

DELTA COUNTY PLANNING COMMISSION

**Delta County Board of County Commissioner's Room
560 Dodge St., Delta, CO 81416
Wednesday, June 8, 2022 @ 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/meeting/register/tZUsd-qprDloG9R-tqe6-Mwj0Dd64-Xbmm4>
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

Cindy Watson

Steve Schrock

Steve Shea

Michelle Roberts, Associate

DISTRICT 2

Layne Brones

Tate Locke, Vice Chair

Hardy Hutto

Vacant, Associate

DISTRICT 3

Jacob Gray

Tom Kay, Chair

Kate Darlington

David Marek, Associate

A. PUBLIC HEARING ITEMS

Public Hearing Items are noticed and open for public comment.

1. PLN22-048/ Brentlee Subdivision

Consider a 4-lot Subdivision (Preliminary Plat) in the A-5 zoning designation (Parcel# 345533101001/Mazurie's LLC)

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

- a. Find that PLN22-048/ Brentlee Subdivision is consistent with applicable policies of the 2018 Master Plan and complies with the 2021 Land Use Code for a Preliminary Plat; and
- b. Approve PLN22-048/ Brentlee Subdivision to subdivide 26.60 acres creating four (4) Lots in the A-5 zoning designation, subject to conditions.

CERTIFICATION OF POSTING

On June 2, 2022 at 1:30 PM, Kim Henderson did post the above AGENDA as public notice of the June 8, 2022 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.

B. PUBLIC MEETING ITEMS

The public can attend and listen to the following Public Meeting Items, but will not be afforded the opportunity to speak on these items, unless the Commission, through the Chair, opens an item up for comment.

1. Meeting Minutes

a. April 27, 2022

b. May 11, 2022

RECOMMENDATION: Approve the action minutes as presented.

2. Land Use Code Update – Work Session

Discuss various sections of the Land Use Code and provide direction to staff for edits that will be presented at a public hearing.

RECOMMENDATIONS:

- a. Consider draft redline edits to Chapter 1, Section 5.B “Exemptions”
- b. Consider draft redline edits to Chapter 2, Section 1.A (Table 2.a) “Zoning Districts”
- c. Consider draft redline edits to Chapter 2, Section 2.A “Land Use by Zoning District”
- d. Consider draft redline edits to Chapter 2, Section 4.A “Permitted Use Standards”
- e. Consider draft redline edits to Chapter 2, Section 5.A “Limited Use Standards”
- f. Consider draft redline edits to Chapter 2, Section 6 “Conditional Use Standards”
- g. Provide Direction on topic(s) and date for the next Work Session.

C. DEPARTMENT REPORT

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

D. 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.

ADJOURNMENT

Next Meeting: Wednesday, June 22, 2022 at 5:30 pm in Delta, CO.

CERTIFICATION OF POSTING

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STAFF REPORT

Delta County Planning Commission

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

Wednesday, June 8, 2022 @ 5:30 p.m.

PLN22-048/Mazurie's LLC (Brentlee Subdivision)

Consider a Preliminary Plat to subdivide a 26.60-acre parcel into four (4) lots in the A-5 zoning district; Lot 1 (6.03 acres), Lot 2 (5.55 acres), Lot 3 (7.55 acres), Lot 4 (7.47 acres). The subject property is located off of 1900 Road (Parcel: 345533101001), Delta.

PROJECT INFORMATION:

Property Owner: Vic Mazurie (Mazurie's LLC)
Applicant: Ken Schaaf (Representative)
Site Address(s): TBD 1900 Road
Parcel ID/Acct: 345533101001/R025489
Parcel Size: 26.60 Acres
Zoning: A-5

RECOMMENDATION:

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

- a) Find that PLN22-048 meets the requirements of the Land Use Code for a Preliminary Plat; and
- b) Conditionally Approve PLN22-048/Mazurie's LLC (Brentlee Subdivision), presented as a Preliminary Plat to subdivide 26.60 acres creating four (4) Lots in the A-5 zoning designation, subject to three (3) conditions.

SUMMARY

On March 21, 2022, staff received a Development Application along with a site plan from Mr. Ken Schaaf (applicant and representative). An updated plan, the current Preliminary Plat, was submitted on April 8, 2022 (**Attachment**).

The application is for a 4-lot subdivision (Preliminary Plat). This project would divide Lot 1 of the Tunget Subdivision (26.60 acres) using a shared road with taking access from 1900 Road (County Road, County maintained). Each of the four (4) proposed lots exceed the 5-acre minimum with adequate building area on the upper bench – southern portion drops off.

The site is utilized as Agricultural land and is currently vacant. This Preliminary Plat includes easements for irrigation ditches within and throughout the property and a utility easement along the proposed road (private road, privately maintained).

DISCUSSION

Tunget Subdivision (2021)

The subject property has been identified as Lot 1 of the Tunget Subdivision (Sub20-018) which is a minor plat recorded August 23, 2021 (Reception #732082). The Tunget Subdivision was generally designed to split this parcel from a piece of agricultural land to the south following some significant topography which remains with the subject parcel. The current plat identifies the topography of the landscape and considers this in the design and layout.

There is an existing 10-foot ditch easement along the northern property line. The Preliminary plat illustrates the proposed location of ditches and easements along the interior property lines of each proposed lot, plus a ditch generally following the edge of the steep topography (southern portion of the lots).

Brentlee Subdivision

An approximately 900-foot shared access road is proposed to provide access to all four lots along the northern property line extending off of 1900 Road (County Road, County maintained) and terminating in a cul-de-sac. There will need to be an easement established for the access road. This shall allow all four lots direct access onto the proposed roadway.

The applicant is requesting to subdivide 26.60 acres into four (4) lots:

- Lot 1 (6.03 acres), vacant with ag land, significant topography; and
- Lot 2 (5.55 acres), vacant with ag land, significant topography; and
- Lot 3 (7.55 acres), vacant with ag land significant topography; and
- Lot 4 (7.47 acres), vacant with ag land, significant topography.

The subject parcel is zoned A5 which means the subdivision fits the zoning designation which calls for a minimum lot size of 5 acres, the application also meets the minimum width requirement in the A5 zone of 200-feet, and the lot frontage on the proposed road for each lot will be at least 75-feet, which is the minimum required.

The design and dimension of Lots 1-4 are such that there is adequate space for future development to meet the setback requirements of 15-feet from interior property lines, and 25-feet from all roadways.

The configuration is considered appropriate to allow safe ingress and egress onto 1900 Road (County Road, County maintained) from the shared access road proposed which will run perpendicular to 1900 Road, allowing for visibility. This design also limits the number of access points from 1900 Road. The proposed road is required to be designed and constructed in accordance with the Delta County Roadway Design and Construction Standards.

The current design shows Lot 4 is of a flag lot design, containing the proposed road. According to the Delta County Land Use Code, a flag lot appendage shall be avoided when possible. The minimum width of a flag lot appendage shall be 30ft. The Preliminary Plat displays the width of the flag lot appendage as 39.9-feet, containing the proposed road. However, County Engineering requires a 60-foot right-of-way on all roads, public and private. Dust control may be required, and plat notes for the mandated weed control and limiting of glare from outdoor lighting are included on the plat.

Proposed improvements are located in an area currently irrigated and used for agriculture. According to documentation submitted with the Tunget subdivision, it appears that the subject parcel has 12.2 shares of Uncompahgre Valley Water Users Association water allotted to it. Because subdivisions of irrigated land inherently have an effect on irrigation operations, an Irrigation Plan is required to be submitted to describe how it will continue, and how the operation will protect irrigated Ag lands (head gate location, pipe location, direction of flow, where/how irrigation water will be applied, etc.).

Ensuring that the proposed development is served with adequate and appropriate utilities and that the utilities are installed in appropriate locations to allow for efficient access and maintenance is a goal in the LUC, which states that generally, utilities shall follow road and driveway corridors. The preliminary plat shows electrical lines running along 1900 Road as well as a DMEA easement along the proposed roadway. New utilities shall be installed underground as stated in the plat notes.

Subdivision requires proof of an adequate water supply for all lots/parcels. Water meters must be installed for each parcel before the County accepts a Final Plat. Tri-County has made note of their intent to provide taps for purchase, which will require infrastructure investments from the developer.

Staff sent the Preliminary Plat to the Review Agencies on May 12, 2022. Comments were received from multiple agencies. In addition, a public hearing notice was sent to adjoining property owners within a 200' radius on May 24, 2022.

PROCESS

Subdivisions consisting of three or more (3+) lots are subject to a Preliminary Plat presented to the Planning Commission (Public Hearing) for a recommendation to the Board of County Commissioners (BoCC). The BoCC is the final decision-making body for a Preliminary Plat. In addition, within 12 months, a Final Plat must be accepted by the BoCC once the conditions of approval are met.

With a Preliminary Plat, a Final Plat is scheduled at a noticed hearing before the BoCC. Prior to accepting/recording a Final Plat, conditions of the Preliminary plat must be cleared to the satisfaction of the Planning Director. The BoCC will also consider acceptance of dedicated rights-of-way with the Final Plat, if applicable. Staff requires deeds for each new lot to be recorded in order to effectuate the new lot description.

CONDITIONS

Staff has identified items that will be addressed as part of the subdivision, prior to accepting the Final Plat:

1. Roadway and accesses shall be permitted and constructed to County standards.
2. An Irrigation Plan shall be submitted describing the proposed operation of irrigation for Lots 1, 2, 3 & 4 including any easements for access to irrigation headgates across neighboring lots.
3. The Final Plat shall include all required plat notes in accordance with the Delta County Land Use Code.

OTHER AGENCY INVOLVEMENT

Planning Staff sent the Preliminary Plat along with a summary to the Review Agencies for comment on May 12, 2022. Adjoining Property Owners (within a 200-foot radius from Parcel #345533101001) were also sent a Public Notice for this application, including the applicant. Comments have been received by City of Delta, Colorado Department of Transportation (CDOT), Uncompahgre Valley Water Users Association (UVWUA), County Engineering, Francis McIntosh (neighboring property owner), and Tri-County Water. Planning has not received any additional feedback from any other review agencies or adjoining property owners.

CDOT (attached): CDOT has no comment.

