Chair Page called to order a scheduled hearing of the Mesa County Planning Commission at 6:00 PM. Chair Page led the Pledge of Allegiance. The hearing was held in the Public Hearing Room, Mesa County Administration Building at 544 Rood Avenue, Grand Junction, Colorado.

In attendance, representing the Mesa County Planning Commission, were Chair Page, Ron Wriston, George Skiff, Robert Erbisch, Dean Harris, Steve Damm, and Lawrence Anna.

In attendance, representing the Mesa County Planning Division, were Greg Moberg, and Britt Dveris. Todd Hollenbeck was present in the audience. Rose Tafoya was present to record the minutes.

There were 31 citizens present throughout the hearing.

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**Approval of Minutes**

June 20, 2019

**Motion**: Commissioner Harris: I MOVE TO APPROVE THE MINUTES AS WRITTEN.
**Second**: Commissioner Damm: I'LL SECOND THAT.

Motion Approved 7-0

**Continued Items** - None

**Consent Items** - None

**Hearing Items**

1. 2019-0100 CUP POOL DOMESTIC PETS CONDITIONAL USE PERMIT

<table>
<thead>
<tr>
<th>Property</th>
<th>Owner: David Pool</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>14390 BS Road, Glade Park, CO 81523, a 40-acre parcel located approximately one-quarter mile east of S. 14 Road</td>
</tr>
<tr>
<td>Zoning</td>
<td>Agricultural, Forestry, Transitional (AFT)</td>
</tr>
<tr>
<td>Planner</td>
<td>Britt Dveris, (970) 255-7191, <a href="mailto:britt.dveris@mesacounty.us">britt.dveris@mesacounty.us</a></td>
</tr>
<tr>
<td>Request</td>
<td>To breed, raise, train, and keep competitive hunting dogs for personal use.</td>
</tr>
</tbody>
</table>

**Staff Recommendation**: Denial

MCPC Reset Date: TBD no later than October 17, 2019

Board of County Commissioners Hearing Date: TBD

**Staff Presentation**

Mr. Dveris entered into the record the following exhibits:

- Exhibit A – Staff’s Power Point Presentation
- Exhibit B – Hearing Binder
- Exhibit C – Project File
- Exhibit D – Mesa County Land Development Code
- Exhibit E – Mesa County Master Plan
- Exhibit (Roman numeral) I - Applicant’s/Representative’s Presentation
- Exhibit (Arabic numeral) 1 - Public Comments

Mr. Dveris presented the location and zoning map, surrounding land uses, an aerial photo and a map showing the distances to other homes in the area. He stated that the dogs are for personal hunting use with an occasional sale. The proposed kennel will be constructed inside a barn and is compatible
with surrounding land uses. The kennel will not have significant impact on the visual appearance of the land along with no negative impacts on traffic. Mr. Dveris discussed the open code compliance cases and criteria in depth. Some of the criteria that has not been met are uncertain hours of operation, noise, formal complaints, no details of the dog waste disposal, and outstanding violations. Mr. Dveris received one (1) email and six (6) phone calls in opposition of this project. Mr. Dveris explained the staff recommendation is for denial based on not meeting the criteria as provided by the Land Development Code. He also noted that Animal Services does not support this project. Commissioner Erbisch inquired as to who would reside at the property. Mr. Dveris replied his understanding is the owner. Commissioner Harris asked what time of day the noise complaints were made. Mr. Dveris did not have the specific times; he did say that Animal Services requires the complainant to record the animal noise. Commissioner Harris inquired as to where the dogs currently reside on the property. Mr. Dveris responded in the barn with time outside. Commissioner Wriston wanted to know if someone would be at the location all the time. Mr. Dveris provided that the applicant's wife and daughter live on the property. Commissioner Harris wanted clarification on the limit of dogs over the age of four (4) months. Mr. Dveris said the County allows up to five (5). Commissioner Anna voiced concerns over the citations. Commissioner Wriston inquired about impacts to wildlife. Mr. Dveris responded that Colorado Parks and Wildlife did not comment on potential impacts to wildlife.

