



A regular meeting of the City of Delta Planning Commission was held on Monday, November 6, 2023 at 6:30 pm in the City Council Chambers of City Hall at 360 Main Street, Delta, Colorado. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Susan Welk-Valdez, Chair; Fay Mathews, Vice-Chair; Cecilia Tafoya, Commissioner; Ronald White, Commissioner; Katie Bowers, Commissioner; Tony Romero, Commissioner; Joe Gillman, Community Development Manager; Lindsay Reed, Planning and Building Technician; Raini Ott, Contract Planner; Michael Markus, City Planner

ABSENT: Gerald Roberts; Commissioner

**A. CHANGES TO THE AGENDA**

There were no changes to the agenda.

**B. MINUTES**

A motion was made by Vice-Chair Mathews, seconded by Commissioner Tafoya to approve the minutes of the Planning Commission meeting held on October 9<sup>th</sup>, 2023 as written. All voted yes. Motion passed.

**C. CITIZEN COMMENTS**

None.

**D. PUBLIC HEARING - SOPER-WANG FENCE HEIGHT VARIANCE**

Vice-Chair Mathews recused himself from the Public Hearing.

Chair Welk-Valdez opened the public hearing for approval of a Variance of two feet to the maximum fence height in the A-1 Agricultural Zoning District to allow an eight-foot fence as applied by Matthew C. Soper and I-Chu (Sarah) Wang.

*For full Staff Report, please see the Planning Commission Packet*



### **Staff Report and Recommendations**

Joe Gillman, Community Development Manager, reviewed the staff report with the Planning Commission.

Commissioner White questioned the properties lower elevation and the process of changing the code to allow an eight-foot fence.

Manager Gillman explained the presence of the lower elevation and the reasons behind the maximum six-foot fence.

There was discussion on wind load, type of fence and the required building permit and review.

### **Applicant Presentation**

Matt Soper, 10 Hartig Dr, explained the reasons behind the requested variance being privacy and to protect the property from the deer population.

The applicant distributed packets to Commissioners which have been entered into the record. There was discussion on the type of fence, the change in grade, the quality of fence and the line of sight. There was further discussion on setbacks. Manager Gillman stated the fence design will be per city standards and setback requirements.

### **No Public Comment**

### **Public Hearing Closed by Chair Welk-Valdez**

### **Planning Commission Discussion and Decision**

Commissioner Bowers voiced concern about safety but that has been addressed.

Commissioner White voiced concern about establishing a precedent and how it may affect the look of Hartig Dr.

Chair Welk-Valdez stated she is dismissing the privacy aspect but concerned with esthetic and setting a precedent.

Commissioner Romero voiced safety concerns at the intersection and wind load.

A motion was made by Commissioner White, seconded by Chair Welk-Valdez to recommend approval of a variance to allow an eight-foot fence only along Hartig Dr. All voted yes. Motion passed.



### **E. PUBLIC MEETING - JUSTIN WET FLOODPROOFING VARIANCE**

Chair Welk-Valdez opened the public meeting for approval of a variance from provisions in Chapter 15.56 of the Municipal Code, Flood Damage Prevention, to allow wet floodproofing for a 975-square-foot enclosed portion of a detached accessory structure used for vehicle parking and storage.

*For full Staff Report, please see the Planning Commission Packet*

#### **Staff Report and Recommendations**

Raini Ott, Contract Planner, reviewed the staff report with the Planning Commission.

There was question on the definition of exceptional hardship and how the storage of hazardous materials is enforced. Discussion was made on the option of a condition on the deed and reviewing it with the City Attorney.

#### **Applicant Presentation**

Kevin Justin, 1551 G96 Lane, commented on the excellent job the staff did on discussing flood vents and explained the hardship of raising the garage.

There was discussion on the size of the lot and what is stored inside the garage.

#### **No Public Comment**

#### **Public Hearing Closed by Chair Welk-Valdez**

#### **Planning Commission Discussion and Decision**

There was discussion on the storage of hazardous materials and what classifies as a hazardous material. Comment was made of the issue being the garage is in a floodplain and with FEMA updating the flood insurance rate mapping, there will be more cases. Questions were asked on what a hazardous storage container is relating to quantities and regulations.

A motion was made by Vice-Chair Mathews, seconded by Commissioner Bowers to recommend approval of the Justin Variance to City Council.

Commissioner White suggested a recorded condition on the storage of hazardous materials.

The motion was restated by Vice-Chair Mathews and moved to approve the Justin Floodplain Variance with the condition that hazardous materials are not stored in the structure and that it be



recorded with the property. There was clarification on the motion and condition. Motion was seconded by Commissioner White. More discussion was made on state standards. All voted yes, motion passed.

**F. COMMISSIONER COMMENTS**

Commissioner Bowers commented on the great job the city did with Trick or Treat, that Phase 2 of Main Street is looking great and the ramps on and off the bypass.

Commissioner White discussed the property on Crawford Ave and an update on Mr. Roberts.

Chair Welk-Valdez commented on Main Street.

Vice-Chair Mathews discussed his visit with Mr. Roberts and also commented on the Crawford property.

Commissioner Romero had no comment.

Commissioner Tafoya commented on the great job the city is doing.

**G. STAFF COMMENTS**

Manager Gillman introduced the City’s new Planner, Mike Markus and the purpose of Proposition 123 and upcoming grants. It was stated the City intends to apply for grant funding to automate processes in the Building and Planning Department.

**H. ADJOURNMENT**

A motion was made by Commissioner White, seconded by Commissioner Tafoya to adjourn the regular Planning Commission meeting. All voted yes. Motion passed. The meeting was adjourned at 7:48 pm with no further action taken.

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Lindsay Reed  
Planning and Building Technician



At the Planning Commission meeting on January 8, 2024, the following motion was made to amend the minutes:

Commissioner White stated that the Soper-Wang fence height motion to include that the property is two feet below the road surface on Hartig and that there is a fence constructed by standard code on the other three sides of the property.

A motion was made by Vice-Chair Mathews, seconded by Commissioner White to approve the minutes of the Planning Commission held on November 6, 2023 with the corrections as stated. All voted yes. Motion passed.