City of Delta (attached): No comment.

Delta County Engineering (attached):

1. All roads public and private, require a 60-foot right of way.
 - a. The cul-de-sac shall meet Item 18 of Appendix 5 of the Delta County Roadway Design and Construction Standards.
 - b. The Flag pole portion if Lot 4 should be a right-of-way.
2. One Residential access /driveway per parcel (lot) per 4.9.10 Driveways paragraph 3, page 32 of the Delta County Roadway Design and Construction Standards.
 - a. One residential access/driveway per parcel. Horseshoe Driveways are not allowed (***add as a plat note***).
3. The Line table in the upper right corner of the plat appears to be missing a few lines.
4. Reverse bearings on the south parcel line to read clockwise. See Engineering Plat Redlines.
5. The applicant shall revise and resubmit the application with appropriate changes based on staff comments and with responses to staff comments that did not result in changes to the application (Chapter 7, Section 2.D, *Recommended Revisions*)

Francis McIntosh (attached):

My name is Frances McIntosh & I live @ 3578 1900 Road, which is across the road from this proposed subdivision. I would like this email to be included in the staff report. I have several concerns in regards to the proposed subdivision. I have lived on my farm for 29 years and noticed that the field across the road has not been being irrigated or farmed this year & this has been a good producing & grazing hay field for many years. Potentially another farming operation gone.

It appears that the irrigation water for this subdivision is being delivered via thru my property. How is that going to be handled?

My waste water from the front field goes to the North side of the proposed subdivision. How will this be handled?

Proposed Roadway into subdivision appears to be just off the knoll of 1900 Road. Not a good entrance & exit point. I'm requesting that a traffic report needs to be done as 1900 Road has only multiplied over the years & is a short cut for many people to get from HWY 92 to HWY 50, or visa versa.

The view I have enjoyed for 29 years of Sweitzer's Lake is at risk along with all the wildlife & waterfowl that count on the lake as my farm is part of their flyway & wildlife trails.

Outdoor lighting would need to be minimal & pointed downward as the night sky has diminished, because hooded lighting is not adequate, in not destroying the night sky. We are losing the night sky at a rapid rate in Delta County because of hooded lighting & crime-deterrent lights. How will this be taken care of?

Is there going to be a fire hydrant placed in this subdivision? If so, where?

I am looking forward to meeting y'all on June 8th. If the staff have any questions or concerns I can be contacted at the number below.

Thank You for your time & considerations! Frankie McIntosh

Tri-County Water (attached): There is currently an uninstalled meter that has been paid that could serve lot 1 from 1900 Road. However, since the nearest water line is on 1900 road, the developer must install a water line in the proposed easement in accordance with Tri-County Subdivision Policies before the remaining three meters can be installed. This will require Tri-County tie-in and inspection deposit and purchase of three additional meters for a guarantee of service.

UVWUA (attached): This acreage has irrigation water delivered by the Uncompahgre Valley Water Users Association. No new water delivery structures will be constructed for the proposed subdivision. The irrigation water for this tract of land will be delivered through existing headgates. The lot owner/sellers shall be responsible for any necessary easements or water delivery systems and for the removal of tail/wastewater back to the U.V.W.U.A. water delivery system for each lot.

U.V.W.U.A. cannot accept “**street drainage**” into the irrigation system operated by the Association.

U.V.W.U.A. recommends the use of U.V.W.U.A. water for all irrigation purposes. Please provide U.V.W.U.A. with a final plat of said subdivision upon approval.

AREAS OF CONCERN: None

U.V.W.U.A. has no objection to the proposed subdivision.

Prepared by: Angie Kemp
Planner I
970.874.2110
May 31, 2022

Attached material: list, in order as attached

- Development Application
- Preliminary Plat (dated May 2022)
- Review Agency Comments
- Neighboring Property Owner Comment



DELTA COUNTY

PLANNING & COMMUNITY DEVELOPMENT

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

DEVELOPMENT APPLICATION

Project/File #: PLN22-048

OVERVIEW

Delta County Planning Department is the lead agency to coordinate the processing of Development Application Packages for the unincorporated areas of Delta County. When planning any development in Delta County, concept plans are encouraged before getting too far into the process. Also, please feel free to contact the Planning Department to discuss proposed development and land use ideas informally before submittal of the Development Application and review fee.

The formal process starts with the submittal of the Development Application, which includes a Site Plan and a \$100 review fee. Using the information provided with this application, a Site Plan Review will be conducted to ensure compliance with permitting process, and to encourage quality development reflective of policies and regulations adopted for Delta County. Staff will also identify if any other materials, plans, data, fees, supplemental information, and/or reports will be required for the type of development proposed, as well as outline the process to obtain any required permits, including but not limited to:

Right-of-Way Use Permit (Access, Utility)	Stormwater Permit
Address Permit	Mobile Home Permit
Onsite Wastewater Treatment System (OWTS) Permit (Septic)	Electrical Permit
Floodplain Permit	Plumbing Permit

If deemed necessary, a pre-application conference may be scheduled and/or additional information/materials may be required to help understand the project. It is the responsibility of the applicant(s) to ensure that all information and materials requested is submitted.

Applications can be obtained from the Permit Center at 295 W. 6th Street, Delta, or via the County Planning Department website at: <https://www.deltacounty.com/6/Planning-and-Community-Development>.

All forms and materials associated with this application shall include digital copies of all files submitted along with one hard copy, unless otherwise determined by County staff. Plans/Plats shall be in a format so that they may be reproduced at 11x17 inches or greater.

Applications will be processed in the order they are deemed complete. An incomplete application will not be considered filed, it will be returned, including applicable fees.

NOTE: Additional fees may be required for referral agencies and/or professional services (consultants) related to the application should they be deemed necessary. Clerk and recording fees are assessed separately, the Planning Department cannot provide these fees. Fees are charged to offset the cost of processing an application for the permit(s).

We accept Cash, Check or all major Credit Cards
NOTE: Additional Service fee applied at check out (about 2.5%) for using credit cards
Please make checks payable to **DELTA COUNTY**

SECTION I: GENERAL INFORMATION**Applicant/Representative must complete this entire section****SITE/PROJECT INFORMATION**

SITE ADDRESS

TBD 1900 Road

CITY/STATE

Delta, CO

ZIP

81416

NEAREST PUBLIC ROAD

1900 Road

ASSESSOR'S PARCEL NUMBER(S)

345533101001

DESCRIPTION (Please describe what you would like to do with this property):

Subdivide Lot 1 of SUB 20-018 Tunget Subdivision into four lots. Lot 1 being 6.03 acres, Lot 2 being 5.55 acres, Lot 3 being 7.55 acres and Lot four being 7.47 acres.

OWNER(S) INFORMATION

NAME

Mazurie, LLC

PHONE

307-349-2686

MAILING ADDRESS

1994 Baldwin Creek Road

CITY/STATE

Lander, WY

ZIP

82520-9794

E-MAIL

APPLICANT(S) INFORMATION (If different from Owner)

NAME

Ken Schaaf/ITC Resources.us

PHONE

970-874-2880

MAILING ADDRESS

1205 H Ln.

CITY/STATE

Delta, CO

ZIP

81416

E-MAIL

kenschaaaf@itcresources.us

APPLICANTS INTEREST (e.g. Owner, Buyer, Representative) [NOTE: If Applicant is not the owner of property affected, authorization from all property owners associated with this application is **REQUIRED** as part of Section II]

SECTION II. ACKNOWLEDGEMENT AND AUTHORIZATION**Applicant/Representative and Owner must complete this section**

The undersigned authorizes Delta County to proceed with processing this application under the requirements of the applicable Delta County codes/regulations, and to access the property as needed to verify/assess information related to this application.

I hereby certify that the information provided herein is complete and accurate to the best of my knowledge. Also, I hereby certify that I am the property owner or that I, the undersigned, am authorized to act on the property owner's behalf.

Applicant Signature: Kenneth Schaaf DATE: 3/21/2022

If other than the Owner

Owner Signature: _____ DATE: _____

Separate letter(s) with owner(s) authorization is acceptable.

SECTION III: PROJECT INFORMATION

For all applications, please provide information requested in this section as accurately as possible.

A. SITE PLAN. An aerial view showing structures, development, major vegetation and topographical data of the subject property including information about how the subject conditions relate to adjacent properties, including distances. Please provide a Site Plan illustrating the applicable information listed below (Drawn to scale, Examples attached):

- a. *North Arrow*
- b. *Dimensions.* All dimensions to the nearest 0.01 foot, to scale no smaller than 1:200. Provide bearings & distances on all right of way and easement lines (existing and proposed).
- c. *Parcel.* Illustrate and dimension property lines of the entire parcel, including all rights-of-way and easement lines. Existing and proposed easement lines (utility, slope, conservation, other).
- d. *Roads.* Identify the primary road where the site takes access as well as any secondary roads/access. Indicate if roads are public or private - provide documentation of access/rights from the appropriate authority for private, State, Federal roads. Label all roads included on the plan with names. Include: existing right-of-way boundary and centerline (existing and proposed); aliquot lines, curve data on centerline. Submit a Road Name application for all interior roads (if applicable). Illustrate proposed right of way lines.
- e. *Access.* Illustrate all existing and proposed accesses/driveways. Identify any bridge, culvert, or intersection/at-grade crossing (existing or proposed).
- f. *Utilities.* Illustrate and label all existing overhead and underground utility lines (water, sewer, electricity, gas, phone, cable, etc.) serving the property, include connection point(s) to main lines even if not located on the subject property. Identify existing utility pole locations. Illustrate proposed utility lines, including an easement if required – utility easements are encouraged to be located within or along access roads.
- g. *Irrigation Ditches/Pipelines.* Illustrate and label the location and ownership of all irrigation ditches and pipelines. Identify areas where irrigated agricultural land is located.
- h. *Existing/Proposed Features.* Illustrate the location of all existing and proposed structures (buildings, fences, pump house, etc.), building envelopes/no build areas, setbacks, landscaped areas, service lines, drainage structures and features, wells and distribution lines, and septic systems.

NOTE: Please provide Copies of any agreements with notarized signatures (access, road maintenance, ditch company, domestic water, subdivision improvements, etc.)

