

Planning Commission Minutes

May 21, 2024

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

Members Absent: Will Hathaway, Russell Pratt, Martha Williamson, Travis Cross.

Others Present: Thomas O'Rourke, Wade O'Rourke, and David Slater.

Chair Cary Aloia called the meeting to order at 1:37pm, roll call is completed.

Mike Mitchell moves to accept the agenda with the change of switching the second item of business to be heard first; Jerry Gallegos second motion passes unanimously.

Leonard Brown moves to approve the April 16, 2024, meeting minutes as presented, Jerry Gallegos seconds and the motion passes unanimously.

Chair Aloia calls forth the first item of business, a public hearing and presentation, Wade and Thomas O'Rourke join the Board at the table.

Secretary Diltz reads the first application for the record. Wade and Thomas O'Rourke have applied for a Sand and Gravel Excavation yard approval. The property is located on County Road 18, it is 17.14 acres in size and less than 10 acres of the property will be used for the gravel yard business, the remaining acreage will remain agricultural land. Thirteen notification letters were mailed to surrounding property owners on April 24 and notification was published in the Monte Vista Journal on May 1st, 2024. Submittal requirements are listed in the board packet as well as the Article 7 requirements related to the natural resource extraction regulations. Tom currently has a gravel yard located just north of this property, Mathias gravel yard is located to the west and RGC gravel yard is a little further to the west. Tom's yard is almost exhausted, and he will cease providing materials from his and they will continue the business through Wade's yard if this is approved. Request for comment was sent to EPA, Division of Mining, the Division of Water Resources, the Forest Service, the Fish and Wildlife, USDA, RGC Attorney, RGC Road & Bridge, the Water Conservation District, the Natural Resources conservation Services, CDOT, the Habitat Conservation District, Colorado Parks and Wildlife, the Regional EPA office, the State Land Board, State Stormwater Discharge, San Luis Valley Electric Association and the South Fork Fire Protection District. Responses were received from RGC Road & Bridge, CDOT and the Regional EPA. Responses are included in the packet. None of the comments received brought forth any major concerns, however the comment from CDOT should be of special interest to the board.

The applicants are working with Wasteline, Inc to apply for all the required State and Federal permits. At the end of production of sand and gravel the full acreage will be reclaimed to agricultural farmland. Staff recommendation is included in packet. The comment received from CDOT recommends that the County requests a traffic study at the intersection of Highway 160 and County Road 18. After discussion with Road and Bridge and CDOT, Land Use Staff is not requesting the traffic study at this time due to the fact that the applicants are not causing an increase to traffic since they are closing on gravel yard and opening another. The traffic will remain about the same as it currently is. The P&Z Board or the Board of County Commissioners can require the traffic study if desired. Staff recommends approval of the application with the following conditions. 1. All State and Federal mining permits are obtained, and compliance is maintained. 2. The applicant shall request a copy of the financial warranty be sent to RGC Land Use and RGC Attorney

once the DMRS 110c permit is approved.³ The permit is approved for a 20-year period from the date of approval of RGC Commissioners with a full review of the application 5 years after approval.

Cary Aloia asks if there has been a final review of Tom O'Rourke's current permit to assure the proper reclamation. Secretary Diltz states that the current gravel yard is not currently closed, however, once it is there will be State inspections and the County should receive copies of those inspections. Leonard Brown questions how long-ago Tom's yard was approved. Tom states it was in 2014.

Discussion among the Board around the completeness of the application presented by Wasteline Ind. Leonard Brown questions when the O'Rourke's would be starting on this pit? Tom states as soon as they get all permits approved. Mike Mitchell asks if the pit ever has water in it? Tom states that it always stays dry, they must stay above ground water level. Cary Aloia asks if the high water or flood waters in the spring have any effect on them. Tom states that it hasn't yet, but it makes sense that it could. Charles Stillings questions the effect of the minor ditch; Tom says the isn't much effect as the is at least a couple hundred feet between them. Leonard asks if they only go 20 feet deep. Tom says yes that is all the deeper they go.

Chair Aloia calls for public comment or any further questions from the Board. There is no public in attendance, no public comments received. Mike Mitchell states he agrees with Staff that with no change in traffic he does not think the applicants should be burdened with a traffic study requirement. If the State, CDOT, wants to require it then they should require it, not the County. Mike Mitchell makes a motion to recommend approval of the application with the 3 conditions as listed by Staff. Leonard Brown seconds the motion, motion passes by unanimous vote.

Chairman Aloia calls forth the next item of business. Dave Slater joins the Board at the table. Secretary Diltz reads the application into the record. The application is for an amendment of zoning, it was presented by Dave and Linda Slater and is for a vacant lot located in the Jasper area. This lot has not been assigned an address yet, it is currently zoned commercial, and the applicants wish to have it zoned residential so they can build a single-family residence. Copy of the current aerial map and zoning maps are included in the packet. On the zoning map the lighter pink/peachy color are the residential properties surrounding the Salters lot we are talking about. The blue colored spaces are zoned commercial resort tourism. The Slater property is the light pink one in the middle which is zoned commercial. This lot is one of only about 3 remaining parcels that are zoned commercial in the Jasper subdivision. There are still several commercial resort tourism properties located along Forest Service Road 250. Section A.1.b of the LUDC lists one of the reasons for considering a zoning map amendment, it states, "the area has changed or is changing to such a degree" and section A.1.d states "the area is of such a nature and so located that the proposed rezoning will not adversely affect existing or anticipated uses of property or property values in the area". The owners of this property would like to build a residential structure on the property which is more consistent with what is currently in the area. Request for comment was sent to Division of Water Resources, RGC Road & Bridge, Forest Service and the HCP, responses received are included in the packet, no concerns were identified. 105 notification letters were mailed to surrounding properties within 1,500 feet on April 2nd. Notice of public hearing was published in the Monte Vista Journal on May 1st, no comments or responses have been received from the public. Staff recommends approval of the application.

Cary Aloia asks if there is any commercial business in the Jasper area. Dave Slater says there is desire to have a store, however it hasn't happened yet. Dave Slater states that he wants to talk with the Commissioners regarding the taxes and lack of services to the Jasper area. Cary Aloia tells him that we are here today to talk about the rezoning of his lot and the other issues should be taken up with the BOCC. Secretary Diltz recommends he talk with the County Administrator and get on the BOCC agenda. Jerry Gallegos asks if Mr. Slater owns the property we are speaking about. Mr. Slater clarifies that he does own it.

With no further questions by the Board and no public in attendance to comment, Leonard Brown made a motion to recommend approval of the zoning change from commercial to residential based on section A.1.b of the Land Use Development Code. Mike Mitchell seconded the motion. Motion passes unanimously (Charles Stilling abstains).

Next meeting will be June 25, 2024, at 1:30pm.