

BEFORE THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA
COUNTY OF CONEJOS, STATE OF COLORADO

RESOLUTION NO. 99 - 1

A RESOLUTION OPPOSING THE GRANTING OF A ZONING CHANGE AS APPLIED FOR BY LOUIS GALLEGOS AND MARYANN GALLEGOS AND PERTAINING TO REAL PROPERTY ADJACENT TO THE INCORPORATED LIMITS OF THE TOWN OF LA JARA.

WHEREAS, it has come to the attention of the Board of Trustees that an application is now pending before the Conejos County Planning Commission and/or such other governmental agency or agencies have jurisdiction thereof, as filed by Louis Gallegos and MaryAnn Gallegos by which they seek a zoning change of certain real property as more particularly described in their application, and

WHEREAS, the real property as in said application described lies immediately to the north and west and adjacent to the incorporated limits of the Town of La Jara; said property for which the zone change is requested is bordered on the south and east sides by residential units located within the incorporated limits of the Town of La Jara, and

WHEREAS, from a reading of the Notice as published in the *CONEJOS COUNTY COURIER* it appears that the applicants are requesting a change from its present zoning classification, believed to be agricultural, to Industrial, and

WHEREAS, for the purpose of giving the citizens and inhabitants of the Town of La Jara an opportunity to express their opinions and concerns regarding said zoning change application, a Special Meeting of the Board of Trustees of the Town of La Jara, notice of which was given as required by law, was held at the La Jara Town Hall on Wednesday, April 21, 1999, at 7:00 P.M., a further purpose being to determine what action, if any, the Board of Trustees should take before the County regarding such zoning change application, and

WHEREAS, several citizen appeared and voiced their opinions and desires regarding the desirability or undesirability of the granting of the zoning change as applied, and

WHEREAS, those in attendance and voicing their opinions were unanimous in opposition to the granting of the zoning change application, mentioning in particular that it appears that the intended future use of the property for which such zone change is requested will continue to be that as is being made at the present, namely, an auto salvage and junk yard, and

WHEREAS, opposition to the granting of the zone change application was also based on the following factors:

1. The appearance of the property at present, (crushed vehicles stacked up on each other) and expected to continue into the future is unsightly--one of the first things people see driving into the town from the north;

2. The presence of a junk yard/recycling center will tend to diminish property values, particularly those properties in closer proximity to the property in question;

3. The only means of access to the property for which a zone change is requested is over city streets that run through residential districts. Allowing a zone change will undoubtedly increase the number of and weight of commercial vehicles using residential streets to gain access to the industrially-zoned property, thereby increasing traffic, which in turn, will pose a greater danger to the safety of other

motorists and pedestrians alike who have historically used said streets without competition from commercial vehicles.

4. Increased commercial and industrial heavy, load-bearing traffic over residential city streets will tend to place an undue burden and strain on the town's streets, thereby increasing the cost or repair and maintenance to such streets occasioned by damage caused by such commercial and industrial vehicles.

5. Fears were raised that in the course of recycling junk vehicles, there would be a present and immediate danger of having fluids (oil, gasoline and diesel, and anti-freeze) from such vehicles draining on the ground, ultimately polluting and contaminating the underground water-bearing aquifers from which the Town's municipal wells obtain their water, ultimately making the Town's water unfit or unsafe for human use and consumption, and at worst, requiring the costly treatment of its water so as to render it safe.

6. Concerns were raised that in the past, the area for which a zoning change is requested, was at one time, traversed by water flowing from the Diamond Springs, a year-round flow of water having its source west of the Town, and since the rechanneling of the stream bed, the area for which a zone change is requested, or at least portions of it, nevertheless remained as wetlands, all of which has now being filled over with fill material, some of which may not have been suitable or proper for such purposes, thus further raising the potential for contamination of the underground water-bearing aquifers.

7. Mention was made at said Special Meeting that, in the past, there had been burning of trash, and apparently of unusable recyclable material, thus creating offensive-smelling smoke that permeated the neighborhood, thereby decreasing the quality of and the enjoyment of life of the residents, and those in attendance were fearful that, if the zone change is granted, such offensive activity will continue into the future.

8. Mention was also made at said Special Meeting that within the recent past, some trash material and refuse of unknown nature or composition had been dumped on a portion of the area for which a zone change is requested, further raising the probability that the town's underground aquifers might be contaminated if such trash and materials contained water pollutants and contaminants, and for such reason, a zone change should not be granted until this matter is investigated further.

9. That, before a zone change is granted, the governmental officials and/or agencies having jurisdiction with respect thereto should be assured that there will always be adequate drainage of surface storm water and of the sewer and septic system(s) now existing or to be hereafter installed in a manner that will guarantee forever the non-contamination of the town's underground aquifers from which the municipality derives its domestic water supply.

and,

WHEREAS, the Board of Trustees of the Town of La Jara has adopted the Zoning Ordinance of the Town of La Jara, 1978, which provides, among other things, in Section 4-115 thereof, the following provision:

"Section 4-115. Extractive Industries, Salvage Junk Yards, Kennels and Animal Hospitals. Extractive industries, salvage junk yards, kennels and animal hospitals shall be located a minimum of six hundred sixty (660) feet from any residential district."

and,

WHEREAS, Section 31-15-501 (1)(a) of the Colorado Revised Statutes provides as follows:

"**POWERS TO REGULATE BUSINESSES.** (1) The governing bodies of municipalities have the following powers to regulate businesses:

(a) To prohibit within or within one mile beyond the outer limits of the municipality any offensive or unwholesome business or establishment and also to prohibit the carrying on of any business or establishment in an offensive and unwholesome manner within or within one mile beyond the outer limits of the municipality;"

and,

WHEREAS, the Board of Trustees of the Town of La Jara has found and considers the presence of an auto salvage and junk yard immediately adjacent to and in close proximity to residential areas located within the incorporated limits of the Town to be an offensive and unwholesome business or establishment for the reasons and concerns as hereinabove set forth, and

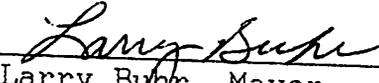
WHEREAS, the granting of the zone change as requested by the applicants would be inconsistent and in conflict with the above-referenced municipal ordinance and the state statute.

NOW, THEREFORE, BE IT RESOLVED by the BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO as follows:

1. That, for the reasons and concerns as hereinabove set forth as voiced by and made known to the Board of Trustees by concerned citizens and residents of the Town of La Jara attending the above-mentioned Special Meeting of the Board of Trustees, and after carefully considering the same, and the Board of Trustees having heretofore shared similar concerns which continue to the present, the Board of Trustees should go on record in opposition to the zone change application as heretofore filed by Louis Gallegos and MaryAnn Gallegos before the Conejos County Planning Commission or such other governmental agency or agencies having jurisdiction with respect thereto.

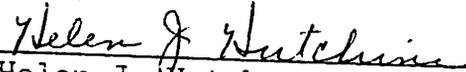
2. That a copy of this Resolution be forwarded to the appropriate county governmental agency and officials thereof for consideration in their deliberations with respect to the zone change application as hereinabove referenced.

APPROVED AND PASSED BY A MAJORITY OF THE MEMBERS OF THE BOARD OF TRUSTEES AT A SPECIAL MEETING OF THE BOARD AT WHICH A QUORUM WAS PRESENT THIS 21ST DAY OF APRIL, 1999.


Larry Burr, Mayor

(S E A L)

Attest:


Helen J. Hutchins,
La Jara Town Clerk