



Delta County Coalition
Proposed Changes to
2023 Land Use Code Update

DRAFT UPDATE 2/26/23 v7

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1 Document Purpose

The purpose of this document is to present a draft summary of proposed changes to the Delta County Land Use Code (Nov. 16, 2022 “certified” copy) compiled through a thorough review of current and past regulations, proposed revisions, and from public input and by members of the Delta County Coalition.

Delta County Coalition requests tabling or rejecting the current Proposed Revised Land Use Code until the following issues and public concerns are addressed.

2 Allowed By Right

P. 22 Section 2: **Do not change, lessen or dilute the Allowed By Right language.**

Retain 2021 code: “A” means “allowed as-of-right” full original 2021 paragraph without diluting the property rights or intent. Allowed as-of-right was promoted widely in the adoption of the 2021 code and without further qualifiers. **PROPOSE:** For “P” permitted, retain 2021 language that includes the word allowed: “P” means “Allowed, with a review.” Important to include the word “allowed” under definition of P. Add language to limit future expansion of the review from 2021 code to prevent ongoing regulatory creep. Ch 2, Sec. 2.A.2: Revert language to A means Allowed-as-of-right, and P means Allowed, with review.

2021 LUC and initial adoption of zoning promoted and promised the public that “*property owners will be allowed a much broader range of uses that are allowed as of right with no review*” as is still stated on the county website. This was enacted through the broad range of uses designated at A: allowed-by-right in the table 2b land use matrix. Please revert to the original unabridged definition of Allowed by Right. **Removing this allowed by right definition and abridging the language would fundamentally change the culture and heritage of Delta County**, and is one of the primary concerns community members have with this land use code revision.

(Reverting to the 2021 code would also address this issue)

2.1 Exemptions

Ch. 1, Sec 5, Part B (pg 23): Return specific exemptions for ag, residential, and home business as expressed in the Regulation for Specific Development. This was the stated intent of the A allowed by right for all of those uses and additional broader uses.

(Reverting to the 2021 code would also address this issue)

2.2 Land Use Matrix

Table 2.b land use matrix More than 40 uses have been changed from "allowed-as-of-right" to "permitted" in the land use matrix. The entire development of zoning two years ago was based on the idea sold to the public that property rights would be protected with many uses being "allowed-as-of-right" with no review needed. The initial proposal for the current draft a few months ago was to remove "allowed by right" entirely and make everything permitted. **Propose: Return to 2021 version of table** with all uses returned to Allowed-as-of-right with no review.

(Reverting to the 2021 code would also address this issue)

2.3 Small Business Restrictions

Table 2.b Rural light industry without retail is proposed to be changed from allowed by right to permitted. Rural light industry is essential to the economic flow of rural agricultural life. The master plan and outline of the 2021 code especially supports agriculture and supporting farm activities. **Specific change:** return rural light industry without retail to A allowed by right in all zones as in the 2021 code.

(Reverting to the 2021 code would also address this issue)

2.4 Zoning Permits

Table 2.b Remove Requirements for "zoning permits" on ALL rural/residential land uses in all zones, including building a home, farmworker housing, or an ADU. **Specific change:** Return all rural residential uses and agricultural uses, including housing farmworkers to "A" allowed by right as promoted in the development of the 2021 plan, also promoted on the county website, and currently in the existing 2021 LUC.

(Reverting to the 2021 code would also address this issue)

2.5 Water Taps

Page 91, sec C #3,#4: **Requires all new homes to buy water taps and connect to MUNICIPAL water and sewer services even if the landowner has a permitted well or spring rights.** **Specific change:** Remove #3 and #4 page 91. Remove municipal requirement if permitted well, or other water rights are used. (this typo/mistake needs to be fixed in the 2021 code as well)

2.6 Small Scale Agriculture

Table 2.a: **Specific change:** Restore small-scale agriculture to the definition of the A-5 zone.
(Reverting to the 2021 code would also address this issue)

2.7 Cottage Industry & Home Businesses

Chapter 2 Sec 3.G (pg 42):

