

TOWN OF SILT
REGULAR PLANNING AND ZONING COMMISSION MEETING
January 9, 2024 – 6:30 P.M.
HYBRID MEETING

The Silt Planning and Zoning Commission held their regularly scheduled meeting on Tuesday, January 9, 2024. The meeting was called to order at 6:31PM.

Roll call	Present	Chair Lindsey Williams Vice Chair Michael Bertaux Commissioner Robert Doty Commissioner Eddie Aragon Commissioner Jennifer Stepisnik
	Absent	Alternate Vanessa Westmoreland Alternate Dana Wood

Also present were Contract Planner Mark Chain, Community Development Manager Nicole Centeno and Town Attorney Michael Sawyer

Pledge of Allegiance

Executive Session

A motion by Chair Williams and the second by Vice Chair Bertaux was made to go in new executive session per CRS 24.6.402 (4) (B) at 6:33 PM.

The Commission came out of public hearing at 6:57 PM. A statement was read by chair Williams.

Process and Ethics Training

Attorney Sawyer conducted a training session for the Planning Commission. He used a 4 -page document as a guide for the training. Items discussed were:

- Duties of the Planning Commission
- Procedures for Commission Action which also touched on quorums, resolutions, voting, and conduct of meetings. Public notice requirements for meetings was also discussed
- Duties of the Chair
- Open Meetings and Open Records, including Executive Sessions and Attorney-Client privilege
- Commission Members feelings and relationships with employees (Conflicts of Interest)
- Code of Ethics

Attorney Sawyer also touched on such items as when the Commission acts in a quasi-judicial manner, making decisions based on evidence presented and other such issues. It was noted that traditionally the Chair does not make a motion but may in certain circumstances. Also discussed was Commission Members appearing in front of the Town Board on matters where there may be an appeal. It was noted that the Commission Member appearing before the Board in such a situation should testify as a “public person” and not a commission member.

The training finished at 7:45 PM.

Members of the Public. There were no members of the public present or attending virtually who wished to address the commission.

.Consent Agenda

1. Minutes of the December 5, 2023 Planning & Zoning Commission meeting.

Commissioner Doty made a motion to approve the consent agenda. Second by Vice Chair Bertaux; the motion carried unanimously.

Conflicts of Interest – There were no conflicts of interest.

Agenda Changes – There were no additional agenda changes.

Laestadian Church/Jurmu Annexation and Initial Zoning

Commissioner Stepisnik noted that she was stepping down from the discussion due to a conflict of interest.

Planner Chain introduced this project, noting that it was a continued public hearing from the November 8 commission meeting. He quickly summarized the application and noted the reasons for the continuance. He touched on where the application was in the process, recent Project development history and applicable code sections related to the annexation and initial zoning. He noted that no specific development plan was presented as part of the application for the “transfer parcel”. He then highlighted the issues that had come up during the November 8 hearing.

He noted that staff went up and inspected the property in the proximity of the residential lots to the south. He said staff was initially concerned about the possibility of drainage issues. He said the findings of staff were that there were no drainage issues that would be associated with the flushing out of the hydrant due to the dead end of the towns water system.

Chain indicated he had been in touch with the applicant’s representatives, and he noted that they did hold an outreach session with the neighbors. He also had included an agenda of the

neighborhood outreach meeting and notes from the meeting that has been compiled by the applicant.

Chain noted that some type of future development is anticipated because the congregation appears to be still growing in an organic fashion. He thought that the best step forward would be to require a site plan review process which would examine any expansion due to development/construction or use of outside areas and even expansion of parking. It was explained that these are code sections that are applicable to this zone district related to new development. He also noted that such a process would allow the church an opportunity to provide an appropriate buffer (e.g. berm, privacy fence, landscaping etc.) Depending on the extent of expansion.

Chain indicated the following:

- Access appeared to be a non-issue.
- Water rights cannot be transferred to the Town but there should be a requirement to have those water rights to irrigate the transfer parcel
- If handled properly, expansion should not result in compatibility issues
- The Boundary Line Adjustment Plat will need to have some kind of sign off from Garfield County to ensure that private property does not extend into the assumed adjacent County Road right-of-way.

