

DELTA COUNTY PLANNING COMMISSION

Wednesday, February 8, 2023 @ 5:30 p.m.

The Commissioners will meet at:
Delta County Board of County Commissioner's Room
560 Dodge St., Delta, CO 81416

Public may attend via Zoom only.

NOTE: The public hearing was closed on 1/11/23. There is no public comment for this item.

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

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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/tZUzd-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
Vacant
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

INTRODUCTIONS

The Board of County Commissioners are scheduled to appoint and/or re-appoint Planning Commissioners on February 7, 2023. This is the time for introductions with new Commissioners.

A. AGENDA ADDITIONS, DELETIONS, AND CORRECTIONS

The Planning Commission Chair can announce changes to the agenda that arose after posting of the agenda. Items may be taken out of the order that they are listed on this agenda.

CERTIFICATION OF POSTING

On February 1, 2023 at 3:00 PM, Kim Henderson did post the above AGENDA as public notice of the February 8, 2023 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.deltacountyco.gov.

B. ANNUAL MEETING

1. Election of Officers

- a. Chair
- b. Vice-Chair

2. 2023 Meeting Schedule

3. 2023 Work Program

Staff will present a Work Program for 2023 for consideration and/or prioritization by the Commission.

C. MEETING MINUTES

1. Regular Planning Commission Meeting of:

- a. January 11, 2023
- b. January 25, 2023

RECOMMENDATION: Approve the action minutes as presented.

D. PUBLIC HEARING ITEMS

Public Hearing Items are noticed and open for public comment.

1. PLN22-066/Prock Investments LLC

Consider a Limited Use Permit for an event venue including ten (10) rentable rooms plus up to 10 RV spaces located south/east of Tessman Road, Delta (Parcel: 349314100003).

RECOMMENDATION: The applicant has requested that this item be continued to a Special meeting on February 15, 2023.

2. 2022 Land Use Code Update

Continued from 1/11/2023 and 1/25/2023. Report to the Board of County Commissioners on: 1) Lot Size Variance criteria; and 2) Recycling for Renewable Energy Facilities relative to the certified 2022 Land Use Code Update. [*NOTE: The public hearing was closed on 1/11/23, so there is no public comment for this item.*]

RECOMMENDATION: Staff recommends that the Planning Commission (PC) report changes as part of the 2022 Land Use Code Update for:

- a. Lot Size Variation (Substantive Change)
- b. Recycling-Renewable Energy Facility (Non-Substantive Change)

E. DEPARTMENT REPORT

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

F. COMMISSIONER COMMENTS, REQUESTS AND REFFERALS

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

CERTIFICATION OF POSTING

On February 1, 2023 at 3:00 PM, Kim Henderson did post the above AGENDA as public notice of the February 8, 2023 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.deltacountyco.gov.

ADJOURNMENT

Next Meeting: Special Meeting, Wednesday, February 15, 2023 at 5:30 pm in Delta, CO.

CERTIFICATION OF POSTING

On February 1, 2023 at 3:00 PM, Kim Henderson did post the above AGENDA as public notice of the February 8, 2023 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.deltacountyco.gov.



DELTA COUNTY PLANNING COMMISSION MEETING MINUTES
DELTA COUNTY ROUBIDEAU ROOM
320 W. 5th Street., Delta, CO 81416
January 11, 2023

Chair Tom Kay called the meeting to order at 5:30 p.m. in the Delta County Roubideau Room.

ROLL CALL

Planning Commission Members in Attendance:

Tom Kay	Hardy Hutto
Layne Brones	Tate Locke
Kate Darlington	Steve Schrock
Steve Shea	

Absent Members:

Jacob Gray
Cindy Watson
David Marek (Associate)

Staff in Attendance:

Delta County Administrator, Robbie LeValley
Delta County Community Development & Natural Resource Director, Carl Holm
Delta County Community Development Planner I, Kate Kelly
Delta County Community Development Administrative Assistant, Kim Henderson
Delta County Code Compliance Officer, Everett Neil
Delta County Public Information Specialist, Lindsay Mitchell
Delta County Sheriff, Mark Taylor
Delta County Undersheriff, Quinn Archibeque

A. MEETING MINUTES

None.

B. PUBLIC HEARING ITEMS

1. 2022 Land Use Code Update

Public Hearing to consider changes to the certified 2022 Land Use Code Update relating to Lot Size Variation.

RECOMMENDATIONS: Staff recommends that the Planning Commission (PC):

- a. Report recommended changes as part of the 2022 Land Use Code Update for:
 - i. Lot Size Variation (Substantive Change)
 - ii. Recycling-Renewable Energy Facility (Non-Substantive Change)
- b. Consider comments on the Certified Copy of the 2022 LUC Update raised at the BoCC meeting on 1/3/2023.
- c. Direct Staff to report PC recommendations on said changes to the Board of County Commissioners (BoCC).

Planning Director, Carl Holm presented background information about how we got to this point and options for the Lot Size Variance to report back to the Board of County Commissioners.

The Commission discussed "Permitted Use" and what alternatives there are to that term.

Kate Darlington moved to change "P" for "Permitted Use" to "PR" for "Plan Review" and to amend the definition to "PR" means Approval of a Site Plan shall be issued by the Director after administrative review if the application is determined to be in compliance with the general requirements of this Code". Tate Locke seconded the motion.

Motion carried unanimously.

The Commission discussed the time limit for the temporary RV's. There was a consensus to change the language to "Said use shall be Allowed for up to twenty-four (24) months during construction with an active plumbing and/or electrical permit (as applicable)".



DELTA COUNTY

PLANNING & COMMUNITY DEVELOPMENT

295 W 6th Street
Delta, Colorado 81416
planning@deltacounty.com
970.874.2110

The Commission discussed the language in Chapter 3, Section 3.B.3 Residence (Principal) and there was a consensus to change the language of "Permitted individual sewage disposal system" to "Onsite Wastewater Treatment System" (OWTS).