Proposed Draft contains many arbitrary standards. Instead, combine home business and cottage industry and apply performance/outcome based standards only:

Specific Changes

- Clearly be incidental and secondary to the use of the dwelling for dwelling purposes and shall not materially change the character of the residential use or of the neighborhood by excessive noise, lights, traffic, or other disturbances.
- Be allowed one (1) unanimated, non-illuminated flat wall or window sign
- Outdoor storage must be screened from public view if complaints are filed
- Home Businesses that create significant impacts to adjacent properties such as fumes, noxious odors, excessive noise, dust, and or traffic shall be subject to a Limited Use Permit (with a public hearing).

(Reverting to the 2021 code would also address this issue)

2.8 RV Restrictions

Chapter 2, Sec 3.B.4 (pg 39): RV restrictions.: RV category also includes tiny homes, yurts, and in some cases mobile homes. This category represents a very important avenue for affordable housing in delta county. Affordable housing is an incredibly important issue in the county and preserving the reasonable ability for RV and related uses is critical both for affordable housing as well as for farms, ranches, small businesses, and families that rely on this type of housing to survive. Affordable housing and RVs are also critical for farmworker and workforce housing.

Propose: Retain the exemption from regulation and allowed by right for residential uses that was included in the previous Specific Development regulations for over two decades, and is currently included in the 2021 Land Use Code as both allowed-by-right in Table 2b and Page 20: paragraph B. SECTION: "Exemptions from Approval Requirement" - allowed-by-right and residential is exempted from approvals and regulation in this section. If there is to be any regulation of RVs and related structures, we recommend minimal regulations and only performance (outcome) based standards, not arbitrary requirements. The only outcome based standard identified from community feedback has been possible screening for RVs in response to complaints, but not limit the number or manner of RV and related uses. E.g., if several RVs are screened from view with a fence or trees, there should not be an arbitrary restriction on RVs/yurts/tiny houses allowed. (Reverting to the 2021 code would also largely address this issue, especially proposed 12 month limit on living in an RV while building a home and instead leave it open ended until the construction is complete)

3 Building Codes And State Codes

Page 34 and page 144: Delete reference to building codes and the county enforcing state permits or open ended language for new list of creeping permits to be required. Default to the state electrical inspector, plumbing inspector, and mobile home inspections.

Proposed changes:

P34 “Whether or not land use permits are required by this Code, other types of permits or approvals may be required (County, State, Federal) ~~in order to establish the use,~~ including but not limited to: Right-of-Way use permit, address, septic permit, well permit, floodplain certification, stormwater permit, mobile home installation, electrical permit, and plumbing permit.

P144 ~~Adopted building and safety codes;...”~~

P144 B,1,a,2: “A checklist to verify compliance with applicable permits/approvals ~~such as for Site Plan Review, Right-of-Way Use Permits, address assigned, and Septic Permits., and applicable State permits (well, mobile home, electrical, plumbing, etc.).~~ “

(Reverting to the 2021 code would also address this issue)

4 No Additional Development If Grandfathered Hauled Water

P117 In cases when pre-existing hauled water is grandfathered in, the current draft proposes that the entire property must be brought up to compliance if any new uses are proposed, including ceasing grandfathered hauled water. So if no new taps are available this would effectively ban any new activities on the property because all grandfathered hauled water must cease. **Specific change:** Delete or rewrite last sentence of page 117 to correct this issue. Note: County confirmed this was the intent that only a new dwelling or development would need proof of adequate water and grandfathered water could continue and that this text should be corrected.

(Reverting to the 2021 code would also address this issue, however the latest hauled water section proposed draft is an improvement that should be recognized as much preferable to the 2021 code)

5 Permits Voided Later For County Mistakes

Page 18: Delete “~~Permits Issued in Conflict with Code. Any permit issued in conflict with the provisions of this Code shall be null and void, and shall not be construed as waiving any provision of this Code, except in such cases where a waiver or modification is expressly authorized by procedures set out herein. No oversight or dereliction of any office or employee of the County shall legalize, authorize, or excuse any violation of any provision of this Code. No legal, vested, or equitable rights shall be acquired under any invalid zoning or subdivision approval.~~” Rationale: residents have to be able to rely on the county when they get a permit, and know that it will not be taken back later due to a county mistake after the home is built, etc.

