

**AGENDA-REVISED**  
**MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS**

Assembly Room, Administration Building  
231 Ensign Street, Fort Morgan, CO 80701  
Monday, August 24, 2020

**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/84405072158> If you cannot connect via Zoom, you may submit written public comment to [morgancountybcc@co.morgan.co.us](mailto:morgancountybcc@co.morgan.co.us) by email by 5 p.m. on Friday August 21, 2020.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/84405072158> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 844 0507 2158

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/84405072158> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 844 0507 2158

**9:00 A.M.**

**A. WELCOME – CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

Commissioner Arndt  
Commissioner Becker  
Commissioner Zwetzig

**B. CITIZEN'S COMMENT PERIOD**

Citizens are invited to speak to the Commissioners on non-agenda items. There is a 3 minute time limit per person, unless otherwise noted by the Chairman. Please note that no formal action will be taken on these items during this time due to the open meeting law provision; however, they may be placed on future posted agenda if action is required.

**C. ADOPTION OF THE AGENDA**

\*Any meeting or event scheduled to be held at the Commissioners' Offices (218 West Kiowa Avenue, Fort Morgan, CO) will be relocated to a site with handicapped access upon request. For special assistance for the Morgan County Board of Commissioners meeting, please notify us at least 48 hours before the scheduled agenda item. Please call (970)542-3500, extension 1410, to request accommodations for any of the two locations.

PREPARED BY: Karla Powell, Administrative Services Manager  
AGENDA POSTED ON August 20, 2020 @ 1:00 P.M.

**D. PUBLIC HEARING**

**Continued from July 28, 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 6<sup>th</sup> 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.

**E. ADJOURNMENT AND RECOVENE AS THE MORGAN COUNTY BOARD OF EQUALIZATION**

**AGENDA  
MORGAN COUNTY BOARD OF EQUALIZATION**

**A. CONSIDERATION AND APPROVAL OF SETTLEMENT AGREEMENT WITH WAL-MART REGARDING 2018 AND 2019 PERSONAL PROPERTY TAX ASSESSMENT APPEALS**

**B. ADJOURNMENT**

\*Any meeting or event scheduled to be held at the Commissioners' Offices (218 West Kiowa Avenue, Fort Morgan, CO) will be relocated to a site with handicapped access upon request. For special assistance for the Morgan County Board of Commissioners meeting, please notify us at least 48 hours before the scheduled agenda item. Please call (970)542-3500, extension 1410, to request accommodations for any of the two locations.

PREPARED BY: Karla Powell, Administrative Services Manager  
AGENDA POSTED ON August 20, 2020 @ 1:00 P.M.



## **MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT**

**August 24, 2020**

**TO:** MORGAN COUNTY BOARD OF COMMISSIONERS  
**DATE:** Monday, August 24, 2020  
**TIME:** 9:00 AM  
**PLACE:** Assembly Room – Basement (B) Level  
Morgan County Administration Building  
231 Ensign St., Fort Morgan, CO

OR

You may attend via the ZOOM platform. The link to the meeting is:

<https://us02web.zoom.us/j/84405072158>

Or iPhone one-tap :

US: +13462487799,,84405072158# or +16699009128,,84405072158#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 312 626  
6799 or +1 646 558 8656 or +1 301 715 8592

Webinar ID: 844 0507 2158

International numbers available: <https://us02web.zoom.us/j/84405072158>

### **A G E N D A**

#### **OLD BUSINESS:**

**Continued from July 28, 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 6<sup>th</sup> 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.

#### **OTHER MATTERS:**

#### **ADJOURN:**



## **MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT**

### **BOARD OF MORGAN COUNTY COMMISSIONERS FILE SUMMARY**

**July 21, 2020**

**July 28, 2020 (meeting date)**

**August 24, 2020 (continued date, updated information)**

**APPLICANT: Dexter Rice**

**LANDOWNERS: Dexter Rice and Beverly Rice**

This application was considered by the Board of County Commissioners at a public hearing on July 28, 2020 and continued to today, August 24, 2020. At the July meeting the commissioners requested that the applicant provide additional information which is included in the packet.

1. Response from the applicant:
  - a. Intro – Growing to Survive
  - b. Impacts and mitigation
  - c. Metric for facility capacity limitation
  - d. Traffic
  - e. Hours of operation
  - f. Retail operation
  - g. Ventilation
  - h. Greenhouse lighting
  - i. Covenant
  - j. Diagram of semi-truck turn-around

Additionally, the following were provided by the applicant and included in the updated packet:

2. 8-18 email with status of various requests
3. Eben Ezer permission to widen access
4. Lindell permission to widen access
5. Road and Bridge permission to widen access
6. Covenant dated 10-30-97
7. Applicant interpretation of covenant
8. Statement from developer on interpretation of covenant
9. Title work

## Dexter Labs LLC - Operation Questions and Growth Limitation Appeal

Thank you for your time and attention to this matter, we appreciate it very much!

a.

### Growing to survive.

We agree that a limitation should be placed on the amount of land that could be used for processing operations, so that agricultural land can be preserved and business will not grow to negatively impact neighbors and the community. However we also have some concern that we not be limited so much as to sabotage the ability of our business to survive and to thrive.

As businesspeople yourselves I'm sure you are well aware that the reality of free market economy is that businesses are either growing or dying. If growth is not possible then it is a matter of time before the business becomes infeasible.

The hemp market has been maturing quickly over the past 2 years and last year supply finally exceeded demand, it far exceeded it. Consequently, prices crashed brutally. This means that hemp is now suddenly in the same game as other commodities, and making a profit is difficult. This means that efficiency and therefore economies of scale is paramount to long term success.

We understand that if we continue to grow over time, eventually we will outgrow this location and have to move to a larger site. It is our hope that we can be allowed sufficient space at this site for opportunity and growth over a considerable period of time. This need for flexibility is particularly essential given the highly uncertain context we are going through. We need to be nimble and reactive to be able to compete and stay in business during multiple sources of market weakness. We believe that it would also serve the economic and employment goals of Morgan County to allow us a level of growth. We would like to be working in cooperation with the County and foster a positive relationship into the future.

b.

### Off-site impacts are mitigated

As I communicated in my presentation we believe that we have very well mitigated all off site impacts. It became clear from the public's testimony that the smell bothering them is correlated with the farming operation as opposed to the processing operation. Once the material is dry the scent is minimized. I contacted our engineers who said they have had no



complaints of odor at any of their other sites, including sites he has worked on in close proximity urban areas. The other main concern was the traffic, which I discuss below.

## c. Identifying the proper metric for limitation

As far as the metric used to limit our growth, we do not believe that measuring by number of acres is a meaningful or effective metric. At this early stage of cultivar and agronomic development there is a very wide range in outputs from a given acre of hemp. Output for an acre could be anywhere from a few hundred pounds to a few tons. The weight of material is not the best metric either because there is variation in the way material is brought in, it could be still whole plants, branches, shucked, or milled, which all have different "concentrations" of extractable material. Not to mention variation in residual moisture content, also adding inconsistency to the metric. We believe it makes most sense to limit us in terms of square footage, keeping in mind that we need four categories of space: Extraction, Finished Product Bottling, Storage, and Office. You have seen our current Extraction space expansion plans, but we also need to build out more space in the current structure to better accommodate the other 3 functions. In fact we anticipate our bottling work to grow more quickly than our extraction work due to market commodification and large scale extractors coming online. Bottling requires significant storage space for bulk ingredients and finished product testing quarantine, and some additional office based logistics, but it does not use any chemicals, and could not possible produce odor. We hope this is a less contentious use of space that could be allowed on a larger scale.

We request that our growth be limited in terms of square footage. In looking at historical Ag zone guidelines, up to 10% of the property could be developed, and even more is allowed now. In line with this we do not feel it is too much to ask that we be allowed 5% of our property to be used for the entire processing operation, with a maximum of 1% of our property as extraction space. As mentioned, we need considerable space for bottling, storage, and office.

## d. Traffic

As stated in the professional traffic letter required, we have UPS on site every day, Fedex 3-4 days per week and semi trucks up to twice per week at the very most. Many weeks however have no semi trucks, it just varies. We have 4 people working full time on site and one part time. We usually bring our lunch so we are each coming on and off the site once per day. Consequently, passenger vehicles come and go on average from the site about 8-12 times per day including extra trips to the store.

e. Hours

Our normal business hours will remain 8am-6pm, but we would request the ability to have 1-2 people able to be on site at night if needed. We don't intend to operate this way full time, but would feel more comfortable having the ability in case we need to get through busy times and retain important customers. We work on a year-round basis, but the hemp extraction slows down in the spring and summer.

f. Retail

We do not need to apply for retail. We are fine with discontinuing on-site retail.

g. Ventilation

We have 2500 cfm of HEPA filtered air as the only input into the extraction space. Because the entire operation is a "closed system", our engineers say that odor has not been an issue, and therefore filtration of air exiting the room is not required. The same concept applies to ethanol vapor, since it is a closed system very little vapor can escape and would be exhausted in extremely low concentrations. The exhaust out of the building is 3200 cfm, high enough that the air in the entire space is replaced 10 times per hour, which qualifies it as a "clean room". Our engineers noted that if there is any part of the operation that could produce odor it would be the milling. For this they suggest a dust collection/filtration system, which we already have in place.

h. Greenhouse

I was very glad to hear that you hadn't had any complaints about our greenhouse lighting, I intended to design it that way! The west side wall is opaque so that light cannot shine towards the homes in that direction, and the north/back wall is 18' high solid concrete with only 4' of clear panel for light to escape. Therefore light really only shows in the south side and a little on the east where there are no homes in close proximity. I use special LED lights which have a spectrum tuned to the plants needs, meaning a large portion of the light is outside our visual spectrum and therefore they do not appear very bright. We only have enough intensity of light to maintain light cycles, not anything to match the intensity of the sun for full growth. We only operate the lights during shoulder hours of the day to keep 16-18 hours of light per day. This means lights will always be off for 6-8 hours in the middle of the night. We will not be adding any more light than we have had the past couple years.

i. Covenant

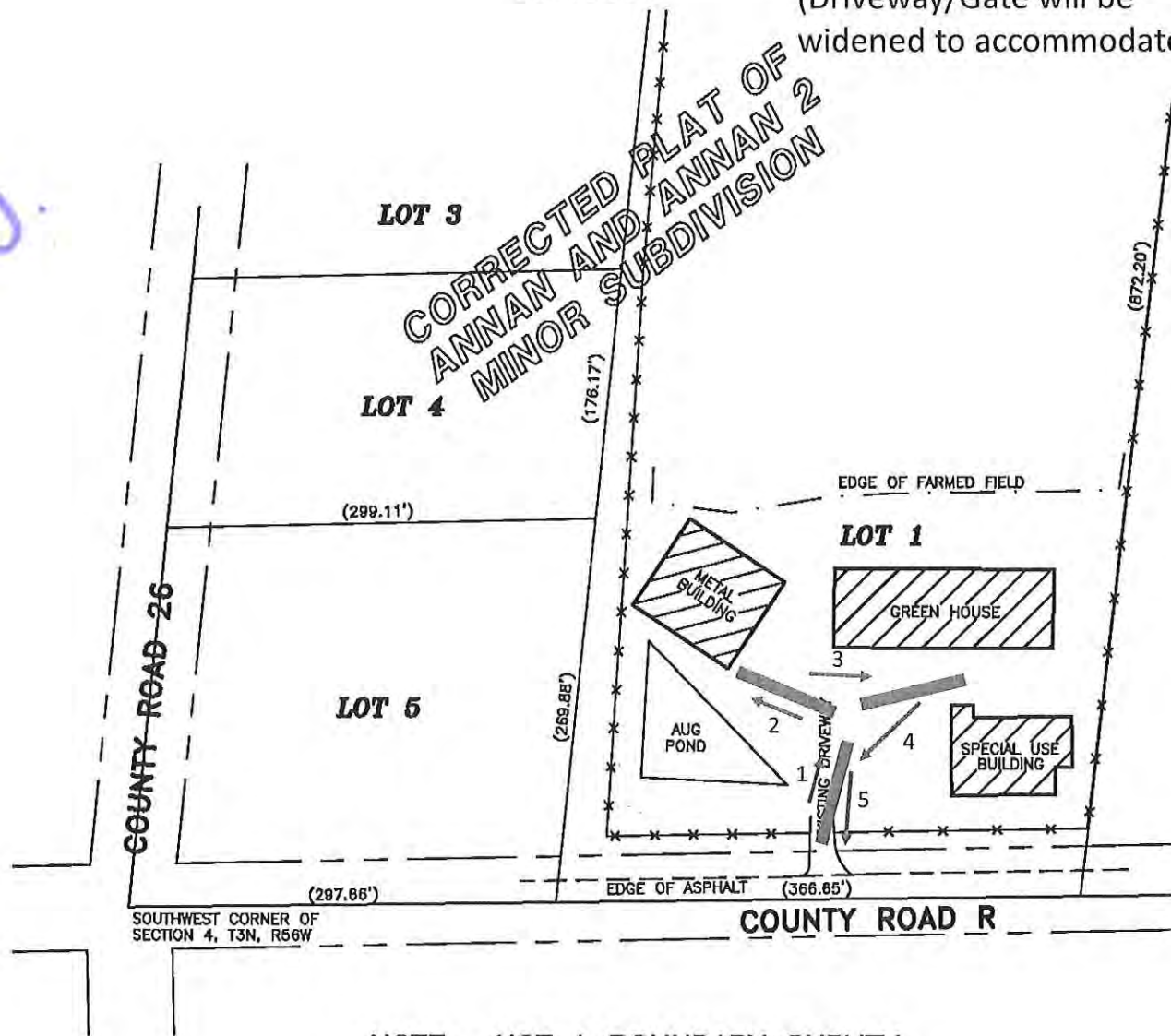
i.

I will not be able to get all neighbors to agree, because 2 of them are vehemently opposed to hemp and will not do anything that supports our operation. However I spoke with Bill Annan, one of the two parties who created the covenant and he confirmed that the clause in question was intended to limit the type of home that could be built on the property but was not intended to allow or disallow other types of structures. Bill said he will make a written statement to this effect. The second party that created the covenant was Elaine Prascher, who in all likelihood would have used the covenant to stop our development already, if that was in fact the covenant's intention and authority. We have also solicited a professional legal opinion of the clause and how it would be interpreted if ever brought to court, his opinion is also that the clause does not allow or disallow structures other than residences. It only defines the type of residences that could be built.



# EXHIBIT

Truck Turnaround Diagram  
(Driveway/Gate will be widened to accommodate)

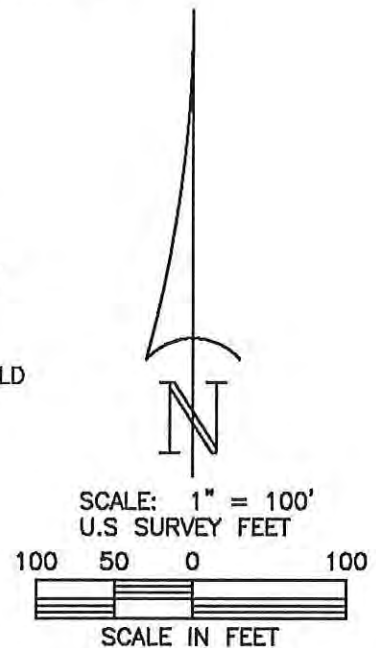


NOTE: NOT A BOUNDARY SURVEY

## LEGEND

- (0.00) PLATTED DISTANCES
- x — x — EXISTING FENCE LINE
- - - - - EDGE OF ASPHALT
- . - . - . EDGE OF FARMED FIELD

FULL SIZE Truck: 8.5' x 72'



Accept

2



Pam Cherry &lt;pcherry@co.morgan.co.us&gt;

---

## Coming in today

---

**Dexter Rice** <dexter.rice@gmail.com>

Tue, Aug 18, 2020 at 11:22 AM

To: Pam Cherry &lt;pcherry@co.morgan.co.us&gt;

Hello Pam,

Tim should be bringing the title work over today.

I am attaching signed permission from Eben Ezer for driveway widening. Elaine Prascher had agreed to sign but then decided she wanted her son to also review it and sign as POA, so that is taking a little longer, but I hope to have it returned from him today or tomorrow.

I am also attaching a signed statement from Bill Annan, one of the two surviving people who created the covenant on the property, explaining the intent of the covenant. Let me know if you need further clarification from him. The other party to the covenant is Elaine Prascher, who I have had a lot of trouble clearly communicating with. She takes a very negative attitude towards anything I try to speak with her about, so I have not gotten a statement from her on the subject.

I believe you received the necessary email permission from Road and Bridge yesterday, is there anything else I am missing?

Thank you very much!


**Dexter Rice**


Cell: 303 929 9345

[Quoted text hidden]

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### 2 attachments

 **Eben Ezer Permission 2020 - Signed.pdf**  
253K

 **Covenant Intent Statement from Bill Annan.pdf**  
30K

Permission to  
widen access

3.

I, Shelly Griffith, CEO of Eben Ezer Lutheran Care Center, which holds an easement to an irrigation ditch running across the south end of the property at 17315 County Road 27 Brush CO, 80723, grant permission to widen the driveway over the mentioned irrigation ditch up to 45 ft wide. Construction must be similar to that used on the current driveway AND to that used to route the ditch under County Road 26, 300 ft to the west. Specifically, a culvert of similar or larger size than used under County Road R must be used for the new driveway, being approximately 20" tall and 28" wide.

Signed: Shelly M Griffith

Date: 8-13-2020

4

I, Karen Lindell, Owner of property at 26207 County Road R Brush CO 80723, Which holds an easement to an irrigation ditch running across the south end of the property at 17315 County Road 27 Brush CO, 80723, grant permission to widen the driveway over the mentioned irrigation ditch up to 45 ft wide. Construction must be similar to that used on the current driveway AND to that used to route the ditch under County Road 26, 300 ft to the west. Specifically, a culvert of similar or larger size than used under County Road R must be used for the new driveway, being approximately 20" tall and 28" wide.

Signed: Karen Lindell

Date: 8.13.2020





Pam Cherry &lt;pcherry@co.morgan.co.us&gt;

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**Widening Driveway for Dexter Rice**

2 messages

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**James Rehn** <jrehn@co.morgan.co.us>

Mon, Aug 17, 2020 at 3:18 PM

Cc: Bruce Bass &lt;bbass@co.morgan.co.us&gt;, Daniel Riddle &lt;driddle@co.morgan.co.us&gt;, John Goodman &lt;jgoodman@co.morgan.co.us&gt;, Pam Cherry &lt;pcherry@co.morgan.co.us&gt;

Morgan County has no objection to Dexter Rice widening his driveway .

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**James Rehn** <jrehn@co.morgan.co.us>

Mon, Aug 17, 2020 at 3:23 PM

To: dexterrice@gmail.com

Cc: Bruce Bass &lt;bbass@co.morgan.co.us&gt;, Daniel Riddle &lt;driddle@co.morgan.co.us&gt;, John Goodman &lt;jgoodman@co.morgan.co.us&gt;, Pam Cherry &lt;pcherry@co.morgan.co.us&gt;

Morgan County has no objection to Dexter Rice widening his driveway .  
As long as he goes with the same size culvert that is already present at driveway location.  
Ditch lateral owners are ok with culvert size.

Thank you

[Quoted text hidden]

OF MORGAN COUNTY, COLORADO

THIS DECLARATION, made and executed this 30<sup>TH</sup> day of OCTOBER, 1997 by Sheryl S. Annan, William J. Annan, Elaine C. Prascher and Ronald E. Prascher, hereinafter called Declarants.

WITNESSETH:

Whereas, Declarants are the owners of all of the lands located in Annan Minor Subdivision of Morgan County, Colorado, and,

Whereas, Declarants, in order to maintain and protect the property values of Annan Minor Subdivision hereby adopt the following covenants:

1. Only single family homes on permanent foundations, 1,300 square feet or larger in size, shall be permitted within the subdivision. No mobile home trailer houses will be permitted within the subdivision. Manufactured or factory built homes shall be acceptable if placed on permanent foundations.

2. No feed lots shall be permitted in the subdivision, proper trash disposal is mandatory and the storage of vehicles that are not roadworthy shall not be permitted.

3. All owners shall be responsible for the control of weeds on their property, either by mowing and /or spraying.

Declarants hereby declare that these covenants shall be binding on the present owners and all future owners owning property within this subdivision and these covenants shall be covenants running with the land within this subdivision.

Dated the day and year first set forth above.

Sheryl S. Annan

William J. Annan

Elaine C. Prascher

Ronald E. Prascher

STATE OF COLORADO )  
COUNTY OF MORGAN) ss.

The foregoing instrument was acknowledged before me a Notary Public this \_\_\_\_\_ day of 10/30, 1997 by Sheryl S. Annan, William J. Annan, Elaine C. Prascher and Ronald E. Prascher.

Witness my hand and official seal.

My commission expires : 5-19-01



Karla Russo

Notary Public

767131 02/04/1998 10:55A B1024 P215 F. JOHNSON  
1 of 1 R 6.00 D 0.00 Morgan County, CO



Pam Cherry &lt;pcherry@co.morgan.co.us&gt;

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**Coming in today**

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**Dexter Rice** <dexter.rice@gmail.com>  
To: Pam Cherry <pcherry@co.morgan.co.us>

Mon, Aug 17, 2020 at 4:50 PM

Hello Pam,

**COVENANT:**

The clause of the covenant in question, as confirmed with Real Estate Attorneys and Bill Annan, governs the type of RESIDENTIAL structures that may or may not be built on the property. It does not however allow or disallow any other type of structure or business. The subsequent clause prohibits only feed lots and junk yards.

The title work will be finished tomorrow and Tim Wymer said he would bring it over when complete.

Thanks,

**Dexter Rice**

Cell: 303 929 9345



[Quoted text hidden]



8.

August 18, 2020

To: Morgan County Commissioners

Re: Annan Minor Subdivision

The Annan Minor Subdivision Covenants were developed to make sure anyone moving in would build an above average home and make sure trash and weeds were taken care of. Feedlots are also not permissible.

The covenants were not designed to stop an owner from running a business and using the land to earn a profit to support their family.

Bill Annan

A handwritten signature in black ink, appearing to read 'Bill Annan', with a large, stylized initial 'B' and 'A'.



9.

**NORTHERN COLORADO TITLE SERVICES CO., INC.**

130 W. KIOWA AVE., FORT MORGAN, COLORADO 80701

Phone No. 970-867-0233 Fax No. 970-867-7750

DATE: August 18, 2020

ORDER #: NCT22524

PROPERTY ADDRESS: 26089 COUNTY ROAD R, BRUSH, COLORADO, 80723

OWNER/PURCHASER: BEVERLY J. RICE and DEXTER S. RICE  
TO BE DETERMINED

**PLEASE DELIVER TO THE FOLLOWING CUSTOMERS:**

\_\_\_\_ To: ATTN:

Fax#:

\_\_\_\_ To: DEXTER RICE ATTN:

CALL 303-929-9345

Fax#:

\_\_\_\_ To: ATTN:

Fax#:

\_\_\_\_ To: ATTN:

Fax#:

\_\_\_\_ To: ATTN:

Fax#:

ATTACHED PLEASE FIND THE FOLLOWING ITEM(S) IN CONNECTION WITH THE ABOVE CAPTIONED ORDER. SHOULD YOU HAVE ANY QUESTIONS REGARDING THE ATTACHED DOCUMENTATION, PLEASE CONTACT LINDA, SHARON, LISA OR SHERYL. FOR CLOSING ASSISTANCE, PLEASE CONTACT LINDA OR LISA. WE APPRECIATE YOUR BUSINESS VERY MUCH AND LOOK FORWARD TO SERVING YOU IN THIS TRANSACTION.

***E-MAIL ADDRESS FOR CLOSING DOCUMENTS: CLOSING@NCTS.COM***

**HAVE A WONDERFUL DAY!!!**

\_\_\_\_ COMMITMENT  
\_\_\_\_ AMT DUE IS ON SCHEDULE A (INVOICE)

\_\_\_\_ PROPERTY REPORT  
\_\_\_\_ -AMT DUE IS ON PROPERTY REPORT (INVOICE)

\_\_\_\_ MORTGAGE/FORECLOSURE GUARANTY

\_\_\_\_ SURVEY/ILC

\_\_\_\_ OWNERS TITLE POLICY

\_\_\_\_ MORTGAGEES TITLE POLICY

\_\_\_\_ DOCUMENTS

\_\_\_\_ OTHER / INVOICE

# stewart title

## ALTA COMMITMENT FOR TITLE INSURANCE

ISSUED BY  
STEWART TITLE GUARANTY COMPANY

### NOTICE

**IMPORTANT - READ CAREFULLY:** THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

### COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and the Commitment Conditions, STEWART TITLE GUARANTY COMPANY, a Texas corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I - Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Countersigned by:

Authorized Countersignature

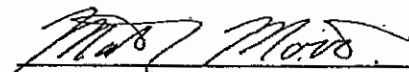
NORTHERN COLORADO TITLE SERVICES

Company Name

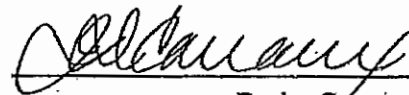
FORT MORGAN, CO

City, State





Matt Morris  
President and CEO



Denise Carraux  
Secretary

For purposes of this form the "Stewart Title" logo featured above is the represented logo for the underwriter, Stewart Title Guaranty Company.

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a countersignature by the Company or its issuing agent that may be in electronic form.*

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File No.:

008-UN ALTA Commitment For Title Insurance 8-1-16

(4-2-18) Page 1 of 3

AMERICAN  
LAND TITLE  
ASSOCIATION



## COMMITMENT CONDITIONS

### 1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
  - (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
  - (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
  - (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
  - (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
  - (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
  - (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
  - (h) "Title": The estate or interest described in Schedule A.
2. If all of the Schedule B, Part I - Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
3. The Company's liability and obligation is limited by and this Commitment is not valid without:
- (a) the Notice;
  - (b) the Commitment to Issue Policy;
  - (c) the Commitment Conditions;
  - (d) Schedule A;
  - (e) Schedule B, Part I - Requirements;
  - (f) Schedule B, Part II - Exceptions; and
  - (g) a countersignature by the Company or its issuing agent that may be in electronic form.

### 4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

### 5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - (i) comply with the Schedule B, Part I - Requirements;
  - (ii) eliminate, with the Company's written consent, any Schedule B, Part II - Exceptions; or
  - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a countersignature by the Company or its issuing agent that may be in electronic form.*

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- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I - Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

**6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT**

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II - Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

**7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

**8. PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

**9. ARBITRATION**

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

**STEWART TITLE GUARANTY COMPANY**

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at P.O. Box 2029, Houston, Texas 77252-2029.

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a countersignature by the Company or its issuing agent that may be in electronic form.*

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	Title Insurance Commitment
	ISSUED BY <b>Stewart Title Guaranty Company</b>
<b>Schedule A</b>	

ALTA® Universal ID: 0044474  
 Commitment/File No: NCT22524  
 Property Address: 26089 COUNTY ROAD R, BRUSH,  
 COLORADO, 80723

Effective Date: August 17, 2020 at 8:00 a.m.  
 Issuing Office: NORTHERN COLORADO TITLE  
 SERVICES CO., INC.

1. Policy or Policies to be issued:

OWNERS:	AMOUNT	PREMIUM
<input checked="" type="checkbox"/> ALTA® 2006 Owner's Policy	STO BE DETERMINED	\$200.00

Proposed Insured: TO BE DETERMINED

LOAN:

☒ ALTA® 2006 Loan Policy

Other Charges:

**TOTAL DUE: \$ 200.00**

**NOTE: A Minimum Fee of \$110.00 will be charged if file is cancelled.**


2. On the effective date hereof, the estate described herein to be insured is fee simple, and is vested in:

**BEVERLY J. RICE and DEXTER S. RICE**

3. The land referred to in the Commitment is described below or in Schedule C:

**Lot 1, CORRECTED REPLAT OF ANNAN AND ANNAN 2 MINOR SUBDIVISION, according to the recorded plat thereof, Morgan County, Colorado.**

and commonly known as (for informational purposes only): **26089 COUNTY ROAD R, BRUSH, COLORADO, 80723**

	<b>Title Insurance Commitment</b>  ISSUED BY <b>Stewart Guaranty Title Company</b>
<b>Schedule BI</b>	


**SCHEDULE B - SECTION I  
REQUIREMENTS**

Commitment No: NCT22524

The Following are requirements to be complied with; otherwise to be shown as exceptions in the policy:

- A. Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured, and for any estate or interest necessary to create the estate or interest to be insured described in this Commitment.
- B. Payment of all taxes and/or assessments levied against the subject premises which are due and payable.
- C. You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
- D. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records, to wit:
  - 1. Proper Deed from BEVERLY J. RICE and DEXTER S. RICE to TO BE DETERMINED, conveying the land described herein.
  - 2. Dollar amount of Policy coverage must be provided to the Company.
  - 3. The Company reserves the right to assert additional requirements or exceptions regarding the Grantee(s) when they are designated.

Valid as a Commitment for an ALTA Policy only if attached to a countersigned Commitment for Title Insurance, a Schedule A, a Schedule B - Section II and a Schedule C (if applicable) with matching Commitment Numbers.

	<b>Title Insurance Commitment</b>  ISSUED BY <b>Stewart Title Guaranty Company</b>
<b>Schedule BII</b>	

## SCHEDULE B-SECTION II EXCEPTIONS

Commitment No: NCT22524

Schedule B of the Policy or Policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company. The policy will not insure against loss or damage by reason of the following:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be ascertained by persons in possession of the Land.
3. Easements, or claims of easements, not shown by the public records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Taxes or special assessments which are a lien or due and payable; or which are not shown as existing liens by the public records; and any tax, special assessments, or charges or liens imposed for water or sewer service, or any other special taxing district, and any unredeemed tax sales.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water; (d) Minerals of whatsoever kind, subsurface and surface substances, in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the Public Records or listed in Schedule B.

### ADDITIONAL EXCEPTIONS

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

8. Right of way for ROAD purposes as specified in that ROAD VIEWER'S REPORT recorded FEBRUARY 2, 1887 in Book 15 at Page 127.
9. Right of way for ROAD purposes as specified in ROAD PETITION recorded JANUARY 31, 1883 in Book 15 at 228, said road to be not less than 60 feet in width.
10. Right of way for ROAD purposes as specified in ROAD PETITION recorded DECEMBER 6, 1893 in Book 15 at 42, said road to be not less than 60 feet in width.

Commitment Schedule B-II

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11. South Side Lateral and rights of way therefor, as evidenced by Map and Sworn Statement recorded March 18, 1902 in File No. 211.
12. Easement and right of way for communication and other facilities purposes as granted by Clifton V. Winger to The Mountain States Telephone and Telegraph Company as contained in instrument recorded May 4, 1970, in Book 717 at Page 624, the location of said easement and right of way are more specifically defined in said document.
13. Easement and right of way for TRANSPORTING WATER purposes as granted by SHERYL ANAN and WILLIAM J. ANNAN to ELAINE C. PRASHER and RONALD E. PRASHER as contained in instrument recorded MARCH 22, 1991 in Book 931 at Page 75, the location of said easement and right of way are more specifically defined in said document.
14. Easements for utility, access and irrigation ditch purposes as shown on the recorded plat of ANNAN MINOR SUBDIVISION, recorded in Book 6 at Page 71.
15. Covenants, conditions, restrictions, terms and obligations, which do not contain a forfeiture or reverter clause, as contained in INSTRUMENT recorded May 14, 1991 in Book 932 at Page 919.
16. Covenants, conditions, restrictions, terms and obligations, which do not contain a forfeiture or reverter clause, as contained in INSTRUMENT recorded FEBRUARY 4, 1998 in Book 1024 at Page 215.
17. Easements for utility and access purposes as shown on the recorded plat of CORRECTED REPLAT OF ANNAN AND ANNAN 2 MINOR SUBDIVISION, recorded at Reception No. 1500280.
18. Encroachment by the SHEDS onto ADJOINING PROPERTY as shown on Improvement Location Certificate by Jack L. Odor, dated October 20, 2011.
19. Terms, conditions, provisions, agreements, burdens and obligations as contained in AGREEMENT AND GRANT OF EASEMENT between JEANNE K. FONNER and RANDY A. DREITZ and CONNIE R. DREITZ recorded JUNE 8, 2015 at Reception No. 893908.
20. Neither this policy nor any endorsement covers any loss or damage arising from any allegation that the use of the Land lacks compliance with covenants, conditions or restrictions or federal or state law or ordinance regarding the cultivation or production of hemp.
21. Burdens, obligations, terms, conditions, stipulations and restrictions of any and all unrecorded LEASES AND TENANCIES.
19. NOTE: The following notices pursuant to CRS 9-1.5 103 concerning underground facilities have been filed with the Clerk and Recorder. These statements are general and do not necessarily give notice of underground facilities within the subject property: (A) MOUNTAIN BELL TELEPHONE COMPANY RECORDED OCTOBER 2, 1981 IN BOOK 821 AT PAGE 502; (B) PUBLIC SERVICE COMPANY OF COLORADO RECORDED OCTOBER 2, 1981 IN BOOK 821 AT PAGE 514; AND (C) MORGAN COUNTY RURAL ELECTRIC ASSOCIATION RECORDED JANUARY 22, 1982 IN BOOK 825 AT PAGE 656.

Valid as a Commitment for an ALTA Policy only if attached to a countersigned Commitment for Title Insurance, a Schedule A, a Schedule B-Section 1 and a Schedule C (if applicable) with matching Numbers.



**SCHEDULE B – SECTION 2**  
**CONTINUED**

Pursuant to C.R.S. 30-10-406(3)(a) all documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one-half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section.

NOTE: If this transaction includes a sale of the property and the price exceeds \$100,000.00, the seller must comply with the disclosure/withholding provisions of C.R.S. 39-22-604.5 (Non-residential withholding).

NOTE: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed." Provided that Title entity conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Pursuant to C.R.S. 10-11-122, the company will not issue its policy or policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary.

The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

NOTE: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments containing a mineral severance instrument exception, or exceptions, in Schedule B, Section 2.

- A. That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- B. That such mineral estate may include the right to enter and use the property without the surface owner's permission.

NOTE: Pursuant to Colorado Division of Insurance Regulations 8-1-1, Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- A. The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- B. No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- C. The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- D. The Company must receive payment of the appropriate premium.
- E. If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of the Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium, fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

Commitment Schedule B-II

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No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

NOTE: Pursuant to C.R.S. 38-35-125(2) no person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawal as a matter of right.

NOTE: C.R.S. 39-14-102 requires that a real property transfer declaration accompany any conveyance document presented for recordation in the State of Colorado. Said declaration shall be completed and signed by either the grantor or grantee.

NOTE: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado division of insurance within the department of regulatory agencies.

NOTE: Pursuant to Colorado Insurance Regulation 8-1-3, this is notification of the availability of Title Closing Protection Letters written by Stewart Title Guaranty Company.

Nothing herein contained will be deemed to obligate the company to provide any of the coverages referred to herein unless the above conditions are fully satisfied.

## STG Privacy Notice 1 (Rev 01/26/09) Stewart Title Companies

### WHAT DO THE STEWART TITLE COMPANIES DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of the Stewart Title Guaranty Company and its affiliates (the Stewart Title Companies), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as the Stewart Title Companies, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information	Do we share?	Can you limit this sharing?
<b>For our everyday business purposes</b> —to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
<b>For our marketing purposes</b> —to offer our products and services to you.	Yes	No
<b>For joint marketing with other financial companies</b>	No	We don't share
<b>For our affiliates' everyday business purposes</b> —information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and nonfinancial companies. <i>Our affiliates may include companies with a Stewart name; financial companies, such as Stewart Title Company</i>	Yes	No
<b>For our affiliates' everyday business purposes</b> —information about your creditworthiness.	No	We don't share
<b>For our affiliates to market to you</b>	Yes	No
<b>For nonaffiliates to market to you.</b> Nonaffiliates are companies not related by common ownership or control. They can be financial and nonfinancial companies.	No	We don't share

We may disclose your personal information to our affiliates or to nonaffiliates as permitted by law. If you request a transaction with a nonaffiliate, such as a third party insurance company, we will disclose your personal information to that nonaffiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

### Sharing practices

<b>How often do the Stewart Title Companies notify me about their practices?</b>	We must notify you about our sharing practices when you request a transaction.
<b>How do the Stewart Title Companies protect my personal information?</b>	To protect your personal information from unauthorized access and use, we use security measures that comply with federal and state law. These measures include computer, file, and building safeguards.
<b>How do the Stewart Title Companies collect my personal information?</b>	<p>We collect your personal information, for example, when you</p> <ul style="list-style-type: none"> <li>• request insurance-related services</li> <li>• provide such information to us</li> </ul> <p>We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.</p>
<b>What sharing can I limit?</b>	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

### Contact Us

If you have any questions about this privacy notice, please contact us at: Stewart Title-Guaranty Company, 1980 Post Oak Blvd., Privacy Officer, Houston, Texas 77056

## WHAT DO/DOES THE NORTHERN COLORADO TITLE SERVICES CO., INC. DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of Northern Colorado Title Services Co., Inc. (NCT) and its affiliates, pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information	Do we share?	Can you limit this sharing?
<b>For our everyday business purposes</b> — to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
<b>For our marketing purposes</b> — to offer our products and services to you.	Yes	No
<b>For joint marketing with other financial companies</b>	No	We don't share
<b>For our affiliates' everyday business purposes</b> — information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and nonfinancial companies.	No	We don't share
<b>For our affiliates' everyday business purposes</b> — information about your creditworthiness.	No	We don't share
<b>For our affiliates to market to you</b>	No	We don't share
<b>For nonaffiliates to market to you.</b> Nonaffiliates are companies not related by common ownership or control. They can be financial and nonfinancial companies.	No	We don't share

We may disclose your personal information to our affiliates or to nonaffiliates as permitted by law. If you request a transaction with a nonaffiliate, such as a third party insurance company, we will disclose your personal information to that nonaffiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

### Sharing practices

How often do/does NCT Notify me about their practices?	We must notify you about our sharing practices when you request a transaction.
How do/does NCT protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal and state law. These measures include computer, file, and building safeguards.
How do/does NCT collect my personal information?	<p>We collect your personal information, for example, when you</p> <ul style="list-style-type: none"><li>• request insurance-related services</li><li>• provide such information to us</li></ul> <p>We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.</p>
What sharing can I limit?	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

### Contact Us

If you have any questions about this privacy notice, please contact us at: 130 W. Kiowa Ave., Fort Morgan, Colorado 80701 (970)-867-0233

## Privacy Notice for California Residents

Pursuant to the California Consumer Privacy Act of 2018 ("CCPA"), Stewart Information Services Corporation and its subsidiary companies (collectively, "Stewart") are providing this **Privacy Notice for California Residents** ("CCPA Notice"). This CCPA Notice supplements the information contained in Stewart's existing privacy notice and applies solely to all visitors, users and others who reside in the State of California or are considered California Residents ("consumers" or "you"). Terms used but not defined shall have the meaning ascribed to them in the CCPA.