ACKNOWLEDGEMENTS - Please initial the following to acknowledge that you have read, understand and agree with these terms:

KES

A complete and accurate Site Plan is necessary to ensure accurate review, if you have questions on whether this applies to what you are proposing, please contact the Delta County Planning Department.

KES

For a more detail explanation of requirements for the site plan, please reference Chapter 4, *Site Design and Environmental Stewardship* in the Delta County Land Use Code.

KES

For all Sight Distance requirements, please reference Chapter 5, *Public Facilities, Infrastructure, and Services* in the Delta County Land Use Code.

B. GENERAL QUESTIONS: For all applications, please answer the following questions as best you can:

[Contact Delta County Planning Department if you are unsure how to answer a question.]

1. PLANNING (Land Use, Subdivision)

Does the request include adjusting a property line or creating a new parcel? ☒ YES ☐ NO

Please identify the type(s) existing use(s) on the property (check all that apply): ☐ Residential ☒ Agriculture

☐ Commercial/Services ☐ Other: _____

Would new structures be developed or installed? ☒ YES ☐ NO

Are you demolishing or removing any existing structures? ☐ YES ☒ NO

Is this property currently part of a Homeowners Association or subject to recorded covenants/restrictions?
☐ YES ☒ NO

Are there any existing residences on the property? ☐ YES ☒ NO If yes, how many? _____

Are there any manufactured homes on the property? ☐ YES ☒ NO If yes, how many? _____

Are any Recreational Vehicles or Mobile Homes used as a residence on-site? ☐ YES ☒ NO

Are they intended for permanent residence? ☐ YES ☒ NO

Would proposed improvement(s) be located in any area currently irrigated and/or used for agriculture?

☒ YES ☐ NO

2. ENGINEERING (Rights-of Way, Access, Utilities)

Please identify where vehicle access is, or would be, taken from: ☒ County Road ☐ State Highway

☐ Easement (Private) ☐ Other: _____

Do you plan any activity that might involve digging or blocking any portion of a roadway, including shoulders and ditches? ☐ YES ☒ NO

Do you plan to install a new access? ☒ YES ☐ NO

3. GIS (Address, Road Name)

Do all habitable structures have addresses assigned by Delta County? ☐ YES ☒ NO

4. ENVIRONMENTAL HEALTH (Septic, Floodplain)

Does the project include grading, soil importation, soil removal, and/or drainage modifications?

☒ YES ☐ NO

Would the development result in affecting more than 1.0 acre of land/dirt? ☐ YES ☒ NO

Is there any natural waterway (creek, stream, river) within or adjacent to the property? ☒ YES ☐ NO

What type of wastewater system services the property? ☒ Septic ☐ Sewer

Does the project include construction, enlargement, improvement or removal of a septic tank/system?

☒ YES ☐ NO

How is domestic water provided? ☒ Public Water/Tap ☐ Well ☐ Cistern

For cisterns, please identify the water source: ☐ Spring (On-Site) ☐ Well (On-Site) ☐ Hauled (Off-Site) ☐
Other: _____

For hauled water (from off-site), please identify where the water is from: _____

NOTE: Additional information may be requested based upon review of these materials.

POWER OF ATTORNEY
(LIMITED)

KNOW ALL BY THESE PRESENTS, that Vic Mazurie/ Mazurie LLC., a Colorado Limited Liability Company, 1994 Baldwin Creek Road, Lander, WY 82520-9794 (client) reposing special trust and confidence in Ken Schaaf, BDA ITC Resources LLC, of the County of Delta, State of Colorado, have made, constituted and Appointed, and by these presents do make, Constitute and appoint the said Ken Schaaf, BDA ITC Resources LLC, with full power and authority to do and perform each and every necessary, as fully as I might do if personally present, to accomplish and complete the following act or transaction to wit:

Brentlee Subdivision located in the E1/2 NE1/4 Section 33, Township 15 South, Range 95 West, 6th P.M.

This power of Attorney shall automatically expire by its own terms upon completion of the limited Purpose set forth above.

EXECUTED THIS 16th day of MARCH,
2022

Ronde mazu

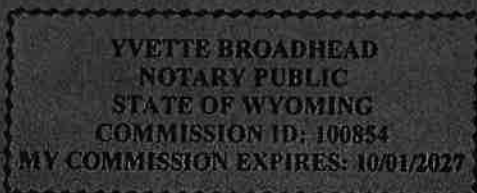
STATE OF WYOMING)
COUNTY OF Fremont) SS.

The following instrument was acknowledged before me this 16 day
of MARCH 2022 by Yvette Broadhead

Witness my hand and official seal.

Yvette Broadhead
Notary

My commission expire: OCT 1, 2027



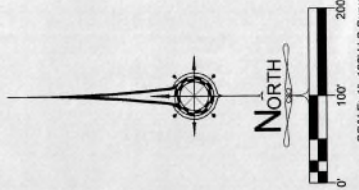
Representative/Agent

Preliminary Plat - Brentlee Subdivision
Located in
Section 33, Township 15 South, Range 95 West, of the 6th Principal Meridian
Delta County, Colorado

LINE	BEARING	DISTANCE
IE4	N 76°09'27" W	55.76
IE5	N 81°22'48" W	115.88
IE6	N 79°39'05" W	75.78
IE7	N 72°44'39" W	104.21
IE8	N 68°09'11" W	32.01
IE9	N 39°26'52" W	118.45
IE10	N 23°01'51" W	45.36
IE11	N 36°52'00" W	96.73
IE12	N 32°04'01" W	58.71
IE13	N 50°02'19" W	75.86
IE14	N 65°08'21" W	145.74
IE15	N 37°14'27" W	45.37
IE16	N 31°54'18" W	121.64
IE17	N 62°08'15" W	259.20
IE18	N 48°28'20" W	159.81
IE19	N 00°00'08" E	20.00
IE20	S 48°28'20" E	171.25
IE21	S 62°08'15" E	200.71
IE22	S 37°14'27" E	49.38
IE23	S 31°54'18" E	117.86
IE24	S 65°08'21" E	2.51
IE25	N 00°05'15" E	386.83
IE26	N 85°43'46" W	454.92
IE27	N 85°43'46" W	347.09
IE28	S 00°05'15" W	392.66
IE29	S 65°08'21" E	123.42
IE30	S 56°02'19" E	80.23
IE31	S 32°04'01" E	61.27
IE32	S 36°52'00" E	97.92
IE33	S 23°01'51" E	45.01
IE34	S 39°26'52" E	83.42
IE35	N 00°31'00" E	699.65
IE36	N 85°43'46" W	214.83
IE37	S 00°31'00" W	719.49
IE38	S 68°09'11" E	31.48
IE39	S 72°44'39" E	102.70
IE40	S 76°39'06" E	74.65
IE41	N 00°31'00" E	761.07
IE42	N 85°43'46" W	205.84
IE43	S 00°31'00" W	762.23
IE44	S 81°22'48" E	87.91
IE45	S 76°09'27" E	61.06
IE46	S 63°56'28" E	59.81
IE47	S 68°39'37" E	12.04
IE48	N 00°04'10" E	805.28
IE49	S 63°07'33" E	11.20

D.M.E.A. Easement		
LINE	BEARING	DISTANCE
EE1	N 85°43'46" W	822.91
EE2	S 00°05'15" W	10.03
EE3	S 85°43'46" E	822.91
EE4	N 00°04'10" E	10.03

Water Line Easement		
LINE	BEARING	DISTANCE
WE1	N 85°43'46" W	835.46
WE2	S 04°16'14" W	10.00
WE3	S 85°43'46" E	837.19
WE4	N 00°04'10" E	10.03



BASIS OF BEARING:

The North line of Lot 1 of SUB20-018, Tungstet Subdivision is assumed to bear S. 65°43'46" E. and is represented as shown hereon. All other bearings are relative thereto.

NOTICE: THIS INSTRUMENT, WHEN RECORDED, SHALL BE CONSIDERED AS A PRELIMINARY PLAT. NO GUARANTEE IS MADE BY ANY PARTY AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE SURVEYOR'S LIABILITY IS LIMITED TO THE DATE OF THE CERTIFICATION OF THIS INSTRUMENT.

General Notes:

All fence lines shown hereon are for graphical purposes only. They may not be relied upon to establish property boundaries.

This survey was performed without the benefit of title policy or commitment.

Certifications hereon shall run only to the persons(s) for whom this survey was prepared and on his behalf to the agencies listed on the reverse sheet(s). Certifications are not transferable to additional institutions or subsequent owners.

No guarantee as to the accuracy of the information contained on the attached drawing is either stated or implied unless this copy bears an original signature of the professional land surveyor hereon named.

Only prints of this survey marked with an original seal and signature by the surveyor shall be considered true, valid copies.

Plat Notes:

1. SUB20-018, Tungstet Subdivision, PLS 29557

LEGEND:

- Found 2-1/2" aluminum cap#6 rebar - LS 26597
- Found Private Survey Cap & Rebar - as noted
- Power Pole
- Proposed Water Meter Location
- Proposed Transformer Location
- Boundary Line
- Electric Line
- Travel Surface

CERTIFICATE OF SURVEY:

I, Kenneth E. Schaaf, a Registered Land Surveyor in the State of Colorado, do hereby certify that this plat accurately represents the surveying services addressed herein have been performed by the professional land surveyor or under the professional land surveyor in charge. Is based upon the professional land surveyor's knowledge, information and belief. Is in accordance with applicable standards of practice. Is not a guarantee or warranty, either expressed or implied. I further certify that the monuments shown hereon are accurate and that their positions are as shown.

