

AGENDA
MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS
Assembly Room, Administration Building
231 Ensign Street, Fort Morgan, CO 80701
Thursday, November 19, 2020

The County Will Be Abiding By the Social Distancing Requirements in Public Health Order 20-28 for This Meeting. Due To Limited Space In The Assembly Room, Remote Attendance Is Encouraged. If You Have Any Questions Regarding Attending The Meeting, Please Contact Karla Powell at 970-542-3500.

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/82989969541> If you cannot connect via Zoom, you may submit written public comment to bccmorganc@co.morgan.co.us by email by 3 p.m. on Wednesday November 18, 2020.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/82989969541> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 829 8996 9541

To watch and/or listen to the meeting but not participate, you may do so by connecting via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/82989969541> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 829 8996 9541

9:00 A.M.

A. WELCOME – CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL:

Commissioner Arndt
Commissioner Becker
Commissioner Zwetzig

B. ADOPTION OF THE AGENDA

C. PUBLIC HEARING

- 1. APPLICANT: Kyle Howard**
- 2. LANDOWNERS: Kyle Howard and Margaret Sebern**

Legal Description: The property is approximately 42.56 acres located in the SW¹/₄ of the NW¹/₄ and the NW ¹/₄ of the SW¹/₄ and the NE¹/₄ of the SW¹/₄ all lying south of Highway 34 in Section 30, Township 4 North, Range 60 West of the 6th P.M. Morgan County, CO and addressed as 208 Highway 34, Wiggin, CO 80654.

*Any meeting or event scheduled to be held at the Commissioners' Offices (218 West Kiowa Avenue, Fort Morgan, CO) will be relocated to a site with handicapped access upon request. For special assistance for the Morgan County Board of Commissioners meeting, please notify us at least 48 hours before the scheduled agenda item. Please call (970)542-3500, extension 1410, to request accommodations for any of the two locations.

Request: A special use permit to open and operate Empire Gun Club (a shooting range) and to teach firearms classes

D ADJOURNMENT

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PREPARED BY: Karla Powell, Administrative Services Manager
AGENDA POSTED ON November 13, 2020



**MORGAN COUNTY
PLANNING AND BUILDING DEPARTMENT**

BOARD OF COUNTY COMMISSIONERS

**FILE SUMMARY
November 13, 2020
November 19, 2020 (meeting date)**

**APPLICANT: Kyle Howard
LANDOWNERS: Kyle Howard and Margaret Sebern**

This application was considered by the Planning Commission at their meeting on October 13, 2020 and was unanimously recommended for approval subject to conditions. Planning Commission was interested in the use and posed several questions.

1. The distances and the size of guns to be used – 45 or 9mm and occasional 380, usually handguns with occasional rifles.
2. Has CDOT been contacted about access – CDOT had been contacted to request an access permit, the notice to proceed was received on Friday, November 11, 2020.
3. Signage at the dam and Hiway 34 for safety purposes – There is nobody allowed on the top of the dam, signage fronting Hiway 34 would be a significant distance and able to be read, not opposed to signage and will notify Bijou when the range is being used.
4. Wind erosion of berm – Applicant will seed with brome and orchard grass to mitigate erosion potential by wind and rain.

There was one person present that spoke in favor of the application stating that the applicant has phenomenal measures to address safety concerns.

Jill Brunel of Bijou Irrigation spoke in opposition stating that the applicant has been great to work with and has been accommodating to Bijou requests but there are concerns.

Stuart Corbridge Bijou's attorney and deferred to Stuart Corbridge attorney for Bijou. Bijou's had approved Howard's plan to move dirt on his property; the email of approval in the packet did not consider the shooting aspect of the operation.

1. Primary concern is the safety concern in shooting towards the dam, towards the south – bullets going in direction of manmade structure which requires maintenance to hold a body of water used for recreation. He suggested moving Range 1 slightly north and west so primary shooting direction is west.

2. Wind erosion- wind reducing the size of the berms and deposit sand on the dam, killing vegetation, creating seepage problems and sliding. Vegetate the berms to reduce potential for wind erosion.
3. Frequency of the Gun Club's Usage – infrequent but if use is allowed by law enforcement intent for low usage may change.
4. Plan to monitor use of the range – limit use and shooting stays in one berm and not shooting in direction of people visiting the reservoir or maintenance occurring.

Application Overview

Kyle Howard as applicant and Kyle Howard and Margaret Severn as landowners have submitted an application for a special use permit to operate Empire Gun Club (a shooting range) and to teach firearms classes and continue farming on a portion of the property. The property is approximately 42.56 acres located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ all lying south of Highway 34 in Section 30, Township 4 North, Range 60 West of the 6th P.M. Morgan County, CO.

The property is zoned Agriculture Production and a shooting range and firearms training are the proposed uses which are not listed as uses in the Morgan County zoning regulations 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.

The county has regulations that are specific to shooting ranges beginning in Section 4-275 through 4-295 (attached) that address submittal requirements, design standards, safety baffles and occasional events. The Morgan County Sheriff's office was contacted with a complaint about shooting in the area that was reaching the Empire Reservoir trail. After receiving that report Sheriff Martin went to the property and spoke with the owner. There is communication from Sheriff Martin to the complainant included in your packets.

Analysis and Applicable Regulations

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 northwest planning area.

Chapter 2

2.II.A - Economic Development

Goal – Diversify the economy in Morgan County to broaden business employment opportunities for residents and to further economic growth.

This project will support economic development by offering a location for firearms training.

2.II.C

Goal - The County will encourage the preservation of agriculture production lands in balance with pressure for land use changes to higher intensity development.
This project will not negatively impact the preservation agriculture production property. It is located at the very west edge of the county, adjacent and south of Highway 34, Weld County Empire Reservoir is directly to the west.

Goal – Improve Morgan County’s image by dealing with community design issues in relation to land use.
Surrounding agricultural uses, berms that have been constructed and Empire Reservoir provide natural buffers in the adjacent properties.

- (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.
Section 4-280 of the zoning regulations requires a site map with appropriate contour intervals.
- (C) The Site Plan conforms to the district design standards of these Regulations.
Regulations require that the Planning Commission determine the minimum land requirements for this application. There has been significant grading on the property to construct berms for safety purposes. The applicant designed the range with an approximately 20’ berm to mitigate noise and for backstop purposes.
- (D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.
Offsite impacts are minimized by the backstop construction. CDOT is currently reviewing an application to amend the access permit.
- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.
Distance and berm construction sufficiently buffer and mitigate impact to surrounding uses. Neighbor notifications were sent to all properties, whether in Weld or Morgan County, within one mile of the property boundary.
- (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 Health Department has approved the use of portable toilets on the property and bringing in bottled water.
- (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.
There is a need for firearms training in Morgan County. An existing range in the county may close at any time. This range would provide for redundancy to existing facilities.
- (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 supply for the shooting range associated uses will be bottled and brought in. There is an existing well permit #236199 that is permitted for irrigating one acre of landscape, household and fire suppression uses.

Recommendation and conditions

Suggested conditions if Planning Commission recommends approval to the County Commissioners:

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. The portable toilets will be brought onsite prior to beginning operations, the pump agreement to be supplied to the Health Department.
3. Submit a site plan that shows contours of the site, the relief/protection provided by the constructed berms.
4. Re-permit and transfer ownership of the existing well through the State Engineer's office.

Pam Cherry

Pam Cherry, MPA, CFM
Planning, Zoning and Floodplain Administrator

MORGAN COUNTY PLANNING COMMISSION
October 13, 2020 MINUTES

The Morgan County Planning Commission met on Tuesday, October 13, 2020, at 7:00 p.m. in the Assembly Room of the Morgan County Administration Building. The meeting was called to order by Chairman Nathan Troudt.

Pete Mercer, Mike Bailey, Robert Pennington were present. Nathan Troudt, and Clayton Miller appeared remotely by the Zoom platform. Also present were Pam Cherry, Planning Administrator, and Ahna Raygoza, Planning Clerk. Also present was Karol Kopetsky, Morgan County IT Administrator.

It is noted that this Planning Commission meeting for October 13, 2020 was held in person with an option to attend remotely through the Zoom platform.

Approval of Minutes: September 21, 2020

It was moved by Vice Chairman Robert Pennington and seconded by Clayton Miller to approve the September 21, 2020 minutes as presented. Motion carried 5-0.

Approval of Agenda:

It was moved by Clayton Miller and seconded by Mike Bailey to approve the Agenda as presented. Motion carried 5-0.

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

NEW BUSINESS:

APPLICANTS: Kyle Howard/Empire Gun Club
LANDOWNERS: Kyle Howard and Margaret Sebern

Applicant Kyle Howard, owner of Empire Gun Club, and also Landowner, was in attendance on behalf of the Empire Gun Club Special Use Permit application.

Application Overview

Pam Cherry, Planning Administrator, read her file summary as follows:

Kyle Howard as applicant and Kyle Howard and Margaret Severn as landowners have submitted an application for a special use permit to operate Empire Gun Club (a shooting range) and to teach firearms classes and continue farming on a portion of the property. The property is approximately 42.56 acres located in the SW ¼ of the NW ¼ and the NW ¼ of the SW ¼ and the NE ¼ of the SW ¼ all lying south of Highway 34 in Section 30, Township 4 North, Range 60 West of the 6th P.M. Morgan County CO.

The property is zoned Agriculture Production and a shooting range and firearms training are the proposed uses which are not listed as uses in the Morgan County zoning regulations in the Agriculture Production zone district.

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.

The county has regulations that are specific to shooting ranges beginning in Section 4-275 through 4-295 (attached) that address submittal requirements, design standards, safety baffles and occasional events. The Morgan County Sheriff's office was contacted with a complaint about shooting in the area that was reaching the Empire Reservoir trail. After receiving that report Sheriff Martin went to the property and spoke with the owner. There is communication from Sheriff Martin to the complainant included in your packets.

Analysis and Applicable Regulations

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 northwest planning area.

Chapter 2

2.II.A - Economic Development

Goal – Diversify the economy in Morgan County to broaden business employment opportunities for residents and to further economic growth.

This project will support economic development by offering a location for firearms training.

2.II.C

Goal - The County will encourage the preservation of agriculture production lands in balance with pressure for land use changes to higher intensity development.

This project will not negatively impact the preservation agriculture production property. It is located at the very west edge of the county, adjacent and south of Highway 34, Weld County Empire Reservoir is directly to the west.

Goal – Improve Morgan County’s image by dealing with community design issues in relation to land use.

Surrounding agricultural uses, berms that have been constructed and Empire Reservoir provide natural buffers in the adjacent properties.

(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.

Section 4-280 of the zoning regulations requires a site map with appropriate contour intervals.

(C) The Site Plan conforms to the district design standards of these Regulations.

Regulations require that the Planning Commission determine the minimum land requirements for this application. There has been significant grading on the property to construct berms for safety purposes. The applicant designed the range with an approximately 20’ berm to mitigate noise and for backstop purposes.

(D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.

Offsite impacts are minimized by the backstop construction. CDOT is currently reviewing an application to amend the access permit.

(E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.

Distance and berm construction sufficiently buffer and mitigate impact to surrounding uses. Neighbor notifications were sent to all properties, whether in Weld or Morgan County, within one mile of the property boundary.

(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 Health Department has approved the use of portable toilets on the property and bringing in bottled water.

(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.

There is a need for firearms training in Morgan County. An existing range in the county may close at any time. This range would provide for redundancy to existing facilities.

(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 supply for the shooting range associated uses will be bottled and brought in. There is an existing well permit #236199 that is permitted for irrigating one acre of landscape, household and fire suppression uses.

Recommendation and conditions

Suggested conditions if Planning Commission recommends approval to the County Commissioners:

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. The portable toilets will be brought onsite prior to beginning operations, the pump agreement to be supplied to the Health Department.
3. Submit a site plan that shows contours of the site, the relief/protection provided by the constructed berms.
4. Re-permit and transfer ownership of the existing well through the State Engineer's office.

Applicant Kyle Howard, owner of Empire Gun Club, and also Landowner, presented this Special Use Permit application. Kyle Howard said he is native to Colorado and is an entrepreneur and enjoys photography and teaching. His father taught him firearms basics when he was young. He explained his motivation for starting a firearms course was the shooting at the church in Texas last year where two people were killed. He recognized a gap in education. New gun ownership has gone up but the education on gun safety has not. There are people with permits and guns who have never shot a gun before. He has taken basic handgun courses and will be taking basic rifle courses as well.

Howard currently provides armed security at Flat Irons Church. He was teaching courses at other ranges. He was looking for a place he could go shoot and bring his friends to practice shooting and get away from the city. He was one of four people who made an offer on this property. The property owner heard what Howard wanted to do with the property should he buy it and he chose to accept Howard's offer for that reason. After purchasing the property they contacted Jill at the Bijou about the reservoir and an engineer came to meet with them at the property. They said it looks good, as long as you are not in the ditch.

It became harder to work with other ranges, as an outside instructor and Howard reported it is distracting trying to provide instruction in indoor ranges where it is loud, and people are in close quarters.

He was alerted to the Special Use permit process with the complaint at the Sheriff's office. He had mistakenly checked the City of Fort Morgan website and not Morgan County.

Howard showed various photos and views of the property, aerial shots, and views from the shooter's vantage point. Howard explained that the land has caretakers, a couple of his friends who live there and take care of the property. They live in the home to the left of the shop. The shop is to the left of the berms and that is big enough to handle two classes of 5-10 students each.

Range 1 is closest to the shop and visible from Hwy 34. Range 2 is on the far right, off into the trees.

Range 1, the average shooting position is 400' from the Highway in the exact opposite direction and is 8500', or 1.6 miles, to the next structure on the opposite side of the lake and not within direct line of sight it is off to the left-hand side. There is also a campground 2.3 miles away to the right hand side but if you drew a straight line the only obstruction is 3.3 miles away and it is I-76.

From Range 2 you are 560' off of the Highway, then the next structure is a campground 3,500-4,000' away. An RV storage park is over there as well. The nearest house is 1.6 miles away then 2 miles to the next obstruction.

Howard gave comparisons to the Morgan County Gun Club. They have 7-8 homes within 3,500 feet down range. Howard has implemented a down range distance that is the same, double, or more than that of Morgan County Gun Club.

Howard stated that "One of the requests that Bijou had, obviously looking out for the people at Empire Reservoir during boating season, was 'Can you shoot west, the whole time?'" They kind of compromised that when it is not boating season they could shoot south, and when it is boating season, they would shoot west at all times. Howard said that Bijou seemed okay with that agreement. That is why one side of the berm is bigger than the other, so that they could shoot one direction during boating season and the other direction when it is not boating season.

Howard explained that the natural grade was not disturbed. They tried to keep the same grade, just pushing the dirt.

An average class would be 5-10 people, and his only day off is Sunday so if he teaches a class, it would be on a Sunday. The shooters would never be behind the shop, they would be around the berm edge. The average shooting portion of the class is 2-3 hours until people are tired. This was never intended to be a drive-in service range. The insurance is too expensive and he would have to keep staff all the time. He wants to have a safe, quiet place for approved, safe, instructors to come and teach their classes. Howard stated that probably 85-95% of his classes will be at the 7-10 yard line. Monday thru Thursday he doesn't plan on really having any classes due to work schedules. Friday, Saturdays and Sundays were really the only days they plan on having things, and it would usually be one instructor with one class and a few hours of shooting. It would not be sun-up to sun-down.

Howard said what he would like to do in the future is bring in much more vetted instructors, people with more life scenario experience than him, to provide classes to other people. He recognized that Morgan County Gun Club potentially may shut down in the future. If Commissioners saw fit-he is not opposed to making it a more public space to replace that. He had never planned on it, he had planned on a lower risk, smaller scale for the neighbors, but if the Commissioners think it would help, he is open to that. He would just need to upgrade the infrastructure for that. He offered the space to the Sheriff's office any time they need if his range provides something they need. They also offer time to the Flat Irons Church security as needed.

Howard explained from 20 yards you can barely see the dam above the corner berm. Berms are 20-25' high. They have settled a little bit. Howard showed vantage point from 10 yard line and explained you would have to make a drastic mistake, if not intentional, in order to miss the berm.

Howard's dad is planning on farming the open field with winter wheat or alfalfa between the Highway and the berms, as well as on the south side. Right now it is just weeds but Howard hopes the crop will make things look nicer. The grade is 2-4% towards the seepage canal.

The berm is at least 20' high and the dam is significantly taller as a second backup. The NRA said he didn't need a backstop since the dam is sufficient height. He asked what it would be if the dam were not there and they said 10-12' so he doubled it. The berm will provide sound and potential bullet loss over the top. The primary berm is 15 yards in depth and about 20 feet high. The western berm is big enough for about five to seven students. He tries to limit classes to five students per instructor. If more than five, another instructor would be needed. Bijou requested a maintenance access between the berm and the seepage canal which Howard did. Howard said that if they grow and need more room to expand in the future they could do an additional berm to the right of the Range two but did not see a need for the third berm at this time. Howard's property line extends over the dam and 20 feet into the beach, at least 250 feet from the average shooting position to the dam. Howard demonstrated from the 10 yard line you would have to shoot at an angle of more than 75 degrees, and make a crucial mistake to miss the berm. There is also a natural berm to somewhat protect the highway. On the primary range you can back up to 100 yards but it was intended for 25 yards or less. To access the western berm there is a rickety bridge which he has received permission from Bijou to replace with a proper culvert to walk over. Range 2 was primarily created with the intention of shooting west with option of shooting south. His initial intent was to put up points of concealment and be able to move around obstacles personally. Howard explained you can only learn so much shooting straight ahead on a flat range. There is a short dog leg on the west side, an instructor can be there teaching a one-on-one class there and be safe.

The only way you can access that berm by car is if you enter the property through a side road on the opposite side of the property. Howard feels that the Sheriff was impressed by the set up.

Howard explained that from the usual water line at the beach, you are unable to see the shop, the berms, or the house. One would have to come up and over the berm to see it. When shooting it is almost at a downward angle because the slope is about five degrees.

Troudt asked for clarification on distances and size of guns used on the range.

Howard responded that it would be primarily handguns either 45 or 9mil, with the occasional 380, but it is usually handguns with the occasional rifles. Howard stated that his particular course does all shooting at five to seven yards. The qualification they have to pass for Flat Irons is the Colorado Post Handgun Qualification and that is what all law enforcement officers have to shoot to pass. There is one exercise that is from 25 yards, two at 20 yards, one at 15 yards, and everything else is between 1-10 yards. FBI statistics show that 90% of defensive shooting happens within three yard range so that is where they practice. Even further shooting is going to be within 25 yard range.

Pennington asked if CDOT had done anything with their easement.

Howard responded that with the traffic estimation he sent to CDOT he jokingly put that the traffic he expects is that of the average Thanksgiving dinner with a family. He said he was told it would take 4-6 weeks to hear back so he was hopeful he would hear back soon.

Howard was asked if he had considered signage at the dam and the side of Highway 34 for safety.

Howard first stated that no one is allowed to walk on the dam, even himself, as the owner.

Howard said he is not opposed to posting signage. He said he thinks the majority of owners know they are not allowed to walk around the dam because it is purely a member's only reservoir. Howard also stated that it is all rocks at the dam so it would be risky for someone boating to attempt to pull up to the dock. He is "all for" posting signage at the top. He also added that for maintenance guys, he will have signage at both sides of the top. He will also send out texts to Bijou informing them when the range is hot so they are aware. He said that as far as posting a sign on the highway, someone would have to get close to read the sign.

Howard was asked to address the blowing sand and indications in how the berms would react to the weather. He referred to the weekend prior to the meeting which brought very high winds.

Howard responded that the berms are very well packed however they do expect a little more settling which is why they built them as high as they did. They have not settled as much as they expected, even with 80mph wind the weekend prior. If the wind does shift them there is plenty of dirt there to rebuild and push it back up.

Vegetation was brought up as a solution. Howard explained that due to the cold, there is a little vegetation on the left of the berm but not very much at this point. Once there is more vegetation it will help prevent erosion of the berms.

PUBLIC COMMENT:

Favor: Bruce Howard, of 8969 Hwy 52 Wiggins, has been a resident of Morgan County for 7-8 years and spoke in favor of this application. Bruce Howard stated that he has been employed as a fire fighter and paramedic for 25+ years. He has done work with the Arapahoe County Sheriff's Department and taken the active shooter training scenarios. He was on duty during the Aurora Theatre shooting. He stated, looking to his own background in safety, "the measures the applicant (Kyle Howard) has taken are pretty phenomenal."

Against: Jill Brunel stated that Kyle Howard has been great to work with and accommodating to their requests. She added that at the most recent board meeting there were a few concerns brought up and that Bijou's Water Attorney, Stuart Corbridge from Boulder, CO (attending the meeting via phone) was going to speak on their behalf.

Corbridge reiterated Brunel's comment about Howard having worked well with them, and expressed the board's appreciation for that. He stated that he was not really there in an attorney capacity per se, but to just make a few points for them. He noted that Bijou's approval had been in regards to Howard's plan to move dirt on his property

and that the email of approval in the packets did not have anything to do with the shooting aspect, just the moving dirt aspect and its effect on the dam.

Corbridge stated that upon reviewing the proposal they had the following three concerns:

1. Primary concern is the safety concern in shooting towards the dam, towards the south:

Notwithstanding the measures Howard has taken, Corbridge expressed the concern for bullets going in the direction of a man made structure, which needs to be maintained, holding a body of water used for recreation. He questioned why, with a little bit of work, the eastern shooting area, referred to as Range 1, couldn't be relocated slightly to the north and west so the primary shooting direction is the west. Corbridge stated that that would provide everyone with a little more safety and lessen the risk of an accident that everyone hopes doesn't happen, but is a potential. He asked the Planning Commission and Planning and Zoning Department to consider that.

2. Wind erosion-

They are also worried about the wind moving or reducing the size of the berms, depositing the sand on the dam, killing vegetation, and creating seepage problems and sliding. They suggested the berms need to be vegetated or covered with an erosion prevention material.

3. Frequency of the Gun Club's Usage-

Corbridge referred to Howard's comments throughout the meeting saying that the shooting range would not be used very often but then later on he also issued a welcome to law enforcement, other instructors, and possibly to the public in the future.

4. What is the plan for monitoring to:

- A. Ensure it is only limited use

- B. Ensure that shooting is staying in one berm, in the same location and they are not shooting at times people are in the reservoir or when maintenance is going on.

PUBLIC COMMENT CLOSED

Kyle Howard responded to Bijou's concern about shooting to the south and said they plan on staying in close contact with Jill, or best contact, when boating season is in effect. He said when boating season is open, everything will get moved over and the shooting will be to the west. They will stay in contact with Jill to know when that is in effect. He said since it is a private reservoir so no one should be there when it is closed to boating season.

He said he spoke about it with the maintenance guys and engineer from Bijou and the dam is made of the same material as the berms. He said the previous Sunday they had 80mph winds and the wind was picking up sand and dropping it back gently on the ground. He stated that though he is not an engineer, he doesn't know how that amount of dirt can damage a dam made of the same material. Howard did not have any objections to investigation erosion prevention, since it will save him money. Every time he has to bring out equipment to mitigate erosion it costs him money so he is amenable to anything he can do to mitigate that.

Troutt-commented that obviously the range has been created well, as inferred by reading the Sheriff's letter in the packet. He asked the applicant if the Sheriff seemed to have thought that it was the safest range he had seen in a while.

Howard responded that he did not want to speculate on that or put words in the Sheriff's mouth but that did seem to be the general impression.

Howard addressed another concern from Bijou about limiting traffic. He said right now everything goes through him. It is him and a handful of other instructors. They require new instructors to come out, show what they are going to teach, make sure they are being safe prior to them teaching. He said he does not foresee people wanting to come out Wednesday morning when work is in full swing, and said most classes are three-six hours. Most of his leads are coming out of Denver area. That is an hour drive and if people get off work at 5:00 and get out there at 6:00, you don't have very much daylight left. Other instructors may have that option. Most classes will be kept to Friday, Saturday, Sunday, and he foresees middle of the week classes being a very rare occasion.

As far as the sheriffs' office, his parents were in the military, and if the police want to use it, it betters the police, so it is a reasonable request.

Howard was asked about a gate at the entrance to the property and asked about people entering the property

Howard reported they have 15 cameras on the property and he watches it closely so that no one can get close to Range 1 or Range 2 without him being aware. The cameras have night vision and some of them have audio.

Howard assured him that there is a gate across the driveway to the property and it will be shut and locked when no one is there. His standard operating procedure is the gates open when people arrive and gates shut once everyone is there. That way there is no assumption it is a drive-in range. He had not planned on posting signage. However, he is not opposed to posting signage that it is not a public range, whatever makes people feel more safe or comfortable.

Howard was asked if the NRA had any requirements regarding safety guidelines.

Howard responded that besides posting basic safety rules, it is basically at the discretion of the owner.

A confirmation from the NRA regarding the berm height was requested.

