

DELTA COUNTY PLANNING COMMISSION MEETING
Administration Building – Board Room
560 Dodge St., Delta, CO 81416
Wednesday
March 24, 2021
@ 5:30 p.m.

Instructions for Public Participation:

The public can join the meeting remotely by registering in advance of the meeting at:

<https://us02web.zoom.us/meeting/register/tZUpfuiugDgsEtDfRLf9jxoLnISzt9Y4S0IP>

After registering, you will receive a confirmation email containing information about joining the meeting.

REGULAR AGENDA

5:30 P.M. – CALL TO ORDER

1. Meeting Minutes for March 10, 2021
RECOMMENDATION: Approve the minutes.
2. SUB20-031 Angelovich Subdivision
Consider a Sketch Plan to subdivide a 36.401 acre parcel into two parcels: Lot 1 – 34.392 acres; Lot 2 – 1.11 acres. The property is located at 32501 & 32505 J Road, Hotchkiss, CO 81419.
RECOMMENDATION: Continue SUB20-033 to April 14, 2021 and re-notice the hearing.
3. SUB20-033 Nate & Sarah Subdivision
Consider a Sketch Plan to subdivide a 5.23 acre parcel into two parcels: Lot 1 – 3.26 acres; Lot 2 – 2.01 acres. The property is located at 24650 Ute Trail Road, Cedaredge, CO 81413.
RECOMMENDATION: Continue SUB20-033 to April 14, 2021 and re-notice the hearing.
4. SD20-002 Weber Industries, Ltd
Consider a Specific Development for an automotive repair and service business. The property is located at the southeast corner of Highway 92 and 3200 Road, Hotchkiss, CO 81419. An existing residence takes access from Highway 92 (32062 Highway 92), and access for the business is proposed off of 3200 Road.
RECOMMENDATION: Table SD20-002.

ADJOURNMENT

CERTIFICATION OF POSTING

On 3/18/2021 at 4:00 PM, Vivian Archuleta did post the above AGENDA as public notice of the 03/24/2021 meeting. The official notice is placed on the front entrance of the Delta County Courthouse located at 501 Palmer, Delta, Colorado and a courtesy copy is sent to the Delta County website at www.deltacounty.com.



REGULAR PLANNING COMMISSION MEETING MINUTES
DELTA COUNTY
560 DODGE ST, DELTA, CO 81416
March 10, 2021

Planning Commission Members in Attendance:

Eli Wolcott
Layne Brones
Kate Darlington
Dick Gilmore

Tom Kay
Steve Schrock
Jacob Gray
Tate Locke

Absent Members:

Steve Shea

Planning Staff in Attendance:

Delta County Community Development & Natural Resource Director, Carl Holm
Delta County Planner, Kelly Yeager
Delta County Planning & Community Development Technician II, Kate Kelly

Chairman Tom Kay called the meeting to order at 5:30 p.m. in the Administration Building Commissioner's Meeting Room.

Planning Commission member, Steve Schrock, makes a motion to move into Executive Session with County Attorney for Advice of Counsel. Dick Gilmore seconds the motion.
Motion carried unanimously.

Advice of Counsel: §24-6-402(4)(b), C.R.S.

1. Discussion and advice regarding amending the Delta County Land Use Code.
2. Discussion and advice regarding Delta County Wireless Communications Facilities Resolution.
3. Discussion and advice regarding uses that are not allowed in any zoning district.

6:45 P.M. Planning Commission Reconvenes for Public Agenda Items

Item #1: Approve Meeting Minutes for February 24, 2021

Motion/Second: Jacob Gray moves to approve the minutes. Layne Brones seconds the motion.

Action: Motion carried unanimously.

Item #2: Planning Commission's consideration of Delta County Wireless Communications Facilities Resolution as a proposed amendment to the Delta County Land Use Code to be referred to the Board of County Commissioners.

Motion/Second: Steve Schrock moves to table Item #2. Eli Wolcott seconds the motion.

Action: Motion carried unanimously.

Item #3: Receive a presentation on the following items relative to implementing the 2021 Delta County Land Use Code:
a. Forms and Instructions
b. Assessing Land Uses (Similar Use, Change of Use, Nonconforming Use)
c. Subdivisions

Motion/Second: No motion was officially made in regards to this item.



DELTA COUNTY

PLANNING & COMMUNITY DEVELOPMENT

295 W 6th Street
Delta, Colorado 81416
planning@deltacounty.com
970.874.2110

Action: The Planning Commission decided to hold a special meeting on March 17, 2021 to discuss the forms and applications for the Land Use Code. It was decided that the only form that would be discussed during this meeting, would be the pre-application form.

Meeting adjourned at 7:33 p.m.

Respectfully submitted by:
Planning & Community Development Technician II, Kate Kelly

DRAFT



STAFF REPORT

Delta County Planning Commission Meeting

**Delta County Administration Building
560 Dodge Street
Delta, CO 81416**

March 24, 2021

SUB20-031 Angelovich Subdivision **Application to subdivide a 36.401 acre parcel into two lots:** **Lot 1 – 34.392 acres, Lot 2 – 1.11 acres.**

PROJECT INFORMATION:

Property Owner(s): Gregg & Heather Angelovich
Applicant(s): Gregg & Heather Angelovich
Parcel #: 324135300043
Address: 32501 & 32505 J Road, Hotchkiss, CO 81419
Location: Section 35, T14S, R93W
Parcel Size: 36.401 acres
Land Use Zoning: A-20

RECOMMENDATION:

Planning Department Staff has no recommendation at this time. The sketch plan will be updated to reflect the applicant's change in parcel shape, due to access from the County road.

This application has been continued to April 14, 2021 and re-noticed.