The Commission discussed Accessory Business Use of the Home and there was a consensus to change the language from "Accessory Business Use of the Home" to "Home Business" and combine it "Cottage Industry." The Commission began consideration of regulations such as:

1. Be conducted by the owner or occupant of the property.
2. Maximum five (5) employees.
3. No restriction on indoor storage. Outdoor storage must be screened from public view (from a public road); and
4. The Home Business shall not be the primary use of the property.
5. Utilize access included as part of the dwelling.
6. Clearly be incidental and secondary to the use of the residential use
7. Shall not create significant impacts to adjacent properties such as fumes, noxious odors, excessive noise, dust, and or traffic
8. Be allowed one (1) unanimated non-illuminated flat wall or window sign.

Due to the late hour, the Commission decided to continue the discussion to January 25, 2023.

C. DEPARTMENT REPORT

None

D. COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

None.

ADJOURNMENT

The next Regular Scheduled Meeting will be held on January 25, 2022 at 5:30pm in Delta, CO.

Meeting adjourned at 10:32 p.m.

Respectfully submitted by:
Administrative Assistant, Kim Henderson



DELTA COUNTY PLANNING COMMISSION MEETING MINUTES
DELTA COUNTY ROUBIDEAU ROOM
320 W. 5th Street., Delta, CO 81416
January 15, 2023

Chair Tom Kay called the meeting to order at 5:30 p.m. in the Delta County Roubideau Room.

ROLL CALL

Planning Commission Members in Attendance:

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

Staff in Attendance:

Delta County Administrator, Robbie LeValley
Delta County Community Development & Natural Resource Director, Carl Holm
Delta County Community Development Planner I, Kate Kelly
Delta County Community Development Administrative Assistant, Kim Henderson
Delta County Code Compliance Officer, Everett Neil
Delta County Public Information Specialist, Lindsay Mitchell
Delta County Sheriff, Mark Taylor
Delta County Undersheriff, Quinn Archibeque

Chair Tom Kay made an announcement that the public hearing for the Land Use Code Update was closed on 1/11/23. The PC will deliberate, but there will be no public comment at this meeting.

Due to disturbance from the public, Sheriff Taylor recommended discontinuing the meeting.

Jacob Gray moved to adjourn the meeting as noted below, Cindy Watson seconded the motion.

A. MEETING MINUTES

1. Regular Planning Commission Meeting of:
 - a. December 14, 2022ACTION: Continue to February 8, 2023

B. PUBLIC HEARING ITEMS

1. PLN22-066/Prock Investments LLC
Consider a Limited Use Permit to construct and operate an event venue and lodging facility consisting of a large, timber-framed building with up to ten (10) rentable rooms, a large event space with an adjacent commercial kitchen, onsite parking, and all individual utilities located east of Tessman Road, Delta (Parcel: 349314100003).
ACTION: Continue to February 8, 2023
2. PLN22-157/Good (Wingard, West Rockies School)
Consider a Limited Use Permit to construct and operate a School, gymnasium, with an eventual addition of a church. The space will be utilized for school activities, events for the school or church, an outdoor playground with baseball field can be utilized for recreation. There will be onsite parking, and all development will occur on about 9 acres of a +/- 37.16-acre parcel located west of 1600 Road, Delta (Parcel: 349314103001).
ACTION: Remove from PC Calendar
3. 2022 Land Use Code Update



DELTA COUNTY

PLANNING & COMMUNITY DEVELOPMENT

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Continued from 1/11/2023. Planning Commission deliberation to consider changes to the certified 2022 Land Use Code Update (Work Session) [NOTE: The public hearing was closed on 1/11/23, so there is no public comment for this item.]

ACTION: Continue to a date uncertain

Motion carried unanimously (9-0).

ADJOURNMENT

The next Meeting will be held on February 8, 2022 at 5:30pm in Delta, CO.

Meeting adjourned at 5:40 p.m.

Respectfully submitted by:
Administrative Assistant, Kim Henderson

DRAFT



STAFF REPORT

Delta County Planning Commission

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

Wednesday, February 8, 2023 @ 5:30 p.m.

PLN22-066/Prock Investments LLC *Continued from January 25, 2023*

Consider a Limited Use Permit for an event venue including ten (10) rentable rooms plus up to 10 RV spaces located south/east of Tessman Road, Delta (Parcel: 349314100003).

PROJECT INFORMATION:

Property Owner: Prock Investments LLC
Applicant: Zack and Jennifer Prock, Brenda Brown
Site Address: TBD Tessman Road, Delta
Parcel ID/Acct: 349314100003/R015895
Parcel Size: 76.00 Ac
Zoning: A-35

Report prepared by Kate Kelly, Planner I

RECOMMENDATION:

- a. Staff recommends that the Planning Commission continue PLN22-066/Prock Investments LLC to a Special Meeting on February 15, 2023.

SUMMARY/ DISCUSSION:

Staff spoke with the applicant; they have requested (**email attached**) to move this item to a different date.

Attachment(s):

- Email (Brenda Brown)

Feb. Meeting

Brenda Brown <mesarentalsdelta@outlook.com>
To: Kate Kelly <kkelly@deltacounty.com>

Wed, Feb 1, 2023 at 9:07 AM

Good morning, I spoke with Zach and we would like to do the Feb. 15th meeting if possible.

Thank you,
Brenda Brown
Mesa Rentals of Delta
mesarentalsdelta@outlook.com
970-874-5213





STAFF REPORT

Delta County Planning Commission

**Delta County Roubideau Room
320 W. 5th Street, Delta, CO 81416**

Wednesday, February 8, 2023 @ 5:30 p.m.

2022 Land Use Code Update

Continued from January 11 and 25, 2023, following closure of the public hearing. Report to the Board of County Commissioners on: 1) Lot Size Variance criteria; and 2) Recycling for Renewable Energy Facilities relative to the certified 2022 Land Use Code Update.

RECOMMENDATION:

Staff recommends that the Planning Commission (PC) report recommended changes as part of the 2022 Land Use Code Update for:

- a. Lot Size Variation (Substantive Change)
- b. Recycling-Renewable Energy Facility (Non-Substantive Change)

[NOTE: The public hearing was closed on 1/11/23 so there is no public comment for this item.]

Report prepared by: Carl P. Holm, AICP, Planning Director

SUMMARY:

Staff presented a report on the LUC process to the BoCC on February 7th (**Attached**), and can report on that meeting. Per State Statute relative to Zoning Codes, the PC is limited to reporting back on the item(s) specifically requested by the BoCC. The BoCC identified two items relative to the LUC: 1) Lot Size Variance; and 2) Recycling renewable energy products.