Signature
PLS No. 33114
Date
Seal

Standard Plat Notes:

- Outdoor lighting shall not create glare onto adjacent property or public or private roads, nor shall it contribute to sky glow that dilutes the night sky.
- All development in Delta County is subject to the Delta County Right to Farm and Ranch Policy, adopted as Resolution 99-8-020 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.
- 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 Coordinator concerning the control of such weeds.
- All utilities must be placed underground on all parcels.
- The minimum set backs in this subdivision shall be from:
All Roadways 25'
Edge of Any Ditch 25'
Top of Bank/river stream, creek 50'
Interior Property Lines, other than abutting road 15'

Summary Table:

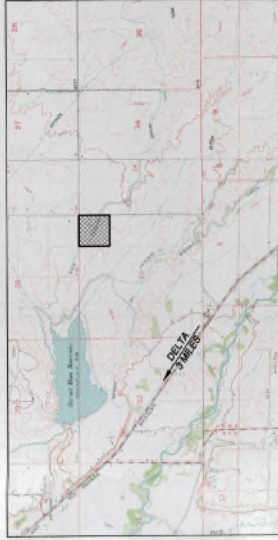
Total Area: 28.80 acres, 1156705.5 Sq. feet
My Commission expires: 262815.9 Sq. feet
Lot 1: 6.03 acres, 261798.4 Sq. feet
Lot 2: 5.55 acres, 241798.4 Sq. feet
Lot 3: 7.55 acres, 328887.5 Sq. feet
Lot 4: 7.47 acres, 325303.7 Sq. feet
Property Zoned: A5

Frances McIntosh
Rec#714258

LEGAL DESCRIPTION: Road Right of Way 1900 road previously dedicated to Delta County - Sub 20-018
Located in part of the E 1/2 NE 1/4 of Section 33, Township 15 South, Range 95 West of the 6th Principal Meridian, Delta County Colorado, more particularly described as follows:

Beginning at the East Quarter Corner of said Section 33, thence along the South line of the SE 1/4 NE 1/4 of said section 33, N. 89°57'57" W., 50.00 ft. dist.; thence N. 00°04'10" E., 1443.52 ft. dist.; thence S. 89°49'46" E., 30.13 ft. dist. to the East line of the NE 1/4 of said section 33, thence along the East line of the NE 1/4 of said section 33, S. 00°04'10" W., 1440.19 ft. dist. to the point of beginning, containing 1.65 acres more or less.

VICINITY MAP



Certifications and Plat Notes:

Dedication

I Vic Mazurie being the registered agent for Mazurie LLC., being the owner(s) of the land described as follows:

A tract of land formerly described in deed recorded a reception No. 755267 Delta County Clerk and Records Office. Now being described as:

Lot 1 of SUB20-018, Tungstet Subdivision. Located in Section 33, Township 15 South, Range 95 West, of the 6th Principal Meridian, Delta County, Colorado

have by these presents caused same, or part of same, to be laid out, platted and subdivided into lots or tracts, as shown on this plat, under the name and style of "Brentlee Subdivision", and do hereby dedicate the right of ways grant to the County perpetual easements, as shown hereon, for the use of the public. We do hereby grant to the County perpetual easements, as shown hereon, for the use of public utility suppliers, for installation and maintenance of utility facilities, including but not limited to, electric lines, gas lines, telephone lines, cable television lines, water and sewer lines, irrigation lines and ditches, together with perpetual right of ingress and egress for installation maintenance and replacement of such lines. Said easements and rights shall be utilized in a reasonable and prudent manner.

In witness whereof Vic Mazurie, have subscribed, his name(s) this _____ day of _____, AD _____.

By: _____

Vic Mazurie

Notaries

State of Colorado

County of Delta

The foregoing instrument was acknowledged before me this _____ day of _____, AD _____, by _____ My Commission expires: _____

Witness my hand and official seal.

Notary Public

(Seal)

Delta County Surveyor's Approval

Approved for content and form only and not as to accuracy of survey, computations or drafting, pursuant to CRS 38-5-106.

County Surveyor

Date

Board of County Commissioners Approval:

1. The within plat of Brentlee Subdivision (77777777), is approved this _____ day of _____, AD 2022, 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 (Account # 1025-5469) are paid in full. Dated this _____ day of _____, AD 20 _____.

Treasurer of Delta County, Colorado

U.S. MINERAL SURVEYORS
REGISTERED LAND SURVEYORS
IN COLORADO

SOUTHWEST LAND SURVEYING LLC
1205 H Lane, Delta, CO 81416
(970) 872-0600, Silerston
EMAIL: info@swlandsurveying.com

Preliminary Plat
Brentlee Subdivision

Located in
Sec. 33, T. 15 S., R. 95 W., 6th P.M.
Delta County, Colorado

REVISIONS

1"=100' U.S.S.F

FILED CASE:

FILED:

SHEET 1 of 1

FILED # 10-10-2022

FILED # 10-10-2022

Re: Referral Notice PLN22-048/Mazurie-Brentlee

1 message

Aggen - CDOT, Kandis <kandis.aggen@state.co.us>
To: Kim Henderson <khenderson@deltacounty.com>
Cc: Brian Killian - CDOT <brian.killian@state.co.us>

Tue, May 17, 2022 at 2:40 PM

Hi Kim,
CDOT does not have any comments.
Thanks,
Kandis Aggen
Assistant Access Manager
Region 3 Traffic & Safety



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



On Thu, May 12, 2022 at 10:48 AM Kim Henderson <khenderson@deltacounty.com> wrote:

Dear Review Agencies,

Attached is the Referral Notice for PLN22-048/Mazurie-Brentlee. This application will be reviewed by the Planning Commission on Wednesday, June 8, 2022 at 5:30pm., at the County Administrative Building in Delta. Any comments or concerns will be appreciated and addressed.

Kindest Regards,

Kim Henderson
Administrative Assistant
[295 W. 6th St.](#)
[Delta, Co 81416](#)
970-874-2110

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. 24-72-200.1 et seq. Thank you.

Comments on Mazuries LLC Brentlee Subdivision Preliminary Plat (Revised)

1 message

Kyle Thompson - TCW <kyle@tricitywater.org>
To: planning@deltacounty.com

Tue, May 24, 2022 at 1:20 PM

I have reviewed the plat and submit the following comments:

There is currently an uninstalled meter that has been paid that could serve lot 1 from 1900 Road. However, since the nearest water line is on 1900 road, the developer must install a water line in the proposed easement in accordance with Tri-County Subdivision Policies before the remaining three meters can be installed. This will require a Tri-County tie-in and inspection deposit and purchase of three additional meters for a guarantee of service.

Tri-County Water Conservancy District

Kyle Thompson - Operations Manager

647 N. 7th St.

Montrose, Colorado 81401

(970) 249-3369

(970) 249-8277 (Fax)

kyle@tricitywater.org



CONFIDENTIALITY NOTICE: This electronic message contains information which may be legally confidential and/or privileged. The information is intended solely for the individual or entity named above and access by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited and may be unlawful. If you have received this electronic transmission in error, please reply immediately to the sender that you have received the message in error, and delete it. Thank you.

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

From: Kim Henderson <khenderson@deltacounty.com>

To: Kenneth Schaaf <kenschaaf@itcresources.us>, Mark McMillan <mmcmillan@deltacounty.com>, Robbie LeValley <rlevalley@deltacounty.com>, Mark Taylor <mtaylor@deltacounty.com>, Greg Rajnowski <grajnowski@deltacounty.com>, Tim McCracken <tmccracken@deltacounty.com>, Carrie Derco <cderco@deltacounty.com>, Debbie Griffith <debbieg@deltacounty.com>, Shay Coburn <shay@cityofdelta.net>, District

Manager <deltafiresm@hotmail.com>, "Hatch, Bill" <Bill.hatch@tdstelecom.com>, "Trujillo, William" <William.trujillo@tdstelecom.com>, "Long, Bill (Paonia)" <Bill.long@tdstelecom.com>, <Paul.ficklin@blackhillscorp.com>, Shelby Bear <Shelby.bear@dmea.com>, Darleen Carron <Darleen.carron@dmea.com>, Cheryl DeJulio <cdejulio@uvwua.com>, <admin@tricitywater.org>, Kyle Thompson - TCW <kyle@tricitywater.org>, Jim Farmer <Jim.farmer@deltaschools.com>, Kurt Clay <Kurt.clay@deltaschools.com>, "Werkmeister, Melissa J" <mwerkmeister@usbr.gov>, District Manager <deltacconservationd@gmail.com>, "Bresett - DNR, Dawn" <Dawn.bresett@state.co.us>, "Trainor - DNR, Darlene" <Darlene.trainor@state.co.us>, Kandis Aggen - CDOT <kandis.aggen@state.co.us>, Brian Killian - CDOT <brian.killian@state.co.us>
Cc: Angie Kemp <akemp@deltacounty.com>
Bcc:

Date: Thu, 12 May 2022 10:48:09 -0600

Subject: Referral Notice PLN22-048/Mazurie-Brentlee

Dear Review Agencies,

Attached is the Referral Notice for PLN22-048/Mazurie-Brentlee. This application will be reviewed by the Planning Commission on Wednesday, June 8, 2022 at 5:30pm., at the County Administrative Building in Delta. Any comments or concerns will be appreciated and addressed.

Kindest Regards,

Kim Henderson
Administrative Assistant
295 W. 6th St.
Delta, Co 81416
970-874-2110

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2 attachments



2022.05.09_Referral Notice_Case Summary-REVIEW AGENCIES.pdf
1943K



Referral Notice PLN22-048/Mazurie-Brentlee.eml
2667K

Re: Referral Notice PLN22-048/Mazurie-Brentlee

1 message

Shay Coburn <shay@cityofdelta.net>

Fri, May 27, 2022 at 2

To: Kim Henderson <khenderson@deltacounty.com>

No comments from us. Thanks!

On Thu, May 12, 2022 at 10:48 AM Kim Henderson <khenderson@deltacounty.com> wrote:

Dear Review Agencies,

Attached is the Referral Notice for PLN22-048/Mazurie-Brentlee. This application will be reviewed by the Planning Commission on Wednesday, June 8, 2022 at 5:30pm., at the County Administrative Building in Delta. Any comments or concerns will be appreciated and addressed.

Kindest Regards,

Kim Henderson
Administrative Assistant
295 W. 6th St.
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



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

May 27, 2022

Delta County Planning and Community Development
295 2 6th Street
Delta, CO 81416

RE: PLN22-048/Brentlee Subdivision

Dear Land Use Personnel:

Uncompahgre Valley Water Users Association has reviewed the preliminary plat for PLN22-048/Brentlee Subdivision, located in the E1/4NE1/4 of Section 33, T15S, R95W, 6th PM, County of Delta, State of Colorado.

