

MORGAN COUNTY PLANNING COMMISSION
August 12, 2024

The Morgan County Planning Commission met on Monday, August 12, 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, Robert Pennington and Dave Musgrave were present. Vice Chairman, Erik Mohrlang and Pete Mercer attended via zoom. Erik Morhlang attended the Malone Special Use portion of the meeting and Pete Mercer attended the Regulations-Natural Medicine portion of the meeting. Rob Chilson was absent. Nicole Hay, Planning Director, Cheryl Brindisi, Planning and Zoning Administrative Assistant, Jenafer Santos, Planning and Zoning Technician and Kathryn Sellars, Morgan County Attorney also attended. Karol Kopetzky 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 **Robert Pennington** to approve the Minutes from the July 8, 2024 Planning Commission meeting. **Dave Musgrave** seconded. Motion passed 4-0.

PROCEDURAL: **Chairman Nathan Troudt** read the hearing process for the Land Use application portion of the meeting.

OLD BUSINESS: NONE

NEW BUSINESS:

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

APPLICANT and LANDOWNER: Dwayne and Diana Malone

This application is for a Special Use Permit to allow a second residence on a lot in the Commercial zone. The property is described as Lot 2, Walker Minor Subdivision in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 3, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado. Also known as 17540 County Road 15, Fort Morgan, CO 80701.

The property is zoned Commercial and is in the Fort Morgan Fire District. Second residences are not a designated use by right, conditional use, or special use under the Morgan County Zoning Regulations in the Commercial zone and therefore, require a special use permit pursuant to Sec. 2-435.

In reviewing this application, the Planning Commission and Board of County Commissioners are required to make a finding that the criteria for granting a Use by Special Review in Section 2-455 of the Morgan County Zoning Regulations has been met.

Section 2-455 Special Use Permit Criteria:

- A. The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan. Specifically:

The property is located in the central planning area as defined by the Morgan County Comprehensive Plan. In this area Comprehensive Plan goals include:

Encourage the preservation of agricultural production land to ensure continuation of this important industry. For many years, this specific area along Highway 34 has been used as residential property. This proposed second residence will not impact current agricultural production and therefore preserve the agricultural economic base historically attributed to the area.

- 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 requirement of a special use map was waived by the Planning Administrator. The site plan provided included sufficient information for the proposed use.
- D. All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.
There is access to public infrastructure. There is an existing access easement to the property from County Road 15.
- E. The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.
The adjacent properties are all being used as residential purposes except to the south across Highway 34 the property is farm ground.
- F. The special use poses only the minimum amount of risk to the public health, safety and welfare as set by either federal, state or county regulation, whichever is the strictest.
The proposed special use will not increase the risk to public health, safety or welfare.
- G. The special use proposed is not planned to be developed on a non-conforming parcel.
The proposed special use is located on a conforming parcel which is a lot in a recorded subdivision.
- 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.
- I. For any special use requiring a supply of water for human consumption that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity, quality, and reliability. For any special use which does not require a supply of water for human consumption, an adequate source of water for the proposed use in terms of quantity and reliability must be obtained prior to commencement of the use.
Morgan County Quality Water will be available on the property.

Nicole Hay,
Morgan County Planning Administrator

APPLICANTS: Dwayne Malone presented this application to the Planning Commission.

PLANNING COMMISSION DISCUSSION:

Robert Pennington asked if there was a 30' easement?

Dwayne Malone explained

Robert Pennington asked if their current driveway is County approved?

Nicole Hay said yes, and Road and Bridge is aware of the proposal of a secondary residence and they have no objection.

PUBLIC COMMENT OPEN FOR AND OPPOSED: None.

PUBLIC COMMENT CLOSED

PLANNING COMMISSION DISCUSSION:

Robert Pennington asked if there were any responses from the neighbors?

Nicole Hay said there were no comments supplied to the Planning and Zoning Department.

Robert Pennington asked how to limit or prevent landowners from requesting to add secondary homes to parcels?

Kathryn Sellars answered that it would have to be prohibited in the zoning regulations.

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

This application will move forward to the Board of County Commissioners on August 13, 2024.

NEW BUSINESS:

PROCEDURAL: Chairman **Nathan Troudt** read the hearing process for the Regulation Amendment application portion of the meeting.

**AMENDMENTS
MORGAN COUNTY ZONING REGULATIONS**

Morgan County Attorney, Kathryn Sellars presented the following regulation amendments to the Planning Commission.

NATURAL MEDICINE

Natural Medicine Health Act of 2022 - Prop 122 was voter approved in November of 2022 which legalized the use and possession of "natural medicines". Since this law affects the County's zoning regulations, amendments relating to regulation of natural medicine facilities – including natural medicine healing centers, natural medicine cultivation facilities, natural medicine products manufacturers, and natural medicine testing facilities need to be considered and approved.

