

AGENDA
MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS
Assembly Room, Administration Building
231 Ensign Street, Fort Morgan, CO 80701
Wednesday, August 5, 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/81385693470> 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 Tuesday August 4, 2020.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/81385693470> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 813 8569 3470

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/81385693470> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 813 8569 3470.

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. Charles Greenwood III as applicant

Legal Description: A parcel located in the SW ¼ of Section 2, Township 3 North,

*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.

PREPARED BY: Karla Powell, Administrative Services Manager
AGENDA POSTED ON July 31, 2020

Range 58 West of the of the 6th PM, Morgan County, combined Lots 34 and 35 of Block 01 of the Trailside Planned Development, addressed as 16295 County Road R, Fort Morgan, Colorado 80701

Reason: Use by Special Review Application to expand an existing storage facility business

2. Erin Kress and Travis Hertneky/THEngineering, LLC – Applicant

Bullseye Holdings, LLC/Kevin Lamb- Landowner

Legal Description- Located in the W ½, and South and West of the Bijou Canal, Section 26, T3N, R 58W of the 6th PM, Morgan County, aka 16098 County Rd O, Fort Morgan, CO 80701

Reason- Use by Special Review Application to operate and re-establish a Confined Animal Feeding Operation for no more than 9000 head pursuant to Section 3-180 (O) and Appendix B Table 3 of the Morgan County Zoning Regulations

D ADJOURNMENT

*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.



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

July 28, 2020

TO: Board of Morgan County Commissioners
DATE: WEDNESDAY, August 5, 2020
TIME: 9:00 A.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 remotely you must connect via this link:

<https://us02web.zoom.us/j/81385693470>

Or iPhone one-tap :

US: +12532158782 ,81385693470# or +13462487799, 81385693470#

Or Telephone:

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

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

Webinar ID: 813 8569 3470

International numbers available: <https://us02web.zoom.us/j/81385693470>

AGENDA

Applications:

1. Applicant and Landowner: Charles Greenwood III
Legal Description: SW¼ of Section 2, Township 3, Range 58 West of the 6th P.M., Morgan County, combined Lots 34 and 35 of Block 01 of the Trailside Planned Development, addressed as 16295 County Road R, Fort Morgan, Colorado 80701.
Request: Use by Special Review Application to expand an existing storage facility business.

2. Applicant: Erin Kress and Travis Hertneky/THEngineering, LLC

Landowners: Bullseye Holdings, LLC/Kevin Lamb

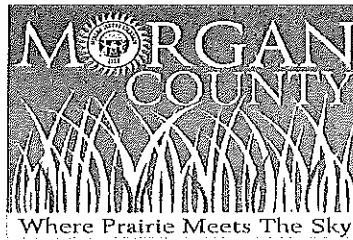
Legal Description: A parcel located in the W ½ and South and West of the Bijou Canal, Section 26, T3N, R 58W of the 6th PM, Morgan County, aka 16098 County Road O, Fort Morgan, CO 80701.

Request: Use by Special Review Application to operate and re-establish a Confined Animal Feeding Operation for no more than 9000 head pursuant to Section 3-180(O) and Appendix B Table 3 of the Morgan County Zoning Regulations.

OTHER MATTERS:

ADJOURN:

BCC File Summary for
August 5, 2020
Meeting



**MORGAN COUNTY
PLANNING AND BUILDING DEPARTMENT
BOARD OF MORGAN COUNTY COMMISSIONERS**

**FILE SUMMARY
July 30, 2020
August 5, 2020 (meeting date)**

**APPLICANTS: Epic Design for Charles Greenwood III
LANDOWNERS: Charles Greenwood III**

The Planning Commission considered this application at their meeting on July 13, 2020 and recommends approval. At the hearing a neighboring landowner expressed objection to the fully phased plan. The letter received from the neighbor is included in your packet as well as the response from the applicant. A revised site plan was submitting on July 30, 2020 and is also included.

Application Overview

Charles Greenwood III as landowner and Epic Design as applicant's consultant have submitted an application for a Special Use Permit for approval to expand an existing storage facility. The property is zoned Agriculture Production and is 3.55 acres, located in Section 2, Township 3 North, Range 58 West of the 6th P.M. Morgan County, Colorado; addressed as 16295 County Road R, Fort Morgan, CO.

The property is platted as Lots 34 and 35 of the Trailside Planned Development. Pages 1 and 2 of the recorded plat are included in your packets. The plat shows that Lots 34 and 35 have an intended use of ATZ which is defined as Agriculture Trailside zone and lists prohibited uses and does not include storage units or outside storage. Mobile home storage is listed as a prohibited use, however and will continue. Lot 36 to the west of this property is also used as commercial storage. The plan for expansion was submitted to the Trailside HOA and approved.

The property is a combination of uses including single-family residential. Lots 34 and 35 of the Trailside Planned Development have been combined under a separate application that was completed in May of 2019; that agreement is included in the packet. Setbacks will apply only to the exterior boundary of the two combined lots.

- a. Pursuant to Section 2-165; Within the districts established by these Regulations or amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before these Regulations were

passed or amended, but which would be prohibited, regulated, or restricted under the terms of these Regulations or future amendments. *It is the intent of these Regulations to permit these non-conformities to continue unless provided otherwise below, until they are removed, but not to encourage their survival. It is further the intent that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.*

- b. 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.
- c. Pursuant to Section 3-175; Parcels smaller than 20 acres does not list commercial storage facilities as a Use by Right, Conditional Use or Use by Special Review.

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 south central 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.

Encourage infill in existing business and industrial subdivisions. This property has been used for storage for many years. Permitting the expansion of this facility meets the intent of this goal.

2.II.C

Goal - To encourage development where it is in proximity to the activity centers, compatible with existing land use, and there is access to established public infrastructure.

There is adjacent Agriculture Production zoning to the west of this property. This property is part of the Trailside Planned Development and included in those plans to continue use as it had always been operating.

- (B) All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.
- (C) The Site Plan conforms to the district design standards of these Regulations.
- (D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.
The addition of a six foot fence will be constructed on the north property line after the Phase 1 building has been erected and retention pond constructed in accordance with the drainage plan. Fencing will also be constructed on the west side of the pond for buffering and safety purposes.

- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.
The project as proposed will include fencing as a buffer to the adjacent residential to the north and on the west side of the retention pond as a buffer and the safety of area residents.
- (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.
- (G) The special use proposed is not planned to be developed on a non-conforming parcel.
The property was created by exemption and 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.
- (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.
There is an existing Morgan County Quality Water tap on the property that will be monitored for possible increase to a commercial tap.

Recommendation and conditions

Suggested conditions presented to Planning Commission included:

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 uses for this property shall comply with the Trailside Planned Development for this property including the prohibitions as listed on the plat:
 - a. Discharge of firearms
 - b. Commercial bulk fuel plats
 - c. Livestock confinement facilities
 - d. Mobile home storage
 - e. Junk, scrap metal, auto wrecking and salvage yards.
3. A 6' privacy fence shall be constructed on the north and west sides of the retention pond for buffering and safety purposes.
4. Grain bins shall be removed.
5. Retention pond shall be constructed and will include plans for mitigation of odors and pests.

Planning Commission recommends the removal of condition #2: The uses for this property shall comply with the Trailside Planned Development for this property including the prohibitions as listed on the plat:

- a. Discharge of firearms
- b. Commercial bulk fuel plats
- c. Livestock confinement facilities
- d. Mobile home storage
- e. Junk, scrap metal, auto wrecking and salvage yards.

The Planning Commission considered this application at their meeting on July 13, 2020 and recommended approval of the application on a vote of 6-0, with one member recusing himself.

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

Information Received After Planning Commission

RESOLUTION
2003 BCC 72

A RESOLUTION APPROVING A PLANNED DEVELOPMENT ZONE
IN SECTIONS 2, 10, and 11, TOWNSHIP 3 NORTH, RANGE 58 WEST

WHEREAS, on July 21, 2003, and September 22, 2003 the Board of County Commissioners of Morgan County, Colorado held properly noticed public hearings pursuant to the Morgan County Zoning Regulations on the application of Fort Morgan Development LLC for a Planned Development Zone to create a 46 lot residential subdivision in the SW ¼ of Section 2, N½NE¼ of Section 10, and N½NW¼ and N½NE¼ of Section 11, Township 3 North, Range 58 West, of the 6th P.M. known as Trailside Planned Development and located near the intersection of County Roads 16 and R, and

WHEREAS, the notice of public hearing was properly published and the subject property was properly posted, and

WHEREAS, the Board of County Commissioners received testimony and evidence from the applicant, and

WHEREAS, the Board of County Commissioners received the testimony of the Morgan County Planning Administrator who recommended approval of the application, and

WHEREAS, the Morgan County Planning Commission recommended approval of this application, and

WHEREAS, the Board of County Commissioners received public comment of this application.

NOW BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO:

1. The application of Fort Morgan Development LLC for a Planned Development Zone to create a 46 lot residential subdivision in the SW ¼ of Section 2, N½NE¼ of Section 10, and N½NW¼ and N½NE¼ of Section 11, Township 3 North, Range 58 West, of the 6th P.M. known as Trailside Planned Development and located near the intersection of County Roads 16 and R is hereby granted.
2. The Board of County Commissioners finds that the proposed project is in compliance with the Morgan County Comprehensive Plan and that the criteria of Section 3-455 of the Morgan County Zoning Regulations have been met by the application and the terms and conditions of this resolution. Specifically:
 - a. The Morgan County Comprehensive Plan is complied with in that the proposed project is compatible with existing land uses and there is access to established infrastructure (page 43, Morgan County Comprehensive Plan)

Resolution 2003 BCC 72

Page 2

- b. The project conforms with the policies for traffic and roads in rural areas (pages 69-70, Morgan County Comprehensive Plan).
 - c. The project is consistent with existing land uses in the neighborhood.
3. The entire contents of the application and the provisions of this Resolution shall constitute the Planned Development Zone Final Plan as referred to in the Morgan County Zoning Regulations and shall be binding on the applicant and its successors and shall be the terms and conditions of this permit. This shall include construction of roads, access, and placement of culverts as set out in the application and in testimony at hearings.
4. The covenants as submitted by the applicant are approved and binding on the applicant and its successors as a condition of this permit. Any proposed changes to the covenants must be submitted to the county for approval. Minor changes may be approved administratively by the County Planning Administrator. Major changes must be approved by the Board of County Commissioners. Determination of what is a major or minor change shall be at the sole discretion of the County Planning Administrator.
5. All uses, conditions, restrictions, design standards, and all other applications of the covenants submitted as part of the application shall be the design standards for this Planned Development Zone which may be enforced by Morgan County pursuant to the Morgan County Zoning Regulations. In areas and subjects not addressed by the covenants Morgan County Zoning Regulations pertaining to the Estate Residential (ER) Zone shall apply to this Planned Development Zone.
6. Any past, present, or future drainage problems on this site are the responsibility of the applicant and its successors and not the responsibility of Morgan County.
7. The applicant is required, as a condition of this permit, to furnish any purchaser or other successor in interest to any lot in this Planned Development with a copy of the Morgan County Right to Farm Policy as adopted by Resolution 96BCC41 on July 23, 1996, and the Receipt and Statement of Understanding of said policy. The Policy and the Receipt and Statement of Understanding shall be recorded as addenda to any deeds conveying the permitted property from the applicant to any purchasers or other successors.
8. Applicable County road construction standards in force at the time of the start of construction shall apply to the private road to be constructed except that any subgrade compaction requirements may be waived by the Morgan County Road and Bridge Superintendent if existing soil conditions in this area provide for adequate compaction and subgrade conditions.



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3 of 4 R 0.00 D 0.00 Morgan County, CO

RESOLUTION 2003 BCC 72

Page 3

9. A Developer's Agreement must be executed with Morgan County Quality Water District prior to the sale or development of lots for each of the four phases of the project. A copy of this agreement shall be submitted to the Morgan County Planning Department prior to the sale or development of each phase. Water taps associated with one phase may not be transferred to another phase without approval of the Board of County Commissioners. Infrastructure for the entire project may be constructed at any time.
10. An irrevocable letter of credit or other acceptable financial surety in the amount of 110% of the construction costs of infrastructure. This financial surety may be for each of the individual phases or may be for the entire project. The amount of the financial surety must be in the amount of 100% of the costs of the portion of the infrastructure to be built.
11. The interior roadways of the Planned Development shall be maintained by the applicant and its successor, the Homeowner's Association and not by Morgan County.
12. A Special Use Permit must be obtained by either the applicant or the individual lot owner prior to construction of any lot within 1320 feet of the livestock confinement area presently owned by Carl Printz. If this permit is not obtained prior to the sale by the applicant of any lot affected by this paragraph notice of the requirements of this paragraph must be contained in the deed to the affected lot.
13. The Board of County Commissioners retains continuing jurisdiction on this permit to address possible future problems with the site in compliance with the Final Planned Development Plan. The county also retains jurisdiction and the right and authority of county personnel to inspect the site at any reasonable time.
14. The applicant and its successors and assigns shall be responsible for complying with the Final Planned Development Plan. Noncompliance with the final Planned Development Plan may be reason for revocation of this permit and Resolution by the Board of County Commissioners after notice to the applicant or his successors and hearing.

DATED this 28th Day of October, 2003 *nunc pro tunc* September 22, 2003.

**ARTICLE X
EXTERIOR APPEARANCE**

- 10.01 Garbage Containers shall be located inside the garage or screened from public view, except that trash in proper containers are allowed on the curb on pick-up day and the night before. Lawn and garden equipment, building materials and similar items shall be placed out of public view.
- 10.02 Radio towers are not permitted
- 10.03 Enclosures used for screening of outdoor use areas such as children's enclosures, dog runs, etc, shall be constructed of wood, stucco, iron and/or wire shall be complementary in design to the main structure.
- 10.04 No lawn ornaments or statuary shall be permitted on any portion of a Lot that is adjacent to a public street.
- 10.05 No foil or other reflective materials shall be used on any windows for sunscreens, blinds, shades or any other purpose. No window mounted heating or air-conditioning units are permitted.
- 10.06 No outside clothes lines or other facilities for drying or airing clothes are permitted.
- 10.07 Except of Block 1, Lots 34-36, a maximum of 2 utility buildings, barns, storage sheds or other similar structures shall be permitted provided that the exterior and the roof of any such structure shall have the same color and appearance as the residential dwelling on the same Lot. All such structures shall be located only in rear yards or side yards.
- 10.08 Any lighting for driveways, parking and other areas shall be designed, located and directed in a fashion that will avoid direct lighting onto adjoining Lots. The design objective is to provide functional lighting in an aesthetically pleasing and visually unobtrusive manner. Fixtures used for illumination of walks, driveways, address signage and general landscape purposes, shall be compatible with the architecture of the structure.
- 10.09 Perimeter fencing and landscaping designed to mark boundaries along Lot property lines is forbidden in Block 1, Lot 1-33. Lots located in Block 1, Lots 34-36 and Blocks 2 & 3 may fence the side and rear Lot lines. The Committee must approve all fence material. The Declarant may elect to install fencing in various portions of Trilside for aesthetic and safety purposes.
- 10.10 The area of the Lot enclosed by privacy fence shall be the minimum area practicable and necessary for enclosed use and shall in no case enclose the

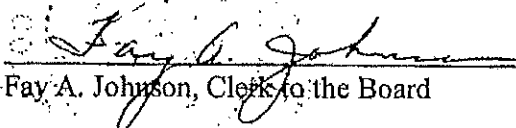
Resolution 2003 BCC 72

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4 of 4 R 0.00 D 0.00 Morgan County, CO

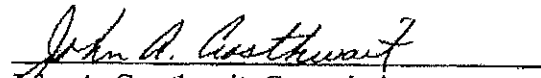
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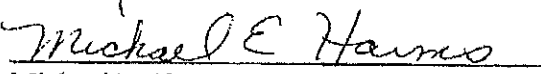
ATTEST:


Fay A. Johnson, Clerk to the Board

BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO


Mark A. Arndt, Chairman


John A. Crosthwait, Commissioner


Michael E. Harms, Commissioner

Donne & Leigh Garver
16213 County Road R
Fort Morgan, CO 80701

July 3, 2020

Pam Cherry, MPA, CFM
Morgan County Planning Administrator
Floodplain Administrator
231 Ensign Street; Box 596
Fort Morgan, CO 80701

Ms. Cherry,

Although we consider the Greenwood Family to be friends and fully support the Phase 1 & 2 of their proposed project. We are writing to file our objections to Phase 3 of the Greenwood Special Use Permit.

Our home sits adjacent to the west of Greenwood's property. As shown in Exhibit A, our existing chain-link fence sits only 21' from our home. The property line is an additional 4' from our existing fence. Our property is not part of the HOA. Our property is zoned AG and we have no intention of having our zoning changed.

This home's Actual Year Built was 1910, according to the Morgan County Tax Assessor's EagleWeb website. I imagine that this residence has been home to many family's in the last 110 years. Members of Garver family have owned the property for over 28 years. Donne and I moved here October 1, 1995, making this our home for almost 25 years. Obviously, we had some great years of rural privacy and the quality of life that goes with it. There are many people in our county that still seek that lifestyle today.

We realize that as our community/county continues to grow that development is inevitable. It was a bit of an adjustment to having other residential neighbors but we now have some nice neighbors. The buildings next door has had some limited use and activity over years. I would assume that since the buildings have been labeled as "warehouses" in the Greenwood plan that might imply limited traffic and not a constant flow of the presence of people at any given time of the day. However, if the building were to be rented as shops that had the constant presence people and noise from air compressors, impact wrenches, etc., we would be opposed.

The proposed storage units on the outside of the North Warehouse would become a building with multiple commercial exposures to our lifestyle, our right to privacy, and the noise of traffic and disruption at any time of the day or night, since the units could be accessed at any time of the day or night. I assure you that we will be the only ones inconvenienced and aware that this takes place. Greenwood's won't be able to hear or see anything that takes place on west and north sides of the building.

I am fortunate enough to do my job in my home office. Again, I am most likely the only person that will be bothered during the day since most everyone else in the close proximity of the building either live far enough away or are simply at work.

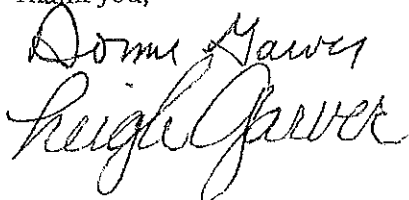
In regards to the drain plan and the retention pond. Will it be fenced in the event that there is water in the pond? My concerns are for the area children and pets. If we were to see a 100-year rain event, would the water back flow to our basement or shop? If the pond is holding water, will the water be treated to prevent mosquitos from developing?

Can the lights that will be placed on the North Warehouse not be intrusive in our bedroom at night?

We are struggling with the dilemma of trying to be good neighbors while not giving up the quality of a rural lifestyle and all that goes with it. If Greenwood's plan is accepted in full by the County Commissioners, is it possible to at very least mitigate the loss of privacy, disruption to our lives and our quality of life? Either by Greenwood's installing a privacy fence on the property line, setting business hours for the storage unit access, deflected security lights, etc.

I have included additional Exhibits for your consideration and review.

Thank you,



The image shows a handwritten signature in cursive script. The first line appears to read "Donne Garver" and the second line appears to read "Leigh Garver". The ink is dark and the handwriting is fluid.

Donne & Leigh Garver

Exhibit A
Exhibit B
Exhibit C
Exhibit D
Exhibit E

Greenwood SU - Garver Objection Rebuttal

Warehouse building uses: air compressor, impact wrenches

This is a commercial property and commercial renters may occupy larger units. Noise restrictions and times will be enforced by owner, i.e.: no late night or early morning noise, reasonable work times.

Storage units on the west side of the Northwest Warehouse

The small storage units built using the counterforts are for the future. They were included in this application to provide a complete view of potential development. Charlie doesn't foresee this development in the next 10-15 years. The retention pond was revised June 30, 2020 by the engineer after comments from the Colorado Division of Water. The storage units on the north side will not be built due to limited space between the building and the retention pond.

Drainage/retention pond

The retention pond is designed to hold 150% of the 100-year storm over a 24-hour period, according to Eric Wernsman, P.E., Amended Drainage Report, June 30, 2020, Section III. Drainage Criteria, Paragraph 1.

According to the engineer's revised report, Section V. Conclusion P. II – "The proposed retention pond will provide the required retention volume at approximately 70% capacity, and will actually have the capacity to provide over 22,000 cubic feet of retention volume before spilling its **north** embankment and continuing along its historic drainage path."

Overflow seep into their shop or basement – "...stormwater runoff from the north half of Morgan County Road R will be conveyed to the retention pond," as stated in Section II Drainage Basin of Mr. Wernsman's revised report. And there is potential for storm runoff water from the Garver's property to drain into this retention pond. "The site historically slopes to the northeast away from County Road R, at a 0.7% slope." The potential for storm runoff to reach the Garver's basement or shop is minimal.

Mosquito mitigation – The retention pond is required to drain 97% of the 5-year event within 72 hours and 99% of all the water from a rainfall event that is greater than a 5-year event to drain within 120 hours, according to Colorado law, Section IV. Infiltration, as stated by the engineer's revised report. The retention pond consists of Nunn sandy loam classified as NRCS hydrologic soil group C and will drain relatively fast.

Charlie has observed that the pond doesn't hold water for more than 3 days.

Fencing around the pond – there will be a privacy fence on the north and west side of the retention pond.

Lights on Warehouse

This lighting request could be accommodated. Offensive and obnoxious lighting will be avoided.

Requested mitigations:

Privacy fence on the property line – in the future extending the privacy fence to the south end of the property will be considered.

Storage unit access hours – limiting access hours is difficult with this type of storage.

Security lights – This style of lightning is apt to be yard lights; mounted either on a building or a pole.

NOTICE OF PUBLIC HEARINGS
BEFORE THE BOARD OF MORGAN COUNTY COMMISSIONERS

Notice is hereby given that on Wednesday, August 5, 2020 at 9:00 a.m., or as soon as possible thereafter, a public hearing will be held to consider the following applications:

1.) **Applicant:** Erin Kress and Travis Hertneky/THEngineering, LLC
Landowners: Bullseye Holdings, LLC/Kevin Lamb

Legal Description: A parcel located in the W½ of Section 26, T3N, R50W of the 6th P.M., Morgan County Colorado and South and West of the Blou Canal, addressed as 16098 County Road O, Fort Morgan, CO 80701.

Request: Use by Special Review Application to operate and re-establish a Confined Animal Feeding Operation for no more than 9000 head pursuant to Section 3-180(O) and Appendix B Table 3 of the Morgan County Zoning Regulations.

Date of Application: May 20, 2020

AND

2.) **Applicant and Landowner:** Charles Greenwood III

Legal Description: SW¼ of Section 2, Township 3, Range 58 West of the 6th P.M., Morgan County, combined Lots 34 and 35 of Block 01 of the Trailside Planned Development, addressed as 16295 County Road R, Fort Morgan, Colorado 80701.

Request: Use by Special Review Application to expand an existing storage facility business.

Date of Application: June 5, 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 attend remotely:
<https://us02web.zoom.us/j/81385693470>

Or iPhone one-tap:
US: +1 253 215 8782 1, 81385693470# or +1 346 248 7799, 81385693470#
Or Telephone:
Dial (for higher quality, dial a number based on your current location):
US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128 or +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656
Webinar ID: 813 8569 3470
International numbers available: <https://https://us02web.zoom.us/j/81385693470>

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado. It is encouraged to call 970-542-3526 make an appointment to review any of the file materials or email pcherry@co.morgan.co.us to request items be emailed to you.

At the 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 July 22, 2020-1722683

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):

Jul 22, 2020

Signature

Subscribed and sworn to me before me this

22nd day of July, 2020

Notary Public

MELISSA L. NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20064049936
MY COMMISSION EXPIRES DECEMBER 11, 2022

(SEAL)

Account: 1052783
Ad Number: 1722683
Fee: \$87.18

NAME OF PROPOSAL GREENWOOD STORAGE
PROJECT # SU 2020-0006 DATE OF POSTING 07/20/2020

Lindsey Krager
NOTARY PUBLIC
STATE OF COLORADO
ID # 20184031070
MY COMMISSION EXPIRES August, 9 2022



SU2020-0006

Greenwood Storage – Sign posting - distance

PC Agenda
July 13, 2020

PC Minutes
May 11, 2020



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

July 13, 2020

TO: Morgan County Planning Commission
DATE: MONDAY, July 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 remotely you must connect via Zoom Conferencing Access Information:
<https://us02web.zoom.us/j/88697084603>

Or iPhone one-tap :

US: +13462487799,,88697084603# or +16699009128,,88697084603#

Or Telephone:

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

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

Webinar ID: 886 9708 4603

International numbers available: <https://us02web.zoom.us/j/88697084603>

AGENDA

Roll Call
Minutes of 5-13-20
Approval of Agenda

Applications:

1. Applicant and Landowner: Charles Greenwood III
Legal Description: SW¼ of Section 2, Township 3, Range 58 West of the 6th P.M., Morgan County, combined Lots 34 and 35 of Block 01 of the Trailside Planned Development, addressed as 16295 County Road R, Fort Morgan, Colorado 80701.
Request: Use by Special Review Application to expand an existing storage facility business.

2. Applicant: Erin Kress and Travis Hertneky/THEngineering, LLC

Landowners: Bullseye Holdings, LLC/Kevin Lamb

Legal Description: A parcel located in the W ½ and South and West of the Bijou Canal, Section 26, T3N, R 58W of the 6th PM, Morgan County, aka 16098 County Road O, Fort Morgan, CO 80701.

Request: Use by Special Review Application to operate and re-establish a Confined Animal Feeding Operation for no more than 9000 head pursuant to Section 3-180(O) and Appendix B Table 3 of the Morgan County Zoning Regulations.

OTHER MATTERS:

ADJOURN:



PC Hearing
July 13, 2020

Special Use
Charles Greenwood III
Landowner

File Summary



**MORGAN COUNTY
PLANNING AND BUILDING DEPARTMENT
MORGAN COUNTY PLANNING COMMISSION**

**FILE SUMMARY
July 1, 2020
July 13, 2020 (meeting date)**

**APPLICANTS: Epic Design for Charles Greenwood III
LANDOWNERS: Charles Greenwood III**

Application Overview

Charles Greenwood III as landowner and Epic Design as applicant's consultant have submitted an application for a Special Use Permit for approval to expand an existing storage facility. The property is zoned Agriculture Production and is 3.55 acres, located in Section 2, Township 3 North, Range 58 West of the 6th P.M. Morgan County, Colorado; addressed as 16295 County Road R, Fort Morgan, CO.

The property is platted as Lots 34 and 35 of the Trailside Planned Development. Pages 1 and 2 of the recorded plat are included in your packets. The plat shows that Lots 34 and 35 have an intended use of ATZ which is defined as Agriculture Trailside zone and lists prohibited uses and does not include storage units or outside storage. Mobile home storage is listed as a prohibited use, however and will continue. Lot 36 to the west of this property is also used as commercial storage. The plan for expansion was submitted to the Trailside HOA and approved.

The property is a combination of uses including single-family residential. Lots 34 and 35 of the Trailside Planned Development have been combined under a separate application that was completed in May of 2019; that agreement is included in the packet. Setbacks will apply only to the exterior boundary of the two combined lots.

- a. Pursuant to Section 2-165; Within the districts established by these Regulations or amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before these Regulations were passed or amended, but which would be prohibited, regulated, or restricted under the terms of these Regulations or future amendments. ***It is the intent of these Regulations to permit these non-conformities to continue unless provided otherwise below, until they are removed, but not to encourage their survival. It is further the intent that non-***

conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

- b. 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.
- c. Pursuant to Section 3-175; Parcels smaller than 20 acres does not list commercial storage facilities as a Use by Right, Conditional Use or Use by Special Review.

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 south central 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.

Encourage infill in existing business and industrial subdivisions. This property has been used for storage for many years. Permitting the expansion of this facility meets the intent of this goal.

2.II.C

Goal - To encourage development where it is in proximity to the activity centers, compatible with existing land use, and there is access to established public infrastructure.

There is adjacent Agriculture Production zoning to the west of this property. This property is part of the Trailside Planned Development and included in those plans to continue use as it had always been operating.

- (B) All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.
- (C) The Site Plan conforms to the district design standards of these Regulations.
- (D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.
The addition of a six foot fence will be constructed on the north property line after the Phase 1 building has been erected and retention pond constructed in accordance with the drainage plan. Fencing will also be constructed on the west side of the pond for buffering and safety purposes.
- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.

The project as proposed will include fencing as a buffer to the adjacent residential to the north and on the west side of the retention pond as a buffer and the safety of area residents.

- (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.
- (G) The special use proposed is not planned to be developed on a non-conforming parcel.
The property was created by exemption and 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.
Storage is necessary for oil field equipment as oil production has recently declined.
- (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.
There is an existing Morgan County Quality Water tap on the property that will be monitored for possible increase to a commercial tap.

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 uses for this property shall comply with the Trailside Planned Development for this property including the prohibitions as listed on the plat:
 - a. Discharge of firearms
 - b. Commercial bulk fuel plats
 - c. Livestock confinement facilities
 - d. Mobile home storage
 - e. Junk, scrap metal, auto wrecking and salvage yards.
3. A 6' privacy fence shall be constructed on the north and west sides of the retention pond for buffering and safety purposes.
4. Grain bins shall be removed.
5. Retention pond shall be constructed and will include plans for mitigation of odors and pests.



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

File Summary Addendum



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

MORGAN COUNTY PLANNING COMMISSION

FILE SUMMARY

July 7, 2020 - Addendum

July 13, 2020 (Hearing)

APPLICANT and LANDOWNER: Charlie Greenwood III

CONSULTANT: Epic Design – Laurie and George Cromwell

We recently received and updated drainage plan to be in compliance with State of Colorado requirements as well as an objection from an adjacent property owner. Both sets of information are in you packets.



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

Name Charles Greenwood III
Address 16295 CR R.
ft. Morgan, CO 80701
Phone (970) 768-6190
Email charliegreenwood31@gmail.com

LANDOWNERS

Name Charles Greenwood III
Address 16295 CR R
ft. Morgan, CO 80701
Phone (970) 768-6190
Email charliegreenwood31@gmail.com

TECHNICAL INFORMATION

Address of property or general location 16295 County Road R Lts 34+35 Zone District PD-ATZ

Size of property (Sq. Ft. or Acres) 3.55 Acres Present Use of Property Res/Comm Proposed Use of Property Res/Comm

Storage, with property has been used for since 2010

Complete Legal Description of property. If not enough space, attach to application and label "Exhibit 2". Subd: Trailside PD,

FM (02,10 & 11-3-58) Block: of Lot: 34 And Lot: 35 S:02 T:3 R: 58SW 1/4

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] 5/8/20
Applicant Signature Date

[Signature] 5/8/20
Landowner Signature Date

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

Recording Fee _____ Check # _____

Fees Paid By _____

Comments _____



Where Prairie Meets The Sky

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

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: _____



Where Prairie Meets The Sky

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

- ☒ **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: Trailside Subdivision, Architectural Committee
 ☒ Q2: Lot Combination Agreement
 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.

Exhibit A

Proof of Ownership

EXHIBIT A: Proof of Ownership

See document on next page

NORTHERN COLORADO TITLE SERVICES CO., INC.

130 W. KIOWA AVE., FORT MORGAN, COLORADO 80701

Phone No. 970-867-0233 Fax No. 970-867-7750

DATE: May 12, 2020

ORDER #: NCT22269

PROPERTY ADDRESS: 16295 COUNTY ROAD R, FORT MORGAN, COLORADO, 80701

OWNER/PURCHASER: CHARLES GREENWOOD III aka CHARLES E. GREENWOOD III
TO BE DETERMINED

PLEASE DELIVER TO THE FOLLOWING CUSTOMERS:

____ To: ATTN:

Fax#:

____ To: CHARLIE GREENWOOD
CALL 970-768-6190

ATTN:

Fax#:

____ To: ATTN:

Fax#:

____ To: ATTN:

Fax#:

____ To: ATTN:

Fax#:

ATTACHED PLEASE FIND THE FOLLOWING ITEM(S) IN CONNECTION WITH THE ABOVE CAPTIONED ORDER. SHOULD YOU HAVE ANY QUESTIONS REGARDING THE ATTACHED DOCUMENTATION, PLEASE CONTACT LINDA, SHARON, LISA OR SHERYL. FOR CLOSING ASSISTANCE, PLEASE CONTACT LINDA OR LISA. WE APPRECIATE YOUR BUSINESS VERY MUCH AND LOOK FORWARD TO SERVING YOU IN THIS TRANSACTION.

E-MAIL ADDRESS FOR CLOSING DOCUMENTS: CLOSING@NCTS.COM

HAVE A WONDERFUL DAY!!!

____ COMMITMENT
AMT DUE IS ON SCHEDULE A (INVOICE)

____ OWNERS TITLE POLICY

____ PROPERTY REPORT
-AMT DUE IS ON PROPERTY REPORT (INVOICE)


____ MORTGAGEES TITLE POLICY

____ MORTGAGE/FORECLOSURE GUARANTY

____ DOCUMENTS

____ SURVEY/ILC

____ OTHER / INVOICE

 First American Title™	ALTA Commitment for Title Insurance
Commitment	ISSUED BY First American Title Insurance Company

COMMITMENT FOR TITLE INSURANCE

Issued By

FIRST AMERICAN 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 EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

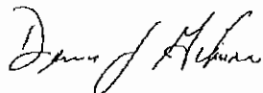
THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, **First American Title Insurance Company**, a Nebraska 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 six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

First American Title Insurance Company



Dennis J. Gilmore, President



Jeffrey S. Robinson, Secretary

If this jacket was created electronically, it constitutes an original document

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions.

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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; and
 - (f) Schedule B, Part II—Exceptions.

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.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions.

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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


Arbitration provision intentionally removed.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions.

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 First American Title™	Title Insurance Commitment
	ISSUED BY First American Title Insurance Company
Schedule A	

ALTA® Universal ID: 0044474
 Commitment No: NCT22269

Effective Date: May 7, 2020 at 8:00 a.m.

1. Policy or Policies to be issued:

OWNERS:	AMOUNT	PREMIUM
[X] ALTA® 2006 Owner's Policy (6-17-06)	STO BE DETERMINED	

Proposed Insured: TO BE DETERMINED

LOAN:

[X] ALTA® 2006 Loan Policy (6-17-06)

Other Charges:

PAID 5/12/2020-THANK YOU



TOTAL DUE: \$ 0.00

NOTE: A Minimum Fee of \$110.00 will be charged if file is cancelled.

2. On the effective date hereof, the estate described herein to be insured is fee simple, and is vested in:

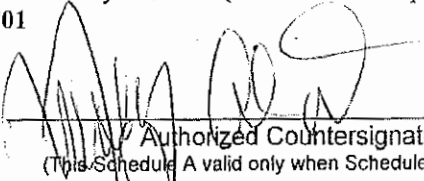
CHARLES GREENWOOD III aka CHARLES E. GREENWOOD III

3. The land referred to in the Commitment is described below or in Schedule C:

Lot 34 and 35, Block 1, TRAILSIDE PD, according to the recorded plat thereof, Morgan County, Colorado.


and commonly known as (for informational purposes only): 16295 COUNTY ROAD R, FORT MORGAN, COLORADO, 80701

By:



 Authorized Countersignature
 (This Schedule A valid only when Schedule B is attached)

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 First American Title™	Title Insurance Commitment ISSUED BY First American Title Insurance Company
Schedule BI	

**SCHEDULE B - SECTION I
REQUIREMENTS**


Commitment No: NCT22269

The Following are requirements to be complied with; otherwise to be shown as exceptions in the policy:

- A. Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured, and for any estate or interest necessary to create the estate or interest to be insured described in this Commitment.
- B. Payment of all taxes and/or assessments levied against the subject premises which are due and payable.
- C. You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
- D. 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, to wit:

1. Proper Deed from **CHARLES GREENWOOD III aka CHARLES E. GREENWOOD III** to **TO BE DETERMINED**, conveying the land described herein.
2. Dollar amount of Policy coverage must be provided to the Company.
3. The Company reserves the right to assert additional requirements or exceptions regarding the Grantee(s) when they are designated.

Valid as a Commitment for an ALTA Policy only if attached to a countersigned Commitment for Title Insurance, a Schedule A, a Schedule B - Section II and a Schedule C (if applicable) with matching Commitment Numbers.

 First American Title™	Title Insurance Commitment
Schedule BII	ISSUED BY First American Title Insurance Company

**SCHEDULE B-SECTION II
EXCEPTIONS**

Commitment No: NCT22269

Schedule B of the Policy or Policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company. The policy will not insure against loss or damage by reason of the following:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be ascertained by persons in possession of the Land.
3. Easements, or claims of easements, not shown by the public records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. 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.
6. Taxes or special assessments which are a lien or due and payable; or which are not shown as existing liens by the public records; and any tax, special assessments, or charges or liens imposed for water or sewer service, or any other special taxing district, and any unredeemed tax sales.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water; (d) Minerals of whatsoever kind, subsurface and surface substances, in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the Public Records or listed in Schedule B.

ADDITIONAL EXCEPTIONS

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.

6. Reservation of right of the proprietor of any penetrating vein or lode to extract this ore, in U.S. Patents February 14, 1894 in Book 32 at page 408 (E1/2SW1/4 2-3-58); October 26, 1899 in Book 38 at page 201 (NE1/4 10-3-59); August 19, 1892 in Book 32 at page 259 (NW1/4 Sec. 11-3-58); and July 24, 1909 in Book 44 at page 228 (N1/2NE1/4Sec. 11-3-58).
7. The NO. 3 Bijou Lateral Company and rights of way therefor, as evidenced by Articles of Incorporation filed April 30, 1905 in File #250.
8. The No. 3 Bijou Lateral Company and rights of way therefor, as evidenced by Articles of Incorporation filed June 16, 1922 in File #668.

Commitment Schedule B-II

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9. The Northside Lateral Irrigation Company and rights of way therefor, as evidenced by Articles of Incorporation filed December 9, 1891 in File #118.
10. The Northside Lateral Irrigation Company and rights of way therefor, as evidenced by Articles of Incorporation filed December 9, 1891 in Book 2 at page 553.
11. The Cooper-Dick Well No. 1 and rights of way therefor, as evidenced by Map and Sworn Statement filed March 5, 1957 in Map Book 5 at page 27.
12. Right of way for road purposes as specified in that road petition recorded July 7, 1883 in Book 15 at page 1, said road to be not less than 60 feet in width.
13. Right of way for road purposes as specified in that road petition recorded October 17, 1887 in Book 15 at page 10, said road to be not less than 60 feet in width.
14. Right of way for road purposes as specified in that road petition recorded March 30, 1891 in Book 15 at page 33, said road to be not less than 60 feet in width.
15. Right of way for road purposes as specified in that road viewer's report recorded January 10, 1902 in Book 15 at page 137, said road to be not less than 60 feet in width.
16. Right of way for road purposes as specified in that road petition recorded July 31, 1906 in Book 15 at page 101, said road to be not less than 60 feet in width.
17. Right of way for road purposes as specified in that road petition recorded April 27, 1887 in Book 15 at page 9, said road to be not less than 60 feet in width.
18. Right of way, whether in fee or easement only, for pole line or lines and right of ingress and egress, as granted to City of Fort Morgan, Colorado, a municipal corporation by J.A.M. Crouch, by instrument recorded October 10, 1936 in Book 354 at page 317, in which the specific location of the easement is more particularly described.
19. Right of way, whether in fee or easement only, for gas line purposes, as granted to Vallery Corporation by the Board of County Commissioners, in Permit recorded May 15, 1972 in Book 729 at page 558, in which the specific location of the easement is more particularly described.
20. Right of way, whether in fee or easement only, for pipeline purposes, as granted to Vallery Corporation by Bijou No. 2 Lateral Company, by instrument recorded June 26, 1972 in Book 730 at page 410, in which the specific location of the easement is shown on the map made a part of said instrument.
21. Right of way, whether in fee or easement only, for communication and other facility purposes, as granted to The Mountain States Telephone and Telegraph Company by Tom Cooper, by instrument recorded August 11, 1978 in Book 783 at page 957, in which the specific location of the easement is more particularly described.
22. Right of way for road purposes as shown on the Fort Morgan Master street plan, recorded September 1, 1981 in Book 5 at page 93.
23. An undivided 1/2 interest in all oil, gas and other mineral rights, as reserved by ANNE J. WYMAN in the Deed to WILLIAM F. LARRICK AND BETTY L. LARRICK recorded FEBRUARY 3, 1998 in Book 1024 at Page 160, and any and all assignments thereof or interests therein.
24. Easement and right of way for WELL purposes as reserved by ANNE J. WYMAN in instrument to WILLIAM A. LARRICK AND BETTY L. LARRICK as contained in instrument recorded FEBRUARY 3, 1998, in Book 1024 at Page 160, the location of said easement and right of way are more specifically defined in said document.
25. Terms, agreements, provisions, conditions and obligations as contained in Warranty Deed between Anne J. Wyman and William F. Larrick and Betty L. Larrick, recorded February 3, 1998 in Book 1024 at page 160.

Commitment Schedule B-II

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26. Easement and right of way as granted to Crystal Oil Company by the Board of County Commissioners, Morgan County, Colorado, as evidenced in Special Warranty Deed from Damson 1980-81 Oil & Gas Income Fund - Series 1981-2 and Damson 1981-82 Oil & Gas Income Fund - Series 1981-3, to Damson Consolidated Energy Incomes - I, recorded June 11, 1984 in Book 856 at page 588.
27. Undivided 1/2 interest in all oil, gas and other mineral rights as may have been retained by the First National Bank of Fort Morgan, Colorado, Trustee, as Trustee of the Wilbur Dick Trust, an Inter Vivos Trust dated March 24, 1982 in Trustee's Deed to William F. Larrick, recorded December 20, 1982 in Book 837 at page 523, and any and all assignments thereof or interests therein. Said Deed states: "Together with one-half (1/2) of all oil, gas and other mineral rights."
28. Easements for utility and access purposes as shown on the recorded plat of TRAILSIDE PD, recorded in Book 10 at Page 100.
29. Covenants, conditions, restrictions, terms and obligations, which do not contain a forfeiture or reverter clause, as contained in INSTRUMENT recorded NOVEMBER 3, 2003 in Book 1162 at Page 9.
30. Covenants, conditions, restrictions, terms and obligations, which do not contain a forfeiture or reverter clause, as contained in INSTRUMENT recorded APRIL 25, 2013 at Reception No. 881777 and corrected MAY 2, 2013 at Reception No. 881903.
31. Covenants, conditions, restrictions, terms and obligations, which do not contain a forfeiture or reverter clause, as contained in INSTRUMENT recorded JULY 18, 2013 at Reception No. 883290.
32. Amended Covenants, conditions, restrictions, terms and obligations, which do not contain a forfeiture or reverter clause, as contained in INSTRUMENT recorded JULY 30, 2019 at Reception No. 919790.
33. Any and all authority of the homeowner's association to regulate and/or levy assessments against the property and rights of others in the common areas, if any.
34. Terms, conditions, provisions, agreements, burdens and obligations as contained in COMBINATION AGREEMENT between CHARLES GREENWOOD III aka CHARLES E. GREENWOOD III and MORGAN COUNTY recorded MAY 2, 2019 at Reception No. 918141.
35. Burdens, obligations, terms, conditions, stipulations and restrictions of any and all unrecorded LEASES AND TENANCIES.
36. NOTE: The following notices pursuant to CRS 9-1.5 103 concerning underground facilities have been filed with the Clerk and Recorder. These statements are general and do not necessarily give notice of underground facilities within the subject property: (A) MOUNTAIN BELL TELEPHONE COMPANY RECORDED OCTOBER 2, 1981 IN BOOK 821 AT PAGE 502; (B) PUBLIC SERVICE COMPANY OF COLORADO RECORDED OCTOBER 2, 1981 IN BOOK 821 AT PAGE 514; (C) MORGAN COUNTY RURAL ELECTRIC ASSOCIATION RECORDED JANUARY 22, 1982 IN BOOK 825 AT PAGE 656; AND (D) CITY OF FORT MORGAN, COLORADO RECORDED NOVEMBER 22, 1989 IN BOOK 917 AT PAGE 513.

Valid as a Commitment for an ALTA Policy only if attached to a countersigned Commitment for Title Insurance, a Schedule A, a Schedule B-Section 1 and a Schedule C (if applicable) with matching Numbers.

**SCHEDULE B –SECTION 2
CONTINUED**

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.

NOTE: 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 (Non-residential withholding).

NOTE: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed." Provided that Title entity conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Pursuant to C.R.S. 10-11-122, the company will not issue its policy or 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 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.

NOTE: Pursuant to CRS 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.

NOTE: Pursuant to Colorado Division of Insurance Regulations 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 un-filed 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.

Commitment Schedule B-II

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

NOTE: 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.

NOTE: C.R.S. 39-14-102 requires that a real property transfer declaration accompany any conveyance document presented for recordation in the State of Colorado. Said declaration shall be completed and signed by either the grantor or grantee.

NOTE: Pursuant to CRS 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.

NOTE: Pursuant to Colorado Insurance Regulation 8-1-3, this is notification of the availability of Title Closing Protection Letters written by First American Title Insurance Company.

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.

Exhibit **B** – Project Description

EXHIBIT B: Project Description and purpose of request:

I am experiencing an increased demand for storage units, out-door-storage for recreational vehicles, off-highway vehicles, water recreational crafts and small acreage tractors and maintenance equipment, as well as, for warehouse space. The purpose of this application is to develop this property to provide additional space to meet storage demands.

To redevelop Lot 34, the old grain bins, elevator leg, and concrete building will be removed to provide for additional out-door storage. The demolition will be completed by the end of July 2020.

Phase I: will consist of an 180'x50'x16' storage shed abutting the existing building on the northeast side of the property. This building will have a concrete floor and minimal electrical outlets.

Further development of this property, as per County regulations, requires a retention pond for storm run-off. It has been designed to accommodate the existing structures and Phase I and Phase II buildings.

A 6 foot fence will be constructed on the north property line after the Phase I building has been erected and the retention pond has been dug.

Phase II: will be my personal shop. The overall size of the building will be 120'x60' with an "L" shaped porch on the south and east sides. This building will also have a concrete floor and electrical outlets.

Future Storage Units: to add storage units beside the existing warehouse building on the west utilizing the counterforts as part of the dividing walls. These units would be range in size from 7'x10' to 8'x10'. These units would be more for household items.

Exhibit **C** – Project Impacts

EXHIBIT C: Project relates to or impacts existing adjacent uses:

Adding out-door-storage, storage units and a shop to the current facility should have no or minimal impact to the surrounding area. The neighboring lot, Lot 36, is a storage facility established approximately 15 years ago. I have been operating my facility for about 10 years. Redeveloping lot 34 for storage will required the removal of the old grain elevator that hasn't been used for many years. This will improve the appearance of the area.

Offsite impacts could see a minimal increase of traffic in using County Road R mainly during the summer. People will be retrieving their boats, campers and small tractors that are stored here. Multiple entrances (a total of two) into the property should help minimize any traffic congestion.

Drainage Report

Exhibit D – Project Intent

EXHIBIT D: Additional Information

Drainage Plan

See Wernsman Engineering report on next pages

Amended Drainage Report

**WERNSMAN
ENGINEERING AND
LAND
DEVELOPMENT LLC**

Eric Wernsman
16493 Essex Rd S
Platteville CO 80651

June 30, 2020

Ms. Pam Cherry
Planning and Zoning Administrator
Morgan County
231 Ensign Street
Ft. Morgan, CO 80701

Re: Amended Drainage Report for the Proposed Building at 16295 and 16333 CO RD R, Ft. Morgan, CO (Parcel #s 122702001035 and 122702001036)

Dear Ms. Cherry,

Attached is the drainage report for a proposed building at the above-mentioned address for your review. This report addresses the on-site hydrology that is affected by the proposed development. Additionally, this report addresses the State of Colorado Division of Water Resources Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado.

If you have any further questions or comments regarding this matter, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Wernsman', with a long horizontal flourish extending to the right.

Eric Wernsman, P.E.

I. INTRODUCTION

The site contains 3.555 acres and is legally described as Lots 34 and 35, Block 1, Trailside PD, Morgan County, Colorado. The property is located in the southwest quarter of Section 2, Township 3 North, Range 58 West of the 6th P.M., County of Morgan, State of Colorado. Morgan County Road R is adjacent to and south of the project site. Single-family residential development, on estate lots, borders the property to the north and west. An RV and boat storage facility borders the property to the east.

The subject property is developed with a mix of uses, including single-family residential and warehouse/storage. The remainder of the property, that isn't covered by buildings, is covered by sand/gravel, concrete, and native grasses. This report and design considers the additional on-site stormwater that is generated by a proposed 9,000 sf building, future 8,000 sf building, future 3,100 sf expansion of an existing building, and 15,000 sf of gravel drives. See attached Grading and Drainage Plan for additional information.

II. DRAINAGE BASIN

The site historically slopes to the northeast, away from Morgan County Road R, at a 0.7% slope. The proposed design will retain the stormwater runoff from the proposed improvements, along with the runoff from a portion of the existing buildings on the site. The proposed retention pond will be located in the northwest corner of the site.

The retention pond has been sized to hold 150% of the 100-year storm over a 24-hour period. Presently, neighboring sites do not provide stormwater detention, and the very eastern portion of the neighboring property to the west may drain to the retention pond. Similarly, stormwater runoff from the north half of Morgan County Road R will be conveyed to the retention pond. For the purpose of this design, the retention pond will only be sized to hold runoff from the subject property. Offsite flows entering the retention pond will be retained in smaller events; but during a 100-year event, these flows may overtop the retention pond and follow their historic drainage path.

The site is located over two miles away from the South Platte River, and isn't located within the 100-year or 500-year floodplain.

III. DRAINAGE CRITERIA

Due to the small basin size, the Rational Method has been utilized to determine the required retention pond volume. The retention pond has been sized to hold 150% of the 100-year storm over a 24-hour period. The runoff coefficients used in the design are as follows:

DEVELOPED 100-YEAR FREQUENCY

Building Roofs = 0.90

Pavement = 0.90

Gravel = 0.65

Vegetation Areas = 0.30

The rainfall intensity-duration data used in the design was taken from the City of Greeley Storm Drainage Design Criteria.

INFILTRATION

- IV. Colorado law requires 97% of the 5-year event to drain within 72 hours and 99% of all of the water from a rainfall event that is greater than a 5-year event to drain within 120 hours. The retention pond consists of Nunn sandy loam classified as NRCS hydrologic soil group C. The Horton Equation for estimating infiltration has been used to determine the rate of infiltration of stormwater. This equation estimates infiltration as an exponential decay where a beginning and ending infiltration are given, and the rate of infiltration at time t decays exponentially to the ending infiltration rate. Values for beginning and ending infiltration and coefficient of decay are as follows:

Table 1. Recommended Horton's equation parameters per UDFCD

NRCS Hydrologic Soil Group	Infiltration (inches per hour)		Decay Coefficient- α
	Initial- f_i	Final- f_o	
A	5.0	1.0	0.0007
B	4.5	0.6	0.0018
C	3.0	0.5	0.0018
D	3.0	0.5	0.0018

A summation of computed infiltration for various times is given in Table 2 below.

Table 2. Computed Infiltration for Type C Soil

t, in seconds	Ending Infiltration inches per hour	Beginning Infiltration inches per hour	Infiltration at time t inches per hour	Cumulative Infiltration inches
60	0.5	3.0	2.74	0.05
600	0.5	3.0	1.35	0.25
3600	0.5	3.0	0.50	0.67
86400	0.5	3.0	0.50	12.17
259200	0.5	3.0	0.50	36.17
345600	0.5	3.0	0.50	48.17
409200	0.5	3.0	0.50	57.00
432000	0.5	3.0	0.50	60.17

The results of the computation shown above show that after the first 10 minutes, during which there is about 0.25 inch of infiltration, the rate slows and stabilizes at about 0.50 inches per hour.

Considering the geometric data for the proposed pond, the inflow hydrograph for the 24-hour/5-year storm event, and considering the infiltration computed by the Horton Equation as shown above, 100% of the 24-hour duration/5-year storm event will drain within 72 hours (the computation is included in the CALCULATIONS section of this report). Considering the same geometric data for the proposed pond, the inflow hydrograph for the 24-hour/100-year storm event, and considering the infiltration computed by the Horton Equation as shown above, 100% of the 24-hour duration/100-year storm event will drain within 120 hours (the computation is included in the CALCULATIONS section of this report). The entire pond volume of 22,850 cubic feet is expected to infiltrate in approximately 114 hours (the

computation is included in the CALCULATIONS section of this report). Because of the many variables, this estimate must be considered to be an approximation.

V. CONCLUSIONS

The attached calculations show that the 100-yr coefficient of runoff for the proposed drainage basin is 0.81. Based on a drainage basin area of 0.95 acres (area of the proposed/future improvements + 6,200 sf of existing roof area), a calculated storm water retention volume of 15,957 cubic feet is required using the Rational Method.

Stormwater runoff will be conveyed to the retention pond via sheet flow and drainage swales. The stormwater retention is provided by a pond in the northwest corner of the property. The proposed retention pond will provide the required retention volume at approximately 70% capacity, and will actually have the capacity to provide over 22,000 cubic feet of retention volume before spilling its north embankment and continuing along its historic drainage path. Considering the geometric data for the proposed pond, the inflow hydrograph for the 24-hour/5-year storm event, and considering the infiltration computed by the Horton Equation as shown above, 100% of the 24-hour duration/5-year storm event will drain within 72 hours (the computation is included in the CALCULATIONS section of this report). Considering the same geometric data for the proposed pond, the inflow hydrograph for the 24-hour/100-year storm event, and considering the infiltration computed by the Horton Equation as shown above, 100% of the 24-hour duration/100-year storm event will drain within 120 hours (the computation is included in the CALCULATIONS section of this report). The entire pond volume of 22,850 cubic feet is expected to infiltrate in approximately 114 hours (the computation is included in the CALCULATIONS section of this report). Based on the infiltration calculations, it appears that the proposed retention pond will meet the State of Colorado's requirements. However, the pond should be monitored. If stormwater is present in the pond 120 hours following a storm event, the water should be pumped out of the pond and discharged along its historic drainage path to the north.

VI. CALCULATIONS

100-Year C-Value and Imperviousness (Proposed Improvements Only)

DEVELOPED CONDITION

Land Use	Area (ft ²)	I (%)	100-YR C VALUE
Pervious Area, Grass	0	2	0.30
Roofs	26300	90	0.90
Paved Surfaces	0	90	0.90
Driveways, Gravel	15000	40	0.65
Wghtd Avg & Total Area	41300	72	0.81
Acres	0.95		

100-Year Peak Developed Runoff Rate (Proposed Improvements Only)

$$Q = CIA$$

$$C = 0.81$$

$$I (t_c = 7.28 \text{ min}) = 8.44 \text{ in/hr}$$

$$A = 0.95 \text{ acres}$$

$$Q = (0.81)(8.44)(0.95) = 6.50 \text{ cfs}$$

100-Year C-Value and Imperviousness (Onsite Basin Draining to Pond)

DEVELOPED CONDITION (2.13 ACRE BASIN)

Land Use	Area (ft ²)	I (%)	100-YR C VALUE
Pervious Area, Grass	5935	2	0.30
Roofs	30291	90	0.90
Paved Surfaces	1500	90	0.90
Driveways, Gravel	55000	40	0.65
Wghtd Avg & Total Area	92726	55	0.71
Acres	2.13		

100-Year Peak Developed Runoff Rate (Onsite Basin Draining to Pond)

$$Q = CIA$$

$$C = 0.71$$

$$I (t_c = 19.08 \text{ min}) = 5.60 \text{ in/hr}$$

$$A = 2.13 \text{ acres}$$

$$Q = (0.71)(5.60)(2.13) = 8.47 \text{ cfs}$$

5-Year C-Value and Imperviousness (Onsite Basin Draining to Pond)

DEVELOPED CONDITION (2.13 ACRE BASIN)

Land Use	Area (ft ²)	I (%)	5-YR C VALUE
Pervious Area, Grass	5935	2	0.05
Roofs	30291	90	0.77
Paved Surfaces	1500	90	0.77
Driveways, Gravel	55000	40	0.36
Wghtd Avg & Total Area	92726	55	0.48
Acres	2.13		

5-Year Peak Developed Runoff Rate (Onsite Basin Draining to Pond)

$$Q = CIA$$

$$C = 0.48$$

$$I (t_c = 19.08 \text{ min}) = 5.60 \text{ in/hr}$$

$$A = 2.13 \text{ acres}$$

$$Q = (0.48)(5.60)(2.13) = 5.73 \text{ cfs}$$

Required Retention Pond Volume (1.5 Times 24-hr/100-yr Event)

RETENTION VOLUME WORKSHEET

TIME	INT(100)	Q(CFS)	STORM VOL	RELEASE VOL	NET VOL	
20	5.34	4.11	4930.96	0.00	4,930.96	
40	3.58	2.75	6611.54	0.00	6,611.54	
60	2.78	2.14	7701.16	0.00	7,701.16	
80	2.16	1.66	7978.18	0.00	7,978.18	
100	1.79	1.38	8264.43	0.00	8,264.43	
120	1.5	1.15	8310.60	0.00	8,310.60	
150	1.23	0.95	8518.37	0.00	8,518.37	
180	1.05	0.81	8726.13	0.00	8,726.13	
240	0.81	0.62	8975.45	0.00	8,975.45	
300	0.66	0.51	9141.66	0.00	9,141.66	
360	0.57	0.44	9474.08	0.00	9,474.08	
480	0.44	0.34	9751.10	0.00	9,751.10	
600	0.36	0.28	9972.72	0.00	9,972.72	
720	0.31	0.24	10305.14	0.00	10,305.14	
840	0.27	0.21	10471.36	0.00	10,471.36	
960	0.24	0.18	10637.57	0.00	10,637.57	
1080	0.21	0.16	10471.36	0.00	10,471.36	
1200	0.19	0.15	10526.76	0.00	10,526.76	
1320	0.17	0.13	10360.55	0.00	10,360.55	
USE	1440	0.16	0.12	10637.57	0.00	10,637.57

Urban Drainage Manual recommends Retention pond sizing for 1.5 times 100-yr 24 hr event

$$1.5 \times 10637.6 = 15956.35 \text{ c.f. required}$$

C(100) 0.81
 ACRES 0.95
 C*A 0.77

RELEASE RATE =
 RELEASE RATE = 0.00

Required Retention Pond Volume = 15,957 cubic feet

Retention Pond Volume (24-hr/5-yr Event)

RETENTION VOLUME WORKSHEET (5-YR EVENT)

TIME	INT(100)	Q(CFS)	STORM VOL	RELEASE VOL	NET VOL	
20	2.86	2.92	3508.88	0.00	3,508.88	
40	1.92	1.96	4711.22	0.00	4,711.22	
60	1.49	1.52	5484.15	0.00	5,484.15	
80	1.14	1.17	5594.57	0.00	5,594.57	
100	0.94	0.96	5766.34	0.00	5,766.34	
120	0.8	0.82	5889.02	0.00	5,889.02	
150	0.66	0.67	6073.06	0.00	6,073.06	
180	0.56	0.57	6183.48	0.00	6,183.48	
240	0.44	0.45	6477.93	0.00	6,477.93	
300	0.36	0.37	6625.15	0.00	6,625.15	
360	0.3	0.31	6625.15	0.00	6,625.15	
480	0.24	0.25	7066.83	0.00	7,066.83	
600	0.2	0.20	7361.28	0.00	7,361.28	
720	0.17	0.17	7508.51	0.00	7,508.51	
840	0.15	0.15	7729.34	0.00	7,729.34	
960	0.13	0.13	7655.73	0.00	7,655.73	
1080	0.12	0.12	7950.18	0.00	7,950.18	
1200	0.11	0.11	8097.41	0.00	8,097.41	
1320	0.1	0.10	8097.41	0.00	8,097.41	
USE	1440	0.09	0.09	7950.18	0.00	7,950.18

7,950.18 c.f. required

C(5) 0.48
ACRES 2.13
C*A 1.02

RELEASE RATE =
RELEASE RATE = 0.00

24-Hr/5-Yr Event Pond Volume = 7,951 cubic feet

Retention Pond Volume (24-hr/100-yr Event)

RETENTION VOLUME WORKSHEET (100-YR EVENT)

TIME	INT(100)	Q(CFS)	STORM VOL	RELEASE VOL	NET VOL	
20	5.34	8.08	9690.82	0.00	9,690.82	
40	3.58	5.41	12993.68	0.00	12,993.68	
60	2.78	4.20	15135.10	0.00	15,135.10	
80	2.16	3.27	15679.53	0.00	15,679.53	
100	1.79	2.71	16242.10	0.00	16,242.10	
120	1.5	2.27	16332.84	0.00	16,332.84	
150	1.23	1.86	16741.16	0.00	16,741.16	
180	1.05	1.59	17149.48	0.00	17,149.48	
240	0.81	1.22	17639.47	0.00	17,639.47	
300	0.66	1.00	17966.12	0.00	17,966.12	
360	0.57	0.86	18619.44	0.00	18,619.44	
480	0.44	0.67	19163.87	0.00	19,163.87	
600	0.36	0.54	19599.41	0.00	19,599.41	
720	0.31	0.47	20252.72	0.00	20,252.72	
840	0.27	0.41	20579.38	0.00	20,579.38	
960	0.24	0.36	20906.04	0.00	20,906.04	
1080	0.21	0.32	20579.38	0.00	20,579.38	
1200	0.19	0.29	20688.26	0.00	20,688.26	
1320	0.17	0.26	20361.61	0.00	20,361.61	
USE	1440	0.16	0.24	20906.04	0.00	20,906.04

20,906.04 c.f. required

C(100) 0.71
ACRES 2.13

RELEASE RATE =
RELEASE RATE = 0.00

24-Hr/100-Yr Event Pond Volume = 20,907 cubic feet

Pond Volume Provided

Labels for WQCV, Minor, & Major Storage Stages (input)	Water Surface Elevation ft (input)	Side Slope (H:V) ft/ft Below El. (input)	Basin Width at Stage ft (output)	Basin Length at Stage ft (output)	Surface Area at Stage ft ² (output)	Surface Area at Stage ft ² User Override	Volume Below Stage ft ³ (output)	Surface Area at Stage acres (output)	Volume Below Stage acre-ft (output)	Target Volumes for WQCV, Minor, & Major Storage Volumes (for goal seek)
	95.00					2,161		0.050	0.000	
	96.00		0.00	0.00		3,005	2,583	0.069	0.059	
	97.00		0.00	0.00		3,976	6,074	0.091	0.139	
	98.00		0.00	0.00		5,073	10,598	0.116	0.243	
	99.00		0.00	0.00		6,883	16,576	0.158	0.381	
	99.75		0.00	0.00		9,847	22,850	0.226	0.525	

Water Surface Elevation at Required Retention Pond Volume of 15,957 cubic feet = 98.90 (3.90' Depth)

Water Surface Elevation at 24-Hr/5-Yr Event Pond Volume of 7,951 cubic feet = 97.41 (2.41' Depth)

Water Surface Elevation at 24-Hr/100-Yr Event Pond Volume of 20,907 cubic feet = 99.52 (4.52' Depth)

Infiltration

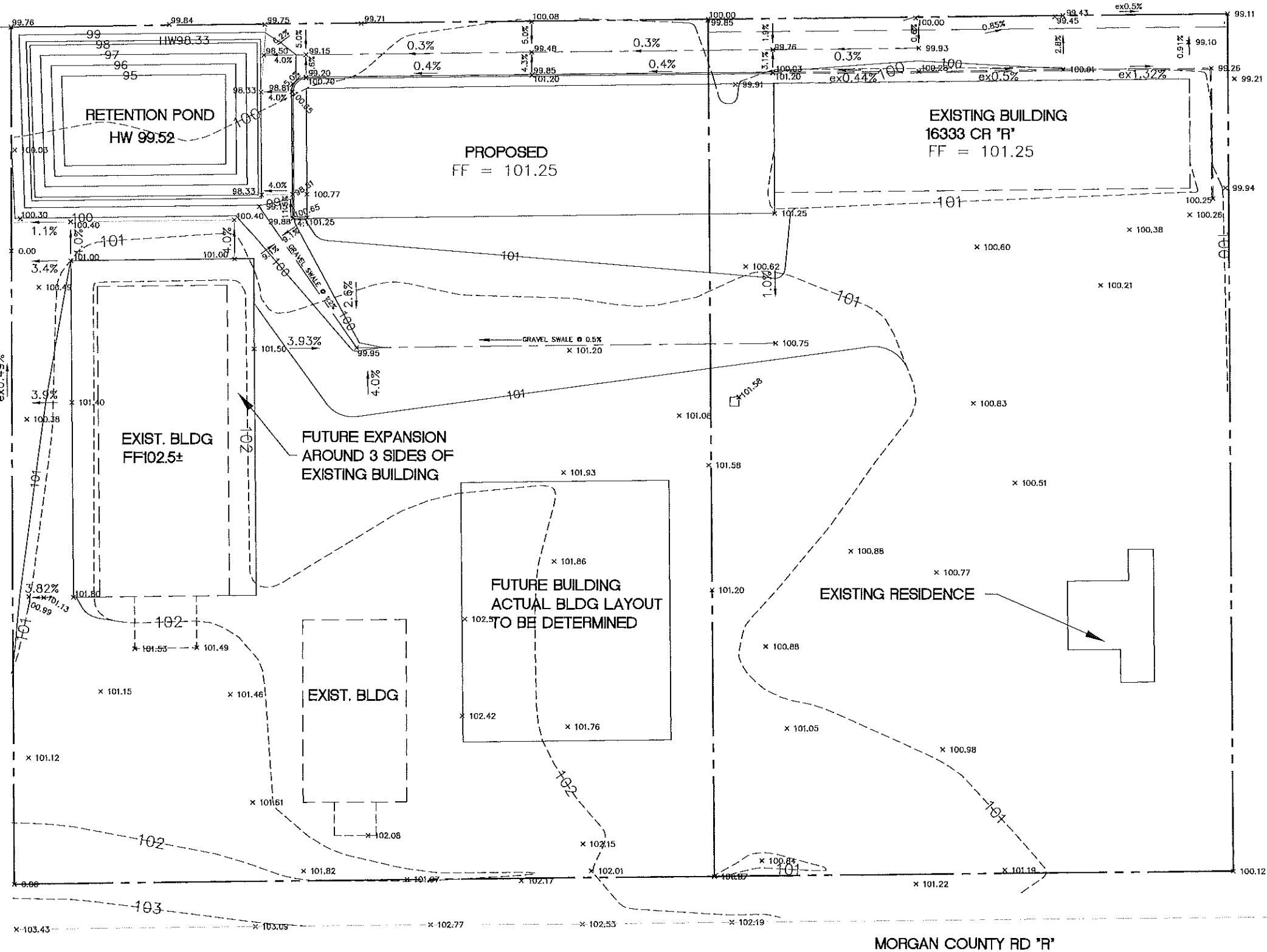
Infiltration After 72 Hrs = 36.17" = 3.01'

Therefore, 100% of 24-Hr/5-Yr Event (2.41' Depth) will infiltrate within 72 hours.

