

DELTA COUNTY PLANNING COMMISSION

**Delta County Administration Building
560 Dodge St, Delta, CO 81416
Wednesday, June 23, 2021 @ 5:30 p.m.**

**Tom Kay, Chair
Tate Locke, Vice-Chair
Carl Holm, Director**

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Instructions for Public Participation via Zoom:

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

<https://us02web.zoom.us/join/tZUpfuiugDgsEtDfRLf9jxoLnISzt9Y4S0lP>

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

REGULAR AGENDA

5:30 P.M. – CALL TO ORDER

ROLL CALL

DISTRICT 1

Dick Gilmore

Steve Schrock

Steve Shea

Cindy Watson, Associate

DISTRICT 2

Layne Brones

Tate Locke, Vice Chair

Hardy Hutto

Vacant, Associate

DISTRICT 3

Jacob Gray

Tom Kay, Chair

Eli Wolcott

Kate Darlington, Associate

PUBLIC COMMENTS

This is time set aside for the public to comment on matters not on the agenda. The Chair may set a time limit for speakers.

AGENDA ADDITIONS, DELETIONS, AND CORRECTIONS

The Planning Commission Secretary will announce if there are any changes to the agenda that arose after posting of the agenda.

SCHEDULED ITEMS

1. MJ03-010 Smith Major Subdivision

Consider a Revised Sketch Plan of MJ03-010 Smith Major Subdivision: reducing the number of previously approved lots from 7 to 5. The project is located 2 ½ miles west of Cedaredge, CO off of 2125 Rd. aka Happy Hollow Rd.

RECOMMENDATION: Staff recommends that the Planning Commission:

- a. Recommend Approval of the Revised Sketch Plan subdividing a 41.506 acre parcel into five (5) lots (MJ03-010/Smith Major Subdivision)

CERTIFICATION OF POSTING

On 06/17/2021 at 3:00 PM, Kate Kelly did post the above AGENDA as public notice of the 06/23/2021 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.

(attached) to the Board of County Commissioners subject to nineteen (19) conditions laid out herein.

COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

This is time set aside for the Commission to comment, request, or refer a matter that is not on the agenda for future consideration.

DEPARTMENT REPORT

This is time set aside for the Director to report on matters affecting the Department.

ADJOURNMENT

Next Meeting: Wednesday, July 14, 2021 at 5:30 pm, Hotchkiss Town Hall,
Hotchkiss, CO

CERTIFICATION OF POSTING

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STAFF REPORT

Delta County Planning Commission

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

Wednesday, June 23, 2021 @ 5:30 p.m.

MJ03-010/Smith Major Subdivision

Consider a Revised Sketch Plan of MJ03-010 Smith Major Subdivision: reducing the number of previously approved lots from 7 to 5. The project is located 2 ½ miles west of Cedaredge, CO off of 2125 Rd. aka Happy Hollow Rd.

PROJECT INFORMATION:

Property Owner: Delbert & Melinda Smith

Applicant: Delbert & Melinda Smith

Representative: Kris Crawford, Wilmore and Company

Site Address: 2 ½ miles west of Cedaredge, CO off 2125 Rd. aka Happy Hollow Rd.

Location: Sections 31 & 36, Township 13S, Range 95W, 6thPM

Parcel ID/Acct: 319331200025/R021139

Parcel Size: 41.506 Acres

Zoning: A-35

RECOMMENDATION:

Staff recommends that the Planning Commission:

- a. Recommend Approval of the Revised Sketch Plan subdividing a 41.506 acre parcel into five (5) lots (MJ03-010/Smith Major Subdivision (attached) to the Board of County Commissioners subject to nineteen (19) conditions laid out herein.

SUMMARY:

The Smith Resource Preservation Subdivision was initiated in 2003 to subdivide two parcels totaling about 60 acres into fifteen (15) lots (MS03-010): Parcel #319536100032 (18.10 acres), and parcel #319331200025 (40.41 acres). Ultimately, a Preliminary Plat for a 7-lot subdivision was approved by the Board of County Commissioners on September 16, 2020.

In February 2021, the applicant expressed a desire to amend their subdivision by removing Lots 1 & 2 located on the lower portion along Happy Hollow Road, so it would remain as a single parcel, not a part of the subdivision. On May 21, 2021, County approved, and recorded, a Memorandum granting a Lot Line Adjustment (LLA) conveying 0.192 acres from Parcel B (40.41 +/- acres) to Parcel A (18.10 +/- acres) and 1.007 acres from Parcel A to Parcel B. This adjustment reduced Parcel A to 17.285 acres and increased Parcel B to 41.506 acres.

The Planning Commission is now being asked to consider a revised plat subdividing 41.506 acres (Parcel B) into five (5) lots. Staff referred the proposed revised plat out for public comment and reviewed prior conditions for applicability with this revised project.

DISCUSSION:

On July 22, 2003, Melinda Smith submitted an application (Smith Resource Preservation Subdivision) to subdivide about 60 acres into fifteen (15) lots with access from Happy Hollow Road. There were multiple meetings, revisions and extensions granted. To accommodate neighbor concerns, the applicant settled on proposing seven (7) lots instead of the original fifteen (15) lots. A variance was approved in July 2020 increasing the density from 3.75 lots to seven (7) lots. On September 16, 2020 the Delta County Board of County Commissioners (BoCC) approved a Preliminary Plat for a 7-lot subdivision (MJ03-010).

In February 2021, the applicant expressed a desire to sell the lower portion located along Happy Hollow Road, shown as Lots 1 & 2 on the subdivision (Parcel A). Due to a potential conflict of interest with Community Development Director, Carl Holm, and Delta County Planner, Kelly Yeager, the matter was referred to the Delta County Administrator, Robbie LeValley.

On March 22, 2021, a conference was held with the applicant, County Staff, and Kris Crawford, Wilmore & Company. This conference was to discuss the approved Preliminary Plat for MJ03-010 Smith Resource Preservation, changing the proposed subdivision design from 7-Lots to 5-Lots, separating out Lots 1 & 2 from the remaining subdivision. It was decided that a Lot Line Adjustment would be the best course of action to avoid prolonging the sale of Parcel A. Under the 2021 Land Use Code, a Lot Line Adjustment is subject to administrative review. County Administrator, Robbie LeValley, agreed to process the Lot Line

Adjustment to accommodate the proposed Puma Road of the Smith Resource Subdivision and the sale of Parcel A.

On April 12, 2021, Kris Crawford, Wilmore & Company Professional Land Surveying Inc., submitted a Lot Line Adjustment to the Delta County Planning Department on behalf of Delbert L. Smith and Melinda C. Smith. The existing configuration consisted of: Parcel A (18.10 acres, Parcel #319536100032, Happy Hollow Rd., Delbert L. Smith Living Trust) and Parcel B (40.41 acres, Parcel #319331200025, Happy Hollow Rd., Melinda C. Smith Living Trust).

The purpose of this was to adjust the lot lines between Parcel #319536100032 (Parcel A) and Parcel #319331200025 (Parcel B) to make for ease of selling Parcel #319536100032 (Parcel A; this parcel consisted of Lot 1 & 2 of the previously approved MJ03-010 Smith Subdivision) and to make ease of access for Lots 3-7 of the previously approved Sketch Plan for MJ03-010.

Having considered all written and documentary evidence, the administrative record, and other evidence presented, the Delta County Administrator found that the proposed adjustment met all applicable standards of the 2021 Land Use Code. A Memorandum granted approval on May 21, 2021; recorded in the Clerk & Recorder's Office under Reception #729280. This Lot Line Adjustment transferred 0.192 acres from Parcel B to Parcel A and 1.007 acres from Parcel A to Parcel B. (See attached Lot Line Adjustment). The Lot Line Adjustment resulted in a configuration consisting of: Parcel A (17.285 acres, Happy Hollow Rd.) and Parcel B (41.506 acres, Happy Hollow Rd.).

PROJECT REFERRAL:

Following completion of the Lot Line Adjustment, the applicants submitted a revised plat subdividing 41.506 acres (Parcel B) into five (5) lots.

Public Notice was sent on May 21, 2021 to Review Agencies and adjoining property owners within a ½ mile radius from Parcel #319331200025. Comments received were as follows:

DMEA: DMEA's previous comments from September 9, 2020, required that the developers submit the latest and most up to date approved preliminary plat before a DMEA System Engineer can meet to design electric service to each lot.

Comments received by DMEA (Attached) note that subdivisions with five or more lots, must be designed with an appropriate number of phase conductors to be installed within the development to enable balancing the feeder load. The primary electrical system will be designed with the ability to feed each lot with an alternate phase or feeder connection to DMEA's primary system. Exceptions to those standards will require written approval by DMEA's Engineering and Operation Managers. They have requested that the developer submit an updated



plat in an AutoCAD (.dwg) format. They require all developers to submit to DMEA the latest and most updated (Approved Preliminary Plat) version before a DMEA System Designer can meet with the developer.

Staff noted that the applicants have already worked with DMEA and that power was already installed to each lot.

Due to the change in lots, DMEA will need to see an updated Approved Preliminary Plat submitted by the applicants before a DMEA System Designer can meet with their developer.

