

Planning Commission Minutes

July 16, 2019

Members Present: Chairman Leonard Brown, Cary Aloia, Dwight Freeman, Charles Stillings, Everett Myers, Randy Kern and Dixie Diltz – Secretary.

Members Absent with notification: Mike Mitchell, Grover Hathorn

Member Absent without notification:

Others Present: Loretta Lowder, Trevan Pepper, Nikki Pepper, Gail Mattive, Bob Mattive, Meagan Cleghorn and Leigh Labato.

Chairman Leonard Brown called the meeting to order at 1:32 pm.

Charles Stillings made a motion to approve the Agenda as presented. Dwight Freeman seconds, motion passes unanimously.

Cary Aloia makes a motion to approve the minutes of the April 16, 2019 meeting as presented. Everette Myers seconds motion, motion passes unanimously.

First Item of Business: Division of land exemption application submitted by Sheldon & Loretta Lowder.

Secretary Diltz presents the application to the Board. The application was submitted by Sheldon and Loretta Lowder for a exempt division of land for a property located on Lariat Road on May 20th, 2019, however due to delays in getting parcel numbers and legal descriptions the Land Use Staff was unable to process application until June. Notice was mailed to surrounding properties within 1,500 feet in the rural county and within 300 feet in the municipal limits on June 21, 2019. The property is 37.98 acres zoned agricultural ranching. This was originally part of Ken Shepard's agricultural property which was recently divided as part of a estate planning effort. Because the division for estate planning was over 35 acres it was exempt by State Statues from County Regulations. Mr. & Mrs. Shepard are now wishing to divide approximately 2.9 acres from their 37.98 acres as a one-time exempt division. The property is agricultural in nature; however it does boarder a high density municipal residential area (Lariat subdivision).

Notice was sent to Division of Water Resources on June 20, 2019, with a follow up email sent on July 5th, no comment has been received as of today. Mr. Shepard has included in his application a letter from Pat Sullivan, R.G. Road and Bridge, whom confirmed that he has no concerns with the accesses on Lariat Rd. The preliminary survey shows a shared access drive for both the existing property as well as the proposed 2.9 acres.

Greg Brumley and Laura Ast, both neighbors, stopped into the Land Use office to view the application and get clarification on location and intent. Neither of them stated any objections. Isabel Pacheco called in to the office for clarity of location and stated she didn't have any strong feelings either way. A Email was received this morning from Cindy Tripi stating objections to the proposal, copy of email giving to Board members and applicant.

This is the first proposed “exempt” division on this 37.98 acres parcel of land. Any divisions prior to this have been over the 35 acre limit set forth in State Statute. All setbacks for existing structures are being met. This area is immediately outside the City Limits of Monte Vista and is a prime area for high to medium density residential development, with many of the adjoining parcels of land being 2 acres or less. As long as water and OWTS can be accommodated I would recommend approval of this one time exemption with the stipulation that any further division will be required to go through the subdivision process.

Secretary Diltz asks the applicant if Comfort Zone business is being ran on the property. Loretta states that it is not. The business is run from a location inside the City limits of Monte Vista. The out buildings are being used for storage. Charles Stillings has the applicant identify the buildings shown on the map. Everette Myers questions if the applicant currently lives on the property. They do not. The existence and code compliance of the storage buildings on vacant land is discussed. It was compliant prior to Ken Shepard dividing the residence from the storage building. Access to each parcel is discussed, and the owners of adjoining property identified. Discussion in regards to possible access from a City street is had although it is not proposed at this time. The location of Ken Shepard’s house is identified. Randy Kern questions if the property that Tripi currently owns was a exempt division done by Ken Shepard. Secretary Diltz states that yes, Ken had done a exempt when it was 80 acres. Everette Myers questions how many times you can do an exempt division of land. Secretary Diltz informs the Board that the Code Book states that there is one exempt division of land and then the Commissioners MAY not approve any more without going through subdivision process. The question is where does that start from, if you look at the area, all of this was probably some big 640 acres farm/ranch and has been divided out over time. The way I looked at it was because he had 37 acres, which was over the 35 that the state exempts, so this is the first division that the County has reigned over. Everette Myers questions the tax status of the property and if they have agricultural status. Dixie Diltz reminds the board that tax districts and land use zoning are not the same and the tax status isn’t relevant to the application. Cary Aloia refers to the approval criteria in the staff report and says she doesn’t see anything that would indicate it shouldn’t be allowed.

Dwight Freeman makes a motion to recommend approval of the exempt division of land subject to getting approval from division of water resources. Cary Aloia seconds, motion passes on a vote of 3 yes: 1 no.

Second Item of Business: Conditional Use application submitted by Megan Cleghorn with permission of Jim Percy & Rozella Loewen, for greenhouses and to operate a greenhouse retail business. Secretary Diltz presents application to the board and explains that the applicant intends to purchase the property from Mr. & Mrs. Loewen if the conditional use application is approved. The parcel of land is located at 3507 N Highway 285, Monte Vista, it is zoned Rural Residential and is 2.72 acres. The application was received on June 18, 2019; notice to neighboring properties within 1,500 feet was mailed on June 20, 2019. Notice of Public Hearing was published in the Monte Vista Journal on June 26th, no comments have been received. The application was emailed to DWR on June 20th with a follow up email on July 5th. I spoke with Pat McDermott and verified that the applicant has been in contact with them and they have water available. Application was emailed to CDOT and on July 10th I received comment from CDOT that they had received the application and were working with Megan to get it processed.

Per the RGCLUDC List of uses: Line #50 "Greenhouses/plant nursery >500 SF for retail/wholesale/aquaponics/aquaculture" is a conditional use in the RR zone district.

Leonard Brown clarifies there will be 14,000 sf of greenhouses, will meet all setbacks and that the old carriage house would remain intact. He states he doesn't see much to be concerned about. Dwight Freeman clarifies the Conservancy District would be the source of water. Ms. Cleghorn says it is, she has spoken with Heather Dutton on the augmentation water as well as with Pat McDermott about leasing or buying water rights, so she has a couple different options with water. There is a yard and a livestock well on site that could be re-permitted.

Nikki Pepper speaks from audience; she lives directly across the road. Her concerns are increased traffic and depreciation to her property values. Leonard Brown says that as for property values, the Board hears that a lot and it is hard for the Board to know what it's going to do exactly, he doesn't know how to answer that exactly. Charles Stillings asks where Ms. Cleghorn is with CDOT. Ms. Cleghorn states that she believes there will not be an issue as long as she increased the width of one access to 30 feet and doesn't use the other access as commercial. Everette Myers says he doesn't think there will be enough increase in traffic that it could be noticed on the already busy highway. Trevan Pepper question if a turning lane will be required. Dixie Diltz says that being that it is a State controlled highway the county doesn't have any say if a turning lane will be required. That will be determined by CDOT. Megan Cleghorn describes what the greenhouses will look like. They will be of a rigid plastic not a plastic sheeting hoop house. Randy Kern says that they will designed for the snow and wind loads for the area. Megan also clarifies for the audience that the design is such that all customers will be parking on the rear of the property and no one should be parking on the road way. Nikki Pepper question noise from fans or such, Megan says there will be little noise from fans as the cooler climate we have will require little fan use and she has set the greenhouses back from the highway.

Charles Stillings makes a motion to recommend approval of the application with the condition that CDOT access is permitted. Everette Myers seconds, motion passes unanimously.

Next meeting for this application will be in front of the Board of County Commissioners on July 31st, at 1:15PM.

With no further business the meeting was adjourned at 2:25 pm.

Next meeting August 19, 2019