DELTA COUNTY PLANNING COMMISSION MEETING MINUTES
Delta County Board of County Commissioner's Room
560 Dodge St., Delta, CO 81416
April 12, 2023
Regular Meeting

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

A. ROLL CALL

Planning Commission Members in Attendance:		**Members Absent:**
Tom Kay	Cindy Watson (Zoom)	Todd Queen
Jacob Gray	Hardy Hutto	Kate Darlington
Steve Schrock	Matt Clark (Associate)	
Tate Locke	David Marek (Associate)	
Victoria Turner	Layne Brones (Associate)	

With member(s) absent from District 1, Matt Clark (Associate) is a voting member.
With all member(s) present from District 2, Layne Brones (Associate) can participate but is not able to vote.
With member(s) absent from District 3, David Marek (Associate) 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 Planning Technician, Brittany Haining
Delta County Community Development Administrative Assistant, Kim Henderson
Delta County Code Compliance Officer, Everett Neil
Delta County Administrator, Robbie LeValley

B. AGENDA ADDITIONS, DELETIONS, AND CORRECTIONS

Chair Gray moved Item E before item D on the agenda.

C. PLANNING COMMISSION BUSINESS

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

   Commissioner Kay moved to approve the action minutes as presented. Commissioner Locke seconded the motion.

   Motion carried unanimously by the regular Commissioners present.

E. PUBLIC HEARING ITEMS

1. PLN22-024/Gray
   Continued from March 22, 2023. 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 and answered Commissioner questions.

Applicants, John and Curtis Gray were in attendance via Zoom and provided additional information about the project, and answered Commissioner questions.

There was discussion that fire mitigation fees be waived if a hydrant is installed.

Commissioner Turner moved to have a condition the hydrant be installed if it is further than 1,000 feet as required by the fire district.

There was no second made.

Commissioner Hutto moved to add a condition a fire hydrant be installed in the location recommended by the fire district. Commissioner Schrock seconded the motion.

Motion carried unanimously.

Commissioner Locke moved to approve PLN22-024/Gray subdivision with staff recommendations as well as the following: accessible and drivable emergency access only and conditions 4, 5, 7 and 8 be revised to exclude Lot #2 (per Condition 14). Commissioner Hutto seconded the motion.

Commissioner Schrock requested a friendly amendment to find that the project is consistent with the Master Plan.

Commissioner Locke and Commissioner Hutto accepted the friendly amendment.

Motion carried unanimously.

Commissioner Turner moved to approve PLN22-024/Gray rezoning approximately 40 acres from A20 to A5 concurrent with Final Plats for each phase. Commissioner Kay seconded the motion.

Motion carried unanimously.

D. BYLAWS

By-Laws of the Delta County Planning Commission
RECOMMENDATION:

a. Receive redlined amendments to the By-Laws;
b. Discuss possible changes to the redline draft; and
c. Schedule a time for formal action, minimum two (2) weeks from receiving draft redlines.

Chair Gray opened public comment for this item. There were six (6) members of the public that made comments.

Director Holm presented a redline copy of the Bylaws.

The Commission went Section-by-Section reviewing redlines. The following changes were discussed.

1. Section 1: Authority – Reference State Statute and add language “These Policies and Procedures shall comply with 30-28-104 (1), C.R.S., as amended, and Colorado Constitution Article XXIX.” Planning Commission (PC) had no changes.

