



**MORGAN COUNTY  
PLANNING AND BUILDING DEPARTMENT**

**July 20, 2020**

**TO:** Morgan County Board of Adjustments  
**DATE:** Tuesday, July 20, 2020  
**TIME:** 5:30 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/84910306284>

Or iPhone one-tap :

US: +12532158782, 84910306284# or +13462487799, 84910306284#

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: 849 1030 6284**

International numbers available: <https://us02web.zoom.us/j/84910306284>

**NOTICE**

Roll Call  
Minutes of March 16, 2020  
Approve the Agenda

**AGENDA**

**New Business:**

1. Erin Kress and Travis Hertneky/THEngineering, LLC as applicants and Bullseye Holdings LLC/Kevin Lamb as landowner for a Variance pursuant to current Morgan County Zoning Regulations. Said property is zoned "A" Agriculture Production Zone and is located at 16098 Co Rd O, Fort Morgan, CO 80701.

**Legal Description:** A parcel located south and west of the Bijou Canal in the W1/2 of Section 26, Township 3 North, Range 58 West of the 6<sup>th</sup> PM, Morgan County, Colorado.

**Variance Request:** Variance to Section 3-650 and Section 3-650 Table 1 of Appendix B, Zone District Bulk Requirements and Special Design Standards Chart (footnote #c) of the Morgan County Zoning Regulations. Request is for a variance to reduce the required 1320' setback to 669' to an existing residence from 1,320 feet to 669 feet to re-establish a confined animal feeding operation.

**OTHER MATTERS:**

**ADJOURN:**



**MORGAN COUNTY  
PLANNING AND BUILDING DEPARTMENT**

**MORGAN COUNTY BOARD OF ADJUSTMENT  
FILE SUMMARY**

**July 10, 2020**

**July 20, 2020 Hearing Date**

**OWNER: Bullseye Holdings, LLC – Kevin Lamb**

**APPLICANT: Travis Hertneky - THEngineering**

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 to 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.*

Pam Cherry, MPA, CFM

**MORGAN COUNTY, COLORADO  
BOARD OF ADJUSTMENT**

**RESOLUTION 2020 BOA 02**

**A RESOLUTION APPROVING A VARIANCE REQUEST TO REDUCE THE  
REQUIRED SETBACK FROM A CONFINED ANIMAL FEEDING OPERATION OF  
1,320 FEET TO 612 FEET TO AN OCCUPIED STRUCTURE SOUTH AND WEST OF  
THE BIJOU CANAL IN THE IN THE WEST ½ OF SECTION 26, TOWNSHIP 3  
NORTH, RANGE 58 WEST OF THE 6<sup>TH</sup> P.M., MORGAN COUNTY, COLORADO.**

**WHEREAS**, Bullseye Holdings, LLC (“Owner”) owns property located 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;

**WHEREAS**, Kevin Lamb, (“Applicant”) has submitted an application for a variance from Section 3-650, Section 3-650, Table 1 of Appendix B, Note (c), Zone District Bulk requirements in the Morgan County Zoning Regulations to reduce the required setback from 1,320 feet to 612 feet, a reduction of 708 feet, in the Agriculture Production zone district; and

**WHEREAS**, on July 20, 2020 the Morgan County Board of Adjustment held a duly noticed public hearing on the application at which, after receiving public comment and staff input, the Board of Adjustment approved the application subject to the conditions set forth below.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF MORGAN COUNTY, COLORADO**, that based upon the findings set forth below that the application as follows:

1. The Board of Adjustment having reviewed the criteria for a variance as set forth in Section 5-220(B) of the Morgan County Zoning Regulations finds that:
  - (a) The strict application of the applicable regulations results in peculiar and exceptional hardship on the Owner;  
*The property had been used as a feeding operation for many years in the past with surrounding occupied structure in place.*
2. The hardship is not self-imposed;
3. The variance 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 is in keeping with the intent of these Zoning Regulations and the Morgan County Comprehensive Plan;

*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.*

*The operation will diversify the economy in Morgan County; broaden business employment opportunities for residents and further economic growth and support the continuance of agriculture business in the county;*

*Approval of this variance will encourage the preservation of agriculture production lands in balance with pressures for land use changes to higher intensity development.*

5. The variance will not adversely affect the health, safety, and welfare of the citizens of Morgan County.

The Board of Adjustment hereby grants the variance request.

Dated this 20<sup>th</sup> day of July, 2020.

**BOARD OF ADJUSTMENT  
MORGAN COUNTY, COLORADO**

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Allyn Wind, Chairman

ATTEST:  
(SEAL)

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Susan L. Bailey, Clerk to the Board

May 19, 2020

Morgan County Board of Adjustment  
231 Ensign St.  
Fort Morgan, CO 80701

Dear Board of Adjustment:

This letter is in request of a variance to zoning regulations application being submitted by Bullseye Holdings, LLC. Bullseye Holdings is requesting a variance from Section 4-200(A) of the Morgan County Zoning Regulations ("Regulations"). This Section states:

*Livestock confinement facilities which exceed sizes set out in Section 3-175, slaughter houses, packing plants, or rendering plants shall be located at least thirteen hundred twenty feet (1320') from any public place of assembly, from any existing residence or occupied commercial building, any county or municipal residential zone, or from any residential building site for which a building permit has been issued as measured from the permitted building footprint.*

The facility is a feedyard that has been in existence since the early 1950s. Morgan County Planning and Zoning has interpreted that the facility is required to obtain a Use by Special Review permit to commence operations at full capacity.

