



**CITY OF RIFLE  
PLANNING COMMISSION REGULAR MEETING  
AND BOARD OF ADJUSTMENT  
PUBLIC HEARING**

**July 25, 2017  
Rifle City Hall – Council Chambers**

6:00 PM Workshop ~ Planning Commission policies and Comprehensive Plan/Downtown Strategic Plan review

**Regular Meeting**

7:00 PM Convene Regular Planning Commission Meeting and Board of Adjustment

7:01 PM Roll Call

7:02 PM Approve June 27, 2017 Regular Planning Commission Meeting Minutes

7:03 PM Zoning Variance 2017-1 213 Whiteriver Avenue (Public Hearing)  
*Consider approval to allow a 6 foot fence in the front yard setback*

7:20 PM Member Comments and Adjournment

*The order and times of agenda items listed above are approximate and intended as a guideline for the Planning Commissioners.*

*Next Regular Planning Commission Meeting: August 29, 2017*



**CITY OF RIFLE**  
202 RAILROAD AVENUE • P.O. BOX 1908 • RIFLE, CO 81650  
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## REGULAR PLANNING COMMISSION MEETING

Tuesday June 27, 2017

Commissioner Rogers, Interim Chair, called the Regular Planning Meeting to order at 7:05 p.m.

### **MEMBERS PRESENT AT ROLL CALL**

**Pettinger, Marantino, Rogers, Barnett and Villasenor**

Commissioner Pettinger moved to **EXCUSE** Chair Fuller, Vice Chair Strode, Commissioner Caldwell and Commissioner Steffen, from the June 27, 2017 meeting Commissioner Barnett seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes Pettinger, Marantino, Rogers, Barnett and Villasenor**

**Commissioner Villasenor will be voting a member**

### **OTHERS PRESENT**

Planning Director Nathan Lindquist, Administrative Assistant Charlotte Squires, City Attorney Jeff Conklin, Ch. 10 Salvador Tovar-Guzman, Mark Sills, Ken Kovash, Sayler Ellis, Paige Haderlie.

### **APPROVAL OF MINUTES**

Commissioner Marantino moved to **APPROVE** minutes from the May 30, 2017 meeting. Commissioner Villasenor seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Pettinger, Marantino, Rogers, Barnett and Villasenor**

### **ADDITIONS OR DELETIONS TO THE AGENDA**

None

### **PUBLIC MEETING OPENED: 7:10 P.M. CONDITONAL USE PERMIT 2017-7 2185 10<sup>TH</sup>**

**STREET** Applicant – Mark Sills and Ken Kovash

Confirmed Public Notice was met

### **PURPOSE**

Applicant requests approval to allow growth and processing of hemp.

### **APPLICANT PRESENTATION**

Mr. Sills explained that they are licensed through the state and there are no regulations on growing and processing hemp at this time. The plans are to grow and process the hemp into oils for sale. There will be starter plants and seeds for sale to the public (wholesale). Hemp has to be lower than .3% THC (Tetrahydrocannabinol), if the plant reaches .3% or above it will be destroyed; the plants are tested for THC several times a day to know when to harvest the plant. In regards to the oils the good healing parts of marijuana are the CBD's (Cannabidiol) are used for the same medical purposes as cannabis without the side effects.

Mr. Kovash explained the difference between hemp and marijuana; there are uses for every part of hemp. Hemp has the highest omega 3, 6 oil and EDC oil on earth. Hemp is also used for fiber. It is the second strongest fiber behind spider webs. The oil is where the resins are, basically you can use every single part of the plant.

Planning Director Nathan Lindquist asked how hemp is different from marijuana and the drug like qualities are what?

Mr. Kovash replied they are medicinal and are not psycho-active; the CBD's are not psycho-active like cannabis or the THC in the cannabis. It is the exact same plant – the other chemicals in the cannabis are still in the hemp, it is just the THC that are not in hemp.

### **STAFF REPORT**

Planning Director Nathan Lindquist explained the building that will be used is the front building on the lot off 10<sup>th</sup> Street South. This type of product is considered agriculture and the state regulations can be found at <https://www.colorado.gov/pacific/agplants/insustrial-hemp>.

Staff would be comfortable with including hemp under “crop production” which is permitted use in the Light Industrial zoning. The only aspect of hemp production that, in Staff's opinion, triggers the need for a Conditional Use Permit is the odor issue.

City Attorney Jeff Conklin mentioned there should be a condition to do surprise visits to the facility.

Mr. Sills replied that would be fine.

Staff recommends Planning Commission APPROVE Conditional Use Permit 2017-7

### **PUBLIC COMMENT OPENED 7:35 pm**

Paige Haderlie shared the concern of property owners in the area, since the marijuana industry has started the owners of property in the area have seen more inspections that have to concur for their insurance for their building. Adjacent property owners are asking that the City confirm there is security and/or law enforcement patrolling. There have been several inspections already to confirm that this area is not prone to crime in the area now.

### **PUBLIC COMMENT CLOSED 7:45 pm**

### **COMMISSION QUESTIONS AND COMMENTS**

Commissioner Barnett asked who will be the provider for the starter plants for the operation, and where will processing be done. Asked about security on the property, if cameras will be used.

Mr. Kovash replied they will be doing tissue culture and there is a company in Portland Oregon that has a 12,000 square foot green house that thirty-two million starts per year and they are sold out for the next season. Doing the tissue culture you can get the exact same plant each time. With the 2014 farm bill allowing the sale of hemp oil all over the United States, the market place is huge.

Mr. Sills replied the processing will be at the Parachute site at this time.

Mr. Kovash explained they have a CO<sub>2</sub> extractor now. The CO<sub>2</sub> gas is not valuator it doesn't explode under pressure, it is not like betaine. The goal is to set high standards with a food grade product. The grow time of a plant is 60 to 90 days. The drying and processing will be done naturally. Smells will be controlled with charcoal filters and testing done on the plants morning, noon and night for THC levels.

Mr. Sills replied yes there will be cameras for security and for their own protection.

Commissioner Marantino asked if the grow would be in a controlled building/greenhouse.

Mr. Kovash replied yes the growing of hemp will be in a controlled greenhouse, vented and security cameras in place. The venting will be with charcoal filters to help cut down on the odor.

**COMMISSION DISCUSSION**

Acting Chair Rogers confirmed with Staff of adding the conditions 1) for outside security, a plan will need to be submitted showing the security for outside the business to help protect the neighborhood. 2) for odor control, a plan will need to be submitted at building permit time for review and approval.

**Motion Made:**

Commissioner Barnett moved to **APPROVE** Conditional Use Permit 2017-7 10<sup>th</sup> Street South with the following conditions: 1) The City of Rifle can do inspections upon giving twenty four (24) hour notice. 2) Part of the site plan must include an odor control and security plan when submitted for approval. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Pettinger, Marantino, Rogers, Barnett and Villasenor**

**PUBLIC HEARING: CLOSED 7:35 P.M.**

**COMMISSIONER COMMENTS**

Acting Chair Rogers shared this will be Commissioner Barnett’s last meeting. Staff and Commissioners thanked him for his time on the Planning Commission and wished him well.

**STAFF COMMENTS**

No Comments

**REGULAR MEETING ADJOURNMENT**

The meeting was adjourned at 7:50 p.m.

\_\_\_\_\_  
Helen Rogers, Acting Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Charlotte Squires, Planning Administrative Assistant

\_\_\_\_\_  
Date

**DEPARTMENT OF PLANNING & DEVELOPMENT**

202 Railroad Avenue, Rifle, CO 81650

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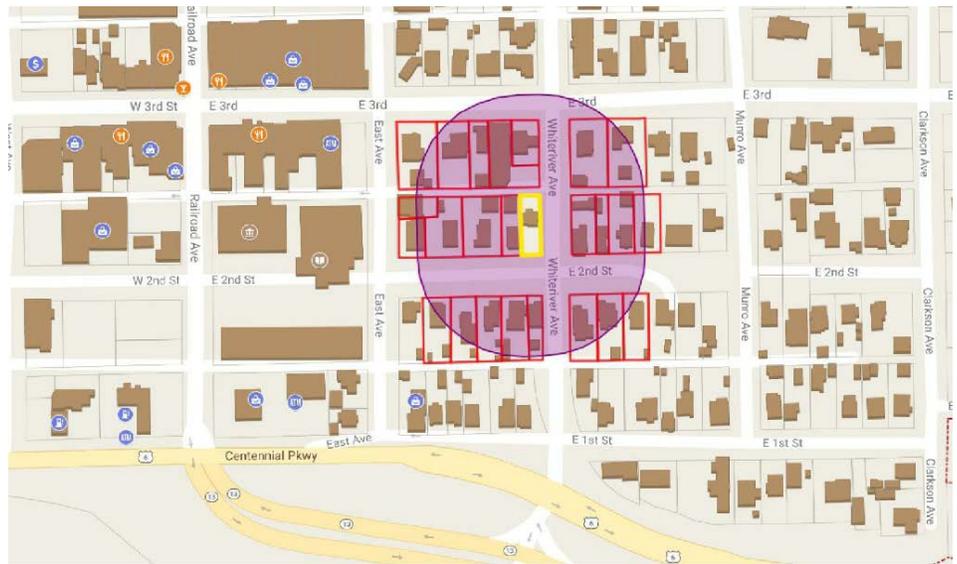


**MEMORANDUM**

**TO:** City of Rifle Planning Commission  
**FROM:** Nathan Lindquist, Planning Director  
**DATE:** June 20, 2017  
**SUBJECT:** Variance for fence height at 213 Whiteriver Avenue  
**CASE:** Variance 2017-1  
**APPLICANT:** Maggie Romance, owner

**REQUEST**

The applicant requests a variance for a 6-foot tall fence that exceeds the maximum height of 4 feet within the front yard setback at 213 Whiteriver Avenue. See the Vicinity Map to the right:



The applicant requests that the 6' fence be allowed along a portion of the property line on Whiteriver Avenue, approximately 25 feet, as shown here:



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### BACKGROUND

Fence heights within the *front yard setback* (areas of a property within 20 feet from a street) are limited to 4 feet. The purpose of this regulation is to provide for a walkable atmosphere on City sidewalks, and prevent a “stockade” affect where fences are above eye-level along streets.

It is rare for Staff to support a variance to the City’s fence regulations. In almost all cases it is important to maintain consistency in implementation of the Code. However, Staff believes the case of 213 Whiteriver Avenue is unique in several respects and deserving of consideration for flexibility.

1. As seen in the picture below, the house at 213 Whiteriver Avenue is unusually close to the street. It is a very old home approximately 6 feet from the property line.
2. Whiteriver Avenue is one of the busiest streets in the City, especially streets that go through residential areas.
3. The home sits several feet below the grade of the street, causing traffic noise and exhaust to be more of an issue for use of the backyard of the residence.
4. The sidewalk is at the grade of the house, not the street.
5. Several other homes along this part of Whiteriver Avenue have 6-foot fences on the street that appear to date to the era before the City may have had a fence code.



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### RECOMMENDATION

Given these factors, Staff feels that a 25-foot stretch of 6-foot fence, beginning at the back edge of the house, would allow the residents to enjoy the back porch of the house with some privacy and protection from traffic impacts. At the same time, a 25-foot stretch of 6-foot fence would not be so much that it substantially impairs the visual experience of the street.

**Staff recommends Planning Commission APPROVE Variance 2017-1 with the following conditions:**

1. The six-foot fence shall extend no longer than 25' beginning at the back edge of the house.

### FINDINGS

Pursuant to Section 16-5-360, the Commission shall consider the following criteria before approving a Conditional Use Permit (***staff comments shown in bold italics***):

1. Conformance of the proposal with the City of Rifle Municipal Code;  
***The proposal conforms to the Rifle Municipal Code by going through the Variance process.***
2. The compatibility of the proposal with the character of the surrounding area, including but not limited to the architectural character of the neighborhood, the average lot and building sizes in the neighborhood, and the relative value of the proposed structure to the value of other structures in the neighborhood;  
***The proposal is compatible with the neighborhood because many other nearby old fences are similar in height, and the length of fence requested is not substantial.***
3. The desirability for the proposed use in the specific area of the City;

***N/A***

4. The potential for adverse environmental effects that might result from the proposed use;

***None.***

5. Compatibility of the proposed use and the site (or subdivision) plan with the City of Rifle Comprehensive Plan;

***The Comprehensive Plan prioritizes walkability, which this compromise preserves.***

6. The potential impact of the proposed use upon the value of property and buildings within the surrounding area; and

***The use should not have an affect on surrounding property owners.***

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7. Conformance of the proposal with the approval requirements concerning water and sewer tap availability for high volume use requests pursuant to 13-4-120 of the Code, if applicable.

***N/A.***