

Planning Commission Minutes
For January 17, 2017

Members Present: Chairman Dwight Freeman, Grover Hathorn, Ken VanIwarden, and Dixie Diltz - Secretary.

Members Absent with notification: Vice -Chairman Leonard Brown, Mike Mitchell and Wesley O'Rourke

Members Absent without notification:

Others Present: Lester Yoder, Eli Mast and Michael "Jay" Widger

Chairman Dwight Freeman called the meeting to order at 1:26pm.

Grover Hathorn made a motion to accept the Agenda as presented; Ken VanIwarden seconded, motion carried unanimously;

Due to not having a meeting in December there were no minutes to approve.

First Item of Business: Conditional Use Application for a Sawmill/Lumber Storage Yard to be located at 5595 E County Road 8 South, Monte Vista, CO. Application submitted by Eli & Amanda Mast.

Chairman Dwight Freeman reads application and verifies required documentation is provided. K. VanIwarden asked for and receives verification of taxes being current. D. Freeman continues reading the application and clarifies the trucks that will bring in lumber are "semi-trucks". In reviewing the map provided, D. Freeman questions which access is most used to access the property. Mr. Mast explains that both access points are equally used. K. VanIwarden explained how the property could have originally been addressed from Alamosa County legal description. K. VanIwarden expresses that in his opinion the address should be corrected to reflect the actual location of the property. Further discussion is held regarding the process of addressing property and the various departments that have been involved in assigning addresses in the past. Secretary Dixie Diltz reminds the board that a determination of correct address is done within the Building department and not by the Planning Commission Board. Chairman Freeman moves the discussion back to the application and the size of the property owned by Mr. & Mrs. Mast and where on the property they plan to locate the sawmill operation. Mr. Mast states that at the present time he only plans to use the area he is currently using for sawmill business, (the

southwest corner of his property) however if the business were to expand he may need to use more of the “pasture” area of property.

K. VanIwarden states that “the Land Use Development Code is silent on allowing a Conditional Use in the AE district, what that means is that he is not even eligible to apply for a conditional use in an AE district.” Secretary Diltz confirms that this is what the Code Book states. K. VanIwarden states that in his opinion “we shouldn’t even be addressing this issue”, “in the use table it is not even listed as eligibility for a conditional use.”

Secretary Diltz explains that she explored different classifications, “such as lumber storage, however, it would still not be allowed in an AE district”. “I couldn’t find any category that it fits in with in the Land Use Code”, this is the reason I had to recommend denial.

D. Freeman states that Mr. Mast is operating a sawmill business currently that was put into operation without the permission of the County and which should not be there. K. VanIwarden agrees with D. Freemans statement and repeats that the current operation is in violation of the Land Use Code. Mr. Mast questions if that is due to the area or the size of the property. K. VanIwarden explains that the property is zoned AE “Agricultural Estate” and the operation of a sawmill is not allowed in an AE district. K. VanIwarden further explains that since Mr. Mast is already operating a sawmill in an AE district he is in violation of the Land Use Development Code and the operation should be removed from the property. This would be Code Enforcements duties to follow up on.

Mr. Yoder, in attendance with the applicant, asked if the size of the property is why it is zoned AE? He then asks what the possibility of rezoning the property would be. The Codebook states that a rezoning is typically not done to benefit a property owner, nor to rectify a violation by a property owner. A rezone should only be considered when a property was incorrectly zoned or there is a reasonable benefit to the entire community/county. K. VanIwarden explains this to the applicant. D. Freeman follows K. VanIwarden’s explanation by telling Mr. Mast that what he needs to do if he wishes to operate a sawmill is to acquire some land in a zoning district that allows such use, (Industrial) or in an agricultural ranching, agricultural forest or commercial district that would then qualify to apply for a Conditional Use.

G. Hathorn agrees with the statements made thus far. “It’s too bad that you can’t do on your property whatever you want to do, but as far as the Planning Commission Board is concerned, there’s nothing we can do to allow the sawmill that wouldn’t be violation of our own codes.”

Secretary Diltz reminds the PC Board and the applicant that the PC Board will do one of two things today. They will either recommend to the Board of County Commissioners, approval or recommend denying the application. The applicant will still go before the Board of County Commissioners for final decision either way.

Chairman Freeman calls for a motion. K. VanIwarden makes a motion to recommend to the Board of County Commissioners that this application be denied because it is not eligible for conditional use in an AE zone. G. Hathorn seconds this motion. Motion passes by a vote 3 aye to 0 nay.

Second Item of Business: Exempt Division of Land to divide 3.88-acre parcel of land from an 80-acre parcel. Property is located at 8698 S County Road 3 East, Monte Vista. Application submitted by owners Karen Widger and Michael Jay Widger.

Chairman Freeman reads the application and clarifies with the applicant that the intentions of property owners is to sell the 3.88-acre parcel containing a residence and several outbuilding and to retain the farm ground. The party whom wishes to purchase it currently occupies the residence.

Jay Widger explains the survey and aerial views of the property to help the board understand where the new property lines would be drawn. Clarification of access points to each parcel and the reservoir location is provided. The reservoir will be attached to the 40 acres parcel to the south (also owner by the Widgers’).

D. Freeman asks for clarification on where the sprinkler end tower would be. Discussion continues as to the where the spray from the end gun reaches and if it will spray on the property line. The Land Use Development Code states on page 181, Article XX – D -3 –b. states “A Buffer Zone adequate to ensure that the pivot sprinkler / end gun will not cause disturbance to any structure and/or access easements.”

K. VanIwarden also questions the access to the proposed access and the farm property line. The survey is further study and it is determined that there is an easement provided for each property.

K. VanIwarden questions what the minimum lot frontage is allowed in the Codebook. It cannot be found to be addressed in the Code.

D. Freeman questions if the curved line on the survey is a sprinkler track line or if it is the end gun spray line. It does not seem to be identified on the survey.

Setbacks from the existing buildings was discussed and it was determined that this requirement has been meet.

It is recommended that the applicant return to his surveyor and have the spray line or sprinkler track line be identified on the survey. It is also recommended that the surveyor also state the 25’ setback distance from buildings to property line.

Chairman Freeman calls for a motion: K. VanIwarden makes motion to recommend approval of application base on the Article XX section D, 3, b., of the Land Use Development Code. With the final survey to include the items as noted above and in the Article XX of the LUDC. Motion seconded by G. Hathorn. Motion passes by vote of 3 aye to 0 nay.

With no further business meeting adjourned at 2:35pm.

Respectfully submitted,
Dixie Diltz
Secretary of the Board