County Engineering/District #2 Road & Bridge: The Revised Sketch Plan illustrates a road (Puma Road) to be dedicated to the County and privately maintained. At one point, the design included a cul-de-sac at the upper road terminus. Current plans illustrate a road continuing to the east boundary of the property. However, Road & Bridge stated that there are no plans to extend a road east (through other properties) to Highway 65. As such, staff recommends that Puma Road be a private road, not dedicated to the County. In addition, the plat includes a pond encroaching on the road right-of-way and the 25' setback. Due to potential impact of the structural integrity of the roadway, Staff recommends the following:

- A. Realign Puma Road to avoid Cougar Pond #4 encroachment of the 25' setback and right-of-way.
 - I. Move cistern and easement with the Puma Road realignment.
 - II. Alternatively, Cougar Pond #4 can be reshaped to avoid encroachment of the 25' setback and right-of-way.
 - III. Move dry hydrant out of the 25' setback and place it in an easement.

Staff recommends that the proposed access to each lot in the subdivision be shown on the final plat, to the satisfaction of the County. The applicant will need to provide an engineered driveway for Lot 1 to avoid a potential safety hazard for placement. An option is to adjust the lot lines to provide better access and sight distance for the lot. Another option would be to create a shared driveway for Lots 1 & 2.

Staffs further recommends replacing the hammerhead turn-a-round at the end of Puma Road with the originally designed cul-de-sac; and terminate the 60' access and utility easement at this cul-de-sac. It is suggested that the 25' utility easement north of the match line be removed from the final plat.

The final plat will also need to include all signature blocks, including the Planning Department Approval signature block, along with all plat notes – revised to reflect current standards.

All adjacent landowners and reception numbers/subdivisions will need to be shown on the final plat. (See attached plat review)

Cedaredge Fire District: Fire District #3 had no additional comments to add at this time.

Keith V Loucks (neighbor): On June 10, 2021, written comment was hand-delivered by Mr. Keith V Loucks (21777 Hamilton Rd.) (Attached) Mr. Loucks stated that he did not receive notice but all the neighbors surrounding his property did. After checking our notification system, it was determined that the address that was on file was for a PO Box for Mr. Loucks, which is where the notice was sent.

Mr. Loucks is asking that the Planning Commission table this subdivision until there is a Water Management Plan put into place; this will need to be agreed upon by all neighbors who get water delivered through the Smith property. Staff agrees that there should be a plan for the ponds, irrigation water and wells included with the covenants; however, it would not subject to agreement by the neighbors. There was some language recommended by a former County attorney to be placed on the Final Plat. If a neighbor takes issue, they can voice their concerns when the Final Plat is presented for acceptance.

PROJECT CONDITIONS:

The 2012 sketch plan identified several conditions of approval. These conditions were also carried forward for the September 16, 2020 BoCC approval of the 7-Lot Sketch Plan.

Attached is a matrix summarizing the conditions as adopted and status of each condition. In addition, staff has assessed if the conditions, as drafted, are still applicable or should be amended for this current action. A summary of the conditions is as follows:

- Subdivision Improvement Agreement
- Access permits for each new lot
- Update on the geotechnical report requirements
- Road Name application for Puma Road
- Updated Restrictive Covenants
- Easements (existing, proposed, utility, ditch, etc.)
- Water Management Plan
- Fire improvements (dry hydrant, cul-de-sac)
- Homeowners Association (Smith Draw, irrigation water)
- Water company to manage deliver of domestic water
- Review from the State Water Engineer
- Augmentation plan
- Encroachment of Cougar Pond #4



- Realignment of Puma Road
- ROW Dedication
- Floodplain Elevations
- Plat Notes

OTHER AGENCIES INVOLVED:

Review agencies were sent the application for this proposed Subdivision on May 21, 2021. Comments have been received by DMEA, the Delta County Engineering Department, District #2 R&B Foreman, Dan Sickles, and Cedaredge Fire District. Our department has not received any additional feedback from any other review agencies.

Prepared by: Kate Kelly, Planning & Community Development Technician II
970.874.2107
kkelly@deltacounty.com
June 16, 2021

Attachment(s):

- Review Agency Comments
- Adjacent Property Owner Comments
- Lot Line Adjustment Plat (2021)
- Subdivision Plat (2021)

Conditions of Approval

1. Prior to accepting a Final Plat:
 - a. A Subdivision Improvement Agreement (SIA) is required to guarantee installation of in-home water treatment systems improvements (as required by County Health).
 - b. The road serving the revised lots 1-5 (Puma Road) must either be installed or included in the SIA financially guaranteeing installation prior to the sale of any lots.
 - c. Access permit(s) for each new lot must be installed and built to the Road Standards and approved by Road & Bridge.
2. Prior to accepting a Final Plat, provide a geotechnical report that addresses stability of the road base and side slopes the satisfaction of the County Engineering and Health Departments.
3. Prior to accepting a Final Plat, complete the application for a new road name for the interior road (Puma Road) with the County GIS Department. Include the approved road name on the Final Plat.
4. Prior to accepting a Final Plat, restrictive covenants, shall be reviewed and approved by the Planning Department. Include within the covenants:
 - a. how dogs will be handled;
 - b. a plan for ongoing maintenance of the septic systems;
 - c. shared maintenance of the shared infrastructure (e.g. private road);
 - d. The irrigation water in the Smith Draw and Cougar Pond System are under the administration of the State of Colorado, Division of Water Resources. Owners of the lots shall have the responsibility to maintain the Draw in such a manner that no downstream water users are deprived of the water to which she/he is entitled;
 - e. If any party with flow rights in the Draw discovers an impediment to the delivery of the water, the lot owners' association will correct the impediment as soon as possible under direction of the State of Colorado, division of Water Resources;
 - f. Maintenance of the Dry Hydrant;
 - g. A mosquito abatement plan;
 - h. The mineral rights have been severed from the property. The owners of the mineral rights have the right to enter and remove the minerals from the property;
 - i. Individual lot owners within a subdivision, or future owners of a parcel on which a new development has been approved in a Development Agreement are advised that an irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and may leave natural debris on the bank;
 - j. This site has potentially high water table, slow soil permeability and steep slopes that will limit the installation of new systems. Careful planning will be required for the installation of new systems. Systems that are designated by a registered professional engineer may be required for this subdivision;
 - k. The irrigation water in the Smith Draw and Cougar Pond System is under the Administration of the State of Colorado, Division of Water Resources. Owners of the lots shall have the responsibility to maintain the Draw in such a manner that no downstream water user is deprived of the water to which she/he is entitled;

- l. If any party with flow rights in the Draw discovers an impediment to the delivery of the water, the lot owner's association will correct the impediment as soon as possible under the direction of the State of Colorado, Division of Water Resources; and
 - m. Potential property owners are advised that a water storage right exists for the Cougar Pond System. Senior water right owners, whose water is transported through the Cougar Pond System and the Smith Draw, have the right to enter into the open space area along the Cougar Pond System to construct and maintain a ditch and/or pipeline system in order to ensure that the appropriate senior water rights may be accessed without interruption.
5. Prior to accepting a Final Plat, illustrate all existing and proposed easements and encumbrances, including, but not limited to (where/if applicable to the revised plat): existing and proposed utility easements, an easement for the ditch that receives runoff and tail water through the culvert at the access road at Happy Hollow Road (Puma Rd), and through Smith Draw.
6. Prior to accepting the Final Plat, submit a Water Management Plan, including but not limited to:
 - a. location of all wells, with information about permit numbers and the Lots they serve; and
 - b. Amount and distribution of any ditch/waste water allocated to each lot.
7. Prior to accepting the Final Plat, fire improvements (dry hydrant, cul-de-sac) must either be installed to the satisfaction of the Fire Department or included in the SIA financially guaranteeing installation prior to the sale of any lots.
8. Prior to accepting the Final Plat, submit a design for the irrigation water system including wastewater for the lots within the subdivision (Irrigation Plan). Establish a homeowners association to administer the irrigation water (Irrigation Plan), collection of fees and provide for maintenance of irrigation ditches and/or pipelines. The applicant shall initially manage said HOA, and transfer a share of ownership/membership when each lot is sold.
9. Provide a water distribution and maintenance plan and implementation schedule and form a water company to manage the delivery of the domestic water to the lots – providing records showing the water company corporation approved by the State of Colorado, prior to final plat approval.
10. Provide an Engineer's Water Supply Report and a completed Water Supply Information Summary that assures quantity, quality and dependability of the wells.
11. Augmentation plan requirements (reflecting the 5-Lot subdivision) must be fully met prior to accepting a final plat.
12. Prior to accepting the final plat, address engineering comments expressing concern for the alignment of the proposed Puma Road, including adjustment of Cougar Pond #4 so that it is not encroaching into the road easement. Adjust the cistern and/or dry hydrant as needed with any revision.
13. Provide a plan for constructing/re-constructing the interior road and turn around area to the Delta County Engineering Department for approval prior to submitting a final plat.
14. A Subdivision Improvements Agreement shall be required to financially guarantee any required improvement that is not completed prior to accepting the first final plat. Once County has approved improvement plans, the applicant shall obtain a construction bid estimating the cost

that needs to be guaranteed. New water test results, if required by the Health Department, will be submitted with the final plat.

