

MORGAN COUNTY PLANNING COMMISSION
August 12, 2019 MINUTES

The Morgan County Planning Commission met on Monday, August 12, 2019 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, Nathan Troutd, Dave Musgrave, Mike Bailey and Clay Miller. 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 Troutd.

July 8, 2019 minutes:

It was moved by Robert Pennington and seconded by Clay Miller to approve the July 8, 2019 minutes as presented. Motion carried 7-0.

Agenda:

It was moved by Clay Miller and seconded by Robert Pennington to approve the Agenda as presented. Motion carried 7-0.

Nathan read process of hearing.

NEW BUSINESS:

Applicant: Donald K. Springer

Owner: Donald K. and Immaculada C. Springer

Donald K Springer, applicant, and Pete Springer, his son, were present to represent their application.

Pam Cherry read her file summary as follows:

This application is for a Minor Subdivision on property located SW¼ of Section 11 Township 2 North, Range 60 West of the 6th P.M. The property is addressed as 4005 and 4009 Morgan County Road K and is 35 acres.

Don Springer as applicant is requesting approval of a minor subdivision to create two lots one is 4.7 acres, the second lot is 30.35 acres. There are two existing homes and one barn on the property. This subdivision will result in one home and the barn on the 4.7 acre parcel and one home on the 30.35 acre parcel. Locations of the buildings are in compliance with the Agriculture Production District setback requirements. The 4.7 acre parcel is being created for a family member.

Section 8-195 of the Morgan County Subdivision Regulations requires review of the listed criteria and compliance to be determined prior to approval of the proposed subdivision.

In reviewing an application for a minor subdivision the Planning Commission and the Board of County Commissioners shall apply the following criteria as listed from Section 8-195 of the Morgan County Subdivision Regulations:

- (A) Whether the application documents are complete and present a clear picture of how the subdivision is to be laid out including all infrastructure, easements, and access.
The application documents are complete:

Document	30.35 Acres (4009)	4.7 Acres (4005)
Quality Water	Tap #2453	Tap #1182
Health Department (Septic)	Existing Permit #M04-080	Existing Septic System
Road and Bridge	Existing access	Existing access
Fire	Wiggins	Wiggins
Soil map	USDA/NRCS	USDA/NRCS
Extension Service	3 animal units	3 animal units
Mineral Rights Notification	Contacted	
Right to Farm	Provided	
Improvement Location Cert	Yes	

- (B) Whether the proposed subdivision is consistent with the Morgan County Comprehensive Plan.
The subdivision is located in the southwest planning area.
Chapter 6, C. Land Use
Goal: To encourage preservation of agricultural production land to ensure continuation of this important industry.
- (C) Whether the proposed subdivision is compatible with surrounding land uses and is adequately buffered as needed.
This subdivision is located in the Agricultural Production District and buffering is not required, uses are compatible.

All appropriate notice requirements have been completed with one comment related to junk accumulation on the north portion of the proposed 30.35 acres parcel. The site of the minor subdivision is not located within the 100-year floodplain. Subject property is located within the Fort Morgan Rural Fire District. Taxes are current.

Pam Cherry recommended approval of this application for a Minor Subdivision subject to:

- 1) Plat revisions will be required to adequately show access for both proposed lots.
- 2) Junk on the 30.35 acre parcel shall be removed in accordance with Section 4-360 of the Morgan County Zoning regulations prior to recordation of the plat.

Pete Springer spoke first explaining that he grew up on that land. He was starting a family and had offered his dad, Donald Springer, some cash for the front five acres to build a home. He stated that they had started to clean up some trash on the 30.35 acre parcel. Donald interrupted and said the items had been there for years and he didn't know that it was bothering nobody. He went on about this topic for several minutes stating that it was caused by someone worrying about his property that had no business doing so. Pam stated the application shouldn't have been taken without the property being in compliance. Pete asked what kind of timeline do they have to clean up. Pam advised that everything would need to be cleaned before they recorded the Minor Subdivision and built their house. Donald

started to speak about Joe Ewertz and his weeds and grass not being in compliance. Nathan asked him to stay on topic of the application. Pete said he knew nothing about the trash and was kind of blindsided by it tonight and that he didn't understand what the trash on the 30.35 acre parcel had to do with the front 5 acres he wanted to purchase. Robert Pennington explained that they are all one parcel until the Minor Subdivision is recorded then they are two parcels. Donald asked to speak again and started to speak on political topics and Nathan asked him to stay on topic of the application. Pete said they were serious about getting the stuff cleaned up and would work on it. Don said they had good intentions. He's retired and that's his hobby. He asked if he could put up a fence with a roof over the top of the area. Pam said he could get an application. The floor was opened to the public.

