



PLANNING COMMISSION MEETING MINUTES
October 14, 2020

Planning Commission Members in Attendance:

Eli Wolcott
Layne Brones
Steve Schrock
Jacob Gray
Kate Darlington

Dick Gilmore
Tom Kay
Patti Hoff
Steve Shea

Absent Members:

Tate Locke

Planning Staff in Attendance:

Community & Economic Development Technician II, Kate Kelly

Chairman Tom Kay called the meeting to order at 5:30 p.m. in the Delta County Court House Room #234.

Item #1: Approve Meeting Minutes for September 23, 2020
This item was not discussed and will be added to the next meeting agenda

Item #2: Land Use Code Certification

Items discussed were as follows:

- **Public Comment**
 - **Emma Gregory (ZOOM)**
 - Agree with the comments submitted
 - Suggest language specifying erosion at sites will be controlled
 - Separate sections for solid waste (chicken house)
 - Right to Farm
 - Fails to protect private property
 - CAFO
 - Setbacks are not adequate
 - Wildlife
 - EPW recommendations
 - **Kathy Thompson (ZOOM)**
 - CAFO
 - States that no one will want to live next to one of these
 - Right to Farm
 - Feels it should be removed in its entirety
 - Ask that the PC not certify to the BOCC tonight
 - Would like to see another draft
 - **Bob Kalenak (ZOOM)**
 - Right to Farm
 - "Right to harm"
 - Language is not constitutional
 - Wants to see the Attorney language that was submitted
 - Wants public opinion on the Attorney response
 - **Natasha Leger (ZOOM)**
 - Wants to know who authored the letter that was sent out
 - Concerned about amended definition for Oil & Gas
 - Exclusion of refining from midstream activities

- Request that they delete the exclusion
 - Rural industrial is lumped together in one category
 - Rezoning
 - C.R.S. 30-28-116
 - This process is not clearly stated
 - **Larry Wilkening - Mayor of Hotchkiss**
 - UGA
 - Felt the growth management area and the UGA were one in the same; that is not the case
 - IGA in place with the county
 - Growth management plan has not changed
 - Town council needs to agree to alter a town document
 - No formal presentation to the town council as to why things are being done the way they are
 - Feels the town did not receive a good enough explanation
 - Request the certification be put off until the town council has a chance to meet and discuss the UGAs
 - **Steve Wolcott (ZOOM)**
 - Feels it is a mistake that the regulations eliminate notifications of neighbors to discuss proposed development of land
 - Notification and neighborhood meetings eliminate a lot of conflict. Problems can be solved this way before going to the PC
 - **Alison Elliot**
 - Hasn't had a chance to read this (wasn't posted on the website)
 - Wants more time to have public review
 - Concerned about Right to Farm language
 - Encourages that more things be made available for notification of the neighbors
 - Feel the neighbors would approve of the LUC if they had more input, instead of everything going administratively
- **PC discussion**
 - **Right to Farm**
 - **MOTION**
 - **Eli Wolcott makes a motion that the PC changes the language in the current LUC to eliminate the expanded definition of Right to Farm. Dick Gilmore seconds the motion. Motion passes 4:3.**
 - **CAFOs**
 - **Setbacks**
 - **MOTION**
 - **Dick Gilmore motions that the PC accept the verbiage of the chart in the existing latest draft of the LUC as written for setbacks. Jacob Gray seconds the motion. Motion carried unanimously.**
 - **Shall the Planning Commission create a new zone for CAFOs that stipulate their use exclusively in this new zone, or in the medium industrial zone?**
 - **MOTION**
 - **No motion was made in regards to this topic**
 - **Shall the PC change the current requirements for notification to neighbors to mandate all animal feeding operations regardless of size requirements receive notice?**
 - **MOTION**