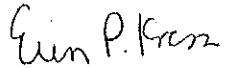
The feedyard is located on the southeast corner of the intersection of County Roads 16 and O. There is an existing house located on the northwest corner of that intersection that is within 1320' from the facility. According to the Morgan County Assessor's website, the house has an actual year built of 1904 and an effective year built of 1956. The current owners, Paul and Betty Johnson, purchased the home in April 1991.

In addition, there are two existing houses on the feedyard parcel that are within 1320', but because they are located on the same legal parcel as an existing animal confinement operation, they meet the requirements of Section 3-180 of the Regulations and do not require a variance.

Bullseye Holdings intends to continue to operate the feedyard as it has been historically operated. All animals at the facility will be housed in existing pens and corrals. No new animal feeding infrastructure is proposed.

We appreciate your review of this variance request and if you have any questions or concerns, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin P. Kress". The signature is written in a cursive, flowing style.

Erin P. Kress  
THEngineering, LLC





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 \_\_\_\_\_

Administrative Review ☐

## VARIANCE TO ZONING REGULATIONS APPLICATION

### APPLICANT

Name Erin Kress/THEngineering, LLC  
Address PO Box 337748  
Greeley, CO 80633  
Phone ( 720 ) 666-2701  
Email erin@thengineeringonline.com

### LANDOWNER

Name Bullseye Holdings, LLC; Kevin Lamb, Manager  
Address PO Box 460  
Fort Morgan, CO 80701  
Phone ( 480 ) 797-2921  
Email kl@bhlle.biz

### TECHNICAL INFORMATION

Address or general location of property Parcel Number: 122726000003 Zone District A

Size of property (Sq. Ft. or Acres) 90.870 acres

Complete Property Legal Description and Parcel #. If necessary, attach to application and label "Exhibit 2": \_\_\_\_\_

Legal: Subdivision: \_\_\_\_\_ Lot: S 26 T 3N R 58W \_\_\_\_\_  $\frac{1}{2}$   $\frac{1}{4}$   $\frac{1}{8}$

Parcel #: 122 - 72 - 60 - 00003

Is property located within 1320' (1/4) of a livestock confinement facility? N/A. Property is a feedlot.

### APPLICANT'S STATEMENT

It is acknowledged that any drainage associated with this property in the past, present or future is the responsibility of the landowner and not that of Morgan County. I/we certify that the information and exhibits I/we have submitted are true and correct to the best of my knowledge. Application must be signed by landowner.

Erin P. Kress Date 5/20/2020 Bullseye Holdings LLC. by K. Lamb Date 5.20.20  
Applicant Signature Landowner Signature  
\_\_\_\_\_  
Applicant Signature Date \_\_\_\_\_ Landowner Signature Date \_\_\_\_\_

OFFICE USE ONLY:		<input type="checkbox"/> Administrative	<input type="checkbox"/> Board of Adjustments
Date Received _____	Received By _____	Fee Payment \$ _____	Ck/CC # _____
Taxes: _____	Floodplain: _____	Fee Paid By _____	
Comments / Other Permits Required _____			
ZV permit # _____			



## REQUEST FOR VARIANCE

- ☐ ADMINISTRATIVE  
☐ BOARD OF ADJUSTMENTS

### TYPE OF VARIANCE

- \_\_\_\_\_ Minimum Area of Lot (see list of additional attachments) \_\_\_\_\_  
\_\_\_\_\_ Minimum Width of Lot \_\_\_\_\_  
\_\_\_\_\_ Maximum Height of Fence, Sign or Structure \_\_\_\_\_  
\_\_\_\_\_ Minimum Front Yard \_\_\_\_\_  
\_\_\_\_\_ Minimum Side Yard \_\_\_\_\_  
\_\_\_\_\_ Minimum Rear Yard \_\_\_\_\_  
  X   Other: Variance from Section # 4-200(A) of Morgan County Zoning Regulations.
- 

### LIST OF ATTACHMENTS

- X   Exhibit A: Proof of ownership: current, within last 6 months, title insurance commitment or Ownership & Encumbrance (O&E).
- X   Exhibit B: Site plan prepared to appropriate scale showing the location of existing structures, fences, natural features, streets, rights-of-way, easements, greenbelt areas, boundary lines and lot lines. The site plan will graphically display the design standards, such as setbacks, which are the subject of application request. Minimum lot size variance requires a survey as per Sections 8-175 and 8-180 of the Morgan County Subdivision Regulations.
- X   Exhibit C: Write a statement that encompasses all of the following concepts:
- (1) Discuss fully, the special conditions and circumstances exist which are peculiar to the lot, structure, or building involved and which are not applicable to other lots, structures, or buildings in the same zoning district.
  - (2) Name and explain in detail the interpretation of the provisions of the Zoning Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.
  - (3) Write a statement that explains the special conditions or circumstances do not result solely from the action of the applicant.
  - (4) Write an explanation that provides evidence that the variance requested is the minimum variance that will make possible the use of the lot, building, or structure.
- \_\_\_\_\_ Exhibit D: Approval of project from adjoining landowners (administrative review only).
- N/A   Exhibit E: Approval of project from Property Owners Association and/or Home Owners Association.



