



**REGULAR PLANNING COMMISSION MEETING MINUTES
DELTA COUNTY
560 DODGE ST, DELTA, CO 81416
February 17, 2021**

Planning Commission Members in Attendance:

Eli Wolcott (ZOOM) Tom Kay
Layne Brones Steve Schrock
Kate Darlington (ZOOM) Jacob Gray (ZOOM)

Absent Members:

Tate Locke
Dick Gilmore
Steve Shea

Planning Staff in Attendance:

Delta County Community Development & Natural Resource Director, Carl Holm
Delta County Planner, Kelly Yeager
Delta County Community & Economic Technician II, Kate Kelly

Chairman Tom Kay called the meeting to order at 5:30 p.m. in the Administration Building Commissioner's Meeting Room.

Item #1: Approve Meeting Minutes for January 27, 2021
THIS ITEM WAS NOT PRESENTED

Item #2: Elect Planning Commission Officials

Motion/Second: Steve Schrock moves to re-elect Tom Kay as Chairman and Tate Locke as Vice Chairman for this next year. Layne Brones seconds the motion.
Motion passes unanimously.

Item #3: Land Use Code Implementation

Delta County Community Development & Natural Resource Director, Carl Holm presents Land Use Code PowerPoint.

PC Discussion

- Allowed by Right
- Code Enforcement Individual
- Junk ordinance (Public Complaints)
- Applications
- Cluster Developments
- Examples of Applications
- Board of Adjustments (BOA)
- AG groups (Possible Meetings/Public Forum)
- Builders & Contractors (Meetings)
- Density Standard
- Fail safes to prevent sneaking under the radar
 - Deed restrictions, plat notes
 - Lot size is the controlling element
- Hardships (Variances)
- Public education
- Chapter 11 needs special attention with the realty community, specifically
- Appeals (BOA)

Public Comment

Bob Pennetta

- “Realtors were hoping that out of this whole procedure, there would come a set use for certain areas, where when we take someone into a certain area to show them a property we can tell them exactly what is going to happen in that area, what they can look at it happening in that area in the future. I don’t think we are in that position yet, I mean, we still have variances, we have this board, that board, and we have no real thing that we can say to someone.”
 - Clarification between a Rezone and a Variance was discussed
 - Carl Holm explains, “If I understood what was being said, was it was about having an absolute known of what was going to happen in an area. You look at the land use table and what’s allowed in that zoning district, and that’s what could happen in that area. Some of that is going to be subject to a permit, subject to review, others will be an allowed use, if its an allowed use, that would be a case where that could just go in without any notice. That’s the best place for the realtors to look at, is that land use table and what’s the zoning designation, these are the types of uses that could potentially be located in that zone, that is next to the property that you’re showing.” Bob responds, “So you’re saying that someone can get a variance to do something else right next to you, that’s not now permitted in that area, once we set these maps up, and say this is the final map, no more changes.” Carl responds, “There isn’t a variance for a use, there are variance to standards; standards like a lot size, a lot dimension, a setback, that’s what a variance would be for. As far as the uses, their very specific as how they are listed, what might not show is that we have questions, so someone will ask about a use and it’s not listed; at that point then there is a process to look at what’s similar to what other use is listed, and what is the process for that, many times those are going to be for your limited use or conditional use, but will go through some type of permit process.” Bob states, “I didn’t understand it, there weren’t variances on uses, it seemed to me that there were going to be variances on uses, that’s something that presents a problem for a realtor. (Steve Schrock comments, “You can’t get a variance on a chicken house.”) Bob continues, “There are junkyards, munitions factories, I mean, there are a million other things TK that you could get a variance for that are as unpleasant or more unpleasant, than a chicken house.” Chairman Tom Kay responds, “Bob, I think some of those questions can be answered, I can’t answer every question about that, but if somebody came in and wanted to put a use in a zone that’s not permitted, they would have to be asking for a rezone, there is a difference between a variance and a rezone and I think that was explained in our presentation; they’re not the same, a rezone is a pretty significant request, a variance is on the conditions within that zone, setbacks, things like that, so a rezone, if you’re not permitted in that zone, you got to go to the land use code to look at all the permitted and not permitted uses, granted I’m sure somebody is going to come up with a use that we don’t have on it, we’ll have to deal with that, but all those uses that are in the land use code are already designated where they can and can’t go. If you’re going to ask for something other than that, you’re going to be asking for a rezone, that’s a pretty extensive process, Bob. It doesn’t guarantee that somebody can’t ask for something, which I don’t think is any different than today, but it makes the process very different as how it’s being looked at. Does that help?” Bob responds, “Yeah, that helps a lot TK, it wasn’t clear to me. I thought that the variance could be for any use whatsoever but thank you for that clarification.”