Prepared by: Kate Kelly, Planning & Community Development Technician II
970.874.2107
kkelly@deltacounty.com
March 18, 2021



STAFF REPORT

Delta County Planning Commission Meeting

**Delta County Administration Building
560 Dodge Street
Delta, CO 81416**

March 24, 2021

SUB20-033 Nate & Sarah Subdivision **Application to subdivide a 5.23 acre parcel into two lots:** **Lot 1 – 3.26 acres, Lot 2 – 2.01 acres.**

PROJECT INFORMATION:

Property Owner(s): George & Joyce Row
Applicant(s): George & Joyce Row
Parcel #: 319304400019
Address: 24650 Ute Trail Road, Cedaredge, CO 81413
Location: Section 4, T13S, R94W
Parcel Size: 5.23 acres
Land Use Zoning: A-5

RECOMMENDATION:

Planning Department Staff has no recommendation at this time. The previous notice contained an error in regards to the date of the meeting.

This application has been continued to April 14, 2021 and re-noticed.

Prepared by: Kate Kelly, Planning & Community Development Technician II
970.874.2107
kkelly@deltacounty.com
March 18, 2021



STAFF REPORT

Delta County Planning Commission Meeting

**Delta County Administration Building
560 Dodge Street
Delta, CO 81416**

March 24, 2021

SD20-002 Weber Industries, Ltd. Application to conduct automotive service & repair at 32062 Hwy 92, Hotchkiss, CO 81419

PROJECT INFORMATION:

Property Owner(s): Benjamin Weber
Applicant(s): Weber Industries, Ltd.
Parcel #: 324135200020
Address: 32062 Hwy 92, Hotchkiss, CO 81419 (Residence)
Business Address (TBD)
Location: Section 35, T14S, R93W
Parcel Size: 1.98 acres
Land Use Zoning: A-5

RECOMMENDATION:

Staff finds that there are concerns that have yet to be addressed by the applicant. Therefore, no recommendation is being made at this time by staff. The following items need to be addressed before staff brings this matter to the Planning Commission:

- a. It is unclear if there will need to be any permits obtained from federal, state, or other local agencies. Based on the application, the applicant stated that they would obtain any and all permits; however, Planning has not received any documentation or confirmation on this matter.
- b. Per Specific Development Regulations (Article VI, Section 2.F, Geology and Soils) a geologic and soils report will need to be prepared by a Registered Professional Engineer and submitted to the Planning Department. Due to the nature of this proposed Specific Development, this report is necessary to ensure there are no unstable, or potentially unstable, slopes that might cause issues to the site and surrounding areas; confirmation is needed to



ensure runoff with materials such as: oil, fuel, metals from the vehicles, onsite storage bins, does not get into the water supply.

- c. A biological assessment will need to be done as the proposed site is located in a Habitat Priority Level 3 Wildlife Impact Area. The purpose is to identify presence that requires mitigation. (See attached maps)
- d. Applicant stated they obtained approval from the Fire Mountain Canal and Reservoir Company to install a culvert at the proposed point of access off 3200 Rd. Planning Department has not received confirmation of this. The applicant will need to supply the Planning Department with a letter of confirmation from the company, with direction on who will be installing the culvert.
- e. Applicant needs to provide documentation that there is a well permit available for the site; applicant stated that Rogers Mesa Domestic Water is no longer supplying water taps for commercial use and that a cistern would be installed. Cisterns are not allowed for new/expanded uses as they are not a sustainable source of potable water.
- f. Confirmation from Hotchkiss Fire is needed to ensure that the existing fire hydrants in the surrounding area are adequate enough to support this development, which includes storage of hazardous materials.
- g. Confirmation on approval from DMEA is still needed. DMEA submitted comments that the applicant would need to contact them to ensure a new service drop for 3 phase power to the shop, was available.
- h. Confirmation from Black Hills Energy is also needed. Applicant stated that they would obtain this but has yet to provide any documentation to the Planning Department.

SUMMARY:

Planning and Community Development has reviewed the proposed Specific Development for Weber Industries, Ltd. The purpose of the proposed commercial use is to allow Weber Industries, Ltd. to conduct business in the form of automotive service and repair. The business will be conducted from a new shop building that is 40'W x 100'L x 16' tall. The Company will provide a wide range of auto repair services including but not limited to tires, wheels and alignments, scheduled maintenance, engine repair, transmission repair, window replacements, vehicle body and collision repair and replacement, and general comprehensive vehicle services and repair. Both reservations for service and drive-in customers will be accepted. Weber Industries, Ltd. will be managed by the members of Weber Industries, Ltd., based upon proportion of ownership in the Company. The property and structure may also be used for advertisement purposes such as signs, banners, business cards, etc. including, but not limited to, markers of Weber Industries, Ltd.'s presence, hours of operation, services provided, and affiliated businesses and supplies for services provided. The site will not be used for mineral extraction.

The Planning Department obtained a map packet from the GIS Department, confirming that the proposed site is located in a Habitat Priority Level 3 Wildlife Impact area. Maps were provided to the applicant to show cause for a biological assessment on the proposed site.

The company will supply fire extinguishers strategically placed throughout the building, as well as first aid equipment. In the event of the need for evacuation, all personnel will immediately vacate the building and the premises, and the proper response teams will be notified. In the event of the need for medical attention, first responders will be called and affected person(s) will be transported to nearest adequate facility, be it Hotchkiss medical annex, Delta County Memorial Hospital, or other necessary facilities. The Company will take responsibility of the reimbursement of any appropriate emergency response agencies.

Access will need to be applied for off of County Rd 3200 Rd. An estimate of the number of vehicles would be 5-10 vehicles per day and can range from a motorcycle to heavy equipment of possibly 70,000 lbs. Many of the businesses and agricultural workers in the area have heavy equipment that would potentially reach or exceed that weight. No potential safety hazards except that which is consistent to the nature of test-driving vehicles would be added to the operation of the Company. District #3 Road & Bridge Foreman, John Allen, has visited the site numerous times because of concern for the proposed second access off of 3200 Rd. and the potential traffic it would bring. John Allen confirmed that the owner of

the proposed site is aware that the size of the access would need to be substantial in size to accommodate the shop and the potential customers of larger vehicles and farm equipment. The access will be closer than 250 feet from Highway 92 and between 30-50 feet from the neighbor's driveway.

