

## Planning Commission Minutes

For April 17, 2018

Members Present: Chairman Dwight Freeman, Leonard Brown, Mike Mitchell, Wesley O'Rourke and Dixie Diltz – Secretary.

Members Absent with notification: Grover Hathorn, Randy Kern

Member Absent without notification:

Others Present: Steven (Levi) Shaw, Brenda Rippe-Venter, Dale Trujillo, Greg Atencio, Marie Medina, Larry Atencio, Jonathan Moore and

Chairman Dwight Freeman called the meeting to order at 1:34 pm.

Mike Mitchell made a motion to approve the Agenda with the change of approval of Minutes to the end of the meeting. Leonard Brown seconds. Motion carried unanimously.

First Item of Business: Conditional Use Application submitted by Sunka Wakan Ranch, Steven (Levi) Shaw and Brenda Rippe for a placement of a Single Wide Mobile Home on property located at 5841 W. Highway 160, Monte Vista, CO.

Leonard Brown requests to be recused from meeting due to prior business dealing with applicants. Chairman Freeman accepts Browns requests.

Chairman Freeman gives a brief overview of the application and confirms the property is 22 and ½ acres, located across Highway 160 from the SLV Regional Land Fill. Secretary Diltz explains to the Board that Mr. Shaw and Ms. Rippe were in front of the BOCC in mid-March in regards to a Blight issue on said property. The BOCC had requested that the applicants get an inspection of their septic system and that they continue to show progress on the clean-up of their property. Ms. Diltz asked Mr. Shaw if he had gotten the septic report. He had not.

Chairman Freeman asks if Mr. Shaw lives on the property at the time. Mr. Shaw states that he is living in a camper on the property currently. He would like to move the single wide trailer onto the property and hook it up to the septic and “just see if everything works”. Mr. Shaw also says that he understands they have a lot of stuff out there to get moved but health issues have prevented him from accomplishing much so far.

Chairman Freeman asks Ms. Diltz if she had noticed any improvements. Ms. Diltz stated she has not noticed any improvement in the past month. Chairman Freeman asked Mr. Shaw if he has

accomplished any clean up improvements. Mr. Shaw says he has clean up the west side of property, removed all the rolls of fencing and along the drive way.

The proposed mobile home is a 1995 and is currently located approximately 1 mile away. Chairman Freeman asks Leonard Brown, although he had recused himself from the meeting, if he had ever seen the septic on this property. Mr. Brown states he had pumped it approximately 15 years ago, and could not comment on the present state of the system. Chairman Freeman asked Mr. Shaw if he would be committed to replacing the septic if the existing one is none functioning. Mr. Shaw says he is, he also states he will have someone do an inspection on the current system. The proposed placement of the single wide trailer on the northern portion of the parcel, behind the trees, is discussed.

Larry Atencio, Greg Atencio and Marie Medina are property owners in the area and speak to the Board in regards to previous issues they have had on their property. They are in attendance to learn more about the proposed application and what the impacts it may cause to their property. They are not opposed to the Single Wide trailer, but are more concerned about the possible effects of the overall use of the property.

Dale Trujillo owns neighboring property to the east of proposed parcel. He states he is not opposed to the placement of the trailer house, but he is concerned about the blight on the property and wishes to see that issue addresses more.

Secretary Diltz reports to the board that she had received a phone call from Michal Sweetnam another neighbor. Mr. Sweetnam was asking for clarification on the location of proposed property, concerns about the blight on the property, but did not state if he was opposed nor unopposed to the trailer placement. Ms. Diltz also received a call from Mr. David Scheel a property owner across the highway, Mr. Scheel had stated he may attend today's meeting.

Wesley O'Rourke makes motion to recommend approval of application with the stipulations that the applicant obtains an inspection of the septic system and continues to address the blight. Mike Mitchell seconds: motion passes on a vote of 3/0.

Leonard Brown rejoins the Planning Commission Board.

Second Item of Business: Conditional Use application submitted by School District No. 8 / Community Energy Solar, LLC. for a 2MW community solar farm to be located on property leased from the Monte Vista School District, located at 283 S. County Rd. 3 E, Monte Vista. The proposed leased property will encompass approximately 13 acres of the 71.58 acre parcel. The parcel is currently zone AE and is used as a public school with limited hay production in the area proposed for the solar array. Notification was mailed the neighbors within 1,500 feet on March 26<sup>th</sup> and published in the Monte Vista Journal on March 28<sup>th</sup>. Patrick Sullivan ( RG Road & Bridge) reviewed the application and had no concerns as long as the applicant obtains access permission from Mr. Mark Deacon as shown on plot plan. Per the LUDC List of uses, electric power generation facilities are allowed by conditional use in an AE zone district.