(this issue exists in both the 2021 adopted code and the 2023 draft update)

6 Active Compliance

Ch 13, Sec. 4 (pg 198): Proposes to change the decades old complaint-based compliance system in which written, signed complaints are required prior to compliance, violations, or fines. This new proposal changes to proactive compliance, stating: “Delta County officials and employees, including the code compliance officer, are authorized to investigate and pursue violations in the regular course of their duties; that is, without a complaint being filed.”

Propose: Delete the above language, and return to solely a signed complaint-based system. As is often stated around Delta County, “If there is no complaint, there is no problem”. Complainee should be willing to stand by their complaint with their signature, prior to taxpayer money being spent on potentially frivolous complaints. Commissioners have stated that compliance in Delta County should remain reactive and based on signed complaints. **Add:** “Investigation of complaints shall first require a signed complaint, and not infringe on reasonable expectations of privacy, and shall not include the use of drones, nor seek permission to access neighboring properties except the property of the complainant and shall not enter any closed gate nor any open entrance posted with a no trespassing sign.” Prohibit all use of drone surveillance for Land Use enforcement, especially without prior public hearing to prove legitimate threat to health and safety, and county commissioner vote. Residents should be able to expect a reasonable right to privacy without drones viewing their private back yard regardless of the strictest interpretation of what the law allows. If a neighbor can’t see a problem without a drone, is it a legitimate problem?

ADDITIONAL Suggested changes: Rather than a code compliance officer, the county should instead change the job title and employ an “ombudsman” to act as a mediator, facilitator, and advocate. In addition to the ombudsman role, a citizen oversight committee should be employed to review more serious violations and complaints regarding the compliance officer/ombudsman. Fines should go to a charity or other cause and not used to expand the budget of the compliance or planning department, to remove any conflicts of interest for fines.

7 Fines

The recommended fine schedule (including the ordinance considered on Dec 20, 2022 and the LUC) is missing processes for working with residents first, issuing warnings, executing appeals, ensuring due process, separating different violations, resetting escalating fine amounts, and oversight. Many \$1000 fines could be written on the first day of contact and penalties include liens and foreclosure. This along with active enforcement weaponizes the land use code. The county has posted on their website an office Standard Operating Procedure (SOP) related to fines that has not been publicly reviewed or codified so that public hearing would be required prior to changing it.

7.1 Fines For Each Day

Ch 13, Sec 1.A.2 (pg 195): This approach to fines is clearly excessive, and could be applied retroactively. **Delete:** “Each Day a Separate Offense. Each day that a violation exists constitutes a separate offense.” Ch 13, Sec. 2.B (pg 198): **Remove clause** of “and/or abate the violation at the owner’s expense.”

8 County Immunity

Ch 13, Sec 1.C (pg 196): Not in 2021 version. Adds a Non-liability clause that claims immunity for Delta County, its employees, and its officials from being responsible or liable. Regardless of the existence of the Colorado Governmental Immunity Act (CGIA), Non-liability sends the wrong message to county residents and government agents. Government and its agents must act responsibly. Colorado legislature removed qualified immunity in 2020 and this section of the code

should not attempt to create qualified immunity in contradiction to state statute, nor attempt to technically circumvent the intent and spirit of statute removing qualified immunity. **Propose: delete.** (Reverting to the 2021 code would also address this issue)

9 Special Events Greatly Reduced

EVENTS GREATLY REDUCED, IMPACTS PUBLIC'S RIGHT TO GATHER AND IMPORTANT TOURISM DOLLARS. Chapter 2 Sec 3.E.1 (pg 39): "Reducing the allowed number of days for Special Events from 75 days per calendar year to three events, and the allowed time of an event from 30 days to 7, and reducing the number of people allowed to less than 150, rather than the 500." This appears to be a regulation searching to fix a problem that does not currently exist. **Specific change:** Revert to existing language in 2021 LUC. (Reverting to the 2021 code would also address this issue)

