

Planning Commission Minutes

For November 20, 2018

Members Present: Chair Dwight Freeman, Vice Chair Leonard Brown, Everett Myers, Cary Aloia (Alternate), Mike Mitchell, Grover Hathorn, advisory member Randy Kern and Dixie Diltz – Secretary.

Members Absent with notification: Charles Stilling (Alternate),

Member Absent without notification:

Others Present: Sign in sheet attached.

Chairman Freeman called the meeting to order at 1:31 pm and seats Cary Aloia to fill the seat vacated by Wesley O'Rourke, and request to add the permanent seating of Cary Aloia to the agenda.

Grover Hathorn makes motion to approve agenda with modification, Leonard Brown seconds', Motion passed.

Mike Mitchel recommends two grammar corrections to the October meeting minutes. Mike Mitchell made a motion to approve the minutes of the October 16, 2018 meeting with corrections. Everett Myers seconds. Motion carried unanimously.

First Item of Business: President Freeman reads the conditional use application presented by William & Nora Schoen and Thomas O'Rourke for a 10 acre Sand & Gravel Yard located 5367 County Road 15, South Fork. The parcel of land is currently 295 acres zoned agricultural ranching. No water or sewer is necessary for the proposed application.

Secretary Diltz reports to the Board that 374 notification letters were mailed to property owners within 1,500 feet of the applicant's property on October 22, 2018 and notification of public hearing was published in the Monte Vista Journal, the newspaper of record for Rio Grande County, on October 31, 2018. 20 phone calls or office visits were received in the Land Use Office in regards to the application. A log of said calls or visits was included in Board members packet. (attached) 21 written correspondences were received and included in the Board members packets as well, 4 of which were in support of application, 16 in opposition and one neither in support or opposed. Secretary Diltz read a listing of the persons who had sent written correspondence and gave an overview of the reasons listed. Those in support of the application stated their reasons to be, It is a needed product locally, the land it is proposed on is agricultural land, and alternative development may be less desirable. The reasons for opposition were traffic, road deterioration, dust and noise, property values and wildlife impacts.

Chairman Freeman asks Mr. Schoen and Mr. O'Rourke to give an overview of their application. Tom O'Rourke explains the Bill Schoen had called him because he wanted to lower a section of his field and harvest some of the gravel for his driveway/roads on the property and have a minor gravel yard. The area is approximately 10 acres, with the road and the reclamation slope taken out of those 10 acres the pit itself would be closer to 7-1/2 to 8 acres. There will be crushed gravel on the roads and all the stringent regulations required by the State would be followed. Mr. Schoen would get an improved field, improved wildlife habitat once reclaimed and gravel for his roads. The depth of the pit would probably be 14 feet, it will depend on the water table, and the pit located directly across the fence is about 12 to 15 feet.

Grover Hathorn questions what roads will be used, Tom states that access is on County Road 15. From there to County Road 19 to Highway 160, mostly. It will depend on where the delivery is going. Leonard Brown asked if there will be a hole when the product is done. It is confirmed that there will be, however it will be reclaimed as per division of reclamation regulations. Leonard Brown states that he visited the site and saw the existing pit on property to the east and noted how it is re-growing vegetation. Everett Myers questions the water supply for Mr. Schoens' property. Cary Aloia asked what other areas of the land they may be taking top

soil from “high spots”. William Schoen shows on the map a few spots that he may have leveled. Mike Mitchell verifies that Tom O’Rourke intends to stay above the water table, Mr. O’Rourke says he will and that will be regulated by the Division of Mining. He also explains to the Board that he will have to put up a bond with the Division to assure that reclamation will be done once the project is completed. Randy Kern questions what the time frame would be for the project if approved? Tom O’Rourke estimates that it would probably be completed in 8 years depending on gravel sales, he did put 15 years in the application, again it would depend on gravel sales. Cary Aloia questions when most of the work would be done and it is stated that it would be in the spring time that they would crush, product would be stock piled on site and then moved whenever there is a sale of the material. It probably won’t be an everyday thing, just a couple trucks a couple days a week, when there is a need for product somewhere. It is not a big commercial pit.

