

MORGAN COUNTY PLANNING COMMISSION
October 24th, 2023

The Morgan County Planning Commission met on Monday, October 24th, 2023, at 7:05 P.M. in the Assembly Room of the Morgan County Administration Building. The meeting was called to order by Chairman Nathan Troudt.

Chairman Nathan Troudt, Robert Pennington, Clayton Miller, Erik Mohrlang, Rob Chilson, Dave Musgrave and Allyn Wind were present. Pete Mercer was absent. Nicole Hay, Planning Director, Cheryl Brindisi, Planning and Zoning Administrative Assistant, Jenafer Santos, Planning and Zoning Technician, Kathryn Sellars, Morgan County Attorney attended. Karol Kopetzky, IT Specialist attended via Zoom.

APPROVAL OF AGENDA:

It was moved by Erik Mohrlang and seconded by Clayton Miller to approve the Agenda as presented. Motion Carried 6-0. Allyn Wind abstained due to absence.

APPROVAL OF MINUTES:

It was moved by Robert Pennington to approve the Minutes from the September 11th, 2023 Planning Commission meeting. Dave Musgrave seconded. Motion passed 7-0.

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

OLD BUSINESS: : NONE

NEW BUSINESS:

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

AMENDMENTS
MORGAN COUNTY ZONING REGULATIONS

Included with this staff report are redlines of the proposed changes as outlined below.

Zoning Amendments

1. Change references to "livestock confinement facilities" or similar to "confined animal feeding operation" throughout the Zoning Regulations for consistency.
2. Section 2-380(F) – Cleanup submittal requirement for water supply needed for special uses which do not involve the human consumption of water.
3. Section 2-395(I) – Cleanup review criteria regarding water supply needed for special uses which do not involve the human consumption of water.
4. Section 3-180 – Clarify the method of measurement between single-family dwellings and certain special uses for purposes of establishing the necessary setback.
5. General regulation cleanup
6. General regulation cleanup

7. Section 4-200 – Clarify location restrictions of confined animal feeding operations. Update language regarding the location restrictions of the permitted area of confined animal feeding operations, when there is a vacant residential property, and the County’s established right-of-ways. Setbacks from the County’s rights of way will be reviewed on a case-by-case basis with a possibility of a waiver in necessary. Although already stated, clarifying language was added to ensure there is no confusion as to the point of measurement from the special use.
8. Section 4-260 – replace “Residential Siting Policy” which was added to Section 3-180 with “Adequate Water” – requirements regarding adequate water supply for certain special uses.
9. Section 2-420 – Special Use Plan Map changes requiring a monument land survey.

Subdivision Amendments

10. Section 4-100 new subsection (H) – General considerations regarding residential subdivisions within 1320 feet of a confined animal feeding operation, packing plant, slaughter house, or rendering plant providing the County with authority to deny a residential subdivision within the established setback.
11. Section 6-120 (B)(3)(b) – Preliminary Plan submission will identify any confined animal feeding operation, packing plant, slaughter house, or rendering plant within 1320 feet of any portion of the exterior boundary of the subdivision.
12. Section 6-150 Criteria for Preliminary Plan (Major Subdivision) – new subsection (C) – Addition of language outlining the criteria for a residential subdivision to be located within 1320 feet of a confined animal feeding operation, packing plant, slaughter house, or rendering plant.
13. Section 6-170 Final Plat drawing - new subsection (L)- Notice to be added to the plat for and approved subdivision located within 1320 feet from confined animal feeding operations, packing plants, slaughter houses, or rendering plants.
14. Section 8-170 Procedure (Minor Subdivision) - new subsection (F) – Plat submission will identify any confined animal feeding operation, packing plant, slaughter house, or rendering plant within 1320 feet of any portion of the exterior boundary of the subdivision.
15. Section 8-195 Approval Criteria (Minor Subdivisions) - new subsection (D) – Addition of language outlining the criteria for a residential subdivision to be located within 1320 feet between residential subdivisions and a confined animal feeding operation, packing plant, slaughter house, or rendering plant.

Nicole HayMorgan
County Planning Director

PLANNING COMMISSION DISCUSSION:

Robert Pennington asked for clarification of Zoning Amendment 4, 3-180, regarding where the 1,320 ft is measured from. In the case of an expansion, is it measured from the expansion of where the pens are?

Nicole Hay answered it is for the Special Use permitted area. Not the pens.

Kathryn Sellars noted that this is how the opposite measurement is currently in the Zoning Regulations. This is to make the Regulations consistent.

Public Comment Open For: None

Public Comment Against:

Tim Naylor, Agprofessionals, 3050 67th Ave. Greeley, CO. He is here with Norm Dinis and Britt Dinis, Empire Dairy and Ed Wilgenberg, Wildcat Dairy. They are not for or against but would like to express their opinion. They had questions as Capital Operators and would like clarification on the proposed Amendments. They would like to see a recommendation that these amendments be brought back to staff for a Stakeholders meeting so that Capital Operators and Stakeholders can have comments and understand clearly what the motives and direction of these codes are. Tim would like to see a definition in the regulations that explains how the property boundary is defined. The water requirements in 4-260 makes it easier for the Consultants to not provide proof of adequate water for CAFO's. How will you know if adequate water can be supplied? If your not going to require it to be proved, then how do you control or enforce that? It's a given that you have to have adequate water if you are going to be a CAFO. Tim would like to know what the reasoning is for not needing to provide proof of water in the proposed Regulations? **Chairman Nathan Troudt** read a letter received from Sandy Hills Family Dairy, Jim and Marie Goedert, to the Planning Commission, in regards of these proposed amendments, dated October 23rd, 2023. They are requesting that the proposed Zoning and Subdivision Regulations be referred back to staff to schedule a Stakeholders Meeting to address any changes necessary to the Zoning Regulations prior to forwarding these to the Planning Commission. This will give all CAFO owners an opportunity to provide their input on the proposed changes.

Ed Wilgenberg, 24268 Co Rd 21, Fort Morgan, CO. He is not in favor or opposed but as a vested interest, he would like to be involved in the amendment change process pertaining to CAFO's.

PUBLIC COMMENT CLOSED

PLANNING COMMISSION DISCUSSION:

Kathryn Sellars noted that while she is not opposed to the proposal of a Stakeholders Meeting, we take that direction from the Board of County Commissioner's on wether they would like to hold one or not. **Nathan Troudt** expressed that a Stakeholder's meeting is important.

Erik Mohrlang made a motion to recommend denial to the Commissioner's until a Stakeholders meeting can be held.

Dave Musgrave seconded the motion.
Motion carried 7-0.

This application will move forward to the Board of County Commissioners on October 31st, 2023.

Dave Musgrave motioned to adjourn the meeting.

Robert Pennington seconded the motion.
Motion carried 7-0.
Meeting was adjourned at 7:43 P.M.

Respectfully Submitted,

Cheryl Brindisi, Planning and Zoning Administrative Assistant