DELTA COUNTY PLANNING COMMISSION MEETING MINUTES
Delta County Board of County Commissioner's Room
560 Dodge St., Delta, CO 81416
March 8, 2023
Regular Meeting

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

ROLL CALL

Planning Commission Members in Attendance:
Tom Kay
Jacob Gray
Kate Darlington
Tate Locke
Victoria Turner
Cindy Watson
Hardy Hutto
Steve Schrock
Todd Queen

Members Absent:
David Marek (Associate)
Layne Brones (Associate)

Staff in Attendance:
Delta County Community Development & Natural Resource Director, Carl Holm
Delta County Community Development Planner I, Kate Kelly
Delta County Community Development Planning Technician, Brittany Haining
Delta County Community Development Administrative Assistant, Kim Henderson
Delta County Code Compliance Officer, Everett Neil
Delta County Engineer, Tim McCracken
Delta County Administrator, Robbie LeValley

A. MEETING MINUTES

1. Regular Planning Commission Meeting of:
   a. February 22, 2023
   RECOMMENDATION: Approve the action minutes as presented.

   Cindy Watson moved to approve the action minutes as presented. Hardy Hutto seconded the motion.

   Motion carried unanimously.

B. PUBLIC HEARING ITEMS

1. PLN22-066/Prock Investments LLC
   Continued from February 22, 2023. Consider a Limited Use Permit for an event venue including ten (10) rentable rooms plus up to 10 RV spaces located south/east of Tessman Road, Delta (Parcel: 349314100003).
   RECOMMENDATION: Staff recommends that the Planning Commission (PC) consider approval, approval with conditions or denial of an event venue including ten (10) rentable rooms plus up to 10 RV spaces located in the A-35 zone south/east of Tessman Road, Delta (PLN22-066/Prock).

Planner I, Kate Kelly presented the project. Chair Kay began asking Commissioners if they had questions of staff regarding the project.

Commissioner, Victoria Turner requested a Point of Information questioning legality of the Planning Commission actions relative to the Bylaws. Chair Kay noted that this will be address under Item C of this agenda. Commissioner Turner persisted despite staff noting that the County's legal counsel was not present. As such, Commissioner Turner's legal contention could not be addressed, but was noted. After much debate, Chair Kay called for a 5-minute recess at 5:53pm.

Chair Kay reconvened the meeting at 5:58pm. Upon returning, it was ascertained that Commissioner Turner's concerns were regarding the Chair serving for a third consecutive year as well as concerns of Commissioners not residing in the unincorporated area of Delta County.

Administrator LeValley read an excerpt from a Confidential Memorandum prepared by the County Attorney resolving the membership contention. Furthermore, Chair, Tom Kay, stepped down as Chair. As such, Vice Chair, Jacob Gray, assumed the Chair. The Planning Commission requested a meeting with the County Attorney to discuss matters presented in regards to the Bylaws.

Applicants, Zach and Cindy Prock, and Brenda Brown were in attendance, as well as Skip Hudson, Traffic Engineer, who provided additional information about the project, and answered Commissioner questions in relation to the Traffic Study.

One neighbor spoke about concerns regarding traffic.

Following discussion by Commissioners, Jacob Gray offered general condition concepts to be considered:

1. Rooms and RV spaces shall be short term rentals. If they are to change to long-term rentals, a separate application be submitted.
2. A Fire Mitigation Plan shall be approved by the Fire Chief, including but not limited to building design and fire suppression.
3. Music and serving drinks shall end by midnight.
4. A Maintenance Agreement with UVWUA shall be submitted for the ditch located along the access road.
5. The applicants shall work with the County Engineer to establish a mutually agreeable plan for traffic control.

Tate Locke moved to recommend that the Board of County Commissioners approve PLN22-066/Prock Investments LLC with staff recommendations as well as conditions, reflecting the items presented by Jacob Gray. Kate Darlington seconded the motion.

Motion carried 8-0-1. Commissioner Turner abstained from voting.

C. PLANNING COMMISSION BY-LAWS

Consider Planning Commission by-laws (effective 2/1/2019)

1. The purpose of this item is specifically Section 8.5 (Terms of Office) as it relates to the Chairman position. [NOTE: Amendments to the by-laws require written changes provided to each Planning Commission member at least two (2) weeks prior to official action.]

   In light of the earlier debate, Director Holm suggested this item be tabled until the Commission is able to consult the County Attorney.

   Hardy Hutto made a motion to have an Executive Session meeting with the County Attorney to discuss the Planning Commission Bylaws. Tate Locke seconded the motion.

   Motion carried unanimously.

D. DEPARTMENT REPORT

Director Holm presented an update on the following:

1. The current Solar Moratorium expired on March 6, 2023. The Board of County Commissioners requested an item on the March 21, 2023 agenda to consider extending the moratorium until the Land Use Code Update is completed or for an additional 6 months.

2. Director Holm provided an update on efforts for a County Surveyor. The Board of County Commissioners requested the Planning Director put out a Request for Qualifications (RFQ) for surveying services to perform subdivision reviews. Other services, such as construction surveying, will be addressed with those projects.
3. On February 28, 2023, the Board of County Commissioners (BoCC) rejected the PC Certified Copy of the 2022 Land Use Code Update. The BoCC will hold a work session on March 9, 2023 (1:00 p.m.) to begin reviewing a redline copy of a new 2023 Land Use Code Update.

E. COMMISSIONER COMMENTS, REQUESTS AND REFERRALS
None.

ADJOURNMENT

The next Meeting will be held on March 22, 2022 at 5:30 p.m. in Delta, CO.

Meeting adjourned at 7:58 p.m.

Respectfully submitted by:
Administrative Assistant, Kim Henderson