The creation and licensing of certain healing centers, defined as State-licensed facilities with licensed "facilitators" organized to provide natural medicine as part of administrative sessions. Retail purchase of natural medicine at health centers is not permitted. The County may not ban or completely prohibit the establishment or operation of licensed natural medicine businesses within its boundaries or the practice by a licensed facilitator. However, the County may impose certain time, place and manner restrictions on operation of these licensed businesses. This means the County can require healing centers to be located within certain zoning areas and may require evidence of State licensure prior to the operation of a healing center.

Planning Commission held work sessions on these amendments on June 10, 2024 and July 8, 2024.
Overview of proposed changes:

1. Definitions. Addition of definitions for natural medicine, natural medicine business, and natural medicine services.
2. Natural Medicine Business. Will be allowed in the Light Industrial (LI) zone as a Special Review use only. They will be prohibited in all other zones.
3. Addition Regulations. Included with the draft are a couple proposed submittal requirements (in addition to what would be required under the SUP) and several additional regulations. These regulations are typically of the regulation of marijuana related businesses and they have been included for your consideration.

Nicole Hay
Morgan County Planning Director

PLANNING COMMISSION DISCUSSION:

Robert Pennington asked for clarification on section B-1, distance restrictions do not apply on the premises located or to be located on land owned by the municipality. Also, F, and allowable locations.

Kathryn Sellars noted that it was an exception in the statute. It is verbatim from the State law.

Robert Pennington asked about section F and allowable locations. Can we add “and any other temporary structure” to that sentence?

Kathryn Sellars noted that it can be added.

Nathan Troudt mentioned that he did not see anything about disposal procedures.

Kathryn Sellars mentioned that if the new natural medicine regulations track the same way that the marijuana did, it will be a very extensive disposal tracking process.

Robert Pennington asked when is the State supposed to finalize their draft?

Kathryn Sellars believed that it was supposed to be early December 2024.

Robert Pennington asked if we were adopting our regulations on this topic after the State is done with theirs?

Kathryn Sellars noted that the applicant has to be licensed by the State in order to obtain a permit so the County will track behind the State.

PUBLIC COMMENT OPEN FOR AND OPPOSED: None.

PUBLIC COMMENT CLOSED

It was moved by **Robert Pennington** and seconded by **Dave Musgrave** to send the proposed zoning amendments for Natural Medicine as presented along with the proposed change on to the Board of County Commissioners with recommended approval. Motion passed 4-0.

**AMENDMENTS
MORGAN COUNTY ZONING REGULATIONS**

Morgan County Attorney, Kathryn Sellars presented the following regulation amendments to the Planning Commission.

USE CHART AND DEFINITIONS

The proposed zoning amendments are regarding the reorganization of land uses in each zone district except the Jackson Lake Village (JLV) zone into a use chart, making necessary and associated amendments to use descriptions and terminology, and revisions, modifications and deletions to definitions.

Use Chart

The main purpose behind the creation of the chart is to have a more user-friendly version of the County's zone districts and available uses. In doing so, it was realized that certain uses were similar in their terminology but not quite the same in each zone district where they were addressed. In an effort to create uniformity in uses and definitions, many uses have been combined or rephrased. The chart is redlined and annotated to note the basis for some changes. These annotations will be removed in the final version. The chart is intended to be used in conjunction with the revised definitions (separate document). The use chart has not been reordered to alphabetical order but will be alphabetized prior to final approval. However, uses that are accessory or temporary have been moved to those areas of the chart. The redlines represent proposed changes; however, the review does not need to be limited to only those changes.

The chart also designates certain uses as prohibited. Throughout the current zoning regulations, there are prohibited uses. These are now captured in the chart.

Definitions

The changes to the definitions fall into three categories: new, not used, and relocated. Certain definitions have been unchanged and relocated to the flood plain regulations. Currently, use specific definitions (oil and gas; solar, etc.) are within the specific regulations and not in the definitions. These floodplain definitions are being moved for consistency.

Included in your packets is a copy of the proposed land use chart, redlined definitions and pages from the current zoning regulations with the redlined changes.

Nicole Hay
Morgan County Planning Director

PLANNING COMMISSION DISCUSSION:

Robert Pennington would like to change the "P" for Prohibited to "NP" for Not Permitted, in the chart to cut down on confusion. Robert would also like to see in the section for agriculture and chemical storage it be a requirement that any agriculture and chemical storage for eventual sale, whether on premises or not, should require a Special Use and not a Use by Right.

There was discussion on kennels and allowed number of dogs in various zones.

Robert Pennington asked what the difference between the word toxic and hazardous is? Robert would like to see the word "toxic" removed and the word "hazardous" used in its place.

It was moved by **Robert Pennington** and seconded by **Dave Musgrave** to continue the Amendments to the Morgan County Zoning Regulations for the Use Chart and Definitions to the next Planning Commission hearing on September 9th, 2024. Motion passed 4-0.

Pete Mercer motioned to adjourn the meeting. **Robert Pennington** seconded that motion.

Motion passed 4-0.

Meeting was adjourned at 7:55 P.M.

Respectfully Submitted,

Cheryl Brindisi

Planning and Zoning Administrative Assistant