

DELTA COUNTY PLANNING COMMISSION

**Delta County Board of County Commissioner's Room
560 Dodge St., Delta, CO 81416
Wednesday, January 26, 2022 @ 5:30 p.m.**

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

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

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

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

REGULAR MEETING 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. November 17, 2021
 - b. December 8, 2021
 - c. December 15, 2021

RECOMMENDATION: Approve the action minutes as presented

CERTIFICATION OF POSTING

On January 19, 2022 at 4:00 PM, Kim Henderson did post the above AGENDA as public notice of the Planning Commission meeting on January 26, 2022. 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. PLN21-049/S. Rasmussen (Rezone)

Consider: Rezoning the western 10-acres of Parcel 319335100032 from Agricultural/35-acre (A-35) to Agricultural/5 acre (A-5). The project is located at 26380 Cedar Mesa Rd, Cedaredge.

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

- a. Consider rezoning the western 10-acres of a 251.26-acre parcel (Parcel 319335100032/Account R024237) from Agricultural "35" (A-35) to Agricultural "5" (A-5), subject to a condition that rezoning 10 acres of a 251+- acre parcel shall not take effect until/unless a Preliminary Plat is approved by the Board of County Commissioners that includes this 10-acre portion.

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, February 9, 2022 at 5:30 pm, Maloney House (Delta County Fairgrounds) 575 S River Ln, Hotchkiss, CO.

CERTIFICATION OF POSTING

On January 19, 2022 at 4:00 PM, Kim Henderson did post the above AGENDA as public notice of the Planning Commission meeting on January 26, 2022. 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
November 17, 2021

Planning Commission Members in Attendance:

Hardy Hutto
Steve Schrock
Jacob Gray
Dick Gilmore
Steve Shea

Tom Kay
Layne Brones
Eli Wolcott
Tate Locke
Cindy Watson

Absent Members:

Kate Darlington

Planning Staff in Attendance:

Delta County Community Development & Natural Resource Director, Carl Holm
Delta County Planner I, 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 October 27, 2021 & October 28, 2021
RECOMMENDATION: Approve the minutes.

Motion/Second: Jacob Gray moves to approve the October 27, 2021 and October 28, 2021 Minutes. Cindy Watson seconds the motion.

Action: Motion carried unanimously.

Item #2: PLN21-010/Corona
Consider: A Preliminary Plat to subdivide approximately 34.0 acres into six (6) lots in the A-5 zoning district. The property is located at 5898 & 5884 2100 Road, Delta.
RECOMMENDATION: Staff recommends that the Planning Commission recommend that the Board of County Commissioners:
a. Find PLN21-010 meets the requirements of the Land Use Code for a Preliminary Plat; and
b. Approve a Preliminary Plat to subdivide 34.36 acres into six (6) lots: Lot 1 (5.085 acres), Lot 2 (5.085 acres), Lot 3 (5.015 acres), Lot 4 (5.005 acres), Lot 5 (5.015 acres) and Lot 6 (9.158 acres) in the A-5 zone, subject to four (4) conditions.

Motion/Second: Tate Locke moves to approve PLN21-010 with Staff Recommendations. Dick Gilmore seconds the motion.
Hardy Hutto requested the motion be amended to include with the Staff Recommendations, limiting the residents to two homes as long as they comply with the infrastructure. Tate Locke and Dick Gilmore accepted the amendment.

Action: Motion carried 6-3
Ayes: Hardy Hutto, Steve Schrock, Dick Gilmore, Steve Shea, Tom Kay, Tate Lock
Nays: Layne Brones, Eli Wolcott, Jacob Gray

Item #3: PLN21-030/Garnet Mesa Solar LLC
Consider: A Limited Use Permit to install and operate an 80MW ground mounted solar photovoltaic energy generating facility. The project involves two sites consisting of three (3) parcels totaling 472+ acres generally located west of 2200 Road and at the southwest corner of G Road and 2100 Road, approximately 2.2 miles east of Delta (Parcels: 3455-231-00-001, 3455-232-00-009, 3455-133-00-020).
RECOMMENDATION: Staff recommends that the Planning Commission recommend that the Board of County Commissioners:
a. Find that PLN21-030 complies with the Land Use Code; and



- b. Approve PLN21-030, a Limited Use Permit for an 80MW ground mounted solar photovoltaic energy generating facility developed over three (3) parcels totaling 472.85 acres generally located between 2200 Road on the east of 2050 Road on the west, north and south of G Road, Delta (Parcel: 3455-231-00-001, 3455-232-00-009, 3455-133-00-020).

