Chairman Justman called to order a scheduled hearing of the Mesa County Planning Commission at 7:09 p.m. Chairman Justman led the Pledge of Allegiance. The hearing was held in the Public Hearing Room, Mesa County Administration Building, 544 Rood Avenue, Grand Junction, Colorado.

In attendance representing the Mesa County Planning Commission, were: Chairman John Justman, Vice Chair Mark Bonella, Thomas Kenyon, Gregory Robson and Phillip Jones.

In attendance, representing the Mesa County Department of Planning and Economic Development, were: Kurt Larsen, Linda Dannenberger, Christie Barton, and Randall Thompson, Chy Arnett was present to record the minutes.

There were 21 citizens present throughout the hearing.

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**APPROVAL OF MINUTES**

July 10, 2008

**Motion:** Motion by Commissioner Kenyon to approve the minutes of July 10, 2008 as written.

**Second:** Commissioner Bonella

**Motion Approved 5-0**

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**CONTINUED ITEMS**

NONE

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**CONSENT ITEMS**

Chairman Justman explained the consent agenda and then polled the board and the audience to see if anyone wanted an item from the consent agenda put on the hearing agenda.

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**Public Comment**

Erwin Grange, 2369 I ½ Road, has property across the street from item 2008-319 CP1 STEWART BUILDING ENVELOPE CONCEPT PLAN. Mr. Grange stated that he had left a request at the Planning Department the day before the hearing asking that the item be removed from the Agenda because he hasn’t been given adequate consideration, he feels that his concerns have not been addressed, and he asked the board if they have a copy of the letter. Ms. Dannenberger stated that she had the letter dated July 23, 2008. Ms. Dannenberger read over the letter and stated that he had asked for a continuance because he would not be able to make it to the meeting, but since he was there she felt that he would want to talk about it in person. Mr. Erwin
Grange stated that was not the reason for wanting the removal of the item. Mr. Grange wanted it removed altogether off of the agenda. Commissioner Bonella stated that it was going to be heard tonight because it was on the Agenda. Chairman Justman stated that it would be moved from the Consent Agenda and placed on the Hearing Agenda.

Gary Harper, 3280 C Road, Palisade Co, had questions regarding item 2005-016CP1 MURILLO SUBDIVISION CONCEPT PLAN. Mr. Harper wanted to know if they had made any provisions for irrigation or any provisions for setback to adjoining property and also if they had a SIA (Subdivisions Improvement Agreement).

Discussion
Ms. Dannenberger stated that the improvements agreement will be developed during the final plan stage, but that yes, the law required that they will have a Subdivisions Improvement Agreement. Mr. Bill Balaz of Balaz and Associates representing the Murillo’s tried to clear up any questions that were presented. After a short discussion regarding irrigation, Vice Chairman Bonella asked that this item be removed from the Consent Agenda and be put on the Hearing Agenda.

2005-192 CP1 PROMINENCE POINTE SUBDIVISION CONCEPT PLAN
Property Owner(s): Ronald A. Abeloe
Representative(s): Vista Engineering Corp. - Fredrick Larsen, P.E.
Location: 633 & 641 33 RD, Clifton, 81520 (33 RD & F ½ RD)
Zoning: RMF-5
Planner: Keith Leonard, 970-244-1814, Keith.Leonard@mesacounty.us
Request: A major subdivision consisting of 70 single family lots on 2 parcels totaling approximately 15 acres.
Staff Recommendation: Approval with Conditions
Board of County Commissioners Hearing Date: 08-12-08

Motion: Commissioner Kenyon moved that the Consent agenda be approved with the single item 2005-192 CP1 Prominence Pointe Subdivision Concept Plan subject to staff recommendations and approval with conditions.
Second: Commissioner Jones
Motion Approved 5-0

HEARING ITEMS

2008-319 CP1 STEWART BUILDING ENVELOPE CONCEPT PLAN
Property Owner(s): Hugh & Laurie Stewart
Representative(s): Allen Simons, Meadow Lark Consulting
Location: 2376 I ½ Rd, Grand Junction, (I 1/2 Rd & 24 Rd)
Zoning: AFT
Planner: Linda Dannenberger, 244-1771, Linda.Dannenberger@mesacounty.us
Request: Modify the size and orientation of an approved building envelope on Lot 10 in Crown Point Subdivision