Infiltration After 120 Hrs = 60.17" = 5.01'

Therefore, 100% of 24-Hr/100-Yr Event (4.52' Depth) will infiltrate within 120 hours.

The entire pond volume of 22,850 cubic feet (4.75' depth) will infiltrate in approximately 114 hours.



GRADING PLAN

LEGAL DESC:
LOT 34 AND 35 BLOCK 1 TRAILSIDE PD
SUBDIVISION MORGAN COUNTY, COLORADO

LEGEND:

EXISTING CONTOUR

FINISHED GRADE CONTOUR

SWALE CENTERLINE

PROPERTY LINE

DRAWN FOR:
KEEFE CONSTRUCTION
16229 State Hwy 52
Wiggins, CO 80654

GREENWOOD

16333 CR R
FT MORGAN CO 80701

WERNISMAN ENGINEERING
AND LAND DEVELOPMENT LLC
16480 ESSEX RD S
PLATTEVILLE CO 80651
(870) 538-2856
ernw@wernisman.com

DRAWN

CHECKED

DATE

6/2/2020

SCALE

1"=20'

PROJECT #

SHEET

C1

OF

SHEETS

**WERNSMAN
ENGINEERING AND
LAND
DEVELOPMENT LLC**

Eric Wernsman
16493 Essex Rd S
Platteville CO 80651

March 24, 2020

Ms. Pam Cherry
Planning and Zoning Administrator
Morgan County
231 Ensign Street
Ft. Morgan, CO 80701

Re: Drainage Report for the Proposed Building at 16295 and 16333 CO RD R, Ft. Morgan, CO
(Parcel #s 122702001035 and 122702001036)

Dear Ms. Cherry,

Attached is the drainage report for a proposed building at the above-mentioned address for your review. This report addresses the on-site hydrology that is affected by the proposed development.

If you have any further questions or comments regarding this matter, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Wernsman", with a long horizontal flourish extending to the right.

Eric Wernsman, P.E.

I. INTRODUCTION

The site contains 3.555 acres and is legally described as Lots 34 and 35, Block 1, Trailside PD, Morgan County, Colorado. The property is located in the southwest quarter of Section 2, Township 3 North, Range 58 West of the 6th P.M., County of Morgan, State of Colorado. Morgan County Road R is adjacent to and south of the project site. Single-family residential development, on estate lots, borders the property to the north and west. An RV and boat storage facility borders the property to the east.

The subject property is developed with a mix of uses, including single-family residential and warehouse/storage. The remainder of the property, that isn't covered by buildings, is covered by sand/gravel, concrete, and native grasses. This report and design considers the additional on-site stormwater that is generated by a proposed 9,000 sf building, future 8,000 sf building, future 3,100 sf expansion of an existing building, and 15,000 sf of gravel drives. See attached Grading and Drainage Plan for additional information.

II. DRAINAGE BASIN

The site historically slopes to the northeast, away from Morgan County Road R, at a 0.7% slope. The proposed design will retain the stormwater runoff from the proposed improvements, along with the runoff from a portion of the existing buildings on the site. The proposed retention pond will be located in the northwest corner of the site.

The retention pond has been sized to hold 150% of the 100-year storm over a 24-hour period. Presently, neighboring sites do not provide stormwater detention, and the very eastern portion of the neighboring property to the west may drain to the retention pond. Similarly, stormwater runoff from the north half of Morgan County Road R will be conveyed to the retention pond. For the purpose of this design, the retention pond will only be sized to hold runoff from the subject property. Offsite flows entering the retention pond will be retained in smaller events; but during a 100-year event, these flows may overtop the retention pond and follow their historic drainage path.

The site is located over two miles away from the South Platte River, and isn't located within the 100-year or 500-year floodplain.

III. DRAINAGE CRITERIA

Due to the small basin size, the Rational Method has been utilized to determine the required retention pond volume. The retention pond has been sized to hold 150% of the 100-year storm over a 24-hour period. The runoff coefficients used in the design are as follows:

DEVELOPED 100-YEAR FREQUENCY

Building Roofs = 0.90

Pavement = 0.90

Gravel = 0.65

Vegetation Areas = 0.30

The rainfall intensity-duration data used in the design was taken from the City of Greeley Storm Drainage Design Criteria.

IV. CONCLUSIONS

The attached calculations show that the 100-yr coefficient of runoff for the proposed drainage basin 0.81. Based on a drainage basin area of 0.95 acres (area of the proposed/future improvements + 6,200 sf of existing roof area), a calculated storm water retention volume of 15,957 cubic feet is required using the Rational Method.

Stormwater runoff will be conveyed to the retention pond via sheet flow and drainage swales. The stormwater retention is provided by a pond in the northwest corner of the property. The proposed retention pond will provide the required retention volume at approximately 82% capacity, and will actually have the capacity to provide over 20,000 cubic feet of retention volume before spilling its north embankment and continuing along its historic drainage path.

V. CALCULATIONS

100-Year C-Value and Imperviousness

DEVELOPED CONDITION

Land Use	Area (ft ²)	I (%)	100-YR C VALUE
Pervious Area, Grass	0	2	0.30
Roofs	26300	90	0.90
Paved Surfaces	0	90	0.90
Driveways, Gravel	15000	40	0.65
Wghtd Avg & Total Area	41300	72	0.81
Acres	0.95		

100-Year Peak Developed Runoff Rate

$$Q = CIA$$

$$C = 0.81$$

$$I (t_c = 7.28 \text{ min}) = 8.44 \text{ in/hr}$$

$$A = 0.95 \text{ acres}$$

$$Q = (0.81)(8.44)(0.95) = 6.50 \text{ cfs}$$

Required Retention Pond Volume

RETENTION VOLUME WORKSHEET

<u>TIME</u>	<u>INT(100)</u>	<u>Q(CFS)</u>	<u>STORM VOL</u>	<u>RELEASE VOL</u>	<u>NET VOL</u>	
20	5.34	4.11	4930.96	0.00	4,930.96	
40	3.58	2.75	6611.54	0.00	6,611.54	
60	2.78	2.14	7701.16	0.00	7,701.16	
80	2.16	1.66	7978.18	0.00	7,978.18	
100	1.79	1.38	8264.43	0.00	8,264.43	
120	1.5	1.15	8310.60	0.00	8,310.60	
150	1.23	0.95	8518.37	0.00	8,518.37	
180	1.05	0.81	8725.13	0.00	8,725.13	
240	0.81	0.62	8975.45	0.00	8,975.45	
300	0.66	0.51	9141.66	0.00	9,141.66	
360	0.57	0.44	9474.08	0.00	9,474.08	
480	0.44	0.34	9751.10	0.00	9,751.10	
600	0.36	0.28	9972.72	0.00	9,972.72	
720	0.31	0.24	10305.14	0.00	10,305.14	
840	0.27	0.21	10471.36	0.00	10,471.36	
960	0.24	0.18	10637.57	0.00	10,637.57	
1080	0.21	0.16	10471.36	0.00	10,471.36	
1200	0.19	0.15	10526.76	0.00	10,526.76	
1320	0.17	0.13	10360.55	0.00	10,360.55	
USE	1440	0.16	0.12	10637.57	0.00	10,637.57

Urban Drainage Manual recommends Retention pond sizing for 1.5 times 100-yr 24 hr event

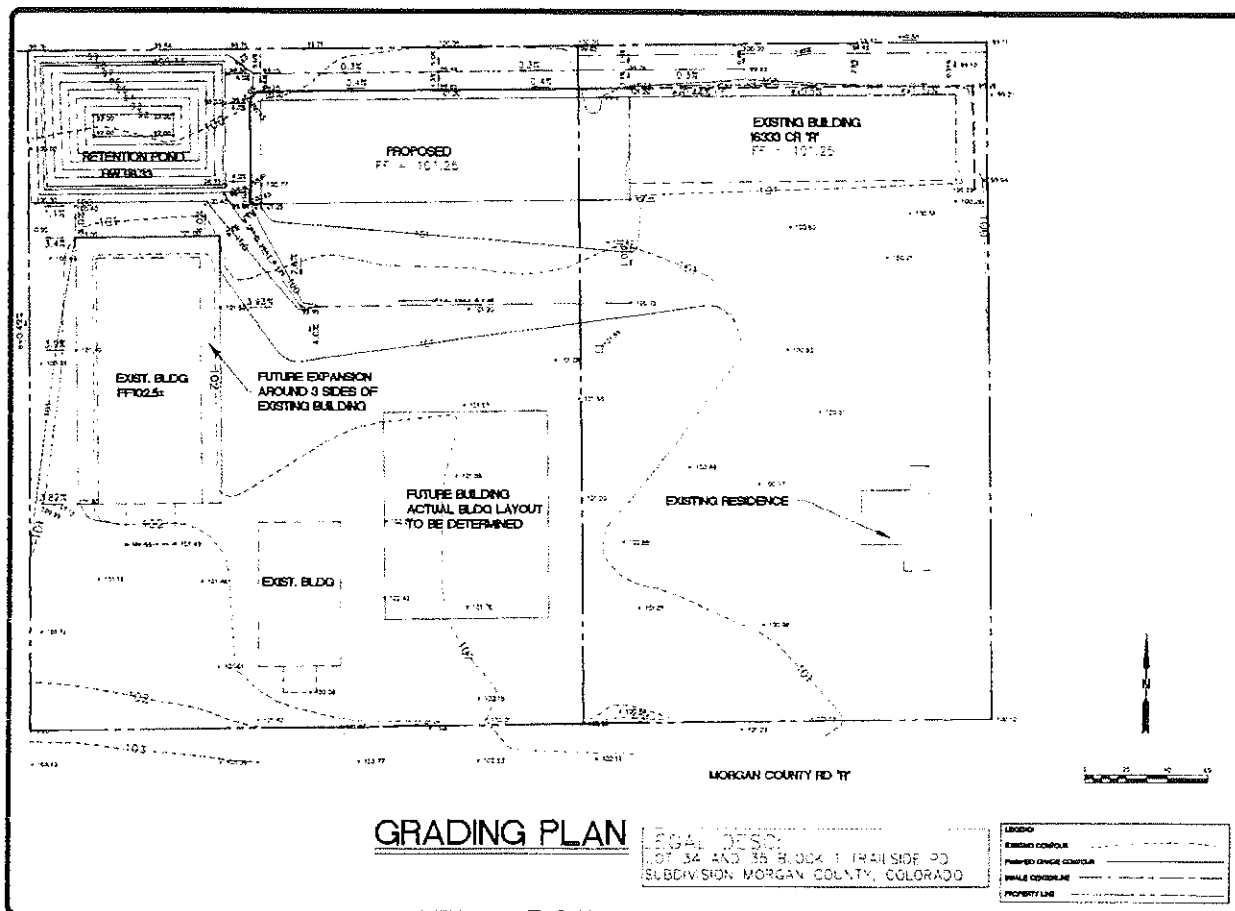
$$1.5 \times 10637.6 = 15956.35 \text{ c.f. required}$$

C(100)	0.81	RELEASE RATE =	
ACRES	0.95	RELEASE RATE =	0.00
C*A	0.77		

Required Retention Pond Volume = 15,957 cubic feet

Pond Volume Provided

Labels for WQCV, Minor, & Major Storage Stages (input)	Water Surface Elevation ft (input)	Side Slope (H:V) ft/ft Below El. (input)	Basin Width at Stage ft (output)	Basin Length at Stage ft (output)	Surface Area at Stage ft ² (output)	Surface Area at Stage ft ² User Override	Volume Below Stage ft ³ (output)	Surface Area at Stage acres (output)	Volume Below Stage acre-ft (output)	Target Volumes for WQCV, Minor, & Major Storage Volumes (for goal seek)
	92.00					405		0.009	0.000	
	93.00		0.00	0.00		883	634	0.020	0.015	
	94.00		0.00	0.00		1,449	1,790	0.033	0.041	
	95.00		0.00	0.00		2,161	3,595	0.050	0.063	
	96.00		0.00	0.00		3,005	6,178	0.089	0.142	
	97.00		0.00	0.00		3,976	9,669	0.091	0.222	
	98.00		0.00	0.00		5,073	14,193	0.116	0.326	
HWELEV=98.34	98.34		0.00	0.00		5,475	15,986	0.126	0.367	
	99.00		0.00	0.00		6,883	20,064	0.158	0.461	



PROPOSED
EXIST. BLDG
16300 CR 17
FF = 101.25

RETENTION POND
16018.34

GREENWOOD
16300 CR 17
FF = 101.25

KENSHAW ENGINEERING
AND LAND DEVELOPMENT LLC
PUEBLO, COLORADO
www.kenshaweng.com

8/29/2017
1:00 PM
C1

Exhibit **E** – Narrative of Compliance

EXHIBIT E: Compliance with Comprehensive Plan and SU review criteria

Economic Development – *Morgan County Comprehensive Plan Chapter II A (pg.3)*

With the growth of residents in Morgan County, there has been an increased need for storage facilities, including places to store personal/household belongings, recreational vehicles, off-highway vehicles, water recreational crafts and small acreage tractors and maintenance equipment. This site will increase storage capacities for these items and fill-in in an existing area.

This property has converted old, existing agricultural structures for different uses. An old corn-crib was turned into a 2800 square foot warehouse. Another 6000 square foot building was resided and converted into a warehouse.

The old grain bins will be relocated to another property for use instead of continuing to deteriorate and end up in the landfill.

This property has been cleaned up and new uses, that are in demand, will be located here.

Environment – *Morgan County Comprehensive Plan Chapter II B (pg.3)*

This property is ideal for the requested use. It is not located in a flood zone, doesn't have any wetlands, sensitive geologic hazards or critical or significant wildlife habitats.

Land Use – *Morgan County Comprehensive Plan Chapter II C (pg.4)*

County Wide this property is centrally located for those requiring this service. It is located on a paved road; there are other storage facilities in the surrounding area and there is ample room to park large campers.

Exhibit **F** – Development or Implementation Schedule

EXHIBIT F: Implementation Schedule

- 1 - Removal of the grain bins – completed by end of July 2020
- 2 - Phase I building: 180'x50' storage building – completed by mid-September 2020
- 3 - Phase II building: 120'x60' shop with an "L" shaped porch on the south and east sides -- completed by June 2021 or before
- 4 - Future storage units: to be constructed at a later undetermined date.

EXHIBIT G: Required improvements

No public improvements are required for this project.

EXHIBIT H: Easements required

No additional easements are required.

Exhibit I – Environmental Impacts

EXHIBIT I: Environmental Impacts

- I1: Existing Vegetation
Vegetation is currently native grass and weeds. Grasses will be reestablished in drainage pond to help with erosion and reduce the weeds. Weed control and mowing is exercised during the growing season.
- I2: Land Forms
Overall flat
- I3: Water Resources
No natural water on this location and is not needed for the planned use.
- I4: Air Quality
No changes in air quality.
- I5: Wildlife
No change is expected to wildlife. When trees mature there will be a positive impact to small animals and birds.
- I6: Wetlands
No wetlands present, therefore no change
- I7: Dust
Crushed concrete will be placed in driveways to reduce dust. The erosion will be held to a minimum by packing the road and yard.
- I8: Odor
No odors are expected
- I9: Noise
There is a possibility of minimal increase in noise from traffic entering and exiting property; and from the storage sheds being opened and closed.
- I10: Storm water runoff
A drainage plan by Wernsman Engineering and Land Development, LLC has submitted with this application. Ground slopes away from County Road R and will be captured in the retention pond on the northwest side of the property.
- I11: Visual Amenities
The new metal buildings will match existing buildings; the driveways will kept clean; as well, as the barrow ditch.

Exhibit J

Letters of Commitment

EXHIBIT J: Utilities

	<u>Utility</u>	<u>Provider</u>
J1:	Water	Morgan County Quality Water for residence; Domestic well – used for landscape irrigation No water will be needed for storage facility
J2:	Sewer	Not necessary for storage facility. Septic & leach field is already in place for the residence
J3:	Electricity	Provided by City of Fort Morgan. Electricity is used by the residence, old storage shed, buildings 105, 108. The power pedestals have been installed for the new buildings.

Documents on next pages

Exhibit J1

MORGAN COUNTY QUALITY WATER DISTRICT
CONTRACT FOR SERVICE

Tap #2910
Eng. #2016-16
Account #005251

NAME OF CUSTOMER Charles Greenwood III
BILL TO ADDRESS: 16295 County Rd R, Fort Morgan, CO 80701
TELEPHONE #: 970-768-6190

Customer contract for Residential ☒ or Commercial _____ service with MORGAN COUNTY QUALITY WATER DISTRICT ("District") as follows:

A. Tap cost: Tap Equivalents X Total Tap Cost + Inclusion Fee + Line Reimbursement - Paid at Signing = Balance Due

Tap Equivalents	Plant Investment fee	Raw Water fee	Total Tap Cost	Inclusion Fee into MCQWD	Line Reimbursement	Paid at Signing	Balance Due
1	\$8,400	\$19,300	\$27,700	0	n/a	\$27,700	0
Line installation deposit to be paid at signing= n/a							

B. Upon signing this contract, Customer shall pay the raw water fee or transfer to the District raw water approved by the District, and Customer shall also pay a deposit for the line installation from the mainline to the meter in excess of 100 feet ("line installation deposit"). The tap cost includes installation of water meter pit and meter, which shall be located on the Customer's property at the property line. Customer must pay the Balance Due on or before 12 months of the date of this contract or tap activation (installation of meter and provision of water), whichever is earlier, plus any additional costs for the line installation not covered by the deposit. If not paid in full, the meter shall not be installed, this contract shall be deemed null and void, the Customer shall forfeit all rights to the tap and water service and to any refund, and the District shall retain payments by Customer. Any unused portion of the line installation deposit shall be credited to Customer. **After six months, Customer shall pay the District's monthly base rate regardless of whether the tap is activated.**

C. In the event Customer is unable to secure the approval of a governmental body necessary to construct the project that will be served by the tap on or before six months from the date of this contract, or in the event Customer is unable to secure the approval of a governmental body necessary for inclusion into the District on or before ten months from the date of this Contract, then in either event, Customer may cancel the contract within said time periods and the total amount paid toward the total tap fee shall be refunded to Customer, less engineering costs incurred by the District.

D. The tap, including the right to receive water service, shall be assigned to real estate owned by Customer and described on the attached Engineering Study, Exhibit A located in SW ¼ Section 2, Township 3, Range 58, 16295 County Rd R, Lot 35. The tap cannot be sold, conveyed or transferred to any other property or physical location or use, except Customer may transfer the tap and right to receive water service to a subsequent owner of the property upon the District's approval of an application for a transfer/assignment.

E. Customer hereby grants to the District a right of ingress and egress over and across the lands legally described in this contract for the purpose of installation, construction, maintenance, repair and replacement, of all appurtenances necessary for distribution and service of water to the land of Customer. Fences or other obstructions shall not be erected or installed in any manner that would hinder access to meters for the purpose of reading or maintenance. The meter pit lid shall be secured to the meter pit at all times. Should the meter pit lid become dislodged and Customer not be able to fasten the lid securely, Customer shall contact the District office to request assistance in securing the lid.

F. Customer does not have the right to use any return flows from Customer's use of the tap. Only the District may claim and take credit for or otherwise use the return flows.

G. Customer will comply with the Rules and Regulations as from time to time are promulgated by the Board of Directors of the District. Current Rules and Regulations are available from the District upon request. If someone other than Customer occupies the property and uses the tap, Customer shall remain responsible for compliance with this contract.

H. In the event that the Customer elects to terminate service, upon 30 days advance written notice by Customer of such action, the District may terminate this contract for service and said tap shall be considered abandoned.

I. User agrees to pay the District such amount as may be established from time to time by the District as the water rate or charge for such water service. A minimum payment, as established from time to time by the Board, shall be due and payable regardless of the quantity of water used.

J. In the event of delinquency of any monthly service charges or other violation of its Rules and Regulations, including but not limited to unmetered water use, illegal cross-connections, failure of Customer's property to be included in the District, the District may suspend or discontinue water service. Until paid, all fees, rates, charges, or penalties shall constitute a perpetual lien on and against the property served that runs with the land, and any such lien may be foreclosed in the manner provided by the laws of the State of Colorado and any Rules adopted by the District.

K. The tap is designed for a flow rate not to exceed 20 gpm, and customer agrees not to take delivery of water at a greater rate. The District is responsible only to make available to the property such water at such pressure and flow rate as may be available at the point of delivery as a result of the District's normal operation of its water distribution system. The pressure and flow rates within the system vary depending upon location and season, and the District recommends Customer consult with the District before Customer installs any lawn irrigation or other systems that require a specified flow rate, minimum pressure or pressure reducing valves or booster pumps.

L. The raw water fee for commercial water service is based on a maximum water demand of 0.7 acre feet per calendar year per Tap Equivalent ("maximum annual demand"). If Customer's actual usage exceeds the maximum annual demand in any two consecutive years, then the District shall notify the Customer of the noncompliance. Within 60 days after notice is given, Customer and The District shall take sufficient measures approved by the District that bring the tap usage into compliance with this provision. The District may require installation of a flow reduction valve at the expense of Customer that prevents the Customer from exceeding the maximum annual demand. The design of any flow reduction valve shall be approved by the District. Subject to availability and approval by the District's Board, the District in its sole discretion may allow the Customer to restore compliance by purchasing additional raw water to meet the demand exceeding the maximum annual demand at the cost per Tap Equivalent then charged by the District.

M. Water service is limited to water available under the conditions that exist from time to time. The Board does not guarantee maintenance of conditions such that the Customer can receive an uninterrupted supply of water. Water service may be temporarily interrupted at any time including but not limited to interruptions for emergencies, events beyond the District's control, and repairs, maintenance, improvements or replacement of the main lines or other portions of the system.

N. Customer is the owner and is solely responsible for installation, maintenance, repair and replacement of lines and facilities on Customer's property between the water meter and Customer's point of use. The District bears no responsibility whatsoever for Customer's lines and facilities.

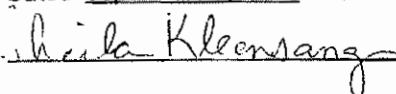
O. Customer shall not cause or allow any foreign substances, chemicals, or other pollutants of any kind or nature to enter the District's water system through backflow or otherwise. Customer is responsible for the installation and testing of approved backflow prevention devices beyond the meter, which devices must meet or exceed standards required by applicable laws and the District's Rules and Regulations. Customer shall allow the District access to the property to inspect and test such devices.

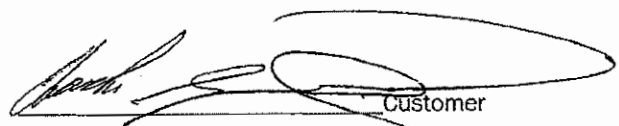
P. Customer shall indemnify and hold the District harmless from any claims, demands, or judgments or other liability for loss, injury, or damage to any persons or property, including District personnel and property, which the District may incur as a result of or arising out of the acts or omissions of Customer or Customer's use of, or connection to, the District's system, except to the extent caused by the negligent acts or omissions of the District.

Q. This contract is a condition of water service and binding upon the heirs, successors and assigns of Customer.

R. Customer shall not serve more than one residence or business per Tap Equivalent. Any changes or modifications to the property that alter the initial contracted usage of water on the property must be approved by the District before the change occurs. Violations of this policy may result in service being discontinued until the property is brought back into compliance with the District Rules and Regulations. For current Rules and Regulations customers may visit the District Web site at www.mcqwd.org, or secure a hard copy at the District office.

Dated: September 7, 2016

 District Rep.

 Customer

Open Records Request Form

Submit to:
NCHD Custodian of Records
700 Columbine St.
Sterling, CO 80751
Fax: 970 522-1412
Phone: 970 522-3741 x1257



REQUEST INFORMATION: Please print or type the following information as neatly as possible:

Name of Requesting Party: Charles Greenwood III Date of Request: 5/14/2020

Organization: _____

Address: 16295 County Road R. Ft. Morgan Phone number: 970-768-6180

Request (please be as specific as possible): Need proof of septic on property for building permit on new storage shed, storage buildings will not have sewer or water, just need documentation on residence septic.

Additional information is required for the items listed below:

WATER
Water supply address: _____
Approximate date sample(s) taken: _____
Person/Agency submitting sample: _____

OWS/SEPTIC
Current owners: Charles Greenwood III
Previous owners: US Properties
Street address of system: 16295 County Road R. Ft. Morgan, CO 80701
Legal Description Range: 54 SW 14
Township: 3 Section: 02

Food Service
Facility Name: _____
Facility Address: _____

DELIVERY PREFERENCE: Mark all that apply, e-mail is preferred to keep costs minimal.

☐ Photocopy* ☐ CD/DVD* ☒ E-mail (address Charlesgreenwood31@gmail.com)
☐ U.S. Mail* ☐ Other: _____

Pursuant to NCHD's Open Records Request Policy, NCHD will notify you if your request is not specific enough, or if any additional releases are required for the information requested. Fees for records vary depending on the method of delivery and the time involved, all of which is outlined in NCHD's Open Records Request Policy, available online at www.nchd.org, or in any NCHD office. NCHD will provide a cost estimate for copy charges and data compilation fees upon request, and at the sole and exclusive discretion of NCHD, may require you to pay all or a portion of said charges and fees in advance, prior to compiling the information. NCHD will hold the delivery of any requested documents from a requesting party who has failed to pay fees and charges from a previous request, until such time said fees and charges have been paid.

*Fee applicable, see NCHD's Open Records Request Policy for details.

Health Department Use Only

Date Request Received: 5/14/2020 Date Request Forwarded: _____ Date Request Delivered: 5/17/2020

☐ Records Found ☒ No Records Found

Comments: No records on file for property

Description of Fees (if any): _____

Signature: [Signature] TOTAL \$ N/A

SU - Charles Greenwood III

Exhibit J



CITY OF FORT MORGAN
 710 E Railroad
 Fort Morgan, CO 80701
 (970) 867-4350
 cityoffortmorgan.com



GREENWOOD, CHARLES
 16295 COUNTY ROAD R
 FORT MORGAN CO 80701-4217

Account Number	AMOUNT DUE
241980-006	
Due Date	After Due Date Pay
5/10/20	
SERVICE ADDRESS	
16295 CO RD R (E,G) HOUSE	

Name		Service Address			Customer Number
GREENWOOD, CHARLES		16295 CO RD R (E,G) HOUSE			241980-006
Billing Period		Number of Days	Bill Date	Penalty Date	Due Date
4/01/20 to 4/30/20		30	4/30/20	5/16/19	5/10/20
Demand	KVAR	Multiplier 1			

CUSTOMER SERVICE TYPE: Rural Commercial

CURRENT			PREVIOUS		
DATE	READING		DATE	READING	USAGE
ELU 4/20/20	64338		3/21/20	62078	2260
GDC 4/20/20	5259		3/21/20	5165	94

PREVIOUS BAL.
 PAYMENTS
 ADJUSTMENTS .00
 PAST DUE AMOUNT .00

DESCRIPTION	AMOUNT
Electric Base/Consumer Charge	
Electric Usage/Deliv-Energy Rate	
Gas Base	
Gas Usage Deliv-Supply Charge	

CITY OF FORT MORGAN
 710 E Railroad
 Fort Morgan, CO 80701
 (970) 867-4350
 cityoffortmorgan.com

.00
 .00
 .00

MESSAGE:

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.
 Pay online www.xpressbillpay.com

CURRENT BILL
 AMOUNT DUE



CITY OF FORT MORGAN
 710 E Railroad
 Fort Morgan, CO 80701
 (970) 867-4350
 cityoffortmorgan.com



GREENWOOD, CHARLES
 16295 COUNTY ROAD R
 FORT MORGAN CO 80701-4217

Account Number	AMOUNT DUE
241981-000	
Due Date	After Due Date Pay
5/10/20	
SERVICE ADDRESS	
16295 CO RD R NEW SHOP (E)	

Name		Service Address			Customer Number
GREENWOOD, CHARLES		16295 CO RD R NEW SHOP (E)			241981-000
Billing Period		Number of Days	Bill Date	Penalty Date	Due Date
4/01/20 to 4/30/20		30	4/30/20	5/16/19	5/10/20
Demand	KVAR	Multiplier 1			

CUSTOMER SERVICE TYPE: City Commercial

CURRENT			PREVIOUS		USAGE
DATE	READING		DATE	READING	
ELU 4/20/20	94795		3/21/20	93733	1062

PREVIOUS BAL.
 PAYMENTS
 ADJUSTMENTS .00
 PAST DUE AMOUNT .00

DESCRIPTION AMOUNT
 Electric Base/Consumer Charge
 Electric Usage/Delv-Energy Rate

.00

CITY OF FORT MORGAN
 710 E Railroad
 Fort Morgan, CO 80701
 (970) 867-4350
 cityoffortmorgan.com

State Tax .00
 .00

MESSAGE:

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.
 Pay online www.xpressbillpay.com

CURRENT BILL
 AMOUNT DUE



CITY OF FORT MORGAN
 710 E Railroad
 Fort Morgan, CO 80701
 (970) 867-4350
 cityoffortmorgan.com

Exhibit J3



GREENWOOD, CHARLIE
 16295 CO RD R
 FORT MORGAN CO 80701-4217

Account Number	AMOUNT DUE
242031-002	
Due Date	After Due Date Pay
5/10/20	
SERVICE ADDRESS	
16295 CO RD R #108 SHED (E)	

Name		Service Address			Customer Number
GREENWOOD, CHARLIE		16295 CO RD R #108 SHED (E)			242031-002
Billing Period		Number of Days	Bill Date	Penalty Date	Due Date
4/01/20 to 4/30/20		30	4/30/20	5/16/19	5/10/20
Demand	kVAR	Multiplier 1			

CUSTOMER SERVICE TYPE: Rural Residential

CURRENT		PREVIOUS		USAGE
DATE	READING	DATE	READING	
ELU 4/20/20	3511	3/20/20	3511	0

PREVIOUS BAL.	
PAYMENTS	
ADJUSTMENTS	.00
PAST DUE AMOUNT	.00
DESCRIPTION	AMOUNT
Electric Base/Consumer Charge	.00
	.00

CITY OF FORT MORGAN
 710 E Railroad
 Fort Morgan, CO 80701
 (970) 867-4350
 cityoffortmorgan.com

.00
.00
.00

MESSAGE:

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.
 Pay online www.xpressbillpay.com

CURRENT BILL
 AMOUNT DUE

Exhibit K – Legal Access

EXHIBIT K: Legal Access from Morgan County Highway Department

Documents on next pages



Road & Bridge Department

May 20, 2020

Charles Greenwood III
16295 County Road R
Fort Morgan, CO 80701

Dear Mr. Greenwood

Morgan County Highway Department has no objection to the use of the present driveway located onto Morgan County Road R as access to the property located at:

Subd: Trailside PD, FM (02, 10 & 11-3-58) Block 01, Lot 34 and Lot 35
SW ¼ of Section 2, Township 3 North, Range 58 West of the 6th P.M.
GPS Coordinates taken using a Jamar RAC Geo II Counter, Serial # P52322
GPS Coordinates at the centerline of the driveway: 40.24669 Latitude
-103.844218 Longitude

The maximum width allowed for this driveway is 40 feet. At this time no culvert is required. If at a future date, Morgan County determines a culvert is needed for drainage, or any existing culvert needs repaired. The landowner will assume all costs; and driveway must meet Morgan County specifications. Such parties may acquire the culvert and installation from anyone they wish, but the culvert must be pre-approved by the County. Culverts that meet Morgan County specifications may be purchased directly from the County, however; Morgan County cannot complete the installation.

Sincerely,

Bruce Bass
Director of Public Works
Morgan County Government

Note: Residence & storage (Lot 35)



Road & Bridge Department

May 20, 2020

Charles Greenwood III
16295 County Road R
Fort Morgan, CO 80701

Dear Mr. Greenwood

Morgan County Highway Department has no objection to the use of the present driveway located onto Morgan County Road R as access to the property located at:

Subd: Trailside PD, FM (02, 10 & 11-3-58) Block 01, Lot 34 and Lot 35
SW ¼ of Section 2, Township 3 North, Range 58 West of the 6th P.M.
GPS Coordinates taken using a Jamar RAC Geo II Counter, Serial # P52322
GPS Coordinates at the centerline of the driveway: 40.246703 Latitude
-103.843418 Longitude

The maximum width allowed for this driveway is 70 feet. At this time no culvert is required. If at a future date, Morgan County determines a culvert is needed for drainage, or any existing culvert needs repaired. The landowner will assume all costs; and driveway must meet Morgan County specifications. Such parties may acquire the culvert and installation from anyone they wish, but the culvert must be pre-approved by the County. Culverts that meet Morgan County specifications may be purchased directly from the County, however; Morgan County cannot complete the installation.

Sincerely,

Bruce Bass
Director of Public Works
Morgan County Government

Note: Warehouses & storage
(Lot 34)

Exhibit L

Soil Map

EXHIBIT L: Soils Map

Documents on next pages



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**

**CHARLIE GREENWOOD SW4
2-3N-58W**



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.

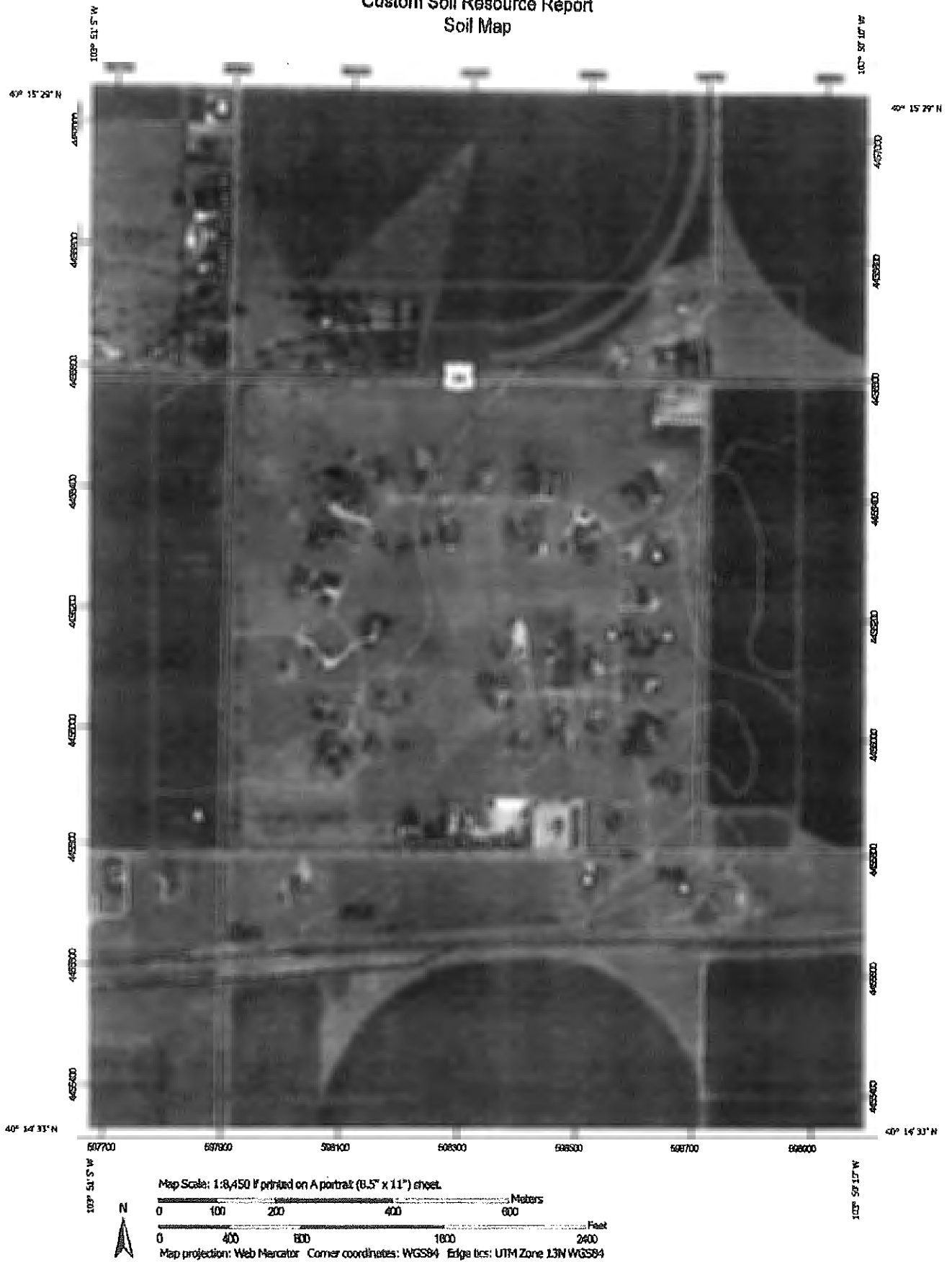
Contents

Preface.....	2
Soil Map.....	5
Soil Map.....	6
Legend.....	7
Map Unit Legend.....	8
Map Unit Descriptions.....	8
Morgan County, Colorado.....	10
BuA—Bresser loamy sand, 0 to 3 percent slopes.....	10
BvA—Bresser sandy loam, 0 to 3 percent slopes.....	11
FcB—Fort Collins loam, 0 to 3 percent slopes.....	12
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NcA—Nunn clay loam, 0 to 1 percent slopes.....	15
NnA—Nunn loamy sand, 0 to 1 percent slopes.....	17
NsA—Nunn sandy loam, 0 to 1 percent slopes.....	18
VnA—Vona loamy sand, terrace, 0 to 1 percent slopes.....	19

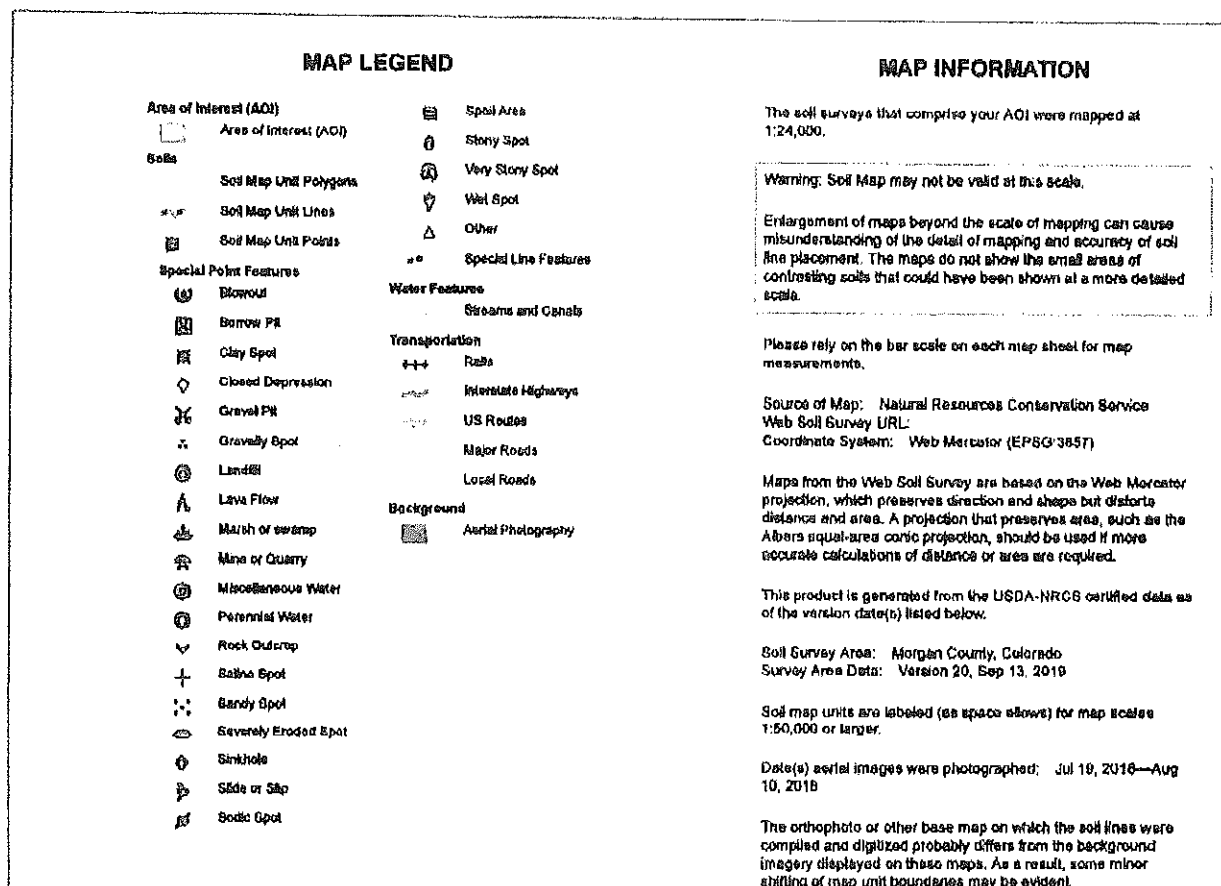
Soil Map

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 Unit Legend

Map Unit Symbol	Map Unit Name	Acres In AOI	Percent of AOI
BuA	Bresser loamy sand, 0 to 3 percent slopes	18.4	5.5%
BvA	Bresser sandy loam, 0 to 3 percent slopes	12.8	4.2%
FcB	Fort Collins loam, 0 to 3 percent slopes	2.0	0.7%
FrB	Fort Collins sandy loam, 0 to 3 percent slopes	7.2	2.4%
NcA	Nunn clay loam, 0 to 1 percent slopes	0.1	0.0%
NnA	Nunn loamy sand, 0 to 1 percent slopes	101.9	34.5%
NsA	Nunn sandy loam, 0 to 1 percent slopes	147.8	50.0%
VnA	Vona loamy sand, terrace, 0 to 1 percent slopes	7.7	2.6%
Totals for Area of Interest		285.7	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

Custom Soil Resource Report

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 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.

Custom Soil Resource Report

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 4s
Hydrologic Soil Group: C
Ecological site: Sandy Plains (R067BY024CO)
Hydric soil rating: No

Minor Components

Fort collins

Percent of map unit: 12 percent
Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: Sandy Plains (R067BY024CO)
Hydric soil rating: No

Haverson, rarely flooded

Percent of map unit: 3 percent
Landform: Terraces, drainageways
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear, concave
Ecological site: Overflow (R067BY036CO)
Hydric soil rating: No

NsA—Nunn sandy loam, 0 to 1 percent slopes

Map Unit Setting

National map unit symbol: 3py0
Elevation: 4,500 to 6,700 feet
Mean annual precipitation: 12 to 18 inches
Mean annual air temperature: 46 to 54 degrees F
Frost-free period: 115 to 180 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Nunn and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Nunn

Setting

Landform: Stream terraces
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Limy alluvium

Exhibit **M**

Impact Statement from Irrigation

EXHIBIT M: Irrigation Company impacts

This property does not have access to irrigation water.

Both, Bjiou Lateral Company and Bijou Lateral No. 2 Company have easements on this property; however, there are no visible irrigation ditches on this property.

Exhibit **N**- Financial

EXHIBIT N: Financial resources

Documents on next page



FMS Bank

Banking Made Simple.®

May 13, 2020

*Regarding: Charlie E Greenwood
Property: 16295 County Road R Lot 3435
Fort Morgan CO 80701*

To Whom It May Concern,

Charlie E Greenwood has sufficient funds for the improvements at the property above.

Please let me know if you have any questions.

Thank you



Shelly K Bristol

Senior Vice President

Exhibit **O** – Right to Farm Policy

EXHIBIT O: Right to Farm



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.

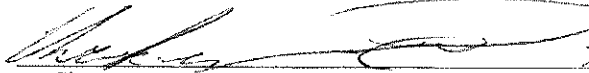
All rural residents and property owners are encouraged to learn about their rights and responsibilities and to act as good neighbors and citizens of Morgan County. This includes but is not limited to obligations under Colorado State law and Morgan County Zoning Regulations regarding maintenance of fences, 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.

 5/8/20
Signature Date

Charles Greenwood III
Printed Name

16295 County Road R.
Address

St. Morgan, Co 80701

To Be Signed by Landowner

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** – Site plans / Map Exhibits

EXHIBIT P: Site Plan

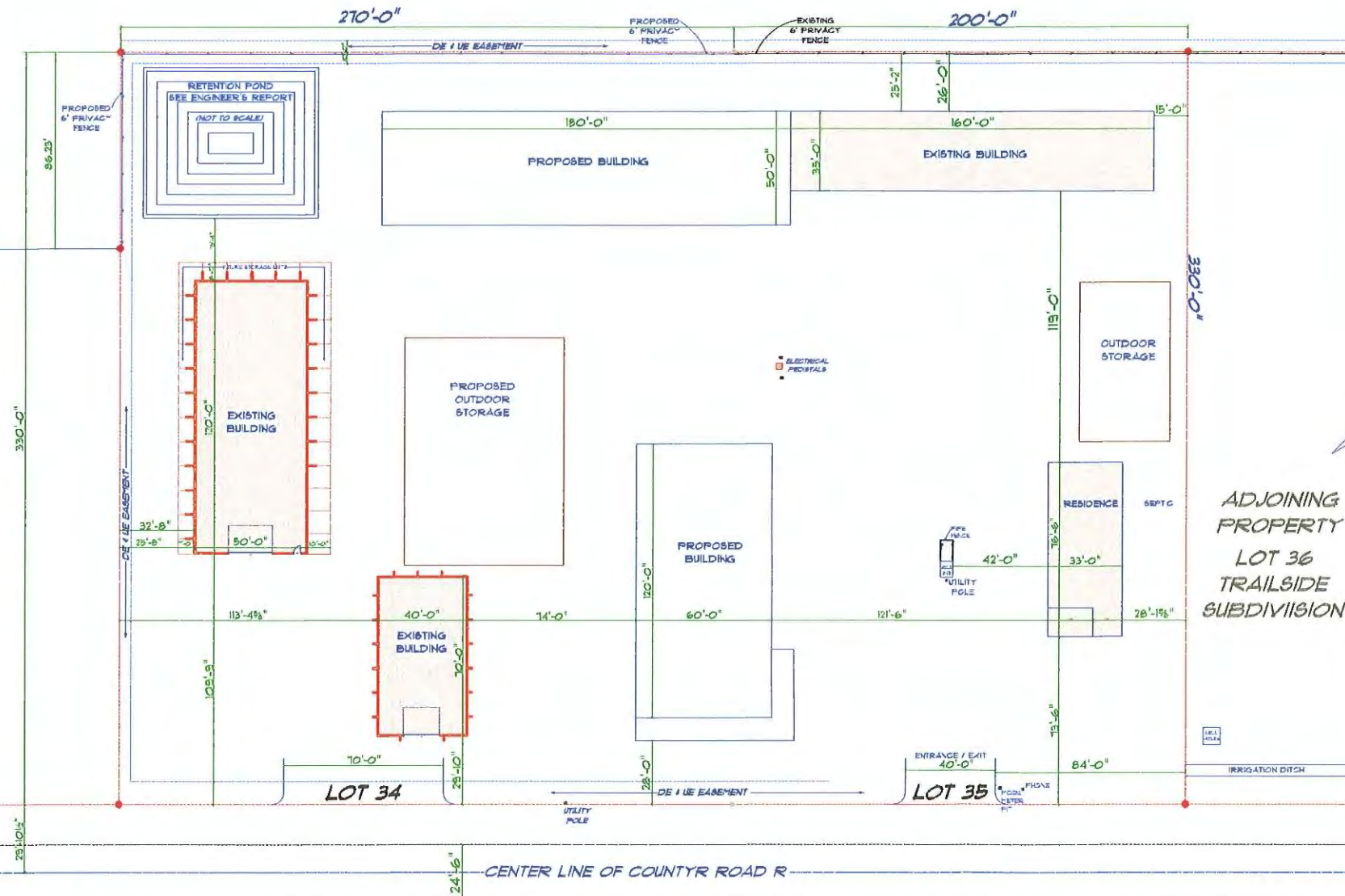
See separate document

SITE PLAN - SPECIAL USE PERMIT MORGAN COUNTY, COLORADO

A PORTION OF THE TRAILSIDE PD SUBDIVISION, SOUTH HALF
SOUTHWEST QUARTER OF SECTION 02, TOWNSHIP 3 NORTH,
RANGE 58 WEST OF THE 6TH PRINCIPAL MERIDIAN



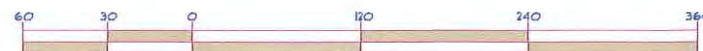
ADJOINING
PROPERTY



ADJOINING
PROPERTY
LOT 36
TRAILSIDE
SUBDIVISION

CENTER LINE OF COUNTY ROAD R

SCALE: 1" = 30'



SITE USE CHART

USE	AREA (SQ. FT.)
Existing Buildings	16,674.5
Proposed Buildings	11,200.0
Outside Storage	9,800.0
Future Storage Units	2,516.0
Open Area Remaining	108,605.5

PLANNING COMMISSION CERTIFICATE

The Morgan County Planning Commission has hereby reviewed the Rezoning Application
No. _____ this day of _____, 20____

Chairman

Attest: _____
Secretary
(s)

BOARD OF COUNTY COMMISSIONERS CERTIFICATE

Rezone Case No. _____

Approved this _____ day of _____, 20____ Board of
County Commissioners, Morgan County, Colorado.

Attest: _____
Clerk of the Board

_____ Chairman

CLERK AND RECORDER'S CERTIFICATE

State of Colorado)

) ss.

County of Morgan

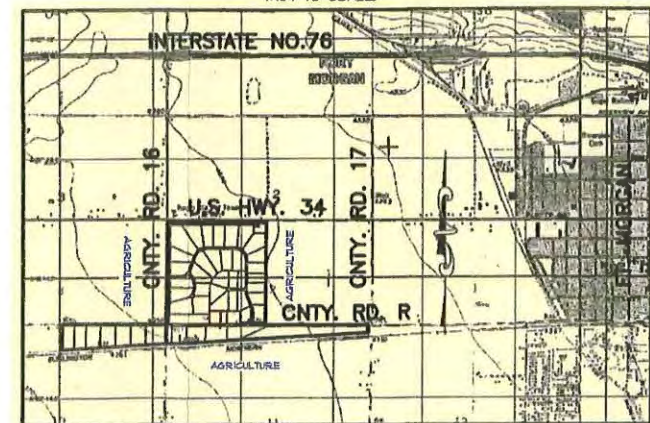
I hereby certify that this instrument was filed in my office at _____ o'clock _____, this
day of _____, 20____ and is duly recorded in _____

Recording fees of _____ are paid

Clerk and Recorder

Deputy

VICINITY MAP (NOT TO SCALE)



NOTES:
1. THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF THE DESIGNER.
2. PLEASE CHECK AND FOLLOW YOUR LOCAL CODES.
3. PLEASE VERIFY ALL FIELD MEASUREMENTS.
4. EPIC DESIGN & CONSULTING, LLC, NOT BE HELD LIABLE FOR CODE
VIOLATIONS, AS CODES VARY FROM PLACE TO PLACE.

© 2020 EPIC DESIGN & CONSULTING, LLC

LOTS 34 AND 35, BLOCK 1 TRAILSIDE PD
SUBDIVISION, IN THE SOUTH 1/2 SW 1/4
SECTION 02, TOWNSHIP 3N, RANGE 58W OF
THE 6TH P.M., MORGAN COUNTY, COLORADO

SITE PLAN S1

—DATE—
JUNE 2020

—SCALE—
1" = 30'

—NOTES—

—SQ. FT.—

EPIC DESIGN & CONSULTING, LLC
GEORGE CROMWELL, JR.
11108 MCR 25 FORT MORGAN, CO 80701
CELL 970.769.0861 grom@epicdesign.com

CHARLES E. GREENWOOD, III
16235 & 16333 COUNTY ROAD R
FORT MORGAN, COLORADO 80701

**Exhibit Q- Additional Information
Requested**

EXHIBIT Q: Additional Information Requested:

- Q1: Trailside Subdivision Architectural Committee
Request for additional buildings and response.
- Q2: Combination Agreement
Lots 34 & 35, Block 1, Trailside PD and addressed as 16295 County Road R
and 16233 County Road R, Fort Morgan, CO. Recorded 05/02/2019 #918141.

Charles Greenwood III

16295 County Road R | 970-768-6190 |
charliegreenwood31@gmail.com

2/27/20

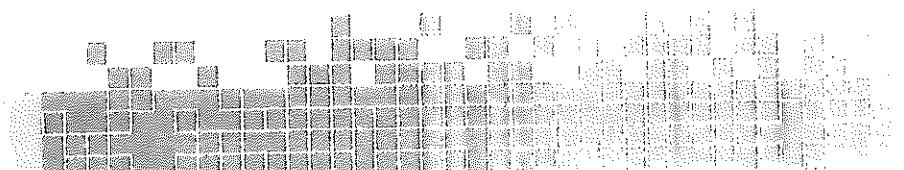
Trailside Subdivision
Architectural Comity

Dear Trailside

I'm looking at building 2 more buildings on my property located at 16295 County Road R Lots 34 & 35. The first phase would be a 180'x50'x16' storage shed abutted to the building on north side of property. Witch will include 11 - 12'x14' garage doors, Pewter color wanes coting to match existing building, white side walls and Pewter Roof.

Phase 2 will be my personal shop that is located in the center of the property. The front half of building (South side) 30'x60'x20', will be a 2 story with "L" shape wrap around porch on South and East sides. North side will be 90'x60'x16' with overhead doors facing East (Size and number of doors not yet determined). The overall size of building will be 120'x60' and will have same color scheme as other buildings on property.

Also on attached paper you will see where a retention pond will be added for drainage of my property and all future buildings. There will be a 6' Privacy fence continued along property line of Trailside



and my property with a gate so that I can maintain vegetation next to fence. Looking at constructing fence after pond is dug, drainage system in place, and phase 1 building is erected. As some of you will be glad to hear that the grain bins and elevator leg should be torn down by July.

If there is any questions please contact me. If Okayed please email me a letter of permission to proceed so that I can continue with the county on getting permits. Thank you!

Sincerely,

Charlie Greenwood III

Greenwood



P.O. Box 513 Fort Morgan, CO 80701

**TRAILSIDE HOMEOWNERS ASSOCIATION
ARCHITECTURAL COMMITTEE RESPONSE FORM**

Date Received: 3-5-20

Complete Information Received: ☒ Yes ☐ No

If No, Additional Information Required: _____
Is Homeowner current on HOA Dues: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date Notified Homeowner need additional information: _____
Date Received Complete Information: <u>3-5-20</u>

Date: 3-7-20

Approved: ☒ Approved with Revisions: ☐ Not Approved: ☐

Revisions Required: _____

Reasons for Denial: _____

Architectural Representatives: Lance McAlister
Mike Cane
Toren Confield
Matt Rudder

Notification to homeowner forwarded on: 3-10-20 by [Signature]

Recorded Trailside Survey

LEGAL DESCRIPTION - BLOCK 1

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 58 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORGAN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 2;
THENCE N00°29'36"W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 2 A DISTANCE OF 30.00 FEET;
THENCE N89°15'23"E PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 2, A DISTANCE OF 30.00 FEET TO THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF MORGAN COUNTY ROAD R
AND THE EAST RIGHT-OF-WAY LINE OF MORGAN COUNTY ROAD 16, ALSO BEING THE POINT OF BEGINNING;

THENCE N00°29'36"W ALONG THE EAST RIGHT-OF-WAY LINE OF SAID MORGAN COUNTY ROAD 16 AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 2, A DISTANCE OF 2,593.07 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF HIGHWAY NO. 34;
THENCE N89°11'39"E ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID HIGHWAY 34, BEING 30 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 2, A DISTANCE OF 2,297.03 FEET TO A POINT ON THE WEST LINE OF THAT PARCEL OF LAND DESCRIBED AT BOOK 368 PAGE 115, MORGAN COUNTY RECORDS;
THENCE S00°41'24"E ALONG THE WEST LINE OF SAID PARCEL OF LAND DESCRIBED AT BOOK 368 PAGE 115, A DISTANCE OF 247.00 FEET;
THENCE N89°11'39"E ALONG THE SOUTH LINE OF SAID PARCEL OF LAND DESCRIBED AT BOOK 368 PAGE 115 MORGAN COUNTY RECORDS, A DISTANCE OF 320.00 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 2;
THENCE S00°41'24"E ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 2, A DISTANCE OF 2,348.88 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF MORGAN COUNTY ROAD R;
THENCE S89°15'23"W ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID MORGAN COUNTY ROAD R, BEING 30 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 2, A DISTANCE OF 1,486.32 FEET TO SOUTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED AT BOOK 941 PAGE 616, MORGAN COUNTY RECORDS; THENCE ALONG THE EAST, NORTH, AND WEST LINES OF SAID PARCEL OF LAND DESCRIBED AT BOOK 941 PAGE 616 THE FOLLOWING THREE (3) COURSES:

1. N00°28'37"W A DISTANCE OF 243.77 FEET;
2. S89°29'23"W A DISTANCE OF 1105.60 FEET;
3. S00°35'37"E A DISTANCE OF 248.30 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF MORGAN COUNTY ROAD R;

THENCE S89°15'23"W ALONG SAID NORTH RIGHT-OF-WAY LINE OF MORGAN COUNTY ROAD R, A DISTANCE OF 34.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 6,450,321 SQUARE FEET OR 148.079 ACRES, MORE OR LESS.

LEGAL DESCRIPTION - BLOCK 2

THAT PORTION OF THE NORTH HALF OF SECTION 11, TOWNSHIP 3 NORTH, RANGE 58 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORGAN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 11;
THENCE S00°21'58"E ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 11 A DISTANCE OF 30.00 FEET;
THENCE N89°15'23"E PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 11 A DISTANCE OF 30.00 FEET TO THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF MORGAN COUNTY ROAD R AND THE EAST RIGHT-OF-WAY LINE OF MORGAN COUNTY ROAD 16, ALSO BEING THE POINT OF BEGINNING;

THENCE N89°15'23"E ALONG THE SOUTH LINE OF SAID MORGAN COUNTY ROAD R AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 6231.88 FEET TO THE NORTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED AT BOOK 995 PAGE 476, MORGAN COUNTY RECORDS;
THENCE S00°01'17"E ALONG THE WEST LINE OF SAID PARCEL OF LAND RECORDED AT BOOK 995 PAGE 476, A DISTANCE OF 165.42 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE C.B. AND O. RAILROAD;
THENCE S85°58'39"W ALONG SAID NORTH RIGHT-OF-WAY LINE OF THE C.B. AND O. RAILROAD, A DISTANCE OF 5,241.44 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MORGAN COUNTY ROAD 16;
THENCE N00°21'58"W ALONG SAID EAST RIGHT-OF-WAY LINE OF MORGAN COUNTY ROAD 16, BEING 30 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 11, A DISTANCE OF 485.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,649,407 SQUARE FEET OR 37.865 ACRES, MORE OR LESS.