There was a recommendation for approval with conditions. Chain also included a draft resolution to document the findings of the Planning Commission. Chain and Sawyer briefly answered questions. At 8:05 PM, Chair Williams gave the floor over to the applicant.

The applicants are represented by Logan Jurmu and Darren Byman. Jurmu quickly discussed the offering of the landscaping or buffer and that a site plan process for expansion was acceptable. Mr. Byman discussed why some neighbors may be confused why they needed additional property and he quickly went over concepts for use. He was unsure why there may be drainage problems with properties to the south but thought that it could be a construction related issue.

Vice chair Bertaux indicated that the meeting notes were made by the applicant and he said they may appear to seem one-sided in nature. He also thought the documents indicated there was give-and-take during the meeting. There was some quick discussion about the neighborhood meeting. The issue of "communication" when there were special events was noted. Byman indicated that they would try to advertise on the website when there were public events upcoming and other ways for outreach. Vice chair Bertaux indicated that perhaps an engineer should look at the property. Commissioner Aragon asked whether a Geotech analysis have been undertaken and Mr. Byman stated that Geotech professional had investigated and done a soils analysis for the property where the addition may be located.

Commissioner Williams opened up the public hearing at 8:15 PM. Jennifer Stepisnik spoke briefly. She indicated she lives directly to the south of the project on Belgian Loop. She thought the outreach meeting was a good meeting from her perspective and she noted the applicants made a good-faith effort to work with the neighbors and they did recognize their adjacency and intended to work with neighbors moving forward. Stepisnik indicated she wanted to avoid the church from operating as a business. The public hearing was Closed at 8:17 PM.

Chair Williams stated she appreciated the church reaching out to the neighbors. After brief discussion Vice Chair Bertaux made recommendation that the Board approve the Annexation

and Initial zoning and that to accept the planner's findings with the stated conditions as well as the adoption of Planning Commission Resolution 1 – series of 2024. Second by Commissioner Aragon, the motion passed unanimously by a vote of 4 to 0.

Conditions for the LLCRFV/Jurmu Annexation and initial zoning below:

1. All representations of the applicant made in writing, application materials and verbally at the Planning Commission meeting or that are reflected in the meeting minutes are considered part of the application and are binding on the applicant.
2. That the property should be placed into the Agricultural – Rural Zone (AG) District
3. That water rights pertinent to the share of use by the Transfer Parcel be used to irrigate the Transfer Parcel as long as that is used as open space, lawn, recreation or other uses which do not include a physical structure or pavement
4. That any development of the Transfer Parcel or expansion of use on the presently owned LLCRFV Parcel including expansion of the existing structure, construction of a new structure, enlargement of parking area or any type of open space/play area be subject to a Site Plan Review per Chapter 17.42 of the Silt Municipal code
5. That an Annexation Agreement be drawn up by the Town Attorney which addresses these and any other matters deemed pertinent by the Town Attorney or Board of Trustees.

Fence Exception – Javier Caro

Manager Centeno introduced this project. The request is for a fence exception submitted by Javier Caro. The fence exception is because the applicant did not meet requirements for the standard height limit and hydraulic gate. Code requirements include a height limit of 42 inches on a property line adjacent to a right-of-way and it also allows a 48 inch high fence if the fence is setback 5 feet from the right-of-way line.

Centeno outlined the background. Mr. Caro applied for a fence permit on May 10, 2023 which was approved. On October 4, Town staff followed up with an inspection see if the project was completed. Staff determined that the project was not completed per approved plans. Proposed fence was a 42-inch-high cedar panel fence and a 48-inch metal gate. The fence was installed with 54-inch high plastic paneling and the gate which ranges from 48 inches to 61.5 inches with hydraulic locking system.

Staff thought the best course of action was removal of the non-approved fence and installation of a fence meeting the original, approved plans. Applicant also was presented with the possibility of approaching the Planning Commission for a fence exception. After carefully analyzing the situation and reviewing the fence and how it sits on the site, staff is of the opinion that the fence as constructed does not disrupt the surrounding properties. Staff recommends approval with conditions but has reiterated to Mr. Caro that after-the-fact permissions in the future will not be tolerated or accepted.

