

## Planning Commission Minutes

For May 16, 2017

Members Present: Chairman Dwight Freeman, Grover Hathorn, Ken Vanlwaarden, Mike Mitchell and Dixie Diltz – Secretary.

Members Absent with notification: Wesley O'Rourke, Leonard Brown

Member Absent without notification:

Others Present: Vernon Mann, Monique Pfannenstiel.

Chairman Dwight Freeman Called the meeting to order at 1:36 pm.

Dixie Diltz request's the following amendments to the agenda,

1. Rio Grande Water Conservation District (item #3) is asking to have this hearing tabled and rescheduled for the month of June.
2. Add Chuck Heald under 'staff Items' to discuss setback issues on a proposed project.

Ken Vanlwaaden made a motion to approve the Agenda with amendments as requested.

Grover Hathorn seconded. Motion carried unanimously.

Grover Hathorn made a motion to approve the minutes of the April 18, 2017 meeting as presented; Ken Vanlwaarden seconds, motion carried unanimously.

First Item of Business: Minor Subdivision application presented by Vernon & Frances Mann.

The Mann's parcel of land is currently 48.32 acres; the proposal is divide this into four Tracts (parcels). Tract 1 is proposed to be 6.46 acres and contains a residence and outbuildings; Tract 2 is proposed to be 36.49 acres with the intention of selling said tract to the Del Norte Schools; tract 3 proposed to be 2.32 acres and contains a well that is encumbered to the La Mesa Ranchetts subdivision and tract 4 proposed to be 3.05 acres and is currently vacant.

Chairman Freeman asks Mr. Mann if he would still want to divide this property if the Del Norte Schools did not intend to purchase Tract 2. Mr. Mann states that the sale to the School District

is what initiated the desire to subdivide the land. This reason for the various lots is due to future estate planning. Mr. Mann states that his plan is for Tract 1 to eventually go to his daughter, who currently lives there. Tract 2 will be for the schools, Tract 3 contains the well dedicated to La Mesa Subdivision and Tract 4 will go to his nephew who owns adjoining property.

Ken Vanlwaarden questions tract 2 and the proposed 36.49 acres, referring to the code book, it states that an AE zone parcel should not exceed 35 acres as well as in the minor subdivision regulations on page 185 Article XXI. – A. Definition: A Minor Subdivision shall *consist of five or less lots of less than thirty-five acres each.....*”. Discussion continues regarding the inconsistencies with the current zoning and parcel size and it is determined that this may be the opportune time to correct these inconsistencies. Mr. Mann states that he will have the survey re-done making tract 2 to 35 or less acres and increasing the size of one of the other tracts. Discussion was also held in regards to the possibility of the School purchasing the property and the need for a conditional use on agricultural estate land.

Dixie Diltz stated that notification was sent to all property owners within 300 feet and public notice has been published in the Monte Vista Journal. No comments have been received. Rio Grande Road and Bridge had no comments regarding the accesses and SLVWCD stated that the water is of no concern.

Tract 3 was discussed at length, the private well owned by Mr. Mann located on this tract is adjudicated to the La Mesa Ranchettes subdivision. Heather Dutton had replied that the wells in the area and the lots being proposed would be allowed to purchase augmentation water. Confirmation of this had not been received from CDWR at the time of Planning Commission meeting. Dwight Freeman asked if there was anything documenting that the well on this tract is obligated to the subdivision. No one on the PC board knows the answer, it is strongly recommended that Mr. Mann create some sort of legal documentation clarifying the obligations of the well.

Mike Mitchell makes motion to recommend approval of the application with the condition that the preliminary survey be adjusted so that tract 2 is no larger than 35 acres and legal documentation dedicating the well on Tract 3 to La Mesa Subdivision. Ken Vanlwaarden seconds the motion. Motion carries by a vote of 4 aye/ 0 nay.

Second Item of Business: Exempt Division of Land application submitted by Eric & Monique Pfannenstiel, to divide approximately 4 acres containing residence, shop and outbuildings from

the balance of the parcel which is pasture land. This request is being made to facilitate a financial transaction.

Chairman Freeman reads the application. SLVWCD had responded that there is an existing well servicing the residence as well as an existing livestock well on the "pasture" parcel. Dixie Diltz confirms that Pat Sullivan, Rio Grande County Road and Bridge had reviewed the application and stated that both proposed parcels have existing access and he has no comments. Dwight Freeman asks if any of the surface water rights will stay with the larger tract. It is presumed that they will. The map is reviewed and Monique Pfanninstiel presents a letter from TJ Brown of Del Norte Bank that explains the reasons for the division request.

After discussion and review of the survey map and clarification of the access points, Grover Hathorn makes a motion to recommend approval of the division of land application. Mike Mitchell seconds, motion carries by vote of 4 aye to 0 nay.

Third Item of Business: Rio Grande Water Conservation District application for division of land is tabled and rescheduled for June.

Staff Items for discussion are presented by Dixie Diltz.

Steve & Tracey Schlabra have presented an application for an amendment of zoning on a parcel of land in the town of Cornwall in the Jasper area. The Schlabra's purchased this in a private land deal and presented in the building department for building permit. Upon research it was determined that the parcel is zoned "Commercial" and as such a residence would not be allowed by Rio Grande County Land Use Development Code. Researching historical documents it appears that in the mid 1980's the town of Cornwall was zoned primarily residential with a select few lots zoned commercial or commercial resort tourism. Dixie Diltz states she has spoken with Dave Slater who is the president of the Jasper Property Owners Association and Mr. Slater said he was unaware that the parcel was zoned commercial and he would have the secretary of the Board do an email vote of the members to see if there was any opposition to the zone change. Notification of the proposed zone change was sent out via US mail to all property owners within 1500 feet. One property owner (Mr. Wahl's) contacted Dixie Diltz after receiving the letter, but, was more concerned to see if his property was zoned commercial too. After verifying that the caller's property was zoned residential the caller stated that he feels Mr. Schlabra's SHOULD be residential and NOT commercial. No other comments have been received. The board of Planning Commission discussed the pros and cons of re-zoning just one parcel and not the entire block. The feelings of the Board are that it would be more ideal if the entire area were being considered. The fact that the association was polled and the majority of

the property owners association board members were in approval of the change would probably sway them to go along with the change. The Land Use Code Book was reviewed again and it was determined that the Board of Planning Commission is not required to hold a hearing and therefore not required to make recommendation on the application. Many paragraphs were read and a discussion continues regarding the many contradictory statements in this section of the Code Book.

The board also looked at a plot of ground that Mr. Chuck Heald is proposing to operate a storage business upon. The questions on the proposal were to determine the "Front", "Side" and "Rear" of the property. After reviewing prior building permits applications, Site development permits and the point of access of the property, the Board unanimously feels that the "Front" of the property is clearly on Swede Lane which is the northern boundary. The primary reasoning being the presidency set by the 2008 building permit and Site plan. It is the opinion of the Board that Mr. Heald should either re-work his plot map to be in compliance with the required setbacks or apply to the Board of Adjustment for a Variance. The Variance request is not likely to be approved in the opinion of the Planning Commission members due to the fact that it is a self-imposed hardship and setbacks could be accommodated.

With no further discussion the meeting was adjourned at 3:37 pm.