

DELTA COUNTY PLANNING COMMISSION

**Delta County Administration Building
560 Dodge St., Delta, CO 81416
Wednesday, October 27, 2021 @ 5:30 p.m.**

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

Agendas and attachments are available on our website at:

<https://www.deltacounty.com/725/Agendas-and-Minutes>

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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/tZUpfuiuDgsEtDfRLf9jxoLnISzt9Y4S0IP>

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. Meeting Minutes

a. August 25, 2021

b. September 8, 2021

RECOMMENDATION: Approve the action minutes as presented

CERTIFICATION OF POSTING

On 10/21/2021 at 9:30 AM, Kate Kelly did post the above AGENDA as public notice of the 10/27/2021 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.

2. SUB19-040/Victorian Subdivision
Consider: A Sketch Plan for SUB19-040/Victorian Subdivision: subdividing approximately 34 acres into two (2) Lots: Lot 1 (21.2 acres), Lot 2 (13.4 acres). The project is located at 37586 & 37614 Back River Road, Paonia.
RECOMMENDATION: Staff recommends that the Planning Commission continue SUB19-040 (Sketch Plan) to a date uncertain with direction to address access, lot design, and irrigation prior to the Planning Commission considering a Sketch Plan for SUB19-040/Victorian Subdivision.
3. PLN21-001/Miller (Alliance Ready Mix) Conditional Use Permit (CUP)
RECOMMENDATION: Staff recommends that the Planning Commission recommend that the Board of County Commissioners:
 - a. Find that PLN21-001 complies with the Land Use Code; and
 - b. Approve PLN21-001, a Conditional Use Permit for a Mobile Concrete Batch Plant at 19337 F Road, Delta (Parcel: 345522300015), subject to eleven (11) conditions.

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: November meeting TBD (Special Meeting November 17th).

CERTIFICATION OF POSTING

On 10/21/2021 at 9:30 AM, Kate Kelly did post the above AGENDA as public notice of the 10/27/2021 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
August 25, 2021

Planning Commission Members in Attendance:

Hardy Hutto
Cindy Watson
Jacob Gray
Kate Darlington
Layne Brones

Tom Kay
Steve Schrock
Tate Locke
Dick Gilmore

Absent Members:

Steve Shea
Eli Wolcott

Planning Staff in Attendance:

Delta County Community Development & Natural Resource Director, Carl Holm
Delta County Planning & Community Development Technician II, Kate Kelly
Delta County Planning & Community Development Administrative Assistant, Kim Henderson

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

Item #1 Meeting Minutes for June 9, 2021 & June 23, 2021
RECOMMENDATION: Approve the minutes.

Motion/Second: Jacob Gray moves to approve the June 9, 2021 and June 23, 2021 Minutes. Layne Brones seconds the motion.

Action: Motion carried unanimously.

Item #2: MJ03-010 Smith Major Subdivision
Continued from June 23, 2021. Consider a Revised Preliminary Plat 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 Preliminary Plat subdividing a 41.506 acre parcel into five (5) lots (MJ03-010/Smith Major Subdivision (attached) to the Board of County Commissioners subject to seventeen (17) conditions laid out herein.

Motion/Second: Jacob Gray moves to approve MJ03-010 Smith Major Subdivision with Staff Recommendations including: to map a dedicated easement to indicate access for downstream users of irrigation and ditch water; the water plan gets signed off by the Commissioner and that it addresses the irrigation water for the downstream users in addition to the onsite irrigation. Dick Gilmore seconds the motion.

Action: Motion carried 7-2
Ayes: Commissioner(s) Dick Gilmore, Steve Schrock, Jacob Gray, Cindy Watson, Kate Darlington, Layne Brones, Tom Kay
Noes: Commissioner(s) Hardy Hutto, Tate Locke

Item #3 PLN21-002 TKO Minor Plat
Consider Director's referral of a Minor Plat to subdivide a 4-acre parcel into two lots of 3.138 acres (Lot 1) and 0.863 acres (Lot 2). The property is located at 1751 F50 Road, Delta (Parcel #345520100010)
RECOMMENDATION: Staff recommends that the Planning Commission adopt a resolution:
a. Finding PLN21-002 meets requirements for a Minor Plat in the UGA zoning district pursuant to the 2021 Land Use Code; and
b. Recommending approval of PLN21-002 to the Board of County Commissioners, subject to 11 conditions found in Exhibit A of the Resolution (Attached.)



DELTA COUNTY

PLANNING & COMMUNITY DEVELOPMENT

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

Motion/Second: Hardy Hutto moves to approve PLN21-002 TKO Minor Plat with Staff Recommendations including: a pond maintenance agreement, a road maintenance agreement, an easement for irrigation access, and the applicants extend to 1 acre lot (including the easement of the road) and address the road access easement necessary to meet the County standards. Steve Schrock seconds the motion.

Action: Motion carried 7-2
Ayes: Commissioner(s) Dick Gilmore, Hardy Hutto, Steve Schrock, Jacob Gray, Cindy Watson, Kate Darlington, Layne Brones
Noes: Commissioner(s) Tate Locke, Tom Kay

Item #4 Consider "Innovative Affordable Housing Strategies" identified in Colorado Housing Bill 1271.
RECOMMENDATION: Provide a recommendation to the Board of County Commissioners.

Motion/Second: The Chair announced that the item will be postponed without objection so ordered.

Meeting adjourned at 9:03 p.m.

Respectfully submitted by:
Administrative Assistant, Kim Henderson



REGULAR PLANNING COMMISSION MEETING MINUTES

DELTA COUNTY
560 DODGE ST, DELTA, CO 81416
September 8, 2021

Planning Commission Members in Attendance:

Hardy Hutto
Steve Schrock
Jacob Gray
Kate Darlington

Tom Kay
Layne Brones
Eli Wolcott
Dick Gilmore

Absent Members:

Steve Shea
Tate Locke
Cindy Watson

Planning Staff in Attendance:

Delta County Community Development & Natural Resource Director, Carl Holm
Delta County Planning & Community Development Technician II, Kate Kelly
Delta County Planning & Community Development Administrative Assistant, Kim Henderson

Chairman Tom Kay called the meeting to order at 5:33 p.m. in the Administration Building Commissioner's Meeting Room.

Item #1:

PLN21-013 Anthony Ranches

Consider: 1) Rezone to change from Agricultural/20-acre (A-20) to Rural Industrial & Commercial (RI/C); and 2) Preliminary Plat to subdivide 12.41-acres into five (5) commercial lots of at least two acres. The project is located at 35191 & 35189 Hwy 133, Hotchkiss.

RECOMMENDATION: Staff recommends that the Planning Commission recommend that the Board of County Commissioners:

- Rezoning a 12.41-acre parcel (Parcel 3243-292-00-015/Account R007665) from Agricultural "20" (A-20) to Rural Industrial & Commercial (RI/C); and
- Approve a Preliminary Plat to subdivide 12.41 acres into five (5) lots, tow (2) phases; Phase I: Lot 1 (1.954 acres), Phase II: Lot 2(3.105 acres), Lot 3 (2.824 acres), Lot 4 (2.060 acres), and Lot 5 (2.295 acres), subject to 14 conditions; and
- Agree to construct a public road through this parcel from Highway 133 to 3500 Road.

Motion/Second:

Steve Schrock moves for the passage of Kwiki Tire Subdivision (PLN21-013 Anthony Ranches) Phase I, and adoption of the Resolution related to the rezoning and Subdivision with Staff Recommendations including: Planning Commission finds the Resolution consistent with the Master Plan, Section 2.4 Economic Development and Section 2.5 Land Use Development and reference the section of the Land Use Code relative to rezoning, that the rezoning is consistent with Section 2, Subsection B: Rezoning and Approval Standards. Dick Gilmore seconds the motion.

Action:

Motion carried unanimously

Item #2

Consider "Innovative Affordable Housing Strategies" identified in Colorado Housing Bill 1271. RECOMMENDATION: Provide a recommendation to the Board of County Commissioners.

Motion/Second:

Hardy Hutto moves to pursue the grants and include the square footage criteria in the strategies. Eli Wolcott seconds the motion.

Action:

Motion carried unanimously

Meeting adjourned at 7:36 p.m.

