



DELTA COUNTY PLANNING COMMISSION

Delta County Planning Commission SPECIAL MEETING

July 29, 2026 at 5:30 PM

Roubideau Room
320 W. 5th St. - Delta, CO 81416

Kate Darlington, Chair

Cindy Watson, Vice-Chair

Oran Stainbrook, Planning Director

AGENDA

A. CALL TO ORDER

ROLL CALL

DISTRICT 1
Cindy Watson
Todd Queen
Vacant
Vacant, Associate

DISTRICT 2
Lance EnHolm
Layne Brones
Russ Coover
Vacant, Associate

DISTRICT 3
Kate Darlington
David Marek
Anthony "Tony" Mautz
Vacant, Associate

B. MEETING MINUTES

1. Approve the meeting minutes for the meeting held on July 8, 2026.

C. PUBLIC HEARING ITEMS

Public Hearing Items are noticed and open for public comments.

1. Public hearing to consider and formulate recommendations to the Board of County Commissioners regarding proposed text amendments to the LUC, including:
 - Battery Energy Storage Systems (BESS) regulatory standards
 - Natural Medicine Business zoning and facility standards
 - General Code Amendments & Cleanup addressing setbacks, road/utility standards, site plan requirements, subdivision procedures, and administrative alignments.

D. DEPARTMENT REPORT

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

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. ADJOURN

The next Delta County Planning Commission Meeting is Wednesday, August 12, 2026

CERTIFICATION OF POSTING

On Tuesday, July 21, 2026 at 4:30pm, Oran Stainbrook did post the above AGENDA as public notice of the 07/29/26 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](#).



STAFF REPORT

Delta County Planning Commission

**Delta County Human Services Building
320 W 5th St., Delta, CO 81416**

Wednesday, July 29, 2026 @ 5:30 p.m.

Land Use Code Update

**Special Session to recommend three amendments
to the Land Use Code.**

RECOMMENDATIONS:

Staff recommends that the Planning Commission adopt a Resolution (**Draft Attached**) recommending that the Board of County Commissioners:

1. ADOPT the proposed Natural Medicine Business Amendment (**Attached**)
2. ADOPT the proposed Battery Energy Storage System Amendment (**Attached**)
3. ADOPT the proposed Text Amendments to the Land Use Code. (**Attached**)
 - a. Consider a Summary of Changes (**Attached**)
4. FIND that the three Amendments proposed for adoption are consistent with the 2018 Delta County Master Plan.

SUMMARY/DISCUSSION:

Recommended changes have been drafted and reviewed by County land use agencies, the Planning Commission (PC), and the Board of County Commissioners (BoCC). This Final Draft is a culmination of several public Work Sessions and hearings referenced below per amendment.

Amendment #1- Text Amendments by Section

From January 2025 through July 2026, Planning staff presented proposed text amendments to the Planning Commission (PC) and to the Board of County Commissioners (BoCC) across multiple joint and individual work sessions to review, draft, and refine the updates. The attached Text Amendments by Section reflects the proposed recommendation for the BoCC.

Amendment #2- Natural Medicine Businesses

Following an initial public hearing on February 26, 2025, the PC and BoCC held a series of work sessions throughout 2025 and 2026 to review state regulations, get public feedback, and draft time, place, and manner restrictions for Natural Medicine Businesses. The attached Natural Medicine Business amendment reflects the PC's proposed recommendation to the BoCC.

Amendment #3- Battery Energy Storage System (BESS)

From June 2025 through July 2026, Delta County Planning Staff, Emergency Management, and County Administration worked with a certified planner consultant to draft regulations for BESS facilities. The PC and BoCC subsequently conducted several work sessions to review, refine, and finalize the draft. The attached Battery Energy Storage System (BESS) amendment reflects the PC's proposed recommendation to the BoCC.

Process for the PC recommendation to the BoCC

Staff is requesting that the PC consider the draft resolution for the three proposed amendments to the Land Use Code, and direct staff on any changes to the amendments or to the draft resolution.

Once the PC votes to adopt the resolution, then staff will present the BoCC with the PC-recommended amendments, but the PC may wish to elect Commissioner(s) to attend the BoCC hearing and speak to the proposed Amendments.

Process for adopting Land Use Code Amendments

The BoCC will then consider the PC-recommended amendments at a public hearing thereon (tentatively scheduled for September 1, 2026), and at least fourteen days' notice of the time and place of such hearing shall be given by at least one publication in a newspaper of general circulation in the county.

At the BoCC hearing the Commissioners may then motion to adopt the amendments to the Land Use Code as recommended by the PC, or they may table one or more for further review toward an eventual motion to adopt. The BoCC may also make any text

changes they wish, and then submit them to the PC for their approval, disapproval, or suggestions. If disapproved by the PC within thirty days after such submission, such amendment, to become effective, shall receive the favorable vote of not less than a majority of the entire membership of the Board of County Commissioners.

Concurrent BoCC Actions

The final Board of County Commissioners' resolution adopting these amendments will include concurrent provisions to formally terminate the temporary moratoriums on BESS applications (Resolution No. 2025-R-43 and its extension, Resolution No. 2026-R-06) and Natural Medicine Business applications (Resolution No. 2025-R-011 and its extension, Resolution No. 2025-R-038).

Future actions to consider

Separate from the amendments proposed in the draft PC Resolution, staff has identified some other actions related to land use for future consideration:

- 1) Reformat Chapter 2, Section 4 (Use Specific Standards). After the adoption of the proposed Amendments, consider reformatting this section of the Land Use Code to improve its searchability and legibility.
- 2) Update the Land Use Fee Schedule. The Fee Schedule needs updating to remove obsolete fees and reflect changes in the Land Use Code from the adoption of the amendments.
- 3) Amend Intergovernmental Agreements (IGAs). The IGAs the County has with municipalities are outdated and have not been updated since the adoption of the Land Use Code.

ATTACHMENTS

1. Planning Commission Resolution recommending Amendments to the BoCC
2. Summary of all Land Use Code Changes (**Exhibit A**)
3. Proposed Text Amendments to the Land Use Code (**Exhibit B**)
4. Proposed Natural Medicine Business (NMB) Amendment (**Exhibit C**)
5. Proposed Battery Energy Storage System (BESS) Amendment (**Exhibit D**)
6. Resolution 2025-R-011, NMB Moratorium (Rec. No. 759685)
7. Resolution 2025-R-038, NMB Moratorium Cont. (Rec. No. 763508)
8. Resolution 2025-R-43, BESS Moratorium (Reception No. 763733)
9. Resolution 2026-R-06, BESS Moratorium Cont. (Rec. No. 767232)

**Planning Commission
Resolution
recommending
Amendments to the
BoCC**

**RESOLUTION
OF THE
PLANNING COMMISSION
OF THE COUNTY OF DELTA,
STATE OF COLORADO**

LAND USE CODE UPDATE

**RESOLUTION RECOMMENDING APPROVAL OF GENERAL TEXT AMENDMENTS
TO THE DELTA COUNTY LAND USE CODE, AND AMENDMENTS ESTABLISHING
NEW REGULATIONS FOR BATTERY ENERGY STORAGE SYSTEMS (BESS) AND
NATURAL MEDICINE FACILITIES.**

RECITALS

WHEREAS, Delta County Board of County Commissioners (hereinafter “Board”) is authorized, pursuant to the Constitution of the State of Colorado and State legislation including, but not limited to, C.R.S. § 29-20-101, et seq., and C.R.S. § 30-28-101, et seq., to plan for and regulate the use and development of land in the unincorporated territory of the County of Delta, State of Colorado, for the purpose of promoting the health, safety, convenience, order, prosperity, and welfare of the inhabitants of the County of Delta; and

WHEREAS, the Delta County Master Plan was adopted in 2018 identifying a need to regulate land use in Delta County; and

WHEREAS, C.R.S. § 30-28-116 provides that amendments to the County's land use regulations shall not be made or become effective until submitted for the approval, disapproval, or suggestions of the County Planning Commission; and

WHEREAS, C.R.S. § 30-28-116 further requires the Board of County Commissioners to hold a public hearing prior to final adoption, with notification published in a newspaper of general circulation at least fourteen (14) days prior to the hearing, including the time, place, and where the proposed amendments can be examined; and

WHEREAS, on February 21, 2024, the Board adopted the current Delta County Land Use Code (Resolution No. 2024-R-03), including updated zoning maps; and

WHEREAS, the Planning Commission and the Board of County Commissioners conducted numerous work sessions between January 2025 and July 2026 to diligently review, draft, and refine the proposed Amendments; and

WHEREAS, on July 15, 2026, public notice was published in the High Country Spotlight, a newspaper of general circulation, informing the public that the proposed

Amendments were available for review and comment, and that the Planning Commission would hold a public hearing on July 29, 2026; and

WHEREAS, on July 29, 2026, the Planning Commission held a duly noticed public hearing to consider the Amendments, taking public testimony and evaluating the proposal's alignment with the County's statutory authority and planning goals.

DECISION

NOW, THEREFORE, BE IT RESOLVED, based on all evidence presented and the administrative record as a whole, the Delta County Planning Commission (PC) does hereby recommend that the Board of County Commissioners take the following actions:

- 1) FIND that the three proposed Amendments are consistent with the 2018 Delta County Master Plan. A Summary of Changes from the 2024 Land Use Code is attached hereto and incorporated herein by reference as **Exhibit A**.
- 2) ADOPT the following recommended Land Use Code Amendments:
 - a. Text Amendments to the Land Use Code. **(Exhibit B)**.
 - b. Natural Medicine Business Amendment. **(Exhibit C)**.
 - c. Battery Energy Storage System Amendment. **(Exhibit D)**.

PASSED AND ADOPTED AS SET FORTH ABOVE on this 29th day of July, 2026 upon motion of Commissioner _____, seconded by Commissioner _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kate Darlington
Planning Commission Chair

EXHIBIT A
**Summary of all Land
Use Code Changes**

Summary of Proposed Land Use Code Amendments

Chapter 1

- **Section 6, C.3.a.:** Clarify the Board of Adjustment's authority to grant variances for roadway design and construction standards.
- **Section 6.4:** Align Board of Adjustment voting requirements with state statute by adopting a majority vote standard for general variances while retaining statutory counts for administrative reversals.

Chapter 2

- **Table 2.b. & Section 4:** Adopt comprehensive regulatory standards governing Battery Energy Storage Systems (BESS) (also impacts Chapter 14).
- **Table 2.b. & Section 4:** Adopt specific zoning standards for natural medicine healing centers, cultivation, manufacturing, and testing facilities (also impacts Chapter 14).
- **Section 2.B.:** Establish comprehensive standards, explicit permitting thresholds, and clear exemptions for temporary special events.
- **Section 4.A.11.:** Revise intensive agriculture setback reduction regulations to eliminate text ambiguities regarding how residential uses and property lines are defined and measured.
- **Section 4.C.3.:** Revise overly restrictive residential setbacks for Rural Medium and Heavy Industry to establish achievable minimum distances.

Chapter 3

- **Section 1.A.:** Amend variation to lot size clauses to correct conflicting language regarding minimum acreages and to clarify how the rules apply to minor plat subdivisions.
- **Section B. 2. a.:** Clarify that building setbacks from roadways must be measured specifically from the edge of the right-of-way rather than the physical edge of the road.

Chapter 4

- **Section 2, E.:** Revise road paving mandates within Growth Management Areas to defer to specific Intergovernmental Agreement terms rather than automatically requiring paving.
- **Section 2, F.1.:** Align the code with the County GIS road naming standards.

Chapter 5

- **Section 1, A.2.:** Eliminate unnecessary traffic impact study requirements for minor plat subdivisions to streamline the review process for low-impact developments.

- **Section 3:** Allow non-residential developments to use hauled water for cisterns under specific criteria, without needing to obtain a hardship variance before the Board of Adjustment.

Chapter 6

- **Section 5.C.:** Resolve an internal contradiction regarding private maintenance agreements to clarify the County's non-enforcement policy.

Chapter 9

- **Section 4:** Remove the Board of Adjustment appeals process section from the code to align with Colorado state statute, directing all subsequent appeals to the district court instead of the Board of County Commissioners.

Chapter 11

- **Section 1.A.2.a.:** Complete an unfinished sentence in the nonconformities section to ensure clear protections for construction activities commenced prior to the effective date of the code.

Chapter 12

- **Section 3.B.3.:** Harmonize flag lot standards with those in Chapter 3.
- **Section 6.B.:** Increase the petition signature threshold for final plat vacations to one hundred percent of subdivision lot owners to protect remaining owners' established property rights.

