

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 21, 2022
COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURTHOUSE
215 WEST 10TH STREET, PUEBLO, COLORADO**

ROLL CALL AND DECLARATION OF QUORUM

Commissioners Present: Richard Arko, Tari Colletti, Elizabeth Gladney, Kiera Hatton, Judy Leonard, Brad Lisac, Michael Schuster, and John Wark.

Commissioners Absent: Stephen Varela.

Staff Present: Carmen Howard, Director; Gail L. Wallingford-Ingo, Deputy Director; Terrence Birch, Land Use Inspector; Meric Peters, Planner I; Katrina Purcell, Planner II; Emma Strong, Planner II; and Sandra Smith, Office Support Services IV.

Others Present: Marci Day, Assistant Pueblo County Attorney; and Dominga Jimenez-Garcia, General Services Engineer, Pueblo County Engineering and Public Works Department.

Chair Leonard called the Pueblo County Planning Commission meeting to order at 5:32 p.m.

The following roll call attendance was taken:

Mr. Arko--present.
Ms. Colletti--present.
Ms. Gladney--present.
Ms. Hatton--present.
Mr. Lisac--present.
Mr. Schuster--present.
Mr. Varela--absent.
Mr. Wark--present.
Chair Leonard--present.

Chair Leonard stated there was a quorum.

APPROVAL OF SEPTEMBER 21, 2022 AGENDA

Mr. Wark motioned to approve the agenda of the September 21, 2022 meeting as mailed. Mr. Schuster seconded the motion.

The following roll call vote was taken:

Mr. Arko--aye.
Ms. Colletti--aye.
Ms. Gladney--aye.
Ms. Hatton--aye.
Mr. Lisac--aye.
Mr. Schuster--aye.
Mr. Wark--aye.
Chair Leonard--aye.

The motion carried unanimously.

APPROVAL OF AUGUST 17, 2022 MINUTES

Chair Leonard had a correction to the minutes as follows:

Page 5, 2nd Paragraph, 3rd Line from the bottom, add the word "be" before Health Solutions.

Mr. Lisac motioned to approve the minutes of the August 17, 2022 meeting as corrected. Mr. Wark seconded the motion.

The following roll call vote was taken:

Mr. Arko--aye.
Ms. Colletti--aye.
Ms. Gladney--aye.
Ms. Hatton--aye.
Mr. Lisac--aye.
Mr. Schuster--aye.

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Mr. Wark--aye.
Chair Leonard--aye.

The motion carried unanimously.

CHAIRPERSON'S REPORT

Chair Leonard informed the Commission about the Environmental Policy Advisory Committee meetings, which are held the first Thursday of every other month at 5:15 p.m. She stated that at the next meeting, October 6, 2022, Mr. Doug Schwenke will give a presentation on water quality. The meeting will be held in the First-Floor Conference Room at the Department of Planning and Development, 229 West 12th Street, Pueblo, Colorado.

DIRECTOR'S REPORT

Ms. Howard stated that Text Amendment No. 2022-001 was originally published as a hearing item on tonight's agenda. Staff changed the item from the Regular Agenda to a Work Session Agenda to be held at the end of tonight's Regular Agenda. The change will allow the Planning Commission the opportunity to ask questions and discuss the items prior to making a recommendation to the Board of County Commissioners. The item will be rescheduled for a hearing before the Planning Commission on October 19, 2022 and for action by the Board of County Commissioners on November 10, 2022.

The Director's Report was presented by Ms. Carmen Howard. She requested the staff memorandums be made a part of the record of proceedings.

- (a) Acceptance of Map Amendments and Planned Unit Developments--None.
- (b) Correspondence--None.
- (c) Continuances--None.
- (d) Withdrawals--None.
- (e) Board of County Commissioners' Action--Summary of actions taken on September 8, 2022 was distributed in the Commissioners' packet for informational purposes only. No formal action is required.
- (f) Administrative Reviews:

- **Special Use Permit No. 2017-008**, Verizon Wireless (Applicant), c/o Maureen Shannon Lopez, Engineer III REG/RE Specialist, Real Estate, Verizon Wireless (Representative), Pueblo West Metropolitan District (Owner). This is an administrative review of the special use permit, which permits the establishment of a 58-foot stealth type telecommunications tower and related accessory buildings and support facilities on a 195-square foot leased parcel of land in a S-1, Public Use Zone District. The leased parcel is encompassed within the 2.2-acre parcel of land more commonly known as Pueblo West Fire Department, Station 3, addressed as 729 East Gold Drive, Pueblo West.

