

DELTA COUNTY PLANNING COMMISSION

**Delta County Board of County Commissioner's Room
560 Dodge St., Delta, CO 81416
Wednesday, April 27, 2022 @ 5:30 p.m.**

**Tom Kay, Chair
Tate Locke, Vice-Chair
Carl Holm, Director**

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<https://us02web.zoom.us/meeting/register/tZUpfuiugDgsEtDfRLf9jxoLnISzt9Y4SOIP>
After registering, you will receive a confirmation email containing information about joining the meeting.

REGULAR AGENDA

5:30 P.M. – CALL TO ORDER

ROLL CALL

DISTRICT 1

Cindy Watson

Steve Schrock

Steve Shea

Michelle Roberts, Associate

DISTRICT 2

Layne Brones

Tate Locke, Vice Chair

Hardy Hutto

Vacant, Associate

DISTRICT 3

Jacob Gray

Tom Kay, Chair

Kate Darlington

David Marek, Associate

A. ZOOM DISCUSSION

Discussion on the use of Zoom for public participation including applications and items on the Planning Commission agenda.

B. PUBLIC COMMENTS

This is time set aside for the public to comment on matters not on the agenda. The Chair may set a time limit for speakers.

C. AGENDA ADDITIONS, DELETIONS, AND CORRECTIONS

The Planning Commission Secretary will announce if there are any changes to the agenda that arose after posting of the agenda.

D. SCHEDULED ITEMS

1. Meeting Minutes

a. April 13, 2022

RECOMMENDATION: Approve the action minutes as presented

CERTIFICATION OF POSTING

On April 20, 2022 at 1:30 PM, Kim Henderson did post the above AGENDA as public notice of the April 27, 2022 meeting. The official notice is placed on the front entrance of the Delta County Courthouse located at 501 Palmer, Delta, Colorado and a courtesy copy is sent to the Delta County website at www.deltacounty.com.

2. Land Use Code Update – Work Session

Work Session to consider topic(s) of: Definitions, Application Process

RECOMMENDATION:

- a. Consider Definitions (LUC Chapter 14, Section 2)
- b. Consider Application Process Outline.
- c. Provide Direction on topic(s) and date for the next Work Session (continue this item).

E. COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

This is time set aside for the Commission to comment, request, or refer a matter that is not on the agenda for future consideration.

F. DEPARTMENT REPORT

This is time set aside for the Director to report on matters affecting the Department.

ADJOURNMENT

Next Meeting: Wednesday, May 11, 2022 at 5:30 pm in Hotchkiss, CO.

CERTIFICATION OF POSTING

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DELTA COUNTY PLANNING COMMISSION MEETING MINUTES
MALONEY HOUSE (DELTA COUNTY FAIRGROUNDS)
575 S RIVER LN, HOTCHKISS, CO 81419
April 13, 2022

Chair Tom Kay called the meeting to order at 5:30 p.m. in the Maloney House (Delta County Fairgrounds).

ROLL CALL

Planning Commission Members in Attendance:

Tom Kay	Michelle Roberts (Associate)
Steve Schrock	Hardy Hutto
Kate Darlington	Steve Shea
David Marek (Associate)	Layne Brones
Tate Locke	Jacob Gray

Absent Members:

Cindy Watson

Staff in Attendance:

Delta County Community Development & Natural Resource Director, Carl Holm
Delta County Community Development Planner I, Kate Kelly
Delta County Community Development Planner I, Angie Kemp
Delta County Planning & Community Development Administrative Assistant, Kim Henderson

PUBLIC COMMENT

Richard Lightfoot presented the Planning Commission with information about road impacts caused by concrete trucks.

Becky Lightfoot addressed the Planning Commission regarding the Master Plan and Renewable Energy.

Brad Burritt addressed the Planning Commission regarding Renewable Energy.

Mike Kruger addressed the Planning Commission regarding Renewable Energy.

Natasha Leger addressed the Planning Commission regarding the Land Use Code update as well as Oil & Gas Support Services and changes to Renewable Energy.

Penny Heuscher addressed the Planning Commission regarding Renewable Energy.

AGENDA ADDITIONS, DELETION, AND CORRECTIONS

None

SCHEDULED ITEMS

Item #1:

Meeting Minutes

a. March 23, 2022

RECOMMENDATION: Approve the action minutes as presented

Michelle Roberts moved to approve the action minutes as presented. Layne Brones seconded the motion.

Motion carried unanimously

Item #2:

Land Use Code Update

Consider Topics and Process for Amending the 2021 Land Use Code.

RECOMMENDATION: Staff recommends that the Planning Commission:

- Consider key topics/groupings;
- Review existing permit process; and



- c. Provide direction to staff on topics/groupings and processing amendments to the Land Use Code, beginning April 27, 2022.

Planning Director, Carl Holm presented the topics and process for amending the 2021 Land Use Code, and answered Commissioner questions.

Following deliberation by the Commissioners, it was requested the topics to be discussed at the April 27, 2022 Planning Commission Meeting include: definitions as well as the Development Application Ordinance No. 2011-01 and the Development Application Process.

The PC discussed the location and format of LUC Update meetings, including notification of meetings. Initial meetings will be held as Work Sessions, and Director Holm will inquire about joint meetings with the BoCC, at least on certain topics.

COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

None

DEPARTMENT REPORT

- a. Planning Director Carl Holm informed the Planning Commission that the Board of County Commissioners approved the Miller (Alliance Ready Mix) concrete batch plant as well as the TDS Telecommunications tower on Cottonwood Creek at their April 5, 2022 meeting.
- b. The Board of County Commissioners will be reviewing the Armstrong 5-Lot Clustered Subdivision, CHT Resources Compost Facility and the Pre-Land Use Code applications that are to be expired at the April 19, 2022 meeting.

ADJOURNMENT

The next meeting will be held on April 27, 2022 at 5:30pm, Delta County Administration Building 560 Dodge St, Delta, CO.

Meeting adjourned at 7:29 p.m.

Respectfully submitted by:
Administrative Assistant, Kim Henderson



STAFF REPORT

Delta County Planning Commission

Delta County Administrative Building
560 Dodge Street, Delta, CO 81416

Wednesday, April 27, 2022 @ 5:30 p.m.

Land Use Code Update

Work Session to consider topic(s) of: Definitions, Application Process

RECOMMENDATION:

Staff recommends that the Planning Commission conduct a Work Session on the LUC Update and:

- a. Consider Definitions (LUC Chapter 14, Section 2)
- b. Consider Application Process Outline.
- c. Provide Direction on topic(s) and date for the next Work Session.

SUMMARY:

Chapter 14 of the Land Use Code (LUC) includes definitions that relate to various parts of the Land Use Code. Staff has prepared a redline with edits that attempt to clean up many terminology issues that have come up over the past year (**Attached**). Where the definition is part of a larger discussion, we can flag it and set it aside to address later (e.g., “renewable energy facilities”, highlighted in yellow).

Prior to the LUC, there were regulations that established processes, including: Subdivision regulations, Specific Development Regulations, Road Standards (access), Address Regulations, Septic Regulations. The Resolution adopting the Land Use Code (LUC) repealed some land use regulations that had been established by resolution. However, there are ordinances that remain in effect and that affect the process in some way: Pre-HUD Mobile Homes, Development Application (new residential and commercial), Highway 92 Overlay District.



Starting in January 2021, staff was tasked to put together forms and a process that implemented the Land Use Code. Staff finds that the LUC by itself did not significantly change the regulatory process, but there were changes. Most significantly there were changes that made many actions subject to administrative review (Director approval) that had previously required action by the PC and/or BoCC.

Over the past year, staff has experienced a number of challenges where regulations and/or processes established in pre-LUC regulations were not consistently applied/followed. In addition, current staff is more diligent about following the adopted process and taking good planning into consideration, which might feel that there has been more of a change. At this point, we believe that we have collected all of the applicable regulations, and staff from the pertinent departments have been coordinating on how to process applications that best serve everyone's interests (staff and public). The intent is to streamline the process as much as possible without skipping steps.

Staff has developed an Application Process outline (**Attached**) as a recommendation for how to move forward, taking applicable regulations into account such as LUC Chapters 2, 7, 8, 9, 10 and 12; 35+ Acre Road Resolution; Development Application Ordinance; Highway 92 Overlay District Ordinance; Pre-HUD Mobile Home Ordinance; and Mobile Homes Park Resolution. The idea is for all development to begin with Site Plan Review, which can be a very rough sketch. From that, staff will determine IF any permit/approval is needed, and provide a checklist of what is needed (if applicable). Where the use is "Allowed", there would be no fee for the Site Plan Review (fees for access, address, septic would still apply if applicable).

The list of LUC Update topics presented to the PC previously is attached. Staff has used red font to try and illustrate the topics they are being considered so you can see what is remaining – to help determine what to consider next.

Depending on PC direction relative to the process, staff can prepare redline edits to the LUC reflecting one complete process going forward. In that case, the next Work Session could include beginning to consider redlines reflecting this process including: Chapter 1 - Section 5; Chapter 2 - Sections 2.A, 4.A, 5.A, 6.A, Chapters 7-10, and Chapter 12.

DISCUSSION:

Certain types of actions are exempt from subdivision regulations (Boundary Agreement, Record of Survey, 35+ Acre Plats) per State Statute. However, County Resolution 2003-R-027 requires a Street Plan for 35+ Acre Subdivisions, subject to review by PC and BoCC (aka 35+ Acre Road Resolution). It appears that surveyors have been recording plats creating 35+ acre parcels without any review, or any Street Plan. As a result, some parcels have been created without access, which has created an issue later for new property owners wanting to build a residence.

On March 28, 2022, a meeting was held with local surveyors in response to a letter they submitted to the BoCC (**Attached**). Staff distributed a document with terminology and



processes related to this topic, which was developed with a group including: Planning, County Administrator, County Attorney, County Assessor, County Surveyor, and County Engineer. Staff made some edits based on the discussion from that meeting and presented the document to the BoCC at a Work Session on March 30th. The purpose of creating this document was to; establish terminology, provide example scenarios for consistency (illustrative, not all inclusive), identify review authorities, and summarize processes.

An updated version is attached for the PC to consider as part of this Work Session on definitions and process (**Attached**). Some of the items addressed (e.g., lot size, variance, etc.) are not part of the scope for this PC Work Session (definitions and process). Staff will directly invite local surveyors to attend and provide any additional input on these topics as they are considered by the PC.

Land Use Code (LUC) (Resolution 2021-R-001)

Establishes a permit process based on the type of use/entitlement: Allowed Use, Permitted Use, Limited Use, Conditional Use, Subdivisions. The process is spread throughout the LUC:

- Chapter 2, Section 2.A.2 Land Use by Zoning District (Legend)
- Chapter 7 (Standard Review Process)
- Chapter 8 (Review Process – Specific Uses)
- Chapter 9 (Approvals & Denials)
- Chapter 10 (Review Process – Certain Uses)
- Chapter 12 (Appeals)

Each of these Chapters/Sections establishes and/or affects the process in some way. Where practicable, staff would recommend some re-organization that brings pertinent aspects of the process together. For example, appeals should be included with approvals/denials. Staff would recommend having chapter(s) for process based on the process versus specific/certain uses (Administrative, Hearing- PC/BoCC). The only exception would be to have subdivisions as a separate chapter (similar to when it was its own set of regulations).

Development Application (Ordinance 2016-01, **Attached**)

Requires Site Plan Review for all new residential and commercial development. Also has the purpose of creating a checklist of other permits/approvals required, including but not limited to:

- County; land use, access/utility, address, septic, floodplain
- State; electrical, plumbing, stormwater, mobile homes

Having a consistent process starting with a Development Application helps reduce potential conflicts later. This format is similar to what people were used to when requesting an access/address, but adds more emphasis to evaluate the site (Site Plan Review) before granting access. There are many subdivisions that included plat notes restricting future use, which we are able to catch through a better Site Plan Review up front...making for a smoother process later (access, address, septic, etc.) The same applies to easements that might not be reflected on an aerial map, and Site Plan Review can help reduce conflicts where structures are built over easements.



Highway 92 Overlay District (Ordinance 2006-09, **Attached**)

This ordinance requires building inspections for development in this overlay district. Delta County does not have a Building Official and has not contracted to provide such services in this area. In addition, the ordinance refers to 2003 Building Codes that are long out-of-date (building codes are updated every three years). Changing the date requires amending the ordinance.

Unless the County decides to apply building codes countywide, applying them in one area is difficult to enforce. Over the past year, a couple projects were started in this area (that we are aware of). To meet the spirit of the ordinance, staff has requested that the owner provide certification from an engineer/architect that the structures were built to code. At this point, staff recommends repealing this ordinance. We will consult the City of Delta since this area falls within the 3-mile growth area.

Pre-HUD Mobile Homes (Ordinance 2006-10, **Attached**)

This ordinance establishes restrictions for mobile homes constructed prior to 1976 ("Pre-HUD"). After that time, HUD established minimum safety standards for manufactured homes. These standards are enforced at the State level through the Department of Local Affairs (DOLA), Division of Housing. The State regulates construction standards for manufactured homes and requires inspection of installations (certification).

The County's ordinance includes a checklist for inspections that require technical expertise in plumbing and electrical. Searching around, staff was not able to find local inspectors that could provide this service. Staff recommends at least amending this ordinance to remove inspections prior to moving the unit since DOLA requires inspection when a unit is set. Ideally, staff recommends amending the ordinance such that pre-HUD mobile homes can continue to be used as a residence on a property; however, we recommend that they not be able to be relocated to another site.

Mobile Home Parks (Resolution 97-R-035, **Attached**)

Prior to the LUC, Resolution 97-R-035 established regulations for Mobile Home Parks. This resolution was repealed with adoption of the Land Use Code; however, staff recommends incorporating pertinent aspects into the LUC. Staff has included a definition of mobile home parks that aligns with this resolution for consideration.

Attached material: list, in order as attached/referenced

1. LUC Chapter 14 (Definitions) redline
2. Application Process - Outline
3. Surveyor Letter
4. Survey Terminology-Process
5. Ordinance 2016-01 (Development Application)
6. Ordinance 2006-09 (Highway 92 Overlay District)
7. Ordinance 2006-10 (Pre-HUD Mobile Homes)
8. Resolution 97-R-035 (Mobile Home Parks)
9. List of Topics for LUC Update

Section 2. Definitions

A

Accessory Business Use of the Home means the use of a residence (including the land associated with the residence, and including a residence associated with an agricultural use) for a commercial operation, where:

- a. The commercial operation is subordinate to the residential use;
- b. The character of the residential use is not materially altered (e.g., traffic, noise); and
- c. The commercial operation is conducted by the owner or occupant of the residential use (e.g., no employees come to the property). Such use may include customers occasionally coming to the property by appointment.
- ~~c.d.~~ Also see the definition for "Incidental Commercial Activities"

Accessory Dwelling Unit (ADU) means a smaller, independent residential dwelling unit on the same lot as detached single-family residence (maximum 1,000 square feet).

Accessory Use means a use of land that:

- a. Is clearly subordinate in area, extent, and purpose to the principal use;
- b. Contributes to the comfort, convenience, or necessity of the principal use;
- c. Is operated by the owner of the principal use; and
- d. Is located on the same lot or parcel as the principal use.

Adult Entertainment means an exhibition, display, activity, or dance that involves the appearance or exposure to view of specified sexual activities or specified anatomical areas to an audience for consideration.

Aggrieved Party shall mean those property owners defined as neighbors AND those property owners who received Notification as determined by the Director.

Agricultural and Agribusiness Uses, Operations, and Activities means a group of land uses that are related to grazing or raising livestock or land uses which produce products that originate from the land's productivity, such as farming, ranching, forestry, viticulture, floriculture, beekeeping, tree farming, hemp cultivation, animal husbandry, and horticulture including within greenhouses. The phrase "Agricultural and Agribusiness Uses, Operations, and Activities" does not include the phrase "Intensive Agriculture"¹ or any specific land uses within that group, nor does it include the phrase "Marijuana Uses" or any specific land uses within that group.

Agricultural Support and Rural Industries means a group of land uses that either provide support for agricultural operations, process agricultural outputs or other natural resources, or that are often located in rural areas due to the need for separation from population centers.

Commented [CH1]: Changes recommended to attempt more clarity about the intent of being subordinate, and not materially altering the character. Chapter 2, Section 3.F also has some context - redline recommended as follows:
"Accessory business use of the home is allowed as-of-right" as defined in Chapter 14, Section 2 and where not otherwise listed in Table 2.b of this Code.

Commented [CH2]: Cross reference similar type of use that pertains to commercial use with residential properties.

Commented [CH3]: ADU sizes (in other codes) range from 500–1200 sf

Commented [CH4]: Established as part of BoA By-Laws

¹ Words and phrases that are highlighted with red type are defined elsewhere in this document.

Agricultural Workforce Housing means dwelling units that are located on the site of an agricultural or agribusiness use, operation, or activity or an intensive agriculture use, which provide housing for employees or contractors who work on the site.

Airport or Airstrip means any area of land or water that is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas that are used, or intended for use, for supporting buildings (*e.g.*, hangars, fueling areas, terminals, or control towers), or other facilities or rights-of-way, together with all buildings and facilities located thereon. The term “Airport” refers to a publicly owned and managed facility that is open for public use without operational restrictions on its use. The term “airstrip” refers to a runway for take-off and landing of fixed-wing aircraft that is not open for public use (*e.g.*, use is limited to a single property owner, a property owners’ association, or a public safety entity or governmental unit), or offers limited facilities for general aviation purposes.

Animal Units means a unit of measurement for determining the intensity of use of land for the keeping of livestock, by comparing the impacts of various animals to the impacts of a 1,000 lb. cow. Animal units are measured as provided in the table below. Animal unit calculations by the State of Colorado may be different than this chart. As a result, a Large AFO by Delta County definition may or may not be regulated by the State as well as by the County.

ANIMAL UNITS (1 AU = 1,000 LB. COW)	
Animal	Animal Unit (“AU”) Calculation
Cattle-Beef	1.0
Cattle-Dairy	1.4
Chicken	0.02
Elk	0.5
Geese, Ducks, Turkey	0.03
Goat	0.2
Horse	1.0
Sheep	0.2
Swine	0.4
Bison	1.0

Automobile Fueling or Service Station means a commercial facility that is used for the retail dispensing or sales of motor fuels; propane; Level 3 DC fast-charging of electric vehicles; washing of motor vehicles; towing of automobiles and light trucks (but not storage, wrecking, or salvage of inoperable automobiles or light trucks); and/or the sale and installation of lubricants, tires, batteries, brakes, mufflers, and similar vehicle repairs. The phrase “fueling/service station” does not include collision centers or facilities that provide transmission repair, engine overhauls, or repair of commercial vehicles. The phrase “Fueling or Service Station” includes associated retail stores that sell ready-to-eat food products (not intended for on-premises consumption), groceries, consumable motor vehicle supplies, or sundries.

B

Bed and Breakfast means a single-family dwelling unit in which a maximum of four guest rooms for overnight lodging (for terms of less than 30 days) is provided, which may include meals, and which is operated by the permanent resident of the dwelling unit.

Block means a unit of land bounded by streets or by a combination of streets and public land, railroad right of way, or any other barrier to the continuity of development.

Boundary Agreement means a written agreement, including an illustrative map or plat, to resolve any disputed line, corner, or boundary of an existing parcel of land that is recorded in the real estate records of the County Clerk and Recorder.

Boundary Line Adjustment means an adjustment or revision of established, undisputed, existing boundary lines between parcels or lots, where such adjustment does not result in creating an additional parcel/lot.

Buffering or Buffering Strip means open space, landscaping areas, fences, walls, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

C

Campground means an area or tract of land ~~on which accommodations made available to persons for temporary occupancy, non-permanent, overnight accommodations~~ (not to exceed six months in any one calendar year by any particular guest) ~~are located~~, including for the parking or placement of recreational vehicles, ~~such as~~ motor homes, ~~trailers, truck~~ campers, ~~mobile tiny homes~~, cabins, yurts, ~~or tents, or similar devices~~ used for human occupancy. **"Campground" does not include a manufactured home community, Mobile Home Park or RV Park.**

Camping Unit means any tent, trailer, cabin, lean-to, recreation vehicle, or similar structure established or maintained and operated in a campground or upon any property as temporary living quarters for recreation, education, agricultural worker housing, or vacation purposes.

Cemetery means a place that is dedicated to, used, and intended to be used for the permanent interment of human remains, and may include a burial plot for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or any combination of one or more of the above. The term "cemetery" does not include areas of private property that are used for burials of members of the property owner's family.

Change of Use means any use that is substantially different from the previous use of a building or land.

Commercial, with reference to categories of land uses, means a group of land uses that involve general commercial activity.

Commercial Facility means land, structures, and/or buildings that are used for commercial purposes, but not including home businesses and incidental commercial activities.

Communal Living means more than one family (see definition of "Family") living on a property in more than one ~~single-family detached~~ dwelling unit, ~~including~~ manufactured home, recreational vehicle, or tiny home built or installed for permanent living. **A group of people living together, but**

Commented [CH5]: Adding definitions for clarity Terminology presented to Surveyors

Commented [6]: Staff has received multiple inquiries about campgrounds and RV parks. Edits meant to help distinguish between the two.

Commented [CH7]: Type of unit does not matter (Tiny homes, RVs, Manufactured Units, etc.). However, it becomes a Mobile Home Park (MHP) if 3+ mobile homes and/or RVs are placed on the same parcel (definition added from prior MHP resolution).

in their own private homes. Communal living may include shared community buildings such as a community meeting space.

Community Land Uses means a group of land uses that provide community gathering places or services, such as places of assembly, education, or internment of human remains.

Community Water System means a public water system that supplies at least 15 service connections used by year-round residents or that regularly supplies at least 25 year-round residents.

Concept Plan means a drawing, not necessarily to scale, showing the location of buildings, access, and infrastructure, or other information necessary to demonstrate compliance with the requirements of this Code.

Commented [8]: Remove reference to "Sketch Plan" to differentiate from past practices specific to subdivisions

Conditional Use means a use that is permitted in a particular zoning district upon showing that such use in a specific location will comply with all the conditions and standards for the location or operation of the use as specified in this Land Use Code and authorized by the Board of County Commissioners.

Commented [CH9]: "Code" is capitalized in most of the LUC.

Condominium means a building or group of buildings in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all owners on a proportional, undivided basis.

Corner Lot means a lot that has two street frontages that form a corner or sharp curve, generally due to a location at the intersection of two streets.

Covenants means a restriction on the use of the land set forth on the deed.

D

Delta County Roadway Design and Construction Standards means the Delta County Roadway Design and Construction Standards, dated December 12, 2005, including appendices, as such documents may be amended or superseded from time to time.

Developer. See "Subdivider or Developer"

Development Area means the portion of a property or lot remaining after the minimum setbacks, open space, park, or right-of-way dedication, and *stewardship areas* (See Chapter 4 Section 1A)

Density means the number of families, individuals, dwelling units, households, housing structures, or lots per acre per unit of land.

Disposition means a contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one of the foregoing.

Ditch Company means a person or organization (public or private) that owns, controls, or operates a ditch, reservoir, canal, or pipeline in which water is stored or through which water is transported for beneficial use, including but not limited to a mutual ditch company or an irrigation district. The phrase "ditch company" does not include the phrases "public water system."

Duplex means a residential property with two, attached, dwelling units.

Commented [CH10]: Add definition to reflect LU Matrix (Table 2.b)

Dwelling Unit means a building or portion of a building that provides complete independent living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation, for one family.

E

Easement means a grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

Egress means an exit.