Chapter 14

- **General:** Adopt specific definitions for Battery Energy Storage Systems (BESS) (also impacts Chapter 2, Table 2.b., and Section 4).
- **General:** Adopt specific definitions for natural medicine healing centers, cultivation, manufacturing, and testing facilities (also impacts Chapter 2, Table 2.b., and Section 4).
- **General:** Eliminate an obsolete regulatory term from the subdivision and definitions chapters that only referenced the deleted Board of Adjustment appeals section in Chapter 12.

Code-Wide / Multiple Chapters

- **Multiple Sections:** Implement mandatory Site Plan Reviews for all "Allowed Uses" to prevent landowners from independently proceeding with unlawful nonconforming developments or omitting necessary permits.

EXHIBIT B
PC-Certified Text
Amendments to the
Land Use Code

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- Address Regulations (Street Names)
- Floodplain Regulations

Zoning maps were adopted assigning zoning designations to every property. Different standards and processes may apply based on the zoning designation. Certain uses are Allowed, ~~or Exempt from review~~, but other permits/approvals may apply. Allowed uses; ~~while exempt from review~~, must meet all applicable regulations from this Code and other entities (e.g., State, Federal).

Zoning Districts list the ... setbacks, parking, and lighting.

This Land Use Code ... 14 Chapters as follows:

- Chapter 1; ... Board of County Commissioners.
- Chapter 2; ... certain types of uses.
- Chapters 3-5; Development Standards. Chapter 3 establishes standards for lot sizes/dimensions as well as structural setbacks. Chapter 4 establishes standards for site design including access, parkin, utilities, hazard mitigation, noise and dust control, lighting, etc. Chapter 5 addresses requirements for when and what is required for studies related to traffic, fire protection, or soils/drainage. Chapter 5 also establishes what is required to prove an adequate water supply and wastewater disposal, as well as what is required if developing in a floodplain. Not all standards apply to all uses. However, all development is required to meet applicable standards, ~~even if not subject to County review (Allowed Uses)~~.
- Chapter 6. ... with such an agreement.
- Chapters 7 & 8; Processes. Chapter 7 establishes the standard processes for all uses. Chapter 8 provides more specific detail for specific processes, excluding Subdivisions (Chapter 12). All land use processes, including access permits, assigning and address, and onsite wastewater treatment begins with a Development Application. ~~Allowed~~All uses are ~~not~~ subject to ~~review by Planning but are subject to~~ applicable standards (Chapters 3-5) and process (e.g., access, address, floodplain, onsite wastewater treatment system (OWTS)). In addition, other permits/process may apply (Colorado Department of Transportation (CDOT), water, floodway, State Electrical, State Plumbing).
- Chapter 9; ... if there is disagreement.
- Chapter 10; Reserved.

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B. Exemptions from Approval Requirement

1. Generally. The following ... State permits or licenses):

~~a. The establishment, continuation, or modification of land uses that are listed as "Allowed Uses" pursuant to Chapter 2 of this Code.~~ a. The establishment, continuation, or modification of a Home Business pursuant to Chapter 2, Section 3(F).

~~b. The establishment, continuation, or modification of a Home Business pursuant to Chapter 2, Section 3(F).~~

c. Division of land that is statutorily exempt from County Subdivision authority (See Chapter 12; Subdivision Regulations).

HISTORY:

~~Resolution No. 2021-R-001, 1/5/2021~~

Resolution No. 2024-R-03, 2/21/2024

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3. Powers and Duties.

a. Powers. The Board ... including the following functions:

(1) Appeal of Administrative Determination or Decision.

(2) Special Exception (Variance) to:

~~(a) Development Standards in this Code; and~~~~(b) DELTA COUNTY ROADWAY DESIGN AND CONSTRUCTION STANDARDS.~~

b. Officers. The Board ... as it may determine.

c. Rules, Regulations, and Records:

...

(4) The Board of ... filed as public record.

d. Open Meetings. All ... open to the public.

4. Voting Requirement. No action of the BOA, including the grant of an exception pursuant to Chapter 8, Section 6, Variances, is official unless authorized by a majority of the members of the BOA present at a regular or special meeting. As required by C.R.S. § 30-28-118(3), the reversal or modification of an administrative decision pursuant to Chapter 9, Approvals, Denials and Appeals; ~~or the grant of an exception pursuant to Chapter 8, Section 6, Variances,~~ requires the concurring vote of:

a. Three (3) members ... Board of Adjustment; or

b. Four (4) members ... five-member Board of Adjustment.

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HISTORY:

~~Resolution No. 2021-R-001, 1/5/2021~~

Resolution No. 2024-R-03, 2/21/2024

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1. Generally. Table 2.b, ... in each zoning district.
2. Legend. The following ... detail about the processes]:

a. ~~"A"/"A/SPR"~~ means "Allowed Use."~~These uses are allowed by-right meaning no Site Plan Review is required. However, / Site Plan Review~~ These uses are allowed by-right and Site Plan Review (SPR) is required.

Owners are responsible to comply with applicable standards (See Chapter 7, Section 1 and Section 2.B.2).

- b. "L" means "Limited ... Section 4, Public Notice.
- c. "C" means "Conditional ... with conditions of approval.

...

1. The land uses ... of uses listed below.

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Row	LAND USE CATEGORY / LAND USE	ZONING DISTRICT					
Row		A35	A20	A5	RI/C	A2.5	RES 1
Row	AGRICULTUR E LAND USE CATEGORY						
Row	Agriculture, Agribusiness, Silviculture, Viticulture	A	A	A	A	A	A
Row	INTENSIVE AGRICULTUR E LAND USE CATEGORY1						
Row	Small Animal Feeding Operation (SAFO)	A/SPR	A/SPR	Ln	Ln	-	-
Row	Medium Animal Feeding Operation (MAFO)	Ln	Ln	Ln	Ln	-	-
Row	Concentrated Aquatic Animal Production (CAAP)	Ln	Ln	Ln	Ln	-	-

Section 2.2

Row	Large Animal Feeding Operations (LAFO)	Ln	Ln	-	Ln	-	-
Row	RURAL RESIDENTIAL LAND USE CATEGORY						
Row	Single Family Detached	A/ <u>SPR</u>	A/ <u>SPR</u>	A/ <u>SPR</u>	A/ <u>SPR</u>	A/ <u>SPR</u>	A/ <u>SPR</u>
Row	Accessory Dwelling Unit (ADU)1	A/ <u>SPR</u>	A/ <u>SPR</u>	A/ <u>SPR</u>	A/ <u>SPR</u>	A/ <u>SPR</u>	A/ <u>SPR</u>
Row	Additional Residences2	L	L	L	Ln	Ln	Ln
Row	Manufactured Home Park (5+ units, including mobile homes and RVs) 1,2	C	C	C	Ln	Ln	Ln
Row	Multifamily (4+ dwelling units) 1,2	Ln	Ln	Ln	Ln	Ln	Ln
Row	Residential Assisted Living (up to 8 people, non-related)	A/ <u>SPR</u>	A/ <u>SPR</u>	A/ <u>SPR</u>	A/ <u>SPR</u>	A/ <u>SPR</u>	A <u>L</u>
Row	Residential Treatment Facility (Congregate Care)	Ln	Ln	C	L	C	C
Row	Nursing Home	C	C	C	C	C	C
Row	AGRICULTURAL SUPPORT AND RURAL INDUSTRIES LAND USE CATEGORY						

Section 2.2

Row	Farm Supply / Feed and Seed	L	L	L	A/SPR	Ln	Ln
Row	Farmworker Housing1	L	L	L	L	L	L
Row	Kennel (within standards)1	A/SPR	A/SPR	A/SPR	A/SPR	A/SPR	A/SPR
Row	Kennel (exceed standards)1	L	L	Ln	Ln	Ln	Ln
Row	Rural Light Industry	L	L	L	A/SPR	Ln	Ln
Row	Rural Medium Industry (e.g., slaughterhouse, meat processing, sawmill)1	Ln	Ln	C	Ln	C	C
Row	Rural Heavy Industry (e.g., explosive, rock crushing, tannery)1	C	C	C	Ln	-	-
Row	Veterinary Hospital or Clinic	L	L	L	L	L	L
Row	COMMUNITY LAND USE CATEGORY 1						
Row	Place of Assembly (up to 50 people)	A Ln	A Ln	A Ln	A Ln	A Ln	A Ln
Row	Place of Schools (up to 51+30 people students)	Ln A/SPR	Ln A/SPR	Ln A/SPR	Ln A/SPR	Ln A/SPR	Ln A/SPR
Row	Schools (up to 30 students)	A	A	A	A	A	A

Section 2.2

Row Schools (31+ students)	Ln	Ln	Ln	Ln	Ln	Ln
Row Child Care Center (up to 13, non-related)	A/ <u>SPR</u>	A/ <u>SPR</u>	A/ <u>SPR</u>	A/ <u>SPR</u>	A/ <u>SPR</u>	A/ <u>SPR</u>
Row Child Care Center (13+, non-related)	C	C	C	A	C	C
Row Private Burials	A	A	A	A	A	A
Row Cemetery	C	C	C	C	C	C
Row COMMERCIAL LAND USE CATEGORY						
Row Retail Sales and Services (includes banks, real estate, etc.) ⁴	L	L	L	A/ <u>SPR</u>	L	L
Row Office	L	L	L	A/ <u>SPR</u>	L	L
Row Restaurant ⁴	L	L	L	A/ <u>SPR</u>	Ln	Ln
Row Automobile Fueling or Service Station	C	C	C	L	C	C
Row Storage Facility (Indoor/Outdoor)	L	L	L	L	L	L
Row Home Business ³	A/ <u>SPR</u>	A/ <u>SPR</u>	A/ <u>SPR</u>	A/ <u>SPR</u>	A/ <u>SPR</u>	A/ <u>SPR</u>
Row Home Business, impact to neighboring property ³	Ln	Ln	Ln	Ln	Ln	Ln
Row Sexually-Oriented Business ¹	-	-	-	C	-	-

Section 2.2

Row	RURAL RECREATION AND HOSPITALITY CATEGORY						
Row	Up to 4 Rentable Rooms (e.g., Bed & Breakfast, Short-Term/Vacation Rental, etc.)	A/SPR	A/SPR	A/SPR	A/SPR	A/SPR	A/SPR
Row	5-10 Rentable Rooms (e.g., Guest Ranch, Lodging, etc.)	L	L	L	L	L	L
Row	More than 10 Rentable Rooms (e.g., Resort, Conference Center Hotel, etc.)	C	L	Ln	Ln	Ln	Ln
Row	Equestrian Facilities (training, arenas, horse boarding, etc.)	A/SPR	A/SPR	A/SPR	A/SPR	A/SPR	A/SPR
Row	Outdoor Shooting Range1	L	L	C	C	-	-
Row	Indoor Shooting Range1	L	L	L	L	L	L
Row	Racetrack1	C	C	C	C	-	-
Row	Paintball Course	L	L	L	L	-	-
Row	Hunting, Fishing, or Watersports Club	A/SPR	A/SPR	Ln	Ln	Ln	Ln

Section 2.2

Row	Special Events- (meeting- standards)1	<u>ALn</u>	<u>ALn</u>	<u>ALn</u>	<u>ALn</u>	<u>ALn</u>	<u>ALn</u>
Row	Event Venue- Special Events- (not meeting- standards)1	<u>LnC</u>	<u>LnC</u>	<u>LnC</u>	<u>LnC</u>	<u>LnC</u>	<u>LnC</u>
Row	Campground/ RV Park1	Ln	Ln	C	C	C	-
Row	Parks, Passive Recreation	<u>A/SPR</u>	<u>A/SPR</u>	<u>A/SPR</u>	<u>A/SPR</u>	<u>A/SPR</u>	<u>A/SPR</u>
Row	Golf Course	C	C	C	C	C	C
Row	Commercial Outdoor Recreation	L	L	L	L	L	L
...							
Row	UTILITIES, COMMUNIC ATIONS, MINING, ENERGY, TRANSPORT ATION, AND DISPOSAL CATEGORY						
Row	Water or Wastewater Treatment Plant	C	C	C	C	C	C
Row	Renewable Energy Facility (Personal Scale)1	<u>A/SPR</u>	<u>A/SPR</u>	<u>A/SPR</u>	<u>A/SPR</u>	<u>A/SPR</u>	<u>A/SPR</u>
Row	Renewable Energy Facility (Commercial Scale)1	C	C	C	Ln	-	-
Row	Truck Stop / Truck Wash	C	C	C	Ln	C	C

...

HISTORY:

~~Resolution No. 2021-R-001, 1/5/2021~~

Resolution No. 2024-R-03, 2/21/2024

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4. The subject property ... the stand is removed.

