

TELLER COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting - 7:00 p.m. January 14, 2014
City of Woodland Park Council Chambers
220 W. South Avenue, Woodland Park, CO

I. Order and Roll Call

Chairman Haase called the meeting to order at 7:00 p.m. and the following answered roll call:

Mr. Jeff Smith (Regular Member)
Mr. Paul Thies (Regular Member)
Absent Mr. David Cotton (Regular Member)
Mr. Randy Baldwin (Regular Member)
Ms. Wendy Dillenschneider (Regular Member / Vice-Chair)
Mr. Michael Haase (Regular Member / Chairman)

Also attending were the following staff members:

Ms. Lor Pellegrino, AICP, Senior Planner
Mr. Chris Brandt, County Attorney

II. Election of Officers

A. Chairman

Mr. Paul Thies moved, and Ms. Wendy Dillenschneider seconded, that Mr. Michael Haase be appointed Chairman of the Teller County Planning Commission. Hearing unanimous assent, the motion passed.

B. Vice-Chair

Mr. David Cotton and Ms. Wendy Dillenschneider were both nominated for Vice-Chair. A secret ballot was taken resulting in three votes in favor of Ms. Dillenschneider and two votes in favor of Mr. Cotton.

III. Designation of Location for Posting Agendas

Mr. Jeff Smith moved, and Ms. Wendy Dillenschneider seconded, that the Teller County Planning Commission continue to designate the official location for the posting of Planning Commission Agendas as the Teller County Community Development Services' Bulletin Board located at 540 Manor Court, Woodland Park, Colorado. The following vote was taken and the motion passed.

Yes Mr. Jeff Smith
Yes Ms. Wendy Dillenschneider
Yes Mr. Paul Thies
Yes Mr. Randy Baldwin
Yes Mr. Michael Haase

IV. Adoption of the Meeting Schedule for 2014 and the First Meetings of 2015

Mr. Jeff Smith moved, and Mr. Paul Thies seconded, that the Teller County Planning Commission continue the practice of generally holding the Planning Commission meetings on the second and the fourth Tuesday of every month with the second Tuesday designated for the Regular Monthly Meeting date for public hearings and the fourth Tuesday designated as the Work Session date (only held if necessary), and to adopt the 2014 Meeting Schedule as proposed (with the

November regular meeting scheduled for November 25) including the second and fourth Tuesday of January 2015, subject to changes based on applications received and with proper notice. The following vote was taken and the motion passed.

Yes Mr. Jeff Smith
Yes Mr. Paul Thies
Yes Mr. Randy Baldwin
Yes Ms. Wendy Dillenschneider
Yes Mr. Michael Haase

V. Review and Approve Minutes – December 10, 2013

Ms. Wendy Dillenschneider moved, and Mr. Jeff Smith seconded, that the December 10, 2013 minutes be approved as presented. The following vote was taken and the motion passed.

Yes Ms. Wendy Dillenschneider
Yes Mr. Jeff Smith
Yes Mr. Randy Baldwin
Abstain Mr. Paul Thies
Yes Mr. Michael Haase

VI. Consider a request by Laura H. Glauth and Janice M. Greene (Property Owners) and West Range Reclamation LLC (Applicant) for a Conditional Use Permit for a “Sawmill” use on 9.63 acres zoned Agricultural (A-1) in part of the Northwest Quarter of Section 9, Township 11, Range 69 West of the 6th PM, Teller County, Colorado (32846 North SH67 aka 3939 Painted Rocks Road). ~ CONTINUED FROM DECEMBER 10, 2013 ~

Ms. Lor Pellegrino stated that there are no changes to the staff report dated December 2, 2013 and that the January packets included a copy of the petition that was submitted at the Dec. 10 meeting, a copy of the draft Forest Service agreement, a copy of the TDOT comments, a letter from Ms. Sandie Nussbaum dated January 7, 2014, and a working draft for Planning Commission consideration of the Recommended Motion (page 5 of the Staff Report) with revisions verbally described by Ms. Pellegrino.

Mr. Cody Neff (Applicant) updated the Planning Commission regarding the TDOT agreement and stated that West Range Reclamation is committed to compliance with TDOT conditions regarding the temporary use and maintenance of County Road 78. He also committed that West Range had a great meeting with local residents and he confirmed that drivers have been instructed to not exceed 20 mph and to not use jake brakes along County Road 78 (and FSR391), that West Range will be communicating by email with homeowners about planned truck activity, and other commitments. He asked the Planning Commission to consider no time limitations on the yard site operations and to allow for extended hours for haul trucks on County Road 78 during March and April spring break up.

