

Planning Commission Meeting  
November 10<sup>th</sup>, 2009

## I. CALL TO ORDER

Chairman Dwight Freeman called the meeting to order at 1:30pm. Other members present were Janice Slade, Vernon McCallister, Gary Seger, Pam Bricker, Craig Franke and Rose Vanderpool, Secretary.

Members absent:

Others Present: See File

II. Chairman Freeman called the meeting to order at 1:40 pm. A motion to approve the agenda as submitted; Janice Slade moves to approve; Vern McCallister seconds; motion carried unanimously. Chairman Freeman then asked for additions or corrections to the July 21<sup>st</sup>, 2009 minutes; Janice Slade moves to approve the minutes as submitted; Vern McCallister seconds motion. Motion carried with 6 ayes 0 nays.

## III. NEW BUSINESS

First Item: An Exempt Division of Land submitted by Michael and Glenalee Mitchell for a parcel of land located in the SE<sup>1</sup>/<sub>4</sub> of Section 11; Township 39N; Range 8 E; NMPM Rio Grande County. Mr. Mitchell would like to split off approximately two (2) acres (farm house) for his son.

Mr. Mitchell submitted with the application, an aerial photo that he received from NRCS that shows the layout of the land. It is clear that the 100' buffer from the sprinkler end gun tucks real tight to the shop/storage building. The (new) boundary line formed cannot meet the 100" buffer without encroaching into the farm ground. Mr. Seger stated that the use is grandfathered and it shouldn't matter in this case. It is, and should be considered as a grandfathered use. We have approved other divisions that haven't met the required buffer. Chairman Freeman entertains a motion; Vern McCallister moves to recommend approval with the following contingency; An agreement from both parties regarding the buffer zone or if the survey proves a variance is not needed. Pam Bricker seconds motion. Motion carried with 6 ayes 0 nays.

Second Item: A Conditional Use submitted by James & Karla Willschau to stockpile and/or store equipment for SLV Earth Movers Inc., on their property located in the NW<sup>1</sup>/<sub>4</sub> Sec 9--38N-8E containing 160.00 m/l. The area to be used for this purpose is the northeast corner of approximately 6.00 acres m/l. Mr. Willschau stated that he hopes to purchase property in the future and to rezone that would allow this use, but at this time, he needs a place to store his equipment and stockpile miscellaneous stuff acquired from his construction business. Gary Seger stated that he doesn't have a problem with the equipment or even the gravel it's the other stuff e.g. rebar, concrete, tires, and scrap that is the concern. Chairman Freeman agreed. Mr. Willschau stated that that scrap is cost prohibitive to crush or remove until he can recoup the expense to hire a crusher/rent. The Board discussed fencing. Mr. Willschau stated that he priced

a chain link fence with slats and/or a berm the expense is cost prohibitive. The Board discussed giving Mr. Willschau an approval for five years with a yearly review. Rose Vanderpool Land Use Administrator stated that that was too long of a timeframe maybe two years would be better. Chairman Freeman entertained a motion; Gary Seger moves to recommend approval for the conditional use for five years (Nov 10, 2014) and is specifically for SLV Earth Movers Inc; Craig Franke seconds motion; motion carried with 6 ayes and 0 nays.

IV. OLD BUSINESS: With no further business meeting adjourned at 3:30pm.

Next meeting: TBA

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Secretary

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Chairman