Equestrian Facilities means a boarding stable, riding school or academy, riding arena, or exhibition facility for horses, donkeys, or mules, for animals not owned by the owner or lessee of the property. Equestrian facilities typically include barns, stables, corrals, riding arenas, and/or paddocks used for the feeding, housing, and exercising of horses.

Evidence means any map, table, chart, contract, or other document or testimony, prepared or certified by a qualified person to attest to a specific claim or condition, which evidence shall be relevant and competent and shall support the position maintained by the subdivider.

Exempt Well means a well that does not exceed 15 gallons per minute of production and used for ordinary household purposes, fire protection, the watering of poultry, domestic animals and livestock on farms and ranches and for the irrigation of not over one acre of home gardens and lawns but not used for more than three single-family dwellings.

Fee (Simple) Title means absolute title to land, free of any other claims against the title, which one can sell or pass to another by will or inheritance.

F

Family means one or more persons related by blood, marriage, adoption, guardianship, or similar relationship (including domestic partners), occupying a dwelling unit and living as a single housekeeping unit. Residents of a group home, as defined in this Section, shall also be deemed to constitute a family.

Farm, Orchard, or Ranch means land that is used for commercial crop production, horticulture, floriculture, viticulture, or forestry, or to produce food or fiber products that originate from the land's productivity, and may include value-added agricultural processing (*e.g.*, a vineyard with an on-site winery, or a produce stand on a farm site are both within the definition of the phrase "Farm, Orchard, or Ranch"). The phrase "Farm, Orchard, or Ranch" does not include land that is used to produce food or fiber products for the personal use of the landowner, or for incidental commercial activities. The phrase "Farm, Orchard, or Ranch" does not include any of the specific land uses within the group "Intensive Agriculture," nor does it include any of the other specific land uses within the group "Agricultural and Agribusiness Uses, Operations, and Activities."

Farm Supply/Feed and Seed means a commercial facility that sells, rents, or repairs agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming, beekeeping, or livestock operations.

Commented [CH11]: Add definition to reflect how County wants title for road dedications. This will be address as part of subdivision regulations since also has effect of creating a division of land.
Terminology presented to Surveyors

G

Greenhouse means a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale.

Group home means a state-licensed group home that is specifically identified in C.R.S. §§ 31-23-303(2)(a) (community residential homes with eight (8) or fewer residents), (2)(b)(II) (group homes for the aged with eight (8) or fewer residents), and (2)(b.5) (group homes for persons with behavioral or mental health disorders with eight (8) or fewer residents). The phrase "group home" specifically does not include any other type of group living arrangement.

Growth Management Area means an unincorporated area surrounding a municipality within which both the County and the municipality agree to jointly participate in planning and the review of proposed developments in accordance with an Intergovernmental Agreement between the participating entities.

Guest Ranch means a working farm or ranch that also includes rooms for lodging that are rented to guests for terms of less than 30 days. Guest ranches may include areas for outdoor recreation and provide organized outdoor activities such as horseback riding, rock climbing, rafting, hiking, hunting, and fishing. Guest ranches may also provide meals for guests, and may be used for private special events (*e.g.*, private parties, corporate retreats, and weddings).

H

Hazardous Waste Landfill means all contiguous land, including publicly-owned land, under common ownership that is used for hazardous waste disposal as such phrase is defined in C.R.S. § 35-15-200.3(4), except that such term shall not include any site that is in compliance with an approved reclamation plan contained in a permit issued pursuant to Article 32 of Title 34, C.R.S., or Article 33 of Title 34, C.R.S.

Hemp Cultivation means a commercial facility that is used for cultivation of industrial hemp, which may include the processing of the industrial hemp on the land where it is produced (*e.g.*, a CBD oil extraction facility on the site of the hemp cultivation operation is within the definition of "Hemp Cultivation").

Household means one or more persons, whether related or not, living together in a dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities

Hunting, Fishing, or Watersports Club means a commercial facility that provides access to land or water to its members (and not to the general public) for the purposes of hunting, fishing, or watersports (*e.g.*, swimming, boating, or water skiing), and which may include buildings that provide facilities for assembly, dining, camping, and/or temporary or seasonal lodging. Hunting, fishing, or watersports clubs may also be used for special events (*e.g.*, private parties, corporate retreats, and weddings).

I

Improvements Agreement means a legally binding contract made by and between the developer/subdivider and the County whereby the developer guarantees the installation of all improvements (whether proposed by the developer/subdivider or required by the Board of County Commissioners or both) that are designed to serve the occupants of a development or subdivision or the general public, and provides for a financial security arrangement to ensure such installation.

Incidental Commercial Activities means the commercial use of residential property that is obviously subordinate to the residential use. Also see the definition for "Accessory Business Use of the Home"

Commented [CH12]: Cross reference similar type of use

Individual Sewage Disposal System ("ISDS") means an absorption system of any size or flow, or a facility for collecting, treating, neutralizing, stabilizing or disposal of sewage, which is not a part of or connected to a sewage treatment works. More commonly known as a septic system.

Industrial Hemp means a plant of the genus *cannabis* and any part of the plant, whether growing or not, containing a *delta-9 tetrahydrocannabinol* concentration of no more than three-tenths of one percent (0.3% or 0.003) on a dry weight basis.

Intensive Agriculture means a group of land uses that involve the raising, care, or feeding livestock, where the number of animals is equivalent to or greater than 50 animal units, and, the animals are stabled, confined, fed and/or maintained a total of 45 days or more in any 12-month period, and, where crops, vegetation, forage growth, or post-harvest residues are not growing, irrigated and sustained in the normal growing season over any portion of the lot or facility. The phrase "intensive agriculture" also includes concentrated aquatic animal production ("CAAP"). The phrase "intensive agriculture" does not encompass (without more) cattle and sheep that are moved between winter and summer pastures, including those confined for more than 45 days due to adverse conditions, and breeding stock on property where other cattle are grazing. The phrase "Intensive Agriculture" includes:

- a. *Small Animal Feeding Operation ("SAFO")*, which means any building or outdoor corral, pen, or other enclosure used to confine animals, where the number of animals is between 50 and 149 animal units, for the purpose of feeding or care, where no forage is harvested.
- b. *Medium Animal Feeding Operation ("MAFO")*, which means any building, outdoor corral, pen, or other enclosure used to confine animals, where the number of animals is between 150 and 999 animal units, for the purpose of feeding or care, where no forage is harvested.
- c. *Large Animal Feeding Operations ("LAFO")*, which means any building, outdoor corral, pen, or other enclosure used to confine animals, where the number of animals is 1,000 or more animal units, for the purpose of feeding or care, where no forage is harvested.
- d. *Concentrated Aquatic Animal Production ("CAAP")*, which means a hatchery, fish farm, or other facility that is designated by the U.S. EPA (*see* 40 CFR 122.25), or which satisfies the following criteria:

- 1) The facilities raise cold water fish species or other cold water aquatic animals in ponds, raceways, or other similar structures which discharge at least 30 days per year, except:
 - i. Facilities that produce less than 20,000 pounds of aquatic animals per year; and
 - ii. Facilities that feed less than 5,000 pounds of food during the calendar month of maximum feeding.
 - 2) If the facilities raise warm water fish species or other warm water aquatic animals in ponds, raceways, or other similar structures that discharge at least 30 days per year, except:
 - i. Closed ponds which discharge only during periods of excess runoff; or
 - ii. Facilities that produce less than 100,000 pounds of aquatic animals per year.
- e. *Fish Hatchery* (not "CAAP"), which means any facility, structure, lake, pond, tank, or tanker truck used for the purpose of propagating, selling, brokering, trading, or transporting live fish or viable gametes, except a concentrated aquatic animal production facility ("CAAP").

Interior Lot means a lot with one street frontage.

Intergovernmental Agreement (IGA) means any agreement that involves or is made between two or more governments in cooperation to solve problems of mutual concern. Intergovernmental agreements can be made between or among a broad range of governmental or quasi-governmental entities.

Commented [CH13]: Add to provide definition, not currently included. Part of the review process for referrals.

J

Junk means wrecked, scrapped, ruined, partially dismantled, dismantled, or inoperable and unlicensed motor vehicles (*e.g.*, recreational vehicles, commercial vehicles, passenger vehicles, construction equipment, trucks, boats, and trailers); inoperable major appliances and equipment (*e.g.*, water heaters, ranges, ovens, refrigerators, mowers); manufactured or mobile homes that are in a dilapidated, uninhabitable condition; construction debris or used construction materials; and household waste. The term "junk" does not include inoperable farm equipment.

Junk Storage means an area of land (outside of an enclosed building) that is used for the storage of junk, except where such junk is input for a rural medium industry or rural heavy industry (in which case the junk storage is considered part of the industrial use); materials that are stored in a salvage yard (see definition of phrase "Salvage Yard"); materials that are stored in a waste transfer station; or materials that are permanently disposed of in a landfill.

K

Kennel means a commercial facility for breeding, boarding, training, and/or selling of household pets. The term "kennel" does not include incidental commercial activities.

L

Landfill means an area of land that is used for the disposal of non-hazardous solid wastes.

Lodging means a building or group of buildings which provides guest rooms for overnight lodging (for terms of less than 30 days), which may also provide the following amenities: (1) food service for guests; (2) conference rooms, ballrooms, and comparable special event space; (3) recreational activities or programming (*e.g.*, swimming, golf, tennis, horseback riding, etc.); (4) personal services (*e.g.*, spa services, fitness training, sports instruction, etc.); or (5) entertainment programming (not including in-room televisions or internet access). Inns or lodges may also be used for private special events (*e.g.*, private parties, corporate retreats, and weddings).

Lot means a recognized subdivision of property with a written legal description that addresses permissions or constraints upon its development. A parcel of land that has passed through a legal subdivision process created by the state and the local jurisdiction. (*e.g.*, Lot and Block description)

Commented [CH14]: Distinguish "lot" v "parcel"
Terminology presented to Surveyors

Lot Frontage means the lot line that is coterminous with a road right-of-way.

Lot Line means a legal boundary of a lot.

M

Maintenance Agreement means an agreement signed by the developer to insure facilities or work to insure correction of failures of improvements required by these regulations, and/or to maintain the same.

Manufactured Home means:

a.—A building that:

- 1) —Is transportable in one or more sections;
- 2) —In the traveling mode is 8 body ft. or more in width or 40 body ft. or more in length; or, when erected on site, is 320 sf. or more in floor area;
- 3) —Is built on a permanent chassis;
- 4) —Is designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities;
- 5) —Includes the plumbing, heating, air conditioning and electrical systems contained therein; and
- 6) —Complies with the standards established under 42 U.S.C. § 5401 *et seq.*, *Manufactured Home Construction and Safety Standards*; or

b.—Any structure that meets all the criteria of the above-stated definition except the size requirements (a)1, and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development that the structure complies with the standards established under 42 U.S.C. § 5401, *et seq.*

Manufactured Home means a factory-built home (built to standards established under 42 U.S.C. § 5401 *et seq.*, *Manufactured Home Construction and Safety Standards*) that can be placed on a piece of land as a permanent dwelling unit. A manufactured home is a portable structure that is capable of being transported on State Highways in compliance with C.R.S. § 42-4-501. The term "manufactured home" shall not include travel trailers, camper trailers,

Commented [15]: Simplify and relation between Mfg, Mobile Home (pre-1976), and Tiny Home. HB22-1242 would distinguish between Tiny Homes (movable) and any size house built on site (permanent)

campers or self-contained motor homes or camper buses. A manufactured home that is less than 400 square feet can also be considered a "Tiny Home."

Manufactured Home Park means a parcel of land that includes streets and utilities, and that is divided into spaces that are individually leased for the purpose of installing a manufactured home for residential purposes. Manufactured Home Parks are designed like a subdivision, providing all utilities and infrastructure, but spaces are leased, not sold. If spaces are to be sold, subdivision shall be required. any site, lot, field or tract of land upon which three or more mobile homes, or other similar moveable structures, including recreational vehicles, placed on developed spaces with water, sewer or septic, and electrical services available for dwelling or sleeping purposes, regardless of whether or not a charge is made for such accommodation.

Commented [CH16]: More specific definition based on number of units. Align with mobile home park resolution (to be integrated) – Separate Attachment

Commercial Marijuana Uses (Commercial) means the following uses:

- a. A medical marijuana center;
- b. A medical marijuana-infused product manufacturer;
- c. An optional premises cultivation operation;
- d. A medical marijuana testing facility;
- e. A retail marijuana cultivation facility;
- f. A retail marijuana products manufacturing facility;
- g. A retail marijuana store; or
- h. A retail marijuana testing facility;

Commented [CH17]: Clean up so in proper alphabetical order

as such phrases are defined by the Colorado Revised Statutes, as amended from time to time.

Minerals Extraction/Quarry means a commercial facility involving the extraction of salable minerals (including, but is not limited to, building stone, clay, coal, diatomaceous earth, gravel, precious or semi-precious stones or metals, or sand) from the earth. The phrase "Minerals Extraction/Quarry" does not include the phrase "Oil and Gas Extraction;" cut and fill operations within a single property or between properties under single ownership; or the construction, cleaning, or reshaping of irrigation ditches or reservoirs (even if the soil is sold for use as fill).

Minor Plat means a final plat where no more than two lots are created through subdivision.

Commented [CH18]: No change to text. Moved to "Plat (Minor)" so plat definitions are together

Mitigation means methods used to alleviate or lessen the impact of development.

Mobile Home means a manufactured home constructed prior to June 15, 1976.

Multifamily means four or more dwelling units attached to one another by any means multiple dwelling units on a single parcel.

Commented [CH19]: Multiple ("multi") family is not just when "attached". Starts to get into density discussion (pending), so may want to defer for that discussion

N

Neighbor shall mean owner of a property adjoining the applicant's property AND other property owners, entities, groups and organizations as determined by the Director.

Commented [CH20]: From BoA By-Laws

Non-Community Water System means a public water system that is not a community water system. A non-community water system is either a “transient, non-community water system” or a “non-transient, non-community water system.”

Nonconforming means a lot, use, structure, or building where the lot, area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Land Use Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Land Use Code.

Non-Transient, Non-Community Water System means a public water system that is not a community water system and that regularly serves at least 25 of the same individuals, corporations, companies, associations, partnerships, municipalities, or State, Federal, or tribal agencies over six months per year.

O

Offices means a building or buildings from which professional, administrative, financial, clerical, brokering, real estate, medical, and limited technical services are provided by a group of three or more unrelated principals, contractors, or employees. The term “Office” includes, but is not limited to, the following businesses or services:

- a. Accounting, auditing, and bookkeeping;
- b. Advertising and graphic design;
- c. Architectural, engineering, and surveying services;
- d. Attorneys and court reporters;
- e. Brokering of motor vehicles, commodities, and other items where the thing brokered is not stored on-site;
- f. Business incubators (unless the businesses being incubated are classified as another type of use);
- g. Computer programming and data recovery services;
- h. Corporate headquarters;
- i. Data mining, data processing, data storage, and word processing services;
- j. Detective agencies;
- k. Government administration or services;
- l. Insurance;
- m. Interior design;
- n. Medical offices and clinics;
- o. Real estate sales and off-site rental services;
- p. Research and development (not including on-site manufacturing or fabrication, and not including marijuana uses);

- q. Retail catalog, internet, and telephone order processing, but not warehousing; and
- r. Shared office and virtual office services.

Official Hazard Area Maps means maps that are on file with the County that identify the general location of natural hazards.

Oil and Gas Extraction means exploration for and production of oil and/or natural gas.²

Oil and Gas Support Services means commercial facilities that provide direct support to oil and gas extraction, including:

- a. Disposal and recycling sites for production waste (except production water disposed through either secondary recovery or deep well disposal methods where the mode of transport to such injection wells is exclusively via pipeline from the source, and no on-site storage occurs)
- b. Oil and gas processing facilities and related equipment, including, but not limited to, compressors that are associated with gas processing or which compress gas to enter a pipeline for transport to market.
- c. Midstream activities, including the processing, storing, transporting, and marketing of oil, natural gas, and natural gas liquids.

The phrase “oil and gas support services” does not include businesses whose activities are primarily manufacturing and fabricating, or whose function is primarily general corporate offices.

Other Active Outdoor Recreation means active outdoor recreation activities not otherwise specifically defined by this Code, such as zip line parks, batting cages, and mini golf courses, or other similar activities. The phrase “other active outdoor recreation” does not include outdoor shooting ranges or other uses that are specifically defined in this Code.

Outdoor Theater means an outdoor area surrounded by rows of seats or benches (which may be tiered) or lawn seating areas, designed for the viewing of sporting events, rodeos, equestrian events, livestock exhibitions, concerts, or other organized entertainment; or an area of land that includes one or more large outdoor screens or other structures for the display of motion pictures, as well as and an area for parking automobiles from which the motion pictures are viewed. The phrase “Outdoor Theaters” may include concession sales.

P

Paintball Course means an outdoor area of land used for mock war games using paintball guns or laser equipment. Paintball courses may include structures, bunkers, obstacles, vending, and pro shops.

Parcel means a quantity of land capable of being described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office. A quantity of land identified for taxation purposes. (e.g., Metes and Bounds description)

Commented [CH21]: Parcel vs Lot
Terminology presented to Surveyors

² Note that this definition may be modified or expanded as the result of the work of the committee that is reviewing the County's oil and gas regulations.

Parks, Passive Recreation, Open Space, or Golf Course means areas of land that provide recreation opportunities outdoors for the public (open to the community) or residents of a subdivision or development, which are generally not commercial in nature (except golf courses, which may be commercial facilities). The phrase “Parks, Passive Recreation, Open Space, Golf Course” includes areas for recreational activities including, but not limited to:

- a. Jogging, cycling, tot-lots, fitness trails, and playgrounds;
- b. Sports fields (*e.g.*, soccer fields, baseball diamonds, or football fields) or outdoor sports courts (*e.g.*, tennis, racquetball, or basketball);
- c. Golf courses and golf driving ranges;
- d. Arboretums, wildlife sanctuaries, forests, and other natural areas which may be used for walking, snowshoeing, mountain biking, or hiking; or
- e. Passive recreation-oriented parks, including picnic areas.

Place of Assembly means an indoor or outdoor space where people gather for civic, cultural, educational or religious purposes, that is not more specifically defined elsewhere. The phrase “place of assembly” includes, but is not limited to, adult day care facility, church, community center, fraternal organization, grange hall, lecture hall, meeting hall, religious or not religious retreat center, mosque, and place of worship, private club, synagogue, or temple.

Plat means a map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

~~**Preliminary Plat** means the map of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.~~

~~**Plat (Final)** means a map, or maps, of a land subdivision prepared in accordance with this Code, with necessary affidavits, dedication and acceptances and with complete bearings and dimensions of all lines defining all lots, boundaries, easements, roads, driveways, building areas, non-building areas, intended as an instrument for recording with the County's Clerk and Recorder.~~

~~**Plat (Minor)** means a final plat where no more than two lots are created through subdivision~~

~~**Plat (Preliminary)** means a subdivision where 3 or more lots are created, showing the salient features of a proposed subdivision submitted to an approving authority for purposes of consideration prior to a final plat.~~

~~**Plat (Vacation)** means a plat illustrating the vacation of a portion of a dedicated right-of-way. Vacation, as used with land use actions, can also apply to vacating portion(s) of an approved (phased) Plat, consistent with provisions of State law.~~

Prohibited Uses means a group of land uses that are not allowed anywhere in the unincorporated Delta County.

Public Water System (“PWS”) means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service

Commented [CH22]: Not used in LUC where it needs definition. Remove possibility to confuse with Preliminary Plat.

Commented [CH23]: Minor Plat renamed and relocated so all “plat” terms are together. Added other Plat terminology per what was presented to Surveyors

connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. The phrase includes:

- a. Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such systems.
- b. Any collection or pretreatment storage facilities not under such control, which are used primarily in connection with such systems.

A Public Water System is either a "Community Water System" or a "Non-Community Water System." The phrase "Public Water System" does not include the phrase "Ditch Company."

R

Racetrack means a commercial facility consisting of a track, either paved or unpaved, which is used primarily for the sport of racing motor vehicles (e.g., cars, go-karts, motorcycles, or all-terrain vehicles). A racetrack may include seating, concession areas, restaurants, sky boxes, parking facilities, maintenance facilities, accessory offices, and accessory retail facilities. The phrase "race track" includes any facility used for driving automobiles under simulated racing or driving conditions (test tracks, "shakedown" tracks, or other similar facilities), regardless of whether they include seating, concession areas, or retail facilities for the general public.

Record (aka Results, Certificate) of Survey means a detailed map that identifies and documents existing conditions, including physical boundaries or property lines for a specific parcel of land and/or right-of-way. Results in no change from existing conditions.

Rebuttable Presumption means a fact that is presumed to exist unless it is disproved by a preponderance of the evidence.

Recreational Vehicle means a vehicular-type unit that is primarily designed as temporary quarters for recreational, camping, or travel use, that either has its own motive power or is mounted on or drawn by another vehicle used for living or sleeping and/or recreational, camping, or travel purposes, that either has its own motive power or is mounted on or drawn by another vehicle. Includes automobiles when used for sleeping purposes, pick-up coaches (campers), motorized homes, boats, travel trailers and camping trailers not meeting the definition or specification for a manufactured or mobile home.

Recreational Vehicle Park means any site, lot or parcel of ground occupied or intended for occupancy two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers, whether or not a fee is charged. Storage of two (2) or more unoccupied recreational vehicles does not constitute an R.V. park.

Renewable Energy Facility means a commercial facility for the production of more than 100 kW of renewable energy (e.g., solar, wind, or geothermal). Renewable energy facilities include necessary transmission. The phrase "renewable energy facility" does not include the generation of renewable energy to cover the energy demands of the principal land use, even if the demands exceed 100 kW.

Replat means a procedure by which minor amendments may be made to an approved final plat where the revision involves minor adjustments to lot lines and/or building envelopes.

Commented [CH24]: Part of terminology presented to Surveyors

Commented [25]: Edited to better align with Rubbish/Junk Ord and Pre-HUD Ord.

Commented [CH26]: DMEA Threshold is 25kW. Separate discussion item if LUC should distinguish terminology and process (type of permit):
Personal use
small-scale (<40 acres)
utility-scale v large-scale

minor amendments to plat notes, minor right of way adjustments, or minor utility easement adjustments. All lands must be part of ~~a previously approved the same final~~ plat, no additional lots or building site are created, no impacts to county roads or other service providers is created, or the revision corrects minor errors on the plat.

Residential Use means any property, whether developed or not, that is zoned A5 or UGA, and any other property that has a residential tax assessment indicating residential use of the property. For the purposes of measuring setbacks for Intensive Agriculture, the setback should be measured from the property line of the property that meets the Residential Use definition.

Resort or Conference Center Hotel means a commercial facility that provides more than 10 rooms for overnight accommodations for terms of less than 30 days, which may also provide the following amenities: (1) food service for guests; (2) conference rooms, ballrooms, and comparable special event space; (3) recreational activities or programming (*e.g.*, swimming, golf, tennis, horseback riding, etc.); (4) personal services (*e.g.*, spa services, fitness training, sports instruction, etc.); or (5) entertainment programming (not including in-room televisions or internet access).

Restaurant means any commercial facility in which the principal business is the sale of food and beverages to customers in a ready-to-consume state, for consumption either within the restaurant building, outside but on the premises, or off the premises, and which may include a drive-in or drive-through facility. Fermented malt beverages, and/or malt, special malt, or vinous and spirituous liquors may be served pursuant to applicable alcohol beverage licenses.