Motion/Second:

Jacob Gray moves to approve PLN21-030 with Staff Recommendations as well as the following conditions: a solid fence be installed around the substation to mitigate sight and sound, security bond for decommission, mend relation with Hofschulte regarding easement, vegetation bond, consider aesthetic of replacing utility poles to substation, trash control during construction, traffic control during construction, hooded lighting be turned off except for emergency maintenance, flood irrigating plan, landscape south end of South-West site and a road inspection to be completed. Dick Gilmore seconds the motion.

Action:

Motion carried 6-3

Ayes: Dick Gilmore, Layne Brones, Jacob Gray, Hardy Hutto, Steve Shea, Eli Wolcott

Nays: Steve Schrock, Tate Locke, Tom Kay

Meeting adjourned at 10:30 p.m.

Respectfully submitted by:

Administrative Assistant, Kim Henderson



**REGULAR PLANNING COMMISSION MEETING MINUTES
MALONEY HOUSE (DELTA COUNTY FAIRGROUNDS)
575 S RIVER LN, HOTCHKISS, CO 81419
December 8, 2021**

Planning Commission Members in Attendance:

Hardy Hutto
Steve Schrock
Jacob Gray
Dick Gilmore
Kate Darlington

Tom Kay
Layne Brones
Eli Wolcott
Tate Locke

Absent Members:

Cindy Watson
Steve Shea

Planning Staff in Attendance:

Delta County Community Development & Natural Resource Director, Carl Holm
Delta County Planner I, 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 Maloney House (Delta County Fairgrounds).

- Item #1: PLN21-039/TDS Telecommunications
Consider Conditional Use Permits to install and operate two wireless communication facilities: A) 60-foot-tall pole in the County Right-of-Way adjacent to 38590 Stucker Mesa Road approximately 2.1 miles west of Paonia (Parcel: 324302300055); and B) 50-foot-tall pole within a TDS easement at 39025 Cottonwood Creek Road approximately 3.6 miles north of Crawford (Parcel: 344914103001).
RECOMMENDATION: Staff recommends that the Planning Commission continue this item to January 12, 2022.
- Motion/Second: Tate Locke moves to continue PLN21-039 to January 12, 2022. Steve Schrock seconds the motion.
Eli Wolcott has recused himself from any discussion on PLN21-039.
- Action: Motion carried unanimously
- Item #2: Pre-Land Use Code Projects
Consider the status of 29 development applications/approvals that preceded adoption of the 2021 Land Use Code.
RECOMMENDATION: Staff recommends that the Planning Commission recommend that the Board of County Commissioners take action on outstanding projects applied/approved prior to adoption of the Land Use Code.
- Motion/Second: Tate Locke moves to approve with Staff recommendation to recommend the Board of County Commissioners take action on outstanding projects applied/approved prior to the adoption of the Land Use Code. Layne Brones seconds the motion.
- Action: Motion carried unanimously.
- Item #3: Land Use Code Review
Receive an overview of items to consider as part of a review of the 2021 Land Use Code.
RECOMMENDATION: Staff recommends that the Planning Commission: A) Receive a presentation on areas to consider as part of review of the Land Use Code; and B) Provide direction to staff.
- Motion/Second: No Motion required.



DELTA COUNTY

PLANNING & COMMUNITY DEVELOPMENT

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

Action: The Planning Commission accepted the presentation and the Planning Commission discussed their priorities in regards to the Land Use Code review.

Meeting adjourned at 7:36 p.m.

