



PLANNING COMMISSION MEETING MINUTES
August 26, 2020

Planning Commission Members in Attendance:

Eli Wolcott
Steve Schrock
Tom Kay
Tate Locke

Dick Gilmore
Layne Brones
Jacob Gray

Absent Members:

Brett Hilling
Steve Shea

Planning Staff in Attendance:

Community & Economic Development Director, Elyse Casselberry
Current Planning Manager, Kelly Yeager
Community & Economic Development Technician II, Kate Kelly

Chairman Tom Kay called the meeting to order at 5:30 p.m. in the Delta County Court House Room #234.

Item #1: SUB20-018 Tunget Subdivision
Owner (s): Arnold & Eleanor Tunget
Representative: Kenny Schaaf, Southwest Land Survey
Location: 3771 1900 Road, Delta, 81416
Proposal: Reason for subdivision is estate planning

The Delta County Planner, Kelly Yeager, presented the staff report for SUB20-018 Tunget Subdivision. Kenny Schaaf, Southwest Land Survey, is present to represent this subdivision.

Items addressed were as follows:

- Original deeds and how they comply with the regulations
 - Original road easement will go away once Delta County acquires the total 50' ROW that is required per the road regulations
- Letter from Frankie McIntosh
 - Concern for traffic and line of sight not being sufficient for this subdivision
 - Views and access were of concern as well
- Proposed accesses
 - Kenny Schaaf explains access and need for Larry Record to make final decision on the access
 - All utilities are run along the road
- Water
 - Water taps are available, they just need to be purchased
 - No defined ditch
 - Deed restrictions can be put on the lots, if necessary, in regards to the use of water

Motion/Second: Steve Schrock moves to approve subdivision, with a strong recommendation that the irrigation plan address deed restrictions applied for the use of water, along with staff recommendations. Jacob Gray seconds to approve the subdivision. **Motion Carried Unanimously.**

To BoCC: September 2, 2020 @ 10:00 a.m.

Item #2: SUB20-017 Highwire Subdivision
Owner(s): David & Susan Whittlesey
Location: 29661 North Road, Hotchkiss, 81419
Proposal: Applicant is proposing two (2) lot subdivision

The Delta County Planner, Kelly Yeager, presented the staff report for SUB20-017 Highwire Subdivision. Applicants, David & Susan Whittlesey, are present.

Items addressed were as follows:

- Susan Whittlesey confirms there is no longer the portable shop on the property; there is just the green house, the house and the car port
- David Whittlesey confirms they have run the well and it is adequate and will not be adding irrigation to the other parcel; all irrigation will be kept with the larger lot
- Concerns made by the public in regards to chickens
 - Owners confirmed there were no chicken farms being placed on the property
 - Question was raised about deed restrictions on the property
 - Was confirmed there were none, as deed restrictions would be for residential property
- Accesses need clarification on final plat

Motion/Second: Jacob Gray moves to accept subdivision with staff recommendations, as provided. Layne Brones seconds to accept subdivision with staff recommendations, as provided. **Motion Carried Unanimously.**

To BoCC: September 2, 2020 @ 10:00 a.m.

Item #3: SUB20-014 Rio Colina Subdivision
Owner (s): Kathleen F. Stoner
Representative (s): Clark & Heather Oman
Location: 7509, 4215 & 7563 2200 Road, Delta, 81416
Proposal: Subdivision was amended to comply with Section 3.20, Table 1 of the Delta County Wastewater Treatment System Regulations require 1 acre minimum for a dwelling with OWTS.

The Delta County Planner, Kelly Yeager, presented the staff report for SUB20-014 Rio Colina Subdivision. Randy Wilmore, Surveyor, is present; applicants and listed representatives are not present.

Items addressed were as follows:

- Access
 - Add access to make it legal
 - Will most likely result in a deed
 - Should be non-exclusive for ingress and egress
 - Suggested that access easement be 30' instead of 20' because it serves 3 lots
- County ROW (Deeded)
 - Adding another 30' road ROW necessary to maintain 50' road ROW from centerline of the road
- Irrigation plans
 - Will need to be shown accurately on final plat
- Septic
 - Is engineered/fixed for both structures on Lot 2

Motion/Second: Tate Locke moves to approve the subdivision, with a recommendation of 30' access instead of 20' for the access easement, as presented. Dick

Gilmore seconds to approve subdivision, as presented. Layne Brones is opposed to the motion as he sees the access as an illegal taking.
Motion Carried with 5 ye a votes and 2 nae votes.

To BoCC: TBD

Item #4: **SUB20-013 Solanda Subdivision (CONTINUED UNTIL FURTHER NOTICE)**
Owner (s): **Greg K. Peterson**
Location: **15417 Fire Mountain Road, Paonia, 81428**
Proposal: **Applicant owns a 9.670 parcel and would like to create three (3) lots**

Item #5 **Land Use – P.C. Certification**
Presentation: **Elyse Casselberry**

This is the PC kickoff, formal review by the commission. It is a statutory requirement that the Planning Commission certify the plan. What the requirements mean is that when final recommendations are made, it becomes a FINAL DRAFT and cannot be substantially changed. BOCC will have to send back to PC if substantial changes are to be made. Public hearings cannot be scheduled with the BOCC until they get final certification.

What is needed from the planning commission is for each member to identify what needs to be addressed and then come back as a group to come to a motion that reflects the consensus items.

Elyse reviews changes made in Draft 3 of the code. Confirms there were only minor changes on the maps.

Changes that have happened:

- Land Use Table
 - * was used, changed to 'n' for notice
 - Rural heavy moved to conditional
- Farm Working Housing
 - Added temporary living does not have to be hooked up to water and sewer
- Intensive AG
 - Added small, medium and large to CAFO, IAFO, and AFO acronyms
 - Setbacks for residential use
 - Clarified residential use definition
 - Medium sized facilities
 - Simplified setbacks to 1,000 ft
 - Reduction of up to 500' can be requested. This kicks the application to a conditional review process, automatically.
 - Added note to clarify the Colorado Regulation 81 to protect water quality.
- Added place holder for Road Impact Fees
- Deleted Alternative #4
- Animal Units
 - Calculations is different than the state calculation; may not meet the state regulation
- Group Home
 - Definition was added, allowed in A5 and UGA area. Specific to residential use.

Concerns and comments about the mapping:

- Cedaredge map; property owners requested to be A5 or A20; changes were made on the map

- Paonia Map; Property owners on Stephan's Gulch requested they be A20; changes were made on the map,
 - Bowie to go to Rural Industrial
 - Bumped a few properties to UGA and RI for Bowie site

Public Comment:

- Mary Bachran
 - Mayor of Paonia
 - Concern is zoned as AG but would like it to be UGA
- Allison Elliot
 - How will the regulations support the Master Plan?
 - Wildlife corridors and wildlife habitat
 - Work with CPW to put overlays with more significantly accurate mapping
 - Update the maps on the website as stated in the Master Plan

Chairman would like to have the certification completed by September 23, 2020; one month to meet and review collectively as a commission; tentatively.

Meeting adjourned at 8:08 p.m.

Respectfully submitted by:

Community & Economic Development Technician, Kate Kelly