**Applicant/Representative Presentation**

David Pool spoke in regards to someone at the property 24 hours a day. He suggested he was not aware of any conditions not being met. Mr. Pool said he has letters of support. Mr. Pool discussed Animal Services Code. He also discussed his findings from research on the noise levels. This included that the average dog bark being 80 to 90 decimals and that distance decreases the numbers. Commissioner Damm inquired if Mr. Pool had documentation for the sound decibels at his property line and at the source. Mr. Pool responded that he did this with a computer formula found online and it is 48 or 49 decibels at his property line and that these decibels are permissible at night under Colorado law. Commissioner Anna inquired if one dog has an 80-decibel bark would fifteen (15) dogs have fifteen (15) times that. Mr. Pool responded it would be the same amount of sound. He also stated the dogs would be wearing bark collars and that citations are pending in court.

Commissioner Damm inquired about the effectiveness of the bark collars. Mr. Pool's response was that it works on some and doesn't on others. Commissioner Erbisch inquired about when he acquired additional dogs, before or after he had knowledge of the requirements. Mr. Pool said he had deposits on puppies before any violations occurred but had not put any more down since. The subject property is 40 acres and Mr. Pool said he did not realize there was an ordinance of how many dogs he could own, that he found out in October when he received citations. Mr. Pool addressed this is as a personal use kennel so there will be no hours of operation and it will not have any impact on the wildlife. Commissioner Damm and Chair Page inquired about the support letters. Mr. Pool responded that he did not have the letters with him and the people were not present. Mr. Erbisch inquired if there is a possibility of this becoming a commercial operation. Mr. Pool responded no. Commissioner Skiff asked about how many dogs he takes when hunting. Mr. Pool's response was he likes to take five (5) then explained his training process. He also mention since the dogs get worn out he wants to maintain ten (10) dogs so he can trade them out for the next day's hunt. Mr. Pool addressed that he maintains his property and home. There will be an auto watering system for the dogs along with concrete floors. Commissioner Erbisch inquired about having enough room in the barn for all of the dogs. Mr. Pool discussed the 60-foot barn and details of the set up. Mr. Pool said the dog waste would be disposed of along with other animal waste.

**Public Comments**

Karen Green, Dan and Sarah Bricker, Justin Johnsen, Mike McManis and Chris Hoosh all spoke in regards to the constant barking, howling and baying of the dogs at all hours and being against this. Sarah Johnsen submitted to Animal Services many hours of barking and baying. She discussed the
body’s reaction to dog barking and submitted information into the record. Sarah discussed this being a residential area and they would have received covenants that addresses barking dogs. Linda Pool spoke in regards to not receiving covenants and barking dogs. Travis Colton spoke in regards to living about 1,000 feet away and the barking sound carries over, it is very annoying and he is against the permit. If the noise could be contained it wouldn’t be a problem.

**Applicant/Representative Rebuttal**
Mr. Pool spoke about living in a rural area and being allowed to hunt on his property. The sound will be the same if he has five (5) or ten (10) dogs. He spoke to a neighbor that is in favor of it and he can provide a support letter. Commissioner Harris inquired about his court dates. Mr. Pool replied one is next week (which may be changed) and the others are in September.

**Planning Commission Discussion & Vote**
Commissioner Wriston spoke in regards to this being a community problem and the several violations. He would like for Mr. Pool to have his dogs if he meets the code criteria and builds some noise barriers. Commissioner Damm would like to have the violations adjudicated, have only five (5) dogs until the kennels can be built to reduce the noise levels, address the waste disposal, assure the community that they can operate in a responsible manner, and install a sound barrier. Commissioner Skiff spoke in regards to freedom of rights owning and doing what you want on your property. Commissioner Harris understands the intrusion thirteen (13) dogs can make. He would like the code violations to be adjudicated and the noise level addressed. Commissioner Erbisch discussed the unusual situation with 40 acres and the code requirements; he would like control over the noise. Commissioner Anna supports some iron clad conditions and would like to see the legal issues resolved. Chairman Page would like to see a solution to the noise and the criteria not being met, that would allow him to have the dogs and the neighbors some peace and quiet. Commissioner Harris agrees and with the overall testimony and current facts, he would recommend denial. Discussion took place to approve, approve with conditions or deny the project along with tabling it to a date specific hearing until some issues can be resolved.