Chairman Freeman questions applicants about what the near residences would be dealing with if this application is approved. Mr. O’Rourke explains again that there would likely be a two week period when the crusher would be there, this is noisy, but would be daylight hours only. Then it would probably be only a few trucks a week for short period of time to load. And only when there is a sale of material so it depends on when the phone rings. Mr. O’Rourke would purchase water from the golf course to use when crushing. Secretary Diltz informs the Board that the application was sent to Division of Water Resources, there was no comment received from them.

Chairman Freeman refers to the Land Use Development Code and asks for the applicant to respond to the 7 criteria listed in Article 12, paragraph 9 & 10. To the issue of surrounding land uses, Tom replies that he felt the location would be acceptable due to the presence of the existing pit on adjoining property owned by River Island Ranch and that those lots are still vacant and have not been improved. “Alpine Village is almost a mile to the west and if you look at any gravel yard in the county there is a residence around. You have to have the gravel pit where the gravel is, you can’t go up into the mountains where no one is around”. To the statement about truck traffic and residential roads he replies that most of the deliveries of gravel are to residential job sites or residential properties. Because of where he is delivering he will have to use residential roads. Most of the traffic will probably be heading west on County Road 15.

Questions arise concerning whether the application would be a minor gravel pit or major. Secretary Diltz explains that according to the RGC Development Code, a minor gravel yard would be exclusively for use of the property it is on, no exporting to other location or transporting on public roads.

Tom O’Rourke agrees that the gravel site would be visible from adjacent residential properties. There is only one residence that is immediate adjacent residential property. Tom says there will be no vibration, there will be noise when they are crushing, approximately 2 weeks, then the only noise will be when they are loading a dump truck which is terribly loud.

Chairman Freeman continues to read the remaining statement from said section of Article VII, which states that the county will require a copy of the approved permit from Division of Reclamation if so approved.

The existing pit on adjacent properties is discussed. This pit was for the use of the development. Grover Hathorn questions if there is another area on Mr. Schoen’s property that would be less intrusive to the neighbor. Mr. Schoen says there may be, he would still want to remove the material from this area, but it could be pushed over to another location on his property. Chairman Freeman asked if as farming property the owner could do land leveling without a permit. Secretary Diltz says this is what the difference between minor and major is.

Tom O’Rourke states he does have a gravel pit on County Road 18, which will probably run out in 5 to 8 years, so this is possibly a replacement.

Chairman Freeman states that the Board will first hear from anyone in audience in support of the application. Dave Barbour states he has adjoining property and feels that the proposed application would have less impact

than other types of uses that Mr. Schoen could use his property for. Fritz Allen states he is in support and that it would be a good, close supply of gravel to meet the needs of South Fork residences and future development. He feels that everyone who has a house here needs to realize their place used gravel that was harvested locally, and future buildings need to have the availability of local gravel as well. Hap Chapman comments that everyone needs to consider the local need for gravel; he refers to the local airport which used thousands of yards of gravel. This airport is an assist to Del Norte and surrounding municipalities. He feels that for those in the Indian Trails subdivision the only way they would be able to see the gravel yard is if they have cut down all the trees along the river. The noise from Highway 160 will be greater than what they will hear from the gravel yard. There will be no contamination of water because Indian Trails is on its own aquifer. Chip Medina states he is in support of project, he agrees that the local supply of gravel is beneficial to the area and most of the gravel that leaves the pit will be going into a residential area, so the trucks will be on residential streets any way. He thinks the project will eventually improve the area for wildlife.

Arlene Oakes states that she was initially opposed to the project until she came to the meeting, saw the map and heard the information. She originally thought it was going to be in Alpine, but after seeing the map she is in support of it. South Fork needs the revenue. Gravel is in demand and if it's not bought from Tom it will be bought somewhere. At least Tom will be paying local taxes, we all win. Bill Morgan speaks states he also came against, but has changed his mind. He doesn't feel this will affect Alpine Village, so he is now in support.