Respectfully submitted by:
Administrative Assistant, Kim Henderson

DRAFT



SPECIAL PLANNING COMMISSION MEETING MINUTES

DELTA COUNTY
560 DODGE ST, DELTA, CO 81416
December 15, 2021

Planning Commission Members in Attendance:

Dick Gilmore
Steve Schrock
Steve Shea
Layne Brones
Eli Wolcott

Tom Kay
Jacob Gray
Tate Locke
Kate Darlington (Associate)
Hardy Hutto

Absent Members:

Cindy Watson (Associate)

Staff in Attendance:

Delta County Community Development & Natural Resource Director, Carl Holm
Delta County Planner I, Kate Kelly
Delta County Planning & Community Development Administrative Assistant, Kim Henderson
Delta County Administrator, Robbie LeValley
Delta County Attorney, John Baier

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

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

1. Discussion and advice regarding new information received relative to the PLN21-030 Garnet Mesa Solar Renewable Energy Project, including options for addressing this information after an action is taken.

Planning Commission member, Jacob Gray, makes a motion to move into Executive Session with County Attorney for Advice of Counsel. Layne Brones seconds the motion.

Motion carried unanimously.

6:33 P.M. Planning Commission Reconvenes for Public Agenda Items

COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

Commissioner Gray disclosed a conflict on the record and recused himself from any further consideration of PLN21-030 Garnet Mesa Solar Renewable Energy project. Pursuant to Planning Commission Bylaws section 7.2, Commissioner Gray stated he should vacate his seat and refrain from any further discussion regarding this matter.

Chairman Kay recognized the vacancy caused by the disqualification of Commissioner Gray and appointed Associate member Kate Darlington as a voting member in relation to PLN21-030 Garnet Mesa Solar Renewable Energy project per the Planning Commission Bylaws section 5.2.

Commissioner Wolcott requested the following item be placed on the January 12, 2022 agenda:

Commission's consideration of a motion to rescind the Planning Commission's approval on November 17, 2021 of PLN21-030 Garnet Mesa Solar Renewable Energy with Staff Recommendations and conditions.

Commissioner Wolcott requested the following additional item be placed on the January 12, 2022 agenda:

Consider: A Limited Use Permit to install and operate an 80MW ground mounted solar photovoltaic energy generating facility. The project involves two sites consisting of three (3) parcels totaling 472+ acres generally located west of 2200 Road and at the southwest corner of G Road and 2100 Road, approximately 2.2 miles east of Delta, Parcel Numbers to be detailed.



ADJOURNMENT

Director Holm addressed the meeting location in order to accommodate this item. The next meeting will be held on January 12, 2022 at 5:30pm in the Roubideau Room in Delta.

Meeting adjourned at 6:43 p.m.

Respectfully submitted by:
Administrative Assistant, Kim Henderson

DRAFT



STAFF REPORT

Delta County Planning Commission

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

Wednesday, January 26, 2022 @ 5:30 p.m.

PLN21-049/S. Rasmussen (Rezone)

**Consider: Rezoning the western 10-acres of Parcel
319335100032 from Agricultural/35-acre (A-35) to Agricultural/5-
acre (A-5). The project is located at 26380 Cedar Mesa Rd,
Cedaredge.**

PROJECT INFORMATION:

Property Owner: Shannon Rasmussen
Applicant: Shannon Rasmussen
Site Address: 26380 Cedar Mesa Rd, Cedaredge
Location: Section 35, Township 13S, Range 94W, 6thPM
Parcel ID/Acct: .319335100032/R024237
Parcel Size: 251.26 Acres
Zoning: A-35

RECOMMENDATION:

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

- a. Consider rezoning the western 10-acres of a 251.26-acre parcel (Parcel 319335100032/Account R024237) from Agricultural "35" (A-35) to Agricultural "5" (A-5), subject to a condition that rezoning 10 acres of a 251+-acre parcel shall not take effect until/unless a Preliminary Plat is approved by the Board of County Commissioners that includes this 10-acre portion.



SUMMARY:

Mr. Shannon Rasmussen owns a 251.26-acre parcel with frontage along Cedar Mesa Road. The site consists of one (1) existing residential structure (26380 Cedar Mesa Rd) with a majority of the property being agricultural. The surrounding area consists of larger agricultural properties with a mix of smaller residential lots.