PUBLIC COMMENT OPEN:

Favor:

Joe Ewertz: He stated his name. Address: 3085 Hwy 52, Wiggins, CO 80654.

He stated he was neither in opposition or favor. He just wanted to see Donald get rid of the junk. He was happy the son wanted to build a new house and thought it was great they wanted to build a family there. There are a lot of places along Hwy 52 that need to be brought into compliance and cleaned up though. Hwy 52 is a real mess and Hwy 71 too.

Opposed: No one spoke in opposition of this application.

PUBLIC COMMENTS CLOSED

Pam stated that he needed to show adequate access to both of the properties and showed the map to demonstrate where the access is located and clean up the trash. Robert Pennington asked was there a guideline for how much had to be cleaned up for them to proceed. Pam said there was no guideline. She recommended all the trash be removed.

It was then moved by Terry Rutenbeck and seconded by Robert Pennington to recommend approval of this Minor Subdivision Application for Donald K. and Immaculada C. Springer on a parcel of land in the W1/2 of Section 11, Township 2 North, Range 60 West of the 6th p.m., Morgan County, Colorado; aka: 4009 and 4005 Co Rd K, Wiggins, CO 80654. Motion of approval on the following conditions:

1. Plat revisions will be required to adequately show access for both proposed lots.
2. Junk on the 30.35 acre parcel shall be removed in accordance with Section 4-360 of the Morgan County Zoning regulations prior to recordation of the plat.

Motion carried 7-0.

Applicant: Le-An Than

Owner: Le-An Than and Joanna Vu and Tran N. Nguyen

Tran N Nguyen, applicant, and Aaron Schrage, Cleary Buildings Representative, were present to represent their application.

Pam Cherry read her file summary as follows:

Application Overview

The property owner has 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 35.27 acres (more than 20 acres) and is located in the SE¼ of Section 24, T2N, R60W of the 6th P.M., Morgan County, Colorado and addressed as 5561 County Road I. 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. Section 3-175, Parcels larger than 20 acres does not list a laboratory as a Use by Right, Conditional Use of Use by Special Review.

In addition, hemp oil will be produced on the property. 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. The processing of raw products into marketable byproducts may be considered an activity related to agriculture, a conditional use.

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.

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

The property is located in the Southwest Planning area.

Goal. Encourage the preservation of agricultural production land to ensure continuation of this important industry. The project is in compliance with the Morgan County Comprehensive Plan and will diversify the economy to broaden business employment opportunities. The proposed use is compatible with existing land uses and a new driveway to County Road I has been approved by Road and Bridge.

Comprehensive Plan - Chapter 6: Land Use Planning: Section VI - Agriculture is a highly valued resource in Morgan County. Conservation of agricultural resources and land is paramount and such land and resources must be protected from adverse impacts resulting from uncontrolled and undirected business, commercial, industrial and residential uses. Agriculture areas are established to maintain and promote agriculture as an essential industry in Morgan County. Agriculture zones are established to provide areas for the conduct of agriculture activities and activities related to agriculture and agricultural production with the interferences of other incompatible uses.

GOAL: The County will encourage the preservation of agricultural enterprises when considering growth and changes in land use.

Policy 10: The County will protect existing agricultural operations, allowing them to continue, while directing growth so as not to restrict private property rights.

- (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 one home and a shop upon it. There are nine greenhouses proposed as well as a laboratory.
- (D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.
*Impacts are mitigated by distance, additional mitigation will be required for the property to be in compliance with 3-695 which states:
In all Zone Districts, *** sources of light shall be shielded so that beams or rays of light will not shine directly onto adjacent properties; neither the direct nor reflected light from any light source may create a traffic hazard to operators of motor vehicles on public or private streets; no colored lights may be used which may be confused with or construed as traffic control devices.*
- (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 submitted Colorado Division of Water Resources permit #314041 as a commercial well. Notification from the Colorado Division of Water Resources dated July 30, 2019 indicates that the well is to be reclassified for the use proposed.

Public Comments/Concerns

All agency referrals have been completed with comments received from the State Engineer related to the water supply. An additional comment was received from one property owner in the notification area with comments about light emitting from the property.

