



**PLANNING COMMISSION
MINUTES
September 27, 2018**

Members Present

David Seymour
Lana Kinsey
David Frank
Dennis Murphy
Rob Smith

Staff Present

Steve White – Planning & Development Director
Carolyn Clawson – Asst. County Attorney
Kim Ficco – Planning Tech I

Alternate Members

Jim Haugsness

Chairman David Seymour called the meeting to order at 6:00 p.m. in the Commissioner's Board Room and asked that everyone stand for the pledge of allegiance. He asked that everyone silence their cell phones and welcomed the public. He stated that the Planning Commission is an advisory to the Board of County Commissioners and all items on the agenda tonight will be heard by the County Commissioners. The 11 o'clock rule will be enforced and a quorum was determined to be present.

The August 23, 2018 minutes were presented. **M/S-** David Frank/Lana Kinsey to **Approve** the August 23, 2018 minutes as presented. All votes aye. **Motion Carried**. Subsequently, Rob Smith was absent during the 8/23/18 meeting and abstained from vote.

CALL TO THE PUBLIC - NONE

NEW BUSINESS:

PUBLIC HEARING

1. Wind River Rezoning [RZ-18-0026]

Location: 61388 Jay Jay Road
Zoning: General Agricultural
Proposal: To rezone 7.8 acres from General Agriculture to General Commercial
Owner: Casey D. Smith
Applicant: Casey D. Smith

The Planning and Development Director presented the staff report. Casey D. Smith Applicant and Owner of Wind River Rezoning spoke of the special use history and how the current business is no longer profitable and commercial zoning would create options for new commercial businesses. Neighbor, Rodger Noble of 1918 County Road 10, Ridgway, CO, had questions regarding easements and access located on the west side of the property. Planning and Development Director, Steve White, explained that currently the property is accessed from a private easement that has never been dedicated to the county and is for the use of the property owner and neighboring property owners as found on the plat.

M/S- David Frank/Rob Smith to **Approve** based on the following findings of fact:

Findings of fact:

- a) The proposed rezone is consistent with the land use designation of the Montrose County Master Plan.
- b) The property has access to a County roadway which connects directly to the State Highway.
- c) The site will be developed under the requirements of the General Commercial Zoning District.
- d) Adjacent properties are zoned general commercial and have been developed with commercial buildings.

All votes aye. **Motion Carried.**

MINOR SUBDIVISIONS

2. S & C (previously Zahniser) Minor Subdivision [MI-18-0029]

Location: 17789 6353 Road
Zoning: General Residential
Proposal: To divide a 3 acre parcel into two (2) lots
Owners: Steven & Carol Zahniser
Applicant: Del-Mont

The Planning and Development Director presented the staff report. Fred Ballard with Del-Mont Consulting and Applicant for the S & C Minor Subdivision was available to answer questions about irrigation water owned by the Zahniser's; dividing the irrigation water for the 2 new lots will be at the discretion of the Water Users.

M/S- Dennis Murphy/Lana Kinsey to **Approve** based on the following findings of fact:

Findings of fact:

- a) The proposed Minor Subdivision will comply with the requirements of the Montrose County Subdivision Regulations.
- b) The proposed Minor Subdivision is consistent with the development standards of the General Agricultural Zoning District.
- c) The proposed Minor Subdivision has direct access to a County Road.

All votes aye. **Motion Carried.**

3. Bright Sky Minor Subdivision [MI-18-0027]

Location: 5978 & 5844 5600 Road
Zoning: General Agricultural
Proposal: To divide a 6.793 acre parcel into three (3) lots
Owners: Ed & Kim Price
Applicant: Mesa Surveying

The Planning and Development Director presented the staff report. Bill Wiley with Mesa Surveying and Applicant for the Bright Sky Minor Subdivision was present and offered to answer questions. Neighbor, Bryan Collmeyer of 5921 5600 Road, stated that there is a problem with dust in the neighborhood; he is concerned the dust will increase when new homes are built on the new lots and made suggestion of new neighborhood covenants. Neighbor, Sue Payton Bunch of 5815 5600 Road, stated that she does not want more people or families building homes around her property and requested the Planning Commission deny approval of the Bright Sky Minor. Neighbor, Chris Bunch of 5815 5600 Road, asked about potential agricultural/commercial activities and what licensing would need to be acquired vs Use by Right and, additionally, the possibility of the Bright Sky Minor subdividing in the future. Neighbor, Gail Schlachter of 5921 5600 Road, stated that she is in agreement with the comments present by her neighbors and disagrees with the Planning Commission approval of Bright Sky Minor despite the comments made by neighbors; making a request for names of each member of the Planning Commission, BOCC members and information on recourse if the Bright Sky Minor is approved by the BOCC. Gail Schlachter stated it is a federal law that landscape views cannot be blocked and building new homes on the 3 new lots would be a federal law violation. Gail Schlachter explained that her comments are not a threat however; an advisement and her disagreement with the approval of Bright Sky Minor will not stop at the doors of the meeting room.

M/S-Dennis Murphy/Rob Smith to Approve based on the following findings of fact:

Findings of fact:

- a) The proposed Minor Subdivision will comply with the requirements of the Montrose County Subdivision Regulations.
- b) The proposed Minor Subdivision is consistent with the development standards of the General Agricultural Zoning District.
- c) The proposed Minor Subdivision has direct access to a County Road.

All votes aye. **Motion Carried.**

4. J & J Minor Subdivision [MI-18-0028]

Location: 7435 5600 Road
Zoning: General Agricultural
Proposal: To divide a 41.5 acre lot creating a new 5.7 acre lot
Owners: Jim Day
Applicant: Mesa Surveying

The Planning and Development Director presented the staff report. The recommendation to approve the J & J Minor has been continued until the November 15, 2018 Planning Commission meeting. The Owners of J & J Minor do not have a functional septic system at the residential dwelling site located on 7435 5600 Road.

M/S- David Frank/Lana Kinsey to **Continue to:** 11/15/18.

OTHER ITEMS FOR DISCUSSION

- Continued discussion of Dark Sky; Improving or replacing non-compliant lights in Montrose County; solutions to minimizing light pollution from existing commercial businesses and multiple family dwellings such as apartments. Steve will report back to the Planning Commission triggers that will allow upgrade of lighting in situations when new lighting is required.
- Staff is discussing new ideas and philosophies to subdividing and Steve will present to the Planning Commission.
- Jim Haugsness asked about the procedure for a potential threat and providing contact information to the public. Personal contact information is not provided however; board information can be found on the Montrose County website. As for a potential threat to the Planning Commission, the Commission can request the Sheriff present during meetings.

Planning Commission Secretary