



**PLANNING COMMISSION  
MINUTES  
April 22, 2021**

**Members Present**

**David Seymour  
Dennis Murphy  
Lana Kinsey**

**Staff Present**

**Steve White – Planning & Development Director  
Tallmadge Richmond – Planner  
Kim Ficco – Planning  
Montrose County Attorney**

**Alternate Member**

Chairman David Seymour 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. 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 minutes for the Planning Commission meeting on 3/25/21 were presented. Due to absence of a quorum the minutes approval for 3/25/21 were moved to the 5/27/21 Planning Commission meeting.

**CALL TO THE PUBLIC**

Kevin Hansen would like to rezone a specific parcel from General Agricultural to Light Industrial or Heavy Industrial to allow for hemp extraction.

**NEW BUSINESS**

**Re-ELECTION OF OFFICERS FOR 2021**

An election of Planning Commission officers was held during the January 2021 Planning Commission meeting. David Seymour was elected as Chairman however; due to Planning Commission by-laws, Section 2 Officers D, David Seymour could not succeed himself for a third successive term.

Chairman David Seymour opened the nominations.

**Chairman: M/S-** Dennis Murphy/Lana Kinsey to nominate Lana Kinsey as Chairman.

All votes aye. **Motion Carried.**

**Vice-Chairman: M/S-** Dennis Murphy/David Seymour to nominate David Seymour as Vice-Chairman.

All votes aye. **Motion Carried.**

**Secretary:** no re-election required

Chairman – Lana Kinsey

Vice-Chairman – David Seymour

Secretary – Dennis Murphy

## **PUBLIC HEARING**

### **1. Riverside RV Resort Special Use [SU20-002]**

Location: 62951 LaSalle Rd  
Zoning: General Agricultural  
Proposal: To create an RV Park  
Owners: Hempton Land Holdings LLC  
Applicant: David Coker

The Planner presented the staff report addressing water resources, road access and the non-conforming, grandfathered use that exists on the property in the form of the Riverside Gardens Nursery. Applicant, David Coker, was present and addressed questions from the Planning Commission. Neighbors presented concerns related to increased traffic, parking & road safety.

**M/S-** Dennis Murphy/David Seymour to **Approve based on an additional review by the Montrose County Attorney regarding the existing grandfathered business causing any potential complications** in addition to the following **findings of fact and conditions**:

#### **Findings of Fact**

- 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) Upon completion of the required conditions, there will be no negative impacts to surrounding properties.

#### **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 and regulations.
4. The development of the facility shall be in conformance with the narrative dated February 18, 2021, narrative attachment dated April 23, 2021, and site maps dated February 17, 2021 and April 23, 2021.

5. The development of the facility shall be in conformance with all local, state, and federal and permit requirements.
6. 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.
7. Prior to facility operations, an updated access permit associated with the new facility for commercial use shall be approved by Montrose County.
8. Prior to facility operations, the applicant shall provide record of an approved water source for commercial use for the proposed facility from Menoken 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 be between at 11:00 pm and 6:00 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 venders with information regarding the conditions of the SUP.
13. A fire extinguisher or similar fire protection device shall be located near any open fire rings and guests shall be provided with information on how to use the safety devices.
14. Parking for the greenhouses shall be adequate for retail customers and maneuvering between both uses shall be provided in a safe manner.

All votes aye. **Motion Carried.**

**2. Daisy Bear Childcare and Preschool Special Use [SU20-003]**

Location: 8401 High Mesa Rd  
Zoning: General Agricultural  
Proposal: To increase daycare participants at an existing preschool/daycare  
Owners: Ecker Glen A & Dorothy L Revocable Intervivos Trust  
Applicant: Daisy Bear Childcare and Preschool

The Planner presented the staff report addressing the increase in childcare from 8 to 12 children, adequate areas for picking-up and dropping-off children and accommodations for safe, outdoor activity. The applicant, Annette Munger, was present and available to address questions from the Planning Commission; explaining the age range from 0-18 years and the maximum expectation for the number of children is 12.

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

**Findings of Fact**

- e) The proposed Special Use Permit is not in conflict with the land use designation of the Montrose County Master Plan.
- f) The proposal meets the requirements of the County Zoning Resolution and the special use criteria.
- c) The facility will provide a needed service for the area residents with minimal negative impacts to the surrounding area.

**Approval is subject to the following Conditions:**

1. The permit shall be applicable only to the specific use and specific property for which it is issued.
2. The Special Use Permit limits the number of children who do not reside in the home to 12.
3. The Special Use Permit shall run with the land.
4. 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.
5. An approved license from the State of Colorado is required prior to operation at the home. A copy of the State license and any future renewals shall be submitted to the Planning and Development Department.
6. Approval of this request 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.