Retail Sales and Services means a commercial facility characterized by the selling of tangible goods/merchandise or services/intangibles directly to the consumer, generally without an appointment. The phrase "Retail Sales and Services" does not include terms and phrases that are more specifically defined (*e.g.*, "Marijuana Uses," "Automobile Fueling or Service Station," or "Truck Stop/Truck Wash").

Rural Heavy Industry means industrial uses that are not described specifically elsewhere, and which may be described in one of the following four ways:

- a. Primary processing or manufacturing or repair operations that involve:
 - 1) A material risk of significant environmental contamination, explosion, or fire;
 - 2) Perceptible ground vibration at the property line;
 - 3) Excessive noise or dust emissions at the property line and downwind;
 - 4) Large-scale outdoor storage of inputs or products;
 - 5) Significant outdoor installations of processing equipment;
 - 6) Outside emission of objectionable odors;
 - 7) More than 30 trips by semi-trailer trucks per day; or
- b. Processing of minerals (except precious and semi-precious stone cutting for jewelry or precision instruments such as lasers or watches), ores, or fossil fuels; or

- c. Activities that are required to undergo New Source Review under the Federal Clean Air Act, or are subject to construction or operation permits pursuant to the Colorado Stationary Sources Program or Title V of the Federal Clean Air Act; or

Industrial Wastewater Treatment Facility, which is any facility or group of units used for the pretreatment, treatment, or handling of industrial waters, wastewater, reuse water, and wastes that are discharged into state waters.

Rural Light Industry means an industrial operation that does not emit unusual or excessive dust, smoke, fumes, gas, noxious odors, or noise, and which has operations that are generally confined within buildings or structures. Such uses may include, but are not limited to, grain elevators, grain storage and mixing, gun manufacturing, light manufacturing, warehouses, packing plants, and food or beverage processing and packaging facilities (including wineries, breweries, and distilleries) that are conducted entirely within enclosed buildings.

Rural Medium Industry means an industrial operation that may include outdoor storage or operations, or which emits dust, smoke, fumes, gas, noxious odors, or noise, but which does not involve material hazards or require an individual permit under the Clean Air Act or Clean Water Act. Such uses may include, but are not limited to, farm machinery manufacturing, assembly, or repair; motor vehicle body shops or repair shops; machine shops; manufacturing facilities, hemp processing that involves outdoor storage or flammable chemicals; slaughterhouse or rendering plant; and food or beverage processing and packaging facilities (including wineries, breweries, and distilleries) that are not conducted entirely within enclosed buildings; and sawmills or pulp mills that do not qualify as “Rural Heavy Industry” due to their scale.

Rural Recreation and Hospitality means a group of land uses that involve outdoor recreation, overnight accommodations, and entertainment in the rural environment.

Rural Residential means a group of residential land uses that are permissible in the County.

S

Salvage Yard means a commercial facility that is maintained, used, or operated for storing, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts (such salvage yards are also referred to by Colorado statutes as “automobile graveyards”).

Sawmill or Pulp Mill means a commercial facility where logs are sawn, split, shaved, stripped, chipped, or otherwise processed, or other plant materials are processed, to produce wood or fiber products. The phrase “sawmill or pulp mill” does not include the processing of timber for use on the same lot by the owner or resident of that lot.

Schools and Child Care Centers means facilities that are operated for the care and education of children, or that provide secondary or vocational education to children or adults. The phrase “Schools and Child Care Centers” does not include any facility that is licensed as a family child care home, a foster care home, or a specialized group facility that is licensed to provide care for three or more children pursuant to C.R.S. § 26-6-102(10), but that is actually providing care for three or fewer children who are determined to have a developmental disability by a community centered board, or who are diagnosed with a serious emotional disturbance.

Sensitive Lands means land that because of its elevation, topography, vegetation, unique or exceptional agricultural value, habitat or wildlife corridor value, water resource value, historic or cultural value has been determined by the Board of County Commissioners (as specified in this Code) or other agencies with jurisdiction to require special consideration or specific regulation.

Sexually-Oriented Business means any business defined by Colorado Revised Statutes or further defined through Colorado case law as a sexually oriented business.

Shall means mandatory.

Shooting Range means a commercial facility with an outdoor area designed and operated for shooting firearms at targets (*e.g.*, skeet, trap, target, or comparable sport shooting). The phrase “shooting range” does not include the phrase “hunting, fishing, or watersports club,” nor does it include hunting on public or private land.

Short-Term (Vacation) Rental means a primary dwelling or accessory dwelling structure that is rented for durations of less than 30 consecutive days. This includes dwellings rented out by individual owners and dwellings rented out on behalf of an owner by a property management entity.

Commented [CH27]: Term used in current legislation
Includes Airbnb, Vrbo, and other types of vacation rentals

Silviculture means the commercial cultivation of forest trees for wood or pulp. It does not include the phrases “hemp cultivation” or “marijuana uses,” or the incidental sales of firewood or mulch that is created from trees that are removed, cut, or pruned in the normal course of landscape maintenance, land development, or disaster response.

Single-Family Detached Cluster Option means a group of single family detached residences that are constructed on lots that are smaller than the applicable zoning district would otherwise allow, such that a portion of the original property may be put to use as open space, farmland, and/or an area for natural resource preservation.

Commented [CH28]: Related to Clustered Subdivision, not used in LUC context, so no need to define.

Single-Family Detached Residence means a dwelling unit that occupies an individual building, and is separated from other buildings and dwelling units by outside walls. Tiny homes, recreational vehicles, yurts, or other structures that are not generally intended for permanent living may be considered single-family detached residences when connected to permanent, reliable infrastructure, including power, water, and either sewer or a permitted individual sewage disposal system.

Site Plan means a drawing, to scale, showing the location of buildings, access, and infrastructure, or other information necessary to demonstrate compliance with the requirements of this code.

Sketch Plan means a drawing, not necessarily to scale, showing the location of buildings, access, and infrastructure, or other information necessary to demonstrate compliance with the requirements of this code.

Commented [CH29]: Changed to “Concept” Plan to differentiate from past practices where Sketches went to hearing bodies.

Slaughterhouse means a commercial facility where livestock is slaughtered and/or prepared (*e.g.*, butchering, processing, packing, or treating) for distribution (*e.g.*, to food distributors, retailers, restaurants, or directly to consumers). The facilities may be designed to accommodate the confinement of live animals prior to slaughter and the storage of meat products prior to distribution or sale.

Subdivided Land. See “Subdivision or Subdivided Land”

Subdivider or Developer means any person, firm, partnership, joint venture, association, or corporation participating as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision.

Subdivision or Subdivided Land means any parcel of land in the unincorporated Delta County that is to be used for condominiums, apartments, or any other multiple-dwelling units, unless such land when previously subdivided was accompanied by a filing that complied with the provisions of this Code, or previous Delta County Subdivisions, with substantially the same density, or which is divided into two or more parcels, separate interests, or interests in common, unless exempted as provided in this definition. As used in this definition, "interests" includes any and all interests in the surface of land but excludes any and all subsurface interests. The following are not included within the definition of "subdivision or subdivided land":

- a. Any division of land which creates parcels of land each of which comprises 35 or more acres of land and none of which is intended for use by multiple owners.
- b. Unless the method of disposition is adopted for the purpose of evading this Code, the terms "subdivision" and "subdivided land," shall not apply to any division of land:
 - 1) Which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five or more acres per interest;
 - 2) Which could be created by any court in this state pursuant to the law of eminent domain, or by operation of law, or by order of any court in this state if the Board of County Commissioners is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of this Code prior to entry of the court order; and, if the Board does not file an appropriate pleading within 20 days after receipt of such notice by the court, then such action may proceed before the court;
 - 3) Which is created by a lien, mortgage, deed of trust, or any other security instrument;
 - 4) Which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;
 - 5) Which creates cemetery lots;
 - 6) Which creates an interest in oil, gas, minerals, or water which is severed from the surface ownership of real property;
 - 7) Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and any such interest shall be deemed for purposes of this definition as only one interest;

- 8) Which is created by the combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than 35 acres in land area, only one interest in said land is allowed. If the resulting parcel is greater than 35 acres in land area, such land area, divided by the number of interests in the resulting parcel, must result in 35 or more acres per interest. Easements and rights-of-way shall not be considered interests for purposes of this clause.
- 9) Which is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide, pursuant to this Code, the land which the purchaser is to acquire pursuant to the contract; and
- 10) Which creates a cluster development pursuant to the rural land use process.

Subdivision Improvements Agreement means ~~one or more security~~ arrangements that the County accepts in order to ~~guarantee completion and financially secure~~ing the ~~actual~~ cost of construction of such public improvements as are required by subdivision regulations within the subdivision.

Subdivision Regulations means those provisions of this Code that control the subdivision of land, including Chapter 4, Site Design and Environmental Stewardship; Chapter 5, Public Facilities, Infrastructure, and Services; Chapter 6, Land Dedication and Fees-in-Lieu; those of Chapter 8, Review Processes that specifically address subdivision (minor plats, preliminary plats, and final plats); Chapter 11, Nonconformities; Chapter 12, Appeals; Chapter 13, Enforcement & Remedies and related definitions. Standards that are included within the subdivision regulations are applied as provided in this Code (e.g., to conditional uses), and are not necessarily limited to subdivision approvals.

Surveyor means one who is licensed by the State of Colorado as a land surveyor and is qualified to make accurate field measurements and to mark, describe, and define land boundaries.

T

Theater means a building that is used for dramatic, operatic, or other live performances, or for the display of motion pictures, which is open to the public, and where audience members pay for admission. The term "Theater" does not include the phrase "Sexually-Oriented Business."

Through Lot means a lot with a street frontage at the front and rear lot lines.

Tiny Home means ~~a portable structure that is capable of being transported on State Highways in compliance with C.R.S. § 42-4-501, which meets the following criteria:~~

- ~~a. It is primarily designed to provide temporary living quarters for recreational, camping, travel, or seasonal use;~~
- ~~b. It is built on a single chassis mounted on wheels, or on skids; and~~
- ~~c. It has a gross trailer area not exceeding 400 square ft. in the set-up mode.~~

~~The phrase "tiny home" does not include dwelling units that do not exceed 400 square ft. in floor area if they are constructed on a permanent foundation and not thereafter designed to be transported. Such dwelling units are "single family detached dwelling units." a manufactured~~

dwelling unit with a maximum of 400 square feet of floor area, excluding lofts, to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation built in accordance with the state building code; is mounted on a wheeled trailer chassis and is titled and registered to tow legally; and is designed and built to look like a conventional residential structure, using conventional building materials (thus architecturally distinct from mobile homes and RVs).

Commented [CH30]: HB22-1242 includes Tiny Homes with manufactured units and Mobile Home Park provisions. Distinguish mobile from fixed or built on site (a unit built on site is a unit regardless of size).

Transient, Non-Community Water System means a non-community water system that does not regularly serve at least 25 of the same individuals, corporations, companies, associations, partnerships, municipalities, or State, Federal, or tribal agencies over six months per year.

Triplex means a multifamily residential property with three, attached living units.

Commented [CH31]: Align with Table 2.b

Truck Stop/Truck Wash means a commercial facility engaged primarily in the fueling, servicing, repair, washing, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. The phrase "Truck Stop/Truck Wash" may also include overnight accommodations, showers, or restaurant facilities that are primarily for the use of truck crews.

U

Unincorporated means situated outside of cities and towns, so that, when used in connection with "territory," "areas," or the like, it covers, includes, and relates to territory or areas that are not within the boundaries of any city or town.

Utilities, Communications, Mining, Energy, Transportation, and Disposal Land Uses means a group of land uses that involve utilities, communications, mining, energy, transportation, and disposal.

V

Value-Added Agricultural Processing means the processing and/or packaging of agricultural products, for which the primary ingredient is raised or grown on the site of the processing or packaging. The phrase "Value-Added Agricultural Processing" may include the sales of such products. The phrase "Value-Added Agricultural Processing" does not include processing agricultural products into fuels, lubricants, paints, varnishes, or the like.

Veterinary Hospital or Clinic means a commercial facility where animals are brought for medical or surgical treatment, and where such animals may be held during the time of treatment and recuperation.

W

Water or Wastewater Treatment Plant means the facility or facilities within a public water system, that is (are) used to alter the physical, chemical, or bacteriological quality of the water (*e.g.*, to make it potable) before it reaches the consumer; or a "Domestic Wastewater Treatment Facility," which is any facility or group of units used for the treatment of domestic wastewater or for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units is discharging into state waters. The phrase "Water or Wastewater Treatment Plant" does not include the phrase "on-site wastewater treatment system."

Wetland means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wildfire means a fire occurring in a wildland, rural setting.

Wildfire Hazard Area means an area designated by the Colorado State Forest Service as having a high or severe wildfire hazard rating.

Wildfire Hazard Rating means a rating provided by the Colorado State Forest Service regarding an area's potential wildfire hazard.

Wildlife Habitat means a natural or man-made environment which contains the elements of food, shelter, water and space in a combination and quantity necessary for the survival of one or more wildlife species.

Wireless Communications Facility means a facility and all elements thereof, including but not limited to support towers, antennas, and accessory equipment buildings, that together facilitate communication by the electronic transmission of telephone, radio, television, internet, wireless, or microwave impulses of an FCC licensed carrier, but excluding those used exclusively for private radio and television reception, private citizen's band, or amateur radio communications.

Y

Yurt means a semi-permanent building (typically round in shape) that is constructed using a pole or lattice framework that is covered by fabric or other flexible material.

Development Application Process(es)

The following reflects all the different steps involved in the land use process. Not all steps apply in all cases (See "Applicability").

1. Contact the Permit Center for a preliminary meeting before drawing a plat/plan, in order to try and avoid issues later.
2. Exemptions (State Statutes)

Applicability:

Boundary Agreement, Record of Survey, 35+ Acre Plat

Can be recorded without County review; however, Resolution 2003-R-027 requires review of Street Plans in "35-Acre Plus" Subdivisions (PC and BoCC)
Any change to property descriptions requires tax clearance (Step #27)

3. Development Application (LUC + Dev App)
 - Submitted through the Permit Center (Planning Department)
 - Questionnaire
 - Site Plan (Sketch/Concept)

Applicability:

Boundary Line Adjustment, Replat, Minor Plat, Preliminary Plat, Vacation Plat.
Variance, Allowed Use, Permitted Use, Limited Use, Conditional Use, Rezone
Right-of-Way Use Permit (Access, Utility), Address.
35+ Acre Subdivision Street Plan

Staff review in accordance with Master Plan, Land Use Code, Road Standards, Address Regulations, Septic Standards, including good planning practices

Initial review by Planning each Friday for applications received during the week
Assign or set pre-application meeting

4. Pre-Application Conference (LUC)/Site Plan Review (Dev App)
 - If applicable, includes County land use staff (Planning, Engineering, GIS, Road & Bridge, Env Health)
 - Also includes applicants/representatives
 - Invite other responsible agencies (municipality, BLM, etc) if applicable
 - Understand Applicant intent/objective
 - Identify applicable regulations/issues
 - Explore options

Applicability:

Required unless waived by the Director

Development Application Process(es)

5. Staff provides a summary Letter (LUC + Dev App); within 21 days of the pre-application meeting, or 21 days from the application submittal date if there is the pre-application is waived
 - Checklist(s)
 - Applicable Fees
 - Outline process
6. Applicant submits materials & fees (LUC + Dev App)
 - Checklist
 - Site Plan or Plat (if no variance required – Skip Steps #8&9)
 - Supporting Information
7. Staff Review (LUC)
 - Completeness Review (within 7 days)
 - Technical and Sufficiency Review (concurrent with Agency Review, 21-days – See #11)
8. Board of Adjustment (LUC)
 - Public hearing, notice at least 2 weeks prior
 - Staff report Wednesday 1 week prior
 - Resolution (Approve, Conditionally Approve, Deny)
 - BOA action required before processing the subdivision
 - BOA meets 4th Thursday of each month (if needed)

Applicability:

Variance, Appeal of Administrative Determination or Decision.

Variance required if the project does not meet applicable standards in the LUC: 1) Lot Size; Creating lots that do not meet minimum size (except Boundary Line Adjustment); 2) Setbacks; New lot lines do not meet setbacks from existing structures. Septic variance is a separate process through Environmental Health - Board of Health.

9. Staff sends Follow Up Letter (Staff Initiated)
 - Summarize Action/Next Steps
10. Applicant Submit Plat
 - Checklist

Applicability:

Boundary Line Adjustment, Replat, Minor Plat, Preliminary Plat, Vacation Plat

11. Staff sends application to Referral/Review Agencies (LUC)
 - Minimum 21-day review/comment period (max. 30 days)
 - Include adjacent Property Owners

Applicability:

Development Application Process(es)

Replat, Minor Plat, Preliminary Plat
Limited Use, Conditional Use

12. Staff provides Recommended Revisions (LUC)

- Letter/Email with redline/comments

13. Applicant revises and resubmits

- Changes per staff comments
- Written response to comments that did not result in changes

Per LUC:

Director may send back to referral agency to review changes that substantially affect their interests.

Additional fees can be charged if revisions are inappropriate or incomplete, and if there are more than three rounds of revisions (failure to address comments).

14. Administrative Review (LUC)

- Memorandum (Approve, Conditionally Approve, Deny)
- Plats require notice at least 2 weeks prior

Refer to BoCC where dedication required

Applicability:

Boundary Line Adjustment, Replat, Minor Plat, Final Plat (no dedication)
Allowed Use, Permitted Use, Limited Use

15. Planning Commission (LUC)

- Public hearing, notice at least 2 weeks prior
- Staff report Wednesday 1 week prior
- Recommend BoCC Approve, Conditionally Approve, Deny
- PC meets 2nd and 4th Wednesday of each month

Applicability:

Preliminary Plat (includes clustered design)
Rezone, Conditional Use, Director Referral
35+ acre subdivision Street Plan

16. Follow Up Letter (Staff Initiated)

- Summarize Action/Next Steps

17. Board of County Commissioners (LUC); PC recommendation

- Public hearing, notice at least 2 weeks prior
- Staff report Wednesday 1 week prior
- Resolution (Approve, Conditionally Approve, Deny)
- BoCC meets 1st and 3rd Tuesday of each month

Development Application Process(es)

Applicability:

Preliminary Plat (includes clustered design)

Rezone, Conditional Use, Director Referral

35+ acre subdivision Street Plan

18. Staff Sends Follow-Up Letter (Staff Initiated)

- Summarize Action/Next Steps

19. Applicant submit final documents to Permit Center (as applicable)

- Shared Access/Maintenance Agreement
- Irrigation Plan
- Deed to reflect transfer of land (Quit Claim)
 - o Owner A to Owner B
- Deed(s) to effectuate the new legal description(s) of any revised parcels
 - o Owner A to Owner A
 - o Owner B to Owner B
- Final Plat (unsigned)
- Deeds to dedicate Right-of-Way (Fee Simple Title)

Applicability:

Boundary Line Adjustment, Replat, Minor Plat, Preliminary Plat, Vacation Plat.

20. Staff Review that all of the above is completed, including clearing conditions and addressing comments if applicable.

21. Route to County Surveyor for Review.

- Surveyor Plat Review Checklist (per Statute)

Applicability:

Boundary Line Adjustment, Replat, Minor Plat, Preliminary Plat, Vacation Plat.

22. Final Redline/Comments

23. Submit Final Plat (LUC)

- Plat signed by legal property owners with Deed(s) to effectuate the legal description(s)
 - Provide blank space(s) to write in Reception #s on Deed(s) and Plat where there is dedication
- Mortgagee clearance if loan on any affected property
- Notary as applicable

Applicability:

Boundary Line Adjustment, Replat, Minor Plat, Preliminary Plat, Vacation Plat.

24. Route to County Surveyor for signature.

Development Application Process(es)

25. Planning Director signature.

26. Board of County Commissioners (LUC); items with no PC recommendation

- Certify all conditions met
- Accept Final Plat
- Accept dedication (if applicable)

Applicability:

Minor/Final Plat (with dedication), Preliminary/Final Plat, Accept Dedication, Vacation Plat

Appeal of BOA Decision.

27. County Treasurer

- Tax clearance
 - o Required when changing description of any property
 - o Signature block for County Treasurer that includes the Parcel Account Number.
 - o Document showing taxes paid
 - Valid up to October 31, or may need new clearance certification
- Mortgagee clearance agreeing to adjustment(s)
 - o Acceptance by loan/mortgage company required where there is any mortgage/loan on the subject property/ies
 - o Either a letter from the lending institution or a signature block on the plat.

Documentation can be completed ahead of Final Plat

Applicability:

Boundary Line Adjustment, Replat, Minor Plat, Preliminary Plat, Vacation Plat.

28. Record documents (Planning to record upon receipt of recording fees)

- o Resolution/Memorandum
- o Fully executed Plat
 - Record plat before deeds
- o Fully executed Deed(s)
 - Record on the same day as plat (together)
- o Fill in blank space(s) with applicable Reception #s on Deed(s) and Plat where there is dedication
- o Deeds dedicating right-of-way to County is paid by County (no fee)

Applicability:

Boundary Line Adjustment, Replat, Minor Plat, Preliminary Plat, Vacation Plat.

Deeds

Memorandum/Resolution

Delta County Board of Commissioners
Delta County Administrator - Robbie LeValley
Delta County Surveyor – Jess Messenger

This correspondence is respect to the new Delta County Land Use Code.

Some of the issues have been brought fore in a letter dated June 9, 2021 from Randy Wilmore and Kris Crawford of Wilmore & Company Professional Land Surveying, to the Delta County Planning Department. Concerning the new Delta County Land Use Code. (See attached letter)

As professionals we have become participants in the process through the Delta County Planning Department. We are seeking clarity and understanding for all procedures that are mandated to follow those steps so that we may have a better understanding as to serve our clients better.

We also recognize that the Land Use Code document is the only currently available document for public viewing and are of the understanding that the Land Use Code as adopted, may still require some modifications to cover all situations.

We believe all documents should be readily available to professionals and public alike, making it easier to educating the general public to the overall workings of each procedure as well as develop a realistic timeline for each procedure.

It is recognized that the Land Use Code needs updating with the newly developed requirements and procedures as outlined in your applications and checklists and that it is believed that it would not be too much of hardship for the Delta County Planning Department accommodate those changes and to post those documents on the Delta County website.

It is realized that these changes may take BOCC approval, we recognize that this will take time and discussion to accomplish.

We also see issues with certain items within the Codes that we see as having conflicts within themselves, Statue and or nomenclature:

We as Professional Licensed Land Surveyors are bound by State Statue as well as by Nomenclature (the devising or choosing of names for things, especially in a science or other discipline). Some items within the Land Use Code have conflicts with Nomenclature as adopted by statue and publication relating to the surveying industry.

- Lot or Lots refers to specific parcels of land by their lot number or letter and the block, or subdivision plat, in which the lot is located.
- Parcel of land means any quantity of land capable of being described with such definiteness that its locations and boundaries may be established.
- The term "tract" when used in reference to land has no specific legal meaning. Tract of land can be used exactly like piece of land or parcel of land. The word does not indicate size but it does imply that the land is contiguous, the size is known or knowable and the boundaries established.
- 2009 Manual of Instructions, defines Tracts, Lots, and Parcels as

10-2. Special surveys may involve areas of land that are not aliquot parts of sections but are designated as tracts, lots, or parcels. In common usage, the term "tract" is applied to an expanse of land of no particular size, often irregular in form. In modern Federal land surveys, the term is used specifically to mean an

expanse of land that lies in more than one section or that cannot be identified in whole as a part of a particular section. It is properly described by tract number and township. Tracts within a township are numbered beginning with 37 or the next highest unused numerical designation to avoid confusion with section numbers. Tracts that have been segregated in the course of an independent resurvey are treated as described under that subject.

