

DELTA COUNTY BOARD OF ADJUSTMENTS

**Administration Building – Board Room
560 Dodge St., Delta, CO 81416
Thursday, August 26, 2021 @ 5:30 p.m.**

**Mark Roeber, Chair
Brett Hilling, Vice-Chair
Carl Holm, Director**

Instructions for Public Participation:

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

https://us02web.zoom.us/meeting/register/tZ0ufu6grDliE9LFgFpKEZBzav8fdG_U3gf

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

You can also obtain a copy of the agenda for this meeting at:

<https://www.deltacounty.com/AgendaCenter/Delta-County-Board-of-Adjustment-8>

REGULAR AGENDA

5:30 P.M. – CALL TO ORDER

ROLL CALL

Mike Twamley, District 1
Brett Hilling, District 2
Mark Roeber, District 3

WELCOME AND INTRODUCTIONS

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 Board of Adjustment Secretary will announce changes to the agenda that arose after posting of the agenda.

SCHEDULED ITEMS

1. PLN21-007/Rasmussen

Consider a variance to allow creating one 21-acre parcel in the Agricultural (35-acre) zoning designation (A-35). The property is located on the south side of J Road between 3000 Road and 3100 Road, Hotchkiss.

RECOMMENDATION: Staff recommends that the Board of Adjustments:

CERTIFICATION OF POSTING

On 8/19/2021 at 11:30 AM, Kate Kelly did post the above AGENDA as public notice of the 8/26/2021 meeting. The official notice is placed on the front entrance of the Delta County Courthouse located at 501 Palmer, Delta, Colorado and a courtesy copy is sent to the Delta County website at www.deltacounty.com.

- a. Consider the required variance criteria/findings as they apply to PLN21-007/Rasmussen; and
 - b. Provide direction to staff on the BOA's Intent to Approve/Conditionally Approve/Deny a variance for PLN21-007/Rasmussen, a Minor Plat allowing a 21-acre parcel in the A35 zoning designation as part of a 2-Lot subdivision locate on the south side of J Road between 3000 Road and 3100 Road, Hotchkiss (Parcel: 345104201001); and
 - c. Continue the matter to September 23, 2021 and direct staff to prepare a resolution reflecting the BOA direction.
2. PLN21-010/Corona Preliminary Plat and Variances
Consider variances to create three (3) 2.5-acre lots in the A5 zoning district. The property is located at 58784-5898 2100 Road, Delta.
RECOMMENDATION: Staff recommends that the Board of Adjustments:
- a. Consider the required variance criteria/findings as they apply to PLN21-010/Corona; and
 - b. Provide direction to staff on the BOA's Intent to Approve/Conditionally Approve/Deny a variance for PLN21-010/Corona, a Preliminary Plat creating three (3) 2.5-acre parcels in the A5 zoning designation as part of a 4-Lot subdivision located at 5884-5898 2100 Road, Delta (Parcel: 345524210003); and
 - c. Continue the matter to September 23, 2021 and direct staff to prepare a resolution reflecting the BOA direction.

BOARD COMMENTS, REQUESTS AND REFERRALS

This is time set aside for the Board of Adjustments 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

CERTIFICATION OF POSTING

On 8/19/2021 at 11:30 AM, Kate Kelly did post the above AGENDA as public notice of the 8/26/2021 meeting. The official notice is placed on the front entrance of the Delta County Courthouse located at 501 Palmer, Delta, Colorado and a courtesy copy is sent to the Delta County website at www.deltacounty.com.



STAFF REPORT

**Board of Adjustment
Board Room
560 Dodge Street, Delta, CO 81416**

Thursday, August 26, 2021 @ 5:30 p.m.

PLN21-007/Rasmussen

Consider a variance to allow creating one 21-acre parcel in the Agricultural (35-acre) zoning designation (A-35). The property is located on the south side of J Road between 3000 Road and 3100 Road, Hotchkiss.

PROJECT INFORMATION:

Property Owner: Carl A Rasmussen
Applicant/Representative: Carl A Rasmussen
Site Address: TBD, J Road, Hotchkiss
Location: Section 4, Township 15S, Range 93W
Parcel ID/Acct: 345104201001/R022277
Parcel Size: 57.749 acres
Zoning: A35

RECOMMENDATION:

Staff recommends that the Board of Adjustments:

- a) Consider the required variance criteria/findings as they apply to PLN21-007/Rasmussen;
- b) Provide direction to staff on the BOA's Intent to Approve/Conditionally Approve/Deny a variance for PLN21-007/Rasmussen, a Minor Plat allowing a 21-acre parcel in the A35 zoning designation as part of a 2-Lot subdivision located on the south side of J Road between 3000 Road and 3100 Road, Hotchkiss (Parcel: 345104201001); and



- c) Continue the matter to September 23, 2021 and direct staff to prepare a resolution reflecting the BOA direction.

SUMMARY:

Mr. Carl Rasmussen, owner/applicant, is requesting to subdivide a 57-acre parcel into two irregular-shaped lots: Lot 1 (36 acres), and Lot 2 (21 acres). The property, located on the south side of J Road between 3000 Road and 3100 Road, is zoned Agriculture (35-acres) or "A-35" per the Delta County Land Use Code (LUC).

Minor Plats for the creation of two lots, replats, or lot line adjustments approvals are issued by the Director (Director of Community Development and Natural Resources) upon finding compliance with applicable requirements of the Land Use Code (LUC). However, the minimum acreage for subdividing this parcel is 35 acres per lot so the proposal to subdivide a 21 (+/-) acre lot from the 57-acre parcel does not meet standards set forth in the LUC. As such, a variance is required for Lot 2 – Lot 1 meets the minimum acreage.

The Board of Adjustment (BOA) is designated as the decision-making authority to consider variance applications. Chapter 1, Section 6.C.4 requires the concurring vote of three members of a 3-member BOA, meaning actions by the BOA must be unanimous in order to pass. In consideration of a variance, there are four criteria and three findings for the BOA to consider. Once a decision has been made by the BOA, the process will either proceed with the Subdivision or the owner has a right to appeal the BOA's decision to the Board of County Commissioners (BoCC).

The Director cannot take final action on the Minor Plat until/unless the Variance is approved. Therefore, the applicant submitted an application requesting consideration of the variance before proceeding with the subdivision application. Staff requested enough detail, professionally drawn, for the BOA to be able to make a fully informed decision on the variance. A sketch of the proposed subdivision, with and without an aerial overlay, is attached (**Attachment**).

As the BOA is a decision making body, staff would typically prepare a resolution with findings for the BOA to consider. However, as a new body applying a new Land Use Code staff is not certain how the BOA intends to define exceptional practical difficulties and hardship. This is a critical part in determining if a variance should be approved or denied.

As such, staff recommends that the BOA take an action on the intent to approve, conditionally approve, or deny this request for a variance. Based on that direction, staff will return with a resolution for the BOA to adopt. At that point, an aggrieved party could appeal the BOA decision to the Board of County Commissioners. If the intent is to conditionally approve the project, staff also requests direction for conditions.



DISCUSSION:

An application was submitted requesting a 2-lot subdivision (Minor Plat) from an approximately 57-acre parcel with frontage on J Road to the north and abutting right of way for the Union Pacific Railroad to the south. This parcel is located approximately four (4) miles southwest of the Town of Hotchkiss on J Road. The property, located on the south side of J Road between 3000 Road and 3100 Road, is zoned Agriculture (35-acres) or "A-35" per the Delta County Land Use Code (LUC). The minimum acreage for subdividing this parcel is 35 acres per lot. As proposed:

- Lot 1 would be 36 acres with the existing home and amenities, including existing water and wastewater systems. Frontage on J Road is about 720 feet and there is an existing access located in the center of the proposed parcel.
- Lot 2 would be a 21-acre, vacant parcel. This lot would require approval of access to receive an address, which is required to obtain a septic permit. Frontage on J Road is about 270 feet wide with access proposed along the eastern property line.

The site consists of one residence with multiple outbuildings. There is a retention pond located on the property as well as a dry pond and irrigation well. An irrigation easement runs north-south through the property, and there are 1050 shares of Fire Mountain Canal assigned to the property. A majority of the land is irrigated and would remain agricultural. The surrounding area consists of irrigated parcels with some residential homes in the surrounding areas.

Zoning is applied broadly, but we recognize that it may not fit every situation. The variance is a process to consider exceptions, which is intended to be difficult but not impossible to obtain. A base question for considering a variance would be: Is there something special/unique about this case that warrants this applicant not being required to follow the rules applied to others.

The Land Use Code includes four (4) criteria that must *all* be met for granting a variation of lot size. In addition, there are three (3) findings that must *all* be met to allow a variance of land use regulation. These criteria/findings are listed below with an initial assessment by staff:

Variation to Lot Size (Criteria): Chapter 3, Section 1.A.3 of the LUC states that the County may approve the creation of new lots that do not conform to the size requirements provided they meet four (4) criteria:

1. *The subdivision conforms to all other requirements of the Delta County Land Use Code.*

Initially, the intention was to use a cistern to provide domestic water for Lot 2. In the pre-application meeting, staff noted that the LUC states that cisterns shall not be considered an adequate water supply for residential uses. A letter from Lazear Domestic Water Corporation, dated June 12, 2021, states that Mr.



Rasmussen has been approved for one water tap provided the required funds are paid within three months. They will also need a physical address.