Staff Recommendation: Approval
Board of County Commissioners Hearing Date: 08-12-08

Staff Presentation
Linda Dannenberger of the Mesa County Planning and Economic Development entered into record the project file, the project report, Exhibit A which is the PowerPoint, Mesa County Land Development Code and the Mesa County Master Plan. Ms. Dannenberger presented the PowerPoint presentation pointing out the location of the Building Envelope at its present location and then showing that they are not proposing to remove it they just want to move it a small amount, enlarge it and square it up with the south property line. Ms. Dannenberger stated that the reasoning for the original envelope as far as she can tell was to provide strategic placement for clustering so that farming could continue along with creating views. Ms. Dannenberger showed some photos explaining where they were taken. She stated that Mr. Grange had come in on July 23, 2008 and that he had been in looking at the Project Report but she had not heard a specific concern from him. Ms. Dannenberger showed photos to show were Mr. Grange’s house was in relation to the Steward Building Envelope. Ms. Dannenberger stated that in reviewing the Concept Plan Criteria and the Code she and the planning staff didn’t feel that there was much of an amendment to this property and she stated that all of the facilities and services were demonstrated on the original approval and on the filing of the Final Plat and then also in the release of the Developments Improvements Agreement. Ms. Dannenberger stated that she believes it to be in compliance with all of the previsions in the Land Development Code and there were no review agency issues. Staff recommends approval of the request to amend the building envelope on lot 10 in the Crown Point Subdivision on the basis that it meets the concept plan criteria and the general approval criteria in the code.

Discussion
Chairman Justman asked Ms. Dannenberger if the Stewarts were just trying to square it up a little. Ms Dannenberger stated that yes they also wanted to make it bigger. Chairman Justman stated basically the same area just squaring it up and making it bigger. Ms. Dannenberger stated that that was correct.

Representative Comment
Paul Johnson of Meadowlark Consulting, 123 N. 7th, Grand Junction CO, representing the Stewarts. Mr. Johnson stated that this was a very benign change request. He stated that the Stewarts wanted to put their house facing north/south east/west rather then at the angle. Mr. Johnson stated that he is not sure how far south they had planned on going and might even stay with in the original building envelope but they are going to build a very large home. To make sure that they get their home the way that they want this increase from 100 by 200 to 200 by 200 will insure that they can do that. As Ms. Dannenberger stated the envelope still remains in the northwest corner of the 6 acre lot and he emphasized that it is a 6 acre lot. Right now the southern part of the existing lot averages about 288 feet from I ½ and the new envelope will be 200 feet
which means the southern part of the house will still be 200 feet from the road which of coarse is much farther then most houses on roads of this nature. Basically this is only to allow them to put the house where they would like and keep the clustering intent intact.

Public Comments
Erwin Grange 2360 1 1/2 Road, Grand Junction, CO 81505
Mr. Erwin Grange said he agreed that it should be a minor thing. But he felt that communication between the planner Linda Dannenberger had been non existent, and the inaccuracies from the neighborhood meeting have complicated this. He feels that he is being taken advantage of because he says that the information that Ms. Dannenberger based her Project Review on was not accurate. He stated that whatever the Commissioners decided was fine with him but he wanted to make sure that the process was not being short circuited and that his concerns are not being cut out. He felt that this item should be removed from the agenda. He stated that he attended the neighborhood meeting and 6 people showed up and out of those 6 people 3 of them represented the property owners. He feels that when the Stewarts bought the property they knew what the building envelopes were and just because it’s going to be a larger home and increase property value he felt that he should not have to give them more room.

