

Minutes of Planning Commission Work Session & Regular Scheduled Monthly Meeting

October 19th, 2010

Member Present: Pam Bricker, Janice Slade, Vernon McCallister, Gary Seger and Chairman Dwight Freeman.

Members Absent: Craig Franke.

Others Present: Robert Hagedorn, Dennis Murphy and Marybeth Miles.

Chairman Freeman called the meeting to order at 1:45pm.

First item of discussion: River Island Ranch update, Kevin Ames and Dave Martin met with the BoCC on September 8th, 2010 to discuss issues that have arisen due to the economic crisis which ultimately has affected the development of the remaining phases of River Island Ranch. The Land Use Administrator had advised the BoCC that 35-acres/12 Lots from Phase 4 had been sold to another party, and it was not a legal sell because the 35-acre rule does not apply after a piece of property has been given preliminary approval for development into lots; in this case, Phase 4 is comprised of approximately 98 lots more or less; and RIR sold 12 lots but made sure that the twelve lots added up to 35-acres. I believe that this would be piece mealing the development from the original intent and advised the new owner and RIR that this would be reverted back to the Planning Commission for review because it is a substantial change. RIR does not feel that this should go back before the Planning Commission, so that is when the Commissioners' asked if they would meet at the next Planning Commission Meeting to discuss this further. It was set for October 19th, 2010 at 1:30pm. Kevin Ames called Friday October 22, 2010 to cancel due to other meetings scheduled in regards to RIR in Colorado Springs.

The Land Use Administrator explained as stated above to the Planning Commission and it was mutually agreed that RIR should come back before the Planning Commission and/or the new owner of the twelve lots present a new development plan.

Second item: Oil and Gas Regulations: specifically item 8.8.1.7 (1) the Planning Commission recommended to the BoCC to amend base line water testing from 1-mile to 3-miles and delete the word well and add public/private water, Rio Grande needs to protect the citizens of Rio Grande County as a whole, and especially our water resources, whether it's a private well or surface water or tributaries; Janice Slade made the motion; Vernon McCallister seconded motion; motion carried unanimously. A Public Hearing will be scheduled for public comment to the changes/amendments that the County has been working on within the Rio Grande Development Code.

Third item: Marijuana Dispensaries: The Planning Commission discussed this issue and unanimously decided to not allow marijuana dispensaries in Rio Grande County. Medical Marijuana Dispensaries would be considered commercial and would create spot zoning within the county if rezoning was even approved. Pam Bricker made the motion to not permit Medical Marijuana Dispensaries and/or production farms/growers in excess of what caregivers are

allowed within the Colorado Constitution; Vernon McCallister seconded motion; motion carried unanimously.

Fourth item: Alternative Energy Resources: A discussion was held as to whether or not to implement a site permit requirement for residential/farmer wanting to place solar or wind turbines on their property. The Land Use Administrator feels that we should require a site permit to ensure zoning regulations are followed, i.e. setbacks and/or height requirements. It seemed to be a mixed bag of do or don't, we will discuss it further at the next Planning Commission Meeting.

Fifth item; Amish Community (Alvin Mullett) wants to build and operate a variety store, in researching the list of uses "retail store" is allowed in a commercial zone; but the Amish are/or because of the lifestyle and transportation issues operate small businesses on or near their properties. In discussing this with the Planning Commission and BoCC; Rio Grande County doesn't want to discourage economic development, but at the same time, the county wants planned harmonious development within Rio Grande County. It was agreed to allow Mr. Mullett to submit an application for a conditional use and that the county may approve a certain size limit to start, and if the business is successful, and the need for expansion arises, Mr. Mullett would need to come back to the County and amend the CU for expansion.

I discussed with the Planning Commission about the A&M Window business Mr. Mullett has.

The window business started up on December 20th, 2006 as a home occupation. It was determined at the time that the windows are assembled on the property but moving off site. No one was coming to them or Mr. Mullett didn't intend to open up a show room, but now, the business has grown and Mr. Mullett's son is going to take over the business and the son didn't want to deal with Rio Grande County's strict rules and regulations so he bought property across the line (Conejos) county. I stated to Mr. Mullett that I didn't see any difficulty in allowing the business to stay in Rio Grande County and would discuss this with the Planning Commission/Commissioners'. The Planning Commissioners along with the BoCC agreed that we would like to keep the business here but, we would need to require a Conditional Use Application Review as with any other request.

With no further business meeting adjourned at 3:45pm.

Respectfully submitted;

Rose Vanderpool, Secretary