The Pueblo County Planning Commission accepted Staff's Administrative Review, thereby approving the continuance of this permitted use with the modified conditions and Notation as outlined in Staff's Memorandum dated September 8, 2022.

- **Special Use Permit No. 2021-009**, Robert C. and Barbara S. Barr (Owners), RE Arroyo, LLC (Applicant), Enel Green Power North America, Inc., c/o Jack Hannifan, Associate Developer (Representative). This is an administrative review of a special use permit, which allows the establishment of a 7.75-foot (93 inches) meteorological evaluation test (MET) tower and related accessory structure on a 440±-acre parcel in an A-1, Agricultural (minimum 35 acre) Zone District. The property is located approximately one mile south of the intersection of Lime Road and St. Charles Road.

The Commission accepted Staff's Administrative Review, thereby approving the continuance of this permitted use with the modified conditions and Notation as outlined in Staff's Memorandum dated September 12, 2022.

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- **Special Use Permit No. 2021-010**, Luminary Highlands Solar Project, LLC (Applicant), Perry Brothers, LLC (Owner), Enel Green Power North America, Inc., c/o Jack Hannifan, Associate Developer (Representative). This is an administrative review of a special use permit, which allows the establishment of a 7.75-foot (93 inches) meteorological evaluation test (MET) tower and related accessory structures on a 320±-acre parcel in an A-1, Agricultural (minimum 35 acre) Zone District. The property is located approximately one mile southwest of the intersection of Boone Road and Highland Road in the northeastern region of Pueblo County.

The Commission accepted Staff's Administrative Review, thereby approving the continuance of this permitted use with the modified conditions and Notation as outlined in Staff's Memorandum dated September 14, 2022.

Ms. Howard requested the Commission take action to accept the administrative reviews as presented.

Mr. Schuster moved to accept the administrative reviews as read into the record and make the Commission's comments a part of the record of the proceedings. Mr. Wark seconded the motion.

The following roll call vote was taken:

Mr. Arko--aye.
Ms. Colletti--aye.
Ms. Gladney--aye.
Ms. Hatton--aye.
Mr. Lisac--aye.
Mr. Schuster--aye.
Mr. Wark--aye.
Chair Leonard--aye.

The motion carried unanimously.

STATEMENT OF HEARING PROCEDURES BY CHAIRPERSON

Chair Leonard reported that the applicant and/or representative are called upon to speak, followed by any parties in favor and then those in opposition, with the applicant having the final say.

PUBLIC HEARING

Ms. Howard explained there were two items on the Consent Agenda and two items on the Regular Agenda for this evening's meeting. She requested the staff memorandums presented this evening be made a part of the record of proceedings.

CONSENT ITEMS:

- **Special Use Permit No. 2022-004**, Frank R. and Judith E. Urban Living Trust, c/o Judith E. Urban, Trustee, requesting the establishment of a Boat and RV Storage in an A-2 Zone District. The property contains 15.59 acres and is located east of Interstate 25.

Staff recommended the Pueblo County Planning Commission approve Special Use Permit No. 2022-004 with three conditions of approval and a Directive to Staff as outlined in Staff's Memorandum, dated September 12, 2022. PCPC Resolution No. 22-011, dated September 21, 2022, was also approved.

- **Road/Alley Vacation No. 2022-002**, Diocese of Pueblo requesting a road/alley vacation to vacate the 20-foot wide platted alley located between Lots 4-6 and 10-12, San Jose Subdivision.

Staff recommended the Pueblo County Planning Commission forward a recommendation of approval of Road/Alley Vacation No. 2022-002 to the Board of County Commissioners with five comments and two conditions as outlined in Staff's Memorandum dated September 12, 2022.

