

**MORGAN COUNTY PLANNING COMMISSION**  
**February 12, 2018 MINUTES**

The Morgan County Planning Commission met on Monday, February 12, 2018 at 6:00 p.m. in the Assembly Room of the Morgan County Administration Building. Answering roll call was: Joe Ewertz, Pete Krohn, Bob Elrick, Robert Pennington, Dave Musgrave, Mike Erker and Nathan Troudt. Also present were Pam Cherry, Planning Administrator; Jody Meyer, Planning Assistant. Invited guests present were Board of Adjustments member Viola Johnson was also present.

The meeting was called to order by Chairman Robert Pennington.

January 8, 2018 Minutes: It was moved by Nathan Troudt and seconded by Joe Ewertz to approve the January 8, 2018 minutes as presented. Motion carried 7-0.

Agenda: It was moved by Joe Ewertz and seconded by Bob Elrick to approve the agenda as presented. Motion carried 7-0.

**NEW BUSINESS:**

**Election of Officers for 2018**

Robert Pennington requested that someone else take over being Chairman this year.

**It was moved by Bob Elrick and seconded by Pete Krohn to appoint Joe Ewertz as Chairman of the Planning Commission. Motion carried 6-1, Joe Ewertz having the dissenting vote.**

**Bob Elrick nominated and moved to have Nathan Troudt for Vice Chairman. It was seconded by Joe Ewertz. Motion carried with a unanimous vote by the Board 7-0.**

New Chairman Joe Ewertz presented an overview of the review hearing process by the Planning Commission.

**APPLICANT: Brush First Church of the Nazarene**  
**LANDOWNER: Brush First Church of the Nazarene**  
**PARCEL NUMBER: 1231-040-00-004**

Robert Pennington recused himself from hearing this application.

Pam Cherry, Planning Administrator, presented the following File Summary:

This application is for a Conditional Use Permit is to permit a church with fellowship hall. The property is zoned "C" (commercial) where churches and church schools are required to obtain a conditional use permit pursuant to 3-320(CC) of the Morgan County Zoning regulations. The property is 13.3 acres and is located in the W½ of the SW¼ of Section of Section 4, Township 3N, Range 56 West of the 6<sup>th</sup> P.M., Morgan County, Colorado; Parcel Number 1231-040-00-004. The property is on the south side of

Edison Street (State Highway 34) and east of County Road 26, Brush, Colorado 80701. This is an unincorporated area of the county.

The church purchased the parcel in 1989 and has never built on it. The building is proposed to be 7,500 square feet and is on Morgan County Quality Water with an onsite wastewater disposal system that is required to be engineered. The facility will accommodate an average of 75-100 people for Sunday services. There is an existing CDOT access permit for 40 vehicle trips per day.

Criteria for review of a Conditional Use:

- A. The application documents are complete.
- B. The Site Plan was attached to the application.
- C. There are no off-site impacts imposed by the conditional use proposed that require additional infrastructure or upgrade by the County.
- D. The use proposed is compatible with the surrounding uses and adequately buffered as necessary.

Pam Cherry requested the Planning Commission's recommendation of approval to be referred to the Board of County Commissioners.

John Crosthwait representing the Brush First Church of the Nazarene presented the application.

John gave a general outline of the church's plans and presented a chart showing fund raising and a site plan where they intended to situate the building on the parcel. He said they have completed a soil analysis for the septic; they have area for parking and will meet ADA requirements; ingress and egress, and access that has been approved by CDOT back in 1989. John said City sewer is about a half mile away near Eben Ezer. They also looked into annexation into the City of Brush. No basement is planned.

PUBLIC TESTIMONY IS OPEN:

There was no one in favor of or in opposition to this application.

PUBLIC TESTIMONY CLOSED.

**As they met all the criteria for a Conditional Use Permit it was moved by Nathan Troudt and seconded by Pete Krohn to approve this Conditional Use Permit for Brush First Church of the Nazarene to place a church with fellowship hall in the "C" Commercial Zone pursuant to 3-320(CC) of the Morgan County Zoning regulations, and send it on to the Morgan County Board of Commissioners. Motion carried 6-0. (Robert Pennington recused himself prior to the meeting).**

### **Morgan County Zoning Regulation Amendments**

#### **1) Amendments to Zoning Regulations: Floodplain Regulations and Amendments to Zoning Regulations: Definitions**

Pam Cherry gave an overview of what Floodplain Regulations were being amended. See attached Floodplain Regulations and Definitions and draft Resolution. She told the Planning Commission that Morgan County Attorneys said "no" to the Planning Commission changes which were

suggested last fall, mainly dealing with agriculture uses. Pam did say that the Commissioners are looking at the 2 ft. base elevation requirement for building structures and may bring it down to 1 ft. This might affect insurance coverage and we were hoping for exemption for agriculture uses but need to remain in compliance in the NFIP (National Floodplain Insurance Program) regulations.

Pam said Road and Bridge will do a yearly permit for FEMA on the roads they have serviced and which are located in the floodplain area.

#### PUBLIC COMMENTS OPEN

Chuck Miller, Brush, CO 80723, questioned section #1-375 of the Definitions which Joe Ewertz read aloud. Chuck disagreed that “AG” is out (or exempted from regulations).

Pam Cherry said they are trying to protect residential structures and is based on cost of the building less the land value. Floodplain maps were brought in for the Planning Commission to review.

There was discussion between floodway and floodplain and what the difference was. What are the ramifications of this? Chuck Miller talked about “coordination” with the County and FEMA. Chuck Miller said Section 1-375 does not say exemption. These rules are a violation of private property rights.

Pam Cherry said more elevation studies are coming for areas around the Beaver Creek.

Robert Pennington agreed that there needs to be clarification on this Section, on base elevations, and on Coordination.

Scott Kembel, Brush, CO 80723 agreed that a lot of this information was over his head. He wanted more specific information for ag farming.

Chuck Miller’s recommendation was to table this amendment on floodplain regulations and definitions and have the Board re-read the regulations and he pointed out Title 29, Article 20 and Title 30, Article 28 of the State Statutes. He wanted to rescind the regulations and require FEMA to cooperate with the County.

Steve Kalous, Brush, CO 80723 was concerned of the costs involved from FEMA.

#### PUBLIC TESTIMONY CLOSED

Planning Commission wanted to clarify what you could or could not do for agriculture uses. Maybe look at what Logan County does.

It was moved by Mike Erker and seconded by Robert Pennington to deny the Amendments on Floodplain Regulations/Definitions for more clarification on ag use in Section 1-375 in contrast to the use; to talk with someone from Logan County and Board of Commissioners – appoint someone to visit with Logan County and to be in communication with them.

The Planning Commission wanted to go back to a meeting time of 7:00 PM for the Board. Good comments from the Board on the nice Regulation books that were handed out.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jody Meyer, Planning Assistant