This site is located within CDOT's access control plan. However, CDOT confirmed that they will not require the applicant to close the access off of the highway used for the existing residence that is also on this site; due to the configuration of the house and the proposed site plan, they feel it is not feasible to have the owner do this for this development.

DISCUSSION:

An application for a Specific Development for an auto repair/service shop was submitted on November 4, 2020 (SD20-002). On January 5, 2021, the BoCC adopted Resolution 2021-R-001 establishing a moratorium on applications under the new Land Use Code until April 1, 2021. Applications submitted prior to January 5, 2021 are allowed to be processed in effect at the time of submittal. Upon further review, staff found that the application fee had not been paid and there were some questions/issues to be addressed. Staff gave the applicant until Monday, March 15, 2021 to pay the fee and respond to staff's questions/issues. The fee was paid on March 11, 2021; however, staff is waiting for documentation to be submitted for all other questions/issues.

The property is a 1.98 acre parcel located at the southeast corner of Highway 92 and 3200 Rd. There is an existing residence & garage with access off Highway 92. Maps indicate that the shop was constructed over the property line. The applicant has requested a new (second) access off 3200 Rd for the proposed auto repair operation. Per the Warranty Deed for the site, all water and water rights, ditches and ditch rights appurtenant thereto or used in connection therewith including, but not limited to, one (1) Rogers Mesa Domestic Water Company domestic water tap, and twenty four and two-tenths (24.2) shares of the Fire Mountain Canal & Reservoir Company.

Many areas of concern for this proposal need to be addressed before staff feels it feasible to provide a recommendation to the Planning Commission. The applicant has been made aware by both phone and email of the concerns and what he needs to do to move this application forward. However, it has been challenging to make contact with the applicant in regards to these matters. Because of the lack of communication, this Specific Development has been noticed twice in the Delta County Independent and has been continued numerous times. Once again, because this application lacks documentation to proceed further, the Planning Staff has tabled this Specific Development. Once we get documentation from the applicant we can consider moving it forward.

If this application becomes abandoned, due to the lack of communication from the applicant and lack of supporting documentation, the applicant will not be allowed to re-apply for this type of use under the new Land Use Code. The property has been zoned A-5 under the new code. Per the Land Use Code (Chapter 2, Section 2.b, Land Use by Zoning District) Automobile Fueling or Service Stations are not allowed in zones A-5, A-20, or A-35.

The department is open to any and all comments from the Planning Commission in regards to this proposed development.

OTHER AGENCIES INVOLVED:

Review agencies were sent the application for this proposed Specific Development on January 8, 2021. Comments were received by CDOT, DMEA, the Delta County Engineering Department and the District #3 R&B Foreman, John Allen. Our department has not received any feedback from the following review agencies:

- Sheriff's Department
- Health Department
- Assessor



DELTA COUNTY

PLANNING & COMMUNITY DEVELOPMENT

295 W 6th Street
Delta, Colorado 81416
planning@deltacounty.com
970.874.2110

- Town of Hotchkiss
- Fire District #4 – Hotchkiss
- Black Hills Energy
- Colorado Parks & Wildlife
- Soil Conservation
- Bureau of Reclamation

Prepared by: Kate Kelly, Planning & Community Development Technician II
970.874.2107
kkelly@deltacounty.com
March 18, 2021

Attachment(s):
Review Agency Comments
GIS Map Packet



Vivian Archuleta <varchuleta@deltacounty.com>

Proposed Building on 32062 Highway 92, Hotchkiss

3 messages

Vivian Archuleta <varchuleta@deltacounty.com>
To: Brian Killian - CDOT <brian.killian@state.co.us>

Wed, Feb 3, 2021 at 3:05 PM

Brian,

Kelly asked me to send you this info. Please reply to him @ kyeager@deltacounty.com

40 'X 100' X 16' - Proposed size of building
Please let Kelly know if that will work!

Thank you!

Vivian Archuleta
Planning Tech I
Community & Economic Development
970-874-2110

Killian - CDOT, Brian <brian.killian@state.co.us>
To: kyeager@deltacounty.com
Cc: Vivian Archuleta <varchuleta@deltacounty.com>

Thu, Feb 4, 2021 at 10:15 AM

Kelly,

After looking into this a little more, there is an access control plan through this area and it's required that when this lot redevelops, they will need to close the access to the highway and share an access to 3200 Rd with the single family home.

The garage owner will also need to verify that they aren't increasing traffic volumes by 20% at the intersection of 3200 Rd and Hwy 92.

Kandis said she plans on calling you this morning about this to discuss in more detail.

Thanks for reaching out to me about this.

Brian Killian
Region 3 Access Program Manager
Traffic & Safety



COLORADO
Department of Transportation

P 970-683-6284 | C 970-210-1101 | F 970-683-6290
[222 S. 6th St, Room 100 Grand Junction, CO 81501](https://www.cdot.gov)
brian.killian@state.co.us | www.codot.gov | www.cotrip.org

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Killian - CDOT, Brian <brian.killian@state.co.us>

Thu, Feb 4, 2021 at 1:35 PM

To: kyeager@deltacounty.com

Cc: Vivian Archuleta <varchuleta@deltacounty.com>, Kandis Aggen - CDOT <kandis.aggen@state.co.us>

Kelly,

Per our conversation and after looking into this more, we will not require the current landowner to share an access to 3200 Rd with the proposed garage development. I don't think that is a reasonable request due to the configuration of the house. If this site redevelops in the future we may consider adhering to the access control plan requirements at that time.

Please let me know if you have any questions.

Thanks,

Brian Killian
Region 3 Access Program Manager
Traffic & Safety



P 970-683-6284 | C 970-210-1101 | F 970-683-6290
222 S. 6th St, Room 100 Grand Junction, CO 81501
brian.killian@state.co.us | www.codot.gov | www.cotrip.org

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SD20-002 Weber Industries, Ltd.

Aggen - CDOT, Kandis <kandis.aggen@state.co.us>
To: Kate Kelly <kkelly@deltacounty.com>
Cc: Brian Killian - CDOT <brian.killian@state.co.us>

Tue, Jan 26, 2021 at 1:29 PM

Hi Kate,

Will you please add Brian Killian (copied) to your review list as well? Thanks!

