

Planning Commission Minutes
For April 18, 2017

Members Present: Chairman Dwight Freeman, Grover Hathorn, Leonard Brown, Wesley O'Rourke, Ken VanIwaarden, Mike Mitchell and Dixie Diltz - Secretary.

Members Absent with notification:

Absent without notification:

Others Present: Travis Phillips (Davis Engineering), Leslie Bechaver, Alfred Chapman, Glenn Graham, Lori Catlin, Brad Catlin, Kelly Deacon, and James Barr.

Chairman Dwight Freeman called the meeting to order at 1:32pm.

Grover Hathorn made a motion to accept the Agenda as presented; Mike Mitchell seconded, motion carried unanimously.

Ken VanIwaarden made a motion to approve the minutes of the March 21, 2017 meeting as presented; Mike Mitchell seconded, motion carried unanimously.

First Item of Business: Exempt Division of Land application presented by James McCullough, (represented by Leslie Bechaver), to divide approximately 5.57 acres containing residence from the 160 acres parcel for Estate Planning purposes.

Chairman Freeman begins discussion clarifying the proposed 5.57 acres to be divided are located in the center of the section with an easement up to County Road 5 North. The Prairie Ditch also has an easement along the south boundary of property. The setback distance from the sprinkler end gun is verified to meet or exceed the required 100' setback required.

Dixie Diltz reiterates that the reason for this division of land request is for estate planning, if approved the applicant will have to record the survey and new deeds for the two new parcels. The land is currently zoned agricultural ranching, the Division of Water Resources has reviewed the proposed division and "saw no reason to alter the domestic well permit at this time". Rio Grande County Road and bridge made no comment on access.

Ken VanIwaarden questions the statement in the RGC Land Use Administrator's Staff Report regarding the section in the Rio Grande County Master Plan. The RGC Master Plan suggests to

“discouraging the division of corner areas less than 35 acres in size on land that is irrigated with center pivot systems”.

Chairman Freeman explains that it is a “*discouragement*” of tracts of land less than 35 acres, “we don’t like break offs, but we have a lot of them for reasons such as this application. It’s very logical that sprinkler corners for these reasons get broken off.” Ken VanIwaarden says that in his opinion it is then a very discretionary decision up to the planning commission and the Board of County Commissioners. Dixie Diltz reminds the Planning Commission members that the Master Plan is a recommendation, it is not the Code.

Ken VanIwaarden states that as he understands the Land Use Development Code, this would be the only time they can do a division of land on this parcel without having to go through the subdivision procedure. Dixie Diltz explains that this is a one-time exemption. If the applicant requests to do another division in the future, the County could require them to do a subdivision.

Mike Mitchell makes a motion to recommend approval of the Exempt Division Land. Ken VanIwaarden seconds. Motion passes by vote of 6 aye, 0 nay.

Second Item of Business: Conditional Use Application presented by Brett & Cheryl McIntosh for an RV Park and Cabin Rental Resort to be located at 38422 Hwy 160, South Fork, CO. Updated site plans were handed out.

Chairman Freeman reads the application, and opens the floor for discussion. Ken VanIwaarden asks about the waste water treatment plans.

Travis Phillips, Davis Engineering, replies on behalf of the applicant in regards to the sewage disposal. Travis explains that two options have been investigated for sewage disposal for the proposed resort project. Option 1 would be to annex into the South Fork Sanitation District and pump the effluent to the new waste water treatment plant that’s about ½ mile west on the south side of the highway or option 2 would be to treat it on-site. They found that for construction and materials, both options were relatively the same cost, but the tap fees and process to be annexed into the district was the deciding factor. They have decided to treat the effluent on-site with a standard on-site wastewater treatment system to be located up near the old barn in the flat area. They intend to place a pressure dosed system and follow all the County and State Regulations for OWTS. At present time, they estimate the average daily rate to be around 1,400 gallons per day, 2,000 gallons a day is the limit before you have to have State Engineer’s involvement.

Grover Hathorn asks about the availability of water.

Travis Phillips states that there is a private well on-site. The McIntosh’s are going to apply to change that to a commercial well. They have contacted the SLV Water Conservation District and will purchase augmented water from them. Cheryl McIntosh states this conversation has already happened, they don’t have the signed certificate yet but it is in process. Dixie Diltz states that she had received an email from Heather Dutton confirming this information. Chairman Freeman asks about the capabilities of the well itself. Travis Phillips states that they have not tested it yet, but believe it will work all right.

Travis Phillips has been in contact with the State of Colorado, this system will be considered a transient non-community public water system, so they will have to go through the proper application process for construction of the water system and provide a chlorination plan.

