

Planning Commission Minutes

April 19, 2022

Member Present and seated as Board: Chair Cary Aloia, Mike Mitchell, Jerry Gallegos, Charles Stillings, Jessica Lovelace, Leonard Brown, and Dixie Diltz – Secretary and Randy Kern – Advisory.

Russel Pratt and Andrew Atchley were also present as non-seated alternates.

Members Absent with notification: Travis Cross.

Others Present: Patrick Sullivan RGC Road & Bridge (by request), John Troyer, John Yoder, Allen Graber, Steve Matthews, Kathy Matthews, Cari Matthews.

Chair Cary Aloia called the meeting to order at 1:33pm and calls for a roll call.

Mike Mitchell moves to accept the agenda as presented; Leonard Brown seconds motion passes unanimously.

Charles Stillings moves to approve the March meeting minutes as amended, Jerry Gallegos seconds and the motion passes unanimously.

Chair Cary Aloia called for New Business; John Yoder joins the Board at the table to discuss his application for a bakery & deli business.

Secretary Diltz presents the conditional use application from John and Barbara Yoder proposing a bakery and deli retail business to be operated on their property located at 5475 E County Road 8 S, Monte Vista. The property is currently 160 acres zoned agricultural ranching with a residence, private well and wastewater system on the property. Mr. Yoder would like to purchase the bakery/deli and relocate and expand it on his property. Mr. Yoder plans to tie into a commercial well located on the adjoining property to the east and purchase augmentation water, he will install a new OWTS system, and the new building will be built to appropriate building codes. Codebook requirements, applicants' application and responses from referral agencies are included in the staff report. Land Use Staff recommends denial of the application based on the incompatibility with surrounding land uses of the proposed location and the traffic hazards the proposed operation could pose on the narrow county road and suggest the County provide support and encouragement to the applicant to locate the business in an appropriately zoned commercial district or scale down to the cottage industry or home occupation level.

Board members question the availability and location of commercial property in the county and the requirements to qualify for home occupation and cottage industry.

Chair Aloia asks the applicant if he has any further comment or questions. The applicant verifies that the Staff recommendation was to relocate the business to an appropriately zoned area. He has no other comments.

Cary Aloia questions if prior complaints were all traffic related, Leonard Brown asks if the new location would be "safer" in the applicant's opinion for traffic. The applicant says he thinks it would be safer because he would be "right off the highway". Cary Aloia points out that he would be directly across from a school and the truss plant and the lack of shoulder on the roadway.

Jerry Gallegos refers to Pat Sullivan's response for comment and the statement that the "potential for increased signage and shoulders are a possibility for accommodating the increase". With the other business in the area and the applicants stating 50-100 vehicles a day it seems this could cause the area to become congested. He questions if this is something the County can control by just putting up signs?

Pat Sullivan states that the County will never control the amount of traffic, they are only trying to guide it in a manageable direction. As stated in his response, "there are no shoulders and off the edge of the pavement is a sloped area down to the fence line. In the past the method was to build the road just wide enough for the pavement, this is a paved arterial thoroughfare that collects traffic in the area and sends it either to the county line, Highway 15 or to Alamosa. Data collected in 2017 suggests the average daily trips were 217. They data is estimated out 20 years at approximately 42% increase or 318 vehicles per day. They estimate that approximately 2% of that is truck traffic, but I feel that is probably off. If we pro rate that backwards it would put us at about 248 vehicles right now, the Bakery proposed 50 – 100 vehicles a day. The Truss company just went through a permit process stating 10 vehicles per day. Right now, we have a school and Truss company right across the road. There is an enormous amount of buggy traffic, vehicle traffic, bike traffic, and horse traffic. You all know what the roads are like when they are paved, you know how people drive. We have speed limit signs 55mph and school zone signs 25mph there currently. The increased traffic will be just that, increased traffic, we will have to make some improvements I believe, shoulder wise, to get a safe zone just based on the increase." The funding for would have to come out of the County's Road and Bridge budget. Mike Mitchell asks what point in the future there would need to be improvements made to that road with or without the Bakery. Pat states "sooner would be better, but realistically 4-5 years down the road just based on construction projects."

Jerry Gallegos states that in studying this he is concerned because it is a residential agricultural area and in the code book on page 3-21 #5 states that *the proposed use is compatible with surrounding land users and uses*, and this application is getting away from the residence and agricultural use. The next item in the book #6 on page 3-22 states the *proposed use does not result in undue traffic congestion or traffic hazards*: which Pat just alluded to.