Respectfully submitted by:

Administrative Assistant, Kim Henderson



STAFF REPORT

Delta County Planning Commission

**Delta County Administrative Building
560 Dodge St, Delta, CO 81416**

Wednesday, October 27, 2021 @ 5:30 p.m.

SUB19-040/Victorian Subdivision

**Consider a Sketch Plan for SUB19-040/Victorian Subdivision:
subdividing approximately 34 acres into two (2) Lots: Lot 1 (21.2
acres), Lot 2 (13.4 acres). The project is located at 37586 & 37614
Back River Road, Paonia.**

PROJECT INFORMATION:

Property Owner: William Brown, JR
Applicant: William Brown, JR
Representative: Randy Wilmore, Wilmore and Company
Site Address: 37586 & 37614 Back River Road, Paonia, CO 81428
Location: Sections 22, Township 14S, Range 92W, 6thPM
Parcel ID/Acct: 324322200025/R019847
Parcel Size: 35.08 Acres
Zoning: A-20

RECOMMENDATION:

Staff recommends that the Planning Commission:

- a. Continue SUB19-040 (Sketch Plan) until the following items are addressed, prior to the Planning Commission considering a Sketch Plan for SUB19-040/Victorian Subdivision:
 - Access. Staff recommends using the existing driveway on the east side of the property as shared access to both lots to the existing 4-story house for access (shared access).
 - Lot Design. Staff recommends adjusting the proposed lot line to align with the ditch line, or at least the existing fence line around the



irrigated field such that the field south of the ditch remains intact. Following the ditch line would keep all of the agriculture on the easterly side of the existing driveway with Lot 1 and provide the main irrigated areas on each lot.

- Irrigation. County authority is to address how irrigation assigned to the original property will be assigned to the new properties with intent to try to preserve irrigated agricultural lands as much as possible. Although this is a Sketch Plan, staff recommends that the applicant provide an Irrigation Plan, as contemplated in the Subdivision Regulations, that identifies how the shares are assigned (source and quantity), and also specifies the operation of irrigation and how it will protect irrigated Ag lands (head gate location, pipe location, direction of flow, where/how irrigation water will be applied, etc.)
- b. Provide direction to staff.

Alternatively, the Commission could forward a recommendation to the Board of County Commissioners. As this is a Sketch Plan, some of these points could be addressed on a Final Plat. However, staff feels that most of this information is necessary in order to make a fully informed recommendation.

SUMMARY:

An application for subdivision was submitted to the Planning Department on December 6, 2019 to subdivide about 35 acres into two (2) lots; Lot 1/5.0 acres, Lot 2/29.7 acres (**Attached**). The site is located at 37586 & 37614 Back River Road. Due to COVID-19 and statewide stay-at-home mandates; this application was postponed multiple times, never having made it to the Planning Commission or Board of County Commissioners (BoCC).

The applicant's representative (Randy Wilmore) re-submitted an application for Subdivision on June 29, 2021. Based on the information presented, the application is to subdivide a 35.08-acre parcel into two (2) Lots; Lot 1/21.2 acres and Lot 2/13.4 acres (**Attached**).

Planning Staff noted changes in the lot configurations from the prior design, and recommended processing the application under the 2021 LUC. Mr. Wilmore stated the reason the lot design changed was to meet the State acreage requirement for the well that is located on Lot 1. Furthermore, the applicant did not want to proceed under the new Code because they did not want to have to go through the variance process.

Projects submitted prior to January 5, 2021 are subject to rules in place prior to the Delta County Land Use Code (LUC), which would be the Subdivision Regulations dated January 2019. That said, staff felt a meeting to review the project would be beneficial. Mr. Wilmore, representing Mr. Brown, met with staff



on July 12, 2021. Included at that meeting were staff representatives from County Planning, Engineering, and GIS.

Staff noted that the application had been tabled before to have a community meeting to address neighbor irrigation issues regarding Roger's Ditch, but that did not happen with COVID restrictions. Mr. Wilmore stated the irrigation issues had been addressed and that he would obtain a letter from the neighbors stating that there were no more issues.

Staff also discussed the proposed access (as it is shown on the Sketch Plan) as there was a concern for having two access points, one on the west side of the parcel and one on the east side of the parcel. It was determined that a second access was issued a Notice to Proceed on October 15, 2019. The Sketch was to be revised to note this as an "existing" access, but staff noted that the house would need to be re-addressed to comply with the GIS naming convention based on the location of the new access point.

Based on our current understanding, staff cannot support the lot configuration of Lots 1 & 2 as they are currently designed due to the impact on irrigated agricultural lands. Aerial photos indicate that there are multiple (four) irrigation areas with defining features (fence line, access road/irrigation ditch, etc.). An aerial view of the Sketch Plan illustrating irrigation areas is **attached**. Staff recommends adjusting the proposed lot line to align with the Stewart Ditch, which would keep all of the agriculture on the easterly side of the existing driveway with Lot 1. Alternatively, the new boundary line should at least follow the existing fence line. As proposed the boundary line would split one of the main fields. In addition, staff recommends a shared access using the existing driveway to the existing 4-story house for access to both lots.

Staff finds that these changes would reduce impact to agricultural lands by avoiding infrastructure through existing Ag lands (second access, utilities, etc.). County R&B issued an access permit for a second access that would need to be removed as a condition of approving the Sketch Plan. This would also negate the requirements for re-addressing since the driveway to the existing 4-story house is already in place and is how the home was addressed. Keeping the shared access between both lots would require an easement for Lot 2, but either way the plat needs to reflect all utilities serving Lot 2 with proper easement(s).

Staff noticed the proposed project for this hearing on September 29, 2021. Neighbors submitted comments raising issues relative to irrigation and access. The PC recommendation will be presented to the Board of County Commissioners at a noticed public hearing.

DISCUSSION:

An application for subdivision was submitted to the Planning Department on December 6, 2019 to subdivide Parcel 324322200025 into two (2) lots; Lot 1 (3.4



acres), Lot 2 (31.2 acres). A Review Agency packet was sent out on December 31, 2019 for comment; this Sketch Plan was for the originally submitted 2-Lot subdivision.

In February 2020, a notice was sent to adjoining property owners that a Neighborhood Meeting was going to take place on site on March 10, 2020, with the applicant and Planning Staff present. The proposal was scheduled to appear before the Planning Commission (PC) on February 26, 2020, however, due to neighbor concerns with the water rights involved in this property, Staff decided to postpone the PC meeting and hold a Neighborhood Meeting first.

On March 5, 2020, Planning Staff rescheduled the Neighborhood Meeting to March 19, 2020; it is not evident the reason for the change in date.

In April 2020, a notice was sent with another Neighborhood Meeting date of May 4, 2020, as well as, a new PC meeting date of May 27, 2020.

Due to Executive Orders of the COVID-19 pandemic, both the Neighborhood Meeting and the PC meeting were cancelled until further notice.

On June 29, 2021, William Brown (applicant) and Randy Wilmore (representative) submitted a Pre-application Request Form to Subdivide Parcel 324322200025. Staff set up a pre-application meeting that occurred on July 12, 2021. Randy Wilmore, Wilmore and Company, attended the pre-application for Mr. Brown and stated that the applicant would like to continue the application for subdivision under the Subdivision Regulations (dated January 2019), as to avoid the Variance process under the new LUC.

Staff noted that neighborhood meetings were supposed to take place in 2020. These meetings were required to address water issues between the Brown's and the four (4) adjoining properties along the west side of the property (specifically related to the Robert's Ditch). Mr. Wilmore stated that he believed that all issues from 2020 had been resolved with the neighbors. He stated that he was going to reach out to the neighbors who submitted letters to the County in 2020 to confirm that there are no longer any issues with the proposed project.

Staff also discussed the proposed access (as it is shown on the Sketch Plan) as there was a concern for having two access points, one on the west side of the parcel and one on the east side of the parcel. Mr. Wilmore informed us that the access had already been approved; however, the Sketch illustrated it as "proposed" versus "existing." Further research determined that the proposed access was in fact approved by the District #3 Road and Bridge Foreman on October 15, 2019; addressing was not part of this application. Pursuant to County Road standards, a Notice to proceed expires one year after it is issued if the work is not completed.



