

APPROVED MINUTES

**DELTA COUNTY PLANNING COMMISSION MEETING
Delta County Service Center
Monday, December 2, 2024**

- I. Call to Order. The meeting was called to order at 5:30 p.m.
- II. Pledge of Allegiance.
- III. Roll Call. Member(s) present: Amy Berglund, Clayton Harris, Curtis Larsen, Charles Lawson, Matthew Jensen, Kelli van Ginhoven. Member(s) absent: John Denholm. Recording Secretary present: Kasja Nelson.
- IV. Approval of the November 4, 2024 minutes.
Motion to approve with the following amendment: 1- Change the date under section X, item 2 to 10/15/2024 made by Kelli van Ginhoven and seconded by Matthew Jensen.
Vote: Yes-6 No-0. Motion Carried.
- V. Approval of agenda.
Motion to approve the agenda as written made by Kelli van Ginhoven and seconded by Curtis Larsen.
Vote: Yes-6 No-0. Motion Carried.
- VI. Public Comment. None.
- VII. Public Hearing: Delta County Planning Commission Ordinance: Language edits of sections 106A & 106B.
Motion to open the public hearing made by Kelli van Ginhoven and seconded by Charles Lawson.

Roll Call:	Curtis Larsen	Yes	Amy Berglund	Yes
	Matthew Jensen	Yes	Clayton Harris	Yes
	Kelli van Ginhoven	Yes	Charles Lawson	Yes

Vote: Yes-6 No-0. Motion Carried.

Public hearing opened: 5:34 p.m.

- Commissioner van Ginhoven explained that the edited ordinance had been sent to the Delta County Board of Commissioners, but it's been sent back to the Planning Commission because there needs to be a public hearing held prior to the Board of Commissioners reviewing the edited ordinance.
- Commissioner Larsen wanted to know if there were any recommendations regarding the edits from the Delta County Board of Commissioners.
- Commissioner Jensen stated that the Delta County Board of Commissioners hadn't reviewed the ordinance because procedurally the Planning Commission was required to

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hold a public hearing before the Board of Commissioners could review the edited ordinance.

- Commissioner Harris asked for more clarification regarding excused and unexcused absences.
- Commissioner van Ginhoven responded to Harris’s question that the subcommittee had decided that it would be best not to classify absences as unexcused or excused, and instead treat all absences essentially as unexcused.

Motion to close the public hearing made by Kelli van Ginhoven and seconded by Curtis Larsen.

Roll Call:	Curtis Larsen	Yes	Amy Berglund	Yes
	Matthew Jensen	Yes	Clayton Harris	Yes
	Kelli van Ginhoven	Yes	Charles Lawson	Yes

- Vote: Yes-6 No-0. Motion Carried.

Public hearing closed: 5:43 p.m.

VIII. Declaration of conflict of interest. None.

IX. New Business.

1. 2025 Meeting Calendar (adjustment).

Motion to approve the 2025 meeting calendar with the following amendment: 1- Change the June meeting date to June 2, 2024 made by Kelli van Ginhoven and seconded by Curtis Larsen.

Vote: Yes-6 No-0. Motion Carried.

2. CASE 4-24-PC – Mark Christoff.

Presented by Building & Zoning Administrator: property owner requesting to rezone from RP to RR and grant a conditional use to allow the property to be split into two 2.5 acres parcels which would give his children the opportunity to build homes on the smaller parcels.

Motion to open the public hearing made by Matthew Jensen and seconded by Kelli van Ginhoven.

Roll Call:	Curtis Larsen	Yes	Amy Berglund	Yes
	Matthew Jensen	Yes	Clayton Harris	Yes
	Kelli van Ginhoven	Yes	Charles Lawson	Yes

Vote: Yes-6 No-0. Motion Carried.

Public hearing opened: 5:34 p.m.

- No public comment.

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Motion to close the public hearing made by Kelli van Ginhoven and seconded by Curtis Larsen.

Roll Call:	Curtis Larsen	Yes	Amy Berglund	Yes
	Matthew Jensen	Yes	Clayton Harris	Yes
	Kelli van Ginhoven	Yes	Charles Lawson	Yes

- Vote: Yes-6 No-0. Motion Carried.

Public hearing closed: 5:43 p.m.

