

MORGAN COUNTY PLANNING COMMISSION
June 10, 2024

The Morgan County Planning Commission met on Monday, June 10, 2024, at 6:00 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, Vice Chairman, Robert Pennington, Rob Chilson and Dave Musgrave were present. Pete Mercer attended via zoom and joined at 6:25 P.M. Nicole Hay, Planning Director, Cheryl Brindisi, Planning and Zoning Administrative Assistant, Jenafer Santos, Planning and Zoning Technician also attended. Kathryn Sellars, Morgan County Attorney attended via zoom.

APPROVAL OF AGENDA:

It was moved by **Dave Musgrave** and seconded by **Robert Pennington** to approve the Agenda as presented. Motion passed 4-0.

APPROVAL OF MINUTES:

It was moved by **Rob Chilson** to approve the Minutes from the May 13, 2024 Planning Commission meeting. **Dave Musgrave** seconded. Motion passed 3-0. Robert Pennington abstained.

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

OLD BUSINESS: NONE

NEW BUSINESS:

AMENDMENTS
MORGAN COUNTY ZONING REGULATIONS

The purpose of these amendments is to update the County's regulations to add above ground fuel storage tanks. They would be added as a use by right as an accessory use in the Agricultural Production Zone (A) for both parcels larger than 20 acres and parcels 20 acres and smaller, Agriculture/Agri-Business Zone (AB), Commercial Zone (C), Light Industrial Zone (LI), and Heavy Industrial Zone (HI). Currently, above ground fuel tanks are not addressed in the Zoning regulations and they are important to farming and business operations. The amendments include a proposed total limit of 40,000 gallons. This could be any combination of number of tanks and tank capacity. Staff is open to any suggestions regarding this number. An approved zoning permit and compliance with the adopted Building and Fire Codes will be required.

Nicole Hay
Morgan County Planning Director

PLANNING COMMISSION DISCUSSION:

Robert Pennington asked what an approved permit would be for the fuel tanks?

Nicole Hay explained the zoning permit process and the setback process.

Nathan Troudt asked if you already have a fuel tank on your property, are you grandfathered in?

Nicole Hay, "Yes."

Dave Musgrave asked if the tanks need to be in a cement vault?

Nicole Hay said that we would be going off of the adopted fire code, and she believes there are State and Federal codes as well.

Rob Danielson, 25945 Co Rd T, Brush, owner of Black Gold Energy Transport stated he would like to see our Regulations be changed to either 45,000 or 50,000 gallon capacity.

Robert Pennington asked how big a 50,000 gallon tank is?

Rob Danielson stated its about 42X15 around, double concealed. About 5 semi loads.

Dave Musgrave asked where they get the fuel from?

Rob Danielson said they get it everywhere.

Robert Pennington asked why this would be a use-by-right instead of a conditional use?

Nicole Hay explained that it would be an accessory use to the property.

Nathan Troudt made the recommendation to change the storage from 40,000 gallons to 50,000 gallons.

Neil White, 336 Samples, Brush, salesman with Agriland FS stated that they will be the ones selling the fuel from these tanks. He believes this use will be beneficial for the farmers.

Robert Pennington voiced that he is worried that the state regulations may not be followed because the County would only be requiring a zoning permit.

Ryan Adair, 1841 Willow Dr. Erie stated that he can send a link for the state regulations.

It was moved by **Rob Chilson** and seconded by **Dave Musgrave** to approve the Zoning Amendments with the adjustment of a 50,000 gallon capacity. Motion passed 3-1.

The Planning Commission held a work session that was public following the public hearing. At this time, Pete Mercer joined via zoom.

Dave Musgrave motioned to adjourn the meeting. **Rob Chilson** seconded that motion. Motion passed 5-0.

Meeting was adjourned at 7:30 P.M.

Respectfully Submitted,

Jenafer Santos

Planning and Zoning Planning Technician