LEGAL DESCRIPTION - BLOCK 3

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 3 NORTH, RANGE 58 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORGAN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

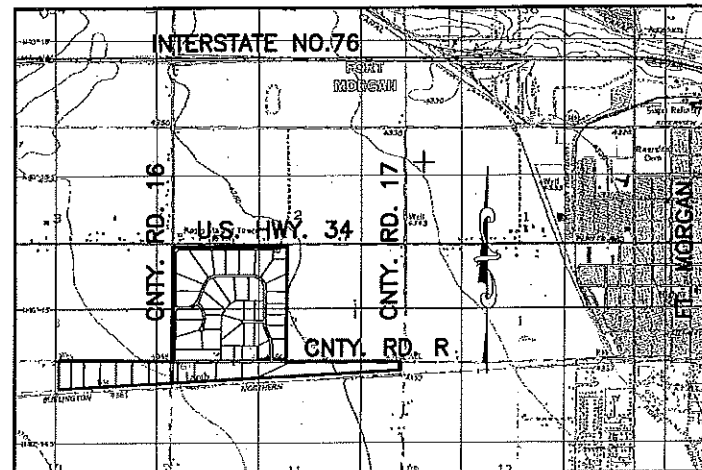
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 10;
THENCE S00°21'58"E ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10 A DISTANCE OF 30.00 FEET;
THENCE N89°32'16"W PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER OF SECTION 10, A DISTANCE OF 30.00 FEET TO THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF MORGAN COUNTY ROAD R AND THE WEST RIGHT-OF-WAY LINE OF MORGAN COUNTY ROAD 16, ALSO BEING THE POINT OF BEGINNING;

THENCE S00°21'58"E PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 10, A DISTANCE OF 468.79 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE C.B. AND O. RAILROAD;
THENCE S85°58'39"W ALONG SAID NORTH RIGHT-OF-WAY LINE OF THE C.B. AND O. RAILROAD, A DISTANCE OF 2,628.65 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 10;
THENCE N00°19'45"W ALONG SAID NORTH-SOUTH CENTERLINE OF SECTION 10, A DISTANCE OF 632.05 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID MORGAN COUNTY ROAD R;
THENCE N89°32'16"E ALONG SAID SOUTH RIGHT-OF-WAY LINE OF MORGAN COUNTY ROAD R, BEING 30 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER OF SECTION 10, A DISTANCE OF 2,623.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,443,902 SQUARE FEET OR 33.147 ACRES, MORE OR LESS.

TRAILSIDE PD

A SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2, AND IN THE NORTHEAST QUARTER OF SECTION 10, AND IN THE NORTH HALF OF SECTION 11, TOWNSHIP 3 NORTH, RANGE 58 WEST OF THE 6TH P.M. COUNTY OF MORGAN, STATE OF COLORADO
219.26 ACRES, 46 LOTS, 7 TRACTS
SHEET 1 OF 4



VICINITY MAP

SCALE: 1"=2000'

NOTES

- 1.) "•" INDICATES SET A 5/8" REBAR WITH CAP STAMPED L.S. NO. 12405 UNLESS OTHERWISE SHOWN.
"O" INDICATES FOUND A 5/8" REBAR WITH CAP STAMPED L.S. NO. 14786 UNLESS OTHERWISE SHOWN.
- 2.) BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 2 WAS ASSUMED TO BEAR S89°15'23"W. BOTH ENDS OF SAID LINE ARE MONUMENTED AS SHOWN ON THIS PLAT.
- 3.) UTILITY EASEMENTS (UE) ARE AS SHOWN. DRAINAGE AND UTILITY EASEMENTS (DEUE) ARE AS SHOWN.
- 4.) THERE ARE 46 LOTS AND 7 TRACTS IN TRAILSIDE.
- 5.) ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- 6.) RIGHT-OF-WAY FOR INGRESS AND EGRESS FOR SERVICE AND EMERGENCY VEHICLES IS GRANTED OVER, ACROSS, ON AND THROUGH ANY AND ALL PRIVATE ROADS AND WAYS NOW OR HEREAFTER ESTABLISHED ON THE DESCRIBED PROPERTY.
- 7.) OVERALL DWELLING UNIT DENSITY - 1 DU PER 5.02 ACRES.
- 8.) ALL BLOCK CORNER RADII ARE 30' UNLESS OTHERWISE NOTED.
- 9.) NO BUILDING PERMITS WILL BE ISSUED FOR HOUSES WITHOUT PROOF THAT A MORGAN COUNTY QUALITY WATER TAP HAS BEEN PURCHASED FOR THE SUBJECT LOT.
- 10.) NO LOT SHALL BE SOLD IF A WATER TAP MORATORIUM IS IN PLACE AT THE TIME OF SALE UNLESS PURCHASER HAS NOTICE OF SUCH MORATORIUM AND HAS NO OBJECTION THERETO.

TRACT	AREA (Ac.)	PROPOSED OWNERSHIP	INTENDED USAGE	DESCRIPTION
A	16.674	HOA	OSP2	PARK/OPEN SPACE
B	1.077	HOA	OSP2	WELL SITES
C	3.583	PRIVATE	DSP2	PARK/OPEN SPACE
D	1.075	HOA	OSP1	LANDSCAPING
E	3.396	HOA	DSP1	LANDSCAPING
F	0.301	HOA	DSP1	LANDSCAPING
G	0.302	HOA	DSP1	LANDSCAPING
STREETS	6.570	HOA	OSP2	PRIVATE STREETS
LOTS	179.948		RSR	BLOCK 1, LOTS 1-33 AND BLOCK 2 AND BLOCK 3
LOTS	6.434		ATZ	BLOCK 1, LOTS 34-36
TOTAL	219.260			



EMK CONSULTANTS, INC.
ENGINEERS • SURVEYORS
7005 SOUTH ALTON WAY, BLDG. F
CENTENNIAL, COLORADO 80112-2019
(303) 694-1520

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT ACCEPTANCE OF THIS PLATTED SUBDIVISION BY THE COUNTY OF MORGAN DOES NOT CONSTITUTE AN ACCEPTANCE OF THE ROADS AND OTHER IMPROVEMENTS REFLECTED HEREON FOR MAINTENANCE BY SAID COUNTY.

UNTIL SUCH ROADS AND OTHER IMPROVEMENTS MEET COUNTY REQUIREMENT AND ARE SPECIFICALLY ACCEPTED BY THIS COUNTY BY RECORDING WITH THE CLERK AND RECORDER OF THIS COUNTY AN OFFICIAL ACCEPTANCE, THE MAINTENANCE, CONSTRUCTION, AND ALL OTHER MATTERS PERTAINING TO OR AFFECTING SAID ROADS AND OTHER IMPROVEMENTS AND RIGHT-OF-WAY ARE THE SOLE RESPONSIBILITY OF THE OWNERS OF THE LAND WITHIN THIS SUBDIVISION.

NOTICE IS FURTHER GIVEN THAT NO SUBDIVISION LOTS WILL BE ISSUED BUILDING PERMITS BY OFFICIALS OF THIS COUNTY FOR IMPROVEMENTS OF ANY NATURE ON ANY PROPERTY REFLECTED ON THIS PLATTED SUBDIVISION UNTIL SUCH TIME AS THE ACCEPTANCE AS HEREIN ABOVE DESCRIBED HAS BEEN FILED FOR RECORD WITH THE CLERK AND RECORDER OF THIS COUNTY, OR UNTIL OTHER SUITABLE PROVISION IS MADE FOR COMPLETION AND/OR MAINTENANCE OF THE ROADS AND OTHER IMPROVEMENTS.

TRAILSIDE PD
LAND USE DESIGNATIONS

RESIDENTIAL TRAILSIDE ZONE (RSR)

THIS ZONE COMPRISES LAND USES FOR SINGLE-FAMILY RESIDENTIAL USES.

RESIDENTIAL TRAILSIDE ZONE USE-BY-RIGHT

1. SINGLE-FAMILY HOUSE (ONE PER LOT)
2. SATELLITE DISH ANTENNAS WITHOUT TOWER ATTACHED TO DWELLINGS
3. OPEN SPACE
4. ACCESSORY BUILDINGS AND USES SUCH AS GARAGES AND BARN
5. GARDENS
6. HOME OCCUPATIONS LIMITED TO AN OCCUPATION WHICH DOES NOT CREATE REGULAR CUSTOMER, CLIENT, OR EMPLOYEE TRAFFIC
7. TEMPORARY SALES OFFICE/MODEL UNITS AND CONSTRUCTION TRAILERS
8. INDOOR AND OUTDOOR RECREATIONAL FACILITIES
9. LIMITED FARM ANIMALS ON LOTS GREATER IN SIZE THAN 3 ACRES

OPEN SPACE TRAILSIDE ZONE 1 (OSP1)

THIS ZONE COMPRISES LAND FOR OPEN SPACE:

1. OPEN SPACE
2. PARKS
3. TRAILS AND FENCES

PROHIBITED USES - (OSP1): 1. DISCHARGE OF FIREARMS

OPEN SPACE TRAILSIDE ZONE 2 (OSP2)

THIS ZONE COMPRISES LAND FOR OPEN SPACE USES:

1. OPEN SPACE
2. GRAZING
3. TRAILS AND FENCES
4. GAZEBOS, TRELLIS, SMALL STRUCTURES
5. PARKS
6. GARDENS
7. WATER WELLS
8. IRRIGATED FARMS CROPS
9. PRIVATE STREETS
10. GARAGE/BARN

PROHIBITED USES - (OSP2): 1. DISCHARGE OF FIREARMS

AGRICULTURE TRAILSIDE ZONE (ATZ)

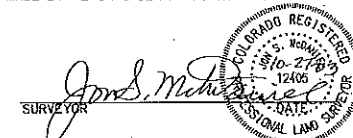
THIS ZONE COMPRISES LAND USES IN THE MORGAN COUNTY A ZONE DISTRICT:

PROHIBITED USES - ATZ:

1. DISCHARGE OF FIREARMS
2. COMMERCIAL BULK FUEL PLANTS
3. LIVESTOCK CONFINEMENT FACILITIES
4. MOBILE HOME STORAGE
5. JUNK, SCRAP METAL, AUTO WRECKING, AND SALVAGE YARDS

SURVEYOR'S CERTIFICATE

I, JON S. MC DANIEL, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF TRAILSIDE PD TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION.



PLANNING COMMISSION CERTIFICATE

APPROVED THIS 22 DAY OF May, 2003, COUNTY PLANNING COMMISSION, MORGAN COUNTY, COLORADO.

CHAIRMAN

COMMISSIONER'S CERTIFICATE

APPROVED THIS 22 DAY OF September 2003, BOARD OF COUNTY COMMISSIONERS, MORGAN COUNTY, COLORADO. THIS APPROVAL DOES NOT GUARANTEE THAT THE SIZE, SOIL CONDITIONS, SUBSURFACE GEOLOGY, GROUND WATER CONDITIONS, OR FLOODING CONDITIONS OF ANY LOT SHOWN HEREON ARE SUCH THAT A BUILDING PERMIT, WELL PERMIT, OR SEWAGE DISPOSAL PERMIT WILL BE ISSUED. THIS APPROVAL IS WITH THE UNDERSTANDING THAT ALL EXPENSES INVOLVING REQUIRED IMPROVEMENTS FOR ALL UTILITY SERVICES, PAYING, GRADING, LANDSCAPING, CURBS, GUTTERS, SIDEWALKS, ROAD LIGHTING, ROAD SIGNS, FLOOD PROTECTION DEVICES, DRAINAGE STRUCTURES, AND ALL OTHER IMPROVEMENTS THAT MAY BE REQUIRED SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER AND NOT THE COUNTY OF MORGAN.

ATTEST:

CLERK TO THE BOARD
(SEAL)



CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO }
COUNTY OF MORGAN } SS.

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT 1:09 O'CLOCK P.M. THIS 30 DAY OF November, 2003, AND DULY RECORDED IN PLAT FILE #158015. FEES \$11.00 PAID.

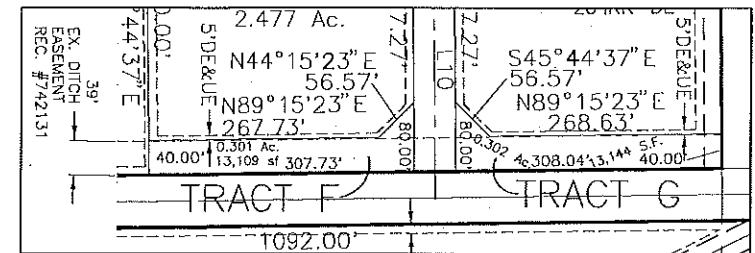
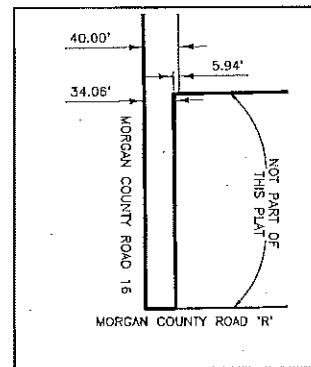
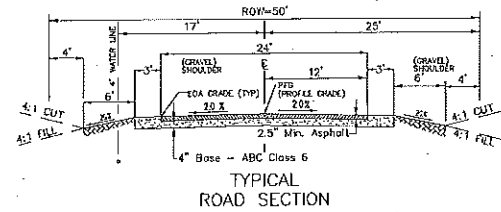


RECORDED
DEPUTY

TRAILSIDE PD

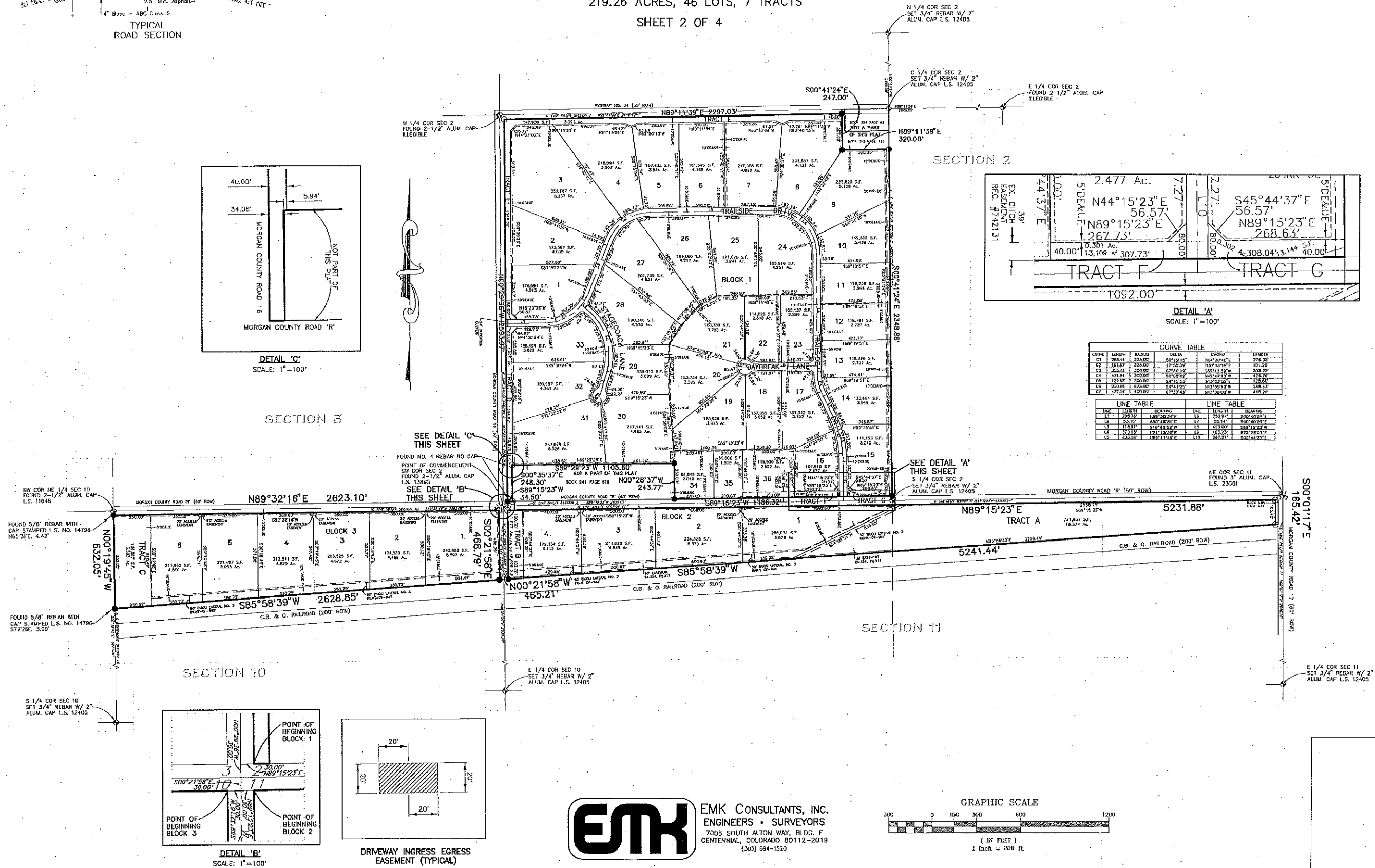
A SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2,
AND IN THE NORTHEAST QUARTER OF SECTION 10,
AND IN THE NORTH HALF OF SECTION 11,
TOWNSHIP 3 NORTH, RANGE 58 WEST OF THE 6TH P.M.
COUNTY OF MORGAN, STATE OF COLORADO
219.26 ACRES, 46 LOTS, 7 TRACTS

SHEET 2 OF 4

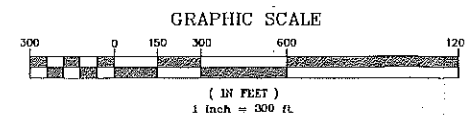


CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	CHORD	LENGTHS	
C1	288.44	325.02	50°12'15"	841°20'41"	274.30	
C2	181.63	202.02	50°12'15"	531°20'41"	175.28	
C3	256.79	302.02	50°12'15"	655°11'31"	255.25	
C4	417.98	502.02	50°12'15"	935°44'17"	414.76	
C5	579.17	702.02	50°12'15"	1215°44'17"	574.76	
C6	210.05	670.07	20°41'32"	813°10'07"	208.83	
C7	472.16	450.92	67°37'43"	811°10'07"	415.20	

LINE TABLE			LINE TABLE		
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
C1	288.44	S50°12'15"E	L1	758.97	S90°42'03"E
C2	181.63	S50°12'15"E	L2	548.17	S50°12'15"E
C3	256.79	S18°48'35"E	L3	693.50	S18°18'27"E
C4	417.98	S21°13'52"E	L4	181.25	S20°18'01"E
C5	579.17	S21°13'52"E	L5	200.43	S20°42'03"E



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Lot Combination Agreement



COMBINATION AGREEMENT

This Combination Agreement is made and entered into this 2 day of May, 2019, by and between Charles Greenwood III aka Charles E. Greenwood III, hereinafter referred to as "Owner" which term shall include his or her heirs, beneficiaries, personal representatives, successors and assigns, and Morgan County, hereinafter referred to as "County".

WHEREAS, Owner owns and holds title to the following described real property (hereinafter referred to as "the Property"):

Lots 34 and 35, Block 1, Trailside PD and addressed as 16295 County Road R and 16233 County Road R, Fort Morgan Colorado 80701.

WHEREAS, the Property comprises two or more conforming lots, tracts or parcels located within the unincorporated area of the County; and

WHEREAS, Owner desires to combine the Property into a single lot or parcel in conformance with the combination of contiguous lots/parcels provisions of County regulations.

NOW THEREFORE, for and in consideration of the facts set forth herein:

1. Owner agrees that the Property has been combined together and is considered one parcel for purposes of zoning administration and any future sale, mortgages, or other real estate-related actions;
2. Owner agrees and covenants that Owner will not hereafter convey to any third party or otherwise divest title to any portion of the Property comprising less than the entirety of the Property without first recording among the Public Records of Morgan County, Colorado a document granting the express consent of County to such conveyance or divestiture. Owner understands that said consent of County may require Owner to remove the uses or structures that would be considered nonconforming or a violation of the County regulations as a result of such conveyance or divestiture, and may subject the Owner to compliance with land development processes and approvals;
3. Owner agrees that any attempted conveyance or divestiture in violation hereof shall be void and of no effect;
4. Owner agrees that, in addition to all other available legal and equitable remedies, including injunctive relief, available to County for the violation hereof by Owner, any such violation shall also constitute a violation of County regulations subject to all penalties and enforcement procedures provided for therein. In any litigation or enforcement proceeding arising out of violation of this Combination Agreement by Owner, County shall be entitled to an award of reasonable attorney's fees and costs incurred therein, including attorney's fees and costs incurred in appellate proceedings;

5. Owner understands and agrees that this Agreement does not relieve the Property from compliance with regulations or criteria of other agencies or departments or the County's regulations, except as otherwise expressly provided for by the County's regulations;
6. Owner understands and agrees that nothing in this Agreement shall effect or be construed to effect any easements or other restrictions associated with the Property;
7. Owner understands and agrees that this Agreement does not guarantee that the Property will be considered a "buildable parcel"; and
8. Owner agrees that this Agreement shall constitute a covenant running with the Property for the benefit of the County, and shall be binding upon the heirs, beneficiaries, personal representatives, successor and assigns of Owner.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands and seals this 2 day of May, 2019.

OWNER:

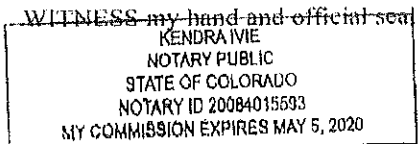
Charles Greenwood III aka Charles E. Greenwood III

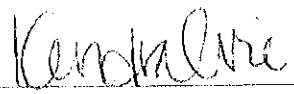


Charles E. Greenwood III

STATE OF Colorado)
)ss.
COUNTY OF Morgan)

The above and foregoing document was acknowledged before me this 2 day of May, 2019, by Charles Greenwood




Notary Public

My Commission expires:

COUNTY APPROVAL:


Morgan County Planning Administrator

Pam Cherry
Print Name

Objections/Concerns
Leigh Garver Correspondence
Dated July 3, 2020



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

Greenwood Project Objections/Concerns

1 message

lgarver@freedomtransinc.com <lgarver@freedomtransinc.com>

Fri, Jul 3, 2020 at 11:54 AM

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



Hi Pam,

I have attached a letter and 5 Exhibits for you and the County Commissioners to review.

We appreciate the opportunity for these files to at least be considered.

Have a great day!

Leigh Garver*Human Resources*

1212 E Burlington Ave
Fort Morgan, CO 80701
970-542-9563
970-542-9781 fax

6 attachments







-  **Done & Leigh Garver.pdf**
202K
-  **Exhibit A D&L Garver.pdf**
307K
-  **Exhibit B D&L Garver.pdf**
117K
-  **Exhibit C D&L Garver.pdf**
267K
-  **Exhibit D D&L Garver.pdf**
339K
-  **Exhibit E D&L Garver.pdf**
268K



EXHIBIT A



EXHIBIT B

Photo from <https://morganco-eagle.com/assessor/taxweb/account.jsp?accountNum=R009383&doc=>

Please note the visual close proximity of the neighboring building and its counterforts.

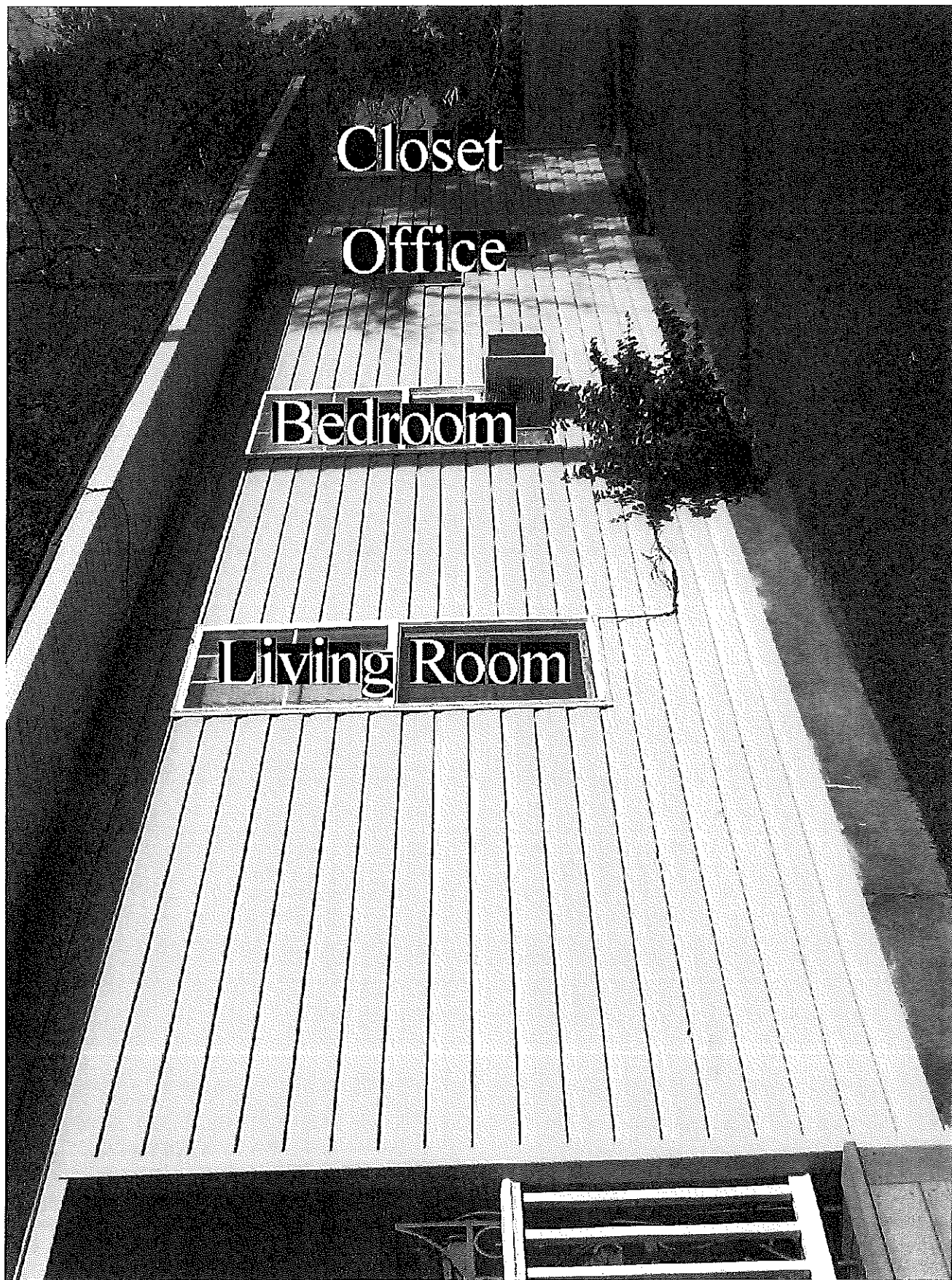


EXHIBIT C The east side of our home contains the major living areas.



Our property line runs south from the approximate center of the last 4"x4" of the HOA's privacy fence. The drill stem that is hanging over into Greenwood's property does not belong to us, as it is Greenwood's. We don't have a problem with it as long as it is temporary. However, we will not grant them use of the 4' for the purpose of their future customers accessing the storage units.

This photo shows how far any other neighbors are from the impact of these storage units. Nor will the HOA neighbors see or hear the traffic due to the future privacy fence that will run East & West across the back of the property.

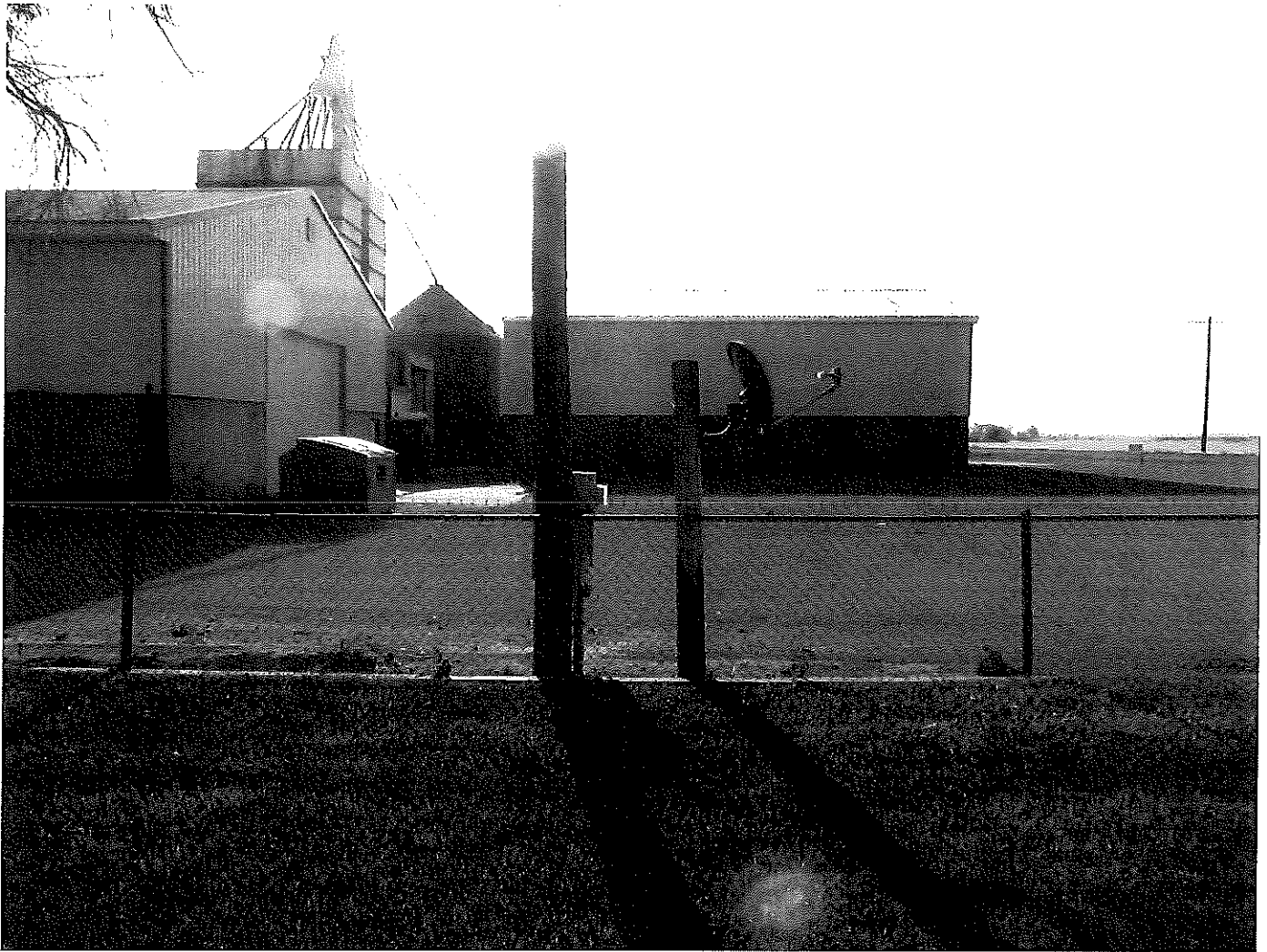


EXHIBIT E

View from bedroom window. We request that lighting from the north (left) building/warehouse not be intrusive at night. The electric pedestal in front of the power pole belongs to Greenwood's. We agreed to allow Greenwood's and the City of Fort Morgan to place it on our property for ease of installation.

Notices

**NOTICE OF PUBLIC HEARINGS
BEFORE THE MORGAN COUNTY PLANNING COMMISSION**

Notice is hereby given that on Monday, July 13, 2020 at 7:00 p.m., or as soon as possible thereafter, a public hearing will be held to consider the following applications:

- 1.) Applicant: Erin Kress and Travis Hertneky/THEngineering, LLC
Landowners: Bullseye Holdings, LLC/Kevin Lamb

Legal Description: A parcel located in the W ½ and South and West of the Bijou Canal, Section 26, T3N, R 58W of the 6th PM, Morgan County, aka 16098 County Road O, Fort Morgan, CO 80701.

Request: Use by Special Review Application to operate and re-establish a Confined Animal Feeding Operation for no more than 9000 head pursuant to Section 3-180(O) and Appendix B Table 3 of the Morgan County Zoning Regulations.

Date of Application: May 20, 2020

And

- 2.) Applicant and Landowner: Charles Greenwood III

Legal Description: SW¼ of Section 2, Township 3, Range 58 West of the 6th P.M., Morgan County, combined Lots 34 and 35 of Block 01 of the Trailside Planned Development, addressed as 16295 County Road R, Fort Morgan, Colorado 80701.

Request: Use by Special Review Application to expand an existing storage facility business.

Date of Application: June 5, 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 attend remotely:

<https://us02web.zoom.us/j/88697084603>

Or iPhone one-tap :

US: +13462487799,,88697084603# or +16699009128,,88697084603#

Or Telephone:

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

US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 312 626


6799 or +1 646 558 8656 or +1 301 715 8592

Webinar ID: 886 9708 4603

International numbers available: <https://us02web.zoom.us/j/kcRIKTjca4>

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado. It is encouraged to call 970-542-3526 make an appointment to review any of the file materials or email pcherry@co.morgan.co.us to request items 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: July 2, 2020



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

Re: PC Notice of Hearings for 7-13-20

1 message

~~Bullseye~~ Greenwood SU**Classifieds Main** <classifieds@prairiemountainmedia.com>

Tue, Jun 30, 2020 at 10:58 AM

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

Hello this is scheduled for July 2 in the FM T, ad#1717867 cost \$66.24
JD

On Tue, Jun 30, 2020 at 10:32 AM Jody Meyer <jmeyer@co.morgan.co.us> wrote:

Good Morning:

Attached is a Notice of Hearing for PC meeting on 7-13-20 (Bullseye SU and Greenwood SU) for publication on 7-2-20. Please bill P&Z. Thanks.

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

--
Prairie Mountain Publishing-
Boulder Daily Camera..Broomfield Enterprise
Longmont Times-Call..Colorado Hometown Weekly
Loveland Reporter-Herald...Colorado Daily
phone 303.466.3636 or 970-635-3650..Fax 303.442.1508
2500 55th Street | Boulder, CO 80301
classifieds@frontrangeclassifieds.com

Referrals



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

TO REFERRAL AGENCIES:

Farm Service Agency-Morgan County
Century Link
CDOT
DOW
Colorado Parks & Wildlife
Kinder Morgan, Inc.
Fort Morgan 4Rural Fire Dept.
Morgan County Assessor
Morgan County Communications Center
Morgan County Quality Water
Morgan County Road & Bridge

Morgan County Rural Electric Assoc.
Morgan County Sheriff
Morgan Soil Conservation District
NECHD
City of Fort Morgan
Xcel Energy
Colorado State Engineer
Bijou Ditch Company
Northern Colorado Water Conservancy
Northside Lateral Irrigation

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: June 22, 2020

RE: Use by Special Review Application from Charles Greenwood III to expand storage – see attached site map

Applicant and Landowner: Charles Greenwood III

Legal Description: A parcel located in the SW¼ of Section 2, Township 3, Range 58 West of the 6th P.M., Morgan County, combined Lots 34 and 35 of Block 01 of the Trailside Planned Development, addressed as 16295 County Road R, Fort Morgan, CO 80701

Request: Use by Special Review Application to expand existing storage capacity.

You may review the files at the Planning and Zoning office, appointments are encouraged or the file can be emailed to you. 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



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

Referral Letter - Greenwood, Charles III

1 message

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

Mon, Jun 22, 2020 at 4:10 PM

To: jeff.rasmussen@co.usda.gov, CDOT Timothy Bilobran <timothy.bilobran@state.co.us>, Century Link Brian Vance <brian.vance@centurylink.com>, DOW - Justin Morris <justin.morris@state.co.us>, DOW - Todd Cozad <todd.cozad@state.co.us>, Kinder Morgan - Jeff Voltattorni <Jeff.Voltattorni@elpaso.com>, Morgan County Emergency Management <rdoll@co.morgan.co.us>, Northern Colorado Water Conservancy District <jstruble@northernwater.org>, Quality Water - Kay Zarbock <kzarbock@mcqwd.org>, Quality Water - Kent Pflager <kpflager@mcqwd.org>, REA - Kevin Martens <kmartens@mcrea.org>, Soil Conservation - Madeline Hagan Hagan <morganconservationdistrict@gmail.com>, Xcel - Donna George <Donna.L.George@xcelenergy.com>, TYLER.SEWALD@state.co.us, trae.boehm@cityoffortmorgan.com, "Schmidt - DNR, Todd" <Todd.schmidt@state.co.us>, Fire Marshal <fire.marshal@cityoffortmorgan.com>, Tanya <fireadmin@cityoffortmorgan.com>, Tim Amen <tmamen@co.morgan.co.us>, Cathy Cole-Geist <ccole-geist@co.morgan.co.us>, Pam Allen <pallen@co.morgan.co.us>, Danette Martin <djmartin@co.morgan.co.us>, David Martin <dmartin@co.morgan.co.us>, Bruce Bass <bbass@co.morgan.co.us>, John Goodman <jgoodman@co.morgan.co.us>, Mel Bustos <melb@nchd.org>, Conner Gerken <connerg@nchd.org>, Colorado State Engineer - Sarah Brucker <sarah.brucker@state.co.us>, Denice Wagner - Bijou Irrigation <office@bijouirrigation.com>

Good Afternoon:

Attached is a Referral Letter regarding a special use application for Charles Greenwood III that will be heard before the Planning Commission on July 13th, 2020 with attached site map.

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

2 attachments**GREENWOOD S1 SITE PLAN.spd.pdf**

955K

**Referral Memo - PC - Greenwood Storage SU 07-13-20.doc**

108K

Tax Calculations

Summary

Total	2020 Estimated 7,243.08
-------	----------------------------

Greenwood, Charles III

Tax Detail

002 - ROAD AND BRIDGE FUND - Total Levy: 7.500000 <u>ROAD AND BRIDGE FUND</u>	731.02
003 - SOCIAL SERVICES FUND - Total Levy: 2.000000 <u>SOCIAL SERVICES FUND</u>	194.94
013 - FORT MORGAN RURAL FIRE DISTRICT - Total Levy: 2.994000 <u>FORT MORGAN RURAL FIRE DISTRICT</u>	291.82
027 - FORT MORGAN PEST CONTROL DISTRICT - Total Levy: 0.299000 <u>FORT MORGAN PEST CONTROL</u>	29.14
029 - MORGAN COUNTY QUALITY WATER DISTRICT - Total Levy: 0.824000 <u>MORGAN COUNTY QUALITY WATER</u>	80.32
031 - NORTHERN COLORADO WATER CONSERVANCY DISTRICT - Total Levy: 1.009000 <u>NORTHERN COLORADO WATER CONSERVANCY</u>	97.47
039 - RE 3 FORT MORGAN GENERAL FUND - Total Levy: 27.016000 <u>RE 3 FORT MORGAN GENERAL FUND</u>	2,633.24
040 - RE 3 FORT MORGAN MILL LEVY OVERRIDE - Total Levy: 1.952000 <u>RE 3 FORT MORGAN MILL LEVY OVERRIDE</u>	190.26
041 - RE 3 FORT MORGAN BOND REDEMPTION - Total Levy: 11.273000 <u>RE 3 FORT MORGAN BOND REDEMPTION</u>	1,098.79
Total	7,243.08



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

Re: Referral Letter - Greenwood, Charles III

4 messages

Vargas-Johnson - DNR, Javier <javier.vargasjohnson@state.co.us>

Wed, Jun 24, 2020 at 2:45 PM

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

Cc: charliegreenwood31@gmail.com

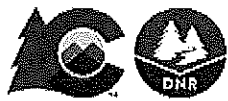
Dear Ms. Cherry,

The Colorado Division of Water Resources has reviewed the application to expand storage at 16295 County Road R. Please see the attached letter for our comments.

Please let me know if you have any questions or concerns.

Sincerely,

Javier Vargas-Johnson
Water Resources Engineer



COLORADO
Division of Water Resources
Department of Natural Resources

P 303.866.3581x8227

1313 Sherman St., Suite 821 Denver CO 80203

javier.vargasjohnson@state.co.us | www.colorado.gov/water



Greenwood Storage (Morgan).pdf
2120K

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

Wed, Jun 24, 2020 at 3:00 PM

To: Laurie Cromwell <lauriecromwell09@gmail.com>

FYI

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]



Greenwood Storage (Morgan).pdf
2120K

Eric Wernsman <ejwerns25@gmail.com>

Thu, Jul 2, 2020 at 4:17 PM

To: Charlie Greenwood <charliegreenwood31@gmail.com>, pcherry@co.morgan.co.us

Hi Charlie here is a revised drainage report and plan that addresses the state Criteria that Pam is referring to.

On Thu, Jun 25, 2020 at 1:22 PM Charlie Greenwood <charliegreenwood31@gmail.com> wrote:

Eric

I was asked to send you this, to " make you aware of the states specific guidlines" if you have any questions please give me a call at 970-768-6190

Charlie Greenwood III

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

From: **Laurie Cromwell** <lauriecromwell09@gmail.com>

Date: Thu, Jun 25, 2020, 10:42 AM

Subject: FW: Referral Letter - Greenwood, Charles III

To: <charliegreenwood31@gmail.com>

Charlie,

There has been a response from Colorado Division of Water regarding the special use application. Please read the attached letter. We recommend that you forward the letter to Eric Wernsman just to make him aware of the State's specific recommendation regarding the drainage pond.

Also, note the well cannot be used for commercial landscaping watering. Which for you shouldn't be a problem.

Thanks,

Laurie

From: Pam Cherry [mailto:pcherry@co.morgan.co.us]

Sent: Wednesday, June 24, 2020 3:01 PM

To: Laurie Cromwell

Subject: Fwd: Referral Letter - Greenwood, Charles III

FYI

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

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

From: **Vargas-Johnson - DNR, Javier** <javier.vargasjohnson@state.co.us>

Date: Wed, Jun 24, 2020 at 2:45 PM

Subject: Re: Referral Letter - Greenwood, Charles III

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

Cc: <charliegreenwood31@gmail.com>


Dear Ms. Cherry,

The Colorado Division of Water Resources has reviewed the application to expand storage at 16295 County Road R. Please see the attached letter for our comments.

Please let me know if you have any questions or concerns.

Sincerely,


Javier Vargas-Johnson
Water Resources Engineer


 Image removed by sender.

[Quoted text hidden]

--
Eric Wernsman
Wernsman Engineering and Land Development LLC
Cell 970-539-2656

2 attachments

 **SKM_C224e20070216130.pdf**
4513K

 **Greenwoodgradingplan.pdf**
284K

Laurie Cromwell <lauriecromwell09@gmail.com>
To: Pam Cherry <pcherry@co.morgan.co.us>

Fri, Jul 3, 2020 at 11:15 AM

Pam,

Attached is the revised drainage plan for Charlie Greenwood's Special Use Application.

Thanks,

Laurie

970-768-6783

[Quoted text hidden]

Charlie Greenwood III

7/6/2020

Co.morgan.co.us Mail - Re: Referral Letter - Greenwood, Charles III

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

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[Quoted text hidden]

FYI

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

P 303.866.3581x8227

1313 Sherman St., Suite 821 Denver CO 80203

javier.vargasjohnson@state.co.us | www.colorado.gov/water

[Quoted text hidden]

2 attachments



SKM_C224e20070216130.pdf

4513K



Greenwoodgradingplan.pdf

284K

Landowner Neighbor Letters



**MORGAN COUNTY
PLANNING AND BUILDING DEPARTMENT**

June 17, 2020

Re: Charles Greenwood III as applicant and landowner - Special Use Application

Dear Neighboring Landowners:

Charles Greenwood, III as Applicant and landowner has submitted an application to our office for a Special Use Permit Application for a parcel of land in the Southwest $\frac{1}{4}$ of Section 2, Township 3 North, Range 58 West of the 6th PM, Morgan County, Block 1, Lots 34 and 35, Trailside Planned Development and addressed as 16295 County Road R, Fort Morgan, CO 80701.

The landowner is requesting approval of a Special Use Permit to expand an existing storage facility in the Trailside Planned Development. The property is zoned ATZ within the Planned Development which is Agriculture Production Zone District; with some prohibited uses.

As a landowner within $\frac{1}{4}$ mile of the Greenwood property you are being notified that this application will be heard by the Planning Commission at a **public hearing on Monday, July 13, 2020 at 7:00 P.M.** in the Assembly Room of the Morgan County Administration Building, 231 Ensign St., (Basement Level, elevator entrance) Fort Morgan, Colorado.

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/88697084603>

Or iPhone one-tap :

US: +13462487799, 88697084603# or +16699009128,88697084603#

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646 558 8656 or +1 301 715 8592

Webinar ID: 886 9708 4603

International numbers available: <https://us02web.zoom.us/j/kcRlKTjca4>

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 may submit questions or comments you may have 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

Your comments and concerns will be provided to the Planning Commission for their consideration and recommendation to the Board of County Commissioners.

The file is available for review in the Planning and Zoning office, 231 Ensign St (basement), Fort Morgan, CO 80701, **an appointment is encouraged**, or you may request documents to be emailed to you.

Sincerely,

Pam Cherry, MPA CFM
Planning Administrator
Enclosure

122702001035
122702001035
GREENWOOD, CHARLES E III
16295 CO RD R
FORT MORGAN, CO 80701

122702000015
BATH, KEITH
16134 CO RD 23
FORT MORGAN, CO 80701

122711002001
122711002003
FLORES, FRANCISCO & NORMA
16308 CO RD R
FORT MORGAN, CO 80701

122703000044
HOFFNER, LARRY W
20524 WELD CO RD 114
NUNN, CO 80648

122702000013
GARVER, DONNE L & LEIGH
16213 CO RD R
FORT MORGAN, CO 80701

122711000011
HIGH PLAINS GRAZING ASSOCIATION
5821 CO RD 54
BELLVUE, CO 80512

122711000012
I-76 SPEEDWAY INC
16359 CO RD S
FORT MORGAN, CO 80701

122702001001
FREED, CURT &
INGERSOLL, ROBERT
1 TRAILSIDE DR
FORT MORGAN, CO 80701

122702001011
EISENACH, MARLIN & KARLA
11 TRAILSIDE DR

FORT MORGAN, CO 80701

122702001012
KROEKER, HOWARD & BEVERLY
12 TRAILSIDE DR
FORT MORGAN, CO 80701

122702001013
JOHNSON, PATSY JUNE
13 TRAILSIDE DR
FORT MORGAN, CO 80701

122702001014
CRABILL, STEPHEN M & NANCY E
14 TRAILSIDE DR
FORT MORGAN, CO 80701

122702001015
LIND, DAVID & BARBARA J
15 TRAILSIDE DR
FORT MORGAN, CO 80701

122702001016
GARFIO, ERASMO & BRENDA FAYE
16 TRAILSIDE DR
FORT MORGAN, CO 80701

122702001017
MOOTS, KENNETH SAM &
KUGLER-MOOTS, PATTI RAE
17 DAYBREAK LN
FORT MORGAN, CO 80701

122702001018
CANFIELD, JOREN KYLE & AMBER KAY
18 DAYBREAK LN
FORT MORGAN, CO 80701

122702001019
WEEMS, JACOB RANDAL & BRENDA IRENE
19 DAYBREAK LN
FORT MORGAN, CO 80701

122702001020
ROWELL, RICHARD

20 DAYBREAK LN
FORT MORGAN, CO 80701

122702001021
WRIGHT, CAROLYN
21 DAYBREAK LN
FORT MORGAN, CO 80701

122702001022
HEADLEY, MICHAEL G JR
22 DAYBREAK LN
FORT MORGAN, CO 80701

122702001023
SAILSBERY, WESLEY E & KATHLEEN C
23 DAYBREAK LN
FORT MORGAN, CO 80701

122702001024
TAGGART, KYLE
24 TRAILSIDE DR
FORT MORGAN, CO 80701

122702001025
MCALISTER, LANCE & KERRIE L
25 TRAILSIDE DR
FORT MORGAN, CO 80701

122702001026
FARMER, MARK J & JAMIE M
26 TRAILSIDE DR
FORT MORGAN, CO 80701

122702001027
OJEDA, ALFREDO &
CARRANZA, CYNTHIA
27 TRAILSIDE DR
FORT MORGAN, CO 80701

122702001028
HENDRICH, JOE A
28 STAGECOACH LN
FORT MORGAN, CO 80701

122702001029

TELLEZ, ANGEL
29 STAGECOACH LN
FORT MORGAN, CO 80701

122702001030
SILVA, GABRIEL JR
30 STAGECOACH LN
FORT MORGAN, CO 80701

122702001031
MARSHALL, JAY D & DANETTE S
31 STAGECOACH LN
FORT MORGAN, CO 80701

122702001032
CHARAPATA, NATHAN G
32 STAGECOACH LN
FORT MORGAN, CO 80701

122702001033
TUFLY, JERALD R & ROCHELLE E
33 STAGECOACH LN
FORT MORGAN, CO 80701

122711002002
FLORES, FRANCISCO & NORMA
204 MAIN ST
FORT MORGAN, CO 80701

122711002004
BRAATEN, MAYBELLE
P O BOX 276
FORT MORGAN, CO 80701

122710003001
STRAIGHT, JAY & JENNIFER L
15904 CO RD R
FORT MORGAN, CO 80701

122702001036
GREENWOOD, CHARLES JR
P O BOX 1422
FORT MORGAN, CO 80701

122711002006

MAGC 7 LLC
13493 CO RD W.5
WELDONA, CO 80653

Applicant Letters



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

July 8, 2020

Charles Greenwood III
16292 Co Rd R
Fort Morgan, Colorado 80701

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 **Monday, July 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:

<https://us02web.zoom.us/j/88697084603>

Or iPhone one-tap :

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Webinar ID: 886 9708 4603

International numbers available: <https://us02web.zoom.us/j/kcRlKTjca4>

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
Pam Cherry *by Jody Meyer*
Planning Administrator

Xc: George and Laurie Cromwell/Epic Design

Morgan County Treasurer

Statement of Taxes Due

Account Number R009182
Assessed To

Parcel 122702001035
GREENWOOD, CHARLES E III
16295 CO RD R
FORT MORGAN, CO 80701

Legal Description

Subd: TRAILSIDE PD, FM (02, 10 & 11-3-58) Block: 01 Lot: 034 AND:- Lot: 035 S: 02 T: 3 R: 58 SW1/4

Situs Address

16295 CO RD R

Year	Tax	Adjustments	Interest	Fees	Payments	Balance
Tax Charge						
2019	\$7,465.28	\$0.00	\$0.00	\$0.00	(\$7,465.28)	\$0.00
Total Tax Charge						\$0.00
Grand Total Due as of 07/08/2020						\$0.00

Tax Billed at 2019 Rates for Tax Area 047 - RE 3

Authority	Mill Levy	Amount	Values	Actual	Assessed
COUNTY GENERAL FUND	19.4530000	\$1,954.23	SINGLE FAMILY - LAND	\$24,250	\$1,730
ROAD AND BRIDGE FUND	7.5000000	\$753.45	SINGLE FAMILY - IMPS	\$313,730	\$22,430
SOCIAL SERVICES FUND	2.0000000	\$200.92	WAREHOUSE/STORAGE - LAND	\$32,350	\$9,380
FT MORGAN RURAL FIRE DST	2.9940000*	\$300.78	WAREHOUSE/STORAGE-IMPS	\$139,400	\$40,430
FT MORGAN PEST CONTROL	0.2990000	\$30.04	ALL OTHER AG - LAND	\$49,070	\$14,230
MORGAN CO QUALITY WATER	0.8240000	\$82.78	ALL OTHER AG - IMPS	\$42,290	\$12,260
NORTHERN COLO WATER CD	1.0000000	\$100.46			
RE 3 FORT MORGAN GENERAL FU	27.0160000	\$2,714.03			
RE 3 FORT MORGAN MILL LEVY	1.9520000	\$196.10			
RE 3 FORT MORGAN BOND REDEM	11.2730000	\$1,132.49			
Taxes Billed 2019	74.3110000	\$7,465.28	Total	\$601,090	\$100,460
* Credit Levy					

*****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



PC Hearing
July 13, 2020

Bullseye Holdings, LLC
Kevin Lamb, Landowner

BCC File Summary for
August 5, 2020
Meeting



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

BOARD OF MORGAN COUNTY COMMISSIONERS FILE SUMMARY

**July 30, 2020
August 5, 2020 (Hearing)**

APPLICANT: Kevin Lamb, Manager Bullseye Holdings, LLC
LANDOWNERS: Bullseye Holdings, LLC
CONSULTANT: Travis Hertneky, THEngineering

The Planning Commission considered this application in a public hearing on July 13, 2020 and received a recommendation of approval on a vote of 6-1. In addition, on July 20, 2020 the Board of Adjustment approved a variance request to reduce the setback from a CAFO to an occupied structure from 1,320 feet to 708 feet, approximately 612 feet.

The Planning Commission requested that the applicant meet with Bijou to discuss drainage concerns. The applicant's representative met with Bijou. There is a letter in your packets that was prepared by THEngineering documenting the meeting. An email is included in the packet to clarify the use of the term "head" compared to "animal units". It is a like for like exchange; 9,000 head is had been used interchangeably with 9,000 animal units.

This application is for a Special Use Permit to operate a Confined Animal Feeding Operation in the "A" Agriculture Production Zone District. Section 3-180(O) of the Morgan County Zoning Regulations lists livestock confinement operations in excess of the allowed animal unit densities ... as a Use by Special Review; this operation proposes a maximum of 9,000 head which exceeds permitted numbers of 4 animal units per acre, this property is 90.87 acres and would be permitted 363 animal units. The property is located on the southeast corner of County Road O and County Road 16 in the West ½ of Section 26, Township 3N, Range 58W of the 6th P.M. and south and west of the Bijou Canal, Morgan County, Colorado.

This application is to re-establish a confined animal feeding operation of no more than 9,000 head. The facility began operations prior to 1989 (see historic imagery in packet). The facility currently has livestock on it and does not exceed the use by right permitted number. Sections in the Design Report will be presented by the applicant and/or consultant at the public hearings. These sections contain specific information on regulations and potential impacts related to:

1. Regulation Applicability (Colorado and Morgan County)
2. Hydrology and Hydraulics (A system of ponds and diversions to protect adjacent properties – Bijou Ditch)
3. Manure Management (combination of methods proposed)
4. Traffic (tables on anticipated vehicle trips in appendix)
5. Nuisance Management (pests, air quality and noise)

6. Appendices (aerial maps, topo, soils map, floodplain map, pond size spread sheet, pond stage storage curves, pond line certifications, hydrology, manure generation calculation traffic, O&G wells, emergency action plan).

The Substitute Water Supply Plan has been submitted to the State Engineer's office for review. The plan will remain in place pending the outcome of Water Court Case #16CW3028.

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 location is south of the intersection of County Road O and County Road 16; located in the South Central Planning area as defined by the Morgan County Comprehensive Plan 2008. In this area the goal is to preserve and protect existing agriculture uses south of County Road Q. A feeding operation is an agriculture use.

Agriculture is a highly valued resource in Morgan County. Conservation of agricultural resources and land is paramount, and such land and resources must be protected from adverse impacts resulting from uncontrolled and undirected business, commercial, industrial and residential uses.

- (B) All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.

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

- (D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.
All adjoining properties are also zoned Agriculture Production and one property is also a feeding operation.

- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.
Buffering is not required as adjacent land uses are compatible.

- (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.
Engineering reports and studies have been conducted for the property and submitted to the Colorado Department of Public Health and Environment (CDPHE) as well as the State Engineer's office for review.

- (G) The special use proposed is not planned to be developed on a non-conforming parcel.

- (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 are a number of feeding operations in the county that support the local economy.

- (I) For any Use by Special Review 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 State of Colorado Division of Water Resources response to request for*

comment is attached. The Division of Water Resources has permitted well number 80348-F to not more than 24.27 acre-feet, or the amount covered under a substitute water supply plan that was approved on October 15, 2019 based on 1,000 head per month for a one year period that ends on September 30, 2020 until a decree is obtained for a permanent plan for augmentation. Water Court Case #2016CW3028 is currently in review by the state.

Property taxes are current.

Recommended conditions of approval:

1. The facility shall not commence operations until it has received approval from all agencies with jurisdiction over the operation and all required permits have been issued.
2. The facility shall not commence operations until all improvements set forth in the application have been constructed and are operational.
3. The facility shall operate the Bullseye 3T well, Permit No. 80348-F in compliance with all well permit conditions and the applicable substitute water supply plan and/or permanent augmentation plan as determined by the State.
4. Generally accepted best management practices as recommended by the Natural Resources Conservation Service and established in applicable publications of Colorado State University for land application of manure and waste water shall be followed.
5. Any increase to the 9,000 head as proposed by this application shall require an amendment to this permit
6. 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.
7. Bijou Irrigation shall be granted access to the Bijou ditch for the purpose of inspection and maintenance of the irrigation ditch.

The Planning Commission recommends an additional condition:

8. An investigation into an alternate spillway.

The Planning Commission considered this application in a public hearing on July 13, 2020 and received a recommendation of approval on a vote of 5-1 with one member recusing himself.

Pam Cherry
Planning Administrator
Morgan County

Information Received After Planning Commission

CANYON TITLE

A BOSTON NATIONAL COMPANY

Property: 16098 County Road O
Fort Morgan, CO 80701
Parcel ID: 1227-260-00-003

File No: CT182591

Escrow and Closing Officer:
Terri Jurgs
License No.: 270807
Ph. (720) 838-2173 / Fx. (303) 831-7585
Terri@CanyonTitle.com

Escrow Processor:
Lisa Takacs
Ph. (720) 838-2164 / Fx. (303) 831-7585
LTakacs@CanyonTitle.com

Seller(s):
Bullseye Holdings LLC
PO Box 609
Queen Creek, AZ 85142

Listing Agent:

Buyer(s):
INFORMATIONAL COMMITMENT

Selling Agent:

Lender:
ISAOA, ATIMA



Fidelity National Title Insurance Company

Transaction Identification Data for Reference Only:

Issuing Agent: Canyon Title Company, LLC

Issuing Office: Denver

Issuing Office's ALTA® Registry ID: 1075984

Loan ID Number:

Commitment Number: CT182591

Commitment Typed Date: July 23, 2020

Property Address: 16098 County Road O Street, Fort Morgan, CO 80701

Revision No:

SCHEDULE A

1. Commitment Date: **July 16, 2020**
2. Policy to be issued:
 - (a) 2006 ALTA® Owner's Policy
Proposed Insured: **INFORMATIONAL COMMITMENT**
Proposed Policy Amount: **\$0.00**
 - (b) 2006 ALTA® Loan Policy
Proposed Insured: **ISAOA, ATIMA**
Proposed Policy Amount:
 - (c) 2006 ALTA® Loan Policy
Proposed Insured:
Proposed Policy Amount:
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:

Bullseye Holdings LLC, an Arizona limited liability company
5. The Land is described as follows:

See Attached "Exhibit A"

Title Company Name: Canyon Title Company, LLC

By: 
Authorized Signatory

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27C165B

ALTA Commitment for Title Insurance 8-1-16

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EXHIBIT "A"

The land referred to in this Commitment is situated in the County of **Morgan**, State of Colorado and is described as follows:

A parcel of land in the West 1/2 of Section 26, Township 3 North, Range 58 West of the Sixth Principal Meridian, Morgan County, Colorado, said parcel being more particularly described as follows:

Beginning at the Southwest corner of the NW 1/4 of said Section 26; thence N02°08'55"W along the West line of said NW 1/4 of Section 26 a distance of 2608.95 feet to the Northwest corner of said Section 26; thence S89°27'05"E along the North line of said NW 1/4 of Section 26 a distance of 556.42 feet to a point on the centerline of the Bijou Canal; thence S45°21'45"E along the centerline of the Bijou Canal a distance of 94.74 feet; thence S65°18'50"E along the centerline of the Bijou Canal a distance of 256.25 feet to the point of curvature of a horizontal circular curve concave Southwesterly whose delta angle is 65°33'10" and whose radius is 106.00 feet; thence along the arc of said curve and along the centerline of the Bijou Canal a distance of 121.28 feet (the chord of said arc bears S32°32'15"E a distance of 114.77 feet); thence along the centerline of the Bijou Canal the following bearings and distances:

S00°14'20"W at distance of 184.45 feet;

S07°05'15"E a distance of 125.07 feet;

S13°51'40"E a distance of 177.60 feet;

S23°10'30"E a distance of 85.71 feet;

S26°49'40"E a distance of 213.20 feet;

S09°02'30"E a distance of 106.67 feet to the point of curvature of a horizontal circular curve concave Northeasterly whole delta angle is 24°38'20" and whose radius is 384.00 feet; thence along the arc of said curve and along the centerline of the Bijou Canal a distance of 165.13 feet (the chord of said arc bears S21°21'40"E a distance of 163.86 feet); thence along the centerline of the Bijou Canal the following bearings and distances:

S33°40'50"E a distance of 278.66 feet;

S47°29'10"E a distance of 160.56 feet;

S37°10'05"E a distance of 127.01 feet;

S19°02'30"E a distance of 249.21 feet;

S03°51'05"E a distance of 135.76 feet;

S19°02'20"E a distance of 98.97 feet to the point of curvature of a horizontal circular curve concave Northeasterly whose delta angle is 17°24'20" and whose radius is 447.47 feet; thence along the arc of said curve and along the centerline of the Bijou Canal a distance of 135.93 feet (the chord of said arc bears S27°44'30"E a distance of 135.40 feet) to the point of curvature of a horizontal circular curve concave Northeasterly whose delta angle is 61°02'50" and whose radius is 228.05 feet; thence along the arc of said curve and along the centerline of the Bijou Canal a distance of 242.98 feet (the chord of said arc bears S66°58'05"E a distance of 231.65 feet); thence N82°30'30"E along the centerline of the Bijou Canal a distance of 87.21 feet to the point of curvature of a horizontal circular curve concave Southwesterly whose delta angle is 80°12'10" and whose radius is 132.00 feet; thence along the arc of said curve and along the centerline of the Bijou Canal a distance of 184.77 feet (the chord of said arc bears S57°23'25"E a distance of 170.05 feet); thence S17°17'20"E along the centerline of the Bijou Canal a distance of 295.75 feet to the point of curvature of a horizontal circular curve concave Northeasterly whose delta angle is 24°00'00" and whose radius is 467.00 feet; thence along the arc of said curve and along the centerline of the Bijou Canal a distance of 195.62 feet (the chord of said arc bears S29°17'20"E a

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Fidelity National Title Insurance Company

distance of 194.19 feet); thence S41°17'20"E along the centerline of the Bijou Canal a distance of 209.55 feet; thence S88°02'25"W a distance of 949.93 feet; thence N02°35'20"W a distance of 268.02 feet; thence S87°47'20"W a distance of 1159.05 feet; thence N04°39'55"W a distance of 288.32 feet; thence S89°59'00"W a distance of 240.47 feet to the Point of Beginning, County of Morgan, State of Colorado

Legal description prepared by Leibert-McAtee & Associates, Inc.

