



REGULAR MEETING AGENDA

December 4, 2023
6:30 p.m.

Join Zoom Meeting

<https://us06web.zoom.us/j/88362676432>

Meeting ID: 883 6267 6432

One tap mobile

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A. Changes to the Agenda

B. Minutes

C. Citizen Comments

Citizens who have comments on items that do not appear on the agenda are asked to make their comments at this time. Comments on an agenda item will be taken at the time that item is under discussion.

D. Public Hearing - Delta Riverwalk Planned Unit Development (PUD) Sketch Plan

- Open the Public Hearing
- Staff Report and Recommendations
- Applicant Presentation
- Public Comment
- Close Public Hearing
- Planning Commission Discussion and Decision

E. Commissioner Comments

F. Staff Comments

G. Adjournment



A regular meeting of the City of Delta Planning Commission was held on Monday, November 6, 2023 at 6:30 pm in the City Council Chambers of City Hall at 360 Main Street, Delta, Colorado. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Susan Welk-Valdez, Chair; Fay Mathews, Vice-Chair; Cecilia Tafoya, Commissioner; Ronald White, Commissioner; Katie Bowers, Commissioner; Tony Romero, Commissioner; Joe Gillman, Community Development Manager; Lindsay Reed, Planning and Building Technician; Raini Ott, Contract Planner; Michael Markus, City Planner

ABSENT: Gerald Roberts; Commissioner

A. CHANGES TO THE AGENDA

There were no changes to the agenda.

B. MINUTES

A motion was made by Vice-Chair Mathews, seconded by Commissioner Tafoya to approve the minutes of the Planning Commission meeting held on October 9th, 2023 as written. All voted yes. Motion passed.

C. CITIZEN COMMENTS

None.

D. PUBLIC HEARING - SOPER-WANG FENCE HEIGHT VARIANCE

Vice-Chair Mathews recused himself from the Public Hearing.

Chair Welk-Valdez opened the public hearing for approval of a Variance of two feet to the maximum fence height in the A-1 Agricultural Zoning District to allow an eight-foot fence as applied by Matthew C. Soper and I-Chu (Sarah) Wang.

For full Staff Report, please see the Planning Commission Packet



Staff Report and Recommendations

Joe Gillman, Community Development Manager, reviewed the staff report with the Planning Commission.

Commissioner White questioned the properties lower elevation and the process of changing the code to allow an eight-foot fence.

Manager Gillman explained the presence of the lower elevation and the reasons behind the maximum six-foot fence.

There was discussion on wind load, type of fence and the required building permit and review.

Applicant Presentation

Matt Soper, 10 Hartig Dr, explained the reasons behind the requested variance being privacy and to protect the property from the deer population.

The applicant distributed packets to Commissioners which have been entered into the record. There was discussion on the type of fence, the change in grade, the quality of fence and the line of sight. There was further discussion on setbacks. Manager Gillman stated the fence design will be per city standards and setback requirements.

No Public Comment

Public Hearing Closed by Chair Welk-Valdez

Planning Commission Discussion and Decision

Commissioner Bowers voiced concern about safety but that has been addressed.

Commissioner White voiced concern about establishing a precedent and how it may affect the look of Hartig Dr.

Chair Welk-Valdez stated she is dismissing the privacy aspect but concerned with esthetic and setting a precedent.

Commissioner Romero voiced safety concerns at the intersection and wind load.

A motion was made by Commissioner White, seconded by Chair Welk-Valdez to recommend approval of a variance to allow an eight-foot fence only along Hartig Dr. All voted yes. Motion passed.



E. PUBLIC MEETING - JUSTIN WET FLOODPROOFING VARIANCE

Chair Welk-Valdez opened the public meeting for approval of a variance from provisions in Chapter 15.56 of the Municipal Code, Flood Damage Prevention, to allow wet floodproofing for a 975-square-foot enclosed portion of a detached accessory structure used for vehicle parking and storage.

For full Staff Report, please see the Planning Commission Packet

Staff Report and Recommendations

Raini Ott, Contract Planner, reviewed the staff report with the Planning Commission.

There was question on the definition of exceptional hardship and how the storage of hazardous materials is enforced. Discussion was made on the option of a condition on the deed and reviewing it with the City Attorney.

Applicant Presentation

Kevin Justin, 1551 G96 Lane, commented on the excellent job the staff did on discussing flood vents and explained the hardship of raising the garage.

There was discussion on the size of the lot and what is stored inside the garage.

No Public Comment

Public Hearing Closed by Chair Welk-Valdez

Planning Commission Discussion and Decision

There was discussion on the storage of hazardous materials and what classifies as a hazardous material. Comment was made of the issue being the garage is in a floodplain and with FEMA updating the flood insurance rate mapping, there will be more cases. Questions were asked on what a hazardous storage container is relating to quantities and regulations.

A motion was made by Vice-Chair Mathews, seconded by Commissioner Bowers to recommend approval of the Justin Variance to City Council.

Commissioner White suggested a recorded condition on the storage of hazardous materials.



The motion was restated by Vice-Chair Mathews and moved to approve the Justin Floodplain Variance with the condition that hazardous materials are not stored in the structure and that it be recorded with the property. There was clarification on the motion and condition. Motion was seconded by Commissioner White. More discussion was made on state standards. All voted yes, motion passed.

F. COMMISSIONER COMMENTS

Commissioner Bowers commented on the great job the city did with Trick or Treat, that Phase 2 of Main Street is looking great and the ramps on and off the bypass.

Commissioner White discussed the property on Crawford Ave and an update on Mr. Roberts.

Chair Welk-Valdez commented on Main Street.

Vice-Chair Mathews discussed his visit with Mr. Roberts and also commented on the Crawford property.

Commissioner Romero had no comment.

Commissioner Tafoya commented on the great job the city is doing.

G. STAFF COMMENTS

Manager Gillman introduced the City's new Planner, Mike Markus and the purpose of Proposition 123 and upcoming grants. It was stated the City intends to apply for grant funding to automate processes in the Building and Planning Department.

H. ADJOURNMENT

A motion was made by Commissioner White, seconded by Commissioner Tafoya to adjourn the regular Planning Commission meeting. All voted yes. Motion passed. The meeting was adjourned at 7:48 pm with no further action taken.

Lindsay Reed
Planning and Building Technician



LAND USE PUBLIC HEARING INFORMATION PACKET

Check the appropriate box:

- () Conditional Use/Change in a Non-Conforming Use
- Variance
- () Amendment/Addition to the Zoning Regulations or Zoning
- () Other: _____

Please note that it is inappropriate to personally contact individual City Council members or Planning Commission members while an application is pending. Such contact is considered ex parte communication and will have to be disclosed as part of the public hearing on the matter. If you have any concerns, you should contact staff, write a letter or present your concerns at the public meeting so your comments can be made part of the record.

Public Hearing

Public Hearing Date: Nov. 6, 2023 Public Hearing Time: 6:00 PM

Submittal Requirements

A complete application includes the following:

1. Land Use Application with application fee of: \$200
2. Current copy of recorded deed with legal description
3. Site plan with all existing and proposed structures, parking, setbacks, property boundaries, etc
4. Detailed narrative of how the application meets the criteria for approval or reasons for filing an appeal)
5. Adjacent Property Owner Information

Must be returned to City of Delta Community Development Department before hearing:

1. Certification of Notice to Property Owners & Sign Posting
2. Notice of Public Hearing form & proof of publication from DCI

Notice of Public Hearing

Notice of Public Hearing

Notice is hereby given that the City of Delta Planning Commission will hold a public hearing on Nov. 6, 2023, at 6:00 p.m. in the City Council Chambers, 360 Main St, to consider a variance of 2 feet to allow an 8 foot max fence request for the property located at 10 Hartig Dr., Delta, CO 81416.

Published in the Delta County Independent on Oct. 25, 2023 (As a legal notice)

*Applicant is responsible for payment of publication costs.

**Attach proof of publication from the Delta County Independent.

***A brief description of the action being requested for the property in question along with the address of the property is required to be included in the Notice of Public Hearing. If there is no address available, then a relationship to either a street, other property with an address, or other known landmarks must be used to identify the property location.

Public Noticing Requirements

HEARING DATE: ~~NOV. 6~~ NOV. 6, 2023

1. The applicant must deliver a copy of the **Notice to Property Owner** and copy of the **Public Hearing Notice** by U.S. Mail or by hand to all property owners listed on the Adjacent Property Owner Information sheet at least seven (7) days prior to the scheduled hearing. Property owners should be advised to return signed petitions before the date of the hearing, indicating approval or objection, to the City of Delta Planning Department at 360 Main St., Delta, CO, 81416. Property owners to whom the notice is hand delivered must be given an opportunity to sign the petition indicating whether they approve or object to the request.

Notice Deadline Date: Oct. 28, 2023

2. The applicant must have a **Notice (Legal) of the Public Hearing** published in the local newspaper, the Delta County Independent (DCI) at least seven (7) days prior to the date of the hearing. The local newspaper is published once each week on Wednesdays. The submittal deadline to post an ad with the DCI is the Friday prior. The applicant must obtain "Proof of Publication" from the DCI and submit it to the Planning Department prior to the meeting.

Notice to Newspaper Deadline: Oct. 20, 2023

Publication Date: Oct. 25, 2023

3. The applicant must post a sign (or signs) supplied by the City upon the property under consideration in such a way that the sign is easily visible from all abutting streets. The sign will briefly describe the requested action and give the date, time and location of the public hearing. The sign must be placed at least seven (7) days prior to the hearing and must be maintained continuously by the applicant until the Planning Commission takes final action.

Sign Posting Deadline: Oct. 27, 2023

NOTE: The applicant or his/her representative should attend the public hearing to explain the request, answer questions, and present evidence to establish that the applicable criteria are met. If the applicant is not the property owner, authorization to act on the owner's behalf must be attached to the application.

Please review the criteria for your request. The Delta City code provides that the Planning Commission and/or City Council may approve requests only if it determines that the appropriate criteria have substantially been met.

ADJACENT PROPERTY OWNER INFORMATION

This information will be provided to you electronically (through email) and you will be responsible for hand delivering or mailing by the deadline as provided.

AFFIDAVIT OF PUBLICATION

State of New Jersey, County of Hudson, ss:

Deidre Vanessa Stevens-DiGiovanni, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software. PBC, duly authorized agent of Delta County Independent, a newspaper printed and published in the City of Delta, County of Delta, State of Colorado, and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:

Oct. 25, 2023

NOTICE ID: lyT14iYx8eUf8pq6FxNk

PUBLISHER ID: DCI000088

NOTICE NAME: Notice of Hearing City of Delta Planning Comm

Publication Fee: 16.52

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

(Signed) Deidre Vanessa Stevens-DiGiovanni

VERIFICATION

State of New Jersey
County of Hudson

SHANNEA H HOLMES
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires August 1, 2026

Subscribed in my presence and sworn to before me on this:
10/26/2023



Notary Public
This notarial act involved the use of communication technology

NOTICE OF HEARING

Notice is hereby given that the City of Delta Planning Commission will hold a public hearing on November 6, 2023, at 6:30 p.m. in the City Council Chambers, 360 Main St., to consider a request for approval of a variance of two feet to the maximum fence height in the A-1 Zoning District to allow an eight-foot fence for the property located at 10 Hartig Drive, Assessor Account No. R011500, located on the southeast corner of the Hartig Drive and Hillcrest Drive intersection, in Section 17, Township 15S, Range 96W. Published in the Delta County Independent on Wednesday, October 25, 2023. Published Wednesday, October 25, 2023

Legal Notices

PUBLIC NOTICE

Notice is hereby given that a petition for Re-Placement of Stock Certificate was filed by Billy F. Kissner by Judi D. Schmalz, PR for stock certificate no 303 for 1/2 shares to be re-issued to Billy F. Kissner Family Trust. Under penalty of perjury, Billy F. Kissner by Judi D. Schmalz, PR, swears and affirms this stock has been LOST and has not been encumbered, sold, or given away. Notice is further given that on November 1, 2023, unless a chain of ownership of stock is made, a certificate will be re-issued to Billy F. Kissner Family Trust for 1/2 share of Childs Ditch Company in accordance with Colorado Law and the bylaws of said Company. October 18, 2023. Published Wednesday, October 18, 2023

Legal Notices

Subject property should above file a notice of interest in LOREN M. LAMBERT vs. DIXIE SHOENHALS STODDARD, et al, Case No. 170600204, before Judge Anthony Howell in the Fourth District Court of Utah County, State of Utah, Farmington Division attaching evidence of his or her ownership interest. Published Wednesday, October 25, 2023

NOTICE OF HEARING

Notice is hereby given that the City of Delta Planning Commission will hold a public hearing on November 6, 2023, at 6:30 p.m. in the City Council Chambers, 360 Main St., to consider a request for approval of a variance of two feet to the maximum fence height in the A-1 Zoning District to allow an eight-foot fence for the property located at 10 Harlig Drive, Assessor Account No. RD11500, located on the southeast corner of the Harlig Drive and Hillcrest Drive intersection, in Section 17, Township 15S, Range 96W. Published in the Delta County Independent on Wednesday, October 25, 2023. Published Wednesday, October 25, 2023

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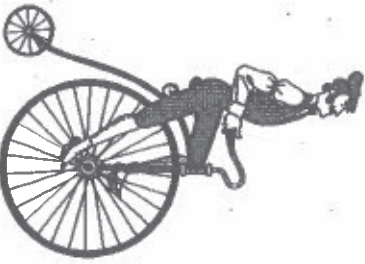
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FROM THE PAST

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minstrel show a sure thing, and an entertainment, of which both the Lodge and the public will be proud.

of Masons ever gathered on any occasion in American history. The memorial, which is declared to be the grandest ever erected in honor of any man, will be built on Shooters Hill, along the Arlington Ridge and commanding a view of the city of Washington, of Mount Vernon and of all the country most frequented by George Washington. The structure will exceed in size all the other great monuments heretofore erected in the national capitol and immediate environs. It will be 230 feet in depth by 160 feet in width and its height will be 200 feet. It will be in the classical style, entirely of enduring granite, and its cost when complete will be \$4,000,000.

The contractors are at work on the North Delta bridge. The \$100,000 cement and steel structure which is to span the Gunnison river has been started. A large force of men are now at work putting in one of the piers. It is necessary to go down to bed rock and the contractors have begun the task of digging to solid formation. A power pump is running steadily to keep the water pumped out so that the work of excavating can

NOTICE TO PROPERTY OWNERS

() Conditional Use/Change in Non-Conforming Use

Variance

() Zoning Amendment/Addition

() Other: _____

Description of action to be considered: To consider a request for approval of a variance of 2 feet to the maximum fence height in A-1 Zone to allow an 8 foot fence for the real property located at 10 Hartig Dr. to prevent deer, other game.

Address of property under consideration: 10 Hartig Dr., Delta, CO 81416

Date of Public Hearing: Nov. 6, 2023 Time: 6:30 p.m.

This letter is addressed to you as an adjacent property owner, within 100 feet of the area under consideration, to inform you that the City of Delta Planning Commission will review the above application on the date and time shown. You are invited to attend and comment at the public hearing, which will be held at the City Council Chambers at 360 Main Street, Delta Colorado.

I as a property owner within 100 feet of the area under consideration have been informed the above request as described in this application and hereby:

() Approve

() Object

SIGNATURE

NAME (print)

STREET ADDRESS

COMMENTS:

Please return this form to the City of Delta Planning Department at 360 Main St before the date of the hearing. Do not email or mail or have any communications directly to the Planning Commission or City Council regarding this hearing. All information must be presented at the hearing and not before the hearing. You may direct all questions to city staff. 970-874-7909 or comdev@cityofdelta.net



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10/28/2023 01:20 PM

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CERTIFICATION OF NOTICE TO PROPERTY OWNERS

I, Matt Soper, applicant, hereby certify that I personally mailed or hand delivered to the required property owners notice of public hearing before the City of Delta Planning Commission/City Council regarding the request. Notices were mailed or hand delivered on the 28th day of October, 2023.

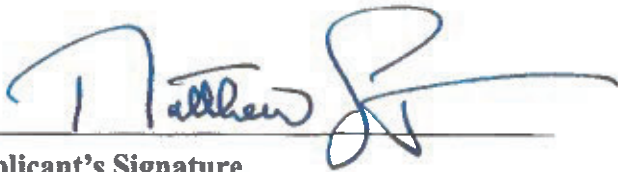


Applicant's Signature

+++++

CERTIFICATION OF SIGN POSTING

I, Matt Soper, applicant, hereby certify that I personally posted notice of public hearing before the City of Delta Planning Commission/City Council on the property under consideration on the 27th day of October, 2023



Applicant's Signature

Requestors: Matt Soper & I-Chu (Sarah) Wang, joint owners,
10 Hartig Drive
Delta, CO 81416

To: City of Delta's Planning Commission
360 Main Street
Delta, CO 81416

Date: Monday, October 2, 2023

RE: Request for Variance to Delta fence code

Dear Planning Commission:

We are requesting a variance to the height restriction of the City of Delta Fence Code, 17.04.240, Supplemental regulations. We would like to replace our current fence with an 8-foot fence. Our reason is two-fold: to keep deer out of our yard to allow us to expand our agricultural use of our property, and to create privacy around our home.

Under the Fence Code, “[n]o fence or free-standing wall shall exceed a height of 6-feet in any residential zoning district of the City, including present A-1 [. . .] zones.” Our home, located at 10 Hartig Dr, Delta, Colorado, is within agricultural zone A-1. We are where the City’s “look and feel” changes from residential to agricultural use. Since our part of the City contains many small farms and natural wildlife habitat, we have a substantial deer population which has frustrated our ability to garden, plant fruit trees, establish a vineyard, or grow anything besides weeds and alfalfa.

Our present fence is 4-feet tall. We are seeking a variance to the Fence Code to replace our current fence with an 8-foot fence, to protect our property from deer and other wildlife, and to create privacy to be able to enjoy our own property without the constant stream of onlookers driving or walking past our home.

Our property is 2-feet below road grade. A 6-foot fence would appear as a much shorter fence to any vehicle or pedestrian on the public roadway, thus not providing us with any privacy. Our entire backyard would still be viewable from the road, which would negate the point of a privacy fence.