**Motion:** Commissioner Harris: I MOVE TO TABLE CONSIDERATION OF PROJECT 2019-0100 POOL DOMESTIC PETS CONDITIONAL USE PERMIT UNTIL THE FIRST MEETING OF THE MESA COUNTY PLANNING COMMISSION AFTER WHICH THE FOLLOWING CONDITIONS CAN BE MET, TO BE NO LATER THAN THE MEETING SCHEDULED FOR OCTOBER 17TH, THOSE CONDITION’S BEING FIRST OF ALL, THAT MR. POOL IF HE POSSESS SUCH LETTERS WILL PROVIDE THOSE IN SUPPORT OF WHICH HE SPOKE ABOUT IN TONIGHT’S HEARING; THAT THE FIRST FEW CASES FOR BARKING DOG WILL BE ADJUDICATED AND THOSE RESULTS BE MADE AVAILABLE TO THE COMMISSION AT THAT HEARING AND IF THEY ARE NOT FULLY ADJUDICATED BY THE OCTOBER 17TH MEETING, WE WILL PROCEED WITH THE INFORMATION WE HAVE AVAILABLE; THAT HE WILL PROVIDE, IN CONSULTATION WITH THE PLANNING DEPARTMENT; AND AT THE NEXT HEARING SOME PLAN FOR SOUND REMEDIATION OR SOUND PROOFING; AND THAT HE PROVIDE DECIBEL READINGS AT HIS PROPERTY LINE THAT WILL ESTABLISH THE LEVEL OF NOISE FROM THE DOGS.
Commissioner Anna asked for clarification on the motion and the possibility of future complaints. Commissioner Harris explained the motion was to address the current complaints and cases, not anything that should arise.

**Second:** Commissioner Wriston: I SECOND THAT MOTION.
Commissioner Harris, motion passes unanimously and if you would like to get with the Planners for all the conditions you’ll need to come up with and abide by that would be perfect.
**Motion Approved 7-0**

There was a 5-minute break to reconvene at 7:39 pm.
2. 2019-0094 CUP  CUSTOM IRON DESIGN CONDITIONAL USE PERMIT

Property Owners:  Lucas and Emily Mellinger
Location:  2424 Red Ranch Drive, Grand Junction, CO 81505, a three (3) acre parcel located approximately 1,500 feet east of 24 Road
Zoning:  Agricultural, Forestry, Transitional (AFT)
Planner:  Britt Dveris, (970) 255-7191, britt.dveris@mesacounty.us
Request:  To establish and operate a commercial welding business in a 3,500-square-foot shop for the purpose of fabrications metal railings, staircases, and sculptures.

Staff Recommendation: Approval with Conditions
Board of County Commissioners Hearing Date: August 20, 2019

Staff Presentation
Mr. Dveris entered into the record the following exhibits:
Exhibit A – Staff’s PowerPoint Presentation
Exhibit B – Hearing Binder
Exhibit C – Project File
Exhibit D – Mesa County Land Development Code
Exhibit E – Mesa County Master Plan
Exhibit (Roman numeral) I - Applicant’s/Representative’s Presentation
Exhibit (Arabic numeral) 1 - Public Comments

Mr. Dveris presented the location and zoning map, surrounding land uses, an aerial photo, the project, and proposed site. There is a 4,500 square foot home, a 3,500 square foot metal shop, and a storage area on the property. The applicant expects to hire two employees and the work will be conducted inside the existing shop. Mr. Dveris explained the hours of operation 8:00 am - 5:00 pm Monday through Friday, and as clients will not be coming to the site, the traffic would not significantly impact the local roads. This project meets or can meet the criteria for a Conditional Use Permit and the Land Development Code. There have been three (3) letters received opposing this project. Mr. Dveris discussed conditions of approval such as no signage, unobtrusive lighting, fencing and the major site plan must be submitted and approved. Commissioner Wriston inquired as to the acreage and sculptures. Mr. Dveris responded that the property is roughly three (3) acres. Commissioner Skiff inquired about an HOA and nearby properties. Mr. Dveris responded that the HOA is no longer operating, but that a short distance away there is a functioning HOA. Commissioner Erbisch asked about the previous use of the shop. Mr. Dveris stated that it was his understanding that the property was purchase about six (6) months ago and Mr. Mellinger had the shop constructed.

