



**PLANNING COMMISSION
MINUTES
December 16, 2021**

Members Present

Lana Kinsey
David Seymour
Dennis Murphy
Philip Lee
Rocky Gabriel

Staff Present

Steve White – Planning & Development Director
Tallmadge Richmond – Planner
Kim Ficco - Planning
Joe Gaffney - Montrose County Attorney
Keith Laube – Public Works Director & Engineer

Alternate Member

Clifford Dodge

Chairman Lana Kinsey called the meeting to order at 6:00 p.m. in the Public Works Meeting Room and asked that everyone stand for the pledge of allegiance. She asked that everyone silence their cell phones and welcomed the public. She 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 minutes for the Planning Commission meeting on October 28, 2021 were presented.

M/S- Dennis Murphy/David Seymour to **Approve** the minutes as presented. Voting members: Kinsey, Seymour, Murphy, Gabriel. All votes aye. **Motion Approved.**

The minutes for the Planning Commission meeting on November 18, 2021 were presented.

M/S- Rocky Gabriel/David Seymour to **Approve** the minutes as presented. Voting members: Seymour, Gabriel, Dodge. All votes aye. **Motion Approved**

CALL TO THE PUBLIC – NONE

OLD BUSINESS

PUBLIC HEARING

1. JBARJ Rezone [RZ21-012]

Location: Parcel 376510100031
Zoning: General Agricultural
Proposal: Rezone from General Agricultural (A) to Manufactured Home Park Residential District (R-MHP)
Owners: JBARJ CAPITAL LLC
Applicant: Del-Mont Consultants

The Planner presented the staff report and discussed the updated site plan, [non]conformance with the Master Plan and clarification from the Montrose County Attorney that a community sewer system could include septic systems where there was a common leach field for all residents. The applicant disagreed with staff saying more than one leach field was allowed. The discrepancy in the definition of a community sewer system was not rectified. Mobile homes that exist on site are allowed as they existed before the county adopted land use zoning. Additionally, the existing mobile homes could be replaced without rezoning the parcel (R-MHP). Other discussion included, private and public easements, potential flooding impacts from area ponds and mitigation requirements. It was also noted that the existing Manufactured Home Park is not currently zoned as a Manufactured Home Park and is working on a "grandfathered use" and if the existing Park is rezoned it would allow for expansion which would include planning and building phases.

Manufactured Home Park Owner, Jack Petruccelli, was present and addressed flood concerns and mitigation considerations such as potentially initiating a hazard study, history of failure of existing septic and current working septic, flexibility of site plans based on future planning with Colorado PE and Montrose County. Manufactured Home Park Owner, Joy Freeman, discussed the benefits of rezoning and expansion to provide the community with additional living options. Public comments received in opposition of the rezone were related to concerns with flooding, neighbors illegally pumping water, access, illegal hunting and fishing and wildlife welfare, increased/current crime and trespass to adjoining parcels and additional comments unrelated to the rezone.

Applicant Fred Ballard with Del-Mont reported that the soils and perc test looked good for future septic improvements on the upper parcel. No data on the lower parcel.

Montrose County Attorney, Joe Gaffney, addressed the Planning Commission to clarify voting participation. Philip Lee abstained from voting due to absence at the original hearing in October 2021 and has not reviewed the minutes and verbatim recording. Clifford Dodge, is an alternate and not a participating Planning Commission member at the time of the original hearing in October 2021.

M/S- Dennis Murphy/Rocky Gabriel to **DENY** the JBARJ Rezone from General Agricultural to Manufactured Home Park based on lower parcel has poor site characteristics for Manufactured Homes and Septic.

2 votes aye.

2 votes nay.

Motion Failed.

M/S- David Seymour/Lana Kinsey to **Approve** the JBARJ Rezone from General Agricultural to Manufactured Home Park based on the findings of fact listed in paragraph 7 of the Staff Report.

2 votes aye.

2 votes nay.

Motion Failed.

Montrose County Attorney, Joe Gaffney suggested we continue due to the deadlock in votes, 2 in favor and 2 against. A quorum (3 voting members) was present but we had an even number of eligible voters which resulted in deadlock. A continuance of the rezone was recommended to allow the applicant more time to solidify the proposal and come to an agreed definition of a community sewer system between the applicant and county staff. The Owner, Jack Petruccelli, requested a continuance to gather more information for the Planning Commission, until February 24, 2022.

M/S- Dennis Murphy/Rocky Gabriel to **Continue** the hearing to the February 24, 2022 Planning Commission meeting. Philip Lee will review minutes and listen to the verbatim recording in preparation and participation in the February hearing of the JBARJ Rezone.

All votes aye. Motion Carried.

