

**MORGAN COUNTY PLANNING COMMISSION**  
**Corrected - 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 complains, 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:

Dan 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 Dan 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 an 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 made a motion to approve 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 amended the motion to add that a traffic letter be prepared, Mike Erker accepted the amendment, the motion was seconded by Mike Bailey.**

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

SW<sup>1</sup>/<sub>4</sub> N<sup>1</sup>/<sub>2</sub> Section 31, T1N, R60W

Kristopher J. & Jessica M. Musgrave SE<sup>1</sup>/<sub>4</sub> Section 31, T1N, R60W & SW<sup>1</sup>/<sub>4</sub> Section 32, T1N, R60W

Carl Wayne & Blanche Marie Lane SE<sup>1</sup>/<sub>4</sub> Section 32, T1N, R60W

Steven J. & Robin Sorenson SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub> Section 32, T1N, R60W

Ben Bratrsovsky SW<sup>1</sup>/<sub>4</sub> Section 33, T1N, R60W

Sharen K. Bader Trust SE<sup>1</sup>/<sub>4</sub> Section 33, T1N, R60W

Jikaduka, LLC SE<sup>1</sup>/<sub>4</sub> Section 33, T1N, R60W

Bernard A. & Brenda R. Boehmer W<sup>1</sup>/<sub>2</sub> Section 34, T1N, R60W & S<sup>1</sup>/<sub>2</sub>, SE<sup>1</sup>/<sub>4</sub> Section 34, T1N, R60W

Guy & Dora Lee Shay SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub> Section 34, T1N, R60W

Platt Energy Holdings SW<sup>1</sup>/<sub>4</sub> Section 35, T1N, R60W

Canh Thieu Khuu & Hanh Huu Tran SE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub> & SE<sup>1</sup>/<sub>4</sub> Section 35, T1N, R60W

State of Colorado W<sup>1</sup>/<sub>2</sub> Section 36, T1N, R60W

Midcap Farms E<sup>1</sup>/<sub>2</sub> Section 36, T1N, R60W

Anthony W. Linnebur Lots 1, 2, 3, & 4 (aka W<sup>1</sup>/<sub>2</sub> W<sup>1</sup>/<sub>2</sub>), E<sup>1</sup>/<sub>2</sub> W<sup>1</sup>/<sub>2</sub> & the E<sup>1</sup>/<sub>2</sub> of Section 31, T1N, R59W

Freund Investments, LLC W<sup>1</sup>/<sub>2</sub>, NE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub> SE<sup>1</sup>/<sub>4</sub> Section 32, T1N, R59W

State of Colorado E<sup>1</sup>/<sub>2</sub> SE<sup>1</sup>/<sub>4</sub> 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

remainder, after the termination of the life estate, to Jerry Linnebur, Danny Linnebur, Donna Sauer, Robert Linnebur, Linda McDonald, & Edward Linnebur	S½ Section 31, T1N, R58W
Staci A. Erker	S½ Section 32, T1N, R58W
The Marjorie A Schick Trust No. 1 under agreement dated August 27, 2003	S½ Section 33, T1N, R58W
Dennis & Connie Hawes	NW¼, NE¼ & W½ Section 34, T1N, R58W
Dennis & Connie Hawes	S½ NE¼, NE¼ NE¼, SE¼ & part of the SW¼ Section 34, T1N, R58W
Eldon and Karen Hawes	Most of Section 35, T1N, R58W
Mountain Tower and Land	5 Acres of Section 35, T1N, R58W
Ron D. & Barbara K. Hawes	All of Section 36, T1N, R58W
Edwin C. & Hazel M. Jess	NW¼ & W½ SW¼ Section 31, T1N, R57W
Edwin C. & Hazel M. Jess	E½ SW¼ Section 31, T1N, R57W
The Tammy Jess Trust, dated April 4, 2019	SE¼, SW¼ NE¼ Section 31, T1N, R57W
Jobe J. & Ruby J. Ramey	S½, NE¼ & part of the NW ¼ Section 32, T1N, R57W
Lewton Land Co., a Colorado general partnership	All of Section 33, T1N, R57W
Lewton Land Co., a Colorado general partnership	All of Section 34, T1N, R57W
Jinxia Dong & Jiuzhing Lin	SW¼ Section 35, T1N, R57W
Shifting Sands Ranch, LLC	All of Section 35 EXCEPT a 17 acre parcel located in the SW¼, in T1N, R57W
State of Colorado	All of Section 36, T1N, R57W

### **Application Overview**

The applicant, Colorado Liberty Pipeline, LLC, and various owners, listed above, have submitted an application for a Use by Special Review application for approval to construct, own and build a 24” crude oil/condensate transmission pipeline across approximately 24 miles in south Morgan County, which is primarily cultivated crops and grassland. There are 38 parcels along the Morgan County pipe alignment. Easements for the pipeline will be negotiated with the individual property owners. The pipeline will be no greater than 24” in diameter. The project will also include two valve sites and multiple access roads that will be labeled as required by the United States Department of Transportation and the Office of Pipeline Safety. A total of 12 county roads will be crossed by the pipeline which requires additional permitting through Road and Bridge.