Recommendation

Pam Cherry recommended 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.
2. Operation of the facility shall not commence until the State Engineer approves the water use and supply.
3. To remain in compliance with Section 3-695 of the Morgan County Zoning Regulations mitigation measures shall be put in place to limit the amount of light that leaves the property.

Tran Nguyen stated his name and his address at 5561 County Rd I, Wiggins, CO 80654. His purpose is to produce hemp for storage and processing. Aaron Schrage stated his name and his address 612 Curtis Street, Brush, CO 80723. His purpose is he is the project manager for Cleary Buildings and is here to try to get everything into compliance. Robert Pennington asked can you elaborate on what you are planning on doing with the property. Tran stated he has 35 acres outdoor of hemp growing that he has to harvest and dry around mid-October. He needs a facility to store it in and then get a processing plant going and hopefully bring in some jobs. Aaron stated the intent is there is currently an outdoor grow operation and they are working on getting the well application for some indoor processes that also go along with that outdoor. When harvesting they have to store it indoor then ultimately they would like to do a lab on site or store it in this facility until they can bring it to a lab where it can be processed for sale as oil. They are trying to overbuild for future growth, so they are building a large enough facility that meets all the requirements for future growth. It's going to be a smaller scale operation with potentially just one lab, mostly storage and 2 bathrooms for the employees. The future intent is on expanding into another lab or possibly three labs depending on scalability in the long run. Nathan asked if there were any other comments. Aaron stated that we do understand there are some light concerns and we definitely want to mitigate any issues. Terry Rutenbeck asked could you explain what the light issues could or would be. Aaron stated that currently the greenhouses have lights that run 24/7. Tran explained that the plants needed extra light or they'll go into their flowering stage so they have got to keep it light going so it stays in its vegetative state so they try to supplement the light at night. The light is coming from the greenhouses though not the proposed structure and the proposed structure would potentially block some of the light. A fence or other potential barrier could be put up around the other greenhouses to block light as well. Pete asked so these are lights inside the greenhouses not facing outside. Aaron stated that

was correct and he was not sure about what amount of light is escaping but that they can bring that into compliance. Terry asked on the drawings it doesn't say the height of the lab, what is the height of the lab. Aaron stated that potentially to the eave 19'-20' or about 27'-30' to the peak depending on design factors and air flow to be determined. Terry Rutenbeck asked what is done in the lab. Tran explained that they process it to get the oil and the various uses of hemp oil. Terry Rutenbeck asked about waste. Tran explained for the fiber we are going to try to find someone potentially in construction to pick up as it can be used in concrete, drywall, materials like that. We're not there yet but hoping to find someone to pick it up. Chemical waste we're talking about trucking it out or storing it and trucking it out or commercial septic. Aaron stated the labs that they're proposing are self-contained units everything that is brought in is contained and so any chemical that would be a by-product can be transported off through a service. Terry asked what's held in the leech field then. Aaron stated that's for the septic for the house. There's going to be another septic proposed just for the bathrooms, no waste or chemical products from the lab. Robert Pennington asked are there greenhouses on the property now? Tran stated yes, four Robert asked he point out which four and he did. Aaron stated currently there is no well use for them but that is what we're in process of receiving, the commercial well application. Terry asked how you get water now. Tran stated that they have reservoirs outside of the property and they truck it in. Aaron stated the Ag wells are being used to capacity for the outdoor grow so converting them is not an option. Nathan asked is the process dangerous to extract the hemp oil? Aaron answered there are some concerns however the lab they're bringing in is self-contained Class 1 fire proof, explosion proof, and in compliance with all the CID1 and is built in Colorado for use in Colorado. Pete Mercer asked and you guys are under strict regulations with government and state regulations. Tran stated yes, we're in compliance with the agricultural department. Robert asked do they even come out and inspect your hemp as its growing. Tran replied yes, from my understanding, they'll be coming out in October to check out our facility. We have to map out which strains we have and they'll take samples and they'll test them and make sure it's in compliance with the state regulations. Pete asked how often do they come out and inspect your lab for being in compliance. Tran answered we don't know that part yet from my understanding, they're still trying to figure out all the regulations that they want to do as well. Aaron stated that's why the water kind of slipped thru and they're backtracking now and making sure water applications are in place prior to the approvals that wasn't done in the past. They're kind of catching up now because their expectation was that they were in compliance and then they found out what their proposed future use was wasn't going to work so now were tracking that down and it sounds like the commercial well is going to be the option. We've got the application in and it's been submitted for review. Terry asked if they could speak to the employment they talked about. Tran explained as of right now, we employ three people daily, but when we do planting and harvesting that number will go up to 12- 15 people temporarily. Once we get the facility going, we will have to have people processing that as well. If everything goes right this year, we would like to have five people on staff on the farm itself and hopefully 3-4 people on staff for the processing as well, just to keep it going. Aaron inserted and that's just the first year, with the potential to add more labs and grow larger they have the potential property to grow more products. He stated they just need to get the water and some of the process down. Pete asked for the light, when you guys are blocking that off don't they have shields so the light stays down so it doesn't go outside of the greenhouse. Tran explained right now that's the hard part. We need the sunlight as well. Pete questioned, I mean the shield is just for the fixture itself. Aaron stated what he's saying is then the shield during the day will block other potential sun that could be coming in. Pete asked how tall the greenhouses are. Aaron answered roughly 10' tall to peak and about 20' wide. Tran said one is 20x58 and the other is 20x98. Aaron said they are both are shorter than the house. Pete asked, so you could put a fence around that. Aaron replied yes. Terry asked about odor control? Tran