The location of the well is discussed as well as the location of the OWTS system. The OWTS system will have to cross the irrigation ditch; this will probably be done by trenching under the ditch and encasing the pipe within concrete a distance of 25' on each side of ditch. Again, they will follow all the State requirements.

Chairman Freeman asks about any intended safety precautions to prevent visitors/guests from getting in the ditch. Brett McIntosh explains that they have discussed a couple different ideas, one being fencing and another being the possibility of piping part of it, but they have not made any final plans yet.

Flood plain was discussed. A portion of the property along Highway 160 is within the flood plain. The area intended to be used for the Cabin's and RV's spaces is outside the flood plain. Travis Phillips states that although the Cabins and RV spaces are outside the flood plain, as is the vast majority of the property, they intend to design and build the structures at least one foot above the flood plain elevation.

Ken VanIwaarden questions the stability of the steep incline on the south boundary of the property. They have not done a geotechnical report but the grade has been there for many years and appears to be stable. Wesley O'Rourke says the area is rocky.

Grover Hathorn verifies that they are only intending to have 5 RV spots. Cheryl McIntosh explains that they only wanted a few RV spots to complement the Cabins. The cabins are the main part of the proposed business. The cabins will be built on full concrete foundations they are proposed to be 392 sq. ft. on the lower floor with a 200 sq. ft. loft. (14' x 28'). Built on-site and to RGC building codes.

Cheryl McIntosh explains that they are calling them "Tiny Homes", however, that is really marketing – "marketing to tiny home people, they defiantly aren't super tiny and will meet building codes".

Dixie Diltz asked if there are anyone else in attendance had any comments.

Alfred Chapman introduces himself and states he is the owner of the South Fork Highline ditch. He is in attendance today to learn where the leach field and septic were proposed to be placed. He comments that it looks like there is only about 6 feet of elevation distance from the barn floor down to the water surface of the Highline ditch and the area that was excavated was all granular pea gravel. He questions if the OWTS "System would handle that for leach"? Travis Phillips says that yes it will. "There's a state required set back from a body of water of at least 30', so they cannot put the leach field within 30 feet of the ditch." Alfred Chapman asked about the possibility of tapping into the existing South Fork Sanitation District, as he was not in the room earlier when the discussion was had. Travis Phillips, Brett McIntosh and Cheryl McIntosh repeat

the conversation from earlier explaining to Alfred the cost and complications of trying to annex into SF Sanitation District.

Alfred Chapman states that he has no objections as long as it is going to meet all those regulations. He explains that there is a long-standing problem from when the SF Highline ditch was relocated and directed across Willow Park and the erosion that is currently happening. Mr. Chapman is concerned that the maintenance of the ditch may be disruptive to the guests.

Chairman Freeman responds to Alfred Chapman's statements, by stating that Mr. Chapman's concerns are valid but do not directly pertain to this application, if it happened that long ago. The solution is not in this application.

Chairman Freeman discusses his concerns of the safety of guests in relation to the ditch and the liabilities that may go with that.

Leonard Brown discusses the possibility entertaining ideas to prevent the disturbing of the ditch as it passes through the McIntosh's property or causing more silt within the ditch.

Cheryl McIntosh says that she feels both of these concerns are in their best interest as well.

Dixie Diltz reminds the board that it may not be within their authoritative position to make a recommendation on the safety issues or neighborly actions of the parties. I believe that is more of a legal liability issue left to the insurance companies.

Further discussion is held regarding if the board can/should include something in their recommendation pertaining to the ditch and the safety issues.

Wesley O'Rourke says he feels that it is stated in the minutes that the Board has looked at the possibility of issues pertaining to the ditch. However, the application is for a Conditional Use and the board has looked at the issues that pertain to conditional use and the other liability issues are to be handled by other entities that are set up to take care of those things.

Grover Hathorn asked about the access to the property. Dixie Diltz explained that the McIntosh's have been working on this project for some time. They have been in contact with CDOT, who then referred them to the Forest Service, since the property accesses directly onto a Forest Service Road. Once they received Forest Service permission and supplied that information back to CDOT, they were able to then get approval from CDOT as well.

Tom Acre, Town of South Fork, introduces himself and asked about any landscaping along the highway or within the park. Cheryl McIntosh provided Tom Acres with a copy of the updated site plan. She said they had some trees planned within the park but did not plan for anything along the highway, but if Mr. Acres had any concerns they would gladly discuss it with him. Tom Acres explained that the town would like to keep the "gateways" into the town not to blare RV or Trailers, but to kind of soften it". Cheryl McIntosh says they want that also for their campers so they are defiantly on the same page there.