Property address (for information only):

Parcel ID/Schedule No:

16098 County Road O Street
Fort Morgan, CO 80701

1227-260-00-003 R008544

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Schedule B, Part I Requirements

File No. CT182591

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 state 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.
5. Payment of all taxes, charges and assessments, levied and assessed against the subject premises which are due and payable.
6. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or an authorized agent (pursuant to Senate Bill 92-143, C.R.S. §10-11-122).
7. Receipt by the company of the appropriate affidavits as to new construction and indemnifying against unfiled mechanic's and materialmen's liens.
8. Evidence must be furnished to the company by the Board of Directors of the Homeowner's Association as to the status of the annual assessments levied pursuant to the covenants, *if any*.

NOTE: *If the sales price of the subject property exceeds \$100,000.00, the seller shall be required to comply with the disclosure or withholding provision of C.R.S. §39-22-604.5 (Non-Resident Withholding).*

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Schedule B, Part II Exceptions

File No. CT182591

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. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.
2. Rights or claims of parties in possession not shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage of 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.
5. Any lien and right to a lien for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claim or title to water, whether or not shown by the public records.
7. Taxes or special assessments which are not shown as existing liens by the public records.
8. Any and all unpaid taxes, assessments and unredeemed tax sales. Note: This exception will be modified in the final policy to reflect only those taxes and assessments that are a lien, but not yet due and payable.
9. Any existing leases and/or tenancies, and any and all parties claiming by, through or under said lessees.
10. Any increase or decrease in the area of the land and any adverse claim to any portion of the land which has been created by or caused by accretion or reliction, whether natural or artificial; and the effect of the gain or loss of area by accretion or reliction upon the marketability of the title of the land.
11. Any right, title, interest or easements in favor of the general public, the State of Colorado and/or the United States, which exist or are claimed to exist, in and over the present and past bed, banks or waters of Bijou Canal.
12. County road rights-of-way along the North and West lines of Section 26.

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13. Reservation from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States, and the right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted, as contained in United States Patent recorded December 10, 1890 in Book 34 at Page 294 and recorded February 27, 1901 in Book 139 at Page 355, and any and all assignments thereof or interests therein.
14. A 50 foot private access easement in the SW 1/4 of Section 26, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado, said easement being 25 feet on each side of the following described centerline: Commencing at the Northwest corner of said SW 1/4 of Section 26; thence S01°55'20"E along the West line of said SW 1/4 of Section 26 a distance of 322.27 feet to the True Point of Beginning; thence N87°47'20"E a distance of 1413.47 feet and terminating on the West line of the above described parcel.
15. Reservation from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States, as contained in United States Patent No. 209313 dated June 22, 1911, and any and all assignments thereof or interests therein.
16. Terms, agreements, provisions, conditions and obligations of Warranty Deed with reservation of 1/2 interest in oil, gas and other minerals recorded January 7, 1980 in Book 810 at Page 628.
17. Terms, agreements, provisions, conditions and obligations of Survey Plat recorded October 18, 2018 at Reception No. 1601903.
18. Any loss or damage arising from the fact that the fence lines on or near the perimeter of subject property do not coincide with the exact property lines, as disclosed by Survey Plat prepared by Leibert-McAtee & Associates, Inc., dated October 11, 2018, Job No. 1370-18N.
19. Terms, agreements, provisions, conditions and obligations of Site Plan recorded January 31, 2020 at Reception No. 1601963.
20. Deed of Trust from Bullseye Holdings LLC, to the Public Trustee of Morgan County, for the benefit of Sir Mortgage & Finance of Arizona, Inc., securing an original principal indebtedness of \$160,000.00, and any other amounts and/or obligations dated May 8, 2019, recorded May 21, 2019 at Reception No. 918487.
NOTE: Assignment to Gregory M. Sir and Erin M. Sir, Trustees of the Ski Bum Trust, dated July 7, 2003 recorded May 22, 2019 at Reception No. 918488.
NOTE: Modification recorded March 25, 2020 at Reception No. 924278.

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1127 Auraria Parkway, Suite 101
Denver, Colorado 80204
Phone: (303) 831-7575 Fax: (303) 831-7585

Wiring Instructions

BANK:	Fortis Private Bank 1550 17th Street #100 Denver, CO 80202
ABA Routing Number:	107006428
Beneficiary Account Name:	Canyon Title Company, LLC 1127 Auraria Parkway, Suite 101 Denver, Colorado 80204
Beneficiary Account Number:	410018334

The following information MUST be referenced on the wire transfer so that we may properly apply the funds:

Borrower(s):	INFORMATIONAL COMMITMENT
Property:	16098 County Road O Street, Fort Morgan, CO 80701
Escrow Number:	CT182591

***INCOMING WIRES THAT CANNOT BE IDENTIFIED MAY BE RETURNED! ***

Robert J Lindley III
President

***** BEWARE OF CYBER-FRAUD: Cyber fraud is on the rise. These Wiring Instructions are the only instructions you will receive from Canyon Title. If you receive any conflicting instructions, please contact Canyon Title or your Realtor immediately.*****



WIRE FRAUD: THE THREAT IS REAL

Buying a home is an exciting time. You've saved, found the perfect home and planned the move. Now, the closing day for your home is just around the corner.

We want to make sure your home purchase doesn't get derailed by a dangerous threat that could keep you from getting the keys, painting walls and decorating. Criminals have stolen money meant for the purchase of homes through malicious wire fraud schemes targeting consumers across the country.

Criminals begin the wire fraud process way before the attempted theft occurs. Most often, they begin with a common social engineering technique called phishing. This can take the form of email messages, website forms or phone calls to fraudulently obtain private information. Through seemingly harmless communication, criminals trick users into inputting their information or clicking a link that allows hackers to steal login and password information.

Once hackers gain access to an email account, they will monitor messages to find someone in the process of buying a home. Hacks can come from various parties involved in a transaction, including real estate agents, title companies, attorneys or consumers. Criminals then use the stolen information to email fraudulent wire transfer instructions disguised to appear as if they came from a professional you're working with to purchase a home. If you receive an email with wiring instructions, don't respond. Email is not a secure way to send financial information. If you take the bait, your money could be gone in minutes.

WHAT CAN I DO TO PROTECT MYSELF?

Despite efforts by the title industry and others to educate consumers about the risk, homebuyers continue to be targeted. Here are some tips on what you can do to protect yourself and/or your clients:

- Call, don't email:** *Confirm all wiring instructions by phone before transferring funds. Use the phone number from the title company's website or a business card. Canyon Title's main line is 303.831.7575.*
- Be suspicious:** *It's not common for title companies to change wiring instructions and payment info.*
- Confirm it all:** *Ask your bank to confirm not just the account number but also the name on the account before sending a wire.*
- Verify immediately:** *You should call the title company or real estate agent to validate that the funds were received. Detecting that you sent the money to the wrong account within 24 hours gives you the best chance of recovering your money.*
- Forward, don't reply:** *When responding to an email, hit forward instead of reply and then start typing in the person's email address. Criminals use email addresses that are very similar to the real one for a company. By typing in email addresses you will make it easier to discover if a fraudster is after you.*

*Information provided by the American Land Title Association.

DID YOU KNOW?

WIRE FRAUD
COSTS BETWEEN
\$30 AND \$70
BILLION PER
YEAR, AND THE
AVERAGE LOSS
IS \$43,000 PER
INSTANCE.

303.831.7575

www.canyontitle.com

DISCLOSURE STATEMENT

- Pursuant to Section 38-35-125 of Colorado Revised Statutes and Colorado Division of Insurance Regulation 8-1-2 (Section 5), if the parties to the subject transaction request us to provide escrow-settlement and disbursement services to facilitate the closing of the transaction, then all funds submitted for disbursement must be available for immediate withdrawal.
- Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph H, requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title insurance commitment, other than the effective date of the title insurance commitment, for all matters which appear of record prior to the time of record prior to the time of recording whenever the title insurance company, or its agents, conducts the closing and settlement service that is in conjunction with its issuance of an owners policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed". Provided that Canyon Title Company, LLC dba Canyon Title, LLC a Boston National Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception No. 5 in Schedule B-2 will not appear in the Owner's Title Policy and Lender's Title Policy issued.
- Colorado Division of Insurance Regulation 8-1-2, Paragraph M of Section 5, requires that prospective insured(s) of a single family residence be notified in writing that the standard exception from coverage for unfilled Mechanics or Materialmans Liens may or may not be deleted upon the satisfaction of the requirements(s) pertinent to the transaction. These requirements will be addressed upon receipt of a written request to provide said coverage, or if the Purchase and Sale Agreement/Contract is provided to the Company then the necessary requirements will be reflected on the commitment.
- Colorado Division of Insurance Regulation 8-1-3, Paragraph C. 11.f. of Section 5 – requires a title insurance company to make the following notice to the consumer: "A closing protection letter is available to be issued to lenders, buyers and sellers."
- If the sale price of the subject property exceeds \$100,000.00 the seller shall be required to comply with the Disclosure of Withholdings Provisions of C.R.S. 39-22-604.5 (Nonresident Withholding).
- Section 39-14-102 of Colorado Revised Statutes requires that a Real Property Transfer Declaration accompany any conveyance document presented for recordation in the State of Colorado. Said Declaration shall be completed and signed by either the grantor or grantee.
- Recording statutes contained in Section 30-10-406(3)(a) of the Colorado Revised Statutes require that 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 may refuse to record or file a document that does not conform to requirements of this paragraph.
- Section 38-35-109 (2) of the Colorado Revised Statutes, requires that a notation of the purchasers legal address, (not necessarily the same as the property address) be included on the face of the deed to be recorded.
- Regulations of County Clerk and Recorder's offices require that all documents submitted for recording must contain a return address on the front page of every document being recorded.
- Pursuant to Section 10-11-122 of the Colorado Revised Statutes, the Company is required to disclose the following information:
 - The subject 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 of the County Assessor.
- Pursuant to Section 10-11-123 of the Colorado Revised Statutes, when it is determined that a mineral estate has been severed from the surface estate, the Company is required to disclose the following information: 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 that such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Notwithstanding anything to the contrary in this Commitment, if the policy to be issued is other than an ALTA Owner's Policy (6/17/06), the policy may not contain an arbitration clause, or the terms of the arbitration clause may be different from those set forth in this Commitment. If the policy does contain an arbitration clause, and the Amount of Insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.

NOTICE OF PRIVACY POLICY

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 an unaffiliated 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 Canyon Title Company, LLC.

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.

The Owner's policy to be issued hereunder will contain, in addition to the items set forth in Schedule B - Section 2, the following items: (1) The mortgage, if any, required under Schedule B - Section 1, Item (b); (2) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water; and (3) Any and all unpaid taxes, assessments and unredeemed tax sales.

CANYON TITLE

A BOSTON NATIONAL COMPANY

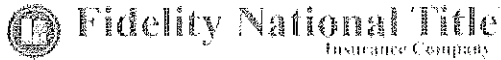
FACTS	WHAT DOES CANYON TITLE COMPANY, LLC DO WITH YOUR PERSONAL INFORMATION?
WHY?	Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.
WHAT?	The types of personal information we collect and share depend on the product or service you have with us. This information can include: <ul style="list-style-type: none"> ■ Social Security number and ■ Account Numbers and information ■ Personal identifying information When you are no longer our customer, we continue to share your information as described in this notice.
HOW?	All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons Canyon Title Company chooses to share; and whether you can limit this sharing.

Reasons we can share your personal information	Does Canyon Title Company Share?	Can you limit this sharing?
For our everyday business purposes— such as to process your transactions, maintain your account(s), respond to court orders and legal investigations, or report to credit bureaus	Yes	No
For our marketing purposes— to offer our products and services to you	No	No
For joint marketing with other financial companies	No	No
For our affiliates' everyday business purposes— information about your transactions and experiences	Yes	No
For our affiliates' everyday business purposes— information about your creditworthiness	No	No
For our affiliates to market to you	No	No
For nonaffiliates to market to you	No	No

WHY WE DO	
How does Canyon Title Company protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings.
How does Canyon Title Company collect my personal information?	We collect your personal information, for example, when you <ul style="list-style-type: none"> ■ Open a new escrow or title order, or ■ Provide loan payoff information, or ■ Provide documentation for identification reasons We also collect personal information from others, such as your lenders, bank and other companies and representatives.
Why can't I limit all sharing?	Federal law gives you the right to limit only <ul style="list-style-type: none"> ■ Sharing for affiliates' everyday business purposes-information about your creditworthiness ■ Affiliates from using your information to market to you ■ Sharing for nonaffiliates to market to you State laws and individual companies may give you additional rights to limit sharing.

DEFINITIONS	
Affiliates	Companies related by common ownership or control. They can be financial and nonfinancial companies.
Nonaffiliates	Companies not related by common ownership or control. They can be financial and nonfinancial companies.
Joint marketing	A formal agreement between nonaffiliated financial companies that together market financial products or services to you.

Questions? Call 303-831-7575 or go to www.canyontitle.com



**COMMITMENT FOR TITLE INSURANCE ISSUED
BY
FIDELITY 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 EXTRACTIONAL 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, Fidelity National Title Insurance Company, a Florida 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.

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.

This page is only a part of a 2016 ALTA[®] Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

- (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; and
 - (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.
 - (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.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

- (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>.

Countersigned:

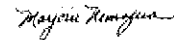
Brian Wishart, Authorized Signatory

Fidelity National Title Insurance Company

By: 

AGENT

President



Secretary

This page is only a part of a 2016 ALTA[®] Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.



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

Bullseye response to Bijou Concerns

1 message

Travis Hertneky <travis@thengineeringonline.com>

Thu, Jul 30, 2020 at 9:58 AM

Reply-To: travis@thengineeringonline.com

To: Denice Wagner <office@bijouirrigation.com>, dave.stewart@stewartenv.com, Pam Cherry <pcherry@co.morgan.co.us>

Cc: Kevin Lamb <kl@bhllc.biz>, Erin Kress <erin@thengineeringonline.com>

All,

Please find attached a response to your letters of concern and subsequent meetings. I think in general we were able to address most of the concerns during our July 17, 2020 meeting with the exception of the design storm and additional lining concerns. Also attached is an updated plat map showing the revised spillway location.

Travis Hertneky, PE
THEngineering, LLC

PO Box 337748

Greeley, CO 80633

719-661-6209

719-362-4768 fax

travis@thengineeringonline.com

www.thengineeringonline.com



2 attachments**BEH_FEEDLOT_P-1_REV_7-30-20.pdf**

764K

**Letter_Bijou_7-30-20.pdf**

122K



July 30, 2020

Bijou Irrigation District & Company
PO Box 972
Fort Morgan, Colorado 80701

Re: Bullseye Feedlot Special Use Permit Issues

Dear Board,

This letter is in response to the July 6, 2020 letter from Stewart Environmental Consulting Group, LLC (Stewart Environmental), the Bijou Irrigation Company (Bijou) letter dated June 26, 2020, the July 27, 2020 meeting, and comments made during the July 13, 2020 Morgan County planning and zoning meeting regarding the current special use permit for the livestock feedlot located in Section 26, Township 3N, Range 58W.

In general I think we agree on most of the concerns and have reviewed site conditions and are able to change the layout to accommodate some of your concerns. Some of the other items will cause a significant hardship on the facility and may not be easily implementable.

The below provides responses on behalf of Bullseye Holdings to items outlined in "conclusions" of referenced letter from Stewart Environmental.

1. *Encroachment of the operation onto the Bijou Ditch easement.*

Bullseye does not deny the right of Bijou to maintain their infrastructure and is more than willing to give them any access necessary and all rights afforded to them under the prescriptive easement. The feedlot is NOT proposing any new structures near the canal that would inhibit operations.

Primary ditch maintenance operations are conducted on the east downstream bank. The western upstream bank along the feedlot will be reinforced, and elevated in areas to provide runoff protection. This bank will remain drivable where it currently is and no impediments will be put in place. Access will be improved with the removal of fence and construction of wide berm which will allow Bijou easier access to west bank of their canal. This is the same plan that was agreed to with Bijou on November 27, 2018.

2. *Discharge of the emergency overflow without authorization or notification.*

The emergency spillway is not a primary discharge point but an emergency safety measure. Not installing a spillway presents a safety issue and further potential issues for Bijou. In the event of an overtopping event, the spillway will prevent the

embankment from washing away and damaging the pond and ditch. This damage would result in substantial sediment in the canal as well as a significantly larger volume of wastewater potentially entering the canal.

As a result of requests made during the July 13, 2020 planning and zoning meeting I have re-evaluated the potential spillway location and determined that we can re-locate it to the south side of the pond as requested by Bijou.

3. *Stormwater rain event should be like the Deer Valley SUP. This would be a 7-inch storm over a 24-hour period.*

Bijou originally requested protection from a 100yr-24hr storm event in their attached letter dated November 16, 2018 from Stuart Corbridge, and agreed to by Bullseye in our attached response dated November 27, 2018. Bijou is now asking for additional protections which are not appropriate. For reference the regulatory design requirement of the 25yr storm is 3.4" and the agreed to 100yr storm is 4.24". The additional runoff from the 7" storm yields approximately 260% of the design requirement.

The comparison to Deer Valley Dairy is not a valid comparison. Negotiations between the dairy and Riverside Irrigation was a result of the dairy proposing to relocate approximately 1/2 mile of their canal. Most of the design standards and requirements were a result of this re-alignment. While re-aligning it was relatively easy to divert the larger rainfall amount under the canal via spillways installed during the re-alignment. The landowner also owned both sides of the canal allowing this with ease. The role of Riverside Irrigation to the special use hearing of Deer Valley is not the same as in this case.

Bullseye Holdings agrees to provide protection from the 100yr-24hr storm event as previously agreed to, however feels that the additional provisions for a 7" storm event are excessive and provide undue hardship on the feedlot.

4. *The interaction between the Truck Wash operation and this application needs to be detailed. We would recommend just one SUP for the site.*

The truck wash SUP was recently approved as a separate facility. The feedlot is now seeking a SUP as a separate facility for many reasons which dictate that they hold separate permits. There is a very high likelihood that one of the facilities will be sold and operated by a separate party.

The interaction between the facilities is minimal. The land application site included in the feedlot's SUP application is owned and operated by the truck wash. This land application site is an emergency use site and not planned for regular application. This area is included for the sole reason of emergency dewatering when ponds from either the truck wash or the feedlot cannot be dewatered as quickly as desired via hauling offsite. The conditions of the truck wash permit limit the agronomic application to this ground regardless of the nutrient sources from truck wash, feedlot or commercial fertilizer.

Water supply is shared between facilities and responsibilities memorialized with a formal water use agreement.

No wastewater containment infrastructure is shared between facilities.

5. *Recognition of the past illegal discharges to the Bijou Ditch and specific plans on how this will be prevented in the future.*

The truck wash did have a discharge to the canal in 2017 due to water created from truck washing operations. Substantial improvements and 28ac-ft of wastewater storage were added to the truck wash to prevent future discharges.

The feedlot has had historic stormwater runoff into the ditch. This occurred before feedlot construction and in recent history. The plan to prevent future discharges is to approve this permit with the proposed facility improvements, and actively operate regulated under the state health department.

6. *Details on the four ponds and how they will function to prevent illegal discharges to the Bijou Ditch.*

The four ponds are part of the feedlot's wastewater handling system which also includes diversions necessary to prevent runoff to the canal. Generally, Pond 2 overflows to Pond 3, Pond 3 overflows to Pond 1, and Pond 4 is pumped to Pond 1. See details in design report.

7. *Additional engineering on the pond design and prevention of seepage from the operation into the Bijou Ditch that can affect water quality concerns.*

Pond lining information has been provided multiple times. The liners in Pond 1 and Pond 3 were tested in 2006. Pond 1 was tested again in 2018 and again met the state's regulatory seepage requirement in 5 CCR 1002-81.

Ponds 2 and 4 will have new liners installed. Liners will also meet requirements outlined in 5 CCR 1002-81.

8. *The addition of an emergency overflow pond that will prevent discharges to the Bijou Ditch.*

Addition of an additional overflow pond would make this additional pond an impoundment as defined by Regulation 81. This impoundment would need to meet the seepage requirements of Regulation 81 and be maintained as such. This is a huge additional expense to construct and operate a pond that should never see any water.

9. *Engineering details of the potential land application to the 40-acre parcel to the south and how this will be designed to prevent contamination of the Bijou Ditch.*

This has been thoroughly outlined and reviewed. We are not planning on revising any of the plans already approved for the truck wash. We WILL NOT consider leveling and grading the field due to erosion concerns.

Application of wastewater to the adjacent 40-acre land application site is not our preferred method of dewatering the ponds; however, it is an important option to maintain for emergency situations. Immediately following large precipitation events the facility can dewater to the adjacent land application site in a much more rapid fashion via direct pumping with pipeline and sprinkler system than hauling off-site. This does not imply flooding or dumping on the ground as all applications will be within the requirements of their nutrient management plan, but the close proximity of this site allows the ponds to be dewatered below their pumpdown mark thus reducing the risk of overtopping.

Proposed land application will be with a big gun traveler system, and as previously mentioned Bullseye agrees to a 100ft setback from the ditch. This 100ft setback should provide more than adequate protections from the Bijou canal as this puts the sprinkler approximately 250ft from the canal. The term "big gun" has somewhat of a negative connotation in northern Colorado due to their water use efficiency; however, let's be careful not to carry assumptions from one scenario to another. The traveler system is the best application method for this situation for many reasons. First the disturbance on the native soils is the least of all methods investigated in that the only traffic will be the periodic extending of the traveler by an ATV or similar means. The cart is then automatically pulled back at an adjustable rate to meet application needs. The application of water is applied to as large of a radius as possible which increases the wetted diameter and decreases the application rate resulting in the potential for less runoff than small sprinklers with small wetted diameter.

10. *Require the facility to meet the requirements of a Large CAFO per the State of Colorado regulations 81.*

The proposed conditions is a Regulation 81 complaint facility and it will be classified as a Large CAFO by definition after reaching 1,000 head. The facility is being proposed as a CAFO sized facility and intended to be operated as a CAFO sized facility.

In addition to the items listed above the following additional concerns were outlined during the hearing and July 27, 2020 meeting.

1. *Operating and maintenance conditions included in county permit.*

The feedlot is not opposed to some conditions being included in the county special use permit outlining that the facility must follow appropriate operating and maintenance practices. Rather than outlining each specific operational item we recommend incorporating the necessity to comply with applicable state regulations 5-CCR 1002-81 and 5-CCR 1002-61.

"The facility shall comply with applicable state regulations for animal feeding operations including 5-CCR 1002-81 and 5-CCR 1002-61 and future regulations and revisions. Failure to comply and correct deficiencies could result in revocation of the feedlot's special use permit by the Morgan County Commissioners."

2. *Bijou requests all areas disturbed by construction where runoff will flow to canal be reclaimed.*

The feedlot agrees to reclaim all areas disturbed by construction most specifically earthfill areas adjacent to the ditch which will flow to the ditch. Reclamation will include site prep, seeding, and mulching.

In general I believe we have addressed most of the concerns raised by Bijou Irrigation and their consultants with the exception of the accommodation of the 7" storm event and the re-lining of the main pond. We adjusted the stormwater design to incorporate the 100yr-24hr storm as requested by Bijou, but the 7" storm will cause undue hardship. The re-lining or re-testing of the main wastewater pond is unnecessary as it has been tested multiple times by multiple methods and all have yielded results exceeding requirements by approximately three times.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Hertneky", with a long horizontal flourish extending to the right.

Travis Hertneky, PE
Agricultural Engineer



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

Any updates?

Travis Hertneky <travis@thengineeringonline.com>

Thu, Jul 30, 2020 at 8:54 AM

Reply-To: travis@thengineeringonline.com

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

Cc: Kevin Lamb <kl@bhllc.biz>, "erin@thengineeringonline.com" <erin@thengineeringonline.com>

Pam, Please dis-reguard the previous phasing email and use this timeline below

To address the potential phasing in of operations at the bullseye feedlot we have looked at the improvements necessary and determined that it will be very unlikely that there will be significant phasing. In the event that population needs to occur prior to all the improvements being completed the following plan will be implemented ensuring that any areas utilized for confinement or feeding have proper stormwater containment as outlined by State CAFO regulations. This may mean temporary feed mixing located at the south end of the facility until the north end improvements can be completed. I have also modified the plat map to include the feed storage in this area as well as the re-location of the emergency spillway as agreed to by Bijou.

Phase I, Initial operations after permit approval

- South portion of corrals that naturally drain direct to Pond #1 and not via one of the other ponds
- middle portion of yard will not be used for livestock confinement (cattle not present for more than 45 days/yr and vegetation in all corrals during growing season.
- approx 3000hd capacity
- Utilize a temporary Feed area at south end of site directly north of pond #1.
- Improvements necessary include
 - + Southern portion of east berm along pond 1
 - + emergency spillway installation

Phase II, Will include the modifications to permanent feed area to allow its safe use

- Permanent feed area
- Improvements necessary include
 - + All of eastern berm including diversion north of corrals
 - + re-work pond 4
 - + pipeline from pond 4 to pond 1

Phase III,

- adds in middle portion of yard
- Improvements necessary
 - + Rework pond 2

Travis Hertneky, PE
THEngineering, LLC
PO Box 337748



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

Any updates?

Travis Hertneky <travis@thengineeringonline.com>

Thu, Jul 30, 2020 at 9:16 AM

Reply-To: travis@thengineeringonline.com

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

Cc: Kevin Lamb <kl@bhlbc.biz>, "erin@thengineeringonline.com" <erin@thengineeringonline.com>

Pam, For our planning purposes on this facility one head is equal to one AU. Calves will come in lighter than 1000lb (700lb) and will leave heavier than 1000lb (1300lb) but the average weight should be right at 1000lb and that is what we used for our planning calculation.

*Travis Hertneky, PE**THEngineering, LLC*

PO Box 337748


Greeley, CO 80633

719-661-6209

719-362-4768 fax

travis@thengineeringonline.com

www.thengineeringonline.com

 [Quoted text hidden]



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

Bullseye Comments

Kramer -, Thaine <thaine.kramer@state.co.us>
To: Pam Cherry <pcherry@co.morgan.co.us>

Mon, Jul 13, 2020 at 12:55 PM

Pam,

Below are the comments regarding the items included in the Stewart letter. Bolded type is from the Ag Program and regulatory requirements and non-bolded type is from the Stewart comments. Hope this helps. If we need to talk later in the week just let me know.

Regulation 61 is for permitted CAFOs

Regulation 81 is for Registered CAFOs and includes groundwater protection for both registered and permitted CAFOs.

A registration or permit application would not be required to be submitted until the facility confines at or over 1,000 animal units.

Site Plan:

1. The drainage plan encroaches on the Bijou Ditch easement on the east side of the feedlot property. This is also where the overland flow leaves the site and enters the Ditch. This has happened several times over the last 5 years and in 2018, the Colorado Department of Public Health and Environment (CDPHE) filed a Notice of Violation/Cease and Desist Order/Clean-Up Order - IO 180109. As of June 30, 2020, the fine was levied by CDPHE and was sent to collections. To their knowledge, this has not been paid at this time.

The Ag Program is not responsible for encroachments regarding the Bijou Ditch easement on the east side of the feedlot property.

2. Currently, the feedlot pond number 4 drains by overland flow into the ditch. This has occurred in the past with the ditch notifying Bullseye Holdings. This needs to be rerouted to pond number 1.

4.1a Waste Storage Ponds (Morgan County Application) describes that Pond 4 will use a transfer pipe to pump wastewater to Pond 1.

3. Any transfer of stormwater will need to be completed to protect the ditch. This will require that the stormwater inlets and transfer by pipe or trench will need to be lined and any overflow will need to be directed away from the ditch.

Regulation 81.3(7) defines a conveyance structure as:

a natural or constructed conduit (e.g., berm, channel, ditch, pipe, or culvert) that carries process-generated wastewater and/or open-lot wastewater from production areas, and diverts the wastewater to an impoundment or between impoundments.

81.6 (1) a ii describes that a conveyance structure must be designed, constructed, and maintained to be capable of carrying the flow expected from a 25-year, 24-hour storm or Chronic Storm, whichever is greater. 61.17(5)(ix)(G) of Regulation 61 has a similar design requirements for permitted facilities.

81.7 (5) Wastewater Conveyance Structures - Conveyance structures shall be designed and maintained to convey but not store any manure or wastewater.

(a) Conveyance structures that carry process-generated wastewater continuously (48 hours or less between conveyance events) shall be constructed and maintained to have a maximum seepage rate of 1×10^{-6} cm/sec.

A feedlot typically does not need to have lined conveyance structures due to wastewater only being conveyed as the result of precipitation events.

4. Pond 1 has an emergency overflow designated on the drawing. This has not been reviewed by Bijou and there has not been any negotiations to allow this to occur. Bijou does not agree to this overflow.

The Ag Program understands through conversations with THEngineering that the facility intends to pursue and submit a permit application for certification under Colorado's CAFO General Permit. A permitted CAFO is required to have a spillway for any terminal impoundment. Regulation 61 (Permitting Regulation) 61.17 (8) a ii states that an impoundment shall have a spillway that is designed and maintained to prevent erosion of the structural integrity of the impoundment, except where the operator requests and the Division approves that a spillway is not required. The spillway also serves as the wastewater monitoring point during a discharge event.

5. Lining of the ponds is based on very dated information. The soils report from Earth Engineering and AgPro is from 2003. The locations of the permeability tests are not noted on the site drawing and it is very difficult to understand where they are actually taken. However, for a pond of this size, there should be a minimum of 5 tests in the existing pond and any proposed lining of the other three ponds. This is required to protect the groundwater in the area.

Appendices (Morgan County Application) includes the Pond liner certifications.

The 2006 Lagoon Liner Seepage Rate certification identifies that South Central Lagoon (This would be for Pond 1 that is identified in the application). Pond 1 was evaluated in June 2018 by Gerald W. Knudsen, P.E., using the whole pond seepage method that was developed at Kansas State University by Dr. Jay Ham. The June 2018 seepage rate evaluation was conducted because this pond was being considered for use with the truck wash.

Pond 2 is currently unlined. The Morgan County Application identifies that a liner will need to be installed and certified.

Pond 3 is included in the 2006 lagoon liner seepage rate certifications and identified as East Central Pond.

Pond 4 is currently unlined. The Morgan County Application identifies that a liner will need to be installed and certified.

The Ag Program relies on the engineer's evaluation and certification of the impoundment liner. The liner certification would need to be submitted to the program within 30 days after completion of the construction.

6. The Truck Wash Use by Special Review indicated two additional ponds were to be built. There is not currently any information in the submittal that includes the number of trucks using the truck wash out nor any information on the need for additional ponds. However, since both

operations are depending on the availability of this land for wastewater handling, these calculations should be part of this submittal.

The Ag Program does not have any requirements for the separate truck wash that is not part of the feedlot's production area to provide information on the truck wash wastewater impoundments.

7. The area of the 40 acres to the south is being proposed for this project but is also part of the Truck Wash land application area. The feedlot special use review should account for both projects using the same area for land application, as the additional land application from feedlot water management was not addressed during the Truck Wash special use proceedings. In addition, this area should be leveled to ensure that the wastewater does not run off and cause issues with overland flow into the ditch or groundwater through ponding.

The feedlot will need to account for all nutrients applied (e.g. manure and wastewater, other fertilizers, and other wastewater streams) and demonstrate that the application was done at an agronomic rate whenever manure or wastewater from the feedlot is applied to the 40 acres.

61.17(8)(b) viii and x describes conservation and land application practices that need to occur to control runoff during land application events.

Design Report:

1a. The ponds (4 ponds on the site) need to either be constructed or additional testing done to verify that the ponds have the correct permeability. In addition, there should be a measurement of the depth of the liner.

See above comment #5

1b. The Design Report discusses a 25 year – 24-hour storm event per the regulations. However, due to the closeness of the Bijou Ditch, the same design criteria required for the Deer Valley Dairy site next to the Riverside canal (Attachment B – Resolution 2015 BCC 11) should also be required for the Bullseye feedlot. This requires a 7-inch storm in a 24-hour period. The current Design Report shows a 3.4-inch rainfall in 24 hours. This should be increased to meet the same requirements as the Deer Valley facility.

The Ag Program's design and permitting requirements can only include the 25-year, 24-hour requirements.

1c. We have concerns regarding the proposed capture and transfer of stormwater to the large pond (Pond 1). The proposal calls for 3 ponds to be improved with liner systems and then transfer of the water to Pond 1. As noted above, all of these ponds should have data proving the permeability and depth of the liner system. In addition, the transfer of this water with a stormwater system of pipes appears to have the potential for a backup of the stormwater. Bullseye must show how these improvements and any backup of the system will not affect the Bijou Ditch.

See above comments #3 and #5

1d. In section 4.1.b, the report discusses some diversions of stormwater into the Bijou Ditch. These were more than diversions as Bullseye was issued a Notice of Violation/Cease and Desist/Clean-Up Order. In Attachment C, we have provided photos of these past events. These violations and illegal discharges need to cease. This can only happen if the facility is required to install the adjustments listed in this letter report.

61.17(8)(a) iv describes stormwater diversions: Clean water shall be diverted, as appropriate, from running onto feedlots, holding pens, manure and process wastewater storage systems, manure stockpiles, composting areas, and the like.

1e. Section 4.1.b also discusses an emergency spillway into the Bijou Ditch. This was not approved or discussed with Bijou. Any emergency overflows need to be diverted into a reserve pond that only accepts water in an emergency, and which channels water away from the Bijou Ditch.

See above comment #4. The Ag Program does not have a requirement to design a facility to include a reserve pond.

2a. The Design Report, in section 5.2 discusses the wastewater generation rates. The plan does not specifically address how the wastewater will be applied to the surrounding farms. A letter of intent or a contract should be provided that states specifically that this application of wastewater will be allowed.

The following required for a permitted CAFO to third party transfer wastewater or manure: 61.17 (8) (d) Transfer of Manure or Process Wastewater to Third Parties Prior to transferring manure or process wastewater to other persons, Large CAFOs must provide the recipient of the manure or process wastewater with the most current nutrient analysis. The analysis provided must be consistent with the requirements of the nutrient management plan (subsection 61.17(8)(b)). Large CAFOs must retain for five years records of the date, recipient name, and address, and approximate amount of manure or process wastewater transferred to another person.

2.b If the "honey wagon" proposal for off-site land application is not allowed, then the applicant would like to use the 40 acres of land to the south. This land has significant hills and is not well graded to accept this type of wastewater.

See above comment #7

2c. This wastewater handling needs significantly more definition to prevent contamination of the ditch which has occurred in the past, and the report needs to specify how wastewater from the Truck Wash and wastewater from the feedlot can be managed on the same 40 acres.

See above comment #7

3. Water Quality Concerns

a. In the past, Bullseye Holdings has impacted the Bijou Ditch with illegal discharges. This permit should address the potential impacts of the facility in the ditch water quality.

b. The parameters that can be affected by the discharge include Total Dissolved Solids (TDS), various salts, nitrogen, and phosphorus. These parameters can affect the various shareholders and users of the ditch, adversely affecting what can be applied to the crops.

c. It appears from this information in the application and the Truck Wash Special Use Permit that was approved, that both operations are integral to each other and therefore, this should be a joint permit application.

The facility stopped operating as a CAFO in 2007 and after that was not defined as a CAFO. Therefore, the feedlot was not subject to the regulatory requirements.

4. CAFO Designation

a. If an Animal Feeding Operation has a discharge to waters of the State of Colorado, it is required to meet the higher standards of a Confined Animal Feeding Operation (CAFO). The Bullseye Holdings facility has numerous discharges to the Bijou Ditch and likely groundwater and therefore should be classified as a CAFO for this permit application.

b. The application does not specify the number of cattle to be located at this facility. This affects the regulations that would apply. The range is between 300 to 9,000 head of cattle. In the Deer Valley SUP, the number of cattle allowed was part of the overall application process and was specified in the Resolution. This requirement should also apply to this facility, and Bullseye should update the Design Report with more information about the water management required for the maximum number of head.

Once the feedlot submits a permit application to or registers with the Ag Program the feedlot will be considered to operating as a CAFO.

Thaine Kramer
Environmental Protection Specialist



COLORADO

**Division of Environmental
Health & Sustainability**

Department of Public Health & Environment

Environmental Agriculture Program
4300 Cherry Creek Drive South
DEHS-A2
Denver, CO 80246-1530

P 303.692.3523 | F 303.753.6809
thaine.kramer@state.co.us | www.colorado.gov/cdphe/cafos
24-hour Emergency Incident Reporting: 1.877.518.5608



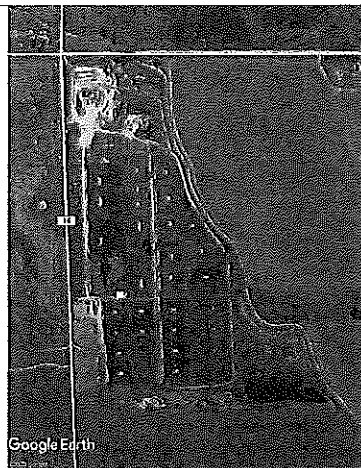
Bullseye Holdings

W ½ OF SECTION 26, TOWNSHIP 3N, RANGE 58W
FORT MORGAN, CO



BULLSEYE FEEDYARD

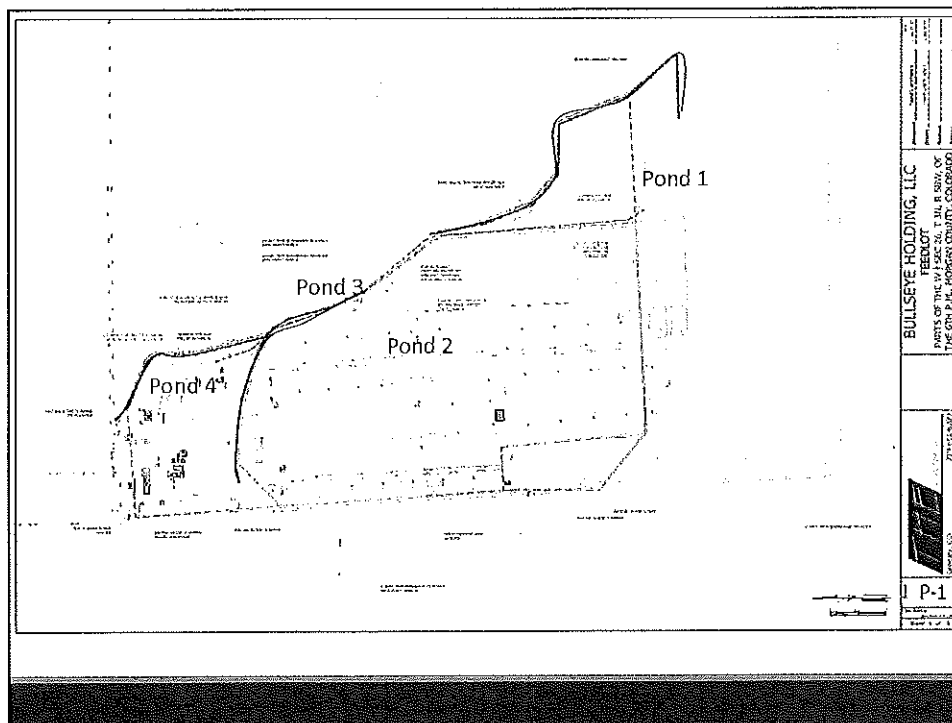
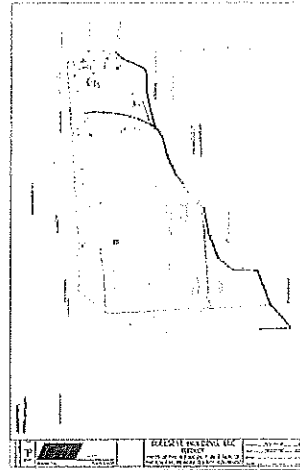
- HISTORIC FEEDLOT (PRIOR TO 1962)
- PRIMARY ACCESS ALONG ROAD 16 SOUTH OF ROAD O
- ZONED A (AGRICULTURE PRODUCTION DISTRICT)
- WILL USE EXISTING ANIMAL CONFINEMENT AREA FOR UP TO 9,000 HEAD
- WILL REGISTER AS A CAFO WITH CDPHE
- FOUR EXISTING WASTEWATER IMPOUNDMENTS
- 25-YR 24-HR STORM (3.40")





PROPOSED ADDITIONS

- MINOR CHANGES TO EXISTING WASTEWATER IMPOUNDMENTS
 - Installation/certification of liners where needed (Ponds 2 & 4)
 - Addition of elevated berm along Bijou Canal
 - Overflow pipe between Ponds 3 & 1
 - Transfer pipe between Ponds 4 & 1
- NEW DIVERSIONS TO HELP CONVEY WASTEWATER AND PROTECT BIJOU CANAL

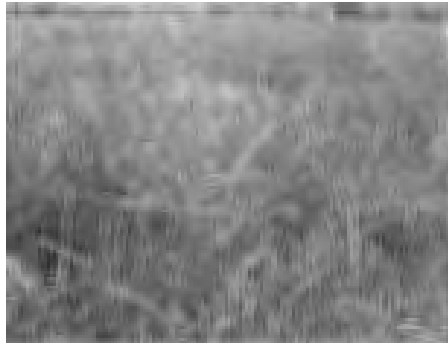




WASTEWATER GENERATION

TOTAL WASTEWATER

- Land apply to neighboring farmground
- If necessary, 40 acres of pasture ground available at agronomic rates to not exceed nutrient loading from all sources



SOLID MANURE GENERATION

TOTAL SOLID MANURE

- Manure gifted to area farmers
- 14,290 tons/year

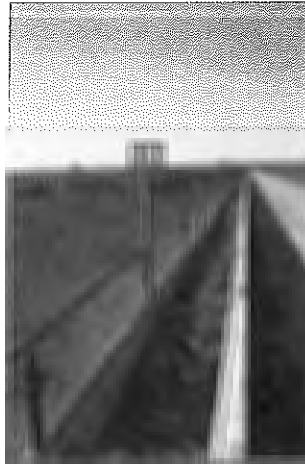


THE ENGINEERING, LLC

FEED

FEED PURCHASED FROM AREA
FARMERS 61,000 TON/YR

\$8MIL TO \$10MIL PURCHASED
FROM LOCAL COMMUNITY



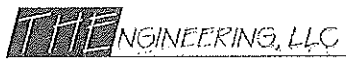
THE ENGINEERING, LLC

TRAFFIC

MAIN ENTRANCE ON
COUNTY ROAD 16

- 13 trucks/day
- 11 cars/day

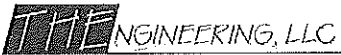




PEST CONTROL

MINIMIZE HABITAT

- Mow grass and weeds
- Ensure proper pen drainage
- Frequent manure removal
- Avoid and clean up any feed spills

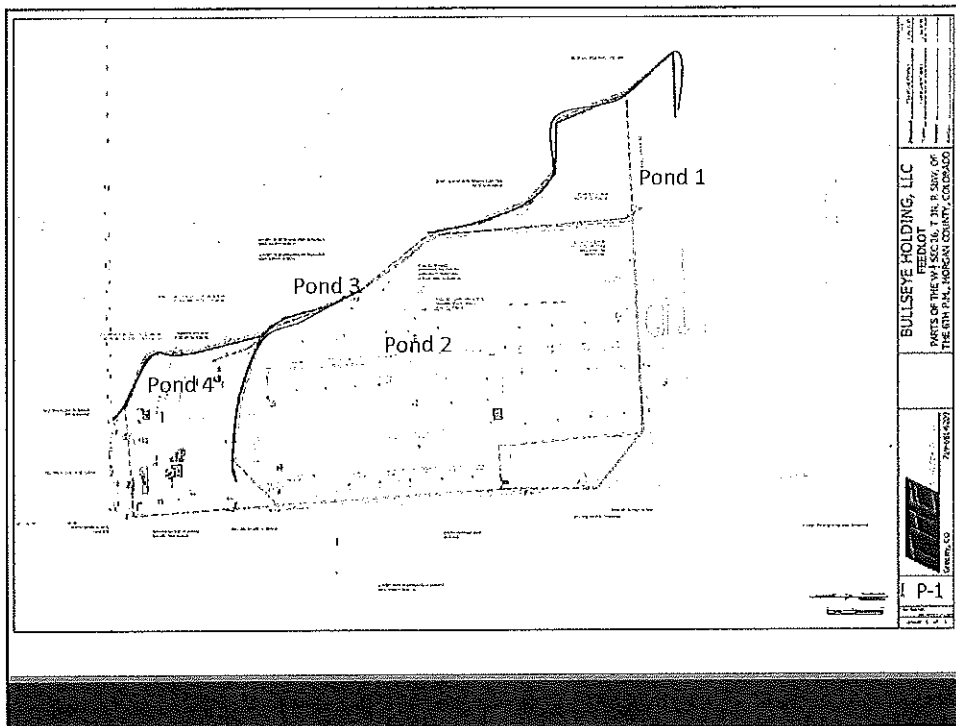
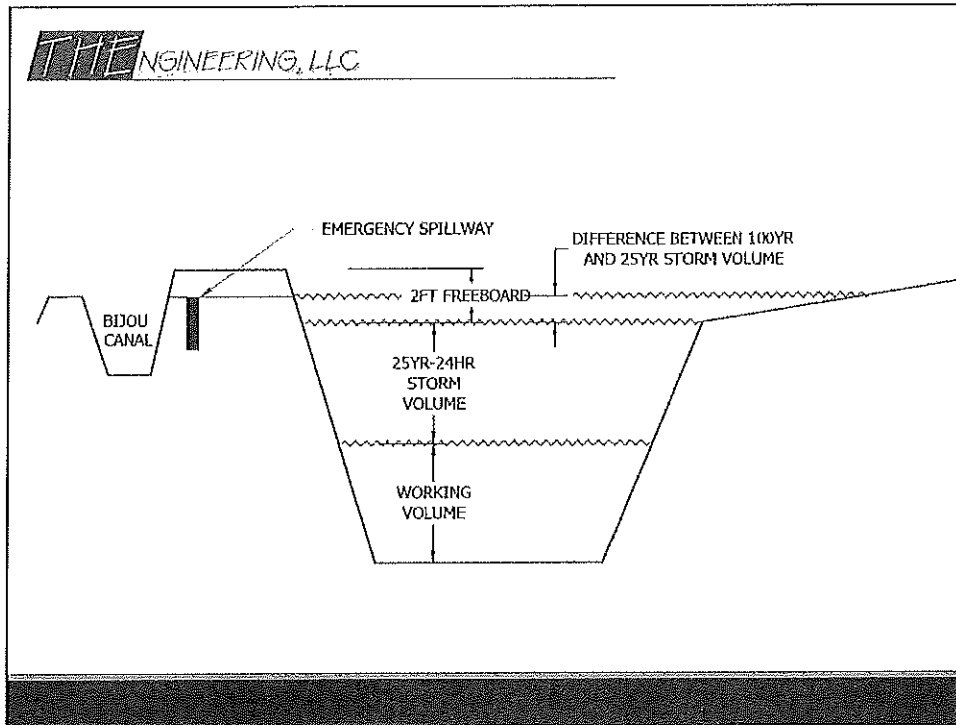


DUST MITIGATION & ODOR

PEN MANAGEMENT AND MAINTENANCE

- Frequent manure removal
- Compacted manure layer in pens
- Proper animal stocking densities
- Decrease open pens and open pen surface area
- Decrease standing water





NOTICE OF PUBLIC HEARINGS
BEFORE THE BOARD OF MORGAN COUNTY COMMISSIONERS

Notice is hereby given that on Wednesday, August 5, 2020 at 9:00 a.m., or as soon as possible thereafter, a public hearing will be held to consider the following applications:

1.) **Applicant:** Erin Kress and Travis Hertneky/THEngineering, LLC
Landowners: Bullseye Holdings, LLC/Kevin Lamb

Legal Description: A parcel located in the W½ of Section 26, T3N, R58W of the 6th P.M., Morgan County Colorado and South and West of the Blou Canal, addressed as 16098 County Road O, Fort Morgan, CO 80701.

Request: Use by Special Review Application to operate and re-establish a Confined Animal Feeding Operation for no more than 9000 head pursuant to Section 3-180(O) and Appendix B Table 3 of the Morgan County Zoning Regulations.

Date of Application: May 20, 2020

AND

2.) **Applicant and Landowner:** Charles Greenwood III

Legal Description: SW¼ of Section 2, Township 3, Range 58 West of the 6th P.M., Morgan County, combined Lots 34 and 35 of Block 01 of the Trailside Planned Development, addressed as 16295 County Road R, Fort Morgan, Colorado 80701.

Request: Use by Special Review Application to expand an existing storage facility business.

Date of Application: June 5, 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 attend remotely:
<https://us02web.zoom.us/j/81385693470>

Or iPhone one-tap :
US: + US: +12532158782 1, 81385693470# or +13462487799, 81385693470#
Or Telephone:
Dial (for higher quality, dial a number based on your current location):
US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128 or +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656
Webinar ID: 813 8569 3470
International numbers available: [https:// https://us02web.zoom.us/j/81385693470](https://us02web.zoom.us/j/81385693470)

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado. It is encouraged to call 970-542-3526 make an appointment to review any of the file materials or email pcherry@co.morgan.co.us to request items be emailed to you.

At the 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 July 22, 2020-1722683

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):

Jul 22, 2020

Signature

Subscribed and sworn to me before me this

22nd day of July, 2020

Notary Public

MELISSA L. NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20064049036
MY COMMISSION EXPIRES DECEMBER 11, 2022

(SEAL)

Account: 1052763
Ad Number: 1722683
Fee: \$67.16

The above sign was posted on (date) July 21, 2020, pursuant to the
Morgan County Zoning Resolution by (name of applicant) Bullseye Holdings

Project name and number: Bullseye Holdings #562020-0004

Signature of Applicant/Representative: [Signature]

STATE OF COLORADO)
) ss.
COUNTY OF MORGAN)

Signed before me this date: July 21, 2020

My Commission expires: 12-16-2022

NOTARIZED BY: Connie A Mireles





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

IMG_20200721_093650945.jpg

Kevin Lamb <kl@bhllc.biz>

Tue, Jul 21, 2020 at 10:58 AM

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

Sent from my iPhone



IMG_20200721_093650945.jpg

85K

SIGN POSTING INSTRUCTIONS

Sign must be placed where readily visible to the public.

Sign must be posted for 15 days prior to hearing with Morgan County Board of Commissioners. BEFORE: 7-21-20

Place masking tape over the information areas and fill in as follows:

...Shall be considered for Special use to Re-establish Confined animal feeding operation

...Conditional Use Permit for _____

...to be held on (date) 08-05-20 Time: 9:30 a.m.

...Name of Proposal Bullseye Holdings

...Project # SU2020-0004

You must provide the Planning and Zoning office with photos (2) of the sign; one posted where it is visible to the public (distance) and a close-up that shows the words on the tape in the photo.

Please return the sign to the Planning and Zoning office as soon as possible after the 15 days at which time you will be asked to sign an affidavit.

Thank you.

File Summary



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

MORGAN COUNTY PLANNING COMMISSION FILE SUMMARY

June 29, 2020

July 13, 2020 (Hearing)

APPLICANT: Kevin Lamb, Manager Bullseye Holdings, LLC
LANDOWNERS: Bullseye Holdings, LLC
CONSULTANT: Travis Hertnecky, THEngineering

This application is for a Special Use Permit to operate a Confined Animal Feeding Operation in the "A" Agriculture Production Zone District. Section 3-180(O) of the Morgan County Zoning Regulations lists livestock confinement operations in excess of the allowed animal unit densities ... as a Use by Special Review; this operation proposes a maximum of 9,000 head which exceeds permitted numbers of 4 animal units per acre, this property is 90.87 acres and would be permitted 363 animal units. The property is located on the southeast corner of County Road O and County Road 16 in the West ½ of Section 26, Township 3N, Range 58W of the 6th P.M. and south and west of the Bijou Canal, Morgan County, Colorado.

This application is to re-establish a confined animal feeding operation of no more than 9,000 head. The facility began operations prior to 1989 (see historic imagery in packet). The facility currently has livestock on it and does not exceed the use by right permitted number. Sections in the Design Report will be presented by the applicant and/or consultant at the public hearings. These sections contain specific information on regulations and potential impacts related to:

1. Regulation Applicability (Colorado and Morgan County)
2. Hydrology and Hydraulics (A system of ponds and diversions to protect adjacent properties – Bijou Ditch)
3. Manure Management (combination of methods proposed)
4. Traffic (tables on anticipated vehicle trips in appendix)
5. Nuisance Management (pests, air quality and noise)
6. Appendices (aerial maps, topo, soils map, floodplain map, pond size spread sheet, pond stage storage curves, pond line certifications, hydrology, manure generation calculation traffic, O&G wells, emergency action plan)

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 location is south of the intersection of County Road O and County Road 16; located in the South Central Planning area as defined by the Morgan County Comprehensive Plan 2008. In this area the goal is to preserve and protect existing agriculture uses south of County Road Q. A feeding operation is an agriculture use.

Agriculture is a highly valued resource in Morgan County. Conservation of agricultural resources and land is paramount, and such land and resources must be protected from adverse impacts resulting from uncontrolled and undirected business, commercial, industrial and residential uses.

- (B) All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.
- (C) The Site Plan conforms to the district design standards of these Regulations.
- (D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.
All adjoining properties are also zoned Agriculture Production and one property is also a feeding operation.
- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.
Buffering is not required as adjacent land uses are compatible..
- (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.
Engineering reports and studies have been conducted for the property and submitted to the Colorado Department of Public Health and Environment (CDPHE) as well as the State Engineer's office for review.
- (G) The special use proposed is not planned to be developed on a non-conforming parcel.
- (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 are a number of feeding operations in the county that support the local economy.
- (I) For any Use by Special Review 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 State of Colorado Division of Water Resources response to request for comment is attached. The Division of Water Resources has permitted well number 80348-F to not more than 24.27 acre-feet, or the amount covered under a substitute water supply plan that was approved on October 15, 2019 based on 1,000 head per month for a one year period that ends on September 30, 2020 until a decree is obtained for a permanent plan for augmentation. Water Court Case #2016CW3028 is currently in review by the state.*

Property taxes are current.

Recommended conditions of approval:

1. The facility shall not commence operations until it has received approval from all federal and state agencies with jurisdiction over the operation and all required permits have been issued.
2. The facility shall not commence operations until all improvements set forth in the application have been constructed and are operational.

3. The facility shall operate the Bullseye 3T well, Permit No. 80348-F in compliance with all well permit conditions and the applicable substitute water supply plan and/or permanent augmentation plan as determined by the State.
4. Generally accepted best management practices as recommended by the Natural Resources Conservation Service and established in applicable publications of Colorado State University for land application of manure and waste water shall be followed.
5. Any increase to the 9,000 head as proposed by this application shall require an amendment to this permit
6. 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.
7. Bijou Irrigation shall be granted access to the Bijou ditch for the purpose of inspection and maintenance of the irrigation ditch.

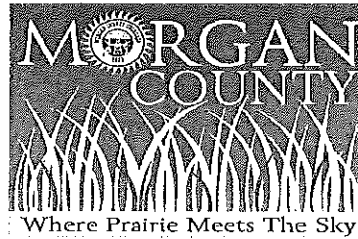


Pam Cherry
Planning Administrator
Morgan County

8. Thorough investigation of alternate spills

Updated File Summary

July 6, 2020



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

MORGAN COUNTY PLANNING COMMISSION FILE SUMMARY

July 6, 2020 - Addendum

July 13, 2020 (Hearing)

APPLICANT: Kevin Lamb, Manager Bullseye Holdings, LLC

LANDOWNERS: Bullseye Holdings, LLC

CONSULTANT: Travis Hertnecky, THEngineering

This morning we received the renewal/approval request Substitute Water Supply Plan extension application that has been submitted to the State Engineer's office. It is included in your packets. The request is to extend the September 2019 approved SWSP pending the outcome of Water Court Case #16CW3028.

Stewart Environmental Consulting Group

Letter Dated July 6, 2020

Regarding Bijou Irrigation Company

(Representing Bijou Irrigation Company)



**STEWART ENVIRONMENTAL CONSULTING
GROUP, LLC**
ENGINEERING FOR LIFE



July 6, 2020

Mr. Stuart B. Corbridge
Vranesh and Raisch, LLP
5303 Spine Road, Suite 202
Boulder, CO 80301

Subject: Morgan County – Use by Special Review Permit Application – Bullseye Holdings, LLC
Job No.: 4925-001

Dear Mr. Corbridge,

As requested by the Bijou Irrigation Company (Bijou), Stewart Environmental Consulting Group, LLC (Stewart) has reviewed the Use by Special Review Permit Application for Bullseye Holdings, LLC. We were requested to review this permit as to the engineering and environmental aspects of this application. The information we reviewed included:

1. Feedlot SUP Application dated May 21, 2020
2. CDPHE files regarding Notice of Violation/Cease and Desist Order/Clean-Up Order – IO-180109
3. Use by Special Review Resolution 2015 BCC 11
4. THEngineering Site Plan – P1 (dated 6/29/20)
5. Resolution 2019 BCC 09 – Livestock Truck Washing and Cleaning facility
6. Design Report – Bullseye Holdings Truck Washout
7. Bijou Irrigation System Letter (With Stuart Corbridge Letter) dated June 26, 2020
8. Stuart Corbridge Letter dated June 26, 2020

These are the issues that I have identified in my review.

Site Plan

I have provided my comments on the site plan dated June 29, 2020 (Attachment A).

1. The drainage plan encroaches on the Bijou Ditch easement on the east side of the feedlot property. This is also where the overland flow leaves the site and enters the Ditch. This has happened several times over the last 5 years and in 2018, the Colorado Department of Public Health and Environment (CDPHE) filed a Notice of Violation/Cease and Desist Order/Clean-Up Order – IO 180109. As of June 30, 2020, the fine was levied by CDPHE and was sent to collections. To their knowledge, this has not been paid at this time.
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5. Lining of the ponds is based on very dated information. The soils report from Earth Engineering and AgPro is from 2003. The locations of the permeability tests are not noted on the site drawing and it is very

difficult to understand where they are actually taken. However, for a pond of this size, there should be a minimum of 5 tests in the existing pond and any proposed lining of the other three ponds. This is required to protect the groundwater in the area.

6. The Truck Wash Use by Special Review indicated two additional ponds were to be built. There is not currently any information in the submittal that includes the number of trucks using the truck wash out nor any information on the need for additional ponds. However, since both operations are depending on the availability of this land for wastewater handling, these calculations should be part of this submittal.
7. The area of the 40 acres to the south is being proposed for this project but is also part of the Truck Wash land application area. The feedlot special use review should account for both projects using the same area for land application, as the additional land application from feedlot water management was not addressed during the Truck Wash special use proceedings. In addition, this area should be leveled to ensure that the wastewater does not run off and cause issues with overland flow into the ditch or groundwater through ponding.

Design Report

The Design Report requires additional information as follows:

1. Section 4 – Hydrology and Hydraulics
 - a. The ponds (4 ponds on the site) need to either be constructed or additional testing done to verify that the ponds have the correct permeability. In addition, there should be a measurement of the depth of the liner.
 - b. The Design Report discusses a 25 year – 24-hour storm event per the regulations. However, due to the closeness of the Bijou Ditch, the same design criteria required for the Deer Valley Dairy site next to the Riverside canal (Attachment B – Resolution 2015 BCC 11) should also be required for the Bullseye feedlot. This requires a 7-inch storm in a 24-hour period. The current Design Report shows a 3.4-inch rainfall in 24 hours. This should be increased to meet the same requirements as the Deer Valley facility.
 - c. We have concerns regarding the proposed capture and transfer of stormwater to the large pond (Pond 1). The proposal calls for 3 ponds to be improved with liner systems and then transfer of the water to Pond 1. As noted above, all of these ponds should have data proving the permeability and depth of the liner system. In addition, the transfer of this water with a storm water system of pipes appears to have the potential for a backup of the stormwater. Bullseye must show how these improvements and any backup of the system will not affect the Bijou Ditch.
 - d. In section 4.1.b, the report discusses some diversions of stormwater into the Bijou Ditch. These were more than diversions as Bullseye was issued a Notice of Violation/Cease and Desist/Clean Up Order. In Attachment C, we have provided photos of these past events. These violations and illegal discharges need to cease. This can only happen if the facility is required to install the adjustments listed in this letter report.
 - e. Section 4.1.b also discusses an emergency spillway into the Bijou Ditch. This was not approved or discussed with Bijou. Any emergency overflows need to be diverted into a reserve pond that only accepts water in an emergency, and which channels water away from the Bijou Ditch.

2. Wastewater
 - a. The Design Report, in section 5.2 discusses the wastewater generation rates. The plan does not specifically address how the wastewater will be applied to the surrounding farms. A letter of intent or a contract should be provided that states specifically that this application of wastewater will be allowed.
 - b. If the "honey wagon" proposal for off-site land application is not allowed, then the applicant would like to use the 40 acres of land to the south. This land has significant hills and is not well graded to accept this type of wastewater.
 - c. This wastewater handling needs significantly more definition to prevent contamination of the ditch which has occurred in the past, and the report needs to specify how wastewater from the Truck Wash and wastewater from the feedlot can be managed on the same 40 acres.
3. Water Quality Concerns
 - a. In the past, Bullseye Holdings has impacted the Bijou Ditch with illegal discharges. This permit should address the potential impacts of the facility in the ditch water quality.
 - b. The parameters that can be affected by the discharge include Total Dissolved Solids (TDS), various salts, nitrogen, and phosphorus. These parameters can affect the various shareholders and users of the ditch, adversely affecting what can be applied to the crops.
 - c. It appears from this information in the application and the Truck Wash Special Use Permit that was approved, that both operations are integral to each other and therefore, this should be a joint permit application.
4. CAFO Designation
 - a. If an Animal Feeding Operation has a discharge to waters of the State of Colorado, it is required to meet the higher standards of a Confined Animal Feeding Operation (CAFO). The Bullseye Holdings facility has numerous discharges to the Bijou Ditch and likely groundwater and therefore should be classified as a CAFO for this permit application.
 - b. The application does not specify the number of cattle to be located at this facility. This affects the regulations that would apply. The range is between 300 to 9,000 head of cattle. In the Deer Valley SUP, the number of cattle allowed was part of the overall application process and was specified in the Resolution. This requirement should also apply to this facility, and Bullseye should update the Design Report with more information about the water management required for the maximum number of head.