Access was discussed during the pre-application meeting. There is an existing access/address that would serve Lot 1. Lot 2 would need to apply for a new access/address, which is proposed along the east property line. Staff can support the proposed access point given other existing access for other parcels in the area. Access along the property line would minimize impact to Agricultural lands to get to what is presumed to be the building site located at the southern half of the property.

2. *The new lots have at least the minimum dimensions set out in the standards for the UGA zoning district (75-foot width, 30-foot frontage).*

Lot 1 has frontage of over 700 feet and Lot 2 has a frontage of about 270 feet; Lot 2 narrows to accommodate locating ponds on Lot 1. While it is not dimensioned, staff finds that the narrowest width for Lot 2 appears to be more than 75 feet based on scale. If approved, the BOA could request for this to be verified (dimensioned) on the Plat.

3. *The size and configuration of the new lot minimizes disturbance or development of irrigated agricultural portions of a property, and does not interfere with wildlife habitat.*

Irrigated lands are currently located on portions of both Lot 1 and the northern half of Lot 2. At the pre-application meeting, the applicant indicated that they did not want the parcels to share wastewater and mentioned the possibility of piping water over to the proposed 21-acre parcel (Lot 2). Staff understood that to mean that all (100%) of the irrigation shares would stay with the existing residence (Lot 1).

In a cover letter with the application package/checklists, staff noted that the application should include an Irrigation Plan that lays out how water will be handled, with the intent to limit reduction of functional Ag lands as much as possible. The application indicates that the applicant is planning to share irrigation water between the lots.

Staff questioned the configuration of the proposed lot line creating numerous changes in direction. According to the applicant, the reason for the design of Lot 2 is because there is an existing fence on the property. The proposed lot line follows that fence line to separate the lots. In addition, a “notch” towards the north end of the property is for a well that is used for irrigation to stay with Lot 1. As a result, there is an irrigation ditch (easement) running north-south through the property that traverses the proposed lot line.



Following the fence line minimizes impact to Agricultural lands. Alternatively, the property line could align with the irrigation easement to avoid going from one property to the other. Staff finds that the area between the ditch and the fence line on Lot 2 is not buildable with required setbacks for structures and septic from the property line and ditch.

4. *The Final Plat is annotated such that no further subdivision of each lot created by this subsection is allowed.*

The applicant is seeking action on the variance before paying fees to process the subdivision. If the variance is approved, the BOA could apply a condition on the Minor Plat that requires including a Plat note reflecting this restriction.

In addition, staff would recommend creating/applying a zoning overlay designation that reflects this restriction on the zoning maps in order to clearly identify where a variance has been approved. For example, staff would recommend amending the Land Use Code to create an overlay zoning designation such as Subdivision Restriction ("SR") that would be added to the underlying zoning designation. In this case, the zoning would be changed from A35 to A35/SR recognizing uses associated with A35 but also identifying no further subdivision of that property.

Variance (Findings): Chapter 10, Section 2 of the LUC states that no variance shall be authorized unless the Board of Adjustment (BOA) makes three findings:

1. *Due to the exceptional narrowness, shallowness, or shape of the subject property on the effective date of this Code, or exceptional topographic conditions, or other extraordinary and exceptional situation or condition of the subject property, the strict application of a regulation in this Code would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the subject property.*

Staff finds that there are no unique physical conditions relative to shape or topography of the property. The stated purpose for this variance is to create a second lot where there is not enough land to meet the acreage required by zoning. The question is if the BOA finds that holding to the strict regulations for A35 zoning "would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the subject property."

2. *A variance from strict application of the regulations at issue would relieve such difficulties or hardship.*

According to the application, the reason provided for requesting a variance/subdivision is that the owner cannot afford to keep the house and



property going into retirement. Also, they cannot afford to sell and buy an existing home and property considering the elevated real estate market.

Pursuant to the Land Use Code, adequacy to sunlight for solar energy devices installed after January 1980 can be a possible consideration in determining difficulty or hardship. Staff finds that there is no solar on the property to be considered in determining difficulty or hardship.

3. The requested variance would not create a substantial detriment to the public good or substantially impair the intent and purpose of this Code.

The site could be designed with Ag in the front (north) and a residence toward the center. There is sufficient area to build a residence on the southern portion of the property. However, locating a home further back places it closer to the railroad, which could be a noise impact for a residence. This potential impact could result in a new owner pushing the home toward the northern portion of the property where it would impact irrigated Ag fields. If the BOA finds that this variance can be approved, then staff recommends establishing a building envelope where it would not impact the agricultural lands.

Hardship

Staff finds that the ability to approve this variance depends largely on how the BOA defines *unnecessary/undue* hardship. There is no simple formula for determining, what is enough. Hence, the BOA holds a quasi-judicial hearing and renders a decision based on evidence presented.

Hardship should be more than mere inconvenience or a preference for a more lenient standard. Cost could be a factor, but is not determinative. This should require an applicant to demonstrate additional cost as compared to others subject to the same restriction. Some jurisdiction might have a more stringent test to prove there is no reasonable use of the property without a variance. For example, 1) does strict compliance with the Code totally prevent improvement of the property in a manner which is reasonable, customary and consistent with other properties in the area; or (2) are there conditions peculiar to the property that cause practical difficulty in strict compliance with the ordinance, due to significant or unjustified expense in light of the scope of the project, destruction or demolition of attractive features of the property, or similar reasons.

An unnecessary hardship should be peculiar to the subject property, not general to the neighborhood or the applicant's personal circumstances. A hardship should not result from actions taken by the applicant or property owner (self-created). For example, the alleged practical difficulty was not created as a result of any action taken by the applicant or predecessors in interest of the property which was unlawful, or which could have been reasonably foreseen to create difficulty in complying with the ordinance for future improvements.



Another way of looking at variances is if granting it would create special privilege to this property that would not be granted to another property with similar conditions (size, shape) in the same zoning designation. Also, that because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this Title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

Arguments that tend to be legally successful include the following:

1. That the particular physical surroundings, shape or topographical condition of the specific property involved would bring particular hardship upon the owner (not just a mere inconvenience), if the strict letter of the zoning regulation were to be carried out;
2. That the conditions upon which the petition for variance relates would not be applicable generally to other property within the same zoning district;
3. That the purpose of the variance is not based exclusively upon a desire to make more money out of the property;
4. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property or by the applicant;
5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
6. That the proposed variance will not:
 - a. Impair an adequate supply of light and air to adjacent property;
 - b. Substantially increase the hazard from fire or other dangers to said property or adjacent property;
 - c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Town/City;
 - d. Diminish or impair property values within the neighborhood;
 - e. Unduly increase traffic congestion in the public streets and highways;
 - f. Create a nuisance; or
 - g. Result in an increase in public expenditures.
7. That the variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.

OTHER AGENCY INVOLVEMENT

A pre-application conference was held with the owner on May 10, 2021. At that meeting, representatives from multiple County departments were present to identify applicable regulations and address potential issues. The purpose of a pre-application conference (meeting) is to inform the applicant of pertinent regulations and identify any potential issues.



Attached material: list, in order as attached

- Sketch Plan
- Sketch Plan, Aerial

RASMUSSEN MINOR SUBDIVISION
A RESUBDIVISION OF LOT 1, ROBINSON-CARLSON MINOR SUBDIVISION MS07-037
WITHIN SECTION 4, T.15S., R.93W., 6TH P.M.
DELTA COUNTY, COLORADO

DEDICATION

We, Carl A. Rasmussen and Marilyn L. Rousseau, being the owners of the land described as follows:

Lot 1, Robinson-Carson Minor Subdivision

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

In witness whereof Carl A. Rasmussen and Marilyn L. Rousseau have subscribed their names this ____ day of _____, A.D. 20____.

By: _____ Carl A. Rasmussen By: _____ Marilyn L. Rousseau

NOTARIAL

State of _____)
County of _____) ss.

The foregoing instrument was acknowledged before me this ____ day of _____, A.D. 20____, by Carl A. Rasmussen & Marilyn L. Rousseau

My commission expires: _____

My address is _____

Witness my hand and official seal.

MORTGAGEES APPROVAL

In witness whereof Mortgagee has subscribed its name approving the content of this final plat this ____ day of _____, A.D. 20____.

By: _____ Mortgagee

NOTARIAL:

State of _____)
County of _____) ss.

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

My commission expires: _____

My address is _____

Witness my hand and official seal.

DELTA COUNTY PLANNING DEPARTMENT APPROVAL

This plat of the above subdivision has been checked for compliance on this ____ day of _____, A.D. 20____.

Planning Department

BOARD OF COUNTY COMMISSIONERS APPROVAL

The within plat of RASMUSSEN MINOR SUBDIVISION,

is approved this ____ day of _____, A.D. 20____, and the roads and other public areas are hereby accepted provided, however, that such acceptance shall not in any way be considered as an acceptance for maintenance purposes.

Maintenance of, or snow removal from, the subject roads shall be only upon a separate resolution of the Board of County Commissioners passed in accordance with such policies, resolutions or regulations in effect at that time.

Chairman _____

Attest: _____

County Clerk _____

CERTIFICATE OF TAXES PAID

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

Treasurer of Delta County, Colorado _____

DELTA COUNTY CLERK AND RECORDER'S ACCEPTANCE

This plat was accepted for filing in the office of the Clerk and Recorder of Delta County, Colorado, on this ____ day of _____, A.D. 20____;

Reception Number _____, Time _____, Date _____

County Clerk _____

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



WILMORE & COMPANY
PROFESSIONAL LAND SURVEYING, INC.