## REQUEST FOR VARIANCE

- X   Exhibit F: If an irrigation ditch is on or next to property – **proof of contact** with Ditch Company.
- X   Exhibit G: Morgan County Right to Farm Policy
- X   Exhibit H: Non-refundable processing fee made payable to Morgan County Planning.  
  X   \$500.00 - Full Review – OR –  
       \$150.00 - Administrative Review
- Exhibit I: Additional information as required by staff.
- \_\_\_\_\_
- \_\_\_\_\_

### ADDITIONAL ATTACHMENTS FOR MINIMUM LOT SIZE

- Exhibit J: “Will Serve Letter” for waste disposal system.
- Exhibit K: Contract for service for public water system; or copy of well permit.
- Exhibit L: Legal access - copy of permit for driveway from state highway department or from Morgan County Road and Bridge Dept. (and other easements/right-of-ways as applicable) required for new and existing access.
- Exhibit M: Soil map from Morgan County Soil Conservation Service.
- Exhibit N: Revegetation plan.
- Exhibit O: Notification to all mineral rights owners and/or lessees. Provide names and address, copy of letter sent 30 days prior to submission or a list owners/lessees showing 3 sources of attempts to locate.
- Exhibit P: Recording fee for covenants made payable to Morgan County Clerk & Recorder  
       \$13.00 first page  
       \$5.00 each additional page             pgs x \$5 = \$

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

## **Morgan County Zoning Regulations excerpt Chapter 5**

### **5-185 Variance Applications**

Variance applications shall consist of the following:

- (E) A site plan drawn to appropriate scale showing the location of existing structures, fences, natural features, streets and rights-of-way, boundary lines, and lot lines. The site plan will graphically display the design standards, such as setbacks, which are the subject of variance or disagreement. Drawing sheet size shall be a minimum of eighteen by twenty- four inches (18" x 24").

### **5-220 Criteria for Reviewing Appeals and Variances**

The Board of Adjustment shall make decisions concerning appeals and applications for variances regarding application of the Zoning Regulations from the testimony and evidence presented utilizing the following criteria.

- (A) Relief from the provision of these Regulations may not be granted when the hardship is brought about through the actions of the appellant or applicant.
- (B) Nor may relief be granted when the result of granting the requested relief is detrimental to the public good or when relief is contrary to the purpose and intent of these Regulations.
- (C) In granting any variances, the Board of Adjustment may prescribe appropriate conditions, safeguards and permit time limits in conformity with these Regulations. Violations of such conditions, safeguards, and time limits when made part of the terms under which the variance is granted, shall be deemed a violation of these Regulations and punishable under Chapter 6 of these Regulations.
- (D) No nonconforming use of neighboring lots, structures, or buildings in the same district, and no permitted or nonconforming use of lots, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- (E) Criteria for review of variance to the floodplain regulations are contained in Section 3- 740 and following.
- (F) The appellant has prepared a complete and well documented application.
- (G) A variance granted regarding the maximum number of residences per parcel which is requested for medical care of a family member shall be for a period of time and not in perpetuity. The recipient of such a variance shall be required to certify annually to the Planning Administrator that the additional residence is still occupied by either the family member needing medical care or the caregiver.

### **5-225 Implementation of Variances**

Upon the granting of a variance by the Board of Adjustment, the successful applicant shall have six (6) months from the date of issuance of the variance to commence implementation of the variance allowed. The Planning Administrator shall inspect all variances implementation projects to determine that they conform to the intent of the variance. Should a variance not be implemented in the time period allowed, the variance will be null and void upon action of the Planning Administrator. A one-time extension of the implementation period for a maximum of six (6) months may be granted by the Planning Administrator at the request of the variance holder.