Staff and the PC have recognized other items coming out of public comments that could be clarified in the LUC. However, at this point in the process, the PC is not considering anything else as part of this Update until/unless directed by the BoCC (See Discussion below).

LOT SIZE VARIATION

There are two aspects to the lot size variance change for PC consideration:

a. DELETE language (strikeout below) from the 2022 certified LUC [Chapter 1, Section 6(C)(3)(a)(2)(a)] regarding Board of Adjustment ([Page 26](#)):

3. **Powers and Duties.**

a. *Powers.* The Board of Adjustment shall have all authority conferred upon it by this Code and C.R.S. § 30-28-101, *et seq.*, including the following functions:

- 1) Appeal of Administrative Determination or Decision.
- 2) Special Exception (Variance) to:
 - a) Development Standards in this Code; ~~however, there shall be no variance to lot size.~~
 - b) Development Standards in the DELTA COUNTY ROADWAY DESIGN AND CONSTRUCTION STANDARDS.

b. ADD language (red font below) establishing criteria for variations to lot size to Chapter 3, Section 1(A) as follows ([Page 79](#)):

3. **Variation to Lot Size.** The Board of Adjustment may consider variation of lot size from Table 3.a; *Lot Dimensions* (above), provided that all of the criteria in Subsections a-e (below) are met:

- a. The subdivision conforms to all other requirements of this Code (e.g., water, access, septic, floodplain, etc.).
- b. The zoning of the parcel is either A20 or A35 (Note: rezoning could be an alternative for all zoning designations).
- c. The subdivision is for a 2-lot subdivision (Minor Plat) where:
 - 1) One (1) lot has at least the minimum dimensions set out in the standards for the RES-1.0 zoning district (e.g., minimum 1.0 acre), and
 - 2) One (1) lot (remainder) meets the minimum requirements for the zoning designation where it is located (e.g., A20 = 20 acres minimum, A35 = 35 acres minimum).



- d. The size and configuration of the new lot minimizes disturbance or development of irrigated agricultural portions of a property, and does not interfere with wildlife habitat.
- e. The Final Plat is annotated such that no further subdivision of either lot created by this subsection is allowed for at least ten (10) years. This would not apply to remainder parcels exceeding seventy (70) acres that are exempt by statute from being divided into thirty-five plus (35+) acre parcels.

RECYCLING-RENEWABLE ENERGY FACILITY

There are two aspects to renewable energy standards:

1. Use Specific Standards (Chapter 2, Section 4.G), starts on Page 54 of the certified copy. Subsection (f)(1) requires a Site Reclamation and Restoration bond that is to include costs associated with "... recycling and safe disposal ...".
2. Conditional Use (Chapter 8, Section 2). Application requirements start on page 145. Where there is an application for a CUP, the Director can require information to assess impacts, including a Hazardous Materials and Waste Management Plan.

Staff suggests language amending Chapter 8, Section 2.A.2.d to clarify that the Waste Management Plan shall include plans for recycling waste and waste diversion [Page 147]:

- f. *Hazardous Materials and Waste Management Plan.* Provide a *Spill Prevention and Emergency Response Plan* identifying potential sources at-risk of causing a spill and planned response if a spill does occur. Include a *Wildfire Control Plan* including assessment and identification of at-risk communities/facilities with methods (strategies and tactics) for reducing potential impacts and protecting sensitive facilities. Prepare an *Environmental Site Assessment* to research the current and historical uses of a property to assess if current or historical property uses have impacted the soil or groundwater beneath the property and could pose a threat to the environment and/or human health. The Waste Management Plan shall include plans for recycling materials and waste diversion.

Adding this language will help inform the bond required in the Use Specific Standards for Renewable Energy Facilities.

DISCUSSION:

On December 7th, the Board of County Commissioners (BoCC) held a public hearing on the certified Land Use Code (LUC). BoCC requested that, per statute, the Planning Commission (PC) report back on language for Lot Size Variances by February 7th. The PC held public hearings on 12/14/22 and 1/11/23. On January 25th, the PC was



scheduled to consider draft language that could be reported back to the BoCC. However, this item was postponed to this date from January 25th when that meeting got cancelled. Staff presented a report on the LUC process to the BoCC on February 7th (**Attached**).

The PC could identify additional topics to recommend as future considerations like was done with the certified copy. With the certified copy sent to the BoCC in November, the PC identified the following items for future consideration:

- a. Update Zoning Maps. Remove the UGA zoning designation (obsolete) and update zoning designations to reflect areas available for development. Consider application of new zoning designations, Growth management areas in IGAs, and surveyor input on areas that were not zoned correctly.
- b. Legacy Lot Split. Develop an exception process for subdividing a smaller lot from large land holdings in a manner that can help encourage keeping larger acreages intact. Establish criteria that addresses includes: minimum size or parcel (starting), minimum size of parcel (ending), maximum number of splits, etc. [Chapter 3, Section 1.A]
- c. Stewardship Areas. Revise current regulations to allow flexibility for delegating the responsible party and how the land is managed [Chapter 12, Section 3.C].
- d. Impact Fees. Fund and complete a Nexus Study to define fees for consideration in 2023 [Chapter 6, Sections 2-4].
- e. Separate RI/C. Create separate designations for “industrial” versus “commercial” to reflect different uses. [Chapter 2] This requires defining each designation and the matrix would need to be revised to reflect applicable uses (Table 2.a).
- f. Conditional Use Process: Consider Planning Commission as a decision-making body with appeal to BoCC. [Chapter 8, Section 2.B]

In response to public comment, the following items have been highlighted (to date):

- Clarify Table 2.a that Ag allowed in the A5 zone consistent with Table 2.b
- Permitted Use as Plan Review consistent with the Development Application Ordinance – Not a Zoning Permit
- Length of time an RV can be used as a temporary residence No time limit when connected to permanent wastewater, water and power.
- Combine and consolidate standards for Accessory Business Use of the Home and Cottage Industry
- Fire protection standard for a Mobile Home Park
- Proof of water for wells and springs
- Clarify use of cisterns, existing versus new development
- Clarify that there are NO Building Codes
- Other?

The PC initiated discussion on some of these items, but needs to await direction if/when the BoCC wants to pursue them.