10-3. A “lot” is an irregular expanse of land with a Federal interest lying entirely within a surveyed section. Small expanses of land, when not aliquot parts of sections, are designated as lots wherever they can be identified as parts of a section. The description is by lot, section, and township.

10-4. A “parcel” is a special designation used for identification of an expanse of land. Parcels may include land with no Federal interest and should be so designated except in independent resurveys, or if the proper name is “Tract ____.” To distinguish among several parcels, they may be called “Parcel A,” “Parcel B,” and so on. The Bureau of Land Management (BLM) does not modify land descriptions of alienated lands. The designation of alienated land as a parcel is for administrative purposes only and as a reference to the existing land description of the parcel. It does not change the chain of title.

- Replat: means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.
- Replat means the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an out lot within a recorded subdivision plat without changing the exterior boundaries of the out lot is not a replat.
- Replat or “Redivision” shall mean an action resulting in the division of a lot located within a previously recorded binding site plan, plat, or short plat.

Delta County Land Use Codes define Boundary Adjustments under Chapter 10, Section 3 as:

Intended for adjustment or revision of established, undisputed, existing boundary lines between parcels not previously subdivided, and where such adjustment does not result in the creation of an additional lot less than 35 acres. (Chpt. 10, Sec. 3-A-1 of the Land Use Code)

2. Standards and Limitations.

- a. For the transfer of ownership from one owner to another, all parties must acknowledge their agreement to permanently adjust a boundary lines(s) by their signature on the final plat for the boundary line adjustment. All signatures must be notarized.
- b. The surveyor shall certify that no new lots less than 35 acres are being created as a result of the boundary adjustment.

Lot Line Adjustment (LLA) and Boundary Adjustment (BA) are both shown on the Subdivision Checklist as separate procedures with the following definitions:

Lot Line Adjustment: Changing boundary lines between parcels/lots, resulting in equal number of lots.

Boundary Adjustment: Changing (omitted) boundary lines where all resulting lots are 35+ acres in size, not part of a prior subdivision, and not intended for development.

The Delta County Land Use Code definition a lot as:

Lot area is the area contained within the boundaries of a lot.

By definition (Lot or Lots refers to specific parcels of land by their lot number or letter and the block, or subdivision plat, in which the lot is located), should be the only item subject to the Lot Line Adjustment, replat or subdivision regulations.

We as professional surveyors are of the understanding that the Boundary Adjustment process meets the criteria for exemption from subdivision regulations as long as no new parcels are created.

Boundary Line Adjustments can result in parcels that range in a variety of sizes.

We understand that this process is subject to County review as to deem that no new parcels were created and that the recording of all documentation, plat, deeds are done correctly. This process should not have Subdivision standards applied, such as (designed to meet setbacks for septic and structures, etc.) and whatever else may be applied such as review from departments such as Environmental Health, County Road and Bridge, County GIS, Municipality and/or Adjacent Counties, Ditch companies and water providers.

The definition of a Boundary Adjustment within the checklist also raises another point for clarification. It is our understanding as Professional Land Surveyors that parcels over 35 acres are exempt from subdivision procedures.

Resolution No. 2003 R-027 RESOLUTION REQUIRING REVIEW OF STREET PLANS IN "35-ACRE PLUS" SUBDIVISIONS. WHEREAS, Delta County has adopted subdivision regulations which exempt parcels of land subdivided into 35 acres or more in size.

Colorado states that no new parcel created over 35 acres in size can be landlocked.

The courts have agreed that under Colorado Law land subdivided into 35-acre lots or above cannot be legally deemed a "subdivision" under county authority. Meaning that counties cannot enforce this policy on those size tracts. In retrospect, is this even a necessary procedure within the Delta County Planning Department?

We feel that there are more items that may need to be discussed. We believe that a meeting is needed in either a public or private form, to discuss this with the Delta County Board of Commissioners, Delta County Planning Department and Delta County Administrator – Robbie LeValley, the issues raised in this correspondence.

It is not our intent to oppose the adoption of the new Land Use Code, but it is our duty as professionals to ensure all parties involved are informed on all matters pertaining to said Land Use Code.

We are simply looking for an open line of communication within this multi-perspective discussion. We believe that complete transparency is the proper way to handle all situations and to reflect the regulations in a meaningful way to the public. Please take into consideration our offer to meet and discuss, as well as utilization of our experience to assist in developing the process.

Thank You for Your Consideration,

1. Kenneth Schaaf - PLS 38114
2. Randy A. Wilmore - PLS 25972
3. Kris Crawford - PLS 38255
4. Brian Dirk Hatter - PLS 26597
5. Fred Ballard - PLS 37690
6. Jeff Schaaf, - PLS - 37974
7. Charles Dubs- PLS 38016
8. Ernie Schaaf, Retired – PLS 12457

21 July 2021

Delta County Board of County Commissioners,

This letter is in response to several email correspondences that have occurred between the Planning Department and our office regarding the new Land Use Code and the implementation of the process as laid out within that code. We are seeking clarity and understanding for all procedures that are mandated to follow those steps so that we have a better understanding and can better serve our clients. We understand that the Land Use Code as adopted at the beginning of 2021 may still require some modifications to cover all situations, but we also recognize that the Land Use Code document is the only currently available document for public viewing. As we have become participants in the process through the Delta County Planning Department, it has become apparent that there are many more documents and requests than are publicly available prior to beginning the process. It would be helpful and informative to have those documents be more easily accessible and for those requirements to be added to the Land Use Code. Please correct us if we are wrong, but it was our understanding that the Land Use Code was the controlling document for the processes within the Delta County Planning Department. We would appreciate an opportunity to discuss in person with the Delta County Board of County Commissioners and Planning Department and any other pertinent officials, departments or persons as may be deemed appropriate. Here are a few of the items we wish to clarify, which may be easily handled within this meeting.

1. Individual Process/Procedures

We have spoken several times since before April, when applications were accepted once again, and as expected this has changed once these processes were actually taking place. We would suggest a document that outlines each process, possibly a flow chart, that will allow us and the public to better understand the complete process. In order for all aspects to run smoothly, the Delta County Planning Department needs to educate the associated professionals, as well as the general public. We have had several clients approach us believing they had received approval after the pre-application meeting, only to be surprised when they receive the bulkier application for their process shortly after the meeting. Being that we do not attend all of the pre-app meetings, we are unsure where the confusion exists, but feel there are ways to remedy the confusion.

2. Boundary Adjustments-Chapter 10, Section 3 of the Land Use Code

A. Definition: Adjustment or revision of established, undisputed, existing boundary lines between parcels not previously subdivided, and where such adjustment does not result in the creation of an additional lot less than 35 acres. (Chpt. 10, Sec. 3-A-1 of the Land Use Code)

This in itself may need some revision, as it describes adjustments between Parcels, yet ends with ensuring that no new Lot is created. This may simply a discrepancy in

meaning, but typically Lots are associated with Subdivisions, which are explicitly removed from this process.

Lot Line Adjustment (LLA) and Boundary Adjustment (BA) are both shown on the Subdivision Checklist as separate procedures with the following definitions:

Lot Line Adjustment: Changing boundary lines between parcels/lots, resulting in equal number of lots.

Boundary Adjustment: Changing (omitted) boundary lines where all resulting lots are 35+ acres in size, not part of a prior subdivision, and not intended for development.

Clearly the definition within the Land Use Code differs from the definition within the checklist for a Boundary Adjustment. The definition of the LLA is more closely related to the Land Use Code definition for a Boundary Adjustment. This appears to be an area that needs clarified and updated, so that a standard holds true across the board and is easily accessible by professionals and public alike. The definition of a Boundary Adjustment within the checklist also raises another point for clarification. It is our understanding that parcels over 35 acres are exempt from subdivision procedures, so long as any adjustment to boundaries does not create a parcel under 35 acres. So in retrospect, is this even a necessary procedure within the Delta County Planning Department?

3. Documents-Applications, Checklists, Reviews

As mentioned previously, we believe all documents should be readily available to professionals and public alike. In that way we would be able to better discuss with our clients what the procedure looks like and a realistic timeline for each procedure. We believe that it would not be too much of hardship for the Delta County Planning Department to post those documents on the Delta County website. We also believe the Land Use Code needs updating with the newly developed requirements and procedures as outlined in your applications and checklists. Whereas this may take BOCC approval, we recognize that this will take time and discussion to accomplish. We would like to offer a few suggestions on documents to assist in educating professionals and the general public in the overall workings of each procedure:

A. Procedure Flow Chart-Outline each procedure with each stage of the process, the necessary documents and actions at each stage and a general timeline for each stage within the Delta County Planning Department.

B. Appendix of Dedications and Signature Blocks-A comprehensive list of all dedications, signature blocks, and other pertinent information needed on the plat. This would allow the Delta County Planning Department to create these items to fit the intent of the process and create a standard across all procedures for professionals to follow.

C. Appendix of Plat Notes-With the adoption of the new Land Use Code it have become apparent that some of the old plat notes do not apply. A new list of plat notes needs to be

created, to better fit the new Land Use Code, and should be distributed to professionals and available to the public.

As we have progressed through the new procedures and diligently worked at understanding the new system, several questions are raised by us as Professionals and by our clients, whom are the general public that we all work for in one way or another. The following are some areas we feel need further inspection and clarification:

1. The applications and checklists are all encompassing documents. What this does, is to treat all processes as if they are developments. We are unsure why a simple boundary line adjustment should follow very similar parameters and regulations as a subdivision.
2. Title commitments are required for all processes. We completely understand and agree that this is necessary for a development, such as a subdivision. However, we are unclear why this is necessary for a boundary adjustment or similar simple process. We believe, and are supported by the local title companies, that a simple O & E document would suffice for these simple processes. A letter from the Title Company of Delta is included, and describes the different aspects of land title. For our clients, this simply puts more financial burden on their livelihoods.
3. The time frame for processes within the Planning Department system seem unnecessarily lengthy. Clients must first fill out a Pre-Application form and discuss with the Director rather or not a Pre-Application meeting is necessary. If the meeting is deemed unnecessary, it typically takes three weeks to process the Pre-Application and notify the client of the next step. This process time is increased if it is deemed necessary to have a Pre-Application meeting. Once the Pre-Application is approved the client receives a letter of approval with conditions to be met, several check lists and a formal application for their process. This allows them to begin the process of getting the official survey work done. Filling out the forms, completing the survey work and drafting the survey plat can take anywhere from 1-4 weeks depending on the process and the requirements as outlined in the letter and check lists. The complete application and drawings must then be returned to the Planning Department for review. The Planning Department will not forward the survey plat to the County Surveyor until they fill it has met their needs (a step we feel could be handled concurrently by each party). Once approved by all the county entities involved, the final documents can be produced and sent to the Planning Department for a final review and signatures. The simplest of projects, typically a basic boundary adjustment, is taking a minimum of two months to complete and most projects are much long than that.
4. Signatures of approval also appear to be rather abundant throughout the process. While we recognize the need for several approvals for a development process, we once again see what we believe is an overuse for more minor processes. For boundary adjustments to be completed, approved and ready for recording there are four approvals: Planning Director, Surveyor Signature, Surveyor Statement Form and a Memorandum. This is four signatures being needed to simply ensure that no new parcels are being created through that process.

The various processes that are handled by the Planning Department are unique and require different levels of detail and care in their review. We don't think we should be lumping all

processes into the same regulations and requirements for approval. Boundary Adjustments are often used simply to correct parcel boundaries between neighbors along fences or natural features that allow for common sense to take precedence. Minor subdivisions are typically used for a parent to create a parcel for their son or daughter. Processes such as this should not be regulated the same as multi-lot subdivisions by a developer. In the end, most basic processes regulated by the Planning Department system are ways in which neighbors and families can create harmony and/or allow continued longevity within their communities.

There are many more items that may need to be discussed, but these are of particular interest to our business. We are open to attending meetings, public or private, to discuss this with the Delta County Planning Department and any other necessary parties to foster a successful process for the procedures involved with said department. It is not our intent to oppose the adoption of the new Land Use Code, but it is our duty as professionals to ensure all parties involved are informed on all matters pertaining to said Land Use Code. We are simply looking for an open line of communication within this multi-perspective discussion. We believe that complete transparency is the proper way to handle all situations and to reflect the regulations in a meaningful way to the public. Please take into consideration our offer to meet and discuss, as well as utilization of our experience to assist in developing the process.

Thank You for Your Consideration,

Wilmore & Company Professional Land Surveying

Randy A. Wilmore, PLS

Kris Crawford, PLS


Randy A. Wilmore, PLS.


Kris Crawford, PLS.



The Title Company
of Delta County, LLC

July 20, 2021

Boundary Adjustments

To Whom This May Concern

I am writing to you about the Title Fee's for each option.

First Option is a full title search commitment - The Fee currently is \$550.00 for each parcel of property to be affected.

Second Option is an O & E Report - The Fee's are currently \$100.00 for each parcel of property affected.

A Full Title search involves doing just that starting from the Patent, some as early as 1886, this show's all the easements, reservations and restrictions, etc. This also gives you the Owner's Name and any Judgement and Liens on the property.

These can take quite awhile to do as, most times, I have to do a reverse search first to get prior owner's names and then a forward search after that.

An O & E Report search involves doing a search from the last Warranty Deed forward to current date. This show's legal description, ownership, any judgements and liens, and also Tax account and if the taxes have been paid. I have included an example of and O & E Report. These take a couple hours to do. And are more affordable to the customer.

In my opinion, I believe that for a Boundary Adjustment an O & E Report would be the better option.

Boundary Adjustments do not involve moving or changing any of the easements, restrictions, etc., they all stay the same, only the boundary line moves. They also do not create new easements.

Thank you for your time and consideration of the information given above.

Sincerely

Debra Paiz
Title Examiner

The Title Company of Delta County

970-874-9557
Fax: 970-874-9566
721 Main Street, Suite 6
Delta, Colorado 81416



SAMPLE O & E REPORT

The Title Company
of Delta County, LLC

OWNERSHIP AND ENCUMBRANCE REPORT

John Doe and Jane Doe

File Number: 797979

Legal Description:

Lots 3 and 4, American Subdivision, Delta County, State of Colorado

Title Owner's:

Warranty Deed from Adam Smith and Eve Smith to John Doe and Jane Doe recorded April 15, 2001 under Reception Number 123456.

Encumbrances:

Deed of Trust from John Doe and Jane Doe to The Public Trustee of Delta County for use of American Banking System to secure \$145,000.00 dated April 15, 2001 and recorded April 15, 2001 under Reception Number 123457.

Judgments:

NONE

Taxes:

Account No. R009876 for the year 2020 in the amount of \$405.16 are Paid in Full.

The Title Company of Delta County, LLC furnished the foregoing information for your sole use and benefit with the understanding that this information is in no way guaranteed or certified, and is not to be construed as an Abstract of Title, nor an Opinion of Title, nor a Guaranty of Title and the Company's Liability is limited to the amount of fees collected.

Certification date: June 21st 2021 at 08:00 am.
Dated this 22th day of June 2021

THE TITLE COMPANY COMPANY OF DELTA COUNTY

970-874-9557
Fax: 970-874-9566
721 Main Street, Suite 6
Delta, Colorado 81416

SUBDIVISION/SURVEY Terminology/Process

PURPOSE

- Establish terminology
- Provide example scenarios for consistency (illustrative, not all inclusive)
- Identify review authorities
- Summarize processes

OVERVIEW

Land Use Code - Subdivisions

- State Exemption to subdivision regulations
 - o All parcels created are 35+ acres *and none of which is intended use is by multiple owners*
 - o Court decree
 - o Boundary Line Adjustment of 35+ acre parcel where no new parcels are created.
 - o Exceptions to the 35-acre exemption include:
 - The division does result in creating an additional lot less than 35 acres of land and/or is intended to be used by multiple owners
 - Unless the method of disposition is adopted for the purpose of evading the LUC.
 - Exemption is inapplicable when the property owner seeks to construct multiple residences on a parcel which is more than 35 acres [Wilkerson v Bd of County Commissioners, 872 P.2d 1269]
- Road Resolution (2003-R-027) – LUC Appendix
 - o Street plans submitted to Planning Department
 - o PC recommendation to BoCC
 - o Approval of Plat not deemed acceptance of dedication
 - Dedication requires BoCC action

Proposed:

AMEND the LUC to place all subdivision regulations in one place (Chapter) rather than spread throughout the LUC.

CONSIDER incorporating regulations that were not transferred from Subdivision Regulations that were repealed.

ADD purpose/standard:

Subdivision Regulations, incorporated within the Land Use Code, shall apply to all new divisions of land into one or more parcels where any of the resulting parcels are less than 35 acres. These regulations also apply to divisions of land 35 acres or larger where the statutory exemptions listed in C.R.S. 30-28-101(10)(b), (c) or (d) do not apply.

ADD Definition:

Fee (Simple) Title means absolute title to land, free of any other claims against the title, which one can sell or pass to another by will or inheritance.

SUBDIVISION/SURVEY Terminology/Process

CONSIDER pertinent aspects of Road Resolution (access), then repeal Road Resolution. Intent is that all parcels be provided adequate access and not split into less than 35 acres by other means (dedication in Fee Simple Title). As such, there would be a cursory review by Planning/Engineering.

Process (35+ Acre Plat):

- Contact the Permit Center for a preliminary meeting before drawing a plat, in order to avoid access issues after the plat is drawn.
- Submit "Street Plan" with/for 35+ Acre Plat to Permit Center per Resolution 2003-R-027. Planning/Engineering review for adequate access/easements. Access is not mandated when all 35+ acre parcels are under a single ownership, but Delta County strongly encourages that parcels are provided access/easements to prevent future conflict when/if a parcel is sold. Lack of access and water can have a negative impact to property values.
- Public meeting at PC to consider the Street Plan and make a recommendation to the BoCC.
- BoCC consider the Plan (Plat)
- Plat signed by legal property owners with Deed(s) to effectuate the legal description(s).
- Tax Clearance (County Treasurer) – See "Other" below
- County records documents (owners' expense)

Scenario(s):

- Creating parcel(s) where all lots are 35+ acres is exempt, unless it falls under an exception to the exemption per statute: "*All parcels created are 35+ acres and none of which is intended use is by multiple owners*". The meaning of "multiple owners" is not clear, but reasonably seems it could mean if the intent is to sell the lots...and arguably would not necessarily be exempt. When all parcels are under one ownership, access and water is not an issue.
- No parcel shall be less than 35 acres
 - o If any parcel created is less than 35 acres = subdivision (not exempt).
 - o Subsequent actions to reduce the parcel below the 35-acre threshold, including a Boundary Line Adjustment is not exempt.
- A road that is dedicated in Fee Simple Title effectively subdivides the parcel. Where such a road would split any of the proposed parcel(s) into less than 35 acres, the division is not exempt.

SUBDIVISION/SURVEY Terminology/Process

BOUNDARY AGREEMENT

Land Use Code

- Not defined

Proposed:

ADD Definition(s):

- **Boundary Agreement** means a written agreement, including an illustrative map or plat, to resolve any disputed line, corner, or boundary of an existing parcel of land that is recorded in the real estate records of the County Clerk and Recorder.

Process:

- Preliminary meeting with Permit Center before drawing a plat, in order to reach understanding of the dispute in order to qualify as a Boundary Agreement.
- Plat signed by legal property owners with new Deed(s) to effectuate the changed legal description(s).
- Documents Recorded

Scenario(s):

- "Disputed" boundary shall meet the parameters set by statute (C.R.S. 38-44-112). For example:
 - o Generally, not applicable where there are existing monuments (prior survey). However, a survey may be required to establish boundaries/monuments (resolve a dispute) where the documentation is lacking or prior surveys result in overlapping conditions.
 - o A Boundary Agreement is not applicable where properties are owned by the same owner (single owner cannot dispute themselves).
 - o Judicial action to settle dispute between property owners where there has not been a survey to establish corner/points.
 - o Cannot be defined
 - o Legal descriptions do not match

SUBDIVISION/SURVEY Terminology/Process

RECORD/CERTIFICATE/RESULT OF SURVEY

Land Use Code

- Not defined

Proposed:

ADD Definition(s):

- **Record/Certificate/Result of Survey** means a detailed map that identifies and documents existing conditions, including physical boundaries or property lines for a specific parcel of land and/or right-of-way. Results in no change from existing conditions and/or legal documents.

ADD to Overview

- Identify this is not subject to County review

Process:

- Plat signed by legal property owners.
- Recording optional (by owner)

Scenario(s):

- Survey to verify existing site conditions such as; acreage, boundary lines, easements, access/ditch/utility alignment, structures, etc.

SUBDIVISION/SURVEY Terminology/Process

BOUNDARY LINE ADJUSTMENT

Land Use Code

- Lot Line Adjustment (LLA) not defined
 - o LLA Referenced under Chapter 8, Section 3.A.1 (Admin Review Established)
 - o LLA Referenced in definition of Replat (Chapter 14)
- Boundary Adjustment (BA) not defined
 - o Chapter 10, Section 3 states: "Intended for adjustments or revisions of established, undisputed, existing boundary lines between parcels not previously subdivided, where such adjustment does not result in creating an additional lot less than 35 acres of land"

CRS:

- Definition: *Boundary Adjustment means a contiguous area of land, except for intervening easements and rights-of-way with a continuous boundary defined with a description recorded or subdivision plat.*

Proposed:

ADD Definition(s):

- **Boundary Line Adjustment** means an adjustment or revision of established, undisputed, existing boundary lines between parcels or lots, where such adjustment does not result in creating an additional parcel/lot.
- **Lot** means a recognized subdivision of property with a written legal description that addresses permissions or constraints upon its development. A parcel of land that has passed through a legal subdivision process created by the state and the local jurisdiction. (e.g., Lot and Block description)
- **Parcel** means a quantity of land capable of being described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office. A quantity of land identified for taxation purposes. (e.g., Metes and Bounds description)

DELETE references to LLA (all fits under Boundary Line Adjustment whether a lot or parcel)

AMEND Chapter 10 to reflect Boundary Line Adjustment and remove reference to Boundary Adjustment, which was used very broadly for all types of actions in the past.

Process (Administrative):

- Submit completed Development Application (DA) to Permit Center
 - Planning review
 - o Consistency with Land Use Code, and good planning practices.
 - o Coordinate with Engineering on access.
- [NOTE: If ALL parcels involved start and end with 35+ acres, the BLA would be exempt using the 35+ acre exemption in CRS – See 35+ acre Plat process.]
- Once accepted by Planning, route to County Surveyor for review to ensure proper form and content.

SUBDIVISION/SURVEY Terminology/Process

- Administrative Memorandum (Approve, Conditionally Approve, Deny)
- Once all above completed, including clearing conditions and addressing comments if applicable:
 - o Plat signed by legal property owners
 - o Deed(s) to reflect transfer of land (Quit Claim) and effectuate the new legal description(s) of revised parcels.
 - o Mortgagee clearance if loan on any affected property
 - o Notary as applicable
- Tax Clearance required, including acceptance by loan/mortgage company
- Submit final documents to Permit Center
 - o Route to County Surveyor for signature. Also, to maintain record of survey monuments.
 - o Planning signature
- County records documents (owners' expense)

Scenario(s):

- Transfer land from one parcel/owner to another, not resulting in any new parcels/lots.
- Combine/Merge contiguous parcels/lots into one larger parcel/lot.
- Adjusting "lot" line(s) between existing properties where all lots involved were created as part of the same (prior) subdivision [See Replat]. End with the same number of lots, different configuration.
- Adjusting "parcel" line(s) between existing properties where all lots involved were not created as part of the same subdivision. End with the same number of parcels/lots.
- Adjusting property boundary line(s) between parcels not previously subdivided. End with the same number of parcels, no new lots.