To prevent deer from jumping into our fenced portion of the property, Colorado Parks and Wildlife recommends an 8-foot fence to keep game in/out.¹ Because our property is below grade, a 6-foot fence would appear as a 4-foot fence and would not allow us to block deer or create private space within our property and around our home. Our plan is to be able to garden, plant a

¹ Hanophy, W. 2009. Fencing with Wildlife in Mind. Colorado Parks and Wildlife, Denver, CO.

tiny orchard and vineyard, and not have deer destroy our valuable trees, vines, and gardens. An 8-foot fence would also mean that we could ensure our yard is mostly blocked from public view from the roadway. We value our private time at home and want to be able to enjoy our home without being always in the public spotlight.


We plan to have the work done by England Fence from Montrose. We are planning the privacy portion of the new fence to be rusted corrugated steel with a decorative frame between structural posts. The non-privacy portion of the fence would be chain link. We plan to work with the owner of England Fence to ensure the fence is structurally sound to withstand the most extreme weather.

We respectfully request the Planning Commission grant our variance to exceed the Fence Code's 6-foot height restriction to a height not exceeding 8-feet. If the Commission has any questions about our request, we would be happy to provide more information.

Respectfully submitted,



Matt Soper



I-Chu (Sarah) Wang



Photo taken October 4, 2023

Person standing in the yard is 6 feet tall.
Measuring tape was set to 8 feet.
Car in the back drove by on the road.

To: City of Delta Planning Commission
 From: Joe Gillman, Community Development Manager; Mike Markus, City Planner; and Raini Ott, Contract City Planner
 Date: December 4, 2023
 Subject: Delta Riverwalk Planned Unit Development (PUD) Sketch Plan

Request Summary

The subject request is for approval of a Sketch Plan for a new residential Planned Unit Development (PUD) subdivision to divide four existing parcels totaling approximately 38 acres into 154 residential lots, each about 2,500 to 5,800 square feet in area, in addition to extending Gunnison River Drive and providing over 19 acres of public and private open space (Attachment A). A deviation to the standard road right-of-way and pavement widths is also included as part of the request. The subject properties are addressed as 519 and 595 State Highway 92 (SH 92) and include Assessor Account Nos. R014038, R011636, R023685, and R021579; they are located on the north side of SH 92 east of the terminus of Ute Street (Figure 1). The request is submitted by property owner and developer, Ranch and Farm Resources Management, LLC, and their representative, Ty Johnson, with Kaart Planning (“Applicant”). Based on review of the Sketch Plan and PUD criteria under Sections 16.04.050(C) and 16.05.050, respectively, it appears the subject request is generally capable of meeting the criteria for approval; however, the Applicant has requested to delay providing a number of details until Preliminary Plat. Staff recommends the Planning Commission carefully consider the request and its recommendation to City Council.



Figure 1: Aerial of Subject Properties (Outlined in Yellow) and Surrounding Area

Background Information

The Applicant has expressed a desire to combine the Sketch Plan stage of subdivision review with the following stage of Preliminary Plat in an effort to reduce overall review time. This approach will produce some challenges due to the complexity of the project and peculiarities of the subject properties. Overall, staff finds that the Delta Riverwalk PUD is capable of meeting the Sketch Plan criteria, and subsequently the criteria for Preliminary Plat, only when the Applicant provides more details and revisions that fully address outstanding concerns (see Criteria Review section below).

The subject properties consist of four parcels totaling approximately 38 acres, including one zoned B-2 Commercial and three zoned B-3 Commercial (Figure 2). Both zoning districts allow, by right, the land uses proposed for the PUD, which includes single-family detached residences and potentially some single-family attached; no non-residential uses are proposed. Although non-residential uses, including commercial and light industrial, would be allowed by the base zoning, their exclusion from the Delta Riverwalk PUD, if ultimately approved, means that such uses would no longer be permitted within the boundaries of the final development since only those uses approved as part of a PUD are allowed from that time on, unless otherwise amended.

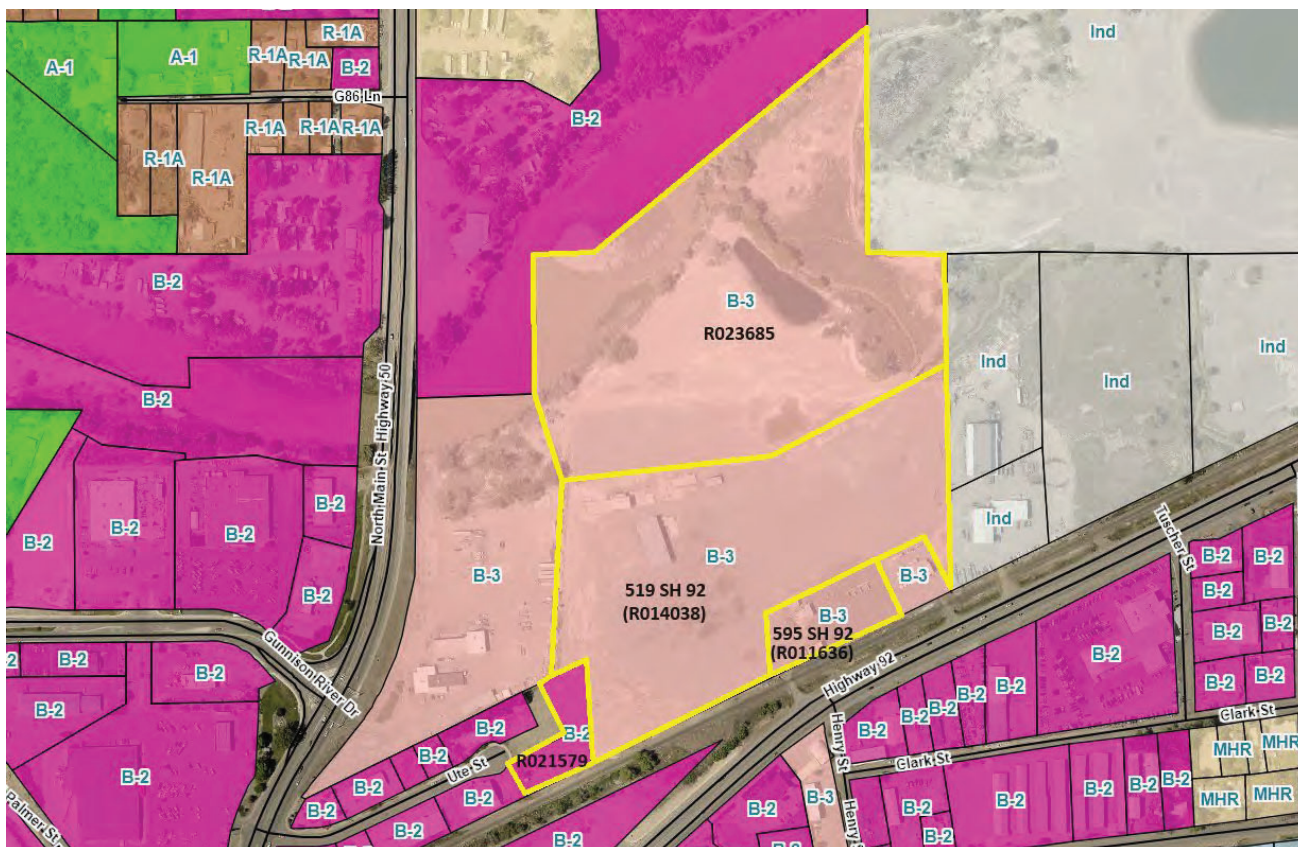


Figure 2: Current Zoning of the Subject Properties (Outlined in Yellow) and Surrounding Area



Regarding the property addressed as 519 SH 92 (Account No. R014038), it was recently approved for a Rezoning from Industrial to B-3, as provided in Ordinance No. 9, 2023, adopted on September 5, 2023. Details of the Rezoning are available on the City website under records for the [July 10, 2023, Planning Commission](#) and [August 8, 2023, City Council](#) meetings.

Review Procedure

The review procedure for Sketch Plan is outlined under Section 16.04.050(C) and requires review by the Planning Commission at a regularly scheduled meeting. Sketch Plan for a PUD subdivision, which proposes significant material deviations from the standard requirements, is also reviewed pursuant to Section 16.05.050 and submitted to City Council for review. In addition, such requests are referred to relevant City departments and external agencies for review and comment, and public notice is provided by posting a sign on the subject properties for seven days preceding the scheduled Planning Commission meeting. The relevant code sections outlining the review procedure are included in Attachment C. Use these links to view [Chapter 16.04, Subdivisions](#), and [Chapter 16.05, Planned Unit Development](#), in their entirety.

Referral Agency Comments

The request was distributed to the relevant City departments for review and comment, as well as to external agencies. In this case, referral requests were sent to the following: US Fish & Wildlife Service (USFWS); US Army Corps of Engineers (USACE); US Postal Service (USPS); Colorado Department of Transportation (CDOT); Colorado Parks & Wildlife (CPW); Colorado Water Conservation Board (CWCB); Union Pacific Railroad (UPRR); Black Hills Energy; Bona Fide Ditch; Delta County School District; and Delta County, including the Sheriff's Office – Emergency Management (OEM), Planning and Community Development Department (PCD), Geographic Information Systems Department (GIS), and Health Department – Environmental Health Services (EH).

Responses received with comments of significance are summarized below and incorporated into the Criteria Review section, as appropriate. Copies of all comments received are included in Attachment B.

- **CWCB, Delta County OEM, and City Police Department:** Expressed concerns regarding new residential development within the 1% annual chance floodplain (Zone AE). (Note: A large portion of the PUD is mapped as Floodway on the *preliminary* Flood Insurance Rate Maps (FIRM) which may take effect in about two years.)
- **Bona Fide Ditch:** The development must not interfere with existing ditch infrastructure and fencing must be installed for safety wherever there is public access along the open canal. There was also a request for the developer to relocate the existing bridge over the canal to alleviate maintenance issues, but the City would only require this at the time of bridge replacement if future development necessitated public or emergency access on the opposite (i.e., northeast) side.
- **City Engineer and City Fire Official:** There are concerns about adequate access for emergency vehicles and City services throughout the development with the requested deviation to street width. In addition, the number and locations of fire hydrants are inadequate as shown.
- **CDOT:** The development must conform to the Access Control Plan and generally does as revised. In addition, a traffic study and Access Permits will be required.
- **UPRR:** Must apply for a new crossing agreement to alter or upgrade the existing private industry crossing.
- **CPW:** No concerns at this time with the quarter-mile buffer provided around the active osprey nest.





Public Notice & Comments

Public notice of the Planning Commission meeting for Sketch Plan review is required to be posted on the subject properties at least seven days prior. For the subject request, the public notice sign was posted as of November 22, 2023. In addition, notice was provided as an agenda item for the December 4, 2023, Planning Commission meeting.

All public noticing requirements have been met for the subject request. As of publication of this staff report, **zero** public comments were received.

Criteria Review

As discussed below in detail, staff recommends the Planning Commission carefully consider the subject request and its recommendation to City Council since staff finds that the Sketch Plan for a PUD subdivision is capable of meeting the review criteria under Sections 16.04.050(C) and 16.05.050, but only if more detailed information is provided and revisions are made to fully address outstanding concerns. Per Section 16.05.050(A), review of a PUD follows the typical subdivision procedure, starting with Sketch Plan review pursuant to Section 16.04.050(C). Additional criteria under Section 16.05.050 also applies to PUDs and must be met for approval of such a Sketch Plan request. The relevant code sections outlining the review criteria are included in Attachment C. Use these links to view [Chapter 16.04, Subdivisions](#), and [Chapter 16.05, Planned Unit Development](#), in their entirety.

16.04.050(C)(1): Minimum Sketch Plan Criteria

A Sketch Plan is reviewed considering the following at a minimum: (a) *Conformance with the Comprehensive Plan and zoning regulations*; (b) *Relationship of development to topography, soils, drainage, flooding, potential natural hazard areas and other physical characteristics*; (c) *Availability of water, means of sewage collection and treatment, access and other utilities and services*; and (d) *Compatibility with the natural and built environments, wildlife, vegetation and unique natural features*. Based on review of the minimum Sketch Plan criteria, staff finds the subject request is in general conformance with the City of Delta Comprehensive Plan and existing utilities and services are available and can be improved and extended to provide adequate capacities for the number of lots proposed. However, the proposed PUD Sketch Plan does not fully address access concerns or appropriately consider all current site conditions and potential hazards and, as a result, it is unclear if the plan will be compatible with the natural and built environments.

Regarding criteria (a) and (c), conformity with the Comprehensive Plan and access, specifically, the PUD Sketch Plan generally lays out new roadways that fit into the future conditions contemplated by the [Major Streets Plan](#) and further prescribed in the [CDOT Access Control Plan](#). In the future, Gunnison River Drive is planned to extend from US Highway 50 (US 50) and connect to SH 92 at either Henry or Heinz Street as a Principal Arterial with a 100-foot right-of-way. The Sketch Plan identifies this extension, but additional details are necessary to verify that appropriate and safe access can be achieved given the future road classification, anticipated traffic volumes, and the need to upgrade the existing UPRR at-grade crossing. A traffic study must be submitted at the time of Preliminary Plat, which will help determine access needs, and staff does not recommend waiving this requirement. In addition, the City Engineer and Fire Official have raised concerns about the requested deviation to street standards for reduced right-of-way and pavement widths within the development.



Per Section 16.05.050, PUDs must conform to the minimum subdivision design standards as set forth in Section 16.04.070; although, the City may consider and approve deviations at its discretion if criteria described under subsection (B) is met. Section 16.04.070(C)(13) states that the minimum dedicated right-of-way width for a Local Street is 50 feet, and the pavement width required between face of curbs is 38 feet. Sidewalks along a Local Street must also be provided at a minimum width of five feet from back of curb and may be combined with curb and gutter (i.e., drive-over or rolled curb) except where safety concerns require that vertical curb be used, per subsection (D). As proposed by the Applicant, this PUD would use a street design with reduced right-of-way and pavement widths of 35 feet and 21 feet, respectively (Figure 3) (Attachment A, page 6). With the lesser street widths proposed, emergency vehicle clearance as well as trash pick-up, deliveries, and other curbside services cannot adequately be provided without a complete and enforceable prohibition of on-street parking.

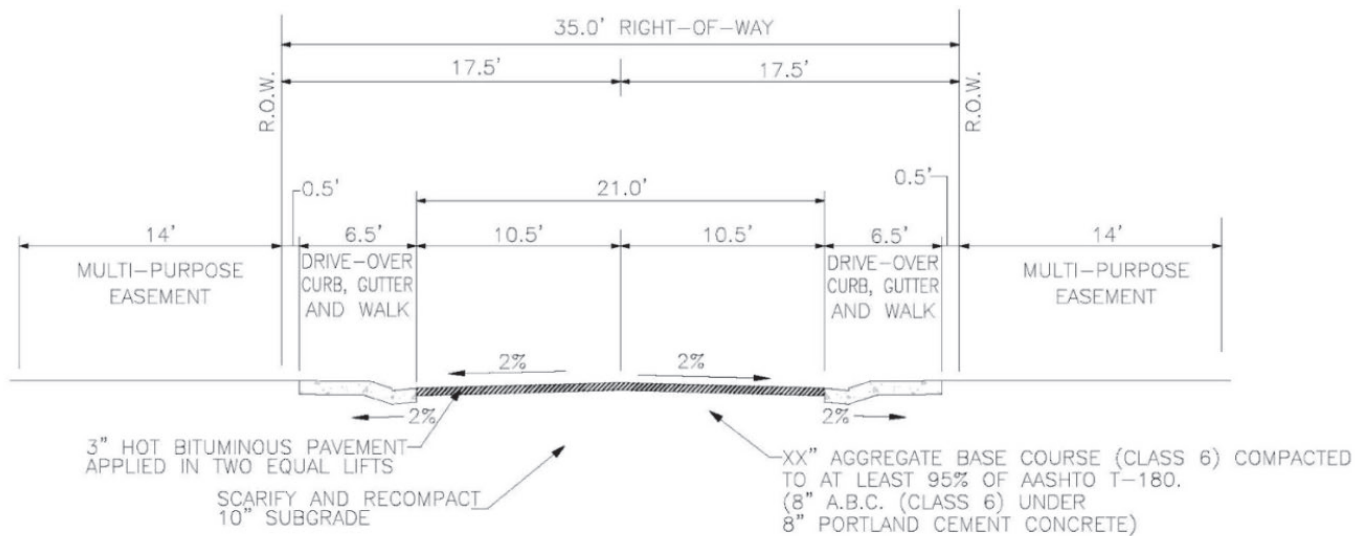


Figure 3: Cross Section of Proposed Local Street Design

As part of the Applicant’s argument for this deviation, they pointed to recent developments in other jurisdictions, including the City of Grand Junction, where these reduced widths were approved and implemented; however, no specific details about those approvals or the conditions under which they were granted have yet been provided. Grand Junction is in the process of updating its Transportation Engineering and Design Standards (TEDS) manual, including a process to allow for alternate street designs, such as the proposed, subject to detailed and specific conditions. On October 10, 2023, the Grand Junction Planning Commission voted to not recommend approval of the updated TEDS manual to the Grand Junction City Council, and on November 15, 2023, the City Council continued consideration of the matter to the meeting scheduled for December 6, 2023.

To fully address staff’s concerns and be approved for a deviation to the standard street width, the Applicant must provide sufficient evidence to demonstrate compliance with the deviation criteria as set forth in Section 16.04.070(B). This includes demonstrating that 1) the deviation will not adversely affect the quality of the subdivision or public health, safety, and welfare, and 2) the alternative design is either necessary to reasonably accommodate development; or will more



effectively implement the purposes of the subdivision regulations; or is superior in functionality, durability, or utility. Primarily, the Applicant must demonstrate how a prohibition of on-street parking will be realistically enforced to maintain a minimum 20-foot clearance for emergency vehicles at all times. Additionally, due to the proposed prohibition of on-street parking, the Applicant must provide for sufficient off-street guest parking throughout the development.

Regarding criteria (b) and (d), the PUD's proximity to the Gunnison River provides both opportunities and challenges. There are significant concerns regarding residential development within the 1% annual chance floodplain, especially considering the anticipated expansions of the 1% annual floodplain and Floodway as shown on the preliminary Flood Insurance Rate Maps (FIRM) recently distributed by the Federal Emergency Management Agency (FEMA). In addition to the threat of flood damage within this hazard area, there are strict federal, state, and local standards for residential construction within the floodplain and mandatory insurance requirements which pose financial burdens.