10 Additional Dwellings

10.1 Permits

Chapter 2, Sec 4.B.1 (pg 47), Requiring permitting for additional dwelling units after the first, **Specific change:** Revert to the existing Allowed by right for all residential uses

10.2 Additional Residences Or Communal Living

P 50, 6,a,1: The statement "~~beyond the allowable density~~" is concerning to community members and seems to indicate that groundwork is being laid for future density restrictions. Remove the referenced sentence limiting dwelling density to one per parcel. (Reverting to the 2021 code would also address this issue)

[County has stated they support this change]

10.3 Fire Hydrant Requirements In Rural Areas

P 50, 6,a,2: Delete: "~~fire protection~~". This deletion removes a new proposal for fire hydrant requirements for additional dwellings. Many rural areas and water companies have water mains that cannot support fire hydrants and this requirement would effectively ban new dwellings in these areas. 2021 code p94 exempts allowed-by-right activities including agriculture, residential and 40+ other uses from fire mitigation plans and costs - retain this approach. (Reverting to the 2021 code would also address this issue)

10.4 Additional Dwelling Compliance

P 51, 6,b,3 ~~Construction or installation of additional dwelling units, resulting in three or more units on a parcel (cumulative), requires compliance with Chapter 5; Public Facilities, Infrastructure, and~~

~~Services, as applicable.~~—Very confusing and lots of extra regulation of what has been A allowed by right. Delete Additional Residences or Communal Living, p 50, 6,b,4: irrigated agricultural land or wildlife habitat. (Reverting to the 2021 code would also address this issue)

10.5 Farmworker Housing Water Requirements

Well water or spring water rights need to be allowed to be used for farmworker housing. Delete new proposed requirement for purchase of water taps and disqualification of well or spring water rights:

Agricultural Support & Rural Industry Uses, 1, Farmworker Housing

“The purpose of this Section is to set standards for the development of farmworker housing, in order to ensure that adequate services are provided, and that adequate proper permits or taps for water and wastewater disposal are secured.” - Page 51, sec C,1,a (Reverting to the 2021 code would also address this issue)

10.6 ADU Limits

Chapter 2 Sec 4.B.5 (pg. 50): Limits Accessory Dwelling Units (ADU) to one per lot, no matter the size or use of the lot, and restricts them to 1000 sq ft. **Specific change:** Remove arbitrary size restrictions and allow one ADU paired per primary dwelling/septic instead of one per lot and do not require site plan review. Eg. a larger 80 acres with 2 dwellings can handle 2 ADUs, one paired per dwelling/septic. Designate A allowed by right.

10.7 Residential Uses

Remove proposed limits on duplexing of a basement and avoid new limits on changes to residential uses designated A allowed under 2021 code. **Section to change:** Page 47, rural residential uses, *Change of Use (Residential)*. Residential uses may change to other residential uses of similar nature without additional review. “For purposes of this Section, “of similar nature” means a different level of review.” This would limit duplexing a basement. (Reverting to the 2021 code would also address this issue)

10.8 Additional Dwelling Restrictions

Ch 2, Sec 4.B.6.b.3 (pg 51): Says when 3 or more dwelling units are on one parcel, requires compliance with chapter 5. However, 5.1.A.2 says 5 or more dwelling units and unclear the requirements. **Specific change:** Support affordable housing, clarify, remove proposed new restrictions on dwellings, revert to Allowed by right. (Reverting to the 2021 code would also address this issue)

10.9 Traffic Studies

Ch 5, Sec 1.B (pg. 111) Potentially requires a costly traffic study if building a new house and exactly which standards are applicable is unclear. Remove and clarify that new dwellings do not require a traffic study, only commercial/industrial higher impact uses require traffic studies.