Conclusions

After reviewing the application plus the supplemental material, it would appear that a significant amount of detail is required prior to granting this application. Specifically, Bijou is concerned about the following:

1. Encroachment of the operation onto the Bijou Ditch easement.
2. Discharge of the emergency overflow without authorization or notification.
3. Stormwater rain event should be like the Deer Valley SUP. This would be a 7-inch storm over a 24-hour period.
4. The interaction between the Truck Wash operation and this application needs to be detailed. We would recommend just one SUP for this site.
5. Recognition of the past illegal discharges to the Bijou Ditch and specific plans on how this will be prevented in the future. The current submittal does not have enough detail to determine the prevention measures.
6. Details on the four ponds and how they will function to prevent illegal discharges to the Bijou Ditch.

7. Additional engineering on the pond design and prevention of seepage from the operation into the Bijou Ditch that can affect water quality concerns.
8. The addition of an emergency overflow pond that will prevent discharges to the Bijou Ditch.
9. Engineering details of the potential land application to the 40-acre parcel to the south and how this will be designed to prevent contamination of the Bijou Ditch.
10. Require the facility to meet the requirements of a Large CAFO per the State of Colorado regulations 81.

Please contact us if you require any additional information.

Sincerely,

STEWART ENVIRONMENTAL CONSULTING GROUP, LLC



David R Stewart, PhD, PE
President



July 6, 2020

Attachment A

Bullseye Holdings Site Plan – June 29, 2020

Attachment B

Resolution 2015 BCC 11 – Deer Valley SUP



RESOLUTION
2015 BCC 11

**A RESOLUTION GRANTING A USE BY SPECIAL REVIEW FOR ESTABLISHMENT
OF A LIVESTOCK CONFINEMENT FACILITY LOCATED IN THE W1/2 AND A
PORTION OF THE E1/2 OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 56 WEST OF
THE 6TH P.M., MORGAN COUNTY, COLORADO**

WHEREAS, Wildcat Dairy, LLC (the "Applicant") has applied for a special use permit for a livestock confinement facility (the "Application") located in the W1/2 and a portion of the E1/2 of Section 6, Township 4 North, Range 57 West of the 6th P.M., as more specifically described in the attached Exhibit A (the "Property");

WHEREAS, on April 13, 2015, after holding a public hearing, the Morgan County Planning Commission recommended that the Application be approved;

WHEREAS, on May 5, 2015 the Board of County Commissioners of Morgan County, Colorado held a public hearing on the Application;

WHEREAS, notice of the public bearing was properly published and the Property was properly posted;

WHEREAS, the Board of County Commissioners received testimony and evidence from the Applicant;

WHEREAS, the Board of County Commissioners received public comment on the Application;

WHEREAS, the Board of County Commissioners received testimony from the Morgan County Planning Administrator, who recommended approval of the Application with certain conditions; and

WHEREAS, the Board of County Commissioners desires to approve the Application, subject to certain conditions set forth herein.

**NOW BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY,
COLORADO:**

1. APPROVAL.

The Application is hereby granted, subject to the conditions set forth herein. This Resolution shall constitute the special use permit (hereinafter referred to as this "Resolution" or the "Permit").

2. FINDINGS OF FACT.

Provided the Applicant meets all conditions set forth herein, the following findings are made:

a. The use and its proposed location are in conformance with the Morgan County Comprehensive plan. Specifically:

i. The project will broaden employment opportunities for residents and will further economic growth.

ii. The proposed use is compatible with existing land uses and there is access to established public infrastructure.

iii. The use will protect existing agriculture operations by allowing it to continue while not restricting private property rights.

b. The Application is complete and presents a clear picture of how the use is to be arranged on the site.

c. The site conforms to the district design standards of Sections 4-109 through 4-260 of the Morgan County Zoning Regulations. Specifically:

i. Variances to Section 4-200, which prohibits livestock confinement facilities within 1,320 feet of an existing residence, were approved by the Morgan County Board of Adjustment at its April 20, 2015 public hearing for three existing residences via BOA 2015 Resolution 01, BOA 2015 Resolution 02, and BOA 2015 Resolution 03.

ii. The proposed dairy facilities are located at least 15 feet from any county, state or federal highway right-of-way.

iii. The manure management plan submitted to the County as part of the Application meets the requirements of Section 4-225 of the Morgan County Zoning Regulations and is approved and is required to be followed by the Applicant.

iv. The applicant shall construct the facility according to the Deer Valley Dairy Hydrology Summary including the additional design requirements requested by Riverside Irrigation District to adequately protect the ditch from a waste water discharge from a 7" rainfall event. This plan meets the requirements of Section 4-225 of the Morgan County Zoning Regulations.

v. Rodent and insect control are adequately addressed in the Applicant's nuisance control plan submitted as part of the Application and such plan is approved and must be followed by the Applicant. The rodent and insect control plan meets the requirements of Section 4-210 of the Morgan County Zoning Regulations.

vi. The fugitive dust control plan in the Application is approved and is required to be followed by the Applicant. The fugitive dust control plan meets the requirements of Section 4-230 of the Morgan County Zoning Regulations.

vii. The odor control plan in the Application is approved and is required to be followed by the Applicant. The odor control plan meets the requirement of Section 4-235 of the Morgan County Zoning Regulations.

d. The special use is compatible with surrounding uses and is adequately buffered from any incompatible uses by distance and topography. Variances from residential distance limitations for three residential buildings located inside the 1,320-foot distance limitation have been approved by the Morgan County Board of Adjustment.

e. The special use poses no or minimal risk to the public health, safety and welfare.

f. The special use will not be located on a nonconforming parcel of land.

g. The Applicant has adequately documented a public need for the project in the form of increased economic development. The Applicant has submitted all pertinent technical information, has demonstrated that it has adequate financial resources to implement the project, and has paid all County fees and review costs.

h. The operation of the Property as contemplated in the Application will substantially increase traffic on Morgan County Road 24, which will cause substantial degradation of the roadway, increase maintenance costs, and negatively impact neighboring properties and their ability to use the roadway. Without roadway improvements, including paving, the operation of the dairy would not be

compatible with existing land uses, and would limit reasonable access to Morgan County Road 24 by neighboring properties due to roadway degradation.

3. CONDITIONS.

All on- and off-site impacts are determined to be satisfactorily mitigated, provided the following conditions are met:

i. The Applicant shall rigorously follow and utilize all Best Management Practices for the dairy to mitigate dust, odor, and water runoff created by the facility.

ii. If the proposed nuisance control methods for the suppression of insects, rodents, odor, and dust fail to adequately control these aspects of the operation, the County may order, after notice to the property owner and a public hearing, additional and more rigorous measures to control these items.

iii. Access to the facility shall be limited to two (2) driveways from Morgan County Road 24, and one driveway from Morgan County Road Y at the locations set forth in the Application, which have been consented to by Morgan County Road and Bridge Department. One access point from Morgan County Road 24, commonly referred to as the Harvest access shall be 2675 feet south of the center line of Morgan County Road Y. The other access point from Morgan County Road 24, which is the main access to the Property, shall be 4950 feet south of the center line of Morgan County Road Y. An 18-inch culvert shall be installed under both of these access points. The access from Morgan County Road Y shall be 1060 feet south of the center line of Morgan County Road 24. No culvert is required for this access point. All accesses shall be forty feet in width.

iv. This permit is for a maximum of 16,596 animal units consisting of 6,000 mature cows, 375 maternity, 820 dry cows, 615 springers, 5,700 heifers (600-1000 pounds), 1,200 calves (400-600 pounds) and 4,500 calves (babies). Any increase in animal units beyond that specified in this permit shall require an amendment to this permit.

v. All waste water runoff from a seven inch 24 hour rain event must be controlled by the dairy, and not allowed to run into the Riverside Irrigation canal.

vi. The facility shall operate in compliance with Colorado Water Control Commission Regulations 81 (5 CCR 1002-81) and 61 (5 CCR 1002-61), as amended. No manure or wastewater shall be discharged to surface waters unless permitted by Regulation 81 or by a Confined Animal Feeding Operation (CAFO) Colorado discharge permit issued in accordance with Regulation 61.

vii. The results of any water and or soil testing required by the State of Colorado shall be copied to Morgan County Planning and Zoning Department upon request.

viii. Center pivot sprinklers may be used to dewater lagoons. A low drop sprinkler system shall be used with no end guns utilized for waste water application/effluent.

ix. Any past, existing, or future drainage problems on this property shall be the responsibility of the landowner, and not that of Morgan County.

x. The Applicant shall fully cooperate with Morgan County in Morgan County's application for a Community Development Block Grant for road improvements and asphalt paving of Morgan County Road 24 between Morgan County Road W and Morgan County Road Y. If funds are awarded, the Applicant shall fully cooperate with Morgan County by providing all information required for compliance with the reporting requirements of the associated Community Development Block Grant. In addition, Applicant shall contribute \$159,634.00 (the "Road Impact Payment") to Morgan County, which shall be used by Morgan County for improvements to Morgan County Road 24. The Road Impact Payment shall be due upon the later of: (1) Morgan County's commencement of the road improvements; or (2) Applicant's

commencement of construction of Phase 2 of the dairy (as Phase 2 is defined in the Application), provided that Applicant commences Phase 2 construction before December 31, 2017. If Applicant does not commence Phase 2 before December 31, 2017, then Applicant shall make such payment by the later of: December 31, 2017 or when Morgan County commences the road improvements.

4. **ADDITIONAL CONDITIONS.**

This approval is conditioned on compliance with all information and representations contained in the Application and presented by the Applicant, which are hereby incorporated into this Resolution.

5. **GENERAL PROVISIONS.**

a. The Board of County Commissioners retains continuing jurisdiction over this Permit to ensure compliance with this Permit and the Morgan County Zoning Regulations. County representatives are authorized to inspect the Property at any reasonable time upon notice to the Applicant.

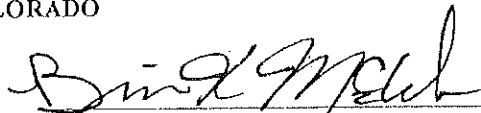
b. The Applicant shall comply with all governmental and regulatory agency requirements and permits, including without limitation those promulgated for the protection of health, safety, and welfare of the inhabitants of Morgan County. Such compliance shall include without limitation compliance with the regulations of the Colorado Department of Public Health, the Colorado Department of Agriculture, and the United States Environmental Protection Agency.

c. Material alterations to the proposed development as set forth in the Application shall require an amendment to this Permit, after hearings before the Morgan County Planning Commission and the Board of County Commissioners. Nonmaterial alterations may be approved by the Morgan County Planning Administrator, upon receipt of a written application requesting approval of the proposed alteration.

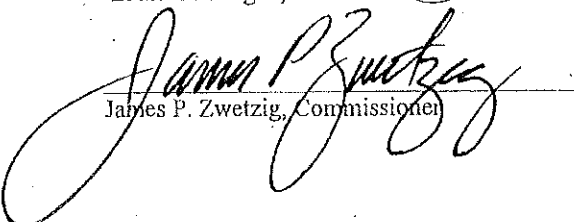
d. The Applicant shall comply with all the requirements, conditions and design standards set forth herein. Noncompliance shall be grounds for revocation of this permit by the Morgan County Board of Commissioners after notice and hearing.

DATED this 26th day of May, 2015

**BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY,
COLORADO**


Brian K. McCracken, Commissioner - Chairman


Laura D. Teague, Commissioner


James P. Zwetzig, Commissioner



ATTEST:

(SEAL)

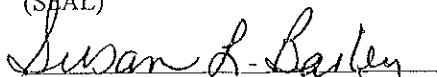

Susan Bailey, Clerk to the Board

EXHIBIT "A"

PARCEL A:

Lots 3, 4 and 5, SE1/4NW1/4, E1/2SW1/4 of Section 6, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado.

AND

Lots 6 and 7 (also known as W1/2SW1/4) of Section 6, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado.

EXCEPT that portion of the SW1/4 of Section 6, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado, described as follows: Beginning at the SW corner of said SW1/4; thence N0°35'53"W along the West line of said SW1/4 a distance of 1344.45 feet; thence N88°20'55"E parallel with the South line of said SW1/4 a distance of 2582.09 feet to a point on the East line of said SW1/4; thence S1°28'49"E along said East line a distance of 1344.23 feet to a point on the South line of said SW1/4; thence S88°20'55"W along said South line a distance of 2602.78 feet to the point of beginning.

PARCEL B:

A parcel of land in the SW1/4 of Section 6, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado, being more particularly described as follows: Commencing at the SW corner of said Section 6; thence 0°35'53"W along the West line of said Section 6 a distance of 444.8 feet to the true point of beginning; thence continuing N0°35'53"W along the West line of said Section 6 a distance of 900.0 feet thence N88°20'40"E a distance of 1600.0 feet; thence S0°35'53"E a distance of 900.0 feet; thence S88°20'40"W a distance of 1600.0 feet to the point of beginning.

PARCEL C:

A parcel of land in the SW1/4 of Section 6, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado, said parcel being more particularly described as follows: Commencing at the SW corner of said Section 6; thence N0°35'53"W along the West line of said Section 6 a distance of 396.13 feet to the true point of beginning thence continuing N0°35'53"W along the West line of said Section 6 a distance of 48.64 feet to the SW corner of a parcel of land described in Book 1152 at page 795 of the Morgan County records; thence N88°20'50"E along the South line of said parcel of land described in Book 1152 at page 795, a distance of 1600.01 feet to the SE corner of said parcel of land described in Book 1152 at page 795; thence N0°35'53"W along the East line of said parcel of land described in Book 1152 at page 795 a distance of 900.04 feet to the NE corner of said parcel of land described in Book 1152 at page 795; thence N88°20'55"E a distance of 982.69 feet thence S1°28'45"E a distance of 1344.68 feet to a point on the South line of said Section 6; thence S88°21'00"W along the South line of said Section 6 a distance of 1003.28 feet; thence N0°36'25"W a distance of 385.80 feet; thence S88°43'10"W a distance of 1599.86 feet to the point of beginning.

and commonly known as (for informational purposes only): VACANT

By:


Authorized Countersignature

(This Schedule A valid only when Schedule B is attached)

Attachment C

Site Photos – Past Spills



Rain Event – June 11, 2010
Drainage from Bullseye Feedlot



Rain Event – June 11, 2010
Drainage from Bullseye Feedlot



Rain Event – June 11, 2010
Drainage from Bullseye Feedlot



Rain Event – May 2015
Drainage from Bullseye Feedlot



Rain Event – May 2015
Drainage from Bullseye Feedlot



Rain Event – May 2015
Drainage from Bullseye Feedlot

STEWART ENVIRONMENTAL
CONSULTING GROUP, LLC
ENGINEERING FOR LIFE



PROJECT NO.

4826-001

JULY 2020

PREPARED FOR

BUJOI DITCH COMPANY
BULLSEYE HOLDINGS SUP REVIEW

ATTACHMENT C
SITE PHOTOS



Spill Event – 2017
Drainage from Bullseye Feedlot



Spill Event – 2017
Drainage from Bullseye Feedlot

STEWART ENVIRONMENTAL
CONSULTING GROUP, LLC
ENGINEERING FOR LIFE



4926-001

JULY 2020

BLUO DITCH COMPANY
BULLSEYE HOLDINGS SUP REVIEW

ATTACHMENT C
SITE PHOTOS – 2



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

Name Erin Kress/The Engineering, LLC
Address PO Box 337748
Greeley, CO 80633
Phone (720) 666-2701
Email erin@theengineeringonline.com

LANDOWNERS

Name Bullseye Holdings, LLC: Kevin Lamb, Manager
Address PO Box 460
Fort Morgan, CO 80701
Phone (480) 797-2921
Email kl@bhllc.biz

TECHNICAL INFORMATION

Address of property or general location Parcel Number: 122726000003 Zone District A

Size of property (Sq. Ft. or Acres) 90.870 Present Use of Property Feedlot Proposed Use of Property Feedlot

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

Part of the W 1/2 S & W of Bijou Section 26, T 3N, R 58W of the 6th PM.

Is property located within 1320' (1/4) of a livestock confinement facility? N/A. Facility is a feedlot.

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.

Erin P. Kress 5/20/2020
Applicant Signature Date

[Signature] 5-20-2020
Landowner Signature Date

For: Bullseye Holdings LLC.

Date Received _____ Received By _____ Fee Payment _____ Check # _____
Recording Fee _____ Check # _____
Fees Paid By _____

Comments _____



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USE BY SPECIAL REVIEW APPLICATION CHECKLIST

- X Exhibit A: Proof of ownership in the form of current title insurance or attorney's title opinion (within last 6 months).
- X Exhibit B: Narrative describing project and purpose of request.
- X 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.
- X Exhibit D: Additional information to clearly show projects intent.
- X Exhibit E: Narrative of compliance of this proposal with the Morgan County Comprehensive Plan and with the criteria for review of Special Use Permits.
- X Exhibit F: Development or implementation schedule of project. If Vesting of Rights is desired additional application and fees are required.
- N/A Exhibit G: Discussion of any public improvements required to complete the project and copies of pertinent improvements agreements.
- N/A Exhibit H: Description of types of easements required for the project. May be required to supply copies of easement agreements.
- X 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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 X Exhibit J: Letters of commitment from utility providers or other proof of service as required by staff:

 X J1: Water

 J2: Sewer

 X J3: Electricity

 X 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)

 X Exhibit L: Soil Map from Morgan County Soil Conservation District.

 X Exhibit M: Impact statement from irrigation companies that have canals / laterals crossing area.

 N/A Exhibit N: Documentation of adequate financial resources to implement the project.
*There is no significant capital expenditure necessary. Any necessary expenditures will be covered under an operating budget.

 X Exhibit O: Right to Farm Policy / Notice.

 X Exhibit P: Site plans / map exhibits as per Morgan County Zoning Regulations, Section 2-515.

 N/A Exhibit Q: Additional information as required by staff:

 Q1: _____

 Q2: _____

 Q3: _____

 Q4: _____

 X 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.

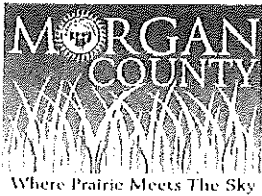


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All Special Use Permit applications will be reviewed against the following criteria established in Section 2-345 of the Morgan County Regulations.

The application submitted will be evaluated based on completeness and the manner in which the following criteria, which appear in the Morgan County Zoning Regulations 2-345, are addressed.

- (i) The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan (<http://www.co.morgan.co.us/Documents/CompPlan2008Binder1.pdf>)
- (ii) How the application presents a clear picture on how uses are to be arranged on the site or within Morgan County.
- (iii) The Site Plan conforms to the district design standards of these Regulations.
- (iv) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.
- (v) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.
- (vi) 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.
- (vii) The special use proposed is not planned to be developed on a non-conforming parcel.
- (viii) The applicant has adequately documented a public need for the project, all pertinent technical information, adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.
- (ix) 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



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Filing Deadline _____

Meeting Date _____

Morgan County Zoning Regulations – excerpt

2-515 Map Exhibits

All application maps, surveys, and plats shall conform with Section 8-180 of the Morgan County Subdivision Regulations.

(A) All drawings will have a north arrow, scale utilized, drawing preparer, date of preparation, title block, and borders.

(B) Sheet contents can be modified at the discretion of the planning staff.

(C) Existing Conditions Sheet

(1) Show site area overlaid on drawing of existing conditions including land areas within five hundred feet (500') of the site.

(2) Show existing land use, zoning, contours at two (2) foot intervals, easements, water bodies and courses, significant environmental features, roads and other transportation facilities, utility lines and the like.

(3) Show a vicinity map at an appropriate scale that clearly shows the location of the project.

(D) The site plan sheet is prepared to show future development of the site and the project. Preparing the site plan requires a degree of detail from developers who are prepared to move forward with construction of the project. The plan sheet submittal requirements are similar to those required for rezoning Section 2-480 (B).

(1) Same as Section 2-480(B)(1). Title should read: "Site Plan – Special Use Permit, Morgan County Colorado".

(2) Same as Section 2-480(B)(3)

(3) Same as Section 2-480(B)(5)

(4) Same as Section 2-480(B)(7)

(5) Same as Section 2-480(B)(8). Also show how uses are to be screened from public view and all containment features for any hazardous chemicals stored or used in the project.

(6) Same as Section 2-480(B)(10)

(7) Same as Section 2-480(B)(11)

(8) Prepare an engineered drainage plan for the project. Show how the drainage plan conforms with the floodplain requirements of these Regulations if the project is located in a floodplain. All drainage runoff is to be contained on the site that is in excess of historical flows prior to development. In the use of re-developed property where drainage was previously not contained, the plan should assume no development as the base for historical flow measurements.

(9) Same as Section 2-480(B)(13). The signature block for the Planning Commission should be changed to substitute the words "Site Plan – Special Use Permit" for "Rezoning Application". If the special permit is for a parcel of land or for a use on a parcel of land, the parcel shall be surveyed and the surveyor's certification and signature shall appear on this sheet also.

2-480 Application Maps

All application maps, surveys and plats shall conform with Section 8-180 of the Morgan County Subdivision Regulations.

(A) Sheet #1 – Rezoned Area Map shall contain the following information:

(1) A clear and legible surveyed mylar at an appropriate scale to clearly show all of the information required below. Sheet size shall be 24" x 36" or 18" x 24" and contain title blocks, date of preparation, north arrow, and scale designation in numerical and graphic form. The sheet is to be titled "Rezone Amendment – (old zone) to (new zone), Section, Township, Range, Morgan County, Colorado" at the top of the sheet.

(2) Show the rezoned area in a dark outline on the sheet face and label as "Rezoning from (old zone) to (new zone)."

(3) Indicate the surveyed legal description of the rezone area on the plan sheet. Use subsequent sheets if necessary.

(4) Clearly show and label the following features in relation to the rezone area and adjacent lands:

- existing zoning (adjacent lands only)
- existing uses
- existing easements – label ownership and type of easement and Morgan County Clerks record reference
- existing public accesses
- natural features of the site identified in the pre-application discussion

(5) A vicinity map that shows the rezone area within a two (2) mile radius.

(6) Included the signature blocks shown in Appendix A, Form 5.

(B) Sheet #2 – Site Development Plan (required only if rezoning rights are to be vested by the applicant pursuant to Section 2-475 (F)).



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

The Site Plan is prepared to show future development plans for the Rezoned Area. This sheet is prepared to satisfy the site specific development plan requirement for vesting of development rights. Preparing the site plan requires a degree of detail from a rezoning applicant that is normally prepared to move forward with subdivision and/or subsequent construction of allowed uses.

- (1) The drawing shall be clear and legible and of appropriate scale to clearly show all of the information required below. Sheet size shall be 24" by 36" or 18" x 24" and if more than one sheet is used, designate each sheet as sheet x of y sheets. All sheets shall contain title blocks, date of preparation, preparer's name, north arrow, and scale designation in numerical and graphic form. The first sheet is to be titled "Site Plan – Rezone Area, Morgan County, Colorado" at the top of the page. Include underneath, "A portion of (quarter/quarter location), Section ____, Township ____, Range ____, of the 6th P.M."
- (2) Show the rezoned area in a dark outline on the sheet face.
- (3) Clearly show, label and dimension the planned uses, their locations and approximate building envelope outlines.
- (4) Show topographic contour lines at two (2) foot intervals.
- (5) Show the existing and planned circulation pattern external and internal to the rezone area. Designate the road classifications as to arterial, collector and local and designate right-of-way widths.
- (6) Show which existing uses will remain and which will be removed upon development within the rezone area.
- (7) Show all setback distances to building envelopes as prescribed by the Zone District. Show other special setbacks planned on perimeters, next to road right-of-ways, etc.
- (8) Schematically show the landscaping and any open space for the project on this sheet or a subsequent sheet.
- (9) Note on the plan any unique natural features such as land forms, historical features, views, etc.
- (10) List in chart form the proposed specific uses by plan area subtotal or part, number of units and approximate square footages of uses proposed.
- (11) Show the parking plan for the project and correlate the parking requirement of the Zone District for the uses proposed and the land areas assigned to parking.
- (12) Show a schematic utility plan for sewer and water service for the plan area. Show connection points to existing utilities. Use a subsequent sheet if necessary for clarity.
- (13) Include the following signature blocks on the face sheet (for format reference see Appendix A, Form No.5).
 - Planning Commission Certificate: Substitute the words: "Site Plan" for "Rezoning Application."
 - Board of County Commissioners Certificate.
 - Clerk and Recorders Certificate.
- (14) Staff may waive any of these requirements or require that additional information be added to the plat.

Morgan County Subdivision Regulations – excerpt

8-180 Plat Format

- (A) Said plat shall be in the form of a black India inked Mylar that is capable of reproducing clear and sharp reproductions of all details, signatures, and notary seals.
- (B) No plats using sepia ink or pencil or containing stick-ons will be accepted.
- (C) All signatures on the plat are to be in black permanent ink.
- (D) The plat sheet shall have outer dimensions of 24" x 36". The plat drawing will be contained within a space defined by a one and one-half inch (1½") margin from the left sheet edge and a one-half inch (½") margin from the other three sheet edges.
- (E) Applicants are encouraged to use more than one sheet in order to avoid the crowding of information on one sheet. Sheets are to be designed as sheet x of y sheets.
- (F) The scale of the plat drawing shall be one inch equal to twenty feet (1" = 20'). Other scales may be approved by the Staff.
- (G) The scale of the plat drawing shall be a common engineer scale. The scale shall be indicated with both alpha numeric and bar graph.

Exhibit A

Proof of Ownership

Exhibit A

Ownership and Encumbrance Report

Canyon Title File Number: CT174071

Name: Kevin Lamb
Phone:

Company: Kevin Lamb
Email: kl@bhllc.biz

Street Address: 16098 County Road O
Fort Morgan, CO 80701
(For Informational Purposes Only)

Effective Date: February 12, 2020

Parcel/Schedule Number: 1227-260-00-003 R008544

Legal Description: A parcel of land in the West 1/2 of Section 26, Township 3 North, Range 58 West of the Sixth Principal Meridian, Morgan County, Colorado, said parcel being more particularly described as follows:

Beginning at the Southwest corner of the NW 1/4 of said Section 26; thence N02°08'55"W along the West line of said NW 1/4 of Section 26 a distance of 2608.95 feet to the Northwest corner of said Section 26; thence S89°27'05"E along the North line of said NW 1/4 of Section 26 a distance of 556.42 feet to a point on the centerline of the Bijou Canal; thence S45°21'45"E along the centerline of the Bijou Canal a distance of 94.74 feet; thence S65°18'50"E along the centerline of the Bijou Canal a distance of 256.25 feet to the point of curvature of a horizontal circular curve concave Southwesterly whose delta angle is 65°33'10" and whose radius is 106.00 feet; thence along the arc of said curve and along the centerline of the Bijou Canal a distance of 121.28 feet (the chord of said arc bears S32°32'15"E a distance of 114.77 feet); thence along the centerline of the Bijou Canal the following bearings and distances:

S00°14'20"W at distance of 184.45 feet;

S07°05'15"E a distance of 125.07 feet;

S13°51'40"E a distance of 177.60 feet;

S23°10'30"E a distance of 85.71 feet;

S26°49'40"E a distance of 213.20 feet;

S09°02'30"E a distance of 106.67 feet to the point of curvature of a horizontal circular curve concave Northeasterly whole delta angle is 24°38'20" and whose radius is 384.00 feet; thence along the arc of said curve and along the centerline of the Bijou Canal a distance of 165.13 feet (the chord of said arc bears S21°21'40"E a distance of 163.86 feet); thence along the centerline of the Bijou Canal the following bearings and distances:

S33°40'50"E a distance of 278.66 feet;

S47°29'10"E a distance of 160.56 feet;

S37°10'05"E a distance of 127.01 feet;

S19°02'30"E a distance of 249.21 feet;

S03°51'05"E a distance of 135.76 feet;

S19°02'20"E a distance of 98.97 feet to the point of curvature of a horizontal circular curve concave Northeasterly whose delta angle is 17°24'20" and whose radius is 447.47 feet; thence along the arc of said curve and along the centerline of the Bijou Canal a distance of 135.93 feet (the chord of said arc bears S27°44'30"E a distance of 135.40 feet) to the point of curvature of a horizontal circular curve concave Northeasterly whose delta angle is 61°02'50" and whose radius is 228.05 feet; thence along the arc of said curve and along the centerline of the Bijou Canal a distance of 242.98 feet (the chord of said arc bears S66°S8'05"E a distance of 231.65 feet); thence N82°30'30"E along the centerline of the Bijou Canal a distance of 87.21 feet to the point of curvature of a horizontal circular curve concave Southwesterly whose delta angle is 80°12'10" and whose radius is 132.00 feet; thence along the arc of said curve and along the centerline of the Bijou Canal a distance of 184.77 feet (the chord of said arc bears S57°23'25"E a distance of 170.05 feet); thence S17°17'20"E along the centerline of the Bijou

Canal a distance of 295.75 feet to the point of curvature of a horizontal circular curve concave Northeasterly whose delta angle is 24°00'00" and whose radius is 467.00 feet; thence along the arc of said curve and along the centerline of the Bijou Canal a distance of 195.62 feet (the chord of said arc bears S29°17'20"E a distance of 194.19 feet); thence S41°17'20"E along the centerline of the Bijou Canal a distance of 209.55 feet; thence S88°02'25"W a distance of 949.93 feet; thence N02°35'20"W a distance of 268.02 feet; thence S87°47'20"W a distance of 1159.05 feet; thence N04°39'55"W a distance of 288.32 feet; thence S89°59'00"W a distance of 240.47 feet to the Point of Beginning, County of Morgan, State of Colorado

Legal description prepared by Leibert-McAtee & Associates, Inc.

Ownership Information

Owner(s) of Record: Bullseye Holdings LLC, an Arizona limited liability company

Deed Type: Quit Claim Deed

Recording Date: March 21, 2019

Reception Number: 917421

Encumbrance(s):

1. Deed of Trust from Bullseye Holdings LLC to the Public Trustee of Morgan County for the benefit of Sir Mortgage & Finance of Arizona, Inc. to secure an indebtedness in the principal sum of \$160,000.00, and any other amounts and/or obligations secured thereby, dated May 8, 2019, and recorded on May 21, 2019, at Reception No. 918487.

Exhibits B, C, D, E, F and I

Exhibit **B** – Project Description

Exhibit **C** – Project Impacts

Exhibit **D** – Project Intent

Exhibit **E** – Narrative of Compliance

Exhibit **F** – Development or Implementation
Schedule

Exhibit **I** – Environmental Impacts

Design Report

Bullseye Holdings Feedyard

PART OF THE W 1/2 S & W OF BIJOU, SEC 26, T 3N, R 58W, OF
THE 6TH P.M., MORGAN COUNTY, COLORADO

Prepared By

THE ENGINEERING, LLC

PO Box 337748
Greeley, CO 80633

719-661-6209
719-362-4768 fax
www.thengineeringonline.com

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2.0 Purpose and Scope

2.1 Project Summary

Bullseye Holdings, LLC Feedyard is an existing animal feeding operation located southwest of Fort Morgan, Colorado at the intersection of Morgan County Roads O and 16.

This design report has been prepared to obtain a Special Use Permit (SUP) from Morgan County. The report addresses the requirements to obtain a SUP including project description, environmental impacts, and State and County compliance.

2.2 Project Description

The facility is an existing animal feeding operation. The project site is located in the W ½ of Section 26, Township 3 North, Range 58 West, of the sixth prime meridian. The project site's primary access is located south of the corner of Morgan County Roads O and 16 and consists of a main access used for feed and livestock. An additional access along County Road O is used for traffic to the residences on the property. The existing access at the intersection of roads 16 and O will be abandoned.

2.3 Basis for Design

This facility was designed in accordance with various universities' research and extension publications, the Natural Resources Conservation Service (NRCS) recommendations and generally accepted best management practices. Publications directly referenced are from Colorado State University, Kansas State University, Texas A&M University, American Society of Agricultural Engineers (ASAE). The facility was also designed in accordance with the current Colorado Department of Public Health and Environment (CDPHE) regulations for Confined Animal Feeding Operation 5-CCR-1002-61.17 and 5-CCR-1002-81.

3.0 Regulation Applicability

3.1 Colorado Department of Public Health and Environment

The Colorado Department of Public Health and Environment's Environmental Agriculture Program (EAP) regulates Animal Feeding Operations in Colorado through regulations for Confined Animal Feeding Operation 5-CCR-1002-61.17 and 5-CCR-1002-81. The facility currently is operating as an Animal Feeding Operation. Once animal numbers exceed 999 head of cattle, the facility will register with the EAP as a Concentrated Animal Feeding Operation.

3.2 Morgan County

The facility is currently zoned A (Agriculture Production District).

According to Morgan County zoning regulations, agriculture is considered to be a highly valued resource in Morgan County. Conservation of agricultural resources and land is paramount, and such land and resources must be protected from adverse impacts resulting from uncontrolled and undirected business, commercial, industrial and residential uses. The A zone is established to maintain and promote

agriculture as an essential industry of Morgan County. The A zone is established to provide areas for the conduct of agriculture activities and activities related to agriculture and agricultural production without the interference of other incompatible uses. Morgan County recognizes that non-agriculture uses, such as residences, occur in the Agriculture Zone, but that these uses are subordinate to agricultural uses.

4.0 Hydrology and Hydraulics

Current best management practices advise animal feeding operations to intercept any stormwater runoff that comes in contact with feed or manure. In Colorado this is typically done with a waste storage pond. The accumulated water is typically evaporated or land applied at agronomic rates to provide only the amount of nutrients that the crop can utilize. In Colorado it is required that animal feeding operations over 300 head have a liner installed in the pond. These liners can be made of either earthen or man-made materials and must meet a seepage requirement of 1.0×10^{-6} cm/sec. The existing waste management system for this facility utilizes compacted clay liners.

This waste management system is designed to contain the 25year-24hour storm event as determined from the TAPS weather data. The required capacity was determined using the spreadsheet 313Pond.XLS "RECTANGULAR WASTE STORAGE POND DESIGN COMPUTATIONS" developed by NRCS State Conservation Engineer for Colorado, John Andrews. The spreadsheet uses a monthly balance approach accounting for precipitation inputs as well as evaporation and pumped draw-downs during the summer irrigation season for the outputs.

All storm water from the lot area will be contained in the existing wastewater storage ponds. All precipitation that does not fall directly on these areas will be diverted away from the containment area and will flow into the natural drainages.

4.1 Existing Facility

The existing facility is substantially compliant with applicable environmental regulations. Minor additions are proposed to bring the facility into compliance with current regulatory interpretations and verbal agreements with Bijou Irrigation.

4.1a Waste Storage Ponds

The facility has four current stormwater runoff ponds which will remain and be modified for future compliance. The main Pond #1 located at the southernmost end of the facility is the largest and primary pond. All other ponds flow to this pond and this is considered the terminal pond.

Pond #2 sits in the middle of the pens and will remain largely unchanged with the exception of installation or certification of a suitable liner. This pond serves as a primary reception for normal small runoff reception. This pond also serves as a buffer for a large storm event. In the event a storm exceeds the capacity of this pond it will flow overland through the corrals towards Pond #3.

Pond #3 is another relatively small pond that will receive minimal changes. The pond will however be fortified by the addition of the elevated berm along the Bijou canal. A gravity overflow pipe will also be

added to convey the water to the south to Pond #1. This pipe will be installed at an elevation of 4384.4' which is 2ft below top of berm ensuring compliance with CDPHE regulations.

Pond #4 is located adjacent to the silage pit and receives runoff directly from the silage and feed areas as well as a few small additional pens located in the northeast corner. This pond has sufficient capacity to operate independently and catch the 25year-24hour storm or the 100year-24hour storm runoff; however, does not have the extra capacity to store this runoff long term. A transfer pipe is proposed to pump the storm runoff to the south to be stored in the south Pond #1 until it can be land applied. This pond will need to be lined or certified and thus it may be enlarged a bit at that time to allow for additional operational flexibility and safety.

4.1.b Diversions

A few new diversions will be constructed to help convey stormwater runoff and provide additional protection from overflowing into the Bijou Canal. A diversion will be created along the northern edge of the corrals by elevating the existing road. This diversion will ensure that all the runoff from the northern end of the corrals flows to the east and eventually south to Pond #3. This diversion will continue along the west bank of Bijou Canal and grade will merge into the feed bunk adjacent to Pond #3. This berm will become the internal road and serve for facility operations as well as Bijou maintenance as necessary.

The area from Pond #3 extending approximately 450ft to the south becomes very tight between the Bijou and feed bunk and no improvements are planned in this area. Pond #3 if it overtops will be contained in the pen to the west by the berm and feed bunk until it can exit the pen 800ft south. The berm along the Bijou will pick up when the area allows approximately 450ft south of Pond #3 and will continue along the west bank of the Bijou Canal to the south property line. This berm will be elevated to at least 2ft above adjacent grade to the west or elevation 4386.0', whichever is higher. The elevation 4386.0' is the proposed top of berm elevation for Pond #1 and is approximately 4ft higher than the current minimum elevation between pond and canal.

An emergency spillway will be constructed in the berm adjacent to Pond #1 and will serve as the only potential overflow point for the feedyard. An emergency spillway is proposed; however, it is not anticipated that this will ever be utilized. Proper engineering design dictates that a spillway is essential to protect the integrity of the pond embankments and the Bijou canal in the event of an act of god rainfall event.

All diversions will be designed to adequately divert the 25year-24hour storm event as per state regulations.

5.0 Manure Management

5.1 Solid Manure

The facility proposes a maximum animal number of 9,000 head in the confinement area of the facility. Cattle are brought in around 750 pounds and leave the facility at approximately 1,200 pounds. Based on the average animal weight, the animals at the facility are estimated to produce 14,290 tons of manure/year. The manure generated will be gifted to area farmers for agricultural land application.

5.2 Wastewater

Wastewater generation will be the primary byproduct of the feedyard and will be stored in the facility's lined wastewater impoundments until it can be land applied at agronomic rates. The facility will first try to land apply the wastewater to area third party farmground via a honey wagon. If necessary, wastewater may be land applied to approximately 40 acres of adjacent on-site pasture ground at agronomic rates. This pasture ground has been included in the planning and permitting for the adjacent truck wash and its utilization as a land application site would not exceed the nutrient loading or methods as proposed during that permit.

The sandy nature of the land application site means that the application must be conducted with caution to prevent wind erosion. The primary means of land application will be with a big gun traveler. This will minimize the potential disturbance to the sandy site. The traveler system is the best application method for this situation for many reasons. First the disturbance on the native soils is the least of all methods investigated in that the only traffic will be the periodic extending of the traveler by an ATV or similar means. The cart is then automatically pulled back at an adjustable rate to meet application needs. The application of water is applied to as large of a radius as possible which increases the wetted diameter and decreases the application rate resulting in the potential for less runoff than small sprinklers with small wetted diameter. A 100ft setback from downgradient waterways will be observed. This 100ft setback is an application setback and thus the nozzle itself will be approximately 250ft from the water's edge. Applications will be monitored and applications ceased if precipitation is occurring or imminent in which will likely cause a precipitation induced runoff situation. At no point will wastewater be allowed to run off directly from the land application site.

6.0 Traffic

Traffic to and from the facility will consist primarily of arriving cattle, shipped cattle, incoming feed and outgoing solid manure. Table of anticipated truck and car traffic is presented in the appendix. In general the truck traffic will increase proportionally with the facility capacity. A significant number of the total trips into the facility will be cars belonging to employees and vendors. This number does not increase proportionally with the additional livestock being able to be cared for with less people per head.

It is anticipated that there will be approximately 4,741 truck trips per year and 4,015 car trips per year. This traffic will utilize the main entrance located on County Road 16.

7.0 Nuisance Management

The methods presented below will be implemented by Bullseye Holdings as applicable and necessary to minimize inherent conditions that exist on an animal feeding operation that may be considered a nuisance to others. The management practices described below are industry accepted and identified as effective at minimizing nuisance conditions. Bullseye Holdings intends to be proactive in its approach to minimizing nuisance conditions.

7.1 Facility and Responsible Persons

Bullseye Holdings, LLC

Kevin Lamb, Manager

PO Box 460

Fort Morgan, CO 80701

7.2 Pest Control

Insects and rodents are inherent to agricultural operations where typically a good food supply and ideal habitat for breeding and living are located.

In order to manage insects and rodents, Bullseye Holdings will implement the following practices:

- **Minimize Fly Habitat**
 - Ensure good pen slope to promote drainage and reduce standing water to minimize ideal breeding conditions.
 - Keep grass and weeds mowed to reduce fly resting places.
 - Compost manure which minimizes pests by reaching temperatures that kill fly larvae.
 - Frequent manure removal from pens.
 - Keep spillage to a minimum when hauling manure.
 - Avoid feed spills and clean up any spills as soon as possible.

In addition to minimizing the habitat for flies to breed and live, Bullseye Holdings will use fly traps in areas that flies tend to congregate. Parasitic wasps will also be used if necessary to help reduce fly reproduction. Insecticides and other chemicals will only be used when the other practices have failed to minimize the nuisance. Use of insecticides will be carefully considered as these chemicals typically also kill parasitic wasps.

Bullseye Holdings prides itself on good housekeeping at its facility. Minimizing feed spills and overall site maintenance will be used for rodent control. Rodent traps and bait will be used as necessary if the other practices have failed to minimize the nuisance.

7.3 Air Quality

In order to minimize these potential nuisance conditions, Bullseye Holdings will primarily work to balance pen conditions through pen management. When pens, and therefore manure are wet,

increased odor can be expected. However, with dry pens there is typically an increase in dusty conditions especially in evenings when animals tend to be more active.

In order to minimize dust at the facility, Bullseye Holdings will implement the following practices:

- Pen Management
 - Frequent removal of manure from pens. This will also help compact any remaining manure on the pen surface making it less prone to being stirred up into the air as dust.
 - Maintain that compacted manure layer in the pens.
 - Stock animals in pens at densities that allow the pen surface to remain moist.
 - Keep empty pens to a minimum to reduce wind erosion that occurs in empty, dry pens.
 - Pen sizes are being reduced to decrease open pen surface area potentially affected by wind.

During extremely dry conditions when pen management is not sufficient to minimize the nuisance, Bullseye Holdings may use water trucks or a big gun sprinkler system to provide moisture for pens and/or facility roads.

In order to minimize odor at the facility, Bullseye Holdings will implement the following practices:

- Manure Management
 - Frequent removal of manure from pens.
 - Compost manure which reduces odor.
 - Routine pen maintenance so that there is not standing water present. This includes pen scraping as well as harrowing to aid in drying out the pen surface.

7.4 Noise

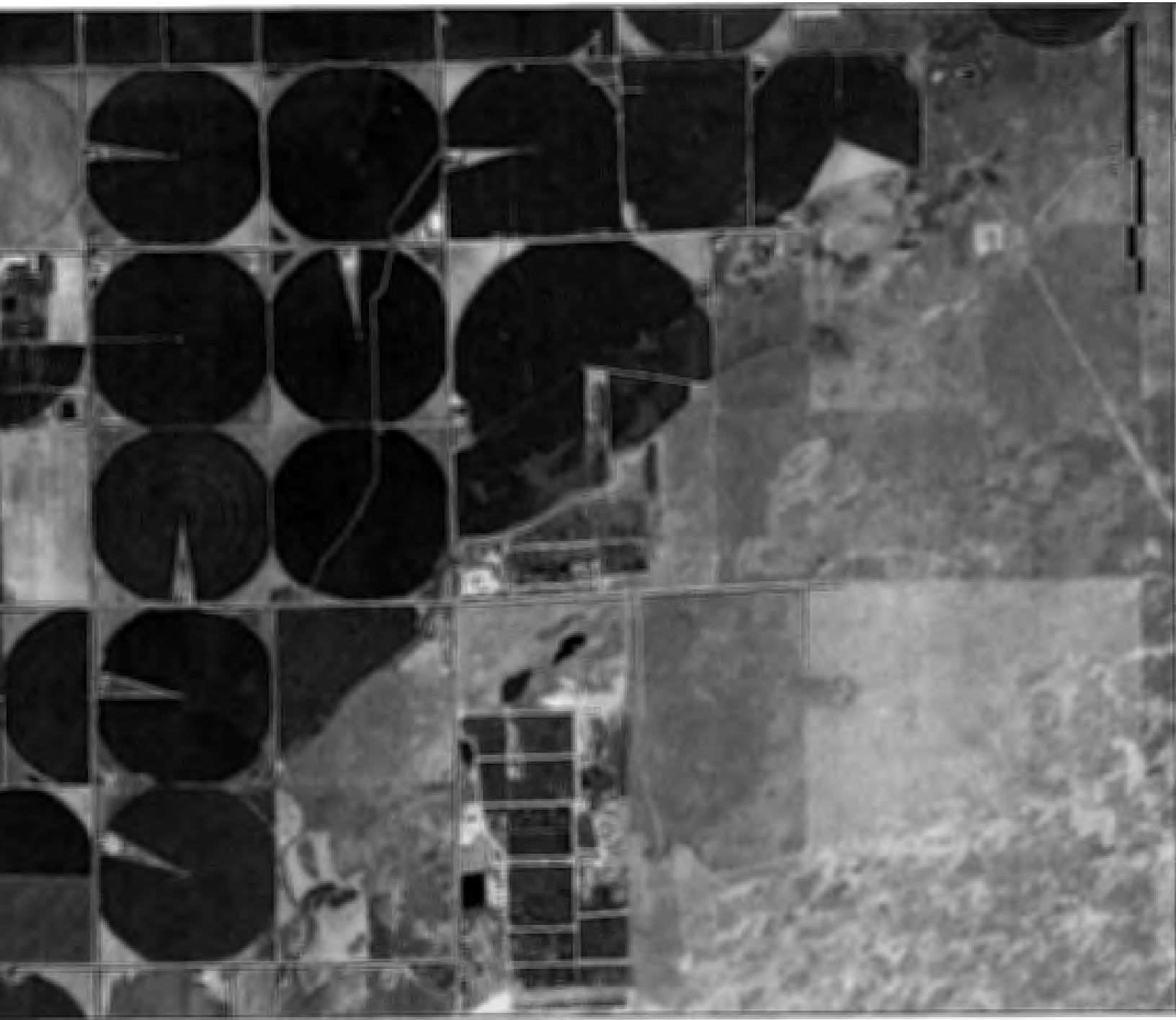
Machinery including feed trucks, tractors, skid-steers, pen maintenance equipment and more are used as an integral part of an animal feeding operation.

In order to minimize noise at the facility, Bullseye Holdings will implement the following practices:

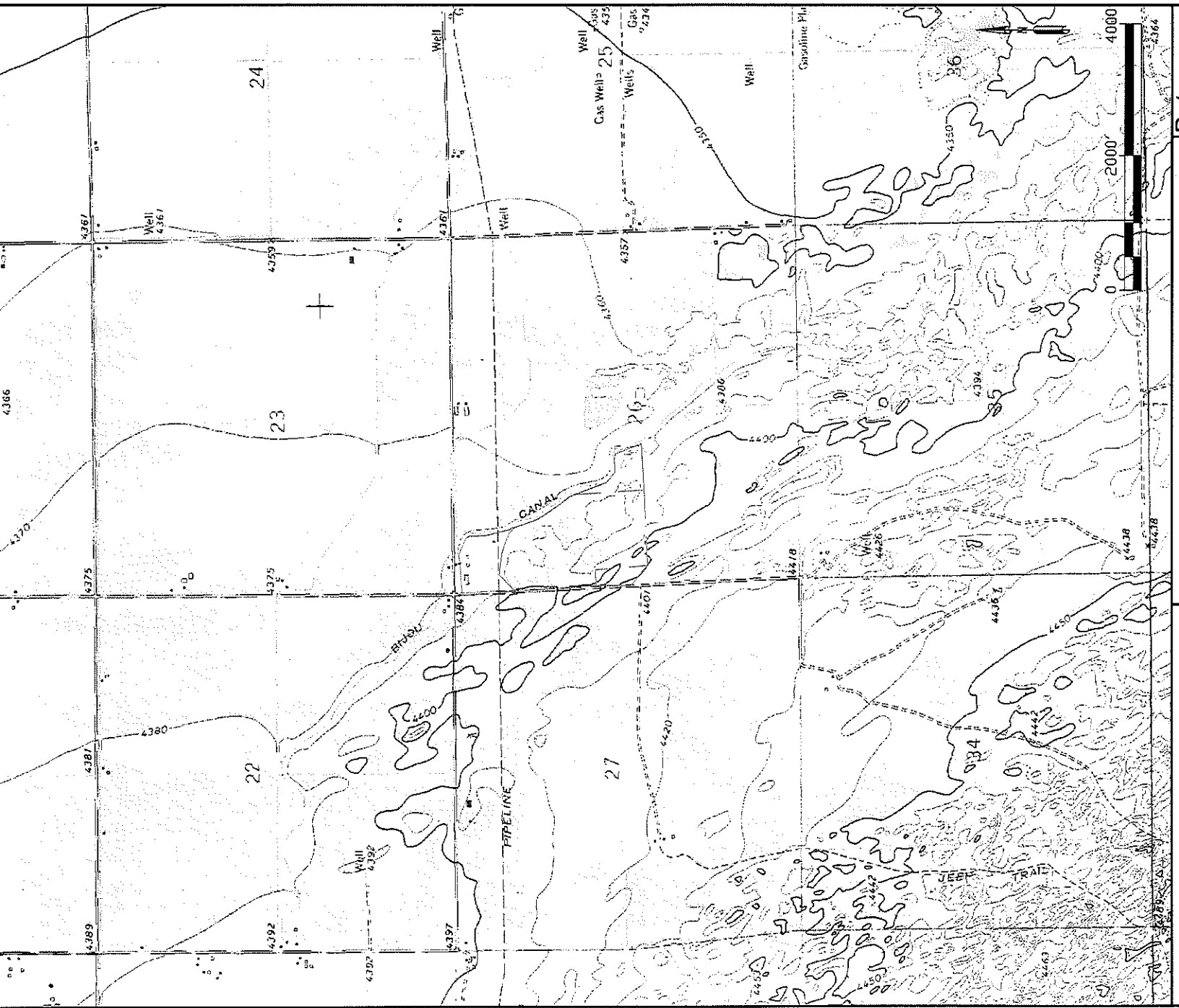
- Equipment Maintenance and Operation
 - Regular lubrication and parts replacement on machinery.
 - Operate machinery at lower speeds.

8.0 Appendices

- 8.1 Aerial map 1:500**
- 8.2 Aerial map 1:2000**
- 8.3 Topo map 1:2000**
- 8.4 Soils map**
- 8.5 Flood plain map**
- 8.7 Pond sizing spreadsheet**
- 8.8 Pond stage storage curves**
- 8.9 Pond liner certifications**
- 8.10 Hydrology summary**
- 8.11 Manure generation calculations**
- 8.13 Traffic calculations**
- 8.14 O&G wells map**
- 8.15 Emergency action plan**









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**



February 14, 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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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

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scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

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identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

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



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)


Soils


 Soil Map Unit Polygons


 Soil Map Unit Lines


 Soil Map Unit Points

Special Point Features

 Blowout


 Borrow Pit


 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water


 Perennial Water

 Rock Outcrop


 Saline Spot


 Sandy Spot

 Severely Eroded Spot


 Sinkhole


 Slide or Slip


 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

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 20, Sep 13, 2019

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

Date(s) aerial images were photographed: Jul 17, 2015—Sep 17, 2017

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
TuB	Truckton loamy sand, 1 to 3 percent slopes	36.7	48.9%
VcD	Valent sand, 3 to 9 percent slopes	38.4	51.1%
Totals for Area of Interest		75.1	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 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,

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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

TuB—Truckton loamy sand, 1 to 3 percent slopes

Map Unit Setting

National map unit symbol: 3pyr
Elevation: 4,500 to 6,500 feet
Mean annual precipitation: 12 to 18 inches
Mean annual air temperature: 46 to 52 degrees F
Frost-free period: 125 to 180 days
Farmland classification: Not prime farmland

Map Unit Composition

Truckton and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Truckton

Setting

Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Loam sandy and/or sand loamy

Typical profile

H1 - 0 to 11 inches: loamy sand
H2 - 11 to 26 inches: sandy loam
H3 - 26 to 60 inches: loamy sand

Properties and qualities

Slope: 1 to 3 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 6.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: Low (about 5.7 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: A
Ecological site: Sandy Plains (R067BY024CO)
Hydric soil rating: No

Minor Components

Bijou

Percent of map unit: 10 percent
Hydric soil rating: No

Bresser

Percent of map unit: 5 percent

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Hydric soil rating: No

Vona

Percent of map unit: 5 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): Crest, side slope, head slope, nose 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

Natural 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 in profile: 1 percent

Salinity, maximum in profile: Nonsaline (0.0 to 1.9 mmhos/cm)

Available water storage in profile: 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: Deep Sand (R067BY015CO), Rolling Sands (R072XY109KS)
Hydric soil rating: No

Minor Components

Dailey

Percent of map unit: 10 percent
Landform: Interdunes
Landform position (two-dimensional): Footslope, toeslope
Landform position (three-dimensional): Base slope
Down-slope shape: Linear
Across-slope shape: Concave
Ecological site: Deep Sand (R067BY015CO), Sands (North) (PE 16-20) (R072XA021KS)
Hydric soil rating: No

Vona

Percent of map unit: 5 percent
Landform: Hills
Landform position (two-dimensional): Footslope, backslope, shoulder
Landform position (three-dimensional): Side slope, head slope, nose slope, base slope
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: Sandy Plains (R067BY024CO), Sandy (North) Draft (April 2010) (PE 16-20) (R072XA022KS)
Hydric soil rating: No

Haxtun

Percent of map unit: 5 percent
Landform: Interdunes
Landform position (two-dimensional): Footslope, toeslope
Landform position (three-dimensional): Base slope
Down-slope shape: Linear
Across-slope shape: Concave
Ecological site: Sandy Plains (R067BY024CO), Sandy Plains (R072XY111KS)
Hydric soil rating: No

References

- American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.
- American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.
- Federal Register. July 13, 1994. Changes in hydric soils of the United States.
- Federal Register. September 18, 2002. Hydric soils of the United States.
- Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.
- National Research Council. 1995. Wetlands: Characteristics and boundaries.
- Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_054262
- Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service, U.S. Department of Agriculture Handbook 436. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053577
- Soil Survey Staff. 2010. Keys to soil taxonomy. 11th edition. U.S. Department of Agriculture, Natural Resources Conservation Service. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053580
- Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.
- United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.
- United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2_053374
- 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>

Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT



SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, A99
	With BFE or Depth Zone AE, AO, AH, VE, AR
	Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee. See Notes, Zone X
	Area with Flood Risk due to Levee Zone D
OTHER AREAS	NO SCREEN Area of Minimal Flood Hazard Zone X
	Effective LOMRs
GENERAL STRUCTURES	Area of Undetermined Flood Hazard Zone D
	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
OTHER FEATURES	20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
	17.5 Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
MAP PANELS	Digital Data Available
	No Digital Data Available
	Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/25/2020 at 1:02:00 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

RECTANGULAR WASTE STORAGE POND DESIGN COMPUTATIONS

Project Name: Bullseye Feedlot

Location: Feed Area pond

Climate Station: Fort Morgan, ave. year

Computed By: THE

Date: 2/24/2019

Checked By:

Date:

BASIC DATA		POND DESIGN VOLUME		RECTANGULAR STORAGE POND DESIGN DIMENSIONS	
Solids & Slurry Inflow : 0 cu. ft./day		Max Working Storage: 0.00 Acre-ft		VOLUMES OVERWRITTEN WITH ACTUAL FROM SURVEY AND PLANNED	
Other Liquid Waste Inflow: 0 gal./day		Design Storm Runoff: 0.96 Acre-ft			
Contributing Roof Area: 50,172 sq. ft.		Design Requirement: 0.96 Acre-ft		Freeboard: 0.0 ft.	Design Surface Area: 28,715 sq. ft.
Contributing Paved Lot Area: 0 sq. ft., CN = 59		Available Storage: 83% of design		Inside Slope: 4 H:1V	Available Storage Volume: 0.8 Acre-ft
Contributing Earth Lot Area: 12 Acres, CN = 59		Storage Safety Factor: 2.0		Evaporation Area: 13,768 sq.ft.	Freeboard Volume: 1.1 Acre-ft
25yr-24hr Precipitation Depth: 3.40 inches		(w/ freeboard)		Seepage Rate: 0.000 inches/day	Total Volume: 1.9 Acre-ft
10yr-10day Precipitation Depth: 3.86 inches				Seepage Area: 1280 sq.ft.	
Annual FWS Evaporation: 48 inches					

AVERAGE ANNUAL MASS BALANCE FOR ESTIMATING MAXIMUM WORKING STORAGE REQUIREMENTS																		
Month	MONTHLY POND INFLOW										MONTHLY POND OUTFLOW				WORKING STORAGE			
	Monthly Contribution to Working Storage from Precipitation							Waste Inflow		Total Inflow (Acre-ft)	Surface Evaporation		Seepage Loss (Acre-ft)	Planned Drawdown (Acre-ft)	Total Outflow (Acre-ft)	Monthly In - Out (Acre-ft)	Accumulated Storage (Acre-ft)	
	Precip. (inches)	Earth Lot Runoff (inches)		Paved Lot Runoff (inches)		Roof Runoff (inches)		On Pond (Acre-ft)	Solids (Acre-ft)		Liquids (Acre-ft)							(inches)
Jan.	0.23	0.60	0.59	0.60	0.0000	0.09	0.0087	0.0126	0.0000	0.0000	0.61	1.44	0.0379	0.0000	20.00	20.04	-19.43	0.00
Feb.	0.17	0.63	0.62	0.63	0.0000	0.05	0.0048	0.0093	0.0000	0.0000	0.63	1.68	0.0442	0.0000	20.00	20.04	-19.41	0.00
Mar.	0.71	0.38	0.38	0.38	0.0000	0.51	0.0492	0.0390	0.0000	0.0000	0.47	2.64	0.0695	0.0000	20.00	20.07	-19.60	0.00
Apr.	1.20	0.22	0.22	0.22	0.0000	0.99	0.0946	0.0659	0.0000	0.0000	0.38	4.32	0.1138	0.0000	20.00	20.11	-19.73	0.00
May	2.63	0.00	0.00	0.00	0.0000	2.40	0.2304	0.1445	0.0000	0.0000	0.38	5.76	0.1517	0.0000	20.00	20.15	-19.77	0.00
June	2.15	0.04	0.04	0.04	0.0000	1.92	0.1846	0.1181	0.0000	0.0000	0.34	6.96	0.1833	0.0000	20.00	20.18	-19.84	0.00
July	1.80	0.09	0.09	0.09	0.0000	1.58	0.1513	0.0989	0.0000	0.0000	0.34	7.20	0.1896	0.0000	20.00	20.19	-19.85	0.00
Aug.	1.49	0.15	0.15	0.15	0.0000	1.27	0.1219	0.0819	0.0000	0.0000	0.35	6.48	0.1707	0.0000	20.00	20.17	-19.82	0.00
Sep.	1.13	0.24	0.24	0.24	0.0000	0.92	0.0880	0.0621	0.0000	0.0000	0.39	4.80	0.1264	0.0000	20.00	20.13	-19.74	0.00
Oct.	0.66	0.40	0.40	0.40	0.0000	0.47	0.0447	0.0363	0.0000	0.0000	0.48	3.36	0.0885	0.0000	20.00	20.09	-19.61	0.00
Nov.	0.38	0.52	0.52	0.52	0.0000	0.21	0.0203	0.0209	0.0000	0.0000	0.56	1.92	0.0506	0.0000	20.00	20.05	-19.49	0.00
Dec.	0.27	0.58	0.57	0.58	0.0000	0.12	0.0116	0.0148	0.0000	0.0000	0.60	1.44	0.0379	0.0000	20.00	20.04	-19.44	0.00
Totals:	12.82	3.86	3.81	3.86	0.00	10.53	1.01	0.70	0.00	0.00	5.52	48.00	1.26	0.00	240.00	241.26		

RAINFALL AND RUNOFF ESTIMATION FOR WASTE STORAGE POND DESIGN				
	Earth Areas	Paved Areas	Roofed Areas	Pond Surface
25yr-24hr Storm Event				
1 day Curve Numbers:	59	59	100	100 %
25yr-24hr Rainfall:	3.40 inches	3.40 inches	3.40 inches	3.40 inches
25yr-24hr Runoff:	0.45 inches	0.45 inches	3.40 inches	3.40 inches
Runoff Volume:	0.45 Acre-ft	0.00 Acre-ft	0.33 Acre-ft	0.19 Acre-ft
Total 24hr-25yr Event Runoff Volume:				0.96 Acre-ft
Chronic Storm (10 day event)				
10 day Curve Numbers:	41	41	100	100 %
10yr-10day Rainfall:	3.9 inches	3.9 inches	3.9 inches	3.86 inches
10yr-10day Runoff:	0.06 inches	0.06 inches	3.86 inches	3.86 inches
Runoff Volume:	0.06 Acre-ft	0.00 Acre-ft	0.37 Acre-ft	0.21 Acre-ft
Total 10yr-10day Event Runoff Volume:				0.64 Acre-ft
Average Monthly Runoff Contribution to Working Storage				
30 day Curve Numbers:	41	41	98	100 %
(see computations in monthly mass balance table above)				
Average Annual Rainfall:	12.8 inches	12.8 inches	12.8 inches	12.8 inches
Average Annual Runoff:	3.86 inches	3.86 inches	10.53 inches	12.82 inches
Runoff as % of Rainfall:	30%	30%	82%	100.0%

RECTANGULAR WASTE STORAGE POND DESIGN COMPUTATIONS

Project Name: Bullseye Feedlot

Location: South main pond

Climate Station: Fort Morgan, ave. year

Computed By: THE

Date: 2/24/2019

Checked By:

Date:

BASIC DATA		POND DESIGN VOLUME		RECTANGULAR STORAGE POND DESIGN DIMENSIONS	
Solids & Slurry Inflow : 0 cu. ft. /day		Max Working Storage: 2.59 Acre-ft		VOLUMES OVERWRITTEN WITH ACTUAL FROM SURVEY AND PLANNED	
Other Liquid Waste Inflow: 0 gal. /day		Design Storm Runoff: 13.31 Acre-ft			
Contributing Roof Area: 0 sq. ft.		Design Requirement: 15.90 Acre-ft		Freeboard: 0.0 ft.	Design Surface Area: 293,612 sq. ft.
Contributing Paved Lot Area: 496,584 sq. ft., CN = 55		Available Storage: 179% of design		Inside Slope: 4 H:1V	Available Storage Volume: 28.5 Acre-ft
Contributing Earth Lot Area: 57 Acres, CN = 90		Storage Safety Factor: 2.5		Evaporation Area: 126,117 sq.ft.	Freeboard Volume: 10.7 Acre-ft
25yr-24hr Precipitation Depth: 3.40 inches		(w/ freeboard)		Seepage Rate: 0.000 inches/day	Total Volume: 39.2 Acre-ft
10yr-10day Precipitation Depth: 3.86 inches				Seepage Area: 1280 sq.ft.	
Annual FWS Evaporation: 48 inches					

AVERAGE ANNUAL MASS BALANCE FOR ESTIMATING MAXIMUM WORKING STORAGE REQUIREMENTS																		
Month	MONTHLY POND INFLOW										MONTHLY POND OUTFLOW				WORKING STORAGE			
	Monthly Contribution to Working Storage from Precipitation								Waste Inflow		Total Inflow (Acre-ft)	Surface Evaporation		Seepage Loss (Acre-ft)	Planned Drawdown (Acre-ft)	Total Outflow (Acre-ft)	Monthly In - Out (Acre-ft)	Accumulated Storage (Acre-ft)
	Precip. (inches)	Earth Lot Runoff		Paved Lot Runoff		Roof Runoff		On Pond	Solids (Acre-ft)	Liquids (Acre-ft)								
		(inches)	(Acre-ft)	(inches)	(Acre-ft)	(inches)	(Acre-ft)											
Jan.	0.23	0.05	0.24	0.60	0.5673	0.09	0.0000	0.1292	0.0000	0.0000	0.94	1.44	0.3474	0.0000	0.00	0.35	0.59	1.50
Feb.	0.17	0.07	0.33	0.63	0.5964	0.05	0.0000	0.0955	0.0000	0.0000	1.03	1.68	0.4053	0.0000	0.00	0.41	0.62	2.12
Mar.	0.71	0.00	0.02	0.38	0.3654	0.51	0.0000	0.3988	0.0000	0.0000	0.78	2.64	0.6370	0.0000	0.00	0.64	0.15	2.27
Apr.	1.20	0.10	0.48	0.22	0.2104	0.99	0.0000	0.6740	0.0000	0.0000	1.37	4.32	1.0423	0.0000	0.00	1.04	0.32	2.59
May	2.63	0.83	3.90	0.00	0.0041	2.40	0.0000	1.4773	0.0000	0.0000	5.38	5.76	1.3897	0.0000	20.00	21.39	-16.01	0.00
June	2.15	0.53	2.51	0.04	0.0369	1.92	0.0000	1.2077	0.0000	0.0000	3.76	6.96	1.6792	0.0000	20.00	21.68	-17.92	0.00
July	1.80	0.35	1.64	0.09	0.0829	1.58	0.0000	1.0111	0.0000	0.0000	2.73	7.20	1.7371	0.0000	20.00	21.74	-19.01	0.00
Aug.	1.49	0.21	0.97	0.15	0.1408	1.27	0.0000	0.8369	0.0000	0.0000	1.95	6.48	1.5634	0.0000	20.00	21.56	-19.61	0.00
Sep.	1.13	0.08	0.38	0.24	0.2296	0.92	0.0000	0.6347	0.0000	0.0000	1.25	4.80	1.1581	0.0000	0.00	1.16	0.09	0.09
Oct.	0.66	0.00	0.01	0.40	0.3840	0.47	0.0000	0.3707	0.0000	0.0000	0.76	3.36	0.8107	0.0000	0.00	0.81	-0.05	0.04
Nov.	0.38	0.02	0.08	0.52	0.4985	0.21	0.0000	0.2134	0.0000	0.0000	0.79	1.92	0.4632	0.0000	0.00	0.46	0.33	0.37
Dec.	0.27	0.04	0.19	0.58	0.5484	0.12	0.0000	0.1517	0.0000	0.0000	0.89	1.44	0.3474	0.0000	0.00	0.35	0.54	0.91
Totals:	12.82	2.28	10.76	3.86	3.66	10.53	0.00	7.20	0.00	0.00	21.62	48.00	11.58	0.00	80.00	91.58		

RAINFALL AND RUNOFF ESTIMATION FOR WASTE STORAGE POND DESIGN				
	Earth Areas	Paved Areas	Roofed Areas	Pond Surface
25yr-24hr Storm Event				
1 day Curve Numbers:	90	55	100	100 %
25yr-24hr Rainfall:	3.40 inches	3.40 inches	3.40 inches	3.40 inches
25yr-24hr Runoff:	2.35 inches	0.31 inches	3.40 inches	3.40 inches
Runoff Volume:	11.11 Acre-ft	0.30 Acre-ft	0.00 Acre-ft	1.91 Acre-ft
Total 24hr-25yr Event Runoff Volume: 13.31 Acre-ft				
Chronic Storm (10 day event)				
10 day Curve Numbers:	81	41	100	100 %
10yr-10day Rainfall:	3.9 inches	3.9 inches	3.9 inches	3.86 inches
10yr-10day Runoff:	1.98 inches	0.06 inches	3.86 inches	3.86 inches
Runoff Volume:	9.36 Acre-ft	0.06 Acre-ft	0.00 Acre-ft	2.17 Acre-ft
Total 10yr-10day Event Runoff Volume: 11.58 Acre-ft				
Average Monthly Runoff Contribution to Working Storage				
30 day Curve Numbers:	77	41	98	100 %
Monthly Runoff:	(see computations in monthly mass balance table above)			
Average Annual Rainfall:	12.8 inches	12.8 inches	12.8 inches	12.8 inches
Average Annual Runoff:	2.28 inches	3.86 inches	10.53 inches	12.82 inches
Runoff as % of Rainfall:	18%	30%	82%	100.0%



Bullseye Feedlot

Pond #1

<u>Elev</u> <u>(ft)</u>	<u>Gauge</u> <u>Reading</u> <u>(ft)</u>	<u>Contour</u> <u>Area</u> <u>(ft^2)</u>	<u>Slice Volume</u> <u>(ft^3)</u>	<u>Cumulative</u> <u>Volume</u> <u>(ft^3)</u>	<u>Cumulative</u> <u>Volume</u> <u>(ac-ft)</u>
4371.9	0.0	0	0	0	0.0
4372	0.1	4,244	212	212	0.0
4373	1.1	16,029	10,137	10,349	0.2
4374	2.1	55,157	35,593	45,942	1.1
4375	3.1	76,436	65,797	111,738	2.6
4376	4.1	86,363	81,400	193,138	4.4
4377	5.1	96,329	91,346	284,484	6.5
4378	6.1	109,125	102,727	387,211	8.9
4379	7.1	116,600	112,863	500,073	11.5
4380	8.1	123,840	120,220	620,293	14.2
4381	9.1	131,529	127,685	747,978	17.2
4382	10.1	142,073	136,801	884,779	20.3
4383	11.1	155,539	148,806	1,033,585	23.7
4384	12.1	174,030	164,785	1,198,369	27.5
4385	13.1	240,705	207,368	1,405,737	32.3
4386	14.1	274,336	257,521	1,663,257	38.2

Pump Down

Freeboard mark

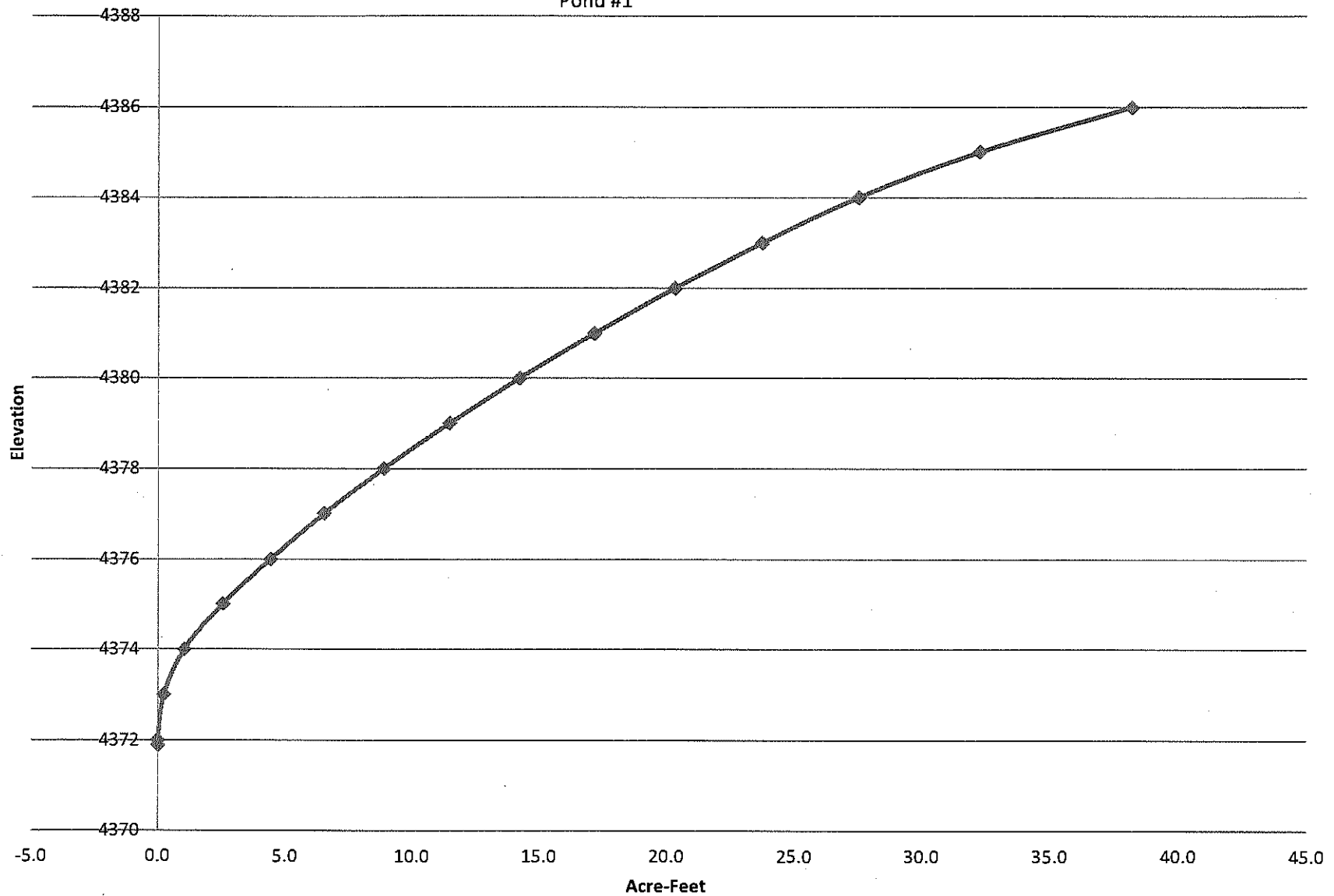
Spillway Elevation

Top of Berm

Based on topographical survey by Hammer Surveying and bottom profiling by
THEngineering, LLC

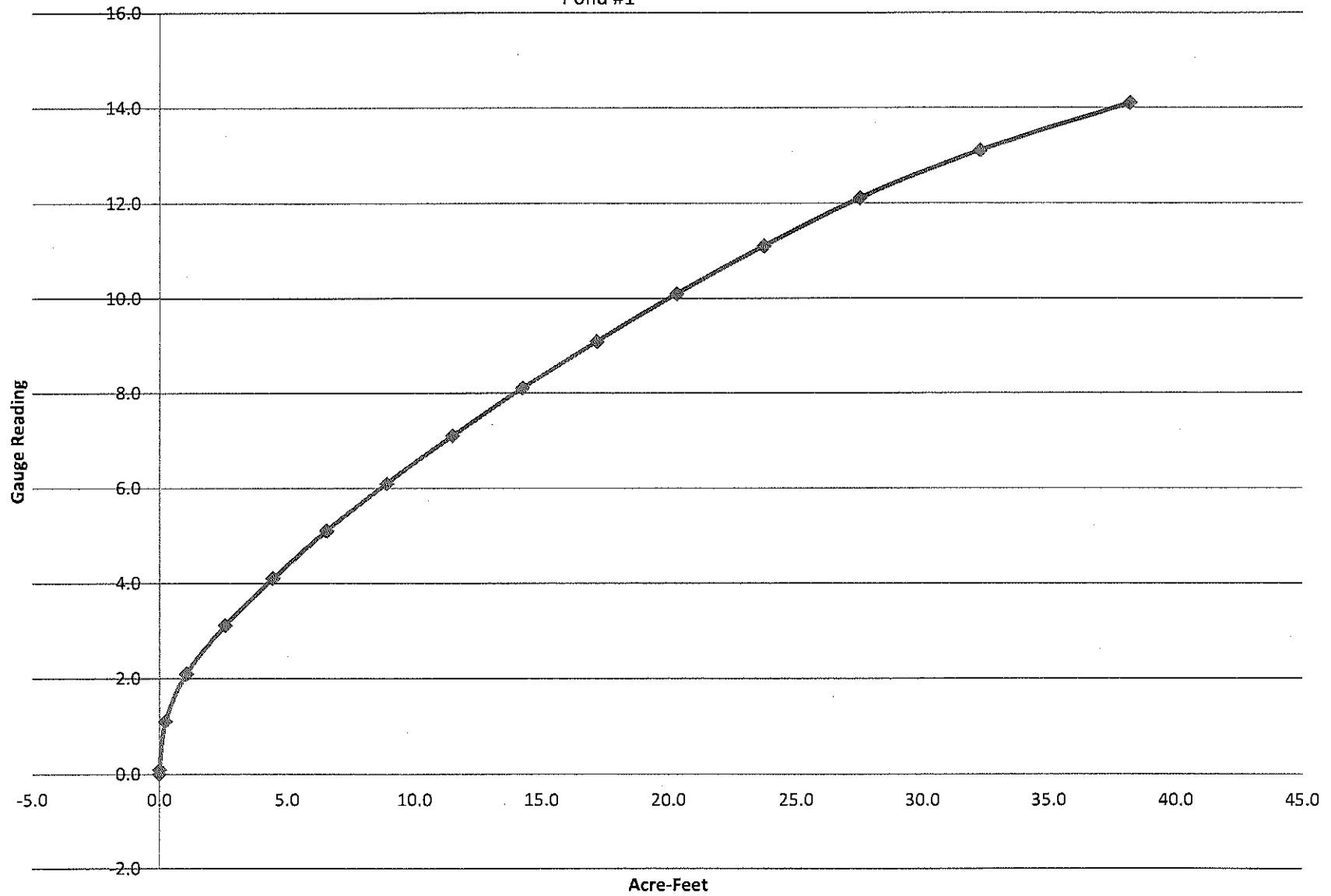
Bullseye Feedlot

Pond #1



Bullseye Feedlot

Pond #1





Bullseye Feedlot

Pond #2

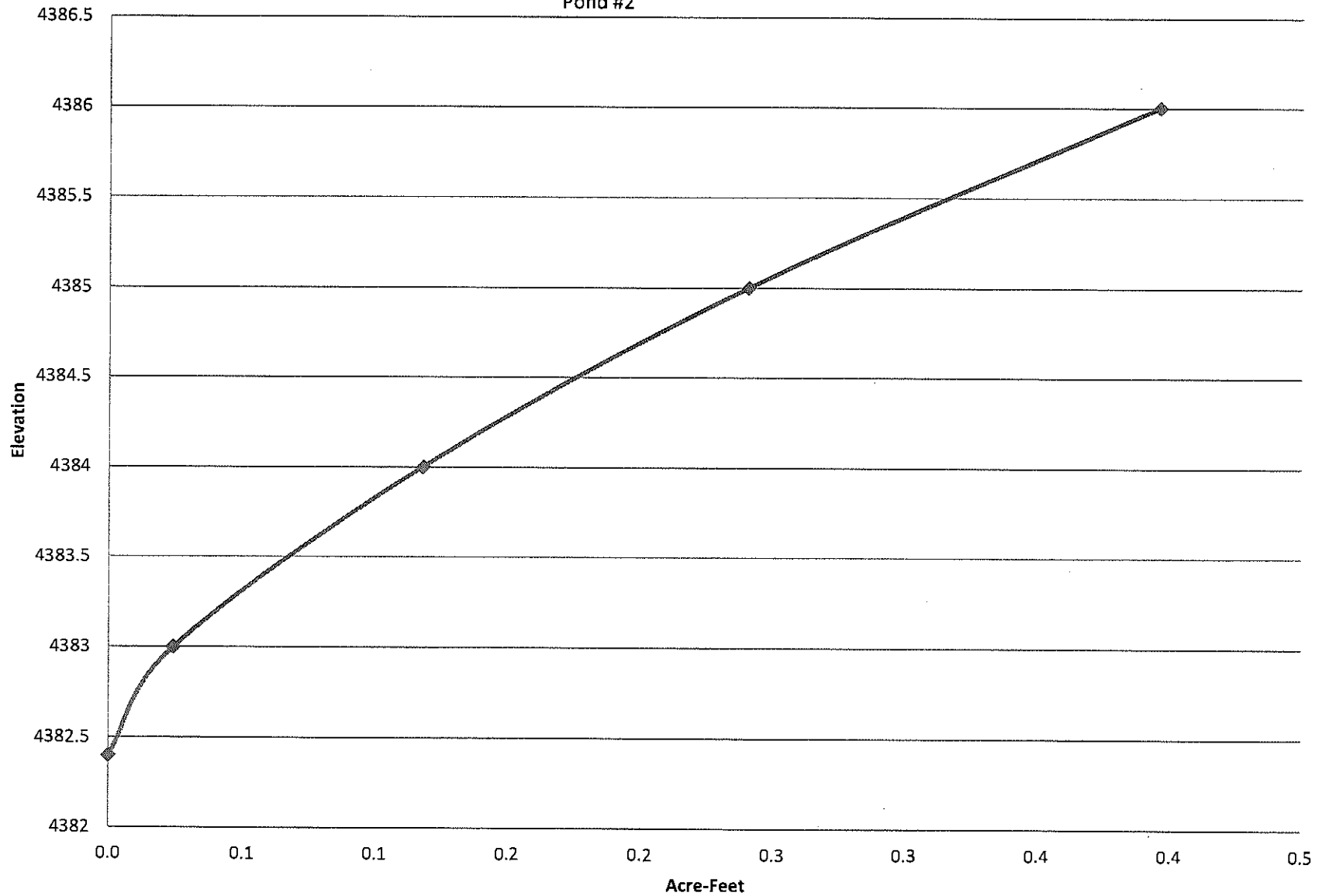
<u>Elev</u> <u>(ft)</u>	<u>Gauge</u> <u>Reading</u> <u>(ft)</u>	<u>Contour</u> <u>Area</u> <u>(ft^2)</u>	<u>Slice Volume</u> <u>(ft^3)</u>	<u>Cumulative</u> <u>Volume</u> <u>(ft^3)</u>	<u>Cumulative</u> <u>Volume</u> <u>(ac-ft)</u>
4382.4	0.0		0	0	0.0
4383	0.6	3,512	1,054	1,054	0.0
4384	1.6	4,663	4,088	5,141	0.1
4385	2.6	6,003	5,333	10,474	0.2
4386	3.6	7,532	6,768	17,242	0.4
4386.6	4.2				0.5

Top of Berm

Based on topographical survey by Hammer Surveying

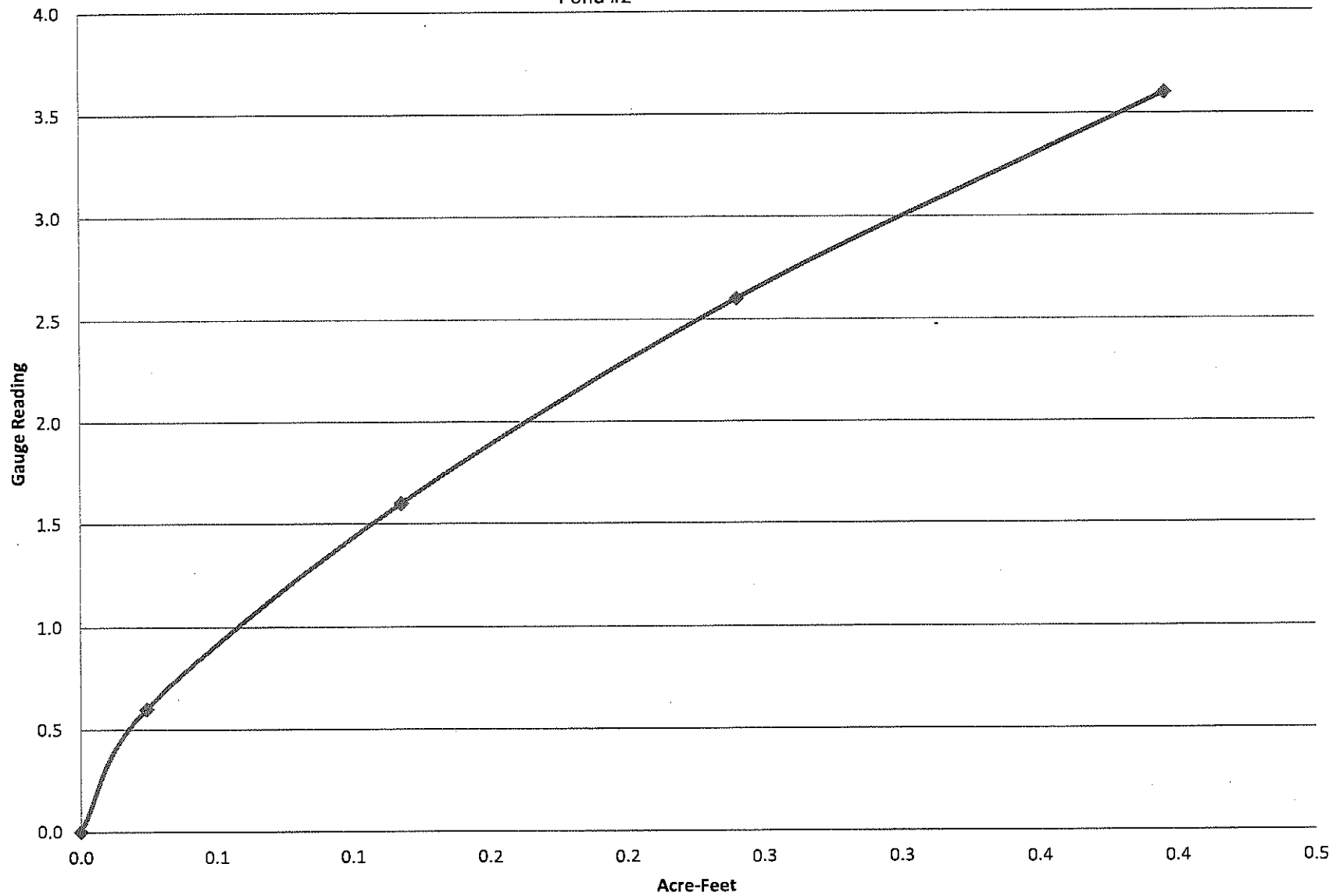
Bullseye Feedlot

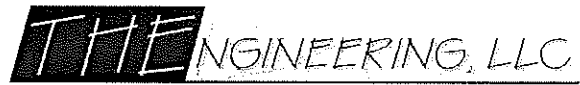
Pond #2



Bullseye Feedlot

Pond #2





Bullseye Feedlot

Pond #3

<u>Elev</u> <u>(ft)</u>	<u>Gauge</u> <u>Reading</u> <u>(ft)</u>	<u>Contour</u> <u>Area</u> <u>(ft^2)</u>	<u>Slice Volume</u> <u>(ft^3)</u>	<u>Cumulative</u> <u>Volume</u> <u>(ft^3)</u>	<u>Cumulative</u> <u>Volume</u> <u>(ac-ft)</u>
4382.3	0.0		0	0	0.0
4383	0.7	3,517	1,231	1,231	0.0
4384	1.7	4,974	4,246	5,476	0.1
4384.4	2.1				0.2
4385	2.7	6,353	5,664	11,140	0.3
4386	3.7	8,115	7,234	18,374	0.4
4386.4	4.1				0.5

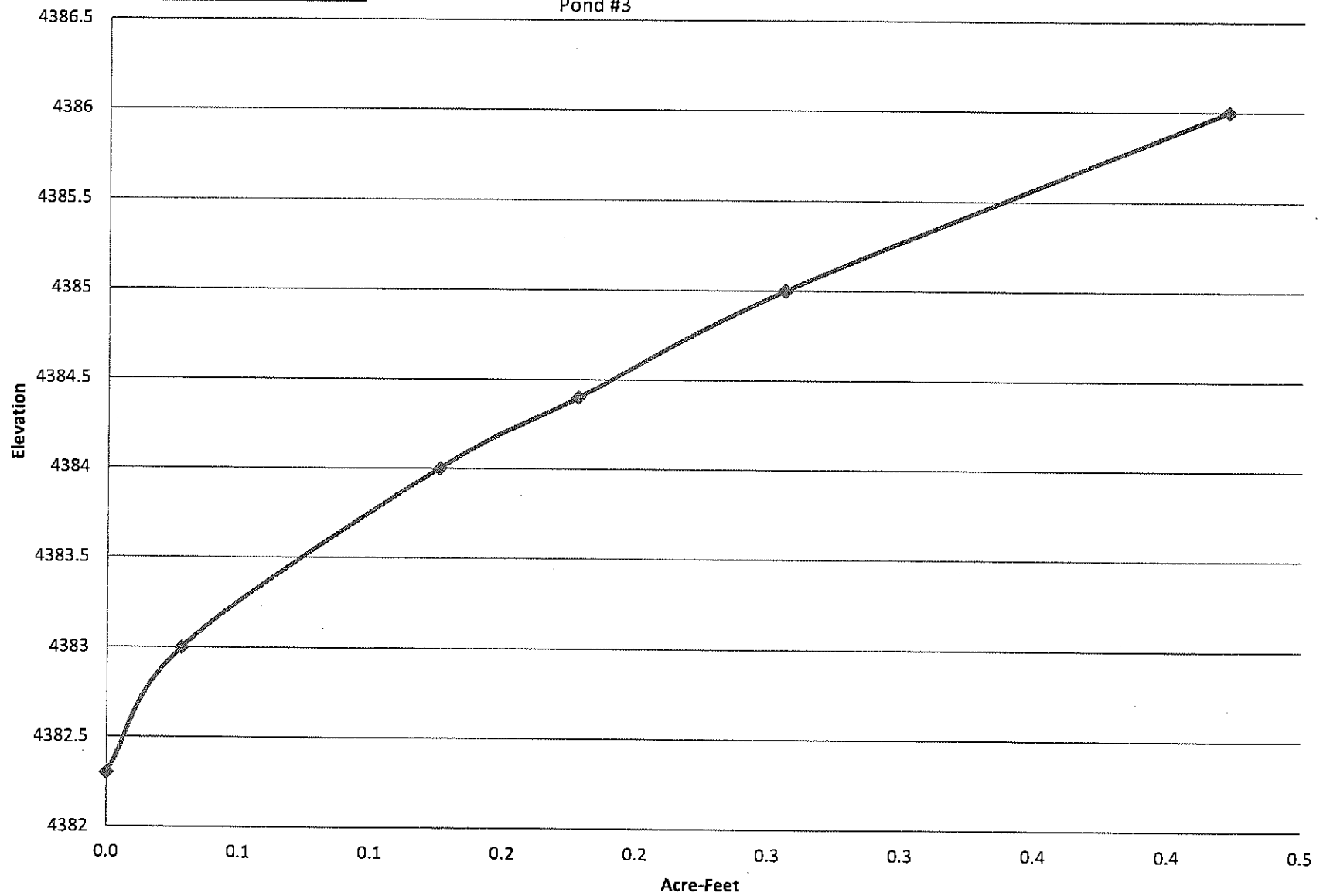
Overflow pipe

Top of Berm

Based on topographical survey by Hammer Surveying

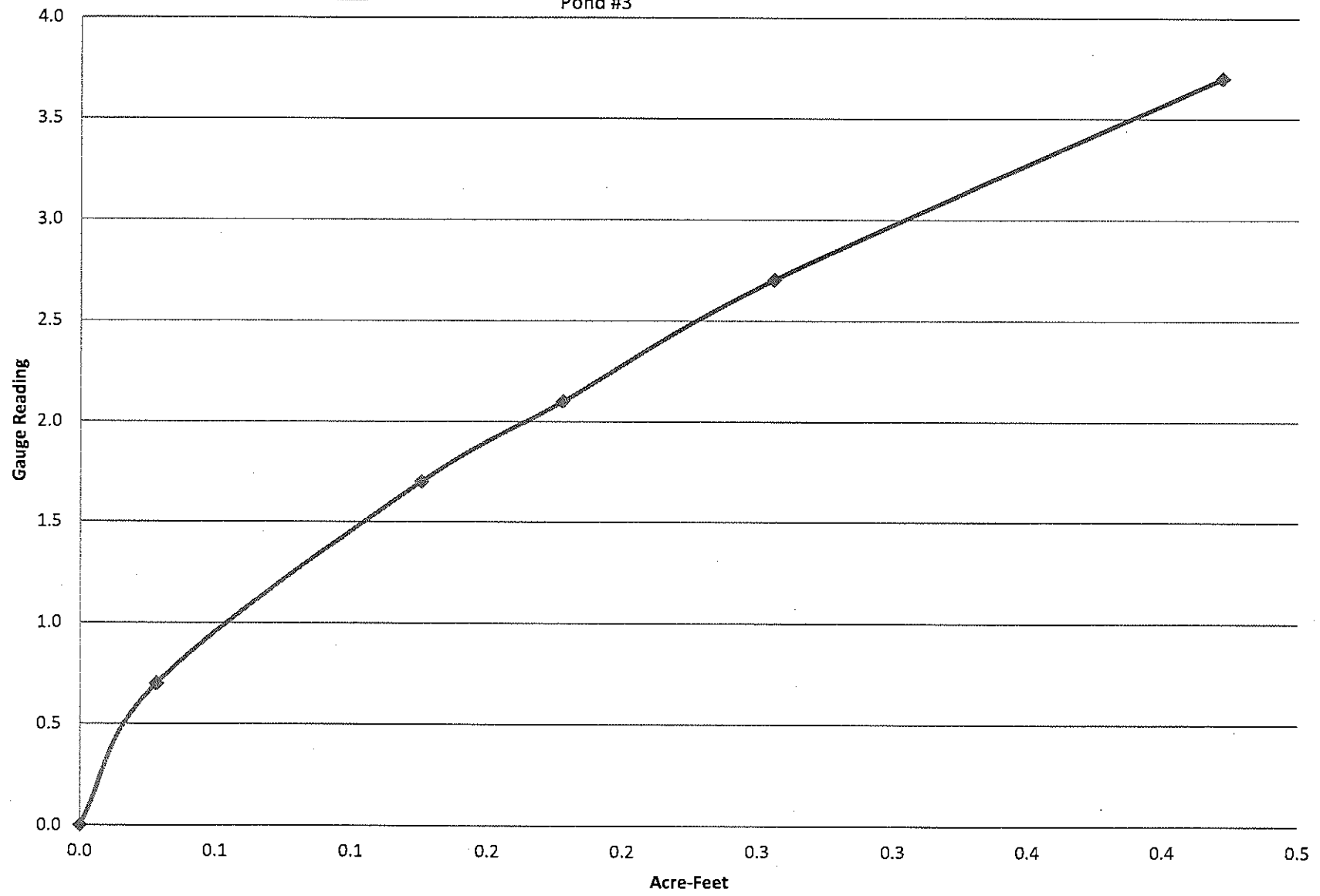
Bullseye Feedlot

Pond #3



Bullseye Feedlot

Pond #3





Bullseye Feedlot

Pond #4

<u>Elev</u> <u>(ft)</u>	<u>Gauge</u> <u>Reading</u> <u>(ft)</u>	<u>Contour</u> <u>Area</u> <u>(ft^2)</u>	<u>Slice Volume</u> <u>(ft^3)</u>	<u>Cumulative</u> <u>Volume</u> <u>(ft^3)</u>	<u>Cumulative</u> <u>Volume</u> <u>(ac-ft)</u>
4380.3	0.0	0	0	0	0.0
4381	0.7	4,976	1,742	1,742	0.0
4382	1.7	9,621	7,299	9,040	0.2
4383	2.7	13,768	11,695	20,735	0.5
4384	3.7	16,941	15,355	36,089	0.8
4385	4.7	22,041	19,491	55,580	1.3
4386	5.7	28,715	25,378	80,958	1.9

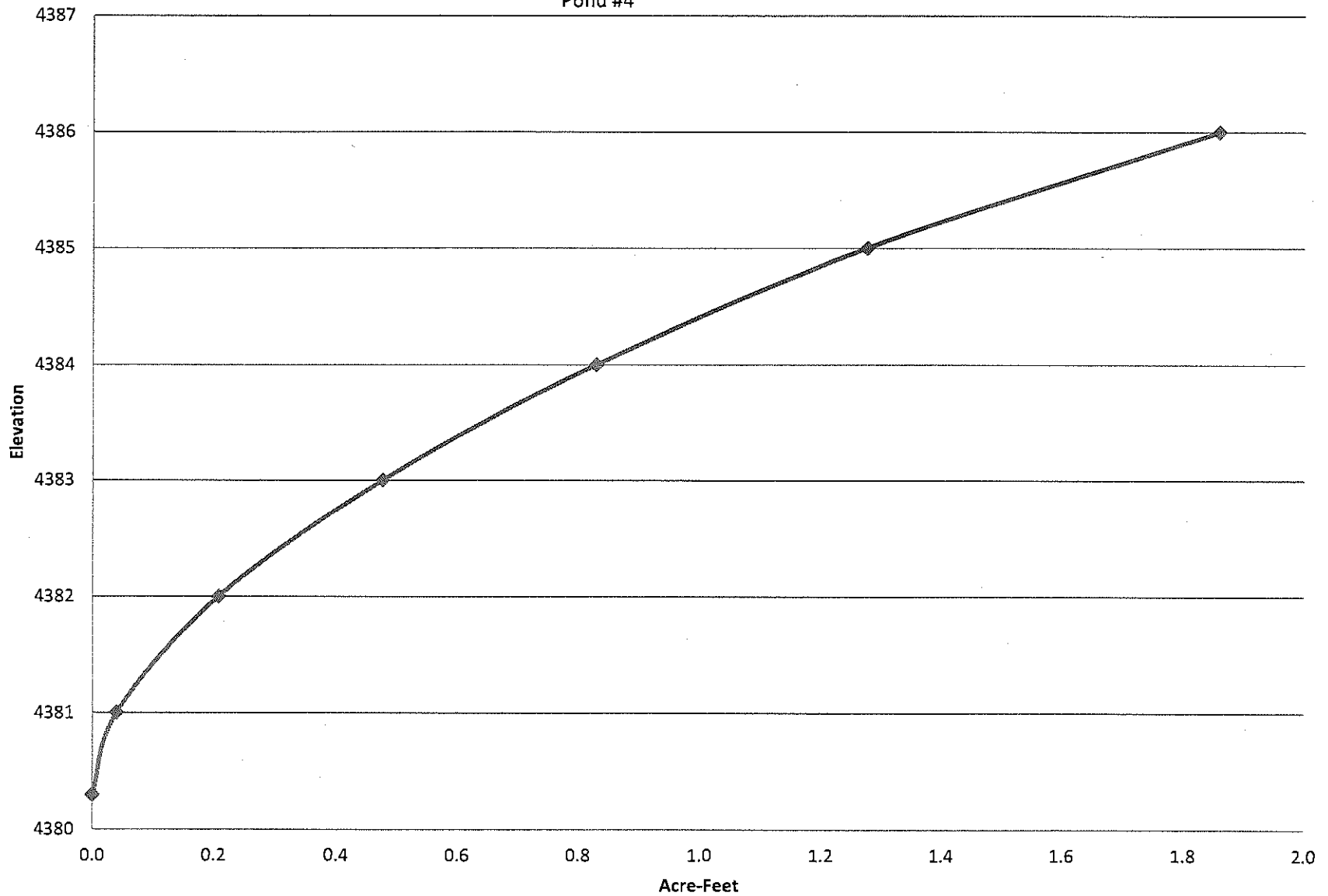
Freeboard mark

Top of Berm

Based on topographical survey by Hammer Surveying

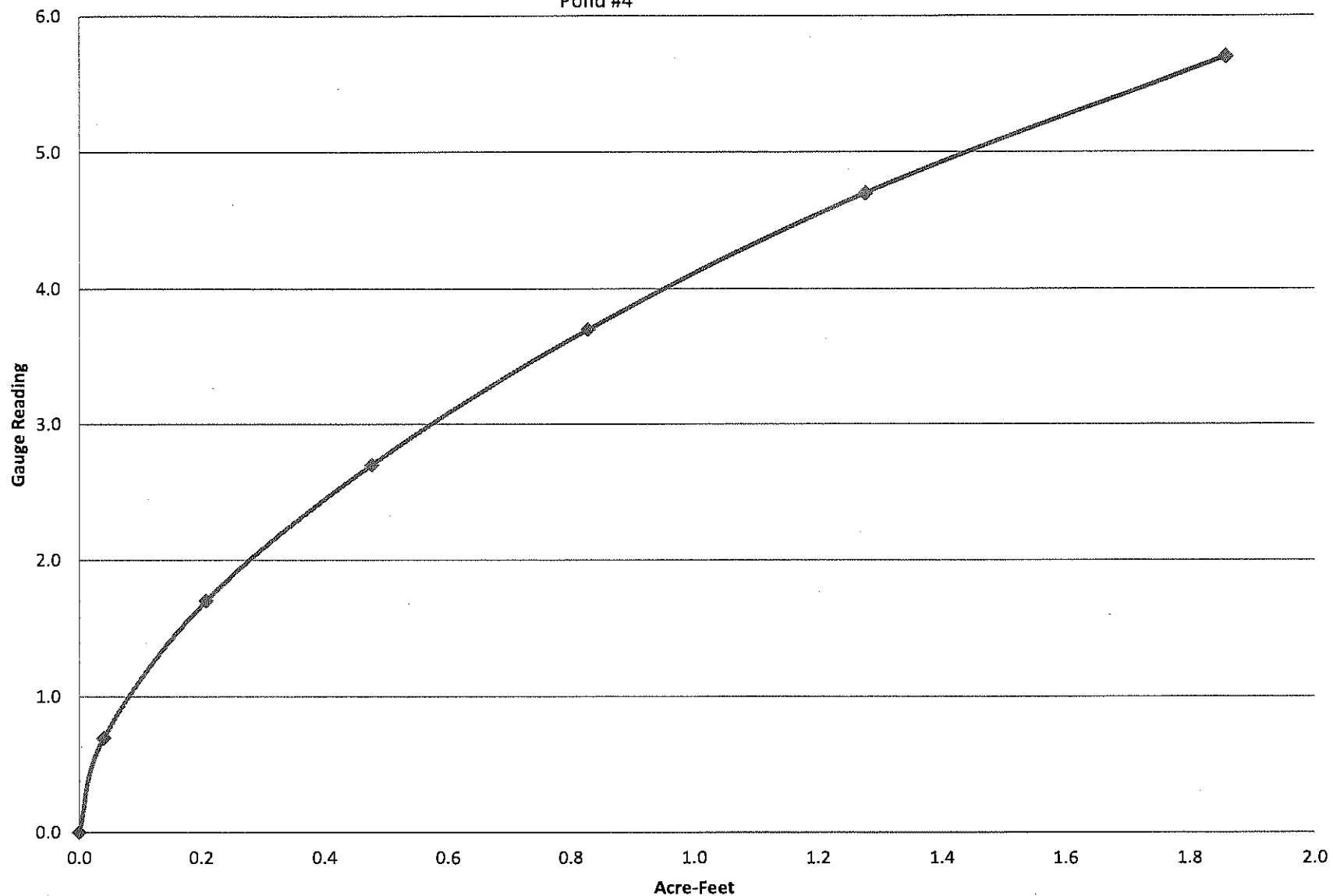
Bullseye Feedlot

Pond #4



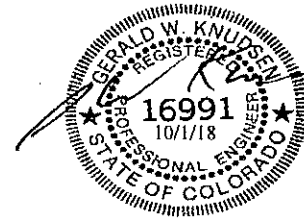
Bullseye Feedlot

Pond #4



POND SEEPAGE CERTIFICATION

Test Period 6/1/2018 through 6/11/2018
Facility Name Bullseye Holdings, LLC
Pond Name Truck Wash Pond
Certified By Gerald W. Knudsen, P.E.



Provide data in shaded cells:

ALLOWABLE SEEPAGE VOLUME			
(1)	Effective Seepage Area:	99,317	square feet
(2)	Allowable Seepage Rate:	1.00E-06	cm/sec
(3)	Number of Days in Period:	11	days
(4)	ALLOWABLE SEEPAGE VOLUME:	(23,164)	gallons

ALLOWABLE SEEPAGE VOLUME			
Inflows to Impoundment			
(5)	Recorded Precipitation:	0.00	inches
(6)	Effective Precipitation Area:	109,336	square feet
(7)	Precipitation Volume:	0	gallons
(8)	Process Water & Manure Inflow:	0	gallons
(9)	Transfer from other source:		gallons
(10)	Inflow:	0	gallons
Outflows from Impoundment			
(11)	Recorded Evaporation:	(3.91)	inches
(12)	PAN Evaporation Coefficient:	0.700	
(13)	Effective Evaporation Area:	99,317	square feet
(14)		(169,441)	gallons
(15)	Land Application Volume:	0	gallons
(16)	Transfer to other source:	0	gallons
(17)	Total Outflow:	(169,441)	gallons
(18)	Calculated Impoundment Volume Change:	(169,441)	

OBSERVED IMPOUNDMENT LEVEL CHANGE			
(19)	Impoundment Level Change:	(0.12)	feet
(20)	Impoundment Volume Change:	(86,918)	gallons

SEEPAGE DETERMINATION			
(21)	Allowable Impoundment Change:	(192,605)	gallons
(22)	Observed Impoundment Change:	(86,918)	gallons
(23)	Is Seepage Rate Exceeded?	NO	

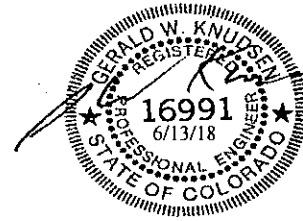
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QUARTERLY MONITORING REPORT - WATER BALANCE NOTES/REFERENCES (Single Cell)

- (1) Effective Seepage Area is the wetted area of the impoundment based on quarterly impoundment level readings.
- (2) Allowable Seepage Rate is the maximum seepage rate allowed under CDPS Regulation No. 61.13(4)(c)(iii).
- (3) Number of days in the reporting quarter.
- (4) Total Allowable Seepage Volume = (1) x (2) x (3).
- (5) Sum of precipitation for the quarter as recorded from on-site data or nearest weather station.
- (6) Effective Precipitation Area is considered the surface area at the top of the berm of the impoundment.
- (7) Precipitation Volume = (5) x (6)
- (8) Process Water and Manure Inflow is the estimate volume of manure and process generated wastewater entering the impoundment.
- (9) Water transfer (input) from other sources during the quarter as applicable.
- (10) Total Inflow = (7) + (8) + (9)
- (11) Sum of pan evaporation for the quarter as recorded at nearest reporting station or from on-site data.
- (12) Pan Evaporation Coefficient based on US Army Corps of Engineers (John Martin Dam) or other sources as applicable.
- (13) Effective Evaporation Area based on quarterly impoundment level readings.
- (14) Evaporation Volume = (11) x (12) x (13+14)
- (15) Land application volumes from the impoundment during the quarter as applicable.
- (16) Water transfer (output) to other sources during the quarter as applicable.
- (17) Total Outflow = (14) + (15) + (16)
- (18) Inflow / Outflow Difference = (17) + (10)
- (19) Impoundment level change (in feet) during the quarter.
- (20) Impoundment volume change during the quarter from impoundment level readings (in gallons).
- (21) Allowable Impoundment Change = (4) + (18)
- (22) Observed Impoundment Change = (20)
- (23) Seepage Rate is exceeded if (22) is less than (21)

POND SEEPAGE CERTIFICATION

Test Period 6/1/2018 through 6/11/2018
 Facility Name Bullseye Holdings, LLC
 Pond Name Truck Wash Pond
 Certified By Gerald W. Knudsen, P.E.



Provide data in shaded cells:

ALLOWABLE SEEPAGE VOLUME			
(1)	Effective Seepage Area:	99,317	square feet
(2)	Allowable Seepage Rate:	1.00E-06	cm/sec
(3)	Number of Days in Period:	11	days
(4)	ALLOWABLE SEEPAGE VOLUME:	(23,164)	gallons

ALLOWABLE SEEPAGE VOLUME			
Inflows to Impoundment			
(5)	Recorded Precipitation:	0.00	inches
(6)	Effective Precipitation Area:	109,336	square feet
(7)	Precipitation Volume:	0	gallons
(8)	Process Water & Manure Inflow:	0	gallons
(9)	Transfer from other source:		gallons
(10)	Inflow:	0	gallons
Outflows from Impoundment			
(11)	Recorded Evaporation:	(3.91)	inches
(12)	PAN Evaporation Coefficient:	0.700	
(13)	Effective Evaporation Area:	99,317	square feet
(14)		(169,441)	gallons
(15)	Land Application Volume:	0	gallons
(16)	Transfer to other source:	0	gallons
(17)	Total Outflow:	(169,441)	gallons
(18)	Calculated Impoundment Volume Change:	(169,441)	

OBSERVED IMPOUNDMENT LEVEL CHANGE			
(19)	Impoundment Level Change:	(0.12)	feet
(20)	Impoundment Volume Change:	(86,918)	gallons

SEEPAGE DETERMINATION			
(21)	Allowable Impoundment Change:	(192,605)	gallons
(22)	Observed Impoundment Change:	(86,918)	gallons
(23)	Is Seepage Rate Exceeded?	NO	

--

QUARTERLY MONITORING REPORT - WATER BALANCE NOTES/REFERENCES (Single Cell)

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- (22) Observed Impoundment Change = (20)
- (23) Seepage Rate is exceeded if (22) is less than (21)

AGPRO ■ LANDPRO

COMPLETE LAND AND RESOURCE SOLUTIONS

Lagoon Liner Seepage Rate

Facility Name 3-T Feedyard

Seepage rates are calculated by applying Darcy's Law for permeability analysis. The hydraulic permeability (k) for these lagoons was calculated by Earth Engineering Consultant, Inc., in accordance with ASTM Specification D-2922. Darcy's Law is the primary model used to design and evaluate effectiveness of liners in manure storage facilities. Darcy's Law relates the amount of seepage expected to occur to particular soil characteristics, liner thickness, and maximum depth of liquid in the pond.

The resulting hydraulic permeability laboratory results are reported in cm/s. Final seepage rates can then be calculated as followed:

$$v = k (H + d) / d$$

v = Seepage Rate (cm/sec)

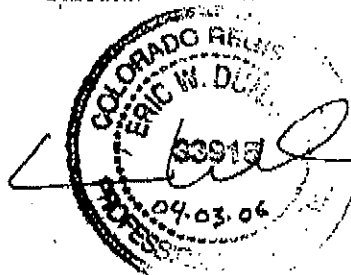
k = Permeability coefficient of soil liner (cm/sec)

H = Maximum liquid depth (ft)

d = Thickness of liner (ft)

Pond ID	Laboratory Determined Permeability Factor 'k' (cm/s)	Maximum Design Water Depth for Pond (ft) 'H'	Lagoon Liner Thickness (ft) 'd'	Calculated Seepage Rate (cm/s) 'v'
East Central	1.50E-07	5.40	1.00	9.60E-07
South Central	2.00E-08	12.00	1.00	2.60E-07

Calculations Reviewed By:



Eric W. Dunker, P.E.

ENGINEERING, PLANNING, CONSULTING & REAL ESTATE

AGPROfessionals, LLC / LANDPROfessionals, LLC

4350 Highway 66 ■ Longmont, CO 80504

970.535.9318 / office ■ 303.485.7838 / metro ■ 970.535.9854 / fax ■ www.agpros.com



EARTH ENGINEERING
CONSULTANTS, Inc.

July 15, 2003

AgPro Environmental Services, LLC
4311 Highway 66, Suite 4
Longmont, Colorado 80504

Attn: Mr. Eric Dunker

Re: Lagoon Lining Evaluation
3T Cattle
Wiggins, Colorado
EEC Project No. 3035008B

Mr. Dunker:

As requested, Earth Engineering Consultants, Inc. (EEC) personnel provided field and laboratory testing services for the in situ lagoons for the referenced project. Those services included field sampling and laboratory permeability testing of in place liner materials at two lagoons for referenced project. Results of the field and laboratory testing provided by EEC personnel are provided with this report.

The 3T Cattle Company is located at the southeast corner of Morgan County Road 16 and Morgan County Road 'O' in Morgan County (Wiggins), Colorado. The site is currently used as a feedlot operation.

Samples of the in situ lagoon liner materials were collected in the field by EEC personnel. Relatively undisturbed samples were obtained in brass sampling sleeves for laboratory density and moisture determination. A composite sample from each of the lagoons was also taken from random locations within the accessible lagoon areas. Laboratory testing on the composite samples consisted of a falling head permeability test at a remolded compaction at the approximate dry density as measured in relatively undisturbed samples.

CENTRE FOR ADVANCED TECHNOLOGY
2301 RESEARCH BOULEVARD, SUITE 104
FORT COLLINS, COLORADO 80526
(970) 224-1522 (Fax) 224-4564

EEC Project No 3035008B

July 15, 2003

Page 2

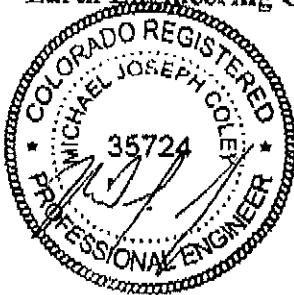
The laboratory measured dry densities for the relatively undisturbed samples indicated dry densities of approximately 115.1 pcf for the brown clayey sand obtained from the east-central lagoon and 70.7 pcf for the brown sandy clay and manure blend sampled from the southeast lagoon. The composite bulk samples were remolded to the approximate densities as measured above.

The falling head permeability tests completed on the remolded samples indicated a permeability rate of approximately 1.5×10^{-7} cm/sec for the east central lagoon liner and a permeability rate of approximately 2.0×10^{-8} cm/sec for the southeast lagoon.

Based on results of the laboratory testing as outlined above, it is our opinion the in-situ lagoon liners are suitable for use as low-permeability liners. Based on the measured permeability rates, the in-situ materials meet State of Colorado regulation for waste storage lagoon liners, which sets a maximum permeability rate of 1/32" per day (9.19×10^{-7} cm/sec).

We appreciate the opportunity to be of service to you on this project. If you have any questions concerning this report, or if we can be of further service to you in any other way, please do not hesitate to contact us.

Very truly yours,
Earth Engineering Consultants, Inc.



Michael J. Coley, P.E.
Project Engineer

Reviewed by:



Lester L. Litton, P.E.
Principal Engineer

MCR '0'

OFFICE

CATTLE PENS

CATTLE PENS

CATTLE PENS

EAST CENTRAL
LAGOON

SAMPLE #1

SOUTHEAST
LAGOON

SAMPLE #2

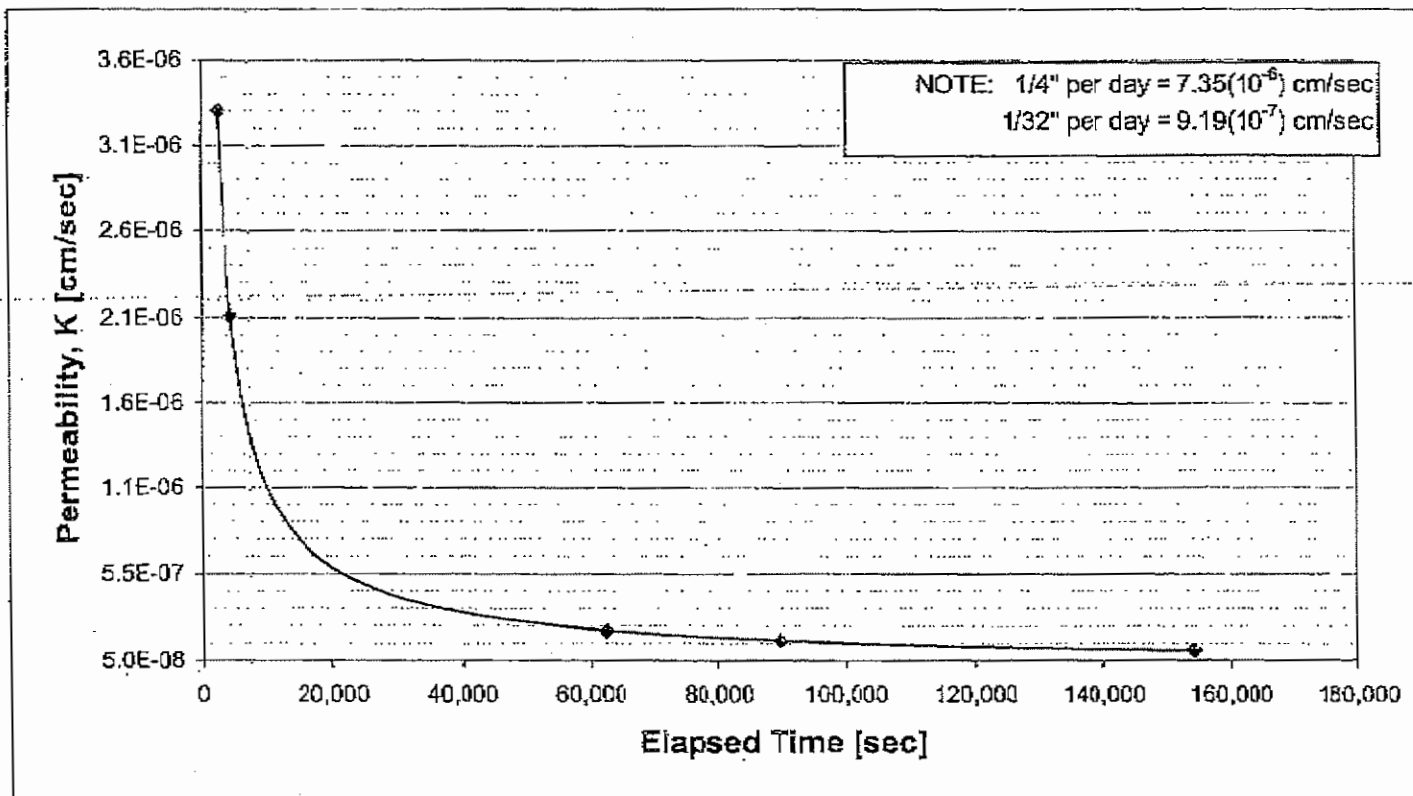
N

NOT TO SCALE

LAGOON SAMPLE LOCATION DIAGRAM
3T CATTLE - MORGAN COUNTY, COLORADO
PROJECT NO: 3035008B DATE: JUNE 2003

PERMEABILITY TEST RESULTS 3T CATTLE, WIGGINS, COLORADO -- SAMPLE #1

Material Description: Brown Clayey Sand		
Liquid Limit: --	Plasticity Index: --	% Passing #200 Sieve: --
Beginning Moisture: 16.0%	Dry Density: 101.7 pcf	Ending Moisture: 14.8%



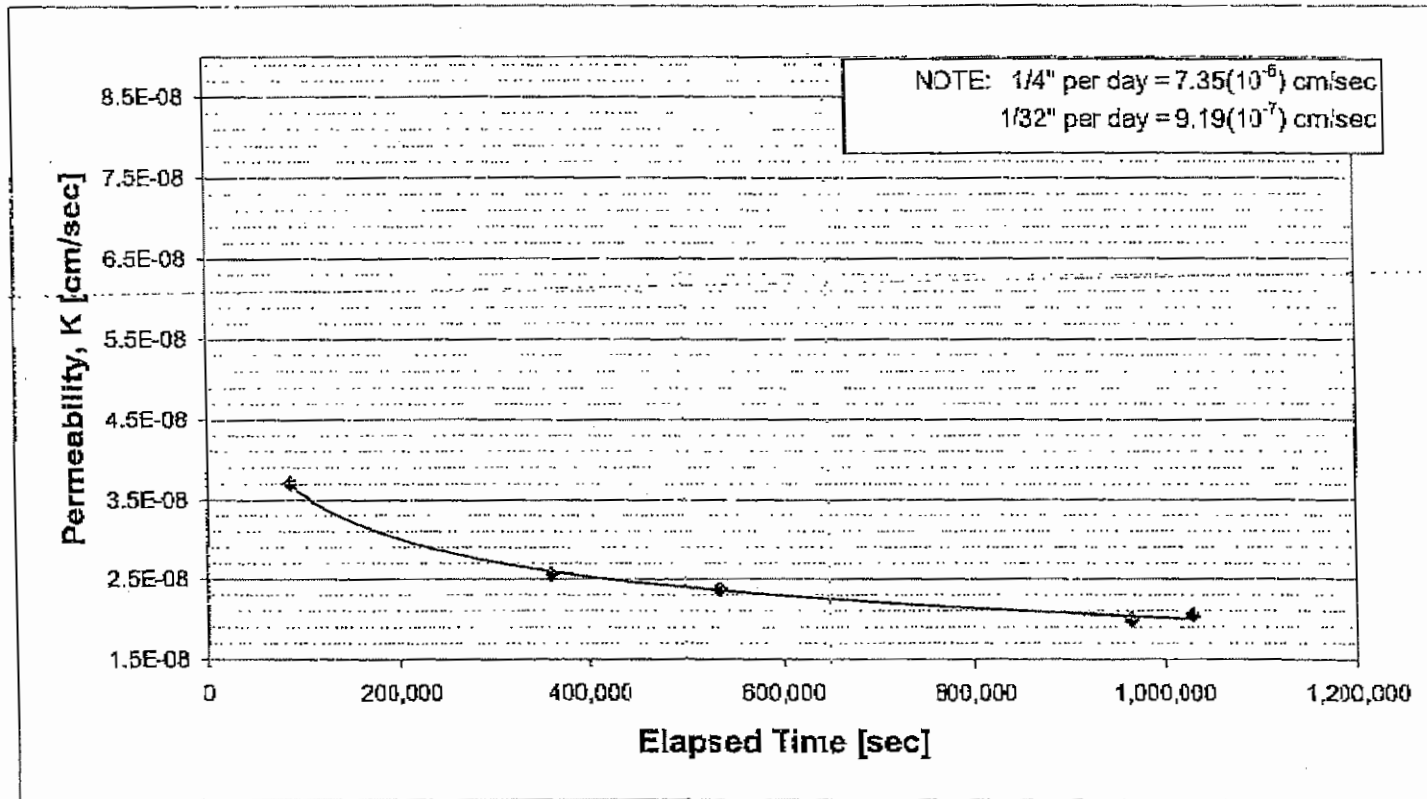
EEC Project Number: 3035008B

Date: July 2003



PERMEABILITY TEST RESULTS 3T CATTLE, WIGGINS, COLORADO -- SAMPLE #2

Material Description: Brown Sandy Clay with Manure		
Liquid Limit: --	Plasticity Index: --	% Passing #200 Sieve: --
Beginning Moisture: 28.7%	Dry Density: 70.7 pcf	Ending Moisture: 36.3%



EEC Project Number: 3035008B

Date: July 2003





Bullseye Feedlot

2/24/2020

Summary of capacities

	South Area		North Area	
Drainage Area	68	acres	13	acres
Non-Feedlot Area	11.4	acres	1.15	acres
Feedlot Area	56.6	acres	11.85	acres
25yr-24 storm event	3.4	in	3.4	in
25yr-24 storm runoff	13.31	ac-ft	0.96	ac-ft
100yr-24hr storm event	4.24	in	4.24	in
100yr-24hr storm runoff	17.82	ac-ft	1.46	ac-ft
100yr-24hr storm runoff	100	cfs		cfs
Pond total capacity	28.5	ac-ft	1.9	ac-ft
Pond capacity at spillway	33.4	ac-ft	N/A	ac-ft
Working capacity	10.68	ac-ft	0.44	ac-ft
Emergency spillway capacity	113	cfs	N/A	cfs

Weir Report

Hydraflow Express Extension for Autodesk® AutoCAD® Civil 3D® by Autodesk, Inc.