This acreage has irrigation water delivered by the Uncompahgre Valley Water Users Association. No new water delivery structures will be constructed for the proposed subdivision. The irrigation water for this tract of land will be delivered through the existing headgates. **The lot owners/sellers shall be responsible for any necessary easements or water delivery systems and for the removal of tail/wastewater back to the U.V.W.U.A. water delivery system for each lot.**

U.V.W.U.A. cannot accept **"street drainage"** into the irrigation system operated by the Association.

U.V.W.U.A. recommends the use of U.V.W.U.A. water for all irrigation purposes. Please provide U.V.W.U.A. with a final plat of said subdivision upon approval.

AREAS OF CONCERN: None

U.V.W.U.A. has no objection to the proposed subdivision.

Thank you for your consideration in this matter.

Sincerely,



Cheryl A. DeJulio
Business Manager

Memo

From: Tim McCracken

CC: File / Planning

Date: June 1, 2022

Re: Engineering Comments for PLN22-048 Mazurie_Brentlee Subdivision Preliminary Plat

1. All Roads, public and private, require a 60-foot right-of-way.
 - a. The cul-de-sac shall meet Item 18 of Appendix 5 of the Delta County Roadway Design and Construction Standards.
 - i. The cul-de-sac shall have a 65-foot ROW.
 - b. The Flag pole portion of Lot 4 should be a right-of-way.
2. One Residential access/driveway per parcel (lot) per 4.9.10 Driveways, paragraph 3, Page 32 of the Delta County Roadway Design and Construction Standards.
 - a. One residential access/driveway per parcel. Horseshoe Driveways are not allowed (*add as a plat note*).
3. The Line table in the upper right corner of the plat appears to be missing a few lines.
4. Reverse bearings on the south parcel line to read clockwise. See Engineering Plat Redlines.
5. The applicant shall revise and resubmit the application with appropriate changes based on staff comments and with responses to staff comments that did not result in changes to the application (Chapter 7, Section 2.D, *Recommended Revisions*).

Preliminary Plat - Brentlee Subdivision

Located in
Section 33, Township 15 South, Range 95 West, of the 6th Principal Meridian
Delta County, Colorado

65-FT ROW is Item 18

60-FT Min. ROW

Rec No.

LINE	BEARING	DISTANCE
IE1	N 89°59'27" W	38.78
IE5	N 81°22'46" W	115.88
IE6	N 79°39'06" W	75.78
IE7	N 72°44'39" W	104.21
IE8	N 68°09'11" W	32.01
IE9	N 39°25'52" W	118.45
IE10	N 23°01'51" W	45.36
IE11	N 38°52'00" W	96.73
IE12	N 32°04'01" W	58.71
IE13	N 56°02'19" W	75.86
IE14	N 65°08'21" W	145.74
IE15	N 37°14'27" W	45.37
IE16	N 31°54'18" W	121.64
IE17	N 62°08'15" W	256.20
IE18	N 48°28'20" W	159.81
IE19	N 00°05'00" E	20.00
IE20	S 49°28'20" E	171.25
IE21	S 67°08'15" E	260.71
IE22	S 37°14'27" E	49.38
IE23	S 31°54'18" E	117.86
IE24	S 65°08'21" E	2.51
IE25	N 00°05'00" E	386.93
IE26	N 65°43'46" W	454.92
IE27	N 65°43'46" W	547.09
IE28	S 00°05'00" W	292.05
IE29	S 00°05'00" E	193.42
IE30	S 30°02'19" E	80.52
IE31	S 30°02'19" E	91.92
IE32	S 23°01'51" E	45.01
IE33	S 39°25'52" E	83.42
IE34	N 00°05'00" E	899.45
IE35	N 65°43'46" W	214.53
IE36	S 60°08'11" E	719.49
IE37	S 60°08'11" E	31.48
IE38	S 72°44'39" E	102.70
IE40	S 79°39'06" E	74.65
IE41	N 00°05'00" E	761.07
IE42	N 65°43'46" W	205.94
IE43	S 00°05'00" W	702.23
IE44	S 61°22'46" E	87.91
IE45	S 79°09'27" E	81.05
IE46	S 63°58'28" E	59.81
IE47	S 68°38'37" E	12.04
IE48	N 00°04'10" E	805.28
IE49	S 63°07'33" E	11.20

D.M.E.A. Easement	BEARING	DISTANCE
E1	N 65°43'46" W	822.91
E2	S 00°05'00" W	10.03
E3	S 65°43'46" E	822.91
E4	N 00°04'10" E	10.03

Water Line Easement	BEARING	DISTANCE
WE1	N 65°43'46" W	838.45
WE2	S 04°16'14" W	10.00
WE3	S 65°43'46" E	837.19
WE4	N 00°04'10" E	10.03

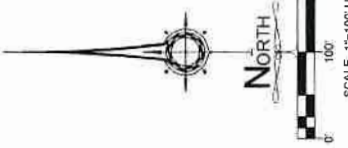
General Notes:
All fence lines shown hereon are for graphical purposes only. They may not be relied upon to establish property boundaries.

This survey was performed without the benefit of a title policy or commitment.

Certifications hereon shall run only to the person(s) for whom this survey was prepared and on his behalf to the agencies listed on this certificate. Certifications are not transferable to additional institutions or subsequent owners.

No guarantee as to the accuracy of the information contained on the attached drawing is either stated or implied unless this copy bears an original signature of the professional land surveyor hereon named.

Only prints of the survey marked with an original seal and signature by the surveyor shall be considered true, valid copies.



BASIS OF BEARING:
The North line of Lot 1 of SUB20-018, Tungal Subdivision is assumed to bear S 85°43'46" E and is monumented as shown hereon. All other bearings are relative thereto.

- Standard Plat Notes:**
- Outdoor lighting shall not create glare onto adjacent property or public or private roads, nor shall it contribute to sky glow that dilutes the night sky.
 - All development in Delta County is subject to the Delta County Right to Farm and Ranch Policy, adopted as Resolution 99-R-020 by the Board of County Commissioners on September 27, 1996.
 - 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 unshown 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.
 - 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 Coordinator concerning the control of such weeds.
 - All utilities must be placed underground on all parcels.
 - The minimum set backs in this subdivision shall be from:
All Roadways: 25'
Edge of Any Ditch: 25'
Top of Blackwater Sluam creek: 50'
Interior Property Lines, other than abutting road: 15'

Summary Table:
Total Area: 26.60 acres, 1158705 S Sq. feet
Lot 1: 6.03 acres, 262615.9 Sq. feet
Lot 2: 5.55 acres, 241799.4 Sq. feet
Lot 3: 7.55 acres, 328987.5 Sq. feet
Lot 4: 7.47 acres, 325303.7 Sq. feet
Property Zoned: AS

LEGAL DESCRIPTION: Road Right of Way 1900 road previously dedicated to Delta County - Sub 20-018
Located in part of the E 1/4 NE 1/4 of Section 33, Township 15 South, Range 95 West of the 6th Principal Meridian, Delta County Colorado, more particularly described as follows:

Beginning at the East Quarter Corner of said Section 33, thence along the South line of the SE 1/4 NE 1/4 of said section 33, N 85°43'46" W, 100' to the NW corner of the SE 1/4 NE 1/4 of said section 33, thence S 63°07'33" E, 100' to the NE corner of the SE 1/4 NE 1/4 of said section 33, thence S 60°04'10" W, 1440' 19" dist. to the point of beginning, containing 1.55 acres more or less.

CERTIFICATE OF SURVEY
I, Kenneth E. Schall, a Registered Land Surveyor in the State of Colorado, do hereby certify that this plat accurately represents that the surveying services addressed herein have been performed by the professional land surveyor or under the professional land surveyor in charge. It is based upon the professional land surveyor's knowledge, information and belief. It is in accordance with applicable standards of practice. It is not a warranty or implied. I further certify that the measurements shown herein are accurate and that their positions are as shown.

- LEGEND**
- Found 2-1/2" aluminum cap - Item 18 - LS 25597
 - Found Private Survey Cap & Return - as noted
 - Power Pole
 - Proposed Water Meter Location
 - Proposed Transformer Location
 - Boundary Line
 - Electric Line
 - Travel Surface

Plat Notes:
1. SUB20-018, Tungal Subdivision PLS 26597



Dedication:
I, Vic Mazurek, being the registered agent for Mazurek LLC, being the owner(s) of the land described as follows:
A tract of land formerly described in deed recorded a reception No. 735267 Delta County Clerk and Records Office. Now being described as:
Lot 1 of SUB20-018, Tungal Subdivision, Located in Section 33, Township 15 South, Range 95 West, of the 6th Principal Meridian, Delta County, Colorado
have by these presents caused same, or part of same, to be laid out, platted and subdivided into lots or tracts, as shown on this plat, under the name and style of: Brentlee Subdivision, and do hereby dedicate the right-of-ways grant to the County perpetual easements, as shown hereon, for the use of public utility suppliers, for installation and maintenance of utility facilities, including but not limited to, electric lines, gas lines, telephone lines, cable television lines, water and sewer lines, irrigation lines and ditches, together with perpetual right of ingress and egress for installation, maintenance and replacement of such lines. Said easements and rights shall be utilized in a reasonable and prudent manner.

In witness whereof Vic Mazurek, have subscribed, his name(s) this _____ day of _____ AD _____
By: _____
Vic Mazurek
Notarifies
State of Colorado
County of Delta

The foregoing instrument was acknowledged before me this _____ day of _____ AD _____ by
My Commission expires: _____
My address is: _____
Witness my hand and official seal
Notary Public
(Seal)

Delta County Surveyor's Approval
Approved for content and form only and not as to accuracy of survey, computations or drafting, pursuant to CRS 36-5-106
County Surveyor _____ Date _____

Board of County Commissioners Approval:

1. The within plat of Brentlee Subdivision (77777777), is approved this _____ day of _____ AD 2022, 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 _____
Alders: _____
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 _____ day of _____ AD 20 _____ upon all parcels of real estate described on the plat (Account # 8025488) are paid in full.