10.10 Variances

The November 2022 certified draft LUC eliminates variances for lot sizes when dividing property. The current Feb 2023 draft proposes strict requirements for variances, including: variances only allowed in the A20 and A35 zones, two lots only, one of the remaining parcels must meet the minimum lot size for that zone, and all further subdivision banned for 10 years. There is no provision at all for variance due to hardship, illness, or extenuating circumstances. The very imperfect zoning maps led to over 50 variance applications in 2022. Prior to 2021, 2 lot subdivision variances were frequently and routinely approved without limitations of time, zone or other restrictions. **Specific change:** Revert to the pre-2021 variance approach. Remove restrictions on 2 lot variance.

11 Cell Towers

Ch 2, Sec 4.H (pg 65 to 73+): Allows a lot of wireless/cell tower activities including 5G with fairly lax rules. **Specific change:** Require conditional permits and public hearings for all wireless towers and increase requirements on wireless towers for all installations whether on private or county easements on private property. This does fall within the county's legal abilities regarding the FCC.

12 Appeals Due Process

Ch. 1, Sec 6.C.2.a (pg 25): Board of Adjustment. **Specific change:** No members of the Board of Adjustment may be members of the Planning Commission at the same time to assure checks and balances and due process. (This change applies to both the 2021 code and the 2023 proposed update)

13 Appeals For Landowners

Chapter 9, sections 4.B and 5.B: Appeals are proposed to be limited to a 10 or 15 day deadline instead of 30 days. The Master Plan specifically promotes giving residents due process, and this proposed change does not appear to be in alignment with this and does not provide adequate time to review extensive pages of regulations in order to mount an appeal. Appeals include:

1. Outside parties or neighbors appealing a project or permit
2. Appealing county denial of landowner uses on their own property
3. Strict compliance tickets and compliance fines of up to \$1,000 per day, actions for liens and foreclosure of your property, denials of permit applications on your property, etc.

Specific change: Revert to 30 days or longer, especially extend to 60 days for compliance related appeals and applicants/landowners.

14 Lien And Foreclosure

Ch 7, Sec 1.D.4 (pgs 130-132): Gives the Director of Planning and Community Development the ability to place a lien on property, perfect lien, and foreclose. **Specific change:** Remove all language of liens and foreclosure especially for agriculture, residential and small businesses that are currently exempt under the 2021 code and have been exempt for decades under the prior Specific Development regulations. Remove any reference to liens on outside fees that are not made specific and agreed upon in advance. Allow appeals on use and billing for outside consultants that currently states that the Directors decision is “unappealable”. Outside consultants should have to prove no conflict of interest with county staff or officials, and a public bidding process should be held with clear contractual requirements and public review.

15 High Impact Use Notice

Ch 7, Sec 4 (pg 138-139): Revision proposes reduction as to which neighbors should be notified for industrial/commercial projects and variances. For high impact industrial or commercial uses (such as those with extensive dust, noise, light, hazardous materials, etc) or unexpected variances to the regulations, nearby neighbors within 1000ft should receive public notice, not only immediately adjacent neighbors. If neighbors are not notified, they likely will not be able to participate in proposed neighborhood meetings designed to constructively resolve issues and conflicts with higher impact proposed projects. **Specific change:** Change uses that are marked with an “n” in Table 2.b, Land Use by Zoning District change to Mail 2. Change Variance to Mail 2.

16 Enforcement and Remedies

Chapter 13. **Specific change:** Outline only administrative remedies, remove all mentions of criminal prosecution and civil infractions for individual private property owners. There needs to be a line between commercial/industrial enterprise and private individuals. Remedies that may be appropriate for a corporation or commercial/industrial enterprise are most often inappropriate for individuals. DCC plans to review and comment on proposed Standard Operating Procedures for fines, enforcement, remedies.

