

MORGAN COUNTY PLANNING COMMISSION
July 14, 2025

The Morgan County Planning Commission met on Monday, July 14, 2025, at 6:00 P.M. in the Assembly Room of the Morgan County Administration Building. The meeting was called to order by Chairman Nathan Troudt.

Chairman, Nathan Troudt, Vice Chairman, Erik Mohrlang, Britt Dinis, Dave Musgrave, Robert Pennington and Julie Padilla and Rob Chilson were present. Nicole Hay, Administrative Director, Kathryn Sellars, Morgan County Attorney, Cheryl Brindisi, Planning and Zoning Administrative Assistant, Jenafer Santos, Planning and Zoning Technician and IT Director, Karol Kopetzky also attended.

APPROVAL OF AGENDA:

It was moved by **Dave Musgrave** and seconded by **Erik Mohrlang** to approve the Agenda as presented. Motion passed 7-0.

APPROVAL OF MINUTES: Minutes from May 12, 2025

It was moved by **Erik Mohrlang** and seconded by **Robert Pennington** to approve the Minutes as presented. Motion passed 6-0. **Rob Chilson** abstained due to being absent from the May 12, 2025 meeting.

NEW BUSINESS:

Special Use

PROCEDURAL: Chairman Nathan Troudt read the hearing process for the meeting.

Planning Administrator, Nicole Hay, read the file summary as follows:

APPLICANT and LANDOWNER: Gregory and Regina Dardanes

This application is for a Special Use Permit to allow for the development of a storage facility to include conex boxes, storage trailers and covered parking. The permitted area is Lot 7, Church Subdivision of Munn's Addition to the City of Brush except the south 25 feet of said Lot 7 in a part of the SE¼ of Section 34, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado.

The property is zoned Rural Residential, is in the Brush Fire District, and is located in the Special Floodplain Hazard Area.

Included in your packets is a letter from Matt Harris with Harris Engineering Consultants, Inc. regarding anchoring and infiltration requirements based off of the submitted grading plan and drainage narrative.

Commercial storage facilities are not a designated use by right, conditional use, or special use under the Morgan County Zoning Regulations in the applicable district and therefore, require a special use permit pursuant to Sec. 2-435.

In reviewing this application, the Planning Commission and Board of County Commissioners are required to make a finding that the criteria for granting a Use by Special Review in Section 2-455 of the Morgan County Zoning Regulations has been met.

Section 2-455 Special Use Permit Criteria:

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

The property is located in the northeast planning area as defined by the Morgan County Comprehensive Plan. A County wide goal is to encourage development where it is in proximity to the activity centers.

The property is surrounded by residential properties and is within a quarter mile of the City of Brush municipal boundary.

- 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.
There is access to public infrastructure including access to Cotton Street. A drainage plan has also been submitted to ensure proposed improvements will not create drainage issues for the neighboring properties.
- E. The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.
There is one residence located on the property and residences surrounding this property in all directions. The property to the north is zoned commercial.
- F. The special use poses only the minimum amount of risk to the public health, safety and welfare as set by either federal, state or county regulation, whichever is the strictest.
The proposed special use will not increase the risk to public health, safety or welfare.
- G. The special use proposed is not planned to be developed on a non-conforming parcel.
The proposed special use would be located on a conforming lot.
- H. 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.
- I. For any special use requiring a supply of water for human consumption that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity, quality, and reliability. For any special use which does not require a supply of water for human consumption, an adequate source of water for the proposed use in terms of quantity and reliability must be obtained prior to commencement of the use.
The proposed special use does not require water.

The following conditions are recommended for the special use permit:

1. The storage containers and trailers must be sufficiently anchored to resist applicable loads including, but not limited to: wind, seismic, buoyancy, hydrostatic and hydrodynamic (the latter three loading conditions would be for the portion of the structure(s) below the flood protection elevation).

2. Prior to development, the applicant must supply a letter from a geotechnical engineer confirming connectivity to soils that meet State infiltration requirements at the proposed retention impoundment in basin WD.