E. Special Events

1. Generally. This Section is intended to provide standards for the temporary use of land in all zones' districts for special events to avoid significant negative effects on adjacent or nearby property owners, residents and businesses, or which would be unsafe given prevailing site conditions, traffic and circulation patterns, land use characteristics and the nature of the proposed use/event. Properties that exceed two (2) non-exempt events per calendar year require a Limited Use Permit for an event venue, meaning a site designed to host events such as weddings, conferences, galas and other similar events. Non-exempt temporary or seasonal (special) events shall obtain a Limited Use Permit (with a public notice) in all zoning districts. Where a permit is required, conditions may be applied in addition to the standards provided in Subsection 3, below.

2. Exempted Activities not Requiring a Permit.

a. Private ~~Event~~Events, where people are invited ~~by the property owner~~ with no obligation or expectation to pay or donate ~~in money~~, real property, contract rights, services, business promotions, or commercial activity, and which are contained entirely on the property owned or leased by the host.

b. Events that are ... or hospitality (e.g., Resort).

c. Events that are contained entirely within a building and are associated with or interconnected with the property's permitted use(s). Examples; religious gatherings or functions, sale promotions, holiday parties at places of business, etc.

d. Agricultural Events (e.g., ... maze, harvest celebration, etc.)

e. Farmer's Market if wholly contained on site.

3. Special Event Standards. ~~Temporary or seasonal (special) events are allowed, no permit required, in all zoning districts provided all of the following standards are met:~~ Temporary or seasonal (special) events in all zoning districts are required to meet the following standards:

a. ~~The event shall be held on a site that is suitable (size, access, parking, proximity to residences) for safely accommodating the expected level of attendance.~~ applicant is required to submit an application ninety (90) days prior to the proposed event.

~~b. The location and nature of the special event shall be such that it will not~~ b. The applicant is required to conduct a neighborhood meeting no later than thirty (30) days prior to the proposed event. (See Chapter 7, Section 6, Neighborhood Meetings).

~~adversely affect adjacent and nearby agriculture and intensive agriculture uses nor allow trespassing.~~ c. Each event shall not exceed three (3) consecutive days in duration.

~~d. The event shall be held on a site that is suitable (size, access, parking, proximity to residences) for safely accommodating the expected level of attendance.~~

e. The location and nature of the special event shall be such that it will not adversely affect adjacent and nearby agriculture and intensive agriculture uses nor allow trespassing.

f. Adequate security and fire protection shall be provided for the proposed temporary special event. Buildings/Structures (including temporary tents) utilized for the event must be in a condition that is safe and appropriate (ingress/egress, fire suppression, etc.) for the intended level of use and occupancy (number of attendees).

~~g. No potential to cause significant negative impact on adjacent or nearby properties, residents or businesses such as excessive noise, dust, and /or smoke. This includes, but is not limited to:~~

~~(1) Amplified noise shall not operate outdoors between the hours of 9:00 p.m. of one (1) day and 8:00 a.m. of the next day, or 10:00 p.m. on Friday or Saturday unless there is a minimum of six hundred (600) feet from a neighboring residence.~~ Noise that is generated by events shall not exceed the thresholds set out in C.R.S. § 25-12-103.

~~(2) There are no more than two (2) events per calendar year and each event does not operate more than seven (7) consecutive days.~~

h. A Traffic Management Plan shall be prepared to ensure safe access and safe operation of adjacent roads. This includes, but is not limited to:

(1) The street/road from ... the temporary special event.

(2) The site has ... wide, two travel lanes).

...

(4) Safe onsite vehicular ... routes shall be identified.

(5) Unobstructed emergency access ... provided at all times.

(6) Off-Street parking area shall be sufficient to accommodate the peak demands of the event, assuming 2.5 attendees per vehicle. Parking may be provided on property other than where the event is held provided that an appropriate level of shuttle service (e.g., buses and vans) is provided between the event and the parking area. ~~or the close association of the event with a permanent use that provides parking for attendees.~~

(7) Truck parking and ... that will remain onsite. Trucks shall be ... from local residential streets.

~~f.~~ Appropriate approvals and/or permits shall be obtained for food services and selling of alcohol.

~~g.~~ The County may require a Fire Prevention and Emergency Response Plan.

~~h.~~ Adequate water, sanitation, and refuse collection shall be provided. A Sanitation Plan that addresses adequate sanitation shall be prepared and approved by the contracted sanitation company, including:

(1) Adequate restrooms facilities, ... shall be provided onsite.

(2) Trash containers/recycling bins ... on any neighboring property.

(3) The site of ... day of the event.

~~4. Activities Requiring a Permit. A Limited Use Permit (with a public notice) is required, in all zoning districts, for the following:~~

~~a.~~ Any event that does not meet the special event standards (See Subsection 3, above):

~~b.~~ Event venue, meaning a site designed to host events such as weddings, conferences, galas and other similar events.

~~c.~~ Where a permit is required, conditions may be applied in addition to the standards provided in Subsection 3, above.

F. Home Business. Home ... a Home Business shall:

1. Clearly be secondary ... or other disturbances; and

...

HISTORY:

~~Resolution No. 2021-R-001, 1/5/2021~~

Resolution No. 2024-R-03, 2/21/2024

...

11. Limitations on Modifications.

a. Setbacks for intensive ... with the following limitations:

(1) Setbacks to Residential Uses as defined in subsection 2 of this section on Intensive Agriculture may be reduced by up to fifty-percent (50%); and

(2) Setbacks to property lines of properties that do not meet the definition of Residential Use established in this Intensive Agriculture section may be reduced by up to twenty-five percent (25%), provided that setbacks to schools are not thereby reduced below minimum requirements.

(3) In determining whether ... which spacing is required.

B. Rural Residential Uses

...

b. Common Buildings. Multifamily ... recreation, storage, and laundry.

5. Accessory Dwelling Unit ... meet the following standards:

~~a. The total floor area of the ADU shall not exceed the square footage of the primary residence.~~
a. The total gross floor area of a detached accessory dwelling unit shall not exceed 75 percent of the gross floor area of the principal dwelling unit, or 1,200 square feet, whichever is less. In no case shall the maximum allowed size of an ADU be restricted to less than 500 square feet.

b. Side and rear ... for fire and safety.

c. Each legal lot ... allowed on that lot.

d. An ADU may be separately rented.

e. An ADU shall ... the primary dwelling unit.

f. An ADU shall utilize the same water and electrical service connection as the primary dwelling unit. Separate water taps or direct connections to main public utility lines for the ADU are prohibited, except where explicitly required by the utility provider.

g. An ADU shall have an approved OWTS permit.

h. The ADU and primary dwelling shall share a single, common driveway access to the public right-of-way. Separate distinct driveways for the ADU are prohibited.

i. The ADU shall have a distinct address from the primary dwelling.

6. Additional Residences

a. Generally.

...

d. Maximum two (2) ... the morning and evening.

e. Kennels that exceed ... (with a public notice).

3. ~~Rural Medium/Heavy Industry~~. Buildings and operations associated with uses related to Rural ~~Medium Industry or Rural~~ Heavy Industry in the "A" zoning designations shall meet the following minimum setbacks from:

a. Stream and River: Two hundred (200) feet

b. Irrigation Ditch: One hundred (100) feet

c. Community Water Source: Three hundred (300) feet

d. Domestic Water Well ... hundred fifty (150) feet

~~e. Residential Use: One thousand (1,000) feet from the property line~~
Property Line: Fifty (50) feet, other than Residential Use

~~f. Residential Use (unless written agreement is obtained from the subject adjacent property Lineowner):~~

~~(1) One hundred twenty five (100125) feet of property line.~~

~~other than residential~~ (2) No blasting, use of screening, crushing or breaking equipment, asphalt or concrete plant operation, or similar equipment within two hundred fifty (250) feet of property line.

g. Mining, crushing, or operating within 1,320 feet of an existing residence or within 2,640 feet of a scenic byway requires a buffering plan to mitigate impacts.

D. Commercial Uses

1. Sexually-Oriented Businesses. Sexually-oriented ... meet the following standards:

...

HISTORY:

~~Resolution No. 2021-R-001, 1/5/2021~~

Resolution No. 2024-R-03, 2/21/2024

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...

2. Existing Lots. The ... zoning designation or dimensions.

3. Variation to Lot ... Lot Dimensions, provided that:

a. The subdivision is a Minor Plat and conforms to all other requirements of this Code (e.g., water, access, septic, floodplain, etc.);

b. ~~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~~ Both lots meet the minimum dimensions set out in the standards for the RES-1.0 zoning district (e.g., minimum 1.0 acre), and

c. The size and configuration of the new ~~lot minimizes disturbance or development of irrigated agricultural portions of a property; and~~ lots minimize disturbance or development of irrigated agricultural portions of a property; and

d. The Final Plat ... years or until rezoned.

4. Boundary Line Adjustment. ... minimum size required, provided:

...

1. Generally. All principal ... standards of this Section.

2. Setbacks. All buildings ... structures shall be setback:

a. ~~Twenty-Five (25) feet from all roadways (public and private), including shared access where a road name has been assigned; and~~ Five (5) feet from edge of right-of-way for all roads according to their County or State road classification or any recorded right-of-way or easement, including shared access where a road name has been assigned; and

b. Fifteen (15) feet ... garage, shed, barn); and

c. Fifty (50) feet ... of the US); and

...

HISTORY:

~~Resolution No. 2021-R-001, 1/5/2021~~

Resolution No. 2024-R-03, 2/21/2024

...

1. Generally. Roads, driveways, ... from time to time.
2. Paving. Roads within ... shall be paved if:

a. The ~~boundary of the subdivision is located within a Growth Management Area at the time of the Development Application;~~

~~b. The subdivision~~ creates more than eight (8) new buildable lots; or

~~c.~~ The subdivision creates eight (8) or fewer buildable lots, but paving is warranted by a required Dust Control Plan; Grading, Erosion, and Sediment Control Plan; need for all-season emergency access; or other extraordinary circumstances.

F. Road Naming

1. Generally. County Geographic Information Systems (GIS) ~~may~~shall require or assign Road Naming in cases where a subdivision access will serve more than three (3) habitable or commercial structures, including temporary residential structures.

2. Road Name. All ... from time to time.

G. Site-Specific Determinations

...

HISTORY:

~~Resolution No. 2021-R-001, 1/5/2021~~

Resolution No. 2024-R-03, 2/21/2024

...

(5) Evidence concerning the ... supply for the subdivision.

3. Cisterns.

a. Cisterns shall not be considered an adequate water supply for new residential or subdivision development where the water is hauled; however, a cistern may be allowed when the following applies:

(1) The property is located within the service area of a purveyor and the purveyor agrees to allow a cistern, using their water; ~~or~~ and

(2) There is no ... water source available; and

(3) Development consists of ... and one (1) ADU.

b. Cisterns may be ... (e.g., well or spring).

c. Existing cisterns may ... criteria in this Section.

d. Non-residential developments may use hauled water to cisterns, subject to the following criteria:

(1) Any water purveyor already serving domestic water to the property acknowledges the added use of hauled water to a cistern for the non-residential development.

(2) The developer obtains a letter from the purveyor of the hauled water granting permission to the property owner to use the water at the development's address.

(3) The hauled water system is dedicated exclusively to the approved non-residential use, and the water shall not be transferred, interconnected, or utilized for any residential structures, purposes, or separate residential cisterns on the property.

e. Where an owner is able to demonstrate due diligence to exhaust available remedies noted above, and the strict application of this Code would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of the subject property, the Board of Adjustment (BoA) may authorize a variance from the requirements noted above, pursuant to Chapter 8, Section 5 of this Code.

C. Fire Protection Report. ... for all fire improvements.

D. Wastewater Treatment & Disposal

...

HISTORY:

~~Resolution No. 2021-R-001, 1/5/2021~~

Resolution No. 2024-R-03, 2/21/2024

...

6. Optional Contents of ... maintenance of public improvements.

C. Maintenance Agreements

1. Generally. Maintenance Agreements shall be provided to ensure perpetual maintenance of local roads, stormwater facilities, and private recreation and open space areas. Maintenance Agreements shall be recorded in the chain of title of the affected properties (the property to be maintained and the property that has maintenance obligations imposed upon it), ~~and shall be enforceable by the County.~~

2. Local Roads. All ... a property owners' association).

3. Drainage Facilities. Drainage ... the facilities are located.

...

HISTORY:

Resolution No. 2024-R-03, 2/21/2024

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Section 7.1

...

3. Water Supply (See Chapter 5, Section 3).

B. Generally. Individuals may ... (See Section 2.B below):

1. Site Plan Review. The purpose of Site Plan Review is to ensure compliance with the permitting process and applicable standards of this Code. ~~Site Plan Review is not required for Allowed Uses.~~

2. Access Permit. A ... of access from CDOT.

3. Address Assignment. An ... DELTA COUNTY ADDRESS REGULATIONS).

...