Howard said they recommended 10-12' berm. 90% shooting would be done at 25 yards or less, the NRA told him they didn't think he needed a berm and could just take advantage of the natural backstop-the dam. Howard stated he would double the recommended height and still use a berm because he knew bullets would affect the dam and vegetation.

Pennington asked Pam Cherry for clarification on whether there is an existing well on the property. Cherry answered affirmatively and confirmed it needs to be re-permitted but it is an existing well.

CLOSE OF HEARING PORTION

It was moved by Robert Pennington and seconded by Mike Bailey to approve this application with the conditions stated in Pam Cherry's File Summary;

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. The portable toilets will be brought onsite prior to beginning operations, the pump agreement to be supplied to the Health Department.
3. Submit a site plan that shows contours of the site, the relief/protection provided by the constructed berms.
4. Re-permit and transfer ownership of the existing well through the State Engineer's office.

Nathan Troudt proposed amending the proposed motion by adding the following condition which motion was carried 6-0, moved by Nathan Troudt and seconded by Mike Bailey.

5. Submit an erosion control plan for maintenance of the berms.

Vote on Motion carried 6-0.

It was moved by Vice Chairman Robert Pennington to adjourn this meeting and seconded by Mike Bailey. Motion carried 6-0.

Respectfully submitted
Ahna Raygoza
Planning Clerk

COLORADO DEPARTMENT OF TRANSPORTATION

STATE HIGHWAY ACCESS CODE

NOTICE TO PROCEED

CDOT Permit No.

420094

State Highway/Mile Post/Side

034A / 143.3/Right

Local Jurisdiction

Permittee(s):

Kyle Howard
208 US Hwy 34
Wiggins, Colorado 80654
(720) 252-4700

Applicant:

Kyle Howard
9800 Upham Drive
Westminster, Colorado 80021
(720) 252-4700

The permittee is hereby authorized to proceed with access construction within state highway right-of-way in accordance with the above referenced State Highway Access Permit and this Notice to Proceed.

This Notice to Proceed is valid only if the referenced Access Permit has not expired. Access Permits expire one year from date of issue if not under construction, or completed. Access Permits may be extended in accordance with Section 2.3(11)(d), of the Access Code.

Adequate advance warning is required at all times during access construction, in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways.

All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permittee or applicant shall notify the Department prior to commencing construction as indicated on the Access Permit.

Both the Access Permit and this Notice To Proceed shall be available for review at the construction site.

This Notice to Proceed is conditional. The following items shall be addressed prior to or during construction as appropriate.

Municipality or County Approval (When the appropriate local authority retains issuing authority)

By

(X)

Title

Date

This Notice is not valid until signed by a duly authorized representative of the Department

Colorado Department of Transportation

By

(X)

DocuSigned by:

Allyson Mattson

Title

Assistant Access Manager

Date

11/13/2020 | 10:35 A

Copy distribution:

Required:

Region (original)
Applicant
Staff Access Section

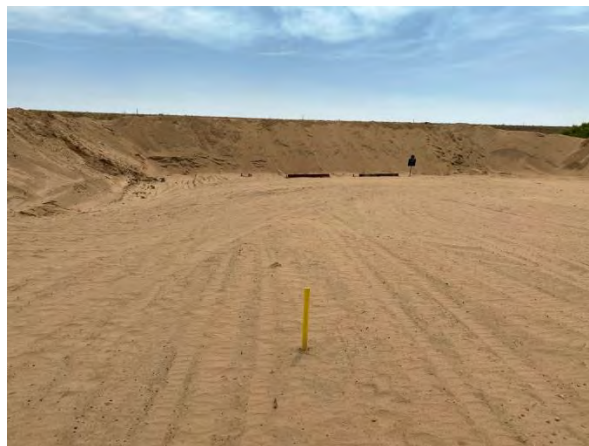
Make copies as necessary for:

Local Authority
MTCE Patrol

Inspector
Traffic Engineer

Form 1265 8/98, 6/99

Photos taken by Sheriff Dave Martin on August 14, 2020



Photos taken by Sheriff Dave Martin on August 14, 2020





Pam Cherry <pcherry@co.morgan.co.us>

Site plan requirements

2 messages

Pam Cherry <pcherry@co.morgan.co.us>
To: Kyle Howard <kyle@revisionsolutions.com>

Thu, Oct 22, 2020 at 2:48 PM

Kyle,

For the site plan that you are working on, please show all existing buildings on your property, add portable toilet and water station locations, trash, parking area.... Define specifically where the SUP is located on the property. Identify it separately from the rest of the property with distance and bearings of around the boundary of the SUP. Add a chart that shows the area, in square feet, of the different uses. ie is there an associated office, range, etc....

I am attaching the site plan requirements from the zoning regulations.

Pam Cherry, MPA, CFM
Morgan County Planning Administrator
Floodplain Administrator
231 Ensign Street; Box 596
Fort Morgan, CO 80701
970-542-3526
pcherry@co.morgan.co.us

Drawing Requirements.pdf
162K

Kyle Howard <kyle@revisionsolutions.com>
To: Pam Cherry <pcherry@co.morgan.co.us>

Thu, Oct 22, 2020 at 3:45 PM

Hello Pam!

Thank you for this update, I'll send the revisions over to the guy who put that together for me.

In regards to bullet penetration into sand here are a few articles, many showing actual tests on video, of how sand is the perfect barrier for stopping bullets. Many reference how the military still uses simple sandbags because they're so efficient, and have for decades. Your average sandbag is 14"W by 26"L and that has been deemed plenty for most military bases to provide security and build bunkers with, some may double up the depth providing 28". My berms are on average 12-15 yards deep at the base tapering up at the top, even at half the width I'd have 120-200+ inches of depth in the areas we'll be shooting into.

<https://www.theboxotruth.com/the-box-o-truth-7-the-sands-o-truth/>

<https://www.concealedcarry.com/survival/how-much-sand-is-needed-to-stop-a-bullet/>

Erosion control:

We'll be planting a combination of brom grass and orchard grass onto the berms to prevent wind and rain erosion. Also, as needed, the berms will be restacked to their original height.

Permitting requirements:

CDOT: I emailed Ally with no response, but we should be close as it's been nearly 8 weeks.

Well: I have submitted the Ownership Name Change form and have been told it takes 6-8 weeks to process, but there would be no issues and it will be filed.

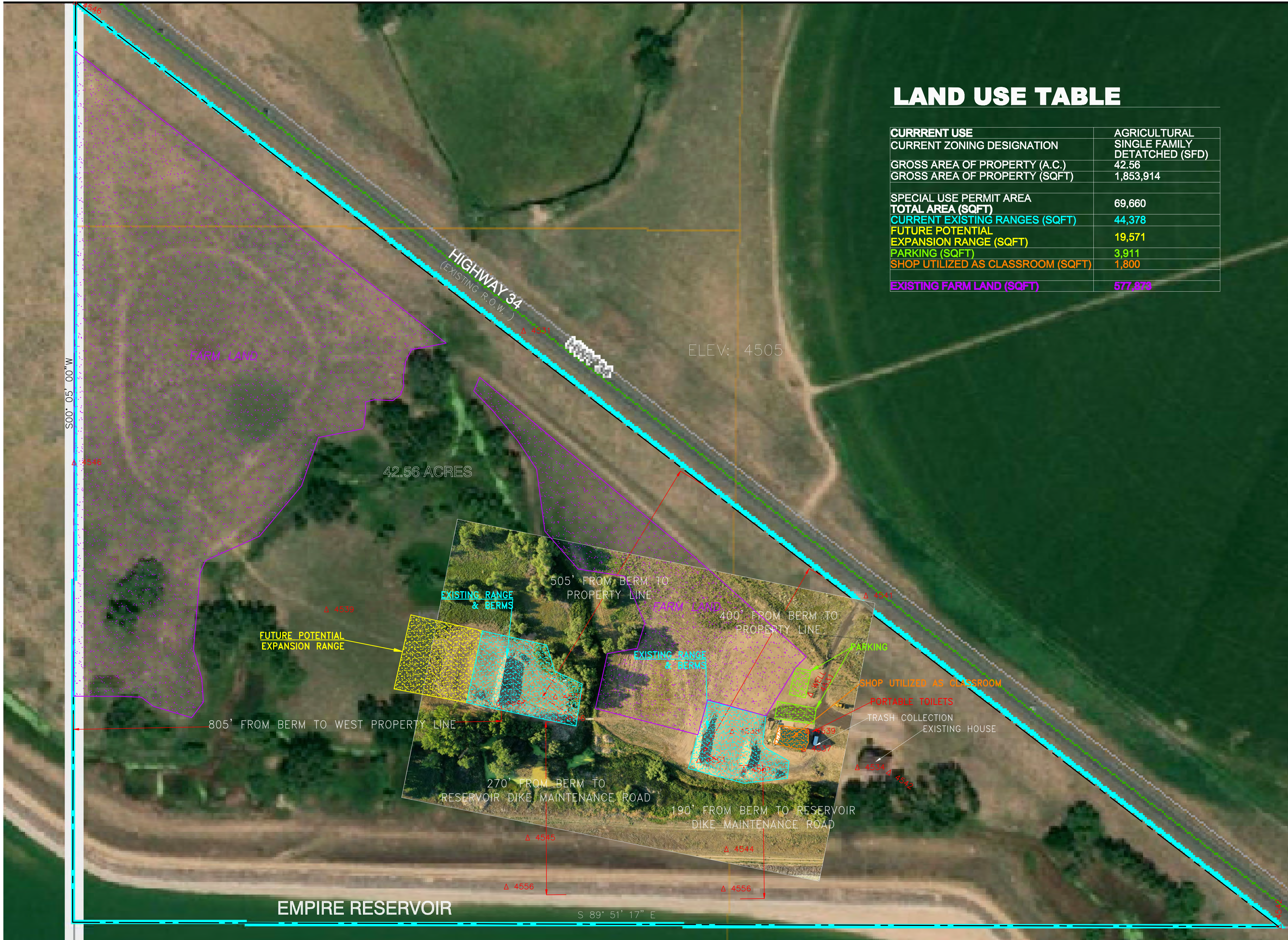
Portable Toilets:

I've been given a contract and will-serve letter from Rival in Ft. Morgan to supply and service the range. The health department is familiar with them and has said I'm good to go.

Thank you for your help!

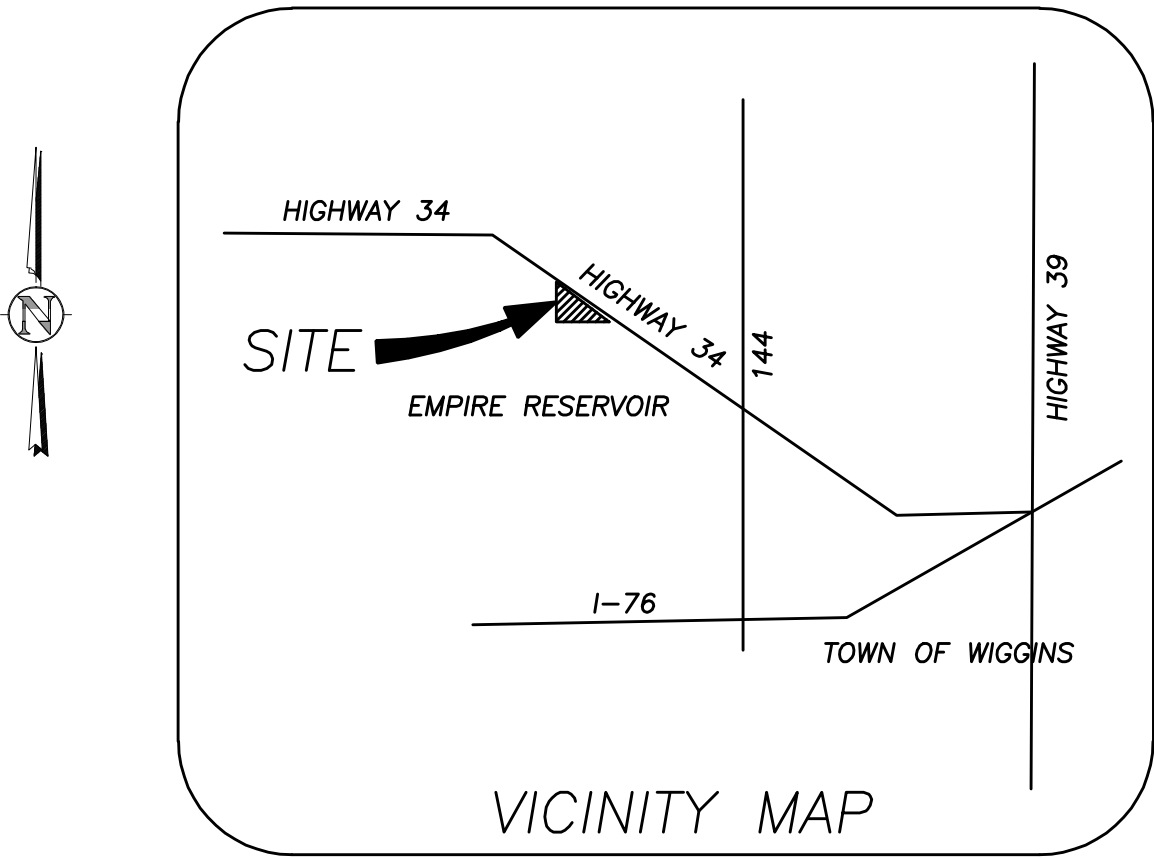
Best,
Kyle Howard
720-252-4700

[Quoted text hidden]



LAND USE TABLE

CURRENT USE	AGRICULTURAL
CURRENT ZONING DESIGNATION	SINGLE FAMILY DETACHED (SFD)
GROSS AREA OF PROPERTY (A.C.)	42.56
GROSS AREA OF PROPERTY (SQFT)	1,853,914
SPECIAL USE PERMIT AREA	69,660
TOTAL AREA (SQFT)	
CURRENT EXISTING RANGES (SQFT)	44,378
FUTURE POTENTIAL EXPANSION RANGE (SQFT)	19,571
PARKING (SQFT)	3,911
SHOP UTILIZED AS CLASSROOM (SQFT)	1,800
EXISTING FARM LAND (SQFT)	577,873



LEGAL DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, NORTHWEST QUARTER OF THE SOUTHWEST QUARTER & NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 60W OF THE 6TH PRINCIPAL MERIDIAN, ALL LYING SOUTH OF HIGHWAY 34 (BOOK 947 PAGE 575) COUNTY OF MORGAN, STATE OF COLORADO CONTAINING 42.56 ACRES MORE OR LESS

SHEET NOTES

EXISTING CONDITIONS & SITE PLAN BASED OFF OF AERIAL INFORMATION PER MORGAN COUNTY GIS (SEE GIS INFO FOR FURTHER DETAIL) OR ONSITE DRONE AERIAL SURVEY.

ALL IMPROVEMENTS ARE EXISTING UNLESS NOTED AS PROPOSED. THIS PLAN IS FOR INFORMATION ONLY AND NOT FOR CONSTRUCTION

IT IS THE OWNER AND/OR THE CONTRACTOR'S RESPONSIBILITY TO ATTAIN ALL APPROPRIATE PERMITS AND REVIEW APPROVALS FROM THE STATE OF COLORADO, TOWN OR COUNTY RESPECTIVELY.

PROJECT BENCH MARK TO BE PROVIDED BY PROJECT SURVEYOR

ANY REFERENCE TO EASEMENTS, SURVEY POINTS, OR EXISTING UTILITIES AND FEATURES ARE BASED SOLELY FROM GIS INFORMATION PROVIDED BY OTHERS - SPECIFICALLY PER SAME INFO NOTED ABOVE.

NOT ALL UNCC UTILITY LOCATES HAVE BEEN PERFORMED.

SYMBOL LEGEND

Δ 4521 EX ELEV
(EXISTING ELEVATION)

LINETYPE LEGEND

---	LOT / PROPERTY LINE
---	RIGHT OF WAY LINE
---	EASEMENT
---	OPEN SPACE EASEMENT
---	SETBACK
---	TO BE ABANDONED LOT LINE
---	EXISTING BUILDING
---	EDGE of ASPHALT/CONC.
---	CHAINLINK FENCE
---	WIRE FENCE
---	EXISTING OVERHEAD ELEC
---	EXISTING ELECTRICAL LINE
---	EXISTING STORM LINE
---	EXISTING SANITARY LINE
---	EXISTING WATER LINE
---	EXISTING GAS LINE
---	EXISTING FIBER OPTIC LINE
---	EXISTING TELEPHONE LINE
---	PROPOSED SANITARY LINE
---	PROPOSED SANITARY SERVICE
---	PROPOSED STORM LINE
---	PROPOSED WATER LINE
---	PROPOSED WATER SERVICE
---	PROPOSED GAS LINE
---	PROPOSED ELECTRIC LINE
---	PROPOSED STORM LINE

EXISTING CONDITIONS & SITE PLAN NOTES:

ALL PROPERTY LINES, LOCATIONS AND EXISTING CONDITIONS PER AERIAL BY MORGAN COUNTY GIS OR ONSITE DRONE AERIAL SURVEY

EXISTING CONDITIONS ARE SHOWN UNLESS OTHERWISE NOTED

ALL ELEVATIONS ARE APPROXIMATE AND PROVIDED BY MORGAN COUNTY GIS INFORMATION OR ONSITE LASER LEVEL SURVEY

UTILITY LOCATIONS NOT PROVIDED AND NOT SHOWN IN DRAWING; LOCATES REQUIRED

PROPOSED GRADING, STORM DRAINAGE, WATER & SANITARY DESIGN OR CONSTRUCTION BY OTHERS

ALL PERMITS BY OTHERS OR CONTRACTOR

TRAFFIC CONTROL PLAN BY OTHERS OR CONTRACTOR

NO.	REVISIONS	DATE	BY
1	INITIAL RELEASE	10/16/20	
2	REVISED PER COUNTY	10/29/20	
3	REVISED PER OWNER	11/10/20	

EMPIRE GUN CLUB
208 US HIGHWAY 34
WIGGINS, CO 80654

EXISTING CONDITIONS & SITE PLAN
EMPIRE GUN CLUB
WIGGINS, CO
MORGAN COUNTY, COLORADO

Dig Safely.
CALL UNCC
THREE WORKING DAYS
BEFORE YOU DIG
1-800-922-1987
www.uncc.org
UTILITY NOTIFICATION
CENTER OF COLORADO

ONLY VALID FOR
CONTRACTOR
IF SEAL & ORIGINAL SIGNATURE
ARE ON EACH SHEET
INITIAL PLAN
RELEASE: 10/19/20
DESIGNED BY:
DRAWN BY:
CHECKED BY:
PROJECT NO.

SHEET
C-01

The Box O' Truth #7 – The Sands O' Truth

Sand, in the form of sandbags, has been used by the military for many years. There are probably many reasons it is used, including the fact that sand is available and cheap (free), but it wouldn't be used unless it worked.

So, how well does it work?

I could have just shot sand bags, but sand bags come in many forms and sizes. And, it would matter how they were stacked, end-wise, sideways, etc.

But the main problem would be that there would be no way for me to accurately measure exactly how many inches of sand had been penetrated.



I determined that I would build some boxes with drywall on each side to hold the sand.

We had learned in past tests that drywall doesn't do a very good job of stopping bullets, so it shouldn't overly affect the tests. This would allow me to exactly measure how much sand each round penetrated.

The boxes were each made from 2 X 6 lumber, so there was 5 1/2 inches of depth of sand in each box. Both sides of the boxes were covered with a 1/2 inch piece of drywall.

I wasn't sure how much sand it would take to stop a bullet, so I built 4 boxes. Turns out I "over-built".



Okay, enough talking, let's start shooting.

First, a .22 LR from a .22 revolver.

Didn't expect much penetration, but it went about 5 inches into the sand.



Then 9mm

Ball.



The 9mm Ball went all the way through the first box and stopped before entering the second box.

It dimpled the back of the drywall, but did not exit.



Then .45ACP Ball.



The .45 ACP penetrated the same as the 9 mm, about 6 inches.

You could just see the nose of the bullet just starting to exit the first box.



As a side note, it is always a matter of luck to catch a really neat photo while shooting, and we got one today.

I blew this one up a little. The 1911 is just opening up after firing and you can still see burning powder coming out the barrel.



Neat pic.

Time for rifles.

First, Tman shooting a 5.56mm XM-193 Ball out of a 20" AR15.

To our surprise, it completely disintegrated and we only found very small pieces of jacket.

It did not even reach the back of the box.



Then a 7.62 X 51 from a FAL.



It did not reach the back of the first box.



These are the biggest pieces we could recover of the .308.

Will a 12 gauge slug penetrate this medium? Let's see.

The slug did not exit the first box.



Tman caught me in full recoil.



This is the slug as recovered.

And, as a lark, the .45-70.



The hard-cast 510 grain, gas-checked round nose was stopped in the first box.

You can see that it still has the gas check on the base of the bullet.



This is it.

I had read that some rounds actually penetrate better at longer ranges, so, we backed up 100 yards from the boxes and tried some rifle rounds again.

We tried both the .223 and the .308.

Both rounds still did not exit the first box.



We recovered the 7.62 X 51, and this is the biggest piece.

You could almost reload the pistol bullets and shoot them again



For comparison, these are the 9mm and .45 ACP.

Lessons learned:

1. It's still fun to shoot stuff.
2. Sand is a very good barrier. Nothing we shot penetrated more than 6 inches into the sand. Does that mean I would hide behind 6 inches of sand and let someone shoot at me? No way!! I'd rather have 60 feet of sand in front of me. But 6 inches seems to work pretty well for the rounds tested.
3. To our surprise, the pistol rounds penetrated deeper than the rifle rounds. Why? The pistol rounds held together better as they were ball and didn't have enough velocity to break them apart. Therefore, they held together and penetrated better. The rifle rounds were traveling at such a high velocity that they broke up into pieces and this stopped their penetration quicker.
4. The 12 gauge slug finally met it's match with sand. The soft lead slug was flattened out and stopped quickly.
5. The .45-70 hard-cast bullet penetrated a little better than the soft lead slug, but not a lot. And the sand tore it up pretty quickly.
6. And lastly, sand is a good barricade material.

Thanks to Tman for the photo help.



Pam Cherry <pcherry@co.morgan.co.us>

SUP for Kyle Howard

Bijou Irrigation <office@bijouirrigation.com>
To: Pam Cherry <pcherry@co.morgan.co.us>

Fri, Nov 13, 2020 at 12:33 PM

Hi Pam,

Here is our submittal.

[Quoted text hidden]



Commissioners RE Empire Gun Club.pdf
38K



BIJOU IRRIGATION

15551 US Highway 34
P.O. Box 972
Fort Morgan, CO 80701
(970) 867-2222

Morgan County Commissioners
218 W. Kiowa Avenue
P. O. Box 596
Fort Morgan, Colorado 80701

Re: Empire Gun Club/Kyle Howard SUP

Commissioners:

Thank you for taking our comments concerning the proposal for special use approval of the Empire Gun Club. The Bijou Irrigation District owns and operates Empire Reservoir which is located directly south of the property that Mr. Howard purchased. Everyone at Bijou appreciates Mr. Howard's willingness to be such a great partner with Bijou. That said, we do have some concerns about the proposed shooting berms and the direction of shooting that will take place on the property.

Mr. Howard has proposed two shooting areas on the property: one located just west of his residence (Range 1), and one located farther to the west on his property (Range 2). The direction of shooting for Range 1 would be to the south, in the direction of the dam for Empire Reservoir and the reservoir itself. The direction of shooting for Range 2 would be to the west, generally parallel to both Empire Reservoir and Highway 34.

Please be aware that Empire Dam is a man-made structure (not a "natural barrier") that requires monitoring and maintenance. As such, Bijou staff and personnel from the State are often on the dam. In addition, Empire Reservoir is used for recreation during the spring, summer, and fall, including use of the Empire Reservoir trail. Approval of the Empire Gun Club as proposed would have one of the shooting areas facing in the direction of an area that is subject to human occupation. Bijou acknowledges that Mr. Howard has taken steps to promote safety for the proposed shooting areas. However, accidental discharge of a weapon over the shooting area berm for Range 1 could result in injury or death. To fully ensure public safety, Bijou believes that Range 1 should be relocated to the north and west on Mr. Howard's property, and reoriented so that the direction of shooting is to the west (parallel to Range 2). At minimum, any SUP approval should require that no use of Range 1 take place when Empire Reservoir is being used for recreational purposes. In addition, Mr. Howard should be required to contact Bijou about scheduled firearms training classes, and also post signs when classes are taking place to ensure public notice of the potential danger.

In addition to this human safety concern, Bijou also has a concern about the potential erosion of the shooting area berms, which currently do not appear to be stabilized by any vegetation. Bijou requests that any SUP approval for the Empire Gun Club also include a requirement concerning erosion control.

If the Commissioners could help the District in placing these stipulations in the permit it would be greatly appreciated.