406 Grand Avenue 970.527-4200 PHONE
P.O. Box 1652 970.527-4202 FAX
Paonia, Colorado 81428 www.wilmorelandsurveying.com

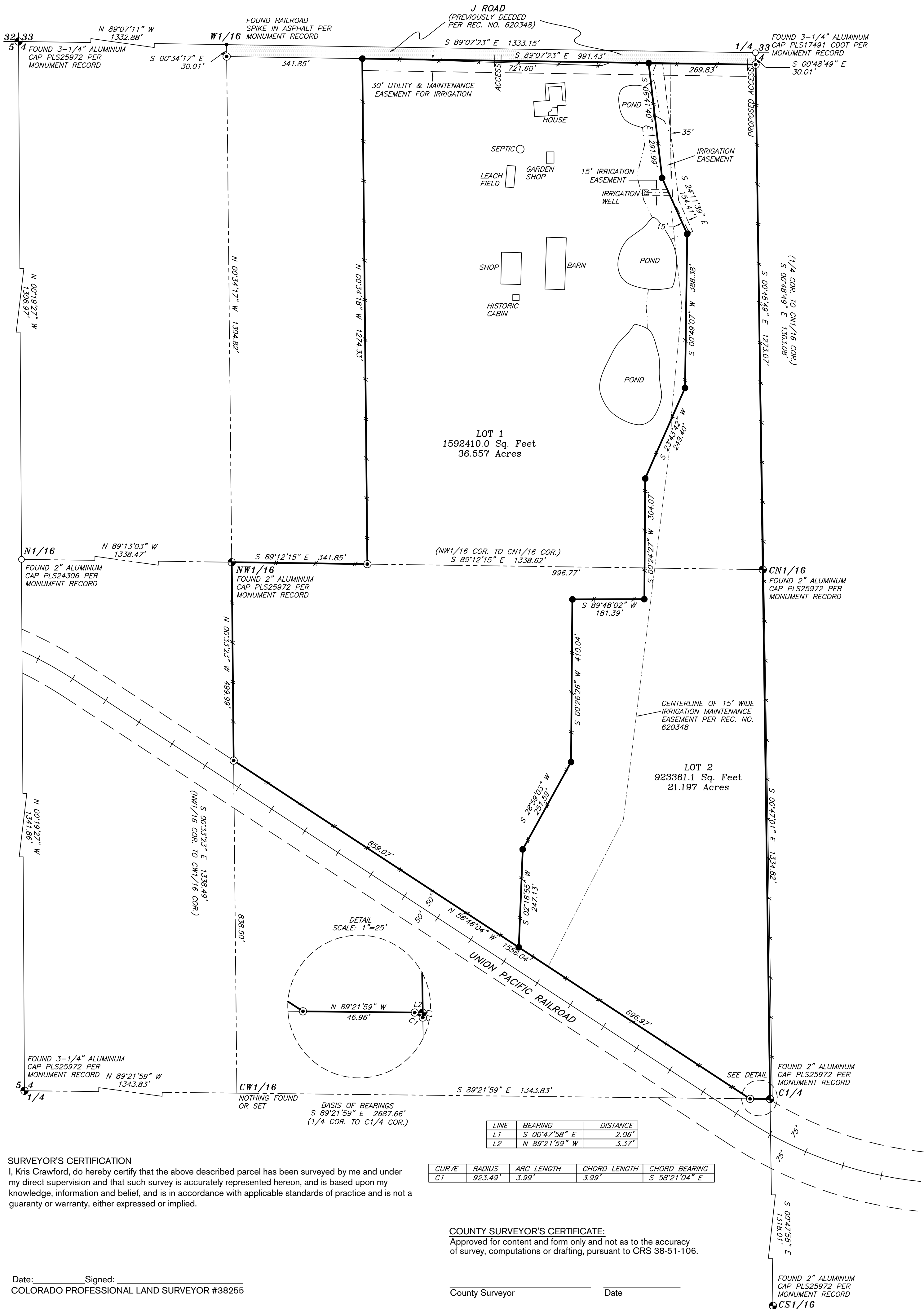
EMAIL kris@wilmorelandsurveying.com

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

RASMUSSEN MINOR SUBDIVISION
A RESUBDIVISION OF LOT 1, ROBINSON-CARLSON MINOR SUBDIVISION MS07-037
WITHIN SECTION 4, T.15S., R.93W., 6TH P.M.
DELTA COUNTY, COLORADO

J21163

30 JUNE 2021



SURVEYOR'S CERTIFICATION

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

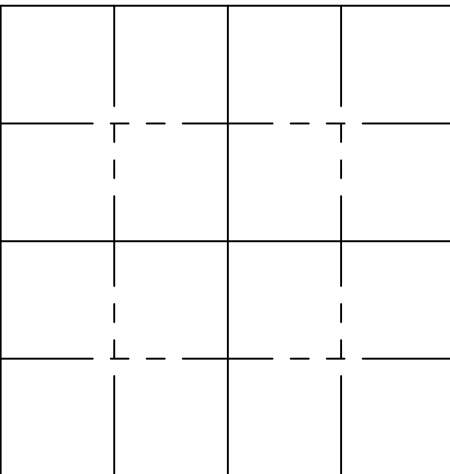
Date: _____ Signed: _____
COLORADO PROFESSIONAL LAND SURVEYOR #38255

COUNTY SURVEYOR'S CERTIFICATE:

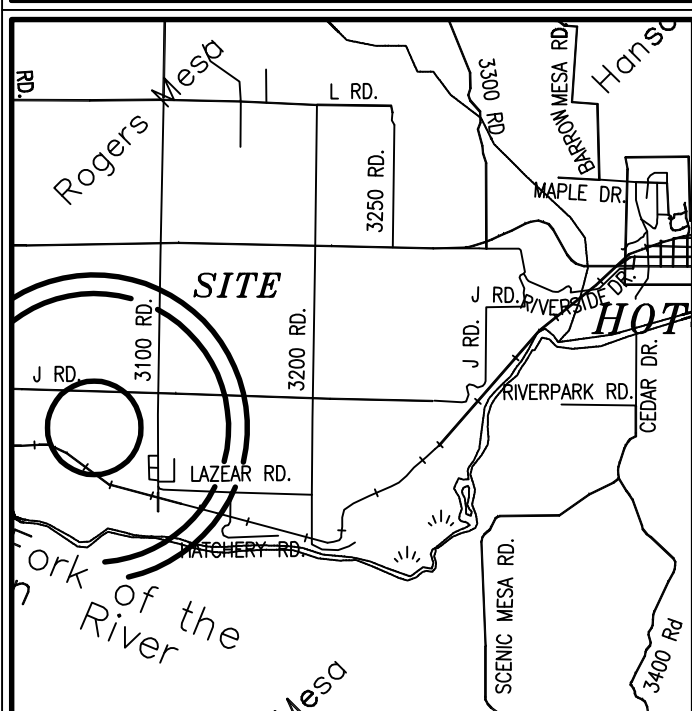
Approved for content and form only and not as to the accuracy of survey, computations or drafting, pursuant to CRS 38-51-106.

County Surveyor _____ Date _____

SEE PLAT



CONTROL MAP



AREA LOCATOR

TYPICAL LEGEND

- Found Railroad Spike in Asphalt
- Set 5/8" rebar 30" long with 2" aluminum cap PLS38255
- Set 5/8" rebar with 2" aluminum cap as Witness corner or linepin PLS38255
- Found 3/4" rebar 30" long with 3-1/4" aluminum cap PLS25972 or as noted
- Found 5/8" rebar with 2" aluminum cap PLS25972
- Found 5/8" rebar with 2" aluminum cap PLS24306 or as noted

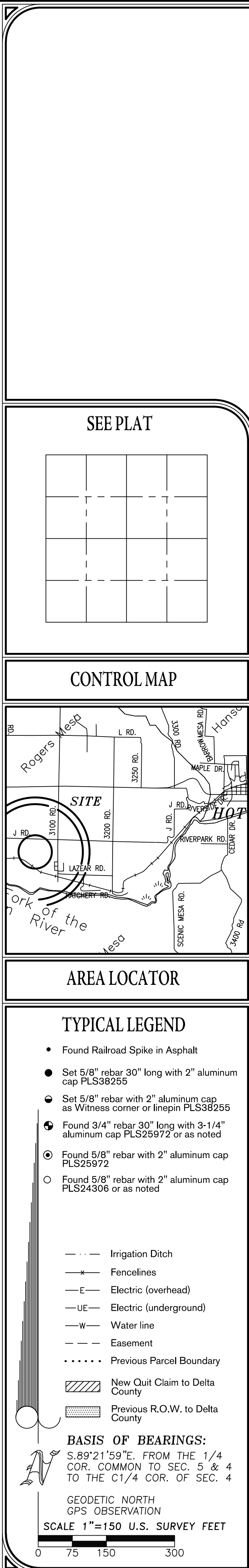
- Irrigation Ditch
- Fencelines
- Electric (overhead)
- UE— Electric (underground)
- W— Water line
- E— Easement
- Previous Parcel Boundary
- New Quit Claim to Delta County
- Previous R.O.W. to Delta County

BASIS OF BEARINGS:

S.89°21'59"E. FROM THE 1/4 COR. COMMON TO SEC. 5 & 4 TO THE C1/4 COR. OF SEC. 4

GEODETIC NORTH
GPS OBSERVATION

SCALE 1"=150 U.S. SURVEY FEET
0 75 150 300



	WILMORE & COMPANY PROFESSIONAL LAND SURVEYING, INC.		FIELD CREW: KC CW	RASMUSSEN MINOR SUBDIVISION A RESUBDIVISION OF LOT 1, ROBINSON-CARLSON MINOR SUBDIVISION MS07-037 WITHIN SECTION 4, T.15S., R.93W., 6TH P.M. DELTA COUNTY, COLORADO		
	406 Grand Avenue P.O. Box 1652 Paoia, Colorado 81428 970.527-4200 PHONE 970.527-4202 FAX www.wilmorelandsurveying.com		DRAFTER: KC CHECKED BY: RAW			
<i>Defining Boundaries</i>			EMAIL: kris@wilmorelandsurveying.com		J21163	30 JUNE 2021



STAFF REPORT

**Board of Adjustment
Board Room
560 Dodge Street, Delta, CO 81416**

Thursday, August 26, 2021 @ 5:30 p.m.

