DELTA COUNTY PLANNING COMMISSION MEETING MINUTES
Delta County Board of County Commissioner's Room
560 Dodge St., Delta, CO 81416
April 26, 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:

Tom Kay	Cindy Watson	Todd Queen
Jacob Gray	Hardy Hutto	Kate Darlington
Steve Schrock	Matt Clark (Associate)	Layne Brones (Associate)
Tate Locke	David Marek (Associate)	Victoria Turner

With all member(s) present from District 1, Matt Clark (Associate) can participate but is not able to vote.
With all member(s) present from District 2, Layne Brones (Associate) can participate but is not able to vote.
With all member(s) present from District 3, David Marek (Associate) can participate but is not able to vote.

Staff in Attendance:
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

B. AGENDA ADDITIONS, DELETIONS, AND CORRECTIONS

Chair Gray moved Item "b" before item "a" under Section D of the agenda: *Planning Commission Business*.

C. MEETING MINUTES

1. Regular Planning Commission Meeting of:
   a. April 12, 2023
   RECOMMENDATION: Approve the action minutes as presented.

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

   Motion carried unanimously by the regular Commissioners present.

D. PLANNING COMMISSION BUSINESS

By-Laws of the Delta County Planning Commission
RECOMMENDATION: *Continued from April 12, 2023*

- b. Continue discussion of possible changes to the redline; "Revised Draft 4/26/2023"; and
- a. Receive redlined amendments to the By-Laws, revised from 4/12/ PC comments;
- c. Schedule a time for formal action, minimum two (2) weeks from "notice of draft amendments".

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

1. Section 6.14: Meeting Procedures – Remove "who may use Robert's Rules of Order for guidance where not otherwise addressed in these bylaws" from the first sentence. The Commission transitioned the conversation into having an orientation for new members. Remove the sentence "Commission members should not invite or solicit members of the public to express approval or

disapproval in any form (e.g., verbal, clapping etc.)". Add the sentence "Individuals may be called up to the table for further discussion through the Chair or majority approval" to the end of the second paragraph. Commissioner Turner made a motion regarding the section referring to Parliamentary Procedures until after the Commission can view the DOLA website. There was no second. After discussion there was a consensus to remove the entire third paragraph regarding Point of Order, Point of Information and Point of Clarification. The PC concurred.

2. Section 6.15: Motion Making – Move the stricken language to sections regarding Discussion and Amendments. Remove "recognized by the Chair" from the first sentence. Revise first sentence to state "Any voting member of the Commission may make a motion". Remove sentence "Associate members may not make or second a motion unless the Chair acknowledges their voting status for the meeting (See Section 5.1)". Revise the last sentence to state "Motions regarding land use applications and Master Plan shall make reference to the applicable sections of County regulations that may govern the recommended action". The PC Concurred.
3. Section 6.16: Amending a Motion – revise the first sentence to "Once a motion is made, a voting member may offer an amendment to the motion". Remove second paragraph referring to substitute motions. The PC Concurred.
4. Section 6.17: Discussion – Remove the first two sentences. Add language to note: "voting members" when discussing a vote taking place as Associate members are not always permitted to vote. Add sentence "Commission members may ask questions of staff, the applicant or individuals of the public if they need further clarification during discussion" to the end of paragraph one. The PC concurred.
5. Section 7.1: Voting Right – Remove second sentence in paragraph one. Commissioner Clark requested the last sentence in paragraph one be corrected to state "Proxies are not allowed". Add language "If a Commission member misses a meeting, they shall abstain from voting on the meeting minutes for any meeting missed. A member may vote on a continued project provided that they sufficiently reviewed any prior information (e.g.; staff report, recorded testimony, etc.)". Commissioner Gray requested there be a line between the first sentence and the second sentence of paragraph 2. The PC concurred.
6. Section 7.2: Conflict of Interest – Revise first sentence to state "Any member of the Commission who has a conflict of interest on any matter that comes before the Commission shall disclose the conflict on the record before the Agenda Item is heard, or when a member becomes aware of the conflict and then shall voluntarily recuse him/herself, vacate his/her seat, and refrain from discussing or voting on the matter (except as noted in Subsection C below)". Insert language "A conflict of interest does not include countywide actions, such as: 1 Land Use Code (text) Amendments; 2 Zoning Map Amendments; or 3 Master Plan amendments. Project specific action affecting property owned by a Commission member may constitute a conflict of interest". There was discussion regarding if a conflict does occur, it has to be disclosed. There was a consensus that a conflict must be disclosed publicly. Insert subsection C "Any Commission member that has recused their position on an item due to a conflict of interest as stated above may step down for the item and participate as a member of the public (resident). The Commissioner may resume their role following conclusion of that item". The PC concurred.
7. Section 8.1: Elective Office – Remove last sentence "The Chair and Vice-Chair shall be from different Commissioner Districts'. The PC concurred.
8. Section 8.2: Eligibility – Insert language "after completing at least one (1) full year of service on the Planning Commission. Associate Members cannot be nominated to hold any office." PC concurred.
9. Section 8.3: Duties of the Chairman – Rename section "Duties of the Chair". PC concurred.
10. Section 8.4: Duties of the Vice-Chair –PC had no changes.
11. Section 8.5: Terms of Office – Remove all but first sentence. PC concurred.
12. Section 8.6: Vacancies – Insert language "In cases where the Vice-Chair serves the remaining term, that shall not count as a Term of Office under Section 8.5." Add language "In the event the Chair and Vice-Chair are unavailable then an interim Chair can be designated by a majority of the commission to serve for that meeting." The PC concurred.
13. Section 8.7: Nominations – Add "voting" to the sentence "At the annual meeting, any voting member of the Commission, including Associate Members, can nominate a member of the