If approved, flood development permits will be required along with the appropriate zoning permits for development.

Nicole Hay,
Morgan County Planning Administrator

DISCUSSION:

At this time, **Robert Pennington** recused himself from the hearing.

Greg Dardanes presented this application to the Planning Commission, adding that it will be a clean project and have no impact to any adjacent landowners.

Erik Mohrlang asked if the trailers in the photos supplied are what he is planning on utilizing for storage trailers?

Greg Dardanes stated they are what he will be using, along with conex containers. The trailers are federal express trailers, and they are very nice.

Erik Mohrlang asked if the shed on site will be removed?

Greg Dardanes, yes, it will be gone.

Rob Chilson asked how they are planning on keeping the weeds down on the property?

Greg Dardanes answered he will be using crushed asphalt and there will be a fence around it.

Rob Chilson asked how big of a fence will be put up?

Greg Dardanes stated he has a six (6) foot chain link for the front and the entrance, and the back has six (6) foot privacy fence already.

Britt Dinis asked if there will be restricted access to the property?

Greg Dardanes answered it will be a locked gate access. There will be no admittance after 8:00 P.M. or before 8:00 A.M.

PUBLIC COMMENT OPEN:

Shawn Kelly addressed at 960 N. Custer St. is opposed to this project. He does not want storage sheds in his backyard. The property has been leased before and had other business opportunities that have failed. The area is not a large enough area to do this. Greg will not have the time to properly take care of this property if this project goes through.

Wanda Blake addressed at 705 Cotton St. asked how they can rent out the house on one end, and rent out the other half of the property for commercial use? Greg has not been the one to take care of the property, it has been their renters. She does not believe if this goes through, it will not look nice. It will draw in more crime. She also mentioned the containers will be too close to the house on the property.

Michelle Kelly addressed at 960 N. Custer St. is concerned about this project will affect the farm animals in the area. Also, the driveway is in line with the driveway to the Loves gas station. Since the property is in the floodplain, he will have to build up the storage buildings. How high will they need to be built up? How will it affect the surrounding properties and the drainage? She is opposed to the project.

Aleisa Carwin addressed at 625 Cotton St. is opposed to the project. There will be increased traffic and increased crime. Will the water now be redirected to our property?

Troy Blake addressed at 705 Cotton St. is opposed to the project for all of the previously mentioned reasons.

PUBLIC COMMENT CLOSED:

PLANNING COMMISSION DISCUSSION:

Greg Dardanes explained how the project shouldn't have any impacts to any of the landowners in the area.

Erik Mohrlang asked Planning Administrator Hay if they need to bring in fill dirt or do they just need to be anchored?

Administrator Hay answered they will have to do both. There are specific requirements regarding the floodplain.

Greg Dardanes stated he only needs to build up 6-8 inches. He will also have a drainage pond to accommodate for any runoff.

Rob Chilson asked if the County monitors properties after projects have passed?

Administrator Hay answered no, the County does not have an enforcement team. We are complaint driven.

Julie Padilla asked if they are meeting the Counties minimum lot size?

Administrator Hay answered they are.

It was moved by **Rob Chilson** to accept the application as presented.

Rob Chilson then withdrew his motion for comment from the applicant's engineer.

Chadwin Cox with Western Engineering stating that there is a no rise requirement with no change to the floodplain.

It was moved by **Rob Chilson** to approve the application.

Motion dies for lack of second.

Erik Mohrlang motioned to approve the application as present with the conditions as presented by the Planning and Zoning Department.

Rob Chilson seconded the motion.

Motion passed, 4-2 with Julie Padilla and Nathan Troudt voting no.

Respectfully Submitted,

Jenifer Santos

Planning and Zoning Technician

MORGAN COUNTY PLANNING COMMISSION
July 14, 2025

NEW BUSINESS:
Special Use

At this time, **Erik Mohrlang** recused himself from the hearing.