Staff met with County GIS to discuss the existing access point for the proposed Lot 2. According to GIS, the address that is currently 37586 Back River Road would need to be re-addressed to comply with the GIS naming convention – based on the location of the access point. Staff communicated this point to Mr. Brown, to which he stated he did not want to re-address his house despite this being a requirement of GIS. The Sketch was revised to note this as an “existing” access. If the subdivision is approved with a second/separate access (as proposed), staff recommends including a condition that requires re-addressing this lot. Staff noted that any utilities located on Lot 1 within the current access road (e.g. existing water line) will require easement(s) in favor of Lot 2.

Staff has not received any letter; however, based on information presented by Mr. Wilmore, staff recirculated the Sketch Plan for comment. Based on neighbor comments, the water issues are still a concern for this subdivision. In addition, it appears that the second access was built on a neighbor’s property. Road Standards require a driveway to be located at least 5 feet from a property line.

PROJECT REFERRAL:

Staff sent a Cover Letter on July 27, 2021, summarizing the pre-application meeting to Mr. Brown and Mr. Wilmore. Based on the history of this application and the timeline revolving around the pandemic, staff agreed to process this application under the previous Subdivision Regulations (dated January 2019). As such, Public Notice was sent on August 25, 2021 to Review Agencies and adjoining property owners within a ½ mile radius from the parcel boundary (Parcel #324322200025).

Comments received were as follows:

CDOT: CDOT has no comment.

County Engineering (Attached): County Engineering would like the plat to reflect total acreages between all proposed lots and any right-of-way to be deeded to the County, per Subdivision Regulations (dated January 2019).

They also mentioned the following corrections to the plat: (See attached Sketch Plan)

- The adjacent neighbor in the southwest is John C Poulos (missing the C)
- The south Lot 2 property line is missing a bearing and distance

DMEA: DMEA confirmed that Lots 1 and 2 have existing electric service; therefore, they have no other comments.

Angel Chan & Tim Jones (Chan Jones Back River, LLC; neighbors): On October 3, 2021, Staff received an email from Angel Chan and Tim Jones (37566 Back River Rd) in regards to the Victorian Subdivision (**Attached**). The following questions/concerns were presented:



- The modified access for Lots 1 & 2 that are currently in use run along the property line between the proposed Lot 2 and Ms. Chan and Mr. Jones' property located at 37566 Back River Road. It was stated that they were never noticed when the access was created or allowed to comment on its impacts. They claim that the noise along this shared access impacts their home and quality of life being that it is so close to their house.
- The proposed access for both lots was unclear in the plan. They are requesting more specific details on access to Lots 1 & 2.
- Strong opposition to any plan that includes both lots sharing a common access driveway that runs along their property line.
- Options for participating in the public hearing (in person, Zoom, etc.).

Angel Chan also submitted a letter addressed to Planning Tech, Kate Kelly, on October 6, 2021. The letter stated the following:

- There is question about the accuracy of the property line and the placement of the access driveway between Chan Jones & William Brown (applicant). (See attached photos)
- The letter stated that there needed to be 15 feet from the driveway to the property line and it appears that the driveway is on the Chan Jones property, to which Ms. Chan stated she would be requiring an independent property line survey to resolve this issue.

Tamara Lawhorn (neighbor): On October 6, 2021, Staff received an email with a letter attached from George & Tamara Lawhorn (37380 Back River Rd) and John & Sue Poulos (11486 3725 Rd). The letter addressed the following items **(Attached)**:

- Lack of sufficient time to submit written comments; notice was postmarked September 29th and was not received until Tuesday October 5th.
- There is question as to why Delta County is being deeded a 50 foot right-of-way across the northern portion of the proposed Lot 1. Mrs. Lawhorn would like to know if there will be similar requirements from other landowners who have property adjacent to Back River Rd.
- Irrigation water between Lots 1 & 2: It is stated that the sharing of 6-3/4 shares of Stewart Ditch is insufficient to provide any sort of adequate irrigation to Lot 2; if the division of water is allowed Lot 2 would quickly turn into 13.44 acres of weeds followed by dry adobe ground within 2 to 3 years.
- There is concern for the possible commercial use of Lot 2; should future owners be allowed commercial use?
- The ditch easement of 10 feet for both the Lawhorn and Poulos buried irrigation ditch pipelines is insufficient and should be similar in size to the Robert's Ditch easement of 20 feet.
- Concern that future owners would subdivide one or both of these proposed lots into even smaller parcels.



Prepared by: Kate Kelly, Planning & Community Development Technician II
970.874.2107
kkelly@deltacounty.com
October 11, 2021

Attachment(s), in the order they are presented in the report:

- Sketch Plan (2019)
- Sketch Plan (2021)
- Irrigation Plan (aerial)
- Engineer Comments (2021)
- Angel Chan & Tim Jones Letter (October 6, 2021)
- Greg & Tamara Lawhorn & John & Sue Poulos Letter (October 6, 2021)

LINE	BEARING	DISTANCE
L1	N 39°43'10" E	64.36'
L2	N 21°04'22" E	53.87'
L3	N 34°35'19" W	55.99'
L4	N 29°23'13" W	78.67'
L5	N 11°43'35" W	11.51'

406 Grand Avenue
P.O. Box 1652
Paonia, Colorado 81428

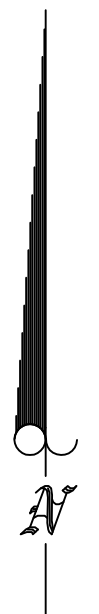
970.527-4200 PHONE
970.527-4202 FAX
www.wilmorelandsurveying.com