Discussion
Chairman Justman stated that this plan still meets the setbacks. Mr. Grange stated that yes it meets the setbacks but he feels that Linda Dannenberger didn’t do her job properly and because of that he wants this item removed from consideration. He stated that it was inconsiderate that his concerns were considered minor and they were overruled and shut out. Mr. Justman asked Mr. Grange how much was the building envelope moved. Mr. Grange rounded it out to 100 feet and went on to state that he has no objections with the size of their new building envelope. He is being asked to give up 100 feet, and 100 feet is important to him. Vice Commissioner Bonella asked Mr. Grange to explain how this change of 100 feet was going to impact him? Mr. Grange stated that its not that he is being impacted because his house it across the street and down some, but he has a lot over by the Stewarts lot and it borders the entire lot. He says the impact is very simple he feels that when people go to the country they like to have as much space as possible. He feels that they should not want to put there house lower on the lot because most people like their homes up high. Vice Chairman Bonella then asked Mr. Grange to please explain exactly what it was that he was concerned with because so far the only true objection that he has heard was that Mr. Grange was unhappy with the way that the planner handled this project and if that is his only objection then he feels that the planning department will do what they can to handle things better in the future. Mr. Grange stated that there were two things he said that he went to the trouble of writing a letter to the Commissioners and was told that they would get it. Ms. Dannenberger stated that she did receive a letter yesterday. Vice Chairman Bonella then made it clear that writing a letter yesterday was not time enough to pull something from the agenda, there were notices to be sent out and procedures to follow. Mr. Grange then went on to quote the rules and regulations and procedures of how things are suppose to go through the planning department. He continued to scold the
way that Ms. Dannenberger handled this project. Ms. Dannenberger stated that this is different then a typical subdivision process since a sketch plan and a final plan review were not required. We processed a concept plan only because this was a public hearing item before and it needed to be a public hearing item to be amended.

Paul Johnson Meadowlark Consulting 123 N. 7th street Grand Junction, CO. He wanted to make it clear that the building envelope is actually closer to the corral not farther away. He stated that with regards to the neighborhood meeting he stated that 4 people showed up 3 were for the project only 1 was against. Mr. Johnson stated that very detailed notes were taken. He stated that he personally mailed them out to the correct people. His last comment was that the southern end of the building envelope is still 4 times the minimum of 50 feet.

Motion: Vice Chairman Bonella moved that on item 2008-319 CP1 Stewart Building Envelope Amendment be passed on to the BoCC with approval.  
Second: Commissioner Robson  
Motion Approved 5-0

2005-016 CP1  MURILLO SUBDIVISION CONCEPT PLAN  
Property Owner(s): Daniel Murillo  
Representative(s): Cynthia Balaz, Balaz & Associates, Inc  
Location: 3274 C Road, Palisade 81526 (32 1/2 & C Roads)  
Zoning: AFT  
Planner: Christie Barton 255-7191 Christie.barton@mesacounty.us  
Request: 4-lot subdivision on approximately 10.78 acres using the Orchard Mesa open land overlay district regulations.  

Staff Recommendation: Approval with Conditions  
Board of County Commissioners Hearing Date: 08-12-08

Staff Presentation  
Christie Barton Mesa County Planning and Economic Development Department entered into record the Mesa County Master Plan, the Mesa County Land Development Code, the PowerPoint presentation labeled Exhibit A, the Project Review, and File 2005-016 CP1 Murillo Subdivision Concept Plan. Ms. Barton presented Exhibit A explaining the boundaries and property lines and all the different zoning that this property has been through. Point out that in 2002 a CUP for an accessory dwelling unit and since then the regulations have changed and the county no longer has CUP’s for accessory dwelling units. She would like if this project is approved to abandon that accessory unit during the resolution stage as the building will be on its own lot. Ms. Barton pointed out that this is on 10.78 acres and they are proposing 4 lots and with the Orchard Mesa Open Land Overlay District regulations it allows for a 2.5 acre average density with 50 % of the property in open space. They will be doing 5.76 acres of permanent open space in lots 1 and 2 and some additional open space in lot 3. The existing building will be on lot 1 and lot 2 will have the existing home site and that is the lot that has the majority of open space. Lots 3 and 4 are each one acre in size. She showed the Concept Plan of
the property to the commission. The regulations do allow for house lots to go down to one acre in size as long as they prove that the lot can hold the primary septic and the reserve septic systems. They have done their perk and deep whole test and the Health Department has reviewed those and they can fit. The majority of the property will be open space along the canal they are using it for wildlife. The Planning and Economic Development Department recommends Approval subject to conditions. The basis for the recommendation is that the petition demonstrates compliance with a majority of the criterion in Sections 3.6.3H, 4.4.2 and 3.1.17 of the Mesa County Land Development Code (2000, as amended).