Sincerely,

Jill Brownell

Representing the Bijou Irrigation District Board of Directors



Pam Cherry <pcherry@co.morgan.co.us>

Shooting Range -Kyle Howard

erbetty@wigginstel.com <erbetty@wigginstel.com>

Wed, Nov 4, 2020 at 2:00 PM

To: Pam Cherry <pcherry@co.morgan.co.us>

Thank you Pam.

Here are my comments;

I believe we live the closest to the Howard's, and at first we were very hesitant with this request for a shooting range. 1- We are located the closest to the range, and 2- We have young children, 3- The safety for, not only us but the boaters, 4 the noise levels.

To be honest I was going to oppose this shooting range. Once I virtually sat in on the Public hearing and seen and heard all that the Howards had researched, and what I feel they had gone above and beyond to make sure this was not only a safe range with all the extra heights and safety measure they have put into place. They have also taken into consideration the safety as far as adding cameras and locked gates, and considered the operating hours as to not be an nuisance with the neighbors, and going as far as having silencers and bearers for the noise levels when necessary.

Not only has Kyle reached out to the county and sheriff department, he has also reached out to the land owners, and boating club-Bijou, to discuss and see if there were concerns we may have had. Unfortunately we were not home the first time he came by prior to the meeting.

Since the Public hearing, as you know, I had requested to have contact with the Howards to discuss further concerns and questions we had. I was blown away by the honesty and how they are willing to accommodate and make accommodations to assure we are safe and not bothered by this new shooting range. When speaking to Mr. Howard he explained his plan regarding safety and scheduling. Kyle even said he would reach out to me if there were changes, and asked that I reach out to him if I should have any concerns or questions in the future.

I believe that we do need a safe place for folks to be able to practice safe shooting, and for our law enforcement to have a place to train.

The Howards are in this for the best interest of the people, and being able to train safety which we too are all about.

Thank you for allowing us to send our comments.

I wish the Howards nothing but success and thank them for all the transparency and look forward to our new neighbors and the benefit this shooting range will bring to so many.

Please let me know should you need additional information or have questions for us.

11/4/2020

Co.morgan.co.us Mail - Shooting Range -Kyle Howard

If you will please let us know how the Commissioner's public hearing goes, that would be great.

Have a wonderful day!

Rob and Betty Lee

[Quoted text hidden]

The above sign was posted on (date) 10-28-2020, pursuant to the

Project name and number: EMPIRE GUN CLU13 SU2020-0010

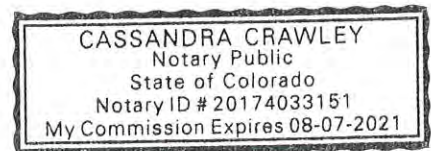
Signature of Applicant/Representative: _____

STATE OF COLORADO)
) ss.
COUNTY OF MORGAN)

Signed before me this date: 10/28/2020

My Commission expires: 08/07/2021

NOTARIZED BY:





NOTICE OF PUBLIC HEARING
BEFORE THE BOARD OF
MORGAN COUNTY COMMISSIONERS

Notice is hereby given that on Thursday, November 19, 2020 at 9:30 a.m., or as soon as possible thereafter, a public hearing will be held virtually to consider the following application:

Kyle Howard and Margaret Louise Bauer Sebern - Applicants
Kyle J. Howard and Margaret Louise Bauer Sebern - Landowners
Legal Description: All that part of Lot 2 (SW1/4 NW1/4), Lot 3 (NW1/4SW1/4), and NE1/4SW1/4 of Section 30, Township 4 North, Range 60 West of the 6th P.M., lying South of the South right of way line of U.S. Highway 34, County of Morgan, State of Colorado; addressed as 208 U.S. Hwy 34, Wiggins CO 80654.
Request for Use: Special Use Permit to establish a shooting range for teaching firearms classes.
Date of Application: August 31, 2020.

THE COUNTY WILL BE ABIDING BY THE SOCIAL DISTANCING REQUIREMENTS IN PUBLIC HEALTH ORDER 20-28 FOR THIS MEETING. DUE TO LIMITED SPACE IN THE ASSEMBLY ROOM, REMOTE ATTENDANCE IS ENCOURAGED. IF YOU HAVE ANY QUESTIONS REGARDING ATTENDING THE MEETING, PLEASE CONTACT PAM CHERRY AT 970-542-3526.
To participate in this Public Hearing you may connect via Zoom Conferencing Access Information at:

<https://us02web.zoom.us/j/82989969541>

Or iPhone one-tap:

US: +16699009128,82989969541# or +12532158782,82989969541#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 829 8996 9541

International numbers available:

<https://us02web.zoom.us/j/82989969541>

Please monitor the Morgan County website for any changes to the meeting format or phone the office at 970-542-3526 closer to the day of hearing.

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado. You may email pcherry@co.morgan.co.us to request items in the file to be emailed to you.

At time of the meeting an opportunity will be given for presentation of evidence in support of or in opposition to the application.

/s/

Pam Cherry - Morgan County
Planning & Floodplain Administrator

Published: Fort Morgan Times November 5, 2020-1752156

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Morgan
State of Colorado

The undersigned, Elizabeth Maes, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Fort Morgan Times*.
2. The *Fort Morgan Times* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Morgan County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Fort Morgan Times* in Morgan County on the following date(s):

Nov 5, 2020

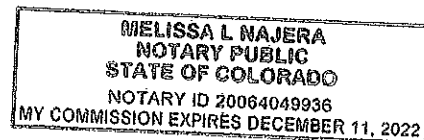
Signature

Subscribed and sworn to me before me this

5th day of November, 2020

Melissa L. Najera
Notary Public

(SEAL)



Account: 1052763
Ad Number: 1752156
Fee: \$51.52

Kyle Howard
Empire Gun Club
Special Use

PC Packet

October 13, 2020 7pm



**MORGAN COUNTY
PLANNING AND BUILDING DEPARTMENT**

October 13, 2020

TO: Morgan County Planning Commission
DATE: TUESDAY, October 13, 2020
TIME: 7:00 P.M.
PLACE: Assembly Room – Remote attendance via ZOOM

The County is abiding by the Social Distancing Requirements in Public Health Order 20-28 for this meeting. Due to limited space in the assembly room, remote attendance is encouraged. If you have any questions regarding attending the meeting, please contact Pam Cherry at 970-542-3526.

To participate in Public Hearings you may connect via Zoom Conferencing Access
Information at:

<https://us02web.zoom.us/j/82218394504>

Or iPhone one-tap :

US: +16699009128, 82218394504# or +12532158782, 82218394504#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or
+1 301 715 8592 or +1 312 626 6799

Webinar ID: 822 1839 4504

International numbers available: <https://us02web.zoom.us/j/82218394504>

AGENDA

Roll Call

Minutes of 9-21-2020

Approval of Agenda

Application:

- 1. APPLICANT: Kyle Howard**
- 2. LANDOWNERS: Kyle Howard and Margaret Sebern**

Legal Description: The property is approximately 42.56 acres located in the SW¹/₄ of the NW¹/₄ and the NW ¹/₄ of the SW¹/₄ and the NE¹/₄ of the SW¹/₄ all lying south of Highway 34 in Section 30, Township 4 North, Range 60 West of the 6th P.M. Morgan County, CO and addressed as 208 Highway 34, Wiggin, CO 80654.

Request: A special use permit to open and operate Empire Gun Club (a shooting range) and to teach firearms classes

OTHER MATTERS:

ADJOURN:

File Summary

PC October 13, 2020



**MORGAN COUNTY
PLANNING AND BUILDING DEPARTMENT**

MORGAN COUNTY PLANNING COMMISSION

FILE SUMMARY

October 7, 2020

October 13, 2020 (meeting date)

APPLICANT: Kyle Howard

LANDOWNERS: Kyle Howard and Margaret Sebern

Application Overview

Kyle Howard as applicant and Kyle Howard and Margaret Sebern as landowners have submitted an application for a special use permit to operate Empire Gun Club (a shooting range) and to teach firearms classes and continue farming on a portion of the property. The property is approximately 42.56 acres located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ all lying south of Highway 34 in Section 30, Township 4 North, Range 60 West of the 6th P.M. Morgan County, CO.

The property is zoned Agriculture Production and a shooting range and firearms training are the proposed uses which are not listed as uses in the Morgan County zoning regulations 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.

The county has regulations that are specific to shooting ranges beginning in Section 4-275 through 4-295 (attached) that address submittal requirements, design standards, safety baffles and occasional events. The Morgan County Sheriff's office was contacted with a complaint about shooting in the area that was reaching the Empire Reservoir trail. After receiving that report Sheriff Martin went to the property and spoke with the owner. There is communication from Sheriff Martin to the complainant included in your packets.

Analysis and Applicable Regulations

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 northwest planning area.

Chapter 2

2.II.A - Economic Development

Goal – Diversify the economy in Morgan County to broaden business employment opportunities for residents and to further economic growth.

This project will support economic development by offering a location for firearms training.

2.II.C

Goal - The County will encourage the preservation of agriculture production lands in balance with pressure for land use changes to higher intensity development.

This project will not negatively impact the preservation agriculture production property. It is located at the very west edge of the county, adjacent and south of Highway 34, Weld County Empire Reservoir is directly to the west.

Goal – Improve Morgan County’s image by dealing with community design issues in relation to land use.

Surrounding agricultural uses, berms that have been constructed and Empire Reservoir provide natural buffers in the adjacent properties.

- (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.
Section 4-280 of the zoning regulations requires a site map with appropriate contour intervals.

- (C) The Site Plan conforms to the district design standards of these Regulations.
Regulations require that the Planning Commission determine the minimum land requirements for this application. There has been significant grading on the property to construct berms for safety purposes. The applicant designed the range with an approximately 20' berm to mitigate noise and for backstop purposes.

- (D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.
Offsite impacts are minimized by the backstop construction. CDOT is currently reviewing an application to amend the access permit.

- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.
Distance and berm construction sufficiently buffer and mitigate impact to surrounding uses. Neighbor notifications were sent to all properties, whether in Weld or Morgan County, within one mile of the property boundary.

- (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 Health Department has approved the use of portable toilets on the property and bringing in bottled water.
- (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.
There is a need for firearms training in Morgan County. An existing range in the county may close at any time. This range would provide for redundancy to existing facilities.
- (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 supply for the shooting range associated uses will be bottled and brought in. There is an existing well permit #236199 that is permitted for irrigating one acre of landscape, household and fire suppression uses.

Recommendation and conditions

Suggested conditions if Planning Commission recommends approval to the County Commissioners:

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. The portable toilets will be brought onsite prior to beginning operations, the pump agreement to be supplied to the Health Department.
3. Submit a site plan that shows contours of the site, the relief/protection provided by the constructed berms.
4. Re-permit and transfer ownership of the existing well through the State Engineer's office.

Pam Cherry

Pam Cherry, MPA, CFM
Planning, Zoning and Floodplain Administrator

OUTDOOR SHOOTING RANGES

4-275 General

A special use permit to develop and operate and/or expand or reopen an existing outdoor shooting range is required.

4-280 Application Submittal Requirements

- (A) Existing conditions map of site with topography at appropriate contour intervals.
- (B) A plan of operations and the maintenance of safety on-site is required.
- (C) Proof of ownership or an authorization letter from the owner(s).
- (D) A list of owners of property within one mile of the site.

4-285 Design Standards

- (A) Minimum land requirements shall be set by the Planning Commission for each application.
- (B) Shooting ranges shall, when possible, be located to take advantage of natural terrain barriers.
- (C) The design standards for the type of range proposed shall be no stricter than those issued by the National Rifle Association (NRA) or equivalent military range construction standards.
- (D) No rifle, pistol, shotgun, or other range shall be permitted if it poses unacceptable risk to other land uses.
- (E) Provisions for parking, equipment storage, and toilets may be required by the Planning Administrator.

4-290 Safety Baffles

When natural terrain does not offer adequate safety protection, overhead safety baffles, or other safety features shall be required.

4-295 Occasional Shotgun Events

Occasional (not to exceed 12 times per year) or infrequent shotgun shooting events shall not be considered an "outdoor shooting range" for purposes of these regulations.

Original Submittal



MORGAN COUNTY
PLANNING, ZONING & BUILDING DEPT.
231 Ensign, P.O. Box 596
Fort Morgan, Colorado 80701
PHONE (970) 542-3526 FAX (970) 542-3509
E-mail: pcherry@co.morgan.co.us

Filing Deadline _____

Meeting Date _____

USE BY SPECIAL REVIEW PERMIT APPLICATION

APPLICANT

LANDOWNERS

Name Kyle Howard

Name Kyle Howard and Margaret Sebern

Address 208 US 34 Wiggins, CO 80654

Address Same.

Phone (720) 252-4700

Phone (303) 430-4339

Email kyle.j.howard@comcast.net

Email msebern@comcast.net

TECHNICAL INFORMATION

Address of property or general location 208 US 34 Wiggins, CO 80654 Zone District Northwest Morgan County

Size of property (Sq. Ft. or Acres) 42.5 Present Use of Property Ag Proposed Use of Property _____
Ag, with special use to teach firearms classes.

Complete Legal Description of property. If not enough space, attach to application and label "Exhibit 2". _____

S:30 T:4 R:60 PARC SW1/4NW1/4, NW1/4SW1/4 & NE1/4SW1/4 ALL LYING S OF HWY 34 B647 P575

Is property located within 1320' (1/4) of a livestock confinement facility? No

APPLICANT'S STATEMENT

I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. Application must be signed by landowners as shown on title insurance/commitment.

[Signature]
Applicant Signature

8-28-20
Date

[Signature]
Landowner Signature

8-28-20
Date

Date Received _____ Received By _____ Fee Payment _____ Check # _____

Recording Fee _____ Check # _____

Fees Paid By _____

Comments _____



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PLANNING, ZONING & BUILDING DEPT.
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Fort Morgan, Colorado 80701
PHONE (970) 542-3526 FAX (970) 542-3509
E-mail: pcherry@co.morgan.co.us

USE BY SPECIAL REVIEW APPLICATION CHECKLIST

- ☒ Exhibit A: Proof of ownership in the form of current title insurance or attorney's title opinion (within last 6 months).
- ☒ Exhibit B: Narrative describing project and purpose of request.
- ☒ Exhibit C: Narrative of how project will relate to or impact existing adjacent uses, including description of all off-site impacts. Include mitigation measures for off-site impacts.
- ☒ Exhibit D: Additional information to clearly show projects intent.
- ☒ Exhibit E: Narrative of compliance of this proposal with the Morgan County Comprehensive Plan and with the criteria for review of Special Use Permits.
- ☒ Exhibit F: Development or implementation schedule of project. If Vesting of Rights is desired additional application and fees are required.
- ☒ Exhibit G: Discussion of any public improvements required to complete the project and copies of pertinent improvements agreements.
- ☒ Exhibit H: Description of types of easements required for the project. May be required to supply copies of easement agreements.
- ☒ Exhibit I: Discussion of any environmental impacts the Special Use will have on the following:
 - ☒ I1: Existing Vegetation
 - ☒ I2: Land Forms
 - ☒ I3: Water Resources
 - ☒ I4: Air Quality
 - ☒ I5: Wildlife
 - ☒ I6: Wetlands
 - ☒ I7: Dust
 - ☒ I8: Odor
 - ☒ I9: Noise
 - ☒ I10: Stormwater Runoff
 - ☒ I11: Visual Amenities
 - ☐ I12: _____



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- ☒ Exhibit J: Letters of commitment from utility providers or other proof of service as required by staff:
 ☐ J1: Water
 ☐ J2: Sewer
 ☐ J3: Electricity
- ☐ Exhibit K: Legal Access - Copy of permit for access from Colorado Department of Transportation or Morgan County Road and Bridge. (Required for new and existing driveways)
- ☒ Exhibit L: Soil Map from Morgan County Soil Conversation District.
- ☒ Exhibit M: Impact statement from irrigation companies that have canals / laterals crossing area.
- ☒ Exhibit N: Documentation of adequate financial resources to implement the project.
- ☒ Exhibit O: Right to Farm Policy / Notice.
- ☒ Exhibit P: Site plans / map exhibits as per Morgan County Zoning Regulations, Section 2-515.
- ☒ Exhibit Q: Additional information as required by staff:
 ☒ Q1: Gun Range Requirements Sheet
 ☐ Q2: _____
 ☐ Q3: _____
 ☐ Q4: _____
- ☒ Exhibit U: Non-refundable application fee of \$500.00, plus any additional deposits as required by staff.

To be provided after posting the property for future public hearing

- ☐ Exhibit V: Notarized affidavit and photograph verifying sign(s) posting. Property posting takes places after Planning Commission hearing and prior to County Commissioners' hearing.

*Property taxes must be current at the time of processing.

Application for Special Use Permit for Gun Range located at
208 US 34 Wiggins, CO 80654.

Exhibit A: Title Insurance included.

Exhibit B:

The land was initially purchased for my own personal training, and that of some close friends and family. As demand for concealed carry classes has grown, and fees at other ranges have increased, it became obvious that this location would be great for hosting the occasional class.

I have no intent to open this property as a public range available for drive in service like that of Pawnee Sportsmen's Center, Great Guns, or Colorado Clays. The fulfilling purpose would be to remain private, teach the occasional weekend class of my own, and also allow a few fellow certified instructors, who are close friends, to host their classes on my property as well. I would also be willing to allow local law enforcement to utilize the range if it could provide value to them as I've been told Morgan County Gun Club may not be around long, and am open to other ideas if it can be a service to Morgan County as a whole.

Should the commissioners agree that a public range could be of use to the county, I would be open to discussing that, however additional funding would be required to facilitate that.

Exhibit C:

The range itself would not relate to or impact surrounding area uses, however many of the neighbors do have personal ranges on their property, and I've been told there is a duck hunting club is near by to the west. The NRA representative I spoke with said due to the dam height a backstop was not necessary, but an 8-10' berm would be beneficial. To mitigate any potential safety concerns of my own personal training, berms were constructed at double the recommended height to help with noise reduction, as well as to provide a more than adequate backstop.

The first section includes a U-shaped range that has berms resting at around 20 feet on all sides with a small taper on the side berms, and to the south 30 yards past this backstop is the dam to Empire Reservoir that stands 35-40+ feet high in my visual estimation. My average CCW class has a very basic shooting module that is a max of 7 yards. At 7 yards, and even back to 10-15 yards, you cannot even see the dam over the backstop due to its height. Nobody is allowed to be on the dam for recreational purposes per Bijou Irrigation, as well. This section also allows for shooting west. This direction also has a 20-foot backstop, and nothing but open field for roughly a mile.

There is a second location constructed to the west within the trees. This area is very similar to the first. The walls are 25 feet high and run 35 yards by 40 yards facing south and west respectively. Absolutely no shooting would be allowed east in the direction of my home and shop, or north in the direction of the highway. Both firing lines are more than 450 feet away from the highway.

Recreational shooting is also a very popular activity in this part of town. Shooting can be heard from every direction on the weekends all the time.

Exhibit D:

The requirements I've set to utilize the property as an outside instructor are as follows.

1. Must be a qualified or certified instructor.
2. Must list me and the property on their own instructor insurance.
3. A demo class must be provided first to ensure safety.

Currently I have a handful of close friends who would like to use the land. All of these instructors are highly qualified and come recommended by their respective gun stores or police departments.

I also carry a primary 1 million initial, 2 million aggregate, gun range policy alongside my own instructor insurance of the same values. Should I be co-instructing, 3 insurance policies are in play for the course.

Exhibit E:

The property in question is currently zoned AG and allows for shooting by right recreationally; however, to receive compensation requires the special use permit. The zoning of this property will not change, and in fact there will be planting of crops such as winter wheat or alfalfa.

The layout of the range and the location for crops make the best use of the space available for achieving the largest yield and keeping safety as the top priority.

Absolutely all possible measures have been taken to ensure public safety and minimize risk to the students and adjacent resources. The use of this land will have no negative impact on surrounding areas.

As mentioned, Morgan County Gun Club is on a limited renewal basis and should the commissioners decide that a public need is there, I would be open to discussion.

Parcel will be maintained as agriculture and utilized for open space recreation as desired in the comprehensive plan.

Exhibit F:

No development is needed at this time. All facilities are already located on the property and exceed NRA standards.

Exhibit G:

I have included a Will Serve letter from the Northeast Colorado Health Department stating portable toilets are acceptable and there are no other foreseen issues. I must provide them with a contract prior to opening.

No other public improvements needed for the project at this time.

Exhibit H:

No easements are required for the project at this time. Prior to moving the dirt for the current set of berms, I met with the Empire Reservoir dam engineer, as well as 3 representatives from Bijou Irrigation to ensure nothing I did would impact their seepage ditch or encroach on their facilities. All ideas given were approved and the dam engineers were very pleased that my plans were simple, and in compliance with their safety provisions for the dam. Their only request was to be able to drive behind the berms should they need to service the canals. Adequate room was left to accommodate this. Included in Exhibit M is a letter from the governing irrigation company confirming the above statement.

Exhibit I:

I1: Current vegetation only includes weeds, trees, and other wild grass. No trees will be harmed. Alfalfa or some kind of winter wheat may be planted in unused areas to help with dust and soil retention. Nothing else will be harmed.

I2: The original grade of the property was maintained in a safe manner to allow for proper drainage and to prevent any pooling of water while providing adequate backstops.

I3: No water resources will be impacted whatsoever.

I4: Air quality will not be impacted whatsoever.

I5: No wildlife will be impacted whatsoever.

I6: No wetland resources will be impacted.

I7: Alfalfa or winter wheat will be planted to supplement soil retention and reduce dust.

I8: No odors will be created from our use.

I9: Berms were constructed at twice the NRA recommended height to minimize noise. Also, the closest residence is 3,325 feet away, and recessed behind the dam. Sound would have to travel over a 20 foot berm, a 35+ foot dam, 3300 feet, and down 35 feet to this house. This neighbor also has a private range on their property and

informed Sheriff Dave Martin they shoot as well and I was not a bother. A duck hunting club also resides to the west of the property, so I've been told.

I10: Attention to maintaining the natural grade was made and kept. No issues here. All property is sand and easily absorbs water.

I11: The range within the trees is nearly invisible, and the range near the shop will, when vegetation regrows, just look like part of the dam from the highway.

Exhibit J:

J1: Health department has approved the providing of bottled water to customers without issue.

J2: Health department approved the use of a portable toilets with no issues and that would be in compliance with them in all areas.

J3: Electricity is already provided to the property.

Exhibit K:

Morgan County Road and Bridge said they have nothing to do with this section since it does not intersect any county road, was referred to CDOT due to existing HWY 34 entrance.

Have emailed twice and called at least twice a day since Wednesday the 26th with no response. Pam has emailed them as well as of 8/28/20 with no reply. Did receive out of office email until the 31st, will continue to call.

Exhibit L:

Soil map included.

Exhibit M:

See letter from Bijou Irrigation.

Exhibit N:

No funding is needed. No construction is required.

Exhibit O:

Included (see page

Exhibit P:

Photos of current landscape provided and maps showing distance to other possibly populated areas.

Exhibit Q:**4-280**

(A) See photos in exhibit P of the range as well as the memo from Sheriff Dave Martin verifying the current layout and his positive comments on safe design.

(B). On-site safety is directed by the NRA range handbook. Processes such as designated loading and unloading areas, ammo restrictions within classrooms, posted safety rules, berm height maintenance, inspection of guns prior to shooting, and multiple range officers per class to have more eyes on students are some of the primary points. A 5 to 1 ratio of students to instructor will be maintained at all times, with a maximum class size of 15. A maximum of 2 classes could be run, however all efforts will be made to only have one per day to avoid overlap. The directions of fire within the berms are perpendicular to each other, as well, to be extra safe.

(C) See Exhibit A.

(D) List provided.

4-285

(A) Planners office has indicated 42.5+ acres is more than adequate to shoot on.

(B) Range directions utilize the longest possible empty backstop exceeding a mile in both directions and have the dam as a secondary backstop to the south.

(C) I have purchased the NRA design book and, using those design recommendations, my insurance was more than pleased with my layout.

(D) No other land uses will be impacted.

(E) Health department has approved portable toilets for use, and there's more than adequate space for parking already on the property.

4-290

Natural terrain already provided adequate backstops. Additional backstops were installed prior for personal use, exceeding insurance and NRA requirements/recommendations.

EXHIBIT A



MERIDIAN
TITLE & ESCROW, LLC

4155 East Jewell Avenue, Ste. 318
Denver, CO 80222

(303) 800-1001(P)
(303) 785-9048(F)
Team@MeridianTE.com

TITLE COMMITMENT

Enclosed is your Title Commitment. Please be sure to carefully review all information for accuracy.

File: 20-3410-MTE
Seller: Martin R. Pieper
Buyer: Kyle J. Howard and Margaret Louise Bauer Sebern
Property: 208 U.S. 34, Wiggins, CO 80654

Date: July 2, 2020

Below is our contact information if you have any questions or concerns about your Real Estate transaction:

Escrow Officer: **Matt Netting**
(303) 951-1909
Matt@MeridianTE.com

Processing Team: **Tina Gadpaille**
(303) 800-1001
Team@MeridianTE.com

TITLE COMMITMENT DELIVERY LIST

Thank you for your recent title insurance order. The Title Commitment was delivered to the below parties.