Defining Boundaries

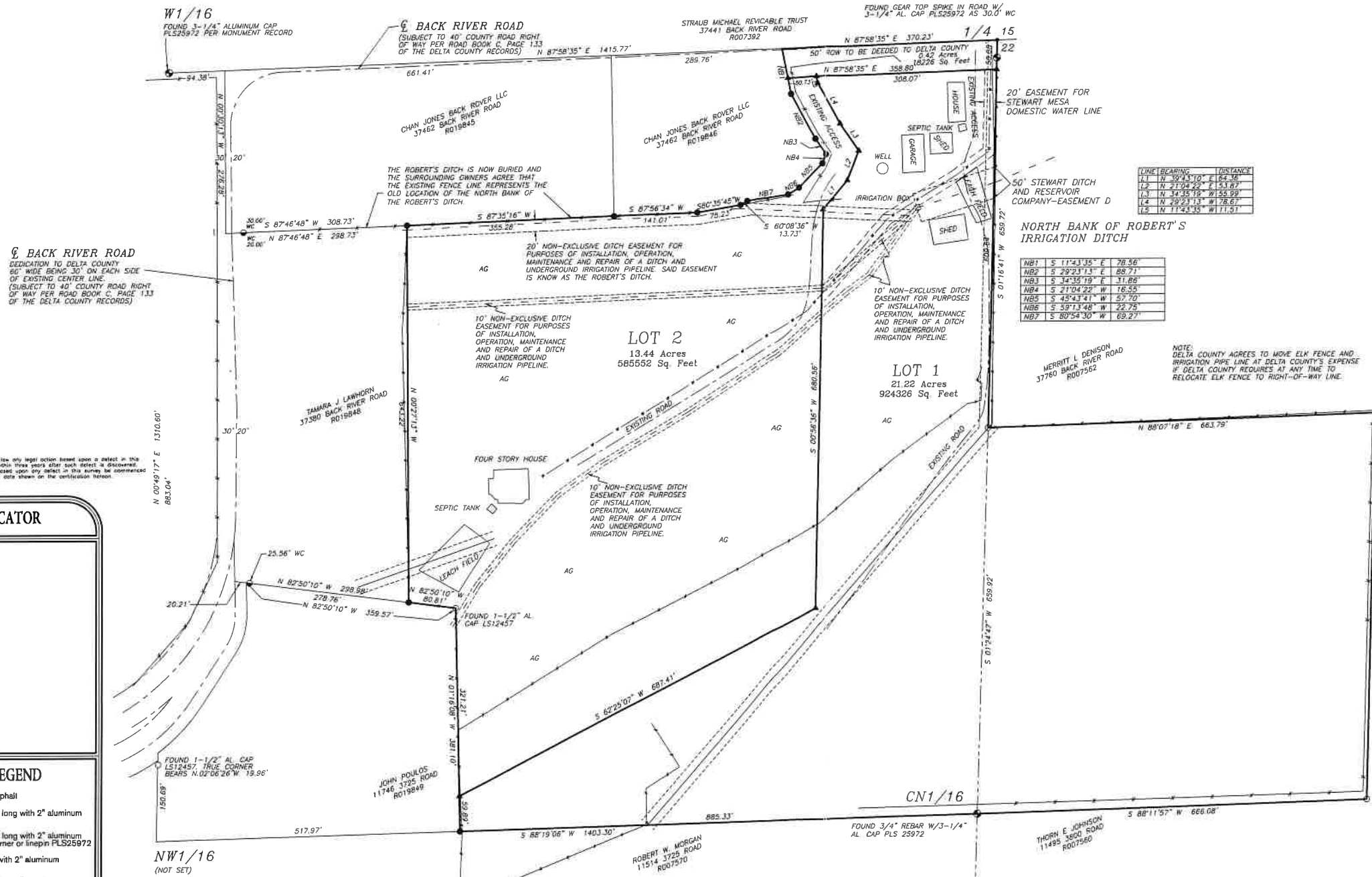
EMAIL randy@wilmorelandsurveying.com

J19198SKETCHFINAL 3 FEBRUARY 2020 DRAWN BY: RAW/KC

MERRITT L DENISON
37760 BACK RIVER ROAD
R007562



VICTORIAN SUBDIVISION SUB19-040
WITHIN SECTION 22, T14S, R92W 6TH PM
DELTA COUNTY, COLORADO



SUBDIVISION DEDICATION
I, William Brown Jr., being the owner of land described as follows:
LEGAL DESCRIPTION
A parcel of land being the E1/2 of the SW1/4 of Section 34, Township 14 South, Range 93 West of the 6th Principal Meridian, having a description based upon a bearing of S.00°13'47"E from the NE corner of said E1/2 of the SW1/4, also being the C1/4 (monumented by a 3 1/4" aluminum cap PLS 12766) to the 1/4 corner common to Sections 34 and 3 (monumented by a 2" aluminum cap PLS 12766 in monument box) with all other bearings relative thereto and being more particularly described as follows:
Beginning at the SW corner of said E1/2 of the SW1/4, also being the W1/16 corner common to Sections 34 and 3 (monumented by a 3 1/4" aluminum cap PLS 25872) and running along the west line of said E1/2 of the SW1/4 N.00°12'41"E 1373.46 feet to the SW1/16 corner (monumented by a 3 1/4" aluminum cap PLS 25872); continuing along the west line of said E1/2 of the SW1/4 N.00°12'41"E 1373.46 feet to the NW corner of said E1/2 of the SW1/4, also being the SW1/16 (monumented by a 3 1/4" aluminum cap PLS 38016); thence along the north line of said E1/2 of the SW1/4 S.88°29'18"E 1337.63 feet to the NE corner of said E1/2 of the SW1/4, also being the C1/4 corner (monumented by a 3 1/4" aluminum cap PLS 12766); thence along the east line of said E1/2 of the SW1/4 S.00°13'47"W 2733.80 feet to the SE corner of said E1/2 of the SW1/4, also being the 1/4 corner to Sections 34 and 3 (monumented by a 2" aluminum cap PLS 12766); thence along the section line common to Sections 34 and 3 N.88°02'59"W 1336.54 feet to the Point of Beginning, said parcel containing 84.102 acres, more or less.
County of Delta,
State of Colorado

In Delta County, Colorado, under the name of VICTORIAN SUBDIVISION SUB19-040, have laid out, plotted and/or subdivided the same as shown on this plat and do hereby dedicate to the public or large the streets, alleys, roads and other public areas as shown hereon and these portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof William Brown Jr.
have subscribed their names this _____ day of _____, A.D. 20____.

By _____
William Brown Jr.

NOTARIAL:
State of _____ } ss
County of _____
The foregoing instrument was acknowledged before me this _____ day of _____, A.D. 20____, by William Brown Jr.

My commission expires: _____

My address is _____

Witness my hand and official seal.

DELTA COUNTY PLANNING DEPARTMENT APPROVAL
This plat of the above subdivision has been checked for compliance by _____ on this _____ day of _____.

Planning Staff
BOARD OF COUNTY COMMISSIONERS APPROVAL
The within plat of VICTORIAN SUBDIVISION SUB19-040 is approved this _____ day of _____, A.D. 20____, and the roads and other public areas are hereby accepted provided, however, that such acceptance shall not in any way be considered as an acceptance for maintenance purposes.
Maintenance of, or snow removal from, the subject roads shall be only upon a separate resolution of the Board of County Commissioners passed in accordance with such policies, resolutions or regulations in effect at that time.

Chairman _____
Attest _____
County Clerk _____

CERTIFICATE OF TAXES PAID
I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable as of _____ upon all parcels of real estate described on this plat are paid in full. Dated this _____ day of _____, A.D. 20____.

Treasurer of Delta County, Colorado

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, Randy A. Wilmore, 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 #25872

FIELD CREW:
RAW, CW
DRAFTER:
RAW
CHECKED BY:
KC
VICTORIAN SUBDIVISION SUB19-040
WITHIN SECTION 22, T14S, R92W 6TH PM
DELTA COUNTY, COLORADO
J18198FNL 4 AUGUST 2021

WILMORE & COMPANY
PROFESSIONAL LAND SURVEYING, INC.
406 Grand Avenue P.O. Box 1852
Paoia, Colorado 81428
970.527-4200 PHONE
970.280-4130 PHONE
www.wilmorelandsurveying.com
Defining Boundaries EMAIL: randy@wilmorelandsurveying.com

AREA LOCATOR

SITE

TYPICAL LEGEND

- Set Mag Nail in Asphalt
- Set 5/8" rebar 30" long with 2" aluminum cap PLS25872
- Set 5/8" rebar 30" long with 2" aluminum cap as Witness corner or linepin PLS25872
- Found 5/8" rebar with 2" aluminum cap PLS25872
- Found 5/8" rebar with 2" aluminum cap as Witness corner or linepin PLS25872
- Found 3/4" rebar 30" long with 3-1/4" aluminum cap PLS25872 per monument record
- Found 5/8" rebar 30" long with 2" aluminum cap PLS25872
- Found 5/8" rebar with 1 1/2" aluminum cap RLS 1456 or as noted

- Fencelines
- Electric (overhead)
- Electric (underground)
- Water line
- Easement
- Previous Parcel Boundary
- New Quit Claim to Delta County
- Previous R.O.W. to Delta County

BASIS OF BEARINGS:
N.01°35'20"E. FROM THE SECTION CORNER COMMON TO SEC. 11, 12, 13 & 14 TO THE S1/16 COR. COMMON TO SEC. 11 & 12
GEODETIC NORTH
GPS OBSERVATION
SCALE 1"=100 U.S. SURVEY FEET

