Designated Depository

Public Trustee/Treasurer Sherry Hewlett provided a background on Time Value Investments (TVI) and why she would like to add them as a designated depository.

Public Comment - None

Motion: Approve adding Time Value Investments as a Depository

Commissioner Schroeder made a motion to Approve adding Time Value Investments as a Depository. Commissioner McDaniel seconded the motion.

Aye - Dallas Schroeder, Byron McDaniel, Mike Buck

Nay - None

J. BOARD PLANNING

1. Agenda Items for Next Meeting

None

2. Workshops/Study Sessions

A) 9/16/26 at 9:00 AM - County Budget

B) 9/22/26 at 10:00 AM - Willdan - Sheriff's Office Evidence Building Project

3. Pending Hearings

None

K. EXECUTIVE SESSION - IF NECESSARY

None

Recess was called at 9:43 AM to reconvene at 1:00 PM for the Land Use Hearings.

L. LAND USE HEARINGS 1:00 P.M.

The Land Use Hearings were called to order at 1:05 PM. County Clerk Rhonda Braun called the roll.

Dallas Schroeder - Present

Mike Buck - Present

Byron McDaniel - Present

1. The Ridge at Spring Valley Metro District Service Plan: SD-2026-0002

Motion: To Open a Public Hearing for The Ridge at Spring Valley Metro District Service Plan: SD-2026-0002

Commissioner McDaniel made a motion to Open a Public Hearing for The Ridge at Spring Valley Metro District Service Plan: SD-2026-0002. Commissioner Schroeder seconded the motion.

Aye - Dallas Schroeder, Byron McDaniel, Mike Buck

Nay - None

Public Hearing Opened at 1:05 PM

Spring Valley Ranch Developer Jim Marshall introduced Carly Olson, Counsel for the applicant, who presented the service plan to the Commissioners.

Public Comment -

Larry Gable - Elizabeth

The applicant responded to the public comment concerns. The Commissioners and the applicant had discussions about the plan.

Motion: Approve the Consolidated Service Plan, Districts 1-5, Case No. SD-2026-0002 to include 2 forms of notification and also be contingent on an agreement between the Metro District and Elizabeth Parks & Rec

Commissioner Schroeder made a motion to Approve the Consolidated Service Plan, Districts 1-5, Case No. SD-2026-0002 to include 2 forms of notification and also be contingent on an agreement between the Metro District and Elizabeth Parks & Rec. Commissioner McDaniel seconded the motion.

Aye - Dallas Schroeder, Byron McDaniel, Mike Buck

Nay - None

Motion: To Close a Public Hearing for The Ridge at Spring Valley Metro District Service Plan SD-2026-0002

Commissioner McDaniel made a motion to Close a Public Hearing for The Ridge at Spring Valley Metro District Service Plan SD-2026-0002. Commissioner Schroeder seconded the motion.

Aye - Dallas Schroeder, Byron McDaniel, Mike Buck

Nay - None

Public Hearing Closed at 1:49 PM

2. Shepherd Solar SUR: SUR-2026-0002 and Shepherd Solar 1041: 1041-2026-0001

Motion: To Open a Public Hearing for Shepherd Solar SUR: SUR-2026-0002 and Shepherd Solar 1041: 1041-2026-0001

Commissioner Schroeder made a motion to Open a Public Hearing for Shepherd Solar SUR: SUR-2026-0002 and Shepherd Solar 1041: 1041-2026-0001. Commissioner McDaniel seconded the motion.

Aye - Dallas Schroeder, Byron McDaniel, Mike Buck

Nay - None

Public Hearing Opened at 1:50 PM

Logan Simpson consultants, Mary Geisinger and Jen Garner presented both applications to the Commissioners.

The applicants representatives from BayWa Renewables, also gave a presentation to the Commissioners:

Natalie Aiello - Permitting Manager

Annaka Eagan - Community Engagement Manager

Cody Ludwig - Director of Construction

Adam Williams - VP of Development

Carolynne White - Land Use Counsel

Brandon Reinhardt - VP Land Entitlements

Analies Ross-Dyjak - Development Manager

Commissioner Buck called for a brief recess at 3:12 PM

Public Comment -

Janet Brady - Simla

Jim Brady - Simla

Gina Burke - Genwater Consultants

Earth Evans - WSB Consultants

Wayne Brown - Matheson

Christine Brown - Matheson

Rose Marie Ager - Matheson

Danni Hankins - Matheson

Lisa Skidmore - Simla

Lori Saylor - Strasburg

Kris Meredith - Simla

Rick Ager - Matheson

Charlotte Fike - Matheson

Glenda Yarnell - Matheson

Dale Yarnell - Matheson

Jeff Moffett - Gunnison County

Greg Marshall - Ramah

Diana Edstrom - Elbert
Julie Pfost - Matheson
Karlie Beuck-Galliher - Agate
Valorie Meyer - Calhan
Lori Ellefson - Simla
Vicki Sparks - Matheson
Beth Hinds - Matheson
Clint Buhning - Matheson
Terry Ashcraft - Matheson
Bill Howell - Kiowa
Scott Seela -
Harrison Phillips - Denver
Donna Maranville - Matheson
Trevor Smith - Kiowa
Tony Plesha - Denver Foundation Solutions

Commissioner Buck called for a brief recess at 5:10 PM.

Chris Stacy with BayWa Resources replied to the public comment concerns and questions.

The Commissioners and representatives from BayWa discussed the project and concerns.

Commissioner McDaniel presented his concerns, including water, wildlife impact and light pollution with the applicant. The applicant addressed each concern.

The applicant responded to Commissioner Schroeder's inquiries concerning heat domes and agriculture use on the site. The applicant responded that the goal is to have sheep grazing under the solar panels.

Commissioner Buck presented his concerns about traffic studies, emergency response plans and timelines for construction. The applicant addressed these concerns. The applicant must receive approval for the SUR and 1041 prior to construction and traffic studies will be conducted upon approval. Commissioner Buck requested additional information on water usage, road use, decommissioning, housing for workers and property values for surrounding properties. The applicant addressed the concerns.

Commissioner Schroeder outlined the conditions of approval and asked if the applicant was agreeable to the conditions. The applicant responded that they agreed to the conditions.

Commissioner Buck requested that the applicant increase the setbacks for the project. The applicant agreed to add larger setbacks as an additional condition to the SUR.

Commissioner McDaniel asked CDS Director Jen Jones if all criteria had been met for the 1041 application. Ms. Jones confirmed that everything was in order.