said that there's not a whole lot they can do about that in general. In the lab, we can put in a carbon filter that would filter out that smell inside, the smell outside is pretty much outside of our control, but everything done in the lab can be filtered thru a carbon filter, so zero to no odor. Terry questioned so after you harvest it, you have to dry it, are you going to do that in an open air bldg. Tran stated we are going to field dry it. Terry replied so it's dried externally similar to hay, I was just curious. Dave Musgrave asked now on your water, most of the wells are all dried up, are you going to have enough water. Aaron replied well they've got 2 that are currently doing their outdoor uses but not for commercial which is why they're proposing drilling a new well for the indoor greenhouses as a commercial well. The floor was opened to the public

PUBLIC COMMENT OPEN:

Favor: No one spoke in favor of this application.

Opposed:

Jessie Nickols: Stated her name. Address: 5502 CO Rd I, Wiggins, CO 80654.

Concerns: Lights; # of Employees; # of buildings; Property value depreciation; Traffic; Waste.

Aaron Schrage and Tran Nguyen: They apologized for the light issue and offered to continue the conversation with her to see how they could mitigate the issue with her. He said he would think property value would have gone up since a lot of the property around them has been bought and other property owners are doing the same thing. He stated as far as traffic right now he has 3 people that live in the house and 3 people that work the farm. When he harvests there will be about 15 people. He stated all labs will be in the one 50x99 building they're proposing.

Howard Engel: Stated his name. Address: 5961 CO Rd I, Wiggins, CO 80654.

Concerns: Traffic; Dust; Light; Believes Commercial not Agricultural; Property depreciation.

Aaron Schrage and Tran Nguyen: No comment

Glen Frihauf: Stated his name. North Kiowa Bijou Water Management District.

Address: 7125 CO Rd G, Wiggins, CO 80654.

Concerns: He has serious water concerns and they are going to have serious problems getting a commercial well permit.

Aaron Schrage and Tran Nguyen: We've already been approved to change the residential well to light commercial use for the facility we're proposing to build. What this commercial application is for water for the greenhouses.

Rhonda Eklund: Stated her name. Address: 409 Sally St, Wiggins, CO 80654.

Concerns: Water; Road upgrades; Security; Odor.

Aaron Schrage and Tran Nguyen: We will address the water as discussed. The odor we can't control except inside the facility. If security is needed we will look into it, but it has not been needed at present.

Joann Josa: Stated her name. Address: 5950 CO Rd I, Wiggins, CO 80654.

Concerns: Using CBD Oils; lab being used for processing other people's hemp; Not FDA approved; Federally illegal; Greenhouses blowing over; Not agriculture, commercial; Use of shed

Aaron Schrage and Tran Nguyen: The lab more than likely would only be able to do our product. If we are able to add more labs we could possibly do other people's product. Hemp is not federally illegal, that has been changed. Hemp has been reclassified in 2018. It's hemp until proven otherwise. State agriculture will come and test us to make sure we're in compliance. It was not a greenhouse that blew over, it was a shed and a house that was being built that blew over due to excessive winds. We're applying for this Special Use permit here and that is an agricultural process, there is no question about that. Everything we've done we've tried to stay in compliance with the state agricultural department. Whatever they ask us we do what they ask to the best of our ability. Our shed is permitted for storage, grow, general purpose etc., It is permitted and we can show you that as well. It is an overflow area. Farmers have a lot of buildings on their property for their animals and grain and etc., It's still an agricultural product, it's just a different type. It's a new industry and a new crop; it's going to take time.