- NOTES:
- OUTDOOR LIGHTING SHALL BE HOODED OR SHIELDED SO THAT LIGHT IS DIRECTED DOWNWARD SO AS NOT TO GLARE ONTO THE ADJACENT PROPERTY OR DILUTE THE NIGHT SKY.
 - ALL DEVELOPMENT IN DELTA COUNTY IS SUBJECT TO THE DELTA COUNTY RIGHT TO FARM AND RANCH POLICY, ADOPTED AS RESOLUTION 89-R-020 BY THE BOARD OF COUNTY COMMISSIONERS ON SEPTEMBER 27, 1999.
 - THIS PROPERTY IS LOCATED IN AN AGRICULTURAL AREA. NORMAL AGRICULTURAL ACTIVITIES WILL CONTINUE UNABATED IN THE SURROUNDING AREAS AND MUST NOT BE A BASIS FOR A LAWSUIT, EXCEPT IN CASES OF PROVEN GROSS NEGLIGENCE.
 - ACCESS TO ALL SHOWN OR UN-SHOWN IRRIGATION DITCHES FOR CLEANING AND MAINTENANCE PURPOSES IS PERMITTED.
 - COLORADO IS AN "OPEN RANGE" STATE. IT IS NOT THE RESPONSIBILITY OF A LIVESTOCK OWNER TO FENCE IN LIVESTOCK.
 - IF THERE ARE COVENANTS, RESTRICTIONS OR OTHER DOCUMENTS FOR THE PROPERTY IN THIS SUBDIVISION, THEY WILL BE RECORDED IN THE OFFICE OF THE DELTA COUNTY CLERK AND RECORDER.
 - EACH LOT OWNER SHALL BE PERSONALLY RESPONSIBLE TO CONTROL UNDESIRABLE NOXIOUS WEEDS WITHIN THE BOUNDARIES OF THAT LOT, TO PREVENT THE SPREADING OF SUCH WEEDS TO OTHER LANDS AND TO COMPLY WITH THE RECOMMENDATIONS OF THE DELTA COUNTY WEED MANAGEMENT ADVISORY COMMISSION CONCERNING THE CONTROL OF SUCH WEEDS.
 - UNLESS APPROVED OTHERWISE, ALL LOTS WITHIN THIS SUBDIVISION HAVE BEEN APPROVED FOR ONE SINGLE RESIDENTIAL USE ONLY. ANY FURTHER SUBDIVISION OR ANY CHANGE OF USE TO OTHER THAN SINGLE FAMILY RESIDENTIAL OR AGRICULTURAL USE REQUIRES THE LOT OWNER TO PROCESS THE REQUEST IN ACCORDANCE WITH THE REGULATION OF DELTA COUNTY.
 - ALL UTILITIES MUST BE PLACED UNDERGROUND ON ALL PARCELS.
 - THE MINIMUM SET BACKS FOR ALL STRUCTURES (INCLUDING ONSITE WASTEWATER TREATMENT SYSTEMS), IN THIS SUBDIVISION SHALL BE:
ANY PUBLIC ROAD ROW 25'
INTERIOR PROPERTY LINE 15'
 - SHARES OF IRRIGATION WATER CONVEYED TO LOTS AT THE TIME OF PLAT RECORDING MAY, OR MAY NOT BE SOLD SEPARATELY FROM THE PROPERTY AND MAY NOT RUN WITH THE LAND.
 - 6 3/4 shares of Stewart Mesa Ditch irrigation water and 1/3 of Adobe Ditch shall be assigned as follows:
Lot 1 - 1/3 of Adobe Ditch and (6 3/4 shares of Stewart Mesa Ditch to be shared by irrigation water agreement with Lot 2)
Lot 2 - (6 3/4 shares of Stewart Mesa Ditch to be shared by irrigation water agreement with Lot 1)
Shares of irrigation water conveyed to lots at the time of plat recording may or may not be sold separately from the property and may not run with the land, are subject to the Irrigation Plan (dated June 24, 2021) included with this subdivision.
 - THIS SITE HAS BEEN IDENTIFIED BY THE COLORADO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE AS BEING IN A CRITICAL WILDLIFE HABITAT AREA. PROPERTY OWNERS MAY SUFFER DAMAGE TO LANDSCAPING, TREES, FENCES, ETC. FROM WILDLIFE AND SUCH DAMAGE SHOULD BE ANTICIPATED.

VICTORIAN SUBDIVISION SUB19-040
WITHIN SECTION 22, T14S, R92W 6TH PM
DELTA COUNTY, COLORADO

IRRIGATION PLAN

SUBDIVISION DEDICATION
William Brown Jr., being the owner of land described as follows:
LEGAL DESCRIPTION
A parcel of land being the E1/2 of the SW1/4 of Section 24, Township 14 South, Range 93 West of the 6th Principal Meridian, having a description based upon a bearing of S 00°13'42"E from the NE corner of said E1/2 of the SW1/4, also being the C1/4 (monumented by a 3 1/4" aluminum cap PLS 12766) to the 1/4 corner common to Sections 34 and 3 (monumented by a 3 1/4" aluminum cap PLS 12766 in monument box) with all other bearings relative thereto and being particularly described as follows:
Beginning at the SW corner of said E1/2 of the SW1/4, also being the W1/16 corner common to Sections 34 and 3 (monumented by a 3 1/4" aluminum cap PLS 25972) and running along the line of said E1/2 of the SW1/4 N 00°12'41"E, 1373.46 feet to the NW corner of said E1/2 of the SW1/4 (monumented by a 3 1/4" aluminum cap PLS 25972); continuing along the west line of said E1/2 of the SW1/4 (monumented by a 3 1/4" aluminum cap PLS 38016); thence along the north line of said E1/2 of the SW1/4 S 88°29'18"E, 1337.63 feet to the NE corner of said E1/2 of the SW1/4 (monumented by a 3 1/4" aluminum cap PLS 12766); thence along the east line of said E1/2 of the SW1/4 S 00°13'42"E, 2733.80 feet to the SE corner of said E1/2 of the SW1/4 (monumented by a 3 1/4" aluminum cap PLS 12766); thence along the section line common to Sections 34 and 3 (monumented by a 3 1/4" aluminum cap PLS 12766) to the Point of Beginning, said parcel containing 84.102 acres, more or less.
County of Delta,
State of Colorado.
I, Randy A. Wilmore, County Surveyor, Delta County, Colorado, under the name of VICTORIAN SUBDIVISION SUB19-040, have laid out, surveyed and/or subdivided the same as shown on this plat and do hereby dedicate to the public all streets, alleys, roads and other public areas as shown herein and those portions of land necessary for the installation and maintenance of public utilities as shown herein.

In witness whereof William Brown Jr.
has subscribed their names this _____ day of _____, A.D. 20____.

William Brown Jr.

_____ ss.
County of Delta,
State of Colorado.

The foregoing instrument was acknowledged before me this _____ day of _____, A.D. 20____, by William Brown Jr.

My commission expires: _____
My address is: _____
_____ hand and official seal

DELTA COUNTY PLANNING DEPARTMENT APPROVAL
This plat of the above subdivision has been checked for compliance by _____ on this _____ day of _____, A.D. 20____.

Planning Staff

BOARD OF COUNTY COMMISSIONERS APPROVAL
The within plat of VICTORIAN SUBDIVISION SUB19-040 is approved this _____ day of _____, A.D. 20____, and the roads and other public areas are hereby accepted provided, however, that such acceptance shall not be construed as an acceptance for maintenance purposes.
Maintenance of or snow removal from the subject roads shall be only upon a separate resolution of the Board of County Commissioners passed in accordance with any applicable resolutions or regulations in effect at that time.

CERTIFICATE OF TAXES PAID
I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable as of _____ upon all parcels of land within the subdivision described on this plat are paid in full. Dated this _____ day of _____, A.D. 20____.

_____ Delta County, Colorado

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, Randy A. Wilmore, 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 #25972

VICTORIAN SUBDIVISION SUB19-040
WITHIN SECTION 22, T14S, R92W 6TH PM
DELTA COUNTY, COLORADO

J19198FINAL 4 AUGUST 2021



AREA LOCATOR

SITE

SYMBOL LEGEND

- Set 3/4" rebar 30" long with 3-1/4" aluminum cap PLS25972 per monument record
 - Set 5/8" rebar 30" long with 2" aluminum cap PLS25972
 - Set 5/8" rebar with 1 1/2" aluminum cap RLS 1458 or as noted
- Fencelines
— Electric (overhead)
— Electric (underground)
— Water line
— Easement
..... Previous Parcel Boundary
New Quit Claim to Delta County
Previous R.O.W. to Delta County

- Found 3/4" rebar 30" long with 3-1/4" aluminum cap PLS25972 per monument record
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WILMORE & COMPANY
PROFESSIONAL LAND SURVEYING, INC.

406 Grand Avenue P.O. Box 1652
Paonia, Colorado 81428

970.527-4200 PHONE
970.260-4130 PHONE
www.wilmorelandsurveying.com

Defining Boundaries EMAIL: randy@wilmorelandsurveying.com

FIELD CREW:
RAW, CW
DRAFTER:
RAW
CHECKED BY:
KC



SUB19-040/Victorian Subdivision Review Agency Packet

Tim McCracken <tmccracken@deltacounty.com>

Mon, Sep 13, 2021 at 1:14 PM

To: Kate Kelly <kkelly@deltacounty.com>

Kate,

Just a few comments on the sketch plan.