PLN21-010/Corona Preliminary Plat and Variances

Consider variances to create three 2.5-acre lots in the A5 zoning district. The property is located at 5884-5898 2100 Road, Delta.

PROJECT INFORMATION:

Property Owner: Ricardo Corona
Site Address: 2100 Road/Pleasant Valley Road, Delta
Parcel ID/Acct: 3455-242-10-003
Parcel Size: 34.36 acres
Zoning: A5

RECOMMENDATION:

Staff recommends that the Board of Adjustments:

- a) Consider the required variance criteria/findings as they apply to PLN21-010/Corona;
- b) Provide direction to staff on the BOA's Intent to Approve/Conditionally Approve/Deny a variance for PLN21-010/Corona, a Preliminary Plat creating three (3) 2.5-acre parcels in the A5 zoning designation as part of a 4-Lot subdivision located at 5884-5898 2100 Road, Delta (Parcel: 345524210003); and
- c) Continue the matter to September 23, 2021 and direct staff to prepare a resolution reflecting the BOA direction.



SUMMARY:

Mr. Ricardo Corona, owner/applicant, is requesting a 4-lot subdivision (Preliminary Plat) from an approximately 34.36-acre through-parcel with frontage on 2100 Road and Pleasant Valley Road. Three lots would be about 2.5 acres and the fourth lot would be about 28 acres.

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.

The minimum acreage for subdividing this parcel is 5 acres per lot and the proposal includes creating three lots of about 2.5 acres and one remainder of about 28 acres. The three 2.5-acre lots do not meet standards for acreage set forth in the LUC so a variance is required.

The Board of Adjustment (BOA) is designated as the decision-making authority to consider variance applications. Chapter 1, Section 6.C.4 requires the concurring vote of three members of a 3-member BOA, meaning actions by the BOA must be unanimous in order to pass. In consideration of a variance, there are four criteria and three findings for the BOA to consider. Once a decision has been made by the BOA, the process will either proceed with the Subdivision or the owner has a right to appeal the BOA's decision to the Board of County Commissioners (BoCC).

Neither the PC nor BoCC can take final action on the Preliminary Plat until/unless the Variance is approved. The application checklist requested enough detail, professionally drawn, for the BOA to be able to make a fully informed decision on the variance. The Preliminary Plat, with and without an aerial overlay, is attached (**Attachment**).

As the BOA is a decision making body, staff would typically prepare a resolution with findings for the BOA to consider. However, as a new body applying a new Land Use Code staff is not certain how the BOA interprets the ability to request variances. Staff finds that the LUC implicitly limits property owners to one lot that does not meet the minimum lot size, and not multiple variances that effectively circumvent the zoning for a larger subdivision.

This is a critical part in determining if a variance should be approved or denied. As such, staff recommends that the BOA take an action on the intent to approve, conditionally approve, or deny this request for a variance. Based on that direction, staff will return with a resolution for the BOA to adopt. At that point, an aggrieved party could appeal the BOA decision to the Board of County Commissioners. Alternatively, the applicant could redesign the project with lots that meet the 5 acre minimum. If the intent is to conditionally approve the project, staff also requests direction for conditions.



DISCUSSION:

The application (PLN21-010/Corona) is for a 4-lot subdivision (Preliminary Plat) from an approximately 34.36-acre through parcel with frontage on 2100 Road and Pleasant Valley Road.

- Lot 1: 2.5 acres (5884 2100 Road)
- Lot 2: 2.5 acres (5898 2100 Road)
- Lot 3: 2.5 acres (vacant, 2100 Road)
- Lot 4: 28 acres (vacant, Pleasant Valley Road).

2100 Road and Pleasant Valley Road are public roads (publically maintained).

Pleasant Valley Subdivision (2004). Properties north, south, and east of the subject property were generally created by the Pleasant Valley Major Subdivision (MJ 02-020), which subdivided about 142 acres into 35 lots ranging in size from 1.92 to 10.01 acres, and a 4.80-acre pond area. There is an existing 60-foot wide Emergency Access Easement (private easement) between Lots 19 and 20 of the Pleasant Valley Subdivision. A 60-foot wide easement also exists across the northern portion of the subject parcel, connecting emergency access from Friendship Road to 2100 Road. Mr. Corona noted that this access has been fenced by the neighboring property owner (Lot 20), blocking access.

Hood Mobile Home Subdivision (2009). The “Hood Mobile Home Subdivision” (MJ07-013) subdivided a 35.2-acre parcel into three lots: Lots 1 & 2 (2.5 acres each), and Lot 3 (35.2 acres). Lot 1 was to have three RV spaces plus an existing double wide served by two septic systems. Lot 2 was to contain two existing single wide mobile homes and one septic system. The Final Plat was conditioned to include the following statements (notes):

- *“The SCS report indicates there may be severe limitations for homes, septic systems due to slope, shallow and steepness, high shrink/swell potential, very slow internal drainage”*
- *Lot 1 and Lot 2 are restricted to no further subdivision, Lot 1 to one single family dwelling and 3 RV spaces and Lot 2 to two single family dwellings.”*

The subject 35-acre parcel is the remainder from that subdivision, and includes a detention pond to serve that development. A copy of this Plat is **attached** for reference.

The area south of G Road and west of 2100 Road is zoned A-35 and consists of larger Ag properties. This subject property and the Pleasant Valley area is zoned A-5 under the new Land Use Code. The minimum acreage for subdividing this parcel is 5 acres per lot. Variances for Lots 1-3 are required because Lots 1-3 are 2.5-acre lots, which do not meet the minimum lot size.

Variance applications are presented to the Board of Adjustments (BOA) for either Approval, Approval with Conditions or Denial. Once a decision has been made by the BOA the process will either precede with the Subdivision or you will have a right to appeal the BOA’s decision. If the variance is denied, the applicant could revise their Preliminary Plat with 5-acre parcels such that no variances are required.



The Land Use Code includes four (4) criteria that must *all* be met for granting a variation of lot size. In addition, there are three (3) findings that must *all* be met to allow a variance of land use regulation. These criteria/findings are listed below with an initial assessment by staff:

Variation to Lot Size (Criteria): Chapter 3, Section 1.A.3 of the LUC states that the County may approve the creation of new lots that do not conform to the size requirements provided they meet four (4) criteria:

1. *The subdivision conforms to all other requirements of the Delta County Land Use Code.*

Subdivisions are required to prove adequate (domestic) water supply for each lot created (Chapter 8, Section 3 LUC). As part of the application, the applicant is required to demonstrate that this is feasible with the water company, and include easements for access to service the infrastructure. All four lots are proposed to be served by septic for wastewater.

Each lot fronting 2100 Road would have their own access from that road. Access to the 28-acre parcel would be taken off Pleasant Valley Road. In discussion with the County Engineer and Road and Bridge Foreman, we recommended access for the 28-acre lot be located where it more closely aligns with the intersection of Paradise Road.

2. *The new lots have at least the minimum dimensions set out in the standards for the UGA zoning district (75-foot width, 30-foot frontage).*

Lots 1-3 have frontage/width of over 250 feet and Lot 4 has a frontage of about 570 feet.

3. *The size and configuration of the new lot minimizes disturbance or development of irrigated agricultural portions of a property, and does not interfere with wildlife habitat.*

Staff questioned the configuration (lot design), and not meeting the 5-acre minimum lot size requirement. The owner desires to continue the lot pattern along 2100 Road that was started with two lots at the corner of 2100 Road and Pleasant Valley Road (part of the "Hood Mobile Home Subdivision").

4. *The Final Plat is annotated such that no further subdivision of each lot created by this subsection is allowed.*

If the variance is approved, the BOA could apply a condition on the Minor Plat that requires including a Plat note reflecting this restriction. In addition, staff would recommend creating/applying a zoning overlay designation that reflects this restriction on the zoning maps in order to clearly identify where a variance



has been approved. For example, staff would recommend amending the Land Use Code to create an overlay zoning designation such as Subdivision Restriction ("SR") that would be added to the underlying zoning designation. In this case, the zoning would be changed from A35 to A35/SR recognizing uses associated with A35 but also identifying no further subdivision of that property.