SUBDIVISION/SURVEY Terminology/Process

REPLAT

Land Use Code

- Defined as follows:
 - o **Replat** means a procedure by which minor amendments may be made to an approved final plat where the revision involves minor lot line adjustment, minor right of way adjustments, or minor utility easement adjustments. All lands must be part of a previously approved plat, no additional lots or building site are created, no impacts to county roads or other service providers is created, or the revision corrects minor errors on the plat.
 - o **Plat** means a map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the County Clerk and Recorder. (30-28-101(5) CRS)

Proposed:

AMEND Definition:

- **Replat** means a procedure by which minor amendments may be made to an approved final plat where the revision involves minor adjustments to lot lines adjustment and/or building envelopes, minor amendments to plat notes, minor right of way adjustments, or minor utility easement adjustments. All lands must be part of a ~~previously approved~~ the same final plat, no additional lots or building site are created, no impacts to county roads or other service providers is created, or the revision corrects minor errors on the plat.

Process (Administrative):

- Same as Boundary Line Adjustment
- However, some plat notes require BoCC action to amend/remove.

Scenario(s):

- Adjust "lot" line(s) between existing properties where all lots involved were created as part of the same (prior) subdivision. End with the same number of parcels/lots, different configuration. [See Boundary Line Adjustment]
- Change a building envelope
- Change a plat note

SUBDIVISION/SURVEY Terminology/Process

MINOR PLAT (2-Lot Subdivision)

Land Use Code

- Defined as follows:
 - o **Minor Plat** means a final plat where no more than two lots are created through subdivision.

Proposed:

- No change

Process (Administrative):

- Submit completed Development Application (DA) to Permit Center
- Review in accordance with Land Use Code, Road Standards, Septic Standards, including good planning practices (Planning, Engineering, Env Health)
- Lots must meet minimum size required or a variance from Board of Adjustment (BoA) is required before processing the subdivision.
 - o Public hearing, notice at least 2 weeks prior
- Submit Minor Plat
 - o Full detail (Final Plat minus signatures)
 - o Road dedication
- Referral/Review Agencies
- Address Recommended Revisions
- Route to County Surveyor for review to ensure proper form and content.
- Administrative Memorandum (Approve, Conditionally Approve, Deny)
- Once all above completed, including clearing conditions and addressing comments if applicable:
 - o Plat signed by legal property owners
 - o Deed(s) to effectuate the new legal description(s) of revised parcels.
 - o Mortgagee clearance if loan on any affected property
 - o Notary as applicable
- Tax Clearance required, including acceptance by loan/mortgage company
- Submit final documents to Permit Center
 - o Dedication of Right-of-Way (Deeds)
 - o Route to County Surveyor for signature. Also, to maintain record of survey monuments.
 - o Planning signature
- Acceptance of dedication required by BoCC (if applicable)
 - o Public hearing
- Documents recorded by County (Owner's expense)
 - o Plat then Deed – record on the same day (together)
 - o space to write in Reception #s

Scenario(s):

- Create no more than one new (additional) lot that is <35 Ac

SUBDIVISION/SURVEY Terminology/Process

PRELIMINARY PLAT (3+ Lot Subdivision)

Land Use Code

- Definitions include:
 - o **Preliminary Plan** means the map of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design. [CRS 30-28-101(6)]

Proposed:

- DELETE Definition of Preliminary Plan (not used in context of LUC process)
- ADD Definition:
 - o **Plat (Final)** means a map, or maps, of a land subdivision prepared in accordance with this Code, with necessary affidavits, dedication and acceptances and with complete bearings and dimensions of all lines defining all lots, boundaries, easements, roads, driveways, building areas, non-building areas, intended as an instrument for recording with the County's Clerk and Recorder.
 - o **Plat (Preliminary)** means a subdivision where 3 or more lots are created, showing the salient features of a proposed subdivision submitted to an approving authority for purposes of consideration prior to a final plat.

Process (Public Hearing):

- Submit completed Development Application (DA) to Permit Center
- Review in accordance with Land Use Code, Road Standards, Septic Standards, and good planning practices (Planning, Engineering, Env Health)
- Lots must meet minimum size required or a variance from Board of Adjustment (BoA) is required before processing the subdivision.
 - o BoA meets the 4th Thursday of each month
 - o Public hearing, notice at least 2 weeks prior
- Submit Preliminary Plat
 - o Full detail (Final Plat minus signatures)
 - o Road dedication
- Referral/Review Agencies
- Address Recommended Revisions
- Route to County Surveyor for review to ensure proper form and content.
- Planning Commission
 - o Public hearing, notice at least 2 weeks prior
 - o Recommend Approve, Conditionally Approve, Deny
- Board of County Commissioners
 - o Public hearing, notice at least 2 weeks prior
 - o Approve, Conditionally Approve, Deny
- Once all above completed, including clearing conditions and addressing comments if applicable:
 - o Plat signed by legal property owners
 - o Deed(s) to effectuate the new legal description(s) of revised parcels.

SUBDIVISION/SURVEY Terminology/Process

- o Mortgagee clearance if loan on any affected property
 - o Notary as applicable
- Tax Clearance required, including acceptance by loan/mortgage company
- Submit final documents to Permit Center
 - o Route to County Surveyor for signature. Also, to maintain record of survey monuments.
 - o Planning signature
- Board of County Commissioners
 - o Certify all conditions met
 - o Accept Final Plat
 - o Accept dedication (if applicable)
- Documents recorded by County (Owner's expense)
 - o Record Plat then Deed – record on the same day (together)
 - o Space to write in Reception #s

Scenario(s):

- Create more than one new (additional) lot that is <35 Ac.
- Lots must meet minimum size required or a variance from BoA is required before processing the subdivision
- Cluster Design: Not limited to size or number of lots (no variance); however, subject to preserving a significant resource (Ag, Wildlife, etc.)

SUBDIVISION/SURVEY Terminology/Process

VACATION PLAT

Land Use Code

- Not defined (was included in prior Subdivision Regulation)

Proposed:

ADD definition as follows:

- **Vacation Plat** means a plat illustrating the vacation of a portion of a dedicated right-of-way. Vacation, as used with land use actions, can also apply to vacating portion(s) of an approved (phased) Plat, consistent with provisions of State law.

Process (Public Hearing):

- Submit to Permit Center
 - o Letter of Intent; explaining the reasons for the request. Identify if any public moneys have been spent on any portion of the public way and certify that no property will be left without proper access.
 - o Vacation Plat illustrating
 - Public way to be vacated, including dimensions
 - Names & Addresses of applicable/abutting property owners
 - Legal description of the portion to be vacated, including reception number of applicable recorded documents.
 - Shared Access/Maintenance Agreement (if applicable)
- Review in accordance with Land Use Code, Master Plan (Planned Circulation), Road Standards, and good planning practices (Planning, Engineering)
- Referral/Review Agencies
- Route to County Surveyor for review to ensure proper form and content.
- Board of County Commissioners
 - o Public hearing
- Documents recorded by County (Owner's expense)
 - o Record Plat then Deed – record on the same day (together)
 - o Space to write in Reception #s

Scenario(s):

- Vacate Right-of-Way
- Vacate portion(s) of a Phased Plat

SUBDIVISION/SURVEY Terminology/Process

OTHER

- Clarify “Sketch Plans” removed from the formal process in LUC
 - o Concept Plan with initial submittal (pre-application)
 - o Minor/Prelim Plat requires detail of a Final Plat
- Amend Surveyor Certification Form(s)
 - o Clean up citations
- Variances for Lot Size
 - o Separate policy discussion
 - o As established in LUC, a Site Plan (dimensions, to-scale) is required, including:
 - Identify location of septic/leech field to certify it is located within new/revised parcels.
 - Structures (including septic) must meet setbacks from new/revised property lines.
 - Structures built within easements not allowed.
- Define difference when a parcel is split by dedication
 - o Title *not* transferred Fee Simple
 - No Subdivision
 - Still a single parcel (property taxes assessed)
 - o Title transferred Fee Simple
 - Subdivision - Survey required to establish parcels.
 - Deeds required to effectuate new parcels.
- Dedicate/Convey Right-of-Way
 - o Deed conveying land in Fee Simple Title (owner not responsible for property tax)
 - o Required for all subdivisions. Not included if meets exemption criteria.
- Tax/Loan Clearance
 - o Document showing taxes paid up to October 31, or may need new clearance certification (Separate Form)
 - o Mortgagee clearance agreeing to adjustment(s) if there is a loan on the property.
 - o If completed ahead, no signature block required for Treasurer
- Signatures
 - o Project Surveyor verifies owner(s) match deeds, or provide legal documents reflecting legal entity for signature.
 - o Project Surveyor verify with owner if there is a loan that requires clearance by loan agency.
 - o No separate signature block for Recorder
- Fees
 - o County Surveyor separate fee collected by Permit Center
 - o Recorder – Planning will calculate fees based on documents (and recorder fee schedule), and collect the fee (required) before recording.
- Application Form(s)
 - o Development Application
 - Consolidated: Land Use, Access, Address, Utility
 - Required for all new development

SUBDIVISION/SURVEY Terminology/Process

- Ordinance 2011-01, as amended 2012-02 & 2016-01
 - Incorporated with Pre-Application process required in LUC
 - Site Plan Review
 - Site Plan Checklist
 - List of approvals/permits required and order to process
- Survey Checklist provides information to be included, including but not limited to:
 - o Identify type of road (private or public) and note if prescriptive, petition, easement, fee title, etc., including Reception number(s) as applicable.
 - o Illustrate centerline of road improvements for all abutting roads (public or private)
 - o Establish easements for ditches of record, and underground utilities as applicable.
 - o Identify approximate location of septic tank/leach field where records are available.

County can request more than minimum required for a survey, provided not in conflict with law.

Attachment #5

PUBLIC NOTICE

ORDINANCE TO REQUIRE A DEVELOPMENT APPLICATION FOR NEW RESIDENTIAL OR COMMERCIAL CONSTRUCTION WITHIN THE UNINCORPORATED AREA OF DELTA COUNTY TO INCLUDE AN ONSITE WASTEWATER TREATMENT SYSTEM (OWTS) PERMIT, f.k.a. ISDS, WHICH, BY AMENDMENT OF ORDINANCE NO. 2012-02, SHALL BE INITIATED THROUGH THE DELTA COUNTY HEALTH DEPARTMENT:

NOTICE IS HEREBY GIVEN, that the Board of County Commissioners of the County of Delta, State of Colorado, shall pursuant to statutes, having read and introduced at a regular Board of County Commissioners' Meeting on September 6, 2016, the ordinance authorizing a development application for new residential or commercial construction within the unincorporated area of Delta County to include an OWTS Permit, f.k.a. ISDS, the application for which must be initiated through the Delta County Health Department, and acted upon, as prescribed by the Delta County Onsite Wastewater Treatment System Regulations, adopted by the Delta County Board of Health pursuant to 25-10-101, et seq., C.R.S. and Published in the Delta County Independent on September 14, 2016, consider for adoption this Ordinance amending Ordinance 2012-02 as published below, on a second reading at a regular Board of County Commissioners' Meeting on October 3, 2016. If adopted shall take effect on October 17, 2016.

**ORDINANCE
OF THE
BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF DELTA, STATE OF COLORADO**

ORDINANCE NO. 2016-01

**ORDINANCE TO AMEND ORDINANCE 2012-02
AND ADOPT**

ORDINANCE TO REQUIRE A DEVELOPMENT APPLICATION FOR NEW RESIDENTIAL OR COMMERCIAL CONSTRUCTION WITHIN THE UNINCORPORATED AREA OF DELTA COUNTY TO INCLUDE AN OWTS PERMIT WHICH MUST BE INITIATED THROUGH THE DELTA COUNTY HEALTH DEPARTMENT NOT THE DELTA COUNTY PLANNING DEPARTMENT AS ORIGINALLY MANDATED BY ORDINANCE NO. 2012-02.

WHEREAS, the Board of County Commissioners of Delta County (Board) adopted Ordinance No. 2012-02 on December 17, 2012; and

WHEREAS, the Board deems it in the best interests of the citizens of Delta County to amend Ordinance No. 2012-02 and revise the application procedure and requirements for permits by adding, as part of the permitting process, a requirement for an Onsite Wastewater Treatment System (OWTS) Permit, f.k.a. ISDS, wherein the application process shall be initiated through the Delta County Health Department; and

WHEREAS, pursuant to § 30-15-401, C.R.S., the Board of County Commissioners of Delta County, Colorado (hereinafter the "Board"), has the general enabling power to adopt ordinances for the control or licensing of those matters of purely local concern, and to do all acts and make all

ORDINANCE TO REPEAL ORDINANCE NO. 2012-02; ORDINANCE TO REQUIRE A DEVELOPMENT APPLICATION FOR NEW RESIDENTIAL OR COMMERCIAL CONSTRUCTION WITHIN THE UNINCORPORATED AREA OF DELTA COUNTY

regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the present and future residents of Delta County; and

WHEREAS, the Board finds it to be in the best interest of the health, safety and general welfare of the citizens of Delta County to amend Ordinance No. 2012-02 ,enacted by the Board on December 17, 2012, and revise it by adding a provision in **Section 3.5 of the Ordinance** requiring that the application for the OWTS Permit shall now be initiated through the Delta County Health Department and acted upon, as prescribed by the Delta County Onsite Wastewater Treatment System Regulations, adopted by the Delta County Board of Health pursuant to C.R.S. Section 25-10-101, et. Seq., a revision of the former procedure wherein the Permit was acquired through the Delta County Planning Department; and

WHEREAS, pursuant to Sections 29-20-102 and 29-20-104, C.R.S., the Board is authorized to adopt ordinances applicable to the unincorporated areas of the County to plan for and regulate the use of land; and

WHEREAS, the Board deems that it is in the best interests of the County and its citizens to create a Development Application process to provide for the proper sequence of County development permits, both residential and commercial upon the completion of a site plan review; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Delta County as follows:

This Ordinance shall be known as the Delta County Development Application Ordinance.

Section 1. **APPLICABILITY:**

- 1.1 This Ordinance shall apply throughout the unincorporated area of Delta County, including public and state lands.
- 1.2 If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of County Commissioners hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases are declared unconstitutional or invalid.

Section 2. **REQUIREMENT OF PERMITS:**

- 2.1 Any new residential or commercial construction occurring on a parcel of land in the unincorporated area of Delta County will require the completion of a Development Application which outlines the order in which individual County permits (including, but not limited to, access, address, and an Onsite Wastewater Treatment System (OWTS),f.k.a. ISDS, permits) must be obtained to include, as a part of the permitting

ORDINANCE TO REPEAL ORDINANCE NO. 2012-02; ORDINANCE TO REQUIRE A DEVELOPMENT APPLICATION FOR NEW RESIDENTIAL OR COMMERCIAL CONSTRUCTION WITHIN THE UNINCORPORATED AREA OF DELTA COUNTY

process, the completion of a site plan review to be completed by the Delta County Planning Department as discussed herein. Additional regulations and approvals apply to commercial construction, and commercial applicants must consult with the Delta County Planning Department for those specific regulations and approvals. In addition to County regulations discussed above, the unincorporated area of Delta County is under both a Colorado State Electrical Board Inspection and a Colorado State Examining Board of Plumbers inspection requirement for either residential or commercial construction.

Section 3. APPLICATION PROCEDURE AND REQUIREMENTS FOR PERMITS:

- 3.1 The Development Application procedure consists of the following which shall be completed in succession as described herein:

1. Site Plan Review;
2. County Access Permit;
3. County Address Permit; and
4. County Onsite Wastewater Treatment System (OWTS) Permit.

Upon the completion of an initial site plan review, as discussed hereunder, County Permits must be approved in the order above, each before the next permit will be issued. An applicant may apply for any or all of the above County permits depending on the applicant's needs; however, proof of approved County permits must be provided in order to obtain the next permit.

- 3.2 **SITE PLAN REVIEW:** The purpose of the site plan review process is to ensure compliance with the permitting process, as set forth in this Ordinance, and to encourage quality development reflective of the goals, policies, and objectives of the Delta County development process. For land uses requiring a site plan review, development permits may be issued only after a Site Plan showing the proposed development has been approved in accordance with the procedures and requirements of this Ordinance and at a minimum shall illustrate the following: (a) perimeter boundary with dimensions; (b) total acreage; (c) north arrow; (d) the location and number of all structures and proposed structures; (e) the distance to the property boundary of all structures and proposed structures; (f) the location and dimensions of all easements; (g) the location of any springs, wells, streams, ditches, rivers or any waterways; (h) the name and location of all roads adjoining the property with the location of all access or proposed accesses; (i) the distance between any existing or proposed access(es) including those on neighboring properties and the distance to the nearest intersection; (j) the location of all existing and proposed septic systems; and (k) any existing or proposed building envelopes.
- 3.3. **COUNTY ACCESS PERMIT:** A County Access Permit is required for any entrance onto a County road. (Access onto a state highway requires an application too, and state highway access permits are issued by the Colorado Department of Transportation

ORDINANCE TO REPEAL ORDINANCE NO. 2012-02; ORDINANCE TO REQUIRE A DEVELOPMENT APPLICATION FOR NEW RESIDENTIAL OR COMMERCIAL CONSTRUCTION WITHIN THE UNINCORPORATED AREA OF DELTA COUNTY

(CDOT).) The packet for a County Access Permit contains information on the County's construction standards for an approved access. There are two inspections required for an approved access from a County road. The first is to determine if the location of the proposed access complies with County requirements and safety standards and the second is to determine if the access has been constructed to county standards. The access application must be completed and approved before an address is assigned.

- 3.4. **COUNTY ADDRESS PERMIT:** An address is required for every residential or commercial building in Delta County for 911 services. Utility companies may also require an address prior to providing service to a parcel. Addresses are assigned by the location of an access to a parcel, which is why the access must be constructed and approved first. County Address and County Access Permits must be completed and approved prior to the issuance of a County OWTS Permit in order for the Health Department to locate and enter property for purposes of inspection.
- 3.5. **COUNTY ONSITE WASTEWATER TREATMENT SYSTEM (OWTS) PERMIT, f.k.a. ISDS:** An Onsite Wastewater Treatment System (OWTS) Permit is required for every structure on a parcel with a restroom or sewer drain. A minimum of two inspections are required for approval of a County permit. The first is a site inspection to determine the suitability of a parcel to accommodate an OWTS. The second inspection will be a final inspection of the system to ensure the system was installed as specified in the County OWTS permit. Final approval of the County OWTS permit is required prior to occupancy of the structure and for the issuance of a County Development Permit in accordance with this Ordinance. The application process for the attainment of the Permit shall be initiated through the Delta County Health Department, unlike other permits discussed herein, which are attained through the Delta County Planning Department and is a departure from the procedure mandated by Ordinance No. 2012-02 wherein the OWTS Permit, fka ISDS, was attained through the Delta County Planning Department.

Section 4. **FEES FOR PERMITS:**

- 4.1. **County Access Permit:** The County Access Permit Fee is per the current fee schedule that is in addition to a Deposit which is refundable upon final approval. A copy of the deed to present owner(s) is required when making application for an access permit.
- 4.2. **County Address Permit:** The County Address Permit fee is per the current fee schedule.
- 4.3. **County Onsite Wastewater Treatment System (OWTS) Permit:** The County OWTS Permit is per the current fee schedule.

ORDINANCE TO REPEAL ORDINANCE NO. 2012-02; ORDINANCE TO REQUIRE A DEVELOPMENT APPLICATION FOR NEW RESIDENTIAL OR COMMERCIAL CONSTRUCTION WITHIN THE UNINCORPORATED AREA OF DELTA COUNTY

Section 5. EXPIRATION OF APPLICATION:

- 5.1. The Development Application and the individual permits are valid for a period of one (1) year from the date of the submission of the Development Application. If any of the individual permits applied for under the Development Application have not been completed within the one-year period, the Development Application is deemed to be null and void unless an extension has been granted. Development Applications that have expired will be required to be resubmitted with the appropriate fees to be reconsidered for approval.

Section 6. UNLAWFUL ACTS:

- 6.1 Any of the following shall be a violation of this Development Application Process and shall be subject to the remedies and penalties provided for in this Ordinance:
- (a) Failure to complete a Development Application which outlines the order in which individual County permits (including, but not limited to, access, address, and Onsite Wastewater Treatment System, (OWTS), f.k.a. ISDS, permits) must be obtained on any new residential or commercial construction occurring on a parcel of land in the unincorporated area of Delta County.
 - (b) Engaging in any residential or commercial construction, subdivision, or other activity of any nature upon land that is subject to this Development Application Process, without all of the approvals required by this Development Application Ordinance.

Section 7: NOTICE OF VIOLATION:

- 7.1 Any person may report that a property in Delta County is in violation of this Ordinance. Such Notice of Violation must be in writing on a form provided by the Delta County Planning Department. The Notice shall be filed in the Delta County Planning Office, Delta County Courthouse, 501 Palmer Street, Room 115, Delta, Colorado 81416, for processing.
- 7.2 The Notice of Violation shall be forwarded to the appropriate permitting office which will conduct an investigation of the site to determine if a violation of the permitting process has occurred.
- 7.3 Whereupon a finding that a violation of the permitting process has occurred such violation shall be forwarded to the Delta County Attorney's Office.

ORDINANCE TO REPEAL ORDINANCE NO. 2012-02; ORDINANCE TO REQUIRE A DEVELOPMENT APPLICATION FOR NEW RESIDENTIAL OR COMMERCIAL CONSTRUCTION WITHIN THE UNINCORPORATED AREA OF DELTA COUNTY

Section 8. **NOTICE AND ORDER FOR DEVELOPMENT APPLICATION COMPLIANCE:**

- 8.1 Upon receipt of Notice that a Violation of the permitting process has occurred, the County Attorney's Office may issue a Notice and Order of such violation to the property owner requiring the owner to:
- (a) Correct the violation by conforming to Section 3, above, within twenty (20) days from the date of said Notice and Order, and/or,
 - (b) Request to appear before the Board of County Commissioners within twenty (20) days to show cause why such Order should not be enforced.
- 8.2 Said Notice and Order shall be deemed issued by placing the same in the U.S. mail, certified, return receipt requested, to the owner's last known address as indicated on the County's assessment roll. Service shall be complete upon mailing or personal service in the same manner provided in Rule 4 of the Colorado Rules of Civil Procedure.
- 8.3 If the County Attorney's Office is unable to locate the owner for certified mail or personal service after diligent efforts, the Notice and Order may be published in such a manner as is in accord with Rule 4 of the Colorado Rules of Civil Procedure concerning publication, "except that said publication shall for a period of ten (10) days and shall include the Notice and Order that must be posted in a conspicuous place at or on the subject property.

Section 9. **ENFORCEMENT:**

- 9.1 The provisions of this Ordinance shall be administered and enforced by Delta County.
- 9.2 The Board hereby designates the Delta County Attorney, or his/her designee, as the County's legal representative in the enforcement of the provisions of this Ordinance in a court of applicable jurisdiction. In the event the Delta County Attorney or his/her designee cannot represent Delta County or the Board deems it otherwise appropriate, the Board may appoint the District Attorney of the Seventh Judicial District to perform such legal enforcement duties in lieu of the County Attorney.
- 9.3 Penalties: The County may seek such criminal or civil penalties as are provided by Colorado law and provided for herein.