Attachments (in the following order):

- 2/7/23 BoCC Report - LUC



STAFF REPORT

Delta County Board of County Commissioners

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

Tuesday, February 7, 2023 @ 10:00 a.m.

Receive report on the Land Use Code process

RECOMMENDATION:

Staff recommends that the Board of County Commissioners (BoCC) RECEIVE this report. There is no action on the Land Use Code (LUC) at this time.

Report prepared by: Carl P. Holm, AICP, Planning Director

SUMMARY/DISCUSSION:

State Statute (30-28-112 C.R.S.) requires the Planning Commission (PC) to forward a certified copy to the Board of County Commissioners (BoCC). The BoCC must hold at least one public hearing. The hearing date and time, as well as the location where the certified Zoning Plan (LUC) can be examined, must be noticed in a newspaper of general circulation at least 14 days ahead. The BoCC shall not make a substantial change in or departure from the text certified by the PC unless it is first submitted to the PC for approval, disapproval or suggestions. The PC shall have 30 days with which to report to the BoCC.

On 12/7/22, the BoCC held a noticed public hearing on the 2022 Land Use Code Update (LUC). The staff report presented to the BoCC on 12/7/22 outlined the LUC Update process up to that point (**Attached**). After the public comment period closed, the BoCC remanded one item (Lot Size Variances) back to the Planning Commission to report on. The BoCC gave the PC until 2/7/23 to report back.

The PC held a noticed public hearing on 12/14/22 to consider the BoCC request. Staff was provided direction to develop language for Lot Sizer Variance criteria. Staff presented the PC recommendations to the Board of Adjustment (BoA) at a noticed public hearing on 12/15/22. Based on this direction, staff prepared draft language for



the PC to consider. In addition, staff published a noticed of public hearings for 1/11/23 (PC) and BoCC (1/31).

At the 1/11 meeting, the PC received public comment - on the entire LUC. The public hearing was closed but, due to the late hour, the item was continued to 1/25 for the PC to finish their deliberation (no additional public comment). On 1/25, the PC attempted to complete their task of reporting back on Lot Size Variances. However, the 1/25 PC meeting was cancelled due to security concerns, as well as the 1/31 BoCC meeting on the LUC.

By operation, when a meeting is cancelled, items are moved to the next regular meeting. As such, the LUC will be on the PC agenda for 2/8. The 2/8 PC meeting will be held by **Zoom Only** for a couple reasons: 1) Zoom affords accommodation of as many as possible to listen – since there is no public comment on the LUC; and 2) The PC needs to be able to safely and effectively conduct their business.

The PC task is limited to reporting to BoCC on language for Lot Size Variance, public comment is closed. The PC was not instructed (by the BoCC) to address any issues other than the Lot Size Variance. As such, no other changes requested by the public will be considered by the PC at this time, per statute (e.g., Permitted Use or Plan Review, Home Business and Cottage Industry, etc.). There are options how that can be accomplished if the BoCC desires.

The next regular BoCC meeting is 2/21/23. Per statute (annotation), the plain language of Section 30-28-112 C.R.S. does not require a BoCC to give notice after the date the LUC is certified by the PC. Rather, it only requires that the public receive 14 days advance notice of the hearing, which was published ahead of the 12/7 hearing. While not required, the BoCC has discretion to do more than the minimum required by Statute.

ATTACHMENT(S)

- BoCC LUC Report 12/7/2022 (Without Attachments)



STAFF REPORT

Delta County Board of County Commissioners

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

Wednesday, December 7, 2022 @ 8:30 a.m.

2022 Land Use Code Update

**Public Hearing to consider Planning Commission
Certified Copy of the 2022 Land Use Code Update.**

RECOMMENDATION:

Planning Commission recommends that the Board of County Commissioners adopt a Resolution, including the following actions:

- a. ADOPTING the PC Certified 2022 Land Use Code Update as the “Delta County Land Use Code” (LUC);
- b. FINDING that the LUC is consistent with the 2018 Delta County Master Plan;
- c. ACCEPTING a list of future considerations relative to the LUC;
- d. VACATING Resolution 2003-R-027 (Street Plans in 35+ acres Subdivisions); and
- e. FINDING that Resolution 2022-R-026 (Renewable Energy Moratorium) is extinguished by operation since the 2022 Land Use Code Update incorporates standards for renewable energy facilities.

A draft BoCC resolution is **Attached** for consideration.

INFORMATION PROVIDED:

- Staff Report; pages 1 to 13
- BoCC Resolution (DRAFT); pages 17 to 20
- PC (Public Hearing) Minutes; pages 23 to 37
- Comment letters:
 - o CHC (10/12/22), including staff response dated 10/25/22; pages 41 to 46
 - o Wilmore & Assoc. (Surveyors); pages 47 to 70
 - o G. Montelin (10/17/22); page 71
 - o E. Wolcott (10/26/22); pages 73 to 80
- Street Plan Assessment; pages 83 to 84



NOTE: The following was distributed to the BoCC separately via email on 11/18/2022:

- PC Resolution:
 - o Certified Copy of 2022 LUC Update
 - o Summary of Changes

Available electronically at <https://www.deltacounty.com/748/DRAFT-Land-Use-Code>

Report prepared by: Carl P. Holm, AICP, Planning Director

SUMMARY:

This Planning Commission Certified Copy of the 2022 Land Use Code Update (LUC) is a culmination of:

- County Land Use Agencies (Planning, GIS, Engineering, and Environmental Health). The LUC was reviewed and amended for consistency with applicable regulations, and to reflect experience implementing land use regulations since the LUC was adopted in January 2021.
- Planning Commission (PC). 10+ Work Session (12/8/21-9/19/22) and four (4) hearings (10/12/22, 10/26/22, 11/9/22 and 11/16/22) [PC Minutes, **Attached**]
- Board of Adjustment (BoA). Two (2) Work Sessions (5/25/22 and 8/25/22) and one (1) Hearing (10/13/22).
- Board of County Commissioners (BoCC). Four (4) Work Sessions (10/27/21-5/25/22).
- Surveyors. Multiple meetings were held regarding land use and subdivision regulations. The PC had interactive discussions with surveyors at the 10/12/22 and 10/26/22 hearings.
- Other public comments. Includes letters from Citizens for Health Communities (CHC) and Mr. Eli Wolcott, as well as comments by others at various hearings.