A pre-application meeting was held on June 21, 2021 between staff and the applicant. The initial focus was completion of Phases 2 & 3 of the Cedar Mesa Estates (MJ06-022), which Mr. Rasmussen purchased in April 2021. Based on information in the project file, staff determined that Phases 2 & 3 had expired on December 31, 2012. As such, the group discussed options for subdividing the remaining 26-acres (off Star Dust Lane) under the 2021 Land Use Code, including: 1) Redesign the 26 acres with lots that meet the A-5 zoning designation (5-acre minimum); 2) Apply for a variance for each lot that would not meet the minimum acreage; 3) Rezone the 26+ acre parcel from A-5 to RI/C which allows a minimum of 2.0 acres per lot; 4) Consider rezoning the western 10-acres of Parcel #319335100032 (also owned by Mr. Rasmussen) to create a subdivision of 5+ acre lots.

On October 11, 2021, following Board of Adjustment action to deny a project that included three variances for lot size to create a subdivision, the applicant submitted a complete application to rezone the western 10-acres of the 251.26-acre parcel (Parcel #319335100032) located at 26380 Cedar Mesa Rd, Cedaredge. If the rezone is approved, then the applicant wants to pursue a Boundary Line Adjustment so that he can then subdivide Parcel #319335204003 (located directly west of the proposed rezone) into six (6) 5-acre parcels.

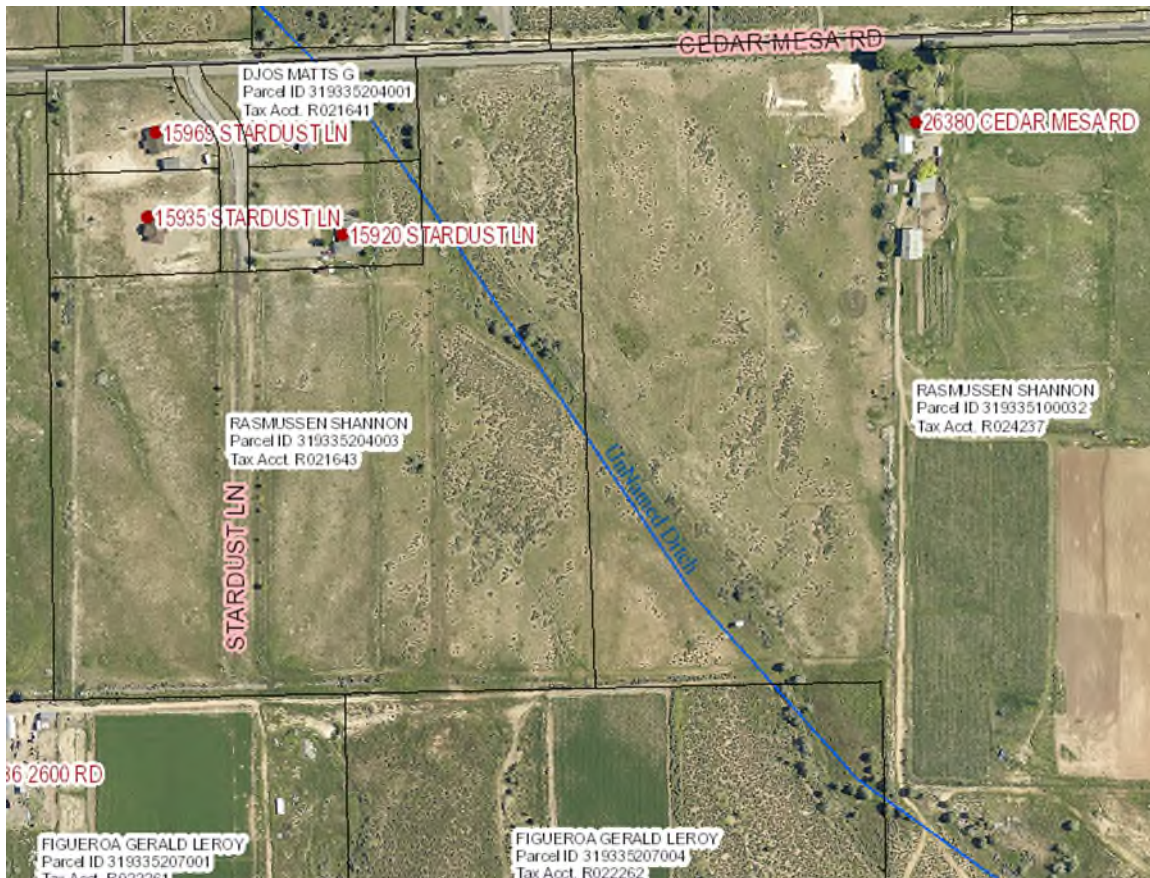
Rezoning a parcel is subject to Public Hearings with the Planning Commission (PC) and Board of County Commissioners (BoCC). Staff finds that a rezone for this property would be consistent with the established use of the property; however, the Land Use Code does not allow split-zoning of a parcel. Therefore, staff recommends a condition that rezoning 10 acres of the 251+-acre parcel shall not take effect until/unless a Preliminary Plat is approved by the Board of County Commissioners that includes this 10-acre portion. The PC recommendation on this rezoning will be presented to the BoCC at a noticed public hearing. A six (6) lot subdivision would be considered a Preliminary Plat (3+ Lots) that would be subject to separate, subsequent Public Hearings with the PC and the BoCC.