Section 10. **CIVIL REMEDIES AND ENFORCEMENT POWERS:**

- 10.1 The County shall have the following remedies and enforcement powers for violations of any acts outlined in section 6 above.
- (a) Withhold Permits: The County may deny or withhold all County permits, certificates or other forms of authorization on any land or structure or

ORDINANCE TO REPEAL ORDINANCE NO. 2012-02; ORDINANCE TO REQUIRE A DEVELOPMENT APPLICATION FOR NEW RESIDENTIAL OR COMMERCIAL CONSTRUCTION WITHIN THE UNINCORPORATED AREA OF DELTA COUNTY

improvements thereon upon which there is an uncorrected violation of a provision of this Development Application Process, or of a condition or qualification of a County permit, certificate, approval or other authorization previously granted by the County, until the violation is corrected.

(b) County Permits Approved with Conditions: Instead of withholding or denying a County permit or other authorization (as described in Section 7.3), the County may grant such authorization subject to the condition that the violation be corrected.

- 10.2 Revoke Permits: Any County development permit or other form of authorization required under this Development Application Process may be revoked when the Planning Department determines: (1) that there is departure from the plans, specifications, or conditions as required under terms of the County permit, (2) that the County Development Permit was procured by false representation or was issued by mistake, or (3) that any of the provisions of this Development Application Process are being violated. Written notice of such revocation shall be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which such County permit was issued, or shall be posted in a prominent location; and, thereafter, no such development shall proceed.
- 10.3 Stop Work: With or without revoking permits, the County may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Development Application Process.
- 10.4 Injunctive Relief: The County may seek an injunction or other equitable relief in court to stop any violation of this Development Application Process, or of a County permit, certificate or other form of authorization granted hereunder and may recover costs of any such action.
- 10.5 Abatement: The County may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding, to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

Section 11. CRIMINAL PROSECUTION:

- 11.1 If so directed by the Board, a criminal prosecution may be brought against the owner in accordance with §§ 30-15-402 and 410, C.R.S.
- 11.2 Violation of the provisions of this Ordinance shall be punishable by a fine of not more than six hundred dollars (\$600.00) for each violation. In addition to this penalty, persons convicted of a violation of this Ordinance are subject, pursuant to § 30-15-402, C.R.S., to a surcharge of \$10.00, to be paid to the Clerk of the Court for credit to the

ORDINANCE TO REPEAL ORDINANCE NO. 2012-02; ORDINANCE TO REQUIRE A DEVELOPMENT APPLICATION FOR NEW RESIDENTIAL OR COMMERCIAL CONSTRUCTION WITHIN THE UNINCORPORATED AREA OF DELTA COUNTY

Victims and Witnesses Assistance and Law Enforcement Fund established in the judicial district.

- 11.3 All fines and forfeitures for the violation of this Ordinance shall be paid to the Treasurer of Delta County within thirty (30) days of receipt and shall be deposited into the General Fund of the County.

Section 12 ADDITIONAL REMEDIES:

The remedies provided in this Ordinance shall be cumulative and in addition to any other remedies which may be available to the County and its Board, including, but not limited to, injunctive actions. Nothing contained herein shall be construed to preclude the Board from seeking such other remedies in addition to, or in lieu of, the legal remedies herein granted.

Section 13. SAFETY CLAUSE:

The Board hereby finds, determines and declares that this Ordinance is necessary for the health, safety and welfare of the citizens of Delta County, Colorado.

Section 14. PUBLICATION AND EFFECTIVE DATE:

The foregoing text is the authentic text of Delta County Ordinance No. 2016-01. The first reading and Introduction of said Ordinance took place on September 6, 2016 at a regularly scheduled Board of County Commissioners' Meeting. It was published in full in the *Delta County Independent* on September 14, 2016. The Ordinance will be considered for adoption on second reading at a regularly scheduled Board of County Commissioners' Meeting on October 3, 2016, and if adopted shall take effect October 17, 2016.

ADOPTED this 17th day of October, 2016, at Delta, Colorado.

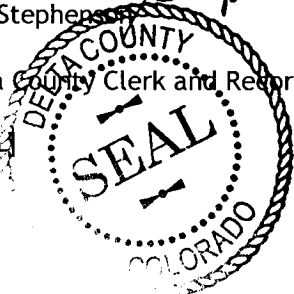
BOARD OF COUNTY COMMISSIONERS
OF
DELTA COUNTY, COLORADO

ATTEST:

Teri A. Stephenson
Teri Stephenson

Delta County Clerk and Recorder

[SEAL]



By: [Signature]

C. Bruce Hovde, Chair

C. Douglas Atchley
C. Douglas Atchley, Vice Chair

J. Mark Roeber
J. Mark Roeber, Commissioner

ORDINANCE
OF THE
BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF DELTA, STATE OF COLORADO

ORDINANCE NO. 2006-09

**ORDINANCE ADOPTING THE 2003 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE
FOR ONE- AND TWO-FAMILY DWELLINGS AND THE 2003 EDITION OF THE
INTERNATIONAL BUILDING CODE FOR THE HIGHWAY 92 OVERLAY DISTRICT AND
SETTING FORTH EXEMPTIONS TO THE APPLICATION OF THE INTERNATIONAL BUILDING
CODE AND THE INTERNATIONAL RESIDENTIAL CODE AS AMENDED FOR DELTA COUNTY**

WHEREAS, the board of County Commissioners of Delta County established by Resolution No. 2006-R-016 the Highway 92 Overlay District of Delta County. A map of which is attached hereto as Exhibit A and by reference made a part hereof;

WHEREAS, the Board of County Commissioners of Delta County finds that it is in the best interests of present and future residents of Delta County to adopt building codes for new construction within the Highway 92 Overlay District of Delta County for the following reasons:

- A. To ensure safety in new construction;
- B. To ensure the general public entering commercial, retail, light industrial, multi-family dwellings, and single-family dwellings on less than one acre of land that structures have been built to minimum standards for safety;
- C. To inform contractors, builders and property owners with respect to minimum standards to be applied in the construction of homes and other buildings in the Highway 92 Overlay District in order to ensure safety, durability and comfort;

WHEREAS, pursuant to Section 30-28-201, C.R.S., the Board of County Commissioners is authorized to adopt ordinances and building codes applicable to the unincorporated areas of the County; and

WHEREAS, this Board finds that the International Residential Code (IRC) for One-and Two-family Dwellings, including townhouses with a vertical common wall, is appropriate for adoption in the Highway 92 Overlay District in Delta County, with certain exemptions as described below such that primary emphasis is placed upon the safety aspects of new construction and that other mandatory codes, e.g. electrical, plumbing, and other inspections required by State and Federal agencies are not duplicated.

WHEREAS, this Board finds that the International Building Code (IBC), applicable to all other structures, is appropriate for adoption in the Highway 92 Overlay District in Delta County, with certain exemptions as described below, such that primary emphasis is placed

ORDINANCE ADOPTING THE 2003 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS AND THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE FOR THE HIGHWAY 92 OVERLAY DISTRICT AND SETTING FORTH EXEMPTIONS TO THE APPLICATION OF THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE AS AMENDED FOR DELTA COUNTY

upon the safety aspects of new construction and that other mandatory codes, e.g. electrical and plumbing, are not duplicated.

WHEREAS, this Board finds that adoption of a building code for the Highway 92 Overlay District in Delta County is in the best interests of the public health, safety, and general welfare of the citizens and residents of Delta County; and further that adoption of the proposed Overlay District Building Code and Overlay District Residential Building Code would be in accord with the safety, protection and sanitation of present and future dwellings, buildings and structures in the Overlay District of Delta County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Delta County as follows:

Section 1. That certain document, three (3) copies of which are on file in the office of the Board of County Commissioners of Delta County, Colorado, being marked and designated as the *International Residential Code*, 2003 edition, including Appendix Chapters E and H, but excluding all other Appendix Chapters, and subject to the exemptions described in the Highway 92 Overlay District Residential Building Code Supplement, attached hereto, as published by the International Code Council (ICC), be and hereby is adopted as the Highway 92 Overlay District Residential Building Code for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings on less than one acre of land and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress; and each and all of the regulations, provisions, conditions and terms of said Residential Code on file in the office of the County of Delta, State of Colorado, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in the Highway 92 Overlay District Residential Building Code Supplement attached hereto and by reference made a part hereof.

Section 1.1 All inspections required by regulations, provisions, conditions and terms of said Highway 92 Overlay District Residential Building Code and the Highway 92 Overlay District Residential Building Code Supplement attached hereto shall be performed by an ICC certified building inspector registered with Delta County. Copies of all inspection reports shall be submitted to the Delta County Planning Department and shall become part of the record for the development pertaining to the inspection. Upon completion and approval of the Final Inspection, the Delta County Planning Department shall issue a Certificate of Inspection Completion to signify that said structure has met this adopted building code.

Section 2. That certain document, three (3) copies of which are on file in the office of the Board of County Commissioners of Delta County, Colorado, being marked and designated as the *International Building Code*, 2003 edition, including Appendix Chapters H and I, but excluding all other Appendix Chapters, and subject to the exemptions described in the Highway 92 Overlay District Building Code Supplement attached hereto, as published by the International Code Council, shall be and hereby is adopted as the Building Code of the Highway 92 Overlay District in County of Delta, State of Colorado, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair,

ORDINANCE ADOPTING THE 2003 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS AND THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE FOR THE HIGHWAY 92 OVERLAY DISTRICT AND SETTING FORTH EXEMPTIONS TO THE APPLICATION OF THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE AS AMENDED FOR DELTA COUNTY

equipment, location, removal and demolition of buildings or structures or any appurtenances connected or attached to such buildings or structures not addressed in the Highway 92 Overlay District Residential Building Code, described in Section 1, above; and each and all of the regulations, provisions, conditions and terms of said Building Code on file in the office of the County of Delta, State of Colorado, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in the Highway 92 Overlay District Building Supplement to this ordinance.

Section 2.1 All inspections required by regulations, provisions, conditions and terms of said Highway 92 Overlay District International Building Code and the Highway 92 Overlay District International Building Code Supplement attached hereto shall be performed by an ICC certified building inspector registered with Delta County. Copies of all inspection reports shall be submitted to the Delta County Planning Department and shall become part of the record for the development pertaining to the inspection. Upon completion and approval of the Final Inspection, the Delta County Planning Department shall issue a Certificate of Inspection Completion to signify that said structure has met this adopted building code.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of County Commissioners hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. Nothing in this ordinance or in either the International Residential Building Code or International Building Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any existing act or ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. Applicability.

Section 5.1 This ordinance shall apply only to the Highway 92 Overlay District area of Delta County as defined by the map attached to this document.

Section 5.2 This ordinance, and the building codes adopted hereby, apply to buildings and structures, including structures which have been started and are at the point of construction where inspections would be required as of the effective date of this ordinance. Only those inspections applicable to the construction which have occurred after the effective date of this ordinance shall apply, and the Certificate of Inspection Completion, when issued, shall include a notation as to which inspections occurred under the applicable building code.

Section 5.3 This ordinance and the incorporated building codes also apply to buildings and structures constructed with "alternative" building materials, such as logs or adobe mud or bricks; however, when such alternative building materials are to be used, the

ORDINANCE ADOPTING THE 2003 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS AND THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE FOR THE HIGHWAY 92 OVERLAY DISTRICT AND SETTING FORTH EXEMPTIONS TO THE APPLICATION OF THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE AS AMENDED FOR DELTA COUNTY

building inspector is given discretion to consider standards established by other entities or an engineer's or manufacturer's certification that the plans and specification of the building, the material used in the building, and the actual construction thereof, have met standards which accomplish the intent of this ordinance. When such standards cannot be established, the building inspector will make a notation on the Certificate of Inspection Completion issued that the inspection of the building official was made but could not be based upon specific standards because of the nature of the construction.

Section 6. Enforcement.

Section 6.1 The provisions of this ordinance shall be administered and enforced by Delta County.

Section 6.2 The Board hereby designates the Delta County Attorney, or his/her designee, as the County's legal representative in the enforcement of the provisions of this ordinance in a court of applicable jurisdiction. In the event the Delta County Attorney or his/her designee cannot represent Delta County or the Board deems it otherwise appropriate, the Board may appoint the District Attorney of the Seventh Judicial District to perform such legal enforcement duties in lieu of the County Attorney.

Section 7. Violations.

Section 7.1 Criminal Prosecution. As set forth in Section 30-28-209, C.R.S., it is unlawful to erect, construct, reconstruct or alter any building or structure, or use any building or structure in violation of or in a manner that results in a violation of any regulation in, or of any of the provisions of, the building codes adopted hereby, or any amendment thereof, enacted or adopted by the Board of County Commissioners. Any person, firm or corporation violating any such regulation, provision or amendment, or any statutory provisions applicable hereto, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$100.00, or by imprisonment in the County Jail for not more than ten (10) days, or by both such fine and imprisonment. Each day during which such illegal use, erection, construction, reconstruction or alternation continues shall be deemed as a separate offense.

Section 7.2 Civil Penalties. In addition to the penalties imposed pursuant to Section 30-28-209, C.R.S., any person, firm or corporation violating the regulations, provisions or amendments adopted hereby may be subject to the imposition, by order of the County Court and pursuant to Section 30-28-210, C.R.S., of a civil penalty in an amount not less than \$250.00, nor more than \$500.00. Each day after the issuance of the order of the County Court during which such unlawful activity continues shall be deemed a separate violation and shall be the subject of the continuing penalty in an amount not to exceed \$50.00 for each such day.

Section 7.3 In addition to the enforcement described herein, the Delta County Attorney may institute an injunction, mandamus, abatement or other appropriate action or proceedings to prevent, enjoin, abate or remove the unlawful erection, construction,

ORDINANCE ADOPTING THE 2003 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS AND THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE FOR THE HIGHWAY 92 OVERLAY DISTRICT AND SETTING FORTH EXEMPTIONS TO THE APPLICATION OF THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE AS AMENDED FOR DELTA COUNTY

reconstruction, alteration or use of buildings or structures in violation of the regulations adopted hereby.

Section 7.4. All fines, civil penalties and forfeitures resulting from a violation of this ordinance shall be paid to the Treasurer of Delta County and shall be deposited into the General Fund of the County.

Section 8. Fees. There shall be no County building permit fees. Fees imposed by independent contractors and inspectors are not under County jurisdiction.

Section 9. Amendment. In accordance with Section 30-28-204, C.R.S., this ordinance, and the building codes adopted for the Highway 92 Overlay District by reference, may be amended by the Board of County Commissioners by resolution after public hearing, notice of which hearing shall be given by at least one publication in a newspaper of general circulation in the County at least fourteen (14) days prior to said hearing.

Section 10. Publication and Effective Date. The foregoing text is the authentic text of Delta County Ordinance No. 2006-09. The first reading of said ordinance took place on October 30, 2006. It was published in full in the *Delta County Independent* on September 20, 2006, and on November 1, 2006. A public hearing was conducted by the Board of County Commissioners of Delta County on October 16, 2006, notice of that hearing having been published in the *Delta County Independent* on September 20, 2006, September 27, 2006, October 4, 2006, and October 11, 2006. The Ordinance was adopted on second reading on November 13, 2006, and shall take effect January 1, 2007.

ADOPTED AND SIGNED this 13th day of November, 2006, at Delta, Colorado.

BOARD OF COUNTY COMMISSIONERS OF
DELTA COUNTY, COLORADO

By: R. Olen Lund voting nay
R. Olen Lund, Chairman

ATTEST:

Ann B. Eddins
Ann B. Eddins
Delta County Clerk and Recorder

Leta J. McCracken
Leta J. McCracken, Vice Chair

[SEAL]



Wayne E. Wolf
Wayne E. Wolf, Commissioner

IRC

1. **Section R101.1 Title.** Insert "Delta County Overlay District Residential Building Code" where indicated.

2. **Section R105.2 Work exempt from permit. Add the following:**

- 10. Agricultural storage structures intended only for incidental human occupancy
- 11. Swimming pools, hot tubs and spas
- 12. Wood decks less than 30" above ground
- 13. Window replacement (if not structural)
- 14. Roofing (if not more than two layers)
- 15. Temporary structures (permitted for one year)
- 16. Single-family residences on more than one acre of land exclusive of easements

Delete: References to electrical and plumbing work covered by State codes

3. **Section R105.3.2 Time limitation of application, R105.5 Expiration, and R107.1 General [Temporary Structures].** Substitute "one year" in place of "180 days" in each section.

4. **Sections R109.1.1 through R109.1.6 are deleted and replaced with the following:**

R109.1.1 Foundation Inspection. Foundation inspections shall be as provided for in the subsections of this section.

R109.1.1.1 Footing Inspections. Inspection shall be made after trenches are excavated, forms erected and reinforced steel, if any, is in place and before concrete is poured.

R109.1.1.2 Drilled Pier Inspections. Inspection shall be made while the piers are being drilled.

R109.1.1.3 Foundation Wall Inspections. Inspection shall be made after the footings or piers have been poured. The foundation walls shall be formed and reinforced steel and void material in place per accepted plan. The foundation wall inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

R109.1.2 Mechanical Inspection. Rough inspection of mechanical systems shall be made prior to covering or concealment and prior to framing inspection.

R109.1.3 Frame Inspections. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating, wires, pipes and ducts inspections are approved.

R109.1.4 Insulation Inspection. Insulation inspections shall be made before insulation is concealed and when R and U-values can be verified.

R109.1.5 Lath or gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

R109.1.6 Final Inspection. Final inspection shall be made after all work is complete and all other required inspections are approved.

5. Table R301.2(1) Climatic and geographic design criteria. Insert the following:

GROUND SNOW LOAD	WIND SPEED (mph)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM				WINTER DESIGN TEMP	ICE SHIELD UNDER- LAYMENT REQUIRE D	FLOOD HAZARDS	AIR FREEZIN G INDEX	MEAN ANNUAL TEMP
			Weathering	Frost line depth	Termite	Decay					
30 PSF	90 mph Exposure "C"	C	Severe	36"	Slight to Moderate	None To Slight	7° F	No	Zone C	1031	49

- 6. R301.2.3.1 Snow loads.** The roof structure shall be designed for snow loads as determined by the Basic Snow Load Design except in no case shall the snow load be less than 30 pounds per square foot.
- 7. Chapter 11 Section N1101 through N1104, Energy efficiency.** Delete entire chapter.
- 8. Sections G2410 through G2424. Delete Fuel Gas sections G2410 through G2424**
- 9. Chapters 25 through 32. Delete chapters 25 through 32, Part VII-Plumbing**
- 10. Chapters 33 through 42. Delete chapters 33 through 42, Part VII-Electrical**
- 11. Appendix Chapter E. Appendix Chapter E, Manufactured Housing Used as**
~~Detached Accessory Dwelling Units~~
- 12. Appendix Chapter H. Appendix Chapter H Patio Covers is adopted.**

IBC

1. **Section 101.1. Title.** Insert "Delta County Overlay District " where indicated.
2. **IBC Section 105 Work exempt from permit. Add the following:**
 14. Agricultural storage structures intended only for incidental human occupancy
 15. Swimming pools, hot tubs and spas
 16. Wood decks less than 30" above ground
 17. Window replacement, (if not structural)
 18. Roofing (if not more than two layers)
 19. Temporary structures (permitted for one year)**Delete** any reference to electrical and plumbing work covered by State codes.
3. **Section 105.2.2 Time limitation of application, and 105.5 Expiration and 107.1 General [Temporary Structures].** In each case substitute for "180 days" the time period "one year."
4. **Sections 109.3.1 through 109.3.10 are deleted and replaced with the following:**
 - 109.3.1 Foundation Inspection.** Foundation inspections shall be as provided for in the subsections of this section.
 - 109.3.1.1 Footing inspections.** Inspection shall be made after trenches are excavated, forms erected and reinforcing steel, if any, placed and before any footings are poured.
 - 109.3.1.2 Drilled pier inspections.** Inspection shall be made while the piers are being drilled.
 - 109.3.1.3 Foundation wall inspections.** Inspection shall be made after the footings or piers have been poured. The foundation walls shall be formed and reinforcing steel and void for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.
 - 109.3.1.4 Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is poured.
 - 109.3.2 Frame inspections.** Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating, wires, pipes and ducts inspections are approved.
 - 109.3.3 Insulation inspection.** Insulation inspections shall be made before insulation is concealed and when R and U-values can be verified.
 - 109.3.4 Lath or gypsum board inspection.** Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.
 - 109.3.5 Final inspection.** The final inspection shall be made after all work is complete and all other required inspections are approved.
5. **Chapter 13 Section 1301 Energy efficiency .** Delete entire chapter.

6. **Section 1608.1.1 Snow loads.** The roof structure shall be designed for snow loads as determined by the Basic Snow Load Design except in no case shall the snow load be less than 30 pounds per square foot.
7. **Chapter 27 Electrical.** Delete Chapter 27.
8. **Chapter 29 Plumbing Systems.** Delete Chapter 29.
9. **Section 3410.2 Applicability.** Insert date when this becomes effective.
10. **Appendix Chapters H and I.** Appendix Chapters H and I are adopted.

[illegible]

Not to Scale

ORDINANCE
OF THE
BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF DELTA, STATE OF COLORADO

ORDINANCE NO. 2006-10

**ORDINANCE TO REPEAL ORDINANCES NO. 2004-07 AND 2006-08;
ORDINANCE TO RESTRICT THE ENTRY INTO AND PLACEMENT AND INSTALLATION IN
DELTA COUNTY OF MOBILE HOMES CONSTRUCTED PRIOR TO JUNE 15, 1976 (PRE-
HUD), TO RESTRICT RELOCATION OF PRE-HUD MOBILE HOMES, AND TO PROHIBIT
ABANDONED PRE-HUD MOBILE HOMES**

WHEREAS, in accordance with said authority, the Board adopted Ordinance No. 2004-07 on October 4, 2004, and amended said Ordinance with Ordinance No. 2006-08 on July 31, 2006; and

WHEREAS, the Board deems it in the best interests of the citizens of Delta County, as well as County government, to review and clarify the restrictions and definitions set forth in Ordinance No. 2004-07; and

WHEREAS, the Board of County Commissioners of Delta County (the Board) has authority pursuant to Article 28 of Title 30, C.R.S., and Article 20 of Title 29, C.R.S., to restrict the placement and installation of mobile homes constructed prior to June 15, 1976 (Pre-HUD) within the unincorporated area of Delta County; and

WHEREAS, it is the intent of the Board of County Commissioners to promote the health, safety and general welfare of the present and future residents of Delta County; and

WHEREAS, this Board finds that mobile homes constructed prior to June 15, 1976 (Pre-HUD), were constructed or equipped according to standards which will not promote the health, safety and welfare of the residents of Delta County, including but not limited to the following:

- A. The walls, ceilings and doors of each compartment containing a gas fired furnace or water heater were not required to be lined with 5/8" gypsum board.
- B. Each room designated expressly for sleeping purposes was not required to be equipped with an exit door or at least one (1) outside egress window or other approved exit device with a minimum clear dimension of twenty-two (22) inches and a minimum clear opening of five (5) square feet, with the bottom of the exit being not more than thirty-six (36) inches above the floor.

ORDINANCE TO REPEAL ORDINANCES NO. 2004-07 AND 2006-08; ORDINANCE TO RESTRICT THE ENTRY INTO AND PLACEMENT AND INSTALLATION IN DELTA COUNTY OF MOBILE HOMES CONSTRUCTED PRIOR TO JUNE 15, 1976 (PRE-HUD), TO RESTRICT RELOCATION OF PRE-HUD MOBILE HOMES, AND TO PROHIBIT ABANDONED PRE-HUD MOBILE HOMES

- C. Most units were wired with aluminum conductors, and ground fault circuit interrupters (GFI) were not installed.