Applicant/Representative Presentation
Mr. Mellinger stated the HOA consists of three (3) homes and it is concerned with the subdivision’s water. The shop was built before he purchased the property. He has a web site to promote his home business. He previously owned a small shop on a one (1) acre parcel with neighbors fifty (50) feet away and never had any complaints. He understands what he does makes noise and he will try to contain the noise. Commissioner Erbisch inquired if he would be able to operate without customers coming on the property. Mr. Mellinger responded that he meets with the customers, shows a book of designs, they pick the design, and most of the work is at the customer’s house such as railings and staircases. The only reason to come by the shop is for a giant art piece that a customer may want to check on. Chair Page asked about how many people will be employed and plans for expansion. Mr. Mellinger responded his has two employees and doesn’t plan on anymore. He explained the need for plenty of area to work, with welding sparks and the square footage of the shop. Commissioner Harris inquired about the efforts to contain the noise. Mr. Mellinger discussed the walls, ceiling and roll-up doors being insulated with plywood added. The noise is minimal unless the shop door is open and that is why he installed the swamp cooler. He would like to post a speed limit on his gravel-lined driveway to keep the dust down and would like to inquire as to the addition of another speed limit sign
in the subdivision. Mr. Mellinger added he has done work for the city and non-profit organizations. Commissioner Erbisch inquired if he would like signage. Mr. Mellinger doesn’t see a need for a sign.

Public Comments
Joe Moreng discussed Luke doing a good job for him. He had questions about the extent of the metal operations, the outside storage and hazardous waste. Mr. Moreng believes this is industrial work in a residential area; he would like to see screening in front of the eight (8) foot fence to help mitigate the appearance. Peter Valenti discussed additional work done to the property including: upgrading the electric, outside work and adding an additional storage building before requesting the permit. He believes this to be an industrial application. He questioned the website promoting a Google map with directions to the house if they are not expecting customers. There are concerns about traffic and home values decreasing as this is a high-end subdivision. Mr. Valenti entered photos of homes in the area along with a copy of the website. Danny McGhee discussed owning property and building homes in the area. He noted there is an existing welding shop business in the area and there has never been a problem. Mr. McGhee is in favor of this. The storage container shown on the map is his and it will be gone. Erika Doyle lives three (3) houses away and is in favor of this. She believes there is a community need for this artisanship and supports it. Mrs. Doyle is a realtor and in her professional opinion, it will not affect the property values. Emily Mellinger, a co-owner, discussed being concerned about traffic in the area. Emily McGhee discussed that she was outside by the container and she didn’t see any customers go to the property and couldn’t smell or hear anything. Donna Valenti spoke in regard to the HOA trying to address the traffic issue. Greg Doyle spoke about them improving and cleaning up the property. He doesn’t hear anything, smell any fumes, had no idea if they are or were operating a business; the impact is small and the benefit to the community is huge.

Applicant/Representative Rebuttal
Mr. Moreng wanted to address the concern of fumes. Since the metal is cut with saws and sent out for powder coating or painted at the client’s home there are no fumes other than from welding. The big container storage is not his. Mr. Dveris clarified if there is business storage it would be included in the fencing plan.

Planning Commission Discussion & Vote
Commissioner Skiff mentioned this as being more of a sculpture studio and not a really an industrial use and the community needs more small businesses. Commissioner Wriston thought as there is no HOA, this is a good idea. Commissioner Damm, Harris, and Wriston had no objections. Commissioner Anna agreed with the sculpture studio. He discussed that the web page could be redesigned to avoid directing customers to the business address. He questioned if there was a need to include a condition to limit employees. Mr. Dveris responded that the Commission is able to add conditions but the applicant cannot deviate from what is in the Project Narrative, which states the two. Commissioner Harris mentioned the size of the shop also limits the number of employees. Chair Page agreed with this being a good home-based business, he doesn’t believe it will hurt the property values and is in favor of it.

Motion: Commissioner Erbisch: I MOVE TO RECOMMEND APPROVAL OF PROJECT NO. 2019-0094, CUSTOM IRON DESIGN CONDITIONAL USE PERMIT, WITH THE CONDITIONS CONTAINED IN THE PROJECT REPORT AND BASED ON THE FINDINGS THAT THE PROJECT MEETS OR CAN MEET A MAJORITY OF THE APPROVAL CRITERIA.
Second: Commissioner Damm: I SECOND
Motion Approved 7-0

Commissioner Harris recused himself from the Mind Springs Health CUP: Recognized by Chair Page.
3. 2019-0077 CUP  MIND SPRINGS HEALTH CONDITIONAL USE PERMIT

Property Owner:  Colorado West Asset Management, LLC
Representative:  Robert Jenkins
Location:  3210 E Road, Clifton, CO 81520, a seven (7) acre parcel just east of 32 Road
Zoning:  General Commercial (C-2)
Planner:  Britt Dveris, (970) 255-7191, britt.dveris@mesacounty.us
Request:  To develop and operate a 16,500-square-foot behavioral health facility
designed to provide residential care and assistance to approximately 36 male
and female clients with substance abuse and behavioral health problems, with
a maximum length of stay of 90 days.