Gail Stencil: Stated her name. Address: 8414 CO Rd 6, Wiggins, CO 80654.

Concerns: Lab is out of agricultural use; Security concerns; Property value; Odor

Aaron Schrage and Tran Nguyen: No Comment

Dray Wharton: Stated his name. Address: 15778 East Prentice Dr., Centennial, CO 80015

Concerns: Would like to give an information session to community on hemp, to get correct information out and get misinformation and confusion down. Crop will revolutionize farming in this state.

Aaron Schrage and Tran Nguyen: No comment

Pat Healy: Stated her name. Address: 5961 CO Rd I, Wiggins, CO 80654.

Concerns: Commercial building for processing hemp should go in an industrial or commercial area.

Aaron Schrage and Tran Nguyen: No comment

Alan Lingo: Stated his name. Address: 4452 CO Rd 1, Wiggins, CO 80654.

Concerns: Letters from FSA/NRCA saying we're not in compliance on how the hemp if it is blowing onto us we will be kicked out of the programs (Cross pollination); Noxious weed control; Chemical storage of products; Commercial or Residential Greenhouse

Aaron Schrage and Tran Nguyen: On our farm we use clones or feminized seeds, so the percentage of male seeds we have will be under 5 %. In about 2 weeks we will walk our fields and cut those plants down so we won't have those seeds produced from our crop. So you shouldn't worry about that from our farm, I can't speak for other people's farms. As far as chemical storage, if we go with CO2 it'll just go back into the machine that makes the CO2 and if we don't go with that we'll go with ethanol derivative and it will be stored within our facility within compliance of regulations we have to follow. And weeds growing, I'm not sure what you're speaking to, we had wheat harvested two weeks ago and we are walking our ground today. I apologize we are still fresh at farming, so we are learning as we go along. And our hemp is grown in the middle of our field 30-40 acres max so minimal blow over that any type of pollen or seeds could even go that far. We will field dry our product but we won't leave to blow around like tumbleweeds. We'll burn it or bury it. No difference in definition in regulations of commercial or residential greenhouse in Morgan County per Pam.

Joe Ewertz: Stated his name. Address: 3085 Hwy 52, Wiggins, CO 80654.

Concerns: Cutting edge with hemp; Security; Odor; Talk to other counties; Tread carefully; Water.

Aaron Schrage and Tran Nguyen: I definitely agree there are some concerns. The clients are willing to meet all the requirements as best they can; just make it as amicable for everybody as they can.

Gail Stencil: You talk about being amicable with the neighbors; I think it's pretty clear that it's not amicable. If you want to be amicable with us, you won't put a lab in our back yard.

PUBLIC COMMENTS CLOSED

Dave Musgrave stated it states you can irrigate one acre per lawn. He asked are you using that right now. Tran replied no, not currently. Dave stated you can't use irrigation with Quality water. Tran stated no we're not using our irrigation with our greenhouses; it's being used with our hemp out in the field. Aaron stated and then they have the well for the house and that will also be used for the processing facility. They do have a quality water tap, they do not use. Robert Pennington asked Pam if there was a Quality Water tap there currently. Pam replied she did not know, that there's one available for purchase for sure, but there is three wells. Robert asked your total pounds are 60,000 pounds is what you roughly produce on your 30 acres. How much per acre will you be able to produce? Tran replied 2-3lbs per acre. Pete asked about the actual processing of the hemp into oil. Tran explained the oil extraction process. Pete stated that they had said these labs were made in Colorado for use in Colorado, how many are made, how many exist? Aaron stated they've been around since 2016. Tran said, I'm sorry, I do not know. Pete said so this proposed building is used mostly for storage. Tran stated correct. Pete asked how big the lab is. Aaron stated 12x15 or 12x20. Pete asked and you're only building one of those. Aaron stated yes and the rest will be two bathrooms and storage of product. Pete asked where do you dry your product. Tran stated in the field. They discussed safety of lab again. Aaron explained it has its own water source for putting it out. Terry asked about the heat source. Tran explained it was a heating plate not an open flame. Nathan stated there are a lot of concerns, particularly about water. He lives out in the area and wells are adjudicated by how much they produce. These are legitimate concerns. I would encourage you guys to think about your neighbors because you're going to be living and working with them. Robert Pennington said if they want to build this and can get water and have nothing usable then that is their risk. Aaron stated currently everything we're proposing other than the greenhouses are under capacity for the wells. In the future that may become a problem, but no more than any other farmer that well dries up on him. There was a question about the letters being mailed a quarter mile from the property line from a lady in the audience. Pam responded that letters were mailed accordingly. Another question was started to be raised and Nathan responded that public comment session had already been closed.