WHEREAS, all counties surrounding Delta County have passed resolutions or ordinances prohibiting the installation and placement of mobile homes constructed prior to June 15, 1976 (Pre-HUD), and as a result thereof, a large number of these mobile homes have been brought into Delta County, negatively impacting its residents;

WHEREAS, this Board deems that it is in the best interests of the County and its citizens to restrict placement and installation of mobile homes constructed prior to June 15, 1976 (Pre-HUD) within the unincorporated area in Delta County; provided, however, that it would not be appropriate to require the immediate removal of such homes that are already occupied.

WHEREAS, this Board finds that the passage of this Ordinance is necessary because of the proliferation within Delta County of Pre-HUD mobile homes, because of the safety hazards to which the majority of these Pre-HUD mobile homes are subject to, and because of the number of negative impacts to the property and person of the citizens of this County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Delta County as follows:

1. Effective as of the date of the adoption of this Ordinance, Pre-HUD mobile homes shall not be permitted to enter and remain in Delta County or to be installed and placed for habitable living units, storage or any other purposes within the unincorporated area of Delta County, except as approved by the Board of County Commissioners pursuant to the Regulation for Specific Development adopted by Resolution 2006-R-016 or as hereafter amended

2. Effective as of the date of the adoption of this Ordinance, no Pre-HUD mobile homes shall be moved to any property within the unincorporated area of Delta County with the intent that said mobile home be placed and used for any purpose, except as set forth herein. For purposes of this Ordinance, the separation of a Pre-HUD mobile home from the vehicle transporting it shall be presumptive evidence of an intent to place and/or install the mobile home on property in the unincorporated area of Delta County.

3. Provisions relating to the relocation of Pre-HUD mobile homes within Delta County.

- a. Pre-HUD mobile home not occupied by owner. Any Pre-HUD mobile home which is currently installed and occupied as business or living unit by other than the owner of the mobile home in the unincorporated area

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of Delta County shall be permitted to remain in its present location, but may not be relocated to or installed upon any other parcel of property in Delta County, unless the mobile home is permitted by the Delta County Planning Department following certification by a County-approved inspector that the mobile home meets the standards set forth in Exhibit A, attached hereto and by reference made a part hereof.

- b. Pre-HUD mobile home occupied by owner. Any Pre-HUD mobile home which is currently installed and occupied as a business or living unit by its owner may remain in its present location and may also be relocated to or installed upon any other parcel of property in Delta County, for the same use and for occupation by the same person or persons.
- c. Sale of owner-occupied Pre-HUD mobile home. Upon the sale or transfer of title of a Pre-HUD mobile home occupied by its owner, such mobile home may not thereafter be relocated for use or occupancy to another location in Delta County unless the mobile home is permitted by the Delta County Planning Department following certification by a County approved inspector that the mobile home meets the standards set forth in Exhibit A.

4. Effective as of the date of this Ordinance, any abandoned pre-HUD mobile home must be removed from Delta County or otherwise disposed of in a legal manner within ninety (90) days of the date the mobile home is abandoned. An owner of such mobile home may apply to the Delta County Planner or his/her designee for a conditional use permit. Factors to be considered for such permit include, but are not limited to, health, safety, compatibility with the neighborhood, and whether taxes are being paid and have been paid. The Planner or his/her designee shall be entitled to place reasonable conditions upon the granting of a conditional use permit, including at a minimum that the mobile home will be made safe to occupants.

5. Any pre-HUD mobile home which is destroyed or damaged to the extent of fifty percent (50%) or more of its structure or value must be removed from Delta County or otherwise disposed of in a legal manner within ninety (90) days of its destruction or damage and may not be rebuilt.

6. The provisions above with respect to location of Pre-HUD mobile homes within Delta County, Colorado, shall not apply to mobile homes built prior to June 15, 1976 which contain a label certifying compliance to the Standard for Mobile Homes, NFPA 501, ANSI 119.1 in effect at the time of manufacture.

ORDINANCE TO REPEAL ORDINANCES NO. 2004-07 AND 2006-08; ORDINANCE TO RESTRICT THE ENTRY INTO AND PLACEMENT AND INSTALLATION IN DELTA COUNTY OF MOBILE HOMES CONSTRUCTED PRIOR TO JUNE 15, 1976 (PRE-HUD), TO RESTRICT RELOCATION OF PRE-HUD MOBILE HOMES, AND TO PROHIBIT ABANDONED PRE-HUD MOBILE HOMES

7. The provisions above with respect to location of Pre-HUD mobile homes within Delta County, Colorado, shall not apply to Pre-HUD mobile homes which meet both of the following conditions:

- a. As of the date of the adoption of this Ordinance, the Pre-HUD mobile home is installed and occupied as a living unit (owner occupied or non-owner occupied) in the unincorporated area of Delta County; **and**
- b. The Pre-HUD mobile home is permitted by the Delta County Planning Department following certification by a County approved inspector that the mobile home meets the standards set forth in Exhibit A.

8. Enforcement Provisions: Although the restrictions contained in this Ordinance do not constitute a "building code" as described in Part 2 of Article 28 of Title 30, C.R.S., they serve the same purpose and are implemented pursuant to those statutes. Accordingly, any violation of this Ordinance may be enforced through any legal means available to the Board, including actions for injunction, mandamus or abatement to prevent, enjoin, abate or remove any violating mobile home in accordance with Section 30-28-209, C.R.S. The procedures contained in Section 30-28-210(2), C.R.S., are applicable and incorporated herein by reference. In addition to the remedies as set forth above, any person, firm, or corporation violating any provision of this Ordinance may be subject to the imposition, by order of the County Court, of a civil penalty in an amount of not less than Five Hundred Dollars (\$500.00) and no more than One Thousand Dollars (\$1,000.00). It is within the discretion of the Delta County Attorney to determine whether to pursue the civil penalties set forth herein and in Section 30-28-210, C.R.S., the remedies set forth in Section 30-28-209, C.R.S., or both. Each day after the issuance of the order of the County Court during which such unlawful activity continues shall be deemed a separate violation and shall in accordance with the subsequent provisions of Section 30-28-210, C.R.S., be the subject of a continuing penalty in an amount not exceed One Hundred Dollars (\$100.00) for each such day. Until paid, any civil penalty ordered by the County Court and assessed under this section (1) shall, as of recording, be a lien against the property on which the violation has been found to exist. In case the assessment is not paid within thirty (30) days, it may be certified by the County Attorney to the County Treasurer, who shall collect the assessment, together with a ten (10) percent penalty for the cost of collection, in the same manner as other taxes are collected. The laws of this state for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of assessment pursuant to this section. Any lien placed against the property pursuant to this section shall be recorded with the clerk and recorder of the County. For purposes of the statute, the Delta County Planner, the Delta County Planning Associate and any other official designated by separate resolution of this Board shall be and hereby are designated building inspectors.

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9. Delta County Ordinance 07 adopted October 4, 2004, and Ordinance 08 adopted May 8, 2006, shall be and hereby are repealed.

10. Definitions: For purposes of this Ordinance:

- a. "Mobile home" shall be defined as a transportable structure originally designed for year-round residential or business purposes and having, or designed to have, water, electrical, sewage connections similar to those of conventional dwellings, not meeting the specification required for a recreation vehicle.
- b. "Recreation vehicle" shall be defined as any building, structure or vehicle designed and/or used for living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place, and automobiles when used for living or sleeping purposes and including pick-up coaches (campers), motorized homes, boats, travel trailers and camping trailers not meeting the specification required for a manufactured or mobile home.
- c. "Abandoned" mobile home shall be defined as:
 - (1) one not occupied or used for legitimate residential, business or agricultural purposes for one hundred eighty (180) days; or
 - (2) one for which the applicable taxes have not been paid for one (1) year; or
 - (3) one in a condition which presents a substantial danger or hazard to public health, safety, or welfare, which is unused by the owner, which is uninhabited because of deterioration or decay, which condition constitutes a fire hazard, or subjects adjoining property to danger or damage by storm, soil erosion, or rodent infestation, or which becomes a place frequented by trespassers and transients seeking a temporary hideout or shelter; or
 - (4) one which has remained on the same property supported by its wheels and tongue, with minimal effort to block or place the mobile home on a pad, for a period of 120 days or more.
- d. "Owner" shall be defined as the owner of record as of the date of this Ordinance.

11. Publication and Effective Date: The foregoing text is the authentic text of Delta County Ordinance No. 2006-10. The first reading of said Ordinance took place on November 6, 2006. It was published in full in the *Delta County Independent* on

ORDINANCE TO REPEAL ORDINANCES NO. 2004-07 AND 2006-08; ORDINANCE TO RESTRICT THE ENTRY INTO AND PLACEMENT AND INSTALLATION IN DELTA COUNTY OF MOBILE HOMES CONSTRUCTED PRIOR TO JUNE 15, 1976 (PRE-HUD), TO RESTRICT RELOCATION OF PRE-HUD MOBILE HOMES, AND TO PROHIBIT ABANDONED PRE-HUD MOBILE HOMES

November 22, 2006. The ordinance was approved on second reading on December 11, 2006, and is effective January 1, 2007.

ADOPTED this 11th day of December, 2006.

BOARD OF COUNTY COMMISSIONERS OF
DELTA COUNTY, COLORADO

By: R. Olen Lund
R. Olen Lund, Chairman

Leta J. McCracken
Leta J. McCracken, Vice Chairman

ATTEST:

Ann B. Eddins
Ann B. Eddins
Delta County Clerk and Recorder

Wayne E. Wolf
Wayne E. Wolf, Commissioner

[SEAL]



EXHIBIT A

to

ORDINANCE NO. 2006-10

ORDINANCE TO REPEAL ORDINANCES NO. 2004-07 AND 2006-08;
ORDINANCE TO RESTRICT THE ENTRY INTO AND PLACEMENT AND INSTALLATION IN
DELTA COUNTY OF MOBILE HOMES CONSTRUCTED PRIOR TO JUNE 15, 1976 (PRE-HUD),
TO RESTRICT RELOCATION OF PRE-HUD MOBILE HOMES, AND TO PROHIBIT ABANDONED
PRE-HUD MOBILE HOMES

**STANDARDS NECESSARY TO EXEMPT A MOBILE HOME CONSTRUCTED
PRIOR TO JUNE 15, 1976 (PRE-HUD) FROM THE PROVISIONS OF THE
ABOVE-ENTITLED DELTA COUNTY ORDINANCE NO. 2006-10**

1. Smoke detectors installed on any wall in a hallway or space communicating with each bedroom area and the living area on the living area side.
2. The walls, ceilings and doors of each compartment containing a gas fired furnace or water heater are lined with 5/16 inch gypsum board, unless the door opens to the exterior of the home, in which case, the door may be all metal construction;
3. Each room designated expressly for sleeping purposes shall have an exterior exit door of at least one (1) outside egress window or other approved exit device with a minimum clear dimension of twenty-two (22) inches and a minimum clear opening of five (5) square feet. The bottom of the exit shall not be more than thirty-six (36) inches above the floor;
4. All electrical systems shall be tested for continuity to assure that metallic parts are properly bonded, tested for operation to demonstrate that all equipment is connected and in working order, and given a polarity check to determine that connections are proper. The electrical system shall be properly protected for the required amperage load. If the unit wiring is of aluminum conductors, all receptacles and switches rated twenty (20) amperes or less, directly connected to the aluminum conductors, shall be marked CO/ALR. Exterior receptacles other than heat tape receptacles shall be of the ground fault circuit interrupter (GFI) type. Conductors of dissimilar metals (copper/aluminum or copper clad aluminum) must be connected in accordance with Section 100-14 of the National Electrical Code.
5. The mobile home's gas piping shall be tested with the appliance valves removed from the piping system and piping capped at those areas. The piping system shall withstand a pressure of at least six (6) inch mercury or three (3) psi gauge for a period of not less than ten (10) minutes without showing any drop in pressure. Pressure shall be measured with a mercury manometer or a slope gauge calibrated so as to read in increments of not greater than one-tenth (1/10) pound or an equivalent device. The source of normal operating pressure shall be isolated before the pressure test is made. After the appliance connections are reinstalled, the piping system and connections shall be tested with line pressure of not less than ten (10) inches nor more than fourteen (14) inches water column

STANDARDS NECESSARY TO EXEMPT A MOBILE HOME CONSTRUCTED PRIOR TO JUNE 15, 1976 (PRE-HUD) FOR EXEMPTION FROM THE PROVISIONS OF THE ABOVE-ENTITLED DELTA COUNTY ORDINANCE NO. _____

air pressure. The appliance connections shall be tested for leakage with soapy water or a bubble solution. All gas furnaces and water heaters shall be vented to the exterior in accordance with Chapter 9 of the Uniform Mechanical Code.

6. A full water or air pressure test will be performed on the mobile home's water and sewer system.
 - a. Water piping shall be tested and proven tight under a water pressure not less than the working pressure under which it is to be used. The water used for tests shall be obtained from a potable source of supply. A fifty (50) pound per square inch (344.5kPA) air pressure may be substituted for the water test. In either method of test, the piping shall withstand a test without leaking for a period of not less than fifteen (15) minutes.
 - b. A water test shall be applied to the drainage and vent system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except at the highest opening and the system filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest opening of the section under the test and each section shall be filled with water, but no section shall be tested with less than a ten (10) foot (3m) of the next preceding section, so that no joint or pipe in the structure, except the uppermost ten (10) feet (3m) of the system shall have been submitted to a test of less than a ten (10) foot (3m) head of water. The water shall be kept in the system or in the portion under testing for at least fifteen (15) minutes before inspection starts. The system shall be tight at all points.

The above testing, repairs or verification of compliance must be performed only by persons who have been authorized or otherwise qualified by Delta County to perform the work and inspected by the appropriate entity (Colorado State Electrical Inspection, Colorado State Plumbing Inspection).



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RESOLUTION
OF THE
BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF DELTA, STATE OF COLORADO

RESOLUTION NO. 97-R-035

A RESOLUTION AMENDING MOBILE HOME PARK REGULATIONS

WHEREAS, in June 2, 1975, this Board adopted Mobile Home Park Regulations for Delta County, which regulations remain in effect.

WHEREAS, on October 16, 1997, the Delta County Planning Commission conducted a public hearing with respect to certain proposed amendments to the Mobile Home Park Regulations, after notice of such public meeting was published in the Delta County Independent;

WHEREAS, the Delta County Planning Commission has recommended to the Board the adoption of the proposed amendments to the Mobile Home Park Regulations; and

WHEREAS, the approval of such amendments is in the best interests of the residents and property owners of Delta County.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Delta County that the Mobile Home Park Regulations for Delta County adopted by this Board on June 2, 1975, shall be and hereby are amended as follows:

a) SECTION 1 PURPOSE, TITLE, *INTENT*, AUTHORITY, JURISDICTION
AND APPLICABILITY

b) 1 - 1 Add third paragraph, as follows:

1 - 1 *Intent* -

The intent of these regulations is to provide for the health, safety and general welfare of the residents of Delta County, to ensure orderly development and to ensure compliance with the goals and policies of the Delta County Master Plan.

c) 1 - 3 Add title and amend as follows:

1 - 3 *Jurisdiction.*

The territorial jurisdiction under this resolution shall include all private



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Resolution Amending Mobile Home Park Regulations - continued

lands located within the unincorporated areas of Delta County.

- d) 2 - 1 Amended as follows:

2 - 1 Mobile Home Park

Any parcel of land on which is placed or which is improved for sites for three or more mobile homes, or other similar moveable structures, including recreational vehicles, or any two or more contiguous parcels of land, under the same ownership, on which are placed, or which are improved for sites for, three or more mobile homes, or other similar moveable structures, including recreational vehicles.

- e) Add Section 2 - 14

2 - 14 Delta County Master Plan

The most recent Master Plan (also referred to as "Comprehensive Plan" or "Comp Plan") adopted by the Delta County Planning Commission pursuant to §30-28-106, Colorado Revised Statutes.

- f) Add Section 2 - 15

2-15 Recreational Vehicle

A "camper coach," "camper trailer," "motor home," "trailer coach" or "manufactured home," as defined in the Colorado statutes, presently §42-1-102, C.R.S., as amended.

- g) Add Section 3 - 9

3 - 9 Compliance with Master Plan

Throughout the review process, the application, sketch plan, preliminary plan and final plan must comply, to the greatest extent possible, with the Delta County Master Plan then in effect. Any application or plan submitted that does not conform to the Delta County Master Plan may be denied or disapproved.



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Resolution Amending Mobile Home Park Regulations - continued

h) 7 - 1 Amended as follows:

7 - 1 General Standards

The design and development of Mobile Home Parks *shall conform with the Delta County Master Plan* and shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil and trees. Land subject . . .

ADOPTED this 27th day of October, 1997.

BOARD OF COUNTY COMMISSIONERS
OF DELTA COUNTY, COLORADO

By

Ted H. Hayden
Ted H. Hayden, Chairman

Jim D. Ventrello
Jim D. Ventrello, Vice-Chairman

Donna R. Ferganchick
Donna R. Ferganchick, Member

ATTEST:

Lela J. McCracken
Lela J. McCracken
Delta County Clerk and Recorder

[SEAL]



MOBILE HOME PARK

REGULATIONS

FOR

DELTA COUNTY

JUNE 1975

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SECTION 1

PURPOSE, TITLE, AUTHORITY, JURISDICTION AND APPLICABILITY

1 - 1 Purpose and Title

Purpose - A resolution establishing rules, regulations and standards governing the development or expansion of Mobile Home Parks within the unincorporated area of the County, setting forth the procedure to be followed by the Board of County Commissioners and the Planning Commission in applying and administering these rules, regulations and standards and setting forth the penalties for the violation thereof as established by the State of Colorado.

Title- These Regulations shall be known and may be cited as "The Mobile Home Park Regulations of Delta County".

1 - 2 Authority

The County is enabled by law to control the development of Mobile Home Parks in all of the unincorporated land within the county limits by virtue of Chapter 30 of the Colorado Revised Statutes of 1973, as amended, and more specifically by Colorado Revised Statutes 30-28-101 & 133.

Also portions of Subsection 106-8-104 of Colorado Revised Statutes of 1963, as amended by House Bill No. 1034 being Chapter 81 of the 1974 session laws.

1 - 3 The territorial jurisdiction under this resolution shall include all private lands located within the unincorporated areas of Delta County and including within the Town of Orchard City.

1 - 4 Applicability

These regulations shall apply to all new Mobile Home Parks within the jurisdiction stated in paragraph 1 - 3 that are developed after the date on which they are formally adopted by the Board of County Commissioners of Delta County. They are also applicable for the expansion of any existing Mobile Home Park or in situations where additional Mobile Homes are to be placed on a piece of property and the final total number of Mobile homes will be three or more.

SECTION 2 DEFINITIONS

2 - 1 Mobile Home Park

Any parcel of land on which is placed or improved for sites for three or more mobile homes or other similar moveable structures. Such sites may be rented, leased or have occupancy for which no specific rent is charged. The board may, pursuant to resolution, exempt parcels of land planned for improvements to accommodate three or more Mobile Homes if that activity is not within the intent of these Regulations.

2 - 2 Board

The Board of County Commissioners of Delta County.

2 - 3 Developer or Subdivider

Any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or agent in the planning, platting, development, promotion, lease or rent of a Mobile Home Park.

2 - 4 Disposition

Means a contract of sale, resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided land which is not made pursuant to one of the foregoing.

2 - 5 Easement

A right to land generally established in a real estate deed or on a recorded plat or plan to permit the use of land by the public, a corporation, utility system or particular persons for specified uses.

2 - 6 Mobile Home

A structure designed to be transported after fabrication and exceeding either eight (8) feet in body width or thirty-two (32) feet in body length. Such a structure is built on a chassis and retains the chassis on which it was built. Such a structure is suitable for human habitation on a year-round basis when provided with the required plumbing, heating and electrical hookup facilities.

2 - 7 Mobil Home Space

A plot of ground within a Mobile Home Park designed for the accommodation of one mobile home.

2 - 8 Off-Street Site Parking Space

The space required to park one passenger vehicle which space shall not be less than one hundred sixty square feet in area, exclusive of access drives.

2 - 9 Planning Commission

The Delta County Planning Commission

2 - 10 Right-of- Way

The total road including roadway, shoulder and necessary drainage or landscaping provisions.

2 - 11 Roadway

That actual portion of the street right-of-way designed for public vehicular traffic.

2 - 12 Site or Space

A plot of ground in a Mobile Home Park designed for the accommodation of on mobile home.

2 - 13 Stand

That portion of a site designated for the actual placement of the mobile home. It must be improved as necessary to provide an adequate foundation for the mobile home. This stand may also be referred to as a "pad".

SECTION 3

PROCEDURES FOR SUBMISSION AND REVIEW OF MOBILE HOME PARK PLANS

3 - 1 Submission of Sketch Plan

Developers shall submit a sketch plan prior to the submission of a preliminary plan. Said sketch plan will enable the Planning commission and the Board to perform an informal review of the site plan for general scope and to identify any items which might affect the proposed development. The plan shall be submitted to the planning office which shall be responsible for coordinating all the necessary reviews.

Initial consideration of all sketch plan materials will be by the Planning Commission. It shall review the plan and then send to the Board its comments, suggestions and recommendations. The Board shall then review the materials and the report of the Planning Commission, and communicate its own comments, suggestions and recommendations to the developer and to the Planning Commission at a regular meeting of the Board.

3 - 2 Submission of the Preliminary Plan

Developers shall submit required preliminary plan materials for a proposed Mobil Home Park for approval prior to the submission of a final plan. Approval of the preliminary plan shall be effective for eighteen (18) months. The preliminary plan is submitted to the Planning Office which shall be responsible for coordinating all the necessary reviews.

3 - 3 Review of the Preliminary Plan

The Planning Commission shall initially consider the plan at a regular meeting. After presentation by the developer the Planning Commission will decide whether further consideration is appropriate. If initially accepted, the plan will be distributed to all affected agencies for their review and comment. Upon receipt of responses by the agencies, or default by them, the Planning Commission shall review and study as it deems necessary, including the holding of public hearings, to make an informed and reasonable judgment on the preliminary plan. The final review of the plan will be conducted at a regular meeting at which they will deliver to the board and to the developer their comments, suggestions and recommendations regarding the preliminary plan. The Board shall act upon such preliminary plan after receipt of the recommendation of the Planning Commission at a regular meeting of the Board at which the developer or his representative will be in attendance.

3 - 4 Submission and Approval of the Final Plan

The final plan for the proposed development shall be submitted to the Planning Office. It shall be reviewed by the Planning commission at a

3 - 4 (Cont) regular meeting. If it is acceptable the plan will be endorsed by the Chairman and forwarded to the board. Unacceptable plans shall be returned to the developer for necessary corrections. After approval by the Planning Commission, the developer or his representative shall appear at the next regular meeting of the Board to request review of the final plan. If the Board determines that the final plan submission complies with the applicable requirements of these regulations, they shall endorse the Plan as follows:

Reviewed and recommended for approval
by the Delta County Planning Commission

Date

By: _____
Chairman

Reviewed and approved by the Board of
County Commissioners of the County of
Delta.

Date

By: _____
Chairman

ATTEST:

County Clerk & Recorder

(SEAL)

3 - 5 (Cont) Acceptance of Streets and Other Public Land Dedication

Approval of a Mobile Home Park Plan shall not constitute an acceptance by the county of the roads, streets, alleys, or other public lands as indicated for dedication in the plan. The dedication of any of these lands for public use of any nature does not relieve the developer or owner from maintenance of that portion of property.

3 - 6 Withdrawal of Approval

The board may withdraw its approval of a plan if and when it is determined that information provided by the developer, upon which such decision was based, is false or inaccurate.

