

Planning Commission Meeting Minutes
October 23, 2019

Planning Commission Members in Attendance: Angela Mackey, Tate Locke, Steve Shea, Steve Schrock, Layne Brones, Tom Kay, Jacob Gray
Absent Members: Kim Shay, Dick Gilmore, Eli Wolcott,
Planning Staff in Attendance: Community & Economic Development Director, Elyse Casselberry, Administrative Assistant, Vivian Archuleta.

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

Item #1: Approve Previous Meeting Minutes for October 9, 2019

Motion: Steve Shea moves to approve minutes as presented

Second: Layne Brones

Minutes Approved

Item #2: SUB13-004 Loweland Subdivision

Land Owner: William & Louise Lowe

Representative: Curtis McCracken

Ms. Casselberry read the proposal:

The subject property is located at 22033 Highway 65 north of Cedaredge. This subdivision started in 2013, but did not complete the process. The applicants propose to subdivide a 35 acre parcel into two lots. Lot 1 will be 3 acres and Lot 2 will be 32 acres. (Correction: Lot 1 will be 24.880 Acres & Lot 2 will be 10.084 Acres) Access is from Highway 65 and is shared. Water is currently supplied by an exempt well and both lots have existing onsite wastewater disposal systems. Compliance with Density Standard - The Density Standard for this subdivision is 2.56. The maximum number of lots within this subdivision is 2. Impacts on adjacent property, service providers, and County Roads - There is a water line that crosses the subject property that provides water to the neighboring property. Easements for this water line are shown on the sketch and should be included on the final plat. Assessment of the viability and feasibility of the concept of the proposed development: Staff Findings - Utilities - Domestic water: During the 2013 review of the subdivision, concerns about the water supply were raised. The property has an exempt well. Exempt wells are for lots 35 acres or larger. Subdivision will impact the status of this well. A water tap appears to be available from Orchard City. The applicants will need to demonstrate they have a dependable water supply in terms of quantity, quality, and dependability prior to final plat. Septics: There are two existing permitted septic systems #205/98 and # 047/11. There will be a shared access off of the existing access for each lot. Access is controlled by CDOT as access is directly onto Highway 65. Wildlife: The property is located in priority level 4 wildlife habitat. During the 2013 review of the subdivision, staff recommended a wildlife mitigation plan be developed. This plan should address domestic animals and wildlife friendly fencing. Wildfire Risk: The property is within a wildfire hazard area. A wildfire mitigation plan should be developed prior to final plat. Defensible space is recommended. Planning Staff Recommendation: Staff finds that the Sketch Plan for SUB13-004 Loweland 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: Demonstration of a water supply that is adequate in terms of quantity, quality and dependability. Development of wildlife mitigation plan. Development of wildfire mitigation plan including creation of defensible space. Development of a road maintenance agreement. Payment of all applicable fees including fire mitigation fee of \$500 per lot. Show the easement for the water line to the adjacent property to the east, and all known easements. Additional plat notes as follows: Domestic animals must be controlled by kenneling, leash, fencing or other physical or voice control constraints. This site is

located in a wildlife habitat area. Property owners may suffer damage to landscaping, trees, fences, etc from wildlife and such damage should be anticipated. The property is habitat for deer, elk, mountain lion, bobcat, and bear. New fencing shall comply with Division of Wildlife recommendations.

Mr. McCracken: The owners are seasonal residents & have a road maintenance agreement written by their attorneys & we do intend on going through the with the plan to utilize the well for 2 households, which was re-drilled & re-permitted in 2016 for that purpose & we have a current pumping report showing almost 7 gallons/minute showing that it was adequate supply for water. We understand that we have to submit water quality sample tot the Health Department. We understand the due diligence going forward in order to comply.

Steve Driessen –22211 Highway 65

Lives in the house to the east of the property & has a water line that goes across the property. Read Comment that was submitted stating that the pipeline goes across the Lowe's property & there is an easement noted on the survey. He would like it to remain on the plat map. At the eastern end where the pipeline connects to Orchard city & the DMEA vault exists & would like it to be notated.

Tim Key – 21943 Highway 65

He is wondering if there are more wells being drilled?
There is no plan to drill any addition wells

Questions to from Planning Commission Members:

Q: Did I hear correctly, 7 gallons/minute or 17?

A: It's pumping 6.75 gallons/minute

Q: Is that enough for 2 households?

A: The augmentation plans that I've seen require 350 gallons/day per house & this is pumping 3700 gallons/day, so I think it's more than adequate.

Q: Mr. Driessen, How deep is your water line?

A: I'm not sure it's been there since 1969

Q: No farming on top of it?

A: No

Q: Is this in the most severe wild fire hazard area?

A: No, it's not the most severe

Q: Do you know what a fire prevention plan looks like?

A: We've had the fire department up. The property is in a moderately low area & this house sits in the oak brush, not in the timber.

Q: Does the 60' driveway need to be addressed?

A: No, it's a private drive, that is only when & if there 3 or more lots.

Q: Will it be named?

A: No

Q: The acreage has changed from the sketch?

A: No, it was a typo

Q: The letter from division of water resources says no expansion of the well? Is that incorrect?

A: There is a new well, it's been re-permitted & re-drilled & it's exempt for up to 3 dwellings

Q: Was that permit part of this application?