Nathan Wilburn speaks on behalf of persons he rents property from. He states he is neither for nor against he just clarify how often and how long the trucks would be at the site after the crushing is done. Tom O'Rourke says it probably wouldn't be every day, only when there is a need. The trucks would be there maybe 45 minutes and then leave. Just long enough to be filled.

Scott White states that he is opposed to the project and is concerned about the uncertainty; everything has been "we anticipate", "we think". No one knows what the gravel needs will be in the future, so there's a lot of uncertainty as to what the impact will be. The trucks could cause damage to windshields from flying gravel and the increased traffic on the roads. Would like to know the decibel level of the rock crushing. Is there an environmental study that shows the impact to the river? He states there are studies that show a negative impact to property values near gravel yards. Tom O'Rourke states that he will be governed by the EPA and Division of Mining and they will see that he is not contaminating the river. The drainage on site will be graded so that everything flows into the pit, not toward the river.

Joe Bush states he is opposed, he is concerned about the possible sale prices of the vacant properties near the site. Hugh Patterson says that he is a capitalist at heart and would like to see them get the gravel out, so if they could move it somewhere else on the property he may be for that. He also feels the dump trucks will tear up County Road 19 which is already in bad shape; the intersection of County Road 19 and 160 is dangerous. He would like the truck to go a different way.

Dave Roberts states that if the Board were to approve this application they would be breaking code in his opinion, it is surrounded by residential on 3 sides. He is concerned about the safety on County Road 15 and dust. Toby Hawkis came in late and asks for information as to the length of time this application would be good for and if it could be continued or extended. Chairman Freeman explains that any extension would be a new application in front of the Boards. Gwen Paterson wants clarification that this is one pit and not more than that. Toby Hawkis questions if the Land Use Administrator has made recommendation and if it could be read. Chairman Freeman reads the recommendation from the staff report.

Richard Hardy is the president of River Island Ranch HOA, he states that the Langes will be most affected; however the 50 lots in River Island Ranch will be affected as well. The Ranch has finally got the water system in and they are starting to see more interest in the River Island Ranch properties and are hopeful to have some sales of property soon. Bob DeWees says he has property adjacent to this site. If this project passes he may decide not to build on his property. Pat Morgan questions if the board has had any university do a study or

make recommendation for buffers between uses. It is her opinion that this is not a good use between the two residential areas.

In closing Mr. O'Rourke states that he is not a big company. He has one employee and if someone has a problem they should come to him. He is a community member and has been for more than 20 years.

William Schoen closes by stating that he had no intentions of causing harm to any of the neighbors. It is his desire as was the desire of his grandfather to keep the ranch intact and pass it down to his son soon. His son wants to come back here with his family and make it his home. Mr. Schoen states that he has a much interests in not ruining the value of the land as the next person. He is trying to find ways to keep the ranch intact and this is one of the ways he had hoped to do this. He is open to any reasonable suggestions anyone may have.

Grover Hathorn makes a motion to recommend denial according to the Land Use Development Code policy Article IIV, 9 and 10 Performance Standards for sand and gravel yards. Leonard Brown seconds the motion, stating that the house directly across the road is what most concerns him. Chairman Freeman calls for vote, motion passes unanimously.

Staff Update: Secretary Diltz updates the board on the Land Use Development Code Book update. RG and Associated, LLC. has begun the initial review of the LUDC and should have a more formal update in early December.

Chairman Freeman informs the Board that Wesley O'Rourke has resigned his position on the Board and that the Board of County Commissioners has appointed Cary Aloia to fill his vacated seat. Cary's term will expire on December 31, 2019.

Secretary Diltz reminds Grover Hathorn that his term will be expiring December 31, 2018. Mr. Hathorn presents a letter of desire to continue serving.

With no further discussion the meeting was adjourned at 3:40 pm.

Next *meeting* December 18, 2018

