



PLANNING COMMISSION MEETING MINUTES
September 23, 2020

Planning Commission Members in Attendance:

Eli Wolcott
Layne Brones
Tate Locke
Patti Hoff
Jacob Gray

Dick Gilmore
Tom Kay
Steve Schrock
Kate Darlington

Absent Members:

Steve Shea

Planning Staff in Attendance:

Delta County Planner, Kelly Yeager
Community & Economic Development Technician II, Kate Kelly

Chairman Tom Kay called the meeting to order at 5:30 p.m. in the Delta County Court House Room #234.

Item #1: Approve Meeting Minutes for September 9, 2020

Motion/Second: Steve Schrock moves to approve the minutes. Layne Brones seconds to approve the minutes. **Motion Carried Unanimously.**

Item #2: SUB20-013 Solanda Subdivision

Owner(s): Greg Peterson

Location: 15417 Fire Mountain Road, Paonia, CO 81428

Proposal: Applicant owns a 9.670 parcel and would like to create three (3) lots

The Delta County Planner, Kelly Yeager, presented the staff report for SUB20-013 Solanda Subdivision. Applicant, Greg Peterson is present.

Items discussed were as follows:

- **Planning Commission**
 - Buildable area
 - Water
 - Cost of division of water amongst neighbors
 - Lenora Knight Spring
 - Complaints Received
 - Setbacks/Building Envelopes
 - Access
 - Neighborhood Meeting
 - Marijuana Grow on Lot 1
 - Irrigation
 - Open Space/Farming Land (Master Plan)
 - Variance
 - Traffic Studies
 - Issues with traffic in the area
 - Covenants
 - Final draft being done by an attorney; not finished yet
 - Water Tap availability from Pitkin Mesa
 - Cluster Developments

- **Public Comments**
 - **Dijana Kozar**
 - Lives on the west border of the subdivision
 - Allowing the 3 lot subdivisions does not follow the rules, regulations and standards of Delta County.
 - The density standard allows this lot into 2 lots.
 - Staff report is vague and resolution allows everyone to divide without following density standards.
 - States applicant put 'Not Applicable' on application.
 - No hardships for the property owner are stated.
 - Allowing this density will create the densest little circle in the whole Pitkin Mesa.
 - The rules were not followed when this variance was approved. The variance request was not met as stated in the regulations.
 - **Eric Just (ZOOM)**
 - Lives directly south of Mr. Peterson
 - Share a cooperative but it is not directly parceled off
 - Would like this to be completely parceled off
 - **Kristen Just, Eric's Wife (ZOOM)**
 - States they were never notified before the variance was approved
 - They feel it exceeds the density and doesn't see any real reason for the variance
 - Concerns about building envelopes
 - Fans blowing in green house, very noisy
 - Feels there needs to be more setbacks because the current proposed setbacks are pushing their privacy and peace and tranquility of the neighborhood
 - Don't want buildings on top of them

Motion/Second: Jacob Gray recommends to approve subdivision with staff recommendations along with the recommendations that have been discussed tonight including: 1) a finalized covenants including animals and water 2) A water company confirmation from Pitkin Mesa for the water 3) Registration from the state for a permit for a marijuana grow, or the Sheriff 4) A full split of water for the Just and Marley's to the south. Dick Gilmore seconds to approve subdivision.
Motion denied with 4 nay votes and 3 aye votes.

Tate Locke makes a motion to amend the previous motion to continue subdivision with the conditions needing addressed and clarity on the water tap availability, a building envelope that doesn't affect the irrigable land it currently does, clarity on the legality of the marijuana grown, proposed final draft of covenants, and a proposed final irrigation plan. Eli Wolcott seconds the motion to continue the subdivision.
Motion passed with 6 aye votes and 2 nay votes.

Continuation: SUB20-013 Solonda Subdivision is continued and will appear before the Planning Commission on October 28, 2020 @ 5:30 p.m. in the Delta County Court House in Rm #234.

To BoCC: TBD

Item #3: SUB18-011 Paigen/O'Shaughnessy Subdivision
Owner(s): Meg O'Shaughnessy Revocable Trust

Location: 41621 Reds Road, Paonia, CO 81428
Proposal: Property owner of record is Meg O'Shaughnessy Revocable Trust and the Subdivision is in the name of Paigen/O'Shaughnessy, with the plant to transfer property to her son Josh Paigen and keep a small piece for Meg.

The Delta County Planner, Kelly Yeager, presented the staff report for SUB18-011 Paigen/O'Shaughnessy Subdivision. Applicant, Meg O'Shaughnessy and Josh Paigen are present.