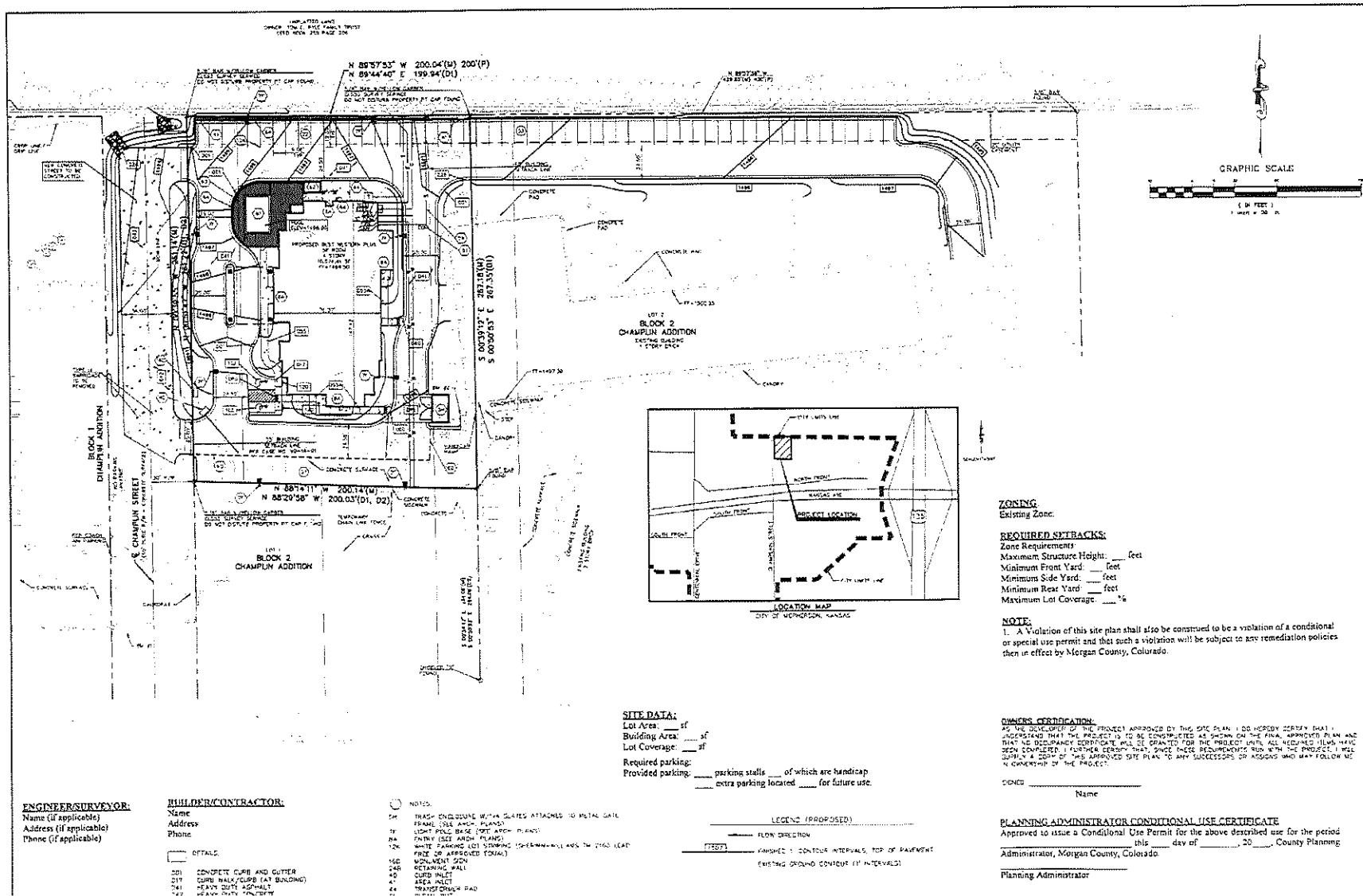
## **Morgan County Subdivision Regulations excerpt Chapter 8**

### **8-170 Procedure**

The applicant, who shall be the fee title owner of the affected property, shall discuss the planned minor subdivision with the Staff and then submit, at least twenty (20) days prior to a regularly scheduled meeting to the County Planning Commission or duly authorized staff, the required fees, a Plat and the appropriate number of copies of and all information to enable the Planning Commission to determine compliance with these Regulations and together with three (3) copies of the following documentation:

- (A) A title insurance commitment or policy including a schedule of exceptions to title, or an attorney's title opinion addressed to the County, dated or endorsed to a date no more than six (6) months prior to the date of application, showing that the applicant is the fee title owner of all subject property. If such property is encumbered, it shall be required that such lien holder join in the dedication. If the Board of County Commissioners grants approval to such Plat, it may be a condition to such approval that said title insurance commitment, policy or attorney's title opinion be updated to no more than five (5) days prior to the date of such final approval by the Board of County Commissioners. It is the responsibility of the applicant to keep title policies current.
- (B) Documented proof of availability of dependable sewer and potable water sufficient to serve the minor subdivision.
- (C) Documented proof of legal access if the subject property does not have direct contiguous access to a public road or street.
- (D) Any other special reports required by Staff or the Planning Commission.
- (E) Any proposed Subdivision Improvements Agreement.

EXAMPLE



ENGINEER/SURVEYOR:  
Name (if applicable)  
Address (if applicable)  
Phone (if applicable)

BUILDER/CONTRACTOR:  
Name  
Address  
Phone

- NOTES:
- 1. CONCRETE CURB AND GUTTER
  - 2. CURB WALK/GUTTER (AT BUILDING)
  - 3. HEAVY DUTY ASPHALT
  - 4. HEAVY DUTY FINISH

SITE DATA:  
Lot Area: \_\_\_\_ sf  
Building Area: \_\_\_\_ sf  
Lot Coverage: \_\_\_\_ sf  
Required parking: \_\_\_\_ parking stalls \_\_\_\_ of which are handicap  
Provided parking: \_\_\_\_ extra parking located \_\_\_\_ for future use.

LEGEND (PROPOSED)  
FLOW DIRECTION  
FINISHED 1' CONTOUR INTERVALS, TOP OF PAVEMENT  
EXISTING GROUND CONTOUR (1' INTERVALS)

ZONING  
Existing Zone: \_\_\_\_  
REQUIRED SETBACKS:  
Zone Requirements  
Maximum Structure Height: \_\_\_\_ feet  
Minimum Front Yard: \_\_\_\_ feet  
Minimum Side Yard: \_\_\_\_ feet  
Minimum Rear Yard: \_\_\_\_ feet  
Maximum Lot Coverage: \_\_\_\_ %

NOTE:  
1. A violation of this site plan shall also be construed to be a violation of a conditional or special use permit and this such a violation will be subject to any remediation policies then in effect by Morgan County, Colorado.

