



**PLANNING COMMISSION
MINUTES
June 23, 2022**

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

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 May 26, 2022 were presented.

M/S- Dennis Murphy/David Seymour to **Approve**

All votes aye. **Motion Approved.**

CALL TO THE PUBLIC – NONE

Chairman Lana Kinsey made a suggested motion to move agenda item “Amendment Revisions to the Montrose County Subdivision Regulations” to the last item on the agenda.

M/S- David Seymour/Cliff Dodge (*note: the 2nd was made by an alternate member of the Planning Commission however; the 2nd was accepted by the Chairman*) to **Approve**

All votes aye. **Motion Approved.**

OLD BUSINESS

PUBLIC HEARING

1. Black Tie Barn Special Use [SU21-011]

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Location: Parcel 399501100004, 16104 6250 RD
Zoning: General Agricultural
Proposal: To establish a multipurpose event venue
Applicant: Ross Davis

The Chairman announced that the public comment portion of this particular application was closed during the meeting held on April 28, 2022, confirming that additional comments have been received via letter & email however; additional public comments will not take place during the meeting. The Planner reviewed updates and changes to the application, narrative, expectations and conditions that have been made as of the original hearing, ways to best manage the conditions, CDOT & City road studies/trips during peak hours to and from the facility, and future parcel ownership adherence to the Special Use. The applicants were not present. The following conditions were discussed:

- The permit shall be applicable only to the specific use and specific property for which it was issued.
- The Special Use Permit shall run with the land.
- Where applicable, all facility activities shall be in compliance with all local, state, and federal laws and regulations.
- The development of the facility shall be in conformance with the approved narrative and site plan on file with the Planning & Development Department.
- The development of the facility shall be in conformance with all local, state, and federal permit requirements.
- 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.
- Prior to facility operations, an updated access permit associated with the new facility shall be approved by the Montrose County Public Works Department.
- Event hours shall be from 8:00 am to 8:00 pm on weekdays, 12:00 pm to 10:30 pm on weekends with an early end time of 9:00 pm on Sundays. All outdoor music, all amplified sound, and fireworks shall cease at 10:30 pm. The sound shall not exceed a maximum permissible noise level of 60 db. This shall be measured from the property line by staff with a calibrated sound meter.
- 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.
- All exterior lighting associated with the facility shall be down directed. The lighting shall be placed in a way that will effectively insulate the adjacent properties from adverse impacts of permanent lighting. This condition will not apply to lights that are of a non-permanent nature which include accent, decorative, and seasonal lighting. All non-permanent lighting shall be placed in a manner that will not negatively affect neighboring properties by reason of glare or intensity.
- 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.
- The applicant shall provide all renters and residents within the park with information regarding the conditions of the SUP.
- The applicant shall provide dust control on the property, specifically for the gravel access drive and gravel parking areas.
- A fence or similar apparatus shall exist along the northern, eastern, and southern property lines to limit access to adjacent private properties

- The Special Use Permit will be reviewed by the Board of County Commissioners at a public meeting one year after the facility begins operations.
- Alcohol shall only be served by a licensed distributor. Event participants shall not bring their own alcohol to the facility.
- The number of days of operation shall not exceed 100 days in a calendar year.
- A general number of allowed guests will be 150 at any given event. This number shall not include vendors, servers, or anyone working at the event.

The applicants were not present and unavailable for comment.

M/S- Dennis Murphy to **Approve** based on the findings of fact and subject to the conditions presented with a modification to condition #17 presented on the staff report: number of days of operation shall not exceed 50 days in a calendar year at the following numbers: no more than 5 events with up to 75 vehicles with 150 people max, 10 events with 50 vehicles with a max of 100 people, 35 events with 30 vehicles with a max of 60 people. There was no 2nd on the motion. **Motion Failed.**

M/S- Clifford Dodge to **Approve** with a modification to condition #17 presented on the staff report: number of days of operation shall not exceed 50 days in a calendar year. There was no 2nd on the motion. **Motion Failed.**

M/S- David Seymour/Dennis Murphy to **Deny** based on traffic impacts and opposition from the public ["findings of fact"]

All votes aye. **Motion Carried.**

2. Cimarron Vista Subdivision Sketch/Preliminary Plan [MA21-004]

Location: Parcel 376731106002, Spring Creek Rd & HWY 90
Zoning: General Agricultural
Proposal: To divide 19.360 acres into 15 lots
Applicant: Michael Hoffman

The Planner presented the staff report addressing the proposed updated site plan and access plan. Applicant was present and did not address the Planning Commission.