Comment
Vice Chairman Bonella stated that he would like make a suggestion that on project approval recommendations subject to the following conditions: Add #5 a formal written irrigation plan will be part of the final covenants of this subdivision to address all irrigations concerns, watering times, and rights.

Motion: Commissioner Bonella moved that on item 2005-016 CP1 Murillo Subdivision Concept Plan be approved with staff and agency review comments and recommendations and add under the approval subjects add # 5 that a formal written irrigation plan be part of the final covenants to address watering times and regulations and rights.
Second: Commissioner Jones
Motion Approved 5-0

2006-121 CP4  MEADOWVIEW SUBDIVISION CONCEPT PLAN
Property Owner(s): Donald Mosby and Denise Mosby
Location: 3346 E 1/4 Rd & 3348 1/2 E 1/4 Rd, Clifton 81520 (E 1/4 & 33 1/2)
Zoning: AFT
Planner: Christie Barton, 255-7191, Christie.Barton@mesacounty.us
Request: 10 lots on two parcels totaling approximately 25.6 acres
Staff Recommendation: Approval with Conditions
Board of County Commissioners Hearing Date: 08-12-08

Staff Presentation
Christie Barton, Mesa County Planning and Economic Development Department entered into record the Mesa County Master Plan, the Mesa County Land Development Code, the PowerPoint presentation labeled Exhibit A, a letter from Carl Zohner dated July 11, 2008 as Exhibit 1, the Project Review and File 2006-121 CP4. There are two properties involved one is zoned RSF2 and the other is RSFE. This rezone came through in April. Ms. Barton presented Exhibit A showing the map with the zoning on it. She explained they are zoned differently because the dividing line for the residential medium and residential medium low classifications goes right between the two properties. So they did a rezone in conformance with the Future Land Use map and they have two different zoning districts. In May of this year the Mesa County Planning Commission and the City of Grand Junction moved the Urban Growth Boundary to match the planned expansion area for the Clifton Sanitation District. The Planning and
Economic Development Department recommends approval subject to conditions. The basis for the recommendations is that the petition demonstrates compliance with a majority of the criterion in sections 3.6.3H, 3.1.17 and of the Mesa County Land Development Code (2000, as amended).

Public Comments
Mr. Bob Ballantyne of 472 33 ½ Road Clifton CO was concerned with private property issues for the Subdivision. He was representing Head Gate 47 which is not mentioned in the plan or the review but he wanted it put in the record that they are the owners of the property traversing the subject property. Mr. Ballantyne stated his concerns to the commissioners. Vice Chairman Bonella stated to Mr. Ballantyne that his understanding of their concerns were storm water should not run off into the irrigation water, some sort of storm water management plan be done and all the irrigations issues of the ditch as far as water distribution and maintenance on the ditch should be addressed.
Vice Chairman Bonella than asked the property owners if they had a problem of putting a 25 foot easement on the property to allow for any maintenance on the property. Mr. Mosby stated that he had no problem with that what so ever. Mr. Bonella stated that as far as the storm water run off it is up to the State to follow through with a storm water management plan. Ms. Dannenberger stated that they would have to do a study on the storm water run off.

Motion: Vice Chairman Bonella moved that on project 2006-121 CP4 MEADOWVIEW SUBDIVISION CONCEPT PLAN recommend approval to the Board of County Commissioners with all staff and review agency comments with the addition of the project recommendations add #8 with the wording to address all irrigation ditch concerns such as adding a 25 foot irrigation easement for the maintenance and supply of the current irrigation water.
Second: Commissioner Kenyon
Motion approved 5-0

2008-275 CUP1  MVS COMPRESSOR STATION CONDITIONAL USE PERMIT
Property Owner(s): Gregory W. Losa
Representative(s): Gary Collipp, Delta Petroleum
Location: 69861 E. Hwy 330 (3 parcels) Collbran 81624 (Harrison Crk Rd & Hwy 330)
Zoning: AFT
Planner: Randall Thompson, 244-1744, Randall.Thompson@mesacounty.us
Request: To locate up to 8 compressors on a 6.5-acre parcel along with storage tanks for liquids pending removal by truck.