HISTORY:

~~Resolution No. 2021-R-001, 1/5/2021~~

Resolution No. 2024-R-03, 2/21/2024

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Section 8.1

A. Generally. ~~Allowed Uses do not require Site Plan Review. However, All development within unincorporated Delta County shall meet all applicable standards (local, State, Federal) whether or not review is required (See Chapter 7, Section 1).~~ Allowed Uses require Site Plan Review. All development within unincorporated Delta County shall meet all applicable standards (local, State, Federal) and comply with applicable standards (See Chapter 7, Section 1 and Section 2.B.2).

HISTORY:

~~Resolution No. 2021-R-001, 1/5/2021~~

Resolution No. 2024-R-03, 2/21/2024

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...

1. Generally. The Planning ... established by final plat.
2. Time Limitation. The ... applicant and the County.

B. Text Amendments. Amendments to the text of this Code shall require the same process as its original adoption, as specified in C.R.S. § 30-28-~~133~~116, as amended.

C. Planned Unit Development. (Reserved)

D. Areas and Activities of State Interest. (Reserved)

HISTORY:

Resolution No. 2024-R-03, 2/21/2024

DRAFT

Section 9.4

A. Generally. The Board of Adjustment (BOA) shall hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the Director in the administration of this Code. The hearing before the BOA shall be a new hearing where any information is allowed. In order to initiate an appeal, an aggrieved party must submit a complete appeal application and filing fee within the prescribed timeline. Said application shall include, but not be limited to, information about how the appellant is aggrieved. ~~The BOA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made; where the BOA finds that the Director acted:~~ Appeals to the Board of Adjustment (BOA) shall be in accordance with

~~1C. Without clear and convincing evidence to support the order, requirement, decision or determination; or~~

~~2R.S. Beyond§ the Director's authority30-28-118.~~

B. Timing. ~~An aggrieved party, other than the applicant, has fifteen (15) calendar days to file a complete appeal application from the date of the Director's decision. If additional time is warranted, the Director may afford additional time (up to 30 days total) to file the appeal. An applicant may take up to sixty (60) days to file an appeal.~~ Appeals to the Board of Adjustment shall be made within twenty-eight (28) days of the decision being appealed.

C. Automatic Stay; Exception. ... filing of the appeal.

HISTORY:

Resolution No. 2024-R-03, 2/21/2024

...

d. Reduction of Nonconformities. ... requirements of this Code.

2. Application of Section.

a. Effect of Section. Nothing in this Section shall be interpreted to require a change in plans, construction, or designated use of any building, the construction of which commenced prior to the effective date of this Code or subsequent amendment, provided that construction was carried out in conformity with federal, state, and county law at the time it commenced.

b. Allowed Uses. Any ... existing uses or structures.

c. Changes of Ownership. ... requirements of this Section.

...

HISTORY:

~~Resolution No. 2021-R-001, 1/5/2021~~

Resolution No. 2024-R-03, 2/21/2024

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...

2. The Director shall ... in Subsection (A)(3), above.

3. Following action by ... decision, to the applicant.

~~4. An aggrieved party may appeal the decision pursuant to Chapter 9; Approvals, Denials and Appeals.~~ 4.

The Director shall determine when all public improvements shown on the Minor Plat are installed and the County has granted preliminary acceptance of the improvements pursuant to Chapter 6, Section 1(C); Acceptance of Public Improvements.

5. The Director shall ~~determine when all public improvements shown on the Minor Plat are installed and the County has granted preliminary acceptance of the improvements pursuant to Chapter 6, Section 1(C); Acceptance of Public Improvements.~~

~~6. The Director shall~~ forward the Plat to the County Surveyor who shall review the Plat for form and content in accordance with State statute. Initial review shall be completed within fourteen (14) calendar days.

7. Once approved by the County Surveyor, the plat shall be recorded with the signatures of all property owners (notarized), their surveyor, the mortgage company (notarized, if applicable), the County Surveyor, the County Treasurer, and Planning Director. See Section 6 of this Chapter for applicable signature blocks.

~~8.~~ 7. New deeds describing all affected lots shall be recorded with the approved Minor Plat or Boundary Line Adjustment. New deeds shall be recorded with the Replat if there is any change to a parcel/lot. Any encumbrances applicable to the project or conditions (Access Agreements, etc.) shall be recorded with the Plat.

HISTORY:

Resolution No. 2024-R-03, 2/21/2024

...

- (1) The lot area, ... use that is contemplated.
- (2) Lot area shall ... Dimensions by Zoning District.

(3) A flag lot configuration shall be avoided when possible. ~~The minimum width of a flag lot appendage shall be thirty (30) feet. The access along the "flagpole" shall be graded, twenty (20) feet wide, clear of all encumbrances, and drained in order to provide adequate emergency access to the property.~~ Flag lot appendages shall comply with minimum requirements of Table 3.a. unless a variation to lot size is granted by the Director. In all cases the minimum width of a flag lot appendage shall be thirty (30) feet. The access along the "flagpole" shall be graded, twenty (20) feet wide, clear of all encumbrances, and drained in order to provide adequate emergency access to the property.

- b. Access. If new ... no feasible alternative access.
- c. Arrangement of Lots.

...

- (1) The lot area, ... use that is contemplated.
- (2) Lot area may ... Dimensions by Zoning District.

(3) A flag lot configuration shall be avoided when possible. ~~The minimum width of a flag lot appendage shall be thirty (30) feet. The access along the "flagpole" shall be graded, twenty (20) feet wide, clear of all encumbrances, and drained in order to provide adequate emergency access to the property.~~ Flag lot appendages shall comply with minimum requirements of Table 3.a. unless a variation to lot size is granted by the Director. In all cases the minimum width of a flag lot appendage shall be thirty (30) feet. The access along the "flagpole" shall be graded, twenty (20) feet wide, clear of all encumbrances, and drained in order to provide adequate emergency access to the property.

- (4) Building envelopes shall ... of the Stewardship Area.
- (5) Stewardship Area shall ... the total parcel area.

...

HISTORY:

Resolution No. 2024-R-03, 2/21/2024

...

1. Subdivision Vacations.

a. Letter of Intent. ... the County Planning Department.

b. Petition. A Vacation of all or a portion of a Final Plat shall be submitted with a petition signed by ~~not one less than fifty~~ one hundred percent (~~50~~100%) of the owners of the lots as shown on the Final Plat ~~and one hundred percent (100%) of the owners of the lots to be vacated.~~

2. Public Road, Street, Rights-of-Way, or Easement Vacations.

a. Letter of Intent. ... not be limited to:

...

HISTORY:

Resolution No. 2024-R-03, 2/21/2024

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...

Deployment means placement, construction, ... personal wireless service facility.

Developer. See "Subdivider or Developer."

Development means any construction, activity, or alteration that changes or intensifies the existing use of land. This includes, but is not limited to, the subdivision of a parcel into two or more lots, new residential, commercial, or institutional construction, or the relocation of structures. Conversely, development explicitly excludes the remodeling or renovation of an existing residential structure, routine landscaping, or normal agricultural activities, such as earth movement associated with farming or crop cultivation.

Development Area means the ... Chapter 4 Section 1A)

Density means the number ... per unit of land.

...

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EXHIBIT C
**PC-Certified Natural
Medicine Business
(NMB) Amendment**

Natural Medicine Businesses (Land Use Code Amendment)

Chapter 2. ZONING DISTRICTS AND LAND USE

Section 2.2 Land Use by Zoning District

B. Land Use by Zoning District

Land Use Category / Land Use	Zoning District					
	A35	A20	A5	RI/C	A2.5	RES1
COMMERCIAL LAND USE CATEGORY						
Retail Sales and Services (includes banks, real estate, etc.) ⁴	L	L	L	A	L	L
Office	L	L	L	A	L	L
Restaurant ⁴	L	L	L	A	L ⁿ	L ⁿ
Automobile Fueling or Service Station	C	C	C	L	C	C
Storage Facility (Indoor/Outdoor)	L	L	L	L	L	L
Home Business ³	A	A	A	A	A	A
Home Business, impact to neighboring property ³	L ⁿ	L ⁿ	L ⁿ	L ⁿ	L ⁿ	L ⁿ
Sexually-Oriented Business ¹	—	—	—	C	—	—
Natural Medicine Business: Healing Center	C	C	C	C	C	—
Natural Medicine Business: Cultivation, Manufacturing, or Testing Facilities	C	C	C	C	C	—

Section 2.4. Use Specific Standards

D. Commercial Uses

2. Natural Medicine Businesses. Natural medicine businesses are regulated under the authority of C.R.S. 44-50-101 through 904. Natural Medicine Businesses shall be licensed according to 1 CCR 213-1 (Code of Colorado Regulations). No Natural Medicine Business involving remuneration as defined by §44-50-103 without a license from The Natural Medicine Division of the Department of Revenue (NMD-DOR) will be permitted in any Zoning District of Delta County. “Remuneration” means anything of value, including money, real property, tangible and intangible personal property, contract

right, chose in action, service, and any right of use or employment or promise of agreement connected therewith, business promotion, or commercial activity.

In addition to all other applicable standards of this Land Use Code, Natural Medicine Businesses shall meet the following standards:

- a. No Natural Medicine Business shall be located within one thousand feet of a day care, or school, measured by the setbacks as outlined in C.R.S.44-50-302. Setbacks related to Natural Medicine Businesses shall not be modified from the State regulations and are not eligible for a variance to the Code.
- b. All Natural Medicine Businesses shall provide a Transportation Management Plan that ensures safe access for patients and emergency services and safe operation on adjacent roads. This includes, but is not limited to:
 - 1) Approval from emergency services to service the facility year round.
 - 2) Unobstructed access for emergency services.
 - 3) Healing Centers shall ensure that patients have a discharge plan and safe post-treatment transportation plan that ensures their safe transport from the facility to their destination.
- c. No Natural Medicine Business (Cultivation, Manufacturing, or Testing Facilities or Healing Center) shall be operated as a home business as defined by this code.
- d. All Natural Medicine Businesses shall have a redundant communication system for phone and Internet access.
 - 1) Emergency contact numbers must be obviously and visibly posted for facilitators and participants.
- e. Manufacturing of Natural Medicine
 - 1) The manufacture of natural medicine that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited from residential buildings;
 - 2) Hazardous and nonhazardous materials used to manufacture natural medicine shall be stored in a manner so as to mitigate and ensure odors are not detectable beyond the property boundaries on which the processing facility is located or the exterior walls of the processing facility associated with the processing of natural medicine.
 - 3) The manufacture of natural medicine shall meet the requirements of all State life/safety codes.
- f. Natural Medicine Business Conditional Use Permits shall be renewed annually, based upon the annual renewal of their Natural Medicine Business license and subject to review by the Delta County Sheriff.

Chapter 14. MEASUREMENTS, CALCULATIONS, RULES OF CONSTRUCTION, ACRONYMS AND DEFINITIONS

Section 14.2. Definitions

ADD

Healing Center- means a facility where an entity is licensed by the State Licensing Authority pursuant to article 50 of title 44 that permits a Facilitator to provide and supervise Natural Medicine Services for a Participant.

Natural medicine- means the following substances: Psilocybin, Psilocyn, Dimethyltryptamine, Ibogaine, Mescaline.

Natural Medicine Business- means any of the following entities licensed pursuant to the Natural Medicine Code: A Healing Center; A Natural Medicine Cultivation Facility; A Natural Medicine Products Manufacturer; A Natural Medicine Testing Facility. For further definitions refer to the Code of Colorado Regulations for Natural Medicine (1 CCR 213-1).

Natural Medicine Cultivation Facility- means a location where Regulated Natural Medicine is grown, harvested, and prepared in order to be transferred and distributed to either a Healing Center, Facilitator, a Natural Medicine Products Manufacturer, or to another Natural Medicine Cultivation Facility.

Natural Medicine Products Manufacturer- means a person who manufactures Regulated Natural Medicine Products for transfer to a Healing Center, Facilitator, or to another Natural Medicine Products Manufacturer.

Natural Medicine Services- means a preparation session, administration session, and integration session as provided pursuant to article 170 of title 12.

Natural Medicine Testing Facility- means a public or private laboratory licensed, or approved by the Division, to perform testing and research on Regulated Natural Medicine and Regulated Natural Medicine Product.