Mr. Caro apologized for the situation. He said he did not think it would be a problem and he thought he did a good job constructing the fence. He also noted that the previous Planning Director had said the fence was acceptable. He apologized again and said he will do what the commission prefers.

Chair Williams thanked the applicant for his comment. Commissioner Doty said he welcomed the applicant to Silt but there are ordinances put in place for the Town to be organized and for the area to be desirable. Chair Williams said she had walked the site and thought the actual construction was nice and stated we need to follow rules and her immediate concern is the access to emergency services.

Manager Centeno said that a Knox box was part of the approval conditions. There was then some discussion regarding Knox boxes and other details related to the code, conditions of approval on the specific situation.

Commissioner Williams open the meeting for public comment at 8:45 PM No public desire to comment so the public comment period closed at 8:46 PM.

Commissioner Bertaux said that the fence would look great, especially in Aspen. But a more appropriate choice materials in an area like this would be Cedar. Mr. Caro said he was willing to replace it if necessary. After some more discussion, Commissioner Aragon made a motion to approve the Caro fence exception with the conditions that the fence be located entirely on the Caro property and with the conditions from the staff report and the approval of resolution 2 – series of 2024. Second by Stepisnik; motion passed by a vote of 4 1, with Commissioner Bertaux voting no.

Planner Recommendations:

Staff recommends approval of the Caro Fence Exception, with the following conditions:

- 1) That if approved, the applicant provides the Community Development Department with a revised detailed plan of what was installed.
- 2) That the fence be located entirely on the applicant's property; and not installed in designated/recorded easements.
- 3) That all representations of the applicant made in writing, application materials and verbally at the Planning Commission or Trustee meetings or that are reflected in the meeting minutes are considered to be part of the application and are binding on the applicant.
- 4) That applicant will provide any additional requested documents and pay any remaining fees, prior to the final fence permit approval.
- 5) That all future fencing proposals will require a permit and fence exception, if required.
- 6) That the applicant installs a Knox Box / Key Switch per the fire departments requirements.

- 7) That the applicant and any future property owners allow the Town access to utilities and the meter if necessary.

Planner Update

Planner Chain indicated that the Coates Lot Split at 511 N. 5th Street would probably be coming to the Planning Commission at the March meeting. Other comments:

- Heron's Nest was finishing up their Annexation and PUD and Subdivision Sketch plan application and would be submitting it in the very near future.
- The Rislende amended Preliminary Plan was going to the Board at the end of January.
- Staff is reviewing information submitted by River Run. They have submitted plans for a new storage application but staff has some concerns with the final construction details and possible noncompliance issues with the small single-family home/cabin area as well as some other matters in the KOA area.
- The application for 1421 Frontage Road was being refined and is not ready for land-use application at this time.

Manager Centeno went into a bit more detail on the River Run Cabin area and the group of homeowners who have some concerns. She said that she and Trey had had a meeting with the owner and had walked the site.

Centeno noted some issues with the Family Dollar building. She said that she had had some questions about the fact that it looked unfinished and was not occupied. She said that there been several delays, some unlicensed contractors were used and that the main area requires a "tenant finish". She said the shell still isn't finished and the tenant started without permits.

Centeno stated that nearly all of the 70 small single-family homes in River Run have CO's. In other matters she said:

- River Trace has 2 multifamily buildings completed.
- the installation of public infrastructure at Camario is presently at a stopping point, partly due to the weather and partly due to method of installation. Some things need to be corrected.
- Centeno also summarized some of the past and upcoming special events.

Commissioner Comment

Vice chair Bertaux indicated that the sign indicating location of the underpass in the I 70 area was on the ground.

Adjournment

The meeting adjourned at 9:10 PM.

Respectfully submitted,

Mark Chain

Mark Chain
Planner

Approved by the Planning Commission

Lindsey K Williams

Lindsey Williams
Chair