Commissioner Schroeder found that everything was in order and all criteria had been met with the application for the Shepherd Solar SUR.

Motion: Approve Shepherd Solar SUR: SUR-2026-0002

Commissioner Schroeder made a motion to Approve Shepherd Solar SUR: SUR-2026-0002 with conditions as discussed.

Due to a lack of a second, the motion failed.

Motion: Denial of Shepherd Solar SUR: SUR-2026-0002

Commissioner Buck made a motion to Deny Shepherd Solar SUR: SUR-2026-0002, Elbert County Zoning Regulations Article 3, E5, A, C and F. Commissioner McDaniel seconded the motion.

Aye - Mike Buck, Byron McDaniel

Nay - Dallas Schroeder

Motion: Denial for Shepherd Solar 1041: 1041-2026-0001

Commissioner Buck made a motion to Deny Shepherd Solar 1041: 1041-2026-0001, Article 17-M1, BC, M2F and Appendix A1, C4. Commissioner McDaniel seconded the motion.

Aye - Mike Buck, Byron McDaniel

Nay - Dallas Schroeder

County Attorney Lance Ingalls requested that the BOCC direct staff to bring a written decision to deny Shepherd Solar SUR and 1041 at the next regular business meeting. Commissioner Buck agreed to the request.

Motion: To Close a Public Hearing for Shepherd Solar SUR: SUR-2026-0002 and Shepherd Solar 1041: 1041-2026-0001

Commissioner McDaniel made a motion to Close the Public Hearing. Commissioner Schroeder seconded the motion.

Aye - Dallas Schroeder, Byron McDaniel, Mike Buck

Nay - None

Public Hearing Closed at 6:35 PM

M. ADJOURNMENT

Motion: To Adjourn

Commissioner McDaniel made a motion to Adjourn. Commissioner Schroeder seconded the motion.

Aye - Dallas Schroeder, Byron McDaniel, Mike Buck

Nay - None

The meeting Adjourned at 6:35 PM

NOTICE:

Meeting minutes will be formatted as Action Minutes and summarize actions taken at the meeting. The full audio/video and agenda packet is available at <https://www.elbertcounty-co.gov>

COMMUNITY & DEVELOPMENT SERVICES - Development Projects Report		Status Key: Community Meeting Community Meeting has been scheduled and/or held but no additional steps have been completed. Formal Application Formal application has been received, deemed complete, and is in-process. Hearing/Decision Hearing or Administrative Decision has been scheduled. Post-Approval Tracking Approved and pending recordation of final exhibits.
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CDS CASE NO.	Project Name	Status	Description	General Location		Community Meeting Date	Planning Commission Date	Board of County Commissioners Date	Board of Adjustment Date	Admin Decision Date
Minor Plat	Radi Minor Plat	Community Meeting	Subdivide 40 acres into four 10 acre lots	Parcel # 8426200539						
Rezone	Radi Rezone	Community Meeting	Rezone from A to AR	Parcel # 8426200539		7/15/2026				
Minor Plat	Rollin Minor Plat	Community Meeting	Subdivide 44.878 acres into three 14.93 acres lots	46540 Commanche Creek Rd, Bennett, CO, 80102						
RZ	Rollin Rezone	Community Meeting	Rezone from A to AR or RA	46540 Comance Creek Rd, Bennet, CO 80102		8/13/2024 & 5/26/26				
Rezone	Serenity PUD	Community Meeting	Rezone to PUD - Age restricted residential	Parcel #7511200130 and Parcel #7510400012		1/27/2026				
Special Use by Review	Soaring Heights Kennel SUR	Community Meeting	Small dog boarding facility	13390 County Road 182, Bennett, CO 80102		6/29/2026				
MP-2026-0005	Hayhurst Minor Plat	Formal Application	Creation of one 10-acre lot	Parcel #9534401001 and Parcel #9534400089						
PA-2026-0001	Hayhurst Plat Amendment	Formal Application	Revise lot lines to combine two 10-acre lots	Parcel #9534400089 & Parcel #9534401001						
RZ-2026-0006	Hayhurst Rezone	Formal Application	Rezone 10 acres of Parcel A from A to AR	Parcel #9534400089		8/11/2026				
PP-2026-0002	CoyoteRidge Preliminary Plat	Formal Application	221 residential lots with parks and open space on 112 acres	Parcel # 6419300264		6/23/2026				
FP-2025-0003	Crescence (FKA EC West) Final Plat - Filing 3	Formal Application	Final plat for roadways and residential lots	41800 County Road 29, Elizabeth, CO 80107						
FP-2026-0001	Crescence Filing 4 Final Plat	Formal Application	Final Plat for improving roadways and establishing 93 single family residential lots	Intersection of County Rd 29 and County Rd 174						
MP-2026-0004	Deerpoint Ranch Lot 2A Minor Plat	Formal Application	Subdivide 49 acres into four 12 acre lots	39540 County Road 13, Elizabeth, CO 80117						
RZ-2026-0005	Deerpoint Ranch Lot 2A Rezone	Formal Application	Rezone from A to AR or RA	39540 County Road 13, Elizabeth, CO 80107		5/12/2026				
EDZS-2026-0001	Evans EDZ SDP	Formal Application	Garden center and farmers market	3074 County Road 166, Elizabeth, CO 80107						
RZ-2026-0001	Huey Rezone	Formal Application	Rezone from I to R-2	Parcel # 0915400040		2/18/2026				
FP-2026-0004	Independence Filing 6 Final Plat	Formal Application	Platting of all additional Independence property	Parcel # 7515201001 and Parcel # 7515301001		11/20/2025				
FP-2026-0005	Independence Filing 7 Final Plat	Formal Application	Platting of all additional Independence property	Parcel # 7515201001 and Parcel # 7515301001		11/20/2025				
FP-2026-0006	Independence Filing 8 Final Plat	Formal Application	Platting of all additional Independence property	Parcel # 7515201001 and Parcel # 7515301001		11/20/2025				
SUR-2026-0001	Iron Horse SUR (FKA Magdalen)	Formal Application	Veterinary Clinic	650 Morning Sky Place, Elizabeth, CO 80107		1/28/2026				
SE-2026-0001	Mazerall Subdivision Exemption Plat	Formal Application	Subdivision Exemption for an illegally subdivided property	31980 Hwy 24, Simla, CO 80835						
FP-2025-0004	Nellessen Final Plat	Formal Application	Creating 16 residential lots and one industrial lot	Parcel 9429300194/4501/4735 CR 102		1/29/2025				
RZ-2025-0009	Nellessen Rezone	Formal Application	Rezone from PUD to AR and Industrial	Parcel 9429300194/4501/4735 CR 102		1/29/2025				
FP-2026-0008	Prominence FP Filing 1	Formal Application	Final Plat for Filing 1	Parcel #6327102010		11/12/2025				
MP-2025-0003	Scott-Humphrey Minor Plat	Formal Application	Subdivide and create two additional lots	159 County Road 118, Elizabeth, CO 80107						
RZ-2025-0010	Scott-Humphrey Rezone	Formal Application	Rezone from A to AR	159 County Road 118, Elizabeth, CO 80107		8/25/2025				