Please note that the Title Documents were delivered by a blind carbon copy email through our Qualia platform.

Selling Broker:

Maggie Brown Lisa Couch
RE/MAX Northwest, Inc.
(303) 457-4800
info@browncouch.com

Listing Broker:

Marta Heston
Dream Home Realty, LLC
(720) 427-6392
marta@dhrtteam.com

Assistant (If applicable):

Assistant (If applicable):

Tina and Alex 5280 TM Team

Buyer:

Kyle J. Howard and Margaret Louise Bauer Sebern

Seller:

Martin R. Pieper

Lender (If applicable):

MegaStar Financial Corp.

Kari Morrison

(303) 452-8677
kmorrison@megastarfinancial.com



MERIDIAN

TITLE & ESCROW, LLC

Privacy Policy

As a result of the Gramm-Leach-Bliley Act signed into law on November 12, 1999, and related Federal Trade Commission (FTC) regulations, title companies, like all providers of personal financial services, are now required by law to inform their non-business individual clients of their policies regarding privacy of client information. Such policy disclosures are required on or before July 1, 2001.

Types of Non-Public Personal Information We Collect

We collect non-public personal information about you that is provided to us by you or obtained by us with your authorization.

Parties to Who We Disclose Information

For current and former clients, we do not disclose any non-public information obtained in the course of our practice except as required or permitted by law. Permitted disclosures include, for instance, providing information to our employees, and in limited situations, to unrelated third parties who need to know that information to assist us in providing services to you. In all such situations we stress the confidential nature of information being shared.

Protecting the Confidentiality and Security of Former Clients' Information

We retain records relating to professional services that we provide so that we are better able to assist you with your professional needs and, in some cases, to comply with professional guidelines. In order to guard your non-public personal information, we maintain physical, electronic and procedural safeguards that comply with our professional standards. Please call if you have questions, because your privacy, our professional ethics, and the ability to provide you with quality financial services are very important to us.

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Denver, CO 80222
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(303) 785-9048 (F)
Team@MeridianTE.com



MERIDIAN

TITLE & ESCROW, LLC

IMPORTANT NOTICE - WIRE FRAUD ALERT

****BEFORE WIRING ANY FUNDS WITH RESPECT TO THIS TRANSACTION, PLEASE CONFIRM THE WIRING INSTRUCTIONS BY CONTACTING US OVER THE PHONE AT (303) 512-0624.****

As you are now participating in a Real Estate transaction, and as cybercrime is on the rise, we'd like to take a moment to talk to you about Wire Fraud.

What is Wire Fraud?

Wire Fraud is when hackers try to deceive you into wiring money to them. They are targeting email accounts of various parties involved in a Real Estate transaction (E.G., Lawyers, Title Agents, Lenders, Real Estate Agents). They may attempt to email fraudulent Wiring Instructions to you to divert funds to their accounts. These emails may look very convincing and seem like legitimate emails from the proper party.

How can I help Protect Myself from Wire Fraud?

Never trust any Wiring Instructions sent via email. Our Company will never provide you Wiring Instructions via email. If you receive an unsolicited email with Wiring Instructions that appears to come from us, it is a fraudulent email. When wiring any amount, always independently confirm the Wiring Instructions in-person or via a phone call to a trusted and verified phone number. Never wire money without personally double-checking with the intended recipient to confirm the accuracy of the Wiring Instructions. If you're having money wired to you, deliver that information in-person. For example, if you are selling a Property and would like to have your proceeds wired to you, bring your bank's Wiring Instructions with you to your Closing.

In general, we strongly recommend that you, your Lawyers, and others working with you on a transaction, should refrain from placing any sensitive personal and financial information in an email, directly or through an email attachment. If you need to share social security numbers, bank accounts, credit card numbers, or similarly sensitive information, we strongly recommend using more secure means such as meeting in-person, talking on the phone, or using our secure system, Qualia.

When in doubt, always call your Broker or a trusted representative. They have the tools and experience to help make sure your money and information are delivered securely to the correct party.

Meridian Title & Escrow, LLC
4155 East Jewell Avenue, Ste. 318
Denver, CO 80222
(303) 800-1001(P)
(303) 785-9048 (F)
Team@MeridianTE.com



COLORADO

Department of Regulatory Agencies

Consumer Alert – Wire Cyber-scams

The Colorado Division of Real Estate at the Department of Regulatory Agencies (DORA) warns Colorado consumers to beware of a national cyber-scam currently taking place that steals money directly from home buyers and sellers.

The Division continues to receive information about this cyber scam in which cybercriminals hack the email accounts of real estate brokers, title companies, and consumers who are in the process of buying or selling a home. In other instances, they create alternative email accounts with just minor changes to the name of the email account, which typically goes unnoticed by the recipient of the email.

“Unfortunately, the costs to Colorado consumers can be in the tens to hundreds of thousands of dollars with just one successful scam,” stated Marcia Waters, Director of the Division of Real Estate. “Unless you pay very close attention, everything may look right -- the email signature, address and the website. But, by the time homebuyers realize something is wrong, the money is already gone and in an untraceable bank account, leaving them at the closing table with no money and eliminating their ability to purchase the home.”

This past February, a Colorado seller lost over \$80,000 from the sale of their property to one of these scams.

How do the scams work? Often the computer hackers monitor email exchanges between the parties of a real estate transaction and gain specific information, such as the buyer and seller names, subject property address and file numbers. As the closing date approaches and arrangements are made to wire the money to the closing company, or wire the proceeds from the sale of the house to the sellers, the scammer will send a last-minute email from a hijacked account or similar looking email address updating the wiring instructions to request the money be transferred into a fraudulent bank account. The email looks legitimate and often contains the transaction specific information the hackers obtained in the body of the email or as an attachment.

“This scam reflects the increasing technical sophistication of computer hackers and all home buyers and sellers are potential victims,” noted Waters.

Buyers and sellers can take just five minutes by reading the below tips to protect themselves from becoming a victim of wire fraud:

- **Verbally Contact your Broker**
Prior to wiring any money, you should always verbally contact your real estate broker to confirm that the wiring information is accurate. Do not rely on telephone numbers or website addresses provided within an unverified email.
- **Do not Email Financial Information**
Emails and texts are not secure methods to transmit financial information.
- **Keep a Record of Websites that Hold Your Financial Information**
And before providing that information, confirm that the websites in which you input financial information are secure. Look for the URL to start HTTPS, the “S” stands for secure.
- **Don’t Click on Links**
Don’t use links in emails to get to websites. Instead, search and find the company and directly link to their website from your search.
- **Update your Computer and its Software**
Keep your operating system, browser, and security software up to date.

If you have experienced this fraudulent activity, you can report it to the Federal Bureau of Investigations through its Internet Crime Complaint Center or report to Stop Fraud Colorado.



Consumer Financial
Protection Bureau

Mortgage Closing Scams

How to protect yourself and your Closing Funds

The FBI has reported that scammers are increasingly taking advantage of homebuyers during the closing process. Through a sophisticated phishing scam, they attempt to divert your closing costs and down payment into a fraudulent account by confirming or suggesting last-minute changes to your wiring instructions. In fact, reports of these attempts have risen 1,100 percent between 2015 and 2017, and in 2017 alone, there was an estimated loss of nearly \$1 billion in real estate transaction costs.

While it's easy to think you may not fall for this kind of scam, these schemes are complex and often appear as legitimate conversations with your real estate or settlement agent. The ultimate cost to victims could be the loss of their life savings. Here's what you should know and how to avoid it happening to you.

How It Works

Scammers are increasingly targeting real estate professionals, seeking to comprise their email in order to monitor email correspondences with clients and identify upcoming real estate transactions. During the closing process, scammers send spoofed emails to homebuyers – posing as the real estate agent, settlement agent, legal representative or another trusted individual – with false instructions for wiring closing funds.

How to Avoid a Mortgage Phishing Scam

- **Identify TWO Trusted Individuals to Confirm the Closing Process and Wiring Instructions**
Ahead of your mortgage closing, discuss in person, or by phone, the closing process and money transfer protocols with these trusted individuals (realtor, settlement agent, etc.). Be cautious about exchanging any details about your closing over email. You may want to use this opportunity to also create a code phrase, known only by these trusted parties, if you need a secure way to confirm their identities in the future.
- **Before Wiring Money, always Confirm Instructions with your Trusted Representatives**
Never follow instructions contained in an email. Verify the closing instructions, including the account name and number, with your trusted representatives either in person or by using the phone number you previously agreed to.
- **Avoid using Phone Numbers or Links in an Email**
Again, scammers can closely replicate the email address, phone number and format of an exchange from your agents. Avoid clicking on any links or downloading attachments without first confirming with your trusted representatives.
- **Be Mindful of Phone Conversations**
It may be difficult to identify whether a phone call is fraudulent or legitimate. Scammers may call and ask you to verify your personal or financial information. When in doubt, always refer to your trusted professionals to confirm whether it's legitimate.

What to do if it Happens to You

Contact your bank or wire-transfer company immediately. Ask for a wire recall. Reporting the error as soon as possible can increase the likelihood that you'll be able to recover your money. File a complaint with the FBI. Contact the FBI's Internet Crime Complaint Center.

While it can be easy to think you'll never fall for a scam of this nature, the reality is that it's becoming more and more common, and the results can be disastrous for eager homeowners. By being mindful and taking a few important steps ahead of your closing, you can protect yourself and your loved ones.



COMMITMENT FOR TITLE INSURANCE
Issued by
FIRST NATIONAL TITLE INSURANCE COMPANY

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, FIRST NATIONAL TITLE INSURANCE COMPANY, a Texas Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.


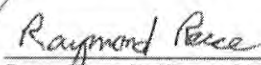
If all of the Schedule B, Part I - Requirements have not been met within 180 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

IN WITNESS WHEREOF, First National Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

[USER'S COUNTERSIGNATURE WILL POPULATE
HERE]

FIRST NATIONAL TITLE INSURANCE COMPANY



By: 
J. Christopher Phillips, President/CEO

Raymond Reese, Chief Financial Officer

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COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2 If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3 The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements;
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I—Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.

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- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

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COMMITMENT FOR TITLE INSURANCE
Issued by
FIRST NATIONAL TITLE INSURANCE COMPANY

Transaction Identification Data for reference only:

Issuing Agent: **Meridian Title & Escrow, LLC**

Issuing Office: **4155 East Jewell Avenue, Ste. 318, Denver, CO 80222**

Issuing Office's ALTA® Registry ID: **98849**

Loan ID No.:

Commitment No.: **20-3410-MTE**

Issuing Office File No.: **20-3410-MTE**

Property Address: **208 U.S. 34, Wiggins, CO 80654**

Revision No.:

SCHEDULE A

1. Commitment Date: **June 26, 2020**

2. Policy to be issued:

(a) **ALTA Owner's Policy**

Proposed Insured: **Kyle J. Howard and Margaret Louise Bauer Sebern**

Proposed Policy Amount **\$ 650,000.00**

Title Premium: **\$888.00**

Endorsements:

CO Form 130 **\$65.00**

(b) **ALTA Loan Policy**

Proposed Insured:

Proposed Policy Amount **\$ 487,500.00**

Title Premium: **\$725.00**

Endorsements:

ALTA 8.1 **\$0.00**

ALTA 9-06 **\$0.00**

ALTA 22-06 **\$0.00**

Total Premium: \$1,678.00

3. The estate or interest in the Land described or referred to in this Commitment is **fee simple**.

4. The Title is, at the Commitment Date, vested in:

Martin R. Pieper

5. The Land is described as follows:

SEE SCHEDULE C ATTACHED HERETO

By: **Meridian Title & Escrow, LLC**

John M Clikeman, License #: 11596

Authorized Signatory

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COMMITMENT FOR TITLE INSURANCE
Issued by
FIRST NATIONAL TITLE INSURANCE COMPANY

SCHEDULE B, PART I
Requirements

File Reference: 20-3410-MTE

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

Duly authorized and executed Deed from Martin R. Pieper, to Kyle J. Howard and Margaret Louise Bauer Sebern, to be executed and recorded at closing.

Duly authorized and executed Deed of Trust from Kyle J. Howard and Margaret Louise Bauer Sebern, to _____, securing its loan in the amount of \$487,500.00.

5. A Certification of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or an authorized agent (pursuant to Senate Bill 92-143, CRS 10-11-122).
6. Release of the Deed of Trust from Martin R. Pieper to the Public Trustee of Morgan County for the benefit of Guild Mortgage Company, a California Corporation to secure an indebtedness in the principal sum of \$417,000.00 and any other amounts and/or obligations secured thereby dated January 3, 2017 and recorded on January 4, 2017 at Reception No. 903352.

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COMMITMENT FOR TITLE INSURANCE
Issued by
FIRST NATIONAL TITLE INSURANCE COMPANY

SCHEDULE B, PART II

Exceptions

File Reference: 20-3410-MTE

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attached, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I — Requirements are met.
6. Taxes for the second half 2019, now due and payable but not yet delinquent, and taxes for the year 2020 and subsequent years, not yet due and payable.
7. Unrecorded leases or tenancies.

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**COMMITMENT FOR TITLE INSURANCE
SCHEDULE C
Issued by
FIRST NATIONAL TITLE INSURANCE COMPANY**

The Land is described as follows: **208**

U.S. 34, Wiggins, CO 80654

Commitment Legal Description

**All that part of Lot 2 (SW 1/4/ NW 1/4),
Lot 3 (NW 1/4 SW 1/4), and the NE 1/4
SW 1/4 of Section 30, Township 4
North, Range 60 West of the 6th P.M.,
lying South of the South right of way
line of U.S. Highway 34, County of
Morgan, State of Colorado.**

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FNTI Form No.: Com16 ALTA Commitment for Title Insurance Adopted 8/1/2016 Technical
Correction 4/2/2018

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FIRST NATIONAL TITLE INSURANCE COMPANY

COLORADO DISCLOSURE STATEMENT

1. Pursuant to C.R.S. 30-10-406(3)(a), all documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one-half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section.
2. If this transaction includes a sale of the property and the price exceeds \$100,000.00, the seller must comply with the disclosure/withholding provisions of C.R.S. 39-22-604.5 (Nonresident withholding).
3. Colorado Division of Insurance Regulation 8-1-2 requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title commitment, other than the effective date of the title commitment, for all matters which appear of record prior to the time of recording whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an owner's policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed.
4. Pursuant to C.R.S. 10-11-122, the company will not issue its owner's policy or owner's policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary. The subject real property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.
5. Pursuant to C.R.S. 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments containing a mineral severance instrument exception, or exceptions, in Schedule B, Section 2.

 - A. That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
 - B. That such mineral estate may include the right to enter and use the property without the surface owner's permission.
6. Pursuant to Colorado Division of Insurance Regulation 8-1-1, affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception No. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:
 - A. The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
 - B. No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
 - C. The Company must receive an appropriate affidavit indemnifying the Company against unfilled mechanic's and material-men's liens.
 - D. The Company must receive payment of the appropriate premium.

- E. If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of the Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium, fully executed Indemnity Agreements satisfactory to the Company, and any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

7. Pursuant to C.R.S. 38-35-125(2) no person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawal as a matter of right.
8. C.R.S. 39-14-102 requires that a Real Property Transfer Declaration accompany any conveyance document presented for recording in the State of Colorado. Said Declaration shall be completed and signed by either the grantor or the grantee.
9. Pursuant to C.R.S. 10-1-128(6)(a), it is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.
10. Pursuant to Colorado Division of Insurance Regulation 8-1-3, notice is hereby given that an ALTA Closing Protection Letter is available to the consumers identified in this Commitment and will be provided to said consumer upon request.

NOTHING HEREIN CONTAINED WILL BE DEEMED TO OBLIGATE THE COMPANY TO PROVIDE ANY OF THE COVERAGES REFERRED TO HEREIN UNLESS THE ABOVE CONDITIONS ARE FULLY SATISFIED.



PRIVACY POLICY NOTICE

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of First National Title Insurance Company.

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you such as on applications or other forms.
- Information about your transactions we secure from our files, or from our affiliates or others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

EXHIBIT G



August 26, 2020

Kyle Howard
208 US HWY 34
Wiggins, CO 80654

Dear Kyle:

This department has no objection to using a portable toilets for your business (Gun Range). We ask that you provide this department a signed contract with a licensed pumper before operation.

Said property is located in Section 30 – Township 4N – Range 60W of Morgan County, Colorado, located at 208 US HWY 34. Bottled water would be provided for consumption of your customers.

If there are any questions please call me at 970/867-4918 ext. 2282

Sincerely,

A handwritten signature in black ink, which appears to read "Melvin Bustos". The signature is fluid and cursive, with the first and last names being clearly legible.

Melvin Bustos
Environmental Health Manager
Northeast Colorado Health Department

EXHIBIT L



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **Morgan County, Colorado**

Kyle Howard



August 25, 2020

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



Custom Soil Resource Report

MAP LEGEND

Area of Interest (AOI)		Spoil Area
Area of Interest (AOI)		Stony Spot
Soils		Very Stony Spot
Soil Map Unit Polygons		Wet Spot
Soil Map Unit Lines		Other
Soil Map Unit Points		Special Line Features
Special Point Features		
Blowout	Water Features	Streams and Canals
Borrow Pit	Transportation	
Clay Spot	Rails	
Closed Depression	Interstate Highways	
Gravel Pit	US Routes	
Gravelly Spot	Major Roads	
Landfill	Local Roads	
Lava Flow	Background	
Marsh or swamp	Aerial Photography	
Mine or Quarry		
Miscellaneous Water		
Perennial Water		
Rock Outcrop		
Saline Spot		
Sandy Spot		
Severely Eroded Spot		
Sinkhole		
Slide or Slip		
Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Morgan County, Colorado
Survey Area Data: Version 21, Jun 5, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 19, 2018—Aug 10, 2018

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Dw	Dwyer sand, wet variant	20.5	32.8%
VcD	Valent sand, 3 to 9 percent slopes	23.9	38.2%
Ve	Valent-Dwyer sands, terrace, 0 to 3 percent slopes	17.5	28.0%
W	Water	0.7	1.0%
Totals for Area of Interest		62.6	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or

Custom Soil Resource Report

landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Morgan County, Colorado

Dw—Dwyer sand, wet variant

Map Unit Setting

National map unit symbol: 3pwx
Elevation: 4,000 to 5,000 feet
Mean annual precipitation: 13 to 15 inches
Mean annual air temperature: 46 to 48 degrees F
Frost-free period: 110 to 130 days
Farmland classification: Not prime farmland

Map Unit Composition

Dwyer and similar soils: 90 percent
Minor components: 10 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Dwyer

Setting

Landform: Stream terraces
Down-slope shape: Concave
Across-slope shape: Concave
Parent material: Calcareous sand

Typical profile

H1 - 0 to 5 inches: sand
H2 - 5 to 60 inches: sand

Properties and qualities

Slope: 1 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): Very high (19.98 in/hr)
Depth to water table: About 42 to 60 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Very slightly saline to moderately saline (2.0 to 8.0 mmhos/cm)
Available water capacity: Low (about 4.2 inches)

Interpretive groups

Land capability classification (irrigated): 4w
Land capability classification (nonirrigated): 6w
Hydrologic Soil Group: A
Ecological site: R067BY029CO - Sandy Meadow
Hydric soil rating: No

Minor Components

Aquic ustipsamment

Percent of map unit: 7 percent
Landform: Swales
Hydric soil rating: Yes

Custom Soil Resource Report

Other soils

Percent of map unit: 3 percent

Hydric soil rating: No

VcD—Valent sand, 3 to 9 percent slopes

Map Unit Setting

National map unit symbol: 2tczf

Elevation: 3,050 to 5,150 feet

Mean annual precipitation: 12 to 18 inches

Mean annual air temperature: 48 to 55 degrees F

Frost-free period: 130 to 180 days

Farmland classification: Not prime farmland

Map Unit Composition

Valent and similar soils: 80 percent

Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Valent

Setting

Landform: Dunes, hills

Landform position (two-dimensional): Shoulder, backslope, summit, footslope

Landform position (three-dimensional): Side slope, crest, nose slope, head slope

Down-slope shape: Linear, convex

Across-slope shape: Linear, convex

Parent material: Noncalcareous eolian sands

Typical profile

A - 0 to 5 inches: sand

AC - 5 to 12 inches: sand

C1 - 12 to 30 inches: sand

C2 - 30 to 80 inches: sand

Properties and qualities

Slope: 3 to 9 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Excessively drained

Runoff class: Very low

Capacity of the most limiting layer to transmit water (Ksat): High to very high (6.00 to 39.96 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 1 percent

Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)

Available water capacity: Very low (about 2.4 inches)

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Interpretive groups

Land capability classification (irrigated): 4e

Land capability classification (nonirrigated): 6e

Hydrologic Soil Group: A

Ecological site: R067BY015CO - Deep Sand, R072XY109KS - Rolling Sands

Hydric soil rating: No

Minor Components

Dailey

Percent of map unit: 10 percent

Landform: Interdunes

Landform position (two-dimensional): Foothlope, toeslope

Landform position (three-dimensional): Base slope

Down-slope shape: Linear

Across-slope shape: Concave

Ecological site: R067BY015CO - Deep Sand, R072XA021KS - Sands (North) (PE 16-20)

Hydric soil rating: No

Haxtun

Percent of map unit: 5 percent

Landform: Interdunes

Landform position (two-dimensional): Foothlope, toeslope

Landform position (three-dimensional): Base slope

Down-slope shape: Linear

Across-slope shape: Concave

Ecological site: R072XY111KS - Sandy Plains, R067BY024CO - Sandy Plains

Hydric soil rating: No

Vona

Percent of map unit: 5 percent

Landform: Hills

Landform position (two-dimensional): Foothlope, backslope, shoulder

Landform position (three-dimensional): Base slope, nose slope, head slope, side slope

Down-slope shape: Linear

Across-slope shape: Linear

Ecological site: R072XA022KS - Sandy (North) Draft (April 2010) (PE 16-20), R067BY024CO - Sandy Plains

Hydric soil rating: No

Ve—Valent-Dwyer sands, terrace, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 2yvr7

Elevation: 4,100 to 4,800 feet

Mean annual precipitation: 12 to 17 inches

Mean annual air temperature: 46 to 52 degrees F

Frost-free period: 130 to 155 days

Custom Soil Resource Report

Farmland classification: Not prime farmland

Map Unit Composition

Valent and similar soils: 45 percent

Dwyer and similar soils: 44 percent

Minor components: 11 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Valent

Setting

Landform: Sand sheets on stream terraces

Landform position (three-dimensional): Tread

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Wind-reworked, noncalcareous sandy alluvium

Typical profile

Ap - 0 to 4 inches: sand

C - 4 to 80 inches: sand

Properties and qualities

Slope: 0 to 3 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Excessively drained

Runoff class: Negligible

Capacity of the most limiting layer to transmit water (Ksat): High to very high (6.00 to 39.96 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 1 percent

Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Available water capacity: Very low (about 2.4 inches)

Interpretive groups

Land capability classification (irrigated): 4e

Land capability classification (nonirrigated): 7s

Hydrologic Soil Group: A

Ecological site: R067BY015CO - Deep Sand

Hydric soil rating: No

Description of Dwyer

Setting

Landform: Sand sheets on stream terraces

Landform position (three-dimensional): Tread

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Wind-reworked, calcareous sandy alluvium

Typical profile

Ap - 0 to 4 inches: sand

C - 4 to 80 inches: sand

Properties and qualities

Slope: 0 to 3 percent

Depth to restrictive feature: More than 80 inches

Custom Soil Resource Report

Drainage class: Excessively drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): High to very high (6.00 to 39.96 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 10 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water capacity: Very low (about 2.4 inches)

Interpretive groups

Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 7s
Hydrologic Soil Group: A
Ecological site: R067BY015CO - Deep Sand
Hydric soil rating: No

Minor Components

Vona

Percent of map unit: 6 percent
Landform: Stream terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R067BY015CO - Deep Sand
Hydric soil rating: No

Olnest

Percent of map unit: 5 percent
Landform: Stream terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R067BY024CO - Sandy Plains
Hydric soil rating: No

W—Water

Map Unit Composition

Water: 100 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Water

Setting

Landform: Lakes, rivers

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- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelpdb1043084>

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EXHIBIT M

From: Bijou Irrigation <office@bijouirrigation.com>
Date: August 24, 2020 at 12:30:14 PM MDT
To: "Kyle J. Howard" <outlaw28jr@comcast.net>
Subject: FW: Bijou E-mail

Hi Kyle,

Here is a resend, you are still good to go from our end. Thank you!