Planning Administrator, Nicole Hay, read the file summary as follows:

LANDOWNERS: CK2 Cattle Company and Riverside Irrigation District
OPERATOR: CK2 Cattle Company
APPLICANT: THEngineering, LLC, Travis Hertneky and Erin Kress

This application is for a Special Use Permit to allow for a new confined animal feeding operation (CAFO). The proposed permitted area is located in a part of the SE $\frac{1}{4}$ of Section 30, the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 31, the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 32, all in Township 5 North, Range 57 West of the 6th P.M., Morgan County, Colorado, also known as 24592 Co Rd 19, Fort Morgan, Colorado. The property is zoned Agriculture Production, is in the Fort Morgan Fire District, and a portion of the property is located in the Special Floodplain Hazard Area (SFHA), Zone A.

CK2 Cattle Company operates an existing small animal feeding operation and through this application is requesting to expand the facility to become either: 1) a dairy heifer raising operation or a 2) feed yard. The operator would like to be able to switch between the two types of CAFO under the special use permit. The proposed facility would have a maximum animal number of 25,850 animal units and will be constructed in 3 phases.

1. Phase I will consist of new corrals located east of the Riverside Canal which will replace much of the existing capacity with new modern pens. In the southeast corner of the site, a proposed east runoff storage pond will directly collect the runoff from the new pens and a new collection and diversion system will be built to collect the runoff from the existing pens. Construction is planned to be outside and adjacent to the floodplain.
2. Phase II will begin immediately after the completion of Phase I and is located east of Co Rd 19 and west of the Riverside Canal. It will consist of additional new corrals and will accommodate all of the feed storage, commodity barn, shop and an office. A proposed middle runoff storage pond will be north of the proposed pens. The pens will be graded for the runoff to flow north to culverts where the culverts will carry the runoff to sediment basins then to the storage pond.
3. Phase III will consist of the largest pens and is located west of Co Rd 19. The proposed west runoff storage pond will be north of the proposed pens and will also collect the runoff via culverts.

There are two houses within the proposed special use boundary. One will remain and is located in proposed Phase I northwest of the existing corrals. The second house and a couple of sheds are located in proposed Phase III and will be removed. The closest residence outside of the proposed special use boundary is approximately 2000 feet to the north.

The proposed facility will be accessed from 6 approved driveways off of Co Rd 19 (3 to the west and 3 to the east).

Included in your packets is a letter from Matt Harris with Harris Engineering Consultants, Inc. regarding existing structures in the floodplain and the uncertainty in the delineation of the Zone A in the SFHA. Also, included in your packets is a letter from HDR Engineering, the County's engineer regarding the increased traffic and the safety on Co Rd Y. Given the low volumes along Co Rd Y and at the intersection of Co Rd Y and Co Rd 19, HDR is not recommending the County require a deceleration lane or an acceleration lane. In addition, there is a "Trucks Entering Highway" sign on the eastbound Co Rd Y just before the crest of a hill to the west of the intersection of Country Roads Y and 19. The sight distance from the crest of the hill to the intersection of Co Rd Y and Co Rd 19 is approximately 450 feet. Morgan County Public Works is recommending a speed reduction from 55 mph to 45 mph for both east and west bound traffic on Co Rd Y. The speed reduction is recommended approximately 1500 feet prior to the intersection of Co Rd Y and Co Rd 19 in both directions. The speed limit would then need to be posted to return back to 55 mph after the intersection.

In reviewing this application, the Planning Commission and Board of County Commissioners are required to make a finding that the criteria for granting a Use by Special Review in Section 2-395 of the Morgan County zoning regulations has been met.

Section 2-395 Special Use Permit Criteria:

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

The property is located in the north central planning area as defined by the Morgan County Comprehensive Plan. In this area Comprehensive Plan goals include:

Encourage the preservation of agricultural production land to ensure continuation of this important industry. The dairy heifer raising operation is a vital part of the agricultural industry.

- 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 operation impacts are expected to be minimal. Proposed use impacts upon existing uses are detailed in the included Nuisance Control Plan and in the Preliminary Environmental System.
- E. The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.
Adjacent uses include pasture land and farmland.
- F. The special use poses only the minimum amount of risk to the public health, safety and welfare as set by either federal, state or county regulation, whichever is the strictest.
Subject to the implementation of the Nuisance Control Plan, the application satisfies these criteria.
- G. The special use proposed is not planned to be developed on a non-conforming parcel.
The proposed special use is located on a conforming parcel.