CORRECTION CERTIFICATION:  
AS THE DEVELOPER OF THE PROJECT APPROVED BY THIS SITE PLAN, I DO HEREBY CERTIFY THAT I AGREE THAT THE PROJECT IS TO BE COMPLETED AS SHOWN ON THE FINAL APPROVED PLAN AND THAT NO OCCUPANCY CERTIFICATE WILL BE GRANTED FOR THE PROJECT UNTIL ALL REQUIRED ITEMS HAVE BEEN COMPLETED. I FURTHER CERTIFY THAT, SINCE THESE REQUIREMENTS RUN WITH THE PROJECT, I WILL SUPPLY A COPY OF THIS APPROVED SITE PLAN TO ANY SUCCESSORS OR ASSIGNS WHO MAY FOLLOW ME IN COMPLETION OF THE PROJECT.

SIGNED: \_\_\_\_\_  
Name

PLANNING ADMINISTRATOR CONDITIONAL USE CERTIFICATE  
Approved to issue a Conditional Use Permit for the above described use for the period of \_\_\_\_ day of \_\_\_\_ 20\_\_\_\_, County Planning Administrator, Morgan County, Colorado.  
Planning Administrator: \_\_\_\_\_

PROJECT NAME  
Street name  
City, State  
SITE PLAN

**Ownership and Encumbrance Report**

Canyon Title File Number: CT174071

Name: Kevin Lamb  
Phone:

Company: Kevin Lamb  
Email: kl@bhlhc.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°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 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"West 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.



1989

Bullseye and Teague Diversified feedlots -  
Johnson home

Legend



Google Earth

Image U.S. Geological Survey



**THE** ENGINEERING, LLC  
8605 17th St Dr, Greeley, CO 719-661-6209

**BULLS EYE HOLDINGS  
FEEDLOT**  
PARTS OF THE W  $\frac{1}{2}$  SEC 26, T 3N, R 58W, OF  
THE 6TH P.M., MORGAN COUNTY, COLORADO

Date:  
2/24/2020  
Sheet No.  
1 OF 1







PARTS OF THE W  $\frac{1}{2}$  SEC 26, T 3N, R 58W, OF  
THE 6TH P.M., MORGAN COUNTY, COLORADO

Sheet No.  
1 OF 1

2/21/2020

Gmail - Use by Special Review Permit Application



Erin Kress <erin.thengineering@gmail.com>

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## Use by Special Review Permit Application

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Erin Kress <erin@thengineeringonline.com>

Fri, Feb 14, 2020 at 8:19 AM

Reply-To: erin@thengineeringonline.com

To: Denice Wagner - Bijou Irrigation <office@bijouirrigation.com>

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



**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**

*Bullseye Holding LLC. by*  
*KSL*  
Signature \_\_\_\_\_ Date *August 24, 2000*

*Kevin Lamb*  
Printed Name \_\_\_\_\_

*P.O. Box 460*  
Address \_\_\_\_\_

*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.*



Jody Meyer &lt;jmeyer@co.morgan.co.us&gt;

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**Re: BOA Notice to Paper - Bullseye Variance**

1 message

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**Classifieds Main** <classifieds@prairiemountainmedia.com>  
To: Jody Meyer <jmeyer@co.morgan.co.us>

Mon, Jul 6, 2020 at 3:11 PM

Hello this is scheduled for July 9 in the FM T, ad#1719080, cost \$63.48  
JD

On Mon, Jul 6, 2020 at 3:03 PM Jody Meyer <jmeyer@co.morgan.co.us> wrote:  
Good Afternoon:

Attached you will find a Notice of Hearing for a Variance application from Bullseye before the Board of Adjustments on July 20, 2020. Please publish on July 9, 2020.

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

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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

Emailed  
7-9-20



**MORGAN COUNTY  
PLANNING AND BUILDING DEPARTMENT**

July 9, 2020

Re: Variance to Morgan County Zoning Regulations Application by Erin Kress, THEngineering as applicant and Bullseye Holdings LLC, Kevin Lamb as landowner

Dear Neighboring Landowners:

Erin Kress/THEngineering, LLC as Applicant and Bullseye Holdings, LLC/ Kevin Lamb, Manager as landowner have submitted an application to our office for a Variance to the Morgan County Zoning Regulations 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 6<sup>th</sup> PM, Morgan County, addressed as 16098 County Road O, Fort Morgan, CO 80701.

The landowner is requesting approval of a Variance to Section 4-200(A) and Appendix B Table 1 of the zoning regulations that requires a setback of 1,320 feet from any existing residence. There is a residence on another parcel that is approximately 850 feet from the footprint of the feeding operation. There are two existing homes on the Bullseye property that meet the requirements of Section 3-180(O) of the Zoning Regulations and do not require a variance because they are on the same parcel.

As an adjoining landowner of the Bullseye property you are being notified that this application will be considered in a public hearing before the Board of Adjustment at on **Monday, July 20, 2020 at 5:30 P.M.**

**THE COUNTY WILL BE ABIDING BY THE SOCIAL DISTANCING REQUIREMENTS IN PUBLIC HEALTH ORDER 20-28 FOR THIS MEETING. DUE TO LIMITED SPACE IN THE ASSEMBLY ROOM, REMOTE ATTENDANCE IS ENCOURAGED. 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/84910306284>

Or iPhone one-tap :

US: +12532158782,,84910306284# or +13462487799,,84910306284#



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: 849 1030 6284

International numbers available: <https://us02web.zoom.us/j/kdFQ9BzHLQ>

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](mailto: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 or you may request that information from the file be mailed or emailed to you.