Monday, Feb 24 2020

Bullseye Feedlot, Emergency Spillway

Trapezoidal Weir

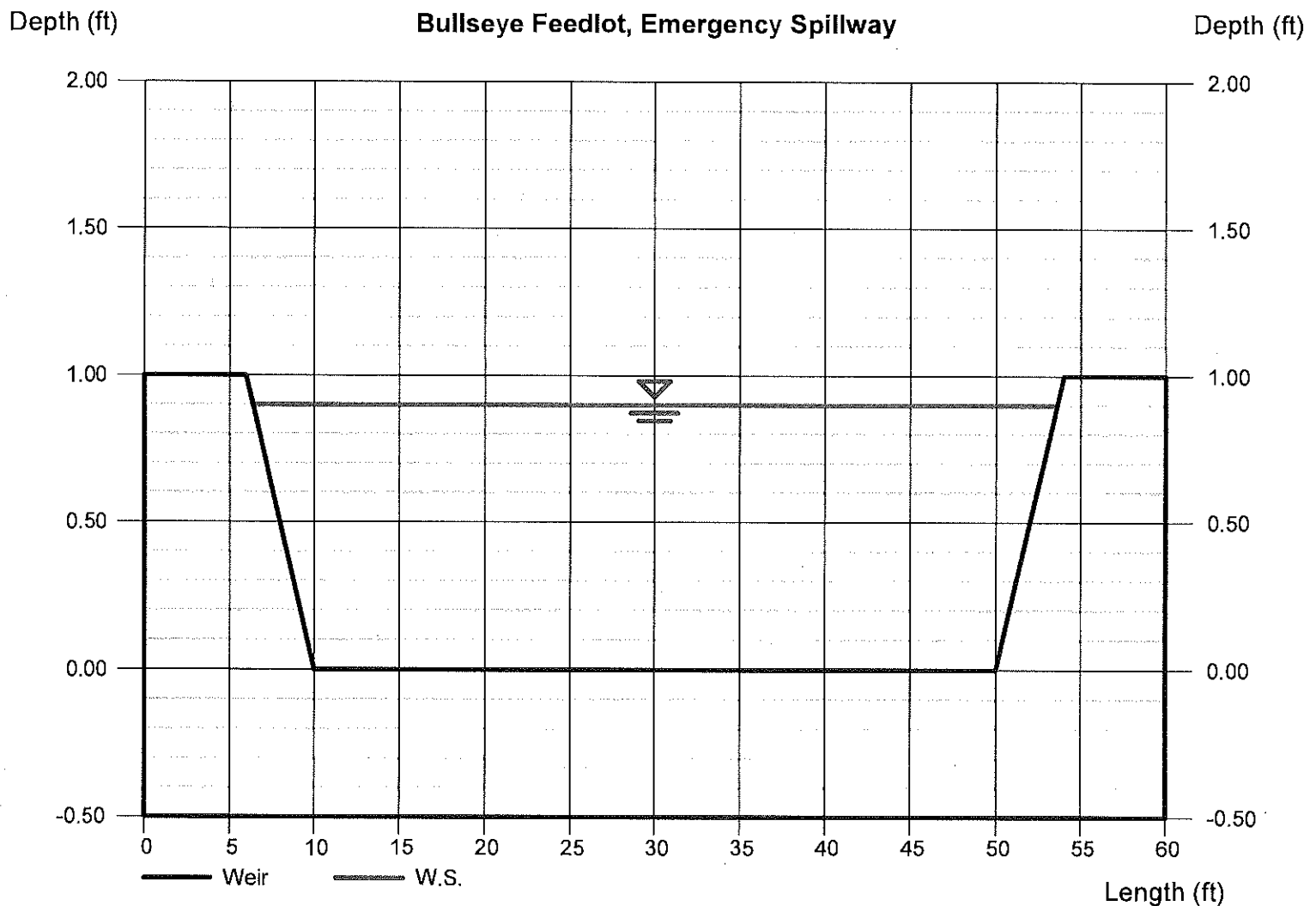
Crest = Sharp
Bottom Length (ft) = 40.00
Total Depth (ft) = 1.00
Side Slope (z:1) = 4.00

Highlighted

Depth (ft) = 0.90
Q (cfs) = 113.50
Area (sqft) = 39.24
Velocity (ft/s) = 2.89
Top Width (ft) = 47.20

Calculations

Weir Coeff. Cw = 3.10
Compute by: Q vs Depth
No. Increments = 10



Depth	Q	Area
(ft)	(cfs)	(sqft)
0.10	3.953	4.04
0.20	11.27	8.16
0.30	20.86	12.36
0.40	32.37	16.64
0.50	45.59	21.00
0.60	60.40	25.44
0.70	76.69	29.96
0.80	94.41	34.56
0.90	113.50	39.24
1.00	133.92	44.00

Veloc	TopWidth	Energy
(ft/s)	(ft)	(ft)
0.98	40.80	0.11
1.38	41.60	0.23
1.69	42.40	0.34
1.95	43.20	0.46
2.17	44.00	0.57
2.37	44.80	0.69
2.56	45.60	0.80
2.73	46.40	0.92
2.89	47.20	1.03
3.04	48.00	1.14

Client: Bullseye Feedlot
 County: Morgan_1 MSE1
 Practice: Emergency Spillway
 Calculated By: TEH
 Checked By: _____

State: CO

Date: 2/24/2020

Date: _____

Drainage Area: 68 Acres (user entered value)
 Curve Number: 84 (user entered value)
 Watershed Length: 3230 Feet
 Watershed Slope: 1.5 Percent
 Time of Concentration: 0.97 Hours (calculated value)
 Rainfall Type: II

Storm Number	1	2	3	4	5	6	7
Frequency (yrs)	1	2	5	10	25	50	100
24-Hr rainfall (in)	1.57	1.83	2.31	2.74	3.4	3.94	4.24
Ia/P Ratio	00.24	00.21	00.16	00.14	00.11	00.10	00.09
Used	00.24	00.21	00.16	00.14	00.11	00.10	00.10
Runoff (in)	.46	.63	.97	1.31	1.85	2.32	2.58
(ac-ft)	02.61	03.57	05.50	07.42	10.48	13.15	14.62
Unit Peak Discharge (cfs/acre/in)	00.495	00.513	00.535	00.549	00.563	00.569	00.569
Peak Discharge (cfs)	15	22	35	49	71	90	100

Solid Manure & Nutrient Inventory WorksheetFacility Name: **Bullseye Holdings**Prepared by: **Erin Kress**date: **2/25/2020**

Checked by: _____

date: _____

(a) Type of Livestock	(b) Number (#)	(c) Average Weight (pounds)	(d) Animal Units (# AUs)	(e) Period Confined (days/year)	(f) Unit Waste Production (lb/AU-day)	(g) Manure Production		(h) Manure Analysis		(i) Nutrients Produced	
						Daily (lb./day)	Annually tons/year	Total N (lb/ton)	P ₂ O ₅ (lb/ton)	Total N (lb/year)	P ₂ O ₅ (lb/year)
Feeder	9,000	1,000	9,000	365	8.7	78,300	14,290	23.0	24.0	328,664	342,954
Other Solid Wastes, (bedding, waste feed, etc.)				days/year		lb/day	tons/year	lb/ton	lb/ton	lb/year	lb/year
Total # Animal Units: 9,000 Manure Produced, tons/year: 14,290 Nutrients, lb/year:										Total N	P₂O₅
										328,664	342,954

Instructions for each Column

- List each type of animal confined, such as "Lactating Dairy Cows", see Table 1 for other examples.
- Enter the average number of animals for each type on site during the confinement period.
- Enter the average weight of each type of animal, (example: if calves enter at 500lb and leave at 1,200 lb, the average is $(500+1,200)/2 = 850$ lb)
- Enter the number of 1,000 lb Animal Units computed by multiplying the number of animals, (b,) by their average weight, (c), and dividing by 1,000.
- Enter the average number of days each type of animal is confined on the site per year.
- Enter the pounds of collectable manure produced per day per 1,000 lb. Animal Unit, see Table 1 for guidelines.
- Estimate the amount of manure produced in pounds per day by multiplying the number of animal units, (d), by the unit manure production rate, (f).
- Estimate the annual amount of manure produced in tons per year by multiplying the daily rate, (g), by the confinement period, (e), and dividing by 2,000.
- Enter the average total Nitrogen content of the manure based on sample analysis, if there is no on site data use the values shown in Table 4.
- Enter the average P₂O₅ content of the manure based on your sample analysis, if there is no on site data use the values shown in Table 4.
- Estimate the pounds of Nitrogen that can be collected by multiplying the tons of manure collected, (h), by the pounds of Total Nitrogen per ton, (i)
- Estimate the pounds of P₂O₅ that can be collected by multiplying the tons of manure collected, (h), by the pounds of P₂O₅ per ton, (j)



Bullseye Holdings

2/25/2020

Traffic

Cattle

Days on feed	120	
Incoming weight	750	
Outgoing weight	1,200	
Planned capacity	9,000	
Annual turns	3.0	
Annual in-out	27,375	
Tons in	10,266	
Tons out	16,425	
Trucks in	411	Trucks/yr
Trucks out	821	Trucks/yr
Trucks in	1.13	Trucks/day
Trucks out	2.25	Trucks/day

Manure

Annual production	14,290	tons
Truck capacity	20	tons
Annual trucks	715	trucks

Feed

Daily lb/hd	27	lbs
Daily total	122	tons
Annual total	60,750	tons
Trucks in	2,430	trucks/yr
Trucks in	6.7	trucks/day

Other

Employees	6	
Trips/day	1.5	
Vendor trucks	1	
Trips/day	1	
Vendor cars	2	
Trips/day	1	
Total other cars	11	trips/day
Total other cars	4,015	trips/yr
Total other trucks	1	trips/day
Total other trucks	365	trips/yr

Total Trucks	4,741	trips/yr
Total Trucks	13.0	trips/day
Total Cars	4,015	trips/yr
Total Cars	11.0	trips/day



Emergency Action Plan

IF YOU HAVE AN EMERGENCY:

1. First Containment: If the lagoon breaks, plug with earthen material from on-site borrow material or hay bales stored on-site.
2. Assess the Extent of Emergency and Determine How Much Help is Needed.
3. Contact the Emergency Response Team Leader:

Kevin Lamb

480-797-2921

Give the Team Leader the Following Information:

- Description of the Emergency
- Estimates of the amount, area covered, and distance traveled from manure storage
- Whether manure has reached ditches, waterways, or streams
- Any obvious damage – employee injury or property damage
- What is being done, any assistance needed

4. Call for help & excavator if needed.

Emergency Phone Numbers: 911

Fire and Ambulance 842-4411

East Morgan County Medical Center 842-6200

Morgan County Sheriff 867-2461

Other Phone Numbers:

EPA Emergency Spill Hotline 800-282-9378

County Health Department 867-4918

County Commissioner 542-3500

Exhibit J

Letters of Commitment

Exhibit J

MEMORANDUM OF AGREEMENT TO SUPPLY WATER

This agreement between Bullseye Holdings LLC (Feedyard) referred to in this agreement as the "Feedyard", and Bullseye Holdings Llc (Washout), referred to in this agreement as the "Washout". The purpose of this agreement is to define the rights and obligations of each party in the occurrence if in the future, either parcel is sold to a third party. The parcel referred to as the Feedyard is further described as Exhibit A attached. The parcel referred to as the Washout is further described as Exhibit B attached.

WHEREAS the Feedyard is the owner of a Water Well located in Section 23, Township 3 north, range 58 West, and the Feedyard agrees to supply water subject to the conditions listed below, to the Truck Washout further described in Exhibit B attached. All subject to Feedyards right to pump said well.

Currently the property described in Exh. A and Exhibit B is wholly owned by Bullseye Holdings LLC. The Purpose of this document is the completely describe the commitment to supply water should the property described in Exh. A or Exh. B is no longer owned by Bullseye Holdings Llc.

The following shall be integral parts to the agreement:

- The maximum amount of water to be delivered by Feedyard under this agreement to the Washout, shall not exceed 15 acre feet per calendar year.
- The maintenance of the water line from the well to the storage tanks shall be the liability of the supplier (Feedyard) of water.
- The maintenance of the water lines from the storage tanks to the washout facility shall be the sole responsibility of the owners of Exh B.
- Payment, cost, and billing for said water shall be at the sole discretion of the water supplier (Feedyard). Said water cost shall be in calendar year pricing, and will be adjusted on September 1 of each year for the subsequent calendar year. The pricing shall reflect the suppliers cost of water along with all costs associated with supplying water to the washout. If water is not paid for as agreed, Feedyard shall have the right to temporarily suspend delivery of water until issues are resolved.
- It is understood that when there is livestock in the Feedyard, the usage of the livestock shall constitute a prior right to the use of water. In the case of a temporary shortage of water, the usage of water by the Washout shall be subordinate to the Drinking water needs of Livestock.
- If desired, the Feedyard shall have the right to supply recycled water from the feedyard to satisfy the 15 acre ft requirement to deliver to the washout.
- In the event there is a shortage of water to be delivered to the Washout, the parties shall work together to resolve any water shortage, and each shall hold the other harmless for such water shortage.
- In the event the owners of the Washout desire to utilize other sources of water, it must do so prior to the September 1 anniversary date to commit for water for the subsequent year. If desired and selected by the Washout, the Feedyard shall have no obligation to deliver water to the described time period. If feedyard is delivering recycled water to the washout, the Washout shall be obligated to include this water in it's water usage.

Nothing in this agreement shall be meant to circumvent the rules and regulations of the State of Colorado. The rules and regulations of the state of Colorado shall be the governing authority as to the legal delivery of water. Both parties shall operate within the required state guidelines, and this agreement shall be subordinate to these rules and regulations. Nothing in the agreement shall be construed that either Feedyard or Washout, shall be able to or have the right to circumvent State of Colorado water rules and regulations.

The Washout owner understands that the supplier cannot deliver water unless there is a legal right to pump the well listed above. And agrees to hold Feedyard harmless for any acts beyond the immediate control of the supplier. The parties agree to work together to insure that all state regulations are followed and adhered to.

This agreement shall be recorded with the Morgan county recorder office and shall be binding on the property owners of both the supplier (Feedyard) and the washout owners (Washout), until either superseded or rescinded, by the Parties.

This agreement shall be, by signing below shall be binding on the entities mentioned hering along with any sucessors or assigns to each parcel described to as Exh. A or Exh. B.

KSL

Kevin Lamb for Bullseye Holdings LLC.as
Owner of Exhibit A, and Exhibit B.

1-23-19

Date

ACKNOWLEDGMENT

STATE OF ARIZONA

COUNTY OF Maricopa

Acknowledged before me this 23rd day of Jan, 2019, by Kevin Lamb, as the Manager of Bullseye Holdings, LLC., an Arizona limited liability company, on behalf of the Company.

My commission expires: 2.28.21

[Signature]

Notary Public



JENNIFER ANN FIELDS
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires
February 28, 2021



Morgan County Rural Electric Association

734 Barlow Road • P.O. Box 738 • Fort Morgan, Colorado 80701

(970) 867-5688 • FAX: (970) 867-3277 • e-mail: customerservice@mcrea.org



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February 13, 2020

Morgan County Planning and Zoning
Attn: Pam Cherry, Administrator
231 Ensign Street
P.O. Box 596
Fort Morgan, CO 80701-2307

**RE: Certification of Electric Power
N/W ¼ & S/W ¼ of Sec 26 T3N, R58W
Also known as: 106098 County Road O
Bullseye Holdings, LLC**

This letter is in regard to a request to provide certification to the Morgan County Planning and Zoning Commission, that we can provide sufficient electric power for Bullseye Holding, LLC in the Northwest Quarter and Southwest Quarter of Section 26, Township 3 North, Range 58 West, also known as 106098 County Road O.

Morgan County REA presently has existing power lines and service's on said property.

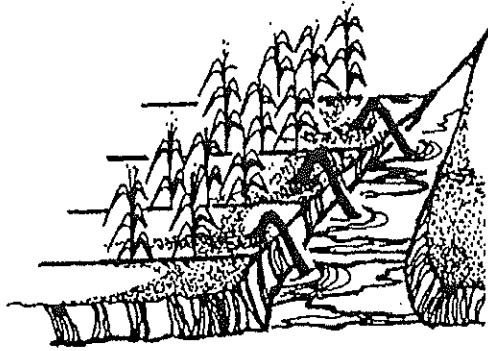
We hope this letter will suffice. If we can be of any further assistance, please feel free to contact the office.

Sincerely,

Kevin Martens
Field Engineer

Bijou Irrigation

Letter Dated June 26, 2020



THE BIJOU IRRIGATION SYSTEM

P. O. Box 972
15551 US Highway 34
Fort Morgan, Colorado 80701
Phone: 970-867-2222 – Fax: 970-867-2294

Board of County Commissioners of
the County of Morgan
218 West Kiowa Avenue
Fort Morgan, CO 80701

c/o Pam Cherry
Morgan County Planning, Zoning & Building Dept.
231 Ensign, P.O. Box 596
Fort Morgan, CO 80701

Re: Bullseye Holdings, LLC Special Use Permit Application for Feedlot Use

Dear Commissioners:


The Bijou Irrigation Company and Bijou Irrigation District (collectively “Bijou” for purposes of this letter) were contacted on June 5, 2020, by letter from Pam Cherry at the Morgan County Planning and Building Department about a *Use by Special Review Application* (“SUP Application”) submitted to Morgan County recently by THEngineering, LLC on behalf of Bullseye Holdings, LLC and Kevin Lamb (collectively “Bullseye”). Bijou is completing its review of the SUP Application and related materials. The proposed feedlot (“Bullseye Feedlot”) would be located on land that is immediately adjacent to the Bijou Canal. Based on the fairly recent proceedings before the Morgan County Board of County Commissioners (“Morgan County”) concerning the special use permit application submitted by Bullseye for its truck washout operations, Bijou believes that Morgan County is already aware of significant concerns that Bijou has with the feedlot operations and potential negative impacts on the Bijou Canal. This letter again summarizes Bijou’s water delivery operations and its primary concerns with the Bullseye Feedlot and the SUP Application, and provides additional information for Morgan County to review and consider.

Bijou Operations and Interest

The Bullseye Feedlot property is located in Morgan County in Section 26, Township 3 North, Range 58 West, to the south of and immediately adjacent to the Bijou Canal owned by the

Bijou Irrigation District – Bijou Irrigation Company

Bijou Irrigation Company. This canal, which has been in existence and carrying water for over 100 years, delivers water from the South Platte River to shareholders in the Company, including the Bijou Irrigation District and its landowners in the Bijou system. In addition, the Bijou Canal is used to deliver water released from the District's Empire Reservoir to District landowners. As such, both the Company and the District have a strong interest in the Bijou Canal and its water delivery operations.

Bijou has legally established and recognized property rights for the Bijou Canal and its associated water delivery operations in the form of a dominant easement over the underlying properties upon which the canal is located. These easement rights include the right to conduct maintenance activities related to the canal and Bijou's water delivery operations. Colorado law recognizes prescriptive easement rights, including such rights for irrigation ditches, and provides that owners of the underlying properties upon which the Bijou Canal is located may use their properties in conjunction with the ditch easement, but may not engage in activities on their properties that would interfere with Bijou's ditch easement rights and water delivery operations, including ditch maintenance. *See, e.g., Roaring Fork Club, L.P. v. St. Jude's Company*, 36 P.3d 1229 (Colo. 2001); *In re Tonko*, 154 P.3d 397 (Colo. 2007); *City of Boulder v. Farmer's Reservoir and Irrigation Co.*, 214 P.3d 563 (Colo. Ct. App. 2009). Bijou has previously provided the Board with a summary letter concerning ditch easements, a copy of which is attached to this letter as **Attachment A**. 

Both the Company and the District have the obligation to deliver water for irrigation and other purposes to water users under the Bijou system. As part of this process, maintenance activities conducted by the Company have historically included activities within the banks of the Bijou Canal, and also use of land on each side of the canal for many purposes, including but not limited to, access to the structure, operation of maintenance machinery, deposit of earth materials and ditch spoils, application of weed removal chemicals, installation and maintenance of protective fencing, and structure cleaning activities including burning and tree and shrub removal. The Company spends a significant amount of time, manpower, and other resources each year to maintain the Bijou Canal to accomplish the delivery of water to users in the Bijou system and to make sure the canal can be operated in a safe manner. Despite these ongoing efforts, Bijou also relies on county zoning regulations and reviews to help ensure that activities on properties that are adjacent to or crossed by the Bijou Canal do not create problems that result in: (1) structural damage to the canal that interferes with the Company's ability to carry and deliver water; (2) inflow of pollutants or other debris that contaminates the water carried by the Company or otherwise interferes with water delivery operations; or (3) other interference with Company operations, including maintenance, and Bijou's easement rights.

The Bullseye Feedlot property has historically utilized lagoons as the "collection" structures for wastewater and run-off on the property. Based on the location of the property, these lagoons are located very near to the Bijou Canal. Bijou has significant concerns that, if not properly managed and regulated, feedlot operations on the property in question would result in a situation where the collection lagoons overtop and run-off into the canal. That event would likely result in damage to the canal and to Bijou's easement rights, and could also result in interference with Bijou's water delivery operations and impact the quality of the water it carries. Any impacts on water quality, including increased levels of total dissolved solids, various salts, nitrogen,

phosphorus, etc.) would be passed on to the water users in Bijou's system, and to the lands and crops irrigated with water from the Bijou Canal. There have been episodes in the past where the Bijou Canal and Bijou's easement rights have been damaged due to water run-off issues at the Bullseye Feedlot property. In June of 2010 the Bijou Canal was damaged when a lagoon on the Bullseye Feedlot property over-topped during a significant rain event. In May of 2015 the Bijou Canal was damaged due to water run-off from the Bullseye Feedlot property that was not properly channeled and collected. Copies of pictures of damage to the Bijou Canal that have been previously provided to Morgan County are attached as **Attachment B**.

Colorado law and policy strongly favor the protection of irrigation ditches and their associated easement rights. Because of the unique nature of irrigation systems and the importance of both the amount and timing of water delivery, it is very important that properties adjacent to or crossed by an irrigation ditch be utilized in a manner that will ensure, to the extent reasonably possible, that no damage will occur to the ditch and water delivery operations. The County's zoning regulations and its review of property uses are an important part of that process. Although structural damage to the Bijou Canal structure can eventually be fixed, the immediate consequences of such structural damage could result in significant problems and irreparable harm and injury to Bijou and its water rights, ditch operations, ditch easement rights, and water users (both up-ditch and down-ditch from the location of the structural damage). In addition, the structural damage could result in immediate harm and injury to surrounding landowners. For example, if this structural damage occurs during a period when Bijou is carrying water, the hydraulic pressure of the water being carried will exacerbate any structural problems caused by the outside event. In addition, it will take several hours for water in the Bijou Canal to stop flowing at the location of structural damage, even if Bijou is able to immediately close the river headgate for the canal. The structural damage would also likely result in interference with Bijou's ability to deliver water to Company shareholders and District landowners such that they receive less water than they would otherwise get if the canal were not damaged. If this occurs, or if the timing of deliveries is impacted, it is not possible to replace this lost water during the relevant irrigation season, resulting in potential crop loss or other damages to Bijou system water users and their irrigation operations, including financial damages, that cannot be reasonably calculated or otherwise ascertained and remedied through some type of post-damage legal action and court-imposed remedy. Under these circumstances, it is important from Bijou's perspective that potential problems with property use and impacts to the Bijou Canal be identified, evaluated, and addressed up-front (rather than dealing after the fact with the damages that result from a problem that has not been properly addressed).

Precedent for Similar Livestock Confinement Operations

The Bullseye Feedlot operation is similar to a dairy/livestock confinement facility (the "Deer Valley Facility") that was approved by Morgan County in 2015 in Resolution 2015 BCC 11. In each instance, the livestock confinement facility is located immediately adjacent to a significant irrigation ditch (the Deer Valley Facility is adjacent to the Riverside delivery canal). Resolution 2015 BCC 11 includes a number of terms and conditions that are directed at protection of the irrigation ditch, including but not limited to the following:

- A stormwater runoff/wastewater management design that can handle a 7 inch/24-hour storm event and prevent discharge to the irrigation ditch.
- No manure or wastewater shall be discharged to surface waters unless permitted by Colorado Water Quality Control Commission Regulation 81 or by a Confined Animal Feeding Operation (CAFO) Colorado discharge permit issued in accordance with Regulation 61.
- Any past, existing, or future drainage problems on the property shall be the responsibility of the landowner.
- Non-compliance with the permit conditions shall be grounds for revocation of the permit.

Needed Terms and Conditions

To the extent Morgan County is inclined to approve the SUP Application, the approval and operation of the Bullseye Feedlot should be subject to similar terms and conditions to those provided in the Deer Valley Facility permit. The Bullseye Feedlot must be operated in a manner such that there is no discharge of wastewater or solid waste into the Bijou Canal. Any approval should require compliance with all permit requirements, and in the case of any required water quality, wastewater, and solid manure disposal best management practices, the permit should describe the required best management practices and should allow for monitoring of compliance under Morgan County's local supervision and enforcement.

With respect to the management of wastewater and solid waste on the Bullseye Feedlot property, any approval should also incorporate the terms and conditions included in, and be consistent with and no less restrictive or protective than, Morgan County Resolution 2019 BCC 09 (Resolution 2019 BCC 09 is the special use approval for the Truck Washout Facility located immediately adjacent to the Bullseye Feedlot property, which wash operation also involves the management of wastewater and solid waste). Although the Feedlot and Truck Washout parcels and operations are described as separate, there is clearly a connection between the two, and in combination these operations could have a significant impact on the Bijou Canal and Bijou's operations if not properly permitted and operated. The special use permitting and monitoring of operations and permit compliance should recognize this. In addition, any approval of the Bullseye Feedlot SUP Application should provide a means by which Morgan County can revisit the permit terms and conditions following entry of the permit, and modify or include additional terms and conditions should the actual feedlot operations result in negative impacts or damage to surrounding properties or the Bijou Canal and its operations.

Bullseye should also be required to provide additional information to Bijou and Morgan County concerning: 1) how the feedlot plan and proposed operations comply with Colorado Department of Health and Environment Regulation 61 and Regulation 81; 2) the proposal to install a berm adjacent to the Bijou Canal over sections of the Bullseye Feedlot property; 3) the infrastructure described in the SUP Application for managing stormwater and wastewater flows at and between the identified lagoons, and how wastewater and solid manure management will be coordinated between the adjacent Feedlot and Truck Washout properties so that the combined impact is not injurious; and 4) more information about how the feedlot plan and operations will accommodate the design and permitting requirements for an increase in the number of cattle from less than 1,000 head to the significantly larger number that is contemplated (up to 9,000

head). Such information is necessary for Bijou and Morgan County to adequately review the wastewater and solids management plan, and for Bijou to evaluate whether any aspect of the design plans is inconsistent with its ditch easement rights and operation and maintenance of the Bijou Canal.

Bullseye should also be required to provide more information about its plan for providing water to both the feedlot use and the Truck Washout property based on its currently available water supplies. Finally, a more defined emergency action plan is required that includes a process for any emergency situations involving the Bijou Canal.

Based on its review of the TEngineering design report and related materials, Bijou has determined that additional review of the SUP Application by its technical consultants is required. That review is in progress. Bijou will provide Morgan County with a report and/or other supplemental comment materials as soon as the review has been completed. Bijou reserves the right to provide additional comments to Morgan County on this item as the SUP process moves forward.

Conclusion

According to Section 1-110 of the Morgan County Zoning Regulations ("Zoning Regulations"), the regulations are "designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Morgan County, Colorado in full compliance with State Law . . ." Section 1-115 provides that "[t]he provisions of these Regulations shall be interpreted and applied to be the minimum required for the proper protection of the public health and promotion of safety and general welfare in Morgan County." This mandate (protection of the public health and promotion of safety and general welfare) is a theme throughout the Zoning Regulations (*See, e.g.*, Sections 2-280(E), 2-285(B), 2-340, 2-345(F), 4-225).

Morgan County must ensure that the feedlot special use, if approved, can be done in a manner that will protect the public health and promote safety and general welfare in Morgan County, and will also protect surrounding agriculture uses in Morgan County and ensure no damage or injury. Bijou's (and other ditch companies') carriage and delivery of clean water for irrigation use is a primary aspect of the county's agricultural use. To the extent the Board believes the issuance of a permit for the feedlot is warranted, it must impose terms and conditions that will ensure the operations can be done in a manner that is consistent with the Zoning Regulations, with Colorado law, and with other similar special use approvals, and that the operations will not impact Bijou's easement rights, the Bijou Canal, and Bijou's water delivery operations.

Bijou appreciates and supports the County's efforts to address all issues raised by adjacent landowners and other entities in its review of special use applications. Bijou will provide additional information concerning potential impacts to the Bijou Canal and Bijou's water delivery operations, as appropriate, once it has had the opportunity to further review the SUP Application and materials.



Mr. Douglas Dill
President, Bijou Irrigation Company

6-26-2020

Date



Mr. Gary Teague
Director, Bijou Irrigation District

6-26-2020

Date

Substitute Water Supply Plan SWSP

HRS WATER CONSULTANTS, INC.

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Water Resources
& Hydrogeology

July 2, 2020

Ms. Sarah Brucker, P.E.
Office of the State Engineer
1313 Sherman St., Room 818
Denver, CO 80203

19-09

Re: Request for Renewal of a Substitute Water Supply Plan
for Bullseye Holdings, LLC and WGC Trading Co.

Dear Ms. Brucker:

This substitute water supply plan ("SWSP") request is for the renewal/approval of a SWSP for Bullseye Holdings, LLC and WGC Trading Co. allowing for the continued operation of the Bullseye 3T Well which provides water to the Applicants' feedlot/commercial truck washing operation in Morgan County. This is the fifth year the Applicants have requested a SWSP for the operation of this well. Figure 1 shows the location of the feedlot and the well which serves the feedlot.

On behalf of Bullseye Holdings, LLC and WGC Trading Co., we request approval of this SWSP under C.R.S. § 37-92-308(4) based on the application pending in Case No. 16CW3028. An amended Water Court application for a plan for augmentation, Case No. 16CW3028 (see Appendix A), was filed with the Division 1 Water Court in September 2019. In response to C.R.S. § 37-92-308(4)(b), the Applicants' commercial business operation is dependent on the use of the 3T Well (and a SWSP approval), as the business cannot operate long-term without it. Therefore, not being able to operate under an approved SWSP will cause undue hardship to the Applicants.

A payment has been made to the Colorado Division of Water Resources in the amount of \$300 to cover the filing fee for the review of this SWSP request.

Background

Bullseye Holdings, LLC and WGC Trading Co., Inc. operate a commercial feedlot and commercial truck washing operation located on 150 acres in the W ½, Section 26, Township 3N, Range 58 W, 6th P.M., Morgan County. Both operations are currently served by the Bullseye 3T Well (Permit No. 80348-F, WDID 0108634) which is located off of the subject property in the SE ¼, SW ¼, Section 23, Township 3N, Range 58 W, 6th P.M. (see Figure 1). The Bullseye 3T Well was adjudicated in 1972 for commercial feedlot uses in the decree in Case No. W-4561. It has an appropriation date of July 25, 1970, and a decreed pumping rate of 0.666 cfs. An amended Water Court Application, Case No. 16CW3028, was filed with the Division 1 Water Court and the amended application seeks to add commercial truck washing as a proposed use with a September 28, 2018, appropriation date. The amended application also seeks augmentation for the operation's backup well (permit no. 23040-F, WDID 0108832). The backup well is not contemplated in this SWSP request.

Bullseye previously agreed in its water court case to a court order prohibiting operating the well absent further order of the court, which order was entered by Judge Hartmann on October 18, 2018. A Cease and Desist Order was issued by the Division Engineer on March 1, 2019. Replacements for post pumping depletions were made while the well was not being operated. This court order was rescinded by Judge Hartmann on September 5, 2019, the Division Engineer rescinded the cease and desist order on September 11, 2019, and the well is now being pumped pursuant to the current 2019/2020 SWSP.

Ownership of the commercial property is now divided between Bullseye Holdings, LLC and a new company, WGC Trading Co., Inc. Bullseye owns the feedlot; WGC owns the truck washing facility. The 3T Well serves both properties. Since the original filing, WGC Trading Co., Inc. was added to Case No. 16CW3028 as a co-applicant.

Plan Description

Bullseye and WGC propose to operate the Bullseye 3T Well throughout the 2021 SWSP period, October 1, 2020 - September 30, 2021. During times when the water right is out-of-priority, Bullseye will continue to augment its well's stream depletions with augmentation water supplied by the Fort Morgan Water Company Ltd. This water will be delivered to the two reaches impacted by the Applicants' well pumping. The Fort Morgan Water Company Ltd. lease expires October 31, 2030. In addition to the Ft. Morgan Water Company supply, WGC Trading Co. acquired an additional 17 acre-feet of augmentation supply from the Town of Wiggins to cover ongoing stream depletions. The Wiggins water will be available starting in 2026 and beyond. Copies of the contracts are included as Appendix B (Fort Morgan Water Company) and C (Wiggins).

Well Pumping

The subject well has been operated for commercial feedlot uses since the 1970s. All well pumping diversions (past and present) are considered to be 100% consumptive and no claim of return flows is being made by the Applicants. The historic well pumping/consumptive use records shown in Table 1 were largely compiled by Adaptive Resources, Inc., (Adaptive Resources performed the work on behalf of Bullseye Holdings for its first three SWSP submittals).

During the period 1982 through 2002, the subject well was operated under GASP and the annual pumping records from GASP were used to determine monthly pumping values (monthly distribution was calculated by dividing by 12 months). In 2003, the well was operated pursuant to an emergency SWSP and no monthly pumping was available. Therefore, 2003's monthly pumping values were determined by using the average monthly values of well pumping from 1998 to 2002. During 2004 to 2006, the well was operated pursuant to a SWSP filed by the Orphan Wells of Wiggins. The monthly pumping values for this period are based on monthly flow meter readings. Monthly well pumping records from 2007-2016 were agreed upon by the State of Colorado and Bullseye in accordance with a settlement agreement. In 2017-2020, the well was operated pursuant to a SWSP and the monthly pumping values are based upon well meter readings. The values shown in red are projected monthly demand estimates for the remainder of the current SWSP period and the 2020-2021 SWSP renewal period.

Table 1 Monthly Well Pumping/Consumptive Use (1982-2020)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
1982	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	37.6
1983	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	50.2
1984	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	50.2
1985	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	50.2
1986	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	50.2
1987	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	50.2
1988	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	50.2
1989	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	50.2
1990	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	50.2
1991	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	50.2
1992	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	50.2
1993	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	50.2
1994	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	50.2
1995	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	50.2
1996	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	50.2
1997	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	50.2
1998	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	1.0
1999	8.4	8.4	8.4	8.4	8.4	8.4	8.4	8.4	8.4	8.4	8.4	8.4	101.0
2000	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	5.0
2001	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	72.0
2002	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	72.0
2003	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	50.4
2004	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	23.0
2005	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	2.3	28.0
2006	3.3	3.3	3.3	3.3	3.3	3.3	3.3	3.3	3.3	3.3	3.3	3.3	40.0
2007	3.3	3.3	3.3	0.0	0.0	0.0	0.0	1.4	2.1	2.1	2.1	2.1	19.8
2008	2.3	2.0	2.3	2.0	2.0	2.0	2.1	1.9	7.4	7.4	7.4	1.1	39.9
2009	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	11.3
2010	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	11.3
2011	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	11.3
2012	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	11.3
2013	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	11.3
2014	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	11.3
2015	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	11.3
2016	2.5	2.3	3.3	4.7	2.1	1.9	1.9	2.1	1.8	2.3	2.8	3.5	31.2
2017	3.1	2.9	3.5	3.0	3.6	3.8	3.0	3.0	3.5	3.9	2.4	0.5	36.2
2018	0.7	0.3	0.3	0.2	0.5	0.4	0.5	0.5	0.3	0.2	0.1	0.1	4.2
2019	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.5	1.4	2.6	2.3	7.8
2020	3.1	3.1	2.8	2.7	3.7	3.7	1.6	1.6	1.6	3.0	3.0	3.0	32.8
2021	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	0.0	0.0	0.0	27.0

Note: Values shown in red are projected demand estimates

Lagged Depletions

As previously mentioned, Adaptive Resources, Inc. completed work for the Applicants related to prior SWSP submittals. As part of this work, Adaptive Resources developed and utilized a groundwater model to determine a unit response function (“URF”) which was used to time the depletions to the South Platte River. Due to extenuating circumstances, HRS was not able to review and utilize the results from this model. Therefore, HRS developed its own groundwater model in order to determine the stream depletion timing and the impact to the South Platte River caused by the pumping of the 3T Well (or the backup well). The goals of this groundwater model were: 1.) determine which reaches of the South Platte River would be affected by pumping of the subject wells and 2.) develop a URF to be used in the Applicants proposed augmentation plan. A change model (or flat water table) was developed and utilized to estimate depletion timing from the subject wells. The development of the groundwater model and its results are discussed in the March 2020 HRS Modeling Report included as Appendix D.

The HRS model resulted in a wrapped URF of 830 months (~ 69 years) which is summarized monthly in the attached Table 2. The URF was wrapped at 95% and the resulting URF was used in our projection described later in this report. The new URF will be incorporated into the monthly accounting sheet and used to calculate monthly stream depletion amounts that need to be replaced. The URF involves timing to two impacted reaches of the South Platte River from the Ft. Morgan Canal to a reach downstream of the Lower Platte and Beaver Ditch (see Figure 2). Reach 1 is defined as the Fort Morgan Canal Company river headgate to the Upper Platte and Beaver Ditch river headgate, Reach 2 is defined as the Upper Platte and Beaver Canal river headgate to the Lower Platte and Beaver Ditch river headgate.

Replacement Water Supply

Replacement water to augment stream depletions caused by the pumping of the Bullseye 3T Well will be provided by two primary sources: the Ft. Morgan Water Company Ltd. and the Town of Wiggins. Bullseye Holdings signed a lease agreement with the Ft. Morgan Water Co., in which the Fort Morgan Water Co. has agreed to provide up to 50 acre-feet of fully consumable water each year through October 31, 2030 (see Appendix B). The replacement water includes Fort Morgan recharge water, as well as, Jackson Lake fully consumable water. This water will be delivered above the calling rights within the defined river reaches.

In addition to augmentation water supplied by the Fort Morgan Water Co., WGC Trading Co. recently contracted with the Town of Wiggins for 17 acre-feet/year of augmentation water (see Appendix C). This augmentation agreement includes various sources described in or to be added to the Town’s augmentation plan decreed in Case Nos. 11CW131 and 14CW3068. Deliveries of this water will begin in November 2026. The contract term is perpetual. Wiggins does not currently have the ability to augment depletions in Reach 2 but it has acquired water rights in the Fort Morgan Reservoir and Irrigation Company that it plans to change to allow augmentation by recharge and incorporate into its decreed augmentation plan.

Projection

A projection for the 2021 SWSP period has been calculated using the URFs developed by HRS and an assumed pumping volume of three acre-feet/month (36 acre-feet/year). This projected monthly demand estimate is sufficient to meet the demands of the commercial feedlot and the commercial truck washing operation. The number of cattle for the upcoming SWSP period is anticipated to be less than 500 head each month. The projected demand is based on 2.60 acre-feet/month for the truck washing operation and approximately 0.40 acre-feet/month for the feedlot. Actual demands may vary month to month but the average monthly pumping demand will be approximately three acre-feet.

The projection was developed using 3.0 acre-feet/month from October 2020 – September 2021 and 2.0 af/month for the remainder of the current SWSP period (July-September 2020). In addition to the projected WY 2021 pumping, the projection includes all post pumping depletions from historic pumping of the Bullseye 3T Well. The results of the lagged depletions are summarized in Table 3. The projection was run out for the full 830 URF period (approximately 69 years through 2090). The projection also conservatively assumed the well right would be out-of-priority throughout the entire projection period. As shown in the summary table, sufficient replacement supply is available to cover all depletions to the South Platte River. The projection shows a net positive river balance each year with sufficient supply to cover any assessed transit losses as well.

Table 3 Projection Summary

Lagged Well Depletion Projection Summary															Available Contracted/Leased Replacement Supply	Net River Balance
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total			
2020	-2.11	-2.10	-2.09	-2.09	-2.08	-2.07	-2.07	-2.06	-2.06	-2.05	-2.05	-2.04	-24.86	50.0	25.14	
2021	-2.04	-2.04	-2.03	-2.03	-2.03	-2.03	-2.03	-2.03	-2.03	-2.03	-2.03	-2.03	-24.38	50.0	25.62	
2022	-2.03	-2.03	-2.03	-2.04	-2.04	-2.04	-2.04	-2.04	-2.04	-2.04	-2.03	-2.03	-24.42	50.0	25.58	
2023	-2.03	-2.03	-2.02	-2.02	-2.01	-2.01	-2.00	-2.00	-1.99	-1.99	-1.98	-1.97	-24.06	50.0	25.94	
2024	-1.96	-1.96	-1.95	-1.94	-1.93	-1.92	-1.92	-1.91	-1.90	-1.89	-1.88	-1.87	-23.03	50.0	26.97	
2025	-1.86	-1.85	-1.84	-1.83	-1.83	-1.82	-1.81	-1.80	-1.79	-1.78	-1.77	-1.76	-21.74	50.0	28.26	
2026	-1.75	-1.74	-1.73	-1.72	-1.71	-1.70	-1.70	-1.69	-1.68	-1.67	-1.66	-1.65	-20.40	52.8	32.43	
2027	-1.64	-1.63	-1.62	-1.61	-1.61	-1.60	-1.59	-1.58	-1.57	-1.56	-1.55	-1.54	-19.11	67.0	47.89	
2028	-1.54	-1.53	-1.52	-1.51	-1.50	-1.49	-1.49	-1.48	-1.47	-1.46	-1.45	-1.45	-17.89	67.0	49.11	
2029	-1.44	-1.43	-1.42	-1.41	-1.41	-1.40	-1.39	-1.38	-1.38	-1.37	-1.36	-1.35	-16.75	67.0	50.25	
2030	-1.35	-1.34	-1.33	-1.33	-1.32	-1.31	-1.30	-1.30	-1.29	-1.28	-1.28	-1.27	-15.70	67.0	51.30	
2031	-1.26	-1.26	-1.25	-1.24	-1.24	-1.23	-1.23	-1.22	-1.21	-1.21	-1.20	-1.19	-14.74	17.0	2.26	
2032	-1.19	-1.18	-1.18	-1.17	-1.16	-1.16	-1.15	-1.15	-1.14	-1.13	-1.13	-1.12	-13.66	17.0	3.14	
2033	-1.12	-1.11	-1.11	-1.10	-1.10	-1.09	-1.08	-1.08	-1.07	-1.07	-1.06	-1.06	-13.05	17.0	3.95	
2034	-1.05	-1.05	-1.04	-1.04	-1.03	-1.03	-1.02	-1.02	-1.01	-1.01	-1.00	-1.00	-12.31	17.0	4.69	
2035	-0.99	-0.99	-0.99	-0.98	-0.98	-0.97	-0.97	-0.96	-0.96	-0.95	-0.95	-0.94	-11.63	17.0	5.37	
2036	-0.94	-0.94	-0.93	-0.93	-0.92	-0.92	-0.91	-0.91	-0.91	-0.90	-0.90	-0.89	-11.01	17.0	5.99	
2037	-0.89	-0.89	-0.88	-0.88	-0.87	-0.87	-0.87	-0.86	-0.86	-0.86	-0.85	-0.85	-10.43	17.0	6.57	
2038	-0.84	-0.84	-0.84	-0.83	-0.83	-0.83	-0.82	-0.82	-0.82	-0.81	-0.81	-0.81	-9.90	17.0	7.10	
2039	-0.80	-0.80	-0.80	-0.79	-0.79	-0.79	-0.78	-0.78	-0.78	-0.77	-0.77	-0.77	-9.42	17.0	7.58	
2040	-0.76	-0.76	-0.76	-0.75	-0.75	-0.75	-0.75	-0.74	-0.74	-0.74	-0.73	-0.73	-8.97	17.0	8.03	
2041	-0.73	-0.73	-0.72	-0.72	-0.72	-0.71	-0.71	-0.71	-0.71	-0.70	-0.70	-0.70	-8.55	17.0	8.45	
2042	-0.69	-0.69	-0.69	-0.69	-0.68	-0.68	-0.68	-0.68	-0.67	-0.67	-0.67	-0.67	-8.17	17.0	8.83	
2043	-0.66	-0.66	-0.66	-0.66	-0.65	-0.65	-0.65	-0.65	-0.64	-0.64	-0.64	-0.64	-7.81	17.0	9.19	
2044	-0.64	-0.63	-0.63	-0.63	-0.63	-0.62	-0.62	-0.62	-0.62	-0.62	-0.61	-0.61	-7.48	17.0	9.52	
2045	-0.61	-0.61	-0.60	-0.60	-0.60	-0.60	-0.60	-0.59	-0.59	-0.59	-0.59	-0.59	-7.17	17.0	9.83	
2046	-0.58	-0.58	-0.58	-0.58	-0.58	-0.57	-0.57	-0.57	-0.57	-0.57	-0.56	-0.56	-6.88	17.0	10.12	
2047	-0.56	-0.56	-0.56	-0.56	-0.55	-0.55	-0.55	-0.55	-0.55	-0.54	-0.54	-0.54	-6.61	17.0	10.39	
2048	-0.54	-0.54	-0.54	-0.53	-0.53	-0.53	-0.53	-0.53	-0.53	-0.52	-0.52	-0.52	-6.36	17.0	10.64	
2049	-0.52	-0.52	-0.52	-0.51	-0.51	-0.51	-0.51	-0.51	-0.51	-0.51	-0.50	-0.50	-6.13	17.0	10.87	
2050	-0.50	-0.50	-0.50	-0.49	-0.49	-0.49	-0.49	-0.49	-0.49	-0.49	-0.49	-0.48	-5.91	17.0	11.09	
2051	-0.48	-0.48	-0.48	-0.48	-0.48	-0.48	-0.47	-0.47	-0.47	-0.47	-0.46	-0.46	-5.68	17.0	11.32	
2052	-0.46	-0.46	-0.46	-0.45	-0.45	-0.45	-0.45	-0.45	-0.44	-0.44	-0.44	-0.44	-5.38	17.0	11.62	
2053	-0.43	-0.43	-0.43	-0.43	-0.43	-0.42	-0.42	-0.42	-0.42	-0.42	-0.41	-0.41	-5.09	17.0	11.91	
2054	-0.41	-0.41	-0.41	-0.41	-0.40	-0.40	-0.40	-0.40	-0.40	-0.39	-0.39	-0.39	-4.80	17.0	12.20	
2055	-0.39	-0.39	-0.38	-0.38	-0.38	-0.38	-0.38	-0.38	-0.37	-0.37	-0.37	-0.37	-4.53	17.0	12.47	
2056	-0.37	-0.36	-0.36	-0.36	-0.36	-0.36	-0.36	-0.36	-0.35	-0.35	-0.35	-0.35	-4.27	17.0	12.73	
2057	-0.34	-0.34	-0.34	-0.34	-0.34	-0.34	-0.34	-0.33	-0.33	-0.33	-0.33	-0.33	-4.02	17.0	12.98	
2058	-0.32	-0.32	-0.32	-0.32	-0.32	-0.32	-0.32	-0.31	-0.31	-0.31	-0.31	-0.31	-3.78	17.0	13.22	
2059	-0.30	-0.30	-0.30	-0.30	-0.30	-0.30	-0.30	-0.29	-0.29	-0.29	-0.29	-0.29	-3.55	17.0	13.45	
2060	-0.29	-0.28	-0.28	-0.28	-0.28	-0.28	-0.28	-0.28	-0.27	-0.27	-0.27	-0.27	-3.33	17.0	13.67	
2061	-0.27	-0.27	-0.27	-0.26	-0.26	-0.26	-0.26	-0.26	-0.26	-0.25	-0.25	-0.25	-3.12	17.0	13.88	
2062	-0.25	-0.25	-0.25	-0.25	-0.24	-0.24	-0.24	-0.24	-0.24	-0.24	-0.24	-0.24	-2.91	17.0	14.09	
2063	-0.23	-0.23	-0.23	-0.23	-0.23	-0.23	-0.23	-0.22	-0.22	-0.22	-0.22	-0.22	-2.72	17.0	14.26	
2064	-0.22	-0.22	-0.21	-0.21	-0.21	-0.21	-0.21	-0.21	-0.21	-0.21	-0.20	-0.20	-2.52	17.0	14.48	
2065	-0.20	-0.20	-0.20	-0.20	-0.20	-0.20	-0.19	-0.19	-0.19	-0.19	-0.19	-0.19	-2.34	17.0	14.66	
2066	-0.19	-0.19	-0.18	-0.18	-0.18	-0.18	-0.18	-0.18	-0.18	-0.18	-0.17	-0.17	-2.16	17.0	14.84	
2067	-0.17	-0.17	-0.17	-0.17	-0.17	-0.17	-0.17	-0.17	-0.17	-0.17	-0.17	-0.17	-2.03	17.0	14.97	
2068	-0.17	-0.17	-0.16	-0.16	-0.16	-0.16	-0.16	-0.15	-0.15	-0.15	-0.15	-0.15	-1.88	17.0	15.12	
2069	-0.14	-0.14	-0.14	-0.14	-0.14	-0.14	-0.14	-0.14	-0.14	-0.14	-0.14	-0.14	-1.68	17.0	15.32	
2070	-0.14	-0.14	-0.14	-0.13	-0.13	-0.13	-0.13	-0.13	-0.13	-0.13	-0.12	-0.12	-1.57	17.0	15.43	
2071	-0.12	-0.12	-0.12	-0.12	-0.12	-0.11	-0.11	-0.11	-0.11	-0.11	-0.11	-0.11	-1.36	17.0	15.64	
2072	-0.10	-0.10	-0.10	-0.10	-0.10	-0.10	-0.10	-0.10	-0.10	-0.09	-0.09	-0.09	-1.18	17.0	15.82	
2073	-0.09	-0.09	-0.09	-0.09	-0.09	-0.09	-0.09	-0.09	-0.09	-0.09	-0.09	-0.08	-1.05	17.0	15.95	
2074	-0.08	-0.08	-0.08	-0.08	-0.08	-0.08	-0.08	-0.08	-0.08	-0.08	-0.08	-0.08	-0.97	17.0	16.03	
2075	-0.08	-0.08	-0.08	-0.07	-0.07	-0.07	-0.07	-0.07	-0.07	-0.07	-0.07	-0.07	-0.87	17.0	16.13	
2076	-0.07	-0.07	-0.07	-0.06	-0.06	-0.06	-0.06	-0.06	-0.06	-0.06	-0.06	-0.06	-0.77	17.0	16.23	
2077	-0.06	-0.06	-0.06	-0.06	-0.06	-0.06	-0.06	-0.06	-0.06	-0.06	-0.05	-0.05	-0.70	17.0	16.30	
2078	-0.05	-0.05	-0.05	-0.05	-0.05	-0.05	-0.05	-0.05	-0.05	-0.05	-0.05	-0.05	-0.60	17.0	16.40	
2079	-0.05	-0.05	-0.05	-0.05	-0.05	-0.05	-0.05	-0.05	-0.05	-0.05	-0.05	-0.05	-0.56	17.0	16.44	
2080	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.52	17.0	16.48	
2081	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.48	17.0	16.52	
2082	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.04	-0.45	17.0	16.55	
2083	-0.04	-0.04	-0.03	-0.03	-0.03	-0.03	-0.03	-0.03	-0.03	-0.03	-0.03	-0.03	-0.41	17.0	16.59	
2084	-0.03	-0.03	-0.03	-0.03	-0.03	-0.03	-0.03	-0.03	-0.03	-0.03	-0.03	-0.03	-0.37	17.0	16.63	
2085	-0.03	-0.03	-0.03	-0.03	-0.03	-0.03	-0.03	-0.03	-0.03	-0.03	-0.02	-0.02	-0.32	17.0	16.68	
2086	-0.02	-0.02	-0.02	-0.02	-0.02	-0.02	-0.02	-0.02	-0.02	-0.02	-0.02	-0.02	-0.23	17.0	16.77	
2087	-0.02	-0.02	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.17	17.0	16.83	
2088	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.15	17.0	16.84	
2089	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.01	-0.11	17.0	16.89	
2090	-0.01	-0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-0.03	17.0	16.97	
2091	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17.0	17.00	

Operation of Plan

The Applicants propose to operate under an approved SWSP as follows:


- The Bullseye 3T Well pumping will be limited to the decreed diversion rate of 0.666 cfs and will be operated accordingly.
- The Bullseye 3T Well has a totalizing meter and it will continue to be read at the beginning or end of each month.
- Stream depletions for the requested SWSP period will be augmented by the Fort Morgan Water Co. and future stream depletions will be covered by the Fort Morgan Water Co. and the Town of Wiggins pursuant to the lease agreements/contracts currently in place.
- All depletions caused by the pumping of the well will be replaced in time, place and amount.
- Timing of depletions will be calculated using the URFs developed by HRS for each of the two South Platte River reaches.
- The Applicants will continue to submit monthly accounting sheets to the Division Engineer pursuant to the requirements of this SWSP. The accounting sheet will be modified to reflect HRS' modeling results and to accommodate the URF developed by HRS.
- The URFs in Table 2 and the projection shown in Table 3 demonstrate that depletions from well pumping can be fully replaced within an 830-month period after pumping has occurred.

It is my opinion that if the SWSP is operated according to the measurement and accounting provisions and the terms and conditions listed above, there will be no injury to any water rights in the South Platte River system.

Please call if you have any questions or need any additional information.

Very truly yours,

HRS WATER CONSULTANTS, INC.




A handwritten signature in black ink, appearing to read 'S. K. Barrett', with a stylized flourish at the end.

Steven K. Barrett
Principal, Water Resources Specialist

cc: Mr. Kevin Lamb, Bullseye Holdings, LLC & WGC Trading Co.
Mr. Rick Fendel, Petrock Fendel Poznanovic, P.C.



MAP LEGEND

-  Bullseye Property Boundary (Approx.)
-  Bullseye 3T Well - 80348-F
-  Backup Well - 23040-F

1 inch = 650 feet

0 500 1,000 Feet



Figure 1. Property and Well Location Map
Bullseye Holdings, LLC & WGC Trading Co.

Job Number: 19-09
Prepared By: TDR
Data: March 2020
Projection: NAD 83 UTM Zone 13N
File Name: Bullseye_New.mxd



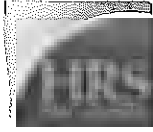


Table 2 - URF Values
Bullseye Holdings LLC & WGC Trading Co.
Case No. 16CW3028

URF Sum	0.32050580	0.67949420			
Months	URF Reach 1	URF Reach 2	Months	URF Reach 1	URF Reach 2
1	0.0000282	0.0000605	45	0.0009299	0.0038616
2	0.0000283	0.0000641	46	0.0009429	0.0038516
3	0.0000285	0.0000754	47	0.0009551	0.0038399
4	0.0000292	0.0001012	48	0.0009667	0.0038267
5	0.0000307	0.0001483	49	0.0009776	0.0038121
6	0.0000334	0.0002219	50	0.0009878	0.0037963
7	0.0000379	0.0003246	51	0.0009975	0.0037794
8	0.0000444	0.0004560	52	0.0010065	0.0037614
9	0.0000536	0.0006133	53	0.0010150	0.0037425
10	0.0000654	0.0007917	54	0.0010229	0.0037230
11	0.0000802	0.0009859	55	0.0010303	0.0037025
12	0.0000979	0.0011900	56	0.0010373	0.0036813
13	0.0001184	0.0013990	57	0.0010437	0.0036596
14	0.0001415	0.0016080	58	0.0010498	0.0036373
15	0.0001670	0.0018133	59	0.0010554	0.0036144
16	0.0001945	0.0020119	60	0.0010606	0.0035912
17	0.0002237	0.0022016	61	0.0010654	0.0035675
18	0.0002543	0.0023808	62	0.0010698	0.0035435
19	0.0002858	0.0025486	63	0.0010738	0.0035192
20	0.0003181	0.0027044	64	0.0010776	0.0034946
21	0.0003508	0.0028480	65	0.0010810	0.0034698
22	0.0003836	0.0029795	66	0.0010841	0.0034448
23	0.0004163	0.0030994	67	0.0010868	0.0034195
24	0.0004488	0.0032079	68	0.0010893	0.0033942
25	0.0004807	0.0033057	69	0.0010916	0.0033687
26	0.0005121	0.0033933	70	0.0010935	0.0033431
27	0.0005427	0.0034714	71	0.0010953	0.0033174
28	0.0005725	0.0035406	72	0.0010967	0.0032917
29	0.0006013	0.0036015	73	0.0010980	0.0032659
30	0.0006293	0.0036548	74	0.0010990	0.0032401
31	0.0006562	0.0037010	75	0.0010999	0.0032143
32	0.0006821	0.0037407	76	0.0011005	0.0031884
33	0.0007070	0.0037745	77	0.0011009	0.0031627
34	0.0007309	0.0038027	78	0.0011012	0.0031369
35	0.0007537	0.0038260	79	0.0011013	0.0031112
36	0.0007756	0.0038446	80	0.0011012	0.0030855
37	0.0007964	0.0038591	81	0.0011010	0.0030599
38	0.0008162	0.0038697	82	0.0011006	0.0030344
39	0.0008351	0.0038768	83	0.0011000	0.0030089
40	0.0008531	0.0038807	84	0.0010994	0.0029836
41	0.0008701	0.0038818	85	0.0010986	0.0029583
42	0.0008863	0.0038801	86	0.0010976	0.0029332
43	0.0009016	0.0038761	87	0.0010966	0.0029082
44	0.0009161	0.0038699	88	0.0010954	0.0028833
			89	0.0010941	0.0028585

Months	URF Reach 1	URF Reach 2
90	0.0010927	0.0028338
91	0.0010912	0.0028093
92	0.0010896	0.0027849
93	0.0010879	0.0027607
94	0.0010861	0.0027366
95	0.0010843	0.0027127
96	0.0010823	0.0026889
97	0.0010803	0.0026653
98	0.0010782	0.0026418
99	0.0010760	0.0026185
100	0.0010738	0.0025954
101	0.0010715	0.0025724
102	0.0010691	0.0025496
103	0.0010667	0.0025270
104	0.0010642	0.0025046
105	0.0010616	0.0024823
106	0.0010590	0.0024602
107	0.0010563	0.0024383
108	0.0010536	0.0024166
109	0.0010509	0.0023950
110	0.0010481	0.0023737
111	0.0010452	0.0023525
112	0.0010423	0.0023315
113	0.0010394	0.0023107
114	0.0010365	0.0022900
115	0.0010335	0.0022696
116	0.0010304	0.0022493
117	0.0010274	0.0022292
118	0.0010243	0.0022093
119	0.0010211	0.0021896
120	0.0010180	0.0021700
121	0.0010148	0.0021507
122	0.0010116	0.0021315
123	0.0010083	0.0021125
124	0.0010050	0.0020937
125	0.0010018	0.0020750
126	0.0009984	0.0020566
127	0.0009951	0.0020383
128	0.0009918	0.0020202
129	0.0009884	0.0020022
130	0.0009850	0.0019845
131	0.0009816	0.0019669
132	0.0009782	0.0019495
133	0.0009747	0.0019323
134	0.0009713	0.0019152
135	0.0009678	0.0018984
136	0.0009643	0.0018816
137	0.0009608	0.0018651
138	0.0009573	0.0018487

Months	URF Reach 1	URF Reach 2
139	0.0009538	0.0018325
140	0.0009503	0.0018165
141	0.0009467	0.0018006
142	0.0009432	0.0017849
143	0.0009396	0.0017693
144	0.0009361	0.0017539
145	0.0009325	0.0017387
146	0.0009289	0.0017236
147	0.0009253	0.0017087
148	0.0009217	0.0016939
149	0.0009181	0.0016793
150	0.0009145	0.0016649
151	0.0009109	0.0016506
152	0.0009073	0.0016364
153	0.0009037	0.0016224
154	0.0009001	0.0016086
155	0.0008965	0.0015948
156	0.0008929	0.0015813
157	0.0008892	0.0015679
158	0.0008856	0.0015546
159	0.0008820	0.0015414
160	0.0008784	0.0015284
161	0.0008748	0.0015156
162	0.0008711	0.0015029
163	0.0008675	0.0014903
164	0.0008639	0.0014778
165	0.0008603	0.0014655
166	0.0008566	0.0014533
167	0.0008530	0.0014413
168	0.0008494	0.0014293
169	0.0008458	0.0014175
170	0.0008422	0.0014058
171	0.0008386	0.0013943
172	0.0008350	0.0013829
173	0.0008314	0.0013716
174	0.0008278	0.0013604
175	0.0008242	0.0013493
176	0.0008206	0.0013384
177	0.0008170	0.0013275
178	0.0008135	0.0013168
179	0.0008099	0.0013062
180	0.0008063	0.0012957
181	0.0008028	0.0012854
182	0.0007992	0.0012751
183	0.0007957	0.0012650
184	0.0007921	0.0012549
185	0.0007886	0.0012450
186	0.0007851	0.0012351
187	0.0007815	0.0012254

Months	URF Reach 1	URF Reach 2
188	0.0007780	0.0012158
189	0.0007745	0.0012063
190	0.0007710	0.0011969
191	0.0007675	0.0011875
192	0.0007640	0.0011783
193	0.0007606	0.0011692
194	0.0007571	0.0011602
195	0.0007536	0.0011513
196	0.0007502	0.0011424
197	0.0007467	0.0011337
198	0.0007433	0.0011250
199	0.0007399	0.0011165
200	0.0007365	0.0011080
201	0.0007331	0.0010996
202	0.0007297	0.0010913
203	0.0007263	0.0010831
204	0.0007229	0.0010750
205	0.0007195	0.0010670
206	0.0007162	0.0010591
207	0.0007128	0.0010512
208	0.0007095	0.0010434
209	0.0007061	0.0010357
210	0.0007028	0.0010281
211	0.0006995	0.0010206
212	0.0006962	0.0010131
213	0.0006929	0.0010057
214	0.0006897	0.0009984
215	0.0006864	0.0009912
216	0.0006831	0.0009840
217	0.0006799	0.0009770
218	0.0006767	0.0009699
219	0.0006734	0.0009630
220	0.0006702	0.0009561
221	0.0006670	0.0009494
222	0.0006638	0.0009426
223	0.0006606	0.0009360
224	0.0006575	0.0009294
225	0.0006543	0.0009229
226	0.0006512	0.0009164
227	0.0006477	0.0009094
228	0.0006447	0.0009033
229	0.0006415	0.0008970
230	0.0006383	0.0008909
231	0.0006352	0.0008848
232	0.0006321	0.0008787
233	0.0006290	0.0008727
234	0.0006259	0.0008668
235	0.0006228	0.0008609
236	0.0006198	0.0008551

Months	URF Reach 1	URF Reach 2
237	0.0006167	0.0008494
238	0.0006137	0.0008437
239	0.0006107	0.0008380
240	0.0006077	0.0008325
241	0.0006048	0.0008269
242	0.0006018	0.0008215
243	0.0005989	0.0008160
244	0.0005959	0.0008107
245	0.0005930	0.0008053
246	0.0005901	0.0008001
247	0.0005872	0.0007949
248	0.0005843	0.0007897
249	0.0005815	0.0007846
250	0.0005786	0.0007795
251	0.0005758	0.0007745
252	0.0005730	0.0007696
253	0.0005701	0.0007646
254	0.0005673	0.0007598
255	0.0005646	0.0007549
256	0.0005618	0.0007502
257	0.0005590	0.0007454
258	0.0005563	0.0007408
259	0.0005535	0.0007361
260	0.0005508	0.0007315
261	0.0005481	0.0007270
262	0.0005454	0.0007225
263	0.0005427	0.0007180
264	0.0005400	0.0007136
265	0.0005373	0.0007092
266	0.0005347	0.0007049
267	0.0005320	0.0007006
268	0.0005294	0.0006963
269	0.0005268	0.0006921
270	0.0005242	0.0006879
271	0.0005216	0.0006838
272	0.0005190	0.0006797
273	0.0005164	0.0006756
274	0.0005139	0.0006716
275	0.0005113	0.0006676
276	0.0005088	0.0006637
277	0.0005063	0.0006598
278	0.0005037	0.0006559
279	0.0005012	0.0006521
280	0.0004988	0.0006483
281	0.0004963	0.0006445
282	0.0004938	0.0006408
283	0.0004914	0.0006371
284	0.0004889	0.0006334
285	0.0004865	0.0006298