1. The south lot 2 property line is missing a bearing and distance.
2. The adjacent neighbor in the southwest is John C Poulos (missing the C).
3. Per the subdivision regulations plats need to show total acreages.

See attached

Thanks,

Tim McCracken

Delta County Engineer

[Quoted text hidden]

[Quoted text hidden]

NOTICE: This email transmission from the County of Delta, and any documents, files, or previous email messages attached to it, are intended solely for the individual(s) to whom it is addressed and may contain information that is confidential, legally privileged, and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any unauthorized review, forwarding, printing, copying, distribution, or use of this transmission or the information it contains is strictly prohibited. A misdirected transmittal of this email does not constitute waiver of any applicable privilege. If you received this transmission in error, please immediately notify the sender and delete the original transmission and its attachments. Notwithstanding the foregoing, sender and receiver should be aware that all incoming and outgoing emails may be subject to the Colorado Open Records Act, C.R.S. 24-72-100.1 et seq. Thank you.

[Quoted text hidden]



Victorian Subdivision Sketch Eng. review 9.13.2021 for PC.pdf

854K

LINE	BEARING	DISTANCE
L1	N 39°43'10" E	64.36'
L2	N 21°04'22" E	53.87'
L3	N 34°35'19" W	55.99'
L4	N 29°23'13" W	78.67'
L5	N 11°43'35" W	11.51'

406 Grand Avenue
P.O. Box 1652
Paonia, Colorado 81428

970.527-4200 PHONE
970.527-4202 FAX
www.wilmorelandsurveying.com

Defining Boundaries

EMAIL randy@wilmorelandsurveying.com

J19198SKETCHFINAL 3 FEBRUARY 2020 DRAWN BY: RAW/KC

0.41 Acres - Delta County ROW
21.2 Acres - Lot 1
13.4 Acres - Lot 2
35.01 Acres - Total

MERRITT L DENISON
37760 BACK RIVER ROAD
R007562

Where is your
Scale?

October 6th, 2021

Delta County
Planning & Community Development
Kate Kelly, Planning & Community Development Technician II
295 W. 6th Street
Delta, CO 81416
Email: KKelly@deltacounty.com
Phone: 970-874-2110

RE: **Case/Name:** SUB19-040 / Victorian Subdivision (Brown)
 Project Location: 37586 & 37614 Back River Road, Paonia
 Project Description: Plan to subdivide approximately 35.08 acres (Parcel 32422200025) into (2) lots;

Ms. Kelly:

Independent of the outcome of the subdivision there is clearly a question about the accuracy of the property line and the placement of the access driveway between the Chan Jones & William Brown properties.

Please see attached screen shots of the property line as shown using the LandGlide GPS property line map. I am also attaching photos of the driveway taken from Back River Road. We are aware that there needs to be 15 feet from the driveway to our property line. It appears that the driveway is in fact on our property.

We will require an independent property line survey to resolve this issue.

Respectfully,

Tim Jones & Angel Chan
Chan Jones Back River, LLC
415-706-2365



Satellite screen shot of property line using Landglide GPS map.



Photographs of Brown driveway taken from Back River Road

October 6, 2021

Delta County
Planning & Community Development
Kate Kelly, Planning & Community Development Technician II
295 W. 6th Street
Delta, CO 81416
Email: KKelly@deltacounty.com
Phone: 970-874-2110

RE: **Case/Name:** SUB19-040 / Victorian Subdivision (Brown)
 Project Location: 37586 & 37614 Back River Road, Paonia
 Project Description: Plan to subdivide approximately 35.08 acres (Parcel 32422200025) into (2) lots;

Comments from adjacent property owners located at 11746 3725 Rd (Poulos) and 37380 Back River Rd (Lawhorn):

1. Lack of sufficient time to submit written comments. Notice is postmarked Sept. 29 not received until Tuesday Oct. 5. Leaving only 6 business days to evaluate the proposed Vicinity Map and submit written comments.
2. Why is the Delta County being deeded a 50-foot ROW across the northern portion of the proposed Lot 1? Will there be similar requirements from other landowners who have property adjacent to Back River Road?
3. Of great concern is the proposed distribution of irrigation water between Lots 1 and 2. As adjacent property owners we know the "sharing of 6-3/4 shares of Stewart ditch is insufficient to provide any sort of adequate irrigation to Lot 2. If this division of water is allowed Lot 2 would quickly turn into 13.44 acres of weeds followed by dry adobe ground within 2 to 3 years. One share of Stewart Mesa Ditch is believed to be sufficient to irrigate 1 acre of land. The sharing of 6-3/4 shares for 13.44 acres is insufficient.
4. As adjacent landowners we are concerned about possible commercial use of Lot 2. Should future owners be allowed commercial use i. e. Bed and Breakfast or other traffic along the access road would add noise and dust to an already increasing traffic volume.
5. The ditch easement of 10' for both the Lawhorn and Poulos buried irrigation ditch pipelines is insufficient and should be similar in size to the Robert's Ditch easement of 20'.
6. Finally, we are concerned that future owners would subdivide one or both of these proposed lots into even smaller parcels.



STAFF REPORT

Delta County Planning Commission

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

Wednesday, October 27, 2021 @ 5:30 p.m.

PLN21-001/Miller (Alliance Ready Mix)

Consider a Site Plan for a Conditional Use Permit (CUP) to operate a Mobile Concrete Batch Plant. The project is located on the north side of F Road, approximately 2.55 miles east of Delta (Parcel 345522300015)

PROJECT INFORMATION:

Property Owner: Kyle Miller
Applicant: Jonathan Plank
Site Address: 19337 F Road, Delta, CO 81416
Location: Section 22, Township 15S, Range 95W, 6thPM
Parcel ID/Acct: 345522300015/R024344
Parcel Size: 39.70 Acres
Zoning: A-5

RECOMMENDATION:

Staff recommends that the Planning Commission recommend that the Board of County Commissioners:

- a. Find that PLN21-001 complies with the Land Use Code; and
- b. Approve PLN21-001, a Conditional Use Permit for a Mobile Concrete Batch Plant at 19337 F Road, Delta (Parcel: 345522300015), subject to eleven (11) conditions.



SUMMARY:

Kyle Miller owns a 39.70-acre parcel (Parcel #345522300015) with frontage along the northern boundary of F Road about three miles east of the City of Delta. Right of way has been dedicated along the western boundary for possible future use for 1900 Road.

There is one (1) existing shop building (approximately 40' x 50') with an existing gravel driveway that will be extended to accommodate the Batch Plant. Access will be from F Road to the shop (19337 F Road). Drainage runs through the property from north to south on the eastern 1/3 of the property. In addition, aerial imagery shows irrigation water flowing to the southwest corner of the property.

A pre-application conference was held on April 5, 2021 with County staff from Planning, Engineering, and Road & Bridge. The applicant described their operation as a mobile batch plant with a mobile office, including outdoor storage of materials and machines for mixing. The intent would be to operate on this site for a number of years and move the operation if needed at that point.

This property has been zoned as A-5 per the Delta County Land Use maps. Staff finds that this use would qualify as Rural Medium Industrial land use due to the outdoor storage and operation. This type of use in the A-5 zone is a conditional use. Conditional Use Permits go before the Planning Commission (PC) that will make a recommendation to the Board of County Commissioner (BoCC) at noticed public hearings. The PC and BoCC shall determine if the application complies with the Land Use Code, and recommend approval, approval with conditions, or denial. As discussed below, and conditioned, staff finds that this projects complies with the Land Use Code.

DISCUSSION:

On March 30, 2021, Kyle Miller (Owner) and Jonathan Plank (applicant) submitted a pre-application form (PLN21-001/Miller CUP) for a Mobile Concrete Batch Plant in Delta County that would be run by Alliance Ready Mix. The Site Plan shows utilizing an existing access and creating a loop around the existing shop structure. A mobile batch plant would be located at the apex of this loop for trucks to drive through, load and exit (one-way traffic). Materials would be stored around the batch plant.

On April 5, 2021, a Pre-Application Conference was held between the applicants (Kyle Miller and Jonathan Plank) and staff representatives from County Planning, Engineering, and Road & Bridge. Staff evaluated the best access location, including possible access from the right-of-way dedicated for a future use as 1900 Road. Due to the site conditions (e.g. topography) and uncertain extension of 1900 Road, it was determined that the existing access from F Road would be a reasonable location, but would still need approval by Road & Bridge prior to GIS assigning an address. The applicant has completed an Access/Address application to assign an address to the existing shop (19337 F Road).