Starting 11/18/22, the Certified Copy of the LUC has been available for review as a hard copy at the Planning counter and online via the County website. The PC Resolution, with the Certified Copy LUC, was sent separately to the BoCC on 11/18/22.

Generally, the purpose of this update is to clean up the LUC based on experience with implementation since January 2021, when the LUC was first adopted. Some notable changes include:

- Urban Growth Area. Change the UGA zoning designation to an overlay that can allow higher density and/or mixed-use development where there is adequate infrastructure and services. [Chapter 2]
- Residential Zoning. Add 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. [Chapter 2]
- Renewable Energy Facilities. Establish standards [Chapter 2]
- Wireless Communication Facilities. Establish standards [Chapter 2]
- Lot Size Variance. Remove the process, allowing variation of lots that do not meet the minimum lot size. [Chapter 3] The intent is to create a (replacement) program for larger land holdings to divide off a smaller lot without splitting up into 35+ acre parcels, but exclude the continued division of smaller lots.



- Development Review. Incorporate procedural requirements of the Development Application Ordinance that was established in 2011. Clarify terminology and process for Allowed Uses and Permitted Uses, including corresponding changes to the Land Use Matrix as it relates to this process. [Chapter 7]
- Subdivision. Clarify terminology and process for divisions of land. Consolidate all regulations pertaining to divisions of land into one (1) chapter. [Chapter 12]

Staff prepared a more detailed outline summarizing the more notable changes in the 2022 LUC Update (Summary of Changes, included with PC Resolution).

Overall, there was not a lot of public input or contention brought forward. However, staff wants to highlight the following topics for the BoCC, with more detail in the *Discussion* section below:

1. *Boundary Line Adjustment (BLA)*. There was discussion about requirements for a BLA, separate from a subdivision. Some adjustments were made based on comments from local surveyors. The LUC, Chapter 12, recognizes that a BLA is not a subdivision subject to subdivision regulations. However, BLA remains in Chapter 12 (Subdivision Regulations) and the LUC reflects land use regulations that a BLA is subject to (e.g., setbacks).
2. *Renewable Energy*. Chapter 2 establishes regulations for renewable energy facilities that include protections for Agricultural lands. There were discussions about the Ag restrictions being consistent with State statute. Some adjustments were made to try to balance preservation of Agriculture and encouraging renewable energy, which the PC (and staff) find is consistent with State statute.
3. *Mobile Home Park (MHP)*. Chapter 2 incorporated regulations for MHPs using standards from a 1997 resolution (repealed with the 2021 LUC). The 2022 LUC sets the threshold at three (3) units (manufactured units or RVs) where the State threshold is five (5) units. Some adjustments were made, but the threshold remains three (3) units as it was pre-LUC.
4. *Allowed Use*. Pursuant to the Development Application Ordinance, all residential and commercial development is subject to Site Plan Review. This Ordinance has been incorporated into the 2022 LUC (Chapter 7). To avoid potential conflicts but retain the Allowed “by-right” concept from the 2021 LUC, the PC defined uses that are Allowed (“by-right”) versus Permitted by using a general guideline of non-habitable (Allowed) and habitable (Permitted) structures. Chapter 2, Table 2.b was adjusted accordingly.
5. *Lot Size Variance*. The 2021 LUC created a unique opportunity to grant a variance to lot size. Surveyors have expressed concerns with the uncertainty and process (time) for lot size variances. It has been stated that the intent is to allow large Ag properties to split off a piece to help retain the farm. Criteria for an Administrative approval were developed, but concern was still expressed about



the uncertainty. Since 2021, there have been about 50 variance applications to reduce lot size and about 50 minor plat applications. The result has been a similar land use effect as the density averaging process pre-LUC. As a result, the lot size variation option has been removed with the intent to create a process that better achieves the intent than what is happening. To not delay this LUC update, the legacy lots would be created in a future LUC amendment. This also led to discussion about another future consideration to amend the Zoning Maps to reflect areas where smaller-lot subdivision is appropriate, using the new Residential designations.

6. *Stewardship Area (Clustered Subdivision)*. There was discussion about how Stewardship Areas are managed and maintained. It was expressed that the LUC, as drafted, may be too restrictive such that a clustered subdivision is not a preferred option. To not delay this LUC update, Stewardship Areas would be addressed in a future LUC amendment. Some adjustments were made in the interim to clarify the intent of a clustered subdivision.
7. *Street Plans*. Resolution 2003-R-027 (*Require Review of Street Plans in "35-Acre Plus" Subdivisions*) is currently included as an Appendix to the 2021 LUC. It states that it applies to subdivisions of all parcels of land, regardless of size of the parcels within the subdivision. This is interpreted as including 35+ acre divisions that are exempt from subdivision regulations per statute. Language in this Resolution is designed to reflect C.R.S 30-28-110(3)(a), which is a land use statute (separate from the subdivision statute). County Attorney opined that the statute is confusing but seems to be concerned mostly with street and highway plans for public use. It was determined to include language that clarifies the intent of this statute for all development (not just subdivision) and place that language in Chapter 4 with other access regulations.

During the PC work sessions and/or hearings, a few items were deferred to have further subsequent discussion, so as to not to delay this update (Future Considerations):

- *Legacy Lots*. Develop an exception process for subdividing a smaller lot from large land holdings in a manner that can help encourage keeping larger acreages intact.
- *Zoning Maps*. Remove the UGA zoning designation (obsolete) and consider updating zoning designations to reflect areas available for development.
- *Stewardship Areas*. Allow flexibility for delegating the responsible party and how the land is managed.
- *Impact Fees*. Fund and complete a Nexus Study to define fees for consideration in 2023.
- *Separate Rural Industrial/Commercial (RI/C)*. Create separate designations for industrial versus commercial.
- *Conditional Use Process*: Consider PC as a decision-making body with appeal to BoCC.



This list was incorporated into the PC Resolution with the Certified Copy of the LUC, and is reflected in the draft BoCC Resolution.

