



PLANNING COMMISSION MEETING MINUTES
October 28, 2020

Planning Commission Members in Attendance:

Eli Wolcott Dick Gilmore
Layne Brones Tom Kay
Steve Schrock Steve Shea
Kate Darlington Tate Locke

Absent Members:

Jacob Gray
Patti Hoff

Planning Staff in Attendance:

Delta County Planner, Kelly Yeager

Chairman Tom Kay called the meeting to order at 5:30 p.m. in the Administration Building Commissioner's Meeting Room.

Item #1: Approve Meeting Minutes for September 23, 2020

Item #2: Approve Meeting Minutes for October 14, 2020

Motion/Second: Steve Schrock moves to postpone the approval of the meeting minutes for September 23 and October 14th. Eli Wolcott seconds the motion.
Motion carried unanimously.

Item #3: SUB20-013 Solanda Subdivision
Owner(s): Greg Peterson
Location: 15417 Fire Mountain Road, Paonia, CO 81428
Proposal: Applicant owns 9.670 acre parcel and would like to create three (3) lots

The Delta County Planner, Kelly Yeager, presented a summary of Solanda Subdivision from the previous meeting held for this subdivision. Kelly confirms that he has handed out documentation in regards to what has been accomplished since the first meeting by Greg Peterson. Applicant Greg Peterson is present.

Items discussed were as follows:

- Kelly Yeager reads list of accomplishments that Mr. Peterson has addressed since the September 23, 2020 meeting
- Greg Peterson Addresses the Planning Commission
 - Confirms he has responded to the requests made by the PC from the previously held meeting
 - Provided a document confirming the intent to purchase the two water taps
 - Submitted a revised plan for the building envelopes that reduces the impact on irrigable land
 - Demonstrated a legal use of the land regarding cultivation
 - Submitted to the community the final draft of the proposed covenants
 - Submitted a plan for parceling the irrigation water for all parties
 - Addressed the question of surface water and rerouted the driveway to avoid interrupting surface water
 - Respectfully asks that if he adequately answered the questions that the PC move this proposal forward
- **Planning Commission Discussion**

- Statement of Agreement (Kozar/Loss)
- Water taps
 - Are they available?
- Boundary Adjustment
- Covenants
 - #6 & 7 are seen as broad terms of the covenants
- Setbacks
 - Did the setbacks get adjusted?
 - The building envelopes were adjusted; made smaller and pushed north
 - Protection of AG land is a concern
- Water Supply and code requirements
 - Would like confirmation from the water company about the water taps
- Building Envelopes
 - Drainage issues of concern
- **Public Comment**
 - Attorney David Reed representing Loss/Kozar **(ZOOM)**
 - Sent a letter requesting continuance because they were going to ask the BoCC for reconsideration of the variance
 - Submitted a CORA request to Delta County
 - Issue of Adverse Possession; will be filing a lawsuit
 - Asks the PC to continue this subdivision
 - Dijana Kozar **(ZOOM)**
 - Confirms that Mr. Peterson did meet with them about a proposal and they did not agree with it
 - Boundary of building envelopes would destroy the irrigable land
 - Many buildings on this property
 - Clarity on Marijuana is unclear
 - States Kelly told them it was removed
 - Was there a license?
 - Where did the product go?
 - Covenants don't show who will enforce it
 - Easements
 - Where is the mention for Lot 2 to have access over Lot 3?
 - Water taps
 - There was an application to the Water Board so they can apply for taps
 - Irrigation water
 - Cost needs to be confirmed of Mr. Peterson taking on the cost of the water taps
 - Eric Just **(ZOOM)**
 - Disagree with the building envelopes
 - Lot 2 would have a driveway running through irrigation land to the house
 - Approved the water project Greg put forth and said he would pay for, as long as it maintains all of my water, Jay Morley's water, Von Gontards and Martins water down below us
 - Mary (last name was inaudible) **(ZOOM)**
 - New resident to Delta County
 - Why was the variance approved?
 - No equitable protection is seen here
 - Feels her land is going to be negatively impacted
 - Scott Loss **(ZOOM)**
 - Declines to speak

- Discussion took place about the role of the PC and if there is still issue with the variance, they need to take it back to the Board of County Commissioners. Planning Commission member Tate Locke states that the variances are not a noticed processed.
- Setbacks (Clarification)

Motion/Second: Eli Wolcott makes a motion based on the County Attorney's recommendation that we continue this subdivision. Dick Gilmore seconds the motion.

Motion fails 5:3.

Steve Shea makes a motion to approve Solonda with the recommendations from the planning committee with the condition that the building envelopes either be removed or moved from the AG ground, along with the rest of the staff recommendations. Dick Gilmore seconds the motion. Steve Shea agrees to amend his motion that the building envelopes be removed from the AG ground. Dick Gilmore agrees with the amendment.

Steve Schrock moves to amend the motion to include that the building envelopes to be more preservative of irrigated farmland; not sure this can be a condition, so it is a recommendation. Layne Brones seconds the amended motion.

Motion fails 6:3.

Eli Wolcott moves to approve conditionally with the staff recommendations, proof of ability to buy a water tap and moving the building envelopes off of the AG land. Layne Brones seconds the motion. Eli Wolcott withdraws his motion and makes a motion to approve with conditions, including the staff recommendations, proof of commitment of water taps, and moving the existing building envelopes in their same size over to the eastern boundary where they are mostly off of the AG land. Dick Gilmore seconds the motion.

Motion passes (Unclear on the recording who voted for or against this motion.)

Item #4: SUB20-007 Inman Subdivision
A Re-Sub of Lot 1 Gallup Farm III SUB17-008
Owner(s): Scott Inman
Location: 18713 H Road, Delta, CO 81416
Proposal: To divide the subject 10 acre lot into two lots

The Delta County Planner, Kelly Yeager, presented SUB20-007 Inman Subdivision. Applicant Scott Inman was not present due to Covid-19.

Items discussed were as follows:

- AG land was clarified as not being a part of this subdivision but still being preserved
- Clarification on county roads
 - BA shows a driveway that is no longer existing
- Irrigation Water
 - Kelly confirms it has 5 shares of relief ditch water
 - There is plenty of water for irrigation
- Access Road Concerns
 - Who approved this?
 - Should we try to preserve the AG land here?
 - Shared Access?
 - Kelly confirmed that Larry Record chose not to do a shared access

Motion/Second: Chairman, Tom Kay, makes a motion to approve Subdivision 20-007 Inman Subdivision with staff recommendations and that we recommend

they revisit the access point to try to consolidate between Lots 1 & 2 and that they do everything they can to minimize the impact of any new construction on the agricultural irrigated land. Layne Brones was in agreement with this motion but no second was officially made.

Motion carried unanimously.

The Planning Commission discusses future meeting dates for November. There was concern there wouldn't be a quorum. They decide to have a meeting on November 18, 2020 and not have one on November 4, 2020; only one meeting for this month.

Meeting adjourned at 8:07 p.m. (was unclear at what exact time the meeting adjourned)

Respectfully submitted by:

Community & Economic Development Technician II, Kate Kelly