Thank you,
Jill Brownell

Administration Manager
Bijou Irrigation System
Office: (970) 867-2222

From: Bijou Irrigation
Sent: Thursday, July 09, 2020 10:14 AM
To: Kyle J. Howard <outlaw28jr@comcast.net>
Subject: RE: Bijou E-mail

Hi Kyle,

First, I want to thank you for your willingness to be such a great partner with Bijou. I discussed your plans with the Dam Safety Engineer for the State and he was pleased to see that everything you would like to do is north of the seep ditch. He did ask I pass along that per Colorado Dam Safety Rules and Regulations, proposed improvements within 200-ft of the downstream toe of the dam (or south of the existing seep ditch) that could impact seepage through the embankment or the ability to monitor the dam needs to be approved by the State Engineer's Office. This would include excavation below the natural ground surface, stockpiling of material, or construction of pathways or access onto the embankment.

The Board members I spoke to are encouraged by your willingness to work with Bijou as well and just asked me to pass along the importance of not being on the embankment. Everything that you presented in your request would not raise issues with Bijou or the State Engineers office.

I hope this helps and we wish you the best of luck in your purchase!

Thank you,
Jill Brownell

Administration Manager
Bijou Irrigation System
Office: (970) 867-2222

EXHIBIT O



MORGAN COUNTY
PLANNING, ZONING & BUILDING DEPT.
231 Ensign, P.O. Box 596
Fort Morgan, Colorado 80701
PHONE (970) 542-3526 FAX (970) 542-3509
E-mail: pcherry@co.morgan.co.us

MORGAN COUNTY RIGHT TO FARM POLICY / NOTICE

Morgan County is one of the most productive agricultural counties in Colorado. Ranching, farming, animal feeding, and all other manner of agricultural activities and operations in Morgan County are integral and necessary elements of the continued vitality of the county's economy, culture, landscape and lifestyle. Morgan County specifically recognizes the importance of agricultural operations as necessary and worthy of recognition and protection.

Landowners, residents and visitors must be prepared to accept as normal the effects of agriculture and rural living. These may include noise from tractors, equipment, and aerial spraying sometimes at night or in the early morning; dust from animal pens, field work, harvesting, and gravel roads; odor from animal confinement operations, silage and manure; smoke from ditch burning; flies and mosquitoes; the use of pesticides and fertilizers, including aerial spraying; and movement of livestock or machinery on public roads. Under the provisions of the State of Colorado's "Right to Farm" law (Section 35-3.5-101 and following, C.R.S.), all normal and non-negligent agricultural operations may not be considered nuisances.

Also public services in a rural area are not at the same level as in an urban or suburban setting. Road maintenance may be at a lower level, mail delivery may not be as frequent, utility services may be nonexistent or subject to interruption, law enforcement, fire protection and ambulance service will have considerably longer response times, snow may not be removed from county roads for several days after a major snow storm. First priority for snow removal is that school bus routes are normally cleared first.

Children are exposed to different hazards in a rural setting than they are in an urban or suburban area. Farm and oilfield equipment, ponds, and irrigation ditches, electrical service to pumps and oil field operations, high speed traffic, noxious weeds, livestock, and territorial farm dogs may present real threats to children. It is necessary that children's activities be properly supervised for both the protection of the children and protection of the farmer's livelihood.

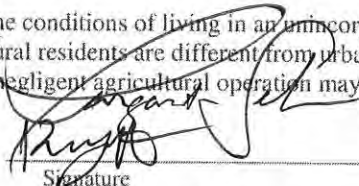
All rural residents and property owners are encouraged to learn about their rights and responsibilities and to act as good neighbors and citizens of Morgan County. This includes but is not limited to obligations under Colorado State law and Morgan County Zoning Regulations regarding maintenance of fences, controlling weeds, keeping livestock and pets under control. There may be provisions of which you are unaware. For example, because Colorado is a Fence Law State, owners of property may be required to fence livestock out.

Information regarding these topics may be obtained from the Colorado State University Cooperative Extension Office, the County Planning and Zoning Department, and the County Attorney.

RECEIPT AND STATEMENT OF UNDERSTANDING

I hereby certify that I have received, read, and understood the Morgan County Statement of Policy and Notice regarding Right to Farm.

I further state that I am aware that the conditions of living in an unincorporated area are different than living in a town or city and that the responsibilities of rural residents are different from urban or suburban residents. I understand that under Colorado law that a pre-existing, non-negligent agricultural operation may not be considered a public or private nuisance.


Signature

8-28-20
8-28-20
Date

To Be Signed by Landowner

Ryle Howard
Printed Name

208 US 34 Wiggins CO
Address

80654

Adopted by the Morgan County Board of County Commissioners by Resolution #96BCC41 on July 23, 1996 and amended by Resolution 2008 BCC 34 on September 2, 2008.

EXHIBIT P















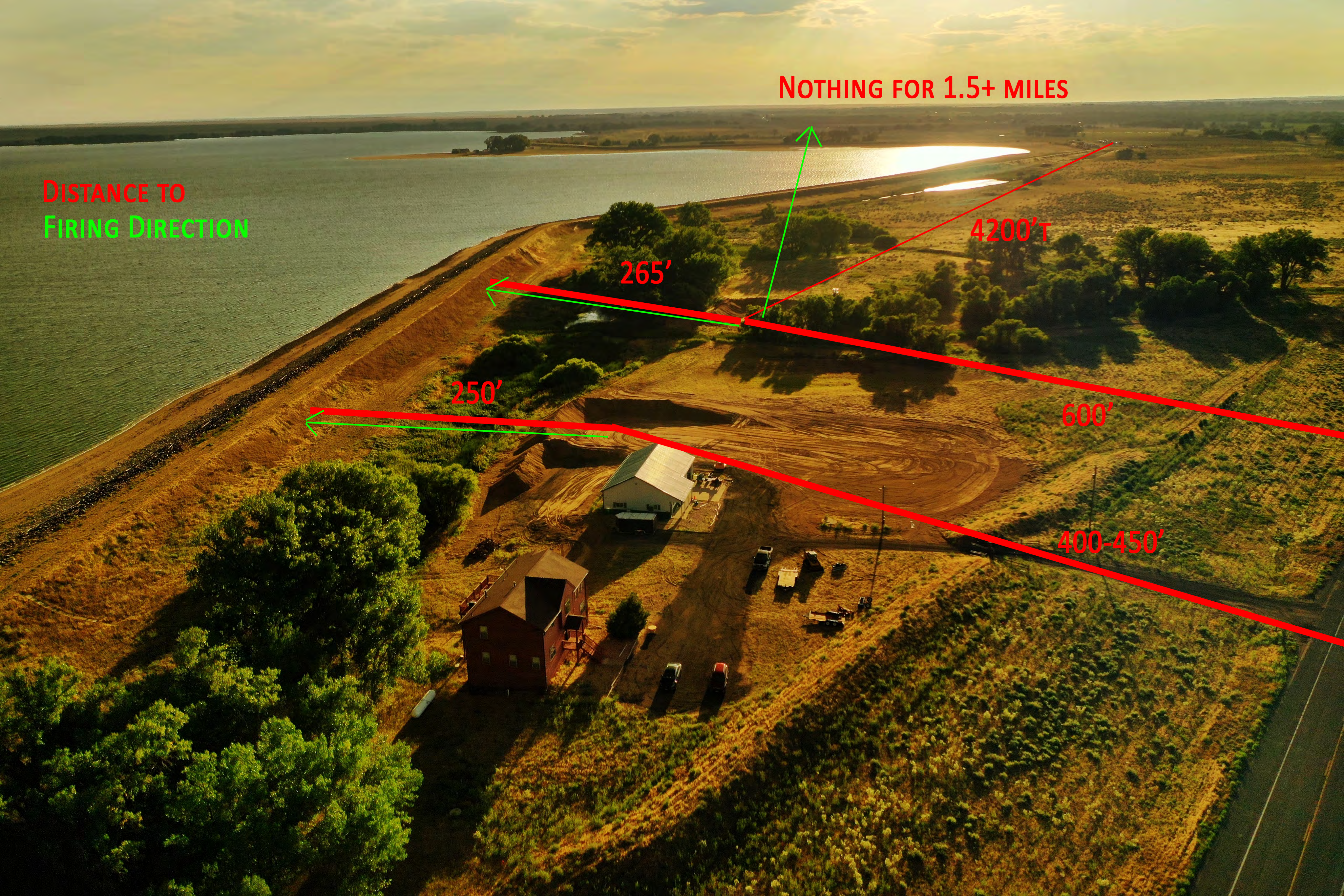












DISTANCE TO
FIRING DIRECTION

NOTHING FOR 1.5+ MILES

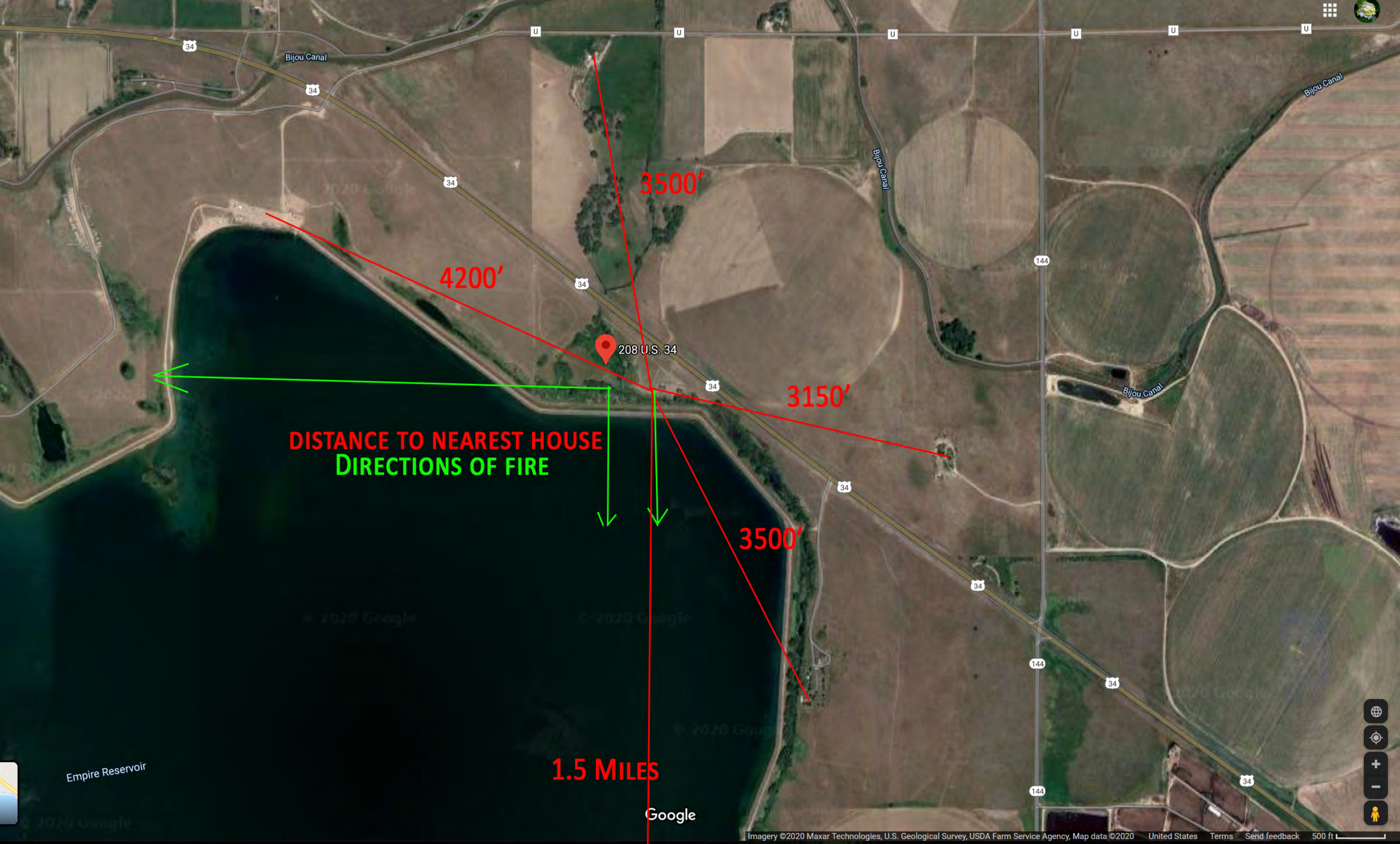
4200'T

265'

250'

600'

400-450'



DISTANCE TO NEAREST HOUSE
DIRECTIONS OF FIRE

3500'

4200'

3150'

3500'

1.5 MILES



208 U.S. 34

Empire Reservoir

Bijou Canal

Bijou Canal

Bijou Canal

Google

EXHIBIT

Q (A)



MORGAN COUNTY SHERIFF'S OFFICE

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Our Foundation For Service"*

www.morgansheriff.net

Dave Martin, Sheriff
801 E. Beaver Avenue
Fort Morgan, CO 80701
970-542-3448
dmartin@co.morgan.co.us

Date: August 17, 2020

To: Morgan County Board of Commissioners,
Morgan County Planning and Zoning

From: Sheriff Dave Martin

Re: "Empire Gun Club"

Good Morning all,

On Friday, August 14, 2020, I received a forwarded email from Commissioner Zwetzig that originated from Marcus Case. Mr. Case referenced a gun club that he believed has opened at 208 Hwy 34, Wiggins, Colorado.

I was not aware of the new establishment and replied that I would try and make it out to this location to see what was going on.

Later this same day, at approximately 14:45 hrs, I arrived at the above listed location. This address is a multi story residence that sits directly north of the Empire Reservoir Dam. There are two buildings on this property; one is the residence and the second is a garage type metal sided building with rollup garage doors.

As I drove through the gate to the property, I could see a large dirt berm that was apparently new in this area. The dirt is fresh and without vegetation.

Not seeing any vehicles, I went to the main house and rang what I knew to be a video door bell. I did not receive an answer at the door but did receive a verbal greeting via the door bell. I gave my telephone number to the person answering the door bell. This person later identified as Kyle J. Howard, stated that he was the property owner and that he would call me on my cell phone.

I returned to my patrol car, where I had a telephone conversation with Kyle Howard. Kyle called me from his telephone number of 720 252-4700. I explained to Kyle the email that I had received from Commissioner Zwetzig and that I wanted to come and see for myself what was going on.

Kyle stated that he had just recently closed on this property. He told me that currently there are two friends that are living in the house there; in a care taker roll. Kyle said that he and his family come out from the metro area on weekends and days off as time permits.

Kyle said that he is a certified firearms instructor and that he developed the dirt berms for a shooting range. He said that the shooting range is for personal use right now but has hopes that he can develop the range into a business for firearms instruction and training.

Kyle stated he did register the name "Empire Gun Club" with the Secretary of the State of Colorado for future use but right now the range is used solely by him and a few friends when they come out. He stated that he is not operating a business or club at this time.

Kyle told me that he had multiple discussions with Bijou Irrigation; regarding building the berm of dirt for his shooting range and that he received no opposition.

Kyle told me that I was free to look around and take whatever pictures that I would like. I did so. Kyle has constructed two shooting berms. One of the berms is just west of the garage area. The berm is three sided. When shooting into the berm, you would be facing south and shooting towards the dam for the lake. The berm is what I would estimate 20 feet tall on all sides. The dam for Empire Reservoir is approximately another 20 to 30 feet higher than the berm.

The second berm is approximately 300 yards west of the garage area and is also three sided. This berm sits inside a tree area and is also approximately 20 feet tall on all three sides. When shooting into this berm, you would be facing west. The only structures west of this location are approximately one mile west and it is the storage area of campers and boats for the Empire Reservoir.

Kyle told me that he typically shoots handguns but has shot his .22 cal rifle as well. Kyle said that he typically shoots from a distance of 25 yards away from the targets and berms. This, I believe, was confirmed by the stakes that were in the ground and the distance described by Kyle.

I took several photos of the area and will attach those photos to this email for reference.

On Sunday, August 16, 2020, I drove to the address again to meet with Kyle Howard. Kyle and I discussed the same items as we did on Friday. Kyle reiterated that he wants to be a good neighbor and that he is very safety oriented.

Kyle showed me a website that made him believe he was permitted to shoot on his land as it was agricultural land. The website that Kyle showed me was the planning and zoning site for the City of Ft. Morgan and not Morgan County.

https://library.municode.com/co/fort_morgan/codes/municipal_code?nodeId=CH20LAU_SCO_ART4ZODI_S20-4-90DIUSTAPESPUS

I explained to Kyle that he would need to contact Morgan County Planning and Zoning to find out if there were any special requirements for his shooting range.



MORGAN COUNTY SHERIFF'S OFFICE

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www.morgansheriff.net

Dave Martin, Sheriff
801 E. Beaver Avenue
Fort Morgan, CO 80701
970-542-3448
dmartin@co.morgan.co.us

From what I saw, Kyle has done a remarkable job in attempting to create a safe shooting environment. With regards to Mr. Case's claim of bullets whizzing over the lake, I have researched our calls for service and do not show any calls or complaints for this.

I don't see anything criminal in nature with regards to shooting into either of the shooting berms that Mr. Howard has constructed. He has adequate back stop for target shooting.

If you have any questions regarding this memo or would like to discuss this in person, please let me know.

EOS/ddm501

EXHIBIT

Q (D)

HOWARD, KYLE J &
BAUER SEBERN, MARGARET LOUISE
9800 UPHAM DR
WESTMINSTER, CO 80021

MACPHERSON DUCK CLUB LTD
5880 LOWELL BLVD
DENVER, CO 80221

YOCAM, JOHN - L E
1844 HWY 144
ORCHARD, CO 80649

EMPIRE LAND CO LLC
1473 CO RD S
WIGGINS, CO 80654

MILLER, MICHAEL K & JOAN C
41055 FRONTIER RD
PARKER, CO 80138

LEE, ROBERT E & BETTY J
728 HWY 34
WIGGINS, CO 80654

OLSEN, JAMES L & DARLENE M
19073 CO RD 1
WIGGINS, CO 80654

SMITH, HENRY W
20385 CO RD 1
WIGGINS, CO 80654

PEGGRAM, B J & FRANCES E REV TRUST-FAMILY TRUST
0372 CO RD U
WIGGINS, CO 80654

PEGGRAM, JONATHAN & AMANDA
P O BOX 249
WIGGINS, CO 80654

UNITED STATES OF AMERICA
BUREAU OF RECLAMATION
Mailing Address Not Available

UNITED STATES OF AMERICA
BUREAU OF LAND MANAGEMENT

Referrals, Notifications & Neighboring Landowner Letters

NOTICE OF MORGAN COUNTY PLANNING COMMISSION'S REVIEW OF LAND USE APPLICATION

Notice is hereby given that on **Tuesday, October 13, 2020 at 7:00 p.m.**, or as soon as possible thereafter, a public hearing will be held with an option to attend virtually to consider the following application:

Applicant: Kyle Howard and Margaret Louise Bauer Sebern
Landowner: Kyle J. Howard and Margaret Louise Bauer Sebern
Legal Description: All that part of Lot 2 (SW1/4 NW1/4), Lot 3 (NW1/4SW1/4), and NE1/4SW1/4 of Section 30, Township 4 North, Range 60 West of the 6th P.M., lying South of the South right of way line of U.S. Highway 34, County of Morgan, State of Colorado; aka 208 U.S. Hwy 34, Wiggins CO 80654.
Request for Use: Special Use Permit to establish a shooting range for teaching firearms classes.
Date of Application: August 31, 2020.

THE COUNTY WILL BE ABIDING BY THE SOCIAL DISTANCING REQUIREMENTS IN PUBLIC HEALTH ORDER 20-23 FOR THIS MEETING. DUE TO LIMITED SPACE IN THE ASSEMBLY ROOM, REMOTE ATTENDANCE IS ENCOURAGED. IF YOU HAVE ANY QUESTIONS REGARDING ATTENDING THE MEETING, PLEASE CONTACT PAM CHERRY AT 970-542-3526.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information at:
Link to zoom meeting:
<https://us02web.zoom.us/j/82218394504>
Or iPhone one-tap:
US: +1 669 900 9128, 82218394504#
or +1 253 215 8782, 82218394504#
Or Telephone:
Dial for higher quality, dial a number based on your current location):
US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799
or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799
Webinar ID: 822 1839 4504

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado. You may email pcherry@co.morgan.co.us to request items in the file to be emailed to you.

At time of the meeting an opportunity will be given for presentation of evidence in support of or in opposition to the application.

/s/

Pam Cherry - Morgan County
Planning & Floodplain Administrator

Published: Fort Morgan Times September 25, 2020-1739899

Prairie Mountain Media, LLC

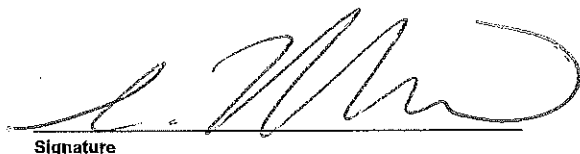
PUBLISHER'S AFFIDAVIT

**County of Morgan
State of Colorado**

The undersigned, Elizabeth Maes, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Fort Morgan Times*.
2. The *Fort Morgan Times* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Morgan County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Fort Morgan Times* in Morgan County on the following date(s):

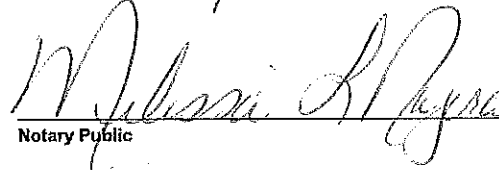
Sep 25, 2020



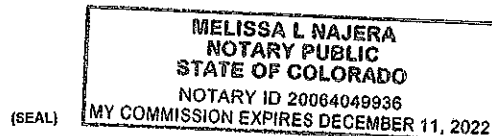
Signature

Subscribed and sworn to me before me this

25th day of September, 2020



Notary Public



Account: 1052763
Ad Number: 1739899
Fee: \$47.84



Jody Meyer <jmeyer@co.morgan.co.us>

Howard Applicant letter for PC Hearing

1 message

Jody Meyer <jmeyer@co.morgan.co.us>

Fri, Oct 2, 2020 at 2:09 PM

To: Kyle.j.howard@comcast.net, msebern@comcast.net

Cc: Pam Cherry <pcherry@co.morgan.co.us>

Good afternoon:

Attached you will find an applicant letter reminding you of your upcoming hearing in front of the Planning Commission on 10-13-20 7 pm.

Jody Meyer
Morgan County Planning Assistant
231 Ensign Street, Box 596
Fort Morgan, CO 80701
970-542-3526 office
970-542-3509 fax
jmeyer@co.morgan.co.us



Applicant.PC - Howard, Kyle SU 30-4-60 9-23-20.docx
97K



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

October 2, 2020

Kyle Howard
Margaret Sebern
208 US Hwy 34
Wiggins CO 80654
Kyle.j.howard@comcast.net
msebern@comcast.net

Sent via emails above

Dear Applicants/Landowner:

Your Application for a Special Use Permit has been received by our office and placed on the agenda for the Morgan County Planning Commission.

Your application will be reviewed by the Morgan County Planning Commission on **Tuesday, October 13, 2020 at 7:00 p.m.** in the Assembly Room of the Morgan County Administration Building, Floor B (Basement), 231 Ensign Street, Fort Morgan, Colorado. *(Please use the elevator entrance at the Southwest corner of the building.)*

THE COUNTY WILL BE ABIDING BY THE SOCIAL DISTANCING REQUIREMENTS IN PUBLIC HEALTH ORDER 20-28 FOR THIS MEETING. DUE TO LIMITED SPACE IN THE ASSEMBLY ROOM, REMOTE ATTENDANCE IS ENCOURAGED. IF YOU HAVE ANY QUESTIONS REGARDING ATTENDING THE MEETING, PLEASE CONTACT PAM CHERRY AT 970-542-3526.

To participate in this Public Hearing you may connect via Zoom Conferencing Access Information at:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/82218394504>

Or iPhone one-tap :

US: +16699009128,,82218394504# or +12532158782,,82218394504#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 822 1839 4504

International numbers available: <https://us02web.zoom.us/j/kbvS1zhS3>

Please monitor the Morgan County website for any changes to the meeting format or phone the office at 970-542-3526 closer to the day of the hearing. You can call or send comments or questions that you may have by the United State Postal Service or email to pcherry@co.morgan.co.us. Your comments and concerns will be provided to the Planning Commission for consideration.

It is necessary that you or your representative be present at this hearing to answer any questions the Morgan County Planning Commission may have. Do not hesitate to contact us at any time if you have questions.

Sincerely,
Pam Cherry
Planning Administrator



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

September 4, 2020

Dear Neighboring Landowners:

Kyle Howard and Margaret Sebern as landowners and Kyle Howard as applicant have submitted an application to our office for a Special Use Permit to establish a shooting range for teaching firearms classes. The property is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying south of Highway 34, Section 30, Township 4 N, Range 60W of the 6th p.m., Morgan County, Colorado.