EXHIBIT D
**PC-Certified Battery
Energy Storage System
(BESS) Amendment**

Battery Energy Storage Systems (Land Use Code Amendment)

Chapter 2. ZONING DISTRICTS AND LAND USE

Section 2.2 Land Use by Zoning District

B. Land Use by Zoning District

LAND USE CATEGORY / LAND USE	ZONING DISTRICT					
	A35	A20	A5	RI/C	A2.5	RES
						1

UTILITIES, COMMUNICATIONS, MINING, ENERGY, TRANSPORTATION, AND DISPOSAL CATEGORY						
Water or Wastewater Treatment Plant	C	C	C	C	C	C
Renewable Energy Facility (Personal Scale) ¹	A	A	A	A	A	A
Renewable Energy Facility (Commercial Scale) ¹	C	C	C	L _n	—	—
Residential Battery Energy Storage System	A	A	A	A	A	A
Commercial Battery Energy Storage System	A/S PR	A/S PR	A/S PR	A/S PR	A/S PR	A/SP R
Utility-Scale Battery Energy Storage System	C	C	-	C	-	-
Truck Stop / Truck Wash	C	C	C	L _n	C	C
Airport, Airstrip, Landing Pad (Other) ¹	L _n	L _n	L _n	L _n	L _n	L _n
Salvage Yard ¹	C	C	C	C	C	C

Section 2.4 Use Specific Standards

F. Utilities, Communications, Mining, Energy, Transportation, and Disposal Uses

1. Renewable Energy Facilities.

2. **Battery Energy Storage Systems (BESS).** The purpose and intent of this Section is to define reasonable standards for placement, design, monitoring, emergency response and modification of Battery Energy Storage Systems (BESS). The specific use standards for BESS are necessary for protection of public health, safety, and general welfare in the County in accordance with applicable State and Federal laws and regulations.

a. Applicability.

- i. The requirements of this Section shall apply to Battery Energy Storage Systems within unincorporated Delta County, whether sited as a stand-alone facility or collocated with other energy generation and/or transmission infrastructure.
- ii. Battery Energy Storage Systems shall be subject to and processed pursuant to the Conditional Use Permit process of the Delta County Land Use Code.
- iii. A pre-application meeting prior to submitting an application is required for all Commercial and Utility-Scale Battery Energy Storage Systems.
- iv. Battery Energy Storage Systems shall be designed and comply with the criteria set forth in these use specific standards as well as the standards of LUC Chapter 4 “*Site Design and Environmental Stewardship*”.

b. Exceptions.

- i. The requirements of this use specific section shall not apply to any battery energy storage system located on State or Federal lands. All public documentation for federal and state permitting within the County shall be shared with the County during their permitting process.
- ii. Residential BESS is allowed and Commercial only requires a Site Plan Review, but both may be subject to reporting requirements under the Emergency Planning and Community Right to Know Act and/or locally adopted ordinances.

- c. **Battery Technology Classification.** BESS shall be classified by battery technology and chemistry for purposes of applying siting, safety, fire protection, and mitigation requirements. Technologies include, but are not limited to: Lithium-ion (NMC, NCA, LCO), Lithium Iron Phosphate (LFP), Sodium-Ion Batteries, Flow Batteries, and emerging or hybrid technologies evaluated using a hazard-based approach consistent with NFPA 855.

d. Development Standards The following use standards apply to all Utility-Scale BESS facilities and shall be demonstrated within the Conditional Use Permit application for the facilities:

i. Installation, Design, Maintenance and Safety Standards

Battery Energy Storage Systems shall be compliant with the current NFPA standards, applied in a manner appropriate to the specific battery technology, system configuration, and site conditions. The BESS developer shall provide a certificate of compliance from a qualified, independent third party prior to the commencement of operations.

ii. Setbacks and Site Requirements

1. Setbacks for Utility-Scale Battery Energy Storage Systems (BESS) shall:

- a.** Meet the bulk setback standards specified in this code.
- b.** Meet the technology specific standards in the latest Edition of NFPA 855.
- c.** Contain hazardous gas concentrations that exceed EPA AEGL-1 exposure limits, as identified in the Worst-Case Scenario Dispersion Analysis, within the subject property's boundaries.

2. FEMA Floodplain. No component of a battery energy storage system shall be located within the mapped area of a 500-year floodplain as mapped and delineated by FEMA.

3. Irrigated Farmland. BESS facilities shall not be located on irrigated farmland, prime agricultural farmland, or farmland of statewide importance as defined by the National Resources Conservation Services (NRCS).

iii. Design Standards

1. Interconnection. Utility-Scale BESS facilities must demonstrate interconnection rights or accessory use to energy facilities.

2. Detailed Electrical and Design Plans. The applicant shall provide detailed plot plans showing detailed electrical designs and demonstrating all use standards are integrated within the design plans and individual module BESS units.

3. Defensible Fire Space. All Utility BESS facilities must have a thirty (30) feet defensible fire space around the exterior of the perimeter fence of the facility. Vegetation screening must be outside this defensible space. In addition to the exterior defensible space, BESS facilities must have defensible spaces between each unit to the minimum safety standard recommended by the BESS manufacturer.

4. **Water Supply.** The BESS developer shall be responsible for the full cost of all infrastructure improvements necessary to provide for adequate supply of water for fire suppression purposes. Completion and proof of such improvements shall be required prior to operation of a BESS regulated under the LUC.
5. **Impermeable Surface.** To minimize post-incident environmental contamination at a BESS site, all BESS cabinets, modules, containers, transformers and appurtenances shall be installed on an impermeable surface.
6. **Drainage Design, Study, and Stormwater Management Plan.** Applicants are required to submit a drainage design, study, and stormwater management plan of the project area, demonstrating the changes to drainage patterns on the project site. Drainage design must show equivalent water retention basins for the size of the impermeable surface created as part of the project facility.
7. **Site Disturbances.** BESS facilities must be designed to maintain historic drainage patterns and minimize environmental impacts. Upon completion of construction, applicant shall reestablish all areas of the site disturbed during construction, including the construction access, and restore such areas to pre-construction drainage patterns and remediate environmental impacts caused by construction. Temporary and permanent erosion control measures shall be used as necessary to manage erosion of the site.
8. **Construction Documents.** The applicant shall prepare and submit Construction Documents for review by the county. At a minimum, the Construction Documents shall contain the elements identified in NFPA Standard 855 (latest version).
9. **Noise Standards.** All BESS shall be designed, constructed, and operated so that the sound level produced by the system and associated equipment does not exceed a one-hour average of 60 A-weighted decibels (dBA) as measured at the property lines of the subject property.
10. **Agency Coordination.** Delta County will require plan reviews by local, state, and federal agencies, including, but not limited to: Delta County Local Fire District(s); Colorado State Electrical Board; Colorado Parks and Wildlife; US Fish and Wildlife Service; Colorado State Office of Archaeology & Historic Preservation; and Colorado Department of Transportation. Applicants may expedite this review by providing documentation of coordination with relevant agencies upon submission of their application.

iv. Safety and Security Standards

1. Fencing and Screening.

- a. BESS facilities must demonstrate the minimum federal safety fencing standards in their site designs, with a minimum fence height of eight (8) feet.
- b. The interior of the fencing around BESS components shall be void of flammable materials.
- c. If integrating unique design or screening beyond the standard security fencing, a screening plan and detailed designs shall be included as part of the application.

2. Security. All battery energy storage systems (BESS) shall be secured against unauthorized access by means of:

- a. Locked, tamper-resistant enclosures or cabinets.
- b. All access gates shall remain locked except when authorized personnel are present. Gates shall include emergency access provisions acceptable to the local fire protection district. Operators shall file access/combination information with Delta County Emergency Dispatch and keep such information current upon any subsequent changes or updates.

3. Access. Access roads to the facility must meet County Road standards at a minimum, as well as standards defined by the local fire protection district for access to the facility for fire suppression activities including road depth and width requirements and turnaround areas. Access roads shall be plowed to allow for fire protection district access during winter months.

4. Signage. Warning signage shall be posted on the exterior of the fence or enclosure and shall be clearly visible from all accessible sides.

Signage must include:

- a. Identification of the facility as a “Battery Energy Storage System.”
- b. The type of energy storage technology used (e.g. lithium-ion).
- c. Appropriate hazard warnings such as “High Voltage,” “Risk of Fire,” and other applicable hazard indicators. For consistency, operators shall use the symbology included in the most current version of the Emergency Response Guidebook published by the Pipeline and Hazardous Materials Safety Administration.
- d. Emergency contact information for the facility operator or responsible party.

- e. Signage shall be made of weather-resistant, fade-resistant materials.
- f. All signage must be in English and Spanish.
- g. Directions for the public on how to report a fire/emergency at the facility to 9-1-1.
- h. No signage or fencing shall obstruct fire protection district access to shut-off devices, fire suppression equipment, or fire district connections.

v. ***Hazard Mitigation Analysis and Plume Modeling***

1. **Model Standards.** A Hazard Mitigation Analysis (HMA) including dispersion (“plume”) modeling is required for all Utility-Scale Battery Energy Storage Systems. The HMA shall be prepared and stamped by a registered fire protection engineer (FPE/PE) in accordance with NFPA Standard 855.
2. **Worst-Case Scenario.** In addition to NFPA standards, Dispersion Analyses shall model and analyze a worst-case scenario for fire and anticipated suppression activities at the facility. This analysis must reflect the conditions under which Large-Scale Fire Testing (LSFT) was conducted for the proposed BESS equipment, pursuant to the most recent revision of UL 9540A, and must include:
 - a. Project-specific identification of toxins of concern for the facility type, based upon gas composition and release rate data obtained from UL 9540A Large-Scale Fire Testing for the specific equipment proposed for use.
 - b. Detailed assumptions of the modeled event scenarios, using a maximum credible emission source based on battery capacity (kWh), number of modules assumed to propagate, and verified emission rates from testing or literature. Models shall cover pre-combustion, combustion, and suppression phases.
 - c. Atmospheric and wind conditions typical of the site as incorporated in the modeling, and atmospheric conditions consistent with the US Environmental Protection Agency’s (EPA) Risk Management Program’s published atmospheric conditions for off-site consequence worst-case release analysis.
 - d. Modeled distance of dispersion with concentration levels referencing EPA Acute Exposure Guideline Levels (AEGL) and American Industrial Hygiene Association (AIHA) Emergency Response Planning Guidelines.

- e. Modeling utilizing CAMEO and MARPLOT software including description of methodology used. Additional modeling utilizing other software may also be provided.
 - f. Statement of qualifications from the preparing entity and/or individuals.
- 3. **Additional Public Notice Required.** If the HMA for a project includes a modeled dispersion with offsite concentration levels exceeding EPA or AIHA guidelines, public notice of the proposed project shall be mailed to all property owners within the modeled dispersion area. Such notice shall be in addition to the notice requirements outlined in Chapter 7 of the LUC and shall occur at least fourteen (14) days prior to the first public hearing on the proposed BESS.
- 4. **Review.** At the applicant's sole expense, the County shall retain an independent, third-party licensed professional engineer with expertise in atmospheric dispersion modeling to review the adequacy of the Plume and Dispersion Model Report. If the analysis demonstrates a credible potential for off-site hazardous gas concentrations, the reviewer shall recommend additional analysis or mitigation measures.
- vi. **Notification of Mineral Interest Owners.** Notice must be given at a minimum of thirty (30) days prior to the Board of County Commissioners hearing for the permit application. A draft letter must be submitted as part of the permit application with documentation of outreach.
- vii. **Emergency Operations Plan**
 - 1. **NFPA 855.** The applicant shall prepare a draft Emergency Operations Plan (EOP) based on the preliminary BESS facility design, incorporating all elements required by the latest edition of NFPA Standard 855.
 - 2. **Draft Plan.** The applicant shall submit a draft EOP with the initial application, including preliminary plans for the fire suppression system, alarm and monitoring systems, fire defensible zone, and dedicated water supply. Prior to commencing operations, the applicant shall submit a final EOP reflecting the facility's as-built design.
 - 3. **Plan Updates.** BESS facilities must have an approved EOP prior to the commissioning of a facility. Contact information must be maintained current at all times. The EOP must be updated on a two (2) year basis and with any change of ownership, and any updates to the EOP must be submitted to the Delta County Planning Department and approved prior to implementation.

4. **Fire Suppression System.** BESS facilities must have emergency fire suppression systems integrated into the facility and/or individual containers that are compatible with the OEM recommended emergency fire suppression systems and meet state and federal safety standards and NFPA Standard 855 (latest Edition).
5. **Alarm System.** BESS facilities must have an alarm system integrated into their designs and the EOP will describe the protocol for responding to any alarms.
6. **Monitoring.** BESS facilities must be monitored either on site or off site, 24 hours per day and 365 days per year. In case of emergencies, the operations monitoring site must have the capability to shut off BESS equipment.
7. **Water Supply for Fire Suppression.** The site shall have a water supply for fire suppression purposes. The flow rate and duration of water supply required for the site shall be calculated by a Professional Engineer, licensed by the State of Colorado. The water supply shall be sufficient to serve the fire suppression demands of the worst-case scenario modeled in the Hazard Mitigation Analysis for the facility.
8. **Review Agencies.** The Delta County Office of Emergency Management (OEM) shall be the responsible entity for coordinating review of the BESS facility EOP with official emergency management stakeholders, including, but not limited to: fire districts, law enforcement, public health and the Local Emergency Planning Committee (LEPC). Site and project specific EOP amendments may be required by OEM when such amendments are necessary for the protection of public safety. Public safety review agencies have the authority to request amendments, additions and/or modifications to submitted EOPs to ensure the facility's operating plan and safety standards are reasonable and comply with the capabilities and needs of local first responders for public safety. Failure on behalf of the applicant to make recommended changes or provide feedback to the review agencies may result in a determination that the site is unsuitable for the location and in conflict with public health and safety. The EOP shall be finalized and approved prior to commencement of operation.

viii. *Emergency Responder Training and Cost Recovery Agreement*

1. OEM shall be responsible for facilitating the preparation of any local agency emergency response procedures related to BESS-specific safety hazards. Emergency Response procedures will be consistent

with the facility EOP and industry-standards. As a condition of approval for any Utility-Scale BESS, the applicant, and all subsequent facility owners/operators, shall enter into a written agreement with the County which outlines a plan for the facility owner to provide, at their expense, annual training to the County's official emergency management stakeholders.