Variance (Findings): Chapter 10, Section 2 of the LUC states that no variance shall be authorized unless the Board of Adjustment (BOA) makes three findings:

1. *Due to the exceptional narrowness, shallowness, or shape of the subject property on the effective date of this Code, or exceptional topographic conditions, or other extraordinary and exceptional situation or condition of the subject property, the strict application of a regulation in this Code would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the subject property.*

Staff finds that there are no unique physical conditions relative to shape or topography of the property. The stated purpose for these variances is to create lots along 2100 Road that follow the pattern created by the Hood Mobile Home Subdivision (MJ07-013). The question is if the BOA finds that holding to the strict regulations for A5 zoning *"would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the subject property."*

2. *A variance from strict application of the regulations at issue would relieve such difficulties or hardship.*

While the site can support lots that meet the minimum requirement, it would not impact any lands in agricultural production. The applicant has obtained access, address, and septic permits (County approvals) to site two mobile homes where Lots 1 & 2 would be created. To facilitate these units, a transformer was sited west of proposed lot lines for 5884 (proposed Lot 1) and 5898 (Proposed Lot 2) 2100 Road, which the owner feels affects the lot layout.

Pursuant to the Land Use Code, adequacy to sunlight for solar energy devices installed after January 1980 can be a possible consideration in determining difficulty or hardship. Staff finds that there is no solar on the property to be considered in determining difficulty or hardship.

3. The requested variance would not create a substantial detriment to the public good or substantially impair the intent and purpose of this Code.

Zoning is applied broadly, but we recognize that it may not fit every situation. The variance process affords an avenue to request a smaller lot if required criteria/findings can be justified (e.g., physical constraint, hardship). The proposed layout would not impact agricultural operations; however, staff feels



that the exception for a variation to lot size is to create a single exception to address a unique situation, not a subdivision. We find that there is the ability to create lots that are 5 acres (2-3 lots) vs. 2.5-acre lots such that no variance is required.

If the BOA finds that this variance can be approved, then staff recommends establishing a building envelope where it would not impact the agricultural lands.

Hardship

Staff finds that the ability to approve this variance depends largely on how the BOA defines *unnecessary/undue* hardship. There is no simple formula for determining, what is enough. Hence, the BOA holds a quasi-judicial hearing and renders a decision based on evidence presented.

Hardship should be more than mere inconvenience or a preference for a more lenient standard. Cost could be a factor, but is not determinative. This should require an applicant to demonstrate additional cost as compared to others subject to the same restriction. Some jurisdiction might have a more stringent test to prove there is no reasonable use of the property without a variance. For example, 1) does strict compliance with the Code totally prevent improvement of the property in a manner which is reasonable, customary and consistent with other properties in the area; or (2) are there conditions peculiar to the property that cause practical difficulty in strict compliance with the ordinance, due to significant or unjustified expense in light of the scope of the project, destruction or demolition of attractive features of the property, or similar reasons.

An unnecessary hardship should be peculiar to the subject property, not general to the neighborhood or the applicant's personal circumstances. A hardship should not result from actions taken by the applicant or property owner (self-created). For example, the alleged practical difficulty was not created as a result of any action taken by the applicant or predecessors in interest of the property which was unlawful, or which could have been reasonably foreseen to create difficulty in complying with the ordinance for future improvements.

Another way of looking at variances is if granting it would create special privilege to this property that would not be granted to another property with similar conditions (size, shape) in the same zoning designation. Also, that because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this Title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

Arguments that tend to be legally successful include the following:

1. That the particular physical surroundings, shape or topographical condition of the specific property involved would bring particular hardship upon the owner (not



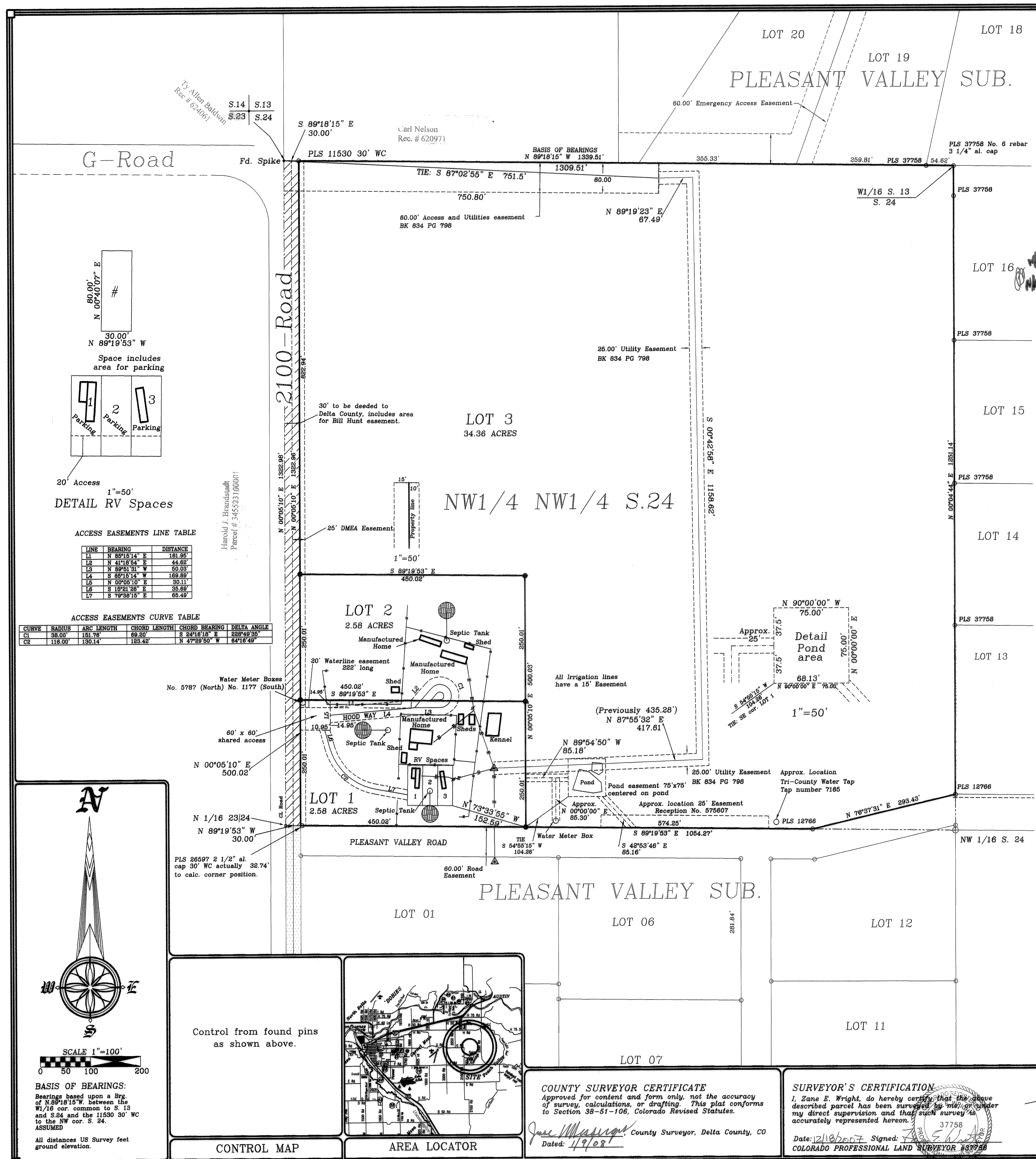
- just a mere inconvenience), if the strict letter of the zoning regulation were to be carried out;
2. That the conditions upon which the petition for variance relates would not be applicable generally to other property within the same zoning district;
 3. That the purpose of the variance is not based exclusively upon a desire to make more money out of the property;
 4. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property or by the applicant;
 5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 6. That the proposed variance will not:
 - a. Impair an adequate supply of light and air to adjacent property;
 - b. Substantially increase the hazard from fire or other dangers to said property or adjacent property;
 - c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Town/City;
 - d. Diminish or impair property values within the neighborhood;
 - e. Unduly increase traffic congestion in the public streets and highways;
 - f. Create a nuisance; or
 - g. Result in an increase in public expenditures.
 7. That the variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.

OTHER AGENCY INVOLVEMENT

A pre-application conference was held with the owner on May 3, 2021. At that meeting, representatives from multiple County departments were present to identify applicable regulations and address potential issues. The purpose of a pre-application conference (meeting) is to inform the applicant of pertinent regulations and identify any potential issues.

Attached material: list, in order as attached

- Hood Mobile Home Plat (2009)
- Preliminary Plat/Corona
- Preliminary Plat/Corona (with aerial overlay)



- Outdoor lighting shall be hooded or shielded so that light is directed downward so as not to glare onto the adjacent properties or dilute the night sky.
- All development in Delta County is subject to the Delta County Right to Farm and Ranch Policy as adopted as Resolution 96-R-38 by the Board of County Commissioners on December 23, 1988.
- This property is located in an agricultural area, normal agricultural activities will continue unabated in the surrounding area and may not be a basis for a lawsuit, except in cases of proven gross negligence.
- 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 Management Advisory Commission concerning the control of such weeds.
- All new utilities must be placed underground on all parcels.
- The minimum set backs in this subdivision shall be:
From Any Public Road ROW 25'
Front Property Line 25'
Side and Rear Property Lines 25'
- All lots as shown are restricted to no further subdivision and one single family dwelling per lot.
- No fence, wall, entrance hedge, shrub planting, tree or other sight obstruction above 2 feet above the road surface elevation shall be located within the sight control area.
- Division and usage of irrigation water is governed by the covenants as recorded under Reception # 118.
- Certain Covenants and Restrictions on the property in this subdivision are being recorded in the office of the Delta Clerk and Recorder.
- The SCS report indicates there may be severe limitations for homes, septic systems due to slope, shallow and steepness, high shrink/swell potential, very slow internal drainage.
- The Lot 1 and Lot 2 are restricted to no further subdivision, Lot 1 to one single family dwelling and 3 RV spaces and Lot 2 to two single family dwellings.