This application will be heard by the Planning Commission at a public hearing on Tuesday, October 13, 2020 at 7:00 P.M. **The county will be abiding by the social distancing requirements in Public Health Order 20-28 for this meeting. Due to limited space in the assembly room, remote attendance is encouraged. The hearing will be partially in person and partially virtual using the ZOOM platform. If you have any questions regarding attending the meeting, please contact Pam Cherry at 970-542-3526.**

To participate in Public Hearings you may connect via Zoom Conferencing Access Information at: <https://us02web.zoom.us/j/82218394504>

Or you may listen and participate via phone at 1-646-558-8656 Meeting ID: 822 1839 4504

Please monitor the Morgan County website for any changes to the meeting format or phone the office at 970-542-3526 closer to the day of the hearing. You can email questions or comments that you would like presented at the meeting to pcherry@co.morgan.co.us or call the office.

If you would like to review any of the documents that are part of this application or have any questions or concerns regarding this application, please contact the Morgan County Planning Department at (970) 542-3526.

Sincerely,

Pam Cherry

Pam Cherry, CFM MPA
Planning Administrator

Enclosures

UNITED STATES OF AMERICA 104519000901

HART, KEITH & LISA 104519000006

PEGGRAM, B J & FRANCES E REV TRUST-FAMILY TRUST 104519000003

MORGAN COUNTY REA 104528000700

DOBYNS, DAN & MARTHA 104528000004

HOWARD, KYLE J & 104530000003

UNITED STATES OF AMERICA 104530000900

OLSEN, JAMES L & DARLENE M 104530000005

MILLER, MICHAEL K & JOAN G 104532000005

MILLER, MICHAEL K & JOAN G 104532000005

MAAG, TYE C & ERNEST L & CHASE B 104532000001

SEIBER, ROBERT E & 104533000003

EMPIRE LAND CO L 104533000005

DINIS, NORMAN 104533000006

FUNKE, ROBERT D & 104531000004

UNITED STATES OF AMERICA 104531000901

CR 93.5

WCR 42.5

WCR 42

HWY 34

HWY 144

MCR 2

MCR 5



Legend

- Highway
- Road
- Road
- Highway
- County Boundary



1: 40,506



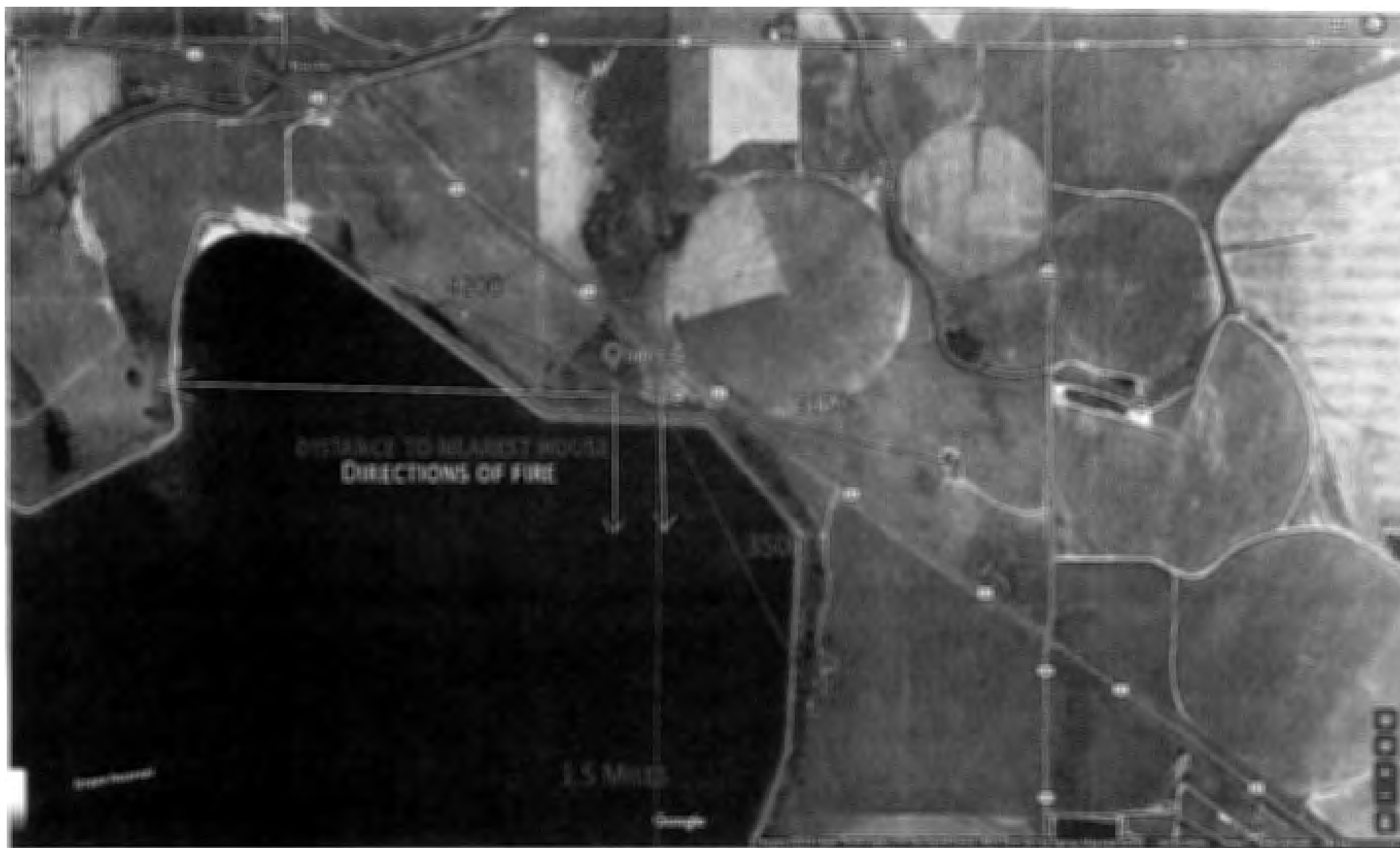
6,751.1 0 3,375.54 6,751.1 Feet

Notes

NOTHING FOR 1.5+ MILES

FIRING DIRECTION





HOWARD, KYLE J &
BAUER SEBERN, MARGARET LOUISE
9800 UPHAM DR
WESTMINSTER, CO 80021

MACPHERSON DUCK CLUB LTD
5880 LOWELL BLVD
DENVER, CO 80221

YOCAM, JOHN - L E
1844 HWY 144
ORCHARD, CO 80649

EMPIRE LAND CO LLC
1473 CO RD S
WIGGINS, CO 80654

MILLER, MICHAEL K & JOAN C
41055 FRONTIER RD
PARKER, CO 80138

LEE, ROBERT E & BETTY J
728 HWY 34
WIGGINS, CO 80654

OLSEN, JAMES L & DARLENE M
19073 CO RD 1
WIGGINS, CO 80654

SMITH, HENRY W
20385 CO RD 1
WIGGINS, CO 80654

PEGGRAM, B J & FRANCES E REV TRUST-FAMILY TRUST
0372 CO RD U
WIGGINS, CO 80654

PEGGRAM, JONATHAN & AMANDA
P O BOX 249
WIGGINS, CO 80654

UNITED STATES OF AMERICA
BUREAU OF RECLAMATION
Mailing Address Not Available

UNITED STATES OF AMERICA
BUREAU OF LAND MANAGEMENT

BARNETT DOUGLAS K

46106 US HIGHWAY 34

ORCHARD, CO 80649-9703

BIJOU IRRIGATION DISTRICT

PO BOX 972

FORT MORGAN, CO 80701-0972

DOOLEY STANLEY L

47527 US HIGHWAY 34

WIGGINS, CO 80654-5301

EMPIRE LAND CO LLC

1473 CO RD S

WIGGINS, CO 80654-9605

KENNICOTT DUCK CLUB

3425 BELCARO LN

DENVER, CO 80209-4918

LAMBERT RICKY J & LAURA J

47777 US HIGHWAY 34

WIGGINS, CO 80654-5301

SDR HOLDINGS 1 LLC

4680 COUNTY ROAD 87

ROGGEN, CO 80652-8902

USA

2850 YOUNGFIELD ST

LAKEWOOD, CO 80215-7210

WELD County Owners									
Parcel	Account	Property Address	Owner	Mail Address 1	Mail Address 2	Mail City	State	Mail Zipcode	
104723400035	R6795396	46988 COUNTY ROAD 42 1/2 WELD	KNUTSON JULIANNE B						
104723400035	R6795396	46988 COUNTY ROAD 42 1/2 WELD	KNUTSON PAUL T		46988 COUNTY ROAD 42.5	ORCHARD	CO	806499726	
104724200032	R6780781	47493 COUNTY ROAD 42 1/2 WELD	SPARKS ANN M						
104724200032	R6780781	47493 COUNTY ROAD 42 1/2 WELD	SPARKS WILLIAM R	PO BOX 132		EMPIRE	CO	804380132	
104724300001	R6775808	47959 HIGHWAY 34 WELD	SDR HOLDINGS 1 LLC		4680 COUNTY ROAD 87	ROGGEN	CO	806528902	
104724300002	R6775809	47777 HIGHWAY 34 WELD	LAMBERT RICKY J	47777 US HIGHWAY 34		WIGGINS	CO	806545301	
104724300002	R6775809	47777 HIGHWAY 34 WELD	LAMBERT LAURA J						
104724300027	R4221386		MUNN GURNEE III REVOCABLE TRUST	923 E MEXICO AVE		DENVER	CO	802103239	
104724300031	R8074400	47527 HIGHWAY 34 WELD	HILL-DOOLEY PEGGY						
104724300031	R8074400	47527 HIGHWAY 34 WELD	DOOLEY STANLEY L	47527 US HIGHWAY 34		WIGGINS	CO	806545301	
104724300032	R8074800	47527 HIGHWAY 34 WELD	DOOLEY STANLEY L	47527 US HIGHWAY 34		WIGGINS	CO	806545301	
104724300032	R8074800	47527 HIGHWAY 34 WELD	HILL-DOOLEY PEGGY						
104724400029	R0374994		HAWKINS JOE	22411 DUNREATH AVE		ORCHARD	CO	80649	
104724400031	R6780783		EMPIRE LAND CO LLC		1473 COUNTY RD S	WIGGINS	CO	806549605	
104725100002	R3392605	17390 HIGHWAY 34 WELD	BARNETT DOUGLAS K	46106 US HIGHWAY 34		ORCHARD	CO	806499703	
104725300009	R4221786		U S A	2850 YOUNGFIELD ST		LAKEWOOD	CO	802157210	
104725300010	R4221886		BARNETT DOUGLAS K	46106 US HIGHWAY 34		ORCHARD	CO	806499703	
104725300011	R4221986		U S A	2850 YOUNGFIELD ST		LAKEWOOD	CO	802157210	
104725400008	R4221686		U S A	2850 YOUNGFIELD ST		LAKEWOOD	CO	802157210	
104725400012	R4222086		U S A	2850 YOUNGFIELD ST		LAKEWOOD	CO	802157210	
104725400017	R4222286		BARNETT DOUGLAS K	46106 US HIGHWAY 34		ORCHARD	CO	806499703	
104726100016	R0045890	46998 HIGHWAY 34 WELD	EMPIRE LAND CO LLC		1473 COUNTY RD S	WIGGINS	CO	806549605	
104726300002	R4222486	46029 COUNTY ROAD 40 WELD	BARNETT DOUGLAS K	46106 US HIGHWAY 34		ORCHARD	CO	806499703	
104726300002	R4677806		KENNICOTT DUCK CLUB	3425 BELCARO LN		DENVER	CO	802094918	
104726400003	R4222586		U S A	2850 YOUNGFIELD ST		LAKEWOOD	CO	802157210	
104735100015	R4233886		U S A	2850 YOUNGFIELD ST		LAKEWOOD	CO	802157210	
104736100006	R4233986		BIJOU IRRIGATION DISTRICT	PO BOX 972		FORT MOR	CO	807010972	



Jody Meyer <jmeyer@co.morgan.co.us>

Kyle Howard and Margaret Louise Bauer Sebern Special Use Appl.

Jody Meyer <jmeyer@co.morgan.co.us>

Wed, Sep 9, 2020 at 2:28 PM

To: jeff.rasmussen@co.usda.gov, TYLER.SEWALD@state.co.us, Andrea Beebout - CDPHE <andrea.beebout@state.co.us>, Bruce Bass <bbass@co.morgan.co.us>, Cathy Cole-Geist <ccole-geist@co.morgan.co.us>, CDOT Timothy Bilobran <timothy.bilobran@state.co.us>, Century Link Brian Vance <brian.vance@centurylink.com>, Colorado State Engineer - Sarah Brucker <sarah.brucker@state.co.us>, Conner Gerken <connerg@nchd.org>, DOW - Justin Morris <justin.morris@state.co.us>, Danette Martin <djmartin@co.morgan.co.us>, David Martin <dmartin@co.morgan.co.us>, DOW - Todd Cozad <todd.cozad@state.co.us>, Joe Frank <jmfrank@lspwcd.org>, John Goodman <jgoodman@co.morgan.co.us>, Kinder Morgan - Jeff Voltattorni <Jeff.Voltattorni@elpaso.com>, Mandy Mercer <mandy.mercer@state.co.us>, Mel Bustos <melb@nchd.org>, Morgan County Emergency Management <rdoll@co.morgan.co.us>, Northern Colorado Health Department <trishm@nchd.org>, Northern Colorado Water Conservancy District <jstruble@northernwater.org>, Pam Allen <pallen@co.morgan.co.us>, Patricia Morgan <pmorgan@co.morgan.co.us>, Quality Water - Kay Zarbock <kzarbock@mcqwd.org>, Quality Water - Kent Pflager <kpflager@mcqwd.org>, REA - Kevin Martens <kmartens@mcra.org>, "Schmidt - DNR, Todd" <Todd.schmidt@state.co.us>, Soil Conservation - Madeline Hagan Hagan <morganconservationdistrict@gmail.com>, Tim Amen <tmamen@co.morgan.co.us>, "Wiggins Rural Fire Dept." <wigginsruralfire@gmail.com>, Xcel - Donna George <Donna.L.George@xcelenergy.com>, "Billie Moore (bmoore@co.weld.co.us)" <bmoore@co.weld.co.us>, Tammy Rusch <trusch@ccwcd.org>

Good Morning All:

Attached you will find a Referral Memo From Pam Cherry regarding a Special Use Application (shooting range for teaching firearms classes) for Kyle Howard and Margaret Sebern along with 3 different ariels of the parcel. If you have any questions please let Pam Cherry know.

Jody Meyer
Morgan County Planning Assistant
231 Ensign Street, Box 596
Fort Morgan, CO 80701
970-542-3526 office
970-542-3509 fax
jmeyer@co.morgan.co.us



Referral - Howard.Sebern SU 10-13-20.pdf

1664K



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

TO REFERRAL AGENCIES:

Farm Service Agency-Morgan County
Century Link
CDOT
DOW
Colorado Parks & Wildlife
Kinder Morgan, Inc.
Morgan County Assessor
Morgan County Communications Center
Morgan County Quality Water
Morgan County Road & Bridge
Morgan Soil Conservation District

Central Colorado Water Conservancy
Central Ground Water Mangt. Sub. Dist.
NCHD
Xcel Energy
Northern Colorado Water Conservancy
Wiggins Rural Fire Dept.
Town of Wiggins
Morgan County Emergency Mgmt.
Morgan County Sheriff
Morgan County Rural Electric Assoc
Weld County Planning & Zoning

FROM: Pam Cherry, Morgan County Planning Administrator
231 Ensign St, PO Box 596, Fort Morgan, CO 80701
970-542-3526 / 970-542-3509 fax / pcherry@co.morgan.co.us
DATE: September 10, 2020
RE: Use by Special Review Application from Kyle Howard (site map attached)

The following application is for a Use by Special Review and will be presented to the Planning Commission at a public hearing on **Tuesday, October 13, 2020, at 7:00 p.m.** in the Assembly Room of 231 Ensign Street, Fort Morgan, CO 80701 (Basement level). You are welcome to attend in person or virtually through the Zoom platform and comment at this public meeting:

Applicant: Kyle Howard and Margaret Louise Bauer Sebern

Landowner: Kyle J. Howard and Margaret Louise Bauer Sebern

Legal Description: SW1/4 NW1/4, NW1/4SW1/4, and NE1/4SW1/4 of Section 30, Township 4 North, Range 60 West of the 6th P.M., Morgan County, Colorado aka 208 U.S. Hwy 34, Wiggins CO 80654.

Request for Use: Special Use Permit to establish a shooting range for teaching firearms classes.

Please offer any comments or concerns you may have about this application within 14 days of the date of this letter by:

1. Calling this office: 970-542-3526 or
2. Email to pcherry@co.morgan.co.us or
3. Mail to:

Pam Cherry
Planning and Zoning Department, Basement level
231 Ensign St., Fort Morgan, CO 80701



Right of Way & Permits
1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303.571.3284
donna.l.george@xcelenergy.com

September 21, 2020

Morgan County Planning and Building Department
231 Ensign / PO Box 596
Fort Morgan, CO 80701

Attn: Pam Cherry

Re: Kyle Howard and Margaret Louise Bauer Sebern

Public Service Company of Colorado's Right of Way & Permits Referral Desk has reviewed the special use documentation for **Kyle Howard and Margaret Louise Bauer Sebern** and has **no apparent conflict**.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com



COLORADO
Division of Water Resources
Department of Natural Resources

September 23, 2020

Pam Cherry
Morgan County Planning and Building Department
Transmission via email: pcherry@co.morgan.co.us

Re: Kyle Howard Special Use Review
208 U.S. Hwy 34, Wiggins CO
Pt. N $\frac{1}{2}$ of the SW $\frac{1}{4}$ and Pt. SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 30, T4N, R60W, 6th P.M.
Water Division 1, Water District 1

Dear Ms. Cherry:

We have reviewed the above referenced application for a special use permit to operate a shooting range for private firearms classes. The submitted material does not appear to qualify as a "subdivision" as defined in section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer's March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide comments. The comments will not address the adequacy of the water supply plan for this property or the ability of the water supply plan to satisfy any County regulations or requirements.

The subject parcel is approximately 42.5 acres and contains a single-family dwelling and an outbuilding. The applicant constructed firing lanes surrounded by earthen berms to function as a firing range for personal use. The subject application seeks approval to use the existing firing range to operate a commercial business for private firearms instruction and training. The proposed water supply for the business is bottled water, and portable toilets will be utilized for sanitation. The property is zoned for agriculture and the application stated that alfalfa or winter wheat would be planted in the future. The proposed water supply for irrigation of crops was not identified in the application.

According to records available to this office, the property is served by an existing well with permit no. 236199. Well permit no. 236199 was issued pursuant to section 37-92-602(3)(b)(II)(A), C.R.S., as the only well on a tract of land of 40.39 acres with the legal description of the subject parcel. Permit no. 236199 allows the use of groundwater from the well for fire protection, ordinary household purposes inside up to three single-family dwellings, the irrigation of not more than one acre of home gardens and lawns, and the watering of domestic animals. Please note that groundwater from this well may not be used to serve customers or employees of the proposed business (other than those residing in the single-family dwelling on the property), or to irrigate the proposed crops.



This office has no concerns regarding the proposed Use by Special Review so long as the existing well is used in accordance with the terms and conditions of permit no. 236199. Should you or the applicants have any questions regarding this matter, please contact Javier Vargas-Johnson of this office via email at javier.vargasjohnson@state.co.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Brucker", written in a cursive style.

Sarah Brucker, P.E.
Water Resources Engineer

Cc: Owners (Kyle Howard, kyle.j.howard@comcast.net; Margaret Sebern, msebern@comcast.net)
Well permit file no. 236199
Referral file no. 27311

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

765

WELL PERMIT NUMBER 236199

DIV. 1

WD 1

DES. BASIN

MD

APPLICANT

C J WEBB
11614 E LAKE PLACE
ENGLEWOOD, CO 80111-

APPROVED WELL LOCATION

MORGAN COUNTY
NW 1/4 SW 1/4 Section 30
Township 4 N Range 60 W Sixth P.M.

DISTANCES FROM SECTION LINES

1823 Ft. from South Section Line
1158 Ft. from West Section Line

UTM COORDINATES

Northing: Easting:

(303) 796-8743

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(b)(II)(A) as the only well on a tract of land of 40.39 acre(s) described as a portion of the W1/2, Section 30, Township 4 North, Range 60 West, 6th P.M., Morgan County, more particularly described in attached Exhibit A.
- 4) The use of ground water from this well is limited to fire protection, ordinary household purposes inside not more than three (3) single family dwellings, the watering of poultry, domestic animals and livestock on a farm or ranch and the irrigation of not more than one (1) acre of home gardens and lawns.
- 5) Production is limited to the alluvium. The depth of this well shall not exceed 150 feet or the depth at which sandstone or shale is first encountered, whichever comes first.
- 6) The maximum pumping rate of this well shall not exceed 15 GPM.
- 7) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 8) This well shall be constructed not more than 200 feet from the location specified on this permit.

NOTE: Permit no. 141786 (expired 10/29/87) was previously issued for this lot.

NOTE: This permit has been approved with a change to the well location based on the property location and a change to the use of the well. You are hereby notified that you have the right to appeal the issuance of this permit, by filing a written request with this office within sixty (60) days of the date of issuance, pursuant to the State Administrative Procedures Act. (See Section 24-4-104 through 106, C.R.S.)

JMW 9/6/01

APPROVED
JMW

State Engineer

Receipt No. 0480944

DATE ISSUED

SEP 14 2001

By

EXPIRATION DATE

SEP 14 2003



Pam Cherry <pcherry@co.morgan.co.us>

Fwd: Copy of Permit for Access for 208 US 34 Wiggins CO

Bilobran - CDOT, Timothy <timothy.bilobran@state.co.us>

Mon, Aug 31, 2020 at 1:58 PM

To: Kyle Howard <kyle@revensolutions.com>

Cc: Pam Cherry <pcherry@co.morgan.co.us>, Allyson Mattson - CDOT <Allyson.Mattson@state.co.us>, "Hice-Idler - CDOT, Gloria" <gloria.hice-idler@state.co.us>

Thank you for the e-mails Kyle. We have you in our queue to research your past permitting history and get back to you. Once either Ally Mattson or myself can perform the research we'll be back in touch. It may be several days though however due to our workload and where your initial e-mail is. I'm personally still responding to e-mails that arrived on 8/18 at the moment. I promise we'll get back with you as quickly as we can.

Thanks,
Tim
970-302-4022
[Quoted text hidden]
--

Tim Bilobran

Region 4 Permits Manager

**COLORADO**

Department of Transportation

O 970.350.2163 | C 970.302.4022 | F 970.350.2198
timothy.bilobran@state.co.us | codot.gov | www.cotrip.org
10601 W. 10th Street, Greeley, CO 80634

COLORADO DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ACCESS CODE
NOTICE TO PROCEED

CDOT Permit No.

401122

SH/S/MP

34A/143.300/R

Local Jurisdiction

Morgan County

Permittee(s):

C.J. Webb
11614 E. Lake Place
Englewood, CO 80111
303-888-0180

Applicant:

SAME

The permittee is hereby authorized to proceed with access construction within state highway right-of-way in accordance with the above referenced State Highway Access Permit and this Notice to Proceed.

This Notice to Proceed is valid only if the referenced Access Permit has not expired. Access Permits expire one year from date of issue if not under construction, or completed. Access Permits may be extended in accordance with Section 2.3(11)(d), of the Access Code.

Adequate advance warning is required at all times during access construction, in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways.

All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permittee or applicant shall notify the Department prior to commencing construction as indicated on the Access Permit.

Both the Access Permit and this Notice To Proceed shall be available for review at the construction site.

This Notice to Proceed is conditional. The following items shall be addressed prior to or during construction as appropriate.

None

Municipality or County Approval (When the appropriate local authority retains issuing authority)

By

(X)

Title

Date

This Notice is not valid until signed by a duly authorized representative of the Department

Colorado Department of Transportation

By

(X) *Gloria Hice-Iden*

Title

Asst Access Mgr

Date

12/27/01

STATE HIGHWAY ACCESS PERMIT

CDOT Permit No.

401122

State Highway No/Mp/Side

34A/143.300/R

Permit fee

50.00

Date of transmittal

11/07/2001

Region/Section/Parcel

04/01/24

Local jurisdiction

Morgan County

The Permittee(s):

C.J. Webb
11614 E. Lake Place
Englewood, CO 80111
303-888-0180

Applicant:

SAME

Ref No./2001

is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the issuing authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.

Location:

The access is located on State Highway 34, a distance of 1,584 feet east from Mile Post 143 on the south/right side.

Access to Provide Service to:

Single-Family Detached Housing 1 Each 100.000 %

Other terms and conditions:

* See Attached Pages 2 and 3 and Other Enclosures for Additional Terms and Conditions.

MUNICIPALITY OR COUNTY APPROVAL

Required only when the appropriate local authority retains issuing authority.

By (x)	Date	Title
-----------	------	-------

Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.