2. Annual training shall address facility-specific emergency response procedures, the necessary safety equipment (PPE) to respond to the facility, and proper use of the safety equipment. The training must also cover threats and hazards posed to and by the facility, including but not limited to thermal runaway, toxic gas release, and fire. If multiple BESS facilities are approved in the county, the BESS facility owners or operators may coordinate with each other and provide a consolidated training session for emergency management stakeholders, provided that the unique procedures for each facility are distinctly covered.
3. Prior to facility operation, and as a condition of project approval, the applicant and the County shall enter into a mutual written agreement specifying the industry-standard equipment necessary for local emergency response agencies to safely manage incidents at the facility. This agreement shall remain binding throughout the operational life of the facility until final decommissioning, and shall be updated and re-executed within 90 days of any transfer of ownership.
4. The applicant and all subsequent facility owners shall be responsible for procuring, at their sole expense, any safety and response equipment identified in the written agreement that local emergency response agencies do not currently possess.
5. All approved emergency equipment, materials, and initial training shall be provided to local emergency response agencies prior to facility commissioning. The functionality and expiration dates of the provided equipment shall be reviewed during each mandated annual training session. Following delivery, the emergency response agencies shall be responsible for the routine care and maintenance of the equipment.

ix. *Post Incident Testing*

In the event of a hazardous material release or emergency incident resulting in site contamination, the facility owner shall be solely responsible for all testing, remediation, and abatement expenses. All cleanup activities shall comply with the regulations of the Colorado Department of Public Health and Environment, the U.S. Environmental Protection Agency, and any other

regulatory agencies with jurisdiction. The owner shall submit copies of all post-incident response, testing, and closure reports to the County Office of Emergency Management, the County Department of Public Health, and the Local Emergency Planning Committee.

x. Utility-Scale Battery Energy Storage Systems (BESS): Decommissioning and Financial Surety Standards

1. General Decommissioning Requirements

- a. Decommissioning Plan: Applications for Utility-Scale Battery Energy Storage Systems shall submit a Decommissioning Plan.
- b. NFPA Compliance: At a minimum, the Decommissioning Plan shall contain the elements identified in Section 8.1 of NFPA Standard 855. The decommissioning process shall comply with Sections 8.2 and 8.3 of NFPA Standard 855.
- c. Timeline for Removal: Unless otherwise agreed between the operator and county, decommissioning shall commence within twelve (12) months after the BESS has permanently ceased and be completed within twelve (12) months from the start date of the decommissioning/reclamation work.
- d. Approval Authority: The Board of County Commissioners shall have final review and approval authority of all Decommissioning Plans and all Decommissioning Agreements.

2. Warranties and Pre-Issuance Requirements

- a. Permit Issuance Condition: A land use permit for a Utility-Scale Battery Energy Storage System shall not be issued under this Code until the Board of County Commissioners of Delta County receives the required performance and financial warranties described below.
- b. Performance Warranty Definition: A “Performance Warranty” is a written promise made by the BESS operator to the Board of County Commissioners to comply with the Land Use Code, including requirements of the Use Specific Standards regarding BESS and the terms of any BESS permit and shall be in such form as the Board of County Commissioners shall prescribe.
- c. Financial Warranty Definition: A “Financial Warranty” is a written promise a party makes to the Board of County Commissioners to be responsible for all BESS decommissioning and site reclamation costs, up to the full estimated amount, and includes concrete proof of financial responsibility. A financial warranty shall be in such form as the

Board may prescribe and may be provided by the operator, by a third party, or by any combination of persons or entities.

3. Decommissioning Agreement and Performance Warranty Execution

- a. Execution of Agreement: Prior to starting construction, including initial site preparation, operators of Utility-Scale Battery Energy Storage Systems shall enter into a binding Decommissioning Agreement with Delta County to cover the anticipated costs of decommissioning. The form and content of this agreement must be acceptable to Delta County at its sole discretion.
- b. Operator Expense: At a minimum, the agreement will provide for reuse, recycling, or dismantlement of the facility at the operator's sole expense.
- c. County Intervention Authority: The agreement shall also authorize Delta County to draw on the operator's performance guarantee to cover the costs of any abandonment, hazardous materials mitigation, abatement or post-accident remediation for incidents related to the battery energy storage system when the operator fails to act within an agreed upon or reasonable timeframe following an incident.

4. Financial Assurance Cost Estimates

- a. Certified Estimate: When requested by Delta County, the operator shall provide a certified cost estimate adequate to cover the full expense of the Decommissioning Plan in current dollars. The estimate shall be prepared by a Professional Engineer licensed by the State of Colorado.
- b. Required Cost Elements: Decommissioning/reclamation cost estimates, which shall be updated every five (5) years from the establishment and submittal of the Security, shall include all costs associated with the dismantlement, recycling, and safe disposal of facility components and site reclamation activities, including the following elements:
 - c. All labor, equipment, transportation, and disposal costs associated with the removal of all facility components from the facility site.
 - d. All costs associated with full reclamation of the facility site, including removal of non-native and/or contaminated soils, fences, and constructed access roads.
 - e. All costs associated with reclamation of any primary agricultural soils at the facility site to ensure each area of direct

impact shall be materially similar to the condition it was before construction.

- f. All decommissioning/reclamation activity management, site supervision, site safety costs.
- g. Any other costs, including administrative costs, associated with the decommissioning and reclamation of the facility site.
- h. The estimated date of submission of the financial security to Delta County.
- i. Salvage Value Exclusion: When calculating the total financial warranty required, the estimated gross cost of decommissioning and site restoration shall not be reduced by the projected salvage value, resale value, or recycling credits of the battery units, metals, or other facility components.
- j. Mandatory Reviews: The Decommissioning Plan shall be reviewed on a five (5) year basis for compliance with county expectations and any timeline updates.

5. Financial Security Instruments

- a. Acceptable Formats: Guarantee of the operator's financial performance pursuant to the agreement shall be in the form of an irrevocable letter of credit, surety bond, certificate of deposit, or another instrument deemed acceptable by Delta County.
- b. Unilateral Callability: Any financial instrument utilized shall be unilaterally callable by Delta County upon breach of the Decommissioning Agreement, acting through the Board of County Commissioners, without further agreement or authorization by any other party.
- c. Inflation Adjustments: Beginning with the first anniversary of the execution of the Decommissioning Agreement, the amount of the guarantee shall be increased on an annual basis based on overall inflation as determined by the Denver-Aurora-Lakewood CPI for the prior year.
- d. Administrative Updates: The operator shall provide an updated copy of the financial assurance without further request from the county.
- e. Continuity and Transfer of Ownership: The financial assurance shall remain in continuous effect until Delta County formally releases it in writing. In the event of a facility sale or transfer of ownership, the original financial security shall not be released

until the new owner/operator posts equivalent financial security that meets all county requirements.

6. Change of Ownership and Transfer of Obligations

- a. Advance Notification Requirement: The operator must notify Delta County, Colorado, in writing at least ninety (90) days prior to any planned sale, transfer, assignment, or other change in ownership or operational control of the BESS facility.
- b. Assumption of Liabilities: Any successor, assignee, or new owner must be registered and in good standing to do business in the State of Colorado (via the Colorado Secretary of State). They shall be required to formally assume all obligations of the existing Decommissioning Agreement and Delta County Land Use Code requirements prior to the finalization of the transfer.
- c. Replacement of Financial Assurance: The existing financial assurance provided by the current operator shall not be released, canceled, or refunded under any circumstances until the new owner or operator has submitted a replacement financial assurance instrument. This new instrument must equal the current required amount and be fully approved in writing by Delta County, acting as the primary regulatory and licensing authority.
- d. County Approval: The Board of County Commissioners of Delta County, Colorado, reserves the right to review the financial capacity and regulatory history of the proposed new owner/operator. The transfer of the Decommissioning Agreement and associated land use permits shall be strictly contingent upon the County's written approval of the new financial security instrument.

7. Bankruptcy and Insolvency Notification

- a. Immediate Notification: In the event the operator, facility owner, or the parent company providing the financial guarantee files for bankruptcy under federal law, enters receivership under Colorado state statutes, or otherwise becomes insolvent, the operator must notify Delta County in writing within seven (7) business days of the filing or event.
- b. Default Trigger: A filing of bankruptcy or declaration of insolvency by the operator or the issuer of the financial assurance shall be considered an immediate breach of the Decommissioning Agreement and the operator's county-issued land use permits.

- c. Unilateral Action: Upon receiving notice of insolvency or bankruptcy, Delta County is explicitly authorized by the Board of County Commissioners to unilaterally draw upon the financial assurance. This ensures the funds are secured by the County for potential decommissioning, site remediation, or environmental mitigation, regardless of whether the facility has permanently ceased operations at that exact time.
- d. Instrument Issuer Insolvency: If the financial institution issuing the letter of credit or performance bond declares bankruptcy, becomes insolvent, or loses its requisite regulatory licensing (such as authorization by the Colorado Division of Banking or applicable federal regulators), the operator must secure and submit a replacement financial assurance instrument. This replacement must be from an approved institution licensed to operate in the State of Colorado within thirty (30) days. Failure to do so constitutes a violation of the Decommissioning Agreement and Delta County Land Use Code standards.

8. Abandonment Protocol

- a. Notification of Suspected Abandonment: If the County suspects a Battery Energy Storage System to be abandoned, the County shall notify the owner in writing of the suspected abandonment.
- b. Enforcement: If the owner of the facility fails to provide reasonable evidence that the facility has not permanently ceased operations within sixty (60) days of receipt of such notice, the County, in its sole discretion, may notify the owner of the alleged abandonment and may require any abandoned facility to commence removal within ninety (90) days.

9. Site Restoration Standards

- a. Pre-Development Conditions: Upon completion of decommissioning, property shall be restored to a condition reasonably similar to pre-development conditions.
- b. Drainage and Vegetation: Disturbed areas shall be reestablished to historic drainage patterns and ground cover consisting of native and pollinator plant species shall be reestablished based on the recommendation of the Natural Resources Conservation Service (NRCS) and in consultation with Colorado Parks and Wildlife.

xi. Relationship to Other Standards

1. Reference Incorporation: These use specific standards have incorporated sections of NFPA Standard 855 by reference.
2. Conflict Resolution: In the event of a conflict between the LUC standards and the NFPA, the more restrictive standard shall control as determined by Delta County. Where a conflict exists between adopted fire protection district standards and the LUC, the more restrictive standard shall control as determined by Delta County.

Chapter 14. MEASUREMENTS, CALCULATIONS, RULES OF CONSTRUCTION, ACRONYMS AND DEFINITIONS

Section 14.1. B. Acronyms

BESS	Battery Energy Storage System
AEGL	EPA Acute Exposure Guideline Levels
AIHA	American Industrial Hygiene Association
OEM	Office of Emergency Management

Section 14.2. Definitions

Battery Energy Storage System (BESS) – is a rechargeable energy storage system consisting of electrochemical, kinetic, thermal, or other form of energy-storage technology, battery chargers, controls, power conditioning systems and associated electrical equipment designed to store energy to supply electrical energy at a future time to a structure or provide electrical grid-related services.

Category	Capacity	Typical Use Case	Review Standard
Residential BESS	< 80 kWh	Single-family homes, small shops.	Allowed: Covered by IRC/NEC. Simple electrical permit only.
Commercial BESS	< 600 kWh	Large estates, small commercial, "BESS-ready" buildings.	Site Plan Review: Check for setbacks and UL 9540A unit-level certification and state electrical permit
Utility-Scale BESS	> 600 kWh	Grid-scale, utility-scale, large data centers.	Conditional Use Permit: Requires Public Hearing, HMA, EOP, Performance Surety , and Decommissioning Plan.