JoAnn Kalenak

- “Hello, good evening everyone. First I wanted to take a minute to welcome Mr. Holm; good to have you here. Tell you who I am, I am JoAnn Kalenak, I live in Hotchkiss, I’m a citizen journalist and I cover Delta County Government activities and have been keenly following the new land use code development and so that’s why I’m here today. The only I wanted to do is elaborate a little bit on Kate’s question, and that is how Board of Adjustments is, how members are chosen. I just wanted to point out, I thought it was important to point out that attorney John Bair took some time at yesterday’s meeting to let the commissioners know that a majority of Board Adjustment members cannot also serve on the Planning Commission. I think that’s an important thing to know. So Mike Twambly is, also serves on the Planning Commission, and that is something of a limitation of who can serve on the Board of Adjustments; I just wanted to point that out.” Chairman Tom Kay clarifies, “So Mike Twambly is not on the Planning Commission, JoAnn.” JoAnne replies, “Oh, I’m mistaken.” Chairman Tom Kay continues, “There were members of the Planning Commission, myself included and others, that made the application but we were all, we were not asked to be on the Board of Adjustments. So, there are no members of the Planning Commission on the Board of Adjustments; you have a former County Commissioner, Mark Roeber, and you have two other individuals, Mike Twambly who was a former Planning Commission member and Brett Hilling who served a brief time before he resigned from the Cedaredge area, so there are no Planning Commission members at all on the Board of adjustments.” JoAnn responds, “Okay, that is great to know. Can you tell me who is on the Planning Commission, because I seem confused, I’m confused.” Chairman Tom Kay states, “So the Planning Commission members are the same that they were for the last year.” JoAnn asks, “Can you name them please, because obviously I thought Mike Twambly was on it.” Chair Tom Kay continues, “Mike is not on the Planning Commission, so I can have the Planning Commissioners, so its myself, Steve Schrock, Layne Brones, Jacob Gray, Eli Wolcott, Steve Shea, Tate Locke, and Dick Gilmore, and Kate Darlington is an alternate. And we have one open spot for District 2, that’s been advertised we just have had no applications. Okay?” JoAnn replies, “Okay, thank you very much.” Chairman Tom Kay asks JoAnn if there was anything else on her mind. She replies, “No, no that’ll do it. Thanks for that clarification.”

Natasha Leger

- “Good evening everyone, I’ll be brief, I really don’t have any questions this evening, I also would like to welcome Carl Holm to the County, and I just have one observation; I did take a quick look at the interactive zoning map, and I’m so glad that that’s up there, and my recommendation is that the zoning map be dated. I also understand it from the zoning maps, the official zoning maps that are supposed to be in the Planning Department or at least the ones that were shared with the public, are also not dated and since those maps can be updated administratively, I think it’s very important to have version control so that the public is aware of what is zoned, at what time and when changes are made. So, that’s really all I have to say for tonight.” Chairman Tom Kay responds, “Thank you for the input, I’m getting a nod from Carl that says we will start to do that, so I appreciate that.” Natasha states, “I’m sorry, one last thing is, if you could also make sure that the interactive map is available on both web pages, so I guess, I think it’s on the first planning website, then it says the zoning maps and then the code and everything and that first link takes you to the hard copy maps, and then its only in the menu when you go under land use code, that you find the interactive maps. If they could be consistent so that the public’s not confused on how to find that, that would be great.” Steve Schrock asks, “Carl, I think she said, and I don’t want her to have this impression, that zoning maps are changeable administratively.” Carl responds, “Only if it’s an error, the code does allow me to make correction, via error, but I also am to document any changes and make sure that that’s done transparently.” Steve responds, “But changes of the zone that is a formal process.” Carl states, “That is a formal zoning process.” Steve continues, “Natasha, your questions sounded as if you believe the zoning maps could be changed administratively, at will.” Natasha responds, “So, no, that’s not technically what I was trying to convey because the code does permit for administrative updating for technical errors and things

like that, as Carl just mentioned. At the same time, even if you have to go through a rezoning process, to Carl's point, making sure that that's documented and transparent, I think that should also show up on the map itself. As we even went through the land use code process, the maps were never dated, to show whenever any changes had taken place, even through the draft development process, and so I'm just bringing it to your attention to insure that now going forward, that there is proper documentation and version control on those."

Lisa Young

- "Thank you very much; this is Lisa Young from the Delta County Independent. I don't have any questions at this time, but I would like to welcome Carl Holm to the community and I hope to have the opportunity to speak with you pretty soon, so thank you."

Carrie Soto

- "Can you tell me what the permits are for? My understanding was that someone could apply for a permit to change the use. Am I misunderstanding that?" Chairman Tom Kay asks for clarification. Carl Holm asks for an example. Carrie explains, "I have a listing, the Big B's Fruit stand, it's an A5, and the commercial sale of the interior items that they bought that were not produced on the land would now not be able to be sold, unless they were to get a permit, is what I was told." Carl Holm and Robbie LeValley confirm that a fruit stand by itself is okay. Carl states, "as far as when they start selling commercial goods that changes." Robbie LeValley states, "That is a larger question, but if you want to reach out to Carl directly, you guys can have that direct conversation." Carrie then asks, "So in a general sense, someone could not get a permit to change the use?" Carl states, "If there is a use and they are changing it, it might need a permit, but that would be like changing from an office to a restaurant. It's a different type of use; but from one commercial use to another commercial use, no that does not need a permit. If I want to change from being a barber shop to a pet farm, you don't need a permit." Carrie states she will get in touch with Carl.

Meeting adjourned at 6:56 p.m.

Respectfully submitted by:

Community & Economic Development Technician II, Kate Kelly