DELTA COUNTY PLANNING COMMISSION MEETING MINUTES
Delta County Board of County Commissioner's Room
560 Dodge St., Delta, CO 81416
March 22, 2023
Regular Meeting

Chair Jacob Gray 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
Matt Clark (Associate)
Cindy Watson (Zoom)
Hardy Hutto
Steve Schrock
Todd Queen
Layne Brones (Associate)

Members Absent:

David Marek (Associate)

With all regular member(s) present from Districts 1 and 2, Matt Clark (Associate, District 1) and Layne Brones (Associate, District 2) can participate but are not able to vote.

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 Administrator, Robbie LeValley
Delta County Attorney, John Baier

THE PLANNING COMMISSION RECESSES FOR EXECUTIVE SESSION ITEMS:

Advice of Counsel: §24-6-402(4)(b), C.R.S.

1. Discussion and advice regarding options for addressing and implementing Planning Commission Bylaws.

Kate Darlington moved to enter Executive Session. Steve Schrock seconded the motion.

Motion carried unanimously.

Planning Commission entered Executive Session at 5:31 p.m. with the County Attorney, County Administrator and Planning Director.

ADJOURN EXECUTIVE SESSION AT 6:19 p.m.

RECONVENE ON THE PUBLIC AGENA ITEMS AT 6:22 p.m.

A. AGENDA ADDITONS, DELETIONS, AND CORRECTIONS

Chair Gray moved the Meeting Minutes (Item B.2) to the first item and the Election of Officers (Item B.1) to the end of the meeting.

B. PLANNING COMMISSION BUSINESS

2. Regular Planning Commission Meeting of:
   a. March 8, 2023
   RECOMMENDATION: Approve the action minutes as presented.

Tom Kay moved to approve the action minutes as presented. Kate Darlington seconded the motion.

Motion carried unanimously by the regular Commissioners present.

C. PUBLIC HEARING ITEMS

1. PLN22-024/Gray
   Consider: 1) Rezone approximately 43 acres from A20 to A5; and 2) Subdivide a 120.0-acre parcel into six (6) lots (Preliminary Plat) of at least five (5) acres, to be completed in two (2) phases. The project is located north of Ute Trail Road, Cedaredge (Parcel ID: 319304100003).
   RECOMMENDATION: Staff recommends that the Planning Commission make the following recommendations to the Board of County Commissioners:
   a. Find that standards to approve a rezone [Chapter 8, Section 2(B) of the 2021 LUC] are met; and
   b. Rezone approximately 43 acres (southern portion of Parcel 319304100003/Account R025393) from Agricultural 20-acres (A-20) to Agricultural 5-acres (A-5); and
   c. Conditionally approve Preliminary Plat (Gray Wolf Estates Subdivision, Phase 1 & 2), subdividing a 120.0-acre parcel into six (6) lots of at least five (5) acres, to be completed in two (2) phases.

Director, Carl Holm presented the project. Chair Gray began asking Commissioners if they had questions of staff regarding the project. Questions about irrigation and fire mitigation required additional information.

It was determined that Applicant, John Gray, was not in attendance to answer Commissioner questions in relation to the irrigation shares. Comments from the Fire Department had not been received.

Todd Queen moved to continue PLN22-024/Gray to April 12, 2023 in order to receive information relative to irrigation and fire mitigation. It is the desire of the Planning Commission that the applicant be in attendance if there are other questions. Steve Schrock seconded the motion.

Motion carried unanimously.

PLANNING COMMISSION BUSINESS CONTINUED

1. Election of Officers:
   a. Chair (For the remainder of the 2023 term)

      Kate Darlington moved to nominate Jacob Gray as Chair. Tom Kay seconded the motion.

      With no other nominations, the motion carried unanimously.

   b. Vice-Chair (If Necessary)

      Steve Shrock inquired if Cindy Watson would accept a nomination for Vice-Chair. Cindy Watson declined and moved to nominate Kate Darlington as Vice-Chair. Tom Kay seconded the motion.

      Todd Queen moved to nominate Tom Kay as Vice-Chair. Tate Locke seconded the motion. Tom Kay requested that his name be removed from the nomination.

      Victoria Turner volunteered for Vice-Chair. Matt Clark moved to nominate Victoria Turner as Vice-Chair. Jacob Gray seconded the motion.

After discussion, a secret ballot was conducted for the Vice-Chair position.

Chair Gray read the vote as follows:
Kate Darlington – 8 Votes
Victoria Turner – 2 Votes
It was determined that this tally included one Associate member's vote. However, deducting one vote from either candidate would not change the outcome. Election requires a majority of the voting members, which would consist of five (5) votes to be elected.

Motion Carried.

A member of the public requested a Point of Clarification relative to the Planning Commission Bylaws asserting that Kate Darlington was not eligible because she lives within town limits, and Planning Commission (PC) Bylaws refer to residing in the unincorporated area. Chair Gray allowed one other member of the public to speak, who cited State Statute.

Administrator LeValley read an excerpt from a Confidential Memorandum prepared by the County Attorney citing State Statute (C.R.S 30-28-103). Appointing PC members is a Board of County Commissioner (BoCC) authority granted by Statute and reflected in the Land Use Code (BoCC policy). As such, the PC has no authority to limit its membership, and PC bylaws Section 5.1 is void since it is outside the authority of the Planning Commission and conflicts with State statute.

D. DEPARTMENT REPORT

Director Holm presented an update on the following:

1. The Board of County Commissioners adopted a Solar Moratorium for an additional 6 months or until the Land Use Code has standards relative to Commercial Renewable Energy Facilities. This would effectively go through September 2023.
2. The Board of County Commissioners awarded a contract for the Comprehensive Housing Strategy to Contour Design Collective out of Minturn, Colorado.
3. The Board of County Commissioners has been holding work sessions to work through the Land Use Code Update. The Board is requesting a joint work session with the Planning Commission to go over the changes. After discussion, it was determeind that May 10th at the Planning Commissions regularly scheduled meeting would be the best time.

E. COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

Chair Gray requested Director Holm present a redline version of the Bylaws with any edits from the PC at the April 12, 2023 Planning Commission Meeting. The PC would hold a work session on the amendments at the April 12th meeting, and then consider final language at the next regular meeting (two weeks later). Commissioner Queen suggested Commissioners get their comments to the Director within the week so there is time to include Commissioner suggestions.

ADJOURNMENT

The next Meeting will be held on April 12, 2023 at 5:30 p.m. in Delta, CO.

Meeting adjourned at 7:15 p.m.

Respectfully submitted by:
Administrative Assistant, Kim Henderson