DISCUSSION:

Mr. Shannon Rasmussen owns a 251.26-acre parcel with frontage along Cedar Mesa Rd (County Road, County Maintained) about 2.67 miles east of the Town of Cedaredge. The site consists of one (1) existing residential structure (26380 Cedar Mesa Rd) with a majority of the property being agricultural. This parcel is a through-lot with frontage along Cedar Mesa Road (County Road, County



Maintained) to the north and also along Paintbrush Road (Private Road, Privately Maintained) along the south/west portion of the parcel.



In April 2021, Mr. Rasmussen purchased Lot 3 of Cedar Mesa Estates Subdivision, which consists of 26.24 acres immediately/adjacent to the west (Parcel 3193-352-04-003). This 26.24 acre was the remaining part of a 13-lot subdivision (MJ06-022) where Phases 2 & 3 were not completed in compliance with timelines in the Subdivision Regulations.

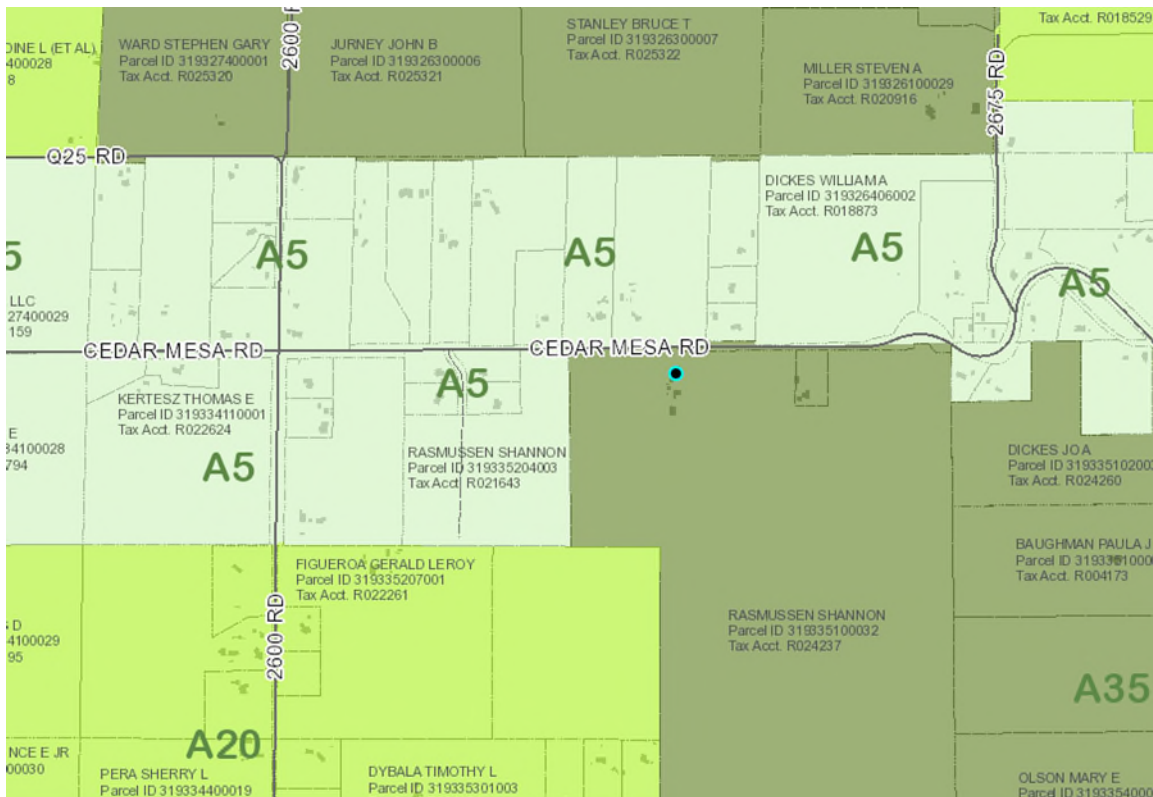
Staff found a letter included in the project file for MJ06-022 stating that if a Final Plat was not submitted by December 31, 2011, the project would expire. Another letter dated October 18, 2012 states that a final plat needs to be submitted by December 31, 2012. A Final Plat for Phase 1 was recorded in 2013, but no additional phases were finished since that time. Subdivision regulations required a phased plat to be completed within three years of completing the Final Plat.