CDS CASE NO.	Project Name	Status	Description	General Location		Community Meeting Date	Planning Commission Date	Board of County Commissioners Date	Board of Adjustment Date	Admin Decision Date
MP-2026-0003	Stovall Minor Plat	Formal Application	Subdivide one 35 acre parcel to create three separate lots	9600 Private Road 192, Elizabeth, CO 80107						
RZ-2026-0004	Stovall Rezone	Formal Application	Rezone from A to either AR or RA	9600 Private Road 192, Elizabeth, CO 80107		9/17/2025				
FP-2026-0007	Tailwind Crossing Final Plat	Formal Application	Subdividing 176 acres into 14 10-acre lots and open space	6236 County Rd 132, Elizabeth, CO 80107		2/13/2024 & 12/17/25				
PP-2026-0001	The Ridge at Spring Valley Preliminary Plat Filing I (FKA Moorstead PUD)	Formal Application	Preliminary Plat for filing I of the Moorstead PUD, consisting of 633 single-family residential units only	Moorstead PUD - CR 21 and CR 174		3/24/2026				
VAC-2026-0001	Indy Delbert-Declaration ROW Vacation	Formal Application	Delbert-Declaration ROW Vacation	ROW deeded by plat						
MP-2025-0004	Open Sky (FKA Brewer 2) Minor Plat	Hearing/Decision	Proposal to subdivide one 40 acre parcel to four 10 acre parcels	Parcel # 6435200290						
RZ-2025-0011	Open Sky (FKA Brewer 2) Rezone	Hearing/Decision	Proposal to rezone a 40 acre parcel from A to RA	Parcel # 6435200290		11/5/2025	10/20/2026	11/10/2026		
PUD-2026-0001	Colorado Plains Ranch (FKA Thompson Ranch PUD)	Hearing/Decision	Master planned agricultural/industrial park	Parcel #'s 8832200050, 8833100001, 9803000005 & 9805100001		2/25/2026 & 5/11/2026	11/4/2026	11/18/2026		
PUD-2024-1542	Blue Sky Ranch FKA Miller Ranch PUD	Hearing/Decision	PUD for residential development	Intersection of County Road 154 and County Road 29		12/2/2024 & 3/4/2026	10/6/2026	10/28/2026		
RZ-2026-0003	Maciunskas Margaret Trust Rezone	Hearing/Decision	Rezone from A to RA	32875 CR 33, Kiowa, CO 80117		3/9/2026	10/20/2026	11/10/2026		
FP-2025-0006	Phantom Creek Final Plat	Hearing/Decision	Final plat for seven 10-acre lots zoned AR. Project also includes approximately 33 acres of open space	CR 21 and Pronghorn Ave (East of CR 21 and south of Pronghorn)		11/19/2025	10/20/2026	11/10/2026		
1041-2026-0001	Shepherd Solar 1041 (PKA Grey Wolf)	Hearing/Decision	Construction and operation of an approximately 199-Megawatt alternating current (Mwac) solar facility with an associated 100MW/400MWh battery energy storage system (BESS).	Parcel #'s 1926300138, 1936000044, and 1831000038		12/8/2025 & 4/1/2026	9/1/2026	9/9/2026		
SUR-2026-0002	Shepherd Solar SUR (PKA Grey Wolf)	Hearing/Decision	Construction and operation of an approximately 199-Megawatt alternating current (Mwac) solar facility with an associated 100MW/400MWh battery energy storage system (BESS)	Parcel #'s 1926300138, 1936000044, and 1831000038		12/8/2025 & 4/1/2026	9/1/2026	9/9/2026		
SUR-2026-0004	Silver Buckle Ranch Tower SUR	Hearing/Decision	Freestanding wireless facility	44502 County Road 29, Elizabeth, CO 80107		4/28/2026	9/22/2026	10/14/2026		
	The Ridge at Spring Valley Metro District Service Plan 1-5	Hearing/Decision	Metro District Service Plan	CR 21 and CR 174			8/4/2026	9/9/2026		
MP-2026-0002	Vail Minor Plat	Hearing/Decision	Subdivide into three lots	43248 Meadowbrook Cir, Elizabeth, CO 80107						9/9/2026
SD-2026-0001	Coyote Ridge Metro District Service Plan	Post Approval (Tracking)	Metro District Service Plan	Parcel # 6419300264			7/7/2026	8/26/2026		
FP-2025-0005	Freedom Valley Ranch Pre/Final Plat	Post Approval (Tracking)	Subdivide five 40-acre parcels into twenty 10-acre lots	1001 CR 174, Elizabeth, CO, 80107			7/7/2026	7/22/2026		
RZ-2025-0008	Freedom Valley Ranch Rezone	Post Approval (Tracking)	Rezone five 40 acre parcels from A to RA	1001 CR 174, Elizabeth, CO, 80107		7/16/2025	7/7/2026	7/22/2026		
MP-2026-0001	Ptarmigan Ranch North	Post Approval (Tracking)	Subdivide 43.4 acres into four 10/11 acre lots	Parcel # 6525100219						6/10/2026
PA-2025-0003	Snell Plat Amendment (PKA Gowler)	Post Approval (Tracking)	Building envelope adjustment	222 High Meadows Loop, Elizabeth, CO 80107						2/9/2026
RZ-2026-0002	Vail Rezone	Post Approval (Tracking)	Rezone from A to AR	43248 Meadowbrook Cir, Elizabeth, CO 80107		2/3/2026	8/4/2026	8/12/2026		
FP-2026-0003	Vigil Final Plat	Post Approval (Tracking)	Development of five 10 acre lots	30951 Private Road 23, Elizabeth, CO 80107			7/7/2026	7/22/2026		