As identified on the Sketch Plan, approximately half of the PUD, including around 75 of the proposed residential lots, is planned to be located within Zone AE of the Special Flood Hazard Area (SFHA) as delineated on the effective FIRM adopted by FEMA. This indicates a 1% annual chance of flooding for a significant portion of the development based on surveys and studies completed prior to 2010. Within Zone AE, all new construction and other alterations, including subdividing land and site grading, must be reviewed and approved in accordance with the City's Flood Damage Prevention regulations ([Chapter 15.56](#)). Among other requirements, the lowest floor of each new residence must be elevated to one foot above the Base Flood Elevation (BFE) of between 4,936 and 4,939 feet as identified on FIRM Panels [0414D](#) and [0602D](#).

The Preliminary and Final Plats for the PUD must depict specific flood elevation data on the plat map and fully address the standards under Section 15.56.250 to ensure the development and infrastructure serving it is reasonably safe from flooding. These would be the minimum requirements for new development under the effective FIRMs. It should be noted, however, that the more recent preliminary flood hazard mapping identifies that a significant portion of the PUD may be located within the Floodway where there is a higher risk of damage during a 1% annual chance flood event due to anticipated floodwater velocities. Consequently, the standards for development in the Floodway are considerably higher and often infeasible (see Section 15.56.220). In addition to the anticipated increases in land area within the Floodway, the new preliminary mapping shows the remaining PUD area within Zone AE, meaning that the entire Delta Riverwalk PUD may one day be within the floodplain and subject to the relevant development and insurance requirements. New mapping is expected to be adopted by FEMA and take effect sometime in 2025. Figure 4 compares the existing and potential future flood hazard conditions.

There are a variety of ways to reduce flood risk and exposure and to overcome regulatory requirements, none of which will be simple or cheap to implement in regard to this proposed PUD. Mitigation measures or explanations of how the PUD might address these concerns have, so far, been limited to an assertion that it can be done with the stormwater detention area as shown on the Sketch Plan (Attachment A, pages 13 and 17).



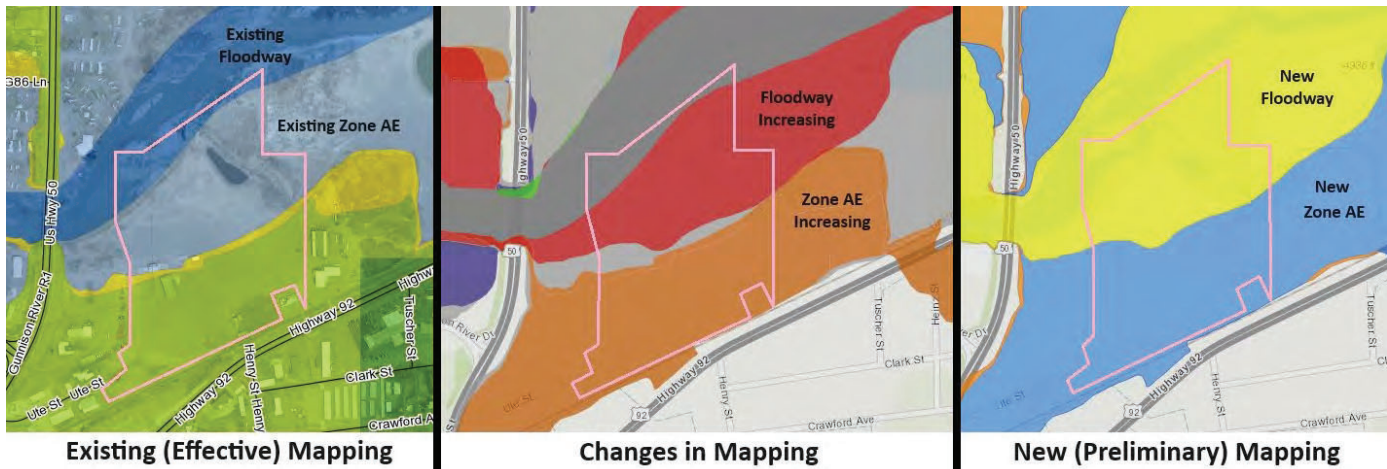


Figure 4: Comparison of Existing and Future Flood Hazard Conditions (Subject Properties Outlined in Pink)

In summary, staff finds that sufficient evidence has not been submitted to date to demonstrate compliance with criteria (b), (c), or (d), and additional details are needed prior to Sketch Plan approval or at the time of Preliminary Plat to fully address access concerns, appropriately consider all current site conditions and potential hazards, and demonstrate compatibility with the natural and built environments. Therefore, as presented in the application materials, staff finds the minimum Sketch Plan **criteria not fully met**.

16.05.050(A): PUD Criteria

The PUD criteria, in short, consists of identifying anticipated land uses and the types, sizes, and locations of existing and future development (criteria 1, 3, and 5); providing landscaping and reservation of common open space areas (2 and 6); providing for appropriate traffic circulation and off-street parking and loading (4); describing the overall character and objectives for the development (8); and providing other details about the development plan.

In general, the layout and planned uses within the PUD conform to the goals and policies of the Comprehensive Plan, which encourages a diversity of housing types to meet the various needs of the community. The Sketch Plan and supporting materials identify the PUD as containing residential land uses only, including 154 lots ranging from approximately 2,500 to 5,800 square feet for single-family detached and potentially some single-family attached units. Existing structures are to be removed and the typical lot layout shows how each unit and required on-site parking will be accommodated. Over 19 acres of public and private open space, parkland, and trails are also proposed, with some areas planned to be dedicated to the City and others to be owned and maintained by a homeowners association. In addition, landscape buffers are provided to help separate proposed residential uses from existing commercial and industrial uses adjacent to the west, south, and east as well as from the highway and railroad along the south boundary.

The residential lot sizes proposed are all smaller than the 6,000 square feet typically required, and some are less than 3,000 square feet. Although there are concerns about on-street parking within the PUD, the typical lot layout provided demonstrates that required two parking spaces for each single-family residence can be accommodated on a lot as small



as 2,500 square feet (Attachment A, page 5). The layout also demonstrates that there is space enough for a home with a footprint of 800-square-feet, building separation per the Building Code, and utility easements; however, drainage is not addressed, and staff still has concerns about how stormwater runoff will be accommodated among the densely packed units. At Preliminary Plat, the Applicant must submit detailed engineering to show that adequate drainage systems will be provided throughout the PUD. The drainage plan must also consider appropriate mitigation measures to reduce flood risk given the PUD's location within Zone AE of the SFHA, as discussed under the minimum Sketch Plan criteria above.

Regarding traffic circulation as required by PUD criterion (4), the proposed PUD provides two primary access points from the City street network via an extension of Gunnison River Drive as contemplated in the [Major Streets Plan](#) and [CDOT Access Control Plan](#). Staff and CDOT find the overall layout acceptable for the purposes of the Sketch Plan since it provides two points of ingress and egress to the PUD. However, as discussed under the minimum Sketch Plan criteria above, there are concerns about internal traffic circulation for emergency vehicles and other services with the reduced right-of-way and pavement widths requested by the Applicant.

Although it may be appropriate to delay engineering design work until Preliminary Plat, additional details are needed to demonstrate that the PUD can fully comply with the requirements, as discussed herein. Therefore, as presented in the application materials to date, staff finds the PUD **criteria not fully met**.

Recommendation

Based on the analysis provided in the Criteria Review section, staff finds that the Sketch Plan for the Delta Riverwalk PUD subdivision is capable of meeting the criteria for approval, but only if more detailed information is provided and revisions are made to fully address outstanding concerns. Therefore, staff recommends the Planning Commission carefully consider the request and its recommendation to City Council. In addition to the option of continuing the discussion to a later meeting date, Section 16.04.050(C)(4)(d) of the Sketch Plan review procedure provides the following options:

(i) The Planning Commission may recommend approval of the Sketch Plan provided that all required submittals have been properly made, and the plans and proposed improvements meet the requirements of this Chapter and other City ordinances without material deviation. The Sketch Plan may be approved with conditions to ensure compliance with requirements of this Chapter and other City ordinances and regulations.

(ii) The Planning Commission may recommend disapproval of any proposed Sketch Plan which is in violation of the requirements of this Chapter. If denied, the applicant may re-submit a revised sketch plan, pursuant to a new application.

Attachments

- A – Application Materials
- B – Referral Agency Comments
- C – Relevant Code Sections



Re-Referral Packet

Delta Riverwalk PUD - Sketch Plan
519 & 595 State Highway 92, Delta, CO
November 7, 2023

*****Attention Referral Agencies: This proposal was originally referred out for comment on October 2, 2023, and has since been revised to better address concerns. The comment deadline for this re-referral is Friday, November 17, 2023.*****

Application Information

Proposal Name: Delta Riverwalk Planned Unit Development (PUD) - Sketch Plan

Proposal Description (Revised): Request for approval of a PUD Sketch Plan to subdivide four existing parcels totaling approximately 38 acres into 154 residential lots, each about 2,500 to 5,800 sq. ft. in area, in addition to extending Gunnison River Drive and providing over 19 acres of public and private open space. *(Original Description: Request for approval of a PUD Sketch Plan to subdivide four existing parcels totaling approximately 38 acres into 178 residential lots, each about 2,500 to 6,450 sq. ft. in area, in addition to extending Ute Street, creating three large commercial lots, and providing four acres of public and private open space.)*

Location: 519 and 595 State Highway (SH) 92 (Assessor Account Nos. R014038, R011636, R023685, and R021579), located on the north side of SH 92 between the terminus of Ute Street and approximately 450 feet northeast of the Henry Street and SH 92 intersection, in Section 13, Township 15S, Range 96W.

Zoning: B-2 and B-3 Commercial Zoning Districts; FEMA Flood Zone AE (1% Annual Chance)

Applicant: Ranch and Farm Resources Management, LLC (owner/developer); Ty Johnson, Kaart Planning (representative)





DEVELOPMENT & LAND USE APPLICATION

Subdivision	Fee	X	Land Use	Fee	X	Other	Fee	X
Boundary Line Adjustment	\$250		Cond Use/Change in Non-Conf. Use	\$200		Fire Hydrant	Time and materials	
Lot Split	\$250		Variance	\$200		Parks (PILP)	\$1203/add'l lot	
Minor Sub	\$250		Amdmt/Add Zoning Map	\$300		Recording fees	Actual cost	
Replat/Plat Amendment	\$250		Travel/Mobile Home Park Development	\$250+ \$10/space		Temporary Use	No fee	
Sketch Plan	\$250	X	Travel/Mobile Home Park License, new owner	\$10/space		Other		
Preliminary Plat	\$500+ \$20/lot							
Final Plat	\$250		Acknowledgement of Fees Form Signed?	Yes	No			
Annex/Disconnect	\$250							

Project Name:	Delta Riverwalk	Application Date:	
Site Location:	NE of 92 & 50	Current Land Use:	Vacant
Assessor Parcel #:	345713100038; 345713100054	Current Zoning:	B-3
Proposed # of Lots:	178	Size – Acres/Sq Ft:	38
Project Description:	See project narrative for a detailed description of the project.		

	Property Owner	Developer	Representative
Name	Ranch and Farm Resources Management LLC		Kaart
Address	6604 Forest Creek Rd.		734 Main St.
City/State/Zip	Dallas, TX 75230		Grand Junction, CO 81501
Phone			970-241-0745
Fax			
E-mail			ty.johnson@kaart.com
Signature	nationsgaspartners@gmail.com		
Date			9/22/2023

It is the applicant's responsibility to provide complete submittals, meet all deadlines, and monitor the progress of the application. Refer to the appropriate checklist for submittal requirements. By signing above, the applicant petitions the City for the requested review, certifies that the information provided is correct to the best of his/her knowledge, and agrees to allow City Staff to enter the project site.



Kaat
734 Main Street
Grand Junction, CO 81501
+1 970 234 7449
<https://kaat.com>

**Delta Riverwalk
PUD Sketch Plan
Project Narrative**

Project Description

The project site consists of four (4) separate parcels that combined are approximately 38 acres in size. The current concept and layout for the sketch plan includes 154 residential lots (4 du/ac). Land will be dedicated to the City for a recreation trail and open space along the northern, southern, eastern, and western boundaries of the development.

Phasing

The development will be built in multiple phases. It is currently not determined how many phases the project will be built in and this largely depends on what the market can bear. However, the first phase of the project will consist of no more than 30 residential lots. This will allow the developer to prove the concept and it will also allow the design team time to obtain necessary access permits with CDOT and the railroad which are needed to permit a required secondary access.

Utilities

The project will be served by all required utilities. An analysis of surrounding utilities has revealed existing water and sewer lines in Ute St. and an existing lift station with a depth of approximately 22' located at the NW corner of 650 N Main St. Sewer will be extended from Ute St. to serve the development and will gravity feed to the existing lift station. There is currently an 8" stub off the lift station to the east that was previously installed to serve future development that this development will connect to. The existing water line in Ute St. will be extended to serve the development and will loop to the existing water line in HWY 50, near the lift station. The water line may also loop into the future water line in HWY 92 that is currently planned by the City. The developer has an existing utility easement for his benefit located across 650 N Main St. which will allow water and sewer connections to the west.

Access and Connectivity

Access has been provided on the sketch plan based on CDOTs access control plan for HWY 50 and HWY 92. Access to the development is provided by Ute St. to the west and HWY 92 to the south. The development plans to dedicate ROW for future build of Gunnison River Dr. on 650 N Main St. CDOT and the railroad have both been engaged to initiate the process to obtain an access permit for the development.



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Open Space

Approximately 19.76 acres will be set aside for open space, which accounts for 52% of the overall project site. This will likely be a combination of dedicated land to the City for the use of a recreation trail and privately developed open space. Any privately developed open space would be owned and maintained by the HOA. Open space is currently designated along the western and northern boundaries of the development, serving as a buffer between residential development, the river, and neighboring property.

Proposed Land Uses

Proposed land uses for the development are limited to single-family residential - both detached and attached. Currently, single-family detached residential housing is planned for the majority of the development. The homes are planned to be 1,200 sq. ft. with 2 bedrooms and 2.5 bathrooms. This is subject to change depending on market conditions. Listed below are proposed dimensional standards for the development.

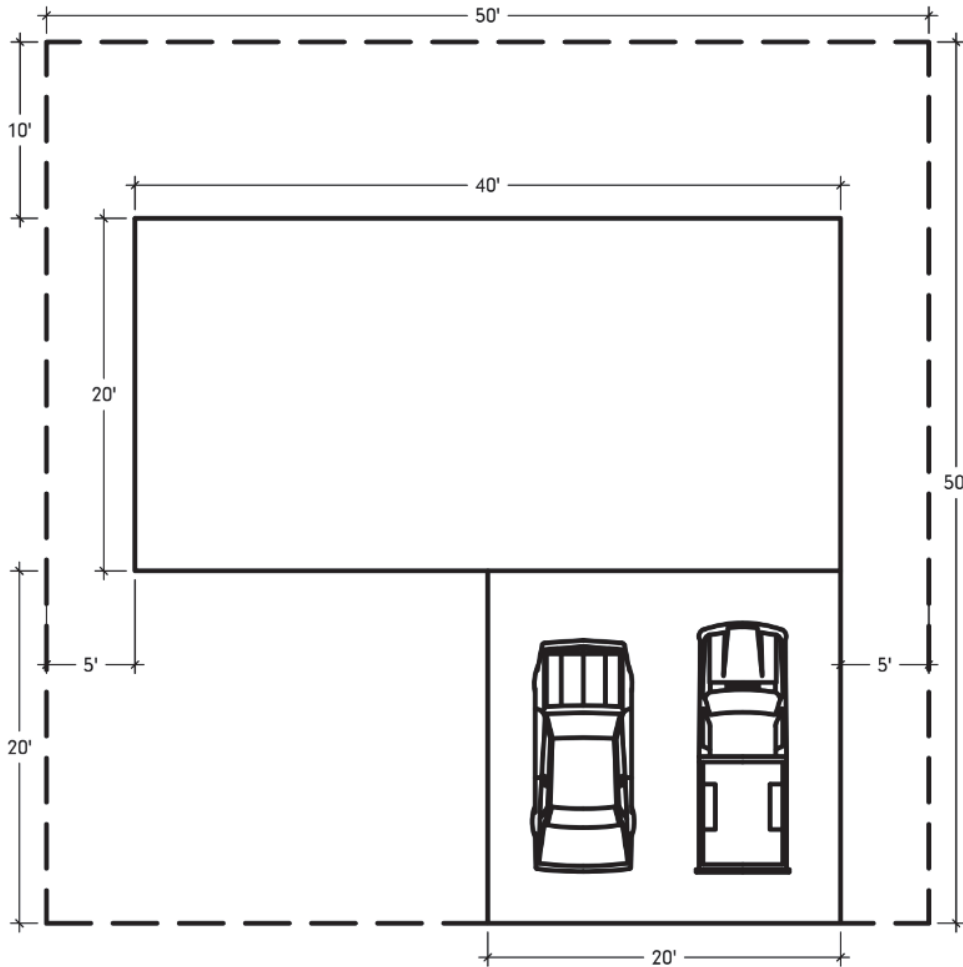
- Minimum Lot Size: 2,500 sq. ft.
- Maximum height: 30 feet
- Minimum Setbacks
 - Front: 20 feet
 - Side: 5 feet
 - Rear: 10 feet

All lots will have 2 off-street parking spaces. Below is an exhibit that displays a standard lot with a draft home footprint