Worksheet: It meets Ordinance requirements; location is appropriate for use; no effect on district; no concerns from adjacent property owners; no environmental impact and is not a spot zone.

Motion to approve the application that was submitted was made by Curtis Larsen and seconded by Matthew Jensen.

Roll Call:	Curtis Larsen	Yes	Amy Berglund	Yes
	Matthew Jensen	Yes	Clayton Harris	Yes
	Kelli van Ginhoven	Yes	Charles Lawson	Yes

Vote: Yes-6 No-0. Motion Carried.

3. CASE 5-24-PC – Edward Patricca.

Presented by Building & Zoning Administrator: property owner requesting to rezone from OS to RP and the intent is split the property and potentially sell the property located on the East side of CR 503. The Building & Zoning Administrator supports the rezoning.

Edward Patricca (property owner): Has owned the property for over 30 years and intended to keep it and pass it down through the family. The property owner created a set of trails to teach grandchildren to ride 4-wheelers but with the traffic on CR 503 he no longer feels that it's safe for them to cross the road to get to the other side of the property, he's decided to sell off the east side of the property.

Motion to open the public hearing made by Kelli van Ginhoven and seconded by Charles Lawson.

Roll Call:	Curtis Larsen	Yes	Amy Berglund	Yes
	Matthew Jensen	Yes	Clayton Harris	Yes
	Kelli van Ginhoven	Yes	Charles Lawson	Yes

Vote: Yes-6 No-0. Motion Carried.

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Public hearing opened: 5:54 p.m.

- No public comment.

Motion to close the public hearing made by Matthew Jensen and seconded by Kelli van Ginhoven.

Roll Call:	Curtis Larsen	Yes	Amy Berglund	Yes
	Matthew Jensen	Yes	Clayton Harris	Yes
	Kelli van Ginhoven	Yes	Charles Lawson	Yes

- Vote: Yes-6 No-0. Motion Carried.

Public hearing closed: 5:55 p.m.

- Commissioner Larsen inquired as to whether there was an intent to build on the property that may end up being sold and the property owner said he had no intention of building on the property.
- The Building & Zoning Administrator commented that with the change in zoning an individual could possibly be able build a camp on the property and he was able to identify at least one high spot on the property.

Worksheet: It meets Ordinance requirements; location is appropriate for use; no effect on district; no concerns from adjacent property owners; no environmental impact and is not a spot zone.

Motion to approve the application that was submitted was made by Curtis Larsen and seconded by Charles Lawson.

Roll Call:	Curtis Larsen	Yes	Amy Berglund	Yes
	Matthew Jensen	Yes	Clayton Harris	Yes
	Kelli van Ginhoven	Yes	Charles Lawson	Yes

- Vote: Yes-6 No-0. Motion Carried.

4. CASE 6-24-PC – Johnson Bros. Livestock, Inc.

- Presented by Building & Zoning Administrator: property owner requesting to rezone the North 500’ from RR to C3 & and the remaining South ½ of the parcel to all RP. The intent is to split up the North 500’ off of North 18th Road to build storage units. It was noted that a neighboring property owner had concerns about an easement but once the plans were discussed there were no more concerns. Although he was concerned about water drainage and that will have to be addressed during the building process.

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- Garrett Johnson (Property Owner): They have been trying to use it for hay but so far, it's been unsuccessful. The intent is to use the land for something that will be positive for the community, and he feels there is a need for storage units.
- Commissioner Harris: Inquired as to whether all adjacent property owners had been made aware of the petition and the Building & Zoning Administrator confirmed that it had been published in the paper and letters had been mailed out.

Motion to open the public hearing made by Matthew Jensen and seconded by Kelli van Ginhoven.

Roll Call:	Curtis Larsen	Yes	Amy Berglund	Yes
	Matthew Jensen	Yes	Clayton Harris	Yes
	Kelli van Ginhoven	Yes	Charles Lawson	Yes

Vote: Yes-6 No-0. Motion Carried.

Public hearing opened: 6:03 p.m.

- No public comment.

Motion to close the public hearing made by Curtis Larsen and seconded by Charles Lawson.

Roll Call:	Curtis Larsen	Yes	Amy Berglund	Yes
	Matthew Jensen	Yes	Clayton Harris	Yes
	Kelli van Ginhoven	Yes	Charles Lawson	Yes

- Vote: Yes-6 No-0. Motion Carried.

