

## Planning Commission Minutes

For December 18, 2018

Members Present: Chairman Dwight Freeman, Grover Hathorn, Mike Mitchell, Everett Myers, Charles Stillings, Randy Kern and Dixie Diltz – Secretary.

Members Absent with notification: Leonard Brown and Cary Aloia

Member Absent without notification:

Others Present: Robert Yoder, Edwin Hostetler, Elfido Martinez Sr. and Elfido Martinez II.

Chairman Dwight Freeman Called the meeting to order at 1:35 pm.

Mike Mitchell made a motion to approve the Agenda. Grover Hathorn seconds. Motion carried unanimously.

Everett Myers makes several spelling/grammar corrections to the November 20, 2018 minutes: Mike Mitchell makes a motion to approve said minutes as corrected, Charles Stillings seconds motion. Motion passes unanimously.

First Item of Business: Conditional Use Application submitted by Roy & Rose and Robert & Sarah Yoder, for a 140 Head Goat Dairy. Chairman Freeman clarifies that it is the concentration of animals and the milk storage barn that makes the goat dairy a conditional use. He reads from the application that the proposed parcel is approximately 155 acres. Of these 155 acres, the applicant intends to restrict the goats to approximately 3 acres. The applicant explains that for approximately 2 months in the spring the goats will be turned out to graze on remaining acres of the parcel which is farming ground typically alfalfa production.

Chairman Freeman questions the applicant as to if he wants the conditional use to apply to the entire 155 acres or if it should be restricted to a smaller area. If it is Mr. Yoder's desire to limit the Conditional Use to a smaller area this should be identified and drawn on the site plan. Chairman Freeman explains to the applicant that if the Conditional Use is applied to the entire 155 Acres any future changes the applicant wishes to make on the property would require a change to the conditional use approval. If the applicant wants to limit the conditional use to a smaller area the board would entertain allowing him to identify this area on his site plan and

continue with the hearing today. The applicant identifies an area on his site plan of approximately 6 acres.

Everett Myers questions whether the well will be within the conditional use area and if there could be contamination of the well from manure. The codes do have setbacks for septic systems in relation to the well. Randy Kern states that he does not believe there are any codes that identify setbacks from manure piles. Chairman Freeman asks the applicant how he intends to dispose of manure. Robert Yoder states that he will be removing the manure from corals and barn and spreading it on the alfalfa field. Secretary Diltz questions if Everett Myers is suggesting the applicant keep the well outside of the conditional use area? Everett Myers states he feels there should be some type of barrier or distance such as with the septic systems. Mike Mitchell states he is not sure the board has the authority or regulations to impose such restrictions on the application. The comment from Pat McDermott, DWR, is reviewed as to the classification of the well. Everett Myers states that he has a concern about the potential contamination of the well, he is not sure that there is a code issue here, but he feels there is a concern. Grover Hathorn asked how far the barn is from the septic. Robert Yoder states there is approximately 250 feet. Mike Mitchell states that he would suggest the barn and livestock be moved as far away from the house and well as the property boundary limits would allow. Chairman Freeman asked the applicant if he has any concerns about the contamination of the well. The applicant states he does not. Further discussion is held about the size of conditional use area and how it could be placed on the land away from the well. Randy Kern states that he does not think the board has the authority to dictate setbacks from the well. Grover Hathorn states that this board is not the food safety department; it's not the health department, not the division of water. He agrees with Randy Kern's statement. Chairman Freeman questions if the well should be the applicant's worry and not this board's concern. Grover agrees with this statement. Everett Myers says that as the Planning Commission he feels the board should have the foresight to help the applicant make the best possible use out of the corner, with the outcome being healthy. He suggests the applicant check with the "Milk" department to see if there are any suggestions as to the setbacks for the well. Charles Stilling suggests that a more "to scale" site plan is needed. Chairman Freeman questions if the board would prefer to make the recommendation that the Conditional Use area is surveyed and required to stay away from the well. Everett Myers says he would like to know how far the barn is from the well, if it will be 150 feet or more. Secretary Diltz reminds the board that historically they have not required a legal survey be done until after the applicant knows if he is approved or not. This is to help prevent the expense if the application is not approved.