Proclamation

Recognition of the Annual National 4-H Week

October 4 - 10, 2026

Whereas, this year's National 4-H Week theme, "Beyond Ready," reminds us that 4-H is building a ready generation in a world of change and equips young people with skills for the future while meeting them where they are today;

Whereas, 4-H is America's largest youth development organization, supporting six million youth across the country; and

Whereas, 4-H programs are delivered by the Cooperative Extension System – a community of more than 100 public land-grant colleges and universities across the Nation – that provides experiences for young people to learn by doing;

Whereas, 4-H is in every city and county in the United States and helps 6 million youth become engaged, successful and independent; and

Whereas, 4-H connects young people and adults to their communities, preparing them for work and life through experiential and inquiry-based learning while providing emerging research for positive youth development; and

Whereas, expanding from its strong agricultural roots, 4-H helps young people explore the world around them and grow into productive adults; and

Whereas, supporting future leaders in science, agriculture and community leadership is an important imperative for U.S. Department of Agriculture National Institute of Food and Agriculture 4-H program; and

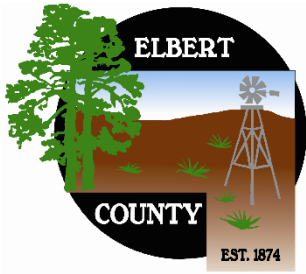
NOW, THEREFORE, be it proclaimed by the Board of Elbert County

Commissioners that we: do hereby officially recognize and designate October 4, through October 10, 2026 as NATIONAL 4-H WEEK and encourage our citizens to recognize 4-H for the significant impact it has made and continues to make by empowering youth with the skills they need to lead for a lifetime.

Mike Buck
Chair, Commissioner

Byron McDaniel
Vice Chair, Commissioner

Dallas Schroeder
Commissioner



ELBERT COUNTY GOVERNMENT

STAFF SUMMARY For BOCC MEETING PRESENTATION

Date of Presentation: 9/23/2026

Staff Lead: Kayleigh Mannering, Liquor Licensing Clerk

Effected Departments and Offices Effected: BOCC

Topic: PUBLIC HEARING - Special Event Liquor Permit for the Elbert County Chamber of Commerce

Agenda Item #: 2026

1. Purpose: To grant a Special Event Liquor Permit to the Elbert County Chamber of Commerce on October 10, 2026, from 10 a.m. to 3 p.m., to be held at 39101 Hancock Way, Elizabeth, CO 80107.

2. Background: Event put on by the Elbert County Chamber of Commerce

3. Key Points:

- a. **Key Point 1:** All required forms and fees have been submitted
- b. **Key Point 2:** Public notice was placed on property and in Elbert County News
- c. **Key Point 3:** No concerns have been submitted

4. Impact on County:

- a. **Fiscal:** N/A
- b. **Services:** N/A
- c. **Infrastructure:** N/A

5. BOCC Action Required: Staff recommends approval of the Special Event Liquor permit for the Elbert County Chamber of Commerce

6. Required Decision Date:

7. Enclosures:

- a. **Enclosure 1:** Elbert County Chamber of Commerce SEP App 2026_Redacted

Application for a Special Events Permit

RECEIVED
9/11/24

Liquor Permit Number (Do Not Fill Out)

In order to qualify for a Special Events Permit, You **Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following (See back for details.)**

- | | | |
|---------------------------------|--|--|
| ☐ Social | ☐ Athletic | ☐ Philanthropic Institution |
| ☐ Fraternal | ☐ Chartered Branch, Lodge or Chapter | ☐ Political Candidate |
| ☐ Patriotic | ☐ National Organization or Society | ☐ Municipality Owned Arts Facilities |
| ☐ Political | ☐ Religious Institution | ☒ Chamber of Commerce |

LIAB Type of Special Event Applicant is Applying for:

- | | | |
|------|--|-----------------|
| 2110 | ☒ Malt, Vinous And Spirituous Liquor | \$25.00 Per Day |
| 2170 | ☐ Fermented Malt Beverage | \$10.00 Per Day |

Name of Applicant Organization or Political Candidate

State Sales Tax Number (Required)

Elbert County Chamber of Commerce

9716928

Mailing Address of Organization or Political Candidate

338 S Main St

City

State

ZIP Code

Elizabeth

CO

80107

Address of Place to Have Special Event

39101 Hanock Way

City

State

ZIP Code

Elizabeth

CO

80107

Authorized Representative of Qualifying Organization or Political Candidate

Meagan Gardner

Date of Birth (MM/DD/YY)

Phone Number

[REDACTED]

[REDACTED]

Authorized Representative's Mailing Address (if different than address provided in Question 2.)

[REDACTED]

City

State

ZIP Code

[REDACTED]

CO

[REDACTED]

Event Manager

Kristen Cross - Independence

Date of Birth (MM/DD/YY)

[REDACTED]

Phone Number

[REDACTED]

Event Manager Home Address

[REDACTED]

City

[REDACTED]

State

CO

ZIP Code

[REDACTED]

Email Address of Event Manager

[REDACTED]

1. Is the place to have the Special Event located on State-owned property?

☐ Yes ☒ No

2. Has Applicant Organization or Political Candidate been issued a Special Event Permit this Calendar Year?

☐ No ☒ Yes, How many days?

1 day

3. Is the premises for which your event is to be held currently licensed under the Colorado Liquor or Beer codes?

☒ No ☐ Yes, License Number

[REDACTED]

4. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed?

☒ Yes ☐ No

5. For Chambers of Commerce - Each member who holds a retail establishment permit attests they are not exercising the privileges of the retail establishment permit for the duration of the SEP days.

☒ Yes ☐ No

6. For Chambers of Commerce - Please list all members participating in the SEP.

Megan Gardner - President
Marjorie Engle - Vice President
Laura Widholm - Treasurer
Steve Andreas - Board member
Josh Hicks - Board member
Erica Helm - Board Member
Jennifer Maxwell - Board Member

List Below the Exact Date(s) for Which Application is Being Made for Permit

Date

10/10/2024

From:

10 AM

To:

3pm

Date

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To:

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To:

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Title

President

Signature

Miguel Garcia

Date (MM/DD/YY)

9/1/2020

Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

Therefore, this Application is Approved.