Public hearing closed: 6:04 p.m.

- Commissioner Larsen inquired about any soil conditions that might be an issue. The Building & Zoning Administrator clarified that the property wasn't wetlands, it's just low ground. The property owner explained that they would need to bring in fill but that everything would be permitted and professionally done.
- Commissioner Berglund inquired about entrances and exits. The property owner explained that they haven't gotten to that stage yet, but they could potentially use either side of the parcel or a larger driveway in the center, but the entrance/exit would come off of 18th Road.
- Commissioner Harris wanted to make sure that snow was factored into the building process and the property owner, who is a licensed contractor, explained that anything built would consider snow.

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Worksheet: It meets Ordinance requirements; location is appropriate for use; no effect on district; no adjacent property owners' concerns heard; no environmental impact and is not a spot zone.

Motion to approve the application that was submitted was made by Curtis Larsen and seconded by Matthew Jensen.

Roll Call:	Curtis Larsen	Yes	Amy Berglund	Yes
	Matthew Jensen	Yes	Clayton Harris	Yes
	Kelli van Ginhoven	Yes	Charles Lawson	Yes

Vote: Yes-6 No-0. Motion Carried.

5. Delta County Master Plan Update - CUPPAD.

- Commissioner Berglund reached out to CUPPAD to see what status was and it was explained that CUPPAD is waiting for the Planning Commission to provide them with further direction. It's CUPPAD's recommendation that Delta County hires outside help with the Master Plan update since there isn't a professional planner on staff. This requires an RFP to be sent out. The Delta County Board of Commissioners set aside \$60,000 in the budget to update the Master Plan. Commissioner Berglund also pointed out that the first time this item was brought up with CUPPAD was in October of 2023 and it's time to move forward with this. Commissioner Berglund recommended forming a subcommittee to make sure the Master Plan update kept moving forward.
- Commissioner Larsen wanted to know if CUPPAD did the last Master Plan and what the \$40,000 quote included and/or based on. Commissioner Larsen also wanted to know what the Planning Commission or Board of Commissioners could do to get the funds from the Coastal Management Grant. Commissioner Larsen expressed that it was his feeling that CUPPAD would be very qualified to take on the master plan for the county.
- Ryan Carrig, CUPPAD staff member, explain that in 2018 Delta County put out an RFP for the Master Plan, CUPPAD accepted the job but by the time they started the work, COVID occurred, and a sub-contractor ended up completing the entire plan with assistance from CUPPAD. It was stated that CUPPAD would be willing to do the Master Plan update if requested to do so. It was discussed that the quote of \$40,000 was based on applying for the Coastal Management Grant, but because the deadline is in a week and a half that funding would not be an option for Delta County. Brandon explained that if the Planning Commission had made a decision when he first approached them

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regarding the grant it could have been applied for but at this point there wasn't enough time to submit an application.

- Jack Smith, Building & Zoning Administrator, asked if new maps would be included and CUPPAD said that was included in the scope of work presented.
- Commission Jensen wanted to know if there were any other grants available and CUPPAD said that there weren't any available for counties now. Commissioner Jensen also wanted to know if the quote provided fit in with the budget and Ashleigh Young (Delta County Administrator) said that \$60,000 had been set aside for this but an RFQ would need to be sent out.

Motion to form a subcommittee to continue to work on the Master Plan update and make recommendations to the Planning Commission on how best to move forward was made by Curtis Larsen and seconded by Kelli van Ginhoven.

Vote: Yes-6 No-0. Motion Carried.

- Subcommittee members are: Kelli van Ginhoven, Amy Berglund, Clayton Harris.
- It was proposed that the subcommittee should meet at one or two times in December to get the RFQ back to the Planning Commission in January 2025.

X. Unfinished Business.

1. Jody St. John, Complaint Wells Township.

- Commissioner van Ginhoven asked that this be placed on the agenda so that the commission could get an update and hopefully resolve this issue.
- Jack Smith, Building & Zoning Administrator, provided the commission with the following updates: 1- The owner of the salvage yard has put chloride down on the road to help with the dust and 2- An inspection of the property was conducted and there's no other way to exit/enter the property with loaded trucks. Regarding the zoning questions raised at the November 4, 2024, meeting, Pete's Auto Salvage was established in 1975 which was prior to when the area was zoned. The road that is currently there was put in back in 1960 for logging operations and its existence is completely legal and the road commission has no issues. Currently there are approximately 20 parcels within a 300-foot radius of Pete's Auto Salvage and there are no other complaints. The owners of the properties on either side of Jody St. John's property have been personally contacted and they expressed no issues. There are no zoning reasons to support shutting down the way the owner of Pete's Auto Salvage is using his property. The Zoning Administrator explained that there are roughly 2 loads of sand coming out per day.