15. Puma Road shall be constructed and maintained as a private road, privately maintained. Puma Road will be required to be constructed to County Road Standards. The County Engineer will need to sign off that the road meets County Standards. The applicant's Engineer will also be required to certify the road construction, per Delta County Road Standards.
16. Obtain County access permits or approved and signed access permits for the interior road and the existing accesses onto the County road as well as access for each newly proposed 5 Lots (previously Lots 3-7). Said access requires approval by the Road & Bridge Foreman prior to accepting the final plat.
17. Include in the covenants and on the final plat that the lots may not be further subdivided and only one single-family dwelling per lot is allowed. Restriction deeds will be required with final plat submittal.
18. Per the subdivision standards and Colorado State Statutes, the applicant must demonstrate a water supply that is adequate in terms of quantity, quality, and dependability.
 - a. Quantity: The applicant must show that all requirements of the water augmentation plan have been met prior to final plat approval.
 - b. Quality: The applicant must repeat water quality tests, and provide current estimates for the cost of appropriate in home water treatment systems, prior to final plat approval. The applicant must have a bond or a Letter of Credit for financial guarantee of the home treatment systems, prior to final plat approval.
 - c. Dependability: Perform pump tests demonstrating that the wells are able to provide adequate water volume to serve the proposed lots. Provide the Engineer's Water Supply Report and a completed Water Supply Information Summary that assures quantity, quality, and dependability of the well. This is required before final plat approval.
19. A maintenance agreement will be required for Puma Road to address cost sharing for the maintenance of the road between Lots 1-5, prior to final plat approval.

**MJ03-010/Smith Major Subdivision
Conditions of Approval**

	CONDITION	STATUS	STAFF COMMENT	RECOMMENDED CONDITION
1	Provide a detailed description of the general development plan and proposed financing for the development. Include with the preliminary plat a draft of any items requiring a subdivision improvement agreement, proposed method of financial assurance and submit it with the preliminary plat.	The applicant has provided sufficient detail on the development plan. - All infrastructure improvements will be self-financed. Domestic water, irrigation water, power, and fencing have already been installed to all Lots. - The project will be phased with Lot 1 & 2 as Phase 1. Lots 3-7 will be completed in Phase 2. - Access to Happy Hollow Road for Lots 1 & 2 has been installed, but requires final permit approval by Road & Bridge prior to final plat approval. - Shared access for Lot 1 & 2 will need to be installed prior to final plat approval. This access needs to include a hammerhead turnaround to accommodate	Lots 1 & 2 have been removed from this subdivision. The access for that parcel has been built. Access and Addressing will need to be done through the Planning Department to obtain an approved access permit for that parcel, separate from the subdivision. Following the prior (approved) phasing plan, Lots 1-5 (on the upper portion) would be prepared at one time, meaning there is no phasing proposed for this revised subdivision. The plat needs to be revised to include a cul-de-sac (per County standards) at the terminus of Puma Road, not to be extended beyond the subject project area and not to be dedicated to the County. Access permit(s) for each new lot must be approved by Road	Prior to accepting a Final Plat: - A Subdivision Improvement Agreement (SIA) is required to guarantee installation of in-home water treatment systems improvements (as required by County Health). - The road serving the revised lots 1-5 (Puma Road) must either be installed or included in the SIA financially guaranteeing installation prior to the sale of any lots. - Access permit(s) for each new lot must be installed and built to the Road Standards and approved by Road & Bridge.

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		emergency service vehicles. No subdivision agreement is necessary for these improvements as they will be completed prior to final plat approval. - The road serving Lots 3-7 must be installed and the final access permit signed off on by Road & Bridge prior to final plat approval. The County's Engineering Division must sign off that the roadway was built to County Standards, subject to the waivers and variances previously approved for this project (See attached letters from County Engineering). - In-home water treatment systems improvements, as required by Delta County Health, will require a subdivision improvements agreement with a financial guarantee (bond, letter of credit) in order to approve a Final	& Bridge. An Access /Address application can be found online at www.deltacounty.com or in the Planning Department. This condition is applicable to the project, so it remains in place with some modification.	
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**MJ03-010/Smith Major Subdivision
Conditions of Approval**

		Plat without being installed.		
N/A	If phasing of the subdivision is anticipated, provide the proposed plan for phasing of the subdivision with preliminary plat submittal.	The applicants do anticipate phasing of the subdivision. Lots 1 & 2 will be Phase 1. Lots 3-7 will be Phase 2	Lots 1&2 of the approved Preliminary Plat are no longer part of this revised project. As such, Lots 3-7 will become Lots 1-5 in the revised subdivision. Lots 1-5 (revised project) would be prepared at one time, meaning there is no phasing proposed for this revised subdivision. As such, a condition relative to phasing is no longer applicable.	N/A
2	Provide a geotechnical report that addresses the Engineering Dept. and Health Dept. concerns/requirements including stability of the road base and side slopes.	The applicants provided an updated geotechnical report, and addressed all requirements to ensure slope stability of the proposed road to Lots 3-7. A no build zone exists for Lots 1, 2, and 7. Staff met onsite with the applicant and applicant's Engineer, and anticipates a letter prior to the Planning Commission meeting, from the Engineer, that provides an update on the applicant's implementation of requirements to satisfy the geotechnical report.	The applicant has made significant progress, with all plans and reports submitted as required. This condition is applicable to the project, so it remains in place with some modification.	Prior to accepting a Final Plat, provide a geotechnical report that addresses stability of the road base and side slopes the satisfaction of the County Engineering and Health Departments.
3	Apply for a road name for the interior road from the County GIS Dept. and show on the	The applicants were approved for "Romeo Road" several years ago. The County	This has been completed. This condition is applicable to the project, so it remains in place	Prior to accepting a Final Plat, complete the application for a new road name for the interior

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	preliminary and final plats	GIS department has requested the applicants submitted a different name to better comply with the County's newer road naming requirements. The applicants have submitted for the road to be named "Puma Road".	with some modification.	road (Puma Road) with the County GIS Department. Include the approved road name on the Final Plat.
4	Provide a copy of the restrictive covenants, if proposed, with preliminary plat submittal. Include within the covenants how dogs will be handled. It is recommended that the covenants include a plan for ongoing maintenance of the septic systems	The applicants have submitted a copy of the restrictive covenants (aka Covenants, conditions and restrictions or CC&Rs)	This condition is applicable to the project, so it remains in place with some modification. Staff will review the draft submitted and address any issues prior to presenting a Final Plat for acceptance.	Prior to accepting a Final Plat, restrictive covenants, shall be reviewed and approved by the Planning Department. Include within the covenants: 1) how dogs will be handled; 2) a plan for ongoing maintenance of the septic systems; 3) shared maintenance of the shared infrastructure (e.g. private road); 4) the irrigation water in the Smith Draw and Cougar Pond System are under the administration of the State of Colorado, Division of Water Resources. Owners of the lots shall have the responsibility to maintain the Draw in such a manner that no downstream water users are deprived of the water to which she/he is entitled. 5) If any party with flow rights in the Draw discovers an impediment to the delivery of the water, the lot owners' association will correct the impediment as

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				soon as possible under direction of the State of Colorado, division of Water Resources; 6) Maintenance of the Dry Hydrant; 7) a mosquito abatement plan; 8) the mineral rights have been severed from the property. The owners of the mineral rights have the right to enter and remove the minerals from the property; 9) Individual lot owners with a subdivision, or future owners of a parcel on which a new development has been approved in a Development Agreement are advised that an irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and may leave natural debris on the bank; 10) This site has potentially high water table, slow soil permeability and steep slopes that will limit the installation of new systems. Careful planning will be required for the installation of new systems. Systems that are designated by a registered professional engineer may be required for this subdivision; 11) The irrigation water in the Smith Draw and Cougar Pond System is under the Administration of the
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				State of Colorado, Division of Water Resources. Owners of the lots shall have the responsibility to maintain the Draw in such a manner that no downstream water user is deprived of the water to which she/he is entitled; 12) If any party with the flow rights in the Draw discovers an impediment to the delivery of the water, the lot owner's association will correct the impediment as soon as possible under the direction of the State of Colorado, Division of Water Resources; 13) Potential property owners are advised that a water storage right exists for the Cougar Pond System. Senior water right owners, whose water is transported through the Cougar Pond System and the Smith Draw, have the right to enter into the open space area along the Cougar Pond System to construct and maintain a ditch and/or pipeline system in order to ensure that the appropriate senior water rights may be accessed without interruption.
N/A	Provide a copy of the approved Stormwater Discharge Permit with preliminary plat submittal and as each phase is submitted	No stormwater discharge permit is required. See attached email from the Army Corps of Engineers	Pre USACE, a condition relative to a Discharge Permit is no longer applicable.	N/A

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		(USACE)		
N/A	Show all existing and proposed utility easements on the preliminary and final plats	Utility easements need to be identified on the final plat to align with the actual location of all the utilities already installed including domestic water and power	This condition is applicable to the project, so it remains in place with some modification.	Combined with the following condition
5	Provide and show the existing and proposed ditch easements on the preliminary plat. The final plat will include the finalized easements.	The preliminary plat should be updated to identify an easement through Happy Hollow Creek, an easement for the ditch that receives runoff and tail water through the culvert at the access road at Happy Hollow Road (Puma Rd), and through Smith Draw.	This condition is applicable to the project, so it remains in place with some modification.	Prior to accepting a Final Plat, illustrate all existing and proposed easements and encumbrances, including, but not limited to (where/if applicable to the revised plat): existing and proposed utility easements, an easement for the ditch that receives runoff and tail water through the culvert at the access road at Happy Hollow Road (Puma Rd), and through Smith Draw.
6	Show the location of the wells, with permit numbers, on the preliminary and final plats	This has been completed	This has been completed. This condition is applicable to the project, so it remains in place with some modification.	Prior to accepting the Final Plat, submit a Water Management Plan, including but not limited to: 1) location of all wells, with information about permit numbers and the Lots they serve; and 2) Amount and distribution of any ditch/waste water allocated to each lot.
7	Show the location of the fire hydrant(s) or cistern(s), if proposed, with distribution lines approved by Fire District #3 on the preliminary and final plats.	There is a dry hydrant proposed for Phase 1 and Phase 2. There are no distribution lines.	This subdivision is no longer being phased. There is a dry hydrant shown on the plat for Lots 1-5 of the revised subdivision.	Prior to accepting the Final Plat, fire improvements (dry hydrant, cul-de-sac) must either be installed to the satisfaction of the Fire Department or included in