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

- 1) The Preliminary Plan is in compliance with the Montrose County Subdivision Regulations.
- 2) The subdivision is in compliance with the Montrose County Board of Health Regulations.
- 3) The subdivision is consistent with the standards set forth by the Montrose County Zoning Resolution.

All votes aye. **Motion Carried.**

NEW BUSINESS

PUBLIC HEARING

3. Amendment Revisions to the Montrose County Subdivision Regulations

Moved to the last agenda item

4. Escalera Minor Subdivision Waiver [WV22-001] (Resolution No. _____-2022)

Location: Parcel 372303104005
Zoning: General Agricultural
Proposal: Requesting a Waiver from the Montrose County Subdivision Regulations Section 3.20(D) and Section 3.30(B)
Applicant: Mesa Surveying

The Planner presented the staff report addressing the proposed waiver request, subdivision regulations Section 3.20(D) and Section 3.30(B), and the recommendation for denial due to Subdivision Regulations had been changed prior to the application and the applicant had ample time to apply for a minor subdivision prior to the changes. Applicant, Bill Wiley with Mesa Surveying, was present and explained the history of the current minor subdivision and the reasoning for the waiver. Neighbors opposed to the approval of the waiver presented concerns regarding overcrowding of potential homes, covenants do not allow for manufactured homes, lack of infrastructure for safety and emergency services, access to 6000 Rd safety concerns, and devaluation of surrounding properties.

M/S- Dennis Murphy/David Seymour to **Deny** based on the following **findings of fact**:

- a) The waiver request does not meet the criteria for a waiver found in Section 11.3 of the Montrose County Subdivision Regulations.

All votes aye. **Motion Carried.**

MINOR SUBDIVISIONS

5. Largent Minor Subdivision [MI22-014]

Location: Parcel 376920300019, 13833 6950 RD
Zoning: General Agricultural
Proposal: To divide a 7.35 acre lot into 3 lots
Applicant: Del-Mont Consultants

The Planner presented the staff report addressing the proposed plat, access and current site characteristics. The Montrose County Attorney recommends that the building area envelope plat note be removed. Applicant, Fred Ballard with Delmont Consultants, was available to address questions from the Planning Commission and discussed the parcel contours.

M/S- Dennis Murphy/David Seymour to **Approve** with the condition that the building envelop plat note be removed from the plat and 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.**

6. Wildland II Minor Subdivision [MI22-015]

Location: Parcel 399502200043
Zoning: General Agricultural
Proposal: To divide a 40 acre lot into 3 lots
Applicant: Del-Mont Consultants

The Planner presented the staff report addressing the proposed plat, contours, septic and current site characteristics. Applicant, Fred Ballard with Delmont Consultants, was available to answer questions; reviewing the water table, canal seepage and irrigation.

M/S- Rocky Gabriel/Philip Lee to **Approve** based on the **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.**

7. Buckhorn Views 2 Minor Subdivision [MI22-017]

Location: Parcel 404109200032
Zoning: General Agricultural
Proposal: To divide 3 lots from 65.79 acres
Applicant: Del-Mont Consultants

The Planner presented the staff report addressing the proposed plat, shared access, road dedication and current site characteristics. Applicant, Fred Ballard, was available to answer questions; reviewing shared access concerns, potential for future subdivision and construction of county road.

M/S- Dennis Murphy/Rocky Gabriel to **Approve** based on the **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.**

8. Star View Farms II Minor Subdivision [MI22-018]

Location: 57536 Dalia Rd, Parcel 372308100030
Zoning: General Agricultural
Proposal: To divide 35.007acre lot into 2 lots
Applicant: Dean Ward

The Planner presented the staff report addressing the proposed plat and current site characteristics. Applicant, Dean Ward, was available to answer questions; currently leasing the property and wants to continue.

M/S- Philip Lee/David Seymour to **Approve** based on the **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.**

9. Willow Springs Minor Subdivision [MI22-019]

Location: Parcel 376510300019
Zoning: General Agricultural
Proposal: To divide 3 lots from 80 acres
Applicant: Mesa Surveying

The Planner presented the staff report addressing the proposed plat, shared access and current site characteristics. Owner, Alan Schlauger, was available to answer questions.