### Information Stewart Collects

Stewart collects information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer, household, or device. Most of the information that Stewart collects in the course of its regular business is already protected pursuant to the Gramm-Leach-Bliley Act (GLBA). Additionally, much of this information comes from government records or other information already in the public domain. Personal information under the CCPA does not include:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Certain personal information protected by other sector-specific federal or California laws, including but not limited to the Fair Credit Reporting Act (FCRA), GLBA and California Financial Information Privacy Act (FIPA).

Specifically, Stewart has collected the following categories of personal information from consumers within the last twelve (12) months:

Category	Examples	Collected?
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	YES
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information. Some personal information included in this category may overlap with other categories.	YES
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	YES
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	YES
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES
G. Geolocation data.	Physical location or movements.	YES
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	YES
I. Professional or employment-related information.	Current or past job history or performance evaluations.	YES
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	YES
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	YES

Stewart obtains the categories of personal information listed above from the following categories of sources:

- Directly and indirectly from customers, their designees or their agents (For example, realtors, lenders, attorneys, etc.)
- Directly and indirectly from activity on Stewart's website or other applications.
- From third-parties that interact with Stewart in connection with the services we provide.

#### Use of Personal Information

Stewart may use or disclose the personal information we collect for one or more of the following purposes:

- To fulfill or meet the reason for which the information is provided.
- To provide, support, personalize, and develop our website, products, and services.
- To create, maintain, customize, and secure your account with Stewart.
- To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- To prevent and/or process claims.
- To assist third party vendors/service providers who complete transactions or perform services on Stewart's behalf.
- As necessary or appropriate to protect the rights, property or safety of Stewart, our customers or others.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To personalize your website experience and to deliver content and product and service offerings relevant to your interests, including targeted offers and ads through our website, third-party sites, and via email or text message (with your consent, where required by law).
- To help maintain the safety, security, and integrity of our website, products and services, databases and other technology assets, and business.
- To respond to law enforcement or regulator requests as required by applicable law, court order, or governmental regulations.
- Auditing for compliance with federal and state laws, rules and regulations.
- Performing services including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing advertising or marketing services or other similar services.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us is among the assets transferred.

Stewart will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

#### Disclosure of Personal Information to Affiliated Companies and Nonaffiliated Third Parties

Stewart does not sell your personal information to nonaffiliated third parties. Stewart may share your information with those you have designated as your agent in the course of your transaction (for example, a realtor or a lender). Stewart may disclose your personal information to a third party for a business purpose. Typically, when we disclose personal information for a business purpose, we enter a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract.

We share your personal information with the following categories of third parties:

- Service providers and vendors (For example, search companies, mobile notaries, and companies providing credit/debit card processing, billing, shipping, repair, customer service, auditing, marketing, etc.)
- Affiliated Companies
- Litigation parties and attorneys, as required by law.
- Financial rating organizations, rating bureaus and trade associations.
- Federal and State Regulators, law enforcement and other government entities

In the preceding twelve (12) months, Stewart has disclosed the following categories of personal information for a business purpose:

- Category A: Identifiers
- Category B: California Customer Records personal information categories
- Category C: Protected classification characteristics under California or federal law
- Category D: Commercial Information
- Category E: Biometric Information
- Category F: Internet or other similar network activity
- Category G: Geolocation data
- Category H: Sensory data
- Category I: Professional or employment-related information
- Category J: Non-public education information
- Category K: Inferences

#### Consumer Rights and Choices

The CCPA provides consumers (California residents) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.



### Access to Specific Information and Data Portability Rights

You have the right to request that Stewart disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request, Stewart will disclose to you:

- The categories of personal information Stewart collected about you.
- The categories of sources for the personal information Stewart collected about you.
- Stewart's business or commercial purpose for collecting that personal information.
- The categories of third parties with whom Stewart shares that personal information.
- The specific pieces of personal information Stewart collected about you (also called a data portability request).
- If Stewart disclosed your personal data for a business purpose, a listing identifying the personal information categories that each category of recipient obtained.

### Deletion Request Rights

You have the right to request that Stewart delete any of your personal information we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request, Stewart will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies.

Stewart may deny your deletion request if retaining the information is necessary for us or our service providers to:

1. Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you.
2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.
4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 *seq.*).
6. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
8. Comply with a legal obligation.
9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

### Exercising Access, Data Portability, and Deletion Rights

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us either:

- Calling us Toll Free at 1-866-571-9270
- Emailing us at [Privacyrequest@stewart.com](mailto:Privacyrequest@stewart.com)
- Visiting <http://stewart.com/ccpa>

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child.

To designate an authorized agent, please contact Stewart through one of the methods mentioned above.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

Stewart cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you.

Making a verifiable consumer request does not require you to create an account with Stewart.

### Response Timing and Format

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time (up to an additional 45 days), we will inform you of the reason and extension period in writing.

A written response will be delivered by mail or electronically, at your option.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

Stewart does not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

#### Non-Discrimination

Stewart will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you a different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

#### Changes to Our Privacy Notice

Stewart reserves the right to amend this privacy notice at our discretion and at any time. When we make changes to this privacy notice, we will post the updated notice on Stewart's website and update the notice's effective date. **Your continued use of Stewart's website following the posting of changes constitutes your acceptance of such changes.**

#### Contact Information

If you have questions or comments about this notice, the ways in which Stewart collects and uses your information described here, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

**Phone:** Toll Free at 1-866-571-9270

**Website:** <http://stewart.com/ccpa>

**Email:** [Privacyrequest@stewart.com](mailto:Privacyrequest@stewart.com)

**Postal Address:** Stewart Information Services Corporation

Attn: Mary Thomas, Deputy Chief Compliance Officer

1360 Post Oak Blvd., Ste. 100, MC #14-1

Houston, TX 77056



## **MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT**

### **MORGAN COUNTY PLANNING COMMISSION FILE SUMMARY**

**July 21, 2020**

**July 28, 2020 (meeting date)**

**APPLICANT: Dexter Rice**

**LANDOWNERS: Deter Rice and Beverly Rice**

The Planning Commission considered this application at their meeting on February 10, 2020. At that meeting a recommendation of approval was made on a vote of 3-2, subject to conditions as noted below, with the chairman not voting. The chairman thought he only voted if there was a tie, since the vote was 3-2 to approve, the chairman did not vote. This was an error. The Chairman did note that if he would have voted, he would have voted "NO". Robert Pennington recused himself from this application.

Since the Planning Commission hearing the applicant has supplied additional information to the Colorado Department of Fire Prevention and Control related to the safety of the facility and the chemical stored. Fire Prevention and Control provided the applicant with safety recommendations and will perform an inspection upon completion of the construction and proposed improvements. Rice has also provided a traffic letter to address concerns expressed at Planning Commission.

#### **Application Overview**

The property owners have submitted an application for a Special Use Permit for approval to operate an Agricultural Product Handling, Storage and Processing facility including a lab. The property is approximately 18 acres (less than 20 acres) and is located on Lot 1 of the Annan and Annan 2 Minor Subdivision corrected Replat, in the W1/2 of the SW ¼ of Section 4, Township 3 North, Range 56 West of the 6<sup>th</sup> P.M. Morgan County, Colorado and addressed at 26089 County Road R, Brush, Colorado. The property is located in the Agriculture Production Zone District.

- a. Pursuant to Section 2-325, any use, not designated as a Use by Right, Accessory Use, Conditional Use, Use by Special Review or not otherwise prohibited in a particular zone, may be approved as a Use by Special Review pursuant to the criteria and procedures as established by these Regulations.
- b. Pursuant to Section 3-175, Parcels smaller than 20 acres does not list a laboratory as a Use by Right, Conditional Use or Use by Special Review.

In addition, extraction of hemp will be conducted on the property to produce hemp oil. This permit will be applicable to product handling, storage and processing of hemp. The property is zoned "A" Agriculture Production Zone District.

### **Criteria – Special Use Permits**

The following criteria are to be used by the Planning Commission and the Board of County Commissioners when reviewing an application for a Special Use Permit. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan.

*The property is located in the Southeast Planning area.*

## **Chapter 2 – Plan Summary –**

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

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

- 1.) Hemp is a very new industry and will broaden employment opportunities.
- 2.) Promote economic growth and continue to support the county economic development plan.

### **B. ENVIRONMENT**

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

### **C. LAND USE**

Goal: To encourage development where it is in proximity to the activity centers, compatible with existing land use, and there is access to established public infrastructure.

Goal: The county will encourage the preservation of agriculture production lands in balance with pressures for land use changes to higher intensity development.

## **Chapter 4 – Economic Development –**

### **I ECONOMIC PLAN DIRECTIONS**

Goal – Encourage the location of new industry and the expansion of existing business that will provide employment opportunities and increase the tax base to strengthen the economy of Morgan County.

#### **Policy**

- #6 Promote the sustainability of crops and livestock through value-added crop and livestock development.
- #7 Encourage economic diversity through entrepreneurial development programs.
- #9 Promote Morgan County as a location for state of the art and/or high tech industry.

- (B) All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.
- (C) The Site Plan conforms to the district design standards of these Regulations.
- (D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.
- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.  
*The agriculture nature of the proposed Special Use is compatible with surrounding uses, buffering from adjacent Agriculture Production zoned property is not necessary.*
- (F) The special use poses only the minimum amount of risk to the public health, safety and welfare as set by federal, state or county regulations, whichever is the strictest.  
*This operation will be required to obtain necessary permits from state or federal agencies and remain in compliance with any requirements.*
- (G) The special use proposed is not planned to be developed on a non-conforming parcel.  
*The parcel is conforming.*
- (H) The applicant has adequately documented a public need for the project, all pertinent technical information, and adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.  
*Expansion of agriculture related businesses in the County is necessary to increase and broaden the employment opportunities and the economy in Morgan County.*
- (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.  
*The applicant has Morgan County Quality Water tap #5293.*

### **Public Comments/Concerns**

There have been concerns from the public related to the operation. Some of which were calls or visits to our offices. The concerns thus far expressed:

- Property depreciation
- Waste
- Dust
- Odor
- Lab not agriculture use
- Noxious weeds
- Safety and storage of chemicals

## **Recommendation and conditions**

The Planning Commission considered this application at their meeting on February 10, 2020. At that meeting a recommendation of approval was made on a vote of 3-2, to allow the processing of hemp subject to conditions subject to:

1. 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.
2. A traffic letter be prepared related to extending the driveway.
3. Proper water tap size to be determined by Quality Water.

Pam Cherry, MPA, CFM  
Planning, Zoning and Floodplain Administrator



**FOR COUNTY  
COMMISSIONERS  
HEARING**

**NOTIFICATIONS  
PROPERTY POSTING  
LANDOWNER LETTERS**



**MORGAN COUNTY**  
**PLANNING AND BUILDING DEPARTMENT**

July 14, 2020

Dear Neighboring Landowners:

Dexter Rice as applicant and Dexter & Beverly Rice as landowner have submitted an application to our office for a Special Use Permit to process hemp located in the W1/2 SW1/4 of Section 4, Township 3 North, Range 56 West of the 6<sup>th</sup> p.m., Morgan County, Colorado aka 26089 CO Rd R, Brush, CO 80723.

This application will be heard considered by the Board of County Commissioners at a public hearing on **July 28, 2020 at 9:00 A.M.** in the Assembly Room of the Morgan County Administration Building, 231 Ensign St., (Basement Level, elevator entrance) Fort Morgan, Colorado. Landowners within ¼ mile of the property are notified of the application and hearing date.

**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 PAM CHERRY AT 970-542-3526.**

**To participate in this Public Hearing you may connect via Zoom Conferencing Access Information:**

When: Jul 28, 2020 09:00 AM Mountain Time (US and Canada)

Topic: BCC Weekly Meeting - 7/28/20 9:00 a.m.

<https://us02web.zoom.us/j/89390961002>

Or iPhone one-tap :

US: +13462487799, 89390961002# or +16699009128, 89390961002#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592

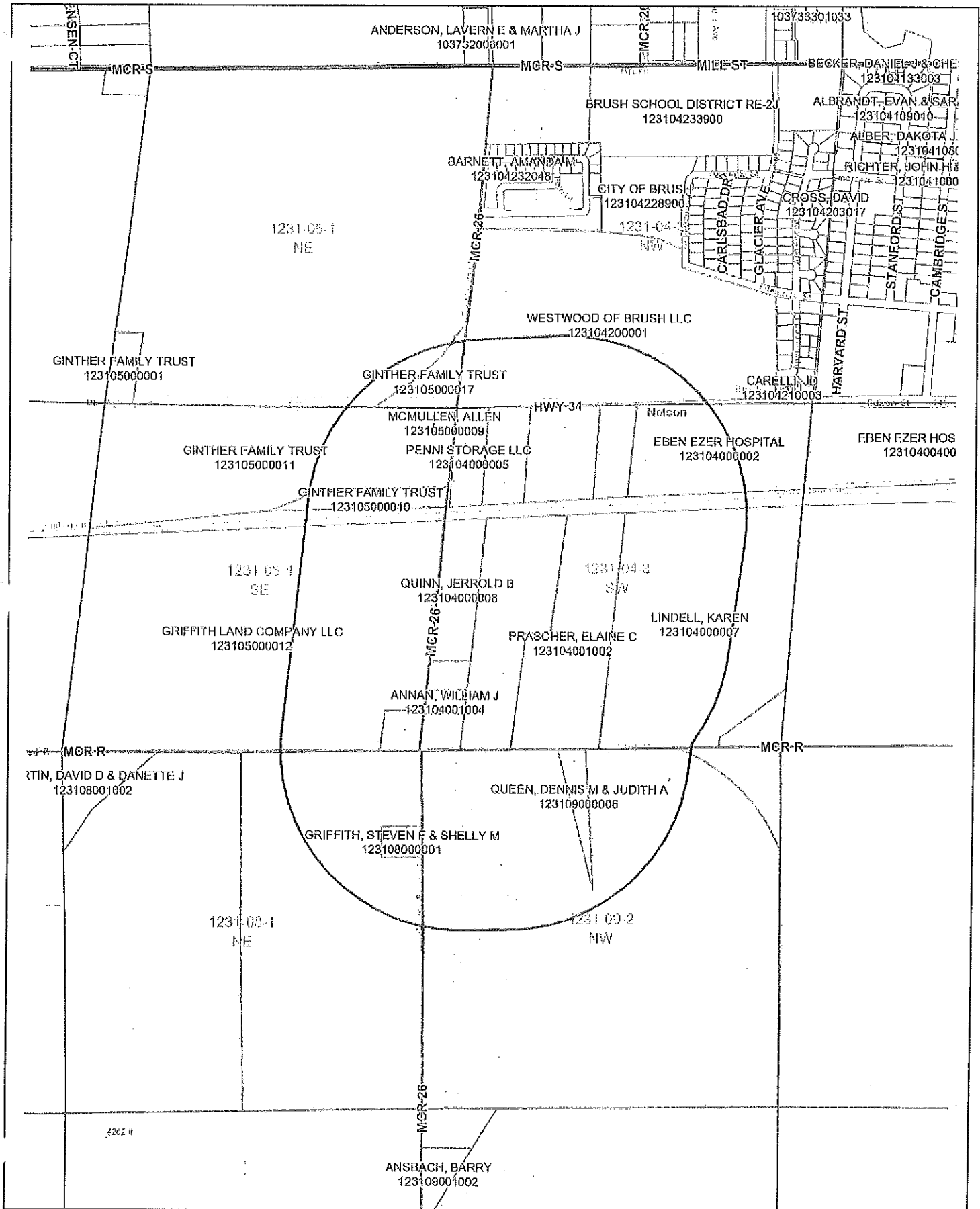
Webinar ID: 893 9096 1002

International numbers available: <https://us02web.zoom.us/j/89390961002>

If you have any questions or concerns regarding this application, please contact the Morgan County Planning Department at (970) 542-3526, or you may review the application in the Planning office located in the County Administration Building, 231 Ensign St., Fort Morgan, Colorado.

Pam Cherry, CFM  
Planning Administrator  
Enclosure

Rice notification BOCC 7-28-20



## Exhibit P

### **Site Plan – Special Use Permit, Morgan County Colorado**

Prepared on Dec 16, 2019 by Olivier Magny (COO, Dexter Labs LLC)



ParcelMailingList\_20200714 Rice BOCC

Mailed 7-14-20

RICE, BEVERLY J & DEXTER S  
26089 CO RD R  
BRUSH, CO 80723

WESTWOOD OF BRUSH LLC  
1035 37TH AVE CT  
GREELEY, CO 80634

SMITH, AARON D & BRENDA L  
26232 HWY 34  
BRUSH, CO 80723

BOLINGER, EDNA B IRREVOCABLE TRUST  
13500 CO RD W  
WELDONA, CO 80653

PENNI STORAGE LLC  
26018 HWY 34  
BRUSH, CO 80723

EBEN EZER HOSPITAL  
122 HOSPITAL RD  
BRUSH, CO 80723

GRIFFITH LAND COMPANY LLC  
16120 CO RD 24  
FORT MORGAN, CO 80701

GRIFFITH, STEVEN F & SHELLEY M  
16841 CO RD 26  
BRUSH, CO 80723

GINTHER FAMILY TRUST  
25545 HWY 34  
BRUSH, CO 80723

MCMULLEN, ALLEN  
25984 HWY 34  
BRUSH, CO 80723

LINDELL, KAREN  
17315 CO RD 27  
BRUSH, CO 80723

QUINN, JERROLD B  
17108 CO RD 26  
BRUSH, CO 80723

HICKEY, TRAVIS D & MICHELE R



ParcelMailingList\_20200714 Rice BOCC

17035 CO RD 26  
BRUSH, CO 80723

PRASCHER, ELAINE C  
2320 EMERSON ST  
BRUSH, CO 80723

ARGOTH, JESUS Q & ANA LIA  
17100 CO RD 26  
BRUSH, CO 80723

GINTHER, BRETT T & MARGARET L  
15040 HARRISON ST  
BRIGHTON, CO 80602

ANNAN, WILLIAM J  
17068 CO RD 26  
BRUSH, CO 80723

SPEAR, SAMUEL L & DEBRA J  
17040 CO RD 26  
BRUSH, CO 80723

US APPRAISAL SERVICE OF COLORADO LLC  
P O BOX 401  
BRUSH, CO 80723

QUEEN, DENNIS M & JUDITH A  
26208 CO RD R  
BRUSH, CO 80723

WINDSHEIMER, DEREK R & AMY Y  
26498 CO RD R  
BRUSH, CO 80723

FIRST CHURCH OF THE NAZARENE  
500 CAMERON ST  
BRUSH, CO 80723

NOTICE OF PUBLIC HEARING  
BEFORE THE BOARD OF MORGAN COUNTY COMMISSIONERS

Notice is hereby given that on Tuesday July 28, 2020 at 9:00 a.m., or as soon as possible thereafter, a public hearing will be held to consider the following application:

**Applicant:** Dexter Rice  
**Landowners:** Dexter and Beverly Rice

**Legal Description:** 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:** Use by Special Review Application to permit the storing and processing of agricultural products and operate a hemp oil processing facility

**Date of Application:** December 27, 2019

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 PAM CHERRY AT 970-542-3526.

To attend remotely:  
<https://us02web.zoom.us/j/89390961002>

Or iPhone one-tap:  
US: +13462487799, 89390961002# or +16699009128, 89390961002#  
Or Telephone:  
Dial (for higher quality, dial a number based on your current location):  
US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592  
Webinar ID: 893 9096 1002  
International numbers available: <https://us02web.zoom.us/j/89390961002>

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado. It is encouraged to call 970-542-3526 set an appointment to review any of the file materials or email [pcherry@co.morgan.co.us](mailto:pcherry@co.morgan.co.us) to request items be emailed to you.

Please monitor the Morgan County website for any changes to the meeting format or phone the office at 970-542-3526 closer to the day of the hearing.

You may submit questions of comments you may have by:

1. Calling this office: 970-542-3526 or
2. Email to [pcherry@co.morgan.co.us](mailto:pcherry@co.morgan.co.us) or
3. Mail to:  
Pam Cherry  
Planning and Zoning Department, Basement level  
231 Ensign St.  
Fort Morgan, CO 80701

Your comments and concerns will be provided to the Board of County Commissioners for their consideration.

The file is available for review in the Planning and Zoning office, 231 Ensign St (basement), Fort Morgan, CO 80701, an appointment is encouraged, or you may request documents to be emailed to you.

During the meeting an opportunity will be given for presentation of evidence in support of or in opposition to the application.

/s/ Pam Cherry - Morgan County  
Planning & Floodplain Administrator  
Published: Fort Morgan Times July 16, 2020.

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Morgan  
State of Colorado

The undersigned, Elizabeth Maes, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Fort Morgan Times*.
2. The *Fort Morgan Times* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Morgan County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Fort Morgan Times* in Morgan County on the following date(s):

Jul 16, 2020

Signature

Subscribed and sworn to me before me this

17th day of July 2020.

Notary Public

SHAYLA NAJERA  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20174031965  
MY COMMISSION EXPIRES JULY 31, 2021

(SEAL)

Account: 1052763  
Ad Number: 1721428  
Fee: \$71.76

**TIMOTHY VANCE**  
Notary Public - State of Colorado  
Notary ID 20164041208  
My Commission Expires Oct 27, 2020

## SIGN POSTING INSTRUCTIONS

Sign must be placed where readily visible to the public.

**Sign must be posted for 15 days prior to hearing with Morgan County Board of**

Commissioners. BEFORE: July 13, 2020

Place masking tape over the information areas and fill in as follows:

...Shall be considered for Special Use to operate hemp oil Processing Facility

...Conditional Use Permit for—

...to be held on (date) July 28, 2020 Time: 9:30 a.m.

...Name of Proposal Dexter Rice & Beverly Rice

...Project # 542020-0009

You must provide the Planning and Zoning office with photos (2) of the sign; one posted where it is visible to the public (distance) and a close-up that shows the words on the tape in the photo.

Please return the sign to the Planning and Zoning office as soon as possible after the 15 days at which time you will be asked to sign an affidavit.

Thank you.







**TRAFFIC**

**&**

**FIRE**



## Sustainable Traffic Solutions

Joseph L. Henderson PE, PTOE  
Traffic Engineer / Principal

March 18, 2020

Mr. Dexter Rice  
Dexter Labs, LLC  
26089 County Road R  
Brush, CO 80723

RE: Trip Generation Estimate for Dexter Labs, LLC Near Brush

Dear Mr. Rice,

This letter contains a trip generation estimate for the Dexter Labs facility that is located on the northeast corner of Morgan County Road R / Morgan County Road 26. Dexter Labs processes hemp in a 4,300 ft<sup>2</sup> building. There are currently four full time and one part time employees working in the facility. Figure 1 contains a vicinity map that shows the location of the property where the Dexter Labs facility is located. An aerial photo is contained in Figure 2 that shows the building and the site access on Morgan County Road R.

The trip generation for the Dexter Labs building was estimated using rates that are contained in the Institute of Transportation Engineers (ITE) Trip Generation<sup>1</sup> manual. The facility is expected to generate approximately 22 trips on an average weekday, 3 trips during the morning peak hour, and 3 trips during the evening peak hour (see Table 1).

Based on our discussion, Morgan County officials are interested in knowing the volume of trucks that come to the site. According to your count, the following trucks come to the site:

- UPS – daily
- Federal Express – three to four days per week
- Semi-tractor trailers – up to two trucks per week

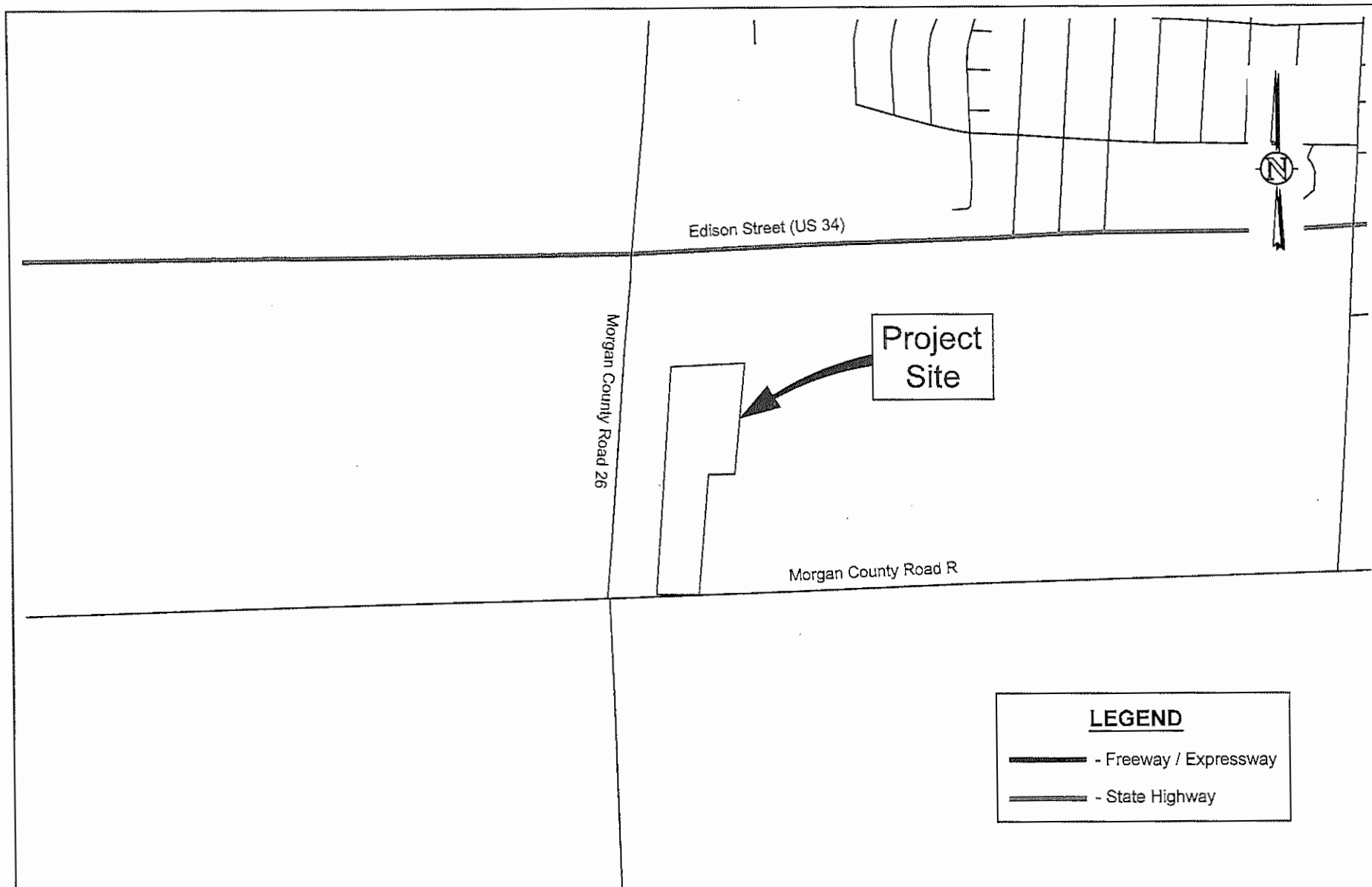
It is my understanding that the UPS and Federal Express trucks are single unit trucks that can drive on and off of the site. However, the semi-tractor trailer trucks can't pull onto the site because the gate and approach are too narrow and there isn't enough room for the truck to turn around once they are on the site. As a result, the semi-tractor trailer trucks park on the roadway when they visit the site. Widening the gate and approach would allow the semi-tractor trailer trucks to back onto the site and then drive back onto the public road. Figure 2 shows a 100' x 20' envelope that would be more than adequate for a WB-67 to back onto the site and not block the public roadway. The WB-67 is the largest semi-tractor trailer (approximately 73' long and 10' wide) that is commonly seen in Colorado.

Feel free to contact me to discuss the contents of this report.

Sincerely,

Joseph L. Henderson, PE, PTOE  
Project Manager / Principal  
Dexter Labs Trip Generation Letter

<sup>1</sup> Trip Generation, 10<sup>th</sup> Edition. Institute of Transportation Engineers. September 2017.



**LEGEND**

- Freeway / Expressway  
 - State Highway



Dexter Labs LLC Trip Generation Letter  
VICINITY MAP

Scale	1" = 1,000'	Date	March 18, 2020	Drawn by	JLH	Job #	Dexter Labs LLC	Figure	1
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Dexter Labs LLC Trip Generation Letter  
SITE PLAN

Scale	NTS	Date	March 18, 2020	Drawn by	JLH	Job #	Dexter Labs LLC	Figure	2
-------	-----	------	----------------	----------	-----	-------	-----------------	--------	---



Pam Cherry &lt;pcherry@co.morgan.co.us&gt;

**Re: Fire Safety Review Drawings**

17 messages

**Kakavas - CDPS, Shane** <shane.kakavas@state.co.us>

Wed, Jun 10, 2020 at 12:23 PM

To: Dexter Rice &lt;dexter.rice@gmail.com&gt;

Cc: Dustin Heid &lt;dheid@co.morgan.co.us&gt;, Pam Cherry &lt;pcherry@co.morgan.co.us&gt;

Hi Dexter,

After further review it appears your facility is really close to the preliminary review being complete. The last little bit of information would be MSDS sheets for the items stored and used during the extraction process. I've included cursory comments and from what I'm seeing in the 2015 edition of the International Fire Code(IFC). The location's occupancy would be an F-1 occupancy and appears to be compliant with the IFC. That occupancy could very well change depending on the in use and storage amounts of 1B flammable liquids inside the building upon annual fire code inspections.

The next steps with our office will be to fill out a permit application, permit fees and submit documents for a full plan review. You can visit our website at <https://www.colorado.gov/pacific/dfpc/permits1> to begin the application process. If you have any questions you may reach our Permit Tech, Phyllis at 720-793-7453 and she can walk you through the process. It can be a little daunting the 1st time so reach out to her with any questions you may have so we can better assist you in obtaining a permit in a timely manner.

I've pretty much performed a full fire code review. Once we've received a completed application, fees in full and drawings a permit can be issued within 24 to 48 hours since most of the review has been completed. Onsite inspection requests can take place when the building is ready. When you receive the email that your permit is ready there will be instruction on how to schedule inspections.

Thank you for your patience during this time and sincerely apologize for the added delay.

Should you have any concerns please let me know.

**Shane Kakavas**

Plan Review Unit Chief

Fire Prevention and Life Safety Branch

**COLORADO**  
Division of Fire  
Prevention & Control  
Department of Public Safety

P 303.239.4104 | F 303.239.5887 | C 303.947.3087

700 Kipling St., Suite 4100, Lakewood, CO 80215

shane.kakavas@state.co.us | [colorado.gov/dfpc](https://colorado.gov/dfpc)

*Our mission is to serve and safeguard the people and protect the property, resources, environment, and quality of life in Colorado.*

*Pursuant to Colorado's Open Records Act (CORA), all e-mails sent by or to me on this state-owned e-mail account may be subject to public disclosure.*





On Thu, May 21, 2020 at 3:51 PM Dexter Rice <dexter.rice@gmail.com> wrote:

Hello Shane and Dustin,

I am very happy to submit engineer drawings for fire safety review. We will be setting tanks outside and keeping less than 120 gallons of ethanol inside.


The only thing that is not decided is what type of fire suppression system is required, Shane can you please help answer that? Would the self contained waterless units be acceptable?

Please let me know what other information I can provide.

Thank you Gentlemen for your time and attention to this matter, it is greatly appreciated!

Sincerely,  
Dexter Rice

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 **Plan Review Letter\_Sub-Zero Extract\_06.10.2020.pdf**  
225K

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**Dexter Rice** <dexter.rice@gmail.com>

Thu, Jun 11, 2020 at 10:07 AM

To: "Kakavas - CDPS, Shane" <shane.kakavas@state.co.us>

Cc: Dustin Heid <dheid@co.morgan.co.us>, Pam Cherry <pcherry@co.morgan.co.us>

Thank you very much for your reply Shane! And I really appreciate you fast tracking things once the official application is complete, every day helps us a lot!

I have attached the SDS for the Ethanol we use in extraction. As noted in tables on diagrams there will be less than 100 gallons in the building at a time, so we believe that the F-1 occupancy should remain accurate. I understand that we are always subject to inspections and resulting re-evaluation if we are not in compliance with plans.

We will be working on submitting the application asap and will reach out to Phyllis with questions.

Thanks again and talk soon!

Sincerely,

**Dexter Rice**



[Quoted text hidden]

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 **SDS 190 Proof Ethyl Alcohol.pdf**  
666K

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**Kakavas - CDPS, Shane** <shane.kakavas@state.co.us>

Thu, Jun 11, 2020 at 11:37 AM

To: Dexter Rice <dexter.rice@gmail.com>

Cc: Dustin Heid <dheid@co.morgan.co.us>, Pam Cherry <pcherry@co.morgan.co.us>, Phyllis LoSordo - CDPS <phyllis.losordo@state.co.us>

Sounds good, apologize your location took much longer than I expected and the added delay to your business plans. We don't see but maybe 1 of these types of facilities every 2 - 3 years. Had to make sure we were covering all the bases with this type of industry. As discussed in the previous email, my review is pretty much done for your operation, so when we have the application, complete fees I'll issue a permit and move onto onsite inspections. I've also included Phyllis's email in case you have to reach out to her.

Take care,

Sincerely,  
Shane Kakavas  
Plan Review Unit Chief  
Fire Prevention and Life Safety Branch



**COLORADO**  
Division of Fire  
Prevention & Control  
Department of Public Safety

P 303.239.4104 | F 303.239.5887 | C 303.947.3087  
700 Kipling St., Suite 4100, Lakewood, CO 80215  
shane.kakavas@state.co.us | [colorado.gov/dfpc](http://colorado.gov/dfpc)



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*Pursuant to Colorado's Open Records Act (CORA), all e-mails sent by or to me on this state-owned e-mail account may be subject to public disclosure.*



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LoSordo - CDPS, Phyllis <phyllis.losordo@state.co.us>

Thu, Jun 11, 2020 at 11:41 AM

To: "Kakavas - CDPS, Shane" <shane.kakavas@state.co.us>

Cc: Dexter Rice <dexter.rice@gmail.com>, Dustin Heid <dheid@co.morgan.co.us>, Pam Cherry <pcherry@co.morgan.co.us>

All,

Here is the link to start the online permit application process:

<https://www.colorado.gov/pacific/dfpc/permit-applications>

Please let me know if you need assistance.

Thank you

-Phyllis

[Quoted text hidden]

--

Phyllis LoSordo  
Permit Technician

Important - I am working remotely and can be best reached on my cell phone at (720) 793-7453 or you may email me.

To check the status of your permit application please login to the permit application to view your status.

Thank you!

Fire & Life Safety Section



**COLORADO**  
Division of Fire  
Prevention & Control  
Department of Public Safety



Pam Cherry &lt;pcherry@co.morgan.co.us&gt;

**Fwd: Project at 26089 CR R**

2 messages

Dustin Heid <dheid@co.morgan.co.us>  
To: Pam Cherry <pcherry@co.morgan.co.us>

Wed, Apr 22, 2020 at 10:09 AM

----- Forwarded message -----

From: **Dustin Heid** <dheid@co.morgan.co.us>  
Date: Wed, Apr 22, 2020 at 10:09 AM  
Subject: Project at 26089 CR R  
To: Dexter Rice <dexter.rice@gmail.com>

Currently we have these permits that are unresolved at your location.