- Jacob Gray moves to change that there be notification required for all CAFO Units. Dick Gilmore seconds the motion. Motion passes 4:3.
 - Shall the Planning Commission change the current LUC requirements regarding all animal feeding operations be reviewed exclusively under Conditional Review?
 - MOTION
 - Jacob Gray moves to change large animal feeding operations to Conditional (C) for A35 and A20. Eli Wolcott seconds the motion. Motion fails 4:3.
- Scenic Impacts
 - MOTION
 - Eli Wolcott moves that the PC change current conditions for the LUC to include language requiring a visual mitigation plan for conditional limited uses, specifically for ridgeline impacts. No second; no vote.
- Heavy Industry
 - Shall the Planning Commission change the conditions for review of the LUC from (P) to (L) with a notification in all commercial industrial zones?
 - MOTION
 - Eli Wolcott moves to change the conditions of review from (P) to (L) with notification in all commercial industrial zones. Jacob Gray seconds the motion. Motion fails 5:2.
- Limited vs Conditional use at discretion of the Director
 - Shall the Planning Commission include the language in the LUC mandating the Planning Department review all Limited use permits as Conditional review as a result of an “IDENTIFIED ADDITIONAL IMPACTS” or “AT THE REQUEST OF ANY INDIVIDUAL PLANNING COMMISSION MEMBER OR ANY INDIVIDUAL IN THE PUBLIC SECTOR?”
 - MOTION
 - No motion was made in regards to this topic.
 - Shall the PC include language in the LUC requiring all applications be automatically reviewed by Planning Commission “AT THE REQUEST OF ANY INDIVIDUAL PLANNING COMMISSION MEMBER OR ANY MEMBER OF THE PUBLIC?”
 - Eli Wolcott withdrew this question.
- Farmworker Housing (Hauled Water)
 - MOTION
 - Jacob Gray makes a motion that the PC will include language in the LUC in regards to permits that hauled water may be used for temporary farmworker housing under the section pertaining to Farmworker Housing. Eli Wolcott seconds the motion. Motion passes 5:2.
- Notices
 - MOTION

- Eli Wolcott moves that the PC change the current LUC rules to require that the Director adhere to Mail 2 requirements for all Limited Use, Conditional Use, Variance and appeals.
 - There was no second for the motion in regards to this topic.
- Expansions
 - MOTION
 - Eli Wolcott moves that the PC change the current LUC to include expansion in heavy industry.
 - There was no second for the motion in regards to this topic.
- Waste Water Treatment Plants
 - MOTION
 - Jacob Gray moves that the PC include industrial wastewater treatment plants to the rural heavy industry column, after tannery. Steve Shea seconds the motion.
Motion passes 6:1.
- Maps
 - MOTION
 - Jacob Gray moves to not change the commercial industrial zone on the map. Steve Shea seconds the motion.
Motion passes 6:1.
- Vested Property Rights
 - Eli Wolcott withdrew this topic.
- Marijuana
 - This topic was not voted on due to ordinances already in place.
- Road impact fees
 - MOTION
 - Steve Schrock moves that the language under road impact fees be changed to read 'Road impact fees shall apply to all new development located within any road district where resolution establishing such a fee be approved and adopted'. Layne Brones seconds the motion.
Motion passes 6:1.
- Wireless towers
 - Shall the Planning Commission change the wireless telecommunications facility addendum to require that all wireless towers must include public notice through a wireless tower public hearing permit and require the signature approval of all underlying private landowners?
 - MOTION
 - Eli Wolcott moves that the PC change the wireless telecommunications addendum to require all wireless towers must include public notice through a wireless power public hearing permit and require the approval of underlying private landowners.
 - There was no second made in regards to this topic.
 - MOTION
 - Eli Wolcott moves that the PC shall change the wireless telecommunications addendum to require that all wireless towers must include public notice through a wireless tower public hearing permit. Jacob Gray seconds the motion.
Motion fails 4:3.
 - MOTION
 - Eli Wolcott moves that the PC change the wireless telecommunications facility addendum to end with 'must include public notice'. Jacob Gray seconds the motion.

Motion passes unanimously

- **Grandfather clause**
 - **MOTION**
 - **Eli Wolcott moves to add the word 'approved' or 'allowed', page 26, Section b1. Dick Gilmore seconds the motion. Motion fails 5:2.**
- **Cisterns**
 - **MOTION**
 - **Eli Wolcott moves that the PC include the following existing language in the new LUC, "when existing housing units are currently using cisterns on one or more proposed lots in a proposed subdivision and there is no other source of water available for those lots, the Director or Planning Commission may allow the continued use of the cisterns until taps are available and purchased or an alternate source is approved. Dick Gilmore seconds the motion. Motion fails 4:3.**
- **Mayor of Hotchkiss**
 - **Request is that we get a county official to address the Hotchkiss town council as to the reasoning behind the boundary of the UGA.**
 - **Robbie responds**
 - **The existing IGA stays in place.**
 - **Elyse will address the specifics of the UGAs**
 - **Larry responds that because the UGA and the growth management area are one in the same for 10 years that changing the UGA in affect changes our growth management area as well. Think it is a town council decision not a mayor decision. No explanation has been made.**
 - **Where does that leave us in relation to the growth management agreement? Our ability as a town to give proper review is going to be severely reduced because the UGA is going to take precedent.**

CERTIFICATION

- **Steve Schrock makes a motion that the Delta County Planning Commission certifies the October 7th draft of the land use code as amended and zoning map, to the Delta county board of commissioners and find that the draft code to be consistent with the goals of the Delta County Master Plan adopted by this planning commission in 2018. Steve Shea seconds the motion. Motion passes 6:1.**

Meeting adjourned at 10:21 p.m.

Respectfully submitted by:

Community & Economic Development Technician, Kate Kelly