With regard to the Weber Industries development, CDOT will require the access on Hwy 92 to be closed via an access permit and be restored to original condition. Please let me know if you have any questions. Thanks,

Kandis Aggen
Assistant Access Manager
Region 3 Traffic & Safety



P 970.683.6270 | F 970.683.6290
kandis.aggen@state.co.us | www.codot.gov
222 S. Sixth St., Rm 100, Grand Junction, CO 81501



On Fri, Jan 8, 2021 at 10:00 AM Kate Kelly <kkelly@deltacounty.com> wrote:

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SD20-002 Weber Industries, Ltd.

Darleen Carron <darleen.carron@dmea.com>
To: Kate Kelly <kkelly@deltacounty.com>

Thu, Jan 14, 2021 at 9:33 AM

Good Morning,

DMEA's comment:

The customer will need to contact DMEA if they would like a new service drop for 3 phase power to the shop.

Thanks,

Darleen

Darleen Carron

System Design Aide

Delta Montrose Electric Assn

darleen.carron@dmea.com

970-240-1273



From: Kate Kelly [mailto:kkelly@deltacounty.com]

Sent: Friday, January 08, 2021 10:00 AM

To: John Allen <jallen@deltacounty.com>; Robbie LeValley <rlevalley@deltacounty.com>; Mark Taylor

<mtaylor@deltacounty.com>; Greg Rajnowski <grajnowski@deltacounty.com>; Tim McCracken <tmccracken@deltacounty.com>; Carrie Derco <cderco@deltacounty.com>; Debbie Griffith <debbieg@deltacounty.com>; Shelby Bear <shelby.bear@dmea.com>; Darleen Carron <darleen.carron@dmea.com>; mayor.wilkening@townofhotchkiss.com; hfd1@tds.net; Bill Long (TDS Paonia) <bill.long@tdstelecom.com>; darlene.trainor@state.co.us; dawn.bresett@state.co.us; Aggen - CDOT, Kandis <kandis.aggen@state.co.us>; deltaconservationd@gmail.com; mwerkmeister@usbr.gov; Jolene George <jgeorge@deltacounty.com>

Cc: Vivian Archuleta <varchuleta@deltacounty.com>

Subject: SD20-002 Weber Industries, Ltd.

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or complete tasks unless you recognize the sender and know the content is safe.

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DELTA COUNTY, COLORADO

Engineering Department

Delta County Administration Building
295 West 6th Street,
Delta, Colorado 81416
Phone: 970-874-2035 or 874-5914

Memo

To: Planning Department
From: Tim McCracken
CC: File
Date: January 19, 2021
Re: Review of SD20-002 Weber Industries, Ltd. – Specific Development

In my review of this subdivision I noted the following:

1. A site visit was made by Delta County Engineering Department on 1/15/2021 by Tim McCracken, Delta County Engineer.
2. 3200 Road is classified as a Collector road with an 80' right-of-way width. Current property description per Reception Number R-717333 is to the centerlines of 3200 Road and State Highway 92. 40 foot right-of-way from centerline of 3200 road required.
3. Highway 92 is a State highway under CDOT jurisdiction; CDOT may require additional right-of-way.
4. Show total acreage on the Final Site Plan.
5. Show total development area on the Final Site Plan.
6. Show existing and proposed utilities on the Final Site Plan.
7. Show existing easements on the Final Site Plan.
8. Show Owner and Parcel number on the Final Site Plan.
9. Show distances from the road centerlines to property lines on the Final Site Plan.
10. Show distance from the north side of the proposed building to the north property line on the Final Site Plan.
11. This Specific Development appears to be feasible with the items above being addressed and is approved by the Delta County Engineering Department.
12. This Site plan report is not meant to be fully comprehensive and additional requirements may arise at further reviews.

If you have any questions, please contact me.

OFFICE OF THE COUNTY ENGINEER



SD20-002 Weber Industries, Ltd.

John Allen <jallen@deltacounty.com>
To: Kate Kelly <kkelly@deltacounty.com>

Fri, Jan 8, 2021 at 11:39 AM

Weber Industries Comments

With regards to access for this business off of 3200 Rd.

It will be important for this access to be wide enough to handle potentially large truck/trailer traffic. There will be no loading/unloading of equipment, cars, trucks ect. allowed on the county road. The access is in fairly close proximity to the Hwy 92 intersection and the flow of traffic must be maintained to ensure safe travel. Also, loading/unloading of equipment, cars, trucks ect. could potentially damage the asphalt that was recently laid down on 3200 Rd. Especially in the hot summer months.

In conclusion, there needs to be enough room on the property to allow for the potential of larger truck/trailer type vehicles to conduct their business on site without adversely impacting 3200 Rd.