PERMIT NUMBER	ADDRESS	PERMIT TYPE	STATUS
2020000102	26089 CR R (B) Bunk Morgan County, Ind 1, Sub A, Area 6, Annex 2, More Pk 1	Specialty Permit	Issued
202001027	26089 CR R (B) Bunk Morgan County, Ind 1, Sub A, Area 6, Annex 2, More Pk 1	Zoning Permit	Expired
202001028	26089 CR R (B) Bunk Morgan County, Ind 1, Sub A, Area 6, Annex 2, More Pk 1	New Commercial Building	Expired
BP2018-012	26089 CR R (B) Bunk Morgan County, Ind 1, Sub A, Area 6, Annex 2, More Pk 1	Commercial Addition	Expired
202001029	26089 CR R (B) Bunk Morgan County, Ind 1, Sub A, Area 6, Annex 2, More Pk 1	Zoning Permit	Expired
202001030	26089 CR R (B) Bunk Morgan County, Ind 1, Sub A, Area 6, Annex 2, More Pk 1	Zoning Permit	Expired
202001031	26089 CR R (B) Bunk Morgan County, Ind 1, Sub A, Area 6, Annex 2, More Pk 1	Zoning Permit	Expired

The zoning permits expire naturally as that is how the system is set up in conjunction to having no inspections done on accessory structures and the nature of accessory structures as they sometimes move, relocate, or evolve into something that they were not originally intended or designed for.

The building permits at this location have yet to be completed and have expired as I have not been made aware that the projects were completed and ready for CO.

BP2018-0015 was for a new greenhouse

BP2018-0012 was for a bathroom and employee break room addition to an existing ZP

If you are transforming one of the accessory structures into a processing center for extraction of oils or renderings of an agricultural product a SU permit would be required. Any changes to the building would require a BP.

That BP would indicate what changes would be made to the building to accommodate the manufacturing process.

A plan review would have to be performed to show how the new use is protecting the welfare of the occupants, structure, and surroundings.

The plan review would indicate fire walls, areas of control, fire suppression, alarms, monitoring, means of egress, areas of refuge, areas of ignition, ventilation, and any other pertinent information.

I would require as per 2009 IBC a detailed list of what hazardous materials are being used so an adequate report can be compiled.

## SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY

**412.7.1 Size.** The landing area for helicopters less than 3,500 pounds (1588 kg) shall be a minimum of 20 feet (6096 mm) in length and width. The landing area shall be surrounded on all sides by a clear area having a minimum average width at roof level of 15 feet (4572 mm) but with no width less than 5 feet (1524 mm).

**412.7.2 Design.** Helicopter landing areas and the supports thereof on the roof of a building shall be noncombustible construction. Landing areas shall be designed to confine any flammable liquid spillage to the landing area itself and provisions shall be made to drain such spillage away from any exit or stairway serving the helicopter landing area or from a structure housing such exit or stairway. For structural design requirements, see Section 1605.4.

**412.7.3 Means of egress.** The means of egress from heliports and helistops shall comply with the provisions of Chapter 10. Landing areas located on buildings or structures shall have two or more means of egress. For landing areas less than 60 feet (18 288 mm) in length or less than 2,000 square feet (186 m<sup>2</sup>) in area, the second means of egress is permitted to be a fire escape, alternating tread device or ladder leading to the floor below.

**412.7.4 Rooftop heliports and helistops.** Rooftop heliports and helistops shall comply with NFPA 418.

#### SECTION 413 COMBUSTIBLE STORAGE

**413.1 General.** High-piled stock or rack storage in any occupancy group shall comply with the *International Fire Code*.

**413.2 Attic, under-floor and concealed spaces.** Attic, under-floor and concealed spaces used for storage of combustible materials shall be protected on the storage side as required for 1-hour fire-resistance-rated construction. Openings shall be protected by assemblies that are self-closing and are of noncombustible construction or solid wood core not less than 1 3/4 inch (45 mm) in thickness.

##### Exceptions:

1. Areas protected by approved automatic sprinkler systems.
2. Group R-3 and U occupancies.

#### SECTION 414 HAZARDOUS MATERIALS

**[F] 414.1 General.** The provisions of Sections 414.1 through 414.7 shall apply to buildings and structures occupied for the manufacturing, processing, dispensing, use or storage of hazardous materials.

**[F] 414.1.1 Other provisions.** Buildings and structures with an occupancy in Group H shall also comply with the applicable provisions of Section 415 and the *International Fire Code*.

**[F] 414.1.2 Materials.** The safe design of hazardous material occupancies is material dependent. Individual material requirements are also found in Sections 307 and 415, and in

the *International Mechanical Code* and the *International Fire Code*.

**[F] 414.1.2.1 Aerosols.** Level 2 and 3 aerosol products shall be stored and displayed in accordance with the *International Fire Code*. See Section 311.2 and the *International Fire Code* for occupancy group requirements.

**[F] 414.1.3 Information required.** A report shall be submitted to the building official identifying the maximum expected quantities of hazardous materials to be stored, used in a closed system and used in an open system, and subdivided to separately address hazardous material classification categories based on Tables 307.1(1) and 307.1(2). The methods of protection from such hazards, including but not limited to control areas, fire protection systems and Group H occupancies shall be indicated in the report and on the construction documents. The opinion and report shall be prepared by a qualified person, firm or corporation approved by the building official and provided without charge to the enforcing agency.

For buildings and structures with an occupancy in Group H, separate floor plans shall be submitted identifying the locations of anticipated contents and processes so as to reflect the nature of each occupied portion of every building and structure.

**[F] 414.2 Control areas.** Control areas shall comply with Sections 414.2.1 through 414.2.5 and the *International Fire Code*.

**414.2.1 Construction requirements.** Control areas shall be separated from each other by fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 712, or both.

**[F] 414.2.2 Percentage of maximum allowable quantities.** The percentage of maximum allowable quantities of hazardous materials per control area permitted on each floor level within a building shall be in accordance with Table 414.2.2.

**[F] 414.2.3 Number.** The maximum number of control areas within a building shall be in accordance with Table 414.2.2.

**414.2.4 Fire-resistance-rating requirements.** The required fire-resistance rating for fire barriers shall be in accordance with Table 414.2.2. The floor assembly of the control area and the construction supporting the floor of the control area shall have a minimum 2-hour fire-resistance rating.

**Exception:** The floor assembly of the control area and the construction supporting the floor of the control area are allowed to be 1-hour fire-resistance rated in buildings of Types II-A, III-A and VA construction, provided that both of the following conditions exist:

1. The building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1; and
2. The building is three stories or less above grade plane.

68

2009 INTERNATIONAL BUILDING CODE®

That report would then be submitted to a "qualified person, firm, or corporation approved by the building official".

In this case it would be Shane Kakavas, Division of Fire Prevention and Control.

Keep in mind you will also have to apply for any other necessary permits from DORA or Northeast Colorado Health Dept. to remain in compliance.

Respectfully,  
Dustin

--  
**Dustin Heid**  
Building Official  
Morgan County Planning and Zoning  
Morgan County Building Inspection  
231 Ensign, P.O. Box 596  
Fort Morgan, CO 80701  
970-542-3526 ext. 1474

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**Dustin Heid**  
Building Official  
Morgan County Planning and Zoning  
Morgan County Building Inspection  
231 Ensign, P.O. Box 596  
Fort Morgan, CO 80701  
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**Dustin Heid** <dheid@co.morgan.co.us>  
To: Pam Cherry <pcherry@co.morgan.co.us>

Fri, Apr 24, 2020 at 8:07 AM

----- Forwarded message -----

From: **Dexter Rice** <dexter.rice@gmail.com>  
Date: Wed, Apr 22, 2020 at 3:50 PM  
Subject: Re: Project at 26089 CR R  
To: Dustin Heid <dheid@co.morgan.co.us>

Thanks for your reply Dustin,

I did not realize that all of these permits were not completed, I thought that it was the contractors responsibility to handle that. Does it not generally work that way?

How can I address this? I REALLY hope I dont have to pay those fees again, funds are super tight and we operating on loans at this time.

Where can I find the forms for a building permit for the current buildout?

The Special Use is in progress with Pam. All I need is this fire/building stuff, everything else has been addressed to schedule the Commissioners hearing.

I will start working on the safety plan for review.

Thanks again for your time and attention, much appreciated Sir.

Thanks,

Dexter

[Quoted text hidden]

[Quoted text hidden]

**Brush Volunteer Fire  
Department**

Station: 1

Location: <b>26089 MCR R Brush CO 807238072</b>	Incident Type: <b>400 - Hazardous condition, other</b>
Lat/Long: <b>N 40° 15' 1.09" W 103° 39' 32.1"</b>	FDID: <b>08705</b> Incident #: <b>2019-191</b> Exposure ID: <b>43084245</b> Exposure #: <b>0</b> Incident Date: <b>09/24/2019</b>
Location Type: <b>1 - Street address</b>	

<b>Report Completed by:</b>	Anderson, Tad S	<b>ID:</b> Brush 901	<b>Date:</b> 09/24/2019
<b>Report Reviewed by:</b>	<b>Not Reviewed</b>		
<b>Report Printed by:</b>	Anderson, Tad S	<b>ID:</b> Brush 901	<b>Date:</b> 9/27/2019 <b>Time:</b> 15:53

Structure Type:	Property Use: <b>655 - Crops or orchard</b>		
Automatic Extinguishment System Present: <input type="checkbox"/>	Detectors Present: <input type="checkbox"/>	Cause of Ignition:	
Aid Given or Received: <b>None</b>	Primary action taken: <b>42 - HazMat detection, monitoring, sampling, &amp; analysis</b>		
<b>Losses</b>	<b>Pre-Incident Values</b>		
Property:	Property:	Civilian Injuries: <b>0</b>	Fire Service Injuries: <b>0</b>
Contents:	Contents:	Civilian Fatalities: <b>0</b>	Fire Service Fatalities: <b>0</b>
Total:	Total:	Total Casualties: <b>0</b>	Total Fire Service Casualties: <b>0</b>
Total # of apparatus on call: <b>1</b>		Total # of personnel on call: <b>2</b>	

**NARRATIVE (1)****Narrative Title:** n/a**Narrative Author:** Anderson, Tad**Narrative Date:** 09/24/2019 19:47:52**Narrative Apparatus ID:** n/a**Narrative:**

Brush Volunteer Fire Department was contacted by Dispatch about an incident that Excel was on. It was requested that Brush Fire call The Operator on scene. He was called and he stated he was at the above address to monitor for CO. His machine was detecting 261PPM in the processing area and 2000PPM in the storage area. I had a short conversation with him and it was decided we would respond to monitor the building and check the outcomes Excel had recieved.

We arrived on scene and warmed up our CGI. Once it was ready we entered the building through the office area. Immediately upon entering, the Rae systems 6 gas monitor showed a VOC reading with alarm. Peak reading was 561ppm. We evacuated immediately and began to question business owner about all potential onsite chemicals and processes. Business owner stated the only chemical was ethanol. After exiting the structure the 6 gas monitor began to show CO readings upto 107ppm. It took several minutes for the CO readings to zero. Excel energy CGI detectors readings were 0 but BVFD were still readings 60ppm+. Upon performing research, it was determined that Ethanol has an Ionization potentation of 10.47eV, indicating that the RAE 6 gas detector can provide readings. Ethanol can poison CO sensors causing a false positive. The CO detector of both Excel energy and BVFD presented with the symptoms of a poisoned CO sensor. Monitor was again fresh air calibrated and we re-entered the structure. Readings were determined to still be present, but were way low of the IDLH which is 3300ppm for Ethanol. Business owner was told that ventilation should be increased to get exposure to ethanol vapor as low as possible. Brush fire clear.



Supplemental for hazmat call on 9/24/2019

Reading with the 6 gas Rae systems monitor was VOC=561. To get the correct levels of Ethanol, a Correction factor must be applied. The VOC is calibrated using Isobutylene. So it doesn't see all chemicals the same. According to Rae Systems Tech note 106, the correction factor is 7.9. Therefore with the correction factor the actual reading for ethanol was  $561\text{ppm} \times 7.6 = 4431.9\text{ppm}$ . (See attached tech note)

Compound Name	Synonym/Abbreviation	CAS No.	Formula	9.8	C	10.6	C	11.7	C	IE (eV)	TWA
Diisobutyl ketone	DIBK, 2,2-dimethyl-4-heptanone	108-83-8	C <sub>9</sub> H <sub>18</sub> O	0.71	+	0.61	+	0.35	+	9.04	25
Diisopropylamine		108-18-9	C <sub>6</sub> H <sub>15</sub> N	0.84	+	0.74	+	0.5	+	7.73	5
Diisopropylcarbodiimide, N,N'-	DIPC	693-13-0	C <sub>7</sub> H <sub>14</sub> N <sub>2</sub>			0.42	+				ne
Diisopropylethylamine	'Hünig's base', N-Ethyl-diisopropylamine, DIPEA, Ethyl-diisopropylamine	7087-68-5	C <sub>8</sub> H <sub>19</sub> N			0.7	+				ne
Diketene	Ketene dimer	674-82-8	C <sub>4</sub> H <sub>4</sub> O <sub>2</sub>	2.6	+	2.0	+	1.4	+	9.6	0.5
Dimethylacetamide, N,N-	DMA	127-19-5	C <sub>4</sub> H <sub>9</sub> NO	0.87	+	0.8	+	0.8	+	8.81	10
Dimethylamine		124-40-3	C <sub>2</sub> H <sub>7</sub> N			1.5				8.23	5
Dimethyl carbonate	Carbonic acid dimethyl ester	616-38-6	C <sub>3</sub> H <sub>6</sub> O <sub>3</sub>	NR	+	-70	+	1.7	+	-10.5	ne
Dimethyl disulfide	DMDS	624-92-0	C <sub>2</sub> H <sub>6</sub> S <sub>2</sub>	0.2	+	0.20	+	0.21	+	7.4	ne
Dimethyl ether	see Methyl ether										
Dimethylethylamine	DMEA	598-56-1	C <sub>4</sub> H <sub>11</sub> N	1.1	+	1.0	+	0.9	+	7.74	~3
Dimethylformamide, N,N-	DMF	68-12-2	C <sub>3</sub> H <sub>7</sub> NO	0.7	+	0.7	+	0.8	+	9.13	10
Dimethylhydrazine, 1,1-	UDMH	57-14-7	C <sub>2</sub> H <sub>8</sub> N <sub>2</sub>			0.8	+	0.8	+	7.28	0.01
Dimethyl methylphosphonate	DMMP, methyl phosphonic acid dimethyl ester	756-79-6	C <sub>3</sub> H <sub>9</sub> O <sub>3</sub> P	NR	+	4.3	+	0.74	+	10.0	ne
Dimethyl sulfate		77-78-1	C <sub>2</sub> H <sub>6</sub> O <sub>4</sub> S	~23		~20	+	2.3	+		0.1
Dimethyl sulfide	see Methyl sulfide										
Dimethyl sulfoxide	DMSO, Methyl sulfoxide	67-68-5	C <sub>2</sub> H <sub>6</sub> OS			1.4	+			9.10	ne
Dioxane, 1,4-		123-91-1	C <sub>4</sub> H <sub>8</sub> O <sub>2</sub>			1.3				9.19	25
Dioxolane, 1,3-	Ethylene glycol formal	646-06-0	C <sub>3</sub> H <sub>6</sub> O <sub>2</sub>	4.0	+	2.3	+	1.6	+	9.9	20
Dowtherm A	see Therminol <sup>3</sup> **										
Dowtherm J (97% Diethylbenzene)**		25340-17-4	C <sub>10</sub> H <sub>14</sub>			0.5					
DS-108F Wipe Solvent	Ethyl lactate/Isopar H/ Propoxypropanol ~7:2:1	97-64-3 64742-48-9 1569-01-3	m.w. 118	3.3	+	1.6	+	0.7	+		ne
Epichlorohydrin	ECH Chloromethyloxirane, 1-chloro-2,3-epoxypropane	106-89-8	C <sub>2</sub> H <sub>5</sub> ClO	~200	+	8.5	+	1.4	+	10.2	0.5
Ethane		74-84-0	C <sub>2</sub> H <sub>6</sub>			NR	+	15	+	11.52	ne
Ethanol	Ethyl alcohol	64-17-5	C <sub>2</sub> H <sub>6</sub> O			7.9	+	3.1	+	10.47	1000
Ethanolamine**	MEA, Monoethanolamine	141-43-5	C <sub>2</sub> H <sub>7</sub> NO	5.6	+	21.9	+			8.96	3
Ethene	Ethylene	74-85-1	C <sub>2</sub> H <sub>4</sub>			9	+	4.5	+	10.51	ne
Ethoxyethanol, 2-	Ethyl cellosolve, Ethylene glycol monoethyl ether	110-80-5	C <sub>4</sub> H <sub>10</sub> O <sub>2</sub>			1.3				9.6	5
Ethyl acetate	Acetic ester; Acetic ether; Ethyl ester of acetic acid; Ethyl ethanoate	141-78-6	C <sub>4</sub> H <sub>8</sub> O <sub>2</sub>			3.2	+	2.18	+	10.01	400
Ethyl acetoacetate		141-97-9	C <sub>6</sub> H <sub>10</sub> O <sub>3</sub>	1.4	+	1.2	+	1.0	+	<10	ne
Ethyl acrylate		140-88-5	C <sub>5</sub> H <sub>8</sub> O <sub>2</sub>			2.4	+	1.0	+	<10.3	5
Ethylamine		75-04-7	C <sub>2</sub> H <sub>7</sub> N			0.8				8.86	5
Ethylbenzene		100-41-4	C <sub>8</sub> H <sub>10</sub>	0.52	+	0.47	+	0.51	+	8.77	100
Ethyl caprylate	Ethyl octanoate	106-32-1	C <sub>10</sub> H <sub>20</sub> O <sub>2</sub>		+	0.52	+	0.51	+		
Ethylenediamine	1,2-Ethanediamine; 1,2-Diaminoethane	107-15-3	C <sub>2</sub> H <sub>8</sub> N <sub>2</sub>	0.9	+	1.35	+	1.0	+	8.6	10
(Ethylenedioxy)diethanethiol, 2,2'	1,2-Bis(2-mercaptoethoxy)ethane, 3,6-Dioxo-1,8-octane-dithiol	14970-87-7	C <sub>6</sub> H <sub>14</sub> O <sub>2</sub> S <sub>2</sub>			1.3	+				ne
Ethylene glycol**	1,2-Ethanediol	107-21-1	C <sub>2</sub> H <sub>6</sub> O <sub>2</sub>			16	+	6	+	10.16	C100
Ethylene glycol, Acrylate**	2-hydroxyethyl Acrylate	818-61-1	C <sub>5</sub> H <sub>8</sub> O <sub>3</sub>			8.2				≤10.6	
Ethylene glycol dimethyl ether	1,2-Dimethoxyethane, Monoglyme	110-71-4	C <sub>4</sub> H <sub>10</sub> O <sub>2</sub>	1.1		0.85		0.7		9.2	ne
Ethylene glycol monobutyl ether acetate	1,2-Dimethoxyethane, Monoglyme	110-71-4	C <sub>4</sub> H <sub>10</sub> O <sub>2</sub>	1.1		1.1		0.7		9.2	ne

# Material Safety Data Sheet

## Ethanol, Absolute

MSDS Number: M1004  
Effective Date: 8/23/2004

### Section 1 - Chemical Product and Company Identification

**MSDS Name:** Ethanol, Absolute

**Synonyms:** Ethyl Alcohol; Ethyl Alcohol Anhydrous; Ethyl Hydrate; Ethyl Hydroxide; Fermentation Alcohol; Grain Alcohol

**Company Identification:**

VEE GEE Scientific, Inc.

13600 NE 126th Pl Ste A

Kirkland, WA 98034

For information in North America, call: 425-823-4518

### Section 2 - Composition, Information on Ingredients

CAS#	Chemical Name	Percent	EINECS/ELINCS
64-17-5	Ethanol	ca. 100	200-578-6

**Hazard Symbols:** F

**Risk Phrases:** 11

### Section 3 - Hazards Identification

#### Emergency Overview

**Appearance:** Colorless clear liquid. Flash Point: 16.6 deg C. **Warning!** Flammable liquid and vapor. Causes respiratory tract irritation. May cause central nervous system depression. Causes severe eye irritation. This substance has caused adverse reproductive and fetal effects in humans. Causes moderate skin irritation. May cause liver, kidney and heart damage.

**Target Organs:** Kidneys, heart, central nervous system, liver.

#### Potential Health Effects

**Eye Contact:** Causes severe eye irritation. May cause painful sensitization to light. May cause chemical conjunctivitis and corneal damage.

**Skin Contact:** Causes moderate skin irritation. May cause cyanosis of the extremities.

**Ingestion:** May cause gastrointestinal irritation with nausea, vomiting and diarrhea. May cause systemic toxicity with acidosis. May cause central nervous system depression, characterized by excitement, followed by headache, dizziness, drowsiness, and nausea. Advanced stages may cause collapse, unconsciousness, coma and possible death due to respiratory failure.

**Inhalation:** Inhalation of high concentrations may cause central nervous system effects characterized by nausea, headache, dizziness, unconsciousness and coma. Causes respiratory tract irritation. May cause narcotic effects in high concentration. Vapors may cause dizziness or suffocation.

**Chronic Exposure:** May cause reproductive and fetal effects. Laboratory experiments have resulted in mutagenic effects. Animal studies have reported the development of tumors. Prolonged exposure may cause liver, kidney, and heart damage.

### Section 4 - First Aid Measures

**Eye Contact:** Get medical aid. Gently lift eyelids and flush continuously with water.

**Skin Contact:** Get medical aid. Wash clothing before reuse. Flush skin with plenty of soap and water.

**Ingestion:** Do not induce vomiting. If victim is conscious and alert, give 2-4 cupfuls of milk or water. Never give anything by mouth to an unconscious person. Get medical aid.

**Inhalation:** Remove from exposure and move to fresh air immediately. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Get medical aid. Do NOT use mouth-to-mouth resuscitation.

**Notes to Physician:** Treat symptomatically and supportively. Persons with skin or eye disorders or liver, kidney, chronic respiratory diseases, or central and peripheral nervous system diseases may be at increased risk from exposure to this substance.

**Antidote:** None reported.

### Section 5 - Fire Fighting Measures

**General Information:** Containers can build up pressure if exposed to heat and/or fire. As in any fire, wear a self-contained breathing apparatus in pressure-demand, MSHA/NIOSH (approved or equivalent), and full protective gear. Vapors may form an explosive mixture with air. Vapors can travel to a source of ignition and flash back. Will burn if involved in a fire. Flammable Liquid. Can release vapors that form explosive mixtures at temperatures above the flashpoint. Use water spray to keep fire-exposed containers cool. Containers may explode in the heat of a fire.

**Fire Extinguishing Media:** For small fires, use dry chemical, carbon dioxide, water spray or alcohol-resistant foam. For large fires, use water spray, fog, or alcohol-resistant foam. Use water spray to cool fire-exposed containers. Water may be ineffective. Do NOT use straight streams of water.

**Autoignition Temperature:** 363°C ( 685.40°F)

**Flash Point:** 16.6°C ( 61.88°F)

**Explosion Limits, lower:** 3.3 vol%.

**Explosion Limits, upper:** 19.0 vol%

**NFPA Rating:** (estimated) Health: 2; Flammability: 3; Instability: 0

## Section 6 -

## Accidental Release Measures

**General Information:** Use proper personal protective equipment as indicated in Section 8.

**Spills/Leaks:** Absorb spill with inert material (e.g. vermiculite, sand or earth), then place in suitable container. Remove all sources of ignition. Use a spark-proof tool. Provide ventilation. A vapor suppressing foam may be used to reduce vapors.

## Section 7 -

## Handling and Storage

**Handling:** Wash thoroughly after handling. Use only in a well-ventilated area. Ground and bond containers when transferring material. Use spark-proof tools and explosion proof equipment. Avoid contact with eyes, skin, and clothing. Empty containers retain product residue (liquid and/or vapor) and can be dangerous. Keep container tightly closed. Avoid contact with heat, sparks and flame. Avoid ingestion and inhalation. Do not pressurize, cut, weld, braze, solder, drill, grind, or expose empty containers to heat, sparks or open flames.

**Storage:** Keep away from heat, sparks, and flame. Keep away from sources of ignition. Store in a tightly closed container. Keep from contact with oxidizing materials. Store in a cool, dry, well-ventilated area away from incompatible substances. Flammables-area. Do not store near perchlorates, peroxides, chromic acid or nitric acid.

## Section 8 -

## Exposure Controls, Personal Protection

Chemical Name	ACGIH	NIOSH	OSHA - Final PELs	OSHA - Vacated Pels
Ethanol	1000 ppm	1000 ppm TWA 1900 mg/m <sup>3</sup> TWA 3300 ppm IDLH	1000 ppm TWA 1900 mg/m <sup>3</sup> TWA	1000 ppm TWA 1900 mg/m <sup>3</sup> TWA

**Engineering Controls:** Use explosion-proof ventilation equipment. Facilities storing or utilizing this material should be equipped with an eyewash facility and a safety shower. Use adequate general or local exhaust ventilation to keep airborne concentrations below the permissible exposure limits.

### Personal Protective Equipment

**Eyes:** Wear appropriate protective eyeglasses or chemical safety goggles as described by OSHA's eye and face protection regulations in 29 CFR 1910.133 or European Standard EN166.

**Skin:** Wear appropriate protective gloves to prevent skin exposure.

**Clothing:** Wear appropriate protective clothing to prevent skin exposure.

**Respirators:** A respiratory protection program that meets OSHA's 29 CFR 1910.134 and ANSI Z88.2 requirements or European Standard EN 149 must be followed whenever workplace conditions warrant a respirator's use.

## Section 9 -

## Physical and Chemical Properties

**Physical State:** Clear liquid

**Appearance:** Colorless

**Odor:** Mild, pleasant

**pH:** Not available

**Vapor Pressure:** 59.3 mm Hg @ 20° C

**Vapor Density:** 1.59

**Evaporation Rate:** Not available

**Viscosity:** 1.200 cP @ 20° C

**Boiling Point:** 78° C

**Freezing/Melting Point:** -114.1° C

**Decomposition Temperature:** Not available

**Solubility:** Miscible

**Specific Gravity/Density:** 0.790 @ 20° C

**Molecular Formula:** C<sub>2</sub>H<sub>5</sub>OH

**Molecular Weight:** 46.0414

## Section 10 -

## Stability and Reactivity

**Chemical Stability:** Stable under normal temperatures and pressures.

**Conditions to Avoid:** Incompatible materials, ignition sources, excess heat, oxidizers.

**Incompatibilities with Other Materials:** Strong oxidizing agents, acids, alkali metals, ammonia, hydrazine, peroxides, sodium, acid anhydrides, calcium hypochlorite, chromyl chloride, nitrosyl perchlorate, bromine pentafluoride, perchloric acid, silver nitrate, mercuric nitrate, potassium-tert-butoxide, magnesium perchlorate, acid chlorides, platinum, uranium hexafluoride, silver oxide, iodine heptafluoride, acetyl bromide, disulfuryl difluoride, tetrachlorosilane plus water, acetyl chloride, permanganic acid, ruthenium (VIII) oxide, uranyl perchlorate, potassium dioxide.

**Hazardous Decomposition Products:** Carbon monoxide, irritating and toxic fumes and gases, carbon dioxide.

**Hazardous Polymerization:** Will not occur.

## Section 11 -

## Toxicological Information

**Carcinogenicity:** ACGIH: A4 - Not Classifiable as a Human Carcinogen

**Epidemiology:** Ethanol has been shown to produce fetotoxicity in the embryo or fetus of laboratory animals. Prenatal exposure to ethanol is associated with a distinct pattern of congenital malformations that have collectively been termed the "fetal alcohol syndrome".

**Teratogenicity:** Oral, Human - woman: TDLo = 41 gm/kg (female 41 week(s) after conception) Effects on Newborn - Apgar score (human only) and Effects on Newborn - other neonatal measures or effects and Effects on Newborn - drug dependence.

**Reproductive Effects:** Intrauterine, Human - woman: TDLo = 200 mg/kg (female 5 day(s) pre-mating) Fertility - female fertility index (e.g. # females pregnant per # sperm positive females; # females pregnant per # females mated).

**Neurotoxicity:** No information available.

**Mutagenicity:** DNA Inhibition: Human, Lymphocyte = 220 mmol/L.; Cytogenetic Analysis: Human, Lymphocyte = 1160 gm/L.; Cytogenetic Analysis: Human, Fibroblast = 12000 ppm.; Cytogenetic Analysis: Human, Leukocyte = 1 pph/72H (Continuous); Sister Chromatid Exchange: Human, Lymphocyte = 500 ppm/72H (Continuous).

**Section 11 -****Toxicological Information (continued)**

Other Studies: Standard Draize Test (Skin, rabbit) = 20 mg/24H (Moderate) Standard Draize Test: Administration into the eye (rabbit) = 500 mg (Severe).

**Section 12 -****Ecological Information**

**Environmental Toxicity:** Fish: Rainbow trout: LC50 = 12900-15300 mg/L; 96 Hr; Flow-through @ 24-24.3°C Rainbow trout: LC50 = 11200 mg/L; 24 Hr; Fingerling (Unspecified) via: Phytobacterium phosphoreum: EC50 = 34900 mg/L; 5-30 min; Microtox test 250 ppm/8hr/goldfish/lethal/fresh water.

**Environmental:** Ethanol: In water, will volatilize and probably degrade.

**Physical:** No Information available.

**Other:** Not expected to bioconcentrate in fish.

**Section 13 -****Disposal Considerations**

Chemical waste generators must determine whether a discarded chemical is classified as a hazardous waste. US EPA guidelines for the classification determination are listed in 40 CFR Parts 261.3. Additionally, waste generators must consult state and local hazardous waste regulations to ensure complete and accurate classification.

RCRA P-Series: None listed.

RCRA U-Series: None listed.

**Section 14 -****Transport Information**

	US DOT	Canada TDG
Shipping Name	Ethanol	Ethanol
Hazard Class	3	3 (6.1)
UN Number	UN1170	UN1986
Packing Group	II	II
Other		FP 18C

**Section 15 -****Regulatory Information****US Federal**

**TSCA:** CAS# 64-17-5 is listed on the TSCA inventory.

**Health & Safety Reporting List:** None of the chemicals are on the Health & Safety Reporting List.

**Chemical Test Rules:** None of the chemicals in this product are under a Chemical Test Rule.

**Section 12b:** None of the chemicals are listed under TSCA Section 12b.

**TSCA Significant New Use Rule:** None of the chemicals in this material have a SNUR under TSCA.

**SARA:**

**CERCLA Hazardous Substances and corresponding RQs:** None of the chemicals in this material have an RQ.

**SARA Section 302 Extremely Hazardous Substances:** None of the chemicals in this product have a TPQ.

**SARA Codes:** CAS # 64-17-5: acute, chronic, flammable.

**Section 313:** No chemicals are reportable under Section 313.

**Clean Air Act:** This material does not contain any hazardous air pollutants. This material does not contain any Class 1 Ozone depleters. This material does not contain any Class 2 Ozone depleters.

**Clean Water Act:** None of the chemicals in this product are listed as Hazardous Substances under the CWA. None of the chemicals in this product are listed as Priority Pollutants under the CWA. None of the chemicals in this product are listed as Toxic Pollutants under the CWA.

**OSHA:** None of the chemicals in this product are considered highly hazardous by OSHA.

**STATE:** Ethanol can be found on the following state right to know lists: California, New Jersey, Pennsylvania, Minnesota, Massachusetts.

This product contains Ethanol, a chemical known to the state of California to cause birth defects or other reproductive harm.

California No Significant Risk Level: None of the chemicals in this product are listed.

**European/International Regulations**

**European Labeling in Accordance with EC Directives**

**Hazard Symbols:** F

**Risk Phrases:**

R 11 Highly flammable.

**Safety Phrases:**

S 7 Keep container tightly closed.

S 9 Keep container in a well-ventilated place.

S 16 Keep away from sources of ignition - No smoking.

S 33 Take precautionary measures against static discharges.

## Section 15 -

## Regulatory Information (continued)

**WGK (Water Danger/Protection):** CAS# 64-17-5: 0

**Canada - DSL/NDL:** CAS# 64-17-5 is listed on Canada's DSL List.

**Canada - WHMIS:** This product has a WHMIS classification of B2, D2A.

**Canadian Ingredient Disclosure List:** CAS# 64-17-5 is listed on Canada's Ingredient Disclosure List.

**Exposure Limits:** CAS# 64-17-5: OEL-AUSTRALIA:TWA 1000 ppm (1900 mg/m<sup>3</sup>); OEL-BELGIUM:TWA 1000 ppm (1880 mg/m<sup>3</sup>); OEL-CZECHOSLOVAKIA:TWA 1000 mg/m<sup>3</sup>; STEL 5000 mg/m<sup>3</sup>; OEL-DENMARK:TWA 1000 ppm (1900 mg/m<sup>3</sup>); OEL-FINLAND:TWA 1000 ppm (1900 mg/m<sup>3</sup>); STEL 1250 ppm (2400 mg/m<sup>3</sup>); OEL-FRANCE:TWA 1000 ppm (1900 mg/m<sup>3</sup>); STEL 5000 pp; OEL-GERMANY:TWA 1000 ppm (1900 mg/m<sup>3</sup>); OEL-HUNGARY:TWA 1000 mg/m<sup>3</sup>; STEL 3000 mg/m<sup>3</sup>; OEL-THE NETHERLANDS:TWA 1000 ppm (1900 mg/m<sup>3</sup>); OEL-THE PHILIPPINES:TWA 1000 ppm (1900 mg/m<sup>3</sup>); OEL-POLAND:TWA 1000 mg/m<sup>3</sup>; OEL-RUSSIA:STEL 1000 mg/m<sup>3</sup>; OEL-SWEDEN:TWA 1000 ppm (1900 mg/m<sup>3</sup>); OEL-SWITZERLAND:TWA 1000 ppm (1900 mg/m<sup>3</sup>); OEL-THAILAND:TWA 1000 ppm (1900 mg/m<sup>3</sup>); OEL-TURKEY:TWA 1000 ppm (1900 mg/m<sup>3</sup>); OEL-UNITED KINGDOM:TWA 1000 ppm (1900 mg/m<sup>3</sup>) JAN9 OEL IN BULGARIA, COLOMBIA, JORDAN, KOREA check ACGIH TLV OEL IN NEW ZEALAND, SINGAPORE, VIETNAM check ACGI TLV

## Section 16 -

## Additional Information

**MSDS Creation Date:** 08/23/2004

*The information above is believed to be accurate and represents the best information currently available to us. However, we make no warranty of merchantability or any other warranty, express or implied, with respect to such information, and we assume no liability resulting from its use. Users should make their own investigations to determine the suitability of the information for their particular purposes. In no event shall VEE GEE Scientific be liable for any claims, losses, or damages of any third party or for lost profits or any special, indirect, incidental, consequential or exemplary damages, howsoever arising, even if VEE GEE Scientific has been advised of the possibility of such damages.*





# Ethyl Alcohol, 95% v/v

## Safety Data Sheet

according to Federal Register / Vol. 77, No. 58 / Monday, March 26, 2012 / Rules and Regulations

Date of Issue: 03/05/2014

Revision date: 08/25/2017

Supersedes: 03/05/2014

Version: 1.1

### SECTION 1: Identification of the substance/mixture and of the company/undertaking

#### 1.1. Product identifier

Product form : Mixtures  
Product name : Ethyl Alcohol, 95% v/v  
Product code : VT230  
Other means of identification : Ethanol, Denatured, 95% v/v

#### 1.2. Relevant identified uses of the substance or mixture and uses advised against

Use of the substance/mixture : For laboratory and manufacturing use only.

#### 1.3. Details of the supplier of the safety data sheet

Val Tech Diagnostics, A Division of LabChem Inc  
Jackson's Pointe Commerce Park Building 1000  
1010 Jackson's Pointe Court  
Zellienople, PA 16063  
T 412-826-5230  
F 724-473-0647

#### 1.4. Emergency telephone number

Emergency number : CHEMTREC: 1-800-424-9300 or 011-703-527-3887

### SECTION 2: Hazards identification

#### 2.1. Classification of the substance or mixture

##### GHS-US classification

Flam. Liq. 3 H226  
Skin Irrit. 2 H315  
Eye Irrit. 2A H319  
Carc. 1A H350  
Repr. 2 H361  
STOT SE 1 H370

Full text of H statements : see section 16

#### 2.2. Label elements

##### GHS-US labeling

Hazard pictograms (GHS-US)



Signal word (GHS-US)

: Danger

Hazard statements (GHS-US)

: H226 - Flammable liquid and vapor  
H315 - Causes skin irritation  
H319 - Causes serious eye irritation  
H350 - May cause cancer (Ingestion)  
H361 - Suspected of damaging the unborn child (Ingestion)  
H370 - Causes damage to organs (central nervous system, optic nerve) (oral, Dermal)

Precautionary statements (GHS-US)

: P201 - Obtain special instructions before use  
P202 - Do not handle until all safety precautions have been read and understood  
P210 - Keep away from heat, hot surfaces, open flames, sparks. - No smoking  
P233 - Keep container tightly closed  
P240 - Ground/bond container and receiving equipment  
P241 - Use explosion-proof electrical, lighting, ventilating equipment  
P242 - Use only non-sparking tools  
P243 - Take precautionary measures against static discharge  
P260 - Do not breathe mist, spray, vapors  
P264 - Wash exposed skin thoroughly after handling  
P270 - Do not eat, drink or smoke when using this product  
P280 - Wear eye protection, face protection, protective clothing, protective gloves  
P303+P361+P353 - IF ON SKIN (or hair): Remove/Take off immediately all contaminated



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clothing. Rinse skin with water/shower  
P305+P351+P338 - If in eyes: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing  
P308+P313 - If exposed or concerned: Get medical advice/attention  
P332+P313 - If skin irritation occurs: Get medical advice/attention  
P337+P313 - If eye irritation persists: Get medical advice/attention  
P362+P364 - Take off contaminated clothing and wash it before reuse  
P370+P378 - In case of fire: Use carbon dioxide (CO<sub>2</sub>), powder, alcohol-resistant foam to extinguish  
P403+P235 - Store in a well-ventilated place. Keep cool  
P405 - Store locked up  
P501 - Dispose of contents/container to comply with local, state and federal regulations

### 2.3. Other hazards

Other hazards not contributing to the classification : None.