Treasurer of Delta County, Colorado _____

U.S. MINERAL SURVEYORS
REGISTERED LAND SURVEYORS
IN COLORADO

SOUTHWEST LAND SURVEYING, LLC
1203 H Lane, Delta, CO 81416
(970) 357-6600, (970) 374-2882, Delta, CO
Email: info@swlandsurveying.com

1-1/4" SCALE
1"=100' U.S. S.F.

7/8" D. CIRC. H
KCH

1/8" X 7/8" F
FCH BCHA

Preliminary Plat
Brentlee Subdivision
Located in
Sec. 33, T. 15 S., R. 95 W., 6th P.M.
Delta County, Colorado

Mazurek, LLC
196 BALCONY CREEK RD
UNION, WY 82539-94

PLAT NO. 38114

SHEET 1 of 1

NOTES: THIS PLAT IS THE PROPERTY OF SOUTHWEST LAND SURVEYING, LLC. IT IS TO BE USED ONLY FOR THE PURPOSES FOR WHICH IT WAS PREPARED AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM SOUTHWEST LAND SURVEYING, LLC.

PLN22-048/Mazuurie's LLC Brentlee Preliminary Plat

Frankie McIntosh [REDACTED]
To: akemp@deltacounty.com

Thu, Jun 2, 2022 at 10:20 AM

Howdy Angie,

My name is Frances McIntosh & I live @ 3578 1900 Road, which is across the road from this proposed subdivision. I would like this email to be included in the staff report. I have several concerns in regards to the proposed subdivision. I have lived on my farm for 29 years and noticed that the field across the road has not been being irrigated or farmed this year & this has been a good producing & grazing hay field for many years. Potentially another farming operation gone. It appears that the irrigation water for this subdivision is being delivered via thru my property. How is that going to be handled?

My waste water from the front field goes to the North side of the proposed subdivision. How will this be handled? Proposed Roadway into subdivision appears to be just off the knoll of 1900 Road. Not a good entrance & exit point. I'm requesting that a traffic report needs to be done as 1900 Road has only multiplied over the years & is a short cut for many people to get from HWY 92 to HWY 50, or visa versa.

The view I have enjoyed for 29 years of Sweitzer's Lake is at risk along with all the wildlife & waterfowl that count on the lake as my farm is part of their flyway & wildlife trails.

Outdoor lighting would need to be minimal & pointed downward as the night sky has diminished, because hooded lighting is not adequate, in not destroying the night sky. We are losing the night sky at a rapid rate in Delta County because of hooded lighting & crime-deterrant lights. How will this be taken care of?

Is there going to be a fire hydrant placed in this subdivision? If so, where?

I am looking forward to meeting y'all on June 8th. If the staff have any questions or concerns I can be contacted at the number below.

Thank You for your time & considerations!

Frankie McIntosh
[REDACTED]



**DELTA COUNTY PLANNING COMMISSION MEETING MINUTES
DELTA COUNTY BOARD OF COUNTY COMMISSIONER'S ROOM
560 Dodge St., Delta, CO 81416
April 27, 2022**

Chair Tom Kay called the meeting to order at 5:30 p.m. in the Delta County Board of County Commissioner's Room.

ROLL CALL

Planning Commission Members in Attendance:

Tom Kay
Tate Locke
Steve Schrock
Layne Brones
Jacob Gray

Absent Members:

Steve Shea
Michelle Roberts (Associate)
Kate Darlington
Cindy Watson
David Marek (Associate)
Hardy Hutto

Staff in Attendance:

Delta County Community Development & Natural Resource Director, Carl Holm
Delta County Community Development Planner I, Kate Kelly
Delta County Community Development Planner I, Angie Kemp
Delta County Administrator, Robbie LeValley

Commissioner Steve Shea arrived at 5:34pm.

ZOOM DISCUSSION

Planning Director, Carl Holm presented the Colorado Open Meeting Law to the Planning Commission. This included the difference between a Public Meeting and a Public Hearing.

Following deliberation by the Commissioners, it was determined that:

- Planning Commission meetings will continue to be broadcasted on Zoom where public can listen to meetings.
- The agenda will be revised to remove the general Public Comment item (Items not on the agenda).
- On Public Meeting items (e.g., meeting minutes, work sessions), it will be the discretion of the Commission/Chair if public is allowed to speak.
- On Public Hearing items, public can speak but using Zoom is at their risk to be cut off if there is a problem with the technology.
- Public comments can be submitted in writing prior to the meeting or in person.

Since there are a number of Commissioners missing, this format will be presented to the Commission at the next meeting.

PUBLIC COMMENT

Chuck Cherek addressed the Planning Commission regarding Renewable Energy as well as attendance and comments at meetings.

Scott Schible addressed the Planning Commission regarding attendance and comments at meetings as well as Work Sessions.

Brenda Toole addressed the Planning Commission regarding Zoom and public comments at Work Sessions.

Richard Lightfoot addressed the Planning Commission regarding public comments at meetings.

Natasha Leger addressed the Planning Commission regarding Zoom and County technology.

Danielle Carre addressed the Planning Commission regarding Zoom and the Renewable Energy definition.

Mike Atwood addressed the Planning Commission regarding Zoom.



Eli Wolcott addressed the Planning Commission regarding Zoom.

AGENDA ADDITIONS, DELETION, AND CORRECTIONS

None

SCHEDULED ITEMS

Item #1: Meeting Minutes
a. April 13, 2022
RECOMMENDATION: Approve the action minutes as presented

Steve Schrock moved to approve the action minutes as presented. Layne Brones seconded the motion.

Motion carried unanimously

Item #2: Land Use Code Update – Work Session
Work Session to consider topic(s) of: Definitions, Application Process
RECOMMENDATION:
a. Consider Definitions (LUC Chapter 14, Section 2)
b. Consider Application Process Outline.
c. Provide Direction of topic(s) and date for the next Work Session (continue this item).

Planning Director, Carl Holm presented the definitions and answered Commissioner questions.

Following deliberation by the Commissioners, the Process Overview portion of the Land Use Code update was continued to May 11, 2022.

The Commission decided to open the Work Session up to public comment.

PUBLIC COMMENT

Mike Atwood addressed the Planning Commission regarding the definition of Renewable Energy be the footprint and not the power usage (KW).

Natasha Leger addressed the Planning Commission regarding the Renewable Energy and suggested a tiered approach (small-scale, large-scale, and utility-scale). She also suggested making the Aggrieved Party definition broader.

Eli Wolcott addressed the Planning Commission regarding definitions of Business Use of the Home and Short-Term Rental and how they might impact agriculture.

COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

None

DEPARTMENT REPORT

None

ADJOURNMENT

The next meeting will be held on May 11, 2022 at 5:30pm, Delta County Administrative Building, 560 Dodge St. Delta, CO.

Meeting adjourned at 7:36 p.m.

Respectfully submitted by:
Administrative Assistant, Kim Henderson



**DELTA COUNTY PLANNING COMMISSION MEETING MINUTES
DELTA COUNTY BOARD OF COUNTY COMMISSIONER'S ROOM
560 Dodge St., Delta, CO 81416
May 11, 2022**

Chair Tom Kay called the meeting to order at 5:30 p.m. in the Delta County Board of County Commissioner's Room.

ROLL CALL

Planning Commission Members in Attendance:

Tom Kay	Steve Shea
Tate Locke	Michelle Roberts (Associate)
Steve Schrock	Kate Darlington
Layne Brones	Cindy Watson
Jacob Gray	David Marek (Associate)
Hardy Hutto	

Absent Members: None

Staff in Attendance:

Delta County Community Development & Natural Resource Director, Carl Holm
Delta County Community Development Planner I, Kate Kelly
Delta County Community Development Planner I, Angie Kemp
Delta County Community Development Administrative Assistant, Kim Henderson

A. PUBLIC MEETING ITEMS

- Item #1: Planning Commission Agendas
Continued from April 27, 2022. Consider protocol for public comment in Planning Commission Meetings, including the use of Zoom.
RECOMMENDATION: Provide direction to staff.
- Director Holm summarized what was discussed by the Commissioners on April 27th and related changes made to the agenda format.
Following deliberation, the Planning Commission determined:
- Meetings will be accessible using Zoom
 - Public comment for "public meeting" items will be at the Commission's discretion, via the Chair.
 - Public comment for Public Hearings will be permitted via Zoom. People on Zoom will be asked to sign up for items they wish to speak on, similar to those attending in person.
 - The public is encouraged to provide comments in writing ahead of the meeting, or in person at the meeting.
- Item #2: Land Use Code Update – Work Session
Continued from April 27, 2022. Consider topic(s) of: Application Process
RECOMMENDATION:
- a. Recap changes to Definitions from PC Discussion 4/27
 - b. Consider Background and Recommendations for the Application Process
 - c. Provide Direction of topic(s) and date for the next Work Session.
- Planning Director, Carl Holm provided an overview of changes made to the definitions based on Commission discussion on April 27th, noting that it is not final until the Commission holds a public hearing to consider certification of the LUC. Director Holm then presented the background and recommendations for the Application Process and answered Commissioner questions.
- Following deliberation by the Commissioners, straw motions were made to help guide how the LUC is edited to reflect the process:



DELTA COUNTY

PLANNING & COMMUNITY DEVELOPMENT

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

Tate Locke made a motion recommending the Highway 92 Overlay Ordinance 2006-09 be repealed. Hardy Hutto seconded the motion.

Steve Schrock made a motion recommending Resolution No. 2003-R-027, Resolution Requiring Review of Street Plans in "35-acre Plus" Subdivisions be repealed, and applicable components be incorporated into the LUC (pending legal review). Michelle Roberts Seconded the motion.

Tate Locke made a motion recommending the Pre-HUD Mobile Home Ordinance 2006-10 be repealed. Layne Brones seconded the motion. Jacob Gray offered a friendly amendment that Ordinance 2006-10 be amended not repealed where people can continue living in existing units, but Pre-HUD units cannot be relocated anywhere within Delta County. Tate Locke and Layne Brones accepted the amendment.

The Commissioners provided Staff with direction to amend the Land Use Code to reflect the Development Application Ordinance 2016-01.

Director Holm announced that the next meeting will be a joint meeting with the BoCC and BoA to discuss zoning and density. It will be held on the regular PC meeting date/time but in the Roubideau Room located across Dodge Street from the Administration building.