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				the SIA financially guaranteeing installation prior to the sale of any lots.
8	Submit, with the preliminary plat, a design for the irrigation water system including wastewater for the lots within the subdivision. Create a homeowners association to administer the irrigation water, collection of fees and provide for maintenance of irrigation ditches and/or pipelines and show easements on the preliminary plat. As part of the irrigation plan, the homeowners association shall be required to create a plan to maintain the Smith Draw and Happy Hollow Creek to ensure proper flow is maintained for downstream users. The Colorado State Water Commissioner shall have access to both the Smith Draw and Happy Hollow Creek to administer irrigation water and water rights.	This has been completed. See attached irrigation plan and maps.	This has not been completed. This condition is applicable to the project, so it remains in place with some modification. The homeowners association will need to be created for the Smith Draw ONLY; the Happy Hollow Creek is no longer part of this subdivision.	Prior to accepting the Final Plat, submit a design for the irrigation water system including wastewater for the lots within the subdivision (Irrigation Plan). Establish a homeowners association to administer the irrigation water (Irrigation Plan), collection of fees and provide for maintenance of irrigation ditches and/or pipelines. The applicant shall initially manage said HOA, and transfer a share of ownership/membership when each lot is sold.
9	Provide a water distribution and maintenance plan and implementation schedule for a water company for each well and records showing the water company corporation approved by the State of Colorado, prior	Water has been installed from each well to each lot. The applicants still need to form a water company for the water to manage domestic water delivery. This remains a condition of final	The water system has been installed from each well to each lot. This condition is applicable to the project, so it remains in place with some modification.	Provide a water distribution and maintenance plan and implementation schedule and form a water company to manage the delivery of the domestic water to the lots – providing records showing the water

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	to final plat approval.	plat.		company corporation approved by the State of Colorado, prior to final plat approval.
10	Provide an Engineer's Water Supply Report and a completed Water Supply Information Summary that assures quantity, quality and dependability of the wells. See attached Form# GWS-78	The applicants have a court decree and augmentation plan for up to 15 lots. The project has been sent to the State Water Engineer for review. This will remain a condition of approval for final plat.	The project still requires the review from the State Water Engineer. This review will need to be completed before the final plat submittal. This condition is applicable to the project, so it remains in place with some modification.	Provide an Engineer's Water Supply Report and a completed Water Supply Information Summary that assures quantity, quality and dependability of the wells.
11	Provide a plan for compliance with the augmentation plan decree requirements with preliminary plat submittal.	The applicant continues to work towards compliance with the augmentation plan. The applicant will be prepared to provide a complete update on the augmentation plan implementation at the meeting. The augmentation plan requirements must be fully met prior to final plat approval.	This condition is applicable to the project, so it remains in place with some modification.	Augmentation plan requirements (reflecting the 5-Lot subdivision) must be fully met prior to accepting a final plat.
12	If a storage facility is proposed for fire protection, i.e. cistern(s) show the location(s) on the preliminary and final plat.	There are no cisterns proposed specific to fire protection, however; a cistern will be installed adjacent to each domestic well to help manage water demand. These cisterns will	There is concern for the alignment of the proposed Puma Road; comment was made that the cistern could be moved to accommodate a realignment of Puma Road,	Prior to accepting the final plat, address engineering comments expressing concern for the alignment of the proposed Puma Road, including adjustment of Cougar Pond #4 so that it is not encroaching into the road

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		be accessible for fire protection purposes in addition to the dry hydrants. These are identified on the preliminary plat.	this being to address encroachment of Cougar Pond #4. If the road is realigned, the cistern will need to be moved. The dry hydrant will need to be listed in the restrictive covenants to be maintained. The cistern and the dry hydrant have been identified on the preliminary plat. This condition is applicable to the project, so it remains in place with some modification. Also see Condition #4.	easement. Adjust the cistern and/or dry hydrant as needed with any revision.
N/A	A deed to Delta County will be required with the final plat for an 80' road right-of-way (40' centerline) for Happy Hollow Road. Additional right-of-way may be required based on the traffic study recommendations.	This is a final plat requirement. No additional right-of-way is required.	This condition is no longer applicable as the previous Lots 1 & 2 is no longer being proposed with this subdivision.	N/A
13	Provide a plan for constructing/re-constructing the interior road and turn around area. Include the cost estimates with preliminary plat submittal.	See attached plans.	This condition is still applicable to the project, so it remains in place.	Provide a plan for constructing/re-constructing the interior road and turn around area to the Delta County Engineering Department for approval prior to submitting a final plat.
N/A	Provide a plan/profile of the road that includes the turn-around area(s) that addresses	See attached plans.	N/A	N/A

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	the County Engineers concerns for slope, turning radius, etc. with preliminary plat submittal.			
14	A Subdivision Improvements Agreement will be required with each phase, if phasing is proposed, for water treatment systems for the well water in each home if a treatment system is required. New water test results, if required by the Health Department, will be submitted with the final plat.	This is a final plat requirement.	This condition is still applicable to the project, so it remains in place. Condition #1 addresses water treatment systems for the well water in each home if a treatment system is required.	A Subdivision Improvements Agreement shall be required to financially guarantee any required improvement that is not completed prior to accepting the first final plat. Once County has approved improvement plans, the applicant shall obtain a construction bid estimating the cost that needs to be guaranteed. New water test results, if required by the Health Department, will be submitted with the final plat.
N/A	Provide a plan and implementation schedule for fencing the outside perimeter of the property adjacent to the agricultural lands with preliminary plat submittal.	The fencing for the perimeter has already been completed.	This condition has been completed and does not require further action.	N/A
N/A	Provide a plan for public safety measures for the areas around the ponds, a mosquito abatement plan for the ponds and maintenance of the ditches and the ponds.	See attached plan for mosquito abatement. No public access will be allowed to the ponds. Each pond will be privately owned by the property owners.	A mosquito abatement plan has been completed and shall be part of the restrictive covenants. Refer to Condition #4	N/A
N/A	Provide a preliminary wildlife protection plan with the preliminary plat submittal.	See attached wildlife protection plan.	This condition has been completed.	N/A
N/A	Submit drainage and erosion	See the letter from the	Refer to condition #2	N/A

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	reports with preliminary plat submittal.	applicant's engineer. The existing drainage and erosion plans, along with updated geotechnical report address all drainage and erosion concerns identified during sketch plan.		
15	The road rights-of-way on the sketch plan plat must be modified on the preliminary plat to exclude the road rights of way from the lots. The public dedication must be used instead of the private dedication shown on the sketch plan.	The access road to lots 3-7 is shown as right-of-way. This road needs to be deeded to Delta County, and a plat note added that the road is publicly deeded, but privately maintained.	This condition is no longer applicable to the project. Engineering and R & B would like to recommend that Puma Road remain a private road, privately maintained.	Puma Road shall be constructed and maintained as a private road, privately maintained. Puma Road will be required to be constructed to County Road Standards. The County Engineer will need to sign off that the road meets County Standards. The applicant's Engineer will also be required to certify the road construction, per Delta County Road Standards.
N/A	Provide approved floodplain permits for the well and roadway serving the western lots with preliminary plat submittal	This has been completed. See attached permits.	This condition no longer applies as the western lots (Lots 1 & 2) are no longer part of this project.	N/A
N/A	Show the 100-year floodplain elevation (base flood elevation) on the preliminary and final plats.	This has been completed.	This condition no longer applies to this project, as Lots 1 & 2 is no longer part of the subdivision proposal.	N/A
16	Obtain County access permits or approve and signed access permits for the interior road and the existing accesses onto the County road with preliminary plat submittal.	The applicant has applied for the permits and installed the access. Final approval of the permit is still needed by Road & Bridge prior to final plat approval.	This condition is still applicable to the project, so it remains in place with modifications. The applicants applied for access permits for all 7-lots	Obtain County access permits or approved and signed access permits for the interior road and the existing accesses onto the County road as well as access for each newly proposed 5 Lots (previously Lots 3-7). Said access

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			through access off of Happy Hollow Rd and Puma Road on March 9, 2004. The access for the previously approved Lots 1 & 2 has been built but has not received final approval from the Road & Bridge Foreman. Previous Lots 1 & 2 is no longer part of the proposed subdivision; however, they can still proceed with the final approval of the access. If the access is not signed off on for the previously approved Lots 1 & 2 within one year from the date of this report, the applications will expire. The applicant will need to submit a New Road Name application for Puma Road, to get final approval from the GIS Department. The access for the newly proposed 5 Lots (previously Lots 3-7) will need to be applied for and approved by the Road & Bridge Foreman before final plat approval.	requires approval by the Road & Bridge Foreman prior to accepting the final plat.
17	Include in the covenants and on the preliminary plat that the lots may not be further subdivided and only one single-family dwelling per lot is allowed. Restriction deeds will be	This is identified in the covenants, as a plat note, and will be required on the deeds at final plat.	This condition is still applicable to the project, so it remains in place. This will need to be listed in the restrictive covenants,	Include in the covenants and on the final plat that the lots may not be further subdivided and only one single-family dwelling per lot is allowed. Restriction