The applicant is asked if he could do what he wants on three acres. Robert Yoder states that he could.

Mike Mitchell makes a motion to recommend approval of the application for a goat dairy with the conditions that it not exceed 5 acres and does not include the house and well in this acreage. That all building codes are met on milk barn and any other buildings not intended for the sole purpose of sheltering the goats, building permits will not be issued until after the RGC BOCC has approved the application, the operation cannot commence until the Resolution has been signed and all building permits are completed. The Conditional Use is for the operation as approved, any expansion or changes must come before the Planning Commission and Commissioners. The Conditional Use is nontransferable and the goat dairy will comply with and remain in compliance with all State of Colorado Dairy requirements. The applicant will have a scaled site plan or survey prior to BOCC meeting.

Randy Kern explains that on a previous goat dairy the milk parlor was separated from the goat barn to prevent the animal shelter from becoming a commercial building per building code requirements.

Charles Stillings seconds motion, motion passes unanimously.

Second Item of Business: Exempt Division of Land application presented by Elfido & Sandra Martinez, for a parcel of land located at 12005 County Road 28. The parcel is currently a 40 acre parcel with 2 cabins existing on it. The applicant wishes to divide it into two parcels, one of 30 acres and one of 10 acres, each proposed parcel will contain one of the cabins.

Chairman Freeman clarifies the location with the applicant. This parcel is located in Rock Creek across from the archery range. From the gunbarrel it is about 14 miles west. Elfido Martinez discusses the verbal agreement he has with Mr. Bitten regarding one of the accesses to the property. The location of Mr. Bitten's property is identified. There is also an existing access that would cross the proposed 30 acre parcel. Elfido explains that each cabin has its own separate OWTS and water cistern. Mike Mitchell questions the access to the proposed 10 acre parcel and where the property corner is in relation to the road. The amount of Mr. Bitten's property that the access actually crosses is discussed and how the roads right-of-way may affect this.

Chairman Freeman explains that for the division to be approved, the Board must be assured that each parcel has legal access, not just verbal. He tells the applicant that it does not have to be the access currently shown on plan and could be access legally surveyed through the 30 acre parcel. The applicant states that he could give legal access across the 30 acre parcel so that if the verbal agreement with the Bitten's changes the 10 acres would have legal access. Randy

Kern states that access must be legally surveyed. This access could be the access across Mr. Bitten's property if the Bittens are in agreement or could be across the 30 acres parcel. Everett Myers questions if the County will have to approve the access. Randy Kern explains that if they are creating a new access then Road and Bridge would have to go out and approve it, however, both the accesses in question are existing. Secretary Diltz informs the board that Patrick Sullivan has reviewed the application, a notice from him is included in the packet and there was no concern about the accesses.

The applicant presents a letter from Rio Grande Savings and Loan declaring that the financial institution does not oppose the division of this parcel.

Randy Kern suggest to applicant that if this division is approved the applicant should apply for a new address to the second parcel.

Mike Mitchell makes a motion to recommend approval of the application provided that County approved legal access to both parcels is provided and shown on survey. Grover Hathorn seconds motion, motion passes unanimously.

Chairman Freeman signs the Mylar plat for a division of land that was approved in August.

Secretary Diltz reports to the Planning Commission that she participated in a conference call with RG & Associates on the 7<sup>th</sup> of December. RG & Associates is almost finished with the technical update portion of the Code Book update. Community public meetings will be scheduled in early February and the board members are encouraged to attend and participate in these meetings. One such meeting may be a booth at the Grain Conference in Monte Vista. Secretary Diltz will be sure to keep the board members updated on the dates of these meeting. Mike Mitchell recommends that a invite could be giving to Charles Stillings to present to the Farm Bureau Board.

With no further discussion the meeting was adjourned at 3:30 pm.