Months	URF Reach 1	URF Reach 2
286	0.0004841	0.0006262
287	0.0004817	0.0006226
288	0.0004793	0.0006191
289	0.0004769	0.0006156
290	0.0004745	0.0006121
291	0.0004722	0.0006087
292	0.0004698	0.0006053
293	0.0004675	0.0006019
294	0.0004652	0.0005986
295	0.0004629	0.0005953
296	0.0004606	0.0005920
297	0.0004583	0.0005887
298	0.0004560	0.0005855
299	0.0004537	0.0005823
300	0.0004515	0.0005791
301	0.0004492	0.0005760
302	0.0004470	0.0005729
303	0.0004448	0.0005698
304	0.0004426	0.0005667
305	0.0004404	0.0005637
306	0.0004382	0.0005607
307	0.0004360	0.0005577
308	0.0004338	0.0005548
309	0.0004317	0.0005518
310	0.0004296	0.0005489
311	0.0004274	0.0005460
312	0.0004253	0.0005432
313	0.0004232	0.0005404
314	0.0004211	0.0005376
315	0.0004190	0.0005348
316	0.0004169	0.0005320
317	0.0004149	0.0005293
318	0.0004128	0.0005266
319	0.0004108	0.0005239
320	0.0004087	0.0005212
321	0.0004067	0.0005186
322	0.0004047	0.0005160
323	0.0004027	0.0005134
324	0.0004007	0.0005108
325	0.0003987	0.0005083
326	0.0003968	0.0005057
327	0.0003948	0.0005032
328	0.0003929	0.0005007
329	0.0003909	0.0004982
330	0.0003890	0.0004958
331	0.0003871	0.0004934
332	0.0003852	0.0004910
333	0.0003833	0.0004886
334	0.0003814	0.0004862

Months	URF Reach 1	URF Reach 2
335	0.0003795	0.0004839
336	0.0003777	0.0004815
337	0.0003758	0.0004792
338	0.0003740	0.0004769
339	0.0003721	0.0004747
340	0.0003703	0.0004724
341	0.0003685	0.0004702
342	0.0003667	0.0004679
343	0.0003649	0.0004657
344	0.0003631	0.0004636
345	0.0003613	0.0004614
346	0.0003595	0.0004592
347	0.0003578	0.0004571
348	0.0003560	0.0004550
349	0.0003543	0.0004529
350	0.0003526	0.0004508
351	0.0003509	0.0004488
352	0.0003491	0.0004467
353	0.0003474	0.0004447
354	0.0003457	0.0004427
355	0.0003441	0.0004407
356	0.0003424	0.0004387
357	0.0003407	0.0004367
358	0.0003391	0.0004347
359	0.0003374	0.0004328
360	0.0003358	0.0004309
361	0.0003342	0.0004290
362	0.0003326	0.0004271
363	0.0003309	0.0004252
364	0.0003293	0.0004233
365	0.0003278	0.0004215
366	0.0003262	0.0004196
367	0.0003246	0.0004178
368	0.0003230	0.0004160
369	0.0003215	0.0004142
370	0.0003199	0.0004124
371	0.0003184	0.0004107
372	0.0003169	0.0004089
373	0.0003153	0.0004072
374	0.0003138	0.0004055
375	0.0003123	0.0004037
376	0.0003108	0.0004020
377	0.0003093	0.0004003
378	0.0003079	0.0003987
379	0.0003064	0.0003970
380	0.0003049	0.0003953
381	0.0003035	0.0003937
382	0.0003020	0.0003921
383	0.0003006	0.0003905

Months	URF Reach 1	URF Reach 2
384	0.0002992	0.0003889
385	0.0002978	0.0003873
386	0.0002963	0.0003857
387	0.0002949	0.0003841
388	0.0002935	0.0003826
389	0.0002921	0.0003810
390	0.0002908	0.0003795
391	0.0002894	0.0003779
392	0.0002880	0.0003764
393	0.0002867	0.0003749
394	0.0002853	0.0003734
395	0.0002840	0.0003720
396	0.0002826	0.0003705
397	0.0002813	0.0003690
398	0.0002800	0.0003676
399	0.0002787	0.0003661
400	0.0002774	0.0003647
401	0.0002761	0.0003633
402	0.0002748	0.0003619
403	0.0002735	0.0003605
404	0.0002722	0.0003591
405	0.0002710	0.0003577
406	0.0002697	0.0003563
407	0.0002684	0.0003550
408	0.0002672	0.0003536
409	0.0002660	0.0003523
410	0.0002647	0.0003510
411	0.0002635	0.0003496
412	0.0002623	0.0003483
413	0.0002611	0.0003470
414	0.0002599	0.0003457
415	0.0002587	0.0003444
416	0.0002575	0.0003431
417	0.0002563	0.0003419
418	0.0002551	0.0003406
419	0.0002539	0.0003394
420	0.0002528	0.0003381
421	0.0002516	0.0003369
422	0.0002505	0.0003356
423	0.0002493	0.0003344
424	0.0002482	0.0003332
425	0.0002471	0.0003320
426	0.0002459	0.0003308
427	0.0002448	0.0003296
428	0.0002437	0.0003285
429	0.0002426	0.0003273
430	0.0002415	0.0003261
431	0.0002404	0.0003250
432	0.0002393	0.0003238

Months	URF Reach 1	URF Reach 2
433	0.0002382	0.0003227
434	0.0002372	0.0003215
435	0.0002361	0.0003204
436	0.0002350	0.0003193
437	0.0002340	0.0003182
438	0.0002329	0.0003171
439	0.0002319	0.0003160
440	0.0002309	0.0003149
441	0.0002298	0.0003138
442	0.0002288	0.0003127
443	0.0002278	0.0003117
444	0.0002268	0.0003106
445	0.0002258	0.0003095
446	0.0002248	0.0003085
447	0.0002238	0.0003074
448	0.0002228	0.0003064
449	0.0002218	0.0003054
450	0.0002208	0.0003043
451	0.0002198	0.0003033
452	0.0002189	0.0003023
453	0.0002179	0.0003013
454	0.0002170	0.0003003
455	0.0002160	0.0002993
456	0.0002151	0.0002983
457	0.0002141	0.0002974
458	0.0002132	0.0002964
459	0.0002123	0.0002954
460	0.0002113	0.0002944
461	0.0002104	0.0002935
462	0.0002095	0.0002925
463	0.0002086	0.0002916
464	0.0002077	0.0002907
465	0.0002068	0.0002897
466	0.0002059	0.0002888
467	0.0002050	0.0002879
468	0.0002041	0.0002870
469	0.0002032	0.0002861
470	0.0002024	0.0002852
471	0.0002015	0.0002842
472	0.0002006	0.0002834
473	0.0001998	0.0002825
474	0.0001989	0.0002816
475	0.0001981	0.0002807
476	0.0001972	0.0002798
477	0.0001964	0.0002790
478	0.0001956	0.0002781
479	0.0001948	0.0002772
480	0.0001939	0.0002764
481	0.0001931	0.0002755

Months	URF Reach 1	URF Reach 2
482	0.0001923	0.0002747
483	0.0001915	0.0002739
484	0.0001907	0.0002730
485	0.0001899	0.0002722
486	0.0001891	0.0002714
487	0.0001883	0.0002705
488	0.0001875	0.0002697
489	0.0001867	0.0002689
490	0.0001860	0.0002681
491	0.0001852	0.0002673
492	0.0001844	0.0002665
493	0.0001837	0.0002657
494	0.0001829	0.0002649
495	0.0001821	0.0002642
496	0.0001814	0.0002634
497	0.0001806	0.0002626
498	0.0001799	0.0002618
499	0.0001792	0.0002611
500	0.0001784	0.0002603
501	0.0001777	0.0002596
502	0.0001770	0.0002588
503	0.0001763	0.0002581
504	0.0001755	0.0002573
505	0.0001748	0.0002566
506	0.0001741	0.0002558
507	0.0001734	0.0002551
508	0.0001727	0.0002544
509	0.0001720	0.0002537
510	0.0001713	0.0002529
511	0.0001706	0.0002522
512	0.0001699	0.0002515
513	0.0001693	0.0002508
514	0.0001686	0.0002501
515	0.0001679	0.0002494
516	0.0001672	0.0002487
517	0.0001666	0.0002480
518	0.0001659	0.0002473
519	0.0001653	0.0002466
520	0.0001646	0.0002460
521	0.0001640	0.0002453
522	0.0001633	0.0002446
523	0.0001627	0.0002439
524	0.0001620	0.0002433
525	0.0001614	0.0002426
526	0.0001608	0.0002419
527	0.0001601	0.0002413
528	0.0001595	0.0002406
529	0.0001589	0.0002400
530	0.0001583	0.0002393

Months	URF Reach 1	URF Reach 2
531	0.0001577	0.0002387
532	0.0001570	0.0002381
533	0.0001564	0.0002374
534	0.0001558	0.0002368
535	0.0001552	0.0002361
536	0.0001546	0.0002355
537	0.0001540	0.0002349
538	0.0001535	0.0002343
539	0.0001529	0.0002337
540	0.0001523	0.0002330
541	0.0001517	0.0002324
542	0.0001511	0.0002318
543	0.0001506	0.0002312
544	0.0001500	0.0002306
545	0.0001494	0.0002300
546	0.0001489	0.0002294
547	0.0001483	0.0002288
548	0.0001477	0.0002282
549	0.0001472	0.0002277
550	0.0001466	0.0002271
551	0.0001461	0.0002265
552	0.0001455	0.0002259
553	0.0001450	0.0002253
554	0.0001445	0.0002248
555	0.0001439	0.0002242
556	0.0001434	0.0002236
557	0.0001429	0.0002231
558	0.0001423	0.0002225
559	0.0001418	0.0002219
560	0.0001413	0.0002214
561	0.0001408	0.0002208
562	0.0001403	0.0002203
563	0.0001397	0.0002197
564	0.0001392	0.0002192
565	0.0001387	0.0002187
566	0.0001382	0.0002181
567	0.0001377	0.0002176
568	0.0001372	0.0002170
569	0.0001367	0.0002165
570	0.0001362	0.0002160
571	0.0001357	0.0002155
572	0.0001353	0.0002149
573	0.0001348	0.0002144
574	0.0001343	0.0002139
575	0.0001338	0.0002134
576	0.0001333	0.0002129
577	0.0001329	0.0002123
578	0.0001324	0.0002118
579	0.0001319	0.0002113

Months	URF Reach 1	URF Reach 2
580	0.0001315	0.0002108
581	0.0001310	0.0002103
582	0.0001305	0.0002098
583	0.0001301	0.0002093
584	0.0001296	0.0002088
585	0.0001292	0.0002083
586	0.0001287	0.0002078
587	0.0001283	0.0002074
588	0.0001278	0.0002069
589	0.0001274	0.0002064
590	0.0001270	0.0002059
591	0.0001265	0.0002054
592	0.0001261	0.0002049
593	0.0001256	0.0002045
594	0.0001252	0.0002040
595	0.0001248	0.0002035
596	0.0001244	0.0002031
597	0.0001239	0.0002026
598	0.0001235	0.0002021
599	0.0001231	0.0002017
600	0.0001227	0.0002012
601	0.0001223	0.0002007
602	0.0001219	0.0002003
603	0.0001214	0.0001998
604	0.0001210	0.0001994
605	0.0001206	0.0001989
606	0.0001202	0.0001985
607	0.0001198	0.0001980
608	0.0001194	0.0001976
609	0.0001190	0.0001971
610	0.0001186	0.0001967
611	0.0001182	0.0001963
612	0.0001179	0.0001958
613	0.0001175	0.0001954
614	0.0001171	0.0001950
615	0.0001167	0.0001945
616	0.0001163	0.0001941
617	0.0001159	0.0001937
618	0.0001156	0.0001933
619	0.0001152	0.0001928
620	0.0001148	0.0001924
621	0.0001144	0.0001920
622	0.0001141	0.0001916
623	0.0001137	0.0001912
624	0.0001133	0.0001907
625	0.0001130	0.0001903
626	0.0001126	0.0001899
627	0.0001123	0.0001895
628	0.0001119	0.0001891

Months	URF Reach 1	URF Reach 2
629	0.0001115	0.0001887
630	0.0001112	0.0001883
631	0.0001108	0.0001879
632	0.0001105	0.0001875
633	0.0001101	0.0001871
634	0.0001098	0.0001867
635	0.0001095	0.0001863
636	0.0001091	0.0001859
637	0.0001088	0.0001855
638	0.0001084	0.0001851
639	0.0001081	0.0001847
640	0.0001078	0.0001843
641	0.0001074	0.0001840
642	0.0001071	0.0001836
643	0.0001068	0.0001832
644	0.0001064	0.0001828
645	0.0001061	0.0001824
646	0.0001058	0.0001821
647	0.0001055	0.0001817
648	0.0001052	0.0001813
649	0.0001048	0.0001809
650	0.0001045	0.0001806
651	0.0001042	0.0001802
652	0.0001039	0.0001798
653	0.0001036	0.0001795
654	0.0001033	0.0001791
655	0.0001030	0.0001787
656	0.0001026	0.0001784
657	0.0001023	0.0001780
658	0.0001020	0.0001776
659	0.0001017	0.0001773
660	0.0001014	0.0001769
661	0.0001011	0.0001766
662	0.0001008	0.0001762
663	0.0001005	0.0001759
664	0.0001002	0.0001755
665	0.0001000	0.0001752
666	0.0000997	0.0001748
667	0.0000994	0.0001745
668	0.0000991	0.0001741
669	0.0000988	0.0001738
670	0.0000985	0.0001734
671	0.0000982	0.0001731
672	0.0000979	0.0001728
673	0.0000977	0.0001724
674	0.0000974	0.0001721
675	0.0000971	0.0001718
676	0.0000968	0.0001714
677	0.0000966	0.0001711

Months	URF Reach 1	URF Reach 2
678	0.0000963	0.0001707
679	0.0000960	0.0001704
680	0.0000957	0.0001701
681	0.0000955	0.0001698
682	0.0000952	0.0001694
683	0.0000949	0.0001691
684	0.0000947	0.0001688
685	0.0000944	0.0001685
686	0.0000941	0.0001681
687	0.0000939	0.0001678
688	0.0000936	0.0001675
689	0.0000934	0.0001672
690	0.0000931	0.0001669
691	0.0000928	0.0001665
692	0.0000926	0.0001662
693	0.0000923	0.0001659
694	0.0000921	0.0001656
695	0.0000918	0.0001653
696	0.0000916	0.0001650
697	0.0000913	0.0001647
698	0.0000911	0.0001644
699	0.0000908	0.0001641
700	0.0000906	0.0001638
701	0.0000904	0.0001635
702	0.0000901	0.0001632
703	0.0000899	0.0001629
704	0.0000896	0.0001625
705	0.0000894	0.0001623
706	0.0000892	0.0001620
707	0.0000889	0.0001617
708	0.0000887	0.0001614
709	0.0000885	0.0001611
710	0.0000882	0.0001608
711	0.0000880	0.0001605
712	0.0000878	0.0001602
713	0.0000875	0.0001599
714	0.0000873	0.0001596
715	0.0000871	0.0001593
716	0.0000869	0.0001590
717	0.0000866	0.0001587
718	0.0000864	0.0001585
719	0.0000862	0.0001582
720	0.0000860	0.0001579
721	0.0000858	0.0001576
722	0.0000855	0.0001573
723	0.0000853	0.0001570
724	0.0000851	0.0001568
725	0.0000849	0.0001565
726	0.0000847	0.0001562

Months	URF Reach 1	URF Reach 2
727	0.0000845	0.0001559
728	0.0000842	0.0001557
729	0.0000840	0.0001554
730	0.0000838	0.0001551
731	0.0000836	0.0001548
732	0.0000834	0.0001546
733	0.0000832	0.0001543
734	0.0000830	0.0001540
735	0.0000828	0.0001538
736	0.0000826	0.0001535
737	0.0000824	0.0001532
738	0.0000822	0.0001530
739	0.0000820	0.0001527
740	0.0000818	0.0001524
741	0.0000816	0.0001522
742	0.0000814	0.0001519
743	0.0000812	0.0001516
744	0.0000810	0.0001514
745	0.0000808	0.0001511
746	0.0000806	0.0001509
747	0.0000804	0.0001506
748	0.0000802	0.0001504
749	0.0000800	0.0001501
750	0.0000798	0.0001489
751	0.0000793	0.0001486
752	0.0000791	0.0001484
753	0.0000788	0.0001482
754	0.0000786	0.0001480
755	0.0000784	0.0001478
756	0.0000782	0.0001476
757	0.0000780	0.0001474
758	0.0000778	0.0001472
759	0.0000776	0.0001470
760	0.0000774	0.0001468
761	0.0000772	0.0001466
762	0.0000770	0.0001464
763	0.0000768	0.0001461
764	0.0000766	0.0001459
765	0.0000765	0.0001457
766	0.0000763	0.0001455
767	0.0000761	0.0001452
768	0.0000760	0.0001450
769	0.0000758	0.0001448
770	0.0000756	0.0001446
771	0.0000754	0.0001443
772	0.0000753	0.0001441
773	0.0000751	0.0001439
774	0.0000750	0.0001437
775	0.0000748	0.0001434

Months	URF Reach 1	URF Reach 2
776	0.0000746	0.0001432
777	0.0000745	0.0001430
778	0.0000743	0.0001428
779	0.0000742	0.0001426
780	0.0000740	0.0001423
781	0.0000739	0.0001421
782	0.0000737	0.0001419
783	0.0000735	0.0001417
784	0.0000734	0.0001414
785	0.0000732	0.0001412
786	0.0000731	0.0001410
787	0.0000729	0.0001408
788	0.0000728	0.0001406
789	0.0000726	0.0001403
790	0.0000725	0.0001401
791	0.0000723	0.0001399
792	0.0000722	0.0001397
793	0.0000720	0.0001395
794	0.0000719	0.0001393
795	0.0000717	0.0001390
796	0.0000716	0.0001388
797	0.0000714	0.0001386
798	0.0000713	0.0001384
799	0.0000712	0.0001382
800	0.0000710	0.0001380
801	0.0000709	0.0001378
802	0.0000707	0.0001376
803	0.0000706	0.0001374
804	0.0000704	0.0001371
805	0.0000703	0.0001369
806	0.0000702	0.0001367
807	0.0000700	0.0001365
808	0.0000699	0.0001363
809	0.0000698	0.0001361
810	0.0000696	0.0001359
811	0.0000695	0.0001357
812	0.0000693	0.0001355
813	0.0000692	0.0001353
814	0.0000691	0.0001351
815	0.0000689	0.0001349
816	0.0000688	0.0001347
817	0.0000687	0.0001345
818	0.0000685	0.0001343
819	0.0000684	0.0001341
820	0.0000683	0.0001339
821	0.0000681	0.0001337
822	0.0000680	0.0001335
823	0.0000679	0.0001333
824	0.0000677	0.0001331

Months	URF Reach 1	URF Reach 2
825	0.0000676	0.0001329
826	0.0000675	0.0001327
827	0.0000674	0.0001325
828	0.0000672	0.0001323
829	0.0000671	0.0001321
830	0.0000670	0.0001319

Colorado Division of Water Resources

Letter Dated June 12, 2020



COLORADO
Division of Water Resources
Department of Natural Resources

June 12, 2020

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

Re: Use by Special Review Application for Bullseye Holdings, LLC
Pt. W½ Sec. 26, T3N, R58W, 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 confined animal feeding operation (CAFO). 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 proposed CAFO will have no more than 9,000 head on a parcel of approximately 90 acres. The water supply for the operation is an existing well with permit no. 80348-F. Well permit no. 80348-F allows the use of water from the well for those uses associated with the operation of a commercial feedlot, including stock watering, the washing of equipment and vehicles, and domestic purposes. The annual amount of water that may be withdrawn from the well under permit no. 80348-F is limited to not more than 24.27 acre-feet, or the amount covered under a substitute water supply plan or decreed augmentation plan. The well is currently operated under a substitute water supply plan until a decree is obtained for a permanent plan for augmentation in pending case no. 2016CW3028. The most recent substitute water supply plan for well permit no. 80348-F was approved on October 15, 2019 for operations through September 30, 2020. The current plan allows for the withdrawal of 31.7 acre-feet based on an estimate of less than 1,000 head of cattle per month for the plan period of October 1, 2019 - September 30, 2020. A request for renewal of the substitute water supply plan is required to be submitted to the Division of Water Resources by July 1, 2020.

If detention/retention facilities are required to control stormwater runoff on the property, the applicant should be aware that, unless the structures can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), C.R.S., the structures may be subject to administration by this office. The applicant should review the Division of Water Resources's *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, available on our website, to ensure that the



notification, construction and operation of any structures meet statutory and administrative requirements.

Should you or the applicant have any questions, please contact me at this office.

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: Referral file no. 27174
Well permit file no. 80348-F

Vranesh & Raisch,
Attorneys at Law

Letter Regarding Truck Washout
Dated October 22, 2018

ATTACHMENT A



1720 14th Street, Suite 200 Boulder, Colorado 80302
Telephone: 303.443.6151 Fax: 303.443.9586
www.vrlaw.com

October 22, 2018

Board of County Commissioners of
the County of Morgan
218 West Kiowa Avenue
Fort Morgan, CO 80701

Re: Ditch Easement Issues Related to Bullseye Holdings, LLC Special Use
Permit Application for Truck Washout

Dear Commissioners:

My firm represents the Bijou Irrigation Company and the Bijou Irrigation District (collectively "Bijou" for purposes of this letter) on water rights matters, including issues related to Bijou's operation of its water delivery structures. I am writing on behalf of Bijou to provide the Board of County Commissioners ("Board") and its legal counsel with some additional information related to ditch easement issues that may be the subject of discussion during the public hearing to be held by the Board on October 23 concerning the special use permit application submitted on behalf of Bullseye Holdings, LLC ("Bullseye"). Bullseye has previously provided the Board's legal counsel with its perspective about these ditch easement issues by letter from Scott C. Miller dated August 31, 2018. Our letter provides some additional perspective for the Board's consideration.

Colorado law has long recognized irrigation ditch operations and the easement rights that accompany those operations. These rights are recognized by both the Colorado Constitution and Colorado statute, and can arise and exist in several forms, including by written conveyance, prescription, necessity, or estoppel. *See, e.g., Roaring Fork Club, L.P. v. St. Jude's Company*, 36 P.3d 1229, 1231-1232 (Colo. 2001) ("*Roaring Fork*"); *Lobato v. Taylor*, 71 P.3d 938, 950-951 (Colo. 2002); *In re Tonko*, 154 P.3d 397, 402-404 (Colo. 2007)

Board of County Commissioners of
the County of Morgan
October 22, 2018
Page 2

("In re Tonko"); *City of Boulder v. Farmer's Reservoir and Irrigation Company*, 214 P.3d 563, 565-566 (Colo. App. 2009) ("City of Boulder").

In *Roaring Fork*, the Colorado Supreme Court discussed the potentially competing interests between the dominant property rights in a ditch easement and the uses of the underlying servient land. Although recognizing the need to manage and allow, where possible, such competing interests, the Court reiterated the long history of Colorado law concerning the existence of ditch easements and the rights associated with these easements. The Court noted:

"Because ditches are important, so too are the rights attendant upon a ditch easement. The holder of a ditch easement has the right to inspect, operate, maintain, and repair the ditch. *Osborn & Caywood Ditch Co. v. Green*, 673 P.2d 380, 383 (Colo. App. 1983) ("[T]he owner of the easement, or dominant estate, may do whatever is reasonably necessary to permit full use and enjoyment of the easement including the exercise of rights of ingress and egress for maintenance, operation, and repair; see also *Yunker v. Nichols*, 1 Colo. 551, 555 (1872) ("It may be said, that all lands are held in subordination to the dominant right of others, who must necessarily pass over them to obtain a supply of water to irrigate their own lands....")"

Roaring Fork, at 1232.

The Court also confirmed that "... while burdened estate owners have a qualified right to cross, and take equipment across, a benefitted estate owner's ditch, they cannot damage the ditch or unreasonably inhibit the benefitted estate owner's ability to maintain the ditch. *Green*, 673 P.2d at 383. The right to maintain a ditch, canal or aqueduct across the lands of another necessarily implies the right to go on such lands for the purpose of cleaning out the waterway and making other proper repairs...." *Id.* These basic principles were again confirmed by the Colorado Supreme Court in *In re Tonko*, and by the Colorado Court of Appeals in *City of Boulder*.

The letter from Scott Miller indicates it was sent to the Board to "clear up any confusion regarding the ditch easement for the Bijou Canal." However, it instead only provides Bullseye's one-sided perspective about the Bijou Canal and its operations, and fails to

bring to the Board's attention the case law that establishes the significance and importance of irrigation ditches and ditch easements in Colorado, and which qualifies the uses that can be made by a servient property that is subject to a ditch easement. The letter recognizes that Bijou has a ditch easement, but also challenges the scope of Bijou's easement rights based on the assertion that no recorded conveyance documents establishing the scope of the easement over the Bullseye property have been found. After recognizing that Bijou has a ditch easement, the Miller letter then provides Bullseye's unilateral, unproven legal conclusion (based on Bullseye's assessment of the historical practice) that the scope of the ditch easement for the Bijou Canal is not what Bijou has represented. In essence, Bullseye's position is that the Board should believe Bullseye's "written assertions" about the scope of Bijou's ditch easement and the historical practice, rather than the "verbal representations" provided by Bijou to the Morgan County Planning Commission. These arguably self-serving statements do not provide any clarity for the Board on the ditch easement issue.

As noted above, Colorado law allows a servient landowner to make uses of property burdened by a ditch easement provided those uses do not interfere with or negatively impact the rights of the holder of the dominant ditch easement, including both the operations and the associated maintenance rights. It is not the Board's job to determine the scope of Bijou's ditch easement or its associated maintenance rights. Instead, to the extent the Board is inclined to approve Bullseye's special use application for the truck washout, it should craft conditions that recognize and protect Bijou's ditch easement and Bijou's water delivery operations from interference or injury.

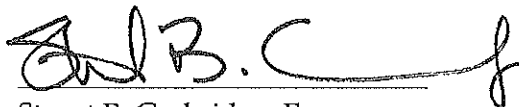
Bijou's primary concerns in this matter are damage to the Bijou Canal and water quality issues for water carried in the canal that could occur from the truck washout operations and the management and disposal of wastewater effluent and solid manure that result from those operations. These concerns are relevant regardless of the width of Bijou's ditch easement. Absent specific direction from a court of competent jurisdiction as to the scope and width of Bijou's ditch easement rights, the Board should recognize the established law concerning ditch easement rights and take a conservative approach to any new special use that might impact the ditch operations that have been occurring for over 100 years.

Board of County Commissioners of
the County of Morgan
October 22, 2018
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Vranesh and Raisch appreciates the opportunity to provide some additional material
for the Board's consideration.

Sincerely,

VRANESH AND RAISCH, LLP



Stuart B. Corbridge, Esq.

SBC:cmc

Exhibit **K** – Legal Access

Exhibit K

March 5, 2020

Bullseye
P.O. Box 460
Fort Morgan, CO 80701

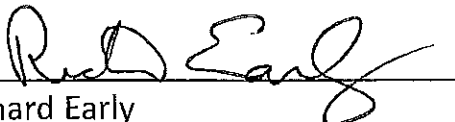
Dear Bullseye,

Morgan County Highway Department has no objection to the use of a new driveway located onto Morgan County Road 16 as access to the property located at:

W ½ of Section 26, Township 3 North, Range 58 West of the 6th P.M.
GPS Coordinates taken using a Jamar RAC Geo II Counter, Serial # P52322
GPS Coordinates at the centerline of driveway: 40.194833 Latitude
103.8492028 Longitude

The maximum width allowed for this driveway is 60 feet. This driveway will be 100 feet south of the present driveway, that will be closed when the new one is opened. At this time no culvert is required. If at a future date, Morgan County determines a culvert is needed for drainage, or any existing culvert needs repaired, the landowner will assume all costs; and driveway must meet Morgan County specifications. Such parties may acquire the culvert and installation from anyone they wish, but the culvert must be pre-approved by the County. The culvert may be purchased from the County and the County may do the actual installation upon signed agreement between parties.

Sincerely,


Richard Early
Bridge Manager

RE/cb

Where Praline Meets The Sky
Road and Bridge Department
REQUEST FOR DRIVEWAY ACCESS LETTER

By:

Name: BullseyeDate: 2-12-18Address: P.O. Box 460City/State/Zip FT MorganPhone: 480-797-2921

Description:

W 1/2 Sec 26 T3N R58W

Driveway Location:

Driveway Location: 100' south of present that will be closed

Is to be mailed to an address different from above indicate:

Name:

Address:

City/State/Zip

Phone:

Request to: Morgan County Road and Bridge Department

Attn: Richard Early - Bridge Manager

17303 Road S

P.O. Box 516

Fort Morgan, CO. 80701

(970) 542-3560 Fax (970) 542-3569

City

Centerline of Driveway in relation to road.

Latitude: 40.194833Longitude: 103.849028Width of Driveway: 60 FeetYES / NO If yes, Size: In "Code: DRV6-S 0.1-E1-OCarolDate: 2-12-18Richard EarlyDate: 2-12-18

Exhibit L

Exhibit L
Soil Map



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**



February 14, 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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TuB—Truckton loamy sand, 1 to 3 percent slopes.....	13
VcD—Valent sand, 3 to 9 percent slopes.....	14
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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

Custom Soil Resource Report

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

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



MAP LEGEND


Area of Interest (AOI)

 Area of Interest (AOI)


Soils

 Soil Map Unit Polygons


 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water


 Perennial Water

 Rock Outcrop


 Saline Spot

 Sandy Spot

 Severely Eroded Spot


 Sinkhole

 Slide or Slip


 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals


Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

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 20, Sep 13, 2019

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

Date(s) aerial images were photographed: Jul 17, 2015—Sep 17, 2017

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
TuB	Truckton loamy sand, 1 to 3 percent slopes	36.7	48.9%
VcD	Valent sand, 3 to 9 percent slopes	38.4	51.1%
Totals for Area of Interest		75.1	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 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,

Custom Soil Resource Report

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

TuB—Truckton loamy sand, 1 to 3 percent slopes

Map Unit Setting

National map unit symbol: 3pyr
Elevation: 4,500 to 6,500 feet
Mean annual precipitation: 12 to 18 inches
Mean annual air temperature: 46 to 52 degrees F
Frost-free period: 125 to 180 days
Farmland classification: Not prime farmland

Map Unit Composition

Truckton and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Truckton

Setting

Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Loam sandy and/or sand loamy

Typical profile

H1 - 0 to 11 inches: loamy sand
H2 - 11 to 26 inches: sandy loam
H3 - 26 to 60 inches: loamy sand

Properties and qualities

Slope: 1 to 3 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 6.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: Low (about 5.7 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: A
Ecological site: Sandy Plains (R067BY024CO)
Hydric soil rating: No

Minor Components

Bijou

Percent of map unit: 10 percent
Hydric soil rating: No

Bresser

Percent of map unit: 5 percent

Custom Soil Resource Report

Hydric soil rating: No

Vona

Percent of map unit: 5 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): Crest, side slope, head slope, nose 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

Natural 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 in profile: 1 percent

Salinity, maximum in profile: Nonsaline (0.0 to 1.9 mmhos/cm)

Available water storage in profile: Very low (about 2.4 inches)

Custom Soil Resource Report

Interpretive groups

Land capability classification (irrigated): 4e

Land capability classification (nonirrigated): 6e

Hydrologic Soil Group: A

Ecological site: Deep Sand (R067BY015CO), Rolling Sands (R072XY109KS)

Hydric soil rating: No

Minor Components

Dailey

Percent of map unit: 10 percent

Landform: Interdunes

Landform position (two-dimensional): Footslope, toeslope

Landform position (three-dimensional): Base slope

Down-slope shape: Linear

Across-slope shape: Concave

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

Hydric soil rating: No

Vona

Percent of map unit: 5 percent

Landform: Hills

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

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

Down-slope shape: Linear

Across-slope shape: Linear

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

Hydric soil rating: No

Haxtun

Percent of map unit: 5 percent

Landform: Interdunes

Landform position (two-dimensional): Footslope, toeslope

Landform position (three-dimensional): Base slope

Down-slope shape: Linear

Across-slope shape: Concave

Ecological site: Sandy Plains (R067BY024CO), Sandy Plains (R072XY111KS)

Hydric soil rating: No

References

American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.

American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.

Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.

Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.

National Research Council. 1995. Wetlands: Characteristics and boundaries.

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_054262

Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service, U.S. Department of Agriculture Handbook 436. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053577

Soil Survey Staff. 2010. Keys to soil taxonomy. 11th edition. U.S. Department of Agriculture, Natural Resources Conservation Service. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053580

Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.

United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.

United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2_053374

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>

Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

Exhibit M

Exhibit **M**

Impact Statement from Irrigation

2/21/2020

Gmail - Use by Special Review Permit Application



Erin Kress <erin.thengineering@gmail.com>

Use by Special Review Permit Application

Erin Kress <erin@thengineeringonline.com>

Reply-To: erin@thengineeringonline.com

To: Denice Wagner - Bijou Irrigation <office@bijouirrigation.com>

Fri, Feb 14, 2020 at 8:19 AM

Good morning Denice,

THEngineering is in the process of submitting a use by special review permit application for Bullseye Holdings. This permit application covers the feedyard facility.

As part of the application process, we are required to notify any irrigation companies that have canals/laterals crossing the area. Morgan County Planning asks for an impact statement from the irrigation company to be submitted as part of our permit application.

Our goal is to turn in the permit application on or before February 26, 2020. If you would like me to include an impact statement from Bijou Irrigation in my permit application packet, please let me know by our submittal deadline.

Thanks!

Erin

Erin Kress

THEngineering, LLC

3214 W 112th Court, Unit A

Westminster, CO 80031

720-666-2701

719-362-4768 fax

erin@thengineeringonline.com

www.thengineeringonline.com

Exhibit O

Exhibit **O** – Right to Farm Policy



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.

To Be Signed by Landowner

Signature

Date

Printed Name

Address

Bullseye Holding LLC. by
KSL
Manager 2-24-2020

Kevin Lamb

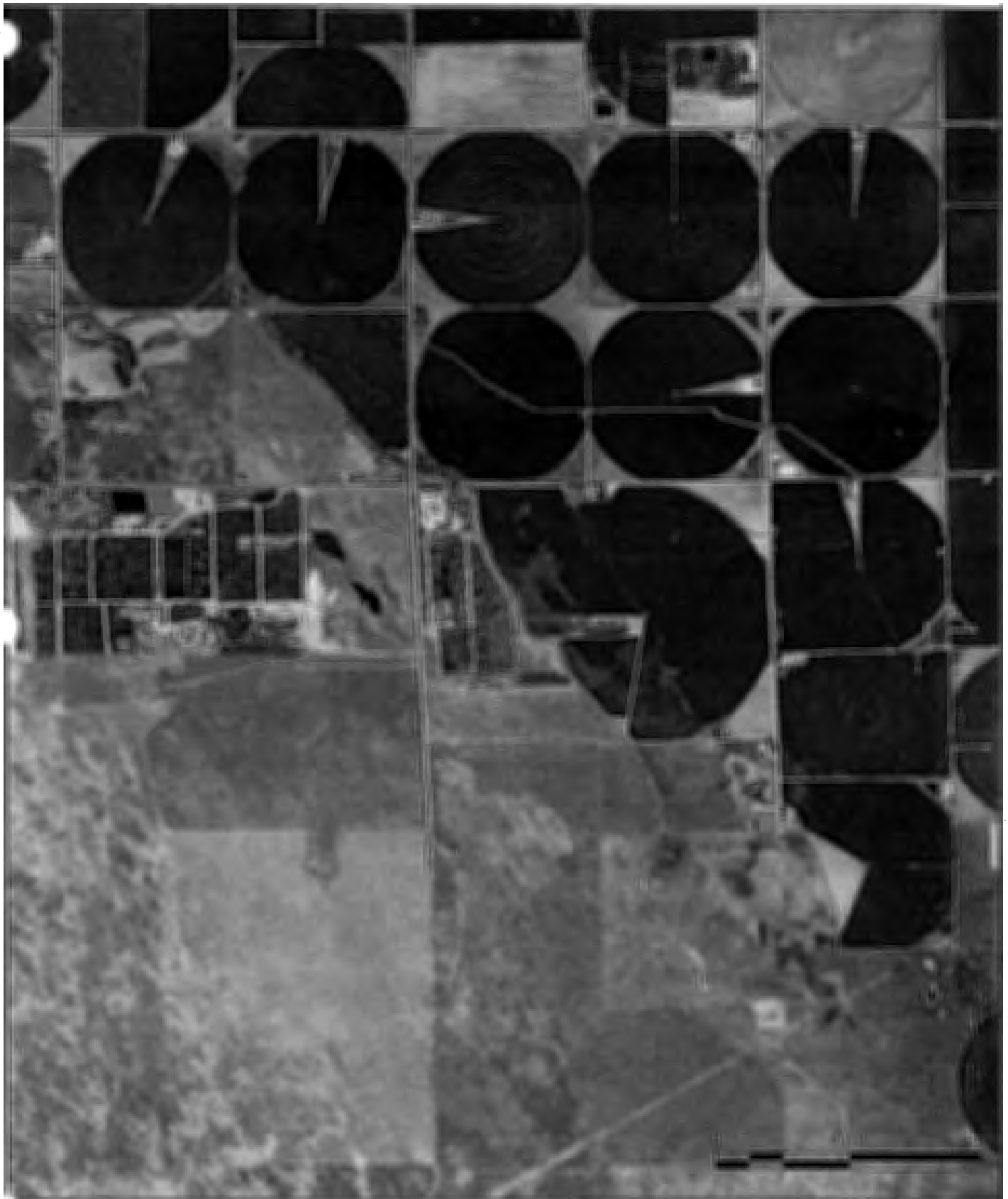
P.O. Box 609 460

Fort Morgan Co. 80701

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

Exhibit **P** – Site plans / Map Exhibits



THE HOLDINGS LLC
BULLS EYE HOLDINGS, Greeley, CO 781-660-4288

**BULLS EYE HOLDINGS
FEEDLOT**
PARTS OF THE W 1/2 SEC 26, T 3N, R 58W, OF
THE 6TH P.M., MORGAN COUNTY, COLORADO

Date: 2/24/2020
Sheet No. 1 OF 1



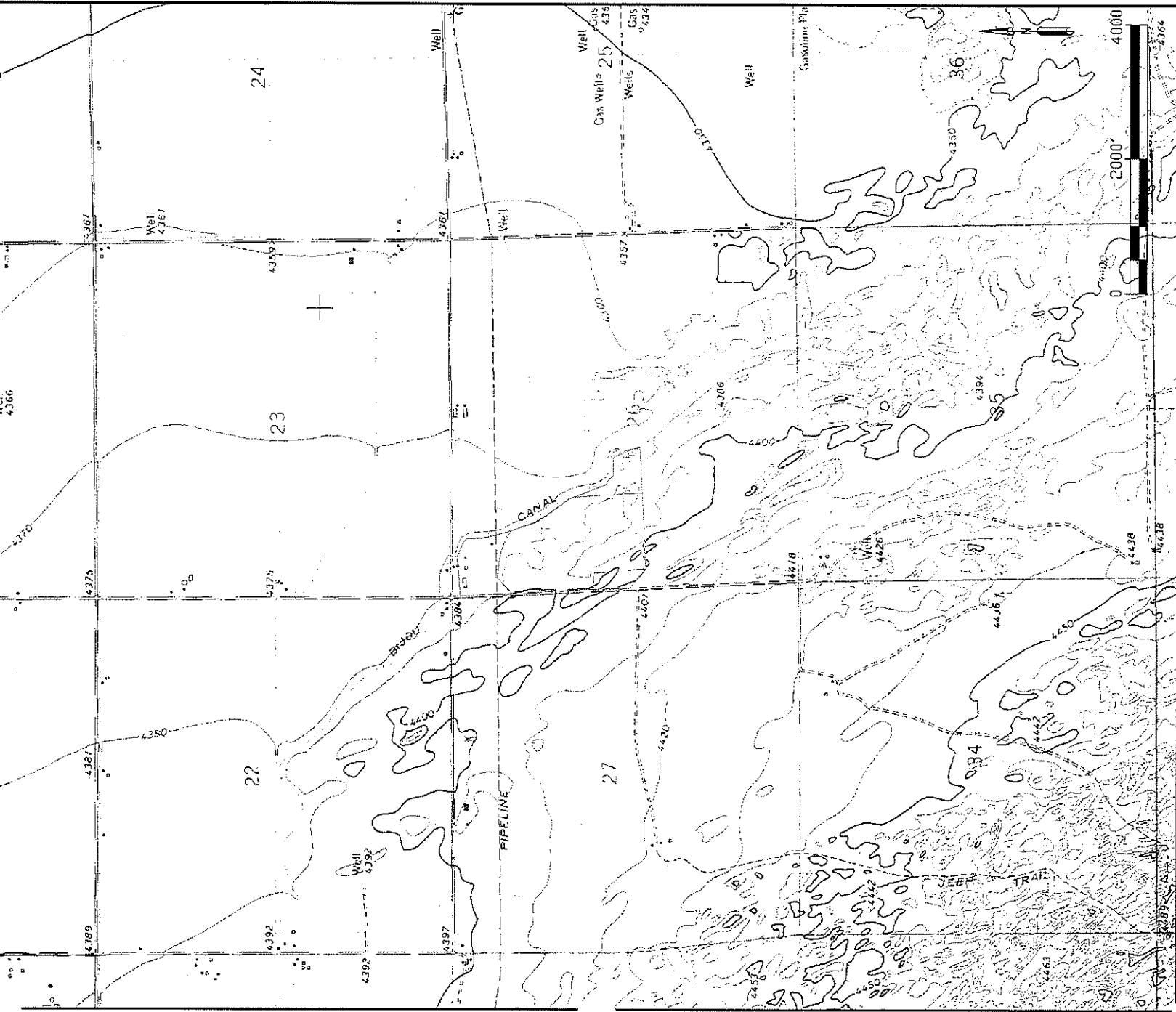
8000 S. 7th St. Dr., Greeley, CO 781-661-6378

BULLS EYE HOLDINGS FEEDLOT

PARTS OF THE W 1/2 SEC 26, T 3N, R 58W, OF
THE 6TH P.M., MORGAN COUNTY, COLORADO

Date:
2/24/2020

Sheet No.
1 OF 1



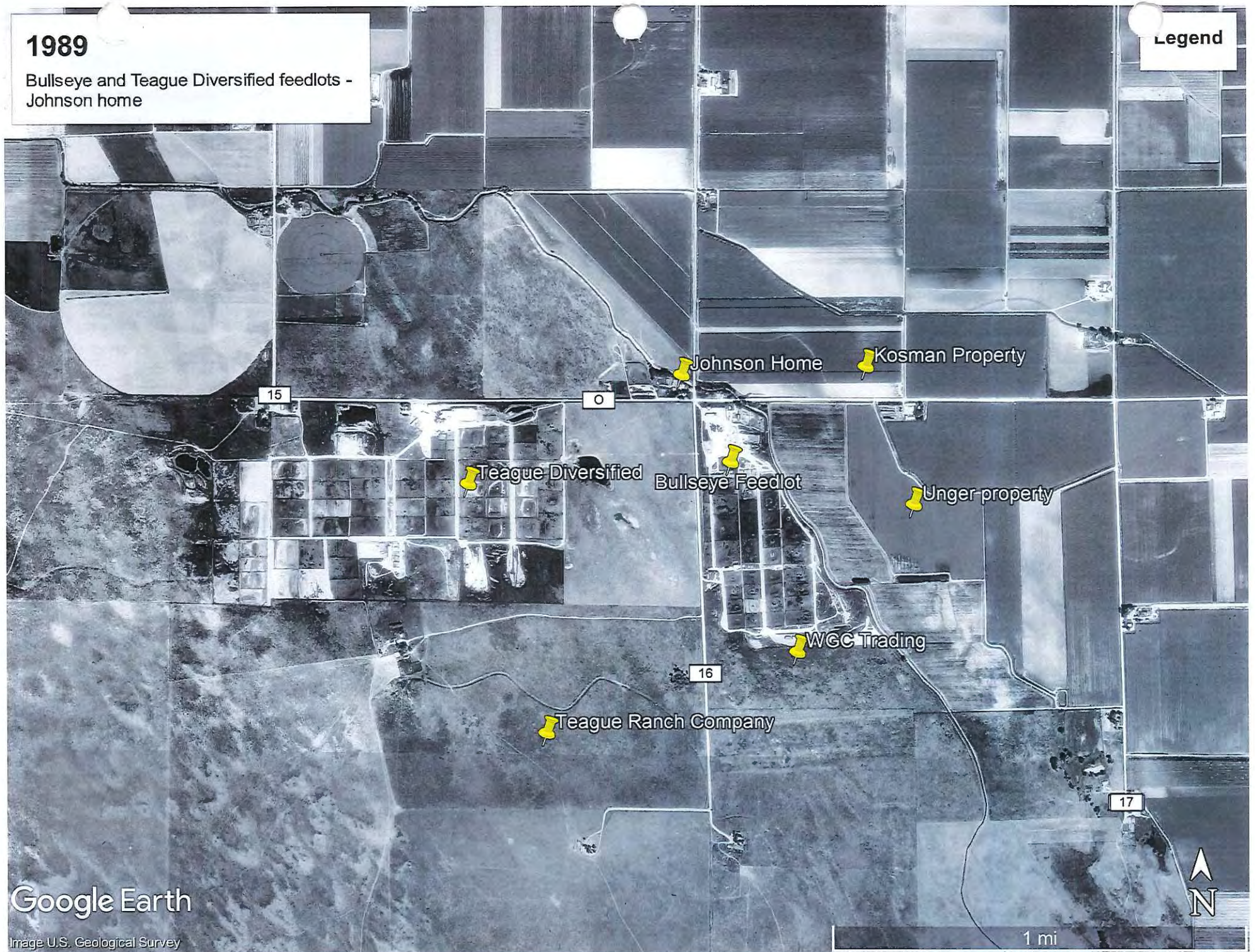


Bullseye and Teague Diversified
Feedlots – Johnson Home
Map

1989

Bullseye and Teague Diversified feedlots -
Johnson home

Legend



Google Earth

Image U.S. Geological Survey

ACCOUNT # R008544
PARCEL # 122726000003
TAX DISTRICT: 029

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 NEW	TEMP TAX CREDIT	GENERAL TAX	VALUATION	ACTUAL	ASSESSED
COUNTY GENERAL FUND	19.45300	0.00000	\$1,973.70	LAND	\$141,640	\$41,080.00
ROAD AND BRIDGE FUND	7.50000	0.00000	\$760.95	BUILDINGS/IMPROVE	\$275,710	\$60,380.00
SOCIAL SERVICES FUND	2.00000	0.00000	\$202.92	PERSONAL	\$0	\$0.00
FT MORGAN RURAL FIRE DST	2.89400	0.03900	\$303.77	TOTAL	\$417,350	\$101,460.00
FT MORGAN PEST CONTROL	0.29900	0.00000	\$30.34	SR/VET EXEMPTION	(\$0)	(\$0.00)
NORTHERN COLO WATER CD	1.00000	0.00000	\$101.46	NET TOTAL	\$417,350	\$101,460.00
FT MORGAN SCHOOL-RE 3	40.24100	0.00000	\$4,082.86			
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: XLPXM75 PRIOR YEAR TAX CHARGE: \$7,168.44						
In absence of State Legislative Funding, your School General Fund mill levy would have been 106.1810000						
UNPAID PRIOR YEAR TAXES						
No						
LEGAL DESCRIPTION OF PROPERTY						
S: 26 T: 3 R: 58 PARC W1/2 S&W OF BIJOU CANAL				PAYMENT	DUE DATE	AMOUNT
				PREPAYMENTS APPLIED		\$0.00
				FIRST HALF	FEB 28, 2020	\$3,728.00
				SECOND HALF	JUNE 15, 2020	\$3,728.00
ACRES: 90.870 PROPERTY LOCATION: 16098 CO RD O, 16298 CO RD O				FULL PAYMENT	APRIL 30, 2020	\$7,456.00

Account #: R008544
BULLSEYE HOLDINGS LLC
P O BOX 609
QUEEN CREEK, AZ 85142

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
16098 CO RD O, 16298 CO RD O

RETURN THIS COUPON WITH PAYMENT TO:
MORGAN COUNTY TREASURER
P.O. BOX 593, 231 ENSIGN STREET
FORT MORGAN, CO 80701

ACCOUNT NUMBER
R008544

Account #: R008544
BULLSEYE HOLDINGS LLC
P O BOX 609
QUEEN CREEK, AZ 85142

SECOND HALF DUE BY JUNE 15, 2020 \$3,728.00

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
16098 CO RD O, 16298 CO RD O

RETURN THIS COUPON WITH PAYMENT TO:
MORGAN COUNTY TREASURER
P.O. BOX 593, 231 ENSIGN STREET
FORT MORGAN, CO 80701

ACCOUNT NUMBER
R008544

Account #: R008544
BULLSEYE HOLDINGS LLC
P O BOX 609
QUEEN CREEK, AZ 85142

[] FIRST HALF DUE BY FEBRUARY 28, 2020 \$3,728.00

[] FULL PAYMENT DUE BY APRIL 30, 2020 \$7,456.00

) **Account** **As of Date** **Parcel Number** **Owner**
R008544 06/01/2020 122726000003 BULLSEYE HOLDINGS LLC

Legal: S: 26 T: 3 R: 58 PARC W1/2 S&W OF BIJOU CANAL

Situs 16098 CO RD O,16298 CO RD O

Address:


Year	Tax	Total Due
Total	\$0.00	\$0.00

Tax Account

Summary

Account Id R008544
 Parcel Number 122726000003
 Owners BULLSEYE HOLDINGS LLC
 Address P O BOX 609
 QUEEN CREEK, AZ 85142
 Situs Address 16098 CO RD O, 16298 CO RD O
 Legal S: 26 T: 3 R: 58 PARC W1/2 S&W OF BIJOU CANAL

Inquiry

As Of 06/01/2020 

Payment Type ☐ First
☒ Full

Total Due \$0.00

Value

Area Id	Actual	Mill Levy	Assessed
029 - RE 3		73.4870000	
GRAZING	650		190
ND - 4147			
FARM/RANCH	20		10
WASTE LAND			
- 4167			
ALL OTHER	140,970		40,880
AG - LAND -			
4180			
FARM/RANCH	89,580		6,400
RESIDENCE -			
4277			
ALL OTHER	186,130		53,980
AG - IMPS -			
4280			
Total Value	417,350		101,460
Taxes			\$7,456.00

Original Taxes	\$7,459.68
Adjustments	(\$3.68)
Total Billed	\$7,456.00

The amounts of taxes due on this page are based on last year's property value assessments.

Notices

**NOTICE OF PUBLIC HEARINGS
BEFORE THE MORGAN COUNTY PLANNING COMMISSION**

Notice is hereby given that on Monday, July 13, 2020 at 7:00 p.m., or as soon as possible thereafter, a public hearing will be held to consider the following applications:

- 1.) Applicant: Erin Kress and Travis Hertneky/THEngineering, LLC
Landowners: Bullseye Holdings, LLC/Kevin Lamb**

Legal Description: A parcel located in the W ½ and South and West of the Bijou Canal, Section 26, T3N, R 58W of the 6th PM, Morgan County, aka 16098 County Road O, Fort Morgan, CO 80701.

Request: Use by Special Review Application to operate and re-establish a Confined Animal Feeding Operation for no more than 9000 head pursuant to Section 3-180(O) and Appendix B Table 3 of the Morgan County Zoning Regulations.

Date of Application: May 20, 2020

And

- 2.) Applicant and Landowner: Charles Greenwood III**

Legal Description: SW¼ of Section 2, Township 3, Range 58 West of the 6th P.M., Morgan County, combined Lots 34 and 35 of Block 01 of the Trailside Planned Development, addressed as 16295 County Road R, Fort Morgan, Colorado 80701.

Request: Use by Special Review Application to expand an existing storage facility business.

Date of Application: June 5, 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 attend remotely:

<https://us02web.zoom.us/j/88697084603>

Or iPhone one-tap :

US: +13462487799,,88697084603# or +16699009128,,88697084603#

Or Telephone:

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

US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 312 626

6799 or +1 646 558 8656 or +1 301 715 8592

Webinar ID: 886 9708 4603

International numbers available: <https://us02web.zoom.us/j/kcRlKTjca4>

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado. It is encouraged to call 970-542-3526 make an appointment to review any of the file materials or email pcherry@co.morgan.co.us to request items 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: July 2, 2020

Referrals



Sum...
6-5-20
w/site maps

MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

TO REFERRAL AGENCIES:

Farm Service Agency-Morgan County

Century Link

CDOT

City of Fort Morgan - *glammeyer*

DOW

Colorado Parks & Wildlife - *schmidt*

Kinder Morgan, Inc.

Fort Morgan Rural Fire Dept. *Boehm & Zink*

Morgan County Assessor

Morgan County Communications Center

Morgan County Quality Water

Morgan County Road & Bridge

Morgan County Rural Electric Assoc.

Morgan County Sheriff

Morgan Soil Conservation District

NECHD + CDPHE - *andrea 6-17-20*

Lower South Platte Water Conservancy

Northern Colorado Water Conservancy *6-8-20 mail*

Xcel Energy - *Donna*

Colorado State Engineer *Bruckner*

Bijou Ditch Company - *Fill*

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: June 5, 2020

RE: Use by Special Review Application from Bullseye Holdings, LLC/Kevin
Lamb and Erin Kress/THEngineering, LLC as Applicant- see attached site map

Applicant: Erin Kress/THEngineering, LLC

Landowner: Bullseye Holdings, LLC/Kevin Lamb

Legal Description: A parcel located in the West ½ of Section 26, Township 3 North, Range 58 West, (southwest of the Bijou Canal) of the 6th PM, Morgan County, addressed as 16098 County Road O, Fort Morgan, CO 80701.

Request: Use by Special Review Application to operate a Confined Animal Feeding Operation for no more than 9000 head.

Please offer any comments or concerns you may have about these applications within 21 days of the date of this letter. Do not hesitate to contact me at any time if you have questions. You may review the file at our offices located at 231 Ensign Street, an appointment is encouraged. Or you may email pcherry@co.morgan.co.us to request items in the file to be emailed to you.



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

Referral Memo for Bullseye Holdings, LLC

message

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

Fri, Jun 5, 2020 at 3:52 PM

To: jeff.rasmussen@co.usda.gov, CDOT Timothy Bilobran <timothy.bilobran@state.co.us>, Century Link Brian Vance <brian.vance@centurylink.com>, DOW - Justin Morris <justin.morris@state.co.us>, DOW - Todd Cozad <todd.cozad@state.co.us>, Kinder Morgan - Jeff Voltattorni <Jeff.Voltattorni@elpaso.com>, Morgan County Emergency Management <rdoll@co.morgan.co.us>, Northern Colorado Water Conservancy District <jstruble@northernwater.org>, Quality Water - Kay Zarbock <kzarbock@mcqwd.org>, Quality Water - Kent Pflager <kpflager@mcqwd.org>, REA - Kevin Martens <kmartens@mcrea.org>, Soil Conservation - Madeline Hagan Hagan <morganconservationdistrict@gmail.com>, Xcel - Donna George <Donna.L.George@xcelenergy.com>, Bruce Bass <bbass@co.morgan.co.us>, Cathy Cole-Geist <ccole-geist@co.morgan.co.us>, Tim Amen <tmamen@co.morgan.co.us>, David Martin <dmartin@co.morgan.co.us>, sglammeyer@cityoffortmorgan.com, Fire Marshal <fire.marshal@cityoffortmorgan.com>, trae.boehm@cityoffortmorgan.com, Pam Allen <pallen@co.morgan.co.us>, Danette Martin <djmartin@co.morgan.co.us>, Patricia Morgan <pmorgan@co.morgan.co.us>, Mel Bustos <melb@nchd.org>, Conner Gerken <connerg@nchd.org>, Denise Wagner - Bijou Irrigation <office@bijouirrigation.com>, Colorado State Engineer - Sarah Brucker <sarah.brucker@state.co.us>, "Schmidt - DNR, Todd" <Todd.schmidt@state.co.us>

Good Afternoon:

Attached you will find a referral memo regarding a special Use Permit for Bullseye Holdings to be held before the Planning Commission.

If you have any questions or concerns, please let me 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

2 attachments

SITE_MAPS.pdf
2134K

Referral Memo - PC - Bullseye CAFO SU 07-11-20 Final.doc
107K



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

wd: Referral Memo for Bullseye Holdings, LLC

PC Hg 7-13 20

message

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

Wed, Jun 17, 2020 at 11:54 AM

To: Andrea Beebout - CDPHE <andrea.beebout@state.co.us>

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

Andrea - Wanted to make sure you got a copy of this referral email for Bullseye Holdings LLC Special Use Permit for a livestock confinement that will go before the Planning Commission on July 13th, 2020. Call me if you have any questions.

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

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

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

Date: Fri, Jun 5, 2020 at 3:52 PM

Subject: Referral Memo for Bullseye Holdings, LLC

cc: <jeff.rasmussen@co.usda.gov>, CDOT Timothy Bilobran <timothy.bilobran@state.co.us>, Century Link Brian Vance <brian.vance@centurylink.com>, DOW - Justin Morris <justin.morris@state.co.us>, DOW - Todd Cozad <todd.cozad@state.co.us>, Kinder Morgan - Jeff Voltattorni <Jeff.Voltattorni@elpaso.com>, Morgan County Emergency Management <rdoll@co.morgan.co.us>, Northern Colorado Water Conservancy District <jstruble@northernwater.org>, Quality Water - Kay Zarbock <kzarbock@mcqwd.org>, Quality Water - Kent Pflager <kpflager@mcqwd.org>, REA - Kevin Martens <kmartens@mcrea.org>, Soil Conservation - Madeline Hagan Hagan <morganconservationdistrict@gmail.com>, Xcel - Donna George <Donna.L.George@xcelenergy.com>, Bruce Bass <bbass@co.morgan.co.us>, Cathy Cole-Geist <ccole-geist@co.morgan.co.us>, Tim Amen <tmamen@co.morgan.co.us>, David Martin <dmartin@co.morgan.co.us>, <sglammeyer@cityoffortmorgan.com>, Fire Marshal <fire.marshal@cityoffortmorgan.com>, <trae.boehm@cityoffortmorgan.com>, Pam Allen <pallen@co.morgan.co.us>, Danette Martin <djmartin@co.morgan.co.us>, Patricia Morgan <pmorgan@co.morgan.co.us>, Mel Bustos <melb@nchd.org>, Conner Gerken <connerg@nchd.org>, Denice Wagner - Bijou Irrigation <office@bijouirrigation.com>, Colorado State Engineer - Sarah Brucker <sarah.brucker@state.co.us>, Schmidt - DNR, Todd <Todd.schmidt@state.co.us>

Good Afternoon:

Attached you will find a referral memo regarding a special Use Permit for Bullseye Holdings to be held before the Planning Commission.

If you have any questions or concerns, please let me 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

6/17/2020

Co.morgan.co.us Mail - Fwd: Referral Memo for Bullseye Holdings, LLC

2 attachments

 **SITE_MAPS.pdf**
2134K

 **Referral Memo - PC - Bullseye CAFO SU 07-11-20 Final.doc**
107K

Landowner Neighbor Letters



**MORGAN COUNTY
PLANNING AND BUILDING DEPARTMENT**

June 5, 2020

Re: Erin Kress, ThEngineering as applicant and Bullseye Holdings LLC, Kevin Lamb as landowner- Special Use Application

Dear Neighboring Landowners:

Kevin Lamb as Applicant and Bullseye Holdings, LLC as landowner has submitted an application to our office for a Special Use Permit Application for a parcel of land in the West ½ of Section 26, Township 3 North, Range 58 West, (southwest of the Bijou Canal) of the 6th PM, Morgan County, addressed as 16098 County Road O, Fort Morgan, CO 80701.

The landowner is requesting approval of a Special Use Permit to operate a Confined Animal Feeding Operation for no more than 9,000 head in the Agriculture Production Zone District. As a landowner within ¼ mile of the Bullseye property you are being notified that this application will be heard by the Planning Commission at a **public hearing on Monday, July 13, 2020 at 7:00 P.M.** in the Assembly Room of the Morgan County Administration Building, 231 Ensign St., (Basement Level, elevator entrance) Fort Morgan, Colorado.

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/88697084603>

Or iPhone one-tap :

US: +13462487799, 88697084603# or +16699009128 ,88697084603#

Or Telephone:

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

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

Webinar ID: 886 9708 4603

International numbers available: <https://us02web.zoom.us/j/kcRIKTjca4>

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.

The file is available for review in the Planning and Zoning office, 231 Ensign St (basement), Fort Morgan, CO 80701, an appointment is encouraged.

Sincerely,

Pam Cherry, CFM
Planning Administrator
Enclosure

KOSMAN, MICHAEL FAMILY TRUST &
KOSMAN, KERRI TRUST
16024 CO RD 15
FORT MORGAN, CO 80701

BULLSEYE HOLDINGS LLC
P O BOX 609
QUEEN CREEK, AZ 85142

UNGER, HENRY D & ANNA D
15263 CO RD 18
FORT MORGAN, CO 80701

TEAGUE RANCH COMPANY LLC
15366 CO RD O
FORT MORGAN, CO 80701

WGC TRADING CO
P O BOX 460
FORT MORGAN, CO 80701

JOHNSON, PAUL A & BETTY L
14019 CO RD 16
FORT MORGAN, CO 80701

SCHAEFER, ROGER M & SUSAN K
13077 CO RD 17
FORT MORGAN, CO 80701

TEAGUE DIVERSIFIED INC
15366 CO RD O
FORT MORGAN

Special Use Bullseye – Additional landowner letter mailed on 7-7-20.

Applicant Letters



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

June 24, 2020

Erin Kress/THEngineering, LLC
PO Box 337748
Greeley CO 80633
Email: erin@thengineeringonline.com

Bullseye Holdings, LLC
Kevin Lamb, Manager
PO Box 460
Fort Morgan, CO 80701
Email: kl@bhllc.biz

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 **Monday, July 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:

<https://us02web.zoom.us/j/88697084603>

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558 8656 or +1 301 715 8592

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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