In addition to the LUC, there are a few follow-up items related to the LUC:

- *Resolution 2003-R-027 (Street Plans in 35+ Acre Subdivisions); Vacate* as part of the BoCC Resolution. Not needed with adding language into the LUC. See Assessment relative to Street Plans (**Attached**).
- *Ordinance 2016-01 (Development Application); Vacate*. Obsolete with adding language into the LUC.
- *Land Use Fee Schedule; Update*. Reflect LUC amendments (e.g., terminology)
- *Development Application Forms/Checklist; Update*. Reflect LUC amendments and surveyor recommendations.
- *Ordinance 2006-10 (Pre-HUD Mobile Home); Amend*. Reflect current conditions and LUC amendments.
- *Resolution 2022-R-026 (Renewable Energy Moratorium); Extinguish*. Establishing standards in the LUC extinguish this moratorium by operation, as stated in the BoCC Resolution. Clearly stated in the draft BoCC Resolution adopting the 2022 LUC.
- *Intergovernmental Agreements (IGAs); Amend*. Reflect current conditions and LUC amendments.

This list was incorporated into the PC Resolution, but is not included in the BoCC Resolution.

There is a *2022 Land Use Code Update* page/link on the (County) Planning and Community Development website. This website has included the various drafts as well as a schedule for work sessions and public hearing. In addition, the process has included multiple meetings with stakeholders such as local municipalities and surveyors. A number of adjustments were made to the LUC as a result of public input.

If the BoCC finds that there should be substantial change in or departure from the text or map (map not amended) certified by the PC, State Statute requires the BoCC to first submit proposed changes to the PC for approval, disapproval or suggestions. If the BoCC takes such an action on 12/7/22, the PC has 30 days to send its report to the BoCC (per Statute). In that case, the PC report would need to be presented to the BoCC on/by 1/3/23.

DISCUSSION

State Statute (30-28-112 C.R.S.) requires the Planning Commission (PC) to forward a certified copy to the Board of County Commissioners (BoCC). The BoCC must hold at least one public hearing. The hearing date and time, as well as the location where the certified Zoning Plan (LUC) can be examined, must be noticed in the newspaper at least 14 days ahead. A notice of this hearing was published in the Delta County Independent (a paper of general circulation) on 11/23/22 and 11/30/22.



A Public Draft 2022 Land Use Code (LUC) Update was released on 9/21/2022 following multiple Work Sessions with the Board of County Commissioners (BoCC), Planning Commission (PC), Board of Adjustment (BOA). Notice of Availability as well as the hearing schedule was published in the Delta County Independent (DCI) once a week for three (3) weeks starting 9/14/22. It was also posted on the County website at <https://www.deltacounty.com/748/DRAFT-Land-Use-Code>. This draft included redline edits to illustrate where there were changes from the 2021 LUC.

Notice was also sent directly to stakeholders that had expressed interest in the LUC (surveyors, CHC, etc.). In addition, staff sent the Public Draft to each of the municipalities. Informal (staff) meetings were held between 10/14/22 and 10/20/22 with an emphasis on the IGAs (land use). Prior to releasing the Public Draft, staff solicited comments regarding the renewable energy standards from the solar industry and met with Mr. Eli Wolcott to discuss possible changes.

Public Hearings on the draft LUC were scheduled/held as follows:

- 10/12/2022; Planning Commission. Initial opportunity for the public to provide/submit comments for consideration on the Public Draft LUC. Comments received:
 - o Wilmore and Company commentary (received via email 09:04 on 10/11/22, **Attached**)
 - o Schumacher & O'Loughlin LLC, attorney representing Citizens for a Healthy Community (received via email 16:41 on 10/12/22, **Attached**).Mr. Eli Wolcott attended via Zoom and noted he planned to submit written comments.

PC specifically discussed questions/comments submitted by local surveyors where Mr. Randy Wilmore was present for this discussion. There was extensive discussion around Boundary Line Adjustments (not being a subdivision) and Lot Size Variances (requesting more certainty). Some edits were made by the PC.

The PC continued the hearing to 10/26/22 and staff was asked to follow up on a few items:

- o Standard Plat note relative to Ag protection. Staff consulted the County Attorney and we developed some alternative (shorter) language [Chapter 12]
- o PC requested a written opinion from the County Attorney in response to the letter from attorney representing CHC addressing renewable energy facilities. [Chapter 2] Staff provided the Commissioners a confidential memo.
- o Consider language for how to address existing structures with a Boundary Line Adjustment (BLA). [Chapter 3]



- 10/13/2022; Board of Adjustment. Staff presented a recap of the PC hearing, including the surveyor comments/discussion.

Generally, the BoA supported the proposed LUC with what was discussed by the PC, including having more discussion about Stewardship Areas and Legacy Lots - subsequently, not part of this update. The BoA noted that they would not recommend changing the setback for non-residential (non-habitable) structures as part of a BLA, and they felt reviewing BLAs was pertinent at this point, especially when structures are involved. They noted that simply moving a property line to a fence line can cause issues like there being inadequate space to maintain an irrigation ditch.

- 10/17/2022. Ms. Gayle Montelin submitted comments (received via email 16:47 on 10/17/22, **Attached**). Also, staff sent a follow up letter to the surveyors summarizing changes agreed by the PC and the follow-up tasks (**Attached**).
- 10/26/2022; Planning Commission. Staff presented all comments received to this point, and walked through the LUC with responses and recommendations, as applicable. Additional comments were received ahead of the 10/26/22 meeting from:
 - o Wilmore and Company response to 10/17/22 County follow-up letter (received via email 13:35 on 10/24/22, **Attached**)
 - o Mr. Eli Wolcott (received via email 16:18 on 10/26/22, **Attached**).

Staff presented responses to comments from Wilmore (surveyors) and CHC. Mr. Kris Crawford and Mr. Ken Schaaf were present so the PC specifically discussed questions/comments submitted by local surveyors. There was further discussion around Boundary Line Adjustments and Lot Size Variances. The PC determined that, as drafted, the LUC recognizes that a BLA is not a subdivision but is subject to land use regulations. Surveyor comments are more related to understanding the application of land use regulations relative to the type of projects they work with.

A reduced setback was established for non-habitable structures. It was determined that the lot size variance process is being over-utilized, and there are other avenues through rezoning, clustered subdivision and legacy lots (future). Therefore, it was decided to delete this section and remove the uncertainty as requested by the surveyors. Some additional edits were made by the PC.