Commission for the position of any office provided they meet the requirements of this Section." The PC concurred.

14. Section 8.8: Elections – Replace "shall" with "may." Add language "Associate Members may participate in the vote for Officers". PC concurred.
15. Section 9: Committees – PC had no changes.
16. Section 10: Financial Administration – Remove sections 10.1 Authority to Expend Money and 10.2 Approval of Governing Body. PC concurred.
17. Section 10: Amendments – PC had no changes.
18. Section 11: Planning Staff – PC had no changes.
19. Section 12.1: Bias – PC had no changes.
20. Section 12.2: Gifts – PC had no changes.
21. Section 12.3: Ex Parte – Revise language in second paragraph to state "A Commission member who engages in Ex Parte communication shall disclose the source and context to the Commission prior to the item being heard. The Commission may consider the member to abstain from voting if such Ex Parte communication creates an appearance of impropriety, creates a conflict of interest, or otherwise affects due process in the decision-making proceedings." Add "or Land Use Code" to last sentence. PC concurred.
22. Section (former) 13.4: Colorado Open Meetings - Remove section. PC had no changes.
23. Section 12.4: Communications Between Commission Members Outside of Meetings – Remove language "as well as individuals and groups that may appear before the Commission with respect to such applications." Remove last sentence in first paragraph. Revise second paragraph to read: "Any commission member who wishes to share general information related to Commission business, may email Commission members or staff directly. Any Commissioner may request to have an item added to a future agenda." There was discussion regarding when an item can be added to an agenda to provide enough time for review. There was a consensus that if a Commission member wishes to have an item on the agenda, they must request it be placed on the next agenda at a Planning Commission meeting. The PC concurred.

The Planning Commission has scheduled the formal action of the bylaws on May 24, 2023.

E. PUBLIC HEARING ITEMS

None.

F. DEPARTMENT REPORT

Planner Kate Kelly provided an update on the following:

1. The Board of County Commissioners approved PLN22-066/Prock as recommended by the PC.
2. The Board of County Commissioners removed a Plat note for a Single-Family Residence restriction.
3. The Board of County Commissioners approved PLN22-160/Wolk for vacating a portion of Slide Down Road.
4. The Board of Adjustments requires 3 of 3 voting members and there has been no quorum as District 2 member Brett Hilling did not reapply when his term expired. The Board of County Commissioners did appoint Ron Hays to fill Brett Hilling's position. The BoCC intends to add Associate members as well.
5. Land Use Code – The BoCC has requested a Forward be added to address "Why we have Land Use Codes, and Exec Summary up front with an Overview of LUC and procedure. The BoCC has revised Table 2.b (LU Matrix) and are still reviewing Events, Density and Chapters 7/8.
6. There is a work session scheduled on 4/28/23 from 1-3 pm to continue Chapter 2.
7. The BoCC-PC joint work session was scheduled of 5/10/23 at 5:30 pm however the LUC is not ready. There will be a planning presentation by the Capstone Student on his final product regarding Housing. This will kick off to a consultant preparing a Housing Strategy.
8. Starting June 1st, Carl Holm will still be working for Delta County, just not as the Director day-to-day. He will continue with projects like the LUC update, Housing Strategy, and the Permit database. He will retain access to email and have a space to work, if needed, but generally will not be in the office. He can help answer questions but Robbie LeValley will be the Director to make official determinations/decisions.

G. COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

1. Commissioner Hutto requested the list of conditions the Board of County Commissioners approved for the Prock Limited Use Permit.
2. Commissioner Locke requested placing the misconduct allegations of Commissioner Turner be placed on the Board of County Commissioners Agenda.

The Commission members discussed Commissioner Lock's request.

ADJOURNMENT
Commissioner Darlington moved to adjourn the meeting. Commissioner Kay seconded the motion.

The next Meeting will be held on May 10, 2023 at 5:30 p.m. in Delta, CO.

Meeting adjourned at 8:44 p.m.

Respectfully submitted by:
Administrative Assistant, Kim Henderson