

DELTA COUNTY PLANNING COMMISSION

**Delta County Board of County Commissioner's Room
560 Dodge St., Delta, CO 81416
Wednesday, October 12, 2022 @ 5:30 p.m.**

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

Agendas and attachments are available on our website at:

<https://www.deltacounty.com/725/Agendas-and-Minutes>

To be notified when new agendas and minutes have been published, sign up on the "Notify Me" page and manage your notification preferences (email, text, or both).

Instructions for Public Participation via Zoom:

The public can join the meeting remotely by registering in advance of the meeting at:

<https://us02web.zoom.us/join/tZUsd-qprDloG9R-tqe6-Mwj0Dd64-Xbmm4>

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
Vacant, 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. MEETING MINUTES

1. Regular Planning Commission meeting of:

a. **September 14, 2022**

b. **September 19, 2022**

RECOMMENDATION: Approve the action minutes as presented.

B. PUBLIC HEARING ITEMS

Public Hearing Items are noticed and open for public comment.

1. Land Use Code Update

Public Hearing to consider the Public Draft of the Delta County Land Use Code Update (Released 9/21/2022).

RECOMMENDATIONS: Staff recommends that the Planning Commission take public testimony on proposed changes and provide direction to staff.

CERTIFICATION OF POSTING

On October 5, 2022 at 9:00 AM, Kim Henderson did post the above AGENDA as public notice of the October 12, 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.

C. DEPARTMENT REPORT

D. 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.

ADJOURNMENT

Next Meeting: Wednesday, October 26, 2022 at 5:30 pm in Delta, CO.

CERTIFICATION OF POSTING

On October 5, 2022 at 9:00 AM, Kim Henderson did post the above AGENDA as public notice of the October 12, 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.



**DELTA COUNTY PLANNING COMMISSION MEETING MINUTES
DELTA COUNTY BOARD OF COUNTY COMMISSIONER'S ROOM
560 Dodge Street., Delta, CO 81416
September 14, 2022**

Chair Tom Kay called the meeting to order at 5:30 p.m. in the Delta County Board of County Commissioner's Room.

ROLL CALL

Planning Commission Members in Attendance:

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

Absent Members:

Steve Shea

With member(s) absent from District 1, Michelle Roberts is a voting member.

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 Community Development Administrative Assistant, Kim Henderson
Delta County Code Compliance Officer, Everett Neil
Delta County Administrator, Robbie LeValley

A. MEETING MINUTES

1. Meeting Minutes
 - a. August 24, 2022

RECOMMENDATION: Approve the action minutes as presented.

Jacob Gray moved to approved the meeting minutes as presented. Kate Darlington seconded the motion.

Motion carried unanimously (8-0, Commissioner Locke had not yet arrived)

Commissioner Locke arrived at 5:32pm

B. PUBLIC HEARING ITEMS

None

C. WORK SESSION

Continued from August 24, 2022.

Work Session to consider redline drafts of various sections/topics of the Delta County Land Use Code.

RECOMMENDATIONS: Staff recommends that the Planning Commission continue Work Sessions on the LUC Update and provide direction to staff on:

- a. Chapter 2; Section 1 "Zoning Districts" (including Tables 2.a and 2.b), Section 3.A "Temporary Uses", and Section 5.B "Use Specific Standards" (including standards for wireless communications and renewable energy)
- b. Chapter 3 "Lot Dimensions" (including subdivision of lots that do not meet the minimum lot size)
- c. Chapter 12 "Subdivision Regulations"
- d. LUC Update Process/Schedule



Planning Director, Carl Holm presented an overview of the schedule and then began review of Chapter 2. Director Holm noted that edits being presented are to provide staff direction for what will become the public draft, to be released 9/21.

The PC discussed the difference between Allowed and Permitted use. There was a general consensus to retain Allowed “by-right” meaning can go do without any review as long as it meets standards and does not impact encumbrances. The Allowed uses should be related to agricultural uses so the matrix may need to be amended where uses that include plumbing specifically require some level of review (e.g., Permitted).

Following discussion, there was a general consensus for the following changes to Table 2.b “Land Use by Zoning District”:

1. Agriculture, Agribusiness, Silviculture, Viticulture remains an Allowed Use in all Zoning Districts.
2. Single Family Detached change from Allowed to Permitted Use in all Zoning Districts.
3. Accessory Dwelling Unit (ADU) change from Allowed to Permitted Use in all Zoning Districts.
4. Accept proposed change that Duplex or Triplex be a Permitted Use in all Zoning Districts
5. Manufactured Home Park require a Conditional Use Permit in the A-35, A-20 and A-5 Zoning Districts and a Limited Use with Public Notice in the RI/C and RES Zoning Districts.
6. Multifamily be a Limited Use with Public Notice in all Zoning Districts.
7. Farm Supply / Feed and Seed change from Allowed to a Limited Use in the RES Zoning.
8. Farmworker Housing be a Permitted use in the A-35, A-20 and A-5 Zoning Districts and Limited Use in the RI/C and RES Zoning District. Remove the unit/density be removed so only one line item.
9. Kennel change from Allowed to Permitted Use in all Zoning Districts.
10. Rural Light Industry remain a Permitted Use in all Zoning Districts. Delete “with Retail” and “without Retail” so it is just one category.
11. Veterinary Hospital or Clinic change from Allowed to Permitted Use in the A-35, A-20, A-5 and RI/C Zoning Districts and change to a Limited Use in the RES Zoning District.
12. Place of Assembly change from Allowed to Permitted Use in the A-35 and A-20 Zoning District and change to Limited with Public Notice in the A-5, RI/C and RES Zoning District.
13. There was discussion around Schools and Childcare Centers. Staff has been in contact with the State on their process to get more information on this topic.
14. Automobile Fueling or Service Station remain as not allowed in A-35, A-20, A-5 and the RES Zoning District and change from Allowed to Permitted Use in the RI/C Zoning District.
15. Parks and Passive Recreation be a Permitted Use in all Zoning Districts. The Planning Commission recommended the “Open Space” and “Golf Course” be removed from the title of this category.
16. Make Golf Course its own category subject to a Conditional Use Permit in all zoning districts
17. Change from “Other Active” to “Commercial” Outdoor Recreation and retain as a Permitted Use in all Zoning Districts.
18. Theater change from not allowed to a Conditional Use in the A-35 Zoning District, and change from Allowed to Permitted Use in the RES Zoning District. Rest remains the same.
19. Renewable Energy Facility (Commercial Scale) be a Conditional Use in the A-35, A-20 and A-5 Zoning District, Limited Use with Public Notice in the RI/C Zoning District and not allowed in the RES Zoning District. There was discussion about Community Solar Gardens.
20. Wireless Communication Facilities – New Facilities, Public Property be a Limited Use with Public Notice in all Zoning Districts. Rest remains as proposed.

The Planning Commission recommended the 90-day temporary use for living in an RV be increased to 12-months to better reflect timeframe for construction. In addition, there needs to be an active electrical and/or plumbing permit from the State.

There was discussion about the number of units that create a mobile home park. DOLA established a threshold of 5 units when it is subject to State review/permits. After discussion there was consensus to retain as proposed that 3+ constitutes a manufactured home park, based on regulations prior to the LUC and input from the Code Compliance Officer.

There was discussion to clarify differences between the different types of events as proposed. Staff shared experiences from code enforcement. The Planning Commission recommended the second sentence in Events be removed.



D. DEPARTMENT REPORT

Director Holm announced that this workshop is being continued to Monday 9/19 at 5:30 pm. He noted that he would send out a redline of the complete LUC for the PC to review everything together before the public draft is released.

E. COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

Chair Kay stated that Commissioners can send minor changes (e.g., typos, non-substantive changes) directly to Director Holm.

ADJOURNMENT

The next meeting will be held on September 19, 2022 at 5:30pm in Delta, CO.

Meeting adjourned at 8:29 p.m.

Respectfully submitted by:
Administrative Assistant, Kim Henderson

DRAFT



**DELTA COUNTY PLANNING COMMISSION MEETING MINUTES
DELTA COUNTY BOARD OF COUNTY COMMISSIONER'S ROOM
560 Dodge Street., Delta, CO 81416
September 14, 2022**

Chair Tom Kay called the meeting to order at 5:30 p.m. in the Delta County Board of County Commissioner's Room.

ROLL CALL

Planning Commission Members in Attendance:

Tom Kay	Kate Darlington
Steve Schrock	Tate Locke
Jacob Gray	Layne Brones
David Marek (Associate)	Cindy Watson

Absent Members:

Steve Shea
Michelle Roberts (Associate)
Hardy Hutto

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 Community Development Administrative Assistant, Kim Henderson
Delta County Code Compliance Officer, Everett Neil
Delta County Administrator, Robbie LeValley

A. WORK SESSION

Continued from September 14, 2022.

Work Session to consider redline drafts of various sections/topics of the Delta County Land Use Code.

RECOMMENDATIONS: Staff recommends that the Planning Commission continue Work Sessions on the LUC Update and provide direction to staff on:

- Chapter 2; Section 1 "Zoning Districts" (including Tables 2.a and 2.b), Section 3.A "Temporary Uses", and Section 5.B "Use Specific Standards" (including standards for wireless communications and renewable energy)
- Chapter 3 "Lot Dimensions" (including subdivision of lots that do not meet the minimum lot size)
- Chapter 12 "Subdivision Regulations"
- LUC Update Process/Schedule

Planning Director, Carl Holm noted that edits being presented are to provide staff direction for what will become the public draft, to be released 9/21.