Local Licensing Authority (City or County)

☐ City ☐ County

Telephone Number of City/County Clerk

Title

Signature

Date (MM/DD/YY)

Do Not Write in this Space - For Department of Revenue Use Only

Liability Information

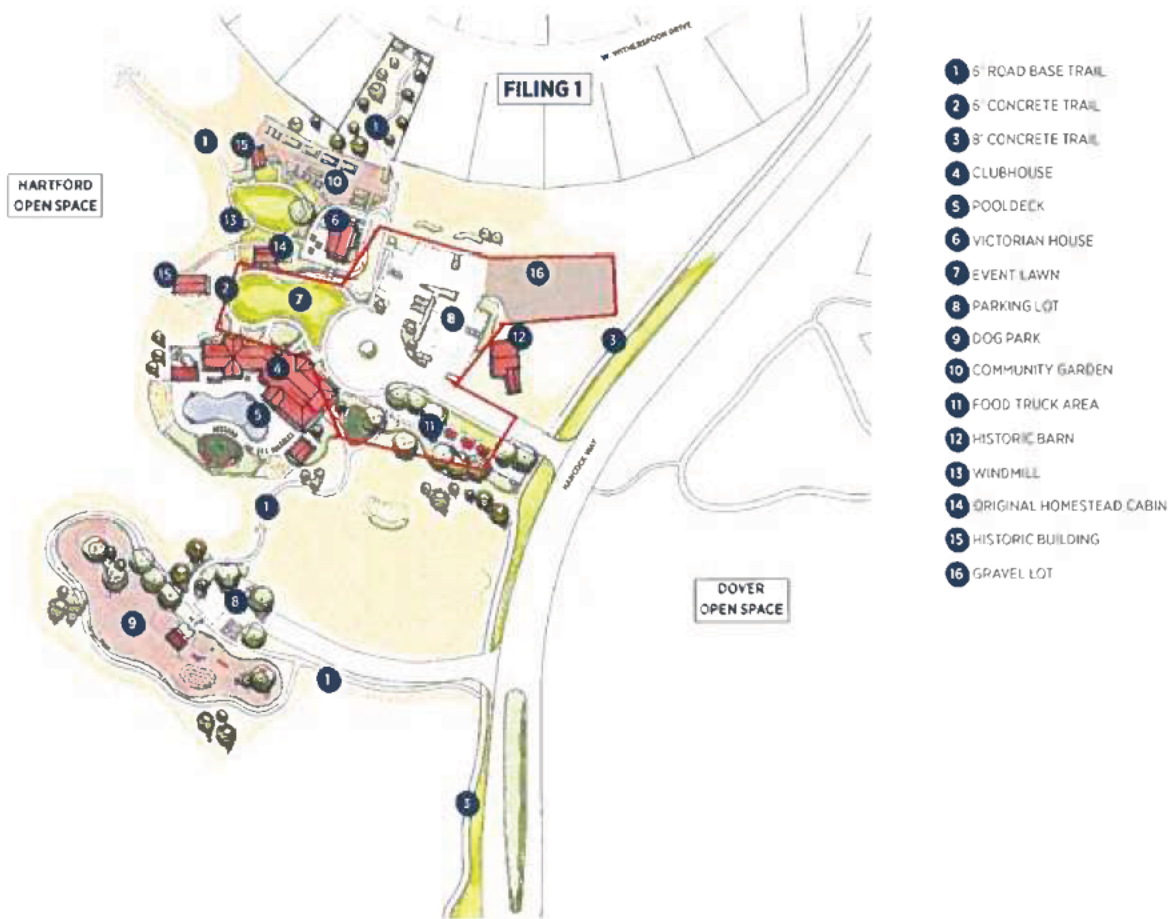
License Account Number

Liability Date

State

Total

-750 (999) \$.00



INDEPENDENCE - HOMESTEAD | SITE PLAN CONCEPT

03/22/2025

NOTE: CONCEPT IS SUBJECT TO CHANGE.



**NORRIS
DESIGN**
ARCHITECTS & PLANNERS

presented to the Board at their next regularly scheduled business meeting for final determination; and

WHEREAS, this resolution was prepared and presented to the Board as the proposed form of denial of the SUR permit as further set forth herein.

NOW THEREFORE, BE IT RESOLVED, the proposed Shepherd Solar Special Use by Review fails to satisfy the Board that it meets all review criteria found in the Elbert County Zoning Regulations Article III.E.5, thus the Board of County Commissioners of the County of Elbert, State of Colorado does hereby deny the **Shepherd Solar Special Use by Review (SUR), Case No. SUR-2026-0002** based upon the following findings:

1. Subsection A, the proposed use is not in harmony and compatible with the surrounding area and neighborhood; and
2. Subsection C, the use will likely unduly increase traffic congestion or burden the existing road system; and
3. Subsection F, the proposed use will not be adequately landscaped, buffered, and screened.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:

MIKE BUCK, CHAIR **AYE/NAY**

BYRON MCDANIEL, VICE CHAIR **AYE/NAY**

DALLAS SCHROEDER, COMMISSIONER **AYE/NAY**

ATTEST: RHONDA BRAUN
COUNTY CLERK

BY: _____
CLERK TO THE BOARD

WHEREAS, after a motion and a second, the Board voted 2 in favor and 1 opposed to deny the Major 1041 permit and then directed the County Attorney to prepare a written resolution of denial to be presented to the Board at their next regularly scheduled business meeting for final determination; and

WHEREAS, this resolution was prepared and presented to the Board as the proposed form of denial of the Major 1041 permit as further set forth herein.

NOW THEREFORE, BE IT RESOLVED, the proposed Shepherd Solar Major 1041 permit fails to satisfy the Board that it meets all review criteria found in the Elbert County Zoning Regulations Article XVII.M. (Approval Criteria), thus the Board of County Commissioners of the County of Elbert, State of Colorado does hereby deny the **Shepherd Solar Major 1041 Land Use Permit, Case No. 1041-2026-0001** based upon the following findings:

1. Paragraph 1, Criteria (b), the proposed project has not adequately demonstrated that it protects water quality and supply according to the relevant provisions of any existing water quality plans; and
2. Paragraph 1, Criteria (c), the proposed project has not satisfactorily satisfied the Board that it is not subject to significant risk from natural hazards; and
3. Paragraph 1, Criteria (g), the Board is not satisfied that the proposed activity will not significantly degrade the environment, specifically, Appendix "A," 1(c)4 "changes in short or long term housing availability, location, cost or condition;" and
4. Paragraph 2, Criteria (f), the Board is not persuaded that the benefits accruing to the County and its residents from the proposed activity do not outweigh the losses of any resources within the County or the losses of opportunities to develop such resources.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:

