

Planning Commission Meeting
December 13, 2011

I. CALL TO ORDER

Chairman Dwight Freeman called the meeting to order at 1:35pm; other members present were, Grover Hathorn, Gary Seger, Vernon McCallister, Leonard Brown, Pam Bricker, Mike Mitchell and Rose Vanderpool, Secretary.

Members absent:

Others Present: Marvin Bontrager, Lester Yoder, Alvin Mullet, Henry Jacobsen- Viaero Wireless and R.A. Forest

II. Acceptance of Agenda: Grover Hathorn moves to accept the agenda as amended; Vernon McCallister seconds; motion carried unanimously.

III. Accept Minutes: A motion to approve the November 15, 2011 minutes was offered by Vernon McCallister and seconded by Leonard Brown.

IV. NEW BUSINESS: First item on the agenda; Marvin Bontrager conditional use request. The matter was reviewed and tabled at last month's meeting due to the broad scope of the business. Mr. Bontrager explained that he would like to do more than small engine repair-which would have limited the business to just repairing lawn-mowers, chain saws, and weed eaters. Mr. Bontrager is looking more into retail of various auto parts and small engine parts which would also include oil changes. (Repairs and sales) Mr. Bontrager has an existing barn that is adequate at present time but later on would like to add on the barn about fifteen to twenty feet to the south that would include a sales floor/room that will carry new equipment, lawn and garden, generators, pressure washers and also stock parts for repairs and sales. Mr. Bontrager asked about signage. Rose Vanderpool referenced the Rio Grande County Code Book (Article XI., (pg 71); (H). (a),(b),(c),(d),(e) "On premise signs only" and does require a county permit and applicable fees. The oil that is drained will be contained in barrels and as stated in the previous minutes, will be used as a heating source for an adjacent neighbor. Chairman Freeman entertains a motion; Vernon McCallister moves to recommend approval for a 1. Small engine repair-Lawn and garden equipment, chainsaws and light work on cars/trucks specifically oil changes, brakes, shocks and alternators. 2. Stock parts for repairs and sales which could expand into a Sales floor as the business grows; Mike Mitchell seconds motion; motion carried unanimously.

Second item on the agenda: Lester Yoder Conditional Use modification; as stated in the minutes of June 21, 2011; approval was given to fabricate process trusses. The applicant Mr. Troyer and Lydiann have since sold the property and Mr. Yoder needs to re-locate. Mr. Yoder is requesting approval to move the business to his property/parcel which is located in Tract 4 Wildlife Estates containing 36 acres m/l. Chairman Freeman read the application and attachments; Chairman Freeman asked if any comments were received? Rose Vanderpool stated that Hubert Marquez came in and called with his concerns. 1. How big will the building or the operation be? Will it be

just trusses or move on to other items? 2. Visual impacts 3. Access – Mr. Marquez per deed restriction has to abide by a 30' ROW easement for access. Mr. Marquez stated that this easement is for residential uses only. Mr. Yoder stated that there may be one vehicle a day but the worst case, it's more like two to three trips a week by a flat bed trailer/Semi delivering lumber and/or to pick-up the trusses for delivery. Mr. Yoder placed crushed asphalt on the row this summer. This business is not sawmill. The trusses are computerized drawings/plans. The Board asked Mr. Yoder if there were any future plans to add other products. Mr. Yoder stated at this time it's just trusses. Visual impacts were discussed. Mr. Yoder stated that there will be lumber and/or trusses outside the building for a week or two before moving inside or off site. Mr. Yoder uses diesel generator for power. Chairman Freeman entertains a motion; Pam Bricker moves to approve with conditions; 1. Access right-of-way is it exclusive to residential traffic only; 2. This conditional use is for trusses' only; Leonard Brown seconds motion; motion carried with one abstention.

Third item; R.A. Forest/Viaero Wireless – Conditional Use for a 120' cellular tower. Chairman Freeman read the application and attachments. Mr. Henry Jacobsen explained that Viaero Wireless is continuing to provide cellular service in the area. This tower will be placed as far east as possible on high ground as to not impact wetlands. The report submitted by US Dept. of Interior which describes the wetland area states that the “towers should not be sited in or near wetlands”; even though the wetlands were created artificially the area now is considered “wetlands” and are protected areas. Mr. Jacobsen stated that the towers Viaero install do not require guide wires. The guide wires are not noticeable to birds and they fly into them. The base of the tower will be fenced to keep people out after construction is complete, and there will be monthly maintenance required. Mr. Leonard Brown asked if the site could be moved to the south. Mr. R.A. Forest stated that if they would go south it gets into tillable land and he would rather not do that. Chairman entertains a motion; Pam Bricker moves to recommend approval for the conditional use to allow 120' tower; Vern McCallister seconds motion; motion carried. The second request from Viaero Wireless is an exempt division of land. There is an existing access to the west off of Hwy 160 that Viaero will use. They will not use the main access to Mr. Forest's property. Chairman Freeman entertains a motion; Pam Bricker moves to recommend approval pending survey; Leonard Brown seconds motion; motion carried.

A discussion was held in regards to requesting a hearing with the COGCC; the San Luis Valley Ecosystem had submitted with their comments a request for a hearing. Rio Grande County did not submit a request for a hearing at the state level. So, it was asked that the county either consider to support the ecosystem request for a hearing or ask the COGCC to allow the county to assume the request for a hearing submitted by the ecosystem and the ecosystem would join in as concerned citizens' and not as the primary requester. The number one issue is our unique hydrology. 2. Sloppy application/miss-information. The Planning Board did not agree that a hearing is needed. All our concerns were pointed out in the comments submitted to the COGCC. It was finally agreed upon, that the county request a hearing on behalf of the residents of Rio Grande County. **Side note: Rose Vanderpool met with the Commissioners the next day to discuss and get their approval to request a hearing. The Board of County Commissioners' did not agree to request a hearing. All issues have been addressed, and pointed out to the COGCC not to mention, numerous meetings we have already held. The COGCC is well aware of our*

concerns. The Commissioners decided to submit a letter of no objection to the San Luis Valley Ecosystem in regards to their request for a hearing with the COGCC.

V. Old Business: None

VI. Adjournment: Meeting adjourned at 3:30pm.

Secretary

Chairman