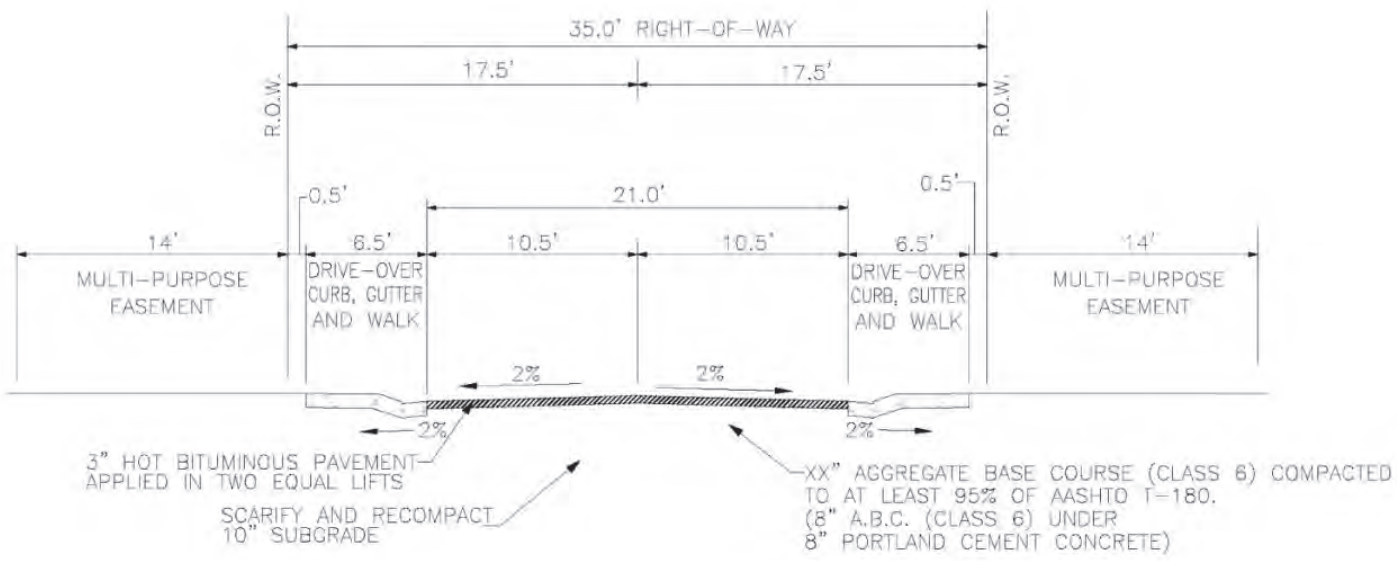


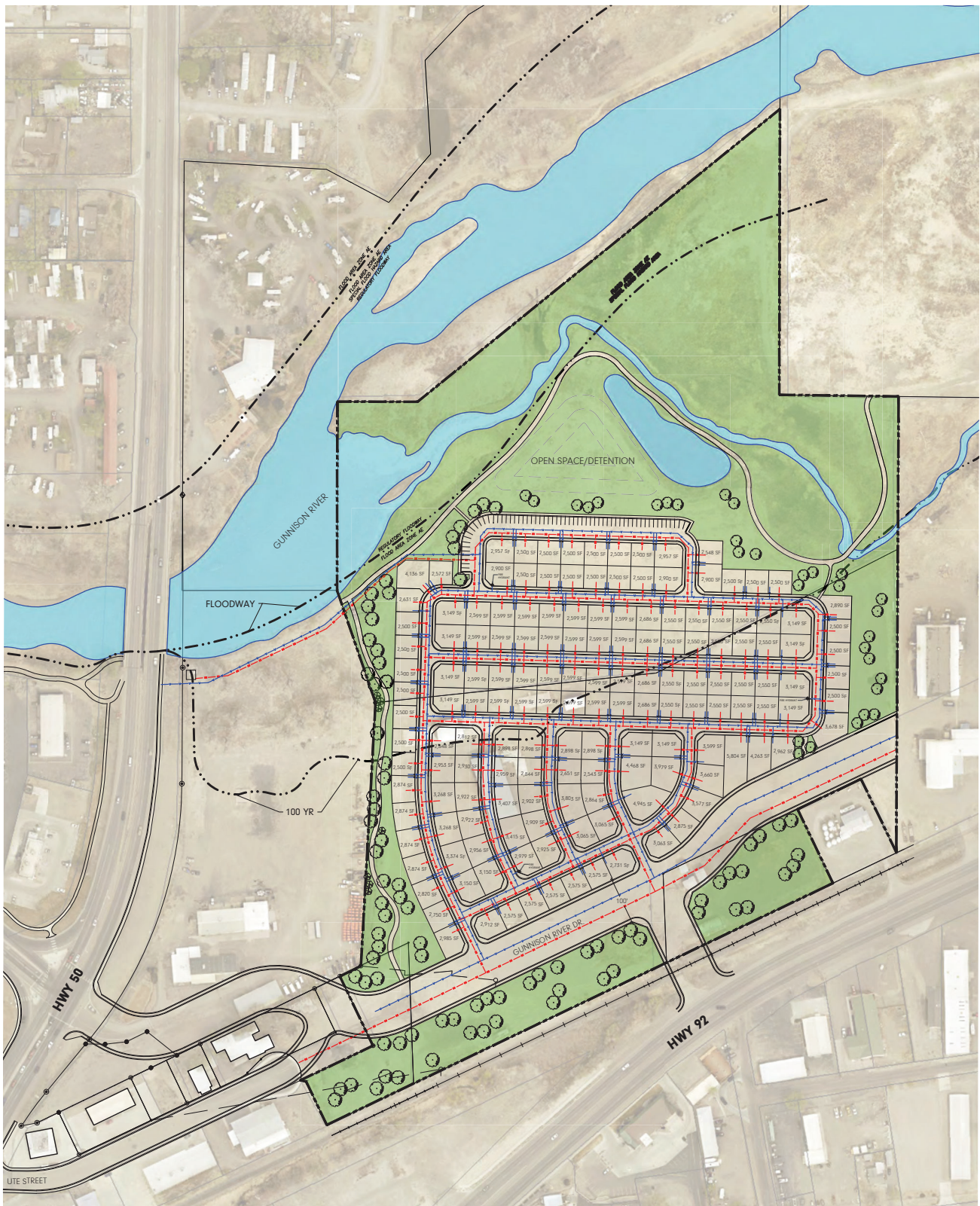
Kart
734 Main Street
Grand Junction, CO 81501
+1 970 234 7449
<https://kart.com>

Typical Lot Layout

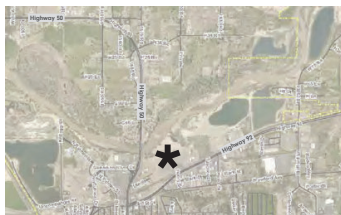


SETBACKS
FRONT - 20'
SIDE - 5'
REAR - 10'





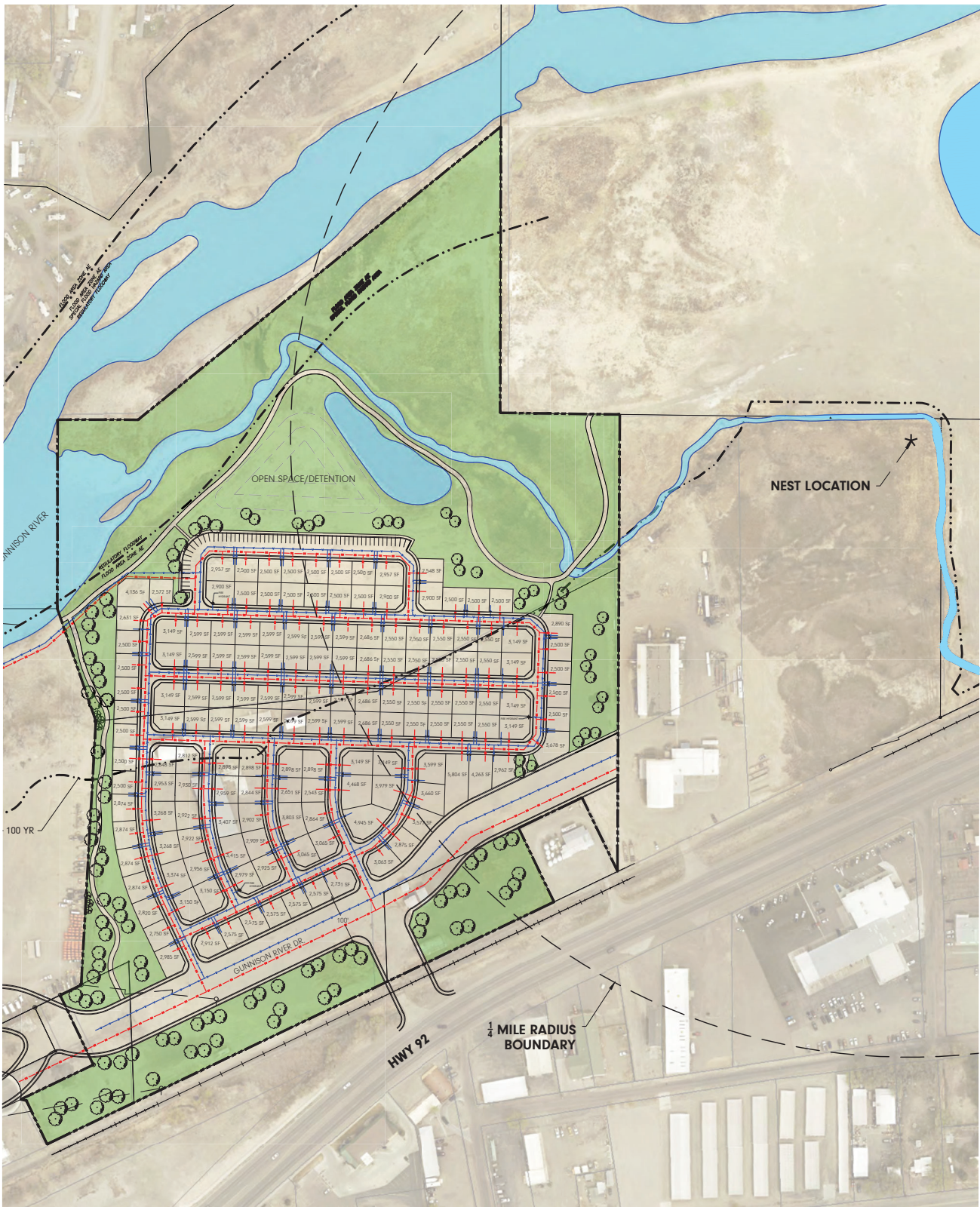
VICINITY MAP



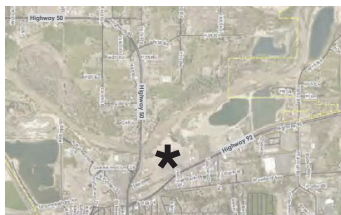
- LEGEND**
- PROPOSED SANITARY SEWER
 - PROPOSED WATER
 - PROPOSED FIRE HYDRANT

- NOTES:**
1. TOTAL RESIDENTIAL LOTS = 154
 2. OPEN SPACE = 19.76 ACRES





VICINITY MAP

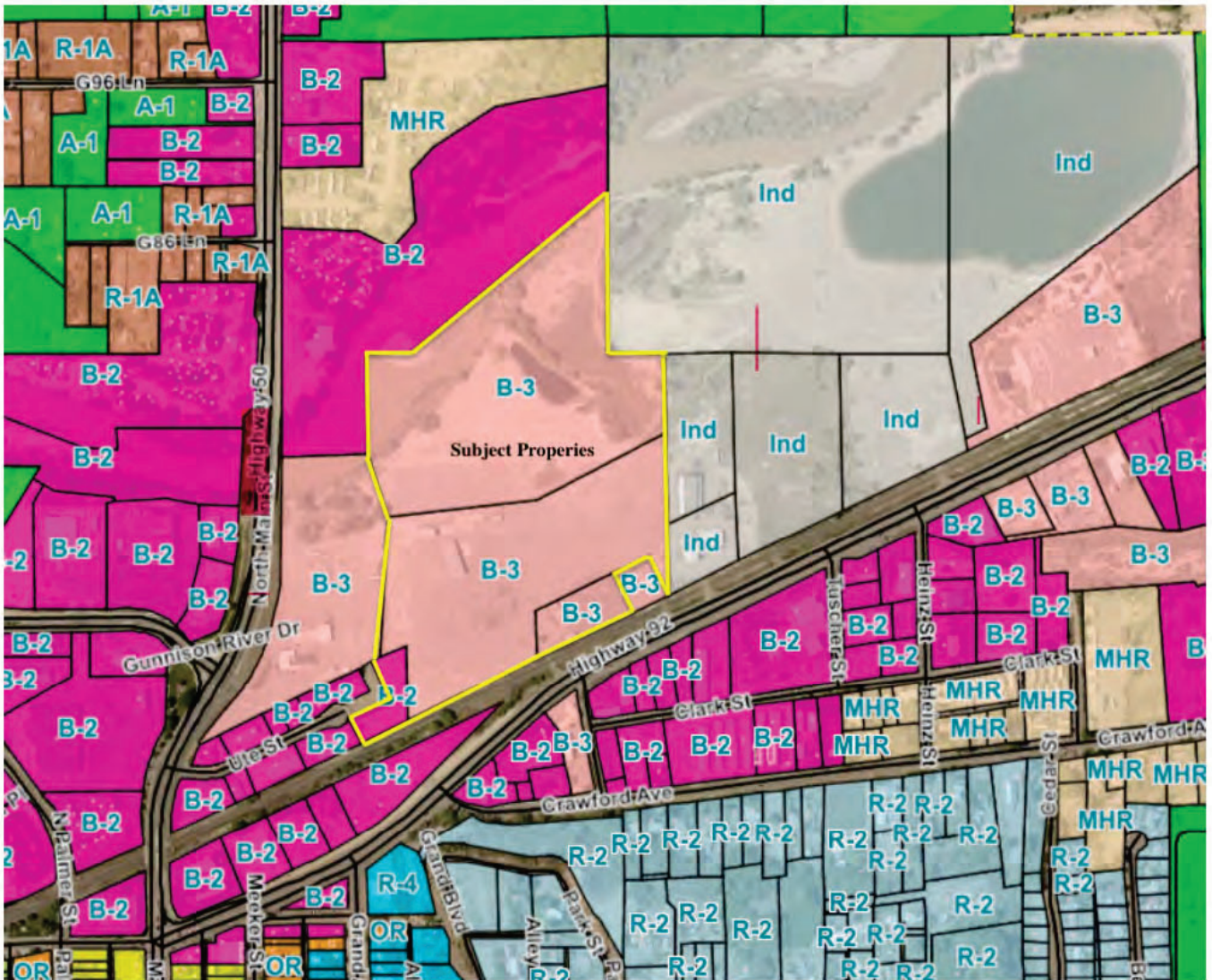


- LEGEND**
- - - PROPOSED SANITARY SEWER
 - - - PROPOSED WATER
 - PROPOSED FIRE HYDRANT

- NOTES:**
1. TOTAL RESIDENTIAL LOTS = 154
 2. OPEN SPACE = 19.76 ACRES



Delta Riverwalk PUD Surrounding Zoning



**Delta Riverwalk PUD - Sketch Plan
City Feedback as of 10/18/2023
9/28/2023 Submittal**

Page 1

Sent To

- Ty Johnson (Kart Planning): ty.johnson@kart.com

Attachments

- Draft Sketch Plan with redlines
- Referral comments received
- [CDOT Access Control Plan](#) (pg 61)
- Delta County road naming guidelines

Review Comments

16.05.050 Planned Unit Development

(A) PUDs shall follow Sections 16.04.010 through 16.04.080 (but excepting provisions of subsection 16.04.070E.) with the following additional requirements:

- (1) Final plan listing allowed uses and showing the location and size of all existing and proposed buildings, structures and improvements and their anticipated uses; The narrative states land uses will mimic those allowed in B-3; however, more specific information is needed to identify other requirements, which depend on how types of uses will be mixed into the development. Please clarify what types of uses are proposed for which areas of the PUD, at least in broad categories (e.g., detached/attached single-family residential, multi-family, retail, light industrial). You could also take the list of uses allowed in B-3 and identify which will not be allowed. More details will be required at Preliminary Plat.***

More clearly identify existing improvements on the plan, including footprints of buildings and any septic systems, and note on the plan if improvements will be kept or removed. Identify approximate locations, sizes, and heights of proposed structures. You may provide “typical” drawings for different residential lot sizes (e.g., demonstrate typical building footprint, setbacks, and parking on a 2,500 sqft lot vs 6,500 sqft). The maximum heights for all anticipated structures must be identified to determine fire access needs. More details will be required at Preliminary Plat.

Response: The narrative has been updated to elaborate on the planned and allowed uses for the project area. Commercial uses are no longer envisioned for the project and it is simply single-family residential (attached and detached).

- (2) Certification showing the landowner dedicates or reserves areas of common open space;***

Identify which areas/features will be commonly owned and maintained vs. privately or publicly (i.e., by the City). Specify responsible entities (e.g., HOA).

Response: The owner is open to discussing a variety of ownership possibilities for the open space areas. It is anticipated that the roads and trails will be dedicated to the City for ownership and maintenance, and that there will be additional tracts of open space and detention areas that will be owned and maintained by the HOA.

- (3) Final plan showing the density and type of building(s) to be built within the PUD to***

include the maximum height of all buildings;

Identify the number of bedrooms and bathrooms per dwelling unit and number of bathrooms for all other structures (tree farm office, etc.). Additional details will be required at the time of Preliminary Plat, but this information is required now to assist staff in reviewing utility infrastructure needs.

Response: The current vision is for the residential area to be detached single family homes that will be 1,200 square feet in size with 2 bedrooms and 2.5 bathrooms. This obviously depends on market conditions and is subject to change.

(4) Final plan showing the internal traffic circulation system, off-street parking areas, service area, loading areas and major points of access to a public right-of-way;

Revisions to traffic circulation are needed to meet Fire Code. Staff suggests making the outer road larger to accommodate higher traffic volumes and function as a secondary ingress/egress. See redlines on plan and additional comments under 16.04.050(C)(4)(a)(iii).

With the requested pavement width for internal roads and based on review by the Fire Official and City Engineer, on-street parking must be prohibited to ensure emergency access is maintained. Address how this will be enforced and demonstrate how parking requirements for all lots and uses will be accommodated, per Section 17.04.230. If requesting reductions in parking requirements, you must demonstrate adequacy via alternatives (e.g., use of public transportation, construction of multimodal infrastructure, different parking needs for age- or income-restricted housing).

Identify any loading or service areas, especially for proposed nonresidential uses. The development entrance directly off Hwy 92 must be revised so that the tree farm parking area does not back out into the roadway; parking must be accommodated on-site and per the [City Standards and Specifications](#). Additional revisions may be required by CDOT and/or UPRR to conform to the Access Control Plan and avoid traffic conflicts, such as enlarging the entrance, installing a signal, or installing a crossing guard, depending on results of the traffic study. If not signalized, it may be restricted to right-in/right-out. See comments from UPRR regarding application for a new crossing agreement.