Staff Recommendation: Approval with Conditions
Board of County Commissioners Hearing Date: 08-12-08
Staff Presentation
Randall Thompson, Mesa County Planning and Economic Development Department entered into record file 2008-275 CUP1 MVS CCOMPRESSOR STATION CONDITIONAL USE PERMIT, the Project Report dated July 15th 2008, the Mesa County Land Development Code, the Mesa County Land Use plan and the PowerPoint presentation labeled Exhibit A. Mr. Thompson stated that their have been no last minute comments from the staff or the public. The property is owned by Gregory W. Losa and is under contract by Delta Petroleum Company. They expect the purchase time to be by the end of August. Delta Petroleum proposed to construct and operate a natural gas compressor station on the property. This site was undeveloped and being use for agricultural and forestry reasons. Mr. Thompson presented Exhibit A showing the proposed future use. Randall Thompson pointed out that the compressors that have been selected for the site were partly chosen for there being quiet because of the sound suppression problems they have encountered at past sites. Access for the site will be via the existing access serving the site off of HWY 330. Mr. Thompson stated that the company expects approximately 3 to 4 trucks coming and going from the site on a daily basis. The compressor station is designed for unattended operation and will be checked by an operator on a daily basis. The surrounding land uses in the immediate area include large vacant ranching and recreational properties. He stated that the site is located on an over look that can not be seen from site from HWY 330 and the nearest recreational cabin is approximately $8/10^{th}$ of a mile away and over a ridge. The site will not be visible to any area residences. The applicant will be required to meet the noise level requirements of the County Oil and Gas Conservation Commission for the Residential and Agricultural and Rural Zone. The applicant proposes to submit a noise study for the compressor station to the department of Planning and Economic Development within two months of the facility start up to confirm compliance with noise standards. Mr. Thompson continued to show pictures of the future site, explaining that we had sent staff out to take photos of the proposed site, pointing out that it had already been graded, and the construction of the site had already commenced.

Discussion
Vice Chairman Bonella wanted to know if they had actually started construction of this compressor site before the CUP was issued. Mr. Thompson confirms that yes they had started construction. Commissioner Bonella wanted to know if a cease and desist was issued. Mr. Thompson stated yes. Mr. Kurt Larsen stated that they had put a cease and desist order on the construction of the compressor station conditional use permit. He also stated that Donna Ross of Code enforcement was present in the audience to answer any questions about the Code enforcement issues.

Staffs Presentation
Mr. Thompson continued his presentation showing through Exhibit A the County Code requirements that can be met, have been met and the conditions by staff recommendations. Concluding his report with a recommendation of approval with conditions, the basis being that the proposal can comply with Chapter 7 Development
Standards, Section 3.8.7A-F and Sections 3.1.17 A-C of the Mesa County Land Development Code.

**Discussion**
Commissioner Mark Bonella asked questions about the code violations and when were the photos that Mr. Thompson showing taken. Mr. Thompson explained that some of the photos being shown were not taken by staff, they came from Delta Petroleum. A photo of a welding shop came up and Vice Chairman Bonella wanted to know if they even had building permits to build the shop shown, and did it even comply with the zoning regulations for that area. Mr. Thompson continued to show what had been done prior to the CUP or Building Permits being issued. He showed pictures of compressors that had already been installed showing a person in front of the compressor to show how small the person was in comparison to the enormous size of the compressor.

**Comment**
Linda Dannenberger, Division Director Mesa County Planning and Economic Development department stated that when the construction was discovered they immediately got hold of the compliance officer for Delta Petroleum. She stated that they were shocked and appalled that construction had started without the proper permits. Ms. Dannenberger stated that they met with them and came up with a compliance plan that they would remove everything that wasn’t tied down to the site with the exception of the two compressors and the cooler.