Following discussion, there was a general consensus for the following changes:

- Chapter 2, Section 4.B.1.b Density; Remove the word "Allowed" and replace with "Permitted" and remove "minimum acreage allowed by the applicable zone district". There was related discussion with how this works together with Additional Residences or Communal Living (subsection 5) and Farmworker Housing (Section C.1)
- Chapter 2, Section 4.B.2: Manufactured Housing Units; Insert an introduction such as: "Upon installation/placement of a new unit:" to reflect when these standards are reviewed.
- Chapter 2, Section 4.C.1: Farmworker Housing; remove "The parcel is zoned A35 or A20".
- Chapter 2, Section 4.C.2: Rural Medium/Heavy Industry; Insert "Neighboring property" to the Residential Use: 1,000 feet.
- Chapter 2.G.1.a: Renewable Energy Facilities (Applicability); Insert "that a Power Purchase Agreement" is in place for selling the power generated by that facility, and remove "that contracts are or will be" from the paragraph.
- Chapter 2, Section 4.G.1.c(1): Renewable Energy Facilities; Insert "Protection of Agricultural Lands" as a section title. Provide some definition to what is required in an Ag Management Plan.
- Chapter 2, Section 4, G.1.c(3): Renewable Energy Facilities; Remove "Commercial scale renewable energy facilities shall be located more than one (1) mile from: Any defined municipal boundary, or Existing or permitted facilities."



- h. Chapter 2, Section 4, G.1.c(4): Renewable Energy Facilities (Power Lines); revise to make intention clear that undergrounding power lines does not mean transmission lines regulated by the PUC.
- i. Chapter 8, Section 2.B.1: Conditional Use Approval Standards; Avoid language relative to peace, morals, comfort, general welfare as it makes the finding over-broad. Remove "The establishment, maintenance or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use; or be detrimental or injurious to property and improvement in the neighborhood; or to the general welfare of the County;" The health and safety aspect is addressed more specifically in finding "d".
- j. Chapter 8, Section 5.A.2: Variance (Findings); Remove "The requested variance would not create substantial detriment to the public good or substantially impair the intent and purpose of this Code" (from 2021 LUC). In subsection a.3. Retain the (new) second sentence
- k. Chapter 12, Section 3.C.3.a: Clustered Subdivision Design (Lots); Amend Building Envelopes to keep a 1 acre maximum, delete the 25%. Add a new criterion that the Stewardship Areas shall make up a significant portion of the total parcel area.

The PC noted that this is good for now, but there are things they will want to follow up on separate from this LUC Update, so as to not hold up that process such as: Legacy Lot Split - include consideration for larger parcels (100+ acres), Density, Clustered Subdivision-Stewardship Area.

B. DEPARTMENT REPORT

None.

C. COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

None.

ADJOURNMENT

The next meeting will be held on October 12, 2022 at 5:30pm in Delta, CO.

Meeting adjourned at 8:49 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, October 12, 2022 @ 5:30 p.m.

2022 Land Use Code Update

Public Hearing to consider Public Draft 2022 Land Use Code Update

RECOMMENDATION:

Staff recommends that the Planning Commission conduct a Public Hearing on the LUC Update and provide direction to Staff.

SUMMARY/DISCUSSION:

A public draft 2022 Land Use Code (LUC) Update was released following multiple Work Sessions with the Board of County Commissioners (BoCC), Planning Commission (PC), Board of Adjustment (BOA). In addition, staff has met with stakeholders such as local municipalities and surveyors. The public is encouraged to attend a public hearing (outlined below) and/or submit written comments to the Planning Department.

Generally, the purpose of this update is to clean up the LUC based on how it has been implemented since January 2021, when the LUC was first adopted. Some notable changes include:

- Changing the Urban Growth Area zoning designation to an overlay to apply where higher density and/or mixed-use development can occur.
- Adding Residential 2.5-acre (RES-2.5) and Residential 1.0-acre (RES-1.0) designations to apply where a smaller lot subdivision is appropriate.
- Clarifying terminology and process for Subdivisions, Allowed Uses and Permitted Uses, including corresponding changes to the Land Use Matrix.
- Providing an Administrative review process for lots that do not meet the minimum lot size, provided they meet specific criteria.



- Incorporating the procedural requirement of the Development Application Ordinance
- Establishing standards for Renewable Energy Facilities
- Establishing standards for Wireless Communication Facilities

Public Notice was published in the Delta County Independent (DCI) once a week for three (3) weeks starting 9/14/22.

A redline draft was released on 9/21/22. It was also posted on the County website at <https://www.deltacounty.com/748/DRAFT-Land-Use-Code>

Public Hearings on the draft LUC have been scheduled as follows:

- 10/12/2022; Planning Commission. Initial opportunity for the public to provide/submit comments for consideration.
- 10/13/2022; Board of Adjustment. Make a recommendation to the Planning Commission.
- 10/26/2022; Planning Commission. Consider all comments and provide direction to staff on a final draft LUC.
- 11/16/2022; Planning Commission. Consider a certified draft to forward to the Board of County Commissioners.
- 12/7/2022; Board of County Commissioners. Consider the certified draft as recommended by the Planning Commission. If the BoCC has substantial changes, the LUC must be remanded back to the Planning Commission.

Attached material: list, in order as attached/referenced