DESCRIPTION OF AREA TO BE DEEDED FOR COUNTY ROAD USE

A parcel of land within the NW1/4 NW1/4 of Section 24, Township 15 South, Range 95 West of the 6th Principal Meridian having bearings based upon a bearing of N 89°18'15" W, between the NW1/4 corner common to said Section 24 and Section 15 and the PLS 11530 30' WC between the NW1/4 corner common to said Section 24 and Section 15 and the PLS 11530 30' WC witness corner to the Northwest corner of said Section 24 with all other bearings being relative thereto, said parcel being more particularly bounded and described as follows:

Beginning at the NW1/4 corner common to said Section 24 and Section 23 and running thence S 89°19'53" E 1054.27 feet along the South line of said NW1/4 NW1/4 to the TRUE POINT OF BEGINNING; parcel boundary continues S 89°19'53" E 285.39 feet to the NW1/16 corner of said Section 24, thence leaving said South line and running along the East line of said NW1/4 NW1/4 N 00°04'44" E 71.81 feet; thence leaving said East line S 78°37'31" W 285.45 feet to the point of beginning. Parcel as described contains 0.23 acres.

DEVELOPERS
CLIFTON HOOD AND KATHLEEN HOOD
5794 2100 ROAD
DELTA, CO 81416
970-874-1894

TOTAL DEVELOPMENT AREA 40.44 AC.
NUMBER OF LOTS 3
AREA WITHIN ROADS DEEDED OR DEDICATED 0.91 AC.
AREA OF LOTS - 39.53 AC.

Lot 3 within this Subdivision has been approved for one single family dwelling, including mobile homes and any further development on the lot will require the purchase of an additional water tap and septic system and will be subject to the approval of the Board of County Commissioners.

- TYPICAL LEGEND
- G.T.S. (gear top spike)
 - Set 5/8" rbr./2" al. cap PLS 37758
 - Set 5/8" rbr./2" al. cap W.C. or linopin PLS 37758
 - 3/4" rod/3 1/4" al. cap PLS 37758
 - upgraded fd. monument to 2" pipe/3 1/4" al. cap PLS 37758
 - GLO/BLM/BuRec/USFS
 - fd. #8 rbr./2" al. cap PLS 12766 or as noted
 - Approx. area of leach field
 - Easements
 - setbacks
 - fencelines
 - irrigation
 - Approx. location
 - Electric (underground)
 - Gas line
 - Water line
 - Guy wire anchor
 - Power pole
 - DMEA Sectionalizer Box
 - new Quit Claim to Delta County
 - Previous R.O.W. to Delta County

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

We, Clifton Hood and Kathleen Hood, being the owners of the land described as follows:

The NW1/4 NW1/4 of Section 24, Township 15 South, Range 95 West of the 6th Principal Meridian, EXCEPT THE FOLLOWING DESCRIBED PARCEL:

A parcel of land within the NW1/4 NW1/4 of Section 24, Township 15 South, Range 95 West of the 6th Principal Meridian having bearings based upon a bearing of N 89°18'15" W, between the NW1/4 corner common to said Section 24 and Section 15 and the PLS 11530 30' WC witness corner to the Northwest corner of said Section 24 with all other bearings being relative thereto, said parcel being more particularly bounded and described as follows:

Beginning at the NW1/4 corner common to said Section 24 and Section 23 and running thence S 89°19'53" E 1054.27 feet along the South line of said NW1/4 NW1/4 to the TRUE POINT OF BEGINNING; parcel boundary continues S 89°19'53" E 285.39 feet to the NW1/16 corner of said Section 24, thence leaving said South line and running along the East line of said NW1/4 NW1/4 N 00°04'44" E 71.81 feet; thence leaving said East line S 78°37'31" W 285.45 feet to the point of beginning. Parcel as described contains 0.23 acres.

Entire parcel as described contains 40.44 acres.

In Delta County, Colorado, under the name of HOOD MOBILE HOME SUBDIVISION MJ 07-013, MJ08-020, have laid out, platted and/or subdivided the same as shown on this plat and do hereby dedicate to the public at large the streets, alleys, roads and other public areas as shown hereon and hereby dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In Witness whereof Clifton Hood and Kathleen Hood have subscribed their names this 4th day of January, AD 2008.

BY: Clifton Hood
CLIFTON HOOD

BY: Kathleen Hood
KATHLEEN HOOD

Notarial
State of Colorado) ss.
County of Delta)

The foregoing instrument was acknowledged before me this 4th day of January, AD 2008, by Clifton Hood and Kathleen Hood.

My Commission expires: 11-18-2009
My address is: 2404 US Hwy 1650, Ste 10, Grand Junction, CO 81505

Witness my hand and official seal:
John Chamberlain
Notary Public

Mortgages Approval: Michael D. Palermo Branch Sales Manager, Beneficial

In witness whereof Michael D. Palermo, Branch Sales Manager, Beneficial has subscribed its name this 4th day of January, AD 2008.

Mortgage Notarial
State of Colorado) ss.
County of Delta)

The foregoing instrument was acknowledged before me this 4th day of January, AD 2008, by Michael D. Palermo as Branch Sales Manager of Beneficial.

My Commission expires: 11-18-2009
My address is: 2404 US Hwy 1650, Ste 10, Grand Junction, CO 81505

Witness my hand and official seal:
John Chamberlain
Notary Public

Board of County Commissioners Approval

The within plat of HOOD MOBILE HOME SUBDIVISION MJ 07-013 is approved this 14th day of January, AD 2008 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.

Wesley E. Wolf
Chairman

Attest:
Shirley J. DeLong Deputy
County Clerk

Delta County Planning Department Approval

This plat of the above subdivision has been checked for compliance on this 11th day of January, AD 2008.

(Planning Department)

Certificate of Taxes Paid

I, the undersigned do hereby certify that the entire amount of taxes and assessments due and payable as of Dec. 31, 2007, upon all parcels of real estate described on this plat are paid in full. Dated this 8th day of January, AD, 2008.

Treasurer of Delta County, Colorado

RECORDING TO ADD APPROVAL DATE FOR OF BOARD OF COUNTY COMMISSIONERS

RECEPTION#: 639101, 11/17/2009 at 08:39:24 AM, 1 OF 1, ANN EDDINS, DELTA COUNTY, CO CLERK AND RECORDER PLAT BK 0 PG 0

RECEPTION#: 639101, 11/17/2009 at 12:24:22 PM, 1 OF 1, ANN EDDINS, DELTA COUNTY, CO CLERK AND RECORDER PLAT BK 0 PG 0

COUNTY SURVEYOR CERTIFICATE
Approved for content and form only, not the accuracy of survey, calculations, or drafting. This plat conforms to Section 38-51-106, Colorado Revised Statutes.
Jesse M. M... County Surveyor, Delta County, CO
Dated: 4/9/08

SURVEYOR'S CERTIFICATION
I, Zane E. Wright, do hereby certify that the above described parcel has been surveyed by me, or under my direct supervision and that such survey has accurately represented hereon.
Date: 12/18/2007 Signed: Zane E. Wright
COLORADO PROFESSIONAL LAND SURVEYOR #37758

HOOD MOBILE HOME SUBDIVISION MJ07-013
WITHIN THE NW1/4 NW1/4
SEC. 24, T.15S., R.95W., 6TH P.M.
DELTA COUNTY, COLORADO

MVS07030 18 DECEMBER 2007

Desc. Z.E.W.
Dwg. Z.E.W.
Field Z.E.W.

Mountain Valley Survey
380 SECOND ST., NO. 2, PAGITA, CO 81458 970-5137 mvsurvey@tda.net

PLAT REFERENCES:

"HOOD MOBILE HOME SUBDIVISION MJ07-013"---RECORDED NOVEMBER 17, 2009 UNDER RECEPTION NO. 639101

"PLEASANT VALLEY MAJOR SUBDIVISION MJ02-020"---RECORDED JANUARY 15, 2004 UNDER RECEPTION NO. 575503

"PLEASANT VALLEY MAJOR SUBDIVISION MJ02-020 PHASE 2"---RECORDED JULY 21, 2004 UNDER RECEPTION NO. 581766

"PLEASANT VALLEY MAJOR SUBDIVISION MJ02-020 PHASE 4"---RECORDED JULY 3, 2008 UNDER RECEPTION NO. 626932

PRELIMINARY PLAT CORONA SUBDIVISION PLN21-010 A REPLAT OF LOT 3, HOOD MOBILE SUBDIVISION MJ07-013 WITHIN THE NW1/4 NW1/4 SECTION 24, T.15S., R.95W., 6TH P.M. DELTA COUNTY, COLORADO

SUBDIVISION DEDICATION

We, Ricardo Corona and Anna Corona, being the owner of land described as follows:

LEGAL DESCRIPTION

LOT 3, HOOD MOBILE HOME SUBDIVISION, ACCORDING TO THE PLATS RECORDED NOVEMBER 12, 2009 UNDER RECEPTION NO. 638988 AND NOVEMBER 17, 2009 UNDER RECEPTION NO. 639101, COUNTY OF DELTA, STATE OF COLORADO.

In Delta County, Colorado, under the name of CORONA SUBDIVISION PLN21-010, have laid out, platted and/or subdivided the same as shown on this plat and do hereby dedicate to the public at large the streets, alleys, roads and other public areas as shown hereon and those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof Ricardo Corona and Anna Corona have subscribed their names this _____ day of _____, A.D. 20____.