Sincerely,



Pam Cherry, MPA CFM  
Planning Administrator  
Enclosure

Ing. 7-7-20

Bullseye - BOA  
Variance

4/0  
122726000003  
122726000003  
BULLSEYE HOLDINGS LLC  
P O BOX 609  
QUEEN CREEK, AZ 85142

①  
122723000006  
KOSMAN, MICHAEL FAMILY TRUST &  
KOSMAN, KERRI TRUST  
16024 CO RD 15  
FORT MORGAN, CO 80701

②  
122726000001  
122726000002  
UNGER, HENRY D & ANNA D  
15263 CO RD 18  
FORT MORGAN, CO 80701

③  
122726000005  
122727000001  
122727000002  
TEAGUE RANCH COMPANY LLC  
15366 CO RD 0  
FORT MORGAN, CO 80701

⑦  
+ Teague Diversified  
15366 CO RD 0  
Ft Morgan CO 80701

④  
122726000004  
WGC TRADING CO  
P O BOX 460  
FORT MORGAN, CO 80701

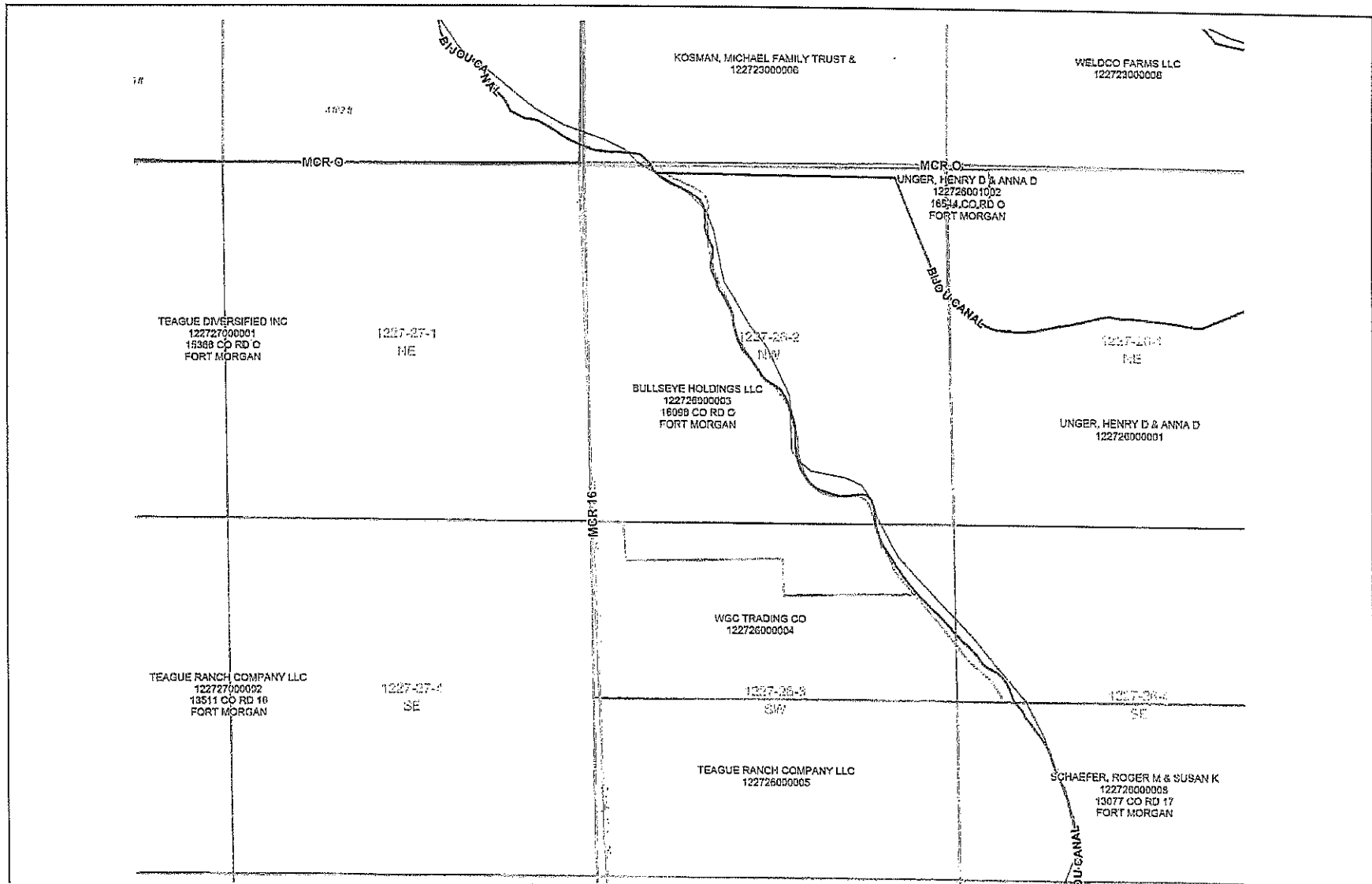
⑧  
Bijou Canal  
P.O. Box 972  
Ft Morgan CO 80701