B. PUBLIC HEARING ITEMS

None

C. DEPARTMENT REPORT

Director Holm provided a Project Summary of the applications being processed by the Planning Department.

D. COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

None

ADJOURNMENT

The next meeting will be held on May 25, 2022 at 5:30pm, Delta County Roubideau Room, 320 W. 5th Street, Delta, CO.

Meeting adjourned at 7:41 p.m.

Respectfully submitted by:
Administrative Assistant, Kim Henderson



STAFF REPORT

Delta County Planning Commission

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

Wednesday, June 8, 2022 @ 5:30 p.m.

Land Use Code Update

Work Session to consider redline drafts of the following:

- a. Chapter 1, Section 5.B “Exemptions”**
 - b. Chapter 2, Section 1.A (Table 2.a) “Zoning Districts”**
 - c. Chapter 2, Section 2.A “Land Use by Zoning District”**
 - d. Chapter 2, Section 4.A “Permitted Use Standards”**
 - e. Chapter 2, Section 5.A “Limited Use Standards”**
 - f. Chapter 2, Section 6 “Conditional Use Standards”**
-

RECOMMENDATION:

Staff recommends that the Planning Commission conduct a Work Session on the LUC Update and:

- a. Consider draft redline edits to Chapter 1, Section 5.B “Exemptions”
- b. Consider draft redline edits to Chapter 2, Section 1.A (Table 2.a) “Zoning Districts”
- c. Consider draft redline edits to Chapter 2, Section 2.A “Land Use by Zoning District”
- d. Consider draft redline edits to Chapter 2, Section 4.A “Permitted Use Standards”
- e. Consider draft redline edits to Chapter 2, Section 5.A “Limited Use Standards”
- f. Consider draft redline edits to Chapter 2, Section 6 “Conditional Use Standards”
- g. Provide Direction on topic(s) and date for the next Work Session.

SUMMARY/DISCUSSION:

Staff made some initial edits to the following Sections (excerpts) of the Land Use Code:



- a. Chapter 1, Section 5.B "Exemptions"
- b. Chapter 2, Section 1.A (Table 2.a) "Zoning Districts"
- c. Chapter 2, Section 2A "Land Use by Zoning District"
- d. Chapter 2, Section 4.A "Permitted Use Standards"
- e. Chapter 2, Section 5.A "Limited Use Standards"
- f. Chapter 2, Section 6 "Conditional Use Standards"

These sections are presented for consideration and direction by the Planning Commission as a Work Session. Staff recommends working through them in the order presented. When there is general consensus that the edits are acceptable, staff will present the next section for consideration. If the Commission completes all of these sections, staff has about seven additional sections to present at subsequent work sessions.

Once work sessions are completed on all of the edited sections, staff will provide notice for the Planning Commission to hold public hearing(s) on a Land Use Code that includes all of the recommended changes.

Attached material: list, in order as attached/referenced

- 1. LUC Chapter 1, Section 5.B (redline)
- 2. LUC Chapter 2, Section 1.A (redline)
- 3. LUC Chapter 2, Section 2.A (redline)
- 4. LUC Chapter 2, Section 4.A (redline)
- 5. LUC Chapter 2, Section 5.A (redline)
- 6. LUC Chapter 2, Section 6 (redline)

CHAPTER 1 (pp 19-20 LUC)

Section 5. Development Approvals Required

A. Development Approval Required

Unless specifically exempted by this Code, development approval is required for development and redevelopment activities. The required development approvals are set out in this Section.

B. Exemptions from Approval Requirement

1. **Generally.** The following are not subject to approval pursuant to this Code, but may be subject to other permitting processes (e.g., development application ordinance, access permits, well permits, septic permits, or federal or state permits or licenses):

- ~~a. The establishment, continuation, or modification of land uses that are listed as "allowed as-of-right" in Chapter 2, Section 2, *Land Use by Zoning District* in the zoning district in which the subject property is located.~~
- ~~b. The establishment, continuation, or modification of accessory business uses of the home.~~
- ~~a. The S~~ubdivision of land that is statutorily exempt from County Subdivision authority (See Chapter 12).
- ~~e-b. Agriculture and Agribusiness Uses, Operations and Activities (See Definition, Chapter 14)~~

Commented [CH1]: Where applicable, need reference to pertinent sections where there is more detail. Most, if not all, of these items are covered in other areas, consider IF Section 5.B should be deleted entirely. Maybe value for keeping to include Agriculture (overall policy) and Subdivision (exemptions by statute)?

Commented [CH2]: Recommend deleting because: Table 2.b lists what is Allowed in what zone as currently referenced.
Ch 2 Sect 2 provides a Legend describing what Allowed Use means.
Establishment of residential and commercial development is subject to the Development Application Ordinance, which was initially established in 2011, which is not what people tend to think as "exempt". Listing here creates conflict/confusion.

Commented [CH3]: Recommend deleting because: Chapter 2, Section 3F speaks to it being an Allowed Use that falls under subsection "a" (above). Also, there is a definition (Chapter 14) for "Accessory Business Use of a Home" that includes parameters about what this use entails for being exempt. Listing here creates conflict/confusion.

Commented [CH4]: Intend to create a new Subdivision Chapter where specific exempt tasks will be identified:
-35+ Acre Plat (Statute), except Street Plan (reso)
-Boundary Agreement (dispute)
-Record of Survey (verification)

CHAPTER 2, SECTION 1.A (p 26 LUC)

Section 1. Establishment of Zoning Districts

A. Purpose and Establishment of Zoning Districts

1. Purpose.

- a. *Relationship to Master Plan.* This Code ~~is designed to bring Delta County's establishes~~ land use regulations ~~into that are~~ consistent with the ~~2018~~ Delta County Master Plan. The ~~Master Plan identified a need intent is~~ to create a simple, clear, fair, and predictable set of regulations. ~~The Master Plan also, this Code is meant identified a need~~ to provide clarity and assurances for residents and property owners, and more predictability for commercial activities in the County.
- b. *Land Use in General.* This Code is designed to clarify where commercial, industrial, agricultural, and residential uses are most appropriately located around the County.
- c. *Commercial Land Uses.* This Code identifies the range of commercial uses that are anticipated in the County, and further identifies zoning districts in which each type of commercial use is appropriate or may be appropriate if certain conditions are met. Generally, commercial uses are most appropriately located in the RI/~~RC zoning district~~ and UGA ~~zoning district overlay~~. However, most of the other zoning districts allow for multiple land uses and sufficient flexibility such that a wide range of commercial land uses may be located almost anywhere where adequate services can be provided, and standards of this Code can be met.

Commented [CH1]: Remove specific date so don't have to amend LUC if amend MP.

2. **Zoning Districts Established.** In order to carry out the provisions of this Code, the County is divided into the following zoning districts:

TABLE 2.a ZONING DISTRICTS		
Abbreviation	Zoning District Name	Purposes
A-35	Agriculture (35-acre)	This zoning district is intended for to reflect lands with significant natural resources, including prime agricultural lands, and rural residential uses. The intent is to retain irrigated lands on larger parcels (generally, 35 acres or more). It allows for the broadest range of agricultural and supporting uses.
A-20	Agriculture (20-acre)	This zoning district is intended for small-scale agricultural rural residential uses on parcels of land that are generally 20 acres or more. It allows for a broad range of agricultural and supporting uses as well as large-lot residential uses.
AR-5	Agriculture Residential (5-acre)	This zoning district is intended for small-scale agricultural and large-lot residential uses.

Formatted: Font color. Background 1

Commented [CH2]: If the intent is to protect prime ag lands and natural resources, then it should be reflected through zoning.

CHAPTER 2, SECTION 1.A (p 26 LUC)

<u>R-2.5</u>	<u>Residential (2.5-acre)</u>	<u>This zoning district is intended for rural residential uses in areas suitable for such density.</u>
<u>R-1</u>	<u>Residential (1-acre)</u>	<u>This zoning district is intended for residential uses in areas suitable for such density, including access to infrastructure and services (e.g., public water, fire hydrants, etc.).</u>
RI/C	Rural Industrial / Commercial	This zoning district is intended to provide for rural industries that support farming and resource-based industries, or that otherwise benefit from locating outside of municipal boundaries (e.g., minerals processing, oil and gas services, etc.). <u>In addition, the designation as well as can be used for a range of commercial uses in areas near municipalities where there are sufficient services and infrastructure to accommodate them.</u>
UGA	Urban Growth Area Overlay	This zoning district overlay <u>applies to areas near incorporated municipalities, and provides a way for where urban services (e.g., public water and sewer) are available, and have been identified as areas of potential growth by the municipality through an Intergovernmental Agreement (IGA) between the County and each City/Town. This overlay highlights areas where the County to will work with the municipalities to achieve ordered urban and suburban growth (e.g., higher residential densities and commercial/service uses). Areas around municipalities that are intended for new or continuing agricultural uses, or rural commercial/industrial development active farming operations should not be in the zoned UGA overlay.</u>
<u>P/QP</u>	<u>Public/Quasi-Public</u>	<u>This zoning designation reflects public lands and/or lands owned by governmental agencies (Federal, State, County lands).</u>

Commented [CH3]: As long as making changes,
 -Change A-5 to R-5; Residential (5-acre) to reflect residential class vs Ag, and
 -Change RDR to R1; Residential (1-acre) to mirror the established format.

Commented [CH4]: As long as making changes,
 -Change A-5 to R-5; Residential (5-acre) to reflect residential class vs Ag, and
 -Change RDR to R1; Residential (1-acre) to mirror the established format.