On June 14, 2021, Mr. Rasmussen submitted an application (PLN21-049/S. Rasmussen) to subdivide about 26 acres into nine (9) lots. Effectively, this application was to complete Phases 2 & 3 of the Cedar Mesa Estates Subdivision (MJ06-022). A Pre-application Conference for this project was held on June 21, 2021. Staff representatives from County Planning, County



Engineering, County Road & Bridge (District #2) and County GIS attended with Mr. Rasmussen.

Staff informed Mr. Rasmussen that records for MJ06-022/Cedar Mesa Estates Subdivision show the remaining phases (Phases 2 & 3) expired in 2013. Lot 3 (Parcel 3193-352-04-003) is zoned A-5 under the 2021 Land Use Code, and the minimum acreage for subdividing is 5 acres per lot. This A-5 zoning is located adjacent to A-5 south of Cedar Mesa Rd, A-5 north of Cedar Mesa Rd, A-20 south of the proposed subdivision, and A-35 east of the proposed rezone along Cedar Mesa Rd. (see Zoning Map below).



We explored options under the 2021 Land Use Code such as:

1. Redesign the 26 acres with lots that meet the A-5 zoning designation (5-acre minimum);
2. Apply for a variance for each lot that would not meet the minimum acreage. Eight (8) of the nine (9) proposed parcels would be less than the 5-acre minimum, and variances would be required for each lot less than 5 acres. It was noted that no action by BOA to give indication if this is a viable option; however, in staff's opinion, the variance process was not to create subdivision but rather allowing for a single exception.
3. Rezone the 26+ acre parcel from A-5 to RI/C which allows a minimum of 2.0 acres per lot (not supported by staff).



Configuration of the 26-acre parcel and Mr. Rasmussen also owning the neighboring property afforded an option to consider rezoning the western 10-acres of Parcel #319335100032 (26380 Cedar Mesa Rd). If approved, that 10 acres could be combined with the 26+ acres to create a subdivision (better access design) of 5+ acre lots. Access for part of the subdivision would extend Stardust Lane (Private Road, Privately Maintained) with a possible second access road coming off of Cedar Mesa Road to the eastern portion of the subdivision.

An Application Packet was sent to the applicant on June 29, 2021 summarizing the pre-application conference and explaining the process. This packet included a Land Use Application and Checklists identifying materials required with the application. This application, along with the required fees, was to be filled out and submitted to the Planning Department.

On September 23, 2021, the Board of Adjustment (BOA) denied a variance application to create multiple lots that do not meet the minimum size (PLN21-010/Corona). On September 30, 2021, the applicant emailed staff requesting to change their application as Mr. Rasmussen did not want to pursue the variance process, in light of this information, but rather apply to rezone the western 10-acres of Parcel #319335100032 (26380 Cedar Mesa Rd) from Agricultural "35" (A-35) to Agricultural "5" (A-5), which requires a minimum lot size of 5.0 acres.

