

**MORGAN COUNTY BOARD OF ADJUSTMENTS AND APPEALS**  
**March 20, 2017**  
**MINUTES**

The Morgan County Board of Adjustments met on Monday, March 20, 2017, at 5:34 p.m. in the Assembly Room of the Morgan County Administration Building. Answering roll call was: Allyn Wind, Mike Erker, Dwight Miller and Charles Ruyle. Also present were Pam Cherry, Planning Administrator and Jody Meyer, Planning Assistant.

The meeting was called to order by Chairman Allyn Wind.

It is noted that the recording machine was not working tonight. Todd Schmidt, Area Wildlife Manager, Area 3, Northeast Region, used his phone to record the proceeding and sent a copy to Jody Meyer.

**Motion was made by Mike Erker and seconded by Allyn Wind to approve the minutes of the February 21, 2017 meeting with the correction to strike the second paragraph under Election of Officers for 2017, which was duplicate wording. Motion carried 4-0.**

The Agenda was approved as presented.

Allyn Wind read the procedural rules for this hearing.

**NEW BUSINESS:**

**PUBLIC HEARING IS OPEN**

**APPLICANT: Colorado Parks and Wildlife**

**LANDOWNER: City of Brush**

Application for a Variance to Section 5-105(B)(4) and 2-235 of the Morgan County Zoning Regulations to place an office and to permit a Conditional Use Mobile Home Placement Permit.

Todd Schmidt, Area Wildlife Manager, Area 3, Northeast Region was present to represent this application.

Pam Cherry, Planning Administrator presented the file as follows:

Application for a Variance to Section 5-105(B)(4) and 2-235 of the Morgan County zoning regulations to place an office and to permit a Conditional Use Mobile Home Placement Permit on 69 acres that are zoned "A" Agriculture Production. Six of the sixty-nine acres will be leased by the City of Brush to Colorado Parks and Wildlife for the Brush Service Center. The property is legally identified as the E ½ of the SW ¼ of Section 26, Township 4 North, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado. It is also known as 19188 Highway 71, Brush, CO, 80723.

The file contains:

- a. Proof of ownership Special Warranty Deed;
- b. Site plan showing the proposed location of an 60' x 24' modular office;
- c. A statement that demonstrates that special conditions and circumstances exist to warrant the placement of the modular unit as a Conditional Use;
- d. Morgan County Right to Farm Policy.

All appropriate notices have been completed. The property was previously used by a gas and oil company for offices and equipment storage. Site is not in the floodplain.

The access drive currently exists at 28167 County Road T and will remain in its current location.

**Planning Administrator Evaluation:**

Colorado Parks and Wildlife provide a necessary service to Morgan County residents and visitors to the area. The use is appropriate for the area and was previously used in a similar manner. I recommend approval of the Variance request to allow the placement of a mobile home on the property by Colorado Parks and Wildlife subject to:

1. Expansion of the use will require additional land use applications through Morgan County.
2. The use is limited to the six acre lease area from the City of Brush.

Todd Schmidt told the Board of Adjustments about a vehicle crashing into their building. When looking to remodel this building, they found it contained asbestos and then started to look for another site for their office. The City of Brush offered up the old English Feedlot property which the City of Brush now owns.

Mike Erker asked how many Wildlife offices are in Colorado and Mr. Schmidt replied there were 18. Mike Erker wanted to know if they looked at other sites in the County. Mr. Schmidt said they did look at five different locations including some in Fort Morgan. They wanted to be near I-76 for easy access. Todd Schmidt talked about a temporary permit (temporary meaning 2-5 years).

Charles Ruyle asked if the structure was a mobile home or a mobile office. Todd Schmidt said it would be a mobile home used for an office. The structure will not be used as a home or when no longer in use, it will be removed.

The Board was looking for clarification on this permit – more details. Water and septic are on site. Pam Cherry explained the term temporary. Allyn Wind wanted a more concrete time line for use of this structure and he wanted it mentioned in the motion. Todd Schmidt said they would be amenable to a review of this application in 2-3 years. Pam Cherry said review can be done by the Board of Adjustments or by the Planning Administrator.

**OPEN PUBLIC TESTIMONY**

Speaking in Favor: None

Speaking in Opposition:

Steve Kalous, Brush, CO 80723 was here representing his mother. He wondered why it wasn't a permanent structure; why doesn't the City of Brush place it in their own Industrial Park. Todd Schmidt was not aware of any Industrial Park in the Town of Brush.

**CLOSE OF PUBLIC TESTIMONY**

Mike Erker – Hang up on Industrial Park – wise decision from the City of Brush.

Charles Ruyle – concerns with office being temporary – would like specifications for office only and when it is vacated, the office would go away.

**It was moved by Dwight Miller and seconded by Charlie Ruyle to APPROVE an Application from Colorado Parks and Wildlife as applicant and City of Brush as landowner for a Variance**

**to Section 5-105(B)(4) and 2-235 of the Morgan County Zoning Regulations to permit a Conditional Use Mobile Home Placement Permit in the “A” Agriculture Zone on the following conditions:**

- 1. The Board of Adjustments shall review this application after 3 years from date of approval.**
- 2. This mobile home shall be used as an office only.**

Under discussion Mike Erker said this was not the best laid out plan. Charlie Ruyle agreed. He needs to see numbers and specifics on the office to know it won't be a mobile home (as a residence). Dwight Miller – use property as to a bene use – would approve.

Todd Schmidt said under the lease terms the State will pay for placement and removal of the mobile home. The Division of Wildlife is putting mobile home on property after lease the DOW moves it off. The Board said this kind of information should be in the application so they have all the facts.

- 3. Mobile Home will be removed when the Division of Wildlife lease is up.**

**Roll call vote was taken, motion carried 3-1, with Mike Erker having the dissenting vote. This Resolution shall become Resolution #2017 BOA 02.**

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jody Meyer, Planning Assistant