At a minimum, the plan must not interfere with future conditions as planned in the [Access Control Plan](#) and [Major Street Plan](#). The future Principal Arterial (100-ft ROW) will be aligned with the existing Gunnison River Dr intersection, but its alignment from there to the east is flexible. Depending on the results of the traffic study for the development, ROW dedication and/or partial construction could be necessary. Further, the access via Ute St may be restricted to right-in/right-out as forecasted in the Access Control Plan. See comments from CDOT and redlines on plan.

See additional comments under 16.04.050(C) below. Traffic circulation issues will require close coordination with CDOT, UPRR, and the City to fully resolve. City staff recommends addressing the development's integration with the existing and future street network before making any other revisions since overall layout may need to change significantly. Conducting a preliminary traffic analysis may help in

this decision-making process.

Response: The plan has been updated to accommodate the future build out of Gunnison River Dr. and is stubbed to the Doughty property to the east for connection to future development. The 35' ROW has a rollover curb/gutter that allows fire trucks to utilize during an emergency. It's worth considering that the City of Grand Junction Fire Department permits this street template with parking allowed on one side of the street. Signs are used to communicate which side of the street parking is not allowed on.

(5) Final plan showing the location, height and size of signs, lighting and advertising devises;

Identify general locations of signs advertising the development and/or individual uses within it. More detailed information will be required at Preliminary Plat.

Response: We are not able to provide these details at this point. An electrical engineer will be designing the street light layout during the preliminary plat stage.

(6) Final landscaping plan showing the spacing, sizes and specific type of landscaping material;

Informational Only: The general layout of landscaping is shown. Details will be required at the time of Preliminary Plat.

Response: Acknowledged.

(7) A legal description of the PUD;

Informational Only: Required at the time of Preliminary Plat.

Response: Acknowledged

(8) A final report explaining the character and objectives to be achieved by the PUD;

This report is required at the time of Preliminary Plat, but we also need more details now to better understand the general character. Fully address the comments under (1), (2), and (3) above. At Preliminary Plat, the report must explain the character and objectives for the PUD, and should include details such as allowed uses, density, ownership and maintenance of common spaces, etc.

Response: The project narrative has been updated to address these items.

(9) A final report describing the development schedule indicating when construction will start and when the PUD will be completed;

Informational Only: Required at the time of Preliminary Plat.

Response: Acknowledged

(10) Final copies of any special agreements, conveyances, restrictions or covenants which will govern the use, maintenance and continues protection of the PUD and the common open space areas.

Informational Only: Required at the time of Preliminary Plat.

Response: Acknowledged

16.04.050(C) Sketch Plan

(1) The proposal shall be consistent with the City Standards and Specifications and will be reviewed considering the following at a minimum:

- (a) Conformance with the Comprehensive Plan and Zoning Regulations;** The [Major Street Plan](#), as part of the Comprehensive Plan, identifies a new Principal Arterial roadway (100-ft ROW) connection between Gunnison River Drive at Hwy 50 and Hwy 92 at Henry or Heinz Street with full movement intersections. The adopted CDOT Access Control Plan for this area also identifies this and CDOT comments indicate connections to the east and west of the project area must conform to the Plan. Recognizing that portions of this planned connection are off-site, City staff recommends adjusting the plan to accommodate future conditions as much as possible, but to not interfere with future conditions at a minimum. This may include rearranging the future connection and Ute Street extension to favor the new Principal Arterial. As noted under 16.05.050(A)(4) above, ROW dedication and/or partial construction may be needed, depending on the results of the traffic study, and close coordination with CDOT and the City will be key to finding the best solution.
- Identify 12-ft easements for future City trails. Per City Standards and Specs, trails must be 8 ft wide with 2 ft shoulders, and the extra width allows for construction and maintenance.

Response: The owner intends to dedicate an area for the trails and we will plan on 12' for that dedication. The plan has been updated to accommodate for the future build of Gunnison River Dr.

- (b) Relationship of development to topography, soils, drainage, flooding, potential natural hazard areas and other physical characteristics;**

Provide an explanation of or demonstrate on the plan how drainage to the proposed detention pond will be accomplished and how flooding will be mitigated, per Section 15.56.250, with this significant increase in impervious surface. Detailed information will be required at Preliminary Plat, including base flood elevation data, grading plan, and drainage system plan.

Response: Civil engineering will begin in earnest during the preliminary plat stage. Detention pond(s) will be sized and designed by a Professional Engineer to accommodate all planned stormwater runoff. Preliminary meetings with Profenssion engineering firms have indicated that the area designated on the sketch plan will be adequate in size to accommodate for needed detention area.

- (c) Availability of water, means of sewage collection and treatment, access and other utilities and services; and**

Identify existing and new fire hydrant locations in accordance with IFC requirements. The max distance to a hydrant from the closest point on a

building cannot exceed 400 ft, and the max distance between hydrants cannot exceed 500 ft.

Identify trash receptacle locations or provide an explanation about how trash will be collected. City trash trucks are side-load, not front-load, so receptacle locations need to be planned accordingly if using city trash services.

Informational Only: The conceptual layout for water is acceptable for the Sketch Plan review (except hydrants). Evidence of adequate water flow and pressure for fire suppression and detailed engineering will be required at Preliminary Plat, including details regarding mitigation against flood impacts.

Informational Only: The conceptual layout for sewer is acceptable for the Sketch Plan review. Evidence of adequate sewer capacity and detailed engineering is required at Preliminary Plat, including details regarding mitigation against flood impacts.

Informational Only: As part of the Preliminary Plat application for all subdivisions containing 10 or more lots or units, a traffic impact study and plans for recommended traffic mitigation measures are required unless waived; however, per CDOT's comments, a traffic study is required for their review, so this requirement will not be waived for the proposed development.

Response: The sketch plan has been updated to show fire hydrants that provide adequate coverage of 400'. Detailed design will occur during the preliminary plat. Trash cans will be placed in the street, consistent with all newer subdivisions that lack alleys.

(d) Compatibility with the natural and built environments, wildlife, vegetation and unique natural features.

The tree farm and open space provide some buffering between the residential lots and adjacent highway, railroad, and industrial uses; however, additional buffering may be necessary to fully mitigate negative impacts on future residents, as further outlined under Section 16.05.050(B)(1)(b) (e.g., excessive noise, light pollution, dust, etc.).

Provide an explanation of what measures might be taken to prevent disturbances to residential properties from these surrounding uses. The [Comprehensive Plan](#) identifies a federally-recognized wetland and state-recognized riparian areas within or adjacent to the project area. Show these areas on the plan and provide an explanation of how they will be avoided or impacts mitigation, as appropriate.

The [Comprehensive Plan](#) identifies multiple wildlife habitat areas on and adjacent to the properties, including for mule deer, mountain lion, and osprey. At a minimum, you should address concerns about impacts to the osprey nest site since the project area is located within a ¼- to ½-mile of the nest site and this species is protected by the Migratory Bird Treaty Act (MBTA). At the time of Preliminary Plat, this may require review by a qualified professional to determine occupancy of the nest and appropriate mitigation actions. For Sketch Plan, identify a ¼-mile buffer area around the nest on the plan.

Response: The tree farm concept is no longer proposed. Instead, there will be open space in its palace and there is open space on all sides of the development that provide for buffering from surrounding land uses. An exhibit has been provided that shows a ¼ area around the existing osprey nest. It is important to note that this nest exists in close proximity to industrial land uses and a State Highway, and that these uses are closer to the nest site than the proposed development. The City has indicated that the nest has existed for many years, which reasons to believe that this nest is tolerant of noise.

(3) Following informal review except when not required by other provisions of this Chapter, a copy of the sketch plan shall be filed along with five copies of supporting plans and data, accompanied by an application and a filing fee in the amount set by the City's annual fee schedule. Plans which substantially conform to the submittal requirements must be received a minimum of twenty-five (25) days prior to a regularly scheduled Planning Commission meeting in order to be placed on the next agenda.

Informational Only: More detailed information and revisions to the sketch plan are required before consideration by the Planning Commission. Suggested revisions (as opposed to required) and comments made for informational purposes only are labeled as such.

Response: Acknowledged

(4) The sketch plan review shall be commenced only upon submittal of a completed sketch map, a completed sketch plan application form, deed, appropriate fees, and all required supplemental information as set out below. All submittals must be legible, and may be on multiple pages, as needed for clarity.

(a) Sketch Map: The sketch map shall include the following:

(i) A vicinity map, drawn at a legible scale, showing the project location, with appropriate reference to significant roads or highways, and City Boundaries.

Add a vicinity map that identifies the project area, major roadways (e.g., Hwy 50 and Hwy 92), and the river, at a minimum.

Response: Vicinity map added

(ii) A detailed map showing property boundaries of the subdivision, north arrow and date. The map shall include the name of the subdivision. The scale of the sketch map shall not be less than one inch equals two hundred feet. The map shall show zoning and land use of all lands within one hundred feet of any property boundary owned by or under option to the subdivider. In the case of large subdivisions requiring more than one sheet at such a scale, an index map showing the total area on a single sheet at an appropriate scale shall also be submitted.

Add a date to the plan, which should be updated as revisions occur.

Based on the materials submitted, the name of the subdivision should be Delta Riverwalk "Planned Unit Development." Please name the subdivision consistently throughout the materials to avoid confusion (i.e., remove references to "Pod 1" unless providing additional explanation).

Identify zoning and current land use of all adjacent properties within 100 ft of the project area.

Response: Vicinity map added

(iii) A conceptual drawing of the lot and street layout indicating the approximate dimensions, area and number of individual lots and access to the property. Proposed street names should be included.

Identify proposed street names. Use the Delta County street naming guide (attached).

Clarify ownership and maintenance responsibility of all roads. A minimum of two new access points to the PUD from the City street network must be provided and they must be separated by approximately 550 to 600 ft to meet the Fire Code. See redlines on plan for a suggested modification to meet this. More than two access points can be provided as long as two meet the separation requirement. The main access points should also be aligned with existing roads and not conflict with future planned roads to the extent possible, as discussed under 16.05.050(A)(4) above and per the City Standards.

The minimum pavement width for local streets is 38 feet between face of curbs, per the City Standards. Since you are proposing a deviation on internal roads for 21-ft pavement width, you must address on-street parking (as discussed under 16.05.050(A)(4) above) and building heights cannot exceed 30 ft maximum. If any buildings being accessed will be over 30 ft, a minimum of 26 ft of pavement width is required to accommodate a ladder fire truck, per the Fire Official's comments.

Response: Street names are unknown at this time. Street names will be provided with the preliminary plan set and will comply with Delta Co. street naming guide. The maximum height in the development is 30', as noted in the project narrative.

(iv) Existing significant natural and manmade features on the site, such as streams, lakes, natural drainageways; vegetation types including locations of wooded areas; wildlife habitats; visual impacts; existing buildings; utility lines; septic systems; irrigation and other ditches; bridges and similar physical features; and existing development on adjacent property.

Identify footprints of all existing improvements with labels and note if they are to be kept or removed.

Address other comments regarding the osprey nest site, grading, drainage, and flooding.

Response: Any improvements on the subject property will be removed to accommodate the construction of this development.

(vi) Existing and proposed zoning district boundary lines. Identify current zoning of all parcels within and adjacent to the project

area.

Response: Zoning map submitted with response package.

(vii) Proposed uses including residential types, commercial, industrial, parks, open space and community facilities.

Address comments under 16.05.050(A)(1), (2), and (3) above.

Response: Updated.

(viii) Type and layout of all proposed infrastructure including streets, utilities, water and sewer systems.

Address comments under 16.04.050(C)(1)(c) above.

(ix) Existing and proposed storm-water facilities pertaining to the property.

The plan identifies a detention pond, but no other drainage infrastructure or stormwater facilities. Additional explanation is

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needed to demonstrate that all stormwater runoff can be accommodated on-site, especially given the significant increase in impervious surface and flood risk.

Informational Only: At Preliminary Plat, you must provide engineering calculations and detailed plans to show how stormwater will be handled without sending it off-site or negatively impacting adjacent areas. If being discharged into an existing stormwater or irrigation ditch/pipe, you must have written permission to do so from the owner(s) of that ditch/pipe. City staff has concerns about the size of the stormwater facility shown given flood risk in the area. It's likely that a larger facility and/or smaller stormwater infrastructure throughout the site (e.g., swales) will be needed.

Response: Civil engineering will begin in earnest during the preliminary plat stage. Detention pond(s) will be sized and designed by a Professional Engineer to accommodate all planned stormwater runoff. Preliminary meetings with Professional engineering firms have indicated that the area designated on the sketch plan will be adequate in size to accommodate for needed detention area.

(x) Provision for sufficient off-street parking and adequate school bus stop, and mail box locations where applicable.

Address comments about parking under 16.05.050(A)(4) above.

Informational Only: No referral comments were received from USPS or the Delta County School District. At the time of Preliminary Plat, it may be identified that areas for a school bus stop or mailboxes are needed and required. Staff recommends reaching out to these entities ahead of time to confirm the need for these amenities.

Response: Acknowledged

(xi) Existing site problems or peculiarities, such as poor drainage, flood plain, wetlands or natural and geologic hazards and seepage water.
Address comments under 16.04.050(C)(1)(b) and (d) above.
Informational Only: Detailed information will be required at Preliminary Plat regarding flood risk and mitigation, including providing base flood elevation data, a grading plan, and a drainage system plan.

Response: Acknowledged

(xii) Public use and other areas proposed to be dedicated to the City or conveyed to an Owner's Association and the proposed use of such areas.
Identify which areas/features will be commonly owned and maintained vs. privately or publicly (by the City). Specify responsible entities (e.g., HOA).
Identify easements and ROW to be dedicated to the City.

Response: All ROW will be dedicated. Ownership of open space is yet to be determined and requires additional discussion with City staff to determine those details. We need to better understand City preferences.

(xiii) Existing utility, access, irrigation and other easements. Identify existing easement for the Bona Fide Ditch (it may be prescriptive). Please note that we have not yet received specific comments from Bona Fide and they may want to do a site visit to identify potential issues.
Identify any other existing easements, generally.
Identify new public or other easements that will be dedicated, generally.

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Informational Only: The Preliminary Plat must identify all existing easements encumbering the subject property, as well as all new easements being dedicated. Provide reception numbers or other references for existing easements on the plat. A title commitment will also be required.

Response: Acknowledged

(b) Sketch Plan Application: The Sketch Plan Application for all major subdivisions shall include, but not be limited to, the following information pertaining to the proposed subdivision (this information may be provided in a narrative format):

(i) Total number of proposed dwelling units.

Clarify if residential lots will be developed with single-family attached, detached, multiplex, or multi-family units.

Response: Zoning will allow single family attached or detached.

(ii) Water supplier, if not the City, and estimated total number of gallons per day of water system requirements for non-residential subdivisions.

Response: City of Delta. This development no longer has commercial zoning proposed.

(iii) Estimated total number of gallons per day of sewage to be treated and means for sewage disposal for non-residential subdivisions. A discharge analysis shall be included for all identifiable non-residential uses.

Provide an estimate of GPD for non-residential sewage needs. Include a discharge analysis for all anticipated non-residential uses. Additional details will be required at the time of Preliminary Plat.

Response: This development no longer has commercial zoning proposed.

(iv) Availability of electricity, natural gas and other utilities necessary or proposed to serve the subdivision.

Identify non-City providers for gas and any other non-City utilities. Details will be required at Preliminary Plat.

Response: Acknowledged

(d) Review Procedures.

(iv) The proposed plan shall be submitted to the City Council, if all required submittals have been made, when the development exceeds 200 lots or residential units, exceeds 100,000 square feet of gross floor area of non-residential subdivisions, is proposing significant material deviations from the standard requirements of this Chapter, or when other circumstances require review by the City Council.

Informational Only: Given the requested deviations, including from lot size and road width, and that the number of lots is just shy of 200, the proposal will be submitted to City Council for review following Planning Commission action.

Response: Acknowledged

(B) Minimum design standards. The provisions of Section 16.04.070 (with the exception of the provisions of Subsection E. thereof), are hereby incorporated in this subsection C. and made a part thereof by this reference.

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(1) In addition to the requirements set forth Subsection A of said Section 16.04.070, the following will be required for a PUD:

(a) The uses in a PUD may vary from those uses permitted by right or conditionally permitted in the zoning district in which the planned unit is located if such changes are in keeping with the intent of this Title 16, this Chapter 16.05, and the Comprehensive Plan.

Address comments under Section 16.05.050(A)(1), (2), and (3).

Response: Updated as requested.

(b) The planned unit's relationship to its surroundings shall be considered in order to avoid adverse effects to the development, surrounding properties, public infrastructures and community character caused by traffic circulation, building

height or bulk, lack of screening or intrusion on privacy and other adverse effects;

Identify typical building setbacks for residential lots, and identify setbacks for all non-residential lots. See comments under Section 16.05.050(A)(1). Address compatibility comments under Section 16.04.050(C)(1)(d). Suggestion: Consider special architectural treatments, landscaping, and additional buffering for those residential lots that front on two streets (e.g., large lots on cul-de-sacs north of Ute extension). This could include facade enhancements that create a sense of being part of the surrounding neighborhood rather than just looking at the backs of the buildings and/or additional buffering for privacy (e.g., entrances facing Ute, fencing, landscaping).

Response: Acknowledged

(c) Minimum lot area requirements are established in the Subdivision Regulations [6,000 sqft]. These requirements may be modified by the Planning Commission if the developer indicates that such changes are in keeping with the intent of this Title 16. The Planning Commission must review all PUD's with respect to living space, common open space, parking spaces and traffic circulation.

Address comments under Section 16.05.050(A)(1) and (4) regarding typical building locations, setbacks, and parking. You must demonstrate how any lots less than 6,000 sqft will accommodate residential units, required off-street parking, and other anticipated improvements without negatively impacting traffic circulation or neighboring properties.

Response: Updated as requested.

(d) Common Open Space.

(i) Common open space shall comprise at least twenty-five percent (25%) of the total gross area of a residential PUD. Such open space will be developed and designed for the use of the occupants of the development and shall contain therein adequate space for active recreational activities, and adequately landscaped walkways and parks. Common open space does not include space devoted to streets, parking and loading areas. For a total of ~38 acres, about 9.5 acres of common open space must be provided. Please demonstrate the plan meets this requirement. The narrative suggests only 4 acres of open space is provided, but it appears 9.5 acres could be achieved if the area north of the Bona Fide Ditch is added with amenities such as a trail. Note that the tree farm does not count as common open

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space because it is a commercial use. If a reduction in open space is requested, address concerns and considerations as outlined under Section 16.05.050(B)(1)(d)(iii) and (iv).