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	required with final plat submittal.		placed on the final plat, and listed as a restriction on the deeds before final plat approval. See Condition #4.	deeds will be required with final plat submittal.
N/A	Place the following statement(s) on the preliminary and final plats. (1) The mineral rights have been severed from the property. The owners of the mineral rights have the right to enter and remove the minerals from the property. (2) Portions of Lot 1 & 2 lie within the 100 year floodplain. A floodplain permit will be required from the Delta County Health Department for any development with that designated area. (3) Portions of Lots 1 & 2 lie within the jurisdiction of the Army Corps of Engineers (ID#SPK-2011-00375). Development within that area may require permits from the Army Corps of Engineers. (4) The lots may not be	(1) Completed (2) Completed (3) Completed (4) Completed	(1) This will need to be listed in the restrictive covenants. See Condition #4. (2) Lots 1 & 2 are no longer part of this project, so this note is not needed. (3) This plat note is no longer applicable to the project; Lots 1 & 2 is no longer part of this project, therefore, it does not need to be placed on the final plat.	The mineral rights have been severed from the property. The owners of the mineral rights have the right to enter and remove the minerals from the property. N/A N/A The lots may not be further

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	further subdivided and only one single family dwelling per lot is allowed. (5) Individual lot owners within a subdivision, or future owners of a parcel on which a new development has been approved in a Development Agreement are advised that an irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and may leave natural debris on the bank. (6) This site has potentially high water table, slow soil permeability and steep slopes that will limit the installation of new systems. Careful planning will be required for the installation of new systems. Systems that are designated by a registered professional engineer may be required for this	(5) Outstanding. See Final Plat Conditions of Approval recommended by Staff. (6) Completed	(4) This plat note is still applicable to the project, and will remain as a plat note on the final plat. See Condition #17 (5) Outstanding. This plat note is not required on the final plat but rather have it as part of the restrictive covenants. See Condition #4. (6) This is not required as a plat note, but rather listed in the restrictive covenants. See Condition #4.	subdivided and only one single family dwelling per lot is allowed. Individual lot owners within a subdivision, or future owners of a parcel on which a new development has been approved in a Development Agreement are advised that an irrigation ditch owner has the right to enter the designated irrigation ditch maintenance easement, maintain the ditch, and may leave natural debris on the bank. This site has potentially high water table, slow soil permeability and steep slopes that will limit the installation of new systems. Careful planning will be required for the installation of new systems. Systems that are designated by a registered professional engineer may be required for this subdivision.
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	Subdivision.			
Review Comments				
N/A	Road & Bridge: Hope they have engineered an acceptable intersection on that curve that meets specs with grade.	The intersection has been engineered and approved by the Delta County Engineering. See attached letter.	A Meeting was held with Road & Bridge and the County Engineer to discuss Puma Road. There are concerns for safety and alignment, based on access points to the lot, as well as, encroachment issues. County Engineering is suggesting realignment be done of the proposed Puma Road.	See Staff Report
N/A	DMEA: DMEA requires that developers submit the latest and most up to date approved preliminary plat before a DMEA system engineer can meet to design service to each lot.	The applicants have already worked with DMEA. Power is already installed to each lot.	DMEA has reviewed the proposed 5-Lot subdivision and have stated they would like an updated approved preliminary plat before a DMEA System Designer can meet with their developer.	See Staff Report
N/A	Fire District #3: The fire district would like to see a fire plug installed at the end of the cul-de-sac at the end of the road. We would like a second installed at the intersection of Happy Hollow and Romeo (Puma) Road if the water lines allow it. A dry hydrant is ok but most of the time they silt in and don't work and can't be counted on as fire protection.	The previous fire chief signed off on the applicant's fire plan and use of dry hydrants. The applicant has been asked to meet with the fire chief to review plans. Water lines are designed to accommodate a hydrant at Happy Hollow and Rome (Puma) Road.	County Staff would like to have the dry hydrant listed in the restrictive covenants so that maintenance can be done on the hydrant. Count Staff would also like to see the fire plug installed at the end of the cul-de-sac, per the previous comments from fire.	See Staff Report
N/A	GIS: Requests a different road name	The applicants have submitted Puma Road for	This condition is still applicable. See Condition #3.	N/A

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[illegible]

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		and provide current estimates for the cost of appropriate in home water treatment systems. A subdivision Improvement Agreement, with the cost of the home treatment systems escrowed, will be required prior to final plat approval for each phase of development. Dependability: Prior to final plat approval, the applicant will perform pump tests demonstrating that the wells are able to provide adequate water volume to serve the proposed lot. The applicant shall provide the Engineer's Water Supply Report and a completed Water Supply Information Summary that assures quantity, quality, and dependability of the wells.	This condition is still applicable to this project, so it remains in place.	final plat approval. Perform pump tests demonstrating that the wells are able to provide adequate water volume to serve the proposed lots. Provide the Engineer's Water Supply Report and a completed Water Supply Information Summary that assures quantity, quality, and dependability of the well. This is required before final plat approval.
	Plat Notes: The County Attorney at the time of sketch plan approval recommended specific language is put on the plat to address the		These plat notes are not on the final plat. They are still applicable to the project, so they will remain in place with modification.	See Below

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	complexities of the irrigation water system, and previous discussions with other water rights within the area. These plat notes are on the plat, but need to be updated to use the exact language recommended by the previous County Attorney. See attached with the recommended language.			
N/A	Puma Road Construction: Prior to final plat for the phase that includes Lots 3-7, Puma Road will need to be constructed to County Road standards, with the variances and waivers previously granted by the County. The County Engineer will need to sign off that the road meets County Standards. The applicant's Engineer will also need to certify that the road was constructed in compliance with County road standards and all engineering plans and design.		Puma Road will still be required to be constructed to County Road Standards. The County Engineer will need to sign off that the road meets County standards. The applicant's Engineer will also need to certify the road was constructed per Delta County Road Standards. See Condition #15.	N/A
N/A	Subdivision Improvements Agreement: A subdivision Improvement Agreement, with the cost of the home treatment systems escrowed, will be required prior to final plat approval for each phase of development.		This condition is still applicable to the project, and will remain in place with modification. See Condition #18	N/A

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19	Deeds for Puma Road and Happy Hollow right-of-way: Puma Road will be required to be publicly dedicated, privately maintained road. The applicant needs to provide a deed dedicating the right-of-way to Delta County for both Puma Road, and for the required right-of-way prior to final plat recordation. A road maintenance agreement will also be required for Puma Road that addresses cost sharing for road maintenance between Lots 3-7 prior to final plat approval. Alternatively, the covenants can be updated to address road maintenance.		Happy Hollow Road is no longer being considered as part of this subdivision proposal. Therefore, no right-of-way will be required for dedication to the County. Puma Road will need to have a maintenance agreement that addresses cost sharing for the road maintenance between Lots 1-5, prior to final plat approval. The County is recommending Puma Road remain private road, privately maintained.	A maintenance agreement will be required for Puma Road to address cost sharing for the maintenance of the road between Lots 1-5, prior to final plat approval.
Staff recommends approval with the following conditions and requirements on the final plat checklist:				
N/A	N/A	The access to Happy Hollow Road for Lots 1 & 2 has been installed, but requires final permit approval by Road & Bridge prior to final plat approval. The shared access for Lot 1 & 2 will need to be installed prior to final plat approval. The access needs to include a hammerhead turnaround to accommodate emergency service vehicles. No subdivision agreement is necessary for these	This is no longer applicable to the project as Lots 1 & 2 is no longer part of this subdivision proposal.	N/A

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		improvements as they will be completed prior to final plat approval. In the event they are not completed prior to final plat, a subdivision improvements agreement shall be required.		
N/A	N/A	The road serving Lots 3-7 will need to be installed and the final access permit signed off on by Road & Bridge prior to final plat approval. The County's Engineering Division must sign off that the roadway was built to County standards, subject to the waivers and variances previously approved for this project.	See Condition #15	N/A
N/A	N/A	Provide updated restrictive covenants for final review. The covenants should address management of domestic dogs, maintenance recommendations for individual sewage disposal systems, and shared road maintenance responsibilities and costs unless a separate road maintenance agreement is included.	The applicant has not provided these documents yet to the Planning Department since Sketch Plan approval in September of 2020. This is still applicable to the project, and remains in place and a condition of approval. See Condition #4.	N/A
N/A	N/A	Update all easements on the plat including easement for all power lines, domestic	This is still applicable to the project and will remain in place. See Condition #5.	N/A

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		water, and for irrigation along Smith Draw and Happy Hollow.		
N/A	N/A	Demonstrate a water supply that is sufficient in terms of quantity, quality, and dependability by submitting an Engineer's Water Supply Report and a completed Water Supply Information Summary that assures quantity, quality, and dependability of the wells, well pump test, and updated water quality testing if required by Delta County Health.	This is still applicable to the project and remains in place. See Condition #10.	N/A
N/A	N/A	Demonstration of a water supply that is sufficient in terms of quantity, quality, and dependability includes demonstrating compliance with implementation of the augmentation plan, and development of a subdivision improvement agreement with escrow for in home water quality treatment systems.	See previous conditions.	N/A
N/A	N/A	Right-of-way for Happy Hollow road shall be deeded to Delta County prior to final plat recordation.	The right-of-way for Happy Hollow road is no longer part of this subdivision.	N/A
N/A	N/A	Puma Road shall be deeded	This is no longer applicable to	N/A

