

Planning Commission Minutes

April 16, 2019

Members Present: Chairman Leonard Brown, Vice-chair Grover Hathorn, Cary Aloia, Mike Mitchell, Charles Stillings, Randy Kern and Dixie Diltz – Secretary.

Members Absent with notification: Dwight Freeman, Everett Myers

Member Absent without notification:

Others Present: Ivan Nissley, Jason Nissley, John Troyer, David Strawn, Morris Movsoovich and Todd Pinkston.

Chairman Leonard Brown called the meeting to order at 1:30 pm.

Mike Mitchell made a motion to approve the Agenda as amended. Cary Aloia seconds, motion passes unanimously.

Mike Mitchell makes a motion to approve the minutes of the February 19, 2019 meeting as corrected. Grover Hathorn seconds motion, motion passes unanimously.

Mike Mitchell makes a motion to approve the minutes of the March 19, 2019 meeting as corrected. Cary Aloia seconds motion, motion passes unanimously.

First Item of Business: Conditional Use application submitted by Jason, Ivan & Rachel Nissley for a Feed Mill business. Chairman Brown asks for a short dialogue from applicant explaining what they would like to do. Jason Nissley tells the board that he currently has a small feed mill business in Alamosa County that he would like to move into Rio Grande County onto his parents property so that he can help his parents with the farm. He manufactures various animal feeds. Chairman Brown states that he had drove by the site and noticed a large pile of logs in the area proposed to be used.

Secretary Diltz informs the Board that the application was submitted on March 15, notice of public hearing was published in the Monte Vista Journal on April 3 and notification was mailed to surrounding properties within 1,500 feet on March 22, 2019. No comments have been received from neighbors or others. The property is 148.68 acres zoned agricultural ranching and located in a historically ranching/farming community. There is currently a home occupation on the property.

Notice was sent to Division of Water Resources on March 22, 2019, Pat McDermott responded with information on the existing wells as well as some options to obtain water for the proposed business. Notice was sent to CDOT and the applicant has been given a copy of the CDOT email so they may follow up on the access to state highway. Secretary Diltz reports she has spoken with Pat Sullivan at RGC Road & Bridge and confirmed that he has no concerns with the 2 accesses on County Road 5 East. The application was sent to Adrienne Bannister at Colorado Department of Agricultural on March 22, 2019 she responded that the applicant has a current license for the Alamosa business and will need to apply for a new license for the new location, copy of this email was forwarded to the applicant as well.

Secretary Diltz completed a site visit on April 4th and noted that the home occupation, a jam and jelly shop, is located in an accessory building near the home, the area was neat and clean and appeared to be within the requirements of the home occupation permit. It is the recommendation of the Land Use staff to recommend approval of this application.

Chairman Brown asks if there would be any concerns in regards to fire hazard or explosion. Secretary Diltz reports she had spoken with Pat Sullivan from the Monte Vista Fire Department and he stated that due to the size of the operation he wasn't too concerned about fire hazard. Jason and Secretary Diltz had spoken about a fire wall between the mill portion of the building and the retail portion. Ms. Diltz states that this would be something Randy Kern in the Building Department would review when the plans came into his office if this application is approved.

Chairman Brown asks if applicant has spoken with CDOT, Jason Nissley explains that they have and they are still trying to figure out why CDOT can't pull up the permit that transferred with the property. Mike Mitchell asked if the business would have a roller mill to grind the grains. Jason states that he does have a roller mill and a blender to blend it up and augers which bring the grain in. Randy Kern verifies the size and lay out of the building and that the applicant intends to have restrooms in the building and a exhaust system in the mill area. Adequate parking is verified. Grover Hathorn asks if the grain is local product. Jason states that the corn and soybean mill has to come in from out of the valley but oats and such he tries to source from local farmers.

Mike Mitchell makes a motion to recommend approval of this application to the Board of County Commissioners with the stipulation that the applicant meets building code and follows up with CDOT to clear up the access issues and acquires license from Colorado Dept. of Ag for the new location. Cary Aloia seconds motion, motion passes unanimously.

Second Item of Business: Conditional Use application submitted by Robert Toews with permission of Valerie Dilly, to operate a steel fabrication business. Secretary Diltz presents application to the board and explains that the applicant intends to purchase approximately 10 acres from Ms. Dilly which will be completed through a lot line adjustment and not require a division of land. The parcel of land is zoned Agricultural Estate, the application was received on March 19; notice to neighboring properties within 1,500 feet was mailed on March 25th. Notice of Public Hearing was published in the Monte Vista Journal on April 3rd, no comments have been received. The application was emailed to DWR on Mar 25th and the comments received from Pat McDermott has been provided for the boards review, applicant received a copy today so they can follow up with Mr. McDermott. The application was emailed to Pat Sullivan at RGC R&B and he stated that an access permit will be required and he has no concerns with the access to this parcel. Secretary Diltz did a site visit to the location and noted that with the County gravel yard across County Road 15A and the proximity to the airport and an auto salvage yard the area kind of lends its self to an industrial area and it is the opinion of the Land Use staff to recommend approval of the application as long as the applicant provides a legal survey and completes the permit application for legal access.

