

Planning Commission Meeting  
July 19, 2011

## I. CALL TO ORDER

Chairman Dwight Freeman called the meeting to order at 1:30pm; other members present were Pam Bricker, Grover Hathorn, Gary Seger, Vernon McCallister and Rose Vanderpool, Secretary.

Members absent: Leonard Brown

Others Present: Connie Reece, Larry Rinebarger, Ron Rinebarger, Jen and Matt Folbo, Erik Larsen of Xcel Energy and Bruce Steffens

II. Acceptance of Agenda: Pam Bricker moves to accept the agenda as submitted; Grover Hathorn seconds; motion carried unanimously.

III. Accept Minutes: A motion to approve the June 21, 2011 minutes; Grover Hathorn moves to approve the minutes as submitted; Vernon McCallister seconds motion; motion carried unanimously.

## IV. NEW BUSINESS:

First Item: Carl Worley/Xcel Energy-Erik Larsen-Conditional Use Application; Chairman Freeman read the application and attachment thereto for placement of a Regulator Station; The location of this Regulator will be in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 33; township 40N; Range 8E of the NMPM. The land owner, Carl Worley has submitted a letter of agreement for Permanent Easement and Permanent Access at this location. Mr. Larsen stated that the Regulator will be set in the southerly portion of the parking lot, parallel to county road 2E. Mr. Larsen stated that Xcel has determined this area as a high density area, (e.g. Sargent School, residences and a high labor work force) and will add this regulator station to down rate the pressure below 150, it will be fenced and locked. This will minimize high pressure points of the gas pipeline in this area. The structure as noted in the attachments will be an 8x8 10X10 building, it will not create sound, smell or vibration; it will be 65 feet from the road and will be approximately 450 feet from the Sargent School. Chairman Freeman entertains a motion; Gary Seger moves to recommend approval; Pam Bricker seconds motion pending survey; motion carried with 4 ayes; 1 absent and 0 nays.

Second item: J.B Steffens-Conditional Use Application; Chairman Freeman read the application, and attachments thereto to allow temporary storage of a 588 square foot mobile log cabin/office unit; Mr. Steffens stated that he would like to store this unit on 40-acres of land he owns on County Road 29. (Legal description: SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 28-38-7) Mr. Steffens requested a time frame of seven years to allow him time to move it to a suitable location to continue the use as a realty office or sell it or live in it himself, and at which time all permitting required by Rio Grande County for whatever use, will be pulled. Mr. Steffens stated that it has a bathroom but

doesn't have a kitchen. A propane heater when needed was used at the previous location. Mr. Steffens placed a septic system but was not wired for electricity.

Rose Vanderpool Land Use Administrator stated for the record, that this issue came about a couple weeks ago. The Building Department made the initial contact in regards to building issues and turned out to be a Land Use Issue; rather than waiting a full month to schedule this before the Planning Commission, I made an executive decision to add this item to the July 19<sup>th</sup>, 2011 Agenda. Notification of fifteen days was not possible, I didn't schedule with the Commissioners for approximately thirty days which gives notification of approximately 42 days total before a final decision will be offered on August 24<sup>th</sup> at 10:00am this would allow adequate notice to determine an informed decision. The notice to property owners within fifteen hundred feet were a total of four, two of those per the Assessor's Records does not provide a mailing address (BLM or Rock Creek Cemetery) I found an address for BLM (Alamosa Office) and sent the notice; no response and never do on any notifications sent to BLM. (Rock Creek Cemetery no luck)

Ron Rinebarger asked how long is temporary; Mr. Steffens stated "until I determine a project, depending on housing and/or the real estate market.

Susan Reece asked who owns the property. Mr. Steffens stated that he owns the property and he did provided a copy for the record.

Ms. Pam Bricker asked if this building was placed on permanent foundation at the previous location and was the septic illegal. Mr. Steffens stated that it was not on a permanent foundation and the question in regards to the septic was not clear. The Planning Commission discussed disclosure issues regarding the fact that in the event the 40-acres are sold with the cabin/unit the potential buyer will not know that a building or septic permit is needed. Mr. Steffens stated that he did not feel that that should be a county concern it would be illegal for the county to cloud title. Mr. Steffens stated that he is well aware that if he decides to live in it that he needs to pull permits. A discussion in regards to access for the 40-acres and Mr. Steffens stated that we would need to research that. The planning Commission referred to the definitions of the Rio Grande County Development Code for the word "temporary" "uses established for limited duration at a specific location, with the intent to discontinue such use upon the expiration of a set time period established by these Regulations. Temporary uses are land uses that do not require any new permanent structures or improvements for their operation; may use existing buildings or improvements; shall not include continuing a nonconforming use or building; does not result in any long-term impact on surrounding properties". Chairman Freeman entertained a motion; Mr. Grover Hathorn moves to recommend approval with the following: (1. temporary storage, ending July 19, 2014, of the mobile office/unit on the 40-acres located in the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 28-38-7; (2. the status of the storage of this unit is to be reviewed annually by the Land Use Administrator to verify no change in use has occurred. (3. at the time of expiration, Mr. Steffens will need to comply with the then current Rio Grande County Regulations. (4. this approval is non-transferrable in regard to this applicant, this particular mobile office/unit, or this particular described real property

V. Old Business: None

VI. Adjournment: Meeting adjourned at 4:00pm.

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Secretary

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Chairman