

**MORGAN COUNTY BOARD OF ADJUSTMENTS AND APPEALS**  
**July 20, 2020**  
**MINUTES**

The Morgan County Board of Adjustments met on Monday, July 20, 2020, at 5:30 p.m. in the Assembly Room of the Morgan County Administration Building. Answering roll call was: Allyn Wind, Charlie Ruyle, and Viola Johnson were present in person and Jason Enfante, Julie Padilla were present using the Zoom platform. Also present were Pam Cherry, Planning Administrator, and Karol Kopetzky, Morgan County IT Dept. Adm.

The meeting was called to order by Chairman Allyn Wind.

**Minutes:** March 16, 2020

Motion was made by Viola Johnson and seconded by Charles Ruyle to approve the minutes of the March 16, 2020 hearing. Motion carried 5-0.

**Agenda:**

It was moved by Charles Ruyle and seconded by Viola Johnson to accept the agenda as presented. Motion carried 5-0.

Allyn Wind read the procedural rules for this hearing.

NEW BUSINESS:

**OWNER: Bullseye Holdings, LLC – Kevin Lamb**  
**APPLICANT: Erin Kress – THEngineering**  
**Travis Hertneky attended through Zoom**

Kevin Lamb/Bullseye Holdings, LLC and Travis Hertneky and Erin Kress of THEngineering were present to represent this Variance Application.

Pam Cherry read her file summary as follows:

Kevin Lamb, of Bullseye Holdings, LLC represented by Travis Hertneky and Erin Kress of THEngineering have submitted this application for a Variance to Section 3-650 and 3-650 Table 1, Note (c) of Appendix B, Zone District Bulk Requirements of the Morgan County Zoning Regulations regarding minimum setback for an occupied structure to a confined animal feeding operation in the Agriculture Production zone district. The minimum setback from an animal confinement facility to an occupied structure is 1,320 feet. There is an existing residence that is approximately 612 feet from the closest corral of the feeding operation. The variance request is to reduce the setback by approximately 708 feet from the regulation requirement.

In addition, there are two existing homes on the Bullseye property that do not require variances pursuant to Section 3-180 when located on the same legal parcel of an existing animal confinement operation.

The property is located southeast of the intersections of County Road O and County Road 16 and addressed as 16098 County Road O, Fort Morgan, CO 80701 with a parcel number of 1227-260-00-003. It is south and west of the Bijou Canal in the West ½ of Section 26, Township 3 North, Range 58 West of the 6<sup>th</sup> P.M, Morgan County, Colorado.

Eight property owners were identified and notified within the 1,320' area of the application and hearing. In addition, Bijou Ditch was notified as it is directly adjacent to the property. As of the date of this report, no comments have been received.

In reviewing this application the Board of Adjustment is required to make a finding that the criteria for granting a variance in Section 5-220(B) of the Morgan County Zoning Regulations have been satisfied:

- (1) The strict application of the applicable regulation results in peculiar and exceptional practice difficulties or exception and undue hardship on the owner due to:

*This property has been used as a feeding operation in the past. The Johnson home also has been in that location for many years. (See historical imagery included with your packet.)*

- (2) The hardship is not self-imposed;
- (3) The variance, if granted, will not adversely affect the use of adjacent property as permitted under these Regulations;

*The variance will not adversely affect the use of adjacent property as the feeding operation is being re-established.*

- (4) That the variance, if granted, is in keeping with the intent of these Zoning Regulations and the Morgan County's Comprehensive Plan; and

*The zoning regulations provide for variance requests to the required 1,320 foot setback for feeding operations.*

*The Comprehensive Plan encourages the growth of the agriculture industry in the county.*

*Goals of the Morgan County Comprehensive Plan:*

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

*If approved, this variance will support the continuance of agriculture business in the county.*

*b. The county will encourage the preservation of agriculture production lands in balance with pressures for land use changes to higher intensity development.*

*If approved, this variance will encourage the preservation of the agriculture industry in the county.*

- (5) That the variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Morgan County.

*The variance to permit a variation from setback for the feeding operation, if granted, will not adversely affect the health, safety and welfare of the citizens of Morgan County.*

Erin Kress of ThEngineering, for the landowner stated that initially the feed yard was grandfathered in then decided to submit the application. There is one home, owned by the Johnson's, located on the northwest corner of County Road 16 and O is within the ¼ mile setback from the nearest corral. From the nearest feeding pen the home is 850 feet from the boundary, new corrals are not proposed.

Kevin Lamb, Manager of Bullseye Holdings, LLC, has talked with Paul Johnson a number of times. Mr. Johnson had no objection to reestablishing the feed yard. Bullseye acquired the property in 2007 and they believe that the feed yard was operated back in the 50's but has been unable to confirm. Improvements have been proposed to improve the operation and coordination with Bijou ditch has occurred.

Charlie Ruyle asked if the closest pen was a holding pen. Lamb responded that there is a bunk with this pen, and it is not anticipated to be used regularly. The cattle would be further south.

**PUBLIC COMMENT OPEN:**

No one present from the public to speak in favor or opposition of application.

The chairman asked if the Board had any further questions.

Charlie Ruyle asked about capacity of the feedlot.

Lamb responded that when the property was purchased they believed there was a grandfathered right to 9,000 head. The purchase agreement included language that the footprint would not be expanded.

Viola Johnson asked about contact with the Mr. and Mrs. Johnson.

Lamb responded that he had spoken with Mr. Johnson, but not Mrs. Johnson.

**PUBLIC COMMENT CLOSED:**

**CHAIRMAN REQUESTED A MOTION:**

It was moved by Viola Johnson and seconded by Charles Ruyle to approve this application from Bullseye Holding for the variance as requested.

Roll call vote was taken. Motion carried 4-0. Julie Padilla lost her connection to Zoom during the meeting.

Chairman Wind asked if there were any additional items to be discussed.

Ms. Cherry responded that last week the Planning Commission met on the application for a special use on the CAFO and recommended approval to the Board of County Commissioners.

**Approval of Resolution: Bullseye Holdings - 2020 BOA 02**

**Motion was made to approve Resolution 2020 BOA 02 as presented, with authorization for the Chairman to sign, by Charles Ruyle and was seconded by Viola Johnson. Roll call vote taken and motion carried 4-0, Julie Padilla's connection was lost.**

**Adjourn:**

It was moved by Viola Johnson and seconded by Charles Ruyle to adjourn. Motion carried 4-0. Julie Padilla's connection was lost.

Respectfully submitted,

Pam Cherry