### 2.4. Unknown acute toxicity (GHS US)

No data available

## SECTION 3: Composition/Information on ingredients

### 3.1. Substances

Not applicable

Full text of H-phrases: see section 16

### 3.2. Mixtures

Name	Product identifier	%	GHS-US classification
Ethanol	(CAS-No.) 64-17-5	82.37 - 86.41	Flam. Liq. 2, H225 Carc. 1A, H350 Repr. 2, H361
Water	(CAS-No.) 7732-18-5	4.98 - 7.47	Not classified
Methanol	(CAS-No.) 67-56-1	3.75 - 5.23	Flam. Liq. 2, H225 Acute Tox. 3 (Oral), H301 Acute Tox. 3 (Dermal), H311 Acute Tox. 3 (Inhalation), H331 STOT SE 1, H370
Isopropyl Alcohol (2-Propanol)	(CAS-No.) 67-63-0	4.11 - 5.19	Flam. Liq. 2, H225 Eye Irrit. 2A, H319 STOT SE 3, H335

## SECTION 4: First aid measures

### 4.1. Description of first aid measures

First-aid measures general : Check the vital functions. Unconscious: maintain adequate airway and respiration. Respiratory arrest: artificial respiration or oxygen. Cardiac arrest: perform resuscitation. Victim conscious with labored breathing: half-seated. Victim in shock: on his back with legs slightly raised. Vomiting: prevent asphyxia/aspiration pneumonia. Prevent cooling by covering the victim (no warming up). Keep watching the victim. Give psychological aid. Keep the victim calm, avoid physical strain. Depending on the victim's condition: doctor/hospital. Never give alcohol to drink.

First-aid measures after inhalation : Remove the victim into fresh air. Respiratory problems: consult a doctor/medical service.

First-aid measures after skin contact : Rinse with water. Take victim to a doctor if irritation persists.

First-aid measures after eye contact : Rinse immediately with plenty of water. Do not apply neutralizing agents. Take victim to an ophthalmologist if irritation persists.

First-aid measures after ingestion : Rinse mouth with water. Do not induce vomiting. Call Poison Information Centre ([www.big.be/antigif.htm](http://www.big.be/antigif.htm)). Consult a doctor/medical service if you feel unwell. Ingestion of large quantities: immediately to hospital.

### 4.2. Most important symptoms and effects, both acute and delayed

Symptoms/effects after inhalation : EXPOSURE TO HIGH CONCENTRATIONS: Dry/sore throat. Coughing. Irritation of the respiratory tract. Irritation of the nasal mucous membranes. Respiratory difficulties. Central nervous system depression. Symptoms similar to those listed under ingestion.

Symptoms/effects after skin contact : Slight irritation.

Symptoms/effects after eye contact : Redness of the eye tissue. Lacrimation. ON CONTINUOUS EXPOSURE/CONTACT: Irritation of the eye tissue.

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- Symptoms/effects after ingestion : AFTER ABSORPTION OF LARGE QUANTITIES: Risk of aspiration pneumonia. Red skin. Body temperature rise. Damp/clammy skin. Excited/restless. Accelerated heart action. Central nervous system depression. Dizziness. Narcosis. Headache. Drunkenness. Nausea. Vomiting. Disturbed motor response. Coordination disorders. Visual disturbances. Impaired concentration. Delusions. Disturbed sensation of pain. Disturbances of heart rate. Disturbances of consciousness. Tremor. Cramps/uncontrolled muscular contractions. Dilated pupils.
- Chronic symptoms : ON CONTINUOUS/REPEATED EXPOSURE/CONTACT: Dry skin. Gastrointestinal complaints. Enlargement/affection of the liver. Change in the haemogramme/blood composition. Cardiac and blood circulation effects. High arterial pressure. Impairment of the nervous system. Behavioural disturbances. Mental confusion. Disturbed tactile sensibility. Tremor. Affection of the bone marrow. Affection of the endocrine system. Weakening of the immune system.

### 4.3. Indication of any immediate medical attention and special treatment needed

Obtain medical assistance.

## SECTION 5: Firefighting measures

### 5.1. Extinguishing media

- Suitable extinguishing media : Water spray. Alcohol-resistant foam. BC powder. Carbon dioxide.
- Unsuitable extinguishing media : Solid water jet ineffective as extinguishing medium.

### 5.2. Special hazards arising from the substance or mixture

- Fire hazard : DIRECT FIRE HAZARD. Highly flammable. Gas/vapor flammable with air within explosion limits. INDIRECT FIRE HAZARD. May be ignited by sparks. Gas/vapor spreads at floor level: ignition hazard. Reactions involving a fire hazard: see "Reactivity Hazard".
- Explosion hazard : DIRECT EXPLOSION HAZARD. Gas/vapour explosive with air within explosion limits. INDIRECT EXPLOSION HAZARD. may be ignited by sparks. Reactions with explosion hazards: see "Reactivity Hazard".
- Reactivity : Upon combustion: CO and CO<sub>2</sub> are formed. Reacts violently with many compounds e.g.: with (strong) oxidizers: (increased) risk of fire/explosion. Violent to explosive reaction with (some) acids.

### 5.3. Advice for firefighters

- Firefighting instructions : Cool tanks/drums with water spray/remove them into safety. Do not move the load if exposed to heat.
- Protection during firefighting : Heat/fire exposure: compressed air/oxygen apparatus.

## SECTION 6: Accidental release measures

### 6.1. Personal precautions, protective equipment and emergency procedures

- General measures : Remove ignition sources. Use special care to avoid static electric charges. No naked lights. No smoking.
- 6.1.1. For non-emergency personnel
- Protective equipment : Gloves. Protective goggles. Protective clothing. Large spills/in enclosed spaces: compressed air apparatus. See "Material-Handling" to select protective clothing.
- Emergency procedures : Keep upwind. Mark the danger area. Consider evacuation. Seal off low-lying areas. Close doors and windows of adjacent premises. Stop engines and no smoking. No naked flames or sparks. Spark- and explosion-proof appliances and lighting equipment. Keep containers closed. Wash contaminated clothes.
- 6.1.2. For emergency responders
- Protective equipment : Equip cleanup crew with proper protection. Avoid breathing mist, spray.
- Emergency procedures : Ventilate area.

### 6.2. Environmental precautions

Prevent spreading in sewers.

### 6.3. Methods and material for containment and cleaning up

- For containment : Contain released substance, pump into suitable containers. Consult "Material-handling" to select material of containers. Plug the leak, cut off the supply. Dam up the liquid spill. Try to reduce evaporation. Measure the concentration of the explosive gas-air mixture. Dilute/disperse combustible gas/vapour with water curtain. Provide equipment/receptacles with earthing. Do not use compressed air for pumping over spills.

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### Methods for cleaning up

: Take up liquid spill into a non combustible material e.g.: sand, earth, vermiculite or kieselguhr, powdered limestone. Scoop absorbed substance into closing containers. See "Material-handling" for suitable container materials. Carefully collect the spill/leftovers. Damaged/cooled tanks must be emptied. Do not use compressed air for pumping over spills. Clean contaminated surfaces with an excess of water. Take collected spill to manufacturer/competent authority. Wash clothing and equipment after handling.

### 6.4. Reference to other sections

See Heading 8. Exposure controls and personal protection.

## SECTION 7: Handling and storage

### 7.1. Precautions for safe handling

#### Precautions for safe handling

: Comply with the legal requirements. Remove contaminated clothing immediately. Clean contaminated clothing. Handle uncleaned empty containers as full ones. Thoroughly clean/dry the installation before use. Do not discharge the waste into the drain. Do not use compressed air for pumping over. Use spark-/explosionproof appliances and lighting system. Take precautions against electrostatic charges. Keep away from naked flames/heat. Keep away from ignition sources/sparks. Observe normal hygiene standards. Keep container tightly closed. Measure the concentration in the air regularly. Work under local exhaust/ventilation.

#### Hygiene measures

: Wash exposed skin thoroughly after handling.

### 7.2. Conditions for safe storage, including any incompatibilities

#### Technical measures

: Proper grounding procedures to avoid static electricity should be followed. Ground/bond container and receiving equipment. Use explosion-proof electrical/ventilating/lighting/... equipment.

#### Storage conditions

: Keep container tightly closed. Keep only in the original container in a cool, well ventilated place away from : Incompatible materials. Keep in fireproof place.

#### Incompatible products

: Strong bases. Strong acids.

#### Incompatible materials

: Sources of ignition. Direct sunlight. Heat sources.

#### Heat-ignition

: KEEP SUBSTANCE AWAY FROM: heat sources. Ignition sources.

#### Prohibitions on mixed storage

: KEEP SUBSTANCE AWAY FROM: oxidizing agents. strong acids. water/moisture.

#### Storage area

: Keep out of direct sunlight. Store in a dry area. Ventilation at floor level. Fireproof storeroom. Provide for an automatic sprinkler system. Provide for a tub to collect spills. Provide the tank with earthing. Meet the legal requirements.

#### Special rules on packaging

: SPECIAL REQUIREMENTS: closing. dry. clean. correctly labelled. meet the legal requirements. Secure fragile packagings in solid containers.

#### Packaging materials

: SUITABLE MATERIAL: stainless steel. aluminium. iron. copper. nickel. synthetic material. glass. MATERIAL TO AVOID: No data available.

### 7.3. Specific end use(s)

No additional information available

## SECTION 8: Exposure controls/personal protection

### 8.1. Control parameters

Ethyl Alcohol, 95% v/v		
USA ACGIH	ACGIH STEL (ppm)	1000 ppm (Ethanol; USA; Short time value; TLV - Adopted Value)
Ethanol (64-17-5)		
USA ACGIH	ACGIH STEL (ppm)	1000 ppm (Ethanol; USA; Short time value; TLV - Adopted Value)
USA OSHA	OSHA PEL (TWA) (mg/m³)	1900 mg/m³
USA OSHA	OSHA PEL (TWA) (ppm)	1000 ppm
Isopropyl Alcohol (2-Propanol) (67-63-0)		
USA ACGIH	ACGIH TWA (ppm)	200 ppm (2-propanol; USA; Time-weighted average exposure limit 8 h; TLV - Adopted Value)
USA ACGIH	ACGIH STEL (ppm)	400 ppm (2-propanol; USA; Short time value; TLV - Adopted Value)
USA OSHA	OSHA PEL (TWA) (mg/m³)	980 mg/m³
USA OSHA	OSHA PEL (TWA) (ppm)	400 ppm

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Methanol (67-56-1)		
USA ACGIH	ACGIH TWA (ppm)	200 ppm (Methanol; USA; Time-weighted average exposure limit 8 h; TLV - Adopted Value)
USA ACGIH	ACGIH STEL (ppm)	250 ppm (Methanol; USA; Short time value; TLV - Adopted Value)
USA OSHA	OSHA PEL (TWA) (mg/m <sup>3</sup> )	260 mg/m <sup>3</sup>
USA OSHA	OSHA PEL (TWA) (ppm)	200 ppm

### 8.2 Exposure controls

Appropriate engineering controls

: Emergency eye wash fountains and safety showers should be available in the immediate vicinity of any potential exposure. Ensure adequate ventilation.

Personal protective equipment

: Safety glasses. Gloves. Protective clothing.



Materials for protective clothing

: GIVE EXCELLENT RESISTANCE: butyl rubber, viton. GIVE GOOD RESISTANCE: neoprene, tetrafluoroethylene. GIVE LESS RESISTANCE: nitrile rubber, polyethylene. GIVE POOR RESISTANCE: natural rubber, PVA, PVC.

Hand protection

: Gloves.

Eye protection

: Safety glasses.

Skin and body protection

: Protective clothing.

Respiratory protection

: Wear gas mask with filter type A if conc. in air > exposure limit.

Other information

: Do not eat, drink or smoke during use.

## SECTION 9: Physical and chemical properties

### 9.1 Information on basic physical and chemical properties

Physical state

: Liquid

Appearance

: Liquid.

Molecular mass

: 46.07 g/mol

Color

: Colourless.

Odor

: Alcohol odour. Pleasant odour.

Odor threshold

: 100 ppm  
188 mg/m<sup>3</sup>

pH

: No data available

Relative evaporation rate (butyl acetate=1)

: 2.4

Relative evaporation rate (ether=1)

: 8.3

Melting point

: -115 °C

Freezing point

: No data available

Boiling point

: 78 °C

Flash point

: 25 °C

Critical temperature

: 243 °C

Auto-ignition temperature

: 363 °C

Decomposition temperature

: No data available

Flammability (solid, gas)

: No data available

Vapor pressure

: 59 hPa (20 °C)

Vapor pressure at 50 °C

: 300 hPa (50 °C)

Critical pressure

: 63840 hPa

Relative vapor density at 20 °C

: 1.6

Relative density

: No data available

Relative density of saturated gas/air mixture

: 1.04

Specific gravity / density

: 0.8 g/l



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Solubility	: Soluble in water. Soluble in ether. Soluble in acetone. Soluble in chloroform. Soluble in oils/fats. Soluble in methanol. Soluble in acids. Water: Complete Ethanol: Not applicable Ether: Complete Acetone: Complete
Log Pow	: No data available
Log Kow	: No data available
Viscosity, kinematic	: No data available
Viscosity, dynamic	: 0.0012 Pa.s (20 °C)
Explosive properties	: No data available
Oxidizing properties	: No data available
Explosion limits	: 3.3 - 19.0 vol % 67 - 290 g/m <sup>3</sup>

### 9.2. Other information

Specific conductivity	: 130000 pS/m
Saturation concentration	: 112 g/m <sup>3</sup>
VOC content	: 100 %
Other properties	: Gas/vapour heavier than air at 20°C. Clear. Hygroscopic. Volatile. Substance has neutral reaction.

## SECTION 10: Stability and reactivity

### 10.1. Reactivity

Upon combustion: CO and CO<sub>2</sub> are formed. Reacts violently with many compounds e.g.: with (strong) oxidizers: (Increased) risk of fire/explosion. Violent to explosive reaction with (some) acids.

### 10.2. Chemical stability

Hygroscopic.

### 10.3. Possibility of hazardous reactions

Not established.

### 10.4. Conditions to avoid

Direct sunlight. Extremely high or low temperatures. Open flame.

### 10.5. Incompatible materials

Strong acids. Strong bases.

### 10.6. Hazardous decomposition products

fume. Carbon monoxide. Carbon dioxide. May release flammable gases.

## SECTION 11: Toxicological information

### 11.1. Information on toxicological effects

Acute toxicity : Not classified

Ethanol (64-17-5)	
LD50 oral rat	10740 mg/kg (Rat; Experimental value, Rat; Experimental value)
LD50 dermal rabbit	> 16000 mg/kg (Rabbit; Literature study)
Isopropyl Alcohol (2-Propanol) (67-63-0)	
LD50 dermal rabbit	12870 mg/kg (Rabbit; Experimental value; Equivalent or similar to OECD 402; 16.4; Rabbit)
LC50 inhalation rat (mg/l)	73 mg/l/4h (Rat)
Water (7732-18-5)	
LD50 oral rat	≥ 90000 mg/kg
Methanol (67-56-1)	
LD50 oral rat	> 5000 mg/kg (Rat; BASF test; Literature study; 1187-2769 mg/kg bodyweight; Rat; Weight of evidence)
LD50 dermal rabbit	15800 mg/kg (Rabbit; Literature study)
LC50 inhalation rat (mg/l)	85 mg/l/4h (Rat; Literature study)
LC50 inhalation rat (ppm)	64000 ppm/4h (Rat; Literature study)

# Ethyl Alcohol, 95% v/v

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Skin corrosion/irritation	: Causes skin irritation.
Serious eye damage/irritation	: Causes serious eye irritation.
Respiratory or skin sensitization	: Not classified
Germ cell mutagenicity	: Not classified
	Based on available data, the classification criteria are not met
Carcinogenicity	: May cause cancer (Ingestion).

<b>Ethyl Alcohol, 95% v/v</b>	
IARC group	1 - Carcinogenic to humans
<b>Ethanol (64-17-5)</b>	
IARC group	1 - Carcinogenic to humans
<b>Isopropyl Alcohol (2-Propanol) (67-63-0)</b>	
IARC group	3 - Not classifiable

Reproductive toxicity	: Suspected of damaging the unborn child (Ingestion). Based on available data, the classification criteria are not met
Specific target organ toxicity – single exposure	: Causes damage to organs (central nervous system, optic nerve) (oral, Dermal).
Specific target organ toxicity – repeated exposure	: Not classified Based on available data, the classification criteria are not met
Aspiration hazard	: Not classified Based on available data, the classification criteria are not met
Potential Adverse human health effects and symptoms	: Harmful if swallowed. Based on available data, the classification criteria are not met.
Symptoms/effects after inhalation	: EXPOSURE TO HIGH CONCENTRATIONS: Dry/sore throat. Coughing. Irritation of the respiratory tract. Irritation of the nasal mucous membranes. Respiratory difficulties. Central nervous system depression. Symptoms similar to those listed under ingestion.
Symptoms/effects after skin contact	: Slight irritation.
Symptoms/effects after eye contact	: Redness of the eye tissue. Lacrimation. ON CONTINUOUS EXPOSURE/CONTACT: Irritation of the eye tissue.
Symptoms/effects after ingestion	: AFTER ABSORPTION OF LARGE QUANTITIES: Risk of aspiration pneumonia. Red skin. Body temperature rise. Damp/clammy skin. Excited/restless. Accelerated heart action. Central nervous system depression. Dizziness. Narcosis. Headache. Drunkenness. Nausea. Vomiting. Disturbed motor response. Coordination disorders. Visual disturbances. Impaired concentration. Delusions. Disturbed sensation of pain. Disturbances of heart rate. Disturbances of consciousness. Tremor. Cramps/uncontrolled muscular contractions. Dilated pupils.
Chronic symptoms	: ON CONTINUOUS/REPEATED EXPOSURE/CONTACT: Dry skin. Gastrointestinal complaints. Enlargement/affection of the liver. Change in the haemogramme/blood composition. Cardiac and blood circulation effects. High arterial pressure. Impairment of the nervous system. Behavioural disturbances. Mental confusion. Disturbed tactile sensibility. Tremor. Affection of the bone marrow. Affection of the endocrine system. Weakening of the immune system.

## SECTION 12: Ecological information

### 12.1 Toxicity

Ecology - water	: Not harmful to fishes (LC50(96h) >1000 mg/l). Not harmful to invertebrates (Daphnia). Slightly harmful to algae (EC50 (72h): 100 - 1000 mg/l). Harmful to plankton. Not harmful to bacteria (EC50 >1000 mg/l). No inhibition of activated sludge.
-----------------	---

<b>Ethanol (64-17-5)</b>	
LC50 fish 1	14200 mg/l (LC50; US EPA; 96 h; Pimephales promelas; Flow-through system; Fresh water; Experimental value)
<b>Isopropyl Alcohol (2-Propanol) (67-63-0)</b>	
LC50 fish 2	9640 mg/l (LC50; OECD 203: Fish, Acute Toxicity Test; 96 h; Pimephales promelas; Flow-through system; Fresh water; Experimental value)
EC50 Daphnia 2	13299 mg/l (EC50; Other; 48 h; Daphnia magna)
Threshold limit algae 1	> 1000 mg/l (EC50; UBA; 72 h; Scenedesmus subspicatus)
<b>Methanol (67-56-1)</b>	
LC50 fish 1	15400 mg/l (LC50; EPA 660/3 - 75/009; 96 h; Lepomis macrochirus; Flow-through system; Fresh water; Experimental value)
EC50 Daphnia 1	> 10000 mg/l (EC50; DIN 38412-11; 48 h; Daphnia magna; Static system; Fresh water; Experimental value)

# Ethyl Alcohol, 95% v/v

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<b>Methanol (67-56-1)</b>	
LC50 fish 2	10800 mg/l (LC50; 96 h; Salmo gairdneri)

### 12.2 Persistence and degradability

<b>Ethyl Alcohol, 95% v/v</b>	
Persistence and degradability	Readily biodegradable in water. Biodegradable in the soil. Highly mobile in soil.

<b>Ethanol (64-17-5)</b>	
Persistence and degradability	Readily biodegradable in water. Biodegradable in the soil. Highly mobile in soil.
Biochemical oxygen demand (BOD)	0.8 - 0.967 g O □/g substance
Chemical oxygen demand (COD)	1.7 g O □/g substance
ThOD	2.1 g O □/g substance
BOD (% of ThOD)	0.43

<b>Isopropyl Alcohol (2-Propanol) (67-63-0)</b>	
Persistence and degradability	Readily biodegradable in water. Biodegradable in the soil. Biodegradable in the soil under anaerobic conditions. No test data on mobility of the substance available.
Biochemical oxygen demand (BOD)	1.19 g O □/g substance
Chemical oxygen demand (COD)	2.23 g O □/g substance
ThOD	2.4 g O □/g substance

<b>Water (7732-18-5)</b>	
Persistence and degradability	Not established.

<b>Methanol (67-56-1)</b>	
Persistence and degradability	Readily biodegradable in water. Biodegradable in the soil. Highly mobile in soil.
Biochemical oxygen demand (BOD)	0.6 - 1.12 g O □/g substance
Chemical oxygen demand (COD)	1.42 g O □/g substance
ThOD	1.5 g O □/g substance
BOD (% of ThOD)	0.8 (Literature study)

### 12.3 Bioaccumulative potential

<b>Ethyl Alcohol, 95% v/v</b>	
BCF fish 1	1 (BCF; Other; 72 h; Cyprinus carpio; Static system; Fresh water; Read-across)

<b>Ethanol (64-17-5)</b>	
BCF fish 1	1 (BCF; Other; 72 h; Cyprinus carpio; Static system; Fresh water; Read-across)
Log Pow	-0.31 (Experimental value)
Bioaccumulative potential	Low potential for bioaccumulation (Log Kow < 4).

<b>Isopropyl Alcohol (2-Propanol) (67-63-0)</b>	
Log Pow	0.05 (Weight of evidence approach; Other; 25 °C)
Bioaccumulative potential	Low potential for bioaccumulation (Log Kow < 4).

<b>Water (7732-18-5)</b>	
Bioaccumulative potential	Not established.

<b>Methanol (67-56-1)</b>	
BCF fish 1	< 10 (BCF; 72 h; Leuciscus idus)
Log Pow	-0.77 (Experimental value; Other)
Bioaccumulative potential	Low potential for bioaccumulation (BCF < 500).

### 12.4 Mobility in soil

<b>Ethyl Alcohol, 95% v/v</b>	
Log Koc	Koc,PCKOCWIN v1.66; 1; Read-across

<b>Ethanol (64-17-5)</b>	
Surface tension	0.022 N/m (20 °C)
Log Koc	Koc,PCKOCWIN v1.66; 1; Read-across

<b>Isopropyl Alcohol (2-Propanol) (67-63-0)</b>	
Surface tension	0.021 N/m (25 °C)

<b>Methanol (67-56-1)</b>	
Surface tension	0.023 N/m (20 °C)
Log Koc	Koc,PCKOCWIN v1.66; 1; Calculated value



# Ethyl Alcohol, 95% v/v

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### 12.5. Other adverse effects

Other Information : Avoid release to the environment.

## SECTION 13: Disposal considerations

### 13.1. Waste treatment methods

Waste disposal recommendations : Remove waste in accordance with local and/or national regulations. Hazardous waste shall not be mixed together with other waste. Different types of hazardous waste shall not be mixed together if this may entail a risk of pollution or create problems for the further management of the waste. Hazardous waste shall be managed responsibly. All entities that store, transport or handle hazardous waste shall take the necessary measures to prevent risks of pollution or damage to people or animals. Recycle by distillation. Remove to an authorized waste incinerator for solvents with energy recovery. Do not discharge into surface water. May be discharged to wastewater treatment installation.

Additional information : LWCA (the Netherlands): KGA category 03. Hazardous waste according to Directive 2008/98/EC.

Ecology - waste materials : Avoid release to the environment.

## SECTION 14: Transport information

In accordance with DOT

Transport document description : UN1987 Alcohols, n.o.s., 3, II

UN-No.(DOT) : 1987

DOT NA no. : UN1987

Proper Shipping Name (DOT) : Alcohols, n.o.s.

Transport hazard class(es) (DOT) : 3 - Class 3 - Flammable and combustible liquid 49 CFR 173.120

Hazard labels (DOT) : 3 - Flammable liquid



Packing group (DOT) : II - Medium Danger

DOT Special Provisions (49 CFR 172.102) : 172 - This entry includes alcohol mixtures containing up to 5% petroleum products.  
IB2 - Authorized IBCs: Metal (31A, 31B and 31N); Rigid plastics (31H1 and 31H2); Composite (31HZ1). Additional Requirement: Only liquids with a vapor pressure less than or equal to 110 kPa at 50 C (1.1 bar at 122 F), or 130 kPa at 55 C (1.3 bar at 131 F) are authorized.  
T7 - 4 178.274(d)(2) Normal..... 178.275(d)(3)  
TP1 - The maximum degree of filling must not exceed the degree of filling determined by the following: Degree of filling =  $97 / 1 + a (tr - tf)$  Where: tr is the maximum mean bulk temperature during transport, and tf is the temperature in degrees celsius of the liquid during filling.  
TP8 - A portable tank having a minimum test pressure of 1.5 bar (150 kPa) may be used when the flash point of the hazardous material transported is greater than 0 C (32 F).  
TP28 - A portable tank having a minimum test pressure of 2.65 bar (265 kPa) may be used provided the calculated test pressure is 2.65 bar or less based on the MAWP of the hazardous material, as defined in 178.275 of this subchapter, where the test pressure is 1.5 times the MAWP.

DOT Packaging Exceptions (49 CFR 173.xxx) : 4b;150

DOT Packaging Non Bulk (49 CFR 173.xxx) : 202

DOT Packaging Bulk (49 CFR 173.xxx) : 242

DOT Quantity Limitations Passenger aircraft/rail (49 CFR 173.27) : 5 L

DOT Quantity Limitations Cargo aircraft only (49 CFR 175.75) : 60 L

DOT Vessel Stowage Location : B - (i) The material may be stowed "on deck" or "under deck" on a cargo vessel and on a passenger vessel carrying a number of passengers limited to not more than the larger of 25 passengers, or one passenger per each 3 m of overall vessel length; and (ii) "On deck only" on passenger vessels in which the number of passengers specified in paragraph (k)(2)(i) of this section is exceeded.

### Additional information

Other information : No supplementary information available.

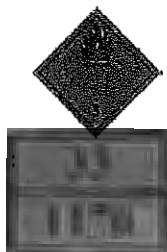
# Ethyl Alcohol, 95% v/v

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### ADR

Transport document description : UN 1170 ethanol (ethyl alcohol), 3, II, (D/E)  
Packing group (ADR) : II  
Class (ADR) : 3 - Flammable liquid  
Hazard identification number (Kemler No.) : 33  
Classification code (ADR) : F1  
Hazard labels (ADR) : 3 - Flammable liquids



Orange plates

Tunnel restriction code : D/E

### Transport by sea

UN-No. (IMDG) : 1170  
Class (IMDG) : 3 - Flammable liquids  
EmS-No. (1) : F-E  
EmS-No. (2) : S-D

### Air transport

UN-No. (IATA) : 1170  
Class (IATA) : 3 - Flammable Liquids  
Packing group (IATA) : II - Medium Danger

## SECTION 15: Regulatory information

### 15.1 US Federal regulations

#### Ethyl Alcohol, 95% v/v

SARA Section 311/312 Hazard Classes	Physical hazard - Flammable (gases, aerosols, liquids, or solids) Health hazard - Skin corrosion or Irritation Health hazard - Serious eye damage or eye irritation
-------------------------------------	---

#### Ethanol (64-17-5)

Listed on the United States TSCA (Toxic Substances Control Act) inventory

#### Isopropyl Alcohol (2-Propanol) (67-63-0)

Listed on the United States TSCA (Toxic Substances Control Act) inventory  
Subject to reporting requirements of United States SARA Section 313

#### Water (7732-18-5)

Listed on the United States TSCA (Toxic Substances Control Act) inventory

#### Methanol (67-56-1)

Listed on the United States TSCA (Toxic Substances Control Act) inventory  
Subject to reporting requirements of United States SARA Section 313

RQ (Reportable quantity, section 304 of EPA's List of Lists)	5000 lb
SARA Section 311/312 Hazard Classes	Immediate (acute) health hazard Fire hazard

### 15.2 International regulations

#### CANADA

#### Ethyl Alcohol, 95% v/v

WHMIS Classification	Class B Division 3 - Combustible Liquid Class D Division 2 Subdivision A - Very toxic material causing other toxic effects
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# Ethyl Alcohol, 95% v/v

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<b>Isopropyl Alcohol (2-Propanol) (67-63-0)</b>	
WHMIS Classification	Class B Division 2 - Flammable Liquid Class D Division 2 Subdivision B - Toxic material causing other toxic effects
<b>Water (7732-18-5)</b>	
WHMIS Classification	Uncontrolled product according to WHMIS classification criteria
<b>Methanol (67-56-1)</b>	
Listed on the Canadian DSL (Domestic Substances List)	
WHMIS Classification	Class B Division 2 - Flammable Liquid Class D Division 2 Subdivision A - Very toxic material causing other toxic effects Class D Division 2 Subdivision B - Toxic material causing other toxic effects

### EU-Regulations

<b>Isopropyl Alcohol (2-Propanol) (67-63-0)</b>	
<b>Water (7732-18-5)</b>	
<b>Methanol (67-56-1)</b>	

Classification according to Regulation (EC) No. 1272/2008 [CLP]

Classification according to Directive 67/548/EEC [DSD] or 1999/45/EC [DPD]

F; R11

Full text of R-phrases: see section 16

### 15.2.2. National regulations

<b>Ethanol (64-17-5)</b>	
Listed on IARC (International Agency for Research on Cancer)	
<b>Isopropyl Alcohol (2-Propanol) (67-63-0)</b>	
<b>Water (7732-18-5)</b>	
<b>Methanol (67-56-1)</b>	

### 15.3 US State regulations

<b>Ethyl Alcohol, 95% v/v()</b>				
U.S. - California - Proposition 65 - Carcinogens List		No		
U.S. - California - Proposition 65 - Developmental Toxicity		No		
U.S. - California - Proposition 65 - Reproductive Toxicity - Female		No		
U.S. - California - Proposition 65 - Reproductive Toxicity - Male		No		
<b>Ethanol (64-17-5)</b>				
U.S. - California - Proposition 65 - Carcinogens List	U.S. - California - Proposition 65 - Developmental Toxicity	U.S. - California - Proposition 65 - Reproductive Toxicity - Female	U.S. - California - Proposition 65 - Reproductive Toxicity - Male	No significant risk level (NSRL)
No	No	No	No	
<b>Isopropyl Alcohol (2-Propanol) (67-63-0)</b>				
U.S. - California - Proposition 65 - Carcinogens List	U.S. - California - Proposition 65 - Developmental Toxicity	U.S. - California - Proposition 65 - Reproductive Toxicity - Female	U.S. - California - Proposition 65 - Reproductive Toxicity - Male	No significant risk level (NSRL)
No	No	No	No	
<b>Water (7732-18-5)</b>				
U.S. - California - Proposition 65 - Carcinogens List	U.S. - California - Proposition 65 - Developmental Toxicity	U.S. - California - Proposition 65 - Reproductive Toxicity - Female	U.S. - California - Proposition 65 - Reproductive Toxicity - Male	No significant risk level (NSRL)

# Ethyl Alcohol, 95% v/v

## Safety Data Sheet

according to Federal Register / Vol. 77, No. 58 / Monday, March 26, 2012 / Rules and Regulations

Water (7732-18-5)				
No	No	No	No	
Methanol (67-56-1)				
U.S. - California - Proposition 65 - Carcinogens List	U.S. - California - Proposition 65 - Developmental Toxicity	U.S. - California - Proposition 65 - Reproductive Toxicity - Female	U.S. - California - Proposition 65 - Reproductive Toxicity - Male	No significant risk level (NSRL)
No	Yes	No	No	

### SECTION 16: Other information

Indication of changes : Revision - See : \*.  
Other information : None.

Full text of H-phrases: see section 16:

H225	Highly flammable liquid and vapor
H226	Flammable liquid and vapor
H301	Toxic if swallowed
H311	Toxic in contact with skin
H315	Causes skin irritation
H319	Causes serious eye irritation
H331	Toxic if inhaled
H335	May cause respiratory irritation
H350	May cause cancer
H361	Suspected of damaging fertility or the unborn child
H370	Causes damage to organs

NFPA health hazard : 2 - Materials that, under emergency conditions, can cause temporary incapacitation or residual injury.  
NFPA fire hazard : 3 - Liquids and solids (including finely divided suspended solids) that can be ignited under almost all ambient temperature conditions.  
NFPA reactivity : 0 - Material that in themselves are normally stable, even under fire conditions.



### Hazard Rating

Health : 2 Moderate Hazard - Temporary or minor injury may occur  
Flammability : 3 Serious Hazard  
Physical : 1 Slight Hazard  
Personal protection : D

SDS US ValTech

*Information in this SDS is from available published sources and is believed to be accurate. No warranty, express or implied, is made and LabChem Inc assumes no liability resulting from the use of this SDS. The user must determine suitability of this information for his application.*

## SAFETY DATA SHEET

Creation Date 24-Apr-2009

Revision Date 18-Jan-2018

Revision Number 8

### 1. Identification

**Product Name** Molecular Biology Grade Ethanol

**Cat No. :** BP2818-4, BP2818-100, BP2818-500

**CAS-No** 64-17-5

**Synonyms** Ethyl alcohol; Absolute ethanol

**Recommended Use** Laboratory chemicals.

**Uses advised against** Not for food, drug, pesticide or biocidal product use

#### Details of the supplier of the safety data sheet

##### Company

Fisher Scientific  
One Reagent Lane  
Fair Lawn, NJ 07410  
Tel: (201) 796-7100

##### Emergency Telephone Number

CHEMTREC®, Inside the USA: 800-424-9300  
CHEMTREC®, Outside the USA: 001-703-527-3887

### 2. Hazard(s) Identification

#### Classification

This chemical is considered hazardous by the 2012 OSHA Hazard Communication Standard (29 CFR 1910.1200)

Flammable liquids  
Serious Eye Damage/Eye Irritation

Category 2  
Category 2

#### Label Elements

##### Signal Word

Danger

##### Hazard Statements

Highly flammable liquid and vapor  
Causes serious eye irritation



#### Precautionary Statements



**Prevention**

Obtain special instructions before use  
Do not handle until all safety precautions have been read and understood  
Use personal protective equipment as required  
Wash face, hands and any exposed skin thoroughly after handling  
Wear eye/face protection  
Do not breathe dust/fume/gas/mist/vapors/spray  
Use only outdoors or in a well-ventilated area  
Keep away from heat/sparks/open flames/hot surfaces. - No smoking  
Keep container tightly closed  
Ground/bond container and receiving equipment  
Use explosion-proof electrical/ventilating/lighting/equipment  
Use only non-sparking tools  
Take precautionary measures against static discharge  
Keep cool

**Response**

IF exposed or concerned: Get medical attention/advice

**Inhalation**

IF INHALED: Remove victim to fresh air and keep at rest in a position comfortable for breathing

**Skin**

IF ON SKIN (or hair): Take off immediately all contaminated clothing. Rinse skin with water/shower

**Eyes**

IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing  
If eye irritation persists: Get medical advice/attention

**Fire**

In case of fire: Use CO<sub>2</sub>, dry chemical, or foam for extinction

**Storage**

Store locked up  
Store in a well-ventilated place. Keep container tightly closed

**Disposal**

Dispose of contents/container to an approved waste disposal plant

**Hazards not otherwise classified (HNOC)**

None identified

**3. Composition/Information on Ingredients**

Component	CAS-No	Weight %
Ethyl alcohol	64-17-5	99-100

**4. First-aid measures****General Advice**

If symptoms persist, call a physician.

**Eye Contact**

Rinse immediately with plenty of water, also under the eyelids, for at least 15 minutes. Get medical attention.

**Skin Contact**

Wash off immediately with plenty of water for at least 15 minutes. If skin irritation persists, call a physician.

**Inhalation**

Move to fresh air. If not breathing, give artificial respiration. Get medical attention if symptoms occur.

**Ingestion**

Clean mouth with water and drink afterwards plenty of water.

**Most important symptoms and effects**

Breathing difficulties. Symptoms of overexposure may be headache, dizziness, tiredness, nausea and vomiting.

**Notes to Physician**

Treat symptomatically

### 5. Fire-fighting measures

<b>Suitable Extinguishing Media</b>	Use water spray, alcohol-resistant foam, dry chemical or carbon dioxide. Cool closed containers exposed to fire with water spray.
<b>Unsuitable Extinguishing Media</b>	Water may be ineffective, Do not use a solid water stream as it may scatter and spread fire
<b>Flash Point</b>	13 °C / 55.4 °F
<b>Method -</b>	No information available
<b>Autoignition Temperature</b>	363 °C / 685.4 °F
<b>Explosion Limits</b>	
Upper	19 vol %
Lower	3.3 vol %
<b>Sensitivity to Mechanical Impact</b>	No information available
<b>Sensitivity to Static Discharge</b>	No information available

#### Specific Hazards Arising from the Chemical

Flammable. Risk of ignition. Vapors may form explosive mixtures with air. Vapors may travel to source of ignition and flash back. Containers may explode when heated. Vapors may form explosive mixtures with air.

