



**DELTA COUNTY PLANNING COMMISSION MEETING MINUTES
DELTA COUNTY BOARD OF COUNTY COMMISSIONER'S ROOM
560 Dodge St., Delta, CO 81416
July 27, 2022**

Chair Tom Kay called the meeting to order at 5:30 p.m. in the Delta County Board of County Commissioner's Room.

ROLL CALL

Planning Commission Members in Attendance:

Tom Kay
Cindy Watson
David Marek (Associate)
Layne Brones
Hardy Hutto

Absent Members:

Kate Darlington
Jacob Gray
Steve Shea
Steve Schrock
Tate Locke
Michelle Roberts (Associate)

With member(s) absent from District 3, David Marek is a voting member.

Staff in Attendance:

Delta County Community Development & Natural Resource Director, Carl Holm
Delta County Community Development Planner I, Kate Kelly
Delta County Community Development Planner I, Angie Kemp
Delta County Community Development Administrative Assistant, Kim Henderson
Delta County Community Development Code Compliance Officer, Everett Neil
Delta County Administrator, Robbie LeValley

A. MEETING MINUTES

1. Meeting Minutes
 - a. July 13, 2022RECOMMENDATION: Approve the action minutes as presented.

Layne Brones moved to approve the action minutes with the correction of the pronoun noted by Jacob Gray. Cindy Watson seconded the motion.

Motion carried unanimously

B. PUBLIC HEARING ITEMS

1. **PLN21-080/Delta Paving Gravel Pit**
Kilgore Companies, dba Elam Construction, Inc., is requesting to remove a restriction prohibiting use of an asphalt plant at an existing sand & gravel mine (pit) located at 8020 Highway 65, Delta (Parcels 345510202002, 345503400053, 345510100028).
RECOMMENDATION: Staff recommends that the Planning Commission (PC) continue PLN21-080 to August 10, 2022.

The Planning Commission continued PLN21-080/Delta Paving Gravel Pit to the August 10, 2022 Planning Commission Meeting.
2. **PLN22-082/Ehlers**
EcoGen Biosciences Production Center LLC requests rezoning the eastern 65.793 acres of Parcel #349517400013 located at 18668 B50 Road (Parcel A) from Rural Industrial/Commercial (RI/C) to Agricultural/35-acre (A-35).
RECOMMENDATION: Staff recommends that the Planning Commission (PC) recommend that the Board of County Commissioners (BoCC):



- a. Find that amending the 2021 Land Use Code, rezoning the subject property from Rural Industrial/Commercial (RI/C) to Agricultural "35" (A-35), meets the criteria of Chapter 8, Section 2.B of the Land Use Code; and
- b. Rezone the east 65.793 acres of a 71.973-acre parcel (Parcel 349517400013/Account R024462) from Rural Industrial/Commercial (RI/C) to Agricultural "35" (A-35) required as a condition for approving a Boundary Line Adjustment (PLN22-082/Ehlers).

Planning Director, Carl Holm presented the project, and answered Commissioner questions.

Commission Member Michelle Roberts arrived at 5:34pm.

With member(s) absent from District 1, Michelle Roberts is a voting member.

Joseph Burnes (Transaction Agent for Applicant as well as buyer) participated via Zoom and answered questions about water allocation via UVWUA for continued operation of the Ag fields.

Hardy Hutto moved to approve PLN22-082/Ehlers rezone with Staff recommendations. Michelle Roberts seconded the motion.

Motion carried unanimously

C. WORK SESSION

1. Land Use Code Update -Work Session

Work Session to consider redline drafts of various sections/topics of the Delta County Land Use Code.

RECOMMENDATIONS: Staff recommends that the Planning Commission continue a Work Session from June 8th on the LUC Update and consider:

- a. Revised redline edits (PC comments June 8th) to Chapter 2, Section 1.A (Table 2.a) "Zoning Districts"
- b. Consider draft redline edits to Chapter 2: Section 2.A "Land Use by Zoning District"; Section 4.A "Permitted Use Standards"; Section 5.A "Limited Use Standards"; and Section 6 "Conditional Use Standards"
- c. Consider draft redline edits to Chapter 7 "Standard Application Review Process"
- d. Consider draft redline edits to Chapter 8 and 10 "Review Processes"
- e. Provide Direction on topic(s) and date for the next Work Session.

The Commissioners debated about waiting for more Commissioners to be in attendance, but decided to proceed since the work sessions are to provide direction, and nothing is final until the Commission holds a public hearing to consider certification of the entire LUC.

Commissioner Marek inquired about septic regulations, which led into a discussion about temporary residences (RVs), accessory dwelling units, short term rentals, and enforcement when used for other purposes. If a RV is not connected to a permanent wastewater treatment system, it is temporary and subject to the 90-day limit. However, the Commission requested that the LUC allow for temporary use longer than 90 days if the site is under construction, provided there are valid permits (plumbing, electrical, septic).

Director Holm presented major changes in Chapter 7 "Standard Application Review Process". The Planning Commission's discussion focused on Neighborhood Meetings as well and publication and notification for public hearings. There was general consensus accepting staff's draft language.

Director Holm presented recommendations for streamlining the process. For example, a Minor Plat is Administrative and a variance goes to the Board of Adjustment (BoA) before being reviewed by staff. The concept is to consolidate reviews where the BoA in this case would take action on the variance and the Minor Plat, avoiding a subsequent Administrative action. Also, the Director is recommending that the Planning Commission (PC) become a decision-making body on discretionary actions (preliminary plats, conditional uses) – the Board would hear appeals of a PC decision. This



DELTA COUNTY

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discussion includes having the PC consider variances or if that was required to be handled by the BoA. Staff was to research requirements of the BoA and consult with the County Attorney.

D. DEPARTMENT REPORT

None

E. COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

None

ADJOURNMENT

The next meeting will be held on August 10, 2022 at 5:30pm in the Roubideau Room, 320 W. 5th St. Delta, CO.

Meeting adjourned at 6:52 p.m.

Respectfully submitted by:
Administrative Assistant, Kim Henderson