Commented [CH5]: Added this as clarification since there was a question if State and Federal lands was a designation or meant they were not zoned... Subsection C.5 below states that all lands are zoned. Designation also applies to County lands (e.g. fairgrounds)

CHAPTER 2, SECTION 2.A

Section 2. Land Use by Zoning District

A. Interpretation of Land Use by Zoning District Tables

1. **Generally.** Table 2.b, below, *Land Use by Zoning District* describes which land uses are an Allowed permitted Use of right without review, Ppermitted Uses of right after review, Limited Use permitted if certain conditions are met, or Conditional Use permitted after public hearing if certain conditions are met, and not allowed in each zoning district.
2. **Legend.** The following symbols are used in the tables in this Section. The following identifies symbols reflecting the different levels of review and a general overview of the processes as applicable [See Chapter 7 for more detail about the processes]:
 - a. "A" means "Aallowed as-of-right Use." These uses must are allowed by-right if they comply with applicable standards of this Code, but do not require review for compliance before they are established. However, they may require A Development Application (ministerial) is required prior to establishment of the use to demonstrate compliance with applicable standards in the Land Use Code (proof of water, setbacks, etc.), other types of permits (e.g., well permits, septic permits, or access permits) and applicable encumbrances (e.g., easements, Plat notes, etc.).
 - b. "P" means "allowed Permitted Use, with a Zzoning Ppermit." These uses Following Site Plan Review through the Development Application, Permitted Uses require a Zzoning Ppermit (ministerial) prior to establishment of the use. Zoning permits are Approval of a Site Plan shall be issued by the Director after administrative review for-if the application is determined to be in compliance with the general requirements of this Code prior to establishment of the use. See Chapter 9, Section 1, Approvals and Denials. Other types of permits (e.g., well permits, septic permits, or access permits) may also be required.
 - c. "L" means "Llimited Use, with a Zoning Permit." Following Site Plan Review through the Development Application, Limited Uses require a Zzoning Ppermit and sketch or site plan approval. Zoning permits are issued that may be approved, conditionally approved, or denied by the Director aAfter administrative review for compliance with specific standards that pertain to the use, as well as the general requirements of this Code (discretionary). Applications for Llimited Uses may be referred to specific referral agencies. If there is an "n" next to the L, then public notice of the application is required pursuant to Chapter 7, Section 4, Public Notice. See Chapter 9, Section 1, Approvals and Denials. Other types of permits (e.g., well permits, septic permits, or access permits) may also be required before the action is taken. The Planning Department monitors compliance with conditions of approval.
 - d. "C" means "Ceonditional Use, subject to a Conditional Use Permit." Following Site Plan Review through the Development Application, Conditional Uses are subject to public hearing review for compliance with specific standards that pertain to the use, the general standards for all Ceonditional Uses, and the general requirements of this Code (discretionary). Applications for Ceonditional Use Permits will be

Commented [CH1]: Don't need a separate description for what is provided in the next section.

Commented [CH2]: This section provides a general idea what each symbol means. Process is provided in Chapter 7.

Commented [CH3]: Introducing Dev App Ord requirements here. Allowed uses are still subject to DA-Site Plan Review in order to verify proof of water, access, septic, etc.

CHAPTER 2, SECTION 2.A

referred to referral agencies. Public notices of hearings on the application are required pursuant to Chapter 7, Section 4, *Public Notice before an action is taken*. Conditional use permits are issued by the Planning Department County after public hearing review and approval by the Board of County Commissioners. The Planning Commission makes recommendations to approve, conditionally approve, or deny an application. The Planning Commission recommendation is forwarded to the Board of County Commissioners for final action. The Planning Department monitors compliance with conditions of approval. See Chapter 9, Section 2, *Continuances and Withdrawal*. Other types of permits (e.g., well permits, septic permits, or access permits) may also be required.

e. “—” means that the use is not allowed in the specified zoning district.

3. Multiple Uses. In instances where a proposed development will combine more than one listed use, each ~~listed use~~ shall be evaluated independently for compliance with applicable standards.

4. Other Permits. ~~Whether or not land use permits are required by this Code, other types of permits or approvals may be required in order to establish the use (e.g., right-of-way use permit, address, septic permits, and/or well permits, mobile home, electrical, plumbing permits through the State).~~

CHAPTER 2, Section 4.A

Section 4. **Allowed and** Permitted Uses Approval Standards & Process Requirements

A. Applicability of **Allowed and** Permitted Use Development Standards

Commented [CH1]: Reflects Development Application Ordinance

1. **Generally.** ~~An application for a permitted use requires issuance of a zoning permit and review of a sketch plan to certify compliance with this Code. The zoning permit and sketch plan shall be approved if the application demonstrates compliance with **Allowed or Permitted** uses are subject to a ministerial process that requires review to demonstrate compliance with applicable permits/approvals and this Code:~~

- a. Chapter 3, Lots, Buildings, and Structures
- b. Chapter 4, Site Design and Environmental Stewardship
- c. Chapter 5, Public Facilities, Infrastructure, and Services

2. **Application & Process:**

- ~~a. Applications for **Allowed or Permitted Uses** zoning permit and sketch plan approval shall submit an application in compliance with Chapter 7 *Standardized Application Review Process* require completion of a Development Application that includes:~~
 - ~~i. Site Plan Review to demonstrate compliance with this Code; and~~
 - ~~ii. A checklist to verify compliance with applicable permits/approvals such as site plan review, right-of-way use permits, address assigned, septic permits, and applicable State permits (well, mobile home, electrical, plumbing).~~
- ~~a.b. All applications will be reviewed administratively in accordance with Chapter 8 *Standardized Application Review Process*.~~
- ~~c. The Director shall approve the Site plan and issue a Development Application checklist once verified that the proposed **Allowed Use** will be in compliance with applicable Codes.~~
- ~~b.d. **Conditions of Approval.** The Director shall issue a zoning permit for **Permitted Uses** once verified that the proposed ~~permitted~~ use will be in compliance with ~~the~~ requirements of this applicable Codes.~~

CHAPTER 2, Section 5.A

Section 5. Limited Use Approval Standards

A. Applicability of Limited Use Development Standards

1. **Generally.** ~~An application for a limited use~~ Limited Uses are subject to a discretionary process (administrative) that requires approval of a zoning permit ~~and sketch plan. The Director may require submission of, including~~ a site plan ~~if it is determined that additional~~ with information ~~or detail is~~ necessary to review compliance with the requirements of this Code. The zoning permit and ~~sketch or~~ site plan may be approved or conditionally approved if the application demonstrates compliance with:
 - a. Chapter 2, Section ~~5##, Limited Use~~ Specific Approval Standards, if applicable.
 - b. Chapter 3, Lots, Buildings, and Structures
 - c. Chapter 4, Site Design and Environmental Stewardship
 - d. Chapter 5, Public Facilities, Infrastructure, and Services
2. **Application & Process.**
 - a. ~~Applications for limited use~~ zoning permit and sketch plan approval shall submit an application for a Zoning Permit and Site Plan Review in compliance with Chapter 7 Standardized Application Review Process.
 - b. All applications will be reviewed administratively in accordance with Chapter 8 Standardized Application Review Processes.
 - c. ~~Conditions of Approval. Limited Use may require a public notice of the proposed action. The Director may approve, conditionally approve or deny a Limited Use application. with Conditions may be applied to mitigate its impacts in order to and/or ensure continuing compliance with the review applicable standards of this Code.~~
 - e.d. The Director shall issue a Development Application checklist once verified that the proposed Limited Use will be in compliance with applicable Codes and conditions.
3. **Conversion to a Conditional Use.**
 - a. In the event that a use-specific standard for a Limited Use Permit cannot be met, the use may be processed (at the applicant's option or upon referral by the Director, subject to the exceptions of subsection (B), below) as a Conditional Use. Upon such election, the proposed use shall be processed in accordance with the Conditional Use standards in Chapter 2, Section 6, Conditional Use Approval Standards, and Chapter 8 Standardized Application Review Processes. The applicable use-specific standards from this chapter shall be met to the extent practicable, and the Conditional Use Standards in Chapter 2, Section 6, shall be applied to offset the impacts that may result from the inability to fully comply with applicable use-

CHAPTER 2, Section 5.A

specific standards. Flexibility in reducing setbacks and other standards with conditions of approval is limited for certain uses by subsection (B), below.

CHAPTER 2, Section 6

Section 6. Conditional Use Approval Standards

A. Applicable Standards.

1. **Generally.** An application for conditional use requires approval of a conditional use permit and a site plan. The conditional use permit and site plan may be approved if the application demonstrates compliance with:
 - a. Chapter 2, Section ~~5(B)~~ *Use Specific Standards*;
 - b. Chapter 3, Lots, Buildings, and Structures;
 - c. Chapter 4, Site Design and Environmental Stewardship;
 - d. Chapter 5, Public Facilities, Infrastructure, and Services;
 - e. That the proposed conditional use in its proposed location will not tend to frustrate the implementation of:
 - 1) The Master Plan;
 - 2) Any special area plans adopted by the County; or
 - 3) ~~If the subject property is located within the UGA zoning district, Intergovernmental Agreement, the Master/Comprehensive Plan,~~ or any special area plan adopted by the impacted municipality;
 - f. The location, size, design and operating characteristics of the proposed conditional use are such that the use will not create significant impacts on irrigation facilities, sensitive lands, or nearby agricultural operations;
 - g. The design, operation, location, and buffering of the use appropriately mitigates its impacts with regard to:
 - 1) Risks associated with the use and storage of hazardous materials; or
 - 2) Potentially hazardous conditions, such as projectiles leaving the subject property; and
 - 3) Odors, dust, lighting, vibration, and noise.

Commented [CH1]: UGA is County zoning, not adopted by municipality...and might change. Revised to reflect what is adopted by municipality only

B. Application & Process

- ~~1. Applications. A site plan and development agreement plan approval Conditional Uses~~ shall submit an application in compliance with Chapter 7 *Standardized Application Review Process*.
- ~~2. All applications will be reviewed in accordance with Chapter 8 Review Processes.~~
- ~~1.3. Public hearings shall be held before the Planning Commission and Board of County Commissioners. The Planning Commission may recommend that the Board of County Commissioners approve, conditionally approve or deny a Conditional Use application.~~

Commented [CH2]: Remove detail here since in Ch 7 & 8 explain the process, avoid conflict. Simple summary (#3) to illustrate difference from Limited use.

CHAPTER 2, Section 6

Conditions may be applied to mitigate impacts and/or ensure continuing compliance with the applicable standards of this Code.

a. An application for a conditional use permit may be approved if it demonstrates compliance with the standards of this Code.

2.a. Conditions of approval. The BOCC may approve a conditional use with conditions to mitigate its impacts, and/or in order to ensure continuing compliance with the review standards identified in subdivision (A), above.

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