2. Section 2: Planning Commission Purpose – Remove language of regarding subdivision and specific development regulations and insert language referring to the adopted Delta County Land Use Code, remove the word proposals and add the word entitlements, add language stating “All actions made by planning commission members shall be made in accordance with the Colorado Constitution Article XXIX”. PC had no changes.
3. Rename Section 5 as “Member Duties”. PC had no changes.
4. Section 5.1: Planning Commission Composition. Delete and renumber accordingly. PC had no changes.
5. Section 5.1: Associate Members – Remove first sentence. Add in language “Associate members may participate in discussions and may ask questions, but will not be part of any motion or vote, except as allowed in these bylaws”. Remove last sentence.
   There was discussion regarding if PC members should be residents of municipalities or unincorporated Delta County. It was noted that State Statute and the Land Use Code (LUC) address this and have no restriction other than residing within Delta County. The Board of County Commissioners (BoCC) makes the PC appointments so the PC does not have authority to make this more restrictive than Statute and BoCC policy. The consensus was for the PC bylaws to not restrict where Commissioners reside beyond statute and the BoCC policy.
6. Section 5.2: Attendance – Moved last sentence to “Voting” Section 7.1.
7. Section 5.3: Remote Attendance – Add Section to state “If alternative methods of attendance are made available for the meeting, members may attend remotely and are not considered absent (See Section 6.3).” PC had no changes.
8. Section 5.4: Removal from the Commission – Remove first sentence in Subsection A and insert language “The Planning Commission may recommend removal of a member at any time with a vote of not less than eight (8) members, including Associate members”. Remove Subsection B. After discussion regarding the language in Section 5.4, Chair Gray called for a straw vote on whether the Section should be removed, resulting vote: 8-2 (including all Associate members) to retain the proposed language. Commissioner Marek requested language be added to the last sentence stating “for reasons set forth in Chapter 6.D.c of the Land Use Code”. There was a consensus to make this change. Commissioner Turner requested definition language be added, and Commissioner Kay requested Commissioner Turner provide language she would like added. Director Holm recommended generally specifying the Land Use Code (not a specific Section) as the sections may change with the Land Use Code Update. Holm also recommended adding reference to Section 13 of the Bylaws. PC generally expressed support for this change.
9. Section 5.5: Compensation – Remove this Section as it is referenced in the Land Use Code. PC had no changes.
10. Section 5.6: Reimbursement – Remove this Section as it is referenced in the Land Use Code. PC had no changes.
11. Section 6.1: Regular Meetings – Remove “November” and replace with “February”. Remove second sentence. Add language “or due to holiday demands” in regards to the schedule. PC had no changes.
12. Section 6.2: Open Meetings - Remove language “All meetings of the Commission shall be open to the general public”. Commissioner Turner requested language be added that a vote be taken to hear public comments on an item and not leave it up to the Chair. PC had no changes.
13. Section 6.3: Remote Access – Add language “As a general practice, Planning Commission meetings will be broadcasted on Zoom where public can listen to meetings. On Public Meeting items, it will be the discretion of the Chair if the public is allowed to speak. On Public Hearing items, public can speak, but using Zoom is at their risk if there is a problem with power or technology”. Also, add language “There shall be no remote access for an Executive Session”. County Administrator LeValley recommended the Planning Commission not designate a single vendor such as “Zoom”. PC agreed to make a more general reference to video conferencing.
14. Section 6.4: Regular Meeting Location; Minutes – Change title to “Meeting Location”. Add language to clarify meeting dates are on the second and fourth Wednesday of each month. Remove second sentence. Add language “Meeting of the Planning Commission shall be held at the County Administration Building, Board Room, In the City of Delta”. Commissioner Turner requested that meeting notices be released more than a week prior to the meeting. Director

Holm clarified that the calendar for the year is released in February stating the meeting dates and locations. With that, PC had no changes.

15. Section 6.5: Special Meetings – Remove “Staff” and replace with “Chair”. PC had no changes.
16. Section 6.6: Minutes – Remove “regular” and replace with “all”. Add language “There shall be no minutes or record of an Executive Session item”. Commissioner Marek requested there should be an electronic record for items that are not legal advice in Executive Session. County Administrator LeValley recommended the State Statute be referenced. PC concurred.
17. Section 6.7: Annual Meeting – Add language “Consideration of the Regular meeting schedule”. Chair, Jacob Gray requested the bylaws be added to the Annual Meeting Agenda. PC concurred.
18. Section 6.8: Meeting for Revision of Mater Plan – Rename section to “Master Plan”. Remove language “shall” and replace with “may”, remove “in May of each year”. Add language “The Master Plan may be amended at any meeting of the Commission by an official action, following a public hearing. Proposed amendments shall be given to each member in writing at least two (2) weeks prior to the public hearing”. This will be added to items for review in the Annual Meeting. PC had no changes.
19. Section 6.9: Quorum – Add language “applications that require public notice shall be placed on the next agenda and will be required to republish notice”. There was discussion about continued items. Director Holm referenced Section 6.18 for discussion when the PC gets to that Section. Director Holm suggested maybe relocating Section 6.18 (“Continuance of Agenda Item”) to follow this Section 6.9. PC had no changes.
20. Section 6.10: Official Action – Add “voting” to the sentence “No action of the Commission is official unless authorized by a majority of the voting members of the Commission present at a regular or special meeting. PC had no changes.
21. Section 6.11: Order of Business – Remove and Replace language in Item B to “Public Meeting Items. See Section 6.2”. Remove and Replace language in Item C to “Public Hearing Items. See Section 6.2”. Remove and Replace language in Item D to “Department Report. Director may report on items affecting the Department”. Remove and Replace language in Item E “Commissioner Comments, Requests, Referrals. Commissioners may comment on matters not on the agenda, request or refer a matter for consideration on future agenda”. PC had no changes.
22. Section 6.12: Order of Presentation of Agenda Application Matters – Rename “Administrative and Public Hearings”. Item A add language “summary presentation by Planning Staff”. Item E language added “Public Hearing /Public Testimony”. Item F add (rebuttal). PC had no changes.
23. Section 6.14: Rules of Order – Rename “Meeting Procedures”. Remove first sentence. There was discussion about the second paragraph, questioning if it was needed with other language in this Section. After discussion it was clarified that the sentence “In addition, Commission members shall not engage or enter into conversation with or towards the public during Commission meetings” is meant as no sidebar conversations with the public between commission members and the public without being recognized by the Chair. It was also determined not to specifically require following Roberts Rules of Order but rather be at the Chair’s discretion, if needed.

Chair Gray stated that he was going to conclude at this point. PC discussion on this matter is continued and will resume starting with Section 6.14 at the next meeting (April 26, 2023).

E. DEPARTMENT REPORT

None.

F. COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

None.

ADJOURNMENT

The next Meeting will be held on April 26, 2023 at 5:30 p.m. in Delta, CO.

Meeting adjourned at 7:59 p.m.

Respectfully submitted by:
Administrative Assistant, Kim Henderson