

**Planning Commission / UNFAPC Joint Meeting Minutes**  
**August 16, 2017**

Planning Commission Members in Attendance: Dick Disner, Bob Stechert, Angela Mackey, Jen Sanborn, Steve Shea, Steve Schrock, Layne Brones.

UNFAPC Members in Attendance: Steve Wolcott, Bill Bear,

Absent PC Members: Kim Shay, Tony Prendergast,

Planning Staff: Independent Consultant, Kelly Yeager, Planning Tech Jeanie McCulloch ECDD, Elyse Casselberry.

Chairman, Dick Disner opened the meeting with introductions at 6:23 pm.

**Item # 1:** Approve minutes from Planning Commission Meeting for July 26, 2017

**Motion:** Angela M. moves to accept the minutes.

**Second:** Layne B.

Motion carries

Minutes approved

Due to lack of PC member quorum at the LCAPC meeting on August 15, 2017, Item #2 was rescheduled for review during the UNFAPC meeting on August 16, 2017.

**Item #2: SUB17-013 Madison Gulch Subdivision**

Owner: Ronald G. Widner

Due to an emergency, the applicant/owner is not able to be present but has given Kelly Yeager the authority to present his subdivision proposal.

There are two (2) single family dwellings on the 12.57 acre parcel. The Applicant would like to subdivide an existing single family dwelling and a shed and create Lot 2, a 1.36 acre parcel. Lot 1 will be 11.21 acre lot with an existing single family dwelling, a hanger and an air strip located on the lot. Both single family dwellings have an Upper Surface Creek Domestic Water tap (USCDWUA), DMEA electrical, on site waste water treatment systems, and access onto North Road. There are no irrigation water rights on the parcel. Nothing will change on the parcel, all is existing. Hotchkiss Fire District is requesting the Applicant place \$500.00 in escrow towards the purchase and installation of a fire hydrant to be located on the 3" water main of USCDWUA line at Payne Siding Road & North Road. The nearest fire hydrant is 4+ miles from the subdivision. Since the subdivision will create 2 lots the fee is \$500/lot. Staff finds that the Sketch Plan for SUB 17-013 Madison Gulch Subdivision is feasible and recommends the concept of the feasibility of the application be approved by BoCC with the directions given for Final Plat with the findings, conditions /issues as presented and those elements of the check list.

Conditions or Issues to be addressed: Health Department Staff found a RV set up permanently on the property. No onsite wastewater treatment system is permitted for occupancy of this dwelling unit. A septic system must be permitted and installed if this dwelling continues to be occupied. Applicant met with Keith Lucy and camper will be removed by August 31, 2017. As per Delta County Regulations, \$500/lot for a total of \$1,000 escrowed towards the purchase and installation of a fire hydrant to be located on the 3" water main of USCDWUA at Payne Siding Road & North Road.

**Questions/Comments/Concerns:**

C) There is an airstrip. A 3" water line is located next to airstrip with potential for a fire hydrant.

C) There was an RV issue and the 31<sup>st</sup> is deadline to resolve.

C) There was no septic for the RV. A container was used and to be full time residence needed a septic approved by the Health Dept.

Q) Does Doug Fritz have the authority to put to commit to a 10 year moratorium to refund the fire mitigation fee? A) The regulation state that money put into the escrow account is non-refundable. The Fire Chief doesn't have the authority to allow for refund.

C) That statement needs to be explained to the applicant that it is not applicable.

C) This is a two lot subdivision that the density standard has been waived and is a concern with the resolution. A variance would be appropriate but need to deal with the waiver of Subdivision Regulations.

Proponents: none  
Opponents: none

**Motion:** Bob S. recommends to the BoCC approval of SUB17-013 Madison Gulch Subdivision.

**Second:** Jen S.

Steve Schrock amends the motion to include that the applicant be notified of the County's rule regarding fire hydrants. Comment by the fire chief is not correct and not county policy.

Motion Carries

To BoCC: August 21, 2017 @ 10:00 a.m.

**Item #3: SUB17-012 Resub of Lot 2 Orchards at Pitkin Mesa West Subdivision**

Landowner: Stan & Jaylene Parks

Kelly presented the proposal:

The original Orchards at Pitkin Mesa West, SUB 10-002 contained two (2) lots. Lot 1 of the original subdivision contained 8 acres and Lot 2 contained 12.524 acres.

The Applicants proposes to re-subdivide Lot 2 containing 12.524 acres, Pitkin Mesa West Subdivision into two (2) lots. Lot 2 of the Resubdivision of Lot 2 will be 8.024 acres and Lot 3 will be 4.5 Acres. The original subdivision review of Pitkin Mesa West Subdivision stated Lot 2 might be further subdivided. The Planning Commission motion on the original states; "Tony Prendergast moves to recommend approval of the sketch plan for SUB10-002 with staff findings and recommendations for final plat checklist and with restrictions on no future subdivision of Lot 1, and Lot 2 may be divided into not more than 2 lots through the mechanism of a plat note and covenants, and upon the sale of each lot, \$13,333.33 shall be placed into an escrow account with the County for a period to match the escrow account from Subdivision MS-007 for the same purpose of said escrow account agreement. Second: Dick Disner, Motion carries unanimously. The Warranty Deed created for Lot 2, Orchards at Pitkin Mesa Subdivision recorded at Reception #: 646179 states; "Lot 2 is restricted to no more than 2 lots in the future".