Chairman Haase opened the public comment portion of the hearing.

Susan Geiger (256 CR 781) stated that she participated in the meeting between the residents and West Range and confirmed that it was a very productive and beneficial meeting. She stated that she is concerned about the limited jurisdiction of the Planning Commission regarding the use of County Road 78 and stated that late night hauling hours would be very disruptive to the neighborhood.

Sandy Nussbaum (5193 CR 78) clarified that the second paragraph of her letter dated January 7, 2014 simply clarified concerns regarding potential non-compliance with the CUP standards. She is concerned about an unsafe and very narrow portion of County Road 78 and is not in favor of allowing haul trucks at night.

Kathy Foster (5330 Painted Rocks Road) stated that noise from the yard site is not a problem but that noise from night hauling is a concern and should not be allowed. She also stated that CR78 road maintenance has been poor at best.

George Carr (426 CR 781) stated that jake brakes along SH67 at the approach to the County Road 78 intersection is a concern and that County Road 78 is in bad shape within 3 days of grading.

Kevin Geiger (256 CR 781) asked the County to expedite the CDOT process, if possible.

Seeing no others wishing to speak, Chairman Haase closed the public comment portion of the hearing.

Mr. Cody Neff rebutted that the interests of the residents and West Range align in attempting to reach a consensus regarding the use of County Road 78.

The Commission discussed the possibility of extended hours for haul trucks on County Road 78 during spring break up, some flexibility for emergency situations (i.e. similar to operations during the Waldo Canyon fire), and extending the September deadline for the temporary use of County Road 78 to coincide with the CDOT December deadline.

Chairman Haase allowed additional public comment.

Susan Geiger (256 CR 781) stated that more discussion is needed between the Applicant and the public in order to resolve the request for extended hours.

Kathy Foster (5330 Painted Rocks Road) stated that a consensus on extended hours was not achieved between the residents and West Range.

Chairman Haase called a brief recess to allow the Applicant and attending residents an opportunity to discuss among themselves the issue of extended hours.

Chairman Haase reconvened the meeting at 8:53 p.m.

Susan Geiger (256 CR 781) stated that her previous request to keep the hours in the working draft has been amended to the imposition of no time limits during spring break up provided West Range notifies residents to expect late night truck activity.

Chairman Haase once again closed the public comment portion of the meeting.

Mr. Jeff Smith moved, and Ms. Wendy Dillenschneider seconded, that the Planning Commission APPROVE WITH CONDITIONS the request by Laura H. Glauth and Janice M. Greene (Property Owners) and West Range Reclamation LLC (Applicant) for a Conditional Use Permit for a "Sawmill" use on a 9.63 acre lease area zoned Agricultural (A-1) in part of the Northwest Quarter of Section 9, Township 11, Range 69 West of the 6th PM, Teller County, Colorado (32846 North SH67 aka 3939 Painted Rocks Road), incorporating staff's findings as contained in the staff report dated December 2, 2013, and further finding that the application complies with such pertinent, individual conditions of use specified in the granting of a Conditional Use Permit, is compatible with the general provisions of the *Teller County Land Use Regulations*, as well as provisions of the A-1 zone district and the Teller County Growth Management Plan, and that satisfactory provisions and arrangements have been made concerning the criteria for approval with adoption of the following **CONDITIONS OF APPROVAL**:

- 1. Licenses/Permits/Authorizations.** Prior to further operation of the "Sawmill" use, and at all times during its operation, the operator shall have, maintain, be subject to and comply with all local, state and federal terms, requirements, conditions, codes, ordinances, regulations, permits, licenses and/or other authorizations pertaining to the use and supporting structures and infrastructure, as they may be amended or replaced from time to time, including but not limited to all of the following:

- a) The auditing of Special Review Use Permits (LUR §8.2.E), time limits, duration, abandonment, and extension of Special Review Use Permits (LUR §8.2.G).
2. **Use.** Uses permitted under this CUP include a “Sawmill” use as described and limited in the application and as further clarified below. This CUP is only valid for the 9.63 acre site as described in the site plan dated September 6, 2013 by March Surveying and precludes any other use within this CUP site.
 - a) This CUP for a “Sawmill” use shall be limited to the operation as described in the application. It shall not be open to the public as a commercial operation although the operator may conduct tours and classes for demonstration purposes and the operation shall be limited to the chipping/mulching of raw timber. In no case shall timber be cut into lumber at this operation or location.
 - b) Hours of Operation shall not be limited on the site but haul traffic (whether the trucks are empty or full) on County Road 78 shall be permitted only between the hours of 7:00 a.m. to 6:00 p.m. (and any time during March and April 2014 and/or at other times as necessary because of an emergency as determined by the Teller County Planning Director) Monday through Saturday.
 - c) Upon cessation or abandonment of the operation, the Applicant shall reclaim the CUP site as proposed in the application.
3. **Water.** Any water necessary for the use shall be sourced from off-site. Water from any well located within the 768-acre tract shall not be used for the operation unless the well permits are amended and approved by the Colorado Division of Water Resources.
4. **Traffic.** All traffic (haul trucks, supply trucks, equipment, employees and any other traffic associated with this use) shall access the site by means of NFSR 391 with the exception that traffic may temporarily use County Road 78 subject to compliance and conformance with those conditions specified in the letter from Mr. Fred Clifford, Public Works Director, dated January 7, 2014 and subject to issuance of and compliance with a TDOT Temporary Access Permit for the access from County Road 78.
5. **Sign.** This CUP prohibits any signage visible from any public (County, State, or Federal) road.
6. **Property Lease Agreement.** This CUP shall be void and null if Teller County Planning does not receive by March 1, 2014 a revised and updated property lease agreement indicating a revised reclamation deadline, a corrected site area, and a new traffic pattern indicating that all traffic is to access the site only via NFSR 391 and temporarily via County Road 78 subject to compliance and conformance with Condition 4 above.
7. **NFSR 391.** This CUP shall be void and null if Teller County Planning does not receive by March 1, 2014 a copy of the approved and executed Forest Road Special Use Permit for use and maintenance of NFSR 391. Compliance and conformance with the Forest Road 391 Special Use Permit is also a condition of this CUP Permit.
8. **CDOT Access Permit.** This CUP shall be void and null if Teller County Planning does not receive by December 31, 2014 a copy of an approved CDOT access permit from SH 67.
9. **Drainage Report.** All recommendations, including but not limited to the installation of silt fencing and the use of the off-site existing retention pond, made in the drainage report by Alpine Engineering Group, Inc as stamped by Ralph LoCascio, P.E and dated December 4, 2013 shall be a condition of this CUP approval and shall be installed by Applicant, and approved by Teller County Planning, prior to March 1, 2014.
10. **Setbacks.** Setbacks shall be measured from the CUP south site boundary and shall be a minimum of 50 feet (A-1 zone requirements). The 50-foot setback shall be open and

unobstructed at all times and shall not be used for vehicle parking or for the storage of chip/mulch piles, equipment, or other products. Fences may be placed in a setback.

11. **Representations.** Unless otherwise modified by this CUP, all material representations of the Applicant in its application submittal and in public hearing shall be binding.
12. **Amendments to an Approved Permit [LUR §8.2.H].** Except for minor deviations set forth in LUR §8.2.H.1, any changes to the conditions established herewith, including but not limited to any possibility for an extension of the September 30, 2014 deadline for the use of County Road 78, shall be subject to approval as an amendment to an approved permit and shall be subject to review and approval according to the requirements for a new Permit under the LUR.

The following vote was taken and the motion passed.

Yes Mr. Jeff Smith
Yes Ms. Wendy Dillenschneider
Abstain Mr. Paul Thies
Yes Mr. Randy Baldwin
Yes Mr. Michael Haase

VII. Other Items

A. Notice of Variance Application Decisions

1. Chairman Haase noted the approval by the Board of Adjustment on November 20, 2013 of a request by David Carl and Joyce Mary Adams, Trustees of the Joint Revocable Trust Agreement of David C. Adams and Mary J. Adams (Applicant and Property Owners), to vary the front setback for an existing dwelling from 25 feet to approximately 22 feet in the Residential One (R-1) zone on Lot 43, Lakemoor West #2, Teller County, CO (89 Ranch View Road).
- B. Ms. Pellegrino distributed an Executive Summary of the 2013 Quality of Life Indicators Report for the Pikes Peak Region and encouraged the Planning Commissioners to visit the website www.ppunitedway.org for the full report.
- C. Ms. Pellegrino noted that it appears that there will not be a meeting on February 11, 2014.

VII. Adjourn

Chairman Haase adjourned the meeting at 9:24 p.m.