⑤  
122722000007  
JOHNSON, PAUL A & BETTY L  
14019 CO RD 16  
FORT MORGAN, CO 80701

⑥  
122726000008  
SCHAEFER, ROGER M & SUSAN K  
13077 CO RD 17  
FORT MORGAN, CO 80701

Parcel #	Account #	Name	Situs Address	City	PLSS	Address2	City	State	ZipCode
122726000003	R008544	BULLSEYE HOLDINGS LLC	16098 CO RD O	FORT MORGAN	03N 58W 026	P O BOX 609	QUEEN CREEK	AZ	85142
122726000003	R008544	BULLSEYE HOLDINGS LLC	16098 CO RD O	FORT MORGAN	03N 58W 026	P O BOX 609	QUEEN CREEK	AZ	85142
122723000006	R008543	KOSMAN, MICHAEL FAMILY TRUST &			03N 58W 023	16024 CO RD 15	FORT MORGAN	CO	80701
122726000003	R008544	BULLSEYE HOLDINGS LLC	16098 CO RD O	FORT MORGAN	03N 58W 026	P O BOX 609	QUEEN CREEK	AZ	85142
122726000001	R008577	UNGER, HENRY D & ANNA D			03N 58W 026	15263 CO RD 18	FORT MORGAN	CO	80701
122726000002	R008578	UNGER, HENRY D & ANNA D			03N 58W 026	15263 CO RD 18	FORT MORGAN	CO	80701
122726000005	R010648	TEAGUE RANCH COMPANY LLC			03N 58W 026	15366 CO RD O	FORT MORGAN	CO	80701
122726000004	R010649	WGC TRADING CO			03N 58W 026	P O BOX 460	FORT MORGAN	CO	80701
122727000001	R010664	TEAGUE DIVERSIFIED INC	15366 CO RD O	FORT MORGAN	03N 58W 027	15366 CO RD O	FORT MORGAN	CO	80701
122727000002	R010666	TEAGUE RANCH COMPANY-LLC	13511 CO RD 16	FORT MORGAN	03N 58W 027	15366 CO RD O	FORT MORGAN	CO	80701
122722000007	R010682	JOHNSON, PAUL A & BETTY L	14019 CO RD 16	FORT MORGAN	03N 58W 022	14019 CO RD 16	FORT MORGAN	CO	80701
122726000008	R015716	SCHAEFER, ROGER M & SUSAN K	13077 CO RD 17	FORT MORGAN	03N 58W 026	13077 CO RD 17	FORT MORGAN	CO	80701