All votes aye. **Motion Carried.**

**3. HMC Commercial Rezone [RZ21-002]**

Location: Parcel: 376501301001, 6075 Road & HWY 50  
Zoning: General Residential  
Proposal: To Rezone from General Residential to General Commercial  
Owners: Jason & Sarah Yeager  
Applicant: Jason Yeager

The Planner presented the staff report addressing CDOT access, adjoining commercial zones, irrigation water use and availability. Applicant, Jason Yeager, was present and available to address questions from the Planning Commission; explaining there is a CDOT access design in progress. Neighbors presented concerns regarding road traffic, increase in noise and commercial use by right.

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

**Findings of Fact**

- a) The zone change does not constitute a spot zone because the property is adjacent to other properties zoned General Commercial across right-of-way.
- b) There will be no negative impacts to surrounding properties.

All votes aye. **Motion Carried.**

**MINOR SUBDIVISIONS**

**4. Triple J Minor Subdivision [MI21-001]**

Location: 66603 Kinikin RD  
Zoning: Residential  
Proposal: To divide a 40 acre parcel into 3 lots  
Owners: Chris & Julie Miller  
Applicant: Del-Mont Consulting

The Planner presented the staff report addressing access location, shared access, transportation and road connections. Applicant, Fred Ballard with Delmont Consultants, was present and available to address questions from the Planning Commission.

**M/S-** Dennis Murphy/Davis Seymour 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 Residential 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. Auker Minor Subdivision [MI21-004]**

Location: 20377 Pahgre Rd  
Zoning: General Agricultural  
Proposal: To divide a 45.120 acres into 2 lots  
Owners: Auker Brett T & Auker Brandy M  
Applicant: Del-Mont Consulting

The Planner presented the staff report addressing transportation and road connections and potential road dedications. Applicant, Nick Barrett with Delmont Consultants, was present and available to address questions from the Planning Commission.

**M/S-** Dennis Murphy/Davis Seymour 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 is consistent with the Land Use Designation of the area from the Montrose County Master Plan.

All votes aye. **Motion Carried.**

**6. Garrett Minor Subdivision 5 and Boundary Line Adjustment [MI21-005]**

Location: 7975 5425 RD  
Zoning: General Agricultural  
Proposal: To divide 3 lots from a 91 acre parcel  
Owners: Garrett Lawrence David  
Applicant: Del-Mont Consulting

The Planner presented the staff report addressing access location and shared access. Applicant, Fred Ballard with Delmont Consultants, was present and available to address questions from the Planning Commission.

**M/S-** Davis Seymour/Dennis Murphy 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 is consistent with the Land Use Designation of the area from the Montrose County Master Plan.

All votes aye. **Motion Carried.**

## OLD BUSINESS

## PUBLIC HEARING

### **7. Montrose County Subdivision Regulations**

Proposal: Amendment proposal to the following including sections:  
Section 3.28.B, Section 3.30.B, Section 3.30.C, Section 3.39, Section 5.1,  
Section 5.3.B, Section 6.1, Section 7.1, Section 8.1, Section 10.3.A,  
Section 10.3.D Section 10.4.C, Appendix B

The Planner presented the staff report addressing numerous sections of the Montrose County Subdivision Regulations including but not limited to the following:

- Section 3.28.B - Added a 1500 foot maximum length for cul-de-sacs in major subdivisions.
- Section 3.30.B - Road frontage requirements for minors changed to 50 feet.
- Section 3.30.C – Added maximum length of access easement (1500 feet).
- Section 3.39 – Amended expiration of application from 1 year to 2 years.
- Section 5.1 - Revised submittal requirements for Minor Subdivisions.
- Section 5.3.B – The ability to use hauled water as proof of potable water has been removed.
- Section 6.1 - Revised submittal requirements for Sketch Plan.
- Section 7.1 - Revised submittal requirements for Preliminary Plan.
- Section 8.1 - Revised submittal requirements for Final Plats.
- Section 10.3.A – Revised language to address Boundary Line Adjustments for parcels 35 acres or greater.
- Section 10.3.D – Revised submittal requirements for Boundary Line Adjustments.
- Section 10.4.C – Amended language for Large Tract Exemption process.
- Appendix B – Added plat note to allow fences and ditches to remain in newly dedicated Right-of-Way.

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

## Findings of Fact

- a) A public hearing has been held in accordance with the Colorado Revised Statutes.
- b) The changes will address state statutes in regard to a required water quality, quantity and dependability.
- c) The new changes align with the County's online submittal process.

4/22/21 PC Minutes

- d) The proposed changes will address current regulations that are not in line with other provision in the regulations.

All votes aye. **Motion Carried.**

**CORRESPONDENCE - NONE**

**OTHER ITEMS FOR DISCUSSION**

- Zoning Regulation complete draft should be available May 3, 2021. If possible, will add the Public Hearing to the May 27, 2021 Planning Commission meeting.

---

Planning Commission Secretary

**Verbatim recordings of the Planning Commission proceedings on April 22, 2021 are available for purchase in the Montrose County Planning and Development Department.**