Thank You

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3200 rd

1 message

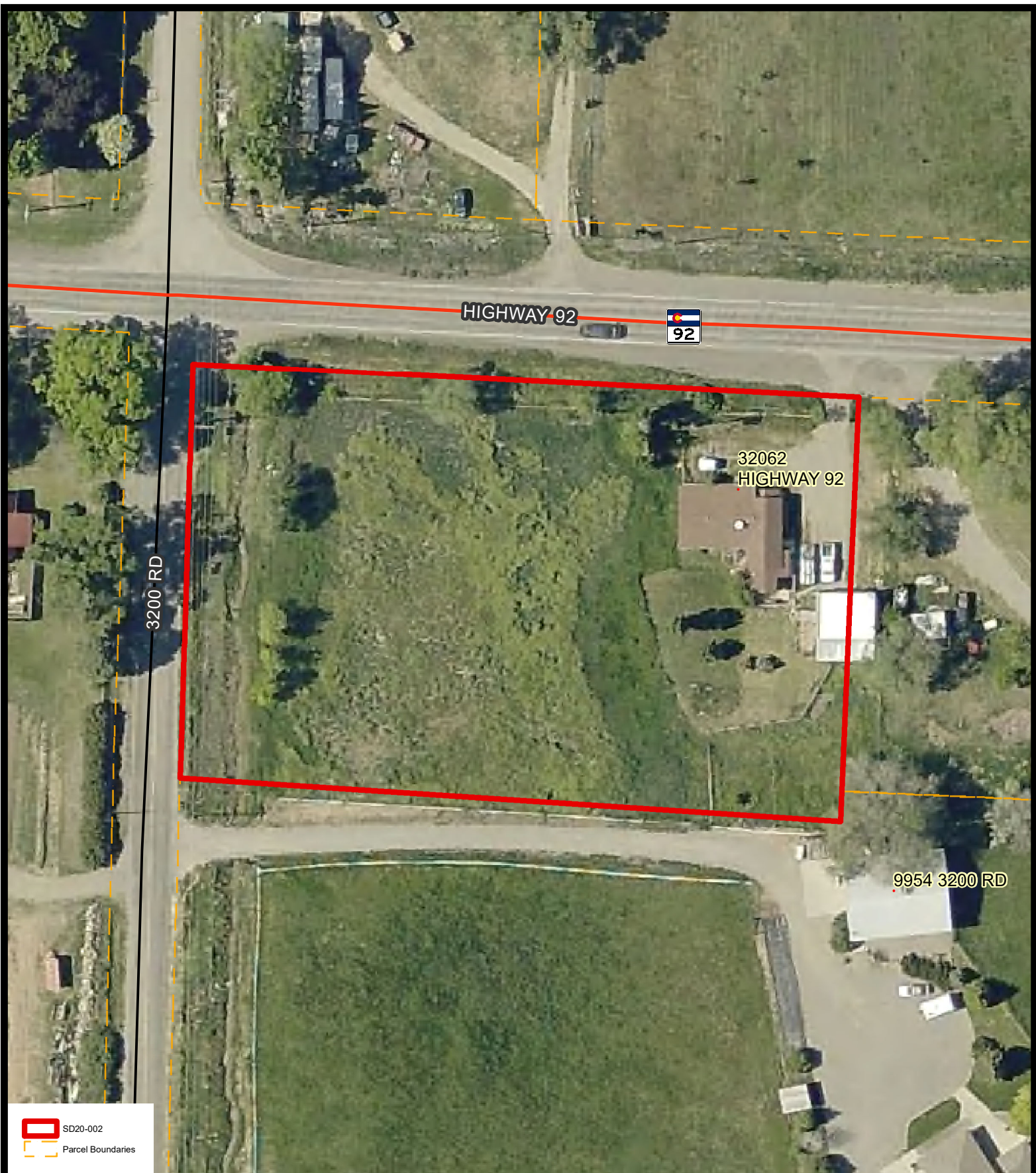
John Allen <jallen@deltacounty.com>
To: Kate Kelly <kkelly@deltacounty.com>

Tue, Mar 9, 2021 at 5:34 PM

I stopped and looked at the site we talked about. Also spoke with the owner. I told him to give you guys a call. The ditch in question is on the private side of the fence. Have no idea if the fence is on line or not. The land owners are aware of needing a large entrance and subsequent culvert. He was already thinking in the 35' range. The driveway will be closer than 250' from Hwy 92 and probably 30-50 ft from the neighbors driveway. This driveway will also serve as their residential access, he mentioned the state will probably make them close the current Hwy 92 access if the county grants access off of 3200rd. I see no other options for reasonable access other than what has been discussed. Shared access with neighbor is an option, however, usually not the best long term solution.

Probably didn't help much, but that's my 2 cents worth!

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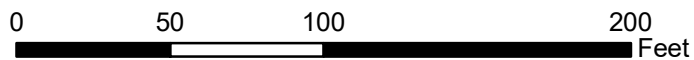