By: _____ Ricardo Corona
By: _____ Anna Corona

NOTARIAL:

State of _____ } ss.
County of _____ }

The foregoing instrument was acknowledged before me this _____ day of _____, A.D. 20____, by Ricardo Corona and Anna Corona

My commission expires: _____

My address is: _____

Witness my hand and official seal.

DELTA COUNTY PLANNING DEPARTMENT APPROVAL

This plat of the above subdivision has been checked for compliance by _____ on this _____ day of _____.

Planning Staff

BOARD OF COUNTY COMMISSIONERS APPROVAL

The within plat of CORONA SUBDIVISION PLN21-010 is approved this _____ day of _____, A.D. 20____, and the roads and other public areas are hereby accepted provided, however, that such acceptance shall not in any way be considered as an acceptance for maintenance purposes.

Maintenance of, or snow removal from, the subject roads shall be only upon a separate resolution of the Board of County Commissioners passed in accordance with such policies, resolutions or regulations in effect at that time.

Chairman

Attest

County Clerk

CERTIFICATE OF TAXES PAID

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

Treasurer of Delta County, Colorado

COUNTY SURVEYOR'S CERTIFICATE:

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

County Surveyor _____ Date _____

SURVEYOR'S CERTIFICATION

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

Date: _____ Signed: _____
COLORADO PROFESSIONAL LAND SURVEYOR #25972



WILMORE & COMPANY
PROFESSIONAL LAND SURVEYING, INC.

406 Grand Avenue P.O. Box 1652
Poncha, Colorado 81428
970.527-4200 PHONE
970.260-4130 PHONE
www.wilmorelandsurveying.com

Defining Boundaries EMAIL randy@wilmorelandsurveying.com

FIELD CREW:

RAW, CW

DRAFTER:

RAW

CHECKED BY:

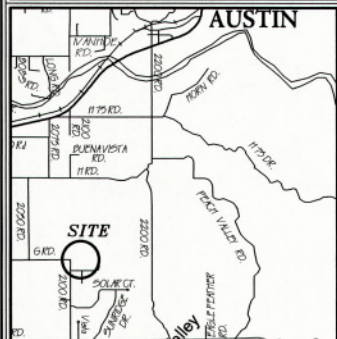
KC

CORONA SUBDIVISION PLN21-010
A REPLAT OF LOT 3, HOOD MOBILE SUBDIVISION MJ07-013
WITHIN THE NW1/4 NW1/4 SECTION 24, T.15S., R.95W., 6TH P.M.
DELTA COUNTY, COLORADO

J21200FINAL

20 JULY 2021

AREA LOCATOR



TYPICAL LEGEND

- Found Mag Nail in Asphalt
- Set 5/8" rebar 30" long with 2" aluminum cap PLS25972
- Set 5/8" rebar 30" long with 2" aluminum cap as Witness corner or linepin PLS25972
- Found 5/8" rebar with 2" aluminum cap PLS 12766 or PLS 37758
- Found 5/8" rebar with 2" aluminum cap as Witness corner or linepin PLS 12766
- Found 3/4" rebar with 3-1/4" aluminum cap PLS 37758 per monument record

- Fencelines
- Electric (overhead)
- UE— Electric (underground)
- W— Water line
- Easement
- CL Irrigation Easement
- ▨ New Quit Claim to Delta County
- ▨ Previous R.O.W. to Delta County

BASIS OF BEARINGS:

S.89°18'15"E. FROM THE SECTION CORNER COMMON TO SEC. 13, 14, 23 & 24 TO THE W1/16 COR. COMMON TO SEC. 13 & 24 GEODETIC NORTH GPS OBSERVATION

SCALE 1"=100 U.S. SURVEY FEET

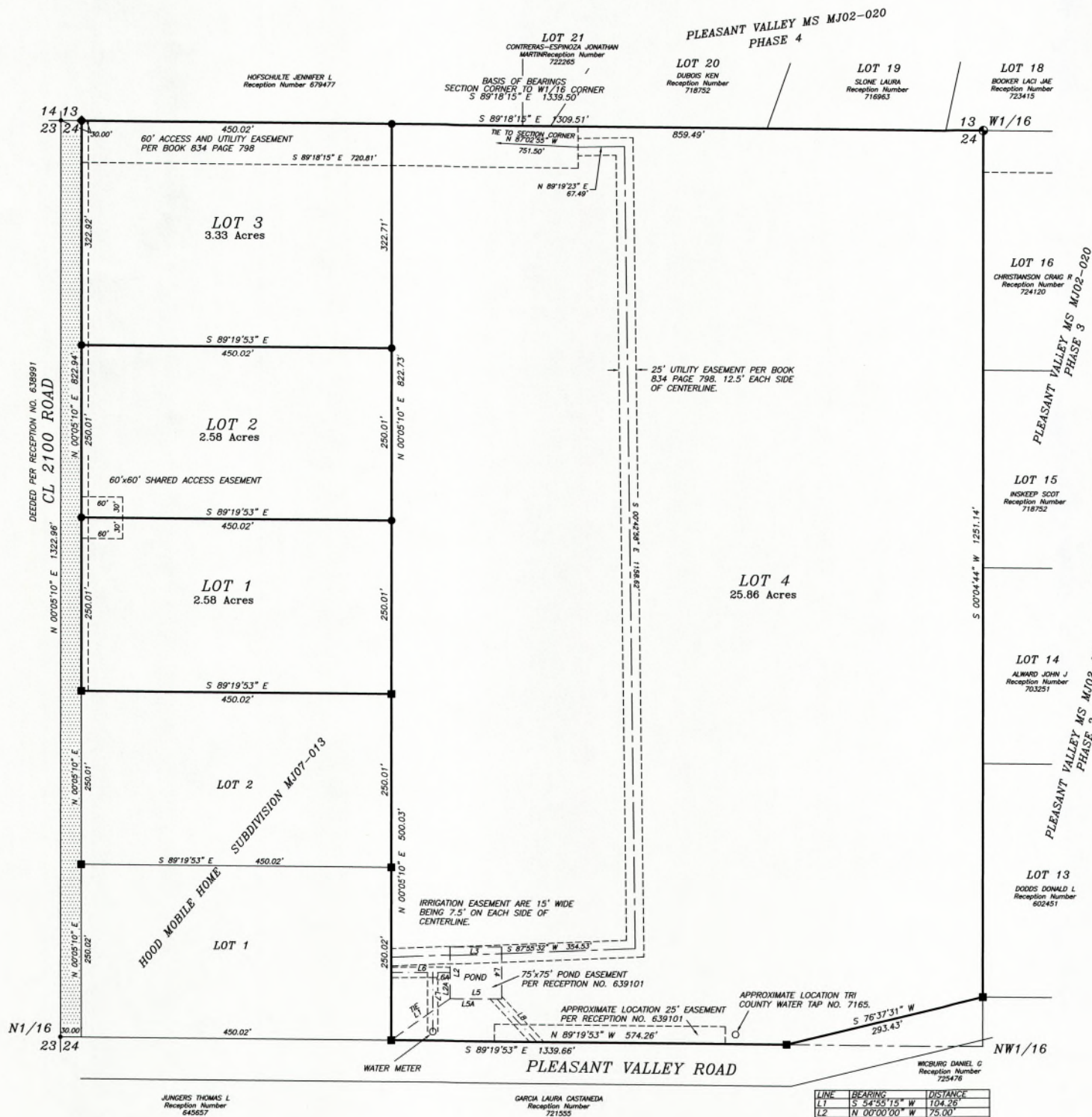
0 50 100 200

NOTES:

- OUTDOOR LIGHTING SHALL BE HOODED OR SHIELDED SO THAT LIGHT IS DIRECTED DOWNWARD SO AS NOT TO GLARE ONTO THE ADJACENT PROPERTY OR DILUTE THE NIGHT SKY.
- ALL DEVELOPMENT IN DELTA COUNTY IS SUBJECT TO THE DELTA COUNTY RIGHT TO FARM AND RANCH POLICY, ADOPTED AS RESOLUTION 99-R-020 BY THE BOARD OF COUNTY COMMISSIONERS ON SEPTEMBER 27, 1999.
- THIS PROPERTY IS LOCATED IN AN AGRICULTURAL AREA. NORMAL AGRICULTURAL ACTIVITIES WILL CONTINUE UNABATED IN THE SURROUNDING AREAS AND MUST NOT BE A BASIS FOR A LAWSUIT, EXCEPT IN CASES OF PROVEN GROSS NEGLIGENCE.
- ACCESS TO ALL SHOWN OR UN-SHOWN IRRIGATION DITCHES FOR CLEANING AND MAINTENANCE PURPOSES IS PERMITTED.
- COLORADO IS AN "OPEN RANGE" STATE. IT IS NOT THE RESPONSIBILITY OF A LIVESTOCK OWNER TO FENCE IN LIVESTOCK.
- IF THERE ARE COVENANTS, RESTRICTIONS OR OTHER DOCUMENTS FOR THE PROPERTY IN THIS SUBDIVISION, THEY WILL BE RECORDED IN THE OFFICE OF THE DELTA COUNTY CLERK AND RECORDER.
- EACH LOT OWNER SHALL BE PERSONALLY RESPONSIBLE TO CONTROL UNDESIRABLE, NOXIOUS WEEDS WITHIN THE BOUNDARIES OF THAT LOT, TO PREVENT THE SPREADING OF SUCH WEEDS TO OTHER LANDS AND TO COMPLY WITH THE RECOMMENDATIONS OF THE DELTA COUNTY WEED MANAGEMENT ADVISORY COMMISSION CONCERNING THE CONTROL OF SUCH WEEDS.