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		to Delta County prior to final plat recordation. A plat note indicating that Puma Road is publicly deeded, privately maintained shall be added to the final plat.	the project.	
N/A	N/A	The access permit for Lot 1 & 2 shall be finalized and approved by Road & Bridge prior to final plat recordation. The access permit for Puma Road shall be finalized and approved by Road & Bridge prior to final plat recordation.	See Condition #1	N/A
N/A	Plat notes regarding irrigation shall be updated and use the exact language recommended by the previous County Attorney:	The irrigation water in the Smith Draw and Cougar Pond System is under the administration of the State of Colorado, Division of Water Resources. Owners of the lots shall have the responsibility to maintain the Draw in such a manner that no downstream water user is deprived of the water to which she/he is entitled. If any party with flow rights in the Draw discovers an impediment to the delivery of the water, the lot owner's association will correct the impediment as soon as possible under the direction	This condition is still applicable to the project, and remains in place. This plat note should not be included as a plat note, but rather be added to the restrictive covenants. See Condition #4. This is still applicable to the project; however, this too should be listed in the restrictive covenants and not as a plat note on the final plat. See Condition #4.	N/A

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		of the State of Colorado, Division of Water Resources. Potential property owners are advised that a water storage right exists for the Cougar Pond System, but that a dispute presently exists with a senior water right owner, whose water is transported through the Cougar Pond System and the Smith Draw, as shown on the plat. This dispute involves claims by the senior water rights owner for the right to enter into the open space area along the Cougar Pond System to construct and maintain a ditch and/or pipeline system in order to ensure that the appropriate senior water right may be accessed without interruption. The current owner of the subject property believes that those claims are without merit. Such activities, however, may ultimately interfere with the use and enjoyment of the open space set aside within this subdivision.	County Staff stated that language should be adjusted because there is not an actual dispute but there is a plat note that is intended to put the future property owners on notice that because water rights run through the ponds those water right owners have the right to come in and make changes especially if the courts ever dictate they are allowed to do so. This was intended to be a future property owner notice note and there is no dispute which came out at the Planning Commission Meeting on September 9, 2020. There is no longer concern for a dispute. The covenants will need to reflect that there are water rights that run through the ponds and that those water right owners will have the right to come in and make changes. See Condition #4.	
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DELBERT L. SMITH LIVING TRUST/MELINDA C. SMITH LIVING TRUST LOT LINE (BOUNDARY) ADJUSTMENT
WITHIN THE SE1/4 NE1/4 OF SEC. 36, T.13S., R.95W., 6TH P.M.
AND WITHIN LOT 2 (SW1/4 NW1/4) OF SEC. 31, T.13S., R.94W., 6TH P.M.
DELTA COUNTY, COLORADO

AGREEMENT:

I/We, being the Owner(s) of the land as shown hereon do hereby agree to the boundary lines as shown hereon and that no new parcels were created by this boundary line agreement.

In witness whereof Delbert L. Smith Living Trust & Melinda C. Smith Living Trust has/have subscribed his/her/their name(s) this _____ day of _____, A.D. 20____.

By: Delbert L. Smith Living Trust
Delbert L. Smith, Trustee

By: Melinda C. Smith Living Trust
Melinda C. Smith, Trustee

NOTARIAL:

State of Colorado)
County of Delta) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, A.D. 20____, by Delbert L. Smith & Melinda C. Smith

My commission expires: _____

My address is _____

Witness my hand and official seal.

PARCEL A

A parcel of land located within the SE1/4 of the NE1/4 of Section 36, Township 13 South, Range 95 West of the 6th P.M. and within Government Lot 2 (SW1/4 NW1/4) of Section 31, Township 13 South, Range 94 West of the 6th P.M., having a description based upon a bearing of S.89°56'16"W. from the CW1/16 Corner of Section 31 (monumented by a 3-1/4" aluminum cap PLS12765) to the 1/4 Corner common to Sections 31 and 36 (monumented by a 2-1/2" USGLO Brass cap), with all other bearings relative thereto and being more particularly described as follows:

Beginning at a point on the south line of said SE1/4 of the NE1/4 from whence said 1/4 Corner bears S.89°56'16"W. 276.56 feet; thence along said south line N.89°56'16"W. 1050.97 feet to the easterly right of way of Happy Hollow Road; thence along said easterly right of way the following seven (7) courses: (1) along a non-tangent curve to the right 18.76 feet, with a radius of 138.19 feet and a chord bearing and distance of N.43°40'46"E. 18.75 feet; (2) thence N.47°34'07"E. 559.74 feet; (3) thence along a tangent curve to the left 238.77 feet, with a radius of 700.38 feet and a chord bearing and distance of N.37°48'07"E. 237.61 feet; (4) thence N.28°02'07"E. 387.53 feet; (5) thence along a tangent curve to the right 174.07 feet, with a radius of 157.48 feet and a chord bearing and distance of N.39°42'07"E. 185.34 feet; (6) thence S.88°37'53"E. 275.01 feet; (7) thence along a tangent curve to the left 67.82 feet, with a radius of 147.26 feet and a chord bearing and distance of N.78°10'30"E. 67.22 feet; thence leaving said easterly right of way line N.89°56'16"W. 21.77 feet to the east line of said SE1/4 of the NE1/4, also being the section line common to Sections 31 and 36; thence along said east line S.01°08'55"E. 645.98 feet; thence leaving said east line S.20°49'36"W. 147.00 feet; thence S.25°32'44"W. 88.16 feet; thence S.34°07'36"W. 203.94 feet to the Point of Beginning, containing 17.285 acres, more or less.

County of Delta, State of Colorado

PARCEL B

A parcel of land located within the SE1/4 of the NE1/4 of Section 36, Township 13 South, Range 95 West of the 6th P.M. and within Government Lot 2 (SW1/4 NW1/4) of Section 31, Township 13 South, Range 94 West of the 6th P.M., having a description based upon a bearing of S.89°56'16"W. from the CW1/16 Corner of Section 31 (monumented by a 3-1/4" aluminum cap PLS12765) to the 1/4 Corner common to Sections 31 and 36 (monumented by a 2-1/2" USGLO Brass cap), with all other bearings relative thereto and being more particularly described as follows:

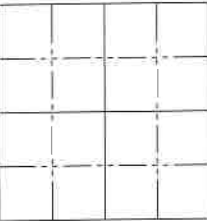
Beginning at said 1/4 Corner and running thence along the south line of said SE1/4 of the NE1/4 of Section 36 N.89°56'16"W. 276.56 feet; thence leaving said south line N.34°07'36"W. 203.94 feet; thence N.25°32'44"W. 88.16 feet; thence N.20°49'36"E. 147.00 feet to the east line of said SE1/4 of the NE1/4, also being the section line common to said Sections 31 and 36; thence along said east line N.01°08'55"E. 645.98 feet; thence leaving said east line S.89°56'16"W. 65.14 feet; thence N.01°21'32"E. 18.16 feet to the centerline of Happy Hollow Road; thence along said centerline the following two (2) courses: (1) along a non-tangent curve to the left 181.73 feet, with a radius of 117.32 feet and a chord bearing and distance of N.45°54'04"E. 164.10 feet; (2) thence N.02°31'28"E. 52.18 feet; thence leaving said centerline S.89°32'28"E. 42.18 feet to the west line of said Government Lot 2; thence along said west line S.00°29'15"W. 103.39 feet; thence leaving said west line S.78°00'57"E. 172.95 feet; thence N.11°24'45"E. 280.29 feet; thence S.89°01'05"E. 393.69 feet; thence N.89°00'01"E. 321.50 feet; thence N.84°54'08"E. 152.45 feet to the north line of said Government Lot 2; thence along said north line S.89°55'05"E. 299.00 feet to the NE corner of said Government Lot 2, also being the NW1/16 Corner; thence along the east line of said Government Lot 2 S.00°12'07"W. 12.97 feet; thence leaving said east line S.89°50'26"W. 33.97 feet; thence S.11°01'46"W. 344.06 feet; thence S.00°18'12"E. 988.87 feet to the south line of said Government Lot 2; thence along said south line S.89°56'16"W. 1305.33 feet to the Point of Beginning, containing 41.506 acres, more or less.

County of Delta, State of Colorado

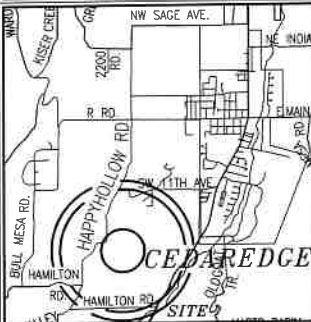
ACREAGE SUMMARY:

PARCEL A (BEFORE ADJUSTMENT) = 18.100 ACRES/788419.1 SQ. FT.
PARCEL B (BEFORE ADJUSTMENT) = 40.691 ACRES/1772515.4 SQ. FT.
PARCEL A (AFTER ADJUSTMENT) = 17.285 ACRES/752919.0 SQ. FT.
PARCEL B (AFTER ADJUSTMENT) = 41.506 ACRES/1808014.5 SQ. FT.