Developed park land must be provided. Identify these areas and label ownership/maintenance responsibility, in addition to the identified walking/bicycling paths and undeveloped green space provided. Detailed plans for playground and recreation areas are not required at this time but must be submitted with the

Preliminary Plat.

Response: The project plans over 19.76 set aside as open space, which is over 50% of the project's acreage.

(e) Off-street parking will be determined by the subdivision/zoning regulations. These regulations may be altered by the Planning Commission if the character of the PUD is such that changes to the requirements are in keeping with the intent of this Title.

Depending on the type of residential units and total resulting number, City code requires approximately 2 off-street parking spaces per dwelling. For example, if 178 single-family detached residences are proposed, 356 total off-street parking spaces would be required. Enough detail about anticipated non-residential uses must be provided to determine required parking for those proposed lots. Only ~25 spaces are currently shown and no additional explanation was provided. Address comments under Section 16.05.050(A)(1) and (4) and otherwise demonstrate adequacy of parking given that on-street parking will be prohibited. If parking reductions are requested, you must provide an explanation of alternatives.

Response: Every lot will accommodate at least 2 off-street parking spaces.

From: [Jesse Cox](#)
To: [Raini Ott](#)
Cc: [Kris Stewart](#); [Austin Hanson](#); [Robbie LeValley](#); [Luke Fedler](#)
Subject: Re: For Your Review: Delta Riverwalk PUD - Sketch Plan [Re-Referral]
Date: Monday, November 13, 2023 8:16:47 AM
Attachments: [image002.png](#)

Raini & Kris,

Thank you both for forwarding this to me. I reviewed the sketch as well as the newest flood mapping. I agree completely with Kris. The 1% floodplain and potential groundwater are concerns, but the designated floodway is the biggest concern. This should be strongly considered in the next phase.

Respectfully,
Jesse

On Mon, Nov 13, 2023 at 8:00 AM Raini Ott <raini@dynamicplanning.co> wrote:

Thank you for the response and suggestion, Kris. I have forwarded this proposal to Commander Cox for review and comment.

City staff shares your concerns about developing in the floodplain and future floodway. Sketch Plan is the first step in the process, and details about the flood risk and mitigation measures will be required at the next step, Preliminary Plat, if they proceed with the project.

Kindly,

Raini

970-323-4335

From: Kris Stewart <kstewart@deltacountyco.gov>
Sent: Monday, November 13, 2023 7:34 AM
To: Raini Ott <raini@dynamicplanning.co>
Cc: Jesse Cox <jesse@cityofdelta.net>; Austin Hanson <ahanson@deltacountyco.gov>; Robbie LeValley <rlevalley@deltacountyco.gov>
Subject: Re: For Your Review: Delta Riverwalk PUD - Sketch Plan [Re-Referral]

Raini,

Thank you for the opportunity to review and comment on the Riverwalk development along Hwy 92 in Delta. I've attached a letter with my concerns about the floodplain and floodway issues with this development and the risks it poses to the city and the development.

Please let me know if you have any questions.



Kris Stewart

Emergency Manager

Delta County Sheriff's Office - Emergency Management

555 Palmer Street - PO Box 172 | Delta, CO 81416

kstewart@deltacountyco.gov

Office: 970.874.2004 | Work Cell: 970-712-3605

DeltaCountyCO.gov/EM | [Facebook.com/DeltaCountyOEM](https://www.facebook.com/DeltaCountyOEM)

On Tue, Nov 7, 2023 at 1:42 PM Raini Ott <raini@dynamicplanning.co> wrote:

Hello Referral Agencies,

The City of Delta, Colorado, has received an updated Sketch Plan request, as presented below and in the attached packet. This proposal was originally referred out for comment on October 2, 2023, and has since been revised to better address concerns. Please let us know by Friday, November 17, 2023, if you have any new comments, concerns, or questions regarding the updated request.

Application Information

Proposal Name: Delta Riverwalk Planned Unit Development (PUD) - Sketch Plan

Proposal Description (Revised): Request for approval of a PUD Sketch Plan to subdivide four existing parcels totaling approximately 38 acres into 154 residential lots, each about 2,500 to 5,800 sq. ft. in area, in addition to extending Gunnison River Drive and providing over 19 acres of public and private open space. *(Original Description: Request for approval of a PUD Sketch Plan to subdivide four existing parcels totaling approximately 38 acres into 178 residential lots, each about 2,500 to 6,450 sq. ft. in area,*



Kris Stewart

Emergency Manager

November 13, 2023

City of Delta Planning Department
360 Main Street
Delta, CO 81416
Attn: Jean Lorraine Ott, AICP, CFM – Dynamic Planning Consultant

Re: Planning Referral – Delta Riverwalk PUD 519 & 595 Hwy 92

City of Delta Planning Department,

Thank you for the opportunity to review the re-referral packet for the Delta Riverwalk development planned at 519 and 595 Hwy 92 in Delta. The project was not initially referred to Emergency Management so I appreciate the opportunity to comment on the re-referral. If the Planning Department hasn't already done so, I would encourage the packet also be sent to Commander Cox at the Police Department for review as the City Emergency Manager and to your floodplain administrator for the City.

As County Emergency Manager, my immediate and main concerns upon review of the developer's proposal and plan for development is that the parcel in question is in a floodplain with a large portion of it actually being regulatory floodway where the developer is proposing to build homes. Building homes in the floodplain will lead to future disasters and property damage and potentially public infrastructure damage as well.

The Gunnison River is the northern boundary of the parcels proposed for development and according to the Colorado Water Conservation Board (CWCB) and the FEMA FIRM Maps, approximately half the property is in the FEMA Zone A floodplain (1% chance of flooding), and the northern part of the property is in the regulatory floodway. The CWCB has been working with a contractor for the past two years to update the FEMA FIRM maps in Delta County and they have the latest preliminary floodplain maps on their website. FEMA defines the floodway as, "the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height." FEMA goes on to state, "Communities must regulate development in these floodways to ensure that there are no increases in upstream flood elevations."¹

The latest FIRM maps from CWCB show the regulatory floodway has expanded to the south, covering approximately half of the parcel and including where the developer is proposing to build homes. This would mean these homes cannot be built in or immediately adjacent to the floodway and that almost the entire development would be in the 100-year or 1% risk of flood each year. According to the CWCB Floodplain Regulations, the "Regulatory Floodplain in Colorado is the 100-year floodplain, unless a community voluntarily elects to regulate to a 500-year-flood standard for certain circumstances."²

¹ FEMA - <https://www.fema.gov/glossary/floodway>

² Colorado Water Conservation Board – Department of Natural Resources – Rules and Regulations for Regulatory Floodplains in Colorado 2 CCR 408-1, pg. 10

Delta County Sheriff's Office – Emergency Management

555 Palmer Street – PO Box 172 - Delta, CO 81416

kstewart@deltacountyco.gov

970.874.2004

Canyons – Rivers – Mountains

DeltaCountyCO.gov/EM



I've included a screenshot from CWCB's website of the floodplain mapping for this parcel and if you compare this screenshot to the development image in the referral packet, what the developer has marked as the 1% annual risk (100-year floodplain) is actually the regulatory floodway.

The County and City are working on finalizing an update to the County's multi-jurisdictional Hazard Mitigation Plan and the goal of the plan is to prevent future disasters through mitigation of hazards. Flooding and flash flooding is one of the hazards identified in the plan. Allowing residential homes to be built in the regulatory floodway and/or floodplain will expose all the future residents and future infrastructure to unnecessary risk and creates future hazards given the Gunnison River has the potential to flood every spring from spring run-off. The Gunnison River is also an inundation zone for several dams on the Grand Mesa and east of Delta and spring releases from the Aspinall Unit and Paonia Reservoir have the potential to raise the level of the Gunnison River through Delta to flood status which would negatively impact this development.

The developer's packet which the Planning Department forwarded for review has no mention by the developer of how they intend to mitigate flood risk to the development other than through open space on the northern edge of the parcel which is actually floodway. There is a brief comment about storm water retention ponds but another consideration not addressed is ground water and ground water contamination. Given the proximity of the proposed development to the river, I would urge the city to require a detailed review of groundwater tables and the impact the groundwater tables could have on the development and city infrastructure such as water and sewer, storm water and streets as well as the foundation of homes and how development could contaminate groundwater as well.

I encourage the City Planning Department and Floodplain Administrator to carefully review this application and consult with the Colorado Water Conservation Board and/or FEMA about the new updated FIRM mapping. Based on a preliminary review of the development plan, I feel this development while attempting to address the housing shortage in Delta does not comply with floodplain regulations and if approved would create future hazards for the City of Delta, future residents and lead to significant flood damages, debris issues and other environmental issues. The City has a responsibility for ensuring planning and development actions don't occur in the regulatory floodway and to ensure all development in a floodplain occurs per state and federal regulations and that the development does not create future risks to life and property.

Thank you for the opportunity to comment on this referral and reach out if you have any questions.

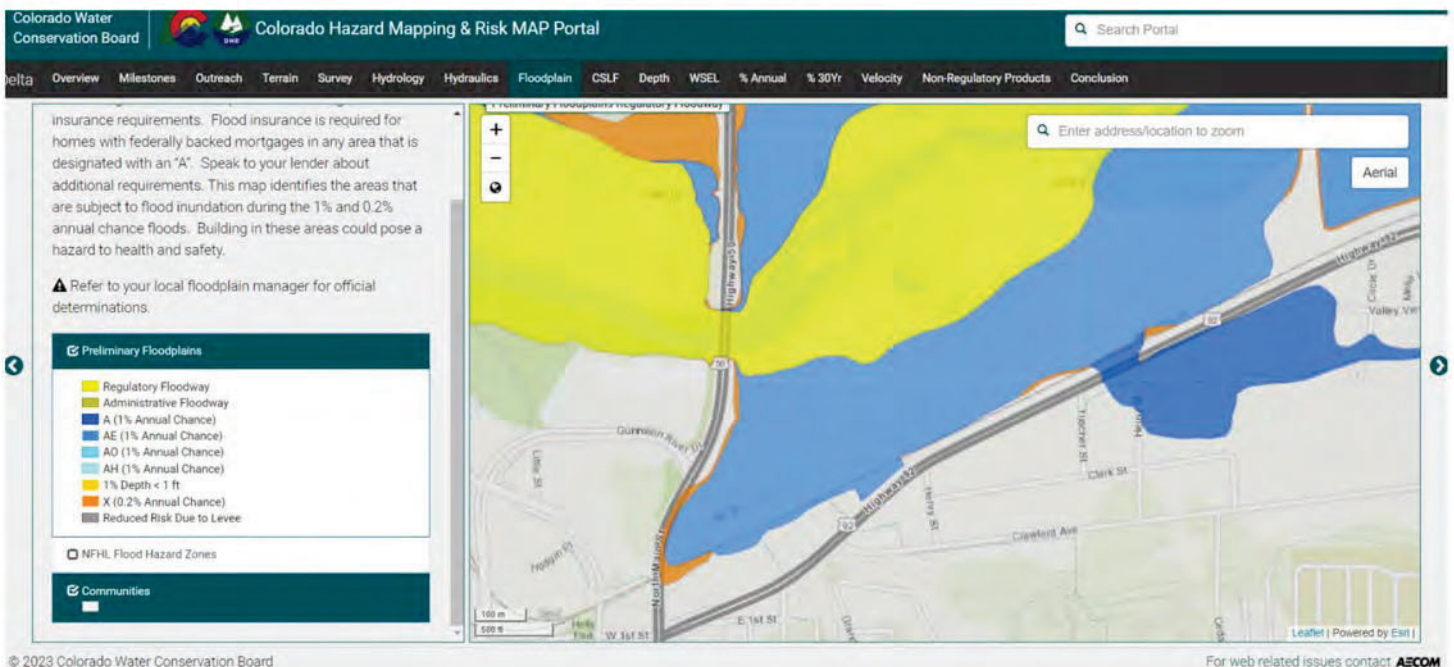
Respectfully,

A handwritten signature in blue ink, appearing to read "Kris Stewart".

Kris Stewart
Emergency Manager



1 Site plan from Referral Packet



2. Screenshot from CWCB website of latest FIRM mapping

From: [Mahan - DNR, Doug](#)
To: [Raini Ott](#)
Cc: joe@cityofdelta.net; michaelmarkus@cityofdelta.net; [Blanco Castano, Marta - DNR](#); [Lensink - DNR, Willem](#); [Terri Fead - DNR](#); [Sarah Houghland - DNR Contractor](#)
Subject: Re: FW: For Your Review: Delta Riverwalk PUD - Sketch Plan [Re-Referral]
Date: Friday, November 17, 2023 1:18:35 PM
Attachments: [image002.png](#)
[2 CCR 408-1 Floodplain Rules Final Adopted Rules 2022.pdf](#)

Good Afternoon, Raini, and my apologies for the late response - I appreciate the community providing us the opportunity to comment - and thank you, Marta, for responding (I hadn't thought of the RiskMAP project that is ongoing in the county).

The location of this development within a Zone AE and its proximity to the floodway presents considerable physical risk to the families that may choose to live there and to the proposed structures themselves. Additionally, the mandatory flood insurance purchase requirement for structures in the Special Flood Hazard Area (SFHA) would impact those buyers with federally backed mortgages, imposing a financial burden. These are concerns that should be addressed with the developer if they have not already. As with any area with known flood risk, we prefer that no development take place (or at least minimal development) but as long as the project complies with local, state, and federal floodplain development requirements then it can be allowed to proceed.

As Marta mentioned, per state Rule 12.G., the project must demonstrate no more than a 0.5-foot rise in the Base Flood Elevation (BFE) unless a CLOMR is obtained and, per rule 12.H., if a BFE increase or decrease of 0.30-feet or more is identified then a LOMR must be obtained. Note that the 0.5-foot rise requirement is cumulative and must take into account any previous development in this floodway fringe. Any negative impact, e.g. rise in BFE, on an existing insurable structure imposed by the new development will most likely result in FEMA denying a LOMR. I've attached a copy of the state's rules for your convenience and the City's rules may be more restrictive than the state's.

It is recommended the community require a detailed grading and drainage plan that addresses flood risk mitigation both during and after construction. A plan for any temporary storage of equipment and materials during construction should also be requested; temporary storage should not be allowed in the floodway at any time. Removal/evacuation procedures for any temporarily stored items in the case of a flood event should be included as well as a timeline for final removal of the items.

The developer's repeated response to the community's flooding concerns, *"Response: Civil engineering will begin in earnest during the preliminary plat stage. Detention pond(s) will be sized and designed by a Professional Engineer to accommodate all planned stormwater runoff. Preliminary meetings with Profension (sic) engineering firms have indicated that the area designated on the sketch plan will be adequate in size to accommodate for needed detention area."*, lacks specifics but that may not be unusual at this stage of the project. I'm available to provide comment on any future detailed plans but I am not an engineer thus my remarks will be limited to how the plans relate to the state's floodplain rules rather than to confirm or invalidate the content.

I believe a lot of what we recommend, e.g. drainage plans, are already part of the community's permitting procedures so my apologies if I'm beating a dead horse. FEMA's overall standard that proposed development be "reasonably safe from flooding" [44 CFR 60.3(a)(3)] gives the

community a lot of flexibility in its permitting but the floodplain rules must be applied in a consistent manner across all applicants.

I hope this information is helpful in your communications with the developer and please let me know if you have any follow up questions or specific concerns about the project you'd like to discuss.

Thanks again!

Doug Mahan, CFM
NFIP Community Assistance Program Coordinator



P 303-866-3441 x3221 | C 303-656-0136 | F 303-866-4474
1313 Sherman St., Room 718, Denver, CO 80203
doug.mahan@state.co.us | cwcb.colorado.gov/ | coloradohazardmapping.com

On Fri, Nov 17, 2023 at 12:22 PM Blanco Castano, Marta - DNR

<marta.blancocastano@state.co.us> wrote:

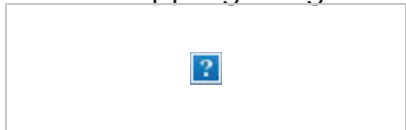
Hi Raini,

Thanks for reaching out. I haven't gone through the entire document yet but I was curious if the City reviewed a no-rise analysis for this large development, or if a CLOMR was submitted to FEMA to show no negative impacts to the SFHA? Since we have an ongoing countywide flood study, the developer would want to compare proposed impacts to the preliminary and effective SFHA delineations.

Adding Terri and Sarah here so they can help me review.

Thank you,

Marta Blanco Castaño, GISP, CFM
Flood Mapping Program Assistant



Cell (719) 464-1199 | Office (303) 866-3441 x3225
1313 Sherman St., Room 718, Denver, CO 80203
marta.blancocastano@state.co.us | cwcb.colorado.gov | coloradohazardmapping.com

On Fri, Nov 17, 2023 at 12:05 PM Raini Ott <rainsi@dynamicplanning.co> wrote:

Good afternoon Doug,

From: w-hutchins@juno.com
To: [Raini Ott](#)
Subject: Re: FW: For Your Review: Delta Riverwalk Subdivision - Sketch Plan
Date: Friday, October 27, 2023 10:42:07 AM

Raini:

The Bona Fide Ditch (BFD) would require the following where it is impacted by the "Delta Riverside Subdivision".

- **Maintain the existing ditch width and course**
- **20' maintenance road on one side of the ditch**
- **2 to 1 slope backs on any cuts or fills**
- **re-locating of existing bridge to ease ditch maintenance**
- **fencing to address public safety**
- **access to the ditch easement through the sub-division with room for turn-arounds, to dismount and load heavy equipment.**

I hope this give you , for a start, something to work with.

Best Will Hutchins

From: [Cory Schreiner](#)
To: [Raini Ott](#) [David Hood](#)
Cc: joe@cityofdelta.net michaelmarkus@cityofdelta.net
Subject: R : Delta Riverwalk
Date: Wednesday, October 18, 2023 1:41 PM
Attachments: [image001.png](#)
[image002.png](#)

Raini, correct, 20' is the minimum width for streets, with no on street parking, where there is a hydrant located on the access road they need the proper clearance of 26', example below:



That dimension is unobstructed and exclusive of shoulders.

If the height of the structures exceed 30', then the street dimensions increase to 26'. Hope that helps.