The PC continued the hearing to 11/9/22 to consider Mr. Wolcott's comments.



- 11/9/2022; Planning Commission. Staff presented final changes to the Public Draft 2022 Land Use Code. In addition, staff presented revised language to the Street Plan requirement (incorporated from a 2003 Resolution, reflecting State statute) in response to surveyors and Mr. Wolcott (See Assessment, **Attached**). Eli Wolcott was present for the PC to specifically discuss his questions/comments. Some additional edits were made by the PC.
- 11/16/2022; Planning Commission. Based on PC direction, a Final Draft was created by removing the redline and cleaning up formatting. In addition, staff prepared an outline summarizing (Summary of Changes) the more notable changes in the 2022 LUC Update. Staff requested that the PC review the Summary of Changes and provide direction for what to present to the BoCC. While the PC does not take action on fees, staff provided a draft Land Use Fee Resolution since there had been discussion about how the LUC relates to fees. Furthermore, staff has updated the Application Checklists to incorporate changes to the LUC and recommendation from surveyors. There are three (3) forms: General (Permitted Use, Limited Use, Conditional Use, Variance), Subdivision (Minor Plat, Preliminary Plat, Final Plat), and Boundary Line Adjustment/Replat.
- 12/7/2022; Board of County Commissioners. Consider adopting the 2022 LUC Update as Certified by the Planning Commission. If the BoCC has substantial changes, the LUC must be remanded back to the Planning Commission.

The following topics received the most attention during the hearings:

1. *Boundary Line Adjustment (BLA).* Surveyors (via Wilmore & Assoc) submitted questions and comments related to clarifying differences between surveying (subdivision) and planning (land use). A primary focus was a discussion about requirements for a BLA, separate from a subdivision. All regulations relative to divisions of land were consolidated into Chapter 12, title Subdivision Regulations. BLA remains in Chapter 12, but there are sections recognizing that a BLA is not a subdivision subject to subdivision regulations.

Surveyors suggested that BLA not be subject to any review, and that it not be subject to setback regulations. The LUC reflects land use regulations that a BLA is subject to (e.g., setbacks). Staff added clarification that a BLA of existing legal lots/parcels is not subject to lot size requirements and that, in a BLA, setbacks from property lines not are not change do not apply...only where the property line is changing to create/increase a non-conforming condition. A purpose of the LUC (Chapter 11) is to reduce the number of non-conforming conditions.

Some adjustments were made based on comments from local surveyors in writing and through discussions with the PC at two hearings (10/12 and 10/26). However, following hearings at the PC and BoA, it was determined to keep BLA in Chapter 12, and that the language is clear to distinguish requirements between



a BLA and subdivision. It was also determined that a BLA is subject to setback standards for property lines being amended, which is a land use issue. However, a reduced setback for non-habitable structures was created, and it was noted that an owner can request a setback variance. Staff presented the PC with revised Development Application Checklists that reflect what is required for a BLA versus a subdivision, per comments from the surveyors.

2. *Renewable Energy*. An attorney representing Citizens for Healthy Communities (CHC) contends that State statute requires the LUC to allow commercial renewable energy facilities...specifically without restriction on Ag lands. As drafted, commercial facilities are not prohibited, but they are also not unrestricted. Chapter 2 establishes regulations for renewable energy facilities that include protections for Agricultural lands.

The PC requested an opinion from the County Attorney since the letter was sent from an attorney contending consistency with State statute. There was consensus between County Attorney, staff and the PC that the regulations, as drafted, did not conflict with the statute that CHC cited (email response to CHC, **Attached**). It was determined that the statute they cited was in reference to personal use, which is an Allowed Use in all zones under the LUC. That said, some adjustments were made to try to balance preservation of Agriculture and encouraging renewable energy.

3. *Mobile Home Park (MHP)*. Chapter 2 incorporated regulations for MHPs using standards from Board Resolution (1997-R-035). The LUC sets the threshold at three (3) units where the State threshold is five (5) units (manufactured or RV). Eli Wolcott submitted comments that requested MHP use the state threshold versus the LUC threshold.

Some adjustments were made to the MHP standards by the PC and by staff prior to the Public Draft...per Mr. Wolcott's requests. However, the threshold remains three (3) units similar to pre-LUC conditions.

4. *Allowed (vs Permitted) Use*. The LUC created Allowed Uses that were permitted "by-right" meaning they were exempt from review. However, they were still subject meeting LUC standards. Ordinance 2011-01 (as amended) established Development Application requirements where all new residential and commercial development is subject to Site Plan Review that includes; access, address, and septic. The Development Application process reflects Permitted Uses as it was established in the LUC.

Applicable provisions of the Development Application Ordinance were incorporated into the LUC (Chapter 7). To avoid potential conflicts but retain the Allowed "by-right" concept from the 2021 LUC, the PC defined uses that are Allowed ("by-right") versus Permitted by using a general guideline of non-



habitable (Allowed) and habitable (Permitted) structures. These new definitions also apply to the BLA setback discussion above. Table 2.b in Chapter 2 outlines the type of review for each use listed depending on the zoning designation. This table was adjusted accordingly where some uses that were Allowed are now shown as Permitted.

5. *Lot Size Variance*. The LUC created a unique opportunity to grant a variance to lot size. BoCC expressed an issue with restriction from further subdivision noting that the intent was to allow larger Ag lands to subdivide off a lot for family, or to help retain the farm financially. A lot size variance requires consideration by the BoA. Plats are either reviewed administratively (Minor Plat, BLA) or through a public hearing process (PC – BoCC).

Surveyors have repeatedly expressed concerns with the uncertainty and process (time) for lot size variances. Surveyors prefer getting a BoA decision before processing the plat, in order to know if the variance is approved.

Criteria for an Administrative approval were developed in the Public Draft LUC. In addition, the LUC was amended for the PC to be a decision-making body for Preliminary Plats (reducing the process time). Also, two new residential zoning designations have been added that would allow lots are 2.5 or 1.0 acres, reflecting the most common requests.

Since adoption of the LUC in 2021, there have been about 50 variance applications for to reduce lot size and about 50 minor plat applications. The result has been a similar land use effect as the density averaging process pre-LUC. It was suggested to return to the density averaging concept, but the PC was not in favor of going backwards, finding that the cumulative effect of haphazard subdivision throughout the County was one of the reasons land use was established.