A complete application was submitted on October 11, 2021. Staff has reviewed all documents submitted by the applicant and finds that they are sufficient. All required fees have been paid for this application. Staff supports rezoning the western 10-acres of Parcel #319335100032 (PLN21-049) based on the surrounding conditions, and availability of infrastructure.

OTHER AGENCIES INVOLVED:

Adjoining Property Owners (within a 200-foot radius from Parcel #319335100032) were sent a Public Notice for this application, including the applicant. Planning has not received any feedback from any adjoining property owners.

Prepared by: Kate Kelly, Planner I
970.874.2107
kkelly@deltacounty.com
January 3, 2022

Attachment(s):

- Resolution (Draft)

**RESOLUTION
OF THE
PLANNING COMMISSION
OF THE COUNTY OF DELTA,
STATE OF COLORADO**

PLN21-049/S. RASMUSSEN REZONE

**RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS
AMEND THE DELTA COUNTY LAND USE CODE REZONING THE
WESTERN 10-ACRES OF PARCEL 319335100032 FROM AGRICULTURAL/35-
ACRE (A-35) TO AGRICULTURAL/5-ACRE (A-5).**

RECITALS

WHEREAS, Mr. Shannon Rasmussen is the property owner of record of the real property consisting of 251.26 acres located at 26380 Cedar Mesa Road, Cedaredge (Parcel 3193-351-00-032, Account: R024237); and

WHEREAS, on August 11, 2008, The Board of County Commissioners (BoCC) approved a Preliminary Plat for a 13-lot Subdivision to be developed in 3 Phases (MJ06-022/Cedar Mesa Estates Subdivision); and

WHEREAS, on October 18, 2012, County staff sent the applicant a Final Expiration Letter; and

WHEREAS, on April 15, 2013, the BoCC accepted a Final Plat for Phase 1 leaving a remainder parcel of 26.24 acres (Lot 3, Parcel 3193-352-04-003); and

WHEREAS, County Subdivision Regulations state that an applicant has three years from the date Phase 1 of a Phased Plat is accepted to complete the remaining phases; and

WHEREAS, Phases 2 and 3 of MJ06-022/Cedar Mesa Estates Subdivision (consisting of 26.24 acres) were never completed; and

WHEREAS, On April 15, 2021, Mr. Shannon Rasmussen, purchased Lot 3 of the Cedar Mesa Estates Subdivision consisting of 26.24 acres located west of the subject property (Parcel 3193-352-04-003, Account: R021643); and

WHEREAS, on January 5, 2021, Delta County Board of County Commissioners adopted the Delta County Land Use Code (LUC). Resolution No 2021-R-001 repealed regulations regarding land use and subdivision and adopted a new land use code (including zoning maps); and

WHEREAS, Parcel 3193-351-00-032 (subject property, 251+ acres) is zoned Agricultural/35-Acres ("A-35"), which requires a minimum of 35.0 acres per parcel; and

WHEREAS, Parcel 3193-352-04-003 (adjacent property, 26+ acres) is zoned Agricultural/5-Acres ("A-5"), which requires a minimum of 5.0 acres per parcel; and

WHEREAS, on June 14, 2021, Mr. Rasmussen (Owner) submitted a pre-application with a sketch plan requesting a 9-Lot subdivision located on Parcel #3193-352-04-003 (MJ06-022/Cedar Mesa Estates Subdivision, Phases 2 & 3) with eight (8) of the nine (9) parcels being less than the 5-acre minimum; and

WHEREAS, on June 21, 2021, a pre-application conference was held between the applicants and staff from Delta County to review preliminary materials to help identify potential issues and applicable review procedures, including options with MJ06-022 being expired; and

WHEREAS, on June 29, 2021, a letter was sent to the owner summarizing the pre-application conference and process, identifying applicable fees, and providing a checklist of materials required for an application; and

WHEREAS, on September 30, 2021, Mr. Rasmussen emailed staff requesting to change his application from the 9-Lot Subdivision (MJ06-022/Cedar Mesa Estates Subdivision, Phases 2 & 3) to an application requesting to rezone the western 10-acres of Parcel #3193-351-00-032 (26380 Cedar Mesa Rd, S. Rasmussen) from Agricultural "35" (A-35) to Agricultural "5" (A-5) in order to facilitate a subdivision using the adjacent 26+ acres for a 6-Lot subdivision with lots all 5+ acres; and