#### Hazardous Combustion Products

Carbon monoxide (CO) Carbon dioxide (CO<sub>2</sub>)

#### Protective Equipment and Precautions for Firefighters

As in any fire, wear self-contained breathing apparatus pressure-demand, MSHA/NIOSH (approved or equivalent) and full protective gear.

#### NFPA

Health  
2

Flammability  
3

Instability  
1

Physical hazards  
N/A

### 6. Accidental release measures

<b>Personal Precautions</b>	Use personal protective equipment. Ensure adequate ventilation. Remove all sources of ignition. Take precautionary measures against static discharges.
<b>Environmental Precautions</b>	Should not be released into the environment. Do not flush into surface water or sanitary sewer system.
<b>Methods for Containment and Clean Up</b>	Soak up with inert absorbent material. Keep in suitable, closed containers for disposal. Remove all sources of ignition. Use spark-proof tools and explosion-proof equipment.

### 7. Handling and storage

<b>Handling</b>	Wear personal protective equipment. Do not get in eyes, on skin, or on clothing. Ensure adequate ventilation. Avoid ingestion and inhalation. Keep away from open flames, hot surfaces and sources of ignition. Use only non-sparking tools. To avoid ignition of vapors by static electricity discharge, all metal parts of the equipment must be grounded. Take precautionary measures against static discharges.
<b>Storage</b>	Keep containers tightly closed in a dry, cool and well-ventilated place. Keep away from open flames, hot surfaces and sources of ignition. Flammables area. Keep away from heat and sources of ignition.

### 8. Exposure controls / personal protection

#### Exposure Guidelines

Component	ACGIH TLV	OSHA PEL	NIOSH IDLH	Mexico OEL (TWA)
Ethyl alcohol	STEL: 1000 ppm	(Vacated) TWA: 1000 ppm (Vacated) TWA: 1900 mg/m <sup>3</sup> TWA: 1000 ppm TWA: 1900 mg/m <sup>3</sup>	IDLH: 3300 ppm TWA: 1000 ppm TWA: 1900 mg/m <sup>3</sup>	TWA: 1000 ppm TWA: 1900 mg/m <sup>3</sup>

Legend

ACGIH - American Conference of Governmental Industrial Hygienists

OSHA - Occupational Safety and Health Administration

NIOSH IDLH: The National Institute for Occupational Safety and Health Immediately Dangerous to Life or Health

**Engineering Measures**

Ensure adequate ventilation, especially in confined areas. Use explosion-proof electrical/ventilating/lighting/equipment. Ensure that eyewash stations and safety showers are close to the workstation location.

**Personal Protective Equipment****Eye/face Protection**

Wear appropriate protective eyeglasses or chemical safety goggles as described by OSHA's eye and face protection regulations in 29 CFR 1910.133 or European Standard EN166.

**Skin and body protection**

Long sleeved clothing.

**Respiratory Protection**

Follow the OSHA respirator regulations found in 29 CFR 1910.134 or European Standard EN 149. Use a NIOSH/MSHA or European Standard EN 149 approved respirator if exposure limits are exceeded or if irritation or other symptoms are experienced.

**Hygiene Measures**

Handle in accordance with good industrial hygiene and safety practice.

## 9. Physical and chemical properties

Physical State	Liquid
Appearance	Clear, Colorless
Odor	Alcohol
Odor Threshold	No information available
pH	7 @ 20°C 10g/l aq.sol
Melting Point/Range	-114 °C / -173.2 °F
Boiling Point/Range	78 °C / 172.4 °F
Flash Point	13 °C / 55.4 °F
Evaporation Rate	No information available
Flammability (solid,gas)	Not applicable
Flammability or explosive limits	
Upper	19 vol %
Lower	3.3 vol %
Vapor Pressure	No information available
Vapor Density	No information available
Specific Gravity	0.785 g/cm <sup>3</sup> @20°C
Solubility	miscible
Partition coefficient; n-octanol/water	No data available
Autoignition Temperature	363 °C / 685.4 °F
Decomposition Temperature	No information available
Viscosity	No information available
Molecular Formula	C <sub>2</sub> H <sub>6</sub> O
Molecular Weight	46.07
VOC Content(%)	100% (Organic Carbon (by mass) = 52.1 %) (EC/1999/13)

## 10. Stability and reactivity

**Reactive Hazard**

None known, based on information available



<b>Stability</b>	Hygroscopic.
<b>Conditions to Avoid</b>	Incompatible products. Heat, flames and sparks. Keep away from open flames, hot surfaces and sources of ignition.
<b>Incompatible Materials</b>	Strong oxidizing agents, Strong acids, Acid anhydrides, Acid chlorides
<b>Hazardous Decomposition Products</b>	Carbon monoxide (CO), Carbon dioxide (CO <sub>2</sub> )
<b>Hazardous Polymerization</b>	Hazardous polymerization does not occur.
<b>Hazardous Reactions</b>	None under normal processing.

## 11. Toxicological information

### Acute Toxicity

#### Product Information Component Information

Component	LD50 Oral	LD50 Dermal	LC50 Inhalation
Ethyl alcohol	3450 mg/kg ( Mouse )	Not listed	20000 ppm/10H ( Rat )

**Toxicologically Synergistic Products** No information available

#### Delayed and immediate effects as well as chronic effects from short and long-term exposure

**Irritation** Irritating to eyes

**Sensitization** No information available

**Carcinogenicity** The table below indicates whether each agency has listed any ingredient as a carcinogen.

Component	CAS-No	IARC	NTP	ACGIH	OSHA	Mexico
Ethyl alcohol	64-17-5	Group 1	Known	A3	X	Not listed

*IARC: (International Agency for Research on Cancer)*

*NTP: (National Toxicity Program)*

*ACGIH: (American Conference of Governmental Industrial Hygienists)*

*OSHA: (Occupational Safety & Health Administration)*

*Mexico - Occupational Exposure Limits - Carcinogens*

*IARC: (International Agency for Research on Cancer)*

*Group 1 - Carcinogenic to Humans*

*Group 2A - Probably Carcinogenic to Humans*

*Group 2B - Possibly Carcinogenic to Humans*

*NTP: (National Toxicity Program)*

*Known - Known Carcinogen*

*Reasonably Anticipated - Reasonably Anticipated to be a Human Carcinogen*

*A1 - Known Human Carcinogen*

*A2 - Suspected Human Carcinogen*

*A3 - Animal Carcinogen*

*ACGIH: (American Conference of Governmental Industrial Hygienists)*

*OSHA: (Occupational Safety & Health Administration)*

*X - Present*

*Mexico - Occupational Exposure Limits - Carcinogens*

*A1 - Confirmed Human Carcinogen*

*A2 - Suspected Human Carcinogen*

*A3 - Confirmed Animal Carcinogen*

*A4 - Not Classifiable as a Human Carcinogen*

*A5 - Not Suspected as a Human Carcinogen*

**Mutagenic Effects** No information available

**Reproductive Effects** No information available.

**Developmental Effects** No information available.

**Teratogenicity** No information available.

**STOT - single exposure** None known

**STOT - repeated exposure** None known

Aspiration hazard No information available

Symptoms / effects, both acute and delayed Symptoms of overexposure may be headache, dizziness, tiredness, nausea and vomiting.

Endocrine Disruptor Information No information available

Other Adverse Effects The toxicological properties have not been fully investigated.

## 12. Ecological information

### Ecotoxicity

Do not empty into drains.

Component	Freshwater Algae	Freshwater Fish	Microtox	Water Flea
Ethyl alcohol	EC50 (72h) = 275 mg/l (Chlorella vulgaris)	Fathead minnow (Pimephales promelas) LC50 = 14200 mg/l/96h	Photobacterium phosphoreum: EC50 = 34634 mg/L/30 min Photobacterium phosphoreum: EC50 = 35470 mg/L/5 min	EC50 = 9268 mg/L/48h EC50 = 10800 mg/L/24h

Persistence and Degradability Persistence is unlikely based on information available.

Bioaccumulation/ Accumulation No information available.

Mobility Will likely be mobile in the environment due to its volatility.

Component	log Pow
Ethyl alcohol	-0.32

## 13. Disposal considerations

Waste Disposal Methods Chemical waste generators must determine whether a discarded chemical is classified as a hazardous waste. Chemical waste generators must also consult local, regional, and national hazardous waste regulations to ensure complete and accurate classification.

## 14. Transport information

### DOT

UN-No UN1170  
Proper Shipping Name ETHANOL  
Hazard Class 3  
Packing Group II

### TDG

UN-No UN1170  
Proper Shipping Name ETHANOL  
Hazard Class 3  
Packing Group II

### IATA

UN-No UN1170  
Proper Shipping Name ETHANOL  
Hazard Class 3  
Packing Group II

### IMDG/IMO

UN-No UN1170  
Proper Shipping Name ETHANOL  
Hazard Class 3  
Packing Group II

## 15. Regulatory information

All of the components in the product are on the following inventory lists: X = listed

#### International Inventories

Component	TSCA	DSL	NDSL	EINECS	ELINCS	NLP	PICCS	ENCS	AICS	IECSC	KECL
Ethyl alcohol	X	X	-	200-578-6	-		X	X	X	X	X

#### Legend:

X - Listed

E - Indicates a substance that is the subject of a Section 5(e) Consent order under TSCA.

F - Indicates a substance that is the subject of a Section 5(f) Rule under TSCA.

N - Indicates a polymeric substance containing no free-radical initiator in its inventory name but is considered to cover the designated polymer made with any free-radical initiator regardless of the amount used.

P - Indicates a commenced PMN substance

R - Indicates a substance that is the subject of a Section 6 risk management rule under TSCA.

S - Indicates a substance that is identified in a proposed or final Significant New Use Rule

T - Indicates a substance that is the subject of a Section 4 test rule under TSCA.

XU - Indicates a substance exempt from reporting under the Inventory Update Rule, i.e. Partial Updating of the TSCA Inventory Data Base Production and Site Reports (40 CFR 710(B)).

Y1 - Indicates an exempt polymer that has a number-average molecular weight of 1,000 or greater.

Y2 - Indicates an exempt polymer that is a polyester and is made only from reactants included in a specified list of low concern reactants that comprises one of the eligibility criteria for the exemption rule.

#### U.S. Federal Regulations

TSCA 12(b) Not applicable

SARA 313 Not applicable

SARA 311/312 Hazard Categories See section 2 for more information

CWA (Clean Water Act) Not applicable

Clean Air Act Not applicable

OSHA Occupational Safety and Health Administration  
Not applicable

CERCLA Not applicable

California Proposition 65 This product contains the following proposition 65 chemicals Ethyl alcohol is only a considered a Proposition 65 developmental hazard when it is ingested as an alcoholic beverage

Component	CAS-No	California Prop. 65	Prop 65 NSRL	Category
Ethyl alcohol	64-17-5	Development (alcoholic beverages only)	-	Developmental Carcinogen

#### U.S. State Right-to-Know Regulations

Component	Massachusetts	New Jersey	Pennsylvania	Illinois	Rhode Island
Ethyl alcohol	X	X	X	X	X

#### U.S. Department of Transportation

Reportable Quantity (RQ): N

DOT Marine Pollutant N

DOT Severe Marine Pollutant N

#### U.S. Department of Homeland Security

This product does not contain any DHS chemicals.

#### Other International Regulations

Mexico - Grade

Serious risk, Grade 3

**16. Other information****Prepared By**

Regulatory Affairs  
Thermo Fisher Scientific  
Email: EMSDS.RA@thermofisher.com

**Creation Date**

24-Apr-2009

**Revision Date**

18-Jan-2018

**Print Date**

18-Jan-2018

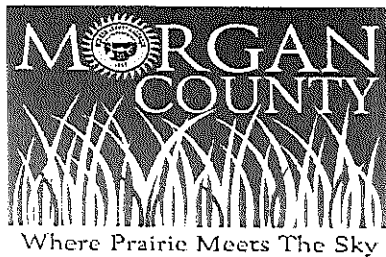
**Revision Summary**

This document has been updated to comply with the US OSHA HazCom 2012 Standard replacing the current legislation under 29 CFR 1910.1200 to align with the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). SDS sections updated. 2.

**Disclaimer**

The information provided in this Safety Data Sheet is correct to the best of our knowledge, information and belief at the date of its publication. The information given is designed only as a guidance for safe handling, use, processing, storage, transportation, disposal and release and is not to be considered a warranty or quality specification. The information relates only to the specific material designated and may not be valid for such material used in combination with any other materials or in any process, unless specified in the text

**End of SDS**



# Sign Up sheet for Witnesses and Attendees

- ☒ Planning Commission
- ☐ Board of Adjustment
- ☐ Board of County Commissioners

Date: February 10, 2020

Time: 7:00 PM

NAME	AFFILIATION	ADDRESS / TELEPHONE	AGENDA ITEM you are appearing on	Wish to SPEAK YES or NO
1 John Rosenberg	ERM - P66	80 S 18th St Mpls MN	Liberty	yes
2 Chad Polak	P66	3960 East 36th street 970 768-5282	Liberty	yes
3 Janelle Nae		46576 Ely Rd 18 Wiggins CO 970/302-1157	Liberty	yes
4 Kris Musgrave		877 MCR 4, Wiggins	Liberty	yes
5 Jessica Musgrave		970-768-4468 877 MCR 4, Wiggins	Liberty	no
6 Glenn L. Neal		46576 W.C. Rd. 18	Liberty	yes
7 Steve Shelly, Zach Griffith		11641 MCR 26 Brush	Rice	yes
8 Matt Padilla		12641 HWY 77 Brush	Rice	no
9 Roger Musgrave		7370 E 149th Ave Hoyt	Liberty	no
10 Tony Quinn		17108 Rd 26 Brush		yes
11 Alan Ramsey		4006 Rd 17 Fort Morgan		no
12 Dexter Rice		29274 4th St Snyder CO	Rice	yes
13 Tangi Searcy		24501 RST BRUSH		





# **PLANNING COMMISSION MINUTES**

## **MORGAN COUNTY PLANNING COMMISSION**

### **February 10, 2020 MINUTES**

The Morgan County Planning Commission met on Monday, February 10, 2020 at 7:00 p.m. in the Assembly Room of the Morgan County Administration Building. Answering roll call was: Robert Pennington, Pete Mercer, Terry Rutenbeck, Clayton Miller, Mike Erker, Nathan Troudt, and Mike Bailey. Also present were Pam Cherry, Planning Administrator, Jody Meyer, Planning Assistant, and Shannon Shields, Planning Clerk.

The meeting was called to order by Chairman, Nathan Troudt.

January 13, 2020 MINUTES:

**Minutes not ready. Will be presented at March 9, 2020 meeting.**

Agenda: **It was moved by Robert Pennington and seconded by Mike Bailey to approve the agenda as presented. Motion carried 7-0.**

Election of new officers: **It was moved by Robert Pennington and seconded by Mike Erker to nominate Nathan Troudt as Chairman. It was moved by Clayton Miller and seconded by Mike Bailey to nominate Robert Pennington as Vice Chairman. Motion carried 7-0.**

#### **NEW BUSINESS:**

Nathan asked Pam about the cancelled agenda item for Leif Stephens. Subdivision regulations do not permit stopping a project review due to non-compliance with zoning regulations. Enforcement had begun due to complaints, then stopped due to violation, and restarted when discovered that terminating review is not permitted. An exemption plat has been approved for the property.

**Nathan Troudt reviewed the hearing process.**

Robert Pennington recused himself from hearing this application because of conflict of interest.

**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 W1/2SW1/4 of Section 4, Township 3 North, Range 56 West of the 6<sup>th</sup> p.m., Morgan County, Colorado aka 26089 Co Rd R, Brush, CO 80723.

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



Pam read her file summary as follows:

The property owners have submitted an application for a Special Use Permit for approval to operate an Agricultural Product Handling, Storage and Processing facility including a lab. The property is approximately 18 acres (less than 20 acres) and is located on Lot 1 of the Annan and Annan 2 Minor Subdivision corrected Replat, in the W1/2 of the SW ¼ of Section 4, Township 3 North, Range 56 West of the 6<sup>th</sup> P.M. Morgan County, Colorado and addressed at 26089 County Road R, Brush, Colorado. The property is located in the Agriculture Production Zone District.

- a. Pursuant to Section 2-325, any use, not designated as a Use by Right, Accessory Use, Conditional Use and Use by Special Review or not otherwise prohibited in a particular zone, may be approved as a Use by Special Review pursuant to the criteria and procedures as established by these Regulations.
- b. Pursuant to Section 3-175, Parcels smaller than 20 acres does not list a laboratory as a Use by Right, Conditional Use or Use by Special Review.

In addition, extraction of hemp will be conducted on the property to produce hemp oil. This permit will be applicable to product handling, storage and processing of any agricultural product (not restricted to hemp) permitted in Morgan County. The property is zoned "A" Agriculture Production Zone District.

### **Criteria – Special Use Permits**

The following criteria are to be used by the Planning Commission and the Board of County Commissioners when reviewing an application for a Special Use Permit. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan.

*The property is located in the Southeast Planning area.*

## **Chapter 2 – Plan Summary –**

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

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

- 1.) Hemp is a very new industry and will broaden employment opportunities.
- 2.) Promote economic growth and continue to support the county economic development plan.

### **B. ENVIRONMENT**

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

### C. LAND USE

Goal: To encourage development where it is in proximity to the activity centers, compatible with existing land use, and there is access to established public infrastructure.

Goal: The county will encourage the preservation of agriculture production lands in balance with pressures for land use changes to higher intensity development.

## Chapter 4 – Economic Development –

### I ECONOMIC PLAN DIRECTIONS

Goal – Encourage the location of new industry and the expansion of existing business that will provide employment opportunities and increase the tax base to strengthen the economy of Morgan County.

#### Policy

6. Promote the sustainability of crops and livestock through value-added crop and livestock development.
  7. Encourage economic diversity through entrepreneurial development programs.
  9. Promote Morgan County as a location for state of the art and/or high tech industry.
- (B) All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.
- (C) The Site Plan conforms to the district design standards of these Regulations.  
*The property currently has a hemp processing business on it.*
- (D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.
- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.  
*The agriculture nature of the proposed Special Use is compatible with surrounding uses, buffering from adjacent Agriculture Production zoned property is not necessary.*
- (F) The special use poses only the minimum amount of risk to the public health, safety and welfare as set by federal, state or county regulations, whichever is the strictest. *This operation will be required to obtain necessary permits from state or federal agencies and remain in compliance with any requirements.*
- (G) The special use proposed is not planned to be developed on a non-conforming parcel.  
*The parcel is conforming.*

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

*Expansion of agriculture related businesses in the County is necessary to increase and broaden the employment opportunities and the economy in Morgan County.*

- (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.

*The applicant has Morgan County Quality Water tap #5293.*

### **Public Comments/Concerns**

There have been concerns from the public related to the operation. Some of which were calls or visits to our offices. The concerns thus far expressed:

- Property depreciation
- Waste
- Dust
- Odor
- Lab not agriculture use
- Noxious weeds
- Storage of chemicals

1. 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.
2. Obtain approval from Quality Water for necessary water supply to operate hemp processing facility.

Dexter Rice introduced himself. Address: 29274 4<sup>th</sup> Street, Snyder, CO 80750.

As an update on odor complaints he is working to mitigate them during processing. He apologized for not applying earlier and stated that he thought the right to farm covered his processing facility. He wants to co-exist with his neighbors and be friendly within the community. He came to the meeting with open ears, so he can address concerns.

Rice discussed the economic benefit to the community and health benefits of using hemp products. There was a Brush Fire response to the facility that led to contacting engineers to increase safety. The majority of the concerns from neighbors are on the farming operation (odor) not the processing facility.

Mike Erker asked if he had BRC certification. Dexter replied that they are working towards it. Mike added it is a certification for human consumption that meets a very strict standard. Mike asked if he had 20 acres. Dexter said he had 15 farming acres. Mike asked how many acres per year he could process with his facility. Dexter replied 300 acres. Mike asked the number of

employees he projected to hire this year and next year. Dexter stated he employs 10-12 this year and will hire a few more next year. Clay asked how long he had been operating. Dexter stated three years.

PUBLIC COMMENT OPEN:

Favor: No one spoke in favor of this application.

Opposed:

Don Prascher introduced himself as representing his mother, Elaine Prascher. Address: 5233 Walden Circle, Centennial, CO.

He stated his mother owns a 30 acre parcel adjoining Dexter's property. The odor is extreme and very pungent. He is glad to see steps being taken to mitigate odor. The transient community has increased with the origination of Dexter's operation and mom and Don are concerned for her safety. There was discussion about an unattended fire in the middle of the field and concern about safety of mom and neighbors. Pratscher read an article from the FDA about what you need to know about CBD. This article stated CBD has only been approved to treat two rare forms of epilepsy; it has serious side effects, and is not as benign as people think. He does think it would be good to contribute to economic growth for the county, but as of right now, it hasn't been approved by the FDA and there is nothing to say it's safe for human consumption. Also, he's farming and processing it, right in people's backyards.

Steve Griffith introduced himself. Address: 16841 CO Rd 26, Brush, CO 80723

Steve stated safety and traffic concerns. Dexter has a narrow driveway on Road R not sufficient for semis to use creating a traffic hazard. .

Jerry Quinn introduced himself. Address: 17108 CO Road R, Brush, CO 80723.

He lives immediately west of Dexter's property. He asked pharmacologists about CBD studies and there is absolutely no documentation of the benefit of it. CBD is prescribed it for all types of stuff. Traffic has already increased a huge amount. Since this business has started there has been some "interesting characters" in the area. Where is the delineation between agriculture and manufacturing? Is there one? Mr. Rice hopes 300 acres, that will double or triple the traffic on Road R. Mr. Quinn started to read from the Brush Fire Department report about loss of gas, explosion proof breakers, explosion proof contacts, lights, what kind of ventilation., etc., The ventilation is being vented right into the atmosphere. As far as he knows there is no kind of ventilation scrubber being done to prevent that. The odor is bad in the summer. Property value has not been addressed in any of this. Noise and dust is no worse than any other business. The Class III solvent, they mix it with gasoline, so it has to be quite compatible. The viscosity and volatility of this stuff has to be right up there with gasoline. When you open a big breaker there's a big arc, a real source of ignition. So he thinks there are a lot of things that need to be addressed before Mr. Rice continues in his endeavor.

Robert Pennington introduced himself. Address 18410 Acoma, Fort Morgan, CO 80701.

We've heard hemp processing before out in rural areas on 35-50 acres, but this is 18 acres and close to houses. It doesn't fit the environment it's located in. It's 150-200 feet to the nearest house. It's a suburban location. It's not rural, it's not commercial. Traffic and ingress and egress

are a big deal. I would ask that you consider some of the things you considered on the last hemp case you heard.

#### PUBLIC COMMENT CLOSED

Dexter stated he has an engineer to design the building for safety. It is an explosion proof designed from the breakers to the lights. He then stated the engineer was on call to answer questions to address these issues. Planning Commission declined.

Planning Commission asked - Rice replied:

- Who was electrician - Brunk
- Will he be processing hemp for others – hopefully about 300 acre capacity
- Tons processed – 28,000-30,000 pounds with 300,000 pound capacity
- How will traffic increase – will widen driveway – more traffic during farming than processing – five employees for processing 1-2 times a week
- Has he communicated with neighbors in good faith – Quinn, Thrasher, Griffith
- Ventilation installed – in process
- Waste product – composted and applied to field
- Transients – Not acceptable, will be addressed
- Fire on property in field – Wasn't aware of it
- Shower for chemical exposure – Not necessary or required, only ethanol is used does not use methanol – ethanol a sugar product, nobody handles it directly, by pneumatic pump
- Proximity to homes – about 400' is the closest home
- Odors – none from extraction – from growing and drying

There was discussion about commercial vs agricultural use and if, since processing more than his own hemp then becomes commercial. Processing others hemp is included in the special use request. There are other processing facilities that solely bring in hemp from other farms for processing. There was discussion about the zoning of the properties that process others product and this facility. The smallest property known that is processing hemp is 4 acres and are both zoned Ag.

**Mike Erker recommended approval of the special use application to permit agricultural processing and laboratory on the property subject to the applicant shall obtain necessary permits and comply with the requirements and conditions of those permits and determine by other governmental agencies with jurisdiction over that operation and to obtain necessary water. Mike Bailey suggested that the driveway be extended and Pam suggested that a traffic engineer prepare a traffic letter. Pete accepted his conditions to include that in his motion and Mike Bailey seconded the motion.**

Clay Miller encouraged a no vote because he thought approval of water tap is needed and the traffic letter needed to be prepared prior to being approved. He also stated safety needed to be addressed.

**Roll Call Vote was taken.**

**Pete Mercer, Mike Erker, and Mike Bailey voted yes.**

**Terry Rutenbeck and Clayton Miller voted no.**

**Motion carried 3-2.**

**Nathan stated he only voted if there was a tie, but he expressed that if he had voted he would have voted no.**

**NOTE:** Robert Pennington came back on the board to hear the next application

**2. Colorado Liberty Pipeline, L.L.C. – Applicant**

**Landowners:** Various

**Legal Description:** various parcels going along Co Rd A east to Co Rd 31

**Reason:** Special Use Permit to place a 24" crude oil pipeline.

Pam read the file summary as follows, only reading the property owner names, not the property description:

**Landowners:**

**Legal Descriptions:**

Klausner Inc

SW¼ N½ Section 31, T1N, R60W

Kristopher J. & Jessica M. Musgrave

SE¼ Section 31, T1N, R60W & SW¼ Section 32, T1N, R60W

Carl Wayne & Blanche Marie Lane

SE¼ Section 32, T1N, R60W

Steven J. & Robin Sorenson

SE¼, SE¼ Section 32, T1N, R60W

Ben Bratrsovsky

SW¼ Section 33, T1N, R60W

Sharen K. Bader Trust

SE¼ Section 33, T1N, R60W

Jikaduka, LLC

SE¼ Section 33, T1N, R60W

Bernard A. & Brenda R. Boehmer

W½ Section 34, T1N, R60W & S½, SE¼ Section 34, T1N, R60W

Guy & Dora Lee Shay

SE¼, SE¼ Section 34, T1N, R60W

Platt Energy Holdings

SW¼ Section 35, T1N, R60W

Canh Thieu Khuu & Hanh Huu Tran

SE¼, NE¼ & SE¼ Section 35, T1N, R60W

State of Colorado

W½ Section 36, T1N, R60W

Midcap Farms

E½ Section 36, T1N, R60W

Anthony W. Linnebur

Lots 1, 2, 3, & 4 (aka W½ W½), E½ W½ & the E½ of Section 31, T1N, R59W

Freund Investments, LLC

W½, NE¼, W½ SE¼ Section 32, T1N, R59W

State of Colorado

E½ SE¼ Section 32, T1N, R59W

State of Colorado

All of Section 33, T1N, R59W

State of Colorado

All of Section 34, T1N, R59W

State of Colorado

All of Section 35, T1N, R59W

State of Colorado

All of Section 36, T1N, R59W

Shirley M. Linnebur, for & during the term of her natural life, with the

**PLANNING  
COMMISSION PACKET  
AND ORIGINAL  
SUBMITTAL  
MATERIALS AND  
COMMENTS**





## **MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT**

**February 10, 2020**

**TO:** Morgan County Planning Commission  
**DATE:** **MONDAY, February 10, 2020**  
**TIME:** **7:00 P.M.**  
**PLACE:** Assembly Room – B Level  
Morgan County Administration Building  
231 Ensign, Fort Morgan, CO

### **AGENDA**

**Roll Call**  
**Minutes:** 1-13-20  
**Approval of Agenda**  
**Election of Officers**

### **NEW BUSINESS:**

**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 W1/2SW1/4 of Section 4, Township 3 North, Range 56 West of the 6<sup>th</sup> p.m., Morgan County, Colorado aka 26089 Co Rd R, Brush, CO 80723.

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

**2. Colorado Liberty Pipeline, L.L.C.** – Applicant

**Landowners:** Various

**Legal Description:** various parcels going along Co Rd A east to Co Rd 31

**Reason:** Special Use Permit to place a 24" crude oil pipeline.

**3. Leif A. Stephens** – applicant and landowner

**Legal Description:** A parcel of land in the S1/2S1/2NW1/4 of Section 1, Township 3 North, Range 60 West of the 6<sup>th</sup> p.m., Morgan County, Colorado; aka 17500 Hwy 39, Wiggins, CO 80654.

**Reason:** Exemption from Subdivision Regulations Application to create a parcel of 5.0 acres with improvements for Ag/residential purposes with mechanic shop.

### **TABLED BUSINESS:**

1. Review of Commercial and Industrial Uses

### **OTHER MATTERS:**

1. New Zoning Replacement pages

### **ADJOURN:**



## **MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT**

### **MORGAN COUNTY PLANNING COMMISSION FILE SUMMARY**

**January 30, 2020**

**February 10, 2020 (meeting date)**

**APPLICANT: Dexter Rice**

**LANDOWNERS: Deter Rice and Beverly Rice**

#### **Application Overview**

The property owners have submitted an application for a Special Use Permit for approval to operate an Agricultural Product Handling, Storage and Processing facility including a lab. The property is approximately 18 acres (less than 20 acres) and is located on Lot 1 of the Annan and Annan 2 Minor Subdivision corrected Replat, in the W1/2 of the SW ¼ of Section 4, Township 3 North, Range 56 West of the 6<sup>th</sup> P.M. Morgan County, Colorado and addressed at 26089 County Road R, Brush, Colorado. The property is located in the Agriculture Production Zone District.

- a. Pursuant to Section 2-325, any use, not designated as a Use by Right, Accessory Use, Conditional Use and Use by Special Review or not otherwise prohibited in a particular zone, may be approved as a Use by Special Review pursuant to the criteria and procedures as established by these Regulations.
- b. Pursuant to Section 3-175, Parcels smaller than 20 acres does not list a laboratory as a Use by Right, Conditional Use or Use by Special Review.

In addition, extraction of hemp will be conducted on the property to produce hemp oil. This permit will be applicable to product handling, storage and processing of any agricultural product (not restricted to hemp) permitted in Morgan County. The property is zoned "A" Agriculture Production Zone District.

*# of acres*

#### **Criteria – Special Use Permits**

The following criteria are to be used by the Planning Commission and the Board of County Commissioners when reviewing an application for a Special Use Permit. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan.

*The property is located in the Southeast Planning area.*

## Chapter 2 – Plan Summary –

### 2.II.A - Economic Development

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

- 1.) Hemp is a very new industry and will broaden employment opportunities.
- 2.) Promote economic growth and continue to support the county economic development plan.

### B. ENVIRONMENT

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

### C. LAND USE

Goal: To encourage development where it is in proximity to the activity centers, compatible with existing land use, and there is access to established public infrastructure.

Goal: The county will encourage the preservation of agriculture production lands in balance with pressures for land use changes to higher intensity development.

## Chapter 4 – Economic Development –

### I ECONOMIC PLAN DIRECTIONS

*# of employees*

Goal – Encourage the location of new industry and the expansion of existing business that will provide employment opportunities and increase the tax base to strengthen the economy of Morgan County.

#### Policy

6. Promote the sustainability of crops and livestock through value-added crop and livestock development.
  7. Encourage economic diversity through entrepreneurial development programs.
  9. Promote Morgan County as a location for state of the art and/or high tech industry.
- (B) All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.
- (C) The Site Plan conforms to the district design standards of these Regulations.  
*The property currently has a hemp processing business on it.*
- (D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.
- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.

*The agriculture nature of the proposed Special Use is compatible with surrounding uses, buffering from adjacent Agriculture Production zoned property is not necessary.*

- (F) The special use poses only the minimum amount of risk to the public health, safety and welfare as set by federal, state or county regulations, whichever is the strictest. *This operation will be required to obtain necessary permits from state or federal agencies and remain in compliance with any requirements.*
- (G) The special use proposed is not planned to be developed on a non-conforming parcel. *The parcel is conforming.*
- (H) The applicant has adequately documented a public need for the project, all pertinent technical information, and adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review. *Expansion of agriculture related businesses in the County is necessary to increase and broaden the employment opportunities and the economy in Morgan County.*
- (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. *The applicant has Morgan County Quality Water tap #5293.*

*How much water*

#### **Public Comments/Concerns**

There have been concerns from the public related to the operation. Some of which were calls or visits to our offices. The concerns thus far expressed:

- Property depreciation
- Waste
- Dust
- Odor
- Lab not agriculture use
- Noxious weeds
- Storage of chemicals

*BRC Cent.  
390  
10-17*


#### **Recommendation and conditions**

I recommend approval of this Special Use application to permit Agriculture Processing and laboratory on the property subject to:

1. 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.

*obtain water*

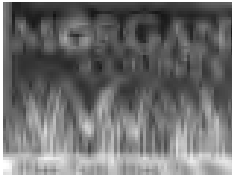
Pam Cherry, MPA, CFM  
Planning, Zoning and Floodplain Administrator

	<b>Morgan County</b> 231 Ensign, Fort Morgan, CO 80701 (970) 542-3526 Fax (970) 542-3509	<b>Special Use Permit</b>
		<b>SU2019-0008</b>

**For Inspections: (970) 542-3526**

<b>Date Issued:</b> 12/27/2019 <b>Expiration Date:</b> 6/24/2020 <b>Job Site Address:</b> 26089 Co Rd R Brush, Morgan County, CO 80723 <b>Category:</b> Planning <b>Permit Type:</b> Special Use Permit <b>Valuation:</b> \$0.00	<b>Property Owner:</b> Dexter Rice <b>Mailing Address:</b> 29274 4th Street Snyder Morgan County, CO 80750 <b>Phone:</b> (303) 929-9345 <b>Email:</b> dexter.rice@gmail.com																
<b>Description of Work:</b> Hemp processing operation																	
<b>Subdivision:</b> Annan & Annan 2 Minor RPLT <b>Parcel ID:</b> 123104001001 <b>Filing:</b> <b>Lot:</b> 1 <b>Block:</b> <b>Total Sq Ft:</b>	<table border="1"> <tr> <td colspan="4"><b>Required Setbacks:</b></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="4"><b>Actual Setbacks:</b></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table>	<b>Required Setbacks:</b>								<b>Actual Setbacks:</b>							
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<b>Contractors:</b>	<table border="1"> <tr> <td><b>Fee Items</b></td> <td><b>Amount</b></td> </tr> <tr> <td>Special Use - Full Review</td> <td>\$500.00</td> </tr> <tr> <td align="right"><b>Total:</b></td> <td><b>\$500.00</b></td> </tr> </table>	<b>Fee Items</b>	<b>Amount</b>	Special Use - Full Review	\$500.00	<b>Total:</b>	<b>\$500.00</b>										
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Special Use - Full Review	\$500.00																
<b>Total:</b>	<b>\$500.00</b>																
<p align="center"><b>NOTICE</b></p> <p>The applicant, his agents and employees of, shall comply with all the rules, regulations and requirements of the County Zoning Regulations and Building Codes governing all aspects of the above proposed work for which the permit is granted. The County or its agents are authorized to order the immediate cessation of construction at anytime a violation of the codes or regulations appears to have occurred. Violation of any of the codes and regulations applicable may result in the revocation of this permit. Buildings MUST conform with the submitted and approved plans. Any changes of plans or layout must be approved prior to the changes being made. Any change in the use or occupancy must be approved prior to commencement of construction. Construction not commenced within 180 days of permit issuance voids this permit. Cessation of work for periods of 180 continuous days shall also void this permit. Permits are not transferable. Morgan County and any of its contractors are not liable for workmanship. Issuance of a Building or Zoning permit does not guarantee your project is in compliance with covenants that may be in place on your property.</p>																	
Signature of Applicant/Date	Building Department Signature/Date																

**MUST BE POSTED ON JOB SITE**



MORGAN COUNTY  
PLANNING, ZONING & BUILDING DEPT.  
231 Ensign, P.O. Box 596  
Fort Morgan, Colorado 80701  
PHONE (970) 542-3526 FAX (970) 542-3509  
E-mail: pcherry@co.morgan.co.us

Filing Deadline \_\_\_\_\_

Meeting Date \_\_\_\_\_

## USE BY SPECIAL REVIEW PERMIT APPLICATION

### APPLICANT

Name Dexter Rice  
Address 29274 4th St.  
Snyder, CO 80750  
Phone (303 ) 929 9345  
Email dexter.rice@gmail.com

### LANDOWNERS

Name Dexter Rice + Beverly Rice  
Address 29274 4th St.  
Snyder, CO 80750  
Phone ( 303 ) 929 9345  
Email dexter.rice@gmail.com

### TECHNICAL INFORMATION

Address of property or general location 26089 County Road R, Brush, CO 80723 Zone District Ag  
Size of property (Sq. Ft. or Acres) 18 acres Present Use of Property Ag Proposed Use of Property Ag + Processing  
hemp processing operation  
Complete Legal Description of property. If not enough space, attach to application and label "Exhibit 2".  
Section 4, Township 3 North, Range 56 W1/2 SW1/4  
Is property located within 1320' (1/4) of a livestock confinement facility? No

### APPLICANT'S STATEMENT

I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. Application must be signed by landowners as shown on title insurance/commitment.