17 Manufactured Housing Violations And Remedies

Ch 13, Sec 1.G (pg 197) includes \$1,000/day violation Landowner should not be penalized for shortcomings of professional mover. “Tiny homes” not on wheels don’t currently require a permit and should not in the future. **Specific change:** *“Moving Permit Required. Any ~~Owner or Mover~~ involved with placing a Manufactured Housing unit (including Mobile Home or Pre-HUD Mobile Homes) onto a property and fails to obtain a moving permit through the Delta County Treasurer may be assessed a fine not less more than five hundred dollars (\$500) ~~nor more than one thousand dollars (\$1000)~~”*

Moving permits for mobile homes are currently designed solely to track the assessors tax status of the mobile home and these permits should not be included in the Land Use Code but continue to be administered by the assessors office. CDOT at the state level issues all permits for oversize

loads and the county can continue to allow this to be administered solely and competently by the state without another layer of permits, inspections, etc. (Reverting to the 2021 code would also address this issue)

18 Manufactured Housing Requirements

Page 47 B,2,a and c: Proposed revision includes excessive requirements that duplicate state rules and inspections for mobile homes, already covered in an extensive 80 page mandated state inspection process. Propose deletion of all of these duplications of state regulations and state inspections. County should not duplicate state electrical inspections and should not duplicate state mobile home inspections that already cover and inspect the same items:

Specific changes:

~~“Manufactured Housing units shall be in good condition, safe and fit for residential use, including: utility connections are safe, conform to plumbing and electrical code requirements and pose no safety or fire hazard; roof shall be intact with no leaks inside; shall have stairs, landings and skirting installed; and”~~

~~“shall maintain minimum setback requirements, pursuant to the Delta County Land Use Code, and cannot be within ten [feet] of another structure.” (many mobile homes have built-on porches, sheds, etc.)~~

~~Any Manufactured Housing unit shall be connected to electric, gas, sewer and water utilities with proper permits from the State of Colorado. All utility connections shall be connected and operational (pressure tested).~~

(Reverting to the 2021 code would also address this issue)

19 Street Plan Review

35+ acre subdivisions have since the homesteading era been exempt from county review and have been completed and recorded directly by surveyors. New Land Use Code Revision proposes to require county approved street plans for any 35+ acre parcels that touch county roads or that include internal roads intended for public use. Surveyors and others have asked the county to delete this new requirement. Landowners may not have exact future plans in place and may be dividing only for refinance, etc, and need future flexibility. Ensuring proper access should be the responsibility of any future buyer’s due diligence.

20 Grandfathering Severely Limited

~~**Remove:** 11.1.B.4. p. 173 “Discontinuance of Nonconforming Use. If a nonconforming use is discontinued from use for a period of 12 months, further use of the subject property shall conform to the requirements of this Code.” in 2021 code: 11.1.B.4. p. 142 and 2022 update: 11.1.B.4. p. 173.~~

In cases like COVID, an extended medical emergency, sabbatical or many other unforeseen things

that can affect farmers, small businesses, landowners, etc, there needs to be the ability to continue historical uses even if discontinued for 12 months. Or “discontinued” should be clarified to only reflect complete physical removal of the use and physical infrastructure, not temporary delay or pause of the use.

21 Grandfathered Uses Presumed

11.1.B.4. p. 173 **Add:** “There is a presumption that pre-existing non-compliant uses did exist and were legal or consistent with norms at the time. Any deficiencies in legality may be allowed to individually be brought into compliance through an administrative appeal even if there was a technicality or regulation on the books that was rarely used or enforced (e.g., driveway permits in 1980s) or records have been lost, this should not negate a grandfathered use”.