Mike Mitchell states he has concerns about where the County is headed in the future. "You take a business that is providing a service to the community, and you shove it into a dying community. That is not a solution either. You have some issues that we must work out in this County.

Jessica Lovelace questions if there is any way to mitigate the possible problems such as hours of operation.

Charles Stillings asks if there is any other area, outside of Monte Vista, that are zoned commercial? Specifically, the area along 160 where the sale barn, airport and other businesses are. Secretary Diltz states that the area he is talking about is zoned industrial and commercial mixed. There is commercial property or property that could easily be zoned commercial along the 160 corridor and highway 285 corridor throughout Rio Grande County. The need of a rezoning in this area is discussed.

Chair Aloia opens the floor for public comment. Steve Mathews states that his property borders the corner of the property this is proposed on. He feels the business should be in a commercial zoned area; he saw what happened on the dirt road with the other bakery and the traffic issues and dust that it

caused. "You put the amount of traffic that this application is proposing on a two-lane roadway, it's going to be a wreck."

Jessica Lovelace questions if we did look at zoning changes how would that affect or if it would affect the road and traffic? The traffic would still be a problem on the narrow two-lane road no matter what the zoning is. Leonard Brown asks if it would be at the applicant's expense if someone were to put in a turn lane? Pat states that it would be at the applicant's expense, and it is only a two-lane bridge over the Impire Canal so that would be another issue. Pat informs the board that we have a narrow right of way and any building up of the shoulder will put the roadway into the top of the fences along the fields there. The agricultural owners will not be pleased with that situation. So there really isn't enough right of way width in the area.

Mike Mitchell is concerned about the bigger community impact and the services that this business provides to the community at large. An example is the recent doughnuts they provided for 4-H members to sell. Cary Aloia states that there is plenty of commercial land within the county that they could locate the business too. Leonard Brown states that the road and traffic are the biggest problem. "We don't have enough room for the road to do what we need to do with the road, without building new bridges and all this stuff, you'd have to sell a lot of doughnuts to pay for that. Its just like some lots should not be built on they don't work. So sometimes maybe the best thing would be to relocate it to another spot, is there something close there that would be safer?"

Further discussion of possible locations and possible changes to the zoning map that the County may need to be looking at is held.

The applicant is asked if he has looked at any other locations? He states that going up onto 160 "is not an option".

Charles Stillings asks if the Amish Community has done any long-term planning within their community? John Troyer says the community is mostly concerned about what the water will cost to continue farming, the long-term planning conversations have not really come up in the community. He says it would be a consideration, but he does see some challenges.

Steve Mathews says he hears the argument for agriculture all the time and "we need the County to step up and support agriculture if that's what we are going to stand for".

Jessica Lovelace suggests that if we could look at a specific area then maybe we could look at bike lanes instead of full shoulders based on the width of the road, thinking about speed limits or times of day, those are all things that any small community has to look at when they are talking about growth. The concern is that as a government entity, we must make sure we do our due diligence for everybody. We all understand that right now this is a very hard situation, you never want to tell somebody that they can't pursue their business and their livelihood for their family, but we also have to make sure that we are doing the right thing for the safety of everyone in the county and that's a tough spot to be in today.

Further discussion is held regarding possible suggestions to mitigate the potential problems, ideas and suggestions surrounding the roadway. General information on Road and Bridge and the needs of the county to look for more permeant solutions to this ever-present issue and the growth of business in this area.

Leonard Brown asks the applicant if he has any ideas or suggestions to help the board out on this? Jessica Lovelace states that unfortunately the code book is fairly black and white on this, and it says we have to say no. She doesn't think the majority of the board does not want to do that and so that is why we keep having these conversations of "what can we do or what can you do".

Chair Aloia calls for a motion: Leonard Brown makes a motion to recommend denial based on the commercial business in an AR zone area and the traffic issues. Jerry Gallegos seconds the motion.

With no further discussion or comments, roll call vote is called for, the motion is to recommend denial of the application for a Bakery/Deli to be located 5475 E County Road 8 S.

Mike Mitchell – No , not in favor of the motion.

Jessica Lovelace – No.

Leonard Brown – Yes

Jerry Gallegos – Yes, I must go with the code book, that's why we have a code book. Sorry!

Charles Stillings – Yes

The motion to deny based on commercial size and traffic has passed. This application will be heard by the Board of County Commissioners next Wednesday.