**Question**
Vice Chairman Bonella wanted to know if that meant that all the concrete was gone as well, along with the crane. Mr. Thompson showed a photo of what the site looks like today.

**Discussion**
Kurt Larsen Director of Mesa County Planning and Economic Development Department stated that they had them remove everything except what is currently tied down on the premises because of concerns about some of the equipment being so big and heavy they didn’t want them to take it out until the results of this issue are resolved.

Donna Ross, Division Director, Development Services/Code Enforcement of Mesa County stated that the cease and desist order (a written legal notice) does state that if the CUP application does not get approved that the site must be returned to its original state. Discussion about any penalties and fines followed. Ms. Ross went over the order and what has been done to date.

**Representative**
Brian Macke Regulatory Compliance Manager, Delta Petroleum stated that he wanted to explain how this all happened and how they are taking steps to correct this kind of thing from ever happening again. He stated that the reason for this was a result of a combination of misunderstanding, misinterpretation, and miscommunication. He explained how Delta Petroleum operates as far as permits and construction are handled.
and what steps are being taken to change how this is handled in the future so that they can prevent this from happening again. He talked about the “at risk” concept that had been in play with a previous application for an expansion of another compressor site that was already in place and the conditions of approval were well known. There was likely not to be any changes as the process moved forward. Delta took that as an honest misinterpretation that it would apply to this new project application as well. Mr. Macke stated that he knows now that they should have communicated with the County especially with the company being Denver based. But they are trying very hard to have an open relationship with Mesa County. He understands that ignorance of this procedure is not an excuse and they know now that they acted very improperly. He stated that when they realized that they were behaving in a way that was not acceptable to the County on Monday June 30, 2008, they immediately halted all construction and a meeting was called to discuss the issue at hand. He went over the details of what took place on the site once they received the cease and desist order.

Discussion
Vice Chairman Bonella asked Mr. Macke if Delta Petroleum had ever been in front of the Mesa County Planning Commission and the Board of County Commissioners before. Mr. Macke stated that preceded him and others would have been involved in that procedure but that yes in the last couple of years they have had other compressor stations go up in Mesa County. Vice Chairman Bonella then remarked that, this means they have been through this procedure before and know how it works. There was some talk of the amount of compressor stations each company had and how many connect together and what the correct names of these pipelines. Gary Collipp, Facilities Engineer, Delta Petroleum stood with Mr. Macke to lend his expertise in this matter. Commissioner Kenyon wanted Brian Macke to explain how this happened again. Mr. Macke explained in more details how he felt that this happened. He stated that from now on all permitting must be done in one centralized location and no construction can begin until they have cleared it with that one centralized location. Vice Chairman Bonella wanted to know when the welding shop was set up. There was some discussion as to whether this was a welding shop or just a storage building. Mr. Collipp stated that it was put up towards the end of May 2008, stating that the building would have been removed at the end of the site construction.

COMMENT
Vice Chairman Bonella stated that this was a complicated industry and the industry is under a lot of pressure and a lot of scrutiny right now and he feels that this is the biggest screw up he has seen so far and he has been on the Mesa County Planning Commission for 7 years. He feels very angry about this and he wanted to know who the heck they think they are, they have been here before and know how things work and yet Delta expects Mesa County to believe that they didn’t know any better. Mr. Bonella feels that they are asking for forgiveness rather then permission because it’s easier, he feels that some criminal action should be handed down and someone should have to do jail time. He stated that if he did anything like this in his business he would be in jail. The industry continues to want more and more and they push push push to see what they can get away with. He knows that the Oil and Gas industry has done a lot for our community but he feels taken advantage of. Vice Chairman Bonella stated that if he
had his way then he would make them go out and pull out every bit of construction already put in and put make them put back the trees and bushes where they go and then come talk about a permit.