SEE PLAT



CONTROL MAP



AREA LOCATOR

TYPICAL LEGEND

- Set Mag Nail in Asphalt
- Set 5/8" rebar 30" long with 2" aluminum cap PLS38255
- Set 5/8" rebar with 2" aluminum cap as Witness corner or linepin PLS38255
- ⊙ Set 3/4" rebar 30" long with 3-1/4" aluminum cap PLS38255
- ⊙ Found 2" aluminum cap PLS12765 or as noted
- Found 5/8" rebar with 1 1/2" aluminum cap PLS9455 or as noted
- ◆ Found 2-1/2" USGLO Brass cap
- Ditch/Draw/Creek
- 100 Year Flood Boundary
- Fencelines
- Electric (overhead)
- UE Electric (underground)
- Water line
- Easement
- Previous Parcel Boundary

BASIS OF BEARINGS:
S.89°56'16"W. FROM THE CW1/16 COR. OF SEC. 31 TO THE 1/4 COR. COMMON TO SECTIONS 31 AND 36
DELTA COUNTY LOCAL COORDINATE SYSTEM

SCALE 1"=100 U.S. SURVEY FEET

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	138.19'	18.76'	18.75'	S 43°40'46" W
C2	700.37'	238.77'	237.61'	N 37°48'07" E
C3	157.48'	174.07'	165.34'	S 59°42'07" W
C4	147.26'	67.82'	67.22'	N 78°10'30" E
C5	117.32'	181.73'	164.10'	N 45°54'04" E

LINE	BEARING	DISTANCE
L1	S 89°56'16" W	183.15'
L1A	S 89°56'16" W	77.01'
L1B	S 89°56'16" W	21.77'
L1C	S 89°56'16" W	64.36'
L2	N 01°21'32" E	18.16'
L3	N 02°31'28" E	52.18'
L4	S 89°32'28" E	42.18'
L5	N 84°54'08" E	152.45'
L6	S 00°12'07" W	12.97'
L7	S 89°30'26" W	33.97'
L8	S 20°49'36" W	147.00'
L9	S 25°32'44" W	88.16'
L10A	S 29°05'29" W	175.90'
L10B	S 29°05'29" W	2.69'

FOUND 2" BRASS CAP L54162 PER MONUMENT RECORD

COUNTY SURVEYOR'S CERTIFICATE:

Approved for content and form only and not as to the accuracy of survey, computations or drafting, pursuant to CRS 38-51-106.

County Surveyor _____

Date _____

SURVEYOR'S CERTIFICATION

I, Kris Crawford, do hereby certify that the above described parcel has been surveyed by me and under my direct supervision and that such survey is accurately represented hereon, and is based upon my knowledge, information and belief, and is in accordance with applicable standards of practice and is not a guaranty or warranty, either expressed or implied. I further certify that the monuments shown hereon actually exist, and that their positions are as shown. I further certify that this Boundary Agreement plat is made according to the agreement of the adjoining land owners and that no new parcels were created.

Date: _____ Signed: _____
COLORADO PROFESSIONAL LAND SURVEYOR #38255



WILMORE & COMPANY
PROFESSIONAL LAND SURVEYING, INC.
408 Grand Avenue
P.O. Box 1859
Paonia, Colorado 81428
970.527.4200 PHONE
970.527.4202 FAX
www.wilmorelandsurveying.com
EMAIL kris@wilmorelandsurveying.com

FIELD CREW
KC
DRAFTER:
KC
CHECKED BY:
RAW

DELBERT L. SMITH LIVING TRUST/MELINDA C. SMITH LIVING TRUST LOT LINE (BOUNDARY) ADJUSTMENT
WITHIN THE SE1/4 NE1/4 OF SEC. 36, T.13S., R.95W., 6TH P.M.
AND WITHIN LOT 2 (SW1/4 NW1/4) OF SEC. 31, T.13S., R.94W., 6TH P.M.
DELTA COUNTY, COLORADO
J18097 BA 21 MAY 2021

NOTE: According to Colorado law any legal action based upon a defect in this survey must be commenced within three years after such defect is discovered. In no event may any action based upon any defect in this survey be commenced more than ten years from the date shown on the certification hereon.

Kim Henderson <khenderson@deltacounty.com>

MJO3-010 Smith Major Subdivision comments

1 message

Darleen Carron <darleen.carron@dmea.com>

Fri, Jun 11, 2021 at 4:19 PM

To: "planning@deltacounty.com" <planning@deltacounty.com>

Good afternoon,

DMEA's comments are:

In order to maintain acceptable voltages and reliability, developers larger than, or with future additions will be larger than 5 lots will be designed with an appropriate number of phase conductors to be installed within the development to enable balancing the feeder load. Also, the primary electrical system will be designed with the ability to feed each lot with an alternate phase or feeder connection to DMEA's primary system. Exceptions to those standards will require written approval by DMEA's Engineering and Operation Managers.

The developer can submit an updated plat in an AutoCAD(.dwg) format to gisteam@dmea.com. DMEA requires all developers submit to DMEA the latest and most updated (Approved Preliminary Plat) electronic version of their development before a DMEA System Designer can meet with the developer

Contact DMEA to design electric service within the new Subdivision.

Thanks,

Darleen Carron

System Design Aide

Delta Montrose Electric Assn

darleen.carron@dmea.com

970-240-1273





Memo

To: Planning Department
From: Tim McCracken
CC: File
Date: June 15, 2021
Re: Engineering Comments for Smith Major Subdivision

1. Plat Notes/Signature Block must be on the Final Plat.
2. Show all adjacent Landowners and Reception Numbers on the Final Plat (see plat review).
3. Show Happy Hollow Road Centerline & Recorded right-of-way on the Final Plat.
4. Cougar Pond #4 encroaches on the 25' setback and right-of-way.
 - a. Realign Puma Road to avoid Cougar Pond #4 encroachment of the 25' setback and right-of-way.
 - i. Move Cistern and easement with the Puma Road realignment.
 - ii. Alternatively, Cougar Pond #4 can be reshaped to avoid encroachment of the 25' setback and right-of-way.
 - iii. Move Dry Hydrant out of the 25' setback and place it in an easement.
5. Show proposed accesses to lots on the Final Plat.
 - a. Provided engineered driveway for Lot 1 or adjust lot lines to provide better access/ site distance.
 - b. Possible shared driveway for Lots 1 and 2 (alternative to 4.a.).
6. Remove Dedication of Puma Road to Delta County.
 - a. Delta County does not want Puma Road ownership.
7. Replace Hammerhead turn-a-round with a cul-de-sac.
8. End the 60' access and utility easement at the cul-de-sac (end of Puma Road).
9. Remove 25' utility easement north of match line from the Final Plat.
10. This review is not meant to be fully comprehensive, and additional requirements may arise at further reviews.

[illegible]

SMITH MAJOR SUBDIVISION
WITHIN THE SE1/4 NE1/4 OF SEC. 36, T.13S., R.95W., 6TH P.M.
AND WITHIN LOT 2 (SW1/4 NW1/4) OF SEC. 31, T.13S., R.94W., 6TH P.M.
DELTA COUNTY, COLORADO

① Holm, Carl Peter
Rec. No.

No dedication
to Country

Smith Melinda C
Living Trust
Rec. No.

- Realign Rd or Move Pond
(out of setback & Row)

— Move dry
Hydrant on
of Setba

- Replace Hammerhead with Cui-de-Sac

- Remove 60' Access & Utility Easement (end of cul-de-sac to Property)

move
Cistern
with Realignment
of Rd.

SURVEY OF CERTIFICATION

SURVEYORS CERTIFICATION
I, Kim Grawford, do hereby certify that the above described parcel has been surveyed by me and under my direct supervision and that such survey is accurately represented herein, and is based upon my knowledge, information and belief, and is in accordance with applicable standards of practice and a true, correct and lawful representation of the facts.

COUNTY SURVEYORS CERTIFICATE
Approved for accuracy and truth by me and my assistants as to the accuracy
of survey computations and drawing. Subsequent to CRS 38-51-108

2014 _____ Survey _____
 COLORADO PROFESSIONAL LAND SURVEYOR #38259

WILMORE & COMPANY
PROFESSIONAL LAND SURVEYING, INC.

4014 Capital Avenue
P.O. Box 8032
Farmingdale, NY 11737

516-527-4300 (office)
516-527-4400 (fax)
www.wilmoreysurveying.com

CMC www.cmc-surveying.com

FILE NO.	SMITH MAJOR SUBDIVISION
N.C.	WITHIN THE SE1/4 NE1/4 OF SEC. 36, T.35S., R.95W., 6TH P.M.
SUBJECT	AND WITHIN LOT 2 (SW1/4 NW1/4) OF SEC. 31, T.35S., R.94W., 6TH P.M.
N.C.	DELTA COUNTY, COLORADO
PREPARED BY PLAN	UNSUBMITTED MAPS & DESIGNS MAY 2021

ITAIN	DELTA COUNTY	
	JANES STREET & DE A	6 MAY 2021

Keith V Loucks
21777 Hamilton Rd.
Eckert, CO 81418


6/10/2021

To Whom It Concerns.

I respectfully submit this statement to Delta County Planning and the Commissioners for your consideration in regard to the MJ03-010, Smith Major Subdivision. I had made prior plans to be out of town and don't know if my return will be in time for the meeting on the 23rd of June.

As property owner on Hamilton Road, I did not receive notice of the hearing for the MJ03-010, Smith Major Subdivision. I believe as a nearby property owner I was entitled to receive such notice prior to the hearing. I acquired this information from another notified person.

As an interested party there are several points which need be presented.