Staff Recommendation: Approval with Conditions
Board of County Commissioners Hearing Date: August 20, 2019

Staff Presentation
Mr. Dveris entered into the record the following exhibits:
Exhibit A – Staff’s PowerPoint Presentation
Exhibit B – Hearing Binder
Exhibit C – Project File
Exhibit D – Mesa County Land Development Code
Exhibit E – Mesa County Master Plan
Exhibit (Roman numeral) I - Applicant’s/Representative’s Presentation
Exhibit (Arabic numeral) 1 - Public Comments

Mr. Dveris presented this project is to operate a 16,500-square-foot behavioral health facility for
approximately thirty-six (36) clients, with a maximum stay of ninety (90) days. He explained the
location and zoning map along with an aerial photo of the existing 10,500-foot building, parking lot of
forty (40) spaces and a shed, as 1st phase. The 2nd phase remodel is to build a 6,000-foot addition to
the existing structure that will provide care for another twenty (20) clients. The two (2) programs will
run separately, sharing the same space and staff. Mr. Dveris discussed the CUP criteria that has
been met or can be met; 24-hour supervision, the critical need for this in the community, a stucco
exterior to blend in with surrounding houses, existing commercial development in the area, less traffic
and proposed landscaping. Mind Springs operates with a current license in Colorado. There has
been one (1) email opposing the project. Commissioner Erbisch inquired about the period of the
CUP. Mr. Dveris explained it runs with the land and has no expiration date unless there is a twelve
(12) month lapse. Chair Page inquired about the one (1) complaint. Mr. Dveris responded it is in
regards to a concerned foster parent not wanting the children in the proximity of the cliental in a
behavioral health facility.

Applicant/Representative Presentation
Robert Jenkins the Architect of the project handed out a copy of his PowerPoint presentation. He
introduced the following representatives in attendance: Michelle Hoy, Mind Springs’ Executive Vice-
President for Outpatient Services, Daniel Weller, Mind Springs’ Program Director for the Women’s
Recovery Center, and Megan Navarro, Mind Springs’ Program Coordinator for the Women’s
Recovery Center. Mr. Jenkins proceeded with his presentation, pointing out that Mind Springs’
Recovery Center and Circle Program are both outpatient and inpatient care programs for substance
use disorders in Western Colorado. He provided a map of six (6) center locations in Mesa County; the
current center has been at the Regional Center for ten (10) years and will be closing. Mr. Jenkins
presented an informational fact sheet on the residential program, along with maps of the proposed
project. He shared that there is a great need for this program with a large waiting list. The plan is to
provide 24-hour care for a ninety (90) day period to clients. He discussed increasing staff, shared
spacing and parking. Mr. Jenkins had the opportunity to talk with the one complainant that ended
with a positive outcome. He discussed that there was concern when a Little League Field and school
were near a previously built center and there have been no issues. They now have the funding to complete the project in one (1) phase instead of two (2) and expect completion by mid-summer 2020. Commissioner Skiff asked if the construction would be complete by the time the Regional Center closes. Mr. Jenkins responded that it will be a tight schedule. Commissioner Damm asked if it is a lock down facility. Mr. Jenkins explained that residents have to apply to enter the program and are encouraged to stay; during one of the last stages of care, residents can have a day job and stay at the center at night. Commissioner Damm inquired about the social activity of the residents in the neighborhood. Mr. Jenkins responded that one of the complainant's concern was in regard to the residents being out in the neighborhood and that is not the purpose of the center.

**Public Comments** - None

**Applicant/Representative Rebuttal** - None

**Planning Commission Discussion & Vote**
All of the Commissioners agree to the need of this service in the community and support the project.

**Motion:** Commissioner Damm: I MAKE A MOTION THAT WE APPROVE PROJECT #2019-0077, MIND SPRINGS HEALTH CONDITIONAL USE PERMIT, WITH THE CONDITIONS CONTAINED IN THE PROJECT REPORT AND BASED ON THE FINDINGS THAT THE PROJECT MEETS OR CAN MEET A MAJORITY OF THE APPROVAL CRITERIA.
Second: Commissioner Erbisch: I SECOND.
Motion Approved 6-0

**Motion:** Commissioner Damm: SO MOVED TO ADJOURN THE MEETING.
Second: Commissioner Erbisch: I SECOND
Motion Approved 6-0

Hearing adjourned at 9:22 p.m.

Respectfully Submitted,

[Signature]

Bill Somerville, Secretary