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- Commission van Ginhoven asked if the parcel was zoned appropriately and the Zoning Administrator confirmed that it is zoned rural residential, which allows for logging operations, feed lots, etc. It doesn't specifically include sand pits but there are many located around Delta County, they are not rare. Commission van Ginhoven stated that she felt it was the commission's job to support the decisions of the zoning administrator, while also allowing residents that disagree with the decision being made a chance to be heard.
 - Commissioner Harris commented that in this case it's the Zoning Administrator's interpretation that sand pits can exist in rural residential areas but that isn't specifically included in the zoning ordinance. Commissioner Harris also commented that one of the residents' complaints was the amount of noise taking place outside of commonly accepted business hours. The Zoning Administrator informed the commission that there is no noise ordinance currently in place.
 - Commission Jensen expressed that there's been a precedent set for allowing sand/gravel pits to exist in rural residential areas within Delta County and identified several that he was aware of.
 - Commissioner van Ginhoven asked the zoning administrator to provide the complainant with a written copy of the findings and advise them on who to contact to discuss the matter further.
2. PA233 Compatible Renewable Energy Zoning Ordinance.
- Commissioner Jensen explained that we have a very comprehensive wind ordinance and a less comprehensive solar ordinance further down in the ordinance. There is some re-formatting that is being worked on to match up with PA233.
 - Commissioner Berglund was concerned that we had missed the deadline in November.
 - Commissioner van Ginhoven had concerns about not already having a PA233 Compatible Renewable Energy Zoning Ordinance and the Public Service Commission taking over decision making for the Delta County.
 - Commissioner Jensen said there wasn't enough time to get it done in November, but we do have something already in place. The subcommittee is just continuing to work to make the ordinance compatible. He responded to Commissioner van Ginhoven and said it is a possibility that the Public Service Commission may take over decisions until we have something more comprehensive in place but it's important to take the time to make the appropriate edits.

XI. Correspondence. None

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XII. Public Comment.

- Jody St. John commented that it's more than two truck loads coming out of Pete's Auto Salvage. There's constant noise and vibration all day and into the evening hours. Some days the noise continues until 10 p.m. It is her feeling that this use does not fit how the area is currently zoned.
- Jamie's Spriks owns the property that Jody St. John has a complaint about. He sells sand from it and there's a total of 5 sand pits in the vicinity. He's currently selling sand for the project being developed at the old jail site. He's done the best he can to leave a tree buffer between all his neighbors to cut down on noise.

XIII. Planning Commission Member Comments.

- Commissioner Larsen asked the zoning administrator to meet with Jamie Sprik's and review the situation and buffers.
- Jack Smith, Building & Zoning Administrator, commented that of the 5 sand pits that Jamie Spriks mentioned, his is the only one permitted.
- Commissioner Jensen talked to Tim Callahan to follow up on his concern regarding actions the townships take and having to wait 30 days for a response from the county. There are two actions that could be pursued. The Planning Commission could ask the Delta County Board of Commissioners to waive the requirement, or we can send them a response with questions or stating we have no issue and then the townships don't have to wait 30 days before continuing to act.
- Commissioner Larsen wanted to let Rachel Pascoe, assistant zoning administrator, know how much he appreciates the thoroughness and timeliness of the planning commission packets.
- Jack Smith, Zoning Administrator, thanked Commissioner Berglund for her excellent job running the December meeting.
- Commissioner Berglund thanked Kasja Nelson, recording secretary, for the improvement in the minutes.
- Commissioner van Ginhoven reminded the commission that the next meeting should include a reorganization and Commissioner Denholm can no longer be chair so everyone should think about who should take over as chair.

XIV. Adjournment.

Motion to adjourn at 6:55 p.m. made by Curtis Larsen and seconded by Clayton Harris.