Cory Schreiner

Fire Prevention Service Manager

970-975-1912

cory@dynamicplanning.co

www.dynamicplanning.co

From: Raini Ott <raini@dynamicplanning.co>
Sent: Wednesday, October 18, 2023 10:45 AM
To: Cory Schreiner <cory@dynamicplanning.co>; David Hood <davidhood@cityofdelta.net>
Cc: joe@cityofdelta.net; michaelmarkus@cityofdelta.net
Subject: FW: Delta Riverwalk

Hey Cory and Dave,

We talked yesterday about the proposed pavement width being 21' and not allowing on-street parking in the Delta Riverwalk development (assuming 30ft max building heights). I'm sending comments today, so please let me know by ~2pm if you have any additional thoughts on the subject. I'm not sure this changes anything for us, but wanted to check.

Kindly,
Raini

970-323-4335

From: [David Hood](#)
To: [Raini Ott](#)
Subject: Re: FW: Delta Riverwalk
Date: Wednesday, October 1, 2023 11:20:44 AM

Good morning, as for Riverwalk, yes the 21' does not appear to work for me, like we have talked before, per our spec, 20' pavement, 10' right of way, and 5' of curb gutter sidewalk (local). Even the "old" roads have 20' pavement and a dirt shoulder for parking. Even if they call it a 21', there will still be someone parked on the edge of the road (21' - 10' = 11'). Thanks

Dave

On Wed, Oct 1, 2023 at 10:00 AM Raini Ott rains@dynamicplanning.co wrote:

Hey Cory and Dave,

We talked yesterday about the proposed pavement width being 21' and not allowing on-street parking in the Delta Riverwalk development (assuming 10ft max building heights). I'm sending comments today, so please let me know by 2pm if you have any additional thoughts on the subject. I'm not sure this changes anything for us, but wanted to check.

Kindly,

Raini

0-2-

From: Ty Johnson ty.johnson@kaart.com
Sent: Wednesday, October 1, 2023 11:01 AM
To: Raini Ott rains@dynamicplanning.co
Cc: Joe Hillman joe@cityofdelta.net
Subject: Re: Delta Riverwalk

Raini Joe,

Checking in to confirm PC for Nov 6

Smaller street templates for residential streets gained traction with Public Works and the Fire Department here in Grand Junction with a development called Copper Creek. We managed the design and entitlement of Copper Creek and worked closely with the City to come up with a 31.5 and 35 template. I believe Copper Creek relies entirely on the 31.5 template which has parking on only one side of the street and sidewalk on one side of the street. Sidewalk on one side of the street for that development was proposed and allowed because of exceptional connectivity of trails and parks throughout the development, with all homes having direct access to a sidewalk or trail.

We may want to utilize the 31.5 template for Bob's development as well. The 35 template also has parking on one side of the street but has a sidewalk on both sides of the street. Again, the idea being to minimize asphalt and on-street parking to acceptable widths while maintaining access to either a sidewalk or trail for every home. Attached is a slideshow that was presented to Fruita CC for Copper West that displays images from plans from the built out Copper Creek and plans for Copper West. This was approved last year and is a very similar version of Copper Creek, just in Fruita, by the same developer. We also just got a PD approved in GJ, The Enclave, which utilizes both the 31.5 and 35 R/W widths. See attached for a site plan. It's also worth noting, that the City of GJ has just updated their residential street template standard with a maximum of 10 travel lanes.

Let me know if you have any questions.

Ty

 [Copper Creek West PC 2.pdf](#) 

on Mon, Oct 1, 202 at 10:20 M Raini from rains@dynamicplanning.co wrote:

Hey Ty,

One more thing. We got a request from the Bona Fide Ditch to enter the property to look at their infrastructure in the context of the proposal. Could you confirm Bob is agreeable and let me know if they will need any assistance for access. I can also ask them to contact you directly to coordinate an on-site meeting, if you want.

Kindly,

Raini

0- 2 -

From: Raini tt
Sent: Monday, October 1, 2022 10:00 AM
To: Ty ohnson ty.ohnson@kaart.com
Cc: oe illman oe@cityofdelta.net
Subject: Re: Delta Riverwalk

Good morning Ty,

Thank you for the detail. I think a few examples of where this has been used in a land use function successfully would be good to look at. Please provide those.

We can let you know about planning commission by Wednesday this week. I am completing my review with the referral comments gathered over the last two weeks and will discuss with the development review team tomorrow, then send a comprehensive list of feedback comments.

Kindly,

Raini

0- 2 -

From: Ty ohnson ty.ohnson@kaart.com
Sent: Tuesday, October 10, 2022 10:00 AM
To: Raini tt raini@dynamicplanning.co
Cc: oe illman oe@cityofdelta.net
Subject: Re: Delta Riverwalk

Also, can you all confirm that this will be on the November PC meeting on 11/6

Thanks,

Ty

On Tue, Oct 10, 2012 at 10:22 AM Ty ohnson ty.ohnson@kaart.com wrote:

Yes, see attached. Let me know if you have any questions. This template has been used for residential streets on numerous projects in Grand Junction. I can point you to those locations, if you're interested.

Ty

On Mon, Oct 1, 2012 at 10:00 AM Raini tt raini@dynamicplanning.co wrote:

Good morning Ty,

Could you send us the local street cross section figure as a separate file? We're having a hard time reading it in the narrative DF submitted.

Kindly,

Raini

0-2-

From: Ty ohnson ty.ohnson@kaart.com
Sent: Thursday, September 2, 2012 10:12 AM
To: Raini tt raini@dynamicplanning.co
Cc: Joe Hillman joe@cityofdelta.net
Subject: Re: Delta Riverwalk

From: [Killian - DOT, Brian](#)
To: [Raini Ott](#)
Cc: [Aggen - DOT, Kandis](#)
Subject: Re: For Your Review: Delta Riverwalk P.D. - Sketch Plan - Re-Review
Date: Thursday, November 1, 2023 10:04 AM
Attachment: [image002.png](#)

Raini,

That connection generally looks okay. I also talked with John Renfrow, the real estate agent for the property by the signal, and he said his client is 100% open to working with this developer to allow easements etc, FYI.

Thanks,

Brian Killian
Region Access Program Manager
Traffic & Safety



P 970-683-6284 | C 970-210-1101 | F 970-683-6290
222 S. 6th St, Room 100 Grand Junction, CO 81501
brian.killian@state.co.us | www.codot.gov | www.cotrip.org

On Wed, Nov 1, 2023 at 10:04 AM Raini Ott raini@dynamicplanning.co wrote:

Thank you so much for your comments, Kandis. Things have been very busy in Delta this year and I very much appreciate how responsive you and Brian are.

Just to confirm, you all are okay with how they've shown the Gunnison River Drive extension, at least in general for the purpose of a Sketch Plan. Details will get worked out at preliminary plat.

Kindly,

Raini

11/1/23

From: Aggen - DOT, Kandis kandis.aggen@state.co.us

Sent: Wednesday, November 1, 2023 10:00 AM
To: Raini tt rains@dynamicplanning.co
Cc: oe@cityofdelta.net Lindsay Reed lindsay@cityofdelta.net
michaelmarkus@cityofdelta.net
Subject: Re: For our Review: Delta Riverwalk ID - Sketch Plan Re-Referral

Hi Raini,

Thanks for sending these reviews to ID T.

ID T will require a traffic study for this development. We recommend they reach out to ID T to determine the methodology for the study.

Thanks,

Kandis Aggen

Assistant Access Manager

Region 3 Traffic & Safety



P 970.683.6270 | F 970.683.6290

kandis.aggen@state.co.us | www.codot.gov

222 S. Sixth St., Rm 100, Grand Junction, CO 81501



On Tue, Nov 14, 2023 at 10:00 AM Raini tt rains@dynamicplanning.co wrote:

From: [Athen - DO, Kandis](#)
To: [Raini Ott](#)
Cc: joe@cityofdelta.net, [Indsay Reed](#), [Brian Hillian - DO](#)
Subject: Re: For Your Review: Delta Riverwalk Subdivision - Sketch Plan
Date: Tuesday, October 3, 2023 3:41:04 PM
Attachment: [image002.png](#)

Hi Raini,

Thanks for reaching out to DOT on this. We've been talking with department planning as well.

DOT will require connections to the west and east per the access control plan. We will also require a traffic study and permit(s) for Hwy 2 and possibly to St. Hwy 0. It looks like the attached site plan shows connectivity to the west but not the east so that needs to be addressed. They can reach out to DOT for access permitting or any additional questions.

Thanks,
Kandis Aggen
Assistant Access Manager
Region 3 Traffic & Safety



P 970.683.6270 | F 970.683.6290
kandis.aggen@state.co.us | www.codot.gov
222 S. Sixth St., Rm 100, Grand Junction, CO 81501



On Mon, Oct 2, 2023 at 10:02 AM Raini Ott raini@dynamicplanning.co wrote:

Good afternoon Referral Agencies,

The City of Delta, Colorado, has received a Subdivision Sketch Plan request, as presented below and in the attached packet. Please let us know by Wednesday, October 11, 2023, if you have any comments, concerns, or questions regarding the request.

Application Information

Proposal Name: Delta Riverwalk Subdivision - Sketch Plan

Proposal Description: Request for approval of a Sketch Plan to subdivide four existing parcels totaling approximately 10 acres into 1 residential lots, each about 2,000 to 3,000 square feet in area, in addition to extending 1st Street, creating 10 large commercial lots, and providing 10 acres of public and private open space.

From: [Jonathan Holland](#)
To: [Raini Ott](#) [Joe Gates](#)
Cc: joe@cityofdelta.net michaelmarkus@cityofdelta.net
Subject: R : For Your Review: Delta Riverwalk Subdivision - Sketch Plan
Date: Wednesday, October 18, 2023 7: 0:1 AM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)

Thanks for that information, Raini.

That crossing is a private industry crossing currently, so you will need to apply for a new crossing agreement. Please utilize the link below to submit your request for a Public Road Crossing Agreement.

After you submit your request, our 3rd party engineering firm (Benesch) will review your request and get back to you as quickly as possible. We kindly ask for your patience as they conduct their review on behalf of Union Pacific. If the submission is approved, then my team and I will be progressing your project.

Use the link here → https://benesch.quickbase.com/db/bpqhu_hqy_a_dbpage_pageid_1 to submit an inquiry.

Thank you,
Jonathan Holland
Union Pacific Railroad Manager [Real Estate](#)
1400 Douglas St, ST P 1690 Omaha, NE 68179



BUILDING AMERICA®

From: Raini Ott <raini@dynamicplanning.co>
Sent: Wednesday, October 18, 2023 8:34 AM
To: Jonathan Holland <jonathan.holland@up.com>; Joe Gates <jagates@up.com>
Cc: joe@cityofdelta.net; michaelmarkus@cityofdelta.net
Subject: RE: For Your Review: Delta Riverwalk Subdivision - Sketch Plan

**P C T C T This email was sent
from outside the Company**

Good morning,

The existing crossing is located almost directly across from Henry Street at Hwy 92 in Delta. Coordinates from Google are: 38°44'54.4"N 108°03'55.5"W. I don't think there are currently any traffic controls at the location, and this is proposed to be one of only two access points to the 178-lot subdivision.



Michael Markus <michaelmarkus@cityofdelta.net>

Delta Riverwalk PUD

1 message

Sinclair - DNR, Stuart <stuart.sinclair@state.co.us>

Tue, Nov 14, 2023 at 12:45 PM

To: michaelmarkus@cityofdelta.net, raini@dynamicplanning.com

Thank you for the opportunity to comment.

Colorado Parks and Wildlife does not have any other concerns about this project at this time. The 1/4 mile buffer around the osprey nest is sufficient.

Thank you.

--

Stuart Sinclair
District Wildlife Manager - Badge #148
Delta



LIVE LIFE
OUTSIDE

P (970)209-2370

2300 S. Townsend ave. Montrose, CO

Stuart.Sinclair@state.co.us | cpw.state.co.us

From: [Austin Hanson](#)
To: [Raini Ott](#)
Subject: Re: For Your Review: Delta Riverwalk P D - Sketch Plan Re-Referral
Date: Tuesday, November 7, 2023 3:2 : 0 PM
Attachment: [image002.png](#)

Thank you for the clarification.
Justin

On Tuesday, November 7, 2023 at 3:20 PM Raini Ott raini@dynamicplanning.co wrote:

Hi Justin,

I was directed to refer this to you by the County IS coordinator, Carrie Derco, I think because you act as the County Floodplain Manager and this project is within the floodplain. But City staff is also well aware of the flood issues present and has tried to communicate the associated risks and expenses to the developer.

Kindly,

Raini

0-2-

From: Justin Hanson ahanson@deltacountyco.gov
Sent: Tuesday, November 7, 2023 2:11 PM
To: Raini Ott raini@dynamicplanning.co
Subject: Re: For Your Review: Delta Riverwalk P D - Sketch Plan Re-Referral

Raini -

Thank you for reaching out.

I am the Director of Development for Delta County.

So, this project is out of my jurisdiction.

Therefore, I do not have any additional comments.

Best of luck

Justin

On Tue, Nov 2, 2022 at 1:20 PM Raini from raini_dynamicplanning.co wrote:

Hello Referral Agencies,

The City of Delta, Colorado, has received an updated Sketch Plan request, as presented below and in the attached packet. This proposal was originally referred out for comment on October 2, 2022, and has since been revised to better address concerns. Please let us know by Friday, November 11, 2022, if you have any new comments, concerns, or questions regarding the updated request.

Application Information

Proposal Name: Delta Riverwalk Planned Unit Development (PUD) - Sketch Plan

Proposal Description Revised : Request for approval of a PUD Sketch Plan to subdivide four existing parcels totaling approximately 38 acres into 178 residential lots, each about 2,500 to 6,450 sq. ft. in area, in addition to extending Gunnison River Drive and providing over 4 acres of public and private open space. *(Original Description: Request for approval of a PUD Sketch Plan to subdivide four existing parcels totaling approximately 38 acres into 178 residential lots, each about 2,500 to 6,450 sq. ft. in area, in addition to extending Ute Street, creating three large commercial lots, and providing four acres of public and private open space.)*

Location: 1/2 mile east of State Highway (SH) 2 (Assessor's account nos. R010, R011, R02, and R021), located on the north side of SH 2 between the terminus of Te Street and approximately 100 feet northeast of the Henry Street and SH 2 intersection, in Section 1, Township 1 S, Range 10 W.

Zoning: B-2 and B-3 Commercial Zoning Districts F M Flood Zone 1 (1 Annual Chance)

Applicant: Ranch and Farm Resources Management, LLC (owner/developer) Ty Johnson, Bart Manning (representative)

Application Materials: Attached

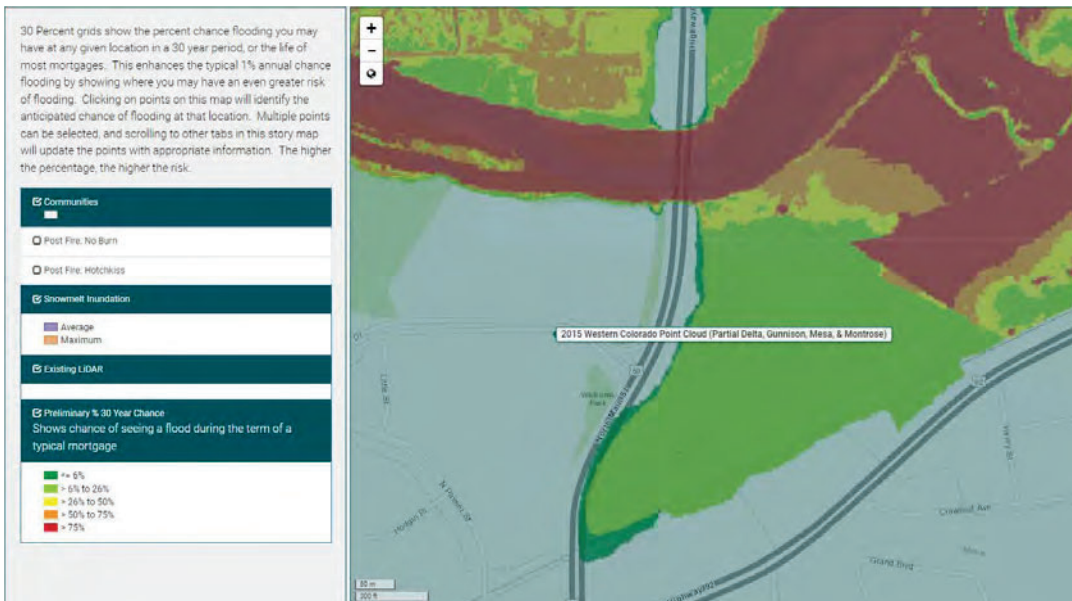
Comment Deadline: Friday, November 11, 2022

Sincerely,

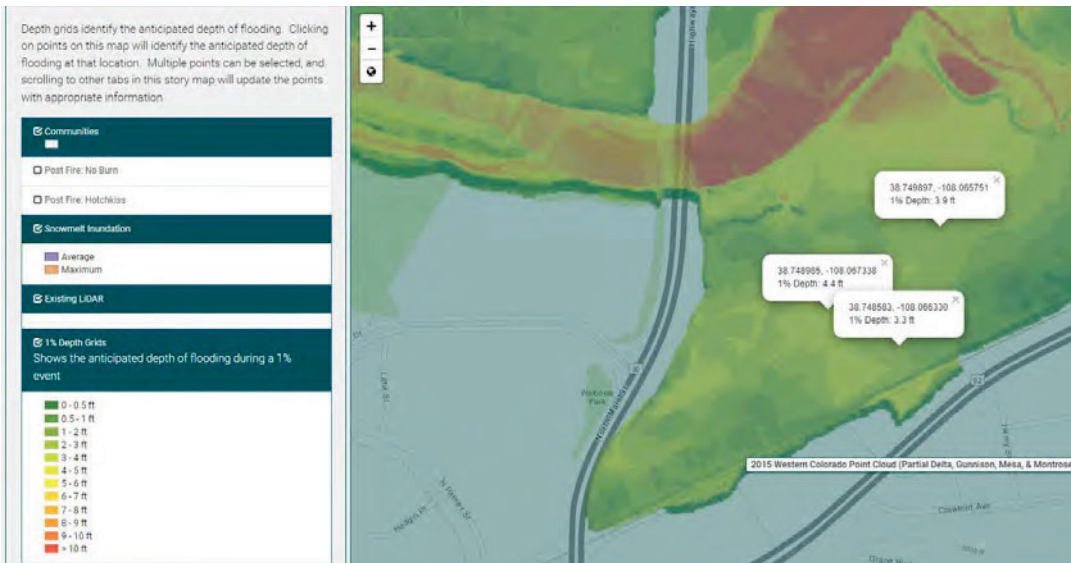
From: [arrie Derco](#)
To: [Raini Ott](#)
Subject: Re: For Your Review: Delta Riverwalk P D - Sketch Plan Re-Re erral
Date: tuesday, ovementer 7, 2023 11:4 :24 AM
ttac me t : [ima e002. n](#)

Flooding is a *ma or* concern for this development. Has the additional cost of flood insurance been considered for these homes When flood insurance is added homes often become unaffordable and difficult to sell. Here are a few screen clippings that show the flooding potential. Image 1 - for a home in this area it has 2 chance of flooding during the 0 year mortgage. Image 2 - during a 1 flood these homes will be inundated with feet of water. Image - the yearly potential for flooding is up to 1 . ne percent doesn't sound like much but the next category is the primary floodway. Building in a 1 annual chance ()flood one is risky. This entire area is best suited for wildlife and possibly some outdoor recreation activities. Source of information - [link](#)

1



2



3



arrie erco .S.
 GIS irector
 295 6th St. | elta, CO 81416
 970.874.2119 O | cderco@deltacountyco.gov
deltacountyco.gov | facebook.com/deltacountyco
 Public Interactive ap link

----- review Message -----

n Tue, ov , 202 at 10: 2 M Raini tt raini_dynamicplanning.co wrote:

From: [ate_irk](#)
To: [Raini Ott](#)
Subject: Re: For Your Review: Delta Riverwalk Subdivision - Sketch Plan
Date: Thursday, October 12, 2023 1:43:00 PM
ttac me t : [ima_e002_n](#)

Hi Raini,

Thank you for including the county in review of the proposed subdivision. Seems like they have a jump start on access, especially with both DOT and the RR being involved. The only concern I would pose is the Floodplain. I know FEMA is in the process of refining hydrology, hydraulics, and floodplain mapping within Delta county. Based on the Data Map for Colorado Hazard Mapping Risk Model, the north portion of the proposed lots appear to be in the Regulatory Floodway (preliminary), according to the data. Did this proposal get sent to Delta county Environmental Health Department for review? The Health Director is currently the Floodplain Manager for the county.