Dexter Rice 12/18/2019  
Applicant Signature Date

Dexter Rice + Beverly Rice 12/18/2019  
Landowner Signature Date

Date Received	<u>12-27-19</u>	Received By	<u>SS Shields</u>	Fee Payment	<u>500<sup>00</sup></u>	Check #	<u>1305</u>
				Recording Fee	_____	Check #	_____
				Fees Paid By	_____		
Comments	<u>123104001001</u>						
<u>542019-0008</u>							

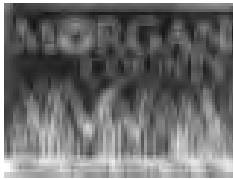


**MORGAN COUNTY**  
**PLANNING, ZONING & BUILDING DEPT.**  
231 Ensign, P.O. Box 596  
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PHONE (970) 542-3526 FAX (970) 542-3509  
E-mail: pcherry@co.morgan.co.us

## USE BY SPECIAL REVIEW APPLICATION CHECKLIST

- ☒ Exhibit A: Proof of ownership in the form of current title insurance or attorney's title opinion (within last 6 months).
- ☒ Exhibit B: Narrative describing project and purpose of request.
- ☒ Exhibit C: Narrative of how project will relate to or impact existing adjacent uses, including description of all off-site impacts. Include mitigation measures for off-site impacts.
- ☒ Exhibit D: Additional information to clearly show projects intent.
- ☒ Exhibit E: Narrative of compliance of this proposal with the Morgan County Comprehensive Plan and with the criteria for review of Special Use Permits.
- ☒ Exhibit F: Development or implementation schedule of project. If Vesting of Rights is desired additional application and fees are required.
- ☒ Exhibit G: Discussion of any public improvements required to complete the project and copies of pertinent improvements agreements.
- ☒ Exhibit H: Description of types of easements required for the project. May be required to supply copies of easement agreements.
- ☒ Exhibit I: Discussion of any environmental impacts the Special Use will have on the following:
- ☐ I1: Existing Vegetation
  - ☐ I2: Land Forms
  - ☐ I3: Water Resources
  - ☐ I4: Air Quality
  - ☐ I5: Wildlife
  - ☐ I6: Wetlands
  - ☐ I7: Dust
  - ☐ I8: Odor
  - ☐ I9: Noise
  - ☐ I10: Stormwater Runoff
  - ☐ I11: Visual Amenities
  - ☐ I12: \_\_\_\_\_





**MORGAN COUNTY**  
**PLANNING, ZONING & BUILDING DEPT.**  
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E-mail: pcherry@co.morgan.co.us

- ☒ Exhibit J: Letters of commitment from utility providers or other proof of service as required by staff:  
    \_\_\_ J1: Water  
    \_\_\_ J2: Sewer  
    \_\_\_ J3: Electricity
- ☒ Exhibit K: Legal Access - Copy of permit for access from Colorado Department of Transportation or Morgan County Road and Bridge. (Required for new and existing driveways)
- ☒ Exhibit L: Soil Map from Morgan County Soil Conservation District.
- ☒ Exhibit M: Impact statement from irrigation companies that have canals / laterals crossing area.
- ☒ Exhibit N: Documentation of adequate financial resources to implement the project.
- ☒ Exhibit O: Right to Farm Policy / Notice.
- ☒ Exhibit P: Site plans / map exhibits as per Morgan County Zoning Regulations, Section 2-515.
- \_\_\_ Exhibit Q: Additional information as required by staff:  
    \_\_\_ Q1: \_\_\_\_\_  
    \_\_\_ Q2: \_\_\_\_\_  
    \_\_\_ Q3: \_\_\_\_\_  
    \_\_\_ Q4: \_\_\_\_\_
- ☒ Exhibit U: Non-refundable application fee of \$500.00, plus any additional deposits as required by staff.

**To be provided after posting the property for future public hearing**

- \_\_\_ Exhibit V: Notarized affidavit and photograph verifying sign(s) posting. Property posting takes places after Planning Commission hearing and prior to County Commissioners' bearing.

**\*Property taxes must be current at the time of processing.**

## Exhibit A

**NORTHERN COLORADO TITLE SERVICES CO., INC.**  
130 W. KIOWA AVE., FORT MORGAN, COLORADO 80701  
Phone No. 970-867-0233 Fax No. 970-867-7750

DATE: December 18, 2019  
ORDER #: NCT21954  
PROPERTY ADDRESS: 26089 COUNTY ROAD R, BRUSH, COLORADO, 80723

OWNER/PURCHASER:  
BEVERLY J. RICE and DEXTER S. RICE \*\*

### PLEASE DELIVER TO THE FOLLOWING CUSTOMERS:

\_\_\_\_ To: DEXTER RICE  
CALL 303-929-9345

ATTN:

Fax#:

\_\_\_\_ To:

ATTN:

Fax#:

\_\_\_\_ To:

ATTN:

Fax#:

\_\_\_\_ To:

ATTN:

Fax#:

\_\_\_\_ To:

ATTN:

Fax#:

ATTACHED PLEASE FIND THE FOLLOWING ITEM(S) IN CONNECTION WITH THE ABOVE CAPTIONED ORDER. SHOULD YOU HAVE ANY QUESTIONS REGARDING THE ATTACHED DOCUMENTATION, PLEASE CONTACT LINDA, SHARON, LISA OR SHERYL. FOR CLOSING ASSISTANCE, PLEASE CONTACT LINDA OR LISA. WE APPRECIATE YOUR BUSINESS VERY MUCH AND LOOK FORWARD TO SERVING YOU IN THIS TRANSACTION.

**E-MAIL ADDRESS FOR CLOSING DOCUMENTS: CLOSING@NCTS.COM**  
**HAVE A WONDERFUL DAY!!!**

\_\_\_\_ COMMITMENT  
AMT DUE IS ON SCHEDULE A (INVOICE)

\_\_\_\_ OWNERS TITLE POLICY

✓ ☒ PROPERTY REPORT  
-AMT DUE IS ON PROPERTY REPORT (INVOICE)

\_\_\_\_ MORTGAGEES TITLE POLICY

\_\_\_\_ MORTGAGE/FORECLOSURE GUARANTY

\_\_\_\_ DOCUMENTS

\_\_\_\_ SURVEY/ILC

\_\_\_\_ OTHER / INVOICE



# Northern Colorado Title

Services Co., Inc.

Member ALTA

130 W. Kiowa Ave. • Fort Morgan, CO 80701  
(970) 867-0233 • Fax: (970) 867-7750  
www.nctsa.com

## OWNERSHIP AND ENCUMBRANCE REPORT

PURSUANT TO THE TERMS OF THE AGREEMENTS, LIMITATIONS AND EXCLUSIONS CONTAINED IN THIS DOCUMENT, NORTHERN COLORADO TITLE SERVICES CO., INC., a Colorado Corporation (herein after referred to as "the company") hereby reports to the Addressee identified in Schedule A hereof that during the Search Time Period shown in said Schedule, the records of the Company's title plant covering the land described in said Schedule disclosed the following:

1. That the Grantee named in Schedule A was the Grantee in the last deed describing said land to be recorded in the Office of the County Clerk for the County where the land is situated.
2. That except as shown in Schedule A, there are no instruments recorded in said Office for which there are no purported releases, satisfactions or withdrawals, which describe all or part of said land which may create or give notice of any of the following:
  - a. liens (other than judgments, real estate tax or special assessment liens)
  - b. pending litigation or pending foreclosure proceedings; and
3. That except as shown in Schedule A, there are no unreleased transcripts of judgment filed in said Office naming as debtors any parties which names the same or similar to those of any Grantee in any deed describing said land recorded in said Office within six years prior to the end of the Search Time Period shown in said Schedule.

## AGREEMENTS, LIMITATIONS AND EXCLUSIONS

This report is given on and is subject to the following limitations and exclusions. By making use of this report and as part of the consideration it gives to the Company to induce it make this report, the Addressee agrees to these limitations and exclusions.

This report is not a title guarantee, title insurance commitment or title insurance policy of any kind. The liability of the Company is limited as set out below.

The Company makes no representations as to the validity, enforceability or effectiveness of any instrument mentioned in this report. The liability of the Company under or by reason of the issuance of this report shall be only to the Addressee and only for the direct loss or damage it incurs which is caused exclusively by any omission of any of the title information states to be reported herein and only where such omission is the result of the failure of employees of the Company to use ordinary care in the aforesaid search or in the preparation of the report. However, in no event shall said liability exceed the sum of \$100.00 or the fee paid for this report, whichever is greater. All limitations of liability herein are in addition to any limitations of liability which may be provided by law. No liability is assumed for loss suffered as a result of the failure of the Company to report instruments for which a recorded purported release, satisfaction or withdrawal was ineffective, unenforceable or invalid.

This report is tendered to the addressee only and no other person, party or entity has any right to rely on its contents for any purpose whatsoever.

# PROPERTY REPORT

## SCHEDULE A

Order No: NCT21954

1. Effective Date: December 16, 2019 at 8:00 a.m.

2. Addressee: **DEXTER RICE**  
**CALL 303-929-9345**

CHARGE  
\$100.00

TOTAL DUE \$100.00

3. Grantee in last deed:

**BEVERLY J. RICE and DEXTER S. RICE \*\***

4. The land referred to in this property report is described as follows:

**Lot 1, CORRECTED REPLAT OF ANNAN AND ANNAN 2 MINOR SUBDIVISION, according to the recorded plat thereof, Morgan County, Colorado.**

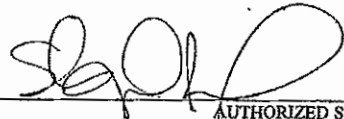
**And commonly known as 26089 COUNTY ROAD R, BRUSH, COLORADO, 80723**

5. Liens, pending litigations, or foreclosure proceedings and transcripts of judgment to be reported. (See first page of this report) NOTE: The Company makes no representations as to whether transcripts of judgment reported below, if any, create liens against the land described in this Schedule.

NONE.

**\*\* NOTE: The Letters and Quit Claim Deed recorded at Reception No. 905367 are incomplete and incorrectly done.**

NORTHERN COLORADO TITLE SERVICES CO., INC.  
130 W. KIOWA AVE.  
FORT MORGAN, COLORADO 80701  
TELEPHONE : 970-867-0233 - FACSIMILE: 970-867-7750



AUTHORIZED SIGNATORY

## **Exhibit B**

### **BACKGROUND + PURPOSE**

I purchased land and began farming hemp in Morgan County in 2015. I noticed from the start that some of our neighbors and local community may have been fearful of what our presence might mean for them and for the county. Five years later, I feel confident saying that we have not had a negative impact in our locality, or on the county.

In all honesty, we have been processing our hemp and making products with it since we built our first structure here in 2016. I would like to take this opportunity to apologize, as I was not aware that a Special Use Permit was required for processing operations, I had thought the Right to Farm policy covered our work here. That was my mistake, and I apologize for not undertaking this process sooner. It is important to us to be 100% above board and compliant in all of our operations. We realize that the new industry of hemp has risen out of a legal gray area with minimal regulation, and in order to be as legitimate as possible we adhere to as many applicable regulations as possible in anticipation of when hemp is regulated as a food/supplement. For example we follow the FDA's cGMPs (Current Good Manufacturing Practices) which mandate lab analysis of every batch for quality and safety, along with extensive record keeping to ensure traceability in the event of product quality concerns. We are Certified USDA Organic in our fields as well as in our processing facility, which ensures another level of diligence and oversight. Organic certification also ensures/inspects that we are being environmentally responsible including all streams of waste from the facility. As the next level of Food Safety we are currently pursuing a certification with BRC, one of the two major global food safety institutions in existence. On a local level, we have obtained building permits for all 3 structures and 1 structure addition.

Recently we were following up on a safety concern of Carbon Monoxide levels and had Xcel Energy as well as Brush Fire Department out to inspect. It turned out that carbon monoxide was not a problem, but ethanol vapor was causing a false positive. BVFD measured 300-400 ppm of ethanol vapor in the air, which is well below explosive levels(33,000ppm minimum) and well within the OSHA daily exposure limits of 1000ppm average over 8 hours. Nevertheless, it was recommended that we add additional ventilation, which we are in the process of now. In addition to the suggested ventilation we will also be adding an electrical safety device, actuated by an ethanol vapor monitor that operates non-stop. If ethanol vapors ever get to the set point, based on a fraction of the lower explosive limit, then all of the circuit breakers in the room are tripped so there is no power present. Ultimately, the purpose of this request is to bring our operation into full compliance.

### **PROJECT**

We extract industrial hemp biomass using organic sugarcane ethanol. We sell some as bulk hemp extract to other product manufacturers, and we use some to make our own consumer products under the name "Nature's Love". The reason I started on this career path is my personal inspiration for the therapeutic power of the hemp plant, resulting from how much it

has helped me with my own health struggles. I believe it is my purpose to combine my business education and my inspiration, to bring the healing power of this plant to more people at an affordable price.

We grow some of the hemp we process here on our farm, as well as purchase more material from other farmers. Biomass is brought into the facility already shucked off of the stalks. It is milled down to ¼" and then chilled for extraction. Extraction takes place in a chilled environment where ethanol vapors are kept at a minimum. Biomass is combined with chilled ethanol and let soak for 3-5 minutes before it is quickly filtered to remove particulate. Extract solution is run through evaporator to remove solvent and leave the extract. Extracted biomass goes through a solvent recovery process and is then composted on site to be used as natural fertilizer. Finished hemp extract is either sold in bulk, or blended into consumer product formulations with ingredients such as liquid coconut oil to make our most popular Dietary Supplement Hemp Extract Drops.

The success stories we hear from customers using our extracts are quite astounding, and provide additional inspiration when we are feeling burnt out from working too hard. I have included Appendix A, just a few of the testimonials we have collected from customers over the years telling how much our products have helped.

To ensure safety in our facility we use many strategies to minimize risk, such as chilled environments for solvent, negative pressure vacuum distillation, solvent cold traps, and circulation/exhaust. We are advised by process engineers with 30 years experience in industrial extraction of vegetable oils.

## **CONCLUSION**

In summary, our purpose in this project is to continue creating natural supplements that help people feel better without dependence on pharmaceuticals. We do so in an organic and environmentally conscious manner which has minimal offsite impacts. Since we were informed of this permit requirement, our purpose in this application is to come into full compliance with all applicable regulations. Thank you very much for taking the time to read and consider our application. We deeply hope that we can continue to be a part of the Morgan County Economic Community; it can be of great benefit to us both.

## **Exhibit C**

### **Impact to surrounding properties:**

We have been operating on this site for several years at this point. From the very beginning, one of our priorities has been to limit the negative impact of our operation on our direct surroundings, as well as on the environment at large. To do so, we have always pursued the highest standards of professionalism and respect. This manifests in the form of: selection of licensed experts (engineers + contractors), high-tech machinery that minimizes waste, implementation of FDA Current Good Manufacturing Practices, and so on. As a result of these cumulative efforts, we firmly believe that the impact of our operation to surrounding properties is and will remain very minimal.

### **Specific Possible Impacts:**

- **Farming:** We farm organically and therefore don't spray any chemicals that could be toxic to neighbors. In all honesty, the odor from our Hemp farming is much stronger than any odor produced in our processing operation.
- **Processing Safety:** All our processing is necessarily performed indoors, in a highly controlled environment. We use organic ethanol for our extraction process (low risk Class III solvent), but still do so in a minimal risk environment designed by credentialed professionals. On a daily basis, we follow good manufacturing practices, and consequently keep a detailed record of production, maintenance and cleaning logs. We believe that these precautions, both in conception as well as in the day-to-day of operations, ensure that our processing facility is not only safe but that also free of adverse effects for our neighbors (in terms of smell or noise). Our processing operation has very limited impact for nearby properties. We do not anticipate this to change as the company grows.
- **Parking:** We offer ample parking space on premises (see below picture). There is enough parking space to handle anticipated staff growth.
- **Traffic:** Our team is small and therefore has no significant impact on traffic. Anticipated staff growth won't affect traffic in a significant degree.
- **Noise and Odor:** Both will be minimal, and are expanded in greater detail in Exhibit I.
- **Waste and Junk:** We recycle as much as possible and have the rest of our waste hauled off by Wolf Waste. We keep no "junkyards" on-site.
- **Light Pollution:** Our processing operation does not create much light pollution at night to be of bother.

### **Mitigation:**

We have many mitigation strategies already in place, such as broad safety analysis and procedures to ensure minimal risk to employees and public. All non-composted wastes are hauled off and do not proliferate on-site.



**Conclusion:**

At the end of the day, we strive to be not only professional but also good neighbors. As such, we perceive our impact as mostly positive: we bring knowledge to farmers and citizens, local investment dollars, high-growth economic diversity, cutting edge technology, and of course new jobs!

Picture of Parking area with available space:



## **Exhibit D - An introduction to Industrial Hemp & CBD**

### **INTRODUCTION**

The 2018 Farm Bill includes a provision that legalizes the cultivation of industrial hemp, in large part because of the popularity and therapeutic potential of CBD. Growing hemp is now a legitimate agricultural enterprise in the United States.

In Brush, we farm and process industrial hemp. What is created at the end of the process is called hemp extract. Hemp extract is the preferred source of CBD for nearly all products on the market, although CBD does occur naturally in other plants such as hops.

Our inspiration and following values focus on a particular type of hemp extract, called full-spectrum hemp extract. What full-spectrum refers to is that our hemp extract features not only CBD, but also various other active compounds naturally occurring in the hemp plant such as other non-psychoactive cannabinoids and terpenes. Another aspect of our values is shown through our Gentle Processing techniques and our USDA Organic certification. We firmly believe that our products are on the top tier of quality, amongst both domestic and international offerings.

### **INTRODUCTION TO CBD**

Cannabidiol (CBD) is a naturally occurring compound found in the flowers of hemp, a plant with a rich history as a medicine going back thousands of years. Today the therapeutic properties of CBD are being tested and confirmed by scientists and doctors around the world. A safe, non-addictive substance, CBD is one of more than one hundred “phytocannabinoids,” contained in hemp that work synergistically to create the robust therapeutic profile contained in our products.

- Unlike THC, CBD does not make a person feel “stoned” or intoxicated. This is due to the fact that CBD and THC act on different receptors in the brain and body, in different ways.
- CBD can actually lessen or neutralize the psychoactive effects of THC, depending on the ratio of compounds consumed.
- The fact that CBD is non-psychoactive, combined with its therapeutic potency and ease of use have led to the boom in popularity of CBD products that we are witnessing now in the market. The worldwide hemp CBD industry is expected to be worth \$22 billion by 2022.

## **CBD: THE MULTIPURPOSE MOLECULE**

Many people are seeking alternatives to pharmaceuticals with harsh side effects - natural medicine that is more balancing and less addictive. By interfacing with natural body processes, CBD has been found to provide relief for chronic pain, anxiety, inflammation, depression and many other conditions.

Extensive scientific research largely sponsored by the U.S. government, and mounting anecdotal accounts from patients and physicians highlight CBD's potential as a treatment for a wide range of issues, including (but not limited to):

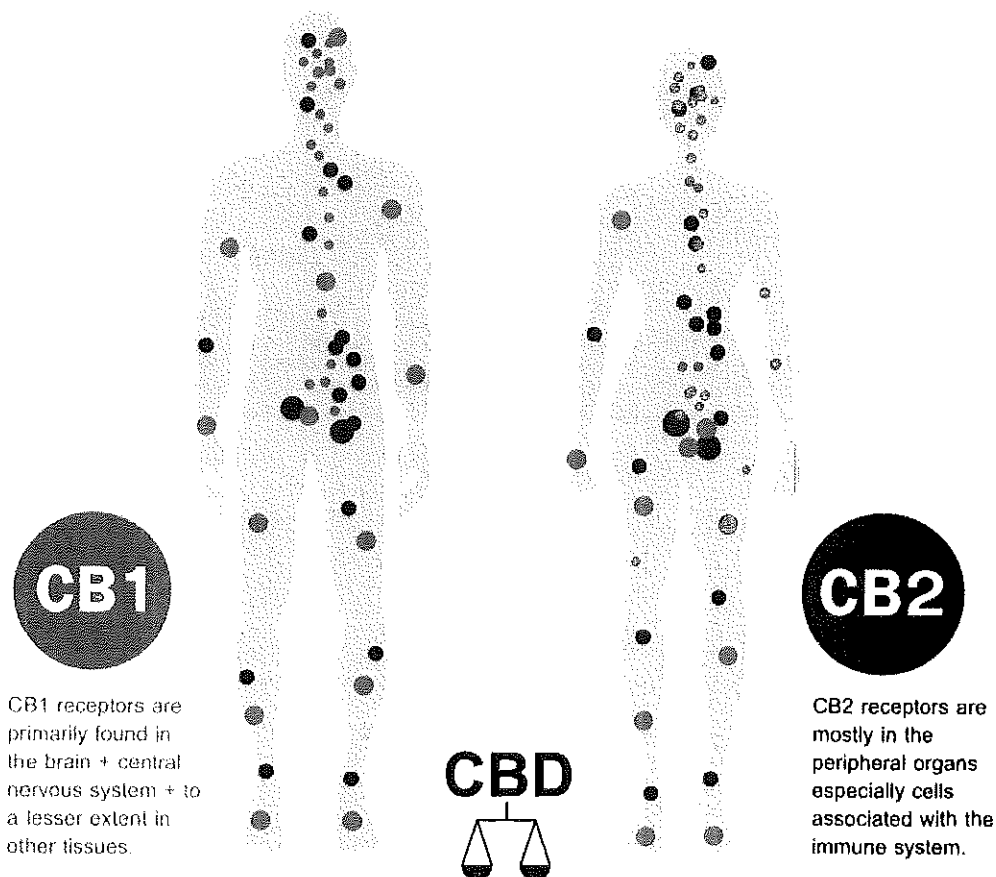
- Autoimmune diseases (inflammation, rheumatoid arthritis)
- Neurological conditions (Alzheimer's, dementia, Parkinson's, multiple sclerosis, epilepsy, Huntington's chorea, stroke, traumatic brain injury)
- Metabolic Syndrome (diabetes, obesity)
- Neuropsychiatric illness (autism, ADHD, PTSD, alcoholism)
- Gut disorders (colitis, Chron's)
- Cardiovascular dysfunction (atherosclerosis, arrhythmia)
- Skin disease (acne, dermatitis, psoriasis)
- Cancer - Lacking enough studies, but anecdotal evidence is massive!

CBD has proven neuroprotective effects, and its anti-cancer properties are being investigated at several academic research centers in the United States and elsewhere. A 2010 brain cancer study by California scientists found that CBD "enhances the inhibitory effects of THC on human glioblastoma cell proliferation and survival." This means that CBD makes THC even more potent as an anticancer substance. Also in 2010, German researchers reported that CBD stimulates neurogenesis, the growth of new brain cells, in adult mammals.

## **HOW DOES CBD WORK?**

CBD and THC interact with our bodies in a variety of ways. One of the main ways they impact us is by mimicking and augmenting the effects of the compounds in our bodies called "endogenous cannabinoids" - so named because of their similarity to the compounds found in the cannabis plant. These "endocannabinoids" are part of a regulatory system called the "endocannabinoid system".

The discovery of the endocannabinoid system has significantly advanced our understanding of health and disease. It has major implications for nearly every area of medical science and helps to explain how and why CBD and THC are such versatile compounds - and why cannabis is such a widely consumed mood-altering plant, despite its illegal status.



## THE Endocannabinoid system

The endocannabinoid system plays a crucial role in regulating a broad range of physiological processes that affect our everyday experience - our mood, our energy level, our intestinal fortitude, immune activity, blood pressure, bone density, glucose metabolism, how we experience pain, stress, hunger, and more.

What happens if the endocannabinoid system doesn't function properly? What are the consequences of a chronically deficient or overactive endocannabinoid system?

In a word, disease.

Cutting-edge science has shown that the endocannabinoid system is dysregulated in nearly all pathological conditions. Thus, it stands to reason that “modulating endocannabinoid system activity may have therapeutic potential in almost all diseases affecting humans,” as Pal Pacher and George Kunos, scientists with the U.S. National Institutes of Health (NIH), suggested in a 2014 publication. By modulating the endocannabinoid system and enhancing endocannabinoid tone, CBD and THC can slow - or in some cases stop - disease progression.

The importance of this observation cannot be over-stated, CBD supplements will likely have therapeutic potential in almost all diseases affecting humans !!!



## **Exhibit E**

After reviewing the Morgan County Comprehensive Plan and Special Use Criteria, I believe our operation is actually very aligned with both of them. I will address conformity as it relates to each of the following goals and guidelines:

### **Morgan County Comprehensive Plan (MCCP)**

#### **Goal A: Economic Development**

- Diversify local economy to promote economic growth and employment opportunities
  - Hemp is a very new and profitable industry which could add great value in terms of the economic diversity it brings to Morgan County.
  - We currently employ 7 people on site year-round, and about 6 more seasonally. That will continue to grow steadily.
- Promote economic sustainability through value added crop development
  - This is exactly what we do! The price of hemp biomass has plummeted from around \$400 per pound to around \$10-20 per pound over the past five years, however the price of hemp extract has remained much more stable. Vertical integration is the foundation of our success because it adds so much value.
  - Conforms to the area's history of Ag related booms: Beans, Beets, .... Hemp!
- Encourage economic diversity through entrepreneurial pursuits
  - This goal also speaks directly to our story, the story of an American Dream. As I divulged earlier, the hemp plant has touched my life in an extremely profound way, and there came a point when I knew deep down that our creator's purpose for me is to work with this plant and expand it's reach. From that moment on it became my primary concern of every day to figure out how to create the highest quality and most therapeutic hemp extracts available. I took loans from my grandmother, found and mortgaged a small piece of farmland in Brush, and set off to help millions! Five years later I still have not allowed compromise to my values by taking "big money" investors. Instead I have taken risks and worked long hours every week of every year to get where we are now, with a gross income of over 2 million per year and charitable contributions of over \$9,000 this year.
- Promote Morgan County as a location for State of the Art Industry
  - As hemp extraction is a brand new industry, we are on the cutting edge of this technology, actively working to pioneer processes and equipment.
  - With Colorado as a nation leader and even world leader in industrial hemp production and processing, Morgan County has the opportunity to embrace hemp extraction and welcome this state of the art industry.

- Provide incentives for business development
  - We are fortunate enough in this high demand industry to not require incentives to make our business plan feasible. Beyond initial loans and tractor loans we have managed to remain self-financed through the course of over a million dollars in reinvestment.

#### **Goal B: Environmental Preservation**

- To preserve the manmade and natural environment in order to enhance the quality of life in Morgan County
  - Our processing operation has a very small footprint, at only 4400 sq ft currently. Some expansion of the structure is possible, not to exceed 9000 sq ft total.
  - Our operation is Certified Organic, therefore we are not allowed to use any harsh chemicals, and all of our environmental impacts and streams of waste are monitored and inspected.
  - The biomass remaining after extraction is composted to add additional natural fertility to our soil.
  - Personally, I am a huge environmental advocate, having travelled to a 3-day regenerative agriculture “Soil Health Academy” last year. It is a personal priority to ensure we have only a positive impact on this land and area.
  - Although not entirely topical to this issue, we have very measurably improved the soil quality and fertility in our fields over our 5 years of management.

#### **Goal C: Land Use**

- To encourage development where: 1) it is in proximity to the activity centers; 2) the proposed development is compatible with existing land uses; 3) there is access to established public infrastructure...
  1. We are located very close to activity centers in Brush, and barely outside the City boundaries. Just across the railroad tracks from my property is a commercially zoned public storage facility and a new church, with additional land to be developed commercially. We are also within ¼ mile of Bart Ginther’s Pioneer Seed business.
  2. As demonstrated in our discussion of off-site and environmental impacts in Exhibits C and I, we have minimal effect on adjacent and surrounding uses, therefore I believe we are compatible.
  3. We are directly accessed from County Road R and already have Power, Gas, and Water service on site.
- The county will encourage the preservation of agriculture production lands in balance with pressures for land use changes to higher intensity development.



- I agree that this goal is important, which is why I pledge to keep a minimum of 80% of this land dedicated to Agricultural Production.
- Improve Morgan County's image by dealing with community design issues in relation to land use.
  - We actively work to foster a positive image on our land by cleaning up trash and not having "junk yards" on the grounds. Pam Cherry can attest that when we were requested to clean up some farm field debris that blew onto neighboring property, we did so in a timely fashion and have not had complaints since then.
  - If it would be required to maintain landscaping around the processing structure, that is something we are willing to undertake.

**Special Use Permit Criteria items to be addressed:**

- On and Off-site impacts have been addressed
- The use is compatible with surrounding uses. We have not had any indication that we have a negative impact on surrounding properties. There are a couple people that still do not like seeing hemp in our fields, but I don't think we are truly having a negative impact on them.
- Due to the safety measures we are taking such as high flow exhaust and constant vapor monitoring with electrical shutdown, there is only a minimum amount of risk to our employees and to public health.
- As far as a public need, we have begun forming partnerships with local farmers to grow more hemp on their land. This is a great way for us to bolster the local economy and help local farmers by teaching them to grow hemp in such hard economic times, while also serving our business' needs.
- I also believe that the appendix of testimonials works to establish a public need. We have a tremendous and dedicated client base that depends on our products to help them feel and function better every day. It is amazing the fearful response we get when a product goes out of stock for a few days, I couldn't imagine how upset many of our customers would be if were no longer able to make supplements for them.
- My property is in conformance otherwise.
- As detailed above, our use and location are in conformance with the MCCP
- Site plan and all other required documents are present and concise.

## **Exhibit F**

### **Implementation Schedule:**

Unfortunately as I explained, we have already been operating under the mistaken assumption that our small on-farm processing was covered under the Right to Farm Policy. I apologize again for making this assumption, we would like to correct it now. Therefore our operation has already been implemented.

## **Exhibit G**

### **Public Improvements Required:**

We do not require any public improvements for our operation.

## **Exhibit H**

### **Easements Required:**

We do not require any easements for our operation.

## **Exhibit I**

### **Environmental impacts:**

- 1- Existing Vegetation: By practicing regenerative organic farming, we foster diverse vegetation in order to build rich biologically active soil that does not runoff or blow away.
- 2- Land Forms: The only land form our operation impacts is the small drainage pond dug out to collect water when necessary.
- 3- Water Resources: Our operation uses a minimal amount of water and does not deposit any damaging chemicals into our septic system.
- 4 - Air quality: There may be a minimal amount of ethanol vapor emitted from the building, but such low concentrations that it could not do any damage.
- 5 - Wildlife: By practicing regenerative organic farming, we foster a welcoming natural environment for local wildlife small and large.
- 6 - Wetlands: There are no wetlands present or nearby.
- 7 - Dust: Our facility does not emit dust.
- 8 - Odor: Our operation does not generate significant odor. The only odor present is some faint ethanol scent from the compost pile of spent material. We keep this away from the road and inhabited neighboring areas.
- 9 - Noise: Our activities do not generate significant noise.
- 10 - Stormwater runoff: we have a drainage pond to handle storm runoff.
- 11 - Visual Amenities: our buildings have been built by a high quality local builder, Morton Buildings, according to code, using reputable and licensed local contractors.

Overall, we view our environmental impact as quite minimal, and we will remain diligent in assessing impacts from any changes made.

**MORGAN COUNTY QUALITY WATER**  
P.O. BOX 1218  
FORT MORGAN, CO 80701  
(970)867-3054

[www.mcqwd.org](http://www.mcqwd.org)

PRESORTED  
FIRST-CLASS MAIL  
US POSTAGE PAID  
Permit #19  
Fort Morgan CO 80701

SRVC	PRESENT RDG	PREVIOUS RDG	USED	AMOUNT
WAT	247	245	2000	29.54

PD 12-2-19  
CK # 1276  
\$29.54

Happy Holiday

ACCOUNT #	ROUTE
005293	04
SERVICE FROM	SERVICE TO
10/25/19	11/21/19
DATE BILL MAILED	DAYS USED
11/27/19	27
DUE DATE	NOW DUE
12/10/19	29.54
RETURN SERVICE REQUESTED	REMIT AFTER DUE DATE
	29.54

**Exhibit J**



# PERMIT

Permit Number: 1117-80

TO INSTALL, ALTER, REPAIR, OR MODIFY AN  
ON-SITE WASTEWATER TREATMENT SYSTEM

Owner: Dexter Rice

Date: 12-27-17

Address of Property: 26089 MCR R

Phone: 303-929-9345

From information submitted on the application and data from the site evaluation form, the following *minimum installation specifications are required*:

Septic Tank: 1000 gallons

Rock & Pipe:

Bed (ft<sup>2</sup>)

Trench (ft<sup>2</sup>)

# of Trenches

Chamber:

Bed

Trench

# of Trenches

# 4' (Quick4 Standard) Infiltrators:

24

# \_\_\_\_\_ Infiltrators:

In addition, this permit is subject to the following terms and conditions: (1) maximum depth to the bottom of the excavated trench is 48 inches for soil treatment areas; and (2): System must be installed according to PE design

This permit is granted temporarily to allow construction to commence. This permit may be revoked or suspended by the Northeast Colorado Health Department for reasons set forth in the Northeast Colorado Health Department Onsite Wastewater Treatment System Regulations, including failure to meet any term or condition imposed thereon during temporary or final approval. The issuance of this permit does not constitute assumption by the Department or its employees of liability for the failure or inadequacy of the onsite wastewater treatment system.

[Signature]  
Northeast Colorado Health Department Specialist

12-27-17  
Date

This permit is not transferable and shall become void if system construction has not commenced within one year of its issuance. Before issuing final approval of this permit, the Northeast Colorado Health Department reserves the right to impose additional terms and conditions required to meet our regulations on a continuing basis. Final permit approval is contingent upon the final inspection of the completed system by the Northeast Colorado Health Department.

## System Specifications as Installed:

Septic Tank (gallons):

Type of Absorption:

# Infiltrators / Sq. Ft.

# of Trenches

Final Inspection Approval:

NCHD Specialist

Date

Certification of Installation by:

Engineer Signature

License #

Date

GPS Locations:

Center of Septic Tank

Center of Soil Treatment Area

Well

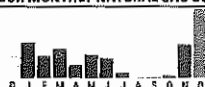
The issuance of this permit does not imply compliance with other federal, state, or local regulatory or building requirements, nor shall it act to certify that the subject system will operate in compliance with applicable federal, state, and local regulations adopted pursuant to Article 10, Title 25, C.R.S., as amended, except for the purpose of establishing final approval of an installed system for issuance of a local occupancy permit pursuant to C.R.S. 25-10-111.

This onsite wastewater treatment system design is intended to be used only for the wastewater load specified in the soil treatment area calculations and for the site indicated on the subject line. Any other application of this design is not authorized by Northeast Colorado Health Department. Use of this design for any area on the subject lot other than designated, on any other lot, or for wastewater volumes or strengths not indicated constitutes misapplication of the design and voids all liabilities on the part of NCHD.

SERVICE ADDRESS	ACCOUNT NUMBER		DUE DATE
DEXTER RICE 25009 COUNTY ROAD R BRUSH, CO 80723	53-001138824-6		12/30/2019
	STATEMENT NUMBER	STATEMENT DATE	AMOUNT DUE
	684633252	12/09/2019	\$1,856.14

DAILY AVERAGES	Last Year	This Year
Temperature	34° F	35° F
Electricity kWh	189.1	205.2
Electricity Cost	\$20.57	\$24.68

### YOUR MONTHLY NATURAL GAS USAGE



DAILY AVERAGES	Last Year
Temperature	33°F
Gas Therms	21.9
Gas Cost	\$13.34

**QUESTIONS ABOUT YOUR BILL?**

See our website: [xcelenergy.com](http://xcelenergy.com)

Email us at: [Customerservice@xcelenergy.com](mailto:Customerservice@xcelenergy.com)

**Please Call:** 1-800-481-4700

Hearing Impaired: 1-800-895-4549

Fax: 1-800-311-0050

Or write us at: **XCEL ENERGY**

PO BOX 8

EAU CLAIRE WI 54702-0008

## SUMMARY OF CURRENT CHARGES (detailed charges begin on page 2)

Electricity Service	11/04/19 - 12/05/19	6360 kWh	\$765.17
Natural Gas Service	11/05/19 - 12/05/19	2204 therms	\$1,090.97
<b>Current Charges</b>			<b>\$1,856.14</b>

**ACCOUNT BALANCE** (Balance de su cuenta)

Previous Balance	As of 11/04	\$1,384.09
Payment Received	Online Payment 11/26	-\$1,384.09
Balance Forward		\$0.00
Current Charges		\$1,856.14
<b>Amount Due</b> <i>(Carried a page)</i>		<b>\$1,856.14</b>

### INFORMATION ABOUT YOUR BILL

Thank you for your payment.

RETURN BOTTOM PORTION WITH YOUR PAYMENT • PLEASE DO NOT USE STAPLES, TAPE OR PAPER CLIPS



Please help our neighbors in need by donating to Energy Outreach Colorado. Please mark your donation amount on the back of this payment stub and CHECK THE RED BOX under your address below.

ACCOUNT NUMBER	DUE DATE	AMOUNT DUE	AMOUNT ENCLOSED
53-0011365824-6	12/30/2019	\$1,856.14	Automated Bank Payment

**Your bill is paid through an automated bank payment plan.**

DECEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

--- manifest line ---

*(Musical notation)*

DEXTER RICE  
PO BOX 745  
SNYDER CO 80750-0745

XCEL ENERGY  
P.O. BOX 9477  
MPLS MN 55484-9477



32 53123019 00113868246 0000018561400000185614

## Exhibit K



**MORGAN COUNTY**  
Road and Bridge Department

February 4, 2015

Dexter Rice  
1101 Alter Way  
Broomfield, CO 80020

Dear Mr. Rice,

Morgan County Highway Department has no objection to the use of a new driveway to be located onto Morgan County Road R as access to the property located at:

Lot # 1 corrected replat of Annan & Annan 2 Minor Subdivision in Section 4,  
Township 3 North, Range 56 West of the 6<sup>th</sup> P.M. *Traffic Delivery*

Address 26117 County Rd. *8-123 Justin on Fred @ Gm 100*

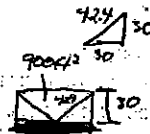
The County has no objection for this driveway, but Mr. Rice will need to get written permission from the Ditch Company or private owner to cross the lateral or private ditch. If at a future date, Morgan County determines a culvert is needed for drainage, or any existing culvert needs repaired, the landowner will assume all costs; and culvert and driveway must meet Morgan County specifications. This may require a 40 foot driveway. Such parties may acquire the culvert and installation from anyone they wish, but the culvert must be pre-approved by the County. The culvert may be purchased from the County and the County may do the actual installation upon signed agreement between parties.