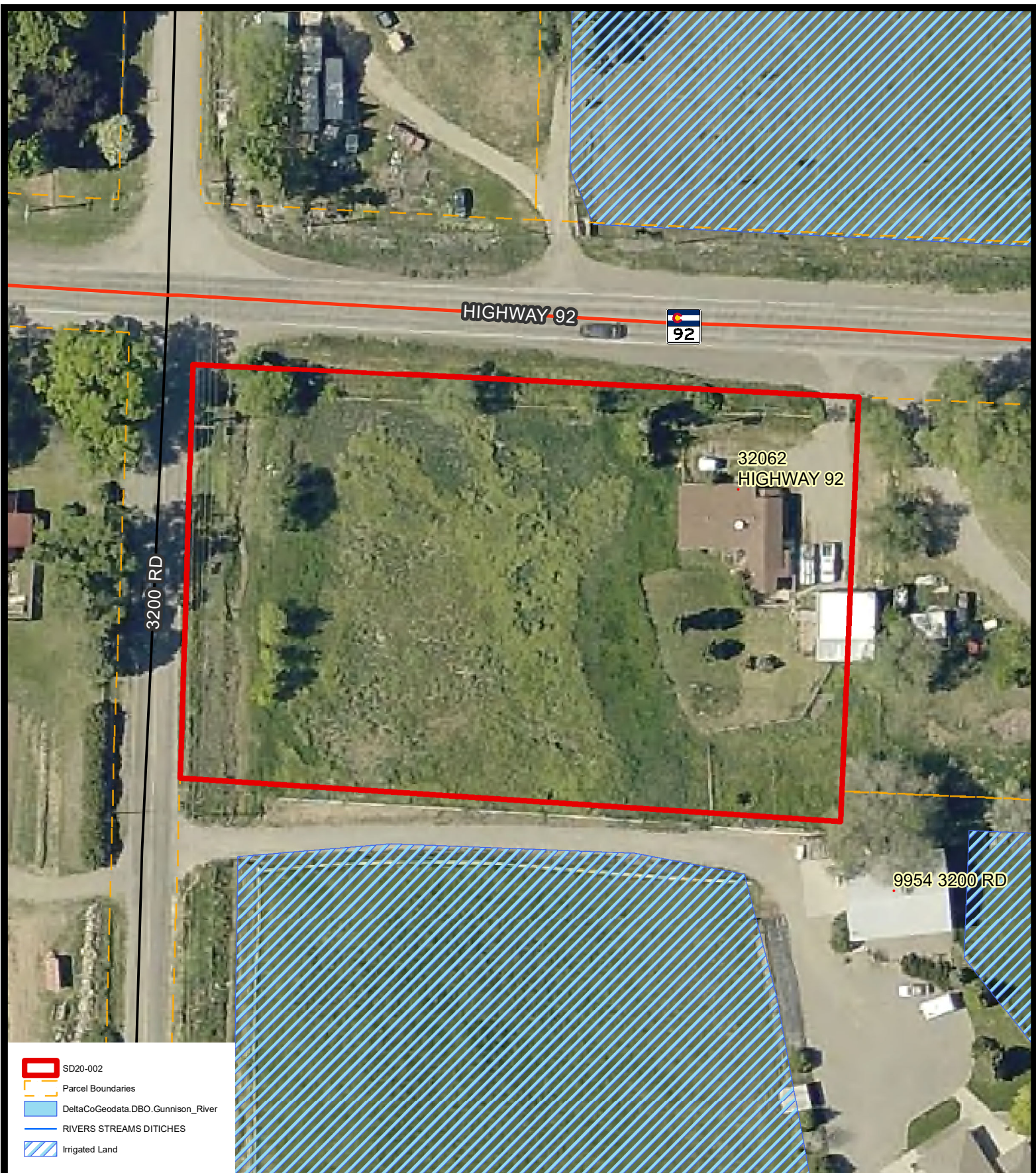
Aerial

Special Development 20-002 Weber Industries

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Irrigated Lands

Special Development 20-002

Weber Industries

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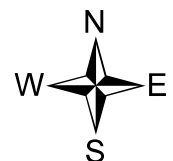
Wildlife Impact

Special Development 20-002

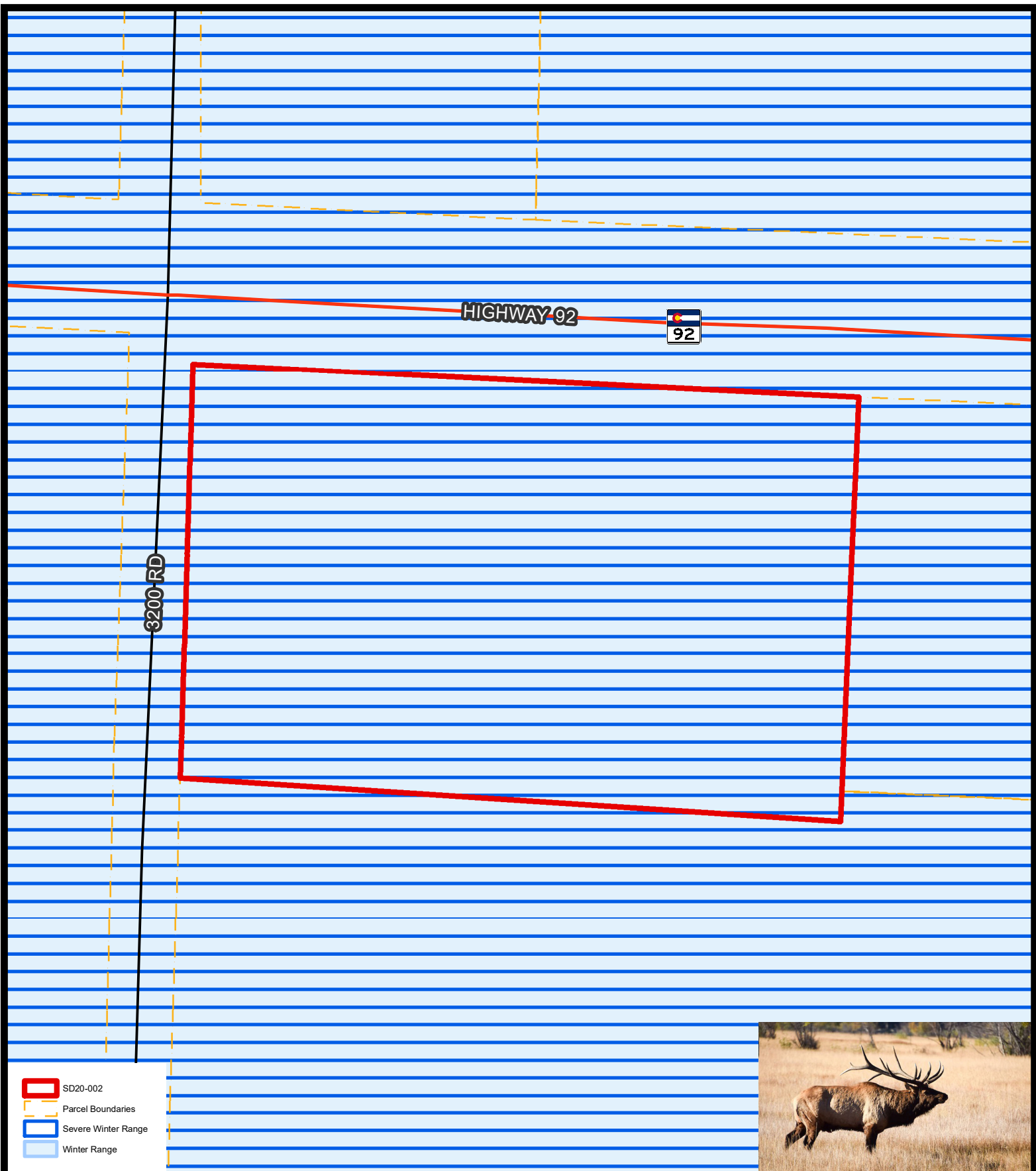
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0 50 100 200 Feet