Items discussed were as follows:

- Well location and regulations
 - Well cannot service new lot
- Cistern re-allocation to new lot
- Water
- Lack of Domestic Water
 - Allow continued use of cistern until water taps are available
- Access
 - No new access off Reds Rd
- Future Development
- Building Envelopes
- Irrigation Plans
 - No final irrigation plan, but will Engineer that for the final plat
- Easement across Lot 1 for irrigation plan

Motion/Second: Eli Wolcott recommends approving the subdivision along with staff recommendations. Tate Locke seconds the recommendation to approve the subdivision. **Motion Carried Unanimously.**

To BoCC: October 6, 2020 @ 10:00 a.m.

Item #4: Land Use Discussion

Items discussed were as follows:

- **Public comments**
 - **Natasha Leger (ZOOM)**
 - Asks the Planning Commission if they received and read her letters
 - Brings attention to oil and gas resolution
 - Feels Draft 3 is rattled with inconsistencies and has 11 undefined missing terms
 - Standard for oil and gas is different from standard regulations
 - States draft code has many legal issues and is not ready for certification
 - **Bob Kalenak (ZOOM)**
 - Asks the Planning Commission if they received and read his letters
 - Asks the PC if they have received an opinion from the County Attorney on the matters listed in the letters
 - PC confirms they have not but it will be forth coming; no date of when yet
 - Asks if opinion from the County Attorney will be made public
 - Robbie confirms; yes
 - **Thomas Markle (ZOOM)**
 - Is the Board prepared to legally prove that the plan will be beneficial to the health of the county and to also legally prove interest in the way the plan has been proposed?

- Has it been considered that the land use as it is written now is not at all beneficial to the citizens?
 - CAFO's are a real threat to the health of Delta County
 - Feels decreasing barriers are risking the lives and health of the county citizens
 - **Megan Randall**
 - Biggest concern is in regards to CAFO's and the fact that they are exempted from Conditional Review
 - If everything is zoned and approved, anyone can put in a chicken farm right next to someone's house without public comment
 - **Allison Elliot**
 - States all AG is not the same
 - Encourages the county to acknowledge that in this process
 - Suggests possibility of a different type of Conditional Review
 - Concern about the potential for the appearance of bias against marijuana cultivation and CAFO's
 - Inconsistencies of small errors that can add up to a big potential problem
 - This needs to have a copy editor. Someone to review it to see if it connects to parts. Would like to be assured that that process will go through especially because of the rearrangement that has happened.
 - In favor of flowcharts and more scenarios
 - **Michelle Pattison**
 - Sharing own opinions
 - Reduce number of types of review processes that are laid out in the plan. Eliminate Limited and Limited plus options; move them to Conditional
 - Zones specific to Intensive AG
 - Those uses are quite different and creating a zone specific to those would go a long way to alleviate issues
 - Provide more definition to mitigation of harm
 - How will it be enforced?
 - Streamline setbacks
 - Range from 50 to 5280, don't think it accurately reflects the properties and health & safety and welfare of the county
 - Restore the Right to Farm to match the State Statute
 - County goes too far and the State does a nice job of covering that
- **Planning Commission**
 - **Tom Kay**
 - Would like next meeting to be strictly limited to the Land Use
 - Goal would be to get this to a point of certification
 - **Steve Schrock**
 - Questions on documents submitted that claim certain legal deficiencies
 - Will things be edited by someone?
 - Robbie specifies that they will be hiring someone to do the editing
 - Did anything change from the meetings with the town?
 - Robbie confirms that nothing will change but the existing IGA's
 - The towns' questions were answered in that meeting
 - Thinks the next meeting should be called certification and not pre-certification
 - **Eli Wolcott**
 - What happens if the IGA and UGA conflict?

- Would like to have a little more time to go through the issues on the Land Use in the next meeting
 - Will a new draft be put out after edits are done?
 - Yes. Legal responses will be available before the next meeting.
 - **Dick Gilmore**
 - Will this process involve a series of votes on everything?
 - Yes, on each specific issue
 - **Tate Locke**
 - Pre-certification for next meeting
 - **Jacob Gray**
 - Pre-certification is great
 - **Layne Brones**
 - Likes the pre-certification for the next meeting
 - **Patti**
 - Pre-certification is a good title for the next meeting
- **Basic structural questions**
 - We as a board can make a recommendation that marijuana be passed as far as retail goes
 - We should address Right to Farm as it has come up numerous times
 - We can either make changes or not make changes
 - Eli's goal is to come to a middle ground on things and not an extreme on either end

Meeting adjourned at 8:51 p.m.

Respectfully submitted by:

Community & Economic Development Technician, Kate Kelly