

DELTA COUNTY BOARD OF ADJUSTMENT
Special Meeting

Administration Building – Board Room
560 Dodge St., Delta, CO 81416
Thursday, October 13, 2022 @ 5:30 p.m.

Mike Twamley, Chair
Brett Hilling, Vice-Chair

Carl Holm, Director

Instructions for Public Participation:

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

<https://us02web.zoom.us/join/zoom/register/tZAuc-GopzMuG9flFIMa0ogyWKDymfnQvL-b>

After registering, you will receive a confirmation email containing information about joining the meeting.

You can also obtain a copy of the agenda for this meeting at:

<https://www.deltacounty.com/AgendaCenter/Delta-County-Board-of-Adjustment-8>

REGULAR AGENDA

5:30 P.M. – CALL TO ORDER

ROLL CALL

Mike Twamley, District 1
Brett Hilling, District 2
Mark Roeber, District 3

A. PUBLIC COMMENTS

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

B. AGENDA ADDITIONS, DELETIONS, AND CORRECTIONS

The Board of Adjustment Secretary will announce changes to the agenda that arose after posting of the agenda.

C. MEETING MINUTES

1. Regular Board of Adjustment meeting of August 25, 2022
 2. Regular Board of Adjustment meeting of September 6, 2022
- RECOMMENDATION: Approve the action minutes as presented.

CERTIFICATION OF POSTING

On October 5, 2022 at 9:00 AM, Kim Henderson did post the above AGENDA as public notice of the October 13, 2022 meeting. The official notice is placed on the front entrance of the Delta County Courthouse located at 501 Palmer, Delta, Colorado and a courtesy copy is sent to the Delta County website at www.deltacounty.com.

D. PUBLIC HEARING ITEMS

1. 2022 Land Use Code Update

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

RECOMMENDATIONS: Staff recommends that the Board of Adjustment recommend changes to the Planning Commission for inclusion in the certified copy recommended to the Board of County Commissioners.

E. BOARD COMMENTS, REQUESTS AND REFERRALS

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

F. DEPARTMENT REPORT

ADJOURNMENT

Adjourn to a Regular Meeting on Thursday, October 27, 2022 at 5:30 pm in Delta.

CERTIFICATION OF POSTING

On October 5, 2022 at 9:00 AM, Kim Henderson did post the above AGENDA as public notice of the October 13, 2022 meeting. The official notice is placed on the front entrance of the Delta County Courthouse located at 501 Palmer, Delta, Colorado and a courtesy copy is sent to the Delta County website at www.deltacounty.com.



DELTA COUNTY

PLANNING & COMMUNITY DEVELOPMENT

295 W 6th Street
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970.874.2110

**MINUTES
BOARD OF ADJUSTMENTS
REGULAR MEETING
DELTA COUNTY
560 DODGE ST, DELTA, CO 81416
August 25, 2022**

Chairman Mark Roeber called the meeting to order at 5:30 p.m. in the Administration Building Commissioner's Meeting Room.

ROLL CALL

Board of Adjustments Members in Attendance:

Mike Twamley, District 1

Brett Hilling, District 2

Members Absent:

Mark Roeber, District 3

Planning Staff in Attendance:

Delta County Community Development & Natural Resource Director, Carl Holm

Delta County Planning & Community Development Planner I, Kate Kelly

Delta County Planning & Community Development Planner I, Angie Kemp

Delta County Planning & Community Development Administrative Assistant, Kim Henderson

A. PUBLIC COMMENT

None

B. AGENDA ADDITIONS, DELETION, AND CORRECTIONS

None

C. MEETING MINUTES

- a. Regular Board of Adjustment meeting of June 23, 2022

RECOMMENDATION: Approve the action minutes as presented.

Brett Hilling moved to approve the meeting minutes as presented. Mike Twamley stepped down and seconded the motion.

Motion carried unanimously

D. PUBLIC HEARING ITEMS:

Item #1

PLN21-044 (Campbell)

Continued from July 28, 2022. Consider a variance reducing required setbacks from 15 feet (adjusted property line) and 25 feet (existing ditch) to 2 feet and 4 feet for an existing barn and shed, respectively. The property is located at 37224 Campbell Road, Paonia (Parcel #:324310400034).

RECOMMENDATION: Staff recommends that the Board of Adjustment (BOA):

- Consider the variance findings as they apply to PLN21-044/Campbell; and
- Provide direction to either Approve, Conditionally Approve, or Deny variance reducing required setbacks between an adjusted interior property line (15-feet) and a ditch (25-feet) to and existing barn (2-feet) and an existing shed (4-feet) located at 37224 Campbell Road (Parcel:324310400034); and
- Authorize the Director to prepare a Resolution reflecting the BOA direction, including evidence relative to the required findings, and conditions (as applicable).

Kate Kelly presented the project.

The Board asked questions of staff and the applicant – Calvin and Tracy Campbell were in attendance.



Brett Hilling moved to approve PLN21-044 with staff recommended findings and conditions. Mike Twamley stepped down and seconded the motion.

Motion carried unanimously.

Item #2

PLN22-067 (Nieman)

Continued from July 28, 2022. Consider a variance to reduce the required lot size from 35 acres minimum to approximately 3.25 acres (Lot 2) in the A-35 zoning district. The subject property is a 38.36-acre parcel located at 16454 Grange Road, Paonia (Parcel: 318728101009).

