

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

RESOLUTION NO. 2021-R - 001

**RESOLUTION REPEALING DELTA COUNTY REGULATIONS REGARDING
LAND USE AND SUBDIVISION AND ADOPTING A NEW LAND USE CODE
(INCLUDING ZONING MAPS)**

WHEREAS, the Delta County Board of County Commissioners (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 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 Planning Commission (Commission) adopted a new master plan in 2018 identifying a need to revisit how land use is regulated in Delta County; and

WHEREAS, the Board of County Commissioners (Board) initiated a process to create new land use regulations for Delta County that are simple, clear, fair, and predictable, provide clarity and assurances for residents and property owners about how land around them might develop, create consistency between the vision and goals in the Master Plan with the development regulations, support decision making that better responds to unique infrastructure and needs around the county rather than one size fits all, and fosters more coordination between the county and municipalities on accomplishing shared goals; and

WHEREAS, in July 2020, after a year and a half of work sessions and thirteen community meetings, beginning in April 2019, the Board shared the first draft of the proposed land use code and zoning map; and

WHEREAS, after receiving public input in community meetings, the Commission certified a copy of the land use code (including zoning maps) to the Board on October 14, 2020; and

WHEREAS, the County published notice of the public hearing regarding the land use code in the *Delta County Independent* on November 18, 2020. Such public meeting was held before the Board on December 3, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Delta County that the Delta County Land Use Code, as attached (including zoning maps) is hereby approved and adopted as follows:

1. This resolution, including the attached land use code and the zoning maps shall be known as the "Delta County Land Use Code".
2. All planning districts or protection plans previously adopted by Delta County, including, but not limited to, the Surface Creek Land Value Protection Plan, Special Planning District 1, the Rogers Mesa Special Planning District, and the East Redlands Mesa Planning District, are hereby repealed.
3. This Delta County Land Use Code will go into full force and effect on April 1, 2021. Between the date of this resolution and April 1, 2021 no new applications for subdivision, zoning permits, variances, rezoning, boundary adjustments or specific development will be accepted by the Planning Department.
4. THE DELTA COUNTY SUBDIVISION REGULATIONS 2008 AMENDED, dated January 22, 2019, the DELTA COUNTY REGULATION FOR SPECIFIC DEVELOPMENTS AMENDED dated September 3, 2019, the Mobile Home Park regulations amended in 1997 and all other land use regulations or policies (existing regulations), are hereby repealed, with the following exceptions:
 - a. Applications submitted prior to January 5, 2021 under the existing regulations shall be processed under the regulations in effect at the time of application submittal. Final plats previously receiving sketch plan approval under the existing regulations shall be processed under the existing regulations if such application for final plat is made within twelve months from the effective date of this resolution.
 - b. After twelve months, all prior development approvals, under the existing regulations shall expire and extensions may only be granted in accordance with Chapter 1, Section 3 of this Delta County Land Use Code.
5. A Board of Adjustment of three members, one from each commissioner district, is hereby established. County staff is directed to advertise for volunteers interested in serving on the Board of Adjustment to be appointed by the Board.
6. All provisions of this Resolution are intended to be severable. If any provision of this resolution, with attached Land Use Code and zoning maps, is declared to be invalid by any court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and such

decision shall not affect, impair or nullify this resolution as a whole or any part thereof, but the remainder of this resolution shall continue in full force and effect.

7. This Resolution is necessary for the public health, safety, and welfare of the inhabitants of the County of Delta, State of Colorado.
8. All resolutions, policies or regulations, or parts thereof, in conflict with this Delta County Land Use Code are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such resolutions nor revive any resolution thereby.

ADOPTED this 5th day of January, 2021.

BOARD OF COUNTY COMMISSIONERS
OF DELTA COUNTY, COLORADO

By: 
Mark Roeber, Chair


Don Suppes, Vice Chair


Mike Lane, Commissioner

ATTEST: 

Teri Stephenson
Delta County Clerk and Recorder