NEW BUSINESS

PUBLIC HEARING

2. Gather Campground In Montrose RV Park [SU21-009]

Location: Parcel 399316102002
Zoning: General Agricultural
Proposal: To create an RV Park
Owners: S&J Development
Applicant: Courtney Patch

The Planner presented the staff report and reviewed the proposal and site plan, access easement commercial requirements, use by right for RV Park, irrigation water and water table. Contractor, Scott Stryker, explained S&J owns the existing parcel and the intended owner is Heath Padgett and also reviewed the septic site plan. Intended Owner, Heath Padgett, reviewed the narrative and was available to answer questions.

M/S- Dennis Murphy/Philip Lee to **Approve** based on updated condition #11 and combining conditions #3 & #5 and the following **findings of fact and conditions of approval**:

- a) The proposed Special Use Permit is not in conflict with the land use designation of the Montrose County Master Plan.
- b) The proposal meets the requirements of the County Zoning Resolution and the special use criteria.
- c) Upon completion and/or implementation of the required conditions, the proposal will meet the standards of the Montrose County Zoning Resolution.
- d) Possible negative impacts will be mitigated by the permit conditions listed below

Approval is subject to the following Conditions:

1. The permit shall be applicable only to the specific use and specific property for which it was issued.
2. The Special Use Permit shall run with the land.
3. Where applicable, all facility activities shall be in compliance with all local, state, and federal laws, regulations, and permit requirements.
4. The development of the facility shall be in conformance with the narrative and site plan submitted November 23, 2021 on file with the Planning and Development Department.
5. Prior to operation of the facility the Planning and Development Department will inspect the site to verify compliance with all approved plans, acceptance by all appropriate County Departments and compliance with all conditions attached to the permit.
6. Prior to facility operations, an updated access permit associated with the new facility for commercial use shall be approved by Montrose County.
7. Prior to facility operations, all comments listed on the review letter from the Montrose County Public Works department dated October 26, 2021 shall be addressed.

8. Prior to facility operations, the applicant shall provide record of an approved water source for commercial use for the proposed facility from Tri County Water District.
9. Trash facilities sufficient to address guest activities shall be located on site, and the applicant shall be responsible to keep all trash on the subject property. All trash shall be contained and removed in a timely manner.
10. All exterior lighting associated with the facility shall be down directed. Quiet hours shall occur between 11:00 pm and 7:00 am.
11. Approval of this permit does not limit the Commission's power to terminate this permit, if a finding of non-compliance with the provisions of the permit, Zoning Resolution or other laws of the County or State.
12. The applicant shall provide all guests, renters, and vendors with information regarding the conditions of the SUP.

All votes aye. **Motion Carried.**

MINOR SUBDIVISIONS

3. Erskine Minor Subdivision [MI21-044]

Location: 61505 Highway 90
Zoning: General Agricultural
Proposal: To divide 39.187 acre lot into 3 lots
Owners: Lance & Teresa Erskine
Applicant: Mesa Surveying

The Planner presented the staff report addressing the proposed plat, shared access and easements for Lots 2 & 3. Applicant, Bill Wiley with Mesa Engineering, was present and available to answer questions.

M/S- Philip Lee/Rocky Gabriel to **Approve** based on the following **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 is consistent with the Land Use Designation of the area from the Montrose County Master Plan.

All votes aye. **Motion Carried.**

4. Grey Fox Minor [MI21-048]

Location: Parcel 376522101001, Locust Rd & 5950 Rd
Zoning: General Agricultural
Proposal: To divide 17.26 acres into 3 lots
Owners: Marian Ledoux
Applicant: Del-Mont Consultants

The Planner presented the staff report addressing the proposed plat, shared access for Lots 1 & 2. Applicant, Fred Ballard with Del-Mont Consultants, was present and available to answer questions.

M/S- Dennis Murphy/Philip Lee to **Approve** based on the following **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 is consistent with the Land Use Designation of the area from the Montrose County Master Plan.

All votes aye. **Motion Carried.**

5. Pridy Minor Subdivision [MI21-049]

Location: Parcel 376508107002, 5800 Rd & Jig Rd
Zoning: General Agricultural
Proposal: To divide 10.082 acres into 2 lots
Owners: Chris & Gigi Pridy
Applicant: Mesa Surveying

The Planner presented the staff report addressing the proposed plat, road frontage maintenance, restrictions for further subdivision, access roads, and flood potential. Applicant, Bill Wiley with Mesa Surveying, was present and available to answer questions.

M/S- Dennis Murphy/Philip Lee to **Approve** based on the following **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 is consistent with the land use designation of the Montrose County Master Plan.
- d. The proposed Minor will use a shared common driveway access.

4 votes aye.

David Seymour abstained from voting

Motion Carried.

CORRESPONDENCE - NONE

OTHER ITEMS FOR DISCUSSION – Zoning Code was approved by the BOCC and effective 2/1/22

Planning Commission Secretary

Verbatim recordings of the Planning Commission proceedings on December 16, 2021 are available for purchase in the Montrose County Planning and Development Department.