- UNLESS APPROVED OTHERWISE, ALL LOTS WITHIN THIS SUBDIVISION HAVE BEEN APPROVED FOR ONE SINGLE RESIDENTIAL USE ONLY. ANY FURTHER SUBDIVISION OR ANY CHANGE OF USE TO OTHER THAN SINGLE FAMILY RESIDENTIAL OR AGRICULTURAL USE REQUIRES THE LOT OWNER TO PROCESS THE REQUEST IN ACCORDANCE WITH THE REGULATION OF DELTA COUNTY.
- ALL UTILITIES MUST BE PLACED UNDERGROUND ON ALL PARCELS.
- THE MINIMUM SET BACKS FOR ALL STRUCTURES (INCLUDING ONSITE WASTEWATER TREATMENT SYSTEMS), IN THIS SUBDIVISION SHALL BE:
ANY PUBLIC ROAD ROW 25'
INTERIOR PROPERTY LINE 15'
- SHARES OF IRRIGATION WATER CONVEYED TO LOTS AT THE TIME OF PLAT RECORDING MAY OR MAY NOT BE SOLD SEPARATELY FROM THE PROPERTY AND MAY NOT RUN WITH THE LAND.

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



LINE	BEARING	DISTANCE
L1	S 54°55'15" W	104.26
L2	N 00°00'00" W	75.00
L3A	N 00°00'00" W	137.50
L3	N 90°00'00" E	75.00
L4	S 00°00'00" E	75.00
L5	N 90°00'00" W	75.00
L5A	N 90°00'00" W	68.13
L6	N 89°54'50" W	85.18
L6A	N 89°54'50" W	25
L7	S 00°00'00" E	85.30
L8	S 42°53'46" E	85.16

PLAT REFERENCES:

HOOD MOBILE HOME SUBDIVISION MJ07-013--RECORDED NOVEMBER 17, 2009 UNDER RECEPTION NO. 639101

PLEASANT VALLEY MAJOR SUBDIVISION MJ02-020--RECORDED JANUARY 15, 2004 UNDER RECEPTION NO. 575503

PLEASANT VALLEY MAJOR SUBDIVISION MJ02-020 PHASE 2--RECORDED JULY 21, 2004 UNDER RECEPTION NO. 581766

PLEASANT VALLEY MAJOR SUBDIVISION MJ02-020 PHASE 4--RECORDED JULY 3, 2008 UNDER RECEPTION NO. 626632

PRELIMINARY PLAT CORONA SUBDIVISION PLN21-010

A REPLAT OF LOT 3, HOOD MOBILE SUBDIVISION MJ07-013
WITHIN THE NW1/4 NW1/4 SECTION 24, T.15S., R.95W., 6TH P.M.
DELTA COUNTY, COLORADO

SUBDIVISION DEDICATION

We, Ricardo Corona and Anna Corona, being the owner of land described as follows:

LEGAL DESCRIPTION

LOT 3, HOOD MOBILE HOME SUBDIVISION, ACCORDING TO THE PLATS RECORDED NOVEMBER 12, 2009 UNDER RECEPTION NO. 639988 AND NOVEMBER 17, 2009 UNDER RECEPTION NO. 639101, COUNTY OF DELTA, STATE OF COLORADO.

In Delta County, Colorado, under the name of CORONA SUBDIVISION PLN21-010, have laid out, platted and/or subdivided the same as shown on this plat and do hereby dedicate to the public at large the streets, alleys, roads and other public areas as shown hereon and those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof Ricardo Corona and Anna Corona have subscribed their names this _____ day of _____, A.D. 20____.

By: _____ Ricardo Corona
By: _____ Anna Corona

NOTARIAL:

State of _____ } ss.
County of _____
The foregoing instrument was acknowledged before me this _____ day of _____, A.D. 20____, by Ricardo Corona and Anna Corona

My commission expires: _____

My address is _____

Witness my hand and official seal.

DELTA COUNTY PLANNING DEPARTMENT APPROVAL

This plat of the above subdivision has been checked for compliance by _____ on this _____ day of _____.

Planning Staff _____

BOARD OF COUNTY COMMISSIONERS APPROVAL

The within plat of CORONA SUBDIVISION PLN21-010 is approved this _____ day of _____, A.D. 20____, and the roads and other public areas are hereby accepted provided, however, that such acceptance shall not in any way be considered as an acceptance for maintenance purposes.

Maintenance of, or snow removal from, the subject roads shall be only upon a separate resolution of the Board of County Commissioners passed in accordance with such policies, resolutions or regulations in effect at that time.

Chairman _____

Attest _____

County Clerk _____

CERTIFICATE OF TAXES PAID

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

Treasurer of Delta County, Colorado _____

COUNTY SURVEYOR'S CERTIFICATE:

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

County Surveyor _____ Date _____

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

Date: _____ Signed: _____
COLORADO PROFESSIONAL LAND SURVEYOR #25972

AREA LOCATOR



TYPICAL LEGEND

- Found Mag Nail in Asphalt
- Set 5/8" rebar 30" long with 2" aluminum cap PLS25972
- Set 5/8" rebar 30" long with 2" aluminum cap as Witness corner or linepin PLS25972
- Found 5/8" rebar with 2" aluminum cap PLS 12766 or PLS 37758
- Found 5/8" rebar with 2" aluminum cap as Witness corner or linepin PLS 12766
- Found 3/4" rebar with 3-1/4" aluminum cap PLS 37758 per monument record

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

BASIS OF BEARINGS:
S.89°18'15"E. FROM THE SECTION CORNER COMMON TO SEC. 13, 14, 23 & 24 TO THE W1/16 COR. COMMON TO SEC. 13 & 24 GEODETIC NORTH GPS OBSERVATION

SCALE 1"=100 U.S. SURVEY FEET
0 50 100 200

NOTES:

- OUTDOOR LIGHTING SHALL BE HOODED OR SHIELDED SO THAT LIGHT IS DIRECTED DOWNWARD SO AS NOT TO GLARE ONTO THE ADJACENT PROPERTY OR OBLITE 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, 1999.
- THIS PROPERTY IS LOCATED IN AN AGRICULTURAL AREA. NORMAL AGRICULTURAL ACTIVITIES WILL CONTINUE UNLIMITED IN THE SURROUNDING AREAS AND MUST NOT BE A BASIS FOR A LITIGANT, EXCEPT IN CASES OF PROVEN NEGLIGENCE.
- ACCESS TO ALL SHOWN OR UN-SHOWN IRRIGATION DITCHES FOR CLEANING AND MAINTENANCE PURPOSES IS PERMITTED.
- COLORADO IS AN "OPEN RANGE" STATE. IT IS NOT THE RESPONSIBILITY OF A LIVESTOCK OWNER TO FENCE IN LIVESTOCK.
- IF THERE ARE COVENANTS, RESTRICTIONS OR OTHER DOCUMENTS FOR THE PROPERTY IN THIS SUBDIVISION, THEY WILL BE RECORDED IN THE OFFICE OF THE DELTA COUNTY CLERK AND RECORDER.
- EACH LOT OWNER SHALL BE PERSONALLY RESPONSIBLE TO CONTROL UNDESIRABLE NOXIOUS WEEDS WITHIN THE BOUNDARIES OF THAT LOT, TO PREVENT THE SPREADING OF SUCH WEEDS TO OTHER LANDS AND TO COMPLY WITH THE RECOMMENDATIONS OF THE DELTA COUNTY WEED MANAGEMENT ADVISORY COMMISSION CONCERNING THE CONTROL OF SUCH WEEDS.
- UNLESS APPROVED OTHERWISE, ALL LOTS WITHIN THIS SUBDIVISION HAVE BEEN APPROVED FOR ONE SINGLE RESIDENTIAL USE ONLY. ANY FURTHER SUBDIVISION OR ANY CHANGE OF USE TO OTHER THAN SINGLE FAMILY RESIDENTIAL, OR AGRICULTURAL, USE REQUIRES THE LOT OWNER TO PROCESS THE REQUEST IN ACCORDANCE WITH THE REGULATION OF DELTA COUNTY.
- ALL UTILITIES MUST BE PLACED UNDERGROUND ON ALL PARCELS.
- THE MINIMUM SET BACKS FOR ALL STRUCTURES (INCLUDING ONSITE WASTEWATER TREATMENT SYSTEMS), IN THIS SUBDIVISION SHALL BE:
ANY PUBLIC ROAD ROW 25'
INTERIOR PROPERTY LINE 15'
- SHARES OF IRRIGATION WATER CONVEYED TO LOTS AT THE TIME OF PLAT RECORDING MAY OR MAY NOT BE SOLD SEPARATELY FROM THE PROPERTY AND MAY NOT RUN WITH THE LAND.

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



WILMORE & COMPANY
PROFESSIONAL LAND SURVEYING, INC.

406 Grand Avenue P.O. Box 1852 Paonia, Colorado 81428
970.527-4200 PHONE 970.260-4130 PHONE
www.wilmorelandsurveying.com

Defining Boundaries EMAIL: randy@wilmorelandsurveying.com

FIELD CREW:
RAW, CW

DRAFTER:
RAW

CHECKED BY:
KC

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A REPLAT OF LOT 3, HOOD MOBILE SUBDIVISION MJ07-013
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J21200FINAL

20 JULY 2021