

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS

Minutes of Meeting
September 9, 2020

As reflected in posted agenda:

The County Will Be Abiding By the Social Distancing Requirements in Public Health Order 20-28 for This Meeting. Due To Limited Space In The Assembly Room, Remote Attendance Is Encouraged. If You Have Any Questions Regarding Attending The Meeting, Please Contact Karla Powell at 970-542-3500.

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/89660088053> If you cannot connect via Zoom, you may submit written public comment to morgancountybcc@co.morgan.co.us by email by 4 p.m. on Tuesday September 8, 2020.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/89660088053> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 896 6008 8053

To watch and/or listen to the meeting but not participate, you may do so by connecting via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/89660088053> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 896 6008 8053

The Board of Morgan County Commissioners met Wednesday, September 9, 2020 at 9:11 a.m. with Chairman Pro Tem Jon Becker and Commissioner James Zwetzig in attendance and Commissioner Mark Arndt absent. Chairman Pro Tem Becker asked Morgan County Planning and Zoning Director Pam Cherry to lead the meeting in the Pledge of Allegiance.

CITIZEN'S COMMENT

There was no citizen comment provided.

ADOPTION OF THE AGENDA

Commissioner Zwetzig made a motion to adopt the agenda as presented, with Chairman Pro Tem Becker seconding the motion. Motion carried 2-0.

PUBLIC HEARING

Chairman Pro Tem Becker called the hearing to order at 9:12 a.m. in the Assembly Room of the Morgan County Administration Building. Present were Chairman Pro Tem Jon Becker Commissioner ,James Zwetzig, Planning and Zoning Director Pam Cherry and County Attorney Kathryn Sellars.

Continued from August 24, 2020

1. Dexter Rice - Applicant

Dexter & Beverly J. Rice - Landowners

Legal Description- Lot 1, corrected Replat of Annan and Annan 2 Minor Subdivision located in the W1/2 SW1/4 of Section 4, Township 3 North, Range 56 West of the 6th p.m., Morgan County, Colorado aka 26089 Co Rd R, Brush, CO 80723.

Request - The landowners are requesting this Special Use Permit for storing and processing agricultural products, specifically hemp.

Ms. Cherry explained that this application was considered by the Board of County Commissioners at a public hearing on July 28, 2020 and the matter was continued to August 24, 2020 to give the applicant the opportunity to provide additional information. On August 24, 2020 it was again continued to give the applicant the opportunity to provide information on the area of the parcel needed for the processing.

At this time, Chairman Pro Tem Becker asked if the applicant had any further information to add at which time the applicant Dexter Rice, who indicated his address as being 29274 4th Street, Snyder, CO 80750, stated he submitted 4 diagrams: an as is, A, B and C for the Board to review. He further explained each diagram in detail.

Commissioner Zwetzig asked if the applicant was requesting diagram C be what is approved, with Ms. Cherry stating that he did not choose one in his application. Mr. Rice stated that he wants the special use, but what he understood was that he needed to submit different levels of development. Commissioner Zwetzig asked if he would prefer diagram C, with Mr. Rice stating yes.

At this time, lengthy discussion followed regarding the four proposed diagrams with questions about the acreage, lab space, traffic volume, employee numbers, and fencing concerns.

Commissioner Zwetzig made note that a special use permit does not allow for the construction of the buildings and they would still need building permits with a possible additional drainage design, with Mr. Rice indicating he understood.

Commissioner Zwetzig clarified with the additional buildings the trucks will still be able to unload in the front of the facility, with Mr. Rice stating yes that is correct, it will still be in the front and the trucks will not be backing onto the highway.

2 COMMISSIONERS PROCEEDINGS

Commissioner Zwetzig asked if any of the diagrams show or call for 6 foot high fencing, with Mr. Rice explaining that his property does have fencing but not six feet in height but he is willing to do that if it is the desire of the neighbors.

Chairman Pro Tem Becker asked the applicant about the hours of operation, retail operations, ventilation and the lighting. Mr. Rice stated that the retail factor is off the table they will not be doing that and the hours of operations are 8 a.m. to 6 p.m. with the ability for a person or two at night during difficult times when they may need to make up time. He also went over the ventilation as it was described in the board packet.

Chairman Pro Tem Becker asked if road and bridge provided permission to widen the drive way, with Mr. Rice stating yes.