Liberty Pipeline will begin in Platte County, Wyoming, near Guernsey and traverse through Colorado and Kansas before terminating in Lincoln County, Oklahoma near the town of Cushing. The pipeline will enter the southwest corner of Morgan County from Weld County. It follows the southern Morgan County line for approximately 24 miles then will cross into Washington County on property owned by the State of Colorado, parcel #1489-360-00-900



(terminus of the Morgan County portion of the pipeline). The pipeline will be located within a 50 foot permanent easement. Additionally, there is a temporary easement agreement with each property owner that allows an additional 50 feet to be used for construction purposes. The easement will be maintained, free of trees and tall shrubs for the life of the project.

The pipeline will provide an integrated infrastructure network that serves the Rockies and Bakken shale oil producing regions with connectivity to Cushing Oklahoma. Construction is anticipated to begin during the second quarter of 2020 which may be at any point on the alignment. Construction in any area will last 6-12 months. Trenching is proposed to be as short of a time as possible. When backfilled, the construction sites will be stabilized and reseeded with appropriate seed mixes.

The application includes a documentation of Best Management Practices that will be implemented throughout the construction including waste handling, dust control, fire prevention and suppression, release prevention and control, weed management, stormwater, minimal impact on irrigated Ag property and noise.

- c. Pursuant to Section 3-175(FF) (properties greater than 20 acres) of the Morgan County Zoning Regulations, a pipeline is a Conditional Use permit.
- d. Pursuant to Section 2-325 of the Morgan County Zoning regulations requires 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 Use by Special Review pursuant to the criteria and procedure as established by these Regulations.
- e. Pursuant to Section 4-464(G) All oil and/or gas shall be transported from the wellhead to the production facilities by buried or above-ground pipeline or other approved method.

**Criteria to discuss for approval of a Use by Special Review:**

- (A) The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan.  
*Chapter 8, Utilities, Public Facilities and Services, of the comprehensive plan*  
*Policy H10 – Utility facilities are to be properly sited with due regard to environmental quality by minimizing impact to agricultural and other surrounding land uses, visual quality, physical and biological resources.*  
*Policy H11 – Utility facility siting should consider consolidation with or joint tower use, paralleling of existing facilities where appropriate with regard to sound environmental planning, system reliability, structural integrity and where economically feasible.*
- (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.  
*Liberty will execute easements with all landowners crossed to define Liberty's use of the property. Liberty will work with Road and Bridge to determine roadway impacts.*
- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.  
*The proposed use will be compatible with the existing and surrounding uses through reclamation following construction.*
- (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 regulation, whichever is the strictest.  
*The project has been designed and will be constructed and operated to conform to standards and procedures outlined by the Department of Transportation pipeline and Hazardous Materials Safety Administration*
- (G) The special use proposed is not planned to be developed on a non- conforming parcel.  
*All parcels crossed conform to the Morgan County regulations.*
- (H) The applicant has adequately documented a public need for the project, all pertinent technical information, adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.  
*The project will serve current and forecasted market energy demand and will help supply the strategic petroleum reserve.*
- (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 water requirements during construction will be procured in accordance with state permitting, and are anticipated to be minimal for dust control and lubrication for horizontal direction drilling.*

## **Analysis**

Liberty Pipeline submitted this application on December 24, 2019. Exhibits A-P, additional information provided includes documentation of negotiations with each property owner along the proposed pipeline alignment.

The site plan shows the entire pipeline alignment with labels for property owners on each parcel to be effected as well as road crossings that will be necessary. The application includes typical cross sections of the pipeline and typical construction methods to be utilized.

The properties that are crossed by the pipeline are zoned Agriculture Production as are all of the surrounding properties. There will be no visual impact to surrounding properties upon completion of the construction the alignment will be reclaimed and returned to existing uses. There is no need for upgrade to existing infrastructure or additional infrastructure needed to county or special districts.