M/S- David Seymour/Dennis Murphy to **Approve** based on the **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.**

10. Luca Estates No. 3 Minor Subdivision [MI22-020]

Location: Parcel 399506102002
Zoning: General Agricultural
Proposal: To divide 27.952 acres into 3 lots
Applicant: Mesa Surveying

The Planner presented the staff report addressing the proposed plat, road dedication, county road coverage, flood plain & potential, non-shared access/driveways, current irrigation and current site characteristics. Owner Representative, Chris Mcanany with Dufford Waldeck, was available to answer questions. Owner, Jennifer Walchle, address the existing irrigation. Neighbors opposed presented concerns of not being properly notified of minor subdivision, non-compliance of existing covenants, legitimacy of approving a minor subdivision, a preference to keep the parcels as farmland and potential for too many homes in the area.

M/S- Dennis Murphy/ David Seymour to **Approve** based on the **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.**

11. Luca Estates No. 1 Minor Subdivision [MI22-022]

Location: Parcel 376532402001, 15920 5790 RD
Zoning: General Agricultural
Proposal: To divide 11 acres into 3 lots
Applicant: Mesa Surveying

The Planner presented the staff report addressing the proposed plat and existing plat, road dedication, county road coverage, flowage easement, building in flowage easement (parcel is not a flood plain), non-shared access/driveways, current irrigation and current site characteristics. Neighbors opposed presented concerns of not being properly notified of minor subdivision, non-compliance of existing covenants, legitimacy of approving a minor subdivision, building within flood plain, and potential for too many homes in the area.

M/S- David Seymour/Dennis Murphy to **Approve** based on the **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.**

12. Luca Estates No. 2 Minor Subdivision [MI22-024]

Location: Parcel 376532402002
Zoning: General Agricultural
Proposal: To divide 11 acres into 3 lots
Applicant: Mesa Surveying

The Planner presented the staff report addressing the proposed plat and existing plat, road dedication, county road coverage, existing easements, flowage easement, building in flowage easement (parcel is not in a flood plain), non-shared access/driveways, and current site characteristics. Neighbors opposed presented concerns of not being properly notified of minor subdivision, non-compliance of existing covenants, legitimacy of approving a minor subdivision, building within flood plain, existing easements, and structures in dedicated areas.

M/S- David Seymour/Philip Lee to **Approve** based on the **findings of fact:**

- a. The proposed Minor Subdivision will comply with the requirements of the Montrose County Subdivision Regulations.

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- 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.**

13. P&E Minor Subdivision [MI22-025]

Location: Parcel 372523102002
Zoning: General Agricultural
Proposal: To divide 1 lot from 44.573 acres
Applicant: Mesa Surveying

The Planner presented the staff report addressing the proposed plat and current site characteristics. Owner, Eric Langley, was present and available to answer questions.

M/S- David Seymour/Dennis Murphy to **Approve** based on the **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.**

PUBLIC HEARING

(3). Amendment Revisions to the Montrose County Subdivision Regulations

The Planner presented the purpose and reasoning to amend the Montrose County Subdivision Regulations and reviewed the following updates:

Section 2 – New definition for Resubdivision.

Section 3.20.B – Amended road frontage requirement. Lots in minor subdivisions shall have 200 feet of road frontage.

Section 3.30.B – Amended access easement allowance.

Section 3.34.A – Addressed the amount of frontage required in major subdivisions and resubdivisions.

Section 3.45 – Added regulations for Resubdivision.

Section 6 - Removed.

Section 7 – Combined requirements for Sketch and Preliminary Plan into solely Preliminary Plan.

Section 10.4 (C) - Amended Large Tract Exemption Requirements

Public comment was made opposing the amendments include concerns regarding the 200ft minimum road coverage requirement, houses will be pushed to be constructed closer to county roads, county roads will be required to be built and standard of maintenance of the new county roads to be completed by the County, prevention of land owners providing land to family members and loss of future income.

The revisions will be reviewed during a work session on July 14, there will be no action taken during the work session. Public comment to remain open.

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M/S- Dennis Murphy/David Seymour to **Continue** to the July 28, 2022 Planning Commission meeting.

CORRESPONDENCE - NONE

OTHER ITEMS FOR DISCUSSION – NONE

Meeting adjourned: 10:15PM

Planning Commission Secretary

Verbatim recordings of the Planning Commission proceedings on June 23, 2022 are available for purchase in the Montrose County Planning and Development Department.