An Application Packet was sent to the applicants on April 12, 2021 summarizing the pre-application conference and explaining the process. This packet included a Land Use Application, Application checklist, and a Site Plan checklist. This application, along with the required fees, was to be filled out and submitted to the Planning Department to assist in assessing if the application complies with the Land Use Code (LUC).

Chapters 3-6 of the LUC establish standards to assess with this type of development application. Issues to consider for this type of use include parking, noise, dust, runoff/drainage, traffic, geology, water, and Ag lands.

Parking: Chapter 4, Section 3.B Table 4.a, *Parking Ratio Guidelines and Surfacing Standards*; Rural Medium Industry requires one (1) parking space for every 1,000 square feet of gross floor area (sf., GFA). The existing shop building is 40' x 50' which is a total of 2,000 sf. If trucks will be parked/stored on site, the Site Plan needs to illustrate that area in addition to the required parking. (Condition #2)

Noise: Chapter 4, Section 7.C, *Noise*, any noise that is generated by development shall not exceed the thresholds set out in C.R.S. 25-12-103, *Maximum Permissible Noise Levels*. Properties surrounding the site are predominately undeveloped or agriculture. The closest development is on the Dominguez Land Company property, over 1,000 feet away. Condition #5 requires the applicant to provide, and adhere to, a Noise Mitigation Plan.

Dust: Concrete Batch Plant is an industrial use that, by nature of the operation, creates dust from materials such as sand, aggregate, fly ash, and cement. Chapter 4, Section 7.F, *Dust Control*, requires all industrial or extraction uses to submit a Dust Control Plan. Said Plan shall include all available practical methods that are technologically feasible and economically reasonable and that will reduce, prevent, and control fugitive dust into the atmosphere, minimizing impacts to livestock, crops, and public health. Said methods shall include but not be limited to use of water for abating dust. (Condition #6)

Runoff/Drainage: Chapter 4, Section 7.B, *Stormwater Management, Grading, Erosion, and Sediment Control*, all Site Plans associated with a conditional use shall be accompanied by a Stormwater Management Plan, sealed by a Professional Engineer that certifies compliance with the requirements of subsection (1) Section 7.B. (Condition #4) Environmental Health is the authority to consider a Stormwater Management Plan for private lands, Engineering considers plans for County-owned lands.

Condition #10 also requires a Drainage Report, which consists of two parts: 1) a drainage study and 2) a drainage and erosion control plan. Drainage reports shall be in compliance with Chapter 4, Sections 7.B, *Stormwater Management*,



Grading, Erosion, and Sediment Control, and any other applicable state or federal standards for grading, erosion, and sediment control.

Traffic/Access: A Level I Traffic Study is required as part of a conditional use permit and shall include, at a minimum, the information required by this Table 5.a, *Traffic Impact Study Scope*, based on the level of study required. (Condition #8) In addition, Condition #7 requires a Truck Routing Plan for the use of semi-trailers, dump trucks, trash hauling trucks, or comparable heavy trucks as they may be disruptive to nearby property owners and could potentially cause damage to County Roads (specifically F Road). The Truck Routing Plan will need to address the type of vehicles that will be used for this operation, the frequency of both arrivals and departures, approximate hours of truck traffic, and any hazardous materials/hazmat being transported.

Geology: Condition #9 requires a Geologic and Soils report for this development to assess soil suitability and site characteristics pursuant to Chapter 8, Section 2 of the Land Use Code.

Domestic Water: Projects are required to provide proof of adequate water supply for the proposed use. Comments from UVWUA note that this property has irrigation water. There currently is no domestic water serving this property; however, Tri-County has an 8-inch line across F Road and the applicant has been in discussion to acquire a tap for this property. The applicant will need to provide a plan for how water will be provided for domestic purposes (office) and dust control (Condition #11) Pursuant to the Land Use Code, cisterns are not considered an adequate water supply for residential uses. Staff finds that this also applies to new development such as a CUP or subdivision.

Agriculture: Staff noted that aerial imagery shows a green area in the southwest corner and the County's intent/policy is to limit impact to agricultural lands. The proposed location for the operation would be in an area of the site that would not impact the irrigated area, or where the drainage collects (see Site Plan).

Staff has reviewed all documents submitted by the applicant and finds that they are sufficient. All required fees have been paid for this application. Therefore, Staff is recommending approval of the Miller Conditional Use Permit (PLN21-001).

OTHER AGENCIES INVOLVED:

Planning Staff sent the Site Plan along with a summary to the Review Agencies for comment on September 15, 2021. Adjoining Property Owners (within a 200-foot radius from Parcel #345522300015) were also sent a Public Notice for this application, including the applicant. Comments have been received by UVWUA, the Delta County Engineering Department, City of Delta, CDOT, and Colorado Parks and Wildlife (CPW). Planning has not received any additional feedback from any other review agencies or adjoining property owners.



UVWUA (attached): This acreage has irrigation water delivered by the Uncompahgre Valley Water Users Association. No new water delivery structures will be constructed. The irrigation water for this tract of land will be delivered through the existing head gate. (Condition #1)

UVWUA has no other areas of concern.

County Engineering (attached): F Road is classified as a Minor Arterial Road with 100' right-of-way width. Adequate ROW for F Road was deeded per Morton Subdivision Exemption Plat recorded under Reception #689458; this reception number and subdivision will need to be labeled on the Site Plan. (Condition #2)

The Site Plan needs to show all setbacks, existing and proposed utilities, irrigation and easements on the property. The adjacent property owner name in the southeast corner of the Site Plan will need to be revised to reflect the current property owner name. (Condition #2)

All drainages will need to be delineated on the Site Plan, as well as the existing culvert under F Road. (Condition #2)

City of Delta (attached): No comments on this development.

CDOT (attached): No comments on this development.

Colorado Parks and Wildlife (attached): CPW policy directs our efforts towards proposals that will potentially have high impacts to wildlife and wildlife habitat, with an emphasis on large acreages, high priority habitats, wildlife diversity, and effects to species of special concern. At this time, impacts of the development, as proposed, may be characterized as minimal. This does not mean that the landscape has no value to wildlife, and CPW would encourage good land stewardship in the form of a plan for reclamation efforts in the event the mobile concrete batch plant was removed from the property. (Condition #3)

Prepared by: Kate Kelly, Planning & Community Development Technician II
970.874.2110
kkelly@deltacounty.com
October 20, 2021

Attachment(s):

- Site Plan (dated 8/17/21)
- Recommended Conditions of Approval
- Review Agency Comments

Recommended Conditions of Approval
Miller (Alliance Ready Mix) CUP (PLN21-001)
PC, October 27, 2021

1. Irrigation for this parcel is delivered by the Uncompahgre Valley Water Users Association (UVWUA). No new water delivery structures will be allowed or constructed. Any irrigation water for this tract of land will need to be delivered through the existing head gate, as determined by UUVUA. [UVWUA]
2. A Site Plan shall be submitted to the Planning Department, for review and approval, that:
 - a. Accurately depicts right-of-way for 1900 Road and F Road, including applicable Reception #'s.
 - b. Depicts all existing and proposed utilities, irrigation and easements on the property, as well as, all drainage and the existing culvert under F Road.
 - c. Depicts a parking area to accommodate the required parking spaces per the LUC Chapter 4, Section 3.B Table 4.a, *Parking Ratio Guidelines and Surfacing Standards*. The shop/office building requires one (1) space for every 1,000 square foot of gross floor area. If trucks will be parked or stored on site, the Site Plan needs to illustrate that area in addition to the required parking. Parking spaces are not required to be striped for this project; however, if they were striped they would accommodate required parking dimensions set out in Table 4.b, *Parking Dimensions*, using a 90-degree configuration.
[Engineering, Planning]
3. A Reclamation Plan that restores/protects habitat value shall be submitted to the Planning Department, for review and approval. Said Plan shall address landscape value in the event the mobile concrete batch plant is ever removed from the property (19337 F Road). [Colorado Parks and Wildlife]
4. A Stormwater Management Plan, sealed by a Professional Engineer that certifies compliance with the requirements of LUC Chapter 4, Section 7.B, *Stormwater Management, Grading, Erosion, and Sediment Control*, shall be submitted to the Planning Department, for review and approval. [Environmental Health, Planning]
5. A Noise Mitigation Plan shall be submitted to the Planning Department, for review and approval to ensure that noise does not exceed the statutory limits. Noise that is generated by the development shall not exceed the thresholds set out in C.R.S. 25-12-103, *Maximum Permissible Noise Levels*, or any other specific exceptions created by the State of Colorado after the effective date of the Delta County Land Use Code. [Planning]
6. A Dust Control Plan shall be submitted to the Planning Department, for review and approval pursuant to Chapter 4, Section 7.F of the Land Use Code. Said Plan shall include all available practical methods that are technologically feasible and economically reasonable and that will reduce, prevent, and control fugitive dust into the atmosphere,

minimizing impacts to livestock, crops, and public health. Said methods shall include, but not be limited to, use of water for abating dust. [Planning]