Best Management Practices will be implemented to address the construction impact mitigation and restoration, proper waste handling, dust suppression, fire prevention and suppression practices, spill prevention, containment and countermeasures, weed management and minimization of impacts to irrigated agricultural land.

This is a buried pipeline and is compatible and buffering is not necessary.

Suggested conditions of approval:

1. This approval grants vested rights for a period of 3 years from the date of approval.
2. Road crossings will require a permit from Morgan County. Road cuts are not permitted on paved roads.
3. The pipeline area will be returned to its pre-construction condition.
4. Liberty Pipeline will obtain all permits necessary by the State of Colorado and federal agencies and will remain in compliance with the requirements and conditions of those permits.
5. Liberty Pipeline will provide a haul route map and submit an application for a Use by Special Review, if necessary for the pipe staging area.

Comments received on this application:

As of January 30, 2020 one comment has been received from Xcel Energy about potential right-of-way conflict along the alignment.

This application will be referred to the County Commissioners for final action. I request that Planning Commission make the recommendation to be sent on to the Board.

Nathan asked the representatives for Colorado Liberty Pipeline to come forward to present their

case. Mike Erker stated before the proceedings went any further he had nieces, nephews and a brother that are directly involved as well as about 90% of the farmers out there are past customers of his.

Jake Rosenberg introduced himself as representing Liberty Pipeline. Address: 80 South 8<sup>th</sup> St, Minneapolis, MN. Stated he works for ERM environmental consulting firm for P66. He is working on local permitting in Colorado and Wyoming. Chad Polack – Phillips 66 – Right of way Leap for Liberty. Address: 3960 E 56<sup>th</sup> St, Commerce City, CO.

There was discussion about the reasoning for the alignment in Morgan County vs Adams County and concern about the number of property owners not accepting terms. Morgan County was chosen because of Adams County moratorium on oil and gas. In Morgan County, there are 38 tracts, 25 or 66% have been acquired with two pending execution within the next week; eleven are pending. Negotiations are still in the process with ten landowners regarding compensation.

We have provided a draft haul route maps and once a contractor is hired, contractor for construction will determine the final route to be used. The Xcel Energy licensing agreement is pending and anticipate will be complete in four weeks.

There was discussion about fees for county road crossings which have been completed through Road and Bridge. The cost of each crossing is \$100.00 with the completion inspection fee of \$50.00. The low cost of the fee was discussed and the fairness of that to the county.

PUBLIC COMMENT OPEN:

Favor:

Glenn Neal introduced himself. Address: 105 E Central Ave, Wiggins, CO 80654

The reason they didn't want to go into Adams County is because they didn't want to deal with the rhetoric, anti oil and gas. One of the things we've noticed in our negotiations has been how quick they've been to draw the sword. We are dealing with an attorney here in town. The next thing we know, we get a condemnation letter. That's not good negotiation, that's not good faith. We did go to the ProColorado meeting. I worked in oil and gas for 30 years. One of things we worry about is if the pipeline is deep enough. We want 48" from the top which puts the bottom at 6'. That wasn't in their offer, that's just one of the things we asked. It's not about dollars and cents. In 30 years, the verbiage that's put in that right of way if that pipeline fails and it exceeds the perimeters of what they're granting that could fall back on our property owner's insurance. It doesn't mean it's bad. It just means we don't have time to ask because they're threatening us with condemnation letters. That's wrong. I don't appreciate that. Phillips crosses us where three other pipelines cross us if that thing comes apart, I don't want my insurance paying for that. We want more time, we don't want to be threatened and we ask you to consider this before you issue this permit. Nathan asked what a condemnation letter is. Glenn said it's what you hear "imminent domain", it means they don't want play nice. Nathan said ok. Glenn asked Pam if she got the permit in December and she responded yes and he stated current date February 10, 2020. He doesn't think that it's fair they expect him and his neighbors make that kind of decision in such a short period of time.

Opposed:

Blanche Lane introduced herself. Address: 68170 E. CO Rd 18, Buyers, CO 80103. She stated she had ground by Hoyt. The land she has belongs to CRP and she feels nature will be disturbed. She wants to keep her land in the CRP. Also, prior pipeline came through about ten years ago with a 12” pipeline and offered more than the 24” pipeline is offering. They are going to ruin land value. She is receiving letters that threaten to take her to Morgan County Court for eminent domain; she resents the nasty letters and will see them in court. She expressed concern about the pipeline exploding and hurting neighboring homes. She also expressed concerns about how bad the roads are now in the area and how are they going to repair the roads to get their equipment in and out. She also made comment on their choice to cut through Morgan County rather than Adams County. She was also very upset that when correspondence started that they were only sending correspondence to her husband and not to her.

