



Delta County Planning Commission – Membership Shakeup March 2018 – Fact Sheet

ROLE OF THE PLANNING COMMISSION

- Under Colorado Statutes, the Board of County Commissioners can appoint a Planning Commission of between 3 and 9 members.
- Colorado statutes make the Planning Commission responsible for creating a County Master Plan and making recommendations to the County Commissioners on development applications under the Specific Development Regulations. Section 2.1 of the Planning Commission Bylaws states that the purpose of the Commission “shall be to advise the Board of County Commissioners (“ the Board “) in their actions, with regard to the health, safety, convenience, and welfare of the citizens of Delta County, Colorado, and to plan for the future development of the county pursuant to the goals and objectives of the Delta County Master Plan. The Commission shall regularly review and advise the Board of recommended changes and amendments to the County’s Master Plan.”

DELTA COUNTY PLANNING COMMISSION MAKEUP

- In the April 2017, the County Commissioners appointed two new members to the Planning Commission, in violation of the Planning Commission Bylaws.
- On July 3, 2017, to remedy their April violation, the County Commissioners passed two resolutions: One changing the Planning Commission Bylaws to have 9 members, with 3 from each of the 3 County Commissioner districts and representation from each of the 5 planning areas, the other to formally appoint two new members.
 - The planning areas are: Delta, Surface Creek (Cedaredge), Leroux Creek (Hotchkiss), Crawford, and the Upper North Fork (Paonia).
- On August 16, 2017 the Planning Commission sent a unanimous resolution to the County Commissioners asking that any new Planning Commissioners be appointed in accordance with Planning Commission Bylaws, and that the Planning Commission be consulted prior to such appointments.
- 8 months later, on March 5, 2018, the County Commissioners decided not to renew Upper North Fork representative Jen Sanborn’s term on the Planning Commission, 5 weeks after her term should have expired, and to appoint a new representative from District 2.
 - This was done ostensibly to achieve the goal of equal representation across County Commissioner districts.
 - This decision violated the Planning Commission bylaws by leaving the Upper North Fork Planning Area without representation.
 - There is a lingering question regarding how the decision was made to have the two Planning Commission members who were formerly appointed to “at-large” positions now represent the areas in which they reside.
 - The decision not to renew Sanborn’s position was not subject to public discussion, was not properly noticed, and was therefore not a part of the public record.
- The County claims that equal representation was prioritized over representation from the planning areas, and the Planning Commission Chairman claims that the Area Planning Committees fill the gap. However, the Area Planning Committees have no vote on the Planning Commission, and are therefore not official area representation for the purposes of decision-making. In addition, the revised Bylaws don’t address a prioritization process for meeting its equalization goals.
- Prior to the March 5, 2018 decision the makeup of the PC was:
 - District 1 –Steve Shea (Delta), Steve Schrock (Delta)

- District 2 –Tate Locke (Surface Creek), Layne Brones (Surface Creek)
- District 3 – Tony Prendergast (Crawford), Bob Stechert (Leroux Creek), Jen Sanborn (Upper North Fork)
- At Large - Angela Mackey, Kim Shay
- Post the March 5, 2018 decision the makeup of the PC is:
 - District 1 – Angela Mackey (Delta), Steve Shea (Delta), Steve Schrock (Delta)
 - District 2 – Linda Stanley (Surface Creek), Tate Locke (Surface Creek), Layne Brones (Surface Creek)
 - District 3 – Tony Prendergast (Crawford), Bob Stechert (Leroux Creek), Kim Shay (Leroux Creek)

While the BoCC bylaws revision sought equal representation across the Commissioners’ districts, its decision to eliminate the Upper North Fork seat and replace it with a District 2 seat resulted in over-representation from a planning area perspective for Delta, Cedaredge and Hotchkiss, and no representation for one of the key economic drivers of the County—Paonia and the Upper North Fork. Importantly planning areas are intended to capture the difference in communities while the Commissioners’ districts represent an equal number of residents.

IMPACT ON the NORTH FORK VALLEY and OIL and GAS

- The Planning Commission is nearing the completion of the year-long revision process for the Delta County Master Plan. This process includes recommendations on land-use regulations.
- Oil and gas development has been a contentious issue throughout this process. The dominating theme of the draft vision and goals has been protection of agricultural land. Oil and gas development is one factor threatening agriculture in this county, along with market dynamics, water, residential encroachment, and surrounding industrial development.
- The Master Plan is an advisory document that will guide the County’s decision-making on oil and gas development proposals on private lands in unincorporated Delta County, as well as in the County’s coordination with state and federal agencies on public lands. It has the effect of law if the County Commissioners reference it in the land-use regulations (which it did until the Commissioners revised the Specific Development Regulations in February 2017).
- The areas of highest oil and gas development potential in Delta County are located in the Upper North Fork, and those same areas are the headwaters regions for several crucial watersheds
- Concerns with the current Specific Development Regulations (SDRs) as they relate to oil and gas:
 - The SDRs in Delta County exempt some potentially large activities (if an activity does not require a permit from the state, it is exempt from SDRs)
 - The SDRs do not consider oil and gas impacts on downstream water resources
 - The SDRs defer to state and federal regulations, which are riddled with exemptions, and they fail to account for the risks associated with those exemptions
 - The county is only required to provide notice to property owners within 1,000’ of a proposed development. This leaves potentially impacted downstream water users without notice
- Without an Upper North Fork representative, who would represent Paonia and the Upper North Fork, on the Planning Commission, the Delta County residents most directly impacted by oil and gas development in the Upper North Fork now no longer have a voice on the future of development in their community.

Relevant documents which, as of March 14, 2018 are not accessible on the County website:

- Planning Commission Bylaws (not revised to indicate changes in resolutions passed in July 2017),
- Planning area map and Commissioner District Map
- Resolutions passed on July 3, 2017 and August 16, 2017

We have made these documents available at: <http://www.chc4you.org/planningcommissionupdate>