



**DELTA COUNTY PLANNING COMMISSION MEETING MINUTES
DELTA COUNTY BOARD OF COUNTY COMMISSIONER'S ROOM
560 Dodge Street., Delta, CO 81416
November 16, 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	Hardy Hutto
Layne Brones	Cindy Watson
Jacob Gray	Steve Schrock
Kate Darlington	David Marek (Associate)

Absent Members:

Steve Shea
Tate Locke

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 Code Compliance Officer, Everett Neil
Delta County Administrator, Robbie LeValley

A. MEETING MINUTES

1. Regular Planning Commission meeting of:
None

B. PUBLIC HEARING ITEMS

1. PLN22-073/Holt Subdivision

Consider a 4-lot Subdivision (Preliminary Plat) in the A-5 zoning designation (Parcel# 319327300020/Holt)
RECOMMENDATION: Staff recommends that the Planning Commission recommend that the Board of County Commissioners:

- a. Find that PLN22-073/Holt Subdivision is consistent with applicable policies of the 2018 Master Plan and complies with the 2021 Land Use Code for a Preliminary Plat; and
- b. Approve a Preliminary Plat to subdivide 36.92 acres into four (4) lots: Lot 1 (9.445 acres), Lot 2 (5.000 acres), Lot 3 (5.000 acres), and Lot 4 (15.691 acres) in the A-5 zone, subject to conditions.

Hardy Hutto recused himself from participating as a Planning Commissioner for this item.

Planner I, Kate Kelly presented the project, and answered Commissioner questions. William and Julie Holt, applicants, were in attendance.

Tate Locke arrived at the meeting at 5:39pm

The Board asked questions of staff and the applicants.

Kate Darlington moved to approve PLN22-073/Holt Subdivision with staff recommendations. Layne Brones seconded the motion.

Motion carried (7-0). David Marek did not vote as an Associate member. It was noted that this action is a recommendation to the Board of County Commissioners for final action on the Preliminary Plat.

Hardy Hutto returned to participate on the next item.



2. 2022 Land Use Code Update - Certification

Public Hearing to certify the Delta County Land Use Code, as amended.

RECOMMENDATIONS: Staff recommends that the Planning Commission adopt a Resolution recommending that the Board of County Commissioners:

- a. ADOPT the Planning Commission Certified 2022 Land Use Code Update;
- b. ACCEPT a list of future considerations relative to the Land Use Code;
- c. VACATE Resolution 2003-R-027 (Street Plans in the 35+ acres Subdivisions);
- d. FIND that Resolution 2022-R-026 (Renewable Energy Moratorium) is extinguished by operation since the 2022 Land Use Code incorporates standards for renewable energy facilities; and
- e. CONSIDER other related actions.

Planning Director, Carl Holm summarized the materials that were sent out with this agenda packet.

Chuck Cherek addressed the Planning Commission regarding traffic studies as well as the zoning designations in the County.

Planning Director, Carl Holm presented options regarding the Street Plans language in Chapter 12. The County Attorney made a recommendation to insert the State Statute language since it is not clearly written. Staff noted that the draft language was designed to clarify language that is simpler to understand the State Statute. Staff also recommended this language be moved from Chapter 12 to Chapter 4.

Eli Wolcott addressed the Planning Commission regarding the State Statute relating to the Street Plans. He supported the County Attorney recommendation to use Statute language in the Land Use Code.

There was discussion about the language and then the Commission voted unanimously (8-0) to move the language to Chapter 4.

Chair Kay asked for a straw vote, by show of hands, for what language should be used in the LUC. The majority (6-3, including the Associate member) supported using Staff language for clarity. A few voted for State statute since that is what the County Attorney recommended.

Jacob Gray moved to Certify the Land Use Code with Staff recommendations as follows:

- a. Adopt the Planning Commission Certified Copy of the 2022 Land Use Code Update.
- b. Accept the following list of recommendations for a separate (future) consideration:
 1. Update Zoning Maps
 2. Legacy Lot Split
 3. Stewardship Areas
 4. Impact Fees
 5. Separate RI/C
 6. Conditional Use Process
- c. Vacate Resolution 2003-R-027 (Street Plans in 35+ acres Subdivisions)
- d. Find that Resolution 2022-R-026 (Renewable Energy Moratorium) is extinguished by operation since the 2022 Land Use Code incorporates standards for renewable energy facilities.
- e. Consider other related actions as follows:
 1. Vacate Ordinance 2016-01 (Development Application)
 2. Amend Ordinance 2006-10 (Pre-HUD Mobile Homes)
 3. Update the Land Use Fee Schedule
 4. Amend Intergovernmental Agreements (IGA's)

Steve Shrock requested an amendment to the Resolution language to "fund and perform a Nexus Study in 2023". Commissioner Gray accepted this as a friendly amendment to his motion. Kate Darlington seconded the amended motion. Motion carried 7-1, as amended:

Ayes: Tom Kay, Tate Locke, Steve Schrock, Layne Brones, Cindy Watson, Jacob Gray, Kate Darlington

Nays: Hardy Hutto

It was clarified that Hardy Hutto voted against the motion because he does not support increasing development fees.



DELTA COUNTY

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David Marek did not vote as an Associate member but, given the nature of this action, it was recognized that he supported the motion.

The Planning Commission discussed prioritizing the items listed for future consideration. It was noted that can be part of the annual meeting in February, after the PC appointments are resolved.

C. DEPARTMENT REPORT

Planning Director, Carl Holm provided the following:

1. A Capstone Student from the University of Denver has been assigned to create a Housing Strategy for Delta County as well as to help with mapping.
2. The Board of County Commissioners hearing on the LUC is scheduled for December 7, 2022 at 8:30 am in the Board Room. If the BoCC adopts the Planning Commission's Certified copy of the Land Use Code on, there will be no meeting in December (no other items). Should the Board of County Commissioners send the Land Use Code back to the Planning Commission, the PC will have 30 days to report back, which will require a meeting December 14th.
3. Terms expiring January 31, 2022: Layne Brones, Jacob Gray and Steve Shea. Should they wish to continue on the PC, they will need to submit a request in writing to County Administrator, Robbie LeValley.

D. COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

None.

ADJOURNMENT

The next Meeting will be held on December 14, 2022 at 5:30pm in Delta, CO.

Meeting adjourned at 7:24 p.m.

Respectfully submitted by:
Administrative Assistant, Kim Henderson