Cary Aloia asks for clarification of the zoning as the application state AR and the staff report states AE. Secretary Diltz confirms the zoning is AE for the parcel in question, the adjoining parcel is zoned AR. Grover Hathorn questions if the business will be the same as what the applicant is currently doing in Center. Robert Toews explains that is exactly what he will do; he just needs a bigger shop and would like to be closer to Del Norte. He clarifies that what he does is custom fabrication, heavy steel, custom laser cutting. He has lasers and breaks and welders. He may do a paint booth and just general

fabrication aimed towards functional artistic products however he is currently doing a project for the hemp industry, so he will do whatever comes his way. Randy Kern asks about the size of the building and how many employees he would have. Mr. Toews states he is not completely sure of the size of the building, possibly a 60' x 100'. Large enough to house a crane and all the equipment, as the business grows he plans to have a few employees. Chairman Brown has the applicant verify the proposed location of the 10 acres. Chairman Brown asks for clarification on the line items in the code book and that they are allowed by conditional use in the code book. He says with the other business in the area it seems to fit in the area. David Strawn speaks from audience, his only concern would be that the business isn't a 24 hour operation and it isn't lit up all night. Robert Toews says it is pretty much only business hours, with an occasional night that he may be working late but the lights would only be on inside the shop. The OWTS will most likely have to be engineered and the building will have to be engineered.

Chairman Brown asks if any other comments were received, none were.

Grover Hathorn makes a motion to recommend approval of the application with the conditions that a legal survey is provided and all Division of Water Resources requirements are met. Charles Stillings seconds, motion passes unanimously. Next meeting for this application will be on May 15th @ 2:00 PM with the Board of County Commissioners.

Third Item of Business: Conditional Use application presented by Todd Pinkston, WayForward with permission of Scojac Holdings LLC to operate a backpacking base camp lodging facility. Chairman Brown asks the applicant to give an overview of what his plan is. Todd Pinkston tells the Board that WayForward is a nonprofit backpacking outfitter that does Faith based trips for men and women. They do 4 and 5 day backpacking trips. They started this business in 2013 and have done trips in New Mexico and out of Pagosa and South Fork. They leased this location last summer and have decided to purchase it this year. The plan is to use this location as a base camp location where groups will come and be hosted on the front end and the back end of the trip. The guides will take them to the trail head and guide them on trails for 4 or 5 days. With the lodging on the front end and lodging on the back end it's more of an all-inclusive experience. As the business grows they would like to build out to a more sustainable place, this past summer they did 28 trips of about 10 persons each trip. They would like to build out to where they can do about 65 trips. Morris Movsovich from the audience questions the location of the project and state that it is not where he thought it was so he has no more comments. Todd continues to explain that the current building on site houses the clients and staff, but as they grow they would like to add a shop, apartment and possible a bunkhouse and a third house for his family to move into. He also explains the water and the letter they have from Craig Cotton at Division of Water Resources.

Randy Kern asks if there is any plan for the off season. Todd says that currently they do not have any plans for off season. They live 8 months of the year in Dallas and 4 months in the summer here. They will concentrate on the summer business but may consider doing a VRBO in the off months or if something else comes along they may consider it. Grover Hathorn asks for verification on the size of the property, it is 15.95 acres. Mike Mitchell asks if there are any plans for RV spaces. Todd Pinkston says there is no plan for that at this time.

Secretary Diltz explains to the Board that the application was submitted on March 19th. Notice was published in the Monte Vista Journal on April 3; notice was mailed to surrounding properties within 1,500 feet on March 26th. No comments have been received from neighbors or others. The application

was sent to CDOT, comment was included with the packet and applicant received copy today so they can follow up with CDOT on the permit application. The property is 15.95 acres currently zoned Agricultural Estate, it was originally a health care facility, then later used as private type lodging. Per the RGC Land Use code list of uses line 17, boarding house, and rooming house would be a conditional use in the AE zone, line 31 – Dude Ranch or Wilderness Lodging would be a conditional use in the AE zone. It is the decision of the Land Use Staff that this application in this location meets the requirements for approval of conditional use per RGC's LUDC, so long as the applicant continues to meet the requirements of CDOT, DWR and all Building Codes.

Chairman Brown asks if the OWTS will be engineered. Todd explains that the engineer will be working on new designs for septic.

Cary Aloia makes a motion to recommend approval of the application with the conditions that the applicant continue to meet the requirements as stated above. Mike Mitchell seconds, motion passes unanimously.

Next meeting for this application will be in front of the Board of County Commissioners on May 15th at 2:30PM.

With no further business the meeting was adjourned at 2:55 pm.

Next meeting May 21, 2019