- H. 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.
- I. For any special use requiring a supply of water for human consumption that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity, quality, and reliability. For any special use which does not require a supply of water for human consumption, an adequate source of water for the proposed use in terms of quantity and reliability must be obtained prior to commencement of the use.
- Water for human consumption will be available through individual water bottles or supplied from a water cooler until the office/shop is built in Phase II. Once built, the commercial wells will be tied into the office/shop, tested and used as a permanent source for human consumption. Water for the livestock will be provided by two newly constructed augmented commercial livestock wells located east of Phase I.*

The following conditions are recommended for the special use permit:

1. CK2 Cattle Company, as operator, must demonstrate ownership or possession of the portion of the permitted area currently owned by Riverside Irrigation District prior to use of that portion of the property under this permit. CK2 Cattle Company can demonstrate satisfaction with this condition through vested title in its name, or a lease or other agreement directly with the property owner allowing the permitted use to be conducted on the property.
2. Prior to construction of Phase III, the house and sheds will be removed.
3. The Base Flood Elevation (BFE) for the adjacent reach of Wildcat Creek shall be determined in order to verify that the proposed pond is not at risk of inundation by the 100-year flood event (verify that the berm height is at least 2 feet above the BFE for critical facilities).
4. Any proposed modifications to the existing structures within the floodplain would be required to comply with current floodplain management standards and obtain a floodplain development permit if required.
5. Prior to construction, the applicant shall be responsible for the payment of all costs and fees incurred by the County for the placement of two new 45 mph signs and two new 55 mph signs on Co Rd Y.

Nicole Hay,
Morgan County Planning Administrator

APPLICANT and LANDOWNER:

Travis Hertneky with THEngineering and Kirk Crone, landowner of CK2 Cattle Company, LLC presented this application to the Planning Commission. He explained the difference in terminology between a dairy heifer facility and a finishing facility. Travis also explained that Riverside Irrigation District will be selling their portion of the land for this application to CK2 Cattle Company, LLC shortly after application approval. CK2 will be deeding the portion of their land, where the Riverside Irrigation siphon is located, over to Riverside Irrigation District. Although it was not mentioned in the application, Travis noted that CK2 is asking for the closure of County Road 19, starting at the intersection of County Road Y and up to County Road AA. They are not asking for it to be vacated at this moment and would like the County to keep their Right-of-Way. The feedlot will maintain the portion of County Road 19 from County Road Y to the proposed facility gate located 1/2 mile to the north of intersection of County Road Y as their main facility access.

PLANNING COMMISSION DISCUSSION:

Dave Musgrave asked for clarification concerning the proposed closure of County Road 19?

Travis Hertneky explained in further detail the reasoning for CK2 asking to close County Road 19.

Rob Chilson asked if it would be similar to what the old Q Ranch had done?

Travis Hertneky stated that it is similar.

Kirk Crone, member of CK2 Cattle Company, LLC, 22251 CO RD 19, Fort Morgan, CO 80701, further explained the reasoning for the proposed County Road closure and stated that CK2 would maintain the road up to their property. He also asked for deeded access for the 3 landowners, CK2 Cattle Company LLC, Riverside Irrigation District and the Longacre's.

Nathan Troudt asked the applicant to explain the 2 newly constructed, augmented commercial livestock wells located east of Phase I or that your planning on drilling.

Travis Hertneky explained that those are wells that are yet to be drilled and the decree is coming off notice tomorrow with no objections that they know of. Those will be augmented under Riverside.

Julie Padilla asked where the solid manure storage will be located?

Travis Hertneky explained that it will be predominately stored in pens with the remainder at the very southern edge of the feed storage area.