After a lot of good discussion, Mike Mitchell makes a motion to recommend approval of this conditional use for a RV Park and Cabin Rental Resort. Leonard Brown seconds motion. Motion passes on vote 6 aye, 0 nay.

Third Item of Business: Conditional Use application presented by Bradley & Lori Catlin proposing an Animal Boarding Facility in an agricultural ranching zone. Location of proposed facility to be 3152 S Cnty. Rd. 3 E. Monte Vista, CO.

Chairman Freeman opens the discussion and asks applicant how far south of highway 160 the proposed parcel of land is located. Lori Catlin confirms it is approximately 2 miles south of highway 160 on the 3 East. The parcel is currently a vacant 40 acres, dry grazing, rural low to medium density residential plat of land. The access to the parcel is a new access, from county road 3 east, permitted and approved by RGC Road & Bridge.

Dixie Diltz confirms that notification of proposal was published in the Monte Vista Journal on March 29th and notification was sent to surrounding property owners on March 27th. The Planning Commission members and applicant were provided with a copy of a letter received via US mail from Alice Gibson and Patricia Dye. Dixie Diltz also states that she also received a phone call from Mr. Michael Fuchs. Mr. Fuchs owns land near the Catlin's property. Mr. Fuchs questioned what type of animals are going to be boarded? He questioned the housing of the animals, whether it would be indoor housing, also discussed the fencing and exercise yard proposed for the business. Dixie Diltz reports that Mr. Fuchs comments were that he felt it would be a good use of the land; he has no concerns with it at this time and was in approval of the Catlin's application.

Chairman Freeman reports that the Catlin's had originally wanted to do this at their property near the greenhouse's, however, it was not an allowed use or available for conditional use on their rural residentially zone property. The Catlin's then purchased the 40 acers on which they are now applying for conditional use.

Brad and Lori Catlin have been in contact with the USDA animal protection department and will be following up with them if any licenses are needed. They will be following the guidelines as set forth by Colorado Dept. of Ag. Lori explains that she needs to get a copy of her plans to CDA before she can get final approval and she wanted to wait until after she has county approval before she puts more money into the engineered and architectural plans.

The Catlin's intend to board dogs and cats at this location and have a preliminary site plan detailing a 1-1/2 acre area, which they wish to have the conditional use applied too.

Ken VanIwaarden comments that some of the questions he had were about sanitation, ventilation, conditioning and heat, office space, hours of operation, security, and floor drains and OWTS requirements based on regulation 43.

Lori Catlin explains that again their floor plan is not engineered as of this time due to not wanting to invest a lot of money until after they have county approval. Her contractor will have the building plans certified before they move forward with construction. She explains that they

do not intend to have floor drains in the kennel area. They are going to use a vacuum system, which is specifically for this type of business. The vacuum system eliminates the need for “wet, wet areas” which are a breeding ground for bacteria. They will use a spray and vacuum it, which is more sterile than a bunch of water and drainage systems. There will be a drainage system in the bathroom and in the grooming area.

Ken VanIwaarden asks if the building will be required to be engineered. Dixie Diltz states that it will be a commercial building and will require engineering as such per the IBC. (International Building Code). Lori Catlin says they have talked with their contractor and have many upgrades planned for the building, but again they have not gone forward with the engineering until after they have county approval. Dixie Diltz states that she had agreed with the Catlin and that they did not need all the engineered plans at this time.

Lori Catlin explains that the building will have surveillance cameras and motion detectors onsite to be monitored 24/7. There will be someone at the business during the day hours. It is not an outside boarding kennel so dogs will not be outside barking all day. There will be scheduled exercise times, anytime animals are in the exercise yard a person must be outside with them and no more than 15 dogs per person. This is per the State regulations. The Catlin’s are working with Alpine Vet Clinic who will be their Veterinarian Representative.

Chairman Freeman addresses a letter received from Alice Gibson and Patricia Dye, neighbors to the east, and asks Bradley Catlin to respond to the questions presented in the letter.

Bradley Catlin, in response to the first question, explains that the building will be of 2 x 6 construction, equal to a house as for the insulation. The inside will be lined in all areas that will be in contact with the animals with a fiberglass material that the animals will not be able to scratch out or marred. This also provides a nice flat surface for the vacuum system to clean.