Better than that, there is no direct impact to Delta county Roads or resources.

ate_irk
Planner
: 905-2110
200 West Street Delta, CO 81401
deltacountyco.gov facebook.com/deltacountyco

On Monday, October 2, 2023 at 1:01 PM Raini Ott raini@dynamicplanning.co wrote:

Good afternoon Referral Agencies,

The City of Delta, Colorado, has received a Subdivision Sketch Plan request, as presented below and in the attached packet. Please let us know by Wednesday, October 11, 2023, if you have any comments, concerns, or questions regarding the request.

Application Information

Proposal Name: Delta Riverwalk Subdivision - Sketch Plan

Proposal Description: Request for approval of a Sketch Plan to subdivide four existing parcels totaling approximately 10 acres into 1 residential lots, each about 2,000 to 3,000 square feet in area, in addition to extending 1st Street, creating 2 large commercial lots, and providing 10 acres of public and private open space.

Location: 10 and State Highway 2 (Assessor Account Nos. R0100, R0110, R0200, R0210), located on the north side of State Highway 2 between the terminus of 1st Street and approximately 100 feet northeast of the Henry Street and State Highway 2 intersection, in Section 10, Township 1 S, Range 10 W.

Chapter 16.05

CLUSTER DEVELOPMENT, PLANNED UNIT DEVELOPMENT, AND ZERO LOT LINE DEVELOPMENT

Sections:

- 16.05.010 Purpose.
- 16.05.020 General provisions.
- 16.05.030 Definitions.
- 16.05.040 Submission and review of cluster development.
- 16.05.050 Submission and review of planned unit developments.
- 16.05.060 Submission and review zero lot line development.
- 16.05.070 Changes to adopted plan.

16.05.010 Purpose. The purpose of the Planned Unit Development, sometimes in this Chapter referred to as PUD, is to provide the opportunities to create more desirable environments through the application of flexible and diversified subdivision and land use regulations under a comprehensive plan of development. It is further intended to achieve economics in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable attractive open spaces, safe circulation, and to protect the general well-being of the inhabitants.

The purpose of Zero Lot Line Development and Cluster Development is to allow multiple ownership of single building envelopes such as condominiums, town homes, office and retail space. Cluster development is encouraged to preserve environmentally sensitive areas, open space and agricultural lands. (Ord. 5, 2022)

16.05.020 General provisions.

A. Planned Unit Developments, Zero Lot Line Developments and Cluster Developments shall be in general conformity with the Comprehensive Plan.

B. The zoning and subdivision regulations contain the minimum design standards for any development. Where modifications of those standards is in keeping with the intent of this Chapter and can be documented to show beneficial effects, such modification may be permitted.

C. Approval by the City of a Development with this Chapter 16.05 is purely discretionary based on the regulatory requirements set forth in this Chapter. If the City and the

applicant do not agree on the development plan, the City may deny approval or impose conditions. If the applicant does not accept the conditions, then the development must adhere to the established Subdivision, Land Use and other applicable Regulations. (ord. 5, 2022)

16.05.030 Definitions. Those terms specific to PUD's, Zero Lot Line Developments and Cluster Developments are defined for use in this Chapter as set forth in this Section. Additional definitions may be found in Section 16.04.030 of The Subdivision Regulations.

A. "Cluster Development" means lots that are smaller and arranged differently than otherwise allowed to allow conservation of farm land, wildlife areas or common open space.

B. "Common Area" means area used and maintained by all owners located in the development.

C. "Common open space" means a parcel of land, an area of water, or a combination of land and water within the site designated and intended primarily for the use or enjoyment of residents, occupants and owners of the Planned Unit Development. In a single-family PUD, private yards may be considered common open space.

D. "Limited Common Element" means an area restricted to use by the units (area) designated.

E. "Plan" means the provisions for development, which may include and need not be limited to easements, covenants and restrictions relating to use, location and bulk of buildings and other structures, intensity of use or density of development, utilities, private and public streets, ways, roads, pedestrian areas, and parking facilities, common open space, and other public facilities.

F. "Planned Unit Development" (PUD) means an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk or type of use, density, lot coverage, open space, or other restrictions to the existing land use regulations.

G. "Provisions of the plan" means the written and graphic

materials and other contents of the "plan" defined by subsection E of this Section.

H. "Zero Lot Line Development" refers to buildings that may be attached to each other with a common wall or directly adjacent to each other on one lot boundary line.

16.05.040 Submission and review of cluster development plans.

A. Cluster developments shall follow sections 16.04.010 through 16.04.080, exempting 16.04.070.E with the following additional requirements:

1. Interior setbacks of individual ownership may be modified to fit the needs of the specific cluster development. The exterior setbacks of the entire development shall meet the tabled setback for the appropriate zone.

2. Twenty-five percent of the gross acreage must be open space.

3. The minimum lot size maybe reduced if the aggregate size of the total platted cluster development meets the total of all lots minimum size requirements, including open space, however streets and roads may not be counted towards open space.

4. The perimeter of the cluster development which abuts a right-of-way shall be buffered. All, or a portion of, the open space may be located between the clustered development and adjoining development.

5. The project landscaping and buffer design shall be established as part of any preliminary subdivision plan approval.

6. A cluster development project may be developed in phases. The City may require the applicant to divide the project into phases in order to meet requirements and standards contained in these regulations. Each phase must be self-sufficient with adequate facilities and services and contain a mix of residential uses and densities and open space, while meeting the requirements, standards and conditions applicable to the project as a whole.

7. All cluster developments shall establish a Home Owner's Association or other entity to maintain the common area.

16.05.050 Submission and review of a Planned Unit Development.

A. PUDs shall follow Sections 16.04.010 through 16.04.080 (but excepting provisions of subsection 16.04.070E.) with the following additional requirements:

1. Final plan listing allowed uses and showing the location and size of all existing and proposed buildings,

structures and improvements and their anticipated uses;

2. Certification showing the landowner dedicates or reserves areas of common open space;

3. Final plan showing the density and type of building(s) to be built within the PUD to include the maximum height of all buildings;

4. Final plan showing the internal traffic circulation system, off-street Parking areas, service area, loading areas and major points of access to a public right-of-way;

5. Final plan showing the location, height and size of signs, lighting and advertising devices;

6. Final landscaping plan showing the spacing, sizes and specific type of landscaping material;

7. A legal description of the PUD;

8. A final report explaining the character and objectives to be achieved by the PUD;

9. A final report describing the development schedule indicating when construction will start and when the PUD will be completed;

10. Final copies of any special agreements, conveyances, restrictions or covenants which will govern the use, maintenance and continues protection of the PUD and the common open space areas.

B. Minimum design standards. The provisions of Section 16.04.070 (with the exception of the provisions of Subsection E. thereof), are hereby incorporated in this subsection C. and made a part thereof by this reference.

1. In addition to the requirements set forth Subsection A of said Section 16.04.070, the following will be required for a PUD:

a. The uses in a PUD may vary from those uses permitted by right or conditionally permitted in the zoning district in which the planned unit is located if such changes are in keeping with the intent of this Title 16, this Chapter 16.05, and the Comprehensive Plan.

b. The planned unit's relationship to its surroundings shall be considered in order to avoid adverse effects to the development, surrounding properties, public infrastructures and community character caused by traffic circulation, building height or bulk, lack of screening or intrusion on privacy and other adverse effects;

c. Minimum lot area requirements are established in the Subdivision Regulations. These requirements may be modified by the Planning Commission if the developer indicates that such changes are in keeping with the intent of

this Title 16. The Planning Commission must review all PUD's with respect to living space, common open space, parking spaces and traffic circulation.

d. Common Open Space.

i. Common open space shall comprise at least twenty-five percent of the total gross area of a residential PUD. Such open space will be developed and designed for the use of the occupants of the development and shall contain therein adequate space for active recreational activities, and adequately landscaped walkways and parks. Common open space does not include space devoted to streets, parking and loading areas.

ii. The Planning Commission may exempt nonresidential PUD's from the common open space requirement if it finds the development will provide for the occupants' or customers' needs for open space in whole or in part by either or a combination of :

(1). Public park, community gathering space, or recreation features, or a combination thereof, for which the site of the PUD has or will be levied a special assessment; or

(2). Developed facilities in the planned unit, such as but not limited to common recreational areas or facilities, plazas, balconies or rooftops improved for recreational uses.

iii. A reduction in common open space or lot area per dwelling unit shall not be permitted if such reduction would be detrimental to the character of the proposed planned unit or the character of the surrounding area.

iv. The Planning Commission may determine that all or a part of stream areas, bodies of water, and slopes in excess of fifteen percent may be included as usable open space. In making this determination, the Planning Commission shall be guided by the following factors:

(1). The extent of those areas in relation to the area of the PUD; and

(2). The degree to which these areas contribute to the quality, livability and amenity of the PUD.

e. Off-street parking will be determined by the subdivision/zoning regulations. These regulations may be altered by the Planning Commission if the character of the PUD is such that changes to the requirements are in keeping with the intent of this Title. (Ord. 5, 2022)

16.05.060 Submission and review of zero lot line development plan.

(A) It shall be unlawful for any person to subdivide any land within the City of Delta whether by sale, conveyance, gift, delivery or recording of a plat, deed or other legal instrument or by any other means except in accordance with the provisions of this Chapter.

(B) Any person convicted of a violation of any provision of this Chapter may be punished by a fine in accordance with Chapter 1.08.

(C) The City may withhold building or occupancy permits with respect to any lot or tract of land which has been subdivided in violation of the provisions of this Chapter.

(D) In addition to any other remedy that the City may have, the City may maintain an action in a court of competent jurisdiction for an order to enjoin any violation of this Chapter.

(E) It shall be unlawful to sell any tract of land, including an entire platted lot or separately described tract, if a violation of the applicable dimensional requirements of the City's Zoning Regulations will result from such sale by virtue of a change in dimensions of any building site.

(F) A separate offense shall be deemed committed each day on which a violation of this Chapter continues. Continuing violations of this Chapter are declared to be a nuisance. (Ord. 5, §1, 2004; Ord. 4, 2022)

16.04.050: SUBDIVISION PROCEDURE:

(A) The subdivision of land shall be accomplished in accordance with the procedures provided in this Section, except as modified pursuant to Sections 16.04.090, 16.04.100, 16.04.110, and 16.04.115.

(B) Informal Review: The subdivider is encouraged to consult informally with the City prior to the submission of the subdivision application. Prior to submitting a sketch plan or other initial submittal, the subdivider shall make their intentions known to the City by informally discussing plans, the City's Standards and Specifications and other issues which may affect development. The City will offer general comments and direction regarding feasibility and design of the proposed subdivision at this stage. No fee shall be required for such review or discussions of any plans or data concerning the

proposed subdivision prior to sketch plan review. The City shall not be bound by virtue of any discussions during the informal review stage.

(C) Sketch Plan:

(1) The proposal shall be consistent with the City Standards and Specifications and will be reviewed considering the following at a minimum:

(a) Conformance with the Comprehensive Plan and Zoning Regulations;

(b) Relationship of development to topography, soils, drainage, flooding, potential natural hazard areas and other physical characteristics;

(c) Availability of water, means of sewage collection and treatment, access and other utilities and services; and

(d) Compatibility with the natural and built environments, wildlife, vegetation and unique natural features.

(2) A subdivider who does not intend to proceed presently with full development of all the tracts involved shall nonetheless submit a sketch plan for the entire property showing present plans for its eventual development.

(3) Following informal review except when not required by other provisions of this Chapter, a copy of the sketch plan shall be filed along with five copies of supporting plans and data, accompanied by an application and a filing fee in the amount set by the City's annual fee schedule. Plans which substantially conform to the submittal requirements must be received a minimum of twenty-five (25) days prior to a regularly scheduled Planning Commission meeting in order to be placed on the next agenda.

(4) The sketch plan review shall be commenced only upon submittal of a completed sketch map, a completed sketch plan application form, deed, appropriate fees, and all required supplemental information as set out below. All submittals must be legible, and may be on multiple pages, as needed for clarity.

- (a) Sketch Map: The sketch map shall include the following:
- (i) A vicinity map, drawn at a legible scale, showing the project location, with appropriate reference to significant roads or highways, and City Boundaries.
 - (ii) A detailed map showing property boundaries of the subdivision, north arrow and date. The map shall include the name of the subdivision. The scale of the sketch map shall not be less than one inch equals two hundred feet. The map shall show zoning and land use of all lands within one hundred feet of any property boundary owned by or under option to the subdivider. In the case of large subdivisions requiring more than one sheet at such a scale, an index map showing the total area on a single sheet at an appropriate scale shall also be submitted.
 - (iii) A conceptual drawing of the lot and street layout indicating the approximate dimensions, area and number of individual lots and access to the property. Proposed street names should be included.
 - (iv) Existing significant natural and manmade features on the site, such as streams, lakes, natural drainageways; vegetation types including locations of wooded areas; wildlife habitats; visual impacts; existing buildings; utility lines; septic systems; irrigation and other ditches; bridges and similar physical features; and existing development on adjacent property.
 - (v) Total acreage of the tract.
 - (vi) Existing and proposed zoning district boundary lines.
 - (vii) Proposed uses including residential types, commercial, industrial, parks, open space and community facilities.
 - (viii) Type and layout of all proposed infrastructure including streets, utilities, water and sewer systems.

- (ix) Existing and proposed storm-water facilities pertaining to the property.
 - (x) Provision for sufficient off-street parking and adequate school bus stop, and mail box locations where applicable.
 - (xi) Existing site problems or peculiarities, such as poor drainage, flood plain, wetlands or natural and geologic hazards and seepage water.
 - (xii) Public use and other areas proposed to be dedicated to the City or conveyed to an Owner's Association and the proposed use of such areas.
 - (xiii) Existing utility, access, irrigation and other easements.
- (b) Sketch Plan Application: The Sketch Plan Application for all major subdivisions shall include, but not be limited to, the following information pertaining to the proposed subdivision (this information may be provided in a narrative format):
- (i) Total number of proposed dwelling units.
 - (ii) Water supplier, if not the City, and estimated total number of gallons per day of water system requirements for non-residential subdivisions.
 - (iii) Estimated total number of gallons per day of sewage to be treated and means for sewage disposal for non-residential subdivisions. A discharge analysis shall be included for all identifiable non-residential uses.
 - (iv) Availability of electricity, natural gas and other utilities necessary or proposed to serve the subdivision.
 - (v) An optional statement, which discusses features of the proposed subdivision which will promote the goals of the City's Comprehensive Plan.
- (c) The Sketch Plan Application shall also include a copy of the most recent deed. The property owners shall be required to consent to and approve the

application before the plan is acted upon by the Planning Commission.

(d) Review Procedures.

(i) The Planning Commission shall review the sketch plan and all supporting plans and documents at a regular meeting. The Planning Commission may recommend approval of the sketch plan provided that all required submittals have been properly made, and the plans and proposed improvements meet the requirements of this Chapter and other City ordinances without material deviation. The sketch plan may be approved with conditions to ensure compliance with requirements of this Chapter and other City ordinances and regulations.

(ii) The Planning Commission may recommend disapproval of any proposed sketch plan which is in violation of the requirements of this Chapter. If denied, the applicant may re-submit a revised sketch plan, pursuant to a new application

(iii) The Planning Commission's recommendations shall be non-binding on the City.

(iv) The proposed plan shall be submitted to the City Council, if all required submittals have been made, when the development exceeds 200 lots or residential units, exceeds 100,000 square feet of gross floor area of non-residential subdivisions, is proposing significant material deviations from the standard requirements of this Chapter, or when other circumstances require review by the City Council.

(e) The subdivider shall be informed of the date of the Planning Commission, and if applicable, City Council meetings.

(f) The subdivider will be required to post a sign(s) on the affected property. Signs will be supplied by the City, which describe the subdivision and the date, time and place of the meeting. Said sign(s) shall be posted for seven (7) days preceding the scheduled Planning Commission meeting.

(g) Sketch plan approval shall expire 1 year from the date of such approval if no preliminary plat has been submitted.

(h) As part of sketch plan approval, the Planning Commission and City Council may choose to waive the preliminary plat requirement for subdivisions where no public improvements, unless otherwise postponed, need to be designed and constructed.