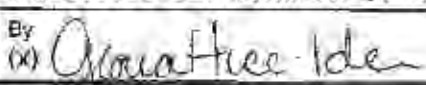
The permittee shall notify Byron Rogers with the Colorado Department of Transportation in Wiggins at 970-506-4972 at least 48 hours prior to commencing construction within the State Highway right-of-way.

The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.

Permittee (x)	Date
	12/27/01

This permit is not valid until signed by a duly authorized representative of the Department.

COLORADO DEPARTMENT OF TRANSPORTATION

By (x) 	Date (of issue)	Title
	12/27/01	Assistant Access Manager

Copy distribution:

Required:
1. Region
2. Applicant
3. Staff Access Section

Make copies as necessary for:
Local Authority
MTCE Patrol
Inspector
Traffic Engineer

Previous editions are obsolete and may not be used.
CDOT Form #101 2/00

**State Highway Access Permit
Form 101, Page 2**

The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the Issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.

2. Any appeal by the applicant or permittee or action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.

3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.

4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

PERMIT EXPIRATION

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

CONSTRUCTION

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4)

2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department Inspector.

3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.

4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger highway

property, natural or cultural resources protected by law, or the health and safety of workers or the public.

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan.

11. By accepting the permit, permittee agrees to save, indemnify, and hold harmless to the extent allowed by law, the issuing authority, the Department, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the permittee's use of the access permit during the construction of the access.

CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

MAINTENANCE

1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.

Attachment to Permit No. 401122 - Additional Terms and Conditions

1. If there are any questions regarding this permit, please contact Gloria Hice-Ilder at (970) 350-2148.
2. The Permittee shall refer to all additional standard requirements included with this permit and any enclosed additional terms, conditions, exhibits, and noted attachments.
3. Incorporated as part of this permit are the following:
Application for Access Permit (CDOT Form No. 137)
Permit (CDOT Form No. 101) and its two page attachment
Exhibits: "A" - Access Plan
 "B" - Vicinity Map
4. This permit is issued in accordance with the State Highway Access Code (2 CCR 601-1), and is based upon the information submitted by the Permittee. This permit is only for the use and purpose stated in the Application and Permit. Any changes in traffic volumes or type, drainage, or other operation aspects may render this permit void, requiring a new permit to be applied for based upon existing and anticipated future conditions.
5. Access construction methods and materials shall conform to the Colorado Department of Transportation Standard Specifications for Road and Bridge Construction (current edition).
6. If necessary, minor changes, corrections and/or additions to this permit may be ordered by the Department inspector, other Department representative or local authority to meet unanticipated site conditions. Changes may not be in violation of the State Highway Access Code. All major changes to the plans must be approved in writing by the Department prior to commencement of any work on or within the State Highway right-of-way.
7. This permit is subject to revocation due to: 1) Noncompliance with the provisions of this permit; 2) Abandonment; 3) Superseding by new permit covering the same installation; or 4) Conflict with necessary planned highway construction and/or improvements. The Permittee shall promptly terminate occupancy upon notice of cancellation of the permit from the Department, unless a new permit is applied for and granted.
8. Reconstruction and improvements to the access may be required when the Permittee has failed to meet the required design and/or material specifications. If any construction element fails within two years due to improper construction or material specifications, the Permittee is responsible for all such repairs.
9. The Department retains the right to perform any necessary maintenance work in this area.
10. Backing maneuvers within and into the State Highway right-of-way are strictly prohibited. All vehicles shall enter and exist the highway right-of-way in forward movement. Backing into the right-of-way shall be considered a violation of the terms and conditions of this access permit and may result in revocation of the permit by the Department and/or the issuing authority.
11. Landscaping and site construction shall not obstruct sight distance at any State Highway access point. Landscaping within the State Highway right-of-way requires the Permittee to obtain a CDOT Landscaping Permit from the Maintenance Section. The access permit does not authorize that activity, although a proposed landscaping plan shall be included in the access permitting document. Irrigation of features within the right-of-way may require the Permittee to install a subsurface drain in accordance with CDOT Standard M-605-1 or other approved system. The Permittee shall contact Denny Volz at the Evans Maintenance Office (970) 506-4971 to obtain the Landscaping Permit.
12. Routine, periodic maintenance and emergency repairs may be performed within the State Highway

Attachment to Permit No. 401122 - Additional Terms and Conditions

right-of-way, under the general terms and conditions of the permit. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, will require written authorization from the Department. The Department shall be given proper advance notice whenever maintenance work will affect the movement or safety of traffic on the State Highway. In an emergency, the Department Region Office and the State Patrol shall immediately be notified of possible hazards.

13. The access shall be maintained 25 feet wide with 20 foot radii.
14. The access shall be maintained perpendicular to the travel lanes of the State Highway for a minimum distance of 40 feet, and shall slope down and away from the adjacent pavement edge at a rate of 2% grade for a minimum of 20 feet.
15. Surfacing of the access shall be maintained as per Exhibit "A".
16. The access shall be maintained in a manner that will not cause water to enter onto the roadway, and will not interfere with the existing drainage system within the State Highway right-of-way. Drainage to the State Highway right-of-way shall not exceed historical rate of flow.
17. The maintenance of access for this property shall not negatively impact adjacent nearby properties. Correction of the problem and cost resulting from damages shall be borne by the Permittee.

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT APPLICATION

 Issuing authority application
 acceptance date: 11/7/01

- Instructions:
- contact the Department of Transportation or your local government to determine your issuing authority;
 - contact the issuing authority to determine what plans and other documents are required to be submitted with your application;
 - complete this form (some questions may not apply to you) and attach all necessary documents and submit it to the issuing authority. Submit an application for each access requested;
 - if you have any questions contact the issuing authority.
- Please print or type

1) Property owner (Firm/Name) C.S. WEBB		3) Applicant																	
2) Street address, city 1/2 mile west of 728 Hwy 14		4) Street address, city SAME																	
5) State & ZIP WEEKS, CO 80654	6) Phone # 303-888-0880	7) State & ZIP	8) Phone #																
9) Address of property to be served by permit (if known) 1/2 mile south of 300 Townsend 4 North Range 60W of 5th Pkwy. NE																			
10) Legal description of property: Property Section 1 Block 1 Lot 1 1/2 Section 31 Range 4 N 160W																			
11) What state highway are you requesting access from? Hwy 34		12) What side of the highway ON S S O E O W																	
13) How many feet is the proposed access from the nearest cross street? 1584 feet (approx. N S E W) from 143 4438 feet (approx. N S E W) from STATE RD 144																			
14) Check here if you are requesting: <input type="checkbox"/> new access <input type="checkbox"/> temporary access <input type="checkbox"/> improvement to existing access <input checked="" type="checkbox"/> change in access use <input type="checkbox"/> removal of access																			
15) What is the approximate date you intend to begin construction? Spring 2002																			
16) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties to which you have a property interest and/or, permit date: <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - what are the permit number(s)?																			
17) Does the property owner own or have any interests in any adjacent property? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - please describe:																			
18) Are there other existing or proposed public streets, roads, highways or access easements bordering or within the property? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - list them on your plans and indicate the proposed and existing access points.																			
19) If you are requesting commercial or industrial access please indicate the type and number of buildings and provide the floor area square footage of each: <table border="1"> <thead> <tr> <th>Business</th> <th>Square Footage</th> <th>Business</th> <th>Square Footage</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>				Business	Square Footage	Business	Square Footage												
Business	Square Footage	Business	Square Footage																
20) If you are requesting agricultural field access - how many acres will the access serve?																			
21) If you are requesting residential development access, what is the type (single family, apartment, townhouse) and number of units: <table border="1"> <thead> <tr> <th>Type</th> <th>Number of Units</th> <th>Type</th> <th>Number of Units</th> </tr> </thead> <tbody> <tr> <td>SINGLE FAMILY</td> <td>1</td> <td>HOUSE</td> <td> </td> </tr> </tbody> </table>				Type	Number of Units	Type	Number of Units	SINGLE FAMILY	1	HOUSE									
Type	Number of Units	Type	Number of Units																
SINGLE FAMILY	1	HOUSE																	
22) Provide the following vehicle count estimates for vehicles that will use the access. Leaving the property thru turning in and counts indicate if your count is: <input type="checkbox"/> peak hour volumes or <input checked="" type="checkbox"/> average daily volumes.																			
23) # of passenger cars and light trucks 10	24) # of medium and heavy trucks 	25) # of school buses 2	26) Total count of all vehicles 10																
27) Check with the issuing authority to determine which of the following documents are required to complete the review of your application: (plans should be no larger than 36" x 36")																			
<input checked="" type="checkbox"/> Highway and driveway plan on file. <input type="checkbox"/> Drainage plan showing impact to the highway right-of-way. <input type="checkbox"/> Map and letters detailing utility location before and after development in and along the right-of-way. <input checked="" type="checkbox"/> Subdivision, zoning, or development plan.		<input checked="" type="checkbox"/> Property map indicating other access, bordering roads and interests. <input type="checkbox"/> Proposed access design. <input type="checkbox"/> Parcel and ownership maps including easements. <input type="checkbox"/> Signing and striping plans. <input type="checkbox"/> Traffic control plan. <input type="checkbox"/> Proof of liability insurance.																	
If an access permit is issued to you it will state the terms and conditions for its use. Any changes in the use of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit. The applicant declares under penalty of perjury in the second degree, and any other applicable state or federal laws, that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.																			
Applicant signature 		Date 10/17/01																	
If the applicant is not the owner of the property, we require this application also to be signed by the property owner or their legally authorized representative (or other acceptable written evidence). This signature shall constitute agreement with this application by all owners of interest unless stated in writing. If a permit is authorized, the property owner will be listed as the permittee.																			
Property owner signature		Date																	

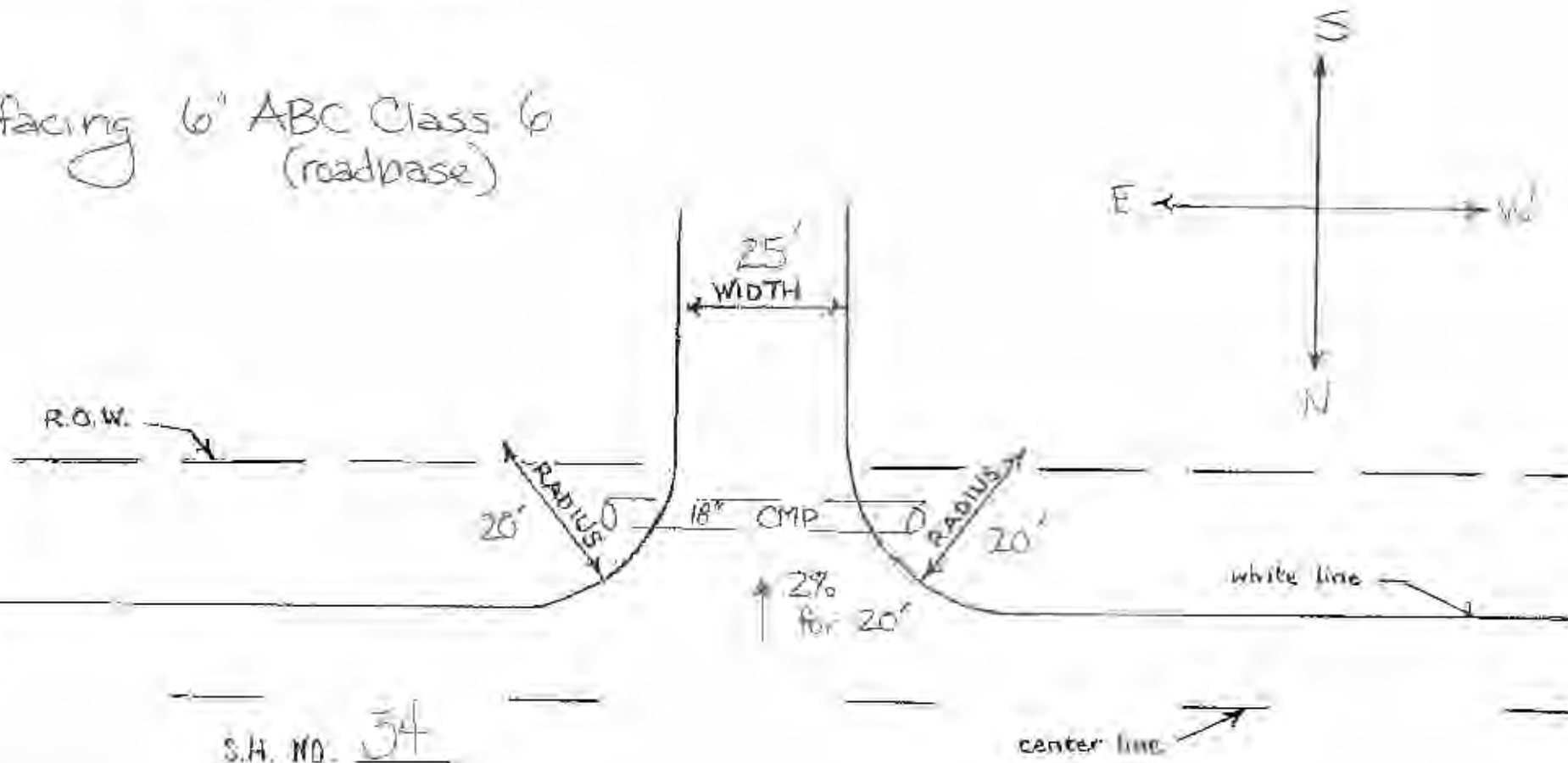
EXHIBIT "A" - SIMPLE ACCESS DESIGN

09/00

Define: width of access exclusive of radii
radii
profile
angle if other than 90°
surfacing - material type (asphalt grading, concrete class, total thickness, individual mat thickness for asphaltic materials)
curb and gutter type/dimensions/material
permanent signing or pavement markings necessary
drainage features - culvert type and size (no RCP in ROW), no increased runoff to ROW
special or unusual features
any landscaping in ROW

Surfacing 6" ABC Class 6
(roadbase)

EXHIBIT "A"



S.H. NO. 34

W1/2
A PORTION OF THE W1/2 OF SECTION 30, TOWNSHIP 4 NORTH,
RANGE 80 WEST OF THE 6TH PRINCIPAL MERIDIAN.

MORGAN COUNTY, COLORADO

1914 Post Office
for the County
24 19
M.F.R. U
85 80

SCALE 1" = 400'

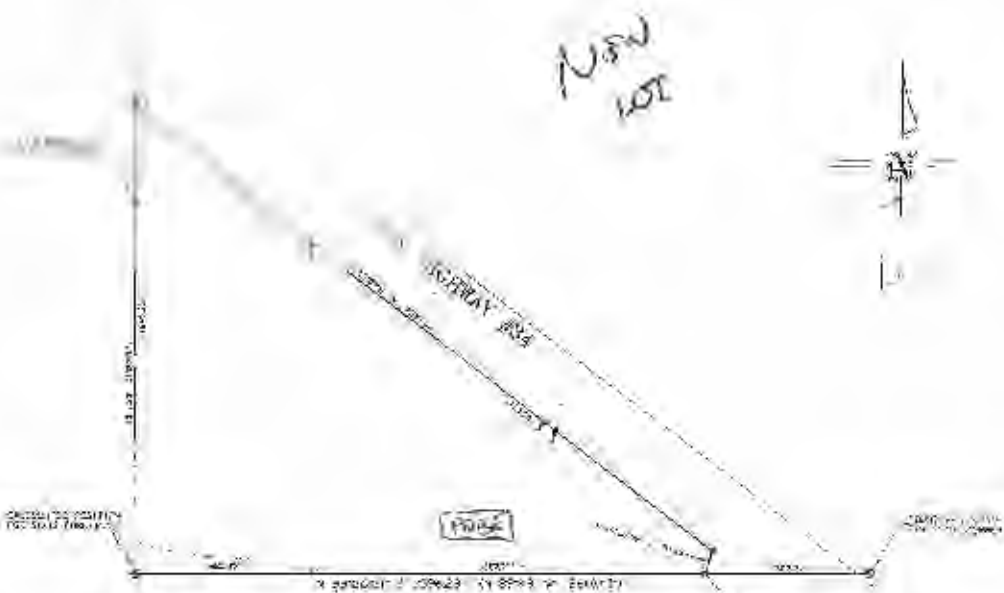
WARRANT

IT IS ORDERED THAT THE LANDS HEREIN DESCRIBED BE
CONVEYED TO THE STATE OF COLORADO FOR THE
PURPOSE OF BEING USED AS A PUBLIC HIGHWAY
AND FOR THE PURPOSE OF BEING USED AS A
PUBLIC HIGHWAY.

WARRANT

IT IS ORDERED THAT THE LANDS HEREIN DESCRIBED BE
CONVEYED TO THE STATE OF COLORADO FOR THE
PURPOSE OF BEING USED AS A PUBLIC HIGHWAY
AND FOR THE PURPOSE OF BEING USED AS A
PUBLIC HIGHWAY.

WELD COUNTY
R. 61 W.
MORGAN COUNTY
R. 80 W.



EMPIRE RESERVOIR
FLOOD HAZARD ZONE A

WARRANT

IT IS ORDERED THAT THE LANDS HEREIN DESCRIBED BE
CONVEYED TO THE STATE OF COLORADO FOR THE
PURPOSE OF BEING USED AS A PUBLIC HIGHWAY
AND FOR THE PURPOSE OF BEING USED AS A
PUBLIC HIGHWAY.

- 1. THE LANDS HEREIN DESCRIBED ARE
- 2. THE LANDS HEREIN DESCRIBED ARE
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AND FOR THE PURPOSE OF BEING USED AS A
PUBLIC HIGHWAY.

THIS IS A TRUE AND CORRECT COPY OF THE
ORIGINAL AS FILED IN THE PUBLIC RECORDS OF
MORGAN COUNTY, COLORADO, ON THIS 10th DAY OF
JANUARY, 1914.

WARRANT

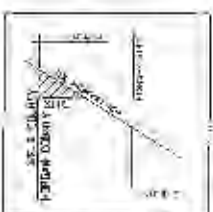
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WARRANT

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AND FOR THE PURPOSE OF BEING USED AS A
PUBLIC HIGHWAY.



VICINITY MAP

MICHAEL F. ANDERSON

LICENSED LAND SURVEYOR
J. S. MCGINNIS

STATE OF COLORADO, DEPT. OF LANDS
AND MINES, DIVISION OF LANDS

EXHIBIT "B"

WELL NO. 2 KENON SUBDIVISION
A PORTION OF THE W1/2 OF SECTION 30,
TOWNSHIP 4 NORTH, RANGE 80 WEST OF
THE 6TH P.M. MORGAN COUNTY, COLORADO

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Region 4

1420 2nd Street
Creed, Colorado 80631
(970) 353-1232



Morgan County, SH 34
CJ Webb
Permit #401122
Mile Post 143.30 RT

December 20, 2001

CJ Webb
11614 E. Lake Place
Englewood, CO 80111

Dear Mr. Webb,

On November 7, 2001, the Colorado Department of Transportation mailed a State Highway Access Permit for your signature. As of today's date we have not received the permit. The permit authorized the access to your single family dwelling located west of Wiggins.

Please obtain the Permittee's signature and return it to this office.

If the Department does not receive the signed permit within 15 days from the date of this letter, your access will be deemed null and void and a new application process will be required.

We look forward to hearing from you.

Sincerely,

Gloria Hice-Idler
Assistant Access Manager

xc: file (2)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Region 4

1420 2nd Street
Greeley, Colorado 80631
(970) 353-1232



Morgan County, SH 34
Charlie Webb
Approx 9/10th Mile W of SH 144
W of Wiggins

October 18, 2001

Barbara Gorell
Morgan County
PO Box 596
Fort Morgan, CO 80701

RE: Webb Access Issue

Dear Barbara:

Pursuant to a request from Charlie Webb, I am providing the following information:

CDCOT has agreed to allow an existing access to accommodate a new single family dwelling. Mr. Webb has submitted an access application to my office. I anticipate issuing an access permit within the next few days.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

Gloria Hice-Idler
Assistant Access Manager
(970) 350-2148

xc: file

C.J. Webb, Inc.

Selling the Good Stuff Since 1975

11614 E. Lake Place, Englewood, CO 80111

(303) 796-6743 Fax (303) 741-4138 Cell (303) 888-0180

OCT 2001
RECD
CJW

Fax Cover Sheet

To: GLORIA HIES - IDLER

From: _____

#of Pages

4

Date: 10/18

DEAR GLORIA,

THANKS FOR ALL OF YOUR HELP.

I WILL ALSO MARK THIS.

PLEASE GET BACK TO ME BY 10/29/
IF POSSIBLE AS I MUST HAVE FOR NEXT
PLANNING Comm. Mtg.

THANKS ALOT



ATOMIC

THULE
SWEDEN

STATE HIGHWAY ACCESS PERMIT WORKSHEET

APPLICATION DATE _____	SH NO/MP/SIDE <u>34A/143.300/RT</u>
PERMITTEE NAME <u>C.J. Webb</u>	LOCAL JURISDICTION <u>Morgan</u>
ADDRESS <u>11614 E Lake Place</u>	DIST/SECT/PATROL <u>4/1/BA 24</u>
<u>Englewood CO 80111</u>	CDOT PERMIT NO <u>Byron Rogers</u>
PHONE NO <u>(303) 888-0180</u>	REQUIRED PERMIT FEE <u>\$50</u>
CONTACT PERSON _____	SUPERVISOR <u>Denny Volz</u>
PHONE # OF CONTACT PERSON _____	HMW II <u>Byron Rogers</u>
	PHONE # HMW II <u>(970) 506-4972</u>
	PAGER # HMW II _____

LOCATION

Access is to be located on State Highway 34, a distance of 1584 feet East, (N.S.E.W.) from Mile Post 143 on the South/rt side (N.S.E.W.)/(left or right).

ACCESS TO PROVIDE SERVICE TO:

single family dwelling

X 8. This permit is subject to revocation due to: 1) Noncompliance with the provisions of this permit; 2) Abandonment; 3) Supersedure by new permit covering the same installation; or 4) Conflict with necessary planned highway construction and/or improvements. The Permittee shall promptly terminate occupancy upon notice of cancellation of the permit from the Department, unless a new permit is applied for and granted. 10543

 9. Left turns are NOT allowed at this access as identified on the attached Exhibit "_____". 10533

 10. This access is limited to RIGHT TURNS ONLY. Left turns are not allowed as identified on the attached Exhibit "_____". 10523

 11. Left turn movements in and out of this access may be prohibited at some future date. 10513

 12. This access is limited to ¾ movements (right-in, right-out, and left-in). Left turns out of the access are not allowed as identified on the attached Exhibit "_____". 10503

 X 13. Reconstruction or improvements to the access may be required when the Permittee has failed to meet the required design and/or material specifications. If any construction element fails within two years due to improper construction or material specifications, the Permittee is responsible for all such repairs. 10493

 X 14. The Department retains the right to perform any necessary maintenance work in this area. 10483

 X 15. Backing maneuvers within and into the State Highway right-of-way are strictly prohibited. All vehicles shall enter and exit the highway right-of-way in forward movement. Backing into the right-of-way shall be considered a violation of the terms and conditions of this access permit and may result in revocation of the permit by the Department and/or the issuing authority. 10473

 16. All other accesses to the property shall be removed immediately. Removal shall include, but not limited to, the return of the highway right-of-way side slopes, ditches, and fences to match existing adjacent conditions, INCLUDING REMOVAL OF ASPHALT APRONS. Any asphalt removed from the highway shall result in a smooth finished edge. 10463

 17. Cattle guards are not permitted in the State Highway right-of-way. 10453

X 28. Routine, periodic maintenance and emergency repairs may be performed within the State Highway right-of-way, under the general terms and conditions of this permit. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, will require written authorization from the Department. The Department shall be given proper advance notice whenever maintenance work will affect the movement or safety of traffic on the State Highway. In an emergency, the Department Region Office and the State Patrol shall immediately be notified of possible hazards. 10353

X 29. ~~All work is to conform to the plans referenced by this permit on file with the Department or as modified by this permit. (If discrepancies arise, this permit shall take precedence over the plans.) The Department plan review is only for the general conformance with the Department's design and code requirements. The Department is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and any other elements which shall be confirmed and correlated at the work site. The Department through the approval of this document, assumes no responsibility for the completeness and/or accuracy of the plans.~~ 10343

30. The State requires a Certificate of Insurance prior to commencing any work on the State Highway right-of-way. Policies shall name the State of Colorado as additional insured party. All vendors, contractors, and utility companies shall procure, at their own expense, and maintain for the duration of the work period, the following minimum insurance coverages:

- A. Standard workman's compensation and employer's liability, including occupational disease, covering all employees engaged in performance of the work at the site, in the amount required by State Statutes.
- B. Comprehensive general liability in the amount of \$600,000 combined single limit bodily injury and property damage, each occurrence and \$2,000,000 annual aggregate.
- C. Automobile liability in the amount of \$600,000 combined single limit bodily injury and property damage, for each accident.