AYE/NAY
MIKE BUCK, CHAIR

AYE/NAY
BYRON MCDANIEL, VICE CHAIR

AYE/NAY
DALLAS SCHROEDER, COMMISSIONER

ATTEST: RHONDA BRAUN
COUNTY CLERK

BY: _____
CLERK TO THE BOARD

DRAFT



MEMORANDUM

To: Elbert County Board of County Commissioners
From: Jennifer Jones, AICP, Community & Development Services Director
Date: September 23, 2026
Re: Solar & Battery Energy Storage Systems Regulations

CDS and Legal staff have had several work sessions with the Board of County Commissioners (BOCC) regarding potential solar and battery energy storage systems (BESS) regulations. Following work session discussions, staff prepared draft regulations for consideration by the Planning Commission (PC). The draft regulations were heard by the PC on August 18, 2026. The draft regulations presented to the PC are included as Attachment A. The PC recommended 7-0 to forward the draft regulations to the BOCC for approval with several revisions. Staff has incorporated the recommended revisions from the PC into the draft regulations, which is included as Attachment B.

Kara Gerczynski, a local fire protection expert, has provided comments on the draft regulations. These comments are included as Attachment C-1. Staff has incorporated revisions to address the comments in Attachment C.

These regulation updates were noticed in the Elbert County News on September 10, 2026, as required per ECZR Art. II E. The affidavit of publication is included as Attachment D.

Attachments

Attachment A – Original draft text presented to the Planning Commission

Attachment B – Planning Commission Recommendations

Attachment C – Fire Recommendations

Attachment C-1 – Comments from Kara Gerczynski

Attachment D – Affidavit of public notice publication

ATTACHMENT A

ORIGINAL DRAFT TEXT PRESENTED TO PLANNING COMMISSION

Changes / additions to existing regulations are presented in red text.

ZONING REGULATIONS

ECZR Art. V.D.

- Revise land use categories in the land use table to include BESS; separate solar and wind
- Modify allowable zoning districts
- Indicate supplemental standards are applicable

Land Use Table Redlines:

		Agricultural			Residential Agriculture			Residential			Non-Residential			Supplemental Stds. See Article V.E.
Utilities	Solar or Wind Farm, with or without Battery Energy Storage Systems (BESS)	S	<u>S</u>								<u>S</u>			<u>X</u>
	Utilities, Overhead	S												
	Utility Service Facility, Major	S	S	S	S	S	S	S	S		S	S	S	X
	Utility Service Facility, Minor	P	P	P	P	P	S	S	S			P		
	Wind Farm, with or without Battery Energy Storage Systems (BESS)	<u>S</u>												<u>X</u>
	Wind Generator	P	S									S		x

ECZR Art. V.E.

- Insert *Solar Farm, with or without Battery Energy Storage Systems (BESS)* alphabetically between *Shooting Gallery*, *Private* and *Storage and Distribution*; adjust all numbering accordingly

Draft Supplemental Standards Text:

Solar Farm, with or without Battery Energy Storage Systems (BESS)

(a) Required Setbacks

<i>Required Setbacks</i>	<i>Solar Panels</i>	<i>BESS</i>
<i>Residential Structure</i>	<i>500-ft</i>	<i>1,000-ft</i>
<i>Non-Residential Structure Intended for Human Occupancy (such as an office)</i>	<i>500-ft</i>	<i>1,000-ft</i>
<i>Non-Residential Structure NOT Intended for Human Occupancy (such as a barn or shed)</i>	<i>50-ft</i>	<i>350-ft</i>
<i>Public Road</i>	<i>500-ft</i>	<i>1,000-ft</i>
<i>Private Road</i>	<i>350-ft</i>	<i>1,000-ft</i>

(b) Battery Energy Storage System units shall be located internal to the site and should not be located at the perimeter of the site.

(c) Battery Energy Storage System units shall be spaced a minimum of ten-feet apart.

(d) A defensible space buffer of least 50-ft in width shall be maintained around the outer

boundary of the site to main a safety zone. The buffer may be located within the required setback.

- Modify *Wind Farm. Reserved.*

Draft Supplemental Standards Text:

Wind Farm, with or without Battery Energy Storage Systems (BESS)

(a) Required Setbacks for Battery Energy Storage Systems associated with wind farm.

<i>Required Setbacks</i>	<i>BESS</i>
<i>Residential Structure</i>	<i>1,000-ft</i>
<i>Non-Residential Structure Intended for Human Occupancy (such as an office)</i>	<i>1,000-ft</i>
<i>Non-Residential Structure NOT Intended for Human Occupancy (such as a barn or shed)</i>	<i>350-ft</i>
<i>Public Road</i>	<i>1,000-ft</i>
<i>Private Road</i>	<i>1,000-ft</i>

(b) Battery Energy Storage System units shall be located internal to the site and should not be located at the perimeter of the site.

(c) Battery Energy Storage System units shall be spaced a minimum of ten-feet apart.

(d) A defensible space buffer of least 50-ft in width shall be maintained around the outer boundary of the site to main a safety zone. The buffer may be located within any required setback.

ECZR Appendix A.

- Insert additional definitions needed for solar and Battery Energy Storage Sytems
- Adjust Appendix A alphabetically as necessary

Draft Definitions:

***Battery Energy Storage Systems (BESS):** A rechargeable energy storage system consisting of batteries, battery chargers, controls, power conditioning systems and assocaited electrical equipment designed to provide electrical power to a building or to provide electrical grid-related servcies. Battery energy storage systems designed and operated for a single residential household shall not be included in the definition.*

***Defensible Space Buffer:** A managed zone of cleared or thinned vegetation and combustible materials established around a site or structure.*

***Solar Farm:** An electricity generating facility consisting of one or more solar panels under common ownership or operating control, and includes substations, cables/wire and other*

buildings accessory to the facility, whose main purpose is to supply electricity to the utility grid and/or off-site customers.

ATTACHMENT B

PLANNING COMMISSION RECOMMENDATIONS

Planning Commission recommended changes are presented in blue text.

ZONING REGULATIONS

ECZR Art. V.D.