Weber Industries



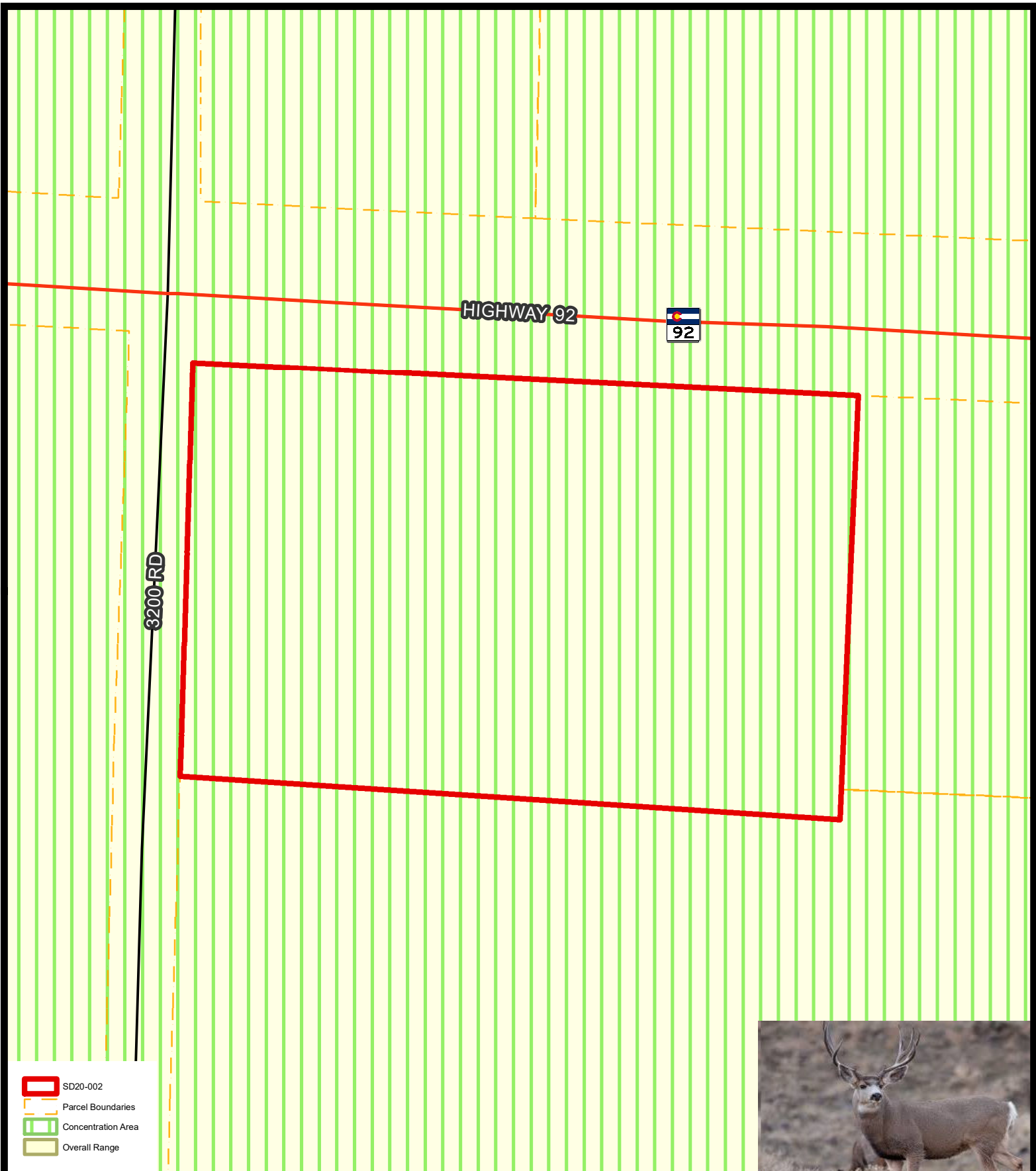
Elk Habitat within Special Development 20-002 Weber Industries

GIS Disclaimer:

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0 50 100 200 Feet





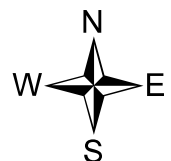
Mule Deer Habitat Special Development 20-002