7. A Truck Routing Plan shall be submitted to the Planning Department, for review and approval to address the use of semi-trailers, dump trucks, trash hauling trucks, or comparable heavy trucks as they may be disruptive to nearby property owners and could potentially cause damage to the County Roads. Said Plan will also need to address the type of vehicles that will be used for this operation, the frequency of arrivals/departures, approximate hours of truck traffic, and any hazardous materials/hazmat materials being transported. [Engineering]
8. A Level I Traffic Study shall be submitted to the Planning Department, for review and approval that includes information listed in Table 5.a of the Land Use Code. The study will need to address the following items:
 - Location of the subject property including: all adjacent County Roads, the functional classification of the road, and if any right-of-way requirements are needed based on the functional classification
 - Identification of adjacent land uses
 - Proposed location, number, and use of lots within the subject property
 - Proposed location of roads within the subject property
 - Location of all proposed access points to County roads or State Highways
 - Average daily traffic (ADT) counts on adjacent roads
 - Trip generation calculations (ADT)²[Engineering]
9. A Geologic and Soils Report shall be submitted to the Planning Department, for review and approval to assess soil suitability and site characteristics pursuant to Chapter 8, Section 2 of the Land Use Code. Said Report needs to include a site visit by a qualified Engineer in regards to the site characteristics outlined in Colorado Geological Survey, *SP-06 Guidelines and Criteria for Identification and Land-Use Controls of Geologic Hazard and Mineral Resource Areas*. The report will need to address ground subsidence, expansive soil, and rock. The suitability of the soils will also need to be assessed in this report. [Planning, Environmental Health]
10. A Drainage Report shall be submitted to the Planning Department, for review and approval that consists of two parts: 1) a drainage study; and 2) a drainage and erosion control plan. Drainage reports shall be in compliance with Chapter 4, Section 7.B, *Stormwater Management, Grading, Erosion, and Sediment Control*, and any other applicable state or federal standards for grading, erosion, and sediment control. [Planning, Engineering]
11. Prior to beginning operation, the applicant shall submit documentation to the Planning Department that demonstrates an adequate water supply for the use as proposed. [Planning]

THE GUNNISON TUNNEL PROJECT
The Uncompahgre Valley Water Users Association
601 North Park Ave. * P.O. Box 69 * Montrose, CO 81402-0069
Phone: 970-249-3813 Fax: 970-249-6830

September 16, 2021

Delta County Planning and Community Development
295 W. 6th Street
Delta, CO 81416

RE: PLN21-001 / Miller Conditional Use Permit

Dear Land Use Personnel:

Uncompahgre Valley Water Users Association has reviewed the application for a conditional use zoning permit for a mobile concrete batch plant in Delta County located on the north side of F Road (Parcel #345522300015) and located approximately 2.55 miles east of Delta.

This acreage has irrigation water delivered by the Uncompahgre Valley Water Users Association. No new water delivery structures will be constructed. The irrigation water for this tract of land will be delivered through the existing headgate

AREAS OF CONCERN

None

Thank you for your consideration in this matter.

Sincerely,



Cheryl A. DeJulio
Business Manager

Memo

To: Planning Department

From: Tim McCracken

CC: File

Date: September 17, 2021

Re: Engineering Comments for PLN21-001 Miller Conditional Use Permit

1. F road is classified as a Minor Arterial Road with 100' right-of-way width.
 - a. Adequate ROW was deeded per Morton Subdivision Exemption at Reception Number 689458.
2. Show all setbacks on the Site Plan.
3. Show all existing and proposed Utilities, Irrigation and Easements on the Site Plan.
4. Revise the adjacent property owner name to the Southeast (see attached Site Plan review).
5. Show the Names and Reception Numbers for adjacent Subdivisions.
6. Delineate natural drainages on the Site Plan.
7. Show existing culvert under F Road on the Site Plan.
8. This review is not meant to be fully comprehensive, and additional requirements may arise at further reviews.



Fwd: PLN21-001/Miller Conditional Use Permit

1 message

Kate Kelly <kkelly@deltacounty.com>

To: Kimberly Henderson <khenderson@deltacounty.com>

Fri, Sep 17, 2021 at 2

Can you print this one too. Thank you.

----- Forwarded message -----

From: **Shay Coburn** <shay@cityofdelta.net>

Date: Fri, Sep 17, 2021 at 1:05 PM

Subject: Re: PLN21-001/Miller Conditional Use Permit

To: Kate Kelly <kkelly@deltacounty.com>

No comments from me. Thanks!

On Wed, Sep 15, 2021 at 1:36 PM Kate Kelly <kkelly@deltacounty.com> wrote:

Dear Review Agencies,

Attached is the Case Summary for PLN21-001/Miller Conditional Use Permit. This application is scheduled to be reviewed by the Planning Commission on October 27, 2021 at the Delta County Administration Building located at [560 Dodge Street, Delta, CO 81416](#) @ 5:30 p.m.

Thank you in advance for your review and comments on this application.

--

Kate Kelly
Planning & Community Development Tech II
[295 W 6th Street](#)
[Delta, CO 81416](#)
[970-874-2110](#)

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--

Shay Coburn
City of Delta
Community Development Manager
Mobile: 970-787-2332
Office: 970-874-7566



--

Kate Kelly
Planning & Community Development Tech II
[295 W 6th Street](#)
[Delta, CO 81416](#)
[970-874-2110](#)

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PLN21-001/Miller Conditional Use Permit

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

Tue, Sep 28, 2021 at 4:08 PM

Kate,

CDOT has no comment on the batch plant.

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

On Wed, Sep 15, 2021 at 1:36 PM Kate Kelly <kkelly@deltacounty.com> wrote:

[Quoted text hidden]

[Quoted text hidden]



COLORADO

Parks and Wildlife

Department of Natural Resources

Montrose Service Center
2300 South Townsend Avenue
Montrose, Colorado 81401
P 970.252.6000 | F 970.252.6053

October 1, 2021

Delta County Planning and Community Development
Attn: Kate Kelly
295 W. 6th St, Delta, CO 81416

RE: PLN21-001 Miller Conditional Use Permit

Dear Ms. Kelly,

Thank you for the opportunity to provide input on the proposed Conditional Use Permit for a mobile concrete batch plant in Delta County, located approximately 2.55 miles east of the city of Delta. This letter is in response to your request for comments on September 15, 2021.

One of our goals at Colorado Parks and Wildlife (CPW) is to provide complete and timely information to all entities who request comment on matters within our statutory authority and our mission, which is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources.

Currently, CPW policy directs our efforts towards proposals that will potentially have high impacts to wildlife and wildlife habitat, with an emphasis on large acreages, high priority habitats, wildlife diversity, and effects to species of special concern. At this time, impacts of the development, as proposed, may be characterized as minimal. This does not mean that the landscape has no value to wildlife, and CPW would encourage good land stewardship in the form of a plan for reclamation efforts in the event the mobile concrete batch plant was removed from the property.

Again, CPW appreciates the opportunity to comment on this project during the planning phase. If you have any questions, please contact DWM Natalie Renneker at (970) 209-2371 or via email at natalie.renneker@state.co.us.

Sincerely,

Natalie Renneker
District Wildlife Manager

