



DELTA COUNTY

PLANNING & COMMUNITY DEVELOPMENT

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**MINUTES
BOARD OF ADJUSTMENTS
SPECIAL MEETING
DELTA COUNTY
560 DODGE ST, DELTA, CO 81416
October 13, 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

Mark Roeber, District 3

Members Absent:

Brett Hilling, District 2

Planning Staff in Attendance:

Delta County Community Development & Natural Resource Director, Carl Holm

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

a. Regular Board of Adjustment meeting of August 25, 2022

b. Regular Board of Adjustment meeting of September 6, 2022

RECOMMENDATION: Approve the action minutes as presented.

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

Motion carried unanimously

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.

Planning Director, Carl Holm provided clarification on items noted in the written questions/comments from Wilmore and Company (dated 11 October 2022):

a. Variances/Administrative Modifications. Currently the LUC requires all lots smaller than the minimum to go to the BoA. Proposed changes would create criteria where the Director could approve a variance to lot size. If it does not meet any one of the criteria, it must go to the Board of Adjustments. A Sketch Plan can be submitted for an initial consult (no fee) or with a pre-application (fee) to assess if the applicant wants to move forward.

The Board of Adjustments supports review of the Variance and Minor Plat with a Sketch/Site Plan with enough detail where it would be conditioned for a Final Plat.

b. Boundary Line Adjustments (BLA). It is agreed that BLA is not a subdivision from a surveying perspective, and is not subject to the same level of standard for the survey work as a subdivision. While a BLA does (can) not create a new lot, it revises the configuration of lots by moving at least one property line. As such, it would be subject to development review to assess meeting applicable



development standards such as setbacks and septic. There was discussion what should or shouldn't be required for a BLA specifically for non-habitable (vs non-residential) structures.

The Board of Adjustments recommends the setbacks for all structures remain the same in BLA as they do in the Subdivision Regulations. The applicant can process a Variance if needed.

- c. Fee Title Split. Can be created by pre-existing conditions or new dedication (provided it is accepted by an entity (e.g., County, US Govt, Railroad, etc.)) If land was (or is) dedicated by Fee Title and accepted, it would effectively split the property and create two legal parcels. This means that we need to be diligent in our review of plats with roads that could create new parcels. If land has been dedicated, and accepted, in Fee Title, it is at the owner's discretion to keep as one parcel or record a Boundary Survey to effectuate separate parcels.
- d. Subdivision Design. Staff explained a change being proposed is specifying where the lots front a collector or arterial road, excluding local roads (as was previously required). The intent is to minimize access on higher capacity roads. If the lots front a local road, they can have direct access. This aligns better with the Road & Bridge standards where access needs to be from the lower classification road. If the lots front a collector or arterial road, a shared access is required. This does not need to be a dedicated public road, can be an easement.
- e. Standard plat notes and signature blocks have been added to the Land Use Code from the Subdivision Regulations. Staff agreed that the Name of the Treasurer being listed on the plat is not needed. The plat note relative to agricultural uses grew longer. Planning spoke with the County Attorney on whether it needs to include the entire list of Right to Farm. The County Attorney stated it does not need to be as long and include the entire list. The Boundary Line Adjustment definition is being revised to remove the "less than 35-acres" off the end of the definition to read clearer.
- f. Clustered Subdivisions. Staff noted the addition of minimum Building Envelope size and a Stewardship Area should be a substantial portion based on projects that we reviewed, recognizing that the update includes more options for rezoning. The BoA agreed with the PC to consider revising Stewardship Area requirements to allow options – not a one-size-fits-all - but that should be a subsequent LUC amendment.
- g. Cisterns for Residential Use are currently prohibited in the Land Use Code. Proposed amendments would allow a cistern in certain circumstances: to use with an established water source (well), or when there is no available domestic water.

E. BOARD COMMENT, REQUESTS AND REFERRALS

Mark Roeber requested Planning follow up on whether a member at-large position can be added to help fill in when BOA members cannot attend.

F. DEPARTMENT REPORT

None

Meeting adjourned at 6:29 p.m.

The next Special Meeting will be held on Thursday, October 27, 2022 at 5:30 pm in the Delta County Administration Building, Delta, CO.

Respectfully submitted by:
Administrative Assistant, Kim Henderson