RECOMMENDATION: Staff recommends that the Board of Adjustment (BOA):

- Consider required variance criteria and findings as they apply to PLN22-067 (Nieman);
- Provide direction to either Approve, Conditionally Approve, or Deny lot size variance(s) for one (1) lot in the A-35 zoning designation located at 16454 Grange Road (Parcel: 3187281401009/Nieman); and
- Authorize the Director to prepare a resolution reflecting the BOA direction, including evidence relative to the required findings, and conditions (as applicable).

Angie Kemp presented the project.

The Board asked questions of staff and the applicant - Jeff Neiman was in attendance.

Brett Hilling moved to approve PLN22-067 with staff recommended findings and conditions. Mike Twamley stepped down and seconded the motion.

Motion carried unanimously.

Item #3

PLN22-079 (Hamilton)

Consider a variance to reduce the required lot size from the 20-acre required minimum to approximately 10.88-acres (Lot 2) in the A-20 zoning district. The subject property is a 35.88-acre parcel located at 39772 & 39766 L75 Road (Parcel: 324324100026), Paonia.

RECOMMENDATION: Staff recommends that the Board of Adjustments (BOA):

- Consider required variance criteria and findings as they apply to PLN22-079 (Hamilton);
- Provide direction to either Approve, Conditionally Approve, or Deny lot size variance(s) for one (1) lot in the A-20 zoning designation located at 39772 & 39766 L75 Road (PLN22-079/Hamilton); and
- Authorize the Director to prepare a resolution reflecting the BOA direction, including evidence relative to the required findings, and conditions (as applicable).

Angie Kemp presented the project.

The Board asked questions of staff and the applicant – Loren and Teressa Hamilton was in attendance.

Brett Hilling moved to approve PLN22-079 with staff recommended findings and conditions. Mike Twamley stepped down and seconded the motion.

Motion carried unanimously.

E. WORK SESSION

1. Land Use Code Update – Work Session

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

RECOMMENDATIONS: Staff recommends that the Board of Adjustment hold a Work Session on the LUC Update and provide direction to staff on:

- Chapter 2; Section 1 “Zoning Districts” (including Tables 2.a and 2.b), Section 3.A “Temporary Uses”, and Section 5.B “Use Specific Standards” (including standards for wireless communications and renewable energy)
- Chapter 3 “Lot Dimensions” (including subdivision of lots that do not meet the minimum lot size)
- Chapter 8; Section 5 “Variances”
- Chapters 12 “Subdivision Regulations”



Chair Twamley deferred this item until the full Board was present.

F. BOARD COMMENT, REQUESTS AND REFERRALS

None

G. DEPARTMENT REPORT

September and October meeting schedule. Given staff schedules along with timing for the Land Use Code, the Board of Adjustments agreed hold a Special Meeting to review the Land Use Code Update redlines. Staff will check with Board members to find a date.

Meeting adjourned at 6:10 p.m.

Respectfully submitted by:
Administrative Assistant, Kim Henderson

DRAFT



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**MINUTES
BOARD OF ADJUSTMENTS
SPECIAL MEETING
DELTA COUNTY
560 DODGE ST, DELTA, CO 81416
September 6, 2022**

Chairman Mike Twamley called the meeting to order at 5:30 p.m. in the Administration Building Commissioner's Meeting Room.

ROLL CALL

Board of Adjustments Members in Attendance:

Mike Twamley, District 1
Brett Hilling, District 2
Mark Roeber, District 3

Planning Staff in Attendance:

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

A. PUBLIC COMMENT

None

B. AGENDA ADDITIONS, DELETION, AND CORRECTIONS

None

C. MEETING MINUTES

None

D. PUBLIC HEARING ITEMS:

None

E. WORK SESSION

1. Land Use Code Update – Work Session

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

RECOMMENDATIONS: Staff recommends that the Board of Adjustment hold a Work Session on the LUC Update and provide direction to staff on:

- a. Chapter 3 "Lot Dimensions" (including subdivision of lots that do not meet the minimum lot size)
- b. Chapter 8; Section 5 "Variances"
- c. Chapters 12 "Subdivision Regulations"
- d. LUC Update Process/Schedule

Planning Director, Carl Holm presented redline drafts of items a, b, and c as well as the update process/schedule. Director Holm noted that edits being presented are to provide staff direction for what will become the public draft. There is a public hearing scheduled for the BOA to review the LUC as a whole. It was noted that the BOA vote on the Land Use Code requires a consensus. However, where there is no consensus staff will present the majority and minority opinions to the Planning Commission for their recommendation to the Board of County Commissioners.

F. BOARD COMMENT, REQUESTS AND REFERRALS

Board Member Brett Hilling suggested adding an At-Large Member to the Board of Adjustments. Director Holm stated he would forward that suggestion to the County Administrator.



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G. DEPARTMENT REPORT

None

Meeting adjourned at 6:23 p.m.

The next Special Meeting will be held on Thursday, October 13, 2022 at 5:30 pm in the Delta County Administration Building, Delta, CO.

Respectfully submitted by:
Administrative Assistant, Kim Henderson

DRAFT



STAFF REPORT

Delta County Board of Adjustment

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

Thursday, October 13, 2022 @ 5:30 p.m.

2022 Land Use Code Update

Public Hearing to consider Public Draft 2022 Land Use Code Update

RECOMMENDATION:

Staff recommends that the Board of Adjustment conduct a Public Hearing on the LUC Update and provide recommendations to the Planning Commission.

SUMMARY/DISCUSSION:

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

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

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



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

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

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

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

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

Attached material: list, in order as attached/referenced