Chairman Freeman asked if the reason for the location is the proximity of the substation. Mr. Jonathan Moore confirms this. The size and height of the solar panels is discussed. A photo of a solar farm in southern portion of the SLV, near La Jara, is shown as the best example Mr. Moore can give. Mr. Moore gives a quick overview of the system and the tracking of the units, tilting from east to west tracking the sun across the sky. There is no rotation or tilting north and south. The solar panels are approximately 4 foot high when flat and no more than 9 feet tall at full tilt. This is a community scale project not a utility scale project like the 100 acre farms in the northern Alamosa area.

Access from County Road 3 East is proposed by crossing Mr. Deacon's property. Set back and easement issues for the Lariat Ditch are discussed. No comment was requested from the Ditch Company; however Secretary Diltz and project manager Moore will make contact with the Ditch Company to get comments prior to the BOCC meeting. Overall setbacks from the property lines are discussed. The applicant is questioned as to the reason he has chosen to do a 2MW system. It is explained that the State Laws will not allow more than 2MW systems to be considered "community solar farms". Mr. Moore explains that they sign a power purchase agreement with Xcel and then by state law they are bound to offer 20 year ownership subscription interest in the project. Mr. Robert Webb, Superintendent of Monte Vista School states that the School is interested in being a subscriber as well as leasing the property. The school can lease the property for the solar farm for more than the property is worth to them as agricultural land, and the dollars received are to be used for professional development needs for the district.

Mike Mitchell questions the weed control and decommissioning of the solar project. Mr. Moore states that Community Energy is responsible for both and that is written into the contract with the Monte Vista School. He also says that Community Energy Solar will do what is needed to control the weeds, probably through a subcontractor.

Mike Mitchell and Wesley O'Rourke discuss the comment received from Luke Hoffman and the Colorado Department of Wildlife. Secretary Diltz explains that the comment was received minutes before the start of the meeting and that she had not had opportunity to read it or to forward it to Mr. Moore. Mr. Moore states he will review the comments and provided materials and make contact with the Division of Wildlife to address any concerns prior to the next meeting.

Mike Mitchell makes a motion to recommend approval of the application with the stipulation that setbacks and ditch easement are addressed and access is obtained from Mr. Deacon. Leonard Brown seconds the motion: motion passes 4/0

Third Item of Business: Amendment of Zoning application received from Joseph and Regina Yoder, requesting to change the zoning of their property from Agricultural Estate (AE) to Agricultural Ranching (AR). The proposed parcels are Tracts 2 and Tract 5 Pease Subdivision located at 4250 East County Road 7 South, Monte Vista. Also included in the application is property owned by Andrew Depoy, Tract 3 and Tract 4 Pease Subdivision, located at 7392 South County Road 4 East, Monte Vista.

Mr. & Mrs. Yoder nor Andrew Depoy is present at hearing. RGPCPC decides to move forward on the application in their absence.

Secretary Diltz informs the board that notice of application was mailed to neighboring property owners within 1,500 feet on March 29 and was published in the Monte Vista Journal on April 4. The parcels being proposed are pointed out on the zoning map and Diltz states that she was unable to determine when or why the parcels were originally zoned AE and feels that maybe they were zoned AE in error. All parcels are over 35 acres and are surrounded by AR zoned land. Ms. Diltz had spoken with Tom Hinton whom owns the 5<sup>th</sup> tract of land in the subdivision and he was not opposed to the application. Wesley O'Rourke questions what the benefit of the zone change would be and Diltz explains that with the agricultural ranching zoning the applicants would be eligible for more conditional use uses. Discussion is held regarding how the original zoning was assigned. Chairman Freeman talks about a time when the Master Plan was being redone and he thought the county had allowed property owners to come in and request a specific zone.

Mike Mitchell makes a motion to recommend approval of the application to the Board of County Commissioners. Leonard Brown seconds motion: Motion passes on vote of 4/0.

Mike Mitchell moves to have Dixie go to commissioners and request we do a rezone of the southern portion of the county. Several board members agree that this would be a good idea. No motion made.

Approval of Minutes: Discussion of the previous meeting and the lengthy minutes, several typo corrections are suggested. Leonard Brown makes a motion to approve the minutes with corrections. Mike Mitchell seconds motion: motion passes on vote of 4/0.

Staff Item: Brief update on the recruitment of new board members is given. It is planned to have new members by the next meeting.

With no further discussion the meeting was adjourned at 3:45 pm.

Next meeting June 19<sup>th</sup>, 2018