This led to a discussion about the intent to allow large Ag properties to split off a piece to help retain the farm, but not just keep splitting lots. As a result, the lot size variation option has been removed with the intent to create a “legacy lot” process that better achieves the intent than what is happening. To not delay this LUC update, the legacy lots would be created in a future LUC amendment.

In addition, surveyors noted that the zoning maps could be amended to better reflect areas that could support smaller lot subdivision (without variances). Staff reached out to the surveyors to help identify potential areas. The PC listed zoning map updates as a future consideration.

6. *Stewardship Area (Clustered Subdivision)*. There was discussion about how Stewardship Areas are managed and maintained. It was expressed that the LUC, as drafted, may be so restrictive that a clustered subdivision is not a



preferred option. The PC recognized to have a larger conversation around this topic, and expressed interest to create more flexibility for delegating the responsible party and how the land is managed.

To not delay this LUC update, Stewardship Areas would be addressed in a future LUC amendment. Some adjustments were made in the interim to clarify the intent of how much area is placed into a Stewardship Area versus developable in order to receive a benefit for no minimum lot size or maximum density.

7. *Street Plans.* See Assessment, **Attached.**

During the PC discussions, a couple items came up where the PC noted the desire to have further subsequent discussion, but not to delay this update:

- Zoning Maps. Remove the UGA zoning designation (obsolete). Update zoning maps with zoning that reflects areas available for development, including coordination with municipalities for properties in the Growth Management Areas. Surveyors stated concerns with how some properties are zoned. Staff sent the maps and requested input for areas that they feel should be changed. [Chapter 2, Section 1.C]
- Legacy Lots. Develop an exception process for dividing off a smaller lot from large land holdings in a manner that can help encourage keeping larger acreages intact. Criteria to be addressed includes: minimum size or parcel (starting), minimum size of parcel (ending), maximum number of splits, etc. [Chapter 3, Section 1.A]
- Stewardship Areas. Comments were received from surveyors and other members of the public that current language is very (too) specific about what is required for a Stewardship Area. The PC made a few changes for now, but recognized that there is a bigger conversation to have about how to best revise regulations to allow flexibility for delegating the responsible party and how the land is managed. [Chapter 12, Section 3.C]
- Impact Fees. County policy is for development to pay its way. The LUC calls for establishing resolution(s) establishing impact fees relative to Fire, Roads, and Open Space. The PC felt that a Nexus Study is needed to identify the needs in Delta County and fees associated with those needs. From there, the County can determine what (if any) fees should be applied. [Chapter 6, Sections 2-4]
- Separate RI/C. A comment was received to consider creating separate designations for industrial versus commercial to reflect different uses. [Chapter 2] This requires defining each designation and the matrix would need to be revised to reflect applicable uses (Table 2.a).



- Conditional Use Process: Staff suggested that the PC serve as a decision-making body with appeal to BoCC, similar to how the Preliminary Plat has been amended. At a BoCC work session, the BoCC indicated that is a possibility in the future, after land use regulations become more accepted, but not now. [Chapter 8, Section 2.C]

In addition to the LUC, there are a few related items:

- Resolution 2003-R-027 (Street Plans in 35+ Acre Subdivisions). This 2003 BoCC Resolution is no longer needed with adding language into the LUC. [Chapter 4, Section 2.C] Vacating this Resolution requires separate action by BoCC, which has been included in the Resolution approving the LUC.
- Resolution 2022-R-026 (Renewable Energy Moratorium). This BoCC Resolution established a moratorium on solar applications for 6 months (3/6/23) or until renewable energy standards are incorporated into LUC [Chapter 2, Section 4.G1]. No action by BoCC is required, but action is included in the BoCC Resolution approving the LUC so conclusion of the moratorium is clear.
- Ordinance 2016-01 (Development Application). This Ordinance is obsolete with adding language into the LUC [Chapter 7, Section 1]. Vacating an Ordinance requires separate hearings/action by the BoCC. Staff has drafted an Ordinance, reviewed by the County Attorney, that can be brought forward when/if the LUC is adopted.
- Ordinance 2006-10 (Pre-HUD Mobile Home). This Ordinance needs to be amended to reflect current conditions and the LUC as amended [Chapter 2, Section 4.B]. Amending an Ordinance requires separate hearings/action by the BoCC. Staff has drafted an Ordinance, reviewed by the County Attorney. Further review is required before it is brought forward to the BoCC.
- Land Use Fee Schedule. Update to reflect LUC terminology. Staff has a resolution drafted to bring forward for BoCC consideration (separate action) when/if the LUC is adopted.
- Development Application Forms/Checklist. This is part of the LUC Implementation. Forms have been amended to reflect the LUC amendments. Staff incorporated recommendations from surveyors and presented draft forms to PC on 11/16/22. These forms can be implemented when/if the LUC is adopted.
- Intergovernmental Agreements (IGAs). Amending IGAs, to reflect the LUC, requires separate action by BoCC. Staff has held meetings with municipalities and we are developing a draft to present to the BoCC. Once accepted by the BoCC, draft IGAs will be forwarded to municipalities for consideration (estimate first ½ of 2023).



ATTACHMENTS

- BoCC Resolution (DRAFT)
 - o 2022 Land Use Code Update (See NOTE, below)
- PC Minutes [NOTE: no minutes of Work Sessions]
 - o 10/12/22
 - o 10/26/22
 - o 11/9/22 (DRAFT)
 - o 11/16/22 (DRAFT)
- Comment letters, with reference to where addressed/located in Certified Copy LUC
 - o CHC (10/12/22), including staff response dated 10/25/22
 - o Wilmore & Assoc (Surveyors)
 - 10/11/22 comments/questions
 - 10/24/22 comments, including Follow-Up Letter dated 10/17
 - o G Montelin (10/17/22)
 - o E. Wolcott (10/26/22)
- Street Plan Assessment

NOTE: the following was distributed to the BOCC separately via email on 11/18/2022:

- PC Resolution:
 - o Certified Copy of 2022 LUC Update (available at <https://www.deltacounty.com/748/DRAFT-Land-Use-Code>)
 - o Summary of Changes