Mr. Ted Lopez advised the Planning Commission that he would like to remove the second Consent Agenda Item, Road/Alley Vacation No. 2022-002. Chair Howard replied that it would be removed from the Consent Agenda and placed at the end of the Regular Agenda.

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Chair Leonard called for a motion to accept the remaining item on the Consent Agenda as presented, noting that Road/Alley Vacation No. 2022-002 was removed.

Mr. Schuster moved to accept the Consent Agenda as read into the record and make the Commission's comments a part of the record of the proceedings, noting that Road/Alley Vacation No. 2022-002 was removed and placed on the Regular Agenda. Mr. Lisac seconded the motion.

The following roll call vote was taken:

Mr. Arko--aye.
Ms. Colletti--aye.
Ms. Gladney--aye.
Ms. Hatton--aye.
Mr. Lisac--aye.
Mr. Schuster--aye.
Mr. Wark--aye.
Chair Leonard--aye.

The motion carried unanimously.

REGULAR ITEMS:

Statement of Conduct and Demeanor

Chair Leonard stated in order for the business of the Commission to be conducted in the most effective and expeditious manner, it is necessary that all persons maintain a demeanor of civility toward each other. Uncivil conduct will not be tolerated. Such behavior shall constitute the forfeiture of a person's right to remain in attendance and may result in them being asked to leave the meeting by the chairperson or, upon their refusal, being escorted out of the meeting by the proper authority.

Chair Leonard opened the meeting for Harvest Moon Subdivision, Second Filing, Preliminary Plan No. 2021-004.

- **Harvest Moon Subdivision, Second Filing, Preliminary Plan No. 2021-004**, Joseph P. Constanza and Frank J. Molinaro, Jr. (Owners/Applicants), Mangini & Associates, Inc., c/o Rocky Mangini (Representative). The owners/applicants request preliminary plan approval to subdivide an 8.84± acre parcel into eight (8) lots, varying between 1.0± acres and 1.21± acres in size, within an A-3, Agricultural (minimum 1 acre) Zone District. The lots are proposed to be accessed via two (2) forty (40) foot private ingress-egress and public utility easements (tentatively named Costanza Court for Lots 1-4 and Molinaro Lane for Lots 5-8). The property is located at the west side of Lane 27 between Iris Road and County Farm Road in the St. Charles Mesa area.

The application was continued by both the Pueblo County Planning Commission and the Board of County Commissioners until such time as the issues associated with the proposed subdivision were adequately addressed. Staff has received updated information and has determined the preliminary plan application can proceed for review and consideration.

Ms. Gail Wallingford-Ingo, Deputy Director, Pueblo County Department of Planning and Development, 229 West 12th Street, Pueblo, Colorado, summarized Staff's Memorandum, dated September 16, 2022. She stated that the proposed subdivision has been ongoing for some time, and staff has been working diligently with the applicant and the representative to address the issues that were raised through the initial review. Staff has determined, pursuant to the provisions of the Pueblo County Code, the proposal does comply with the development standards of the A-3 Zone District. It also complies with the recommendations of the newly adopted Pueblo Regional Comprehensive Plan. Comments and concerns raised by the Pueblo County Department of Engineering and Public Works as well as the Pueblo Rural Fire District have been adequately addressed. Staff recommends approval with two comments, two conditions, and a notation. She stated that in staff's recommendation, it was inadvertently stated that "*based upon comments received and issues identified*" and wanted to clarify that there were no issues. She stated that Mr. Mangini was in attendance to provide additional information about the proposed subdivision.

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IN FAVOR

Mr. Rocky Mangini, Mangini and Associates, Inc., P.O. Box 8505, Pueblo, Colorado, represented the preliminary plan. He stated the property was located to the west of 27th Lane, north of County Farm Road, and south of Iris Road. The previous subdivision that created the three lots proposed to be re-subdivided was submitted to the Department of Planning and Development in 2006, and the plat was recorded in 2007. The subdivision consisted of twelve residential lots ranging in size from one acre to about two and half acres. The developer at that time dedicated 30 feet of additional right-of-way along the west side of 27th Lane and 10 feet along the south side of Iris Road. The developer also paid several fees in traffic and drainage infrastructure along with fire impact fees of approximately \$9,000. He was unable to find exactly what the other fees were for; therefore, he did not have that information. He stated the current subdivision proposal was a resubdivision of Lots 6, 7, and 8 of Harvest Moon Subdivision into eight lots to be known as Harvest Moon Subdivision, Second Filing. The total acreage of the proposed subdivision is 8.84 acres with the lots ranging in size from 1.0 acre to 1.21 acres. Access to the eight lots will be through two cul-de-sac easements that extend west from 27th Lane and are 40 feet in width with a 50-foot radius. He has also addressed the drainage and stormwater issues within the development by designing and building several detention ponds on four of the lots. He felt that Public Works and Engineering's concerns with increased drainage runoff have been adequately addressed. St. Charles Mesa Water District has agreed to provide water to the eight additional lots. The Pueblo County Department of Public Health and Environment (PDPHE) has approved individual sewage disposal systems on the eight lots. He stated the original developer installed three fire hydrants for the development and for the surrounding area in 2007. The fire hydrant that was located west of 27th Lane will have to be moved to accommodate the new access easement and comply with Pueblo Rural Fire District's requirements. An additional fire hydrant will be installed at the southeast corner on the second access easement. He stated the development is not within a special flood hazard area, and the applicant is in agreement with the comments and conditions recommended by Planning and Development staff. He provided a petition signed by surrounding property owners in favor of the proposed development which he wanted to enter into the record. The petition was entered into the record as Petitioner's Exhibit No. 1.

IN OPPOSITION

Dr. Michael Bartolo, 902 South 27th Lane, Pueblo, Colorado, spoke in opposition to the preliminary plan. He stated he was representing the Bartolo Farm of the same address, which is located directly north of the proposed subdivision and directly within the stormwater and alluvial groundwater flow path. His family has been farming in that location for almost 100 years when his grandparents first immigrated from Italy in the 1920s. The fourth generation is now taking over the farm. Like the generations before them, they are steadfast in being good community members and caring for and nurturing an incredible resource. In addition, he has spent the last 32 years working in agricultural research and outreach including technical research on soil and water quality issues. He stated he was representing his family and five other families in opposition of the proposed development. Several months ago, this Commission unanimously approved the Pueblo Regional Comprehensive Plan. A plan that was developed by the constituents the Commission were chosen to represent. The Plan overwhelmingly supports agriculture and, despite all the past developments, mandates agricultural preservation on the St. Charles Mesa. Most importantly, the Plan gives a specific road map on how to proceed. For example, on the Goals and Policies it states, "*Retain and protect the viability of agriculture on the St. Charles Mesa*". Also, under Policy it states, "Require" the use of land for conservation subdivisions, equestrian, and other approaches. The Plan outlines conservation easements, transferrable development rights, and better subdivision design. Aside from being about one acre in size, the proposed development is about as far away from those principles as it could possibly be. He stated the applicant was trying to jam as many lots and septic tanks into the area as they possibly could. He hoped that the Planning Commission could see through that. He stated that if the Comprehensive Plan's guiding principles didn't mean anything to the Commission, which he hoped they did, there was other definitive evidence indicating that the application was flawed and a threat to the community.

Dr. Bartolo stated, first, were the fatal flaws the development has pertaining to stormwater runoff. The Pueblo County's engineered detention assessment stated high runoff flows were to be expected. To counteract that significant impact, Pueblo County Engineering recommended the use of detention ponds. The applicant's solution, according to the last report, was to include sand filters. He stated sand filters were pits filled with sand that have to be continually maintained to be kept weed and debris free. Every few years, the sand

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needs to be removed and replenished. He stated the sand pits need to be maintain in perpetuity, that is forever. On the St. Charles Mesa, there is no established proof that the sand pits work or have any oversight mechanism to ensure that they will be able to be maintained. He questioned if any of the Commission members had actually seen any of the one acre lots on St. Charles Mesa. He stated they were weed patches with cars, corrals, and other items on them. He questioned if everyone thought the detention ponds or sand fills were going to work. He stated that the majority of the landowners on the one-acre lots do not have the capacity to care for them. They do not have the equipment, and they cannot keep the land free from weeds and other debris. To think that the ponds and sand fills would be maintained and function overtime, let alone forever, was completely unrealistic. Hopefully, we are not so naive to understand the realities of human nature. If the Commission still has any doubts that these things will be constructed, let alone maintained, take into consideration the first phase of the previous development. The applicants were required to install four detention ponds and not a single one has been installed. How many times, on the St. Charles Mesa, do we need to keep hearing these false promises? He stated that in the rebuttal, Mr. Mangini will talk about agreements and covenants and things like that, but in reality, just like what happened in the first phase, they are not worth the paper they are written on.

Dr. Bartolo continued, from a drainage standpoint, the only realistic and tangible way to protect the County's interest and the interests of other property owners is to have a dedicated and engineered detention basin or pond. The reason that was not done in the first place was clear, it would cost the applicants money to engineer, cost them money to construct, and would likely eliminate one of the sellable lots. He stated he knew that every one of the Commission members were busy, but the evidence was clear in the engineering reports. He hoped the Commission took the time to thoroughly read and understand them. He questioned how many of the members visited the site or have seen and understand what was happening on the one-acre lots. He hoped they had because of the 100 years he has invested with blood, sweat, and tears by his family and what many other families have invested in their land depends on the Commission's ability to see that. Next, and perhaps even more an egregious threat to the health and safety of the community, was groundwater contamination from septic tanks. He has talked about this in the past and for the sake and respect for the Commission's time, he would not go into details. He has presented data to both the Board of County Commissioners and the Environmental Advisory Policy Committee (EPAC). He stated after reviewing his data with other professionals, it has been found abundantly clear that there is not only a problem but a serious problem. He cannot make it any clearer. In his 30-plus years of testing thousands of water and soil samples, he has never seen groundwater nitrates so high as what was occurring on the St. Charles Mesa. The levels were not only problematic in themselves, but they serve as a proxy for a host of other possible contaminants. What was also clear from the work sessions was that the PDPHE has absolutely no clue the accumulative effects of over 3,000 septic tanks have on the St. Charles Mesa. He felt this was outrageous. He stated he has spoken with staff at PDPHE and was advised that the area has not been monitored in 25 years. It has been two and half decades since any water samples had been taken by the PDPHE. He also talked to PDPHE about the high groundwater table, and they had no idea what impact it might entail. He has also been in contact with the members of EPAC and they, in conjunction with Pueblo Area Council of Governments (PACOG), are proposing to do a comprehensive study to assess the extent of the contamination. He hopes to learn in the next couple of weeks how that funding will go forth. He stated that the data that he has provided was clear, noting he has taken a lot of time and effort to collect that data and present it to the Commission. It was clear that given the already high levels of nitrates, proceeding with the proposed development without knowing the negative outcome would be inexcusable. He stated the proposed development not only poses a direct threat to his own personal health, but to his family, livestock, and the saleability to sell his crops. The possibility of exposing the County to massive liability issues would be a huge financial cost. He is very passionate about these issues, and he was trying to put himself in the Commission's shoes knowing they would have to be objective. He questioned what would be a practical, prudent response. His thoughts were, given what is known, it does not make sense to approve any more developments with septic tanks until the problems were fully grasped and alternative forms of action were developed. He stated this was what he was asking of Commission this evening. He stated that the proposed application has several fundamental flaws, and in its purest sense was a tragedy. It is a tragedy because it desecrates some of the most unique and productive agricultural soil in the country (yes, country, not county) for every generation to come. He asked the Commission to think about that. It took about 300,000 years for the Grade A agricultural soils to develop. They constitute less than 1% of this County's surface area. When you build a house on that land, you destroy it for every generation to come. He cannot understand why these practices continue to happen to our kids and grandkids. He described it as one of the most egregious

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sins committed against future generations. He has seen many places with incredible farm land, and the land in Pueblo County is one of best he has ever seen. The even greater tragedy, is after the applicants put in a detention pond, pay all the fees, put in a fire hydrant, pay Mr. Mangini, pay the other engineers, and pay the real estate agent, the applicants would have been money ahead using a conservation easement. He stated he was on the Board of Directors for the Palmer Land Use Service for six years, noting this was a classic case. The applicants would have made more money by using a conservation easement instead of causing all this tragedy. He stated that what the Commission was being asked to do was subsidize development. It is subsidized by ignoring the intent of the Comprehensive Plan by letting them off the hook with a completely unrealistic and unenforceable drainage plan and turning a blind eye to a huge environmental impact. If this is done, families, like his, who have been good stewards of the land. He stated the proposed development was the first after the adoption of the Comprehensive Plan, noting it was a seminal moment in the County's history. Before this incredible place is completely destroyed, he asked the Commission to have the courage to uphold the intent of the Comprehensive Plan and forge a new pathway that was good for our kids, grandkids, and generations to come. It would also be good for the taxpayers and the landowners. He thanked the Commission for their time.

REBUTTAL

Mr. Mangini rebutted the testimony. He stated the same issues have been discussed several months ago. At that time, he stated that there was no proof anywhere that exists today that says there was an issue with the contamination of the groundwater in the St. Charles Mesa from septic tanks or any other activity. No proof whatsoever. From the last study that was done, all the nitrate levels were lower than the maximum amount. He stated that he talked with Dr. Bartolo this evening who told him there was going to be another study, which he felt was great. He mentioned the last time he was before the Commission with this proposal, there were alternative individual sewage disposal systems for households that could be used that would not impact the groundwater. If it was proven there was contamination from septic systems, the alternative systems could be used. What Dr. Bartolo did not mention was that the Comprehensive Plan also states, "*The definition of Country Residential is intended to remain more rural in character without public sewer service but having some suburban amenities such as public water service.*" He said this was for the one- to five-acre lot developments found on the St. Charles Mesa. He stated that the proposed development complies with all the subdivision regulations and all the zoning regulations. He was not asking for any variances for this development. It complies with all the County regulations as they are written today. He stated that detention ponds are used throughout Pueblo County everywhere, i.e., the City, Pueblo West, Colorado City. If you visit the commercial properties north of Pueblo, you'll see detention ponds. You go to subdivisions on the south side of Pueblo, you see detention ponds. Detention ponds are the viable option. He does not believe the "weed" story. He grew up on the St. Charles Mesa, living there as a young man since 2000. The one-acre lot he lived on never had any weeds. It was always clean and maintained. There are many others that take pride in their properties on the St. Charles Mesa. There are some people that do not maintain their land, but Pueblo County has more oversight and jurisdiction over detention ponds then they used to have. He put together documents as part of the submittal that indicated the landowner must maintain the drainage ponds or the County would maintain them and charge the landowner. He stated the proposal was written to make sure the landowners maintained their property and detention ponds. Drainage ponds are the only way to abate drainage issues. He stated it was a metered outlet that released water after the storm had passed. He stated he was in support of another study on the St. Charles Mesa to check the wells and see if they have changed. From 2008 to just a two or three years ago, there was hardly any development on the St. Charles Mesa due to the economy and the downturn that happened in 2008. Development was at a standstill. He stated he was also curious if there was contamination in the groundwater, but it was currently unknown. If it was found that there was contamination, the designs for individual sewage disposal systems and drainage pond would change from what was being done today. He stated the PDPHE does not seem to be that concerned, and he has not heard anything from the Colorado Department of Public Health and Environment (CDPHE). As it stands right now, there is no proof whatsoever that says there is contamination of the groundwater on the St. Charles Mesa.

Chair Leonard closed the meeting and entered staff's comments into the record.

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MOTION

Mr. Lisac moved to forward a recommendation of approval of Harvest Moon Subdivision, Second Filing, Preliminary Plan No. 2021-004 to the Board of County Commissioners, with two comments, two conditions, and Notation as per Staff Memorandum, dated September 16, 2022. Mr. Wark seconded the motion.

The following roll call vote was taken:

Mr. Arko--aye.
Ms. Colletti--aye.
Ms. Gladney--aye.
Ms. Hatton--nay.
Mr. Lisac--aye.
Mr. Schuster--aye.
Mr. Wark--aye.
Chair Leonard--aye.

The motion carried by a 7 to 1 vote with Ms. Hatton voting against the motion.

Chair Leonard opened the hearing for Comprehensive Plan Amendment No. 2022-002.

- **COMPREHENSIVE PLAN AMENDMENT NO. 2022-002**, Pueblo County Planning and Development (Applicant) requesting an amendment to the 2022 Pueblo Regional Comprehensive Development Plan in order to amend municipal water text as adopted by the City of Pueblo.

Ms. Carmen Howard, Director, Pueblo County Department of Planning and Development, 229 West 12th Street, Pueblo, Colorado, summarized Staff Memorandum, dated September 12, 2022. She stated that this item was originally presented to the Commission in January 2022 and approved in February 2022. Since that time, there have been some amendments that were requested by the City of Pueblo. The City of Pueblo has approved the Comprehensive Plan with those amendments. The amendments relate to municipal water and strengthening the language relating to municipal water. In order to be consistent with this regional plan, those amendments are before the Commission for its consideration and approval.

IN FAVOR

There were no parties in favor of the Comprehensive Plan amendments.

IN OPPOSITION

There were no parties in opposition to the Comprehensive Plan amendments.

REBUTTAL

There was no testimony to rebut.

Chair Leonard closed the hearing and entered staff's comments into the record.

MOTION

Mr. Lisac moved to approve Comprehensive Plan Amendment No. 2022-002 as outlined in Staff's Memorandum, dated September 12, 2022. Mr. Wark seconded the motion.

Discussion ensued. Mr. Lisac questioned where the amendments were generated from. Ms. Howard replied that the City of Pueblo requested some clarification to the language relative to municipal water. Since it is a regional plan, we have to make sure that the Comprehensive Plan is worded accurately for all interested parties.

The following roll call vote was taken:

Mr. Arko--aye.
Ms. Colletti--aye.
Ms. Gladney--aye.
Ms. Hatton--aye.
Mr. Lisac--aye.

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Mr. Schuster--aye.
Mr. Wark--aye.
Chair Leonard--aye.

The motion carried unanimously. PCPC Resolution No. 22-012, dated September 21, 2022, was also approved.

Chair Leonard opened the meeting for Road/Alley Vacation No. 2022-002.

- [Road/Alley Vacation No. 2022-002](#), Diocese of Pueblo (Applicant), Bishop of Pueblo (Owner), Amella Surveying, Inc., Gary Amella (Representative). The applicant requests a road/alley vacation to vacate the 20-foot wide platted alley located between Lots 4-6 and 10-12, San Jose Subdivision. This alley is not developed or maintained at this time. The property is located at the southeast corner of the intersection of Rio Street and Laredo Street, north of Roselawn Road, in the Salt Creek community. The area of the platted alley has direct access onto Laredo Street.

Ms. Gail Wallingford-Ingo, Deputy Director, Pueblo County Department of Planning and Development, 229 West 12th Street, Pueblo, Colorado, summarized the content of the Staff Memorandum, dated September 12, 2022. She noted that the Staff Memorandum was written by Ms. Emma Strong, Planner II. The road/alley vacation is one of three applications that is being submitted to accommodate a proposed nun monastery, which will be classified as a "boarding house". Staff is recommending approval with five comments that supports the proposed road/alley vacation complies with Section 16.20.020, Subsections F, G, H, and I of the Pueblo County Code. She stated Mr. Gary Amella, Amella Surveying, Inc., the applicant's representative was in attendance to provide additional comments.

IN FAVOR

Mr. Gary Amella, Amella Surveying, Inc., 54 Mac Arthur Road, Pueblo, Colorado, represented the road/alley vacation. He stated that the Bishop of Pueblo is proposing a convent for about 11 participants. He stated the proposed building would take up most of the property with a portion going into the alley, which is the reason for the road/alley vacation request.

IN OPPOSITION

Mr. Ted Lopez, 207 West Northern Avenue, Pueblo, Colorado, spoke in opposition to the road/alley vacation. He stated he owned property on the adjacent corner of where the development is proposed. He stated that he and his siblings were not in opposition to the development but were being proactive. He introduced his sister, Ms. Laura Heckhausen, 1421 Laredo, Pueblo, Colorado, and his brother Mr. David Lopez. He stated they have noticed activity on the particular lot by the Parish. A few years ago, in preparation of a new parking lot for the Parish's annual festival, there was excavation and removal of ground cover. A lot of dust was created by the removal the topsoil. In anticipation of this particular development, there was also removal of topsoil which was piled up on the northwest corner of the property. Ms. Day addressed Mr. Lopez reminding him that the issue before the Commission this evening was for an alley vacation. Mr. Lopez replied that he understood that; however, what he was trying to say is that they were trying to be proactive instead of reactive, which is why he has mentioned those particular incidents. Ms. Day suggested that if he had concerns with other activities that occur on the site, to reach out to Planning Staff to discuss other development permits required for the construction on site. She stated she would like to keep comments relative to the alley vacation for this evening's meeting. Mr. Lopez replied that he understood what she was saying, but he wanted to make sure that their comments were heard, or as she said, be notified when permits or further development takes place on the property. He would trust that there are certain development standards that need to be followed. He wants to make sure that things like drainage, dust, and noise are addressed. Ms. Day replied that she understood and felt that Planning staff would be able to address his questions and concerns.

REBUTTAL

Mr. Amella rebutted the testimony. He stated that when land is developed, there are several types of permits that need to be pulled, like access permits. The public as well as adjoining property owners are protected because a development has a lot of infrastructure that needs to be permitted. There are several permitting agencies that are involved with developments. Ms. Day stated that developers are encouraged to stay in contact with the surrounding neighbors and suggested that Mr. Amella and Mr. Lopez exchange contact information for

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that purpose. Mr. Lopez stated that this was what he, his family, and other neighboring residents were concerned with, i.e., communication. He stated there was another development within the same neighborhood that has had that communication.

Chair Leonard closed the meeting and entered staff's comments into the record.

MOTION

Mr. Schuster moved to forward a recommendation of approval of Road/Alley Vacation No. 2022-002 to the Board of County Commissioners, with five comments and two conditions per Staff Memorandum, dated September 12, 2022. Mr. Arko seconded the motion.

The following roll call vote was taken:

Mr. Arko--aye.
Ms. Colletti--aye.
Ms. Gladney--aye.
Ms. Hatton--nay.
Mr. Lisac--aye.
Mr. Schuster--aye.
Mr. Wark--aye.
Chair Leonard--aye.

The motion carried by a 7 to 1 vote with Ms. Hatton voting against the motion.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Chair Leonard stated that she was approached by Ms. Wendi Kern requesting time on this evening's agenda to discuss some issues relating to a gravel pit under Special Use Permit No. 1999-007. She informed Ms. Kern that it was too late to be added to this evening's agenda and if she was okay with being added to the October 19, 2022 Planning Commission agenda. Ms. Kern replied she was okay with that. Chair Leonard suggested adding an item "Citizen's Comments" to the October 19, 2022 Commission agenda and allowing Ms. Kern seven minutes for her testimony. The Commission members were all in agreement. This time would also allow the Commission members to review the special use permit in preparation of Ms. Kern's comments.

REPORTS OF COMMITTEES

Ms. Howard re-stated that at the October 6, 2022 EPAC meeting, Mr. Douglas Schwenke, the Water Quality Consultant, will be providing an update on the Watershed Plan activities through the Pueblo Area Council of Governments. Ms. Howard stated that the Planning and Development Conference Room was not very big so if there was a large interest, it would be a good idea to attend via Zoom. She stated that the EPAC meeting Zoom link would be provided to all the Commission members.

ADJOURNMENT

Mr. Schuster motioned to adjourn the meeting. Mr. Lisac seconded the motion. Motion carried unanimously. The meeting was adjourned at 6:34 p.m.

Respectfully submitted,



Carmen Howard, Director
Department of Planning and Development

SMS