Resolution No. 2010R-045 Conditionally approving the Sketch Plan for; SUB10-002 Orchards at Pitkin Mesa West Subdivision stated in Conclusions and Order; "Provide a deed restriction for no further development of Lot 1 and Lot 2 restricted to no more than 2 lots in the future". Also stated; "Enter into a Subdivision Improvements Agreement (SIA) to place into escrow account with Delta County the amount of \$13,333.33 from the sale of each lot to be used for the relocation of Swanson Road, with the funds to be returned to the developer at the same time that the SIA for MS07-007 Orchards at Pitkin Mesa Subdivision, Reception #627188, for the relocation of Swanson Road are to be refunded. The agreement shall include a provision for the possible future split of Lot 2 and funds from both lots if the split were to occur.

Delta County Board of County Commissioners, Subdivision Improvements Agreement the Orchards at Pitkin Mesa West Subdivision SUB10-002 states in Recitals, Now Therefore, 1; "From the sale of each of the two (2) lots approved in SUB10-002, the Developer, and/or his successors in interest, shall assure that \$13,333.33 shall be withheld from proceeds of such sale at the closing thereof. If in the future, Lot 2 is further subdivided, an additional \$13,333.33 shall be withheld from the sale of any newly created lot". The Board of Health reviewed and acted on a variance application to permit the 4.5 lot size on August 15, 2017. There are 300 shares Fire Mountain canal water.

Staff finds that the Sketch Plan for SUB17-12 Resubdivision of Lot 2 Pitkin Mesa West Subdivision is feasible and recommends the concept of the feasibility of the application be approved by BoCC with the directions given for Final Plat with the findings, conditions /issues as presented and those elements of the check list.

**APC Questions/Comments/ Concerns**

Q) Is Lot 3 to stay ag? A) No, it's Lot 2

Q) The well is on lot 3? A) Yes, a permit was obtained. Taps will be for lot 2. The intent on Lot 2 is for home site.

Stan thought it went through the process in 2010. They have a potential buyer for the 4 1/2 acres at the south end. The natural boundary is the county easement.

Proponents: none

Opponents: none

Bob Kalenak, former County Engineer is neither a proponent nor opponent. Q) Is the county intending to give access? Swanson road does not have a legitimate access to the highway. There should be something in writing guarantying they will get access to Swanson Road.

**PC Questions/Comments/Concerns**

C) Swanson road has been on agenda since 2010 to get easement and access to that subdivision. Applicant agreed to the easement so the county has option to change it if they choose. The access is there and continuously used.

Q) 2010 when well was approved; the well sample was not acceptable. Has the well been treated? A) It has not been further developed but money was put into escrow for a treatment of the well. But they have the option to use a tap. There is no moratorium on water taps at this time.

Q) If water taps are available why are they not required to be purchased for all lots? A) At the time of purchase the water line didn't go through the property. Previous owners put the well in, in approximately 2002. Taps are available but doesn't see any problems using the well.

Q) Property is below the Fire Mountain Canal. Will the future have an effect on the well? A) No idea how affected. The location to the river is less than ½ mile and what supplies water to the well is unknown.

C) There is a clause in SIA regarding escrow money. As lots are sold, funds would be put into escrow for improvements to Swanson Road

C) This subdivision and one on the other side of Swanson Road also has three lots, both put money in escrow.

C) If the county doesn't do anything on the road, he gets the escrow money back. Would think the county would have an issue with that and that they would want to use the funds.

C) Whether the county proceeds in the SIA with the acquisition or construction of an alternative easement and driveway, the agreement will end in 2018. The County has less than a year. Suggest making a motion that part of the approval is the PC encouragement that the County should be aware of deadline.

C) There is 13,333.33 in escrow and the sale of the Lot 2 will put another 13,333.33 in escrow. Have county attorney look at it and advise the County Commissioners.

**Motion:** Steve Schrock moves to approve SUB17-012 Resub of Lot 2 Orchards at Pitkin Mesa West Subdivision, with the conclusion that direction of staff go to the County Attorney or County Commissioners, as the clock is ticking for performance under the Subdivision Improvements Agreement, before the County misses a big opportunity for Swanson Road improvements and since they have the money to do it.

**Second:** Bob S.

Motion carries

To BoCC August 21, 2017 @ 10:00 am

**Item #4** Proposed Resolution to follow Procedures and Process

Bob added a provision that requests the opportunity to discuss the foregoing with the County Commissioners at a time of mutual convenience. It was in the packet and was previously emailed.

**Motion:** Bob S moves to adopt the proposed Resolution which states:

The Delta County Planning Commission respectfully requests that the Delta County Board of County Commissioners follow the procedures and processes set forth in the Planning Commission Bylaws, the Subdivision Regulations, and the Specific Development Regulations when seeking amendment of those Bylaws and Regulations in order to permit the Planning Commission to properly discharge its duties and responsibilities. The Planning Commission also requests an opportunity to discuss the foregoing with the Board of County Commissioners at a time of mutual convenience.

**Second:** Layne B

Motion carries

Meeting adjourned at 7:25 p.m.

Respectfully submitted by:  
Jeanie McCulloch