3 - 7 Recording Final Plan

The developer shall record the final plan with the County Clerk and Recorder within five (5) working days of approval of the final plan by the Board. All recording fees shall be paid by the developer.

3 - 8 Revisions

If it is determined that any revisions are required for an already approved or existing Mobile Home Park, they shall be handled in accordance with guidelines prepared by the Planning Office. In any event, approval by the Board is required on all revisions and they must subsequently be filed with the Delta county Clerk and Recorder.

SECTION 4

SKETCH PLAN REQUIREMENTS

4 - 1

Contents of Sketch Plan Applications

A sketch plan shall include the following items:

- (1) The name of the proposed Mobile Home Park
- (2) The name and address of the owner (s) and of the developer (s).
- (3) A map showing the general location of the Mobile Home Park and the property boundaries of the area and True North, and significant natural and man-made features on the site and nearby.
- (4) A map drawn to an appropriate scale showing:
 - (a) Existing topographic contours drawn from available data, such as United States Geological Survey;
 - (b) The acreage of the entire tract and the area to be devoted to each type of use.
 - (c) A lot and street layout indicating general scaled dimensions of Mobile Home sites and other areas in the Park.
- (5) A map of soil types and their boundaries, as shown on soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, and also a table of interpretations for the soil types shown on the soil map prepared by the Soil Conservation Service.
- (6) Information concerning:
 - (a) Type of water system proposed
 - (b) Type of sewage disposal system proposed.
 - (c) Any geologic characteristics of the area that might significantly affect the land use and determine the impact of such characteristics on the proposed Mobile Home Park.
 - (d) In areas of potential radiation hazard to the proposed land use, these potential radiation hazards shall be evaluated.
 - (e) Any features of the proposed development that deserves special mention.

SECTION 5

PRELIMINARY PLAN REQUIREMENTS

Contents of the Preliminary Plan Application

One copy of an application for Approval of a Mobile Home Park preliminary plan.

The Legal description of the area to be developed.

A minimum of fifteen (15) copies of each of all required maps of the proposed Mobile Home Park. Such maps shall show the following:

- (1) Location and Vicinity map showing the following:
 - (a) Related existing and planned streets and roads.
 - (b) Significant natural and manmade features and vegetation patterns, etc. within the proximity of the proposed park.
- (2) A map prepared by a registered land surveyor showing the following at the scale of 1" = 100' :
 - (a) Site and street layout including:
 - Dimensions of all sites to the nearest foot (which may be scaled values).
 - Sites numbered consecutively.
 - Existing and proposed streets and the names of each.
 - Sites to be reserved or dedicated for parks, playgrounds, schools, or other public uses.
 - Sites, if any, for multi-family dwelling, shopping centers, community facilities, industry, or other uses, exclusive of single family dwelling.
 - (b) Existing buildings, easements, waterlines, telephone lines, gas lines, power lines, and other features located within the Mobile Home Park boundaries.
 - (c) A composite utilities easement plan showing locations, size and proposed use of all new easements, (subsequently, all utilities must be constructed within approved easements).
 - (d) Landscaping plans for the Mobile Home Park.
- (3) A typical site plan for this Mobile Home Park to be drawn at a scale of 1" = 10'. It should show all improvements on the site to be provided by the development.

Section 5 (cont)

- (4) A map prepared by a registered land surveyor showing the following at a scale of 1" = 100':
 - (a) Lot and street layout as in (2) (a) above.
 - (b) The existing contours at two (2) foot intervals for ground slopes within the tract.
 - (c) A generalized grading plan identifying areas of cut and fill and street gradients.
 - (d) Water courses and proposed storm water drainage systems including culverts, water areas, streams areas subject to occasional flooding, marshy and swamps.
 - (e) The approximate boundaries of areas subject to inundation or storm water overflows of an intensive estimated to occur with a return frequency of once very hundred years.

SECTION 6

FINAL PLAN REQUIREMENTS

6 - 1 Conformance with Preliminary Plan

While normally submitted all at once, a final plan may be submitted in sections covering representative and reasonable portions of the Mobile Home Park. In any case, submission shall include six (6) copies of the plan or portion thereof being processed at this time. The developer shall furnish one additional copy of each of the final plan maps for recording purposes which shall be on tracing cloth or mylar.

The final plan submission shall conform in all major respects to the Preliminary Plan as previously reviewed and approved by the Board and shall incorporate all modifications required in its review.

6 - 2 Final Plan Information

The final plan shall include a map that shows the following at the scale of 1" = 100' :

- (a) All lands within the boundaries of the Mobile Home Park shall be accounted for either as lots, walkways, streets, alleys or excepted parcels.
- (b) On curved boundaries and all curves on the park streets sufficient data shall be given to enable the reestablishment of the curves on the ground. When the park is bounded by an irregular shore line or other physical features, the bearings and distances of a closing meander traverse should be given and a notation made that the park includes all land to the water's edge or other physical feature as appropriate.
- (c) All lengths shall be shown to at least one foot, and angles and bearings shall be shown to degrees of arc.
- (d) Bearings and lengths shall be given for all site lines except that bearing and lengths need not be given for interior site lines where the bearings and lengths are the same as those of both end site lines.
- (e) All easements shall be designated as such and bearings and dimensions given.
- (f) All easements shall be consecutively numbered.
- (g) Excepted parcels shall be marked "Not include in this plan", as appropriate and the boundary completely indicated by bearings and distances.
- (h) All streets shall be named.

6 - 2 (cont)

(i) The information on the plan maps shall also include:

- Name of Mobile Home Park, astronomic north arrow, basis of bearings, and date.
- Name and address of owner or owner of record.
- Total acreage of the Mobile Home Park, the total number of sites and the legal description of the property.
- Typical site layouts
- Design details of special structures if needed for the park.

The plan map shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work according to the State of Colorado.

6 - 3

Additional Supporting Documents

The following documents shall be submitted with the Final Plan drawing and be considered a part of the Final Plan submission:

- (a) A copy of an application form for review of a Final Plan.
- (b) Road Profile Information, if required.
- (c) Grading and drainage plan, if required.
- (d) Erosion control plan, when required.
- (e) A guarantee of all improvements for the park.
- (f) When a new street will intersect with a state highway, a copy of the state highway access permit shall be submitted.
- (g) Copies of lease or rental restrictions, including those required by the Board, to govern the future use of each site and any common land, or park revisions and other potential changes which might significantly alter the Mobile Home Park.

Section 7

DESIGN STANDARDS

7 - 1

General Standards

The design and development of Mobile Home Parks shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil and trees. Land subject to hazardous conditions such as land slides, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods and polluted or non-potable water supply shall not be developed into mobile home parks until the hazards have been eliminated or will be eliminated by the development plans. It should be further understood that the Mobile Home Park must meet all other standards that may be in effect at the time the project is proposed. These include Health, Safety, etc.

7 - 2

Parks and Sites

- (1) No park shall be divided by a municipal or county boundary line.
- (2) Site Lines- Side site lines shall be at an approximately right angle or radial to street lines.
- (3) Front on Public Street- All residential sites in Mobile Home Parks shall front on a public street-with a minimum frontage of 20 feet.
- (4) No sites shall front on a federal, state or county highway.

7 - 3

Streets

- (1) Major Streets and Highways. Mobile Home Parks shall not have any major thoroughfares within the park. Such roadways may be located along the boundaries of the park.
- (2) Through Traffic. Local streets shall be laid out to discourage through traffic.
- (3) Access. Adequate access into the park must be provided. With more than 20 sites there should be consideration given to providing two entrances to the park. A park with 30 sites or more must have two means of access.
- (4) Right-of way Width. Streets within the park shall have the following minimum right-of-way widths:
 - (a) Collector street – sixty (60) feet.
 - (b) Local street – forty four (44) feet.
 - (c) Service road or alley – thirty (30) feet.
- (5) Roadway Width. Streets within the park shall have the following roadway widths:
 - (a) Collector street –forty (40) feet.
 - (b) Local street – twenty four (24) feet.
 - (c) Service road or alleys – twenty (20) feet.
- (6) Dead-end Streets. (not cul-de-sacs). Dead end streets shall not be permitted.

- (7) Cul-de-sac Streets. Permanent cul-de-sac serving no more than twenty (20) sites may be permitted and must be provided with a right-of-way at the turn around of fifty (50) feet radius or more and the outside pavement edge radius must be forty (40) feet or more. Cul-de-sac streets intended to be only temporary must also satisfy the above requirements.
- (8) Number of Streets at Intersections. Normally no more than two streets shall intersect at one point.
- (9) Angle of Street Intersections. Streets shall intersect at ninety (90) degrees, except where this may be impractical. Angles of less than ninety (90) degrees may be designed, subject to approval of the Board.
- (10) Centerlines of Intersection Streets. Two streets meeting a third street from opposite sides shall meet at the same point, or their centerlines shall be offset by at least one hundred fifty (150) feet.
- (11) Street Names. Streets shall have the names of existing streets which are in alignment in the county or in an adjoining county or municipality. There shall be no duplication of street names within the area.
- (12) Horizontal Curves. The minimum centerlines radii shall be one hundred fifty (150) feet. A minimum tangent of fifty feet shall be required between a curve and street intersection, a minimum tangent of one hundred (100) feet shall be required between reverse curves.

7 - 4

Roadbed Construction Standards for Roadways

- (1) Base Course... The developer shall construct a base course on a properly rolled and crowned subgrade that conforms to the Delta County road specifications required for the Delta County Subdivisions roads.
- (2) Surface Course. If paving is required by the county because of the size of the development and its particular street pattern, then on the crushed aggregate base course, a bituminous penetration surface shall be constructed of two and one-half (2.5) inch minimum thickness conforming to Department of Highways specifications for bituminous surface course.
- (3) Valley Gutters. Valley gutters shall be used at all intersections and on cul-de-sacs- to handle surface drainage. The normal depth will be three (3) inches.
- (4) Grades. The Maximum permitted grade for any street in a Mobile Home Park is seven (7) percent. Normally streets should be designed with grades of less than five (5) percent.

7 - 5 Sidewalks and Curbs

Sidewalks shall be provide when required by the Board on both sides of all streets, not less than four (4) feet in width and constructed with adequate paving approved by the "Board. Sidewalks shall slope one-fourth (1/4) inch per foot toward the street.

Curbs when required by the Board, will be placed on all streets throughout a development and shall be of either the straight or the rolled type. Detailed design is left to the developer, but is subject to the approval of the Board. Curbs should have a six (6) inch rise and the concrete thickness should also be six inches or more.

7 - 6 Block Standards and Walks

Block lengths shall be reasonable in length and the total design shall also provide for convenient access and circulation for emergency vehicles.

Pedestrian Walks where blocks exceed one thousand (1000) feet in length, pedestrian rights-of-way of not less than five (5) in width shall be provided through blocks where needed for adequate pedestrian circulation. Improved walks of not less than four (4) feet in width shall be place within their rights-of-way.

7 - 7 Site Size Standards

To preclude excessive density, the following standards are established:

- (a) Minimum site size is forty five hundred (4500) square feet.
- (b) Maximum density on any acre of the park is eight Mobile Homes.
- (c) The above requirement on density is further reduced to six homes per acre where septic systems are used for sewage disposal.

7 - 8 Easement Standards

Easements shall follow front, rear or side site lines whenever practical and shall have a minimum total width of fifteen (15) feet. Where front line easements are required, a minimum of ten (10) feet shall be allocated as a utility easement. Perimeter easements shall not be less than fifteen (15) feet in width extending throughout the peripheral area of the development. They shall be designed so as to provide efficient installation of utilities.

7 - 9 Driveways

Driveways for individual park sites shall not be permitted to have direct access to highways or existing county roads.

7 - 10 Setbacks

No mobile home or addition thereto including carports, patios, etc. may be placed closer than twenty (20) feet to a public street or less than ten (10) feet from any sit line.

7 - 11 Skirting

Mobile Home Parks should require all units to be skirted within 90 days after placement on a site. The material used should be fire resistant and generally blend with the appearance of the Mobile Home.

7 - 12 Utilities and Services

Each site will be provided with the following services:

Domestic water, sewage disposal, electricity and telephone.

Natural or LP gas may be provided. All of these utilities must be properly installed per existing regulations, and with systems of adequate capacity to meet anticipated demands.

7 - 13 Fire Protection

Every Mobile Home Park shall be equipped at all time with fire hydrants in good working order of such type, size and number and so located within the park as to satisfy applicable regulations of the appropriate fire department.

7 - 14 Sanitary Sewage Disposal

In all Mobile Home Parks all sites which cannot be connected to a public or community sanitary sewage system shall be provided with a septic or other similar sewage disposal system prior to the use of that mobile home space. In order to determine the adequacy of the soil involved to properly absorb sewage effluent and to determine the area required for such installations, evaluation of the park soil conditions and percolation tests will be performed. The results of these data will be reviewed to determine the general suitability of the soil for these sewage disposal systems. In addition there should be an evaluation made of the possible long-term cumulative effects of the proposed septic systems on surface and subsurface waters in the vicinity of the park.

7 - 15 Drainage System Design

The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the park area but also, where applicable, the system shall be designed to accommodate the runoff from these areas adjacent to and upstream from the park itself, as well as its effects on lands downstream.

7 - 16 Planning of Complete Parcel

Where an entire parcel is not developed as a Mobile Home Park, the subdivider must indicate his intended plans for disposition of the remainder of the parcel.

7 - 17 Public Sites and Open Spaces

The Board, upon consideration of county circulation and facilities and the future requirements of the Mobile Home Park, shall require the dedication of areas or sites of a character, extent, and location suitable for public use for schools and or parks according to one of the following alternatives or a combination of them.

- (a) 400 square feet per site on the final plan shall be reserved and dedicated as open area, the maintenance of which shall be ensured by specific obligations of the owner (s) and his heirs, successors and assigns in the plan for the Mobile Home Park.
- (b) Cash in lieu of open space based as in (a) above, may be paid by the developer. The amount will be based on the full market value after development of the final plan, to be paid over by the developer to the Board and used only for the acquisition of land or sites for schools or parks to serve the Mobile Home Park and the future residents thereof.

7 - 18 Undergrounding of Utilities

All utilities, except major power transmission lines, shall be underground, unless specifically exempted by the Board, who shall grant such exemptions only in cases of extreme difficulty of installation.

7 - 19 Off Street Parking

Each mobile home site shall be provided with a minimum of two off street parking spaces as defined in paragraph 2 - 8 of these regulations.

**Section 8 GUARANTEES OF PUBLIC IMPORVEMENTS, VARIANCES,
VALIDITY, VIOLATIONS, PENALTIES AND FEES**

8 - 1 Guarantees

No final plan shall be approved or recorded until the developer has submitted and the Board has approved the following:

 An improvement agreement guaranteeing to construct any required public improvements shown in the final plan documents, together with collateral and other arrangements which are sufficient, in the judgment of said board, to make reasonable provision for the completion of said improvements in accordance with design and time specifications. As improvements are completed, the developer may apply to the Board for a release of the appropriate part of collateral deposited with said Board. Upon inspection and approval the Board may release said collateral. If the Board determines that the developer will not construct any or all of the improvements in accordance with all of the specifications, the Board may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with the specifications.

8 - 2 Variances

 Should the developer clearly demonstrate that, because of peculiar physical conditions pertaining to his land, the literal enforcement of one or more of these regulations is impracticable or will exact undue hardship, the Board may permit such variance as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by these regulations.

8 - 3 Validity

 If any section, subsection, paragraph, clause, phrase, or provision of these regulations shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of these regulations as a whole or any part or provision hereof, other than the part so adjudged to be invalid or unconstitutional.

8 - 4 Violations and Penalties

 Any developer, subdivider, or agent thereof, who disposes of or offers to dispose of any Mobile Home site or tract or who establishes or expands a Mobile Home Park before a final plan or plat for such a facility has been approved by the Board of County Commissioners and recorded or filed in the office of the County Clerk and Recorder, shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$500. 00.

Mon. July 1, 1975

RESOLUTION

75-009

WHEREAS, Delta County, by and through its Planning Commission and Board of County Commissioners, has adopted Mobile Home Park Regulations;

WHEREAS, the Mobile Home Park Regulations of Delta County also provide for the granting of an exemption by the Board of County Commissioners for a new Mobile Home Park or Mobile Home Park expansion within the county subject to the Mobile Home Park Regulation adopted by the County Commissioners if the County Commissioners determine that such a development is not within the intent of the Mobile Home Park Regulations.

WHEREAS, the Board of County Commissioners desires to adopt new rules and regulations in the form of a resolution setting forth the terms, conditions, and procedures whereby the waiver or exemption of the Mobile Home Park Regulations may be granted upon application of a landowner seeking such an exemption or waiver for his proposed development.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. Any landowner seeking an exemption from the Delta County Mobile Home Park Regulations shall present to the County Planning Department an application upon a form similar to that attached hereto, marked Exhibit "A" and by reference made a part hereof, being an application form which has heretofore been approved by the Board of County Commissioners.
2. Because of the costs of handling and processing applications for waivers, the fee for filing an application is set at \$30.00 for an exemption request.
3. The applicant shall submit to the Delta County Planning Department a diagram of the proposed development or addition thereto.
4. The application shall thereupon be reviewed by the Delta County Planning Department its recommendations noted thereto, and the same shall thereupon be forwarded to the Delta County Planning Commission for their review and recommendations thereon, and it shall then be referred to the Board of County Commissioners for final approval or disapproval.
5. As a matter of general policy, exemptions shall be as to one original parcel of land only for an expansion which shall not exceed three additional spaces to an existing Mobile Home Park; or a new park if not more than three spaces. The Board of Commissioners can, under exceptional circumstances, consider and grant additional exemptions, or variations to the above criteria, but such will be contrary to the general policy of this resolution.

ADOPTED this 7 day of July, 1975

Kenneth H. Sholtz
Chairman
Wayne Gore
Commissioner
John W. Hawkins
Commissioner

ATTEST:

Ray L. Faries
County Clerk

LUC PUNCH LIST - TOPICS

- Definitions/Terminology
 - o ADD
 - Accessory Dwelling Unit (ADU)
 - Aggrieved Party (BoA)
 - Boundary Agreement
 - Boundary Line Adjustment
 - Concept Plan (Replace Sketch Plan)
 - Duplex
 - Fee (Simple) Title
 - Intergovernmental Agreement (IGA)
 - Lot
 - Neighbor (BoA)
 - Mobile Home
 - Parcel
 - Plat (Final)
 - Plat (Preliminary)
 - Plat (Vacation)
 - Record (aka Results, Certificate) of Survey
 - Recreational Vehicle Park
 - Shall
 - Short Term (Vacation) Rental
 - Triplex
 - o AMEND
 - Accessory Business Use of the Home
 - No Employees
 - Campground
 - Communal Living
 - Incidental Commercial Activity
 - Manufactured Home
 - Manufactured Home Park
 - Multifamily
 - Plat (Minor)
 - Recreational Vehicle (align with Junk/Rubbish)
 - Replat
 - Renewable Energy Facility
 - Subdivision Improvement Agreement
 - Tiny Homes (vs RVs, Micro Homes, etc)
 - o DELETE
 - Preliminary Plan
 - Single Family Detached (Cluster)
 - Sketch Plan (change to “Concept”)
- Lot Size/Dimension
 - o Residential Zone (Table 2.a)
 - o Lot Size (Table 3.a)
 - o Variance to Lot Size
 - Not interfering with Ag
 - “Legacy Ag Subdivision” (A35, A20)

LUC PUNCH LIST - TOPICS

- Subdivisions
 - o Phasing
 - o Vacation
 - o Exemptions
 - 35+ Acre Plat
 - Statute language includes exception (“multiple owners”)
 - 35+ Acre Road Resolution (applicable standards)
 - Court Decree
 - Boundary Agreement (disputed)
 - Record of Survey
 - o Format for Signature Blocks, Certifications and Plat Note
 - Standard Plat Notes
 - Standard Signature Blocks
 - o Cluster – add qualifying definition
 - o Plat Requirements
 - RoW Dedication (Fee Title)
 - Private Roads/Driveway – County Standards
 - Limit Cul-de-Sacs
 - Secondary Emergency Access
 - Easements/Encumbrances
 - Deeds
 - Notes
 - Signature Blocks
 - Final level detail (Sketch/Site Plan only at pre-application)
 - o Subdivision Improvement Agreement (SIA)
 - Secure Financial Guarantee
 - Whole Project vs Each Phase
- Density
 - o Add'l Units
 - Site Plan Review
 - o RVs/Mobile Homes/Multi-Family
 - 3 RVs (BoCC?)
 - o Rural Residential
 - o Campground v RV Park v Mfg Park
 - o Affordable Housing
 - o Ag Support & Rural Industry Uses
 - Ag Housing
- Temp Uses
 - o RVs
 - o Events
- Zoning
 - o LU Matrix (Table 2.b)
 - Hemp Processing
 - Fire Chiefs- Hazardous Materials
 - LEPC
 - Cross-Reference Definitions

LUC PUNCH LIST - TOPICS

- Cross-Reference Add'l Residences
- Duplex/Triplex
- Wireless (refers to Resolution)
- Renewable Energy
 - Tiers: small/private vs utility-scale vs large scale
 - Type of permit/process
- Oil & Gas (“reserved”)
- Add Ag Farmworker Housing
- Add Storage Facility
- o Review type of permit by zoning districts
- o Other Regulations (vs Not Allowed in Any Zone)
 - Amend Outdoor Storage to Rubbish/Junk (Reference Ordinances)
 - Add Personal Use Cannabis (Ordinance)
 - Add Pre-HUD Mobile Home (Ordinance)
- Process
 - o Incorporate Development Application
 - o Consolidate Process & Standards
 - Ch 2, 7, 8, 9
- Water
 - o Identity/Map Sources
 - 47 Domestic Water Companies (Purveyors)
 - 119 Irrigation/Ditch Companies
 - o Proof
 - Can & Will (pre-approval)
 - Install (prior to final)
 - o Cisterns
 - Hauled vs on-site source
 - Env Health/State
 - Type 1: Well/Spring (Administrative)
 - Type 2: Hauled (Variance)
 - Type 3: Not otherwise buildable (Administrative) – subject to approval of water purveyor where applicable
- Appendices
 - o ADD
 - Development Application Ordinance
 - Commercial Cannabis Use Ordinance
 - Personal Cannabis Use Ordinance
 - Hwy 92 Overlay Ordinance (Amend/Vacate?)
 - Pre-Hud Mobile Home Ordinance (Amend/Vacate?)
 - o DEFER - separate topics
 - Format for Signature Blocks, Certifications and Plat Notes
 - Incorporate as part of the Subdivision topic
 - 35+ Acre Road Resolution (Street Plan)
 - Incorporate and repeal as part of the Subdivision topic
 - Wireless Resolution [Reserved]
 - Impact Fee Resolution(s) [Reserved]

LUC PUNCH LIST - TOPICS

- Open Space
- Roads
- Fire
- Nexus/Study
- Fees to Districts (Not held by County)

- Variance
 - o Format (Consolidate)
 - Lot Size (Ch 3)
 - Admin Mod (Ch 10)
 - Variance (Ch 10)
 - o Findings
 - o Site Plan requirements

- Public Notice
 - o Type of Notice
 - Distance
 - Posting
 - o Final Plat vs Road Dedication
 - Deed to BoCC
 - o Neighborhood Meetings

- Typos/Clean-Up (non-substantive)
 - o Code v code
 - o Chapter 2 - Relocate “Use Specific Standards” from Section 5.B to a new Section 7
 - o Relocate “Appeals” from Chapter 12 to Chapter 9, creating a new Section 4
 - o (Re)locate all subdivision regulations together (Chapter 12)