WHEREAS, on October 11, 2021, an application to rezone the property (Parcel #3193-351-00-032) was submitted to the Planning Department; and

WHEREAS, on October 11, 2021, the application package was determined to be complete by the Planning Department; and

WHEREAS, the application (PLN21-049) includes a request to rezone the western 10-acres of the property from A-35 to A-5, which requires a minimum of 5.0 acres per parcel; and

WHEREAS, the subject property fronts Cedar Mesa Road on the south and Paintbrush Road on the west along the southerly portion of the property; and

WHEREAS, requests to amend the Land Use Code, including amending the Zoning map, are legislative action subject to consideration by the Planning Commission to make a recommendation to the Board of County Commissioners; and

WHEREAS, on December 29, 2021, a Public Notice was sent to Adjoining Property Owners (200-foot radius) and notice was posted on the property informing the public that on January 12, 2022 the Delta County Planning Commission would consider this matter; and

WHEREAS, on January 12, 2022, the Planning Commission, at the request of the applicant, continued the matter to be heard January 26, 2022.

WHEREAS, on January 26, 2022, the Planning Commission held a duly noticed public hearing to consider the application to Rezone the western 10-acres of Parcel #3193-351-00-032 from Agricultural "35" (A-35) to Agricultural "5" (A-5) (PLN21-049/S. Rasmussen).

DECISION

NOW, THEREFORE, BE IT RESOLVED, having considered all the written and documentary evidence, the administrative record, and other evidence presented, the Delta County Planning Commission does hereby:

- A. Find that amending the 2021 Land Use Code (LUC), rezoning the subject property as Agricultural "5" (A-5), meets criteria of Chapter 8, Section 2.B.2 of the LUC ("Resource Protection Policy ") and Chapter 8, Section 2.B.3 of the LUC ("Plan Consistency and Public Facilities"):
 1. Rezoning the subject 10-acre portion of parcel 3193-351-00-032 will not reduce protection for significant natural resources or create exposure to unmitigated natural hazards.
 2. The proposed zoning is consistent with the development pattern and allows completion of the Cedar Mesa Estates Subdivision consistent with the adopted LUC.
 3. The 2018 Delta County Master Plan designates this area as Intermixed Rural Communities and Agriculture. This recognizes a diverse array of development patterns including a mix of rural residential and agricultural land uses.
 4. There is reasonable assurance that adequate public facilities can be provided. Infrastructure was started through MJ06-022 (8-9 lots with Cedar Mesa Estates) with construction of Stardust Lane (partial) and installation of 3-phase power. There is a 6-inch main for Upper Surface Creek Domestic Water Association available to serve this site.

- B. Find that amending the 2021 Land Use Code (LUC), rezoning the subject property as Agricultural "5" (A-5), meets one or more of the alternatives set out in Chapter 8, Section 2.B.42 of the LUC:
1. This A-35 zoning is located adjacent to A-5 to the west and to the north (along Cedar Mesa Rd), A-20 zoning south along the westerly boundary line of the parcel, and A-35 east of the property.
 2. The site is located approximately 2.67 miles east of the Town of Cedaredge with existing (permitted) residential uses.
- C. Find that no lot, tract or unplatted land will contain multiple zones within its boundaries as a result of the rezoning:
1. Part of the application is to split off the 10 acres being rezoned to become part of a 6-lot subdivision with land west of the 10 acres also owned by the applicant.
 2. As conditioned, this rezoning would not create multiple zones for Parcel 3193-351-00-032.
- D. Recommend that the Board of County Commissioners:
1. REZONE the western 10-acres of Parcel #3193-351-00-032 from Agricultural "35" (A-35) to Agricultural "5" (A-5), subject to a condition that rezoning 10 acres of a 251+-acre parcel shall not take effect until/unless a Preliminary Plat is approved by the Board of County Commissioners that includes this 10-acre portion.

ADOPTED AS SET FORTH ABOVE on this 26th day of January, 2022 upon motion of Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

COUNTY OF DELTA
STATE OF COLORADO

Carl P. Holm, AICP
Planning Commission Secretary

Dated: _____