PUBLIC COMMENT OPEN:**IN FAVOR:**

None

AGAINST:

John Longacre, 20531 CO RD Y, Fort Morgan, CO 80701, explained that there is an issue with the party that sold their land to Riverside Irrigation District for the building of the proposed Wildcat dam. He noted that the corrals for this facility are proposed to go into a portion of where the Wildcat dam is supposed to be built. The Longacre's would like their right to buy their contract back if the dam is not going to be built because it was initially sold to Riverside for those intentions. He mentioned that recently there was a trespass on the Longacre property where the fence was torn down and land leveling took place. They are in the process of working that problem out between each other. John stated that it is a situation of not being notified. He suggested that if the applicant will be maintaining County Road 19 from County Road Y to the facility entrance, then he would like to see culverts put in place for heavy rain events. John noted that County Road 19 and County Road Y have had issues in the past during heavy rains that caused that area to wash out. He pointed out that the Road Study was done during a period of time when there was not the regular volume of silage trucks using the road. He is concerned that there will be accidents at that intersection when trucks are turning to and from the facility off of County Road 19 and County Road Y. He would like to see a turning lane or the road widened in that location. John mentioned that he would like the applicants to consider what he has mentioned, especially the safety of the people that utilize that intersection and road.

PUBLIC COMMENT CLOSED**PLANNING COMMISSION DISCUSSION:**

Rob Chilson explained how that location is difficult to turn a semi-truck and trailer without having to go into the other lane to allow for the turning radius. He also described in further detail that the hill to the west can cause the driver to not see who may be approaching from the west as a semi is turning onto County Road Y from County Road 19. The semi may not have time to get out of the oncoming lane after turning if a vehicle is approaching fast. He agreed with John Longacre that the concerns for access from County Road Y to County Road 19 needs to be addressed.

Robert Pennington asked Nicole if there has been any discussion with Road and Bridge regarding traffic on County Road Y and the condition of the road?

Nicole Hay responded that there have been discussions with Road and Bridge and there is currently a proposal of the speed limit being decreased. She mentioned that they have no concerns over the asphalt on County Road Y. Road and Bridge has been in contact with HDR and our County Engineer.

Travis Hertneky agreed with John Longacre that increasing turning radius, especially for the trucks that would be turning at County Road Y and County Road 19, is a good idea and seems like a simple fix to help alleviate especially the west bound turnoff. Travis mentioned that as long as Road and Bridge and John Longacre are willing to work with CK2 on that corner then they are good with that idea.”

Dave Musgrave asked which direction the majority of trucks will be coming from? He explained that he has seen most trucks stay on the paved portion of Y, turn on CO RD 18.5 and then onto Highway 52.

Travis Hertneky explained that most of the trucks exiting the facility will be coming off of County Road 19 and turning onto County Road Y. He also noted that since CO RD 18.5 is paved, that most trucks may utilize that portion onto Highway 52 because it would be an easier way to pull onto Highway 52.

Robert Pennington stated that traffic may still come in off of County Road 24.

Travis Hertneky explained that it was estimated that 25% coming from the east and 75% from the west. The majority of the feed will be coming from the west.

Nathan Troudt asked how many additional employees will be at the facility?

Travis Hertneky answered 12 additional employees.

Kirk Crone stated that they currently employ 12 but may add an additional 6. He also mentioned that they feed a multitude of cattle in various locations and would like to make the process more efficient and locate to one place.

Julie Padilla asked what the timeframe for the facility to start operating is?

Travis Hertneky answered as soon as possible and explained the reasoning of why Riverside Irrigation is a landowner on the application at this time.

Rob Chilson motioned to approve the application as presented with Nicole’s recommendations in the file summary and also Planning Commission’s recommendations to widen the road at County Road Y and County Road 19 for safer truck turning to and from the facility.

Dave Musgrave seconded.

Motion passes 6-0.

Work Session regarding Zoning Amendments related to Cisterns

Erik Mohrlang motioned to adjourn the meeting.

Britt Dinis seconded.

Motion passes 6-0.

The meeting was adjourned at 8:20 P.M.

Respectfully Submitted,

Cheryl Brindisi

Morgan County Planning and Zoning Administrative Assistant