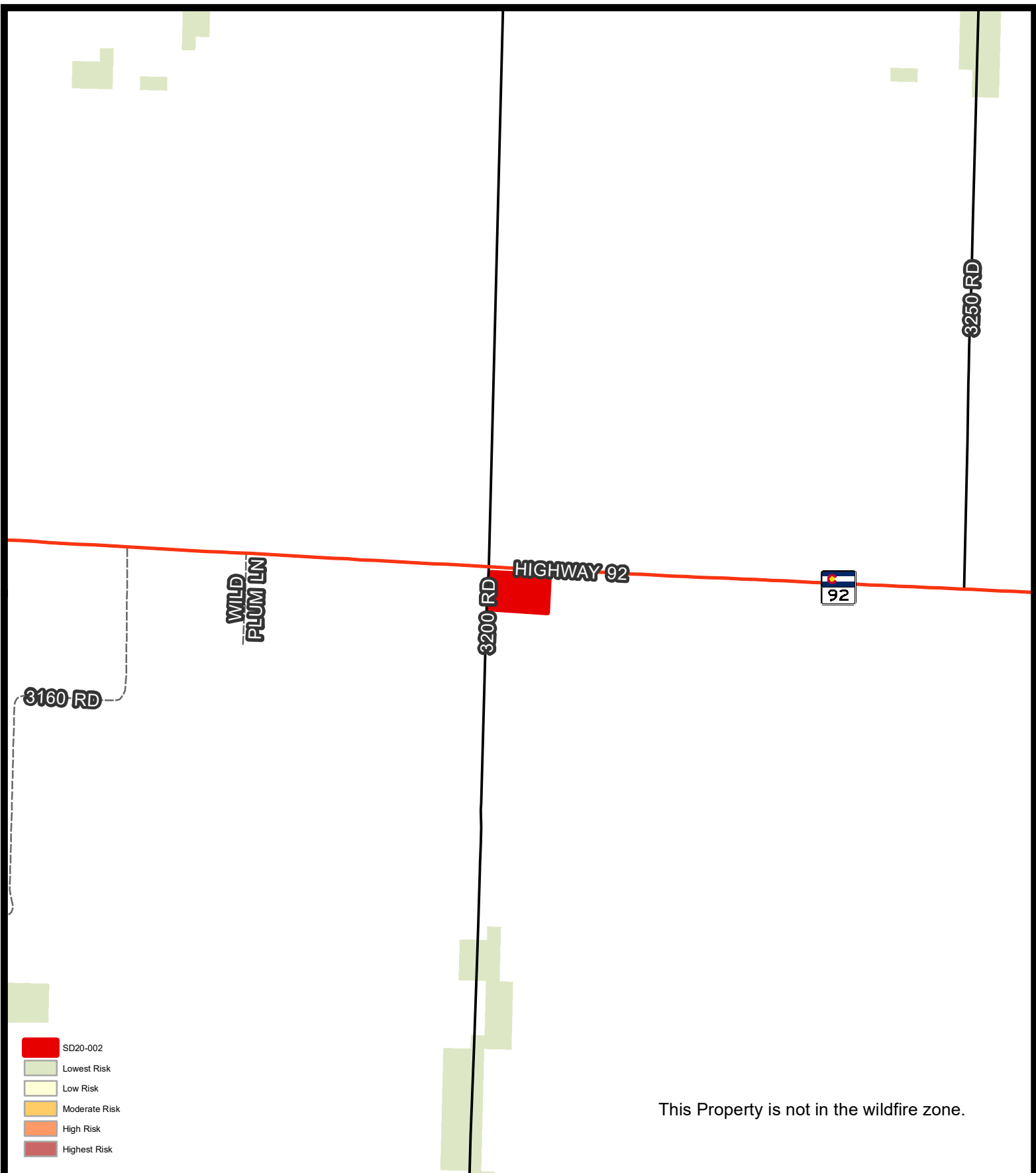
Weber Industries

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0 50 100 200
Feet



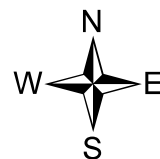
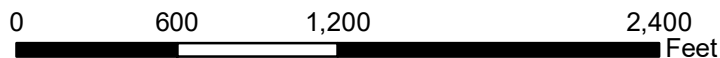


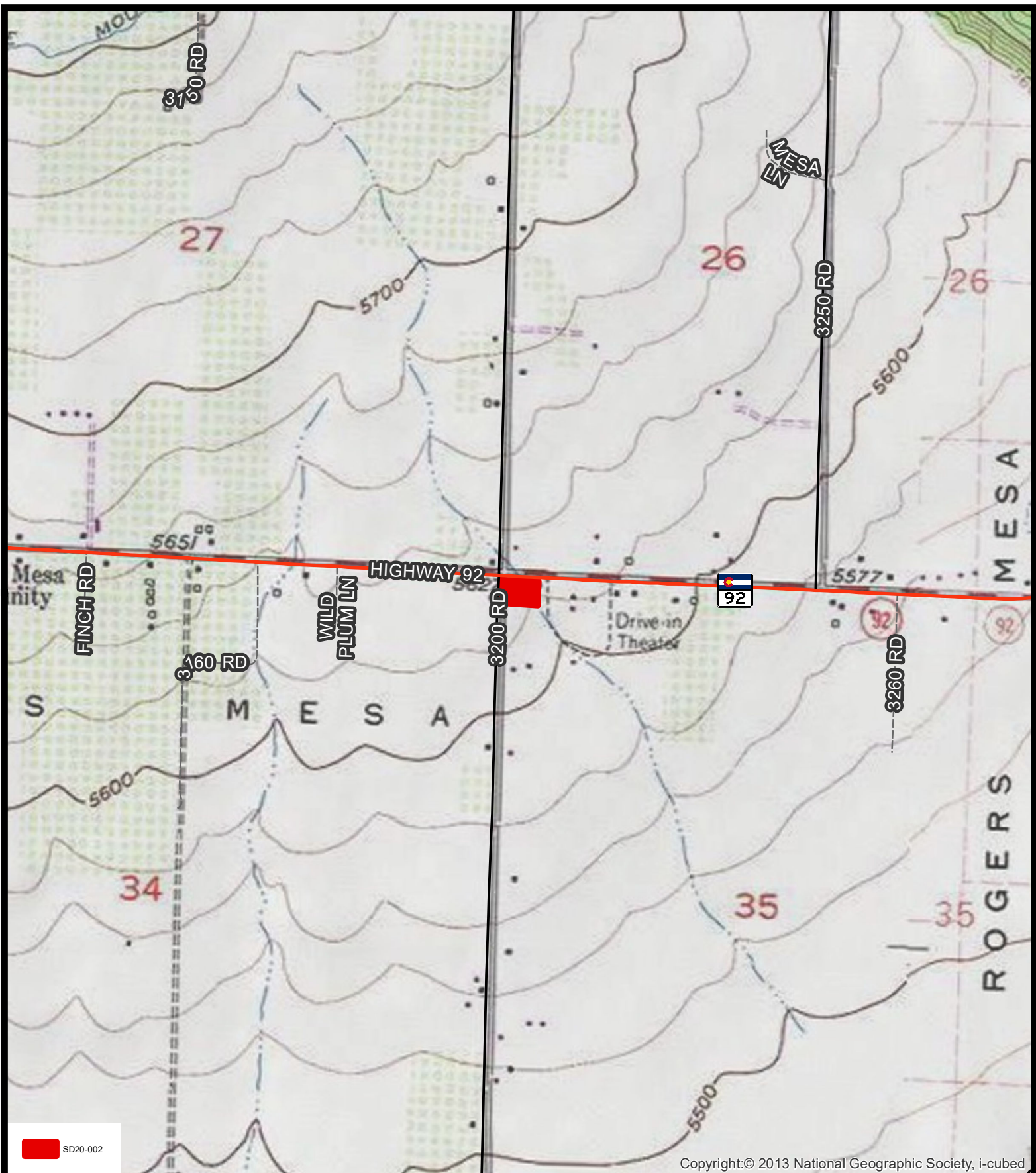
Wildfire Risk

Special Development 20-002 Weber Industries

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Topographic

Special Development 20-002

Weber Industries

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