NFPA Standard 855 means the *National Fire Protection Association Standard for the Installation of Stationary Energy Storage Systems*, which provides minimum safety requirements for the design, installation, operation, and decommissioning of battery and other energy storage systems, as adopted or amended by the Authority Having Jurisdiction.

DRAFT

**Resolution 2025-R-011,
Natural Medicine
Business Moratorium
(Rec. No. 759685)**

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

RESOLUTION NO. 2025-R-011

**A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON THE
SUBMISSION, ACCEPTANCE, PROCESSING AND APPROVAL OF APPLICATIONS
FOR THE ESTABLISHMENT OF ANY BUSINESS THAT CULTIVATES, PROCESSES,
OR DISPENSES NATURAL MEDICINE AND THE ESTABLISHMENT OF ANY
BUSINESS, OCCUPATION, OR OPERATION OF HEALING CENTERS**

WHEREAS, the Local Government Land Use Control Enabling Act, C.R.S. § 29-20-101 *et seq.* provides the County with the broad authority to plan for and regulate the use of land in order to provide for orderly development while balancing the health, safety and welfare of its citizens; and

WHEREAS, voters for the State of Colorado voted to adopt Proposition 122, which amended Title 12 of the Colorado Revised Statutes to include Article 170, which is now designated as the "Natural Medicine Health Act of 2022" (Act); and

WHEREAS, C.R.S. § 12-170-104(8) defines "healing center" as a facility licensed by the state licensing authority that permits a facilitator to provide and supervise natural medicine services for a participant; and

WHEREAS, this resolution only applies to "natural medicine" as defined by state law. That definition is currently listed C.R.S. § 12-170-104(12) as Psilocybin and Psilocin.

WHEREAS, in addition, the definition of "natural medicine" as defined by state law may include Dimethyltryptamine, Ibogaine, and Mescaline if recommended by the natural medicine advisory board and approved by the director of the division of professions and occupations as well as the state licensing authority for inclusion on or after June 1, 2026. *See* C.R.S. § 12-170-104(12)(b).

WHEREAS, this resolution does not apply to other forms of natural medicine (generally defined); for example, acupuncture, tinctures, yoga, herbal remedies, massage therapy, spa therapy, etc.

WHEREAS, C.R.S. § 12-170-101, *et seq.* establishes regulated access by adults 21 years of age and older to natural medicines and authorizes the State Department of Regulatory Agencies (DORA) and the State Department of Revenue (DOR) to promulgate and enact

regulations pertaining to the Act including, but not limited to, licensing and training provisions pertaining to the administration and use of natural medicine; and

WHEREAS, pursuant to C.R.S. § 12-170-112, a county shall not prohibit a properly licensed facilitator from providing natural medicine services within its boundaries nor shall it adopt regulations that are unreasonable or in conflict with the Act; and

WHEREAS, pursuant to C.R.S. § 12-170-115, a county shall not adopt, enact, or enforce any ordinance, rule, or resolution that is otherwise in conflict with the provisions of Title 12, Article 170 of Colorado Revised Statutes; and

WHEREAS, pursuant to C.R.S. § 44-50-302(1)(c), the State Licensing Authority shall not receive or act on an application for a natural medicine license, for location in an area where the cultivation, manufacturing, testing, storage, distribution, transfer, an dispensation of natural medicine or natural medicine products as contemplated is not permitted under the applicable zoning laws of the local jurisdiction; and

WHEREAS, Delta County's Land Use Code was enacted to protect the health, safety, and welfare of residents of the County; and

WHEREAS, under Delta County's Land Use Code, the operation of Natural Medicine facilities and operations and Healing Centers are not permitted land uses and the County has not approved any such land use; and

WHEREAS, Delta County does not currently have any zoning regulations addressing Healing Centers and Natural Medicine facilities and operations; and

WHEREAS, DORA and DOR have recently issued regulations pertaining to the Natural Medicine Health Act and the County requires an appropriate amount of time to thoroughly review such regulations to determine what, if any, additional regulations can and/or need to be adopted by the County; and

WHEREAS, the County requires additional time to prepare and propose for adoption any and all other regulations within its authority including, but not limited to, time, place, and manner of operation regulations for Healing Centers and Natural Medicine facilities and operations; and

WHEREAS, the moratorium imposed by this Resolution is intended to prevent the operation of Natural Medicine and/or Healing Center facilities and operations in the County on a temporary basis in order to allow the County to analyze and apply the state of the law and regulations, to draft appropriate regulations pertaining to the same, and to allow public comment prior to adoption of any such regulations; to ensure that prospective operators and owners of Healing Centers and/or Natural Medicine facilities and operations are able to make business and investment decisions with sufficient knowledge of local regulations surrounding the same; and in order to protect the health, safety, and welfare of the residents of the County; and

WHEREAS, in light of the foregoing, the Board wishes to institute a six (6) month moratorium on the submission, acceptance, processing, and approval of applications for the establishment of a business that cultivates, processes, or dispenses natural medicine and the establishment of any business, occupation, or operation for Healing Centers or Natural Medicine in the County after the date of adoption of this Resolution; and

WHEREAS, if applications requesting review and approval of Healing Centers or Natural Medicine facilities are submitted prior to the County having adequate time to conduct the appropriate studies and adopt appropriate regulations, the Board believes irreparable harm will be done to the public health, safety and welfare; and

WHEREAS, the U.S. Supreme Court and the Colorado Supreme Court recognize that in the field of land use regulation, temporary moratoria of reasonable duration are often employed to preserve the status quo in a particular area while developing a long-term plan for development; and

WHEREAS, on April 1, 2025, the Board held a public hearing to consider a moratorium temporarily prohibiting applications, establishment or operation of Healing Centers and Natural Medicine facilities; and

Now, therefore, be it resolved by the Board of County Commissioners of Delta County, Colorado, as follows:

Section 1. Temporary Moratorium.

- (a) During the effective term of this Resolution, there shall be no submission, acceptance, processing, or approval of applications for the establishment of a business that cultivates, processes, or dispenses natural medicine or the establishment of any business, occupation, or operation of Healing Centers or Natural Medicine operations or facilities, as defined by Colorado Revised Statutes and any applicable and authorized regulations, in Delta County.
- (b) During the effective term of this Resolution there shall be no establishment or operation of Healing Centers or Natural Medicine operations or facilities in Delta County.
- (c) Termination. This moratorium shall terminate on the 1st day of October, 2025 unless it is terminated at an earlier date or extended by further Resolution of the Board.

Section 2. County staff is hereby directed to work with the Delta County Planning Commission to analyze and develop regulations addressing Healing Centers and Natural Medicine operations or facilities sufficient to protect the public health, safety and welfare.

Section 3. Severability. The provisions of this Resolution are severable and the invalidity of any section, phrase, clause, or portion of the Resolution as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

ADOPTED this 1ST day of APRIL 2025.

BOARD OF COUNTY COMMISSIONERS
OF DELTA COUNTY, COLORADO

ATTEST:

Teri A. Stephenson
Teri A. Stephenson
Delta County Clerk and Recorder

[SEAL]



By: Wendell A. Koontz
Wendell Koontz, Chair

Mike Lane
Mike Lane, Vice Chair

Craig Fuller
Craig Fuller, Commissioner

**Resolution 2025-R-038,
Natural Medicine
Business Moratorium
Cont. (Rec. No. 763508)**

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

RESOLUTION NO. 2025-R- 30

**A RESOLUTION CONTINUING A TEMPORARY MORATORIUM ON THE
SUBMISSION, ACCEPTANCE, PROCESSING AND APPROVAL OF APPLICATIONS
FOR THE ESTABLISHMENT OF ANY BUSINESS THAT CULTIVATES, PROCESSES,
OR DISPENSES NATURAL MEDICINE AND THE ESTABLISHMENT OF ANY
BUSINESS, OCCUPATION, OR OPERATION OF HEALING CENTERS**

WHEREAS, the Local Government Land Use Control Enabling Act, C.R.S. § 29-20-101 *et seq.* provides the County with the broad authority to plan for and regulate the use of land in order to provide for orderly development while balancing the health, safety and welfare of its citizens; and

WHEREAS, voters for the State of Colorado voted to adopt Proposition 122, which amended Title 12 of the Colorado Revised Statutes to include Article 170, which is now designated as the "Natural Medicine Health Act of 2022" (Act); and

WHEREAS, C.R.S. § 12-170-104(8) defines "healing center" as a facility licensed by the state licensing authority that permits a facilitator to provide and supervise natural medicine services for a participant; and

WHEREAS, this resolution only applies to "natural medicine" as defined by state law. That definition is currently listed C.R.S. § 12-170-104(12) as Psilocybin and Psilocin.

WHEREAS, in addition, the definition of "natural medicine" as defined by state law may include Dimethyltryptamine, Ibogaine, and Mescaline if recommended by the natural medicine advisory board and approved by the director of the division of professions and occupations as well as the state licensing authority for inclusion on or after June 1, 2026. *See* C.R.S. § 12-170-104(12)(b).

WHEREAS, this resolution does not apply to other forms of natural medicine (generally defined); for example, acupuncture, tinctures, yoga, herbal remedies, massage therapy, spa therapy, etc.

WHEREAS, C.R.S. § 12-170-101, *et seq.* establishes regulated access by adults 21 years of age and older to natural medicines and authorizes the State Department of Regulatory Agencies (DORA) and the State Department of Revenue (DOR) to promulgate and enact regulations

pertaining to the Act including, but not limited to, licensing and training provisions pertaining to the administration and use of natural medicine; and

WHEREAS, pursuant to C.R.S. § 12-170-112, a county shall not prohibit a properly licensed facilitator from providing natural medicine services within its boundaries nor shall it adopt regulations that are unreasonable or in conflict with the Act; and

WHEREAS, pursuant to C.R.S. § 12-170-115, a county shall not adopt, enact, or enforce any ordinance, rule, or resolution that is otherwise in conflict with the provisions of Title 12, Article 170 of Colorado Revised Statutes; and

WHEREAS, pursuant to C.R.S. § 44-50-302(1)(c), the State Licensing Authority shall not receive or act on an application for a natural medicine license, for location in an area where the cultivation, manufacturing, testing, storage, distribution, transfer, an dispensation of natural medicine or natural medicine products as contemplated is not permitted under the applicable zoning laws of the local jurisdiction; and

WHEREAS, Delta County's Land Use Code was enacted to protect the health, safety, and welfare of residents of the County; and

WHEREAS, under Delta County's Land Use Code, the operation of Natural Medicine facilities and operations and Healing Centers are not permitted land uses and the County has not approved any such land use; and

WHEREAS, Delta County does not currently have any zoning regulations addressing Healing Centers and Natural Medicine facilities and operations; and

WHEREAS, DORA and DOR have recently issued regulations pertaining to the Natural Medicine Health Act and the County requires an appropriate amount of time to thoroughly review such regulations to determine what, if any, additional regulations can and/or need to be adopted by the County; and

WHEREAS, the County requires additional time to prepare and propose for adoption any and all other regulations within its authority including, but not limited to, time, place, and manner of operation regulations for Healing Centers and Natural Medicine facilities and operations; and

WHEREAS, the moratorium imposed by this Resolution is intended to prevent the operation of Natural Medicine and/or Healing Center facilities and operations in the County on a temporary basis in order to allow the County to analyze and apply the state of the law and regulations, to draft appropriate regulations pertaining to the same, and to allow public comment prior to adoption of any such regulations; to ensure that prospective operators and owners of Healing Centers and/or Natural Medicine facilities and operations are able to make business and investment decisions with sufficient knowledge of local regulations surrounding the same; and in order to protect the health, safety, and welfare of the residents of the County; and

WHEREAS, in light of the foregoing, the Board wishes to institute an additional six (6) month moratorium on the submission, acceptance, processing, and approval of applications for the establishment of a business that cultivates, processes, or dispenses natural medicine and the establishment of any business, occupation, or operation for Healing Centers or Natural Medicine in the County after the date of adoption of this Resolution; and

WHEREAS, if applications requesting review and approval of Healing Centers or Natural Medicine facilities are submitted prior to the County having adequate time to conduct the appropriate studies and adopt appropriate regulations, the Board believes irreparable harm will be done to the public health, safety and welfare; and

WHEREAS, the U.S. Supreme Court and the Colorado Supreme Court recognize that in the field of land use regulation, temporary moratoria of reasonable duration are often employed to preserve the status quo in a particular area while developing a long-term plan for development; and

WHEREAS, on April 1, 2025, the Board held a public hearing to consider a moratorium temporarily prohibiting applications, establishment or operation of Healing Centers and Natural Medicine facilities and adopted Resolution 2025-R-011 which established a moratorium through October 1, 2025; and

WHEREAS, the reasons for establishing the initial moratorium are still present; and

WHEREAS, on October 7, 2025, the Board held a public hearing to consider continuing the moratorium temporarily prohibiting applications, establishment or operation of Healing Centers and Natural Medicine facilities; and

Now, therefore, be it RESOLVED by the Board of County Commissioners of Delta County, Colorado, as follows:

Section 1. Temporary Moratorium.