1. At the last County hearing, we who have irrigation water delivery rights-of-way through this property were assured that there would be a water manage plan filed with the County and Planning by the subdivision parties. We have not seen or heard of any such plan. There have been controversies with the Smiths over the improper appropriation of our early decree irrigation water to fill and keep filled the four ponds located on the property since 2003. In 2003 the Water Court Decreed that Smiths were to allow the same amount of water to exit these ponds as were running into the ponds from our appropriation and water right decrees. This has yet to happened in any given year since that Court Decree. In the spring when our irrigation starts running, the ponds are low and even dry. Smiths use our early decree water to fill the ponds before we can get our water to irrigate our fields. They have within the last two years enlarged the ponds. I believe to enhance their subdivision and they have built up the dam further and raised the spillway on Cougar Pond #4 which now requires even more of our irrigation water to fill before it delivers to us. In addition, because of the enlargements, it takes more of our water to compensate for the evaporation.

2. We as down ditch irrigation rights owners have a very real concern about newly created homes and owners in this subdivision inappropriately appropriating water, our water from these ponds, to irrigate their yards, gardens, and pastures with pumps, pumping from the ponds. We were told in the last County hearing that there would be a "Water Overseer" to police the water system. I question that sincerity as on May 19, 2021 we had the Delta County Sheriffs Deputies to observe the rocks and mud Delbert Smith dumped on top one of our head gates with a track hoe to shut our water off from running in that bypass. This head gate and pipe were designed to take our irrigation water around Cougar Pond #4. See photos of the blocked head gate attached. See attached Sheriff report Case #S21-1943. As of May 25, 2021, Delbert Smith had not removed the debris, rocks and dirt piled upon the head gate as he told the Sheriffs Deputies he would.

3. I and others as down ditch property and water owners are concerned about the cumulative affect of a series of ponds which have been altered. If one should rupture, those ponds below very likely could breach as well causing the washing out our irrigation structures and irrigation delivery system, rendering us dry for the season. In that event there is also the possibility of damage further down Happy Hollow damaging other property there as well.

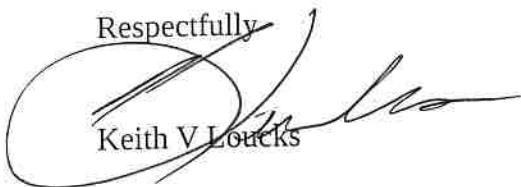
4. Smiths claim their water for the ponds come from springs which feed the ponds. None of us are sure where those springs are as three of the ponds dry up in the winter and the fourth gets very low. There is some seepage from the dam which retains the reservoir located on the Cooper property above to the North. That seepage is very little and not nearly enough to keep these ponds filled. Needless to say, if new residential owners think they can water their yards, gardens, and pastures from that supposed spring water, they will be sadly mistaken. I and my fellow water owners will not allow our decree water to be inappropriately pumped and used for those purposes.

I feel too that the implication to the new property owners might be that this pond water could be for their use. This extrapolation comes as a result of the statement that Delbert Smith made to the Sheriff Deputies, and I quote part of paragraph 3 of the Incident Narrative, "Smith claimed that he owned all rights to all water flowing through his property." This is not true as we are running #5 Settle irrigation water decree to our fields which Smith has no part of or interest in. Many years we run Trickle Irrigation water and often our stored reservoir water from on top of Grand Mesa. Smiths et al have no right or part of the water we own or run.

In conclusion, I request the Commissioners and planning department set aside this subdivision until a "satisfactory to all parties" water management plan can be implemented without Smiths as the managers. These are some of the water owners that are affected in whole or part by these water issues.

Ron and Holly Jones
Dan and Ethel Younger
Janet Quinn
Keith and Jeannie Loucks
Randal and Jody Willis
Byron Hoffman

Respectfully



Keith V Loucks

SMITH MAJOR SUBDIVISION

WITHIN THE SE1/4 NE1/4 OF SEC. 36, T.13S., R.95W., 6TH P.M.
AND WITHIN LOT 2 (SW1/4 NW1/4) OF SEC. 31, T.13S., R.94W., 6TH P.M.
DELTA COUNTY, COLORADO

CENTERLINE ACCESS ROAD

142	S 48°31'49" E	40.15
143	S 03°20'49" W	162.31
144	S 25°19'38" W	431.65
145	N 7°45'17" E	163.02
146	N 30°53'25" E	239.48
147	N 82°53'55" E	281.71
148	S 24°53'07" E	47.07

C19	40.00	34.30	11.28	N 24°32'00" W
C20	40.00	115.58	79.35	S 28°55'51" E
C21	100.00	107.87	86.48	S 62°41'30" W
C22	100.00	113.78	107.74	N 3°35'46" E

TOTAL ACRES
1806014.5 Sq. Feet
41.506 Acres

FOUND 3-1/4" ALUMINUM
CAP PLS12766 PER
MONUMENT RECORD

LINE	BEARING	DISTANCE
120	N 29°13'55" W	136.33
121	N 29°11'54" W	105.12
122	N 50°19'10" W	96.93
123	N 55°29'21" E	28.55
124	N 44°15'42" W	43.84
125	N 07°44'29" W	35.88
126	N 23°00'21" E	216.13
127	N 21°24'20" E	130.78
128	N 03°11'01" W	150.03
129	N 12°02'05" W	117.14
130	N 06°16'20" W	45.12
131	N 11°34'06" E	185.75
132	N 15°52'25" E	123.27
133	N 27°37'24" E	103.92
134	N 39°28'18" E	168.10
135	N 55°51'03" E	270.90
136	N 58°30'12" E	136.76
137	N 20°14'08" E	103.24
138	N 89°41'30" E	128.47
139	S 89°01'23" E	136.20
140	N 88°47'50" E	104.60
141	N 89°49'31" E	239.60
142	S 89°31'30" E	45.14

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	139.19	18.76	18.75	S 41°43'45" W
C2	200.16	238.71	232.81	N 3°28'07" E
C3	150.18	174.07	163.34	S 39°42'07" W
C4	142.78	67.82	67.20	N 78°10'30" E
C5	177.32	181.33	164.10	N 46°34'04" E
C6	128.19	6.81	6.81	S 40°53'42" W
C7	20.00	22.02	39.53	S 74°01'47" E
C8	130.00	133.87	128.03	S 60°23'31" N
C9	130.00	147.91	140.08	N 57°50'45" W
C10	70.00	79.44	55.42	N 5°30'45" W
C11	70.00	72.09	60.94	S 69°23'37" W
C12	85.00	156.40	128.78	S 81°00'18" E
C13	100.00	49.54	49.47	S 59°13'30" E

LINE	BEARING	DISTANCE
17A	S 89°58'18" W	64.36
17B	S 89°58'18" W	20.30
17C	S 89°58'18" W	0.27
17D	N 01°21'10" E	16.16
17E	N 02°11'28" E	22.18
17F	S 89°52'28" E	42.18
17G	S 06°29'13" W	129.02
17H	N 01°14'11" E	128.01
17I	N 37°27'23" E	49.36
17J	S 24°53'07" E	25.38
17K	S 24°53'07" W	58.48
17L	N 4°50'58" W	34.73
17M	S 34°50'58" W	34.73
17N	N 74°55'00" W	54.56
17O	S 21°17'23" W	51.23
17P	S 04°46'39" W	147.00
17Q	S 25°19'44" W	66.16
17R	S 24°55'07" E	27.38
17S	N 84°54'00" E	152.48
17T	N 84°54'00" W	10.87
17U	S 62°50'26" W	33.97

SEE PLAT

CONTROL MAP

AREA LOCATOR

TYPICAL LEGEND

- Set Peg Nail in Asphalt
- Set 5/8" rebar 30" long with 2" aluminum cap PLS38295
- Set 5/8" rebar with 2" aluminum cap as Witness corner or linepin PLS38295
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- Found 2-1/2" USGLO Brass cap
- Ditch/Draw/Creek
- 100 Year Flood Boundary
- Fencelines
- Electric (overhead)
- Electric (underground)
- Water line
- Easement
- Previous Parcel Boundary
- No Build Zone
- New Claim Claim to Delta County
- Previous R.O.W. to Delta County

BASIS OF BEARINGS:
S 89°56'16" W FROM THE CW1/16
COR. OF SEC. 31 TO THE 1/4
COR. COMMON TO SECTIONS
31 AND 36
DELTA COUNTY LOCAL
COORDINATE SYSTEM
SCALE 1"=100 U.S. SURVEY FEET

COUNTY SURVEYOR'S CERTIFICATE
Approved for content and form only and not as to the accuracy
of survey, computations or drafting, pursuant to CRS 38-51-106.

County Surveyor _____ Date _____

SURVEYOR'S CERTIFICATION
I, Kris Crawford, do hereby certify that the above described parcel has been surveyed by me and under
my direct supervision and that such survey is accurately represented hereon, and is based upon my
knowledge, information and belief, and is in accordance with applicable standards of practice and is not a
guaranty or warranty, either expressed or implied.

Date: _____ Signed: _____
COLORADO PROFESSIONAL LAND SURVEYOR #39255

WILMORE & COMPANY
PROFESSIONAL LAND SURVEYING, INC.
408 Grand Avenue
P.O. Box 1652
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678-527-4200 PHONE
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www.wilmorelandsurveying.com
EMAIL: lisa@wilmorelandsurveying.com

SMITH MAJOR SUBDIVISION
WITHIN THE SE1/4 NE1/4 OF SEC. 36, T.13S., R.95W., 6TH P.M.
AND WITHIN LOT 2 (SW1/4 NW1/4) OF SEC. 31, T.13S., R.94W., 6TH P.M.
DELTA COUNTY, COLORADO
J18097 SHEET 1 OF 4
6 MAY 2021