At this time, Commissioner Zwetzig asked Ms. Sellers to review the conditions that were discussed at the last hearing date, at which time she indicated the following:

- No in person retail sales on the property
- Hours of operations from 8 a.m. to 6 p.m. allowing a couple of employees to be onside outside those hours
- Driveway to be widen up to 45 feet, with Ms. Sellers suggestion to a certain date
- The culvert is to upgraded for the flow of water for the irrigation ditch
- Vehicles may not park on any public right away adjacent to the property, and the owner must enforce that
- Delivery vehicles must use the turnaround located on the property, and she suggested that the drawing be attached to any approved Resolution
- The Owner must maintain all air filtering and ventilation systems located in the building
- A condition for the limitation and size of capacity, which is up to the board
- What buildings on the property are allowed to contain the processing special use permit and that should be attached to the approved resolution

Commissioner Zwetzig asked when the widening of the driveway would be completed with Mr. Rice stating it will be at the end of irrigation season which would be towards the end of October. He further stated this will be completed along with the installation of the culvert, ensuring it would be completed no later than the end of the year. Commissioner Zwetzig asked if in the meantime vehicles would be parking on the road, with Mr. Rice stating yes at this time they would have to. Further discussion followed regarding the ventilation of the facility.

Commissioner Zwetzig asked Ms. Sellers if the board were to allow a special use permit to operate the business as is and then allow an amended special use for expansion, if that is possible, with Ms. Sellers stating that is how the County's regulations work so if the special use is approved with the as is diagram now, any increase would be subject to the amendment regulations which could be minor or major.

Mr. Rice stated he wants to work with the board and the citizens of Morgan County and balance his work with everyone in the community. Chairman Pro Tem Becker stated that Ms. Sellers explained it best when she stated the board can approve the current footprint and anything else as he expands he would need to come in and apply for those and it allows for neighbors to voice their concerns.

Mr. Rice stated he would like to see diagram A approved at least in order to have some ability to expand, stating this process has taken nine months and has been costly. Chairman Pro Tem Becker asked Ms. Sellers if they use diagram A, and that changes the use of the building from farm commodity to a bottling, storage and office building would that require anything additional. Ms. Sellers stated it would be bottling and storage as related to the processing and the special use application is relating to the processing.

Mr. Rice asked if diagram A is approved what would need to be done, with Chairman Pro Tem Becker explaining he may need to come in and get a permit for the building because it changes the building type. Mr. Rice stated that he does need some ability to expand from the as is diagram in order to take advantage of more opportunities.

Commissioner Zwetzig asked in relation to diagram A if there is room for bottling, storage and the office in the metal building with Mr. Rice stating yes there is room. Commissioner Zwetzig asked how many additional employees would be related to diagram A with Mr. Rice stating on a daily basis there would be 6 to 7 additional employees and in relation to the as is diagram, there are 4-5 employees.

Commissioner Zwetzig asked Ms. Sellers if the amended has to be a full process with Ms. Sellers no there is a minor amended process and it is determined by the planning administrator if they are minor or major. If the planning administrator determines it is minor the Planning Administrator will make the decision. Ms. Sellers explained that if the board wishes to see all amendments there would need to be a condition that the board to hear all amendments regardless if they are minor or major.

Commissioner Zwetzig asked Ms. Cherry what the planning commission recommended, with Ms. Cherry stating that it was approved 3-2 subject to conditions. With the conditions being the applicant shall obtain necessary permits and comply with the requirements and conditions of those permits as determined by other governmental agencies with jurisdiction over this operation; A traffic letter be prepared related to extending the driveway, which was supplied and a Proper water tap size to be determined by Quality Water. Ms. Cherry stated they have met all the Planning Commissions conditions. Ms. Cherry stated that there was on limitation on the size of the lab that can be built.

Commissioner Zwetzig doesn't want to make the process difficult for the applicant to have to come back for expansions if he has made the neighbors happy, but he does think it needs to be a commissioner decision and a hearing situation. Mr. Cherry explained the process and the time frame it takes for applications.

COMMISSIONERS PROCEEDINGS 3

Commissioner Zwetzig made the motion to approve the special use permit for Dexter and Beverly J. Rice as applicant for storing and processing agricultural products, specifically hemp, at the size as presently constructed with the conditions as outlined by County Attorney Sellers with the fact that the driveway needs to be widened by the end of the year and every attempt would be made to accommodate vehicles so they did not park on the road way, all additional regulations and it is a special use permit with a limitation of as is built currently. Chairman Pro Tem Becker seconded the motion and at this time, the motion carried 2-0.

Chairman Pro Tem Becker asked if there was any further business to bring before the Board, and upon hearing none, the meeting was adjourned at 10:01 a.m.

Respectfully Submitted,
Ranee Aleman
Deputy Clerk to the Board
(Minutes ratified September 29, 2020)

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/ Jon J. Becker
Jon J. Becker, Chairman Pro Tem

s/James P. Zwetzig
James P. Zwetzig, Commissioner

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey