

**Planning Commission Meeting Minutes**  
**June 26, 2019**

Planning Commission Members in Attendance: Angela Mackey, Kim Shay, Steve Schrock, Layne Brones, Lucinda Stanley, Jacob Gray, Dick Gilmore

Absent Members: Tate Locke, Tom Kay, Steve Shea, Eli Wolcott

Planning Staff in Attendance: Current Planning Manager, Kelly Yeager; Administrative Assistant, Vivian Archuleta.

Chairman Mackey opened the meeting at 5:30 with introductions.

**Item #1: Approve Previous Meeting Minutes for June 12, 2019**

Typos

Page 4: Conflicting statement for staff recommending & not recommending Gunnison Energy  
Postponement of approval of minutes

Page 5: Patrick Tooling is spelled Dooling

Page 10: 4<sup>th</sup> question role not roll

Steve Schrock had some things circled, he will hold on to them

**Motion:** Kim Shay moves to table minutes as presented until clarification is made

**Second:** Layne Brones

Minutes are NOT Approved

**Item #2: SUB19-017 Austin Family Farm Subdivision**

**Land Owner: Glenn & JoNell Austin Living Trust**

**Mr. Yeager read the proposal:**

Glenn Austin is creating this subdivision because of a verbal agreement between Tina Carney, Glenn Austin's daughter, and the previous land owner before Glenn Austin. The agreement was that Tina would be deeded 1 acre of the farm property in exchange for physical care, Tina would provide to the previous owner at the end of her life. This subdivision will not change the land use in any way. Farming and residential will continue to be handled as it historically has been. Glenn Austin is requesting a change in the variance for the Austin Farm Family Subdivision. The setbacks to be changed are from a 25' to a 6' to 14' setback between existing buildings of the subdivision. The reason for the change is that there is not enough room between the existing main farm buildings and the residential garage and building etc. to allow the operation of the farm and residence to continue as they historically have. At the narrowest point a 6' setback would be needed. All of these setbacks are drawn on the attached sketch plan. A solution to the variance request is to establish a 20' common use easement for maintenance of existing buildings. The easement would be located ten feet on each side of centerline as shown on the attached plat. Commissioner Lane made a motion that the Board approve the variance request to Glenn Austin and Jonell Living Trust Dated January 2019 on April 16, 2019. Vice Chairman stepped down and seconded the motion. Motion carried by a vote of 2 to 0. Commissioner Suppes was absent. The portion of the lot on the east side of Canyon Road will be deed restricted to no further development including single family dwellings in perpetuity and a deed. Restriction is also required stating the 20' common use easement may never be vacated since it is needed to maintain the buildings on both the Lot and farm. Lot 1 will be 24.3 acres and Lot 2 will be 1.7 acres. Each lot has an existing single family dwelling with all utilities. Three Pitkin Mesa Domestic Water Company Taps. Irrigation water will be divided as follows and an irrigation plan submitted with the final plat. Lot 1 has 685 Shares Fire Mountain Canal and Lot 2 has 50 shares

of Fire Mountain Canal. The Density Standard for this subdivision is 2.82 which is in compliance. Studies or reports that will be required for this subdivision – None. Staff finds that the Sketch Plan for SUB19-2017 Austin Family Farm Subdivision is feasible and recommends the concept of the feasibility of the application be approved by BoCC with the directions given for Final Plat with the findings, conditions /issues as presented and those elements of the attached check list.

Conditions or Issues to be addressed:

- Fire Mitigation Fee is \$500/lot for a total of \$1,000
- The portion of the lot on the east side of Canyon Road will be deed restricted to no further development including single family dwellings in perpetuity.
- A deed Restriction is also required stating the 20' common use easement may never be vacated since it is needed to maintain the buildings on both the Lot and farm.

**Presentation by the applicant:** The applicant questioned the Fire Mitigation Fee & wondered if they were grandfathered in to have it waived. Mr. Yeager suggested he take that up with the BoCC.

**Open Public Comment:**

Proponents: none

Opponents: none

**Questions from Planning Commission Members:**

Q: On Lot #2, is that the one that is deed restricted for

A: Yes

Q: Is there road access for Lot 1?

A: Yes, along the west side from Canyon Road. Its 20 feet wide

Q: There are 2 water taps? There are 3 water taps? & 2 sewer permits? The houses on Lot 2 share a septic system?

A: No, they have their own septic systems they are 1000 feet away from each other.

Q: Aren't there 2 houses?

A: On Lot 1 there is a garage that has living quarters/guest house in it. Not Lot 2.

Q: The domestic water is both on one?

A: No, there are 2 domestic taps. One on each lot.

Q: Where is the Pitkin Mesa water line, along the road?

A: Under the west fence

**Public Comment Closed**

**Deliberations of the Planning Commission:**

You require an irrigation plan Mr. Yeager?

Yes on Final Plat

The Plat limitation on subdividing that lot, I'm curious about the reasons?

Because the best use for it would be pasture

**Motion:** **Lucinda Stanley** moves to recommend approval of SUB19-017 Austin Family Farm Subdivision with the conditions of approval as outlined by the County staff report dated 6/26/19. The concept of the sketch plan appears feasible, and with the conditions of approval appears it can comply with subdivision standards outlined in Article II, Section 2.7 of the Subdivision Regulations

**Second:** **Layne Brones** seconded the motion

**Unanimous Ayes**

**Motion Carries**

**Item #3:** SUB19-018 Tobin Subdivision  
**Land Owner:** Tobin Properties, LLC  
**Representative:** Austin Keiser

**Mr. Yeager read the proposal:**

There are two (2) single family dwellings on the 31.81 acre parcel. The Applicant would like to sell one single family dwelling located on Lot 2 which is 2 acres in size. The single family dwelling has all utilities installed and access on a 30' wide access and utility easement through the Stanfield property with access to Surface Creek Road. Lot 1 will be 29.81 acres in size with a 3,136 sq. ft. three story single family dwelling with all utilities installed. Access is provided by a continuation of the 30' wide access and utility easement. Lot 1's primary use is wildlife habitat. There are currently two (2) Upper Surface Creek Domestic Water Users Assn taps, one for each single family dwelling. The easement for the existing water line is covered by the 30' wide utility and access easement. The application stated there will be no additional building lots created. The existing onsite waste water treatment systems located on the lots were issued permits from Delta County for the installations. Permit numbers for these systems are #039-81 and #121-03. The property has 1 ¾ shares in Lone Pine Ditch and Reservoir, 10 shares of Leon Lake Ditch and Reservoir, 1 acre foot of storage water to Cox Lake for recreational and fishery purposes. All irrigation water will stay with Lot 1, the large lot. As shown of the sketch plan there is an existing 60' wide access easement located across to the north of the existing 30' wide access and utility easement. The Density Standard for this subdivision is 4.86. The maximum number of lots within this subdivision is 4. Impacts on adjacent property, service providers, and County Roads - Studies or reports that will be required for this subdivision – None. Staff finds that the Sketch Plan for SUB19-018 is feasible and recommends the concept of the feasibility of the application be approved by BoCC with the directions given for Final Plat with the findings, conditions /issues as presented and those elements of the attached check list.

Conditions or Issues to be addressed:

- Fire Mitigation Fee is \$500/lot for a total of \$,1000

**Presentation by the applicant:**

**Open Public Comment:**

Proponents: none

Opponents: none

**Questions from Planning Commission Members:**

Q: This is a 50 foot right of way?

A: It's an access

Q: Does it serve any purpose?

A: No

A: Can it be extinguished?

A: Yes. The owner of the property lives in another state. I can ask him. The Stanfields have already accommodated with the access easement on the west end of the property.

Q: Mr. & Mrs. Stanfield, is that acceptable for the access points?

A: Yes, that will work for us

Q: I assume that's Cox Lake?

A: Yes

Q: & there is a water right for that?

A: There is an augmentation right which is 1 acre foot

Q: & the storage?

A: There's a storage right & they have to augment that out of that water right

Q: & it's an augmentation for?  
A: For the ability to have the pond  
Q: It's not augmented use for irrigation?  
A: No  
Q: Is any of that used for irrigating below it?  
A: The only irrigated land there is upstream from the pond  
Q: & the pond is spring fed?  
A: Yes & also generated by irrigation in the area  
Q: Is part of the land irrigated?  
A: Yes, 3 or 4 acres using the parcel to the north of it. The current property owners have never done anything with the land but use it for recreational  
Q: There is an irrigation pipe on the plat?  
A: There is an irrigation system there, yes. But I don't think that anyone is using it. Burgess Ranches used to own it & lease that little corner & leased the water rights to it. There is no head gate  
Q: Those water rights are not applied to the property through that property  
A: They are leased out to Kelly Peterson. I can't give you an irrigation plan because I don't have a head gate  
Q: Where does it come it?  
A: It comes in at the Beeson ditch. There is a share & a ½ Lone Pine ditch, last year they didn't get any water. The 7 shares of Leon lake Ditch & Reservoir is 5 shares to the foot, so you've got a foot & 20/100. Not enough to do any good  
Q: Should the irrigation pipe be shown in an irrigation pipe easement?  
A: I don't think the owner even knows the pipe is there.  
Q: Mr. Tobin?  
A: Mr. Tobin has passed away, we're dealing with 3<sup>rd</sup> generation on this Estate.  
Q: You don't think that an irrigation pipe is needed?  
A: No, nothing is changing.  
Mr. Keiser: I recommend selling the water because there is no way to handle it.  
Q: The access point will be clarified on Final Plat?  
A: Yes  
Q: The water, I'm hesitant to take water off. It concerns me. How big is the pond?  
A: About the size of this room. They are pretty small. There are 2, you can't irrigate with it unless you pump it.  
Q: Where is the water coming from that goes into the pipe?  
A: I'm unsure. It's not being used. I doubt it's been used since 2006 or 2008. There is a spring & they created 2 very small ponds.  
Q: Do the ponds ever overflow?  
A: No, they have outlet pipes in them

### **Public Comment Closed**

#### **Deliberations of the Planning Commission:**

Kelly was going to provide some language for the access easement  
The applicant would agree to no further subdividing/development using the existing 30' access easement on Stansfield's parcel  
To work out the easement situation  
State Colorado water rights as they apply to this property

**Motion:** **Lucinda Stanley** moves to recommend approval of SUB19-018 Tobin Subdivision with the conditions of approval as outlined by the County staff report dated 6/26/19. The concept of the sketch plan appears feasible, and with the conditions of approval appears it can comply with subdivision standards outlined in Article II, Section 2.7 of the Subdivision Regulations, In addition to the conditions of approval outlined in the Staff report:

- Applicant agrees to no further development using the existing 30' access easement through Lot #2
- Nothing in the approval is meant to impact the Colorado State water rights as they apply to the property
- Recommends the applicant pursue vacating unused easement on Lot #2

**Second: Layne Brones seconded the motion**

**Unanimous Ayes  
Motion Carries**

**Item #4: SUB19-020 Seitz Family Subdivision**  
**Land Owner: Phillip Seitz**  
**Representative: Andrew & Margo Seitz**

**Mr. Yeager read the proposal:**

The purpose of Seitz Family Subdivision is to create a 7.423 acre lot on the family acreage located on H Road for a family member, Andrew Seitz. Two lots will be created. Lot 1 will be 21.738 acres of agriculture land with two existing single family dwellings with all utilities, a barn and other out buildings with access off of H Road. Lot 2 will be 7.423 acres of agriculture land. Access to the site will be from Buena Vista Road which is a county maintained road. Larry Record, District 1 Road and Bridge Foreman, stated in his comment he had no problems with Lot 2 accessing Buena Vista Road. He stated there is an irrigation pipe that will need special attention such as a sleeve or heavier pipe to keep from compromising the delivery of irrigation water and the Mesa Vista and Mesa Vista East Subdivision irrigation system. Andrew's intention for the use of Lot 2 is to build a single family home with approximately three (3) outbuildings. The remaining acreage will remain irrigated pasture. Their address will be from Buena Vista Road and mail will be delivered to that address. All utilities will be installed on Seitz property from H Road. The Density Standard for this subdivision is 2.82. The maximum number of lots within this subdivision is 2. Staff finds that the Sketch Plan for SUB19-020 Seitz Family Subdivision is feasible and recommends the concept of the feasibility of the application be approved by BoCC with the directions given for Final Plat with the findings, conditions /issues as presented and those elements of the attached check list.

**Conditions or Issues to be addressed:**

- Fire Mitigation Fee is \$500/lot for a total of \$1,000
- Access Permit for new access on Buena Vista Road
- As part of the access permit process, the county will work with the Applicant who is responsible to update the irrigation pipe that needs special attention such as a sleeve or heavier pipe to keep from compromising the delivery of irrigation water. This has to be completed prior to final plat.
- A deed restriction will be required that is concerned with damage to the irrigation system. The applicant will be responsible for any damage to the irrigation system he causes and is not liable for any other damage to the irrigation system caused by another party.

**Presentation by the applicant:** Question about Utilities coming off of H Rd, would it be a possibility to come off of Buena Vista?

We'll get with the Utility Company & R&B Foreman & have that noted on the Final Plat. We wanted to touch on irrigation line that runs underground where we would access this property & we were wondering if we could build something to drive over without putting pressure on it. We'll talk to Larry Record about it, the Road & Bridge Foreman

**Open Public Comment:**

Proponents: none

Opponents: none

**Questions from Planning Commission Members:**

Q: How many shares per lot? Is there an Irrigation Plan?

A: It's on the last page of the Staff Report.

Q: Is there a shared driveway?

A: No, we will come off of Buena Vista.

Q: You own this property on H Rd?

A: Yes

Q: Was it subdivided in the past

A: Yes, in the late 70's

Q: Will this be used as ag?

A: There will be horses on pasture

Q: Will there be a fence?

A: Lot #2 is completely fenced

Q: It's irrigated & pastured separately?

A: Yes, but there is a swampy area down south.

Q: About the possible guest house, you will need a separate a tap

A: Yes, we might just build an addition to the house.

**Public Comment Closed**

Deliberations of the Planning Commission:

**Motion:** Lucinda Stanley moves to recommend approval of SUB19-020 Seitz Family Subdivision with the conditions of approval as outlined by the County staff report dated 6/26/19. The concept of the sketch plan appears feasible, and with the conditions of approval appears it can comply with subdivision standards outlined in Article II, Section 2.7 of the Subdivision Regulations.

**Second:** Kim Shay seconded the motion

**Unanimous Ayes**

**Motion Carries**

To BoCC: July 16, 2019 @ 10:00 a.m.

**Meeting adjourned at: 7:30 pm**

Respectfully submitted by:  
Vivian Archuleta