- (a) During the effective term of this Resolution, there shall be no submission, acceptance, processing, or approval of applications for the establishment of a business that cultivates, processes, or dispenses natural medicine or the establishment of any business, occupation, or operation of Healing Centers or Natural Medicine operations or facilities, as defined by Colorado Revised Statutes and any applicable and authorized regulations, in Delta County.
- (b) During the effective term of this Resolution there shall be no establishment or operation of Healing Centers or Natural Medicine operations or facilities in Delta County.
- (c) Termination. This moratorium shall terminate on the 1st day of April, 2026 unless it is terminated at an earlier date or extended by further Resolution of the Board.

Section 2. County staff is hereby directed to work with the Delta County Planning Commission to analyze and develop regulations addressing Healing Centers and Natural Medicine operations or facilities sufficient to protect the public health, safety and welfare.

Section 3. Severability. The provisions of this Resolution are severable and the invalidity of any section, phrase, clause, or portion of the Resolution as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

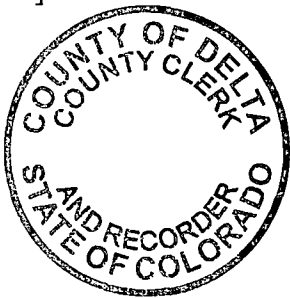
ADOPTED this 7th day of October 2025.

BOARD OF COUNTY COMMISSIONERS
OF DELTA COUNTY, COLORADO

ATTEST:

Teri A. Stephenson
Teri A. Stephenson
Delta County Clerk and Recorder

[SEAL]



By: Wendell A. Koontz
Wendell Koontz, Chair

Mike Lane
Mike Lane, Vice Chair

Craig Fuller
Craig Fuller, Commissioner

Resolution 2025-R-43, BESS Moratorium (Reception No. 763733)

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

RESOLUTION NO. 2025-R-43

**A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON DELTA
COUNTY'S PROCESSING OF APPLICATIONS FOR BATTERY ENERGY STORAGE
SYSTEMS IN ALL UNINCORPORATED PORTIONS OF DELTA COUNTY
PENDING CONSIDERATION OF AMENDMENTS TO THE
DELTA COUNTY ZONING REGULATIONS**

WHEREAS, the development of battery energy storage systems (BESS) is a rapidly developing and evolving industry across Colorado and particularly in unincorporated areas with substantial open agricultural land;

WHEREAS, the use of agricultural and other large tracts of land for BESS has a significant impact on the health, safety and welfare of the citizens of Delta County (the "County") in a number of ways, including without limitation loss of land for traditional agricultural uses, increased noise and traffic, reduced, fragmented, or degraded habitat for wildlife, fish, and plants, noxious weeds and other disturbances, and potential impacts on air, water, soil, floodplains, water, storm water, drainage and erosion control, and commitment to agricultural production;

WHEREAS, in its role administrating the County transportation system, the County is concerned about the potential increased impacts due to increased wear and tear on roads from heavy truck traffic used to install and maintain BESS resulting in greater need for road and bridge improvements and maintenance;

WHEREAS, the Local Government Land Use Control Enabling Act, C.R.S. § 29-20-101 seq., provides the County with the broad authority to plan for and regulate the use of land in order to provide for orderly development while balancing the health, safety and welfare of its citizens;

WHEREAS, the Local Government Land Use Control Enabling Act authorizes local governments within their respective jurisdictions to plan for and regulate the use of land by, among other actions, regulating development and activities in hazardous areas; protecting land from activities that would cause immediate or foreseeable material danger to significant wildlife habitat; regulating the use of land on the basis of the impact thereof on the community or surrounding areas; and otherwise planning for and regulating the use of land so as to provide for the planned and orderly use of land;

WHEREAS, the Board believes it has the responsibility to its residents to plan for and regulate the use of land for the purposes laid out in the Local Government Land Use Control Enabling Act as well as those purposes specified in other applicable state and federal statutes and common law grants of authority, and to promote the health, safety and general welfare of its residents;

WHEREAS, the Board, pursuant to its land use authority, has from time to time adopted planning, zoning and other regulations governing land use in the unincorporated portions of the County;

WHEREAS, the County currently has no zoning regulations specifically regulating BESS;

WHEREAS, the County needs a reasonable period of time to consider regulating BESS in an orderly manner to protect the public's health, safety and welfare;

WHEREAS, the Board estimates that the time needed to perform the appropriate study and to determine appropriate BESS regulations is approximately six (6) months;

WHEREAS, if applications requesting review and approval of BESS are submitted prior to the County having adequate time to conduct the appropriate studies and adopt appropriate regulations, the Board believes irreparable harm will be done to the public health, safety and welfare;

WHEREAS, the U.S. Supreme Court and the Colorado Supreme Court recognize that in the field of land use regulation, temporary moratoria of reasonable duration are often employed to preserve the status quo in a particular area while developing a long-term plan for development;

WHEREAS, in countering the incentive of property owners to develop their property quickly to avoid the consequences of an impending land use plan for the jurisdiction, moratoria are a crucial tool for local governments and, therefore, pursuant to express and implied authority granted by the Colorado Revised Statutes and multiple Colorado and federal legal decisions upholding temporary moratoria on land use applications while amendments are considered, the Board has the legal authority to adopt a temporary moratorium in this situation;

WHEREAS, in light of the foregoing recitals and findings, after a duly noticed public meeting held on October 21, 2025, the Board desires to adopt this temporary moratorium to protect the public health, safety, and welfare, and to avoid development which, during the County's planning and land use regulation amendment process, may contravene the results of this study and process put the public at risk.

NOW BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DELTA COUNTY, COLORADO:

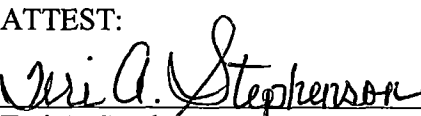
1. This temporary moratorium shall take effect immediately. The County shall not accept, process, or approve any applications for uses of land that involve the development of BESS.

- 2. This temporary moratorium shall remain in place until April 21, 2026, unless terminated or extended.
- 3. County staff is hereby directed to work with the Delta County Planning Commission to analyze and develop regulations addressing BESS sufficient to protect the public health, safety and welfare.

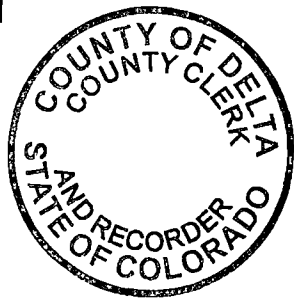
Now, therefore, be it RESOLVED by the Board of County Commissioners of Delta County, Colorado, as follows:

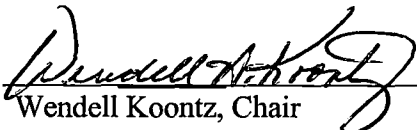
ADOPTED this 21st day of October 2025.

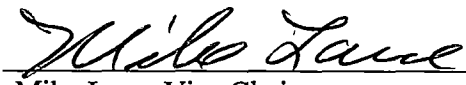
BOARD OF COUNTY COMMISSIONERS
OF DELTA COUNTY, COLORADO

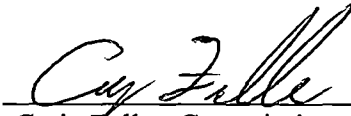
ATTEST:

Teri A. Stephenson
Delta County Clerk and Recorder

[SEAL]



By: 
Wendell Koontz, Chair


Mike Lane, Vice Chair


Craig Fuller, Commissioner

**Resolution 2026-R-06,
BESS Moratorium Cont.
(Rec. No. 767232)**

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

RESOLUTION NO. 2026-R-06

**A RESOLUTION CONTINUING A TEMPORARY MORATORIUM ON DELTA
COUNTY'S PROCESSING OF APPLICATIONS FOR BATTERY ENERGY STORAGE
SYSTEMS IN ALL UNINCORPORATED PORTIONS OF DELTA COUNTY
PENDING CONSIDERATION OF AMENDMENTS TO THE
DELTA COUNTY ZONING REGULATIONS**

WHEREAS, the development of battery energy storage systems (BESS) is a rapidly developing and evolving industry across Colorado and particularly in unincorporated areas with substantial open agricultural land;

WHEREAS, the use of agricultural and other large tracts of land for BESS has a significant impact on the health, safety and welfare of the citizens of Delta County (the "County") in a number of ways, including without limitation loss of land for traditional agricultural uses, increased noise and traffic, reduced, fragmented, or degraded habitat for wildlife, fish, and plants, noxious weeds and other disturbances, and potential impacts on air, water, soil, floodplains, water, storm water, drainage and erosion control, and commitment to agricultural production;

WHEREAS, in its role administrating the County transportation system, the County is concerned about the potential increased impacts due to increased wear and tear on roads from heavy truck traffic used to install and maintain BESS resulting in greater need for road and bridge improvements and maintenance;

WHEREAS, the Local Government Land Use Control Enabling Act, C.R.S. § 29-20-101 seq., provides the County with the broad authority to plan for and regulate the use of land in order to provide for orderly development while balancing the health, safety and welfare of its citizens;

WHEREAS, the Local Government Land Use Control Enabling Act authorizes local governments within their respective jurisdictions to plan for and regulate the use of land by, among other actions, regulating development and activities in hazardous areas; protecting land from activities that would cause immediate or foreseeable material danger to significant wildlife habitat; regulating the use of land on the basis of the impact thereof on the community or surrounding areas; and otherwise planning for and regulating the use of land so as to provide for the planned and orderly use of land;

WHEREAS, the Board believes it has the responsibility to its residents to plan for and regulate the use of land for the purposes laid out in the Local Government Land Use Control Enabling Act as well as those purposes specified in other applicable state and federal statutes and common law grants of authority, and to promote the health, safety and general welfare of its residents;

WHEREAS, the Board, pursuant to its land use authority, has from time to time adopted planning, zoning and other regulations governing land use in the unincorporated portions of the County;

WHEREAS, the County currently has no zoning regulations specifically regulating BESS;

WHEREAS, the County needs a reasonable period of time to consider regulating BESS in an orderly manner to protect the public's health, safety and welfare;

WHEREAS, the Board estimates that the time needed to perform the appropriate study and to determine appropriate BESS regulations is approximately six (6) months;

WHEREAS, if applications requesting review and approval of BESS are submitted prior to the County having adequate time to conduct the appropriate studies and adopt appropriate regulations, the Board believes irreparable harm will be done to the public health, safety and welfare;

WHEREAS, the U.S. Supreme Court and the Colorado Supreme Court recognize that in the field of land use regulation, temporary moratoria of reasonable duration are often employed to preserve the status quo in a particular area while developing a long-term plan for development;

WHEREAS, in countering the incentive of property owners to develop their property quickly to avoid the consequences of an impending land use plan for the jurisdiction, moratoria are a crucial tool for local governments and, therefore, pursuant to express and implied authority granted by the Colorado Revised Statutes and multiple Colorado and federal legal decisions upholding temporary moratoria on land use applications while amendments are considered, the Board has the legal authority to adopt a temporary moratorium in this situation;

WHEREAS, in light of the foregoing recitals and findings, after a duly noticed public meeting held on October 21, 2025, the Board adopted a temporary moratorium to protect the public health, safety, and welfare, and to avoid development which, during the County's planning and land use regulation amendment process, which was memorialized in **Resolution 2025-R-43 and Recorded at Reception No. 763733**.

WHEREAS, on April 21, 2026, the Board held an additional public hearing to consider continuing the moratorium temporarily prohibiting accepting, processing, or approving any applications for uses of land that involve the development of BESS.

NOW BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DELTA COUNTY, COLORADO:

1. This temporary moratorium currently established on October 21, 2025 shall continue. The County shall not accept, process, or approve any applications for uses of land that involve the development of BESS.

2. This continued temporary moratorium shall remain in place until **October 21, 2026**, unless terminated or extended by further action of the Board.

3. County staff is hereby directed to work with the Delta County Planning Commission to analyze and develop regulations addressing BESS sufficient to protect the public health, safety and welfare.

Now, therefore, be it RESOLVED by the Board of County Commissioners of Delta County, Colorado, as follows:

ADOPTED this 21st day of April 2026.



ATTEST:

Rene Warner
~~Feri A. Stephenson~~ Rene Warner
Delta County Clerk and Recorder
Chief Deputy
[SEAL]

BOARD OF COUNTY COMMISSIONERS
OF DELTA COUNTY, COLORADO

By: Mike Lane
Mike Lane, Chair

Craig Fuller
Craig Fuller, Vice Chair

Wendell A. Koontz
Wendell Koontz, Commissioner