Certificates of insurance showing compliance with these provisions shall be attached to and made a part of this permit and be available on the site during construction. 10333

31. All materials, equipment, installation, construction, and design, including the auxiliary lane(s) and intersection improvement(s) within the State Highway shall be in accordance with the following Department standard references as applicable.

- A. State Highway Access Code, 2 CCR 601-1
- B. Roadway Design Manual
- C. Materials Manual

X 35. Whenever the work will affect the movement or safety of traffic, the Permittee shall develop and implement a construction traffic control plan, and utilize traffic control devices as necessary to ensure the safe and expeditious movement of traffic around and through the work site and the safety of the work force. The traffic control plan shall be prepared by an American Traffic Safety Services Association (ATSSA) certified individual, a Colorado Contractors Association (CCA) certified individual, or a professional traffic engineer in conformance with the Manual on Uniform Traffic Control Devices, and other applicable standards. The plan must be submitted to the Region Access Manager for approval and inspection, a minimum of 72 hours (3 working days) in advance of construction. A copy of the approved traffic control plan must be on site until the work is completed. 10283

X 36. The Department inspector may suspend any work due to: 1) Noncompliance with the provisions of this permit; 2) Adverse weather or traffic conditions; 3) Concurrent highway construction or maintenance in conflict with permit work; or 4) Any condition deemed unsafe for workers or the general public. The work may be resumed upon notice from the Department inspector. 10273

37. Upon completion of the work, a letter certifying that all project materials, construction, inspection and workmanship was in accordance with the plans and applicable Department Standard and Specifications for Road and Bridge Construction shall be submitted to the Region Access Manager. The certification letter must be signed and stamped (sealed) by a Colorado registered professional engineer. 10263

38. Application of 4 inches of topsoil, soil preparation, fertilizing, seeding and mulching is required within the right-of-way limits on all disturbed areas not surfaced. The following types and rates shall be used:

COMMON NAME

Blue grama v. n.m. native - 3 PLS/ACRE

Smooth brome v. manchar - 2 PLS/ACRE

Western wheatgrass v. arriha - 5 PLS/ACRE

Little bluestem - 2 PLS/ACRE

Buffalo grass (treated) - 4 PLS/ACRE

TOTAL - 16 PLS/ACRE

COMMERCIAL FERTILIZER

Nitrogen ANALYSIS 18% LBS AVAIL 45

Phosphorus ANALYSIS 46% LBS AVAIL 115

Seeding application: Drill seed or hand broadcast .25"- .50" into topsoil

X 48. All required access improvements shall be installed prior to the herein authorized use of this access. 10153

X 49. The access shall be surfaced immediately upon completion of earthwork construction and prior to use. 10143

50. Compaction of subgrade, embankments and backfill shall be in accordance with section 203.07 of the Department's standard specifications. Test results shall be provided to the Region Access Manager. 10133

X 51. Surfacing of the access shall be ~~completed~~ ^{maintained} as per Exhibit "A" 10123

X 52. No paved surfaced shall be cut unless specified in this permit. Asphalt removal shall be saw cut to assure a straight edge for patching. 10113

53. The new State Highway pavement shall slope on the same plane as the present pavement surface. 10103

54. The existing asphalt adjacent to all new pavement shall be saw cut and removed a minimum of one foot back from the existing edge, or until an acceptable existing cross slope is achieved to assure a straight edge for the joint. 10093

55. Longitudinal joints of the final pavement surface shall match the roadway lane lines. 10083

56. The top layer of plant mix bituminous pavement shall not be placed between October 1 and April 1, unless otherwise approved by the Department. 10074

57. Any layer of bituminous pavement that is to have a succeeding layer placed thereon shall be completed full width, before succeeding layers are placed. 10073

X 58. If frost, water or moisture is present in the subgrade, no surfacing materials shall be placed until all frost, water or moisture is gone or removed. 10063

59. The Permittee shall install a new _____ inch _____ pipe and shall provide for proper side slopes. Culverts over 18 inches in diameter shall have end sections. 10053

X 60. The access shall be ~~constructed and~~ maintained in a manner that will not cause water to enter onto the roadway, and will not interfere with the existing drainage system within the State Highway right-of-way. Drainage to the State Highway right-of-way shall not exceed historical rate of flow. 10043

Additional Information



Pam Cherry <pcherry@co.morgan.co.us>

Please bring in application sets

Kyle Howard <kyle@revensolutions.com>
To: Pam Cherry <pcherry@co.morgan.co.us>

Wed, Oct 7, 2020 at 3:32 PM

Hello Pam!

Certainly. What we were referring to was the classroom portions of the classes already being applied for. The classes we will be providing are concealed carry classes, pistol classes, rifle classes, etc. These courses are about 50/50 in their composition when it comes to classroom vs range time. For example, the concealed carry class has about 2.5 hours of classroom content prior to shooting where we go over the basics of laws, regulations, and firearm safety before shooting. The NRA Basic Pistol course is about 80/20 (classroom/range) respectively. What we were asking about is if we needed anything additional to be able to do the classroom side of things vs just the shooting. Or if the permit was purely for being able to shoot, and the classroom portions were just considered "home business."

We didn't want to do anything wrong by just assuming. As you can imagine, once committed to this process it is an expensive one, and trying to figure out how to make anything to supplement is helpful. Even though it seemed like we would be in the clear to teach some classes purely in a classroom, non shooting format, we decided to hold off doing anything until after the Commissioners meetings.

It may have sounded like we were planning to do some form of martial arts classes or something but that's not the case. Let me know if this doesn't clarify.

For the survey, I called everyone on that list and am getting quotes. Only 2-3 said they'd be able to help me. I emailed over the requirements and they said they would get back to me with a timeline and a quote, however they were all saying 6-8 weeks. I hope this doesn't have much impact overall. I did have concerns about this section and remember asking if I needed it and recall being told the memo from the Sheriff and his photos would mostly be acceptable. I'll do what I can to try and accomplish this as soon as I can. They did say that if it wasn't a full blown survey of the entire property and only encompassed where the ranges were going to be it would help the timeline. Would this be acceptable?

Best,
Kyle

[Quoted text hidden]



Ahna Raygoza <araygoza@co.morgan.co.us>

Special Use Permit for 208 US 34

Kyle J. Howard <kyle@empiregunclub.com>
To: Ahna Raygoza <araygoza@co.morgan.co.us>

Thu, Sep 3, 2020 at 9:18 AM

Good morning!

That map is great I can mark those in for sure.

CDOT did get back to me this morning and Pam stated back to them that the permit shows it is for a residence, and amendment to that permit would be required. They are supposed to send me what I need to apply for that. So we're getting closer there!

I can definitely work up the other information requested for you. I'll jump on that now. As far as the easements go on 34 I'm not sure where those are exactly, but I do know they're outside my fence line based on what I've been told from various people, and where the utilities are marked.

The measurements provided are from the average shooting location at the center of each section. 95% of all shooting will take place at 15 or less yards, and that's where I measured from. :)

The range doesn't have a designated firing line but does have range markers.. depending on the shooting being done that day, the instructor will designate the line and absolutely nobody is allowed in front of that line while the range is hot. Reason for this is at some ranges the firing line doesn't move but the target does, and I wanted to have the line move and not the target. Having the targets within a few feet of the berm practically eliminate any chance there is of any rounds missing the berm. :)

Best,
Kyle

Sent from my iPhone

On Sep 3, 2020, at 8:57 AM, Ahna Raygoza <araygoza@co.morgan.co.us> wrote:

[Quoted text hidden]

Empire Gun Club Range Rules

Universal Firearm Safety Rules

- Treat all guns as if they are loaded, and always know the condition of your gun.
- Keep your finger off the trigger until your sights are aligned and the decision to shoot has been made.
- Don't point a gun at anything you aren't willing to destroy.
- Know your target, what's in front of it, beyond it, and to the left and right of it.

Classroom Rules:

- Absolutely no ammo allowed in the classroom.
- Firearms must be cased or in holsters if not on the firing line, unless otherwise instructed.

Range Rules:

- Eye and hearing protection must be worn at all times while the range is hot.
- Absolutely nobody is allowed in front of designated firing line while the range is hot.
- Anyone may call a cease fire if they witness an unsafe act.
- Firearms must be cased, holstered, or slung, if not on the firing line, unless otherwise instructed.
- Firearms on the firing line not in use must have magazines removed and slides or bolts open.
- Never attempt to catch a falling gun or falling items.
- Unskilled or continuous rapid fire is not allowed. Controlled pairs are acceptable with instructor permission.
- No drawing from concealment without instructor approval.



Pam Cherry <pcherry@co.morgan.co.us>

wd: Empire Gun Club

David Martin <dmartin@co.morgan.co.us>

Wed, Aug 26, 2020 at 7:51 AM

To: Randee Aleman <ralem@co.morgan.co.us>, Susan Bailey <sbailey@co.morgan.co.us>, Pam Cherry <pcherry@co.morgan.co.us>, Kathryn Sellars <ksellars@hpwclaw.com>, Morgan County Board of Commissioners <morgbcc@co.morgan.co.us>, Karol Kopetzky <kkopetzky@co.morgan.co.us>

Here is my reply to Mr. Case this morning.

----- Forwarded message -----

From: **David Martin** <dmartin@co.morgan.co.us>
Date: Wed, Aug 26, 2020 at 6:48 AM
Subject: Empire Gun Club
To: <marcuscase1982@gmail.com>

Good Morning Mr. Case,

I received your email sent through our website from Commander Holt.

After the email that you sent to County Commissioner Jim Zwetzig, I drove out to the residence at 208 Hwy 34, Wiggins, Colorado. I also later met with the owner, Mr. Kyle Howard.

With regards to your question here, about whether the shooting range is legal, that is a question for planning and zoning. My understanding is that if Mr. Howard is using the range privately and not as a business, then it is legal; if he is using the range as a business, then it would require a special use permit to comply with planning and zoning requirements from the county.

Upon speaking with Mr. Howard, he told me that he is a certified firearms instructor and that he had hopes of one day creating a business at this location. He said that he did register the address and the name Empire Gun Club at this address for future use.

Mr. Howard told me that he has had friends out to his house and that they have used the shooting range with him there but not as a business.

With regards to your question about if the range is safe. I walked both of the berms that Mr. Howard installed for the purpose of a backstop for shooting. Mr. Howard showed me the area that he shoots from, generally shooting pistols but has shot his .22 rifle before.

It is my opinion that the range is safe. That being said, every shooter is responsible for any bullet that they fire. shooting directly into the berm is what I would consider safe. The top of the newly installed berm is approximately 30 - 40 feet below the top of the damn. The shooting area is another 15 to 20 feet below the top of the berm.

That being said, I am not sure where the trails are that you are talking about. I am more than willing to come out and meet with you as I did Mr. Howard. I am also willing to try and facilitate a meeting between you and Mr. Howard. I only met Mr. Howard through this encounter, but he assured me that he wants to be a good neighbor and that his priority is range safety.

Please feel free to contact me at the office number below. That is my direct line. However, if you have a crime to report or an emergency, please use our dispatch line at 970 867-2461 or 911.

I have also attached a copy of the memo that I prepared after my visit to the property in question.

--

Sheriff Dave Martin,

10/7/2020

Co.morgan.co.us Mail - Fwd: Empire Gun Club


Morgan County Sheriff's Office
801 E Beaver Avenue
Fort Morgan, Colorado 80701

(Office) 970 542-3448
(Fax) 970 542-3453

--
Sheriff Dave Martin,

Morgan County Sheriff's Office
801 E Beaver Avenue
Fort Morgan, Colorado 80701

(Office) 970 542-3448
(Fax) 970 542-3453

 **Empire Gun Club.pdf**
169K



MORGAN COUNTY SHERIFF'S OFFICE

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www.morgansheriff.net

Dave Martin, Sheriff
801 E. Beaver Avenue
Fort Morgan, CO 80701
970-542-3448
dmartin@co.morgan.co.us

Date: August 17, 2020
To: Morgan County Board of Commissioners,
Morgan County Planning and Zoning
From: Sheriff Dave Martin
Re: "Empire Gun Club"

Good Morning all,

On Friday, August 14, 2020, I received a forwarded email from Commissioner Zwetzig that originated from Marcus Case. Mr. Case referenced a gun club that he believed has opened at 208 Hwy 34, Wiggins, Colorado.

I was not aware of the new establishment and replied that I would try and make it out to this location to see what was going on.

Later this same day, at approximately 14:45 hrs, I arrived at the above listed location. This address is a multi story residence that sits directly north of the Empire Reservoir Dam. There are two buildings on this property; one is the residence and the second is a garage type metal sided building with rollup garage doors.

As I drove through the gate to the property, I could see a large dirt berm that was apparently new in this area. The dirt is fresh and without vegetation.

Not seeing any vehicles, I went to the main house and rang what I knew to be a video door bell. I did not receive an answer at the door but did receive a verbal greeting via the door bell. I gave my telephone number to the person answering the door bell. This person later identified as Kyle J. Howard, stated that he was the property owner and that he would call me on my cell phone.

I returned to my patrol car, where I had a telephone conversation with Kyle Howard. Kyle called me from his telephone number of 720 252-4700. I explained to Kyle the email that I had received from Commissioner Zwetzig and that I wanted to come and see for myself what was going on.

Kyle stated that he had just recently closed on this property. He told me that currently there are two friends that are living in the house there; in a care taker roll. Kyle said that he and his family come out from the metro area on weekends and days off as time permits.

Kyle said that he is a certified firearms instructor and that he developed the dirt berms for a shooting range. He said that the shooting range is for personal use right now but has hopes that he can develop the range into a business for firearms instruction and training.

Kyle stated he did register the name "Empire Gun Club" with the Secretary of the State of Colorado for future use but right now the range is used solely by him and a few friends when they come out. He stated that he is not operating a business or club at this time.

Kyle told me that he had multiple discussions with Bijou Irrigation; regarding building the berm of dirt for his shooting range and that he received no opposition.

Kyle told me that I was free to look around and take whatever pictures that I would like. I did so. Kyle has constructed two shooting berms. One of the berms is just west of the garage area. The berm is three sided. When shooting into the berm, you would be facing south and shooting towards the dam for the lake. The berm is what I would estimate 20 feet tall on all sides. The dam for Empire Reservoir is approximately another 20 to 30 feet higher than the berm.

The second berm is approximately 300 yards west of the garage area and is also three sided. This berm sits inside a tree area and is also approximately 20 feet tall on all three sides. When shooting into this berm, you would be facing west. The only structures west of this location are approximately one mile west and it is the storage area of campers and boats for the Empire Reservoir.

Kyle told me that he typically shoots handguns but has shot his .22 cal rifle as well. Kyle said that he typically shoots from a distance of 25 yards away from the targets and berms. This, I believe, was confirmed by the stakes that were in the ground and the distance described by Kyle.

I took several photos of the area and will attach those photos to this email for reference.

On Sunday, August 16, 2020, I drove to the address again to meet with Kyle Howard. Kyle and I discussed the same items as we did on Friday. Kyle reiterated that he wants to be a good neighbor and that he is very safety oriented.

Kyle showed me a website that made him believe he was permitted to shoot on his land as it was agricultural land. The website that Kyle showed me was the planning and zoning site for the City of Ft. Morgan and not Morgan County.

https://library.municode.com/co/fort_morgan/codes/municipal_code?nodeId=CH20LAU_SCO_ART4ZODI_S20-4-90DIUSTAPESPUS

I explained to Kyle that he would need to contact Morgan County Planning and Zoning to find out if there were any special requirements for his shooting range.



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970-542-3448
dmartin@co.morgan.co.us

From what I saw, Kyle has done a remarkable job in attempting to create a safe shooting environment. With regards to Mr. Case's claim of bullets whizzing over the lake, I have researched our calls for service and do not show any calls or complaints for this.

I don't see anything criminal in nature with regards to shooting into either of the shooting berms that Mr. Howard has constructed. He has adequate back stop for target shooting.

If you have any questions regarding this memo or would like to discuss this in person, please let me know.

EOS/ddm501



Pam Cherry <pcherry@co.morgan.co.us>

Fwd: Gun Club Near Empire Reservoir

4 messages

Marcus Case <marcuscase1982@gmail.com>
To: planmorganc@co.morgan.co.us

Tue, Aug 25, 2020 at 11:49 AM

Good afternoon,

I was told to contact the planning office regarding Empire Gun Club at [208 US Highway 34, Wiggins CO](#). I routinely walk my dog near empire reservoir and over the last month or so now, I have heard gunshots, and bullets whizzing out over the reservoir, so much so that I am fearful of walking my dog on those paths now.

Is this shooting range legal, safe, what can be done to ensure our community is safe?

Thanks,

Marcus Case

Pam Cherry <pcherry@co.morgan.co.us>
To: Marcus Case <marcuscase1982@gmail.com>

Tue, Aug 25, 2020 at 12:55 PM

Marcus, in the Agriculture Production zone district private shooting ranges are allowed.
If there is concern with the lake area have you contacted Parks and Wildlife, the ranger at the reservoir.

Pam Cherry, MPA, CFM
Morgan County Planning Administrator
Floodplain Administrator
231 Ensign Street; Box 596
Fort Morgan, CO 80701
970-542-3526
pcherry@co.morgan.co.us

[Quoted text hidden]

Marcus Case <marcuscase1982@gmail.com>
To: Pam Cherry <pcherry@co.morgan.co.us>

Tue, Aug 25, 2020 at 1:48 PM

Hi Pam,

I don't believe this is a private shooting range. According to their website, they lease it out, which would make it commercial. Is that also allowed?

Do you have an email or contact for the parks and Wildlife or the ranger for Empire reservoir?

Thanks,

[Quoted text hidden]

Pam Cherry <pcherry@co.morgan.co.us>
To: Marcus Case <marcuscase1982@gmail.com>

Tue, Aug 25, 2020 at 2:15 PM

You can start:
<https://cpw.state.co.us/>

to find the ranger.

SWNW

PEGGRAM, D J & FRANCES E REV TRUST-FAM
104530000002

SENW

HWY 84

NWSW

HOWARD, KYLE J &
104530000003

NESW

725'

600'

450'

300' BETWEEN

380-400' AT SHORTEST DISTANCE

200' TO CREST OF DAM

300' TO END OF PROPERTY LINE

SWSW

UNITED STATES OF AMERICA
104530000000

SESW

Morgan County Treasurer

Statement of Taxes Due

Account Number R000333

Parcel 104530000003

Assessed To

PIEPER, MARTIN R
208 HWY 34
WIGGINS, CO 80654-9624

Legal Description

Situs Address

S: 30 T: 4 R: 60 PARC SW1/4NW1/4, NW1/4SW1/4 & NE1/4SW1/4 ALL LYING S OF HWY 34
B947 P575

00208 HWY 34

Year	Tax	Adjustments	Interest	Fees	Payments	Balance
Tax Charge						
2019	\$3,231.88	(\$22.80)	\$0.00	\$0.00	(\$3,209.08)	\$0.00
Total Tax Charge						\$0.00
Grand Total Due as of 10/08/2020						\$0.00

Tax Billed at 2019 Rates for Tax Area 316 - RE 50J

Authority	Mill Levy	Amount	Values	Actual	Assessed
COUNTY GENERAL FUND	19.4530000	\$793.69	SINGLE FAMILY - LAND	\$71,360	\$5,100
ROAD AND BRIDGE FUND	7.5000000	\$306.00			
SOCIAL SERVICES FUND	2.0000000	\$81.60	SINGLE FAMILY - IMPS	\$499,370	\$35,700
WIGGINS RURAL FIRE DIST	7.0000000	\$285.60			
CENTRAL COLO WATER CONS	1.2860000	\$52.47	Total	\$570,730	\$40,800
CENTRAL COLO WTR SUB DST	2.2790000	\$92.98			
NORTHERN COLO WATER CD	1.0000000	\$40.80			
RE 50-J WIGGINS GENERAL FUN	24.5800000	\$1,002.86			
RE 50-J WIGGINS BOND REDEMP	13.5560000	\$553.08			
Taxes Billed 2019	78.6540000	\$3,209.08			

*****TAX LIEN SALE REDEMPTIONS MUST BE PAID BY CASH OR CASHIER'S CHECK*****

Special taxing districts and the boundaries of such districts may be on file with the County Commissioners, County Clerk, or County Assessor. Unless specifically mentioned, this statement does not include land or improvements assessed under a separate account number, personal property taxes, transfer tax or miscellaneous tax collected on behalf of other entities, special or local improvement district assessments, or manufactured homes.

ROBERT A SAGEL, MORGAN COUNTY TREASURER

231 Ensign St, PO Box 593, Fort Morgan, CO 80701

Phone: 970-542-3518, Fax: 970-542-3520, Email: esale@co.morgan.co.us

Website: morgancounty.colorado.gov

ACCOUNT # R000333
PARCEL # 104530000003
TAX DISTRICT: 316

Real Estate PROPERTY TAX NOTICE
2019 TAXES DUE IN 2020

MORGAN COUNTY TREASURER
P.O. BOX 593, 231 ENSIGN STREET
FORT MORGAN, CO 80701

TAX AUTHORITY	TAX LEVY	TEMP TAX CREDIT	GENERAL TAX	VALUATION	ACTUAL	ASSESSED
COUNTY GENERAL FUND	19.45300	0.00000	\$793.69	LAND	\$71,360	\$5,100.00
ROAD AND BRIDGE FUND	7.50000	0.00000	\$306.00	BUILDINGS/IMPROVE	\$499,370	\$35,700.00
SOCIAL SERVICES FUND	2.00000	0.00000	\$81.60	PERSONAL	\$0	\$0.00
WIGGINS RURAL FIRE DIST	7.00000	0.00000	\$285.60	TOTAL	\$570,730	\$40,800.00
MORGAN SOIL CONS DIST	0.00000	0.00000	\$0.00	SR/VET EXEMPTION	(\$0)	(\$0.00)
CENTRAL COLO WATER CONS	1.28600	0.00000	\$52.47	NET TOTAL	\$570,730	\$40,800.00
CENTRAL COLO WTR SUB DST	2.27900	0.00000	\$92.98			
NORTHERN COLO WATER CD	1.00000	0.00000	\$40.80			
WIGGINS SCHOOL DIST RE 50	38.13600	0.00000	\$1,555.94			
MESSAGES						
Want your tax notice electronically? Visit morganco-eagle.com/treasurer/web Search for your tax account "Verify My Email" using the key below VERIFICATION KEY: YJPGNSKJ PRIOR YEAR TAX CHARGE: \$2,578.72 In absence of State Legislative Funding, your School General Fund mill levy would have been 29.9360000						
UNPAID PRIOR YEAR TAXES:						
No						
LEGAL DESCRIPTION OF PROPERTY						
S: 30 T: 4 R: 60 PARC SW1/4NW1/4, NW1/4SW1/4 & NE1/4SW1/4 ALL LYING S OF HWY 34 B947 P575				PAYMENT	DUE DATE	AMOUNT
ACRES: 42.560 PROPERTY LOCATION: 00208 HWY 34				PREPAYMENTS APPLIED		\$0.00
				FIRST HALF	FEB 28, 2020	\$1,604.54
				SECOND HALF	JUNE 15, 2020	\$1,604.54
				FULL PAYMENT	APRIL 30, 2020	\$3,209.08

Account #: R000333
PIEPER, MARTIN R
208 HWY 34
WIGGINS, CO 80654-9624

Make Checks Payable To:
MORGAN COUNTY TREASURER

SEE IMPORTANT INFORMATION ON BACK.

THE TREASURER'S OFFICE IS REQUIRED BY LAW
TO SENT THE TAX NOTICE TO THE OWNER OF
RECORD.

KEEP THIS NOTICE FOR YOUR RECORDS.

2019 TAXES DUE IN 2020

UNPAID PRIOR TAXES:

No

RETURN THIS COUPON FOR SECOND HALF PAYMENTS

2nd Half Coupon - Due June 15th

PROPERTY LOCATION
00208 HWY 34

RETURN THIS COUPON WITH PAYMENT TO:
MORGAN COUNTY TREASURER
P.O. BOX 593, 231 ENSIGN STREET
FORT MORGAN, CO 80701

ACCOUNT NUMBER
R000333

Account #: R000333
PIEPER, MARTIN R
208 HWY 34
WIGGINS, CO 80654-9624

SECOND HALF DUE BY JUNE 15, 2020 \$1,604.54

2019 TAXES DUE IN 2020

UNPAID PRIOR TAXES:

No

RETURN THIS COUPON WITH FIRST HALF OR FULL PAYMENT

Full Payment or 1st Half Coupon

PROPERTY LOCATION
00208 HWY 34

RETURN THIS COUPON WITH PAYMENT TO:
MORGAN COUNTY TREASURER
P.O. BOX 593, 231 ENSIGN STREET
FORT MORGAN, CO 80701

ACCOUNT NUMBER
R000333

Account #: R000333
PIEPER, MARTIN R
208 HWY 34
WIGGINS, CO 80654-9624

[] FIRST HALF DUE BY FEBRUARY 28, 2020 \$1,604.54

[] FULL PAYMENT DUE BY APRIL 30, 2020 \$3,209.08