It was then moved by Robert Pennington and seconded by Terry Rutenbeck to recommend approval of this Special Use Application for Joanna Vu, Tran N Nguyen and Le-An Than on a Parcel located in the SE1/4 of Section 24, Township 2 North, Range 60 West of the 6th p.m., Morgan County, Colorado and send it on to the Board of County Commissioners. Motion of approval on the following conditions:

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. Operation of the facility shall not commence until the State Engineer approves the water use and supply.
3. To remain in compliance with Section 3-695 of the Morgan County Zoning Regulations mitigation measures shall be put in place to limit the amount of light that leaves the property.
4. No processing of product from off farm facilities.

Motion carried 7-0.

Proposed Amendments to the Morgan County Zoning Regulations:

- a. **Repeal Airport Influence Area Overlay District: Sections 1-165, 3-830, 3-835, 3-840, 3-845, 3-850 and 3-855**

Pam Cherry noted the airport overlay map on the desk for the Planning Commission members to review. The reason the BCC wants to remove this section is because it is really not enforced. Terry Rutenbeck said this can't be enforced because the Board of County Commissioners never adopted it; and because they were never adopted, their thought was to "let's just get rid of them". He thinks it should be sent to the BCC to be adopted first. There was discussion on the map. Pam Cherry feels like it is a taking. Robert Pennington elaborated and said it takes your rights away. Nathan Troutd wondered if they needed more time to think about this amendment and have legal counsel present. Pam said is possible. Pam Cherry said this amendment has been in the works since she has been here and also prior to that. It has just taken awhile to finalize it – mostly because of the taking situation.

It was moved by Pete Mercer and seconded by Dave Musgrave to table this Amendment to the Zoning Regulations regarding the Repeal of the Airport Influence Area Overlay District: Sections 1-165, 3-830, 3-835, 3-840, 3-845, 3-850 and 3-855 until the September 9, 2019 meeting in order to digest the information and have legal counsel. Motion carried 7-0.

- b. **Amend Livestock Confinement Operations: Section 2-180 Livestock Confinement as a Non-Conforming Use; Amend Section 4-200(D) Location Restrictions; ADD a new Section 4-200(E) Location Restrictions**

The Commissioners have discussed where the notification area is. They are kind of split on that decision; some want it measured from the property and some want it from a footprint. When you measure from the property line, you have a larger notification area but the impact is not necessarily on that ¼ mile property line.

Pam Cherry explained what the 60 month period of time is and what it is used for. Pam said you don't have to keep the livestock up to capacity to keep your permit. You have to be considered an animal confinement facility which is having over 1000 animals. She said the County does not go out and count animals, kind of on the honor system. The State regulates it and they have to prepare specific reports that go to the State; she is not sure how often.

There was discussion of tabling this amendment also. Mike Bailey asked who wrote the amendment and Pam Cherry said the attorneys did. Pam Cherry said it gives you an opportunity to discuss with the

attorney and ask questions why. Mike Bailey said they have already done that. Pam Cherry said this amendment was brought forward at the Commissioners' request.

It was moved by Mike Bailey and seconded by Pete Mercer to APPROVE this Amendment to the Zoning Regulations regarding Amending Livestock Confinement Operations: Section 2-180 Livestock Confinement as a Non-Conforming Use; Amend Section 4-200(D) Location Restrictions; ADD a new Section 4-200(E) Location Restrictions as presented and send it on to the Board of County Commissioners. Motion carried 7-0.

Other: Discussion on scheduling a hemp presentation. Clayton Miller also had resources in this matter if people were interested in setting up a discussion session.

It was moved by Robert Pennington and seconded by Pete Mercer to adjourn this meeting. Motion carried 7-0.

Jody Meyer and Shannon Shields

Planning Assistant and Planning Clerk.