- Revise land use categories in the land use table to include BESS; separate solar and wind
- Modify allowable zoning districts
- Indicate supplemental standards are applicable

Land Use Table Redlines:

		Agricultural			Residential Agriculture			Residential			Non-Residential				Supplemental Stds. See Article V.E.
Utilities	<u>Solar or Wind Farm, with or without Battery Energy Storage Systems (BESS)</u>	S	<u>S</u>									<u>S</u>			<u>X</u>
	Utilities, Overhead	S													
	Utility Service Facility, Major	S	S	S	S	S	S	S	S		S	S	S		X
	Utility Service Facility, Minor	P	P	P	P	P	S	S	S			P			
	<u>Wind Farm, with or without Battery Energy Storage Systems (BESS)</u>	<u>S</u>													<u>X</u>
	Wind Generator	P	S									S			x

ECZR Art. V.E.

- Insert *Solar Farm, with or without Battery Energy Storage Systems (BESS)* alphabetically between *Shooting Gallery, Private* and *Storage and Distribution*; adjust all numbering accordingly

Draft Supplemental Standards Text:

Solar Farm, with or without Battery Energy Storage Systems (BESS)
(a) Required Setbacks

<i>Required Setbacks*</i>	<i>Solar Panels</i>	<i>BESS</i>
<i>Residential Structure</i>	<i>500-ft</i>	<i>1,000-ft</i>
<i>Non-Residential Structure Intended for Human Occupancy (such as an office)</i>	<i>500-ft</i>	<i>1,000-ft</i>
<i>Non-Residential Structure NOT Intended for Human Occupancy (such as a barn or shed)</i>	<i><u>100-ft</u></i>	<i>350-ft</i>
<i>Public Road</i>	<i>500-ft</i>	<i>1,000-ft</i>
<i>Private Road</i>	<i>350-ft</i>	<i>1,000-ft</i>
<i>Outer Boundary of Project Site</i>	<i>500-ft</i>	<i>1,000-ft</i>
<i>*The greater of the required setbacks shall apply.</i>		

(b) Battery Energy Storage System units shall be located internal to the site and ~~should~~ shall not be located at the perimeter of the site.

- (c) *Battery Energy Storage System units shall be spaced a minimum of ~~ten~~20-feet apart.*
- (d) *A defensible space buffer of least 50-ft in width shall be maintained around the outer boundary of the site to main a safety zone. The buffer may be located within the required setback.*
- (e) *Only non-combustible materials shall be used within the BESS area, including for ground surfacing, between units, and including a 20-ft perimiter around the outside of the BESS area.*

- *Modify Wind Farm. Reserved.*

Draft Supplemental Standards Text:

Wind Farm, with or without Battery Energy Storage Systems (BESS)

- (a) *Required Setbacks for Battery Energy Storage Systems associated with wind farm.*

<i>Required Setbacks</i>	<i>BESS</i>
<i>Residential Structure</i>	<i>1,000-ft</i>
<i>Non-Residential Structure Intended for Human Occupancy (such as an office)</i>	<i>1,000-ft</i>
<i>Non-Residential Structure NOT Intended for Human Occupancy (such as a barn or shed)</i>	<i>350-ft</i>
<i>Public Road</i>	<i>1,000-ft</i>
<i>Private Road</i>	<i>1,000-ft</i>

- (a) *Battery Energy Storage System units shall be located internal to the site and ~~should~~shall not be located at the perimeter of the site.*
- (b) *Battery Energy Storage System units shall be spaced a minimum of ~~ten~~20-feet apart.*
- (c) *A defensible space buffer of least 50-ft in width shall be maintained around the outer boundary of the site to main a safety zone. The buffer may be located within any required setback.*
- (d) *Only non-combustible materials shall be used within the BESS area, including for ground surfacing, between units, and including a 20-ft perimiter around the outside of the BESS area.*

ECZR Appendix A.

- *Insert additional definitions needed for solar and Battery Energy Storage Sytems*
- *Adjust Appendix A alphabetically as necessary*

Draft Definitions:

Battery Energy Storage Systems (BESS): *A rechargeable energy storage system consisting of batteries, battery chargers, controls, power conditioning systems and assocaited electrical equipment designed to provide electrical power to a building or to provide electrical grid-*

related services. Battery energy storage systems designed and operated for a single residential household shall not be included in the definition.

Defensible Space Buffer: *A managed zone of cleared or thinned vegetation and combustible materials established around a site or structure.*

Solar Farm: *An ~~electricity generating facility~~ which generates over 1 megawatt (MW) of electricity, ~~consisting of one or more solar panels~~ under common ownership or operating control, and includes solar panels/solar array, substations, cables/wire, and other buildings accessory to the facility, whose main purpose is to supply electricity to the utility grid and/or off-site customers.*

ATTACHMENT C

FIRE RECOMMENDATIONS

Revisions to address expert fire recommendations are presented in green text.

ZONING REGULATIONS

ECZR Art. V.D.

- Revise land use categories in the land use table to include BESS; separate solar and wind
- Modify allowable zoning districts
- Indicate supplemental standards are applicable

Land Use Table Redlines:

		Agricultural			Residential Agriculture			Residential			Non-Residential			Supplemental Stds. See Article V.E.
Utilities	<u>Solar or Wind Farm, with or without Battery Energy Storage Systems (BESS)</u>	S	<u>S</u>								<u>S</u>			<u>X</u>
	Utilities, Overhead	S												
	Utility Service Facility, Major	S	S	S	S	S	S	S	S		S	S	S	X
	Utility Service Facility, Minor	P	P	P	P	P	S	S	S			P		
	<u>Wind Farm, with or without Battery Energy Storage Systems (BESS)</u>	<u>S</u>												<u>X</u>
	Wind Generator	P	S									S		x

ECZR Art. V.E.

- Insert *Solar Farm, with or without Battery Energy Storage Systems (BESS)* alphabetically between *Shooting Gallery, Private* and *Storage and Distribution*; adjust all numbering accordingly

Draft Supplemental Standards Text:

Solar Farm, with or without Battery Energy Storage Systems (BESS)

(a) Required Setbacks

<i>Required Setbacks*</i>	<i>Solar Panels</i>	<i>BESS</i>
<i>Residential Structure</i>	<i>500-ft</i>	<i>1,000-ft</i>
<i>Non-Residential Structure Intended for Human Occupancy (such as an office)</i>	<i>500-ft</i>	<i>1,000-ft</i>
<i>Non-Residential Structure NOT Intended for Human Occupancy (such as a barn or shed)</i>	<i>50-ft</i>	<i>350-ft</i>
<i>Public Road</i>	<i>500-ft</i>	<i>1,000-ft</i>
<i>Private Road</i>	<i>350-ft</i>	<i>1,000-ft</i>
<i>* Setbacks applicable only to off-site structures.</i>		

(b) Battery Energy Storage System units shall be located internal to the site and should not be located at the perimeter of the site.