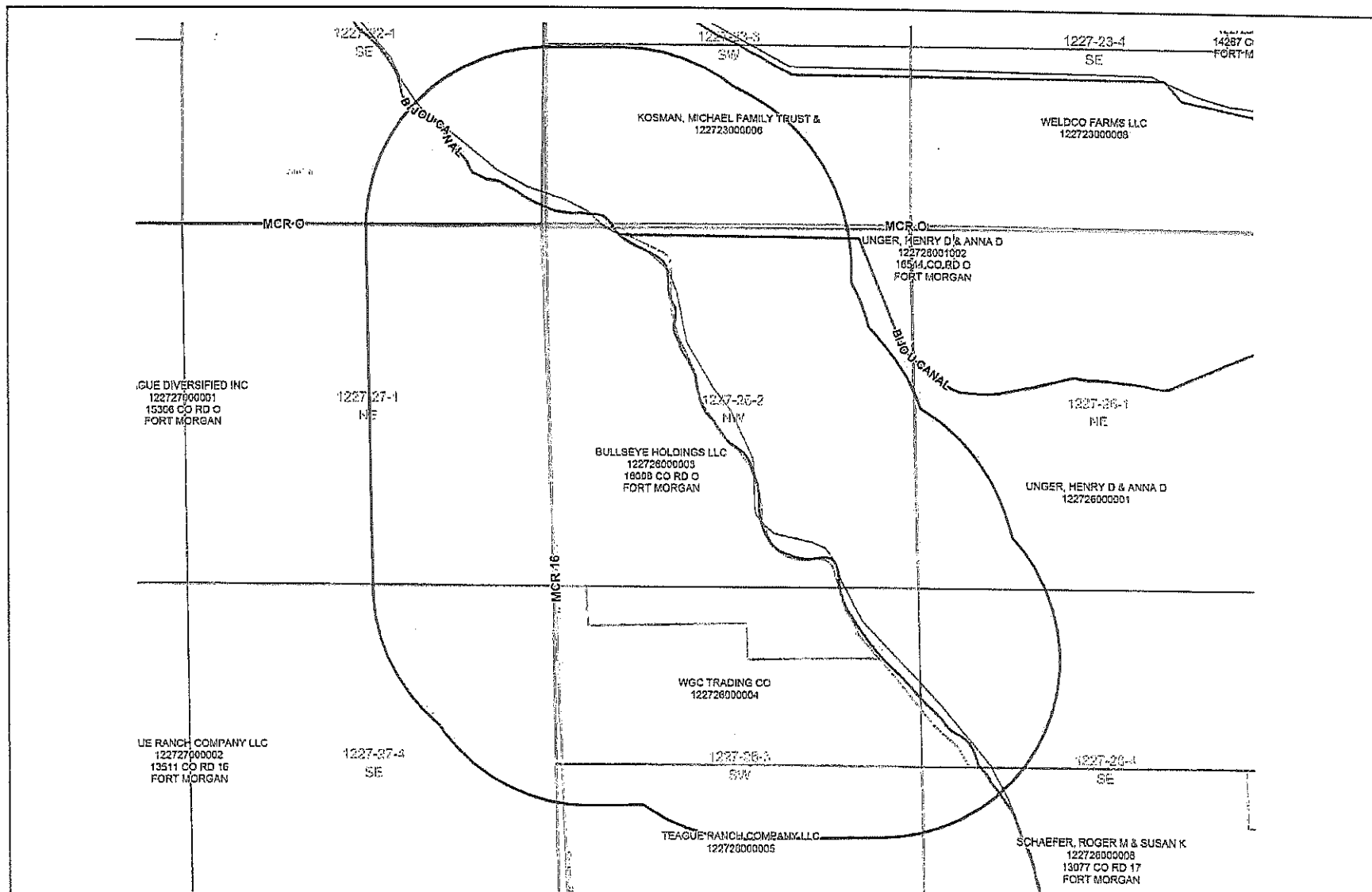
Bullseye Variance  
Big Horn Canal



Printed 7/9/2020

1:12,607

Bullseye holding  
variance  
1/4 mile 1/2 buff



Printed 7/9/2020

1:12,607



## MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

July 9, 2020

Erin Kress/THEngineering, LLC  
PO Box 337748  
Greeley CO 80633  
Email: [erin@thengineeringonline.com](mailto:erin@thengineeringonline.com)

Bullseye Holdings, LLC  
Kevin Lamb, Manager  
PO Box 460  
Fort Morgan, CO 80701  
Email: [kl@bhllc.biz](mailto:kl@bhllc.biz)

Dear Applicants/Landowner:

Your Application for a Variance Permit has been received by our office and placed on the agenda for the Morgan County Board of Adjustments.

Your application will be reviewed by the Morgan County Board of Adjustments **Monday, July 20, 2020 at 5:30 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/84910306284>

Or iPhone one-tap :

US: +12532158782,,84910306284# or +13462487799,,84910306284#

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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: 849 1030 6284

International numbers available: <https://us02web.zoom.us/j/kdFQ9BzHLQ>

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](mailto:pcherry@co.morgan.co.us). Your comments and concerns will be provided to the Planning Commission for consideration.

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

Sincerely,

Pam Cherry  
Planning Administrator

# Morgan County Treasurer

## Statement of Taxes Due

*pd*

Account Number R008544  
Assessed To

Parcel 122726000003  
BULLSEYE HOLDINGS LLC  
P O BOX 609  
QUEEN CREEK, AZ 85142

**Legal Description**

S: 26 T: 3 R: 58 PARC W1/2 S&W OF BIJOU CANAL

**Situs Address**

16098 CO RD O, 16298 CO RD O

Year	Tax	Adjustments	Interest	Fees	Payments	Balance
<b>Tax Charge</b>						
2019	\$7,459.68	(\$3.68)	\$0.00	\$0.00	(\$7,456.00)	\$0.00
Total Tax Charge						\$0.00
<b>Grand Total Due as of 06/15/2020</b>						<b>\$0.00</b>

Tax Billed at 2019 Rates for Tax Area 029 - RE 3

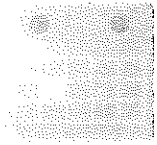
Authority	Mill Levy	Amount	Values	Actual	Assessed
COUNTY GENERAL FUND	19.4530000	\$1,973.70	GRAZING LAND	\$650	\$190
ROAD AND BRIDGE FUND	7.5000000	\$760.95	FARM/RANCH WASTE LAND	\$20	\$10
SOCIAL SERVICES FUND	2.0000000	\$202.92	ALL OTHER AG - LAND	\$140,970	\$40,880
FT MORGAN RURAL FIRE DST	2.9940000*	\$303.77	FARM/RANCH RESIDENCE	\$89,580	\$6,400
FT MORGAN PEST CONTROL	0.2990000	\$101.46	ALL OTHER AG - IMPS	\$186,130	\$53,980
NORTHERN COLO WATER CD	1.0000000	\$198.05	Total	\$417,350	\$101,460
RE 3 FORT MORGAN GENERAL FU	27.0160000	\$2,741.05			
RE 3 FORT MORGAN MILL LEVY	1.9520000	\$198.05			
RE 3 FORT MORGAN BOND REDEM	11.2730000	\$1,143.76			
Taxes Billed 2019	73.4870000	\$7,456.00			
* 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





# Board of Adjustment

Created by: bccadmin@co.morgan.co.us

*Bullseye Variance*

Time

5:30pm - 7:30pm (Mountain Time  
- Denver)

Guests

✓ Pam Cherry

Date

Mon Jul 20, 2020

Description

Hi there,

You are invited to a Zoom webinar.

When: Jul 20, 2020 05:30 PM Mountain Time (US  
and Canada)

Topic: Board of Adjustments Meeting - 7/20/2020

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84910306284>

Or iPhone one-tap :

US: +12532158782,,84910306284# or  
+13462487799,,84910306284#

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626 6799 or +1 646 558 8656

Webinar ID: 849 1030 6284

International numbers available: [https://us02web.  
zoom.us/j/84910306284](https://us02web.zoom.us/j/84910306284)

Karol Kopetzky

Morgan County Government  
Information Systems Manager  
231 Ensign Street - Box 189  
Fort Morgan, CO 80701  
970-542-3507

My Notes