**Discussion**
Commissioner Robson asked Mr. Macke to explain the at risk policy that was discussed earlier. Mr. Thompson addressed this issue stating that it goes back to last fall and the other compressor station that was approved with two compressors on it with an indication that they wanted a third. Delta came in and applied for this expansion as a major site plan since the CUP had already been approved by the Board of County Commissioners with an indication of an expansion. Delta was concerned for the pending weather onset since it was late fall and they asked Mr. Thompson if they could pour concrete even though the expansion had not been approved officially by staff. Mr. Thompson stated that he could not tell them that legally. He stated that he indicated to them (NOTING that this was a reach on his part) that if they dig the footings, put the steel in, take pictures and have an engineer there to see it and then pour the concrete so that the cure time would be going before the snow starts falling, they could apply for inspection with the Building Department. They would then come in and get their permits after the major site plan had been approved, but by doing this they would be doing it “at risk” for the expansion. Mr. Thompson clarified that this was not for this project but for the expansion of the already approved site. When they applied for this project someone on Delta’s end moved on what they called “at risk concept” and moved forward with the construction on this project thinking it would be ok. Mr. Thompson explained to Delta that the project last fall was something that had already gone through the process and been approved with the possibility of expansion, and it was by no means the same as a new site that had not even been heard by anyone.

Commissioner Jones wanted to know how Mesa County learned of this discrepancy. Mr. Thompson stated that they had pre-application meeting for this compressor station back on February 25, 2008 and he was looking for the application date. Commissioner Robson wanted to know while Mr. Thompson was looking for the application date when construction started. Gary Collipp stated that it started April 16, 2008 and Mr. Thompson then found the application date and stated it as April 25, 2008, which indicated that construction had started even before they made application for approvals.

**QUESTION**
Vice Chairman Bonella wanted to know if they weren’t aware of what was going on, but were aware enough to go apply for the application, well then at that point why didn’t you just stop construction on April 25, 2008. Delta did not answer.

**QUESTION**
Commissioner Robson wanted to know when the cease and desist order was issued. Ms. Ross stated that it was issued July 10, 2008.

**DISCUSSION**
Ms. Ross, Mr. Larsen and the commissioners had several discussions as to the procedures of building permits and code enforcement issues that are similar in nature to this kind of a code and procedure violation, and how other similar situations have been handled. Mr. Larsen noted that since the Board of County Commissioners has approved more code enforcement officers, we have been able to cut back on violations of this magnitude. He also noted that as Donna Ross had indicated earlier the way in which code enforcement issues are handled is that the issue be identified then if they willing to work for voluntary compliance. If voluntary compliance is not there then staff requests from the Board of County Commissioners the authority to litigate. He stated that if this Conditional Use Permit is not approved then Delta will certainly be pursued until the area is returned to its original state. Vice Chairman Bonella wanted to know when do we draw the line. When do we make them follow the rules? Maybe its time that we put our foot down and make them follow all the rules. Commissioner Kenyon didn’t feel that it was the job of the Mesa County Planning Commission to enforce code issues or to punish them and the recommendation of Mesa County Planning and Economic Development department is that the Mesa County Planning Commissioners approve this project. Commissioner Robson stated that he feels that it is a dangerous precedent to assume that they would have approved this project and for them to have started construction before the application, he feels that Delta felt it was easier to ask for forgiveness rather then permission.

Chairman Justman opened the discussion up to the public.

PUBLIC COMMENT
Paul Smith, 1103 Chipita, Grand Junction, CO owns approximately 40 acres just up the road from this site and the fact that they went a head and started all this work without approval really bothers him. He wanted to know if this can happen again, he stated that he put his trust in the elected officials to look out for his best interests and he just hopes that they will do what is necessary to protect citizens of Mesa County for this kind of thing not to happen again.

Motion: Vice Chairman Bonella moved that on item 2008-275 CUP1 MVS Compressor Station that they be denied based on the fact that they did not properly follow the regulations that are in place for the permit process, and substantial construction has already been started with compressors on site, he wants the site put back to its original condition and followed up on, with all the regulations.
Second: Commissioner Robson
Motion Approved 3-2

Motion to Adjourn: Commissioner Kenyon
Second: Commissioner Jones
Motion Approved 5-0

Hearing adjourned at 10:08 p.m.
Respectfully Submitted,

Christi Flynn, Secretary