(c) Battery Energy Storage System units shall be spaced a minimum of ten-feet apart or as

otherwise required per manufacturer specifications and approved by the local fire district.

(d) A defensible space buffer of least 50-ft in width shall be maintained around the outer boundary of the site to main a safety zone. The buffer may be located within the required setback.

(e) In the event an applicant believes there is a safer manner to consturct facilities in accordance with specific technology and manufacturer performance standards, the Board may consider alternatives not withstanding any setbacks or spacing requirements herein.

- *Modify Wind Farm. Reserved.*

Draft Supplemental Standards Text:

Wind Farm, with or without Battery Energy Storage Systems (BESS)

(a) Required Setbacks for Battery Energy Storage Systems associated with wind farm.

<i>Required Setbacks*</i>	<i>BESS</i>
<i>Residential Structure</i>	<i>1,000-ft</i>
<i>Non-Residential Structure Intended for Human Occupancy (such as an office)</i>	<i>1,000-ft</i>
<i>Non-Residential Structure NOT Intended for Human Occupancy (such as a barn or shed)</i>	<i>350-ft</i>
<i>Public Road</i>	<i>1,000-ft</i>
<i>Private Road</i>	<i>1,000-ft</i>
<i>* Setbacks applicable only to off-site structures.</i>	

(b) Battery Energy Storage System units shall be located internal to the site and should not be located at the perimeter of the site.

(c) Battery Energy Storage System units shall be spaced a minimum of ten-feet apart or as otherwise required per manufacturer specifications and approved by the local fire district.

(d) A defensible space buffer of least 50-ft in width shall be maintained around the outer boundary of the site to main a safety zone. The buffer may be located within any required setback.

(e) In the event an applicant believes there is a safer manner to consturct facilities in accordance with specific technology and manufacturer performance standards, the Board may consider alternatives not withstanding any setbacks or spacing requirements herein.

ECZR Appendix A.

- **Insert additional definitions needed for solar and Battery Energy Storage Sytems**

- Adjust Appendix A alphabetically as necessary

Draft Definitions:

Battery Energy Storage Systems (BESS): *A rechargable energy storage system consisting of batteries, battery chargers, controls, power conditioning systems and assocaited electrical equipment designed to provide electrical power to a building or to provide electrical grid-related servcies. Battery energy storage systems designed and operated for a single residential household shall not be included in the definition.*

Defensible Space Buffer: *A managed zone of cleared or thinned vegetation and combustible materials established around a site or structure.*

Solar Farm: *An electricity generating facility consisting of one or more solar panels under common ownership or operating control, and includes substations, cables/wire and other buldings accessory to the facility, whose main purpose is to supply electricity to the utility grid and/or off-site customers.*

ATTACHMENT C-1
COMMENTS FROM KARA GERCZYNSKI

Hi Jennifer,

Thanks for sending this over. I do have some concerns with the draft resolution, which I have outlined below. I would be happy to discuss these further with you.

· **Technology-Specific Requirements**

The current separation requirements appear to be primarily based on the hazards associated with lithium-ion battery energy storage systems (BESS). However, other energy storage technologies may be deployed within the county that pose significantly different fire and thermal-runaway risks. NFPA 855 recognizes that hazard characteristics can vary by technology; therefore, it may be appropriate to tailor separation requirements to the specific energy storage technology and its demonstrated performance, rather than applying a single standard to all systems.

· **Internal vs. External Site Exposures**

The code should distinguish between structures and infrastructure that are internal to the energy storage facility and those that are external exposures. Certain buildings, access roads, and operational facilities located within the site are necessary for maintenance, monitoring, security, and overall facility operations. Applying the same setback requirements to both internal and external site features may create unintended operational challenges without providing a corresponding increase in life safety or property protection.

· **Separation Distances Between BESS Enclosures**

Separation distances between BESS units should be based on manufacturer-specific testing and system design. NFPA 855 relies on large-scale fire testing, typically conducted in accordance with UL 9540A, to evaluate thermal runaway propagation, fire spread, and the adequacy of separation distances between energy storage units. As a result, the required spacing can vary considerably by manufacturer and technology. I recommend revising this requirement to either establish a minimum separation distance of 10 feet or that the required spacing shall be determined by approved large-scale fire testing and the manufacturer's installation requirements in accordance with locally recognized standards.

Best regards,

Kara Gerczynski

See Proof on Next
Page

Elbert County News

I, Sabrina Kreifels, of lawful age, being duly sworn upon oath, deposes and says that I am the Authorized Agent for Publisher of Elbert County News, a publication that is a "legal newspaper" as that phrase is defined for the city of Elbert County, for the County of Elbert, in the state of Colorado, that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates.

PUBLICATION DATES: Sep 10, 2026

Notice ID: iJYWDLjSe9TnL10fEko

Notice Name: Elb 1881SOLAR AND BATTERY ENERGY STORAGE SYST

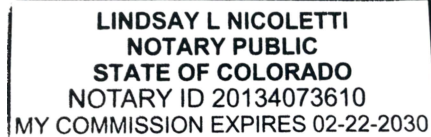
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Sabrina Kreifels

Authorized Agent for Publisher

VERIFICATION

STATE OF COLORADO
COUNTY OF ELBERT



Signed or attested before me on this

_____ day of _____, A.D. 20____.

Lindsay L. Nicoletti
Notary Public

My Commission Expires: 2-22-2030

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT PROPOSED AMENDMENTS TO THE ELBERT COUNTY ZONING REGULATIONS ARE SCHEDULED FOR A PUBLIC HEARING. CHANGES ARE SPECIFICALLY RELATED TO SOLAR AND BATTERY ENERGY STORAGE SYSTEMS LAND USES AND LIMITED TO THE FOLLOWING: ZONING REGULATIONS ARTICLE V, SECTIONS D AND E, AND APPENDIX A;

THE HEARING IS TO BE HELD BEFORE THE BOARD OF COUNTY COMMISSIONERS ON THE 23RD DAY OF SEPTEMBER, 2026, IN THE ELBERT COUNTY ADMINISTRATION BUILDING, COMMISSIONERS' BOARD ROOM, 215 COMANCHE STREET, KIOWA, COLORADO, AT 1 P.M. OR AS SOON THEREAFTER AS POSSIBLE.

CONTACT ELBERT COUNTY COMMUNITY DEVELOPMENT SERVICES FOR MORE INFORMATION: 303-621-3136.

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