The second question concerns the dogs being boarded outside. As explained, the dogs will only be outside for limited time during the daytime hours. They will be in a fenced in area and will be accompanied at all times by an employee of the business. As for as odor control, (third question), Bradley explains that they will be using the vacuum system as discussed earlier. This system uses some great products for sanitation and eliminates the dampness that contributes to the breeding of bacteria and odors. They will have an on-site waste water system engineered to treat and dispose of wastewater. As far as outside, the exercise area will be cleaned daily and waste will be disposed of in the dumpsters.

Brad continues with question #4. Dogs will not be loose, each cage will have its own latch, the kennels will also have a fence surrounding them so if a dog were to get out of the kennel it will still be contained within the building area. The outside exercise area will be fenced as well as a 6-foot chain link fence surrounding the entire area of the kennels.

Question #5 pertains to after hours. Brad state that there will camera surveillance and motion detectors. The surveillance system is connected by Wi-Fi and will actually send them a text message if it detects any motion.

Question #6 on the letter is address by Ken VanIwaarden. The area is zoned agricultural residential and that is why the Catlin's are applying for the conditional use approval. It is not a use allowed by right, but could be allowed by conditional use.

Chairman Freeman turns the conversation to the plot plan that the Catlin's have presented, verifying that they do not want conditional use on the entire 40 acres. Brad explains that they have identified an area that is approximately 1.56 acres. Wesley O'Rourke question if the area is large enough to get the septic system on there. Ken VanIwaarden states that the must have a minimum of two acres. Bradley says they will increase it to at least the two acres

After no further discussion, Grover Hathorn makes a motion to recommend approval of the conditional use application for an animal boarding facility with the following condition.

1. A legal survey showing the area to be used for the boarding facilities to encompass a minimum of two acres.

Ken VanIwaarden seconds, the motion carries 6 aye to 0 nay.

Fourth Item of Business: Conditional Use application presented by Kelly Deacon for a Single wide trailer to be placed on agricultural ranching zoned property located on County Road 5 East and between the 7 north and 8 north. No County issued address at this time.

Chairman Freeman opens the discussion by identifying where the corner is located. It is proposed to be located in the southwest corner of the northwest quarter. North of the Hunter's house.

Kelly Deacon explains, there is currently a small building, a septic tank and leach field and well on the corner. There is electricity to the property and he has spoken with Colorado Division of Water resources and has an additional permit on the well if they have to drill a new one, but they believe the existing one will work.

Ken VanIwaarden questions the ownership of the property and the trailer. It is confirmed that there are two different owners. Ken refers to a section of the LUDC that states that an individual mobile home placed on private lot must be tied to the land. Dixie Diltz explains that the conditional use application is in the landowner's name. Kelly Deacon is the landowner. Mr. Barr is present as a representative of Mr. Deacon and is the trailer owner.

Leonard Brown discussed some questions on the septic system and the inspection report for said system. On the drawing, it shows a 1,000-gallon tank, however on the report is states it to be 1,250 gallon tank that is only half full. The inspection report states that it is a clamshell tank. Those tanks are notorious for leaking at the seam and are not approved per current regulation 43. The tank being half-full MAY be indicative that it leaks at the seam; however, we have no way of knowing for sure. It is possible that someone had pumped then only lived there long enough to fill it half-full. This is not something that Leonard feels should be a decisive factor on the

application. He feels it just needs to be in the minutes that the issues have been brought forward and the applicant made aware of the possibility of problems with the tank. Further discussion on the water tightness of the tank and distances between well and absorption field is held.

Ken refers to the section in the RGC Land Use Development Code page 66 (which was referred to earlier) that states that “where an individual mobile home is proposed to be parked on a private lotit shall be converted to a permanent improvement and supported on a permanent masonry foundation.” Ken explains that with two owners this would be a problematic and that a conditional use should pertain to the land and the landowner.

Dixie explains that the paragraph Ken is referring to, in her opinion is not enforceable, due to it contradicting itself as well as other sections of the LUDC. (Specifically the definition of “*dwelling*”) and the procedures within the Assessor’s office. After discussion, Ken VanIwaarden agrees that the section cannot be enforced.

Jim Barr says that the “house setter” he is using is a state licensed installer, and will be setting and tying the trailer as required by the State and the Rio Grande County Building department.

Wesley O’Rourke makes a motion to recommend approval of the conditional use application to place a singlewide mobile home on agricultural zoned parcel of land as presented by Kelley Deacon. Mike Mitchell seconds motion. Motion passes by vote of 6 aye to 0 nay.

Next meeting of the Planning Commission will be May 16, 2017 at 1:30pm.

With no further business the meeting is adjourned at 3:35p.m.

Respectfully submitted,
Dixie Diltz
Secretary of the Board