Chris Musgrave introduced himself. Address: 877 CO Rd A, Takes a neutral stance. We currently have three other pipelines that cross us. He’s not opposed to oil and gas by any means. I am opposed to some of the stipulations they’ve set forth for this pipeline. He agrees with Glenn a 24” pipeline with a depth of 48” at the bottom of the pipeline doesn’t give us much depth. I’d much rather see the pipeline with a minimum of 48” at the top. We all know dirt moves out here in our country so 48” doesn’t give us a whole lot to work with in the future. The previous pipelines requested and were granted 75’ easements. This time they have requested either a 100’ or a 105’ easement. The more area we give them, the more area they are going to disturb. I don’t agree with the approach that they’ve taken on this one. In the past, we’ve worked with the pipelines in a good faith effort. I thought that’s what we were doing here and I was blindsided by a condemnation letter. I felt betrayed by it. It was a slap in the face that Weld County’s offer was so much more than Morgan County’s offer: It was kind of like saying our land is worthless compared to their land. A lot of dealing with them has been insulting.

Glenn Neal wanted to clarify some things; the original letter dated September 30, 2020 from Phillips. The condemnation letter and I don’t agree with the list as far as what percentage they’re dealing with but I can’t speak in fact as far as whose signed. Glenn stated he is not against you guys, worked in oil and gas. The last oil lease we negotiated was with Chesapeake Oil Company and just the oil lease took us 9 months. I am going to leave this to my kids, wants more time for negotiations.

**PUBLIC COMMENT CLOSED**

Condemnation letter were discussed, the Planning Department has not received one. The reference to condemnation was included in the final offer letters sent to the landowners in all counties that had not reached agreement with Phillips. Prior to condemnation a letter of intent must first be filed with the court, which has not been done. Terms are not the issue, rather compensation to the landowners. Currently, \$17,000.00 per acre is what has been offered, not fee ownership of the land but right-of-way. The ground will still be usable subject to minimal restriction.

A requirement for a 48” cover was discussed as opposed to a 36” cover. The letters that went out stated that the cover would be 36”. A requirement for a 48” cover to the top of the pipe instead of the bottom of the pipe was discussed and has been requested by landowners. Representatives for Liberty state the 36” is sufficient for safe installation per Department of Transportation regulations. Valve and leak detection are constantly being monitored for loss of product or decrease in line pressure. The chance of explosion is not a concern as the pipeline is for crude oil. Environmental cleanups in case of a spill will be the responsibility of Phillips 66 and are addressed in the contracts with property owners. Very few Morgan County landowners have requested the environmental liability clause in their contracts.

ProColorado, originally out of Wyoming, was discussed; letters were sent to Colorado, Wyoming and Kansas within a month of each other. ProColorado is out of Wyoming and link landowners to collective argument. The first meeting with the attorney did not occur until December. The last meeting on January 22, the board members chose not to join us at a meeting in Cheyenne with their attorney

There are currently land use applications in review for a ground facility in Kit Carson County and pipeline in Weld and Washington Counties.

The condemnation letters were briefly discussed with the determination that the county does not get involved with negotiations between the pipeline and property owners.

A motion was suggested to include language requiring that all owners along the pipeline have agreed to the project and signed a contract. The pipeline will not be built unless and until all property owners have reached agreement, which is not a county consideration for approval, negotiations are between the pipeline and the property owner without county involvement.

The chairman encouraged fairness to property owners. Liberty stated that they are trying to work with remaining owners in good faith. The start of construction is planned to be the second quarter of 2020.

**It was moved by Robert Pennington and seconded by Pete Mercer to recommend approval of this Special Use application for Colorado Liberty Pipeline and Multiple Landowners subject to conditions:**

1. This approval grants vested rights for a period of 3 years from the date of approval.
2. Road crossings will require a permit from Morgan County. Road cuts are not permitted on paved roads.
3. The pipeline area will be returned to its pre-construction condition.
4. Liberty Pipeline will obtain all permits necessary by the State of Colorado and federal agencies and will remain in compliance with the requirements and conditions of those permits.

5. Liberty Pipeline will provide a haul route map and submit an application for a Use by Special Review, if necessary for the pipe staging area.

**Motion carried 7-0.**

**OTHER MATTERS:**

**New Zoning Replacement Pages**

**Pete Mercer made a motion and Clayton Miller seconded it to table the Review of Commercial and Industrial Uses until the next meeting on March 9, 2020.**

**There being no further business, the meeting was adjourned. Motion carried 7-0.**

Respectfully submitted,

Shannon Shields