A: It was part of the original application

Q: Mr. Driessen, are you trying to see meets & bounds for the easement?

A: No, the surveyor said they don't do meets & bounds I would just like it to be notated

Final Comments from the Applicant:

Final Questions from the Planning Commission to the Applicant/Planning Staff:

Deliberations of the Planning Commission:

Motion: Jacob Grey moves to recommend approval of SUB13-004 Loweland Subdivision along with the recommendations from staff & in addition, indication of Driessen's easement.

**Second: Tate Locke seconds
Unanimous Ayes
Motion Carries**

To BoCC: November 19, 2019 @ 10:00 a.m.

**Item #3: SUB19-035 Endless Sky Subdivision
Land Owner: Laurie Lane**

Ms. Casselberry read the proposal:

This project is located at 25186 Cedar Mesa Road near Cedaredge. The applicant proposes to subdivide 40 acres into two lots. Lot 1 will be approximately 27.2 acres. Lot 2 will be 10 acres, and 2.7 acres will be deeded to Delta County for right of way. Access to the property is from Cedar Mesa Road with a proposed shared access. Water is provided by Upper Surface Creek Water Users Association (UPSCWUA). Onsite waste water treatment systems will be used for both lots. Lot 1 has an existing system. Compliance with the Density Standard: The density standard for this subdivision is 3.33. The maximum number of lots within this subdivision is 3. No issues have been identified on adjacent properties. Staff Findings: Domestic water: Applicant will have to acquire a water tap from USCWUA prior to final plat for Lot 2. Irrigation Plan: Applicant needs to clarify if irrigation water will be conveyed to Lot 2. If so, an irrigation plan will be required prior to final plat. No septic issues identified. The project is in a level four habitat priority area. New fencing should be wildlife friendly. Domestic animals should be controlled. Any recommendations from Colorado Parks and Wildlife should be followed (no comments received yet). Planning Staff Recommendation: Staff finds that the Sketch Plan for SUB19-035 Endless Sky 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: Purchase of and installation of a water tap for Lot 2 prior to final plat. Clarification of irrigation water to be conveyed and development of an irrigation plan. A plat note indicating the property is in wildlife habitat, requiring wildlife friendly fencing, and control of domestic animals.

Comments from the Applicant: I do have 2 water taps & will transfer one to the second lot. I also have a well that pumps 15 gallons/minute. There are 2 septic tanks. It would be easy to divide the water shares between the 2 properties, depending on how many shares the buyer wants to buy. I have irrigation water. I have a weed mitigation program set up through the extension office to start working on that.

Public Comments:

Don Dybala – 25333 Cedar Mesa Rd.

My concern is it's starting to get a little crowded & the speed limit is 45 mph. There are children & it's a very hilly road. There are quite a few dogs & the weed mitigation is a problem. I'd like to see safety being addressed, especially the road. I've got concerns with the speed limit.

Questions from Planning Commission Members:

Q: What is the purpose of the subdivision?

A: It's a 40 acre parcel that is just sitting there useless. I'm hoping that somebody could afford a piece of land. Right now it is just a weed patch. I don't live here I live in Utah.

Q: So you're just subdividing to put it on the market?

A: It's on the market now

Q: Is that why it's not irrigated?

A: It's not irrigated because the people that lived there didn't irrigate it.

Q: Do we need to decide tonight how much water is going to each lot?

A: No, not tonight. If there is intent to convey water, we will create an irrigation plan. If not, the regulations do not require a plan.

Q: Do you want to see the other piece irrigated?

A: Yes, I would like to see it irrigated but people need to decide what they want to do with the land.

Q: Is there water available from the ditch company?

A: Yes

Q: Is Craig Rogers here?

A: Not

Q: Did you see his comment?

A: Yes, his concerns were directed toward a wanna be big shot developer & they called it a nightmare idea. That is not what is going on here.

Q: Who deals with traffic on these?

A: County Engineer

Q: What is the 27 acre right of way to the county?

A: It's 2.7 & it's for the road right of way

Q: Is the land being deeded for right of way irrigated?

A: No, it's never been irrigated

Q: Do you live there?

A: I did for 23 years

Q: Was it used as agricultural land?

A: Yes, I had goats, chickens, horses, pasture. Sold eggs, sold goats & bailed hay.

Q: Where was the pasture?

A: Near the apple orchard

Q: Did you irrigate it?

A: Yes & leased out pasture

Q: Do we have full clarity on USCWUA?

A: The installation would need to be done by the new owner, but the tap is available. I own 2.

Q: They're doing fire mitigation?

A: Each application pays a \$500 fire mitigation fee per lot.

Final Questions from the Planning Commission to the Applicant/Planning Staff:

Deliberations of the Planning Commission:

Motion: Tom Kay moves to recommend approval of SUB19-035 Endless Sky Subdivision, the concept of the sketch plan appears feasible with the conditions of approval to 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, we are asking to clarify the irrigation distribution & how it will be distributed to each lot & to clarify the domestic water to the new lot.

Second: Steve Shea seconds

Unanimous Ayes

Motion Carries

To BoCC: November 19, 2019 @ 10:00 a.m.

Meeting adjourned at: 7:00 p.m.

Respectfully submitted by:

Vivian Archuleta