22 Other Important Considerations

- Minimize “director” and staff discretion from the document. “clear, predictable and fair.”
- Eliminate parts of the code that use the vague language of “may include but are not limited to.” should be “clear, fair and predictable”.
- Take a performance and outcome based approach rather than strict compliance, violation, and punishment approach.
- **Add:** “Residential, Agricultural and small business uses shall be presumed to be allowed unless otherwise specifically proven to be in violation of this code. When these type of uses are found to be in violation, or found that these type of future planned uses will be in violation of this code, the county will first attempt and make all reasonable efforts to work with the land owner to reasonably comply with the code.” This is to address community requests to reflect the long standing ‘help people get to yes’ approach that the county used for decades.
- The following section of the delta county Specific Development regulations is hereby reinstated: Section 5,A,B&C: exemption language for Agricultural Uses and Residential development.
- P20 Approvals that are Abandoned. Development previously approved by Delta County where the use did not begin by January 5, 2021 shall be considered abandoned unless the development agreement specifically provides otherwise.
- P21 fines language per day retroactive, delete: ~~the County may pursue remedies for each day of the violation, based on the ordinances or resolutions that were in effect on each day prior to the effective date during which the violation occurred.~~
- P36 retain from 2021 code: F. Accessory Business Use of the Home Accessory business use of the home is allowed as-of-right.
- P153 retain from 2021 code: Accessory Business Use of the Home means the use of a residence (including the land associated with the residence, and including a residence associated with an agricultural use) for a commercial operation, where: a. The commercial operation is subordinate to the residential use; b. The character of the residential use is not materially altered; and c. The commercial operation is conducted by the owner or occupant of the residential use. Accessory Use means a use of land that: a. Is clearly subordinate in area, extent, and purpose to the principal use; b. Contributes to the comfort, convenience, or necessity of the principal use; c. Is operated by the owner of the principal use; and d. Is

- located on the same lot or parcel as the principal use.
- Retain the 2021 language on page 20 for Exemptions from Approval:
 - B. Exemptions from Approval Requirement 1. Generally. The following are not subject to approval pursuant to this Code, but may be subject to other permitting processes (e.g., access permits, well permits, septic permits, or federal or state permits or licenses): a. The establishment, continuation, or modification of land uses that are listed as “allowed as-of-right” in Chapter 2, Section 2, Land Use by Zoning District in the zoning district in which the subject property is located. b. The establishment, continuation, or modification of accessory business uses of the home. c. The subdivision of land that is statutorily exempt from County Subdivision authority
- Remove boundary adjustments from the subdivision process and remove setback requirements and expensive requirements for full plat survey of all features. If both landowners agree, let them adjust the line without concern for setbacks, even if a 100yr old barn is a few feet off the fenceline. P178/179.
- Retain the following language that is contained in the 2021 code: Page 20: B. Exemptions from Approval Requirement 1. Generally. The following are not subject to approval pursuant to this Code, but may be subject to other permitting processes (e.g., access permits, well permits, septic permits, or federal or state permits or licenses): a. The establishment, continuation, or modification of land uses that are listed as “allowed as-of-right” in Chapter 2, Section 2, Land Use by Zoning District in the zoning district in which the subject property is located. b. The establishment, continuation, or modification of accessory business uses of the home. c. The subdivision of land that is statutorily exempt from County Subdivision authority
- As per above, need to exempt Residential, Agricultural and Small business uses from Chapter 13 strict compliance, fines and enforcement, just as they were exempt under the specific development regulations for decades.
- P 85: Road naming.

the requirement to name a road if there are 3 or more dwellings should be relaxed, and any related ordinances or standards that need to be changed should be changed concurrently to allow for this. Many times an additional residence on a farm creates a 3rd residence, but the farm driveway should NOT need to be named as a county road.

F. Road Naming 1. Generally. In cases where an access will serve more than three (3) ~~habitable or commercial structures, including temporary residential structures,~~ lots, County GIS may require or assign Road Naming.

This proposed change also more closely reflects the language in the 2021 LUC.

- **Clustered development:** bring this important section into compliance with state statute by removing the new proposed restriction on building envelopes of 1 acre and change instead to a maximum buildable area of 33% of the property acreage and with 66% of the original property acreage outside of the designated building envelopes. That is the state statute requirement. Suggest strongly promoting clustered development in Delta County as primary incentive based approach to protect agricultural ground and farms while also allowing for the subdivision of property, additional housing including affordable housing, supporting farmers that are “land rich” in their ability to retire or support family members facing illness or hardship. (Reverting to the 2021 code would also address this

issue)

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