Sincerely,

*Richard Early*

Richard Early  
Bridge Manager

RE/cb



Morgan County Government • 17303 Rd. S. • P.O. Box 516 • Fort Morgan, CO 80701 • (970) 642-3580

# Exhibit L





## MAP LEGEND

<b>Area of Interest (AOI)</b>		<b>Spot Area</b>
Area of Interest (AOI)		<b>Stony Spot</b>
<b>Soils</b>		<b>Very Stony Spot</b>
Soil Map Unit Polygons		<b>Wet Spot</b>
Soil Map Unit Lines		<b>Other</b>
Soil Map Unit Points		<b>Special Line Features</b>
<b>Special Point Features</b>		
Blowout		<b>Water Features</b>
Borrow Pit		Streams and Canals
Clay Spot		<b>Transportation</b>
Closed Depression		Rails
Gravel Pit		Interstate Highways
Gravelly Spot		US Routes
Landfill		Major Roads
Lava Flow		Local Roads
Marsh or swamp		<b>Background</b>
Mine or Quarry		Aerial Photography
Miscellaneous Water		
Perennial Water		
Rock Outcrop		
Saline Spot		
Sandy Spot		
Severely Eroded Spot		
Shrub		
Slide or Slip		
Sodic Soil		

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

**Warning:** Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Morgan County, Colorado

Survey Area Data: Version 20, Sep 13, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 17, 2015—Sep 17, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Soil Map—Morgan County, Colorado

Dexter Rice S4 T3N R56W

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
HIA	Heldt clay, 0 to 1 percent slopes	36.7	32.2%
NcA	Nunn clay loam, 0 to 1 percent slopes	77.3	67.8%
<b>Totals for Area of Interest</b>		<b>113.9</b>	<b>100.0%</b>

## **Exhibit M**

### **Impact statement from irrigation company with canals/laterals in area:**

There are not any irrigation companies with canals or laterals on or adjacent to the property. I checked with Heather at Upper Platte and Beaver Canal Co to be sure.

## **Exhibit N**

### **Documentation of Adequate Financial Resources to Implement:**

Since our project is already in operation, we have already put up the funds to implement. Our operations brought in more than \$2 million in revenue in 2019, and they have been profitable for multiple years already.

## Exhibit O

**MORGAN COUNTY**  
**PLANNING, ZONING & BUILDING DEPT.**  
231 Ensign, P.O. Box 596  
Fort Morgan, Colorado 80701  
PHONE (970) 542-3526 FAX (970) 542-3509  
E-mail: pcherry@co.morgan.co.us

### MORGAN COUNTY RIGHT TO FARM POLICY / NOTICE

Morgan County is one of the most productive agricultural counties in Colorado. Ranching, farming, animal feeding, and all other manner of agricultural activities and operations in Morgan County are integral and necessary elements of the continued vitality of the county's economy, culture, landscape and lifestyle. Morgan County specifically recognizes the importance of agricultural operations as necessary and worthy of recognition and protection.

Landowners, residents and visitors must be prepared to accept as normal the effects of agriculture and rural living. These may include noise from tractors, equipment, and aerial spraying sometimes at night or in the early morning; dust from animal pens, field work, harvesting, and gravel roads; odor from animal confinement operations, silage and manure; smoke from ditch burning; flies and mosquitoes; the use of pesticides and fertilizers, including aerial spraying; and movement of livestock or machinery on public roads. Under the provisions of the State of Colorado's "Right to Farm" law (Section 35-3.5-101 and following, C.R.S.), all normal and non-negligent agricultural operations may not be considered nuisances.

Also public services in a rural area are not at the same level as in an urban or suburban setting. Road maintenance may be at a lower level, mail delivery may not be as frequent, utility services may be nonexistent or subject to interruption, law enforcement, fire protection and ambulance service will have considerably longer response times, snow may not be removed from county roads for several days after a major snow storm. First priority for snow removal is that school bus routes are normally cleared first.

Children are exposed to different hazards in a rural setting than they are in an urban or suburban area. Farm and oilfield equipment, ponds, and irrigation ditches, electrical service to pumps and oil field operations, high speed traffic, noxious weeds, livestock, and territorial farm dogs may present real threats to children. It is necessary that children's activities be properly supervised for both the protection of the children and protection of the farmer's livelihood.

All rural residents and property owners are encouraged to learn about their rights and responsibilities and to act as good neighbors and citizens of Morgan County. This includes but is not limited to obligations under Colorado State law and Morgan County Zoning Regulations regarding maintenance of fences, controlling weeds, keeping livestock and pets under control. There may be provisions of which you are unaware. For example, because Colorado is a Fence Law State, owners of property may be required to fence livestock out.

Information regarding these topics may be obtained from the Colorado State University Cooperative Extension Office, the County Planning and Zoning Department, and the County Attorney.

#### RECEIPT AND STATEMENT OF UNDERSTANDING

I hereby certify that I have received, read, and understood the Morgan County Statement of Policy and Notice regarding Right to Farm.

I further state that I am aware that the conditions of living in an unincorporated area are different than living in a town or city and that the responsibilities of rural residents are different from urban or suburban residents. I understand that under Colorado law that a pre-existing, non-negligent agricultural operation may not be considered a public or private nuisance.

Dexter Rice + Beverly Rice 12/18/2018  
Signature Date

To Be Signed by Landowner

Dexter Rice  
Printed Name  
29274 4th St, Snyder, CO 80750  
Address  
6439 S Van Gordon St, Littleton CO 80127

Adopted by the Morgan County Board of County Commissioners by Resolution #96BCC41 on July 23, 1996 and amended by Resolution 2008 BCC 34 on September 2, 2008.

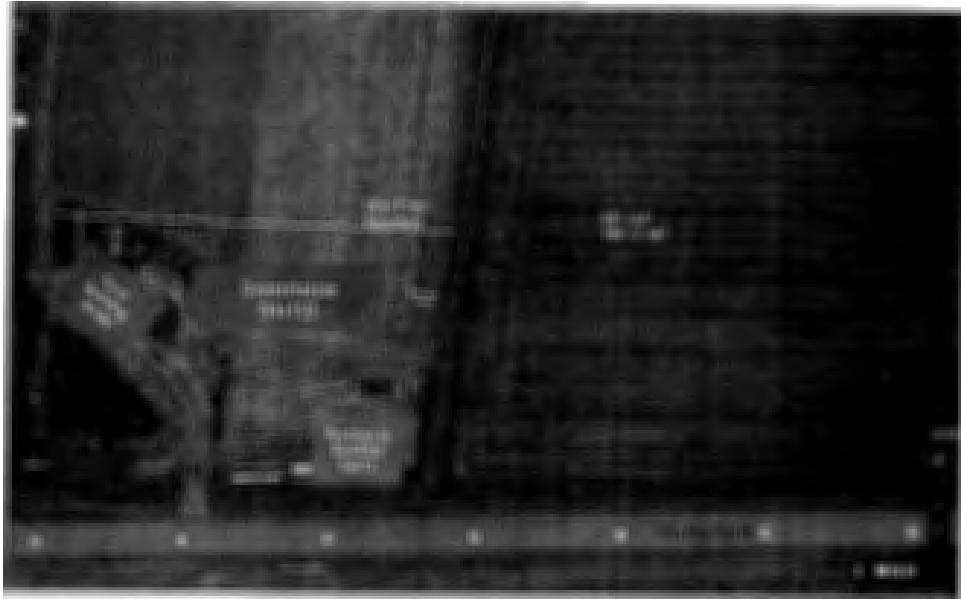
## **Exhibit P**

### **Site Plan – Special Use Permit, Morgan County Colorado**

Prepared on Dec 16, 2019 by Olivier Magny (COO, Dexter Labs LLC)



**Drainage Map -- Rudra Farms**  
**Special Use Permit, Morgan County Colorado**



## **Appendix A - Clients testimonials**

"I'm an experienced RN and devoted caregiver to my almost 90 year old Dad. The experts at Nature's Love worked closely with me to find the right product and dose for my elderly Dad who was suffering from anxiety and pain in his muscles and joints that no prescription medication could address. After 10 days on the Hemp Extract my Dad's anxiety was all but gone, and he was moving with ease for the first time in years! All of this for pennies on the dollar compared to conventional meds. Thank you for an outstanding product!"

Sarah Hutchinson, RN

"Thank you for the care that you put into creating your quality products. For the past few months I have been using your Nature's Love Hemp Topical Salve product. All too often, I have pain and stiffness in my joints. It is generally related to arthritis, but increased significantly after I began a required medical treatment.

I was originally using Aspercreme®, which did help some in the beginning. But when the aches and pains got worse, no over-the-counter product seemed to help. That's when I tried your Hemp Topical Salve. I find that it brings me relief very quickly and I especially appreciate that it has no intoxicating side effects."

Kathleen Noe

"I switched to Nature's Love for two reasons. The purity and effectiveness seemed better and the prices are better. Nature's Love has helped me out so much in the areas of pain and problems falling asleep. I used to take a prescription sleeping aide a couple of times a week. Since taking Nature's Love before bedtime, it actually helps me fall asleep fast. Sometimes I am amazed how my head barely has hit the pillow and I am off to sleep. I work out hard and play hard. I have some metal in my lower back that doesn't slow me down but when I do have pain in my back or my knees, I turn to Nature's Love first instead of Ibuprofen. It gives me great results. I also like the information on the source of Nature's Love and lines up with my desire for excellence from a product. The fact that they grow and make their oil is a big plus for me. I trust in the purity of the product. There are many choices out there but not all are pure or some are just hemp oil. I always receive my order quickly and well wrapped. Thank you Nature's Love!"

Susan Wirth-White

"First, I want to tell you how hard it was to find a (hemp extract) vape that has no PG/PEG/VG or MCT (coconut) oil, & is not extracted with harsh solvents or gases. I literally spent 6 months of researching hemp extracts - (extraction methods, the effects of the additives I

mentioned already, the type of plants used, plus the difference between full spectrum (a must-have, in my opinion) vs isolate CBD products, etc., etc.

Nature's Love was the only company to give me answers to everything I asked that I could not find the answers to online. I have researched well over 150 brands and products, and how many have exactly zero added chemicals/carrier oils, & are full spectrum?? ONE. Nature's Love! I am a proud non-smoker my entire life, so my virgin lungs are precious to me. That said, I do not get ANY irritation or dryness in my throat or lungs from Nature's Love vape! I tried to find other companies with amazing products equal to Nature's Love, and fell flat on my face. It is not for lack of looking. Did you know Nature's Love products are both grown AND processed in the USA? BIG plus!"

Anonymous

"I was referred to Nature's Love by a friend to try it on my dog. It works great! And now I use it as well for all my aches and pains:-)

The people at Nature's Love are great, too! Fast to respond to questions, and fast to ship! Love, love, Nature's Love!"

Julie Nelson

"I have a rare [condition removed] that occurred after shoulder surgery to all limbs and now my lower back. My skin on all limbs discolors from pink to deep purple and I feel like someone has set the skin on the limbs on fire with lighter fluid, the bones at the joints especially feel like they are being crushed under a Mack truck. The sensitivity on my limbs means that if I am touched, the pain is excruciating, and does not stop after the noxious stimuli does. It lasts and lasts. The only meds that worked before trying Nature's Love were pain meds, but nothing really has ever helped my sleep before this. I woke up approx every 2 hours due to pain, and it took me another hour to fall back to sleep. I was unable to wear sleeves, especially on the right arm. In the winter, I tucked my arm in my coat, and hold the fabric away from my shoulder. This was pre Nature's Love (I have only tried the vape to this point, it has worked so well). After using Nature's Love (and I have tried other brands, including an isolate, one with no carrier chemicals to thin it out, and lost all of the things that I had gained with Nature's Love vape), I now sleep up to 4-6 hours all in one shot, and if something does wake me up, I can fall right back to sleep. I have been able to wear sleeves with soft fabrics again!! I can also be brushed lightly on the arm, and not react like I used to (I would stop dead and tears would run down my face & it would take minutes for me to recover), but now not even a break in stride. The hypersensitivity on my arms has gone down to a 5/10 instead of a 10/10. Some of these may seem like minor things to you, but when one has tried over 30 different medications and dealt with the side effects (including unconsciousness, landed in the ER, out for 6 hours), the simple act of sleeping 4-6 hours with no extra meds with side effects is just amazing to me. Just getting sleep helps me handle the long days of pain so much better, and a sudden breeze in the summer on my arms no longer stops me in my tracks, frozen in pain until the breeze stops, I can keep moving. I can now type as long as I want in a day on most days, rather than stopping a couple of hours for the day! That is HUGE!!! The product works best for me if I take it daily with no skipped days. I

depend on Nature's Love just as I do any of my other meds, all of which I take daily, but no side effects with this! Thank you Nature's Love!!"

Katarina Skill

"I just love Nature's Love organic hemp extract drops. They taste wonderful and help me relax and sleep."

Gina Pugliese

"My wife and I would like to say thank you to Nature's Love for the great products you offer. They have been very consistent and are extremely helpful. We tried several hemp extract companies and found so much confusion as to content or strength. When we found Nature's Love we found products that were well presented on the web site and a staff that was very available to answer questions. The Nature's Love Hemp Extract works well, and we didn't experience any side effects. The other product is the Topical ReLeaf Salve which is so effective. My wife has had numerous issues with tendons in her hands and wrist, and the salve can be applied directly on the location that is painful. It helps more than anything we have found and allows me to feel much better. We appreciate the high quality of products, easy ordering and rapid delivery. We depend on Nature's Love for all of our Hemp extract products."

Ron & Cherie Neighbors



## **Notices, Referrals, & Landowner Letters**



Jody Meyer <jmeyer@co.morgan.co.us>

**RE: Referral Memo - Dexter Rice**

1 message

QW

**Kent Pflager** <kpflager@mcqwd.org>  
To: Pam Cherry <pcherry@co.morgan.co.us>  
Cc: Jody Meyer <jmeyer@co.morgan.co.us>

Tue, Feb 4, 2020 at 8:53 AM

He has done the engineering request. We expect it back soon then the Board will have to approve the request as it is a commercial tap. They will discuss this at our Feb 18<sup>th</sup> meeting

**From:** Pam Cherry <pcherry@co.morgan.co.us>  
**Sent:** Monday, February 3, 2020 3:32 PM  
**To:** Kent Pflager <kpflager@mcqwd.org>  
**Cc:** Jody Meyer <jmeyer@co.morgan.co.us>  
**Subject:** Re: Referral Memo - Dexter Rice

Hi Kent-

Has Dexter Rice provided you with the information you requested?

Pam Cherry, MPA, CFM  
Morgan County Planning Administrator  
Floodplain Administrator  
231 Ensign Street; Box 596  
Fort Morgan, CO 80701  
970-542-3526  
pcherry@co.morgan.co.us

On Thu, Jan 9, 2020 at 1:39 PM Kent Pflager <kpflager@mcqwd.org> wrote:

I spoke with Dexter he is going to need to fill out a new taps request asking to change the use of this tap from residential to commercial use. We have provided the necessary documents to him in order to start the process. Will keep you updated as to the progress

**From:** Jody Meyer <jmeyer@co.morgan.co.us>  
**Sent:** Wednesday, January 8, 2020 4:00 PM  
**To:** jeff.rasmussen@co.usda.gov; CDOT Timothy Bilobran <timothy.bilobran@state.co.us>; Century Link

Brian Vance <brian.vance@centurylink.com>; DOW - Devon Lane <devon.lane@state.co.us>; DOW - Todd Cozad <todd.cozad@state.co.us>; Kinder Morgan - Jeff Voltattorni <Jeff.Voltattorni@elpaso.com>; Morgan County Emergency Management <rdoll@co.morgan.co.us>; Northern Colorado Water Conservancy District <jstruble@northernwater.org>; Quality Water - Kay Zarbock <kzarbock@mcqwd.org>; Quality Water - Kent Pflager <kpflager@mcqwd.org>; REA - Kevin Martens <kmartens@mcrea.org>; Soil Conservation - Madeline Hagan Hagan <morganconservationdistrict@gmail.com>; Xcel - Donna George <Donna.L.George@xcelenergy.com>; David Martin <dmartin@co.morgan.co.us>; Tim Amen <tmamen@co.morgan.co.us>; Cathy Cole-Geist <ccole-geist@co.morgan.co.us>; Pam Allen <pallen@co.morgan.co.us>; Bruce Bass <bbass@co.morgan.co.us>; Mel Bustos <melb@nchd.org>; Conner Gerken <connerg@nchd.org>; Danette Martin <djmartin@co.morgan.co.us>; Monty Torres- Brush Town Manager <mtorres@brushcolo.com>; Brush Fire Chief <chief@brushfd.com>; Andrea Beebout - CDPHE <andrea.beebout@state.co.us>; thaine.kramer@state.co.us; jeff.lawrence@state.co.us; jon.strauss@state.co.us  
**Cc:** Pam Cherry <pcherry@co.morgan.co.us>; Shannon Shields <sshields@co.morgan.co.us>  
**Subject:** Referral Memo - Dexter Rice

Enclosed you will find a Referral Memo for a Use by special Review to be heard before the Planning Commission. If you have any questions or concerns, please let me know.

Jody Meyer  
Morgan County Planning Assistant  
231 Ensign Street, Box 596  
Fort Morgan, CO 80701  
970-542-3526 office  
970-542-3509 fax  
jmeyer@co.morgan.co.us



Jody Meyer <jmeyer@co.morgan.co.us>

**RE: Referral Memo - Dexter Rice**

1 message

water - QW

Kent Pflager <kpflager@mcqwd.org>

Thu, Jan 9, 2020 at 11:13 AM

To: Jody Meyer <jmeyer@co.morgan.co.us>

The Rice's do have a Quality Water tap but it is for residential usage and not approved for use in a industrial or commercial applications

**From:** Jody Meyer <jmeyer@co.morgan.co.us>

**Sent:** Wednesday, January 8, 2020 4:00 PM

**To:** jeff.rasmussen@co.usda.gov; CDOT Timothy Bilobran <timothy.bilobran@state.co.us>; Century Link Brian Vance <brian.vance@centurylink.com>; DOW - Devon Lane <devon.lane@state.co.us>; DOW - Todd Cozad <todd.cozad@state.co.us>; Kinder Morgan - Jeff Voltattorni <Jeff.Voltattorni@elpaso.com>; Morgan County Emergency Management <rdoll@co.morgan.co.us>; Northern Colorado Water Conservancy District <jstruble@northernwater.org>; Quality Water - Kay Zarbock <kzarbock@mcqwd.org>; Quality Water - Kent Pflager <kpflager@mcqwd.org>; REA - Kevin Martens <kmartens@mcrea.org>; Soil Conservation - Madeline Hagan Hagan <morganconservationdistrict@gmail.com>; Xcel - Donna George <Donna.L.George@xcelenergy.com>; David Martin <dmartin@co.morgan.co.us>; Tim Amen <tmamen@co.morgan.co.us>; Cathy Cole-Geist <ccole-geist@co.morgan.co.us>; Pam Allen <pallen@co.morgan.co.us>; Bruce Bass <bbass@co.morgan.co.us>; Mel Bustos <melb@nchd.org>; Conner Gerken <connerg@nchd.org>; Danette Martin <djmartin@co.morgan.co.us>; Monty Torres- Brush Town Manager <mtorres@brushcolo.com>; Brush Fire Chief <chief@brushfd.com>; Andrea Beebout - CDPHE <andrea.beebout@state.co.us>; thaine.kramer@state.co.us; jeff.lawrence@state.co.us; jon.strauss@state.co.us

**Cc:** Pam Cherry <pcherry@co.morgan.co.us>; Shannon Shields <sshields@co.morgan.co.us>

**Subject:** Referral Memo - Dexter Rice

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Jody Meyer  
Morgan County Planning Assistant  
231 Ensign Street, Box 596  
Fort Morgan, CO 80701  
970-542-3526 office  
970-542-3509 fax  
jmeyer@co.morgan.co.us



Pam Cherry &lt;pcherry@co.morgan.co.us&gt;

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**Referral Memo - Dexter Rice***water QW*

**Kent Pflager** <kpflager@mcqwd.org>  
To: Jody Meyer <jmeyer@co.morgan.co.us>  
Cc: Pam Cherry <pcherry@co.morgan.co.us>

Thu, Jan 9, 2020 at 1:39 PM

I spoke with Dexter he is going to need to fill out a new taps request asking to change the use of this tap from residential to commercial use. We have provided the necessary documents to him in order to start the process. Will keep you updated as to the progress

**From:** Jody Meyer <jmeyer@co.morgan.co.us>  
**Sent:** Wednesday, January 8, 2020 4:00 PM  
**To:** jeff.rasmussen@co.usda.gov; CDOT Timothy Bilobran <timothy.bilobran@state.co.us>; Century Link Brian Vance <brian.vance@centurylink.com>; DOW - Devon Lane <devon.lane@state.co.us>; DOW - Todd Cozad <todd.cozad@state.co.us>; Kinder Morgan - Jeff Voltattorni <Jeff.Voltattorni@elpaso.com>; Morgan County Emergency Management <rdoll@co.morgan.co.us>; Northern Colorado Water Conservancy District <jstruble@northernwater.org>; Quality Water - Kay Zarbock <kzarbock@mcqwd.org>; Quality Water - Kent Pflager <kpflager@mcqwd.org>; REA - Kevin Martens <kmartens@mcrea.org>; Soil Conservation - Madeline Hagan Hagan <morganconservationdistrict@gmail.com>; Xcel - Donna George <Donna.L.George@xcelenergy.com>; David Martin <dmartin@co.morgan.co.us>; Tim Amen <tmamen@co.morgan.co.us>; Cathy Cole-Geist <ccole-geist@co.morgan.co.us>; Pam Allen <pallen@co.morgan.co.us>; Bruce Bass <bbass@co.morgan.co.us>; Mel Bustos <melb@nchd.org>; Conner Gerken <connerg@nchd.org>; Danette Martin <djmartin@co.morgan.co.us>; Monty Torres- Brush Town Manager <mtorres@brushcolo.com>; Brush Fire Chief <chief@brushfd.com>; Andrea Beebout - CDPHE <andrea.beebout@state.co.us>; thaine.kramer@state.co.us; jeff.lawrence@state.co.us; jon.strauss@state.co.us  
**Cc:** Pam Cherry <pcherry@co.morgan.co.us>; Shannon Shields <sshields@co.morgan.co.us>  
**Subject:** Referral Memo - Dexter Rice

Enclosed you will find a Referral Memo for a Use by special Review to be heard before the Planning Commission. If you have any questions or concerns, please let me know.

[Quoted text hidden]



Jody Meyer &lt;jmeyer@co.morgan.co.us&gt;

**Rice/Morgan County/US 34 off**

1 message

Rice - CDOT

**Hice-Idler - CDOT, Gloria** <gloria.hice-idler@state.co.us>

Fri, Jan 10, 2020 at 11:41 AM

To: Pam Cherry &lt;pcherry@co.morgan.co.us&gt;

Cc: Jody Meyer &lt;jmeyer@co.morgan.co.us&gt;, "Bilobran, Timothy" &lt;timothy.bilobran@state.co.us&gt;, Allyson Mattson - CDOT &lt;allyson.mattson@state.co.us&gt;

CDOT has no comment on this proposal.

Gloria Hice-Idler  
Rocksol Consulting

(970) 381-8629

 cid:image001.png@01D05B52.DA3F45D010601 W. 10th Street, Greeley, CO 80634  
gloria.hice-idler@state.co.us | www.codot.gov | www.cotrip.org**COLORADO**  
Department of Transportation  
Region 4image001.png  
17K



Jody Meyer <jmeyer@co.morgan.co.us>

**Re: Dexter Rice Special Use Permit - Hemp processing**

CDPHE

1 message

Jody Meyer <jmeyer@co.morgan.co.us>

Thu, Jan 9, 2020 at 12:42 PM

To: "Thibault - CDPHE, Anjelica" <anjelica.thibault@state.co.us>, Pam Cherry <pcherry@co.morgan.co.us>

Anjelica - thanks for your response. We just were not sure what referral agencies we needed to contact for this application. Did not want to miss one that needed the memo.

Have a great week.

Jody Meyer  
Morgan County Planning Assistant  
231 Ensign Street, Box 596  
Fort Morgan, CO 80701  
970-542-3526 office  
970-542-3509 fax  
jmeyer@co.morgan.co.us

On Thu, Jan 9, 2020 at 12:23 PM Thibault - CDPHE, Anjelica <anjelica.thibault@state.co.us> wrote:

Hi Jody,

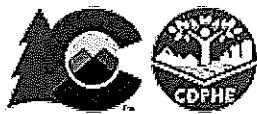
My name is Anjelica and I'm one of the industrial hemp inspectors. We also received your voicemail on our main line, and I gave you a call earlier today.

A little bit of background about what we do...we are food safety inspectors and conduct food safety inspections at industrial hemp facilities (extractors and final product formulators). We do not conduct plan reviews for new facilities. We can provide food safety information if you would be interested.

Please let me know if you have any further questions.

Regards,  
Anjelica

**Anjelica Thibault, MPH**  
**Environmental Protection Specialist**  
Division of Environmental Health & Sustainability



**COLORADO**  
Division of Environmental  
Health & Sustainability  
Department of Public Health & Environment

P: (303) 692-3657 | F: (303) 753-6809  
4300 Cherry Creek Drive South, Denver, CO 80246  
anjelica.thibault@state.co.us | [www.colorado.gov/cdphe/dehs](http://www.colorado.gov/cdphe/dehs)



Jody Meyer <jmeyer@co.morgan.co.us>

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**Out-of-Office Re: Referral Memo - Dexter Rice**

CDPHE

1 message

---

**Strauss - CDPHE, Jon** <jon.strauss@state.co.us>

Wed, Jan 8, 2020 at 4:03 PM

To: jmeyer@co.morgan.co.us

Howdy,

I will be out of the office and unavailable until 16 January 2020.

Please Email:

cdphe.hemp.dehs@state.co.us

for all questions regarding hemp/CBD and seafood.

Peace,

Jon C Strauss

Div. of Environmental Health & Sustainability

CDPH&E

303.692.3654

jon.strauss@state.co.us

--

Peace,

Jon C Strauss

Hemp and Seafood Program Coordinator

Div. of Environmental Health & Sustainability

CDPH&E

303.692.3654

jon.strauss@state.co.us



On Thu, Jan 9, 2020 at 12:17 PM MFGFD - CDPHE, CDPHE <cdphe\_mfgfd@state.co.us> wrote:

----- Forwarded message -----

From: **Jody Meyer** <jmeyer@co.morgan.co.us>  
Date: Thu, Jan 9, 2020 at 10:33 AM  
Subject: Dexter Rice Special Use Permit - Hemp processing  
To: <cdphe\_mfgfd@state.co.us>  
Cc: Pam Cherry <pcherry@co.morgan.co.us>

Good Morning:

Jon Strauss gave me this email to forward our Referral Memo to you. This is a special use application that we have received that will be heard by the Planning Commission in February. I was hoping to catch someone to inform them about this application, not knowing who contacts would be at the state levels. If you have any questions or concerns please let me know. I can also send more of the application as you might need.

Jody Meyer  
Morgan County Planning Assistant  
231 Ensign Street, Box 596  
Fort Morgan, CO 80701  
970-542-3526 office  
970-542-3509 fax  
jmeyer@co.morgan.co.us

---  
Manufactured Foods Program



**COLORADO**

**Division of Environmental  
Health & Sustainability**

Department of Public Health & Environment

P 303.692.3638 | F 303.753.6809  
4300 Cherry Creek Drive South, Denver, CO 80246  
[cdphe\\_mfgfd@state.co.us](mailto:cdphe_mfgfd@state.co.us) | [www.colorado.gov/cdphe/dehs](http://www.colorado.gov/cdphe/dehs)

# Knowledge

Knowledge Now — practical research on timely topics.

Hemp, September 2019

## Inside this issue

- Industrial hemp program: What Colorado municipalities need to know
- DEFENSE: Regulating hemp
- Keeping Colorado on a hemp industry leader

## Note

- (This note is a placeholder for a note or announcement.)



## Hemp regulation: A Colorado municipal perspective

By Laurel Witt, CML staff attorney

The ban is lifted and the race kicks off as farmers and businesses around the United States begin to grow hemp, America's newest cash crop. Like marijuana, hemp is a strain of the *Cannabis sativa* L. plant, but unlike marijuana, hemp contains less than three-tenths of a percent of tetrahydrocannabinol (THC). THC is the psychoactive component of marijuana causing the characteristic "high." Hemp can be used in a wide range of industries, but the most lucrative use comes from the plant's high concentration of cannabinoid (CBD). Many claim CBD oil has positive benefits, helping with a range of ailments from arthritis to migraines. Products containing CBD, from topical lotions to dog treats, are flying off the shelves even as claims remain unsubstantiated by the U.S. Food and Drug Administration (FDA).

The swirl of excitement around the legalization of hemp has every layer of government asking what it can do to regulate the plant, ensuring the safe cultivation, production, and, in the case of CBD, consumption. This article will describe federal and state regulation before turning to what Colorado municipal governments can do to promote the health and safety of their residents.

### Evolution of federal regulation

Congress outlawed hemp in the United States in 1970 with the enactment of the Controlled Substances Act (CSA). The CSA classified any use of the *Cannabis sativa* L. plant as extremely dangerous — a schedule 1 substance, which includes the most dangerous narcotics found in the United States, such as cocaine and heroin.

*Continued on page 2*

## Continued from page 1

The CSA defined marijuana as "all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin." 21 U.S.C.A. § 812(1)(c)(17) (2016).

In the last twenty years, interest in industrial hemp began to resurface with research showing hemp as a sustainable crop for use in clothing, makeup, oils, medicine, etc. In response, Congress permitted hemp cultivation in pilot programs around the United States in the Agricultural Act of 2014, P.L. 113-79 (2014 Farm Bill). The Agricultural Act is adopted by Congress every four to five years to shape national food and agriculture policy. Hemp, however, remained illegal under the CSA, and several federal law enforcement agencies continued to enforce all strains of *Cannabis sativa* L. as a schedule 1 substance. Tension brought lawsuits and a wake of confusion for would-be producers about how federal authorities would respond to hemp cultivation.

Congress responded in the Agriculture Improvement Act of 2018 (2018 Farm Bill) by removing hemp from the CSA definition of marijuana. It moved hemp regulation to the Agriculture Marketing Act of 1946, which treats hemp like all other crops in the United States, and gave oversight authority to the United States Department of Agriculture (USDA). The 2018 Farm Bill passed before CBD became more widely used.

The 2018 Farm Bill also empowers state and tribal governments to create a regulatory framework for hemp within their respective jurisdictions. These plans must be submitted to the USDA Secretary through the state department of agriculture in consultation with the governor and the chief law enforcement officer of the state. State and tribal governments can choose not to regulate hemp, in which case the USDA will regulate and license hemp businesses within the state or tribal jurisdiction. The USDA is currently developing regulations for the oversight process.

## Hemp in Colorado

Amendment 64, approved by Colorado voters in 2012, directed the Colorado General Assembly to "enact legislation concerning the cultivation, processing and sale of industrial hemp." The General Assembly gave the Colorado Department of Agriculture (CDA or the Department) authority to regulate the cultivation of hemp in Colorado, including

registration of hemp producers and enforcement authority. The CDA enacted further regulations on hemp while emphasizing it only regulates the cultivation of hemp as a farm product. The Department does require applicants to first check local regulations before applying for a license; however, the process does not require CDA officials to confirm with local governments before granting a license. For hemp in consumable products, the Colorado General Assembly gave oversight to the Colorado Department of Public Health and Environment (CDPHE).

The Palisade Police Department experienced the issue of conflicting regulations firsthand last year with a case that reached the Colorado Supreme Court. The police executed a warrant on a suspected illegal marijuana grow that had the hallmarks of illegal activity including visual sightings of the plants and distinctive odor. The police seized the plants and through scientific testing discovered that the plants contained less than three-tenths of a percent of THC. The homeowner had registered as a hemp grower with the CDA. The Court held probable cause existed in the search warrant, but the limited communication between regulatory arms remains a problem. *People v. Cox*, 429 P.3d 75 (Colo. 2018). CML will advocate for better communication and accountability in this area.

In response to the 2018 Farm Bill, the Colorado General Assembly adopted and Gov. Jared Polis signed two bills in 2019, Senate Bill (SB) 19-220 and SB 19-240. These new state laws require the CDA to submit a state plan to the USDA, which will detail the state's plan to regulate and oversee hemp with input from stakeholders. The CDA is engaging stakeholders through an initiative called CHAMP (Colorado Hemp Advancement and Management Plan), which has a two phase implementation plan. The first stage will be to submit the state plan to the USDA by the end of November 2019 and the second stage will incorporate the state plan into a larger Colorado Blueprint. CML will be actively engaged in the process of developing the Colorado state plan and blueprint, with the primary goals of maintaining municipal authority to regulate businesses and of gaining more coordination and communication with the state on issues such as permitting locations for hemp cultivation.

The General Assembly gave local governments authority to regulate businesses engaged in processing, extraction, and manufacturing hemp in SB 19-240. Local governments can

regulate businesses involved in the sale of industrial or food products containing hemp so long as those regulations do not conflict with state law. C.R.S. § 31-15-501.

Both state and federal regulations continue to evolve. For example, the FDA is conducting ongoing stakeholder meetings to discuss how hemp should be regulated in consumable products on a federal level.<sup>1</sup> CDPHE will likely add on additional requirements after the FDA releases its rules (see article on page 4). Both agencies are concerned with the potential health and safety risks to consumers while also improving regulatory pathways for marketing of products.

Colorado municipal governments are left to figure out how to regulate hemp manufacturing and processing within the authority given by the 2019 legislative session and previously held powers. Before the passage of SB 19-240, municipal governments did not have explicit authority to regulate hemp.<sup>2</sup> Now, with the demand frenzy for CBD, hemp growhouses are cropping up in industrial and residential areas, unregulated and causing problems with odor and noise. The lack of federal and state oversight has left a vacuum of regulation, leaving municipalities unsure how to best to protect the health, safety, and general welfare of their residents.

## Practical steps for municipalities

Under the guise of federal and state regulation, the state of affairs for municipalities is confusing at best. However, municipalities can take steps today to regulate the proliferation of hemp and hemp producers while safeguarding residents. Listed below are examples of concrete steps municipalities can begin now.

*Continued on page 3*

1 The FDA has only legally approved four specific drugs with hemp as a component, all of which require a doctor's prescription: Epidiolex, Marinol, Syndros, and Cesamet. If a company markets CBD products as disease-curing or therapeutic and sells the products online, the company will receive a warning letter from the FDA.

2 Note, authority to regulate hemp lies with the ability to regulate business licenses. There is not explicit authority in SB 19-240 to regulate individuals growing hemp for their own purposes. However, it is arguable that municipalities, particularly home rule municipalities, can already regulate individuals with the power to protect the general health, safety, and welfare of the municipal citizens. Consult your municipal attorney before regulating individuals growing hemp who are not intending to sell the finished product.

## Cultivation

- **Zoning.** The state government controls hemp cultivation regulations. However, a local government may treat hemp like any other unnamed and enumerable industrial crop within its ordinances (e.g., corn, soybeans) and enforce zoning regulations accordingly.
- **Noise and odor regulations.** Municipalities may enforce their noise and odor regulations on hemp cultivation as they would on any other industrial crop.

Likely, any sort of license for hemp at the cultivation stage will be considered preempted by state law if challenged in the courts. Additionally, testing the plants for compliance with the three-tenths of a percent or less of THC requirement is a state level function.

## Storage, Extracting, Processing, and Manufacturing

- **Broad Authority.** The legislature, under C.R.S. § 31-15-501, gave broad authority to municipalities in regulating the storing, extracting, processing, and manufacturing of hemp. This means that after the cultivation process, municipalities

have broader authority to regulate the stages of hemp.

- **Licensing.** Municipalities may require businesses with hemp components to get a local license to operate in the industry. These licenses can have additional requirements, similar to other local business licenses.
- **Zoning and building codes.** Municipalities have broad power to enact and enforce zoning and building codes. Municipalities may enforce these codes on businesses engaged in the storing, extracting, processing, and manufacturing of hemp.
- **Noise and odor regulations.** Municipal noise and odor regulations may also be applied equally to businesses engaged in the storing, extracting, processing, and manufacturing of hemp.
- **Temporary food product regulation.** C.R.S. § 31-15-501 restricts municipalities from imposing additional food production regulations that conflict with state law. As these food laws are being developed, municipalities may temporarily step into the regulatory vacuum and enact regulations until and if state law preempts the regulation. After the state enacts its

own regulations, municipalities may then wish to weigh in on additional regulations that do not conflict for processing of food.

## Selling

- **Licensing.** Municipalities may require businesses with hemp components to get a local license to operate in the industry. These licenses can have additional requirements, similar to other local business licenses.
- **Selling of food product.** While state law articulates restrictions on the production of food, there is not a restriction on regulating the selling of food containing hemp. A municipality may still require a local license to sell food containing hemp.

As a warning, the status of hemp regulation will continue to evolve. Before acting on any of the preceding regulatory options, we recommend consulting with your municipal attorney. Unlike marijuana, the cultivation of hemp is treated as an agricultural product, which means the federal government will continue to develop regulations in addition to any state laws. CML will continue to update municipalities on developments with hemp regulation.

# Industrial hemp program: What Colorado municipalities need to know

By Brian Koontz, Colorado Department of Agriculture industrial hemp program manager

The Colorado Department of Public Health and Environment (CDPHE), pursuant to C.R.S. § 35-61-108, permits registered persons in the State of Colorado to carry out the processing, sale, and distribution of industrial hemp-based products. At the Colorado Department of Agriculture (CDA), the regulatory role of our Industrial Hemp Program is limited to the cultivation (growing) of industrial hemp only. CDA does not regulate processing and/or extraction. Our Inspection and Consumer Services Division provides information on hemp regulation ([www.colorado.gov/aginspection](http://www.colorado.gov/aginspection)) related to farm products and commodity handlers.

Even though the 2018 Farm Bill removed Hemp from the Controlled Substance Act, it did not deregulate it. It does require that states obtain information on lands where hemp is grown. Anyone cultivating hemp in Colorado must have a registration issued by CDA prior to planting. Requirements for registrants include

citizenship verification or a business registration with the Secretary of State, a legal description of property including GPS coordinates and boundary map, a pre-planting report, a planting report, and a harvest report. The harvest report must be submitted to CDA 30 days prior to harvest.

Regarding zoning laws, there are no requirements or restrictions in place at the state level in terms of distance to schools, neighboring properties, residential areas, etc. While any land within the State of Colorado can be registered with the CDA to cultivate industrial hemp, local jurisdictions may have their own ordinances on land use. Prospective hemp cultivators are responsible for verifying local ordinances with anyone who may have jurisdiction over their land area (including, but not limited to, HOA/landowner/city/town/county, etc.) prior to applying to register the land area or planting.

At this time, CDA uses a risk and random selection procedure to select a percentage of registrants to be inspected and sampled. We

can inspect and sample at any time, even without notice. The CDA takes the top two inches of female plants and decarboxylates the lab sample for total %THC concentration (of THC and THCa) as defined in statute. Registrants have the option to voluntarily destroy non-compliant material pending a plan approved by the commissioner.

Gov. Polis has made it a priority for Colorado to remain an innovating force in the promotion of this high-value agricultural commodity. In response, CDA is partnering with leading state, local, and tribal agencies, as well as industry experts in cultivation, testing, research, processing, finance and economics to establish a statewide initiative known as the Colorado Hemp Advancement and Management Plan (CHAMP). In keeping with CDA's core mission to continuously strengthen and advance Colorado agriculture, a key objective of the CHAMP initiative will be to define a well-structured and defined supply chain for hemp in order to establish a strong market for the state's farming communities.



## CDPHE's role in regulating hemp

By Jeff Lawrence, Colorado Division of Environmental Health and Sustainability director

The Colorado Department of Public Health and Environment (CDPHE) is coordinating with the Colorado Department of Agriculture (CDA) on the Colorado Hemp Advancement and Management Plan (CHAMP) initiative and the endeavor to create a strong and vibrant hemp industry in Colorado. While CDA is involved with research and development, seed certification, and cultivation, CDPHE is engaged with those businesses that are processing the hemp plant into finished consumable products. In support of CDPHE's role, there have been legislative actions over the last two years that statutorily recognize the allowance of industrial hemp as a food ingredient, including cannabidiol (CBD). With the backing of law, the industry has grown quickly. Currently, there are more than 350 businesses registered with CDPHE as industrial hemp extractors and/or manufacturers. These operations are overseen just like any other food or dietary supplement manufacturer in the state. We require them to meet the Good Manufacturing Practices and, if involved, the production of dietary supplements, the provisions that deal with additional record keeping and testing for purity and potency of the finished product.

While the outlined approach treats hemp operations like any other food manufacturer, the uniqueness of their process and the equipment processors used for extraction does not have a direct correlation to any other food manufacturing process or operation. The uniqueness of these operations generates additional questions that need to be addressed, such as:

- Fire safety within the production environment;
- Product safety, ensuring that while the operations are intentionally concentrating CBD, the process does not concentrate other aspects of the plant, including pesticides, solvents used in the extraction process, and tetrahydrocannabinol (THC);
- Proper management and disposal of waste that is generated in this process.

Key components for any hemp manufacturer to be aware of:

- Assuring all parts of the hemp plant used in food must come from a state that has an established and approved industrial hemp program or a country that inspects or regulates hemp under a food safety program or equivalent criteria to ensure safety for human consumption.
- The industrial hemp must conform to the standard of identity established in C.R.S. § 35-61-101(7) of no more than three-tenths of 1% delta-9 THC.

- The use of other parts of the industrial hemp plant other than seed and its derivatives: seed meal, flour, and oil, must have lab test results indicating the levels of THC within the derivatives are not above the allowable limit of three-tenths of 1% of THC.
- The product must be labeled in conformance with state and federal labeling laws, including:
  - clearly identify hemp as an ingredient;
  - clearly identify CBD and the amount of CBD if added as an isolate;
  - include the statement "FDA has not evaluated this product for safety or efficacy" and;
  - not contain any health or benefit claims.
- The producer must be able to document that the finished product does not contain more than three-tenths of 1% of THC.

CDPHE stands committed in supporting the hemp industry and local governments, being nimble in our approach and assuring the products produced are safe, while providing a framework for how other states and FDA can approach the use of hemp as a food ingredient and dietary supplement. Additional information can be found at [www.colorado.gov/pacific/cdphe/industrial-hemp-food](http://www.colorado.gov/pacific/cdphe/industrial-hemp-food).



# Keeping Colorado as a hemp industry leader

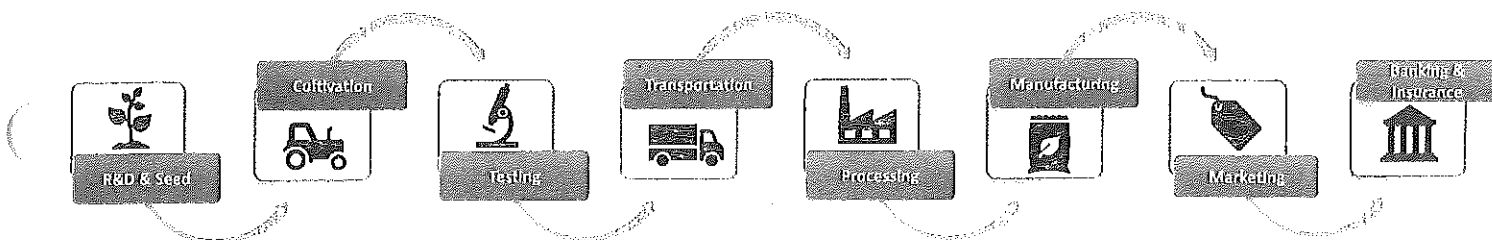
By Hunter Buffington, Hemp Feed Coalition program director

Industrial hemp is projected to become a \$20 billion industry in the next four years. Colorado has been the epicenter of this growth in the United States since 2014, and as a state, we are poised to enjoy the economic benefits of this market explosion. The development of the industry has not been without its challenges, and as the expansion continues across the United States, we plan to keep Colorado at the apex of this growth. To do this requires a concerted effort between producers, processors, regulators, and public policy experts and advocates. Colorado has boldly moved forward creating a partnership between our Department of Agriculture (CDA) and our Department of Public Health and Environment (CDPHE) to regulate hemp. It is this relationship — and not the legalization of marijuana — that has allowed Colorado to lead the hemp movement.

The 2019 passage of a licensing program for hemp processors by CDPHE and the allocation of funds to conduct the Colorado Hemp Agriculture Management Plan (CHAMP) ([www.colorado.gov/pacific/agplants/champ-initiative](http://www.colorado.gov/pacific/agplants/champ-initiative)) will solidify Colorado's leadership by creating the regulatory backbone and pathway for the production of hemp products. The CHAMP will inspect eight aspects of the supply chain with stakeholder input and feedback from other state agencies, the Colorado Municipal League, and industry experts that will result in the submission of Colorado's hemp plan to the United States Department of Agriculture. Meetings are open to the public, and municipal participation is key to the success of the state plan. The goal of CHAMP is to provide a roadmap that can be replicated in other states that supports local farmers and producers and ensures the safety of hemp products across the United States.

The most important message that I would like to share with municipal leaders is that the industry was begun by small farmers and entrepreneurs who believed passionately that the return of hemp to American agriculture would provide environmental and economic benefits. These pioneers worked with regulators and policymakers to build the industry, creating the legal pathway together. While there will always be a few bad players, we take pride in the quality of our genetics, hemp harvests, and our position as educators and leaders in this movement. The industry and its producers and manufacturers want to be held to the same standards of other agriculture commodities and products and to be recognized for this. Partnerships with municipal governments will help the industry promote and meet these standards, but the real benefit of collaboration will be for small producers and their local communities and economies.

## The CHAMP hemp supply chain



**NOTICE OF MORGAN COUNTY PLANNING COMMISSION'S REVIEW OF LAND  
USE APPLICATION**

Notice is hereby given that on Monday, February 10, 2020 at 7:00 p.m., or as soon as possible thereafter, in the Hearing Room of the Morgan County Planning Commission at Fort Morgan, Colorado, or at such time and place as this meeting may be adjourned, located at 231 Ensign Street, Fort Morgan, Colorado 80701, (970)542-3526, a review will be held upon the following application:

**Dexter Rice** - Applicant

**Dexter & Beverly J. Rice** - Landowners

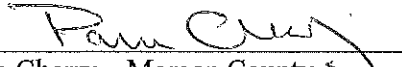
**Legal Description-** Lot 1, corrected Replat of Annan and Annan 2 Minor Subdivision located in the W1/2SW1/4 of Section 4, Township 3 North, Range 56 West of the 6<sup>th</sup> p.m., Morgan County, Colorado aka 26089 Co Rd R, Brush, CO 80723.

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

**Date of Application:** December 27, 2019

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado, and may be examined during regular office hours.

At time of the meeting an opportunity will be given for presentation of evidence in support of or in opposition to the application.

/s/   
Pam Cherry – Morgan County  
Planning & Floodplain Administrator

Published: January 28, 2020



Jody Meyer <jmeyer@co.morgan.co.us>

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## Re: Notices of Hearing for P7 ?

1 message

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**Classifieds Main** <classifieds@prairiemountainmedia.com>

Fri, Jan 24, 2020 at 12:02 PM

To: Jody Meyer <jmeyer@co.morgan.co.us>

OK, these are all scheduled for Jan 28 in the FM Times

On Fri, Jan 24, 2020 at 11:28 AM Jody Meyer <jmeyer@co.morgan.co.us> wrote:

Okay - here are new notices with corrected publication date. Thanks you

Jody Meyer

Morgan County Planning Assistant

231 Ensign Street, Box 596

Fort Morgan, CO 80701

970-542-3526 office

970-542-3509 fax

jmeyer@co.morgan.co.us

On Fri, Jan 24, 2020 at 11:21 AM Classifieds Main <classifieds@prairiemountainmedia.com> wrote:

It's too late to schedule for Monday, so these will all run Tuesday in the FM Times

Deadline for Monday FM is Thursday at 12 noon, fwiw

On Fri, Jan 24, 2020 at 10:54 AM Jody Meyer <jmeyer@co.morgan.co.us> wrote:

Good Morning:

Attached you will find 3 Notices of Hearing that will go before the Planning Commission in February with a publication date of January 27th, 2020:

Leif Stephens Exemption

Colorado Liberty Pipeline

Dexter Rice

Please bill P&Z. Thank you.

Jody Meyer

Morgan County Planning Assistant

231 Ensign Street, Box 596

Fort Morgan, CO 80701

970-542-3526 office

970-542-3509 fax

jmeyer@co.morgan.co.us

--  
Prairie Mountain Publishing-





## **MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT**

### **TO REFERRAL AGENCIES:**

Farm Service Agency - FSA  
CDOT – Colo. Dept. of Transportation  
Century Link  
Division of Wildlife  
Kinder Morgan, Inc.  
Morgan County Quality Water  
Morgan County Assessor  
Morgan County Communications Center  
Morgan County Sheriff Office  
Morgan County Emergency Mgmt.  
Morgan County Road & Bridge  
Morgan County Rural Electric Assoc.

Morgan Soil Conservation District  
Northeast Colorado Health Dept.  
Xcel Energy  
Colorado Dept of Public Health & Environ.  
Jeff Lawrence - CDPHE  
Jon Strauss - CDPHE  
Thaine Kramer – State of Colorado  
Brush Fire Department  
City of Brush

**FROM:** Pam Cherry, Morgan County Planning Administrator  
231 Ensign St, PO Box 596, Fort Morgan, CO 80701  
970-542-3526 / 970-542-3509 fax / [pcherry@co.morgan.co.us](mailto:pcherry@co.morgan.co.us)

**DATE:** January 7, 2020

**RE:** Special Use Permit - **Site Map attached**

The following application is for a Special Use Permit. This application will be presented to the Planning Commission at a public hearing on **February 10, 2020, at 7:00 p.m.** in the Assembly Room of 231 Ensign Street, Fort Morgan, CO 80701 (Basement level). You are welcome to attend and comment at this public meeting.

**Dexter Rice** - Applicant  
**Dexter & Beverly J. Rice** - Landowners

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

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

Please offer any comments or concerns you may have about this application within 21 days of the date of this letter. Do not hesitate to contact me at any time if you have questions. Thank you. You also may review the file at our office located at 231 Ensign Street, Fort Morgan, Colorado 80701.



## MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

### TO REFERRAL AGENCIES:

Lower South Platte Water Cons, 100 Broadway Plaza, Suite 12, Sterling CO  
80751

Northern Colorado Water Cons – [jstruble@northernwater.org](mailto:jstruble@northernwater.org)

FROM: Pam Cherry, Morgan County Planning Administrator  
231 Ensign St, PO Box 596, Fort Morgan, CO 80701  
970-542-3526 / 970-542-3509 fax / [pcherry@co.morgan.co.us](mailto:pcherry@co.morgan.co.us)

DATE: January 10, 2020

RE: Special Use Permit - **Site Map attached**

The following application is for a Special Use Permit. This application will be presented to the Planning Commission at a public hearing on **February 10, 2020, at 7:00 p.m.** in the Assembly Room of 231 Ensign Street, Fort Morgan, CO 80701 (Basement level). You are welcome to attend and comment at this public meeting.

**Dexter Rice** - Applicant

**Dexter & Beverly J. Rice** - Landowners

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

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

Please offer any comments or concerns you may have about this application within 21 days of the date of this letter. Do not hesitate to contact me at any time if you have questions. Thank you. You also may review the file at our office located at 231 Ensign Street, Fort Morgan, Colorado 80701.

# ArcGIS Web Map

Dexter Ric Special  
Use  
Applicati



1/2/2020, 9:25:55 AM

26089 Co Rd R, Brush CO 80723

1:4,514

FEMA Flood Plain

Parcels

X AREA OF MINIMAL FLOOD HAZARD

Roads

0 0.03 0.06 0.11 mi  
0 0.04 0.09 0.18 km

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geos, CNES/Airbus

Web AppBuilder for ArcGIS

# Morgan County Treasurer Statement of Taxes Due

*current -  
now in full by  
3-1-20  
after beg.  
12*

Account Number R016213  
Assessed To

Parcel 123104001001  
RICE, BEVERLY J & DEXTER S  
6439 S VAN GORDON ST  
LITTLETON, CO 80127

**Legal Description**

Subd: ANNAN & ANNAN 2 MINOR SUB CORRECTED RPLT, BR (04-3-56) Lot: 01 S: 04 T: 3 R: 26089 CO RD R  
56 W1/2SW1/4

**Situs Address**

Year	Tax	Interest	Fees	Payments	Balance
<b>Tax Charge</b>					
2019	\$9,465.12	\$0.00	\$0.00	\$0.00	\$9,465.12
<b>Total Tax Charge</b>					<b>\$9,465.12</b>
<b>Grand Total Due as of 01/09/2020</b>					<b>\$9,465.12</b>

Tax Billed at 2019 Rates for Tax Area 220 - RE 2J

Authority	Mill Levy	Amount	Values	Actual	Assessed
COUNTY GENERAL FUND	19.4530000	\$1,957.95	FLOOD IRRIGATED LAND	\$9,730	\$2,820
ROAD AND BRIDGE FUND	7.5000000	\$754.87	FARM/RANCH WASTE LAND	\$10	\$10
SOCIAL SERVICES FUND	2.0000000	\$201.30	FARM/RANCH SUPPORT IMPS	\$84,840	\$24,600
BRUSH RURAL FIRE DIST	3.4020000*	\$342.41	ALL OTHER AG - IMPS	\$252,470	\$73,220
E MORGAN COUNTY HOSPITAL	4.5000000	\$452.92			
E MORGAN COUNTY LIBRARY	3.5000000	\$352.27			
LOWER S PLATTE WATER CD	1.0000000	\$100.65			
MORGAN CO QUALITY WATER	0.8240000	\$82.94	Total	\$347,050	\$100,650
NORTHERN COLO WATER CD	1.0000000	\$100.65			
RE 2-J BRUSH GENERAL FUND	27.0030000	\$2,717.85			
RE 2-J BRUSH MILL LEVY OVER	9.2420000	\$930.21			
RE 2-J BRUSH BOND REDEMPTIO	14.6160000	\$1,471.10			
<b>Taxes Billed 2019</b>	<b>94.0400000</b>	<b>\$9,465.12</b>			

\* Credit Levy

\*\*\*\*\*TAX LIEN SALE REDEMPTIONS MUST BE PAID BY CASH OR CASHIER'S CHECK\*\*\*\*\*

Special taxing districts and the boundaries of such districts may be on file with the County Commissioners, County Clerk, or County Assessor. Unless specifically mentioned, this statement does not include land or improvements assessed under a separate account number, personal property taxes, transfer tax or miscellaneous tax collected on behalf of other entities, special or local improvement district assessments, or manufactured homes.

ROBERT A SAGEL, MORGAN COUNTY TREASURER  
231 Ensign St, PO Box 593, Fort Morgan, CO 80701  
Phone: 970-542-3518, Fax: 970-542-3520, Email: esale@co.morgan.co.us  
Website: www.colorado.gov/morgancounty

<b>Account</b>	<b>As of Date</b>	<b>Parcel Number</b>	<b>Owner</b>
R016213	01/09/2020	123104001001	RICE, BEVERLY J & DEXTER S
<b>Legal:</b>	Subd: ANNAN & ANNAN 2 MINOR SUB CORRECTED RPLT, BR (04-3-56) Lot:		
	01 S: 04 T: 3 R: 56 W1/2SW1/4		
<b>Situs</b>	26089 CO RD R		
<b>Address:</b>			
<b>Year</b>		<b>Tax</b>	<b>Total Due</b>
2019		\$9,465.12	\$9,465.12
<b>Total</b>		\$9,465.12	\$9,465.12

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**MORGAN COUNTY  
PLANNING AND BUILDING DEPARTMENT**

January 2, 2020

Dear Neighboring Landowners:

Dexter Rice as applicant and Dexter & Beverly Rice as landowner have submitted an application to our office for a Special Use Permit to process hemp located in the W1/2SW1/4 of Section 4, Township 3 North, Range 56 West of the 6<sup>th</sup> p.m., Morgan County, Colorado aka 26089 CO Rd R, Brush, CO 80723.

This application will be heard by the Planning Commission at a public hearing on **February 10, 2020 at 7:00 P.M.** in the Assembly Room of the Morgan County Administration Building, 231 Ensign St., (Basement Level, elevator entrance) Fort Morgan, Colorado. Landowners within ¼ mile of the property are notified of the application and hearing date.

If you have any questions or concerns regarding this application, please contact the Morgan County Planning Department at (970) 542-3526, or you may review the application in the Planning office located in the County Administration Building, 231 Ensign St., Fort Morgan, Colorado.

Sincerely,

Pam Cherry, CFM  
Planning Administrator

Enclosure

# ArcGIS Web Map

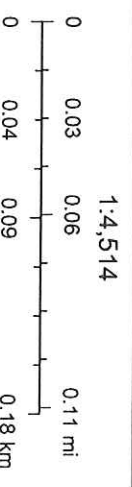


1/2/2020, 9:25:55 AM

FEMA Flood Plain

☐ Parcels

X AREA OF MINIMAL FLOOD HAZARD ☐ Roads

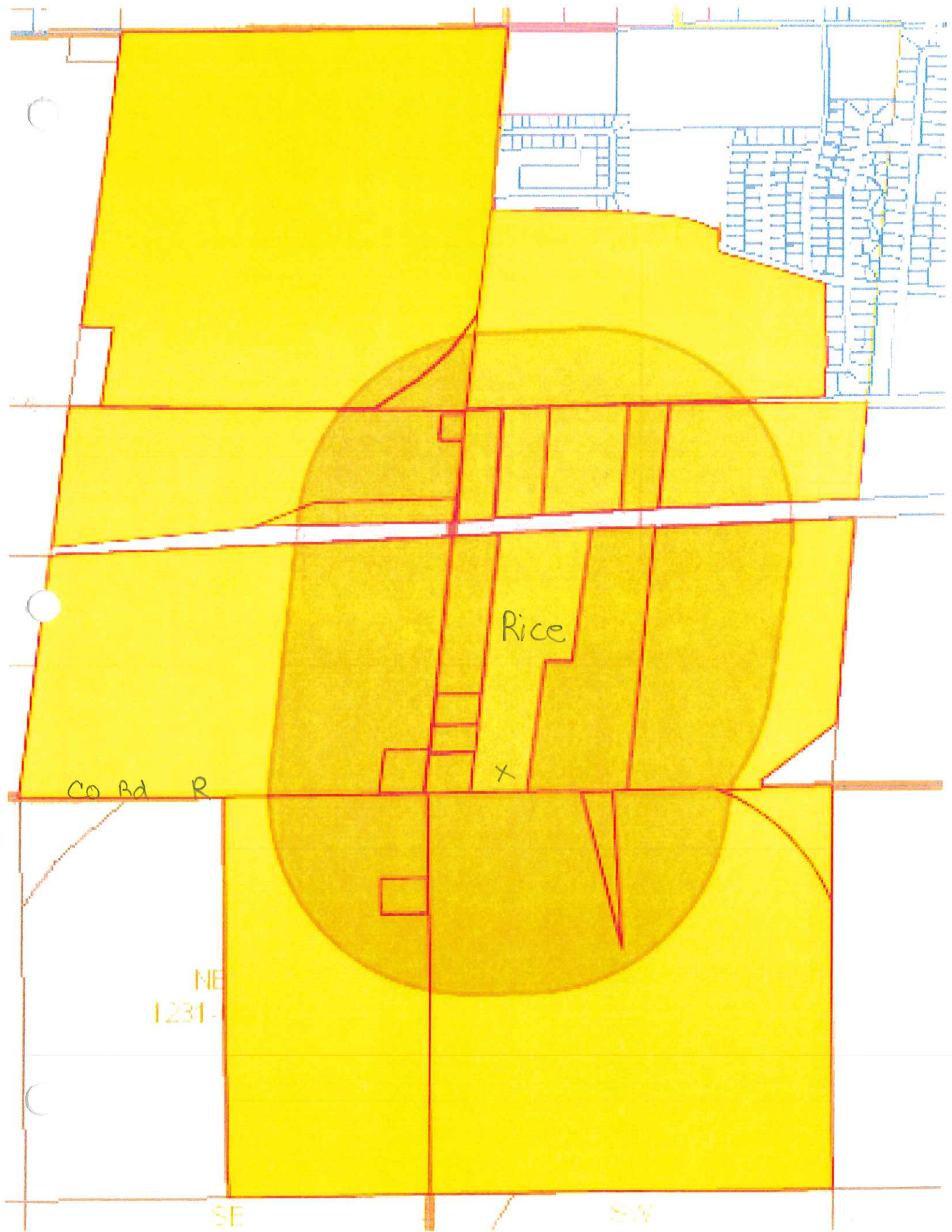


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

Web AppBuilder for ArcGIS

1/2/2020 9:25:55 AM





Rice

X

Co Rd R

NE  
1231-

SE

SW



ParcelMailingList\_20191227 - Rice, Dexter

123104001001  
RICE, BEVERLY J & DEXTER S  
6439 S VAN GORDON ST  
LITTLETON, CO 80127

123105000010  
123105000014  
123105000017  
123105000011  
GINTHER FAMILY TRUST  
25545 HWY 34  
BRUSH, CO 80723

123104001005  
SPEAR, SAMUEL L & DEBRA J  
17040 CO RD 26  
BRUSH, CO 80723

123108000006  
GINTHER, BRETT T & MARGARET L  
15040 HARRISON ST  
BRIGHTON, CO 80602

123105000009  
MCMULLEN, ALLEN  
25984 HWY 34  
BRUSH, CO 80723

123104000007  
LINDELL, KAREN  
17315 CO RD 27  
BRUSH, CO 80723

123104000008  
QUINN, JERROLD B  
17108 CO RD 26  
BRUSH, CO 80723

123104000005  
PENNI STORAGE LLC  
26018 HWY 34  
BRUSH, CO 80723

123104001003  
ARGOTH, JESUS Q & ANA LIA  
17100 CO RD 26  
BRUSH, CO 80723

123108000001  
GRIFFITH, STEVEN F & SHELLY M  
16841 CO RD 26  
BRUSH, CO 80723

ParcelMailingList\_20191227 - Rice, Dexter

123104200001  
WESTWOOD OF BRUSH LLC  
1035 37TH AVE CT  
GREELEY, CO 80634

123104005001  
US APPRAISAL SERVICE OF COLORADO LLC  
P O BOX 401  
BRUSH, CO 80723

123109000006  
QUEEN, DENNIS M & JUDITH A  
26208 CO RD R  
BRUSH, CO 80723

123104005901  
FIRST CHURCH OF THE NAZARENE  
500 CAMERON ST  
BRUSH, CO 80723

123109000002  
BOLINGER, EDNA B IRREVOCABLE TRUST  
13500 CO RD W  
WELDONA, CO 80653

123104000002  
EBEN EZER HOSPITAL  
122 HOSPITAL RD  
BRUSH, CO 80723

123104000003  
SMITH, AARON D & BRENDA L  
26232 HWY 34  
BRUSH, CO 80723

123105000013  
HICKEY, TRAVIS D & MICHELE R  
17035 CO RD 26  
BRUSH, CO 80723

123109000007  
WINDSHEIMER, DEREK R & AMY Y  
19441 CO RD M  
FORT MORGAN, CO 80701

123104001004  
ANNAN, WILLIAM J  
17068 CO RD 26  
BRUSH, CO 80723

123104001002  
PRASCHER, ELAINE C  
2320 EMERSON ST

BRUSH, CO 80723

123105000012  
GRIFFITH LAND COMPANY LLC  
16120 CO RD 24  
FORT MORGAN, CO 80701

## SETTLEMENT AGREEMENT

This Settlement Agreement (Agreement) is by and between Walmart, Inc., a corporation organized and existing under the laws of the State of Delaware (f/k/a Wal-Mart Stores, Inc., an Arkansas corporation) ("Walmart"), and the Morgan County Board of Equalization of the State of Colorado (the "County") (individually, a "Party;" and collectively, the "Parties").

1. Definitions. In this Agreement:

(a) The "Property" means the taxable business personal property located at 1300 North Barlow Road, Fort Morgan Colorado, and identified on the County's personal property Schedule #PO15872.

(b) "The Cases" means Walmart's pending personal property assessment protests filed in: i) the District Court for Morgan County, Colorado, Case No. 2019CV30065 (relative to Tax Year 2019); and ii) the Colorado Board of Assessment Appeals Docket No. 74845 (relative to Tax Year 2018).

(c) "Court" means the District Court for Morgan County, Colorado.

(d) "BAA" means the Colorado Board of Assessment Appeals.

(e) "Tax Year" means a year in which an assessment is made as of January 1, with taxes based on the assessment payable in the year following the tax year.

2. Agreement as to Values. To resolve each of the Cases, the Parties hereby agree to the following aggregate values of the Property for the applicable tax years:

Tax Year	Actual Value	Assessed Value	Tax	Amount of Refund
2018	\$1,065,150.00	\$308,890.00	\$26,469.00	\$4,025.00
2019	\$2,437,340.00	\$706,830.00	\$59,690.00	\$5,182.00

The County shall take all steps necessary to adjust the County's assigned value of the Property as specified in this Section 2 (above chart), and shall issue a refund payable to Walmart in the amount of \$4,025.00 for Tax Year 2018 and \$5,182.00 for Tax Year 2019, as a full and final settlement and resolution of the claims brought or which could have been brought in either or both of the Cases. In order to avoid the expense and uncertainty and delay of litigation associated with the Cases, the County is paying the above-stated refund amounts as a full and final refund for business personal property taxes paid by Walmart based on the property tax assessment of the Property for Tax Years 2018 and 2019. The Parties agree that no portion of the refund constitutes interest, which shall be accrued, calculated, and paid in accordance with Colorado law.

3. Release and Waiver of Claims. Walmart agrees, on behalf of its principals, agents, successors and assigns, by this Agreement and in exchange for the refund payments

described in Section 2, that all disputes giving rise to the Cases have been resolved and hereby releases and waives any right, in law or equity, to initiate a subsequent valuation protest or abatement petition or any other action, claim or proceeding concerning or relating to the Property value or classification for assessment purposes for the tax years of 2018 and 2019. Except as required to enforce any terms of this Agreement, the Parties shall be deemed to have released, discharged and acquitted the other Parties and any of their respective present, former or future representatives, predecessors, successors, heirs, assigns, officers, directors, employees and agents, from any and all claims, actions, causes of action, judgments or other liabilities of any nature whatsoever, in law or in equity, for damages or costs or otherwise, known or unknown, now existing or arising in the future, based upon, arising from or in any way connected with the value of the Property for tax years 2018 and 2019 or the claims asserted in the Cases.

4. Waiver of Claim for Attorney Fees and Costs. Each Party waives all claims for attorney fees and costs. Each party shall pay their own attorney fees and costs.

5. Time of Payment. The County shall issue the refund amounts described under Section 2 of this Agreement within 45 days of the orders of dismissal issued by the Court and by the BAA, with proof of payment provided to Walmart's undersigned counsel by means of supplying a copy of the refund check(s).

6. Stipulation of Dismissal. Within 10 days from the date this Agreement is fully executed, the Parties shall enter into two stipulations asking the Court and the BAA to dismiss the Cases with prejudice and without costs and fees to any Party.

7. Breach of this Agreement. Any breach of this Agreement, including but not limited to, failure to issue the refund amounts described under Section 2, shall give rise to a cause of action for breach of contract. In the event of any litigation, including appeals, in connection with the breach, enforcement, or interpretation of this Agreement, the prevailing Party shall recover all costs and reasonable attorneys' fees incurred in connection with or stemming from the breach.

8. Responsibility for Fees and Expenses of Attorneys and Experts. Each Party shall be solely responsible for the fees of its attorneys and experts accrued as part of the Case, in the negotiation or drafting of this Agreement, in connection with the Cases, or as part of any settlement discussions.

9. No Representations. Each Party acknowledges and agrees that no representation or promise not expressly contained in this Agreement has been made by the Parties or any of its employees, attorneys, agents, or representatives. Each Party acknowledges that it is not entering into this Agreement on the basis of any such representation or promise, express or implied.

10. Binding on Successors. This Agreement and the agreements, promises, rights and obligations in this Agreement shall run with the Property and are binding upon and inure to the benefit of each of the Parties and their respective transferees, purchasers of property, grantees, heirs, successors, and assigns.

11. No Assignment or Transfer. Walmart represents and warrants that it has not assigned or transferred to anyone or any entity any of the claims or rights it has or may have with respect to the 2018 or 2019 assessments of the Property.

12. Governing Law. This Agreement shall be governed and interpreted by the laws of the State of Colorado.

13. Interpretation of Agreement. The Parties acknowledge that this Agreement is the product of joint negotiations. If any dispute arises concerning the interpretation of this Agreement: (a) neither Party shall be deemed the drafter of this Agreement for purposes of its interpretation; and (b) the Parties shall attempt in good faith to resolve the dispute prior to initiating any court action.

14. Severability. If any provision of this Agreement should be declared unenforceable, then the remainder of this Agreement shall continue to be binding upon the parties.

15. Representation by Counsel; Reliance. Each Party acknowledges that it has been represented throughout all negotiations leading up to this Agreement by attorneys of its choice and that its attorneys have approved this Agreement. Each Party represents that in entering into this Agreement, the Party has relied on its own judgment and on the advice of its attorneys, and that no statements or representations made by the other Party or any of its agents, except statements or representations expressly made in this Agreement, have influenced or induced the Party to sign this Agreement.

16. Entire Agreement. This Agreement states and constitutes the entire agreement of the Parties concerning its subject matter and supersedes all prior or contemporaneous agreements, representations and negotiations (written or oral), or discussions concerning its subject matter, including but not limited to, all agreements, representations, negotiations, and discussions (written or oral) made in the course of settlement discussions or mediation regarding the Case.

17. No Admissions of Liability Concerning Assessments or Actual Value. This Agreement is the settlement of disputed claims. By entering into this Agreement, the County does not admit any liability to Walmart for any of the claims asserted in the Cases or Walmart's objections to the 2018 or 2019 assessments of the Property, and the payments made under this Agreement shall not be construed as an admission of any such liability. Neither Party makes an admission about the actual assessed or fair market value of the Property as of January 1, 2018 and January 1, 2019, or any other admission concerning the assessment of the Property. Further, values, tax amounts and refund amounts shall apply to the Property for Tax Years 2018 and 2019 only, and the Parties expressly stipulate and agree that this Agreement and the compromised values stated herein shall have no relevance to or effect on the County's valuation of, or any dispute related to, the valuation of the Property for future or prior tax years (other than 2018 or 2019). This Agreement does not constitute any factual or legal precedent or admission whatsoever, but rather reflects the Parties' desire to resolve this matter amicably without additional expense or litigation. The terms of this Agreement may not be used by either Party, or either Party's principals, agents, attorneys, successors or assigns as evidence or otherwise in any proceeding of any kind, including but not limited to any lawsuit, administrative tax appeal or protest, request for abatement of taxes or otherwise, except in an action seeking an interpretation or alleging a breach of this Agreement.

18. Waiver. No waiver of any breach of this Agreement shall be deemed a continuing waiver of that breach or a waiver of any other breach of this Agreement.

19. Amendments or Modifications. This Agreement may not be amended, modified or altered in any manner whatsoever, except by a further written agreement duly authorized and executed by the Parties.

20. Authorization to Sign Agreement. Each person signing this Agreement on behalf of either Party represents and warrants that the person holds the position indicated beneath the person's signature and that the person has the requisite corporate or other authority to sign this Agreement on behalf of the Party. Each Party represents that entry into this Agreement is not in contravention of any agreement or undertaking to which the Party is bound.

21. Reading of Agreement. Each person signing this Agreement on behalf of either Party acknowledges that the person has read this Agreement, that the person understands the terms and conditions of this Agreement, that the person (if other than an attorney for the Party) has been advised by legal counsel concerning this Agreement, and that the person freely and voluntarily signs this Agreement.

22. Governmental Immunity and Non-Appropriations. Nothing in this Agreement is intended, or shall be construed as a waiver by the County or any of its officers, employees or agents, of any of the protections afforded by the Colorado Governmental Immunity Act. Nothing in this Agreement shall constitute a multiple year fiscal obligation, and except for the payment of the amounts to be refunded in Section 2, any payments required to be made by the County shall be subject to appropriation by the Board of County of Commissioners of Morgan County pursuant to law.

23. Public Record. The Parties recognize that this Agreement may constitute a public record subject to disclosure under the provisions of the Colorado Open Records Act and that the terms and dollar amounts contained herein may be revealed on the County's web site and in other formats. Subject to this limitation, the Parties will otherwise not disclose the contents of this Agreement or its terms to any third party, except to their financial and tax advisers, accountants and legal counsel, and shall otherwise maintain the contents of this Agreement and its terms confidential.

24. Execution in Counterparts. This Agreement may be executed in counterparts each of which shall serve as an original as against any Party who signed it, and all of which taken together shall constitute one and the same document. A facsimile or electronically scanned copy of a Party's signature on this Agreement shall be treated as an original, and be binding on such Party and acceptable in any action against that Party to enforce this Agreement.

***SIGNATURES APPEAR ON FOLLOWING PAGES***

**Signature:**

**Email:** dawn.griggs@walmart.com

Dated: August 19, 2020.

Walmart, Inc.

Dawn Griggs  
Dawn Griggs (Aug 19, 2020 08:11 CDT)

By: Dawn Griggs

Dated: August 19, 2020.

**APPROVED AS TO FORM:**

ANDERSON & JAHDE, P.C.  
5800 S. Nevada St.  
Littleton, CO 80120

Brian F. Huebsch  
State Bar Number 34192  
Attorney for Wal-Mart Stores, Inc.

Dated: \_\_\_\_\_, 2020.

Morgan County Board of Equalization

By: \_\_\_\_\_  
Mark A. Arndt, Chairperson

Dated: \_\_\_\_\_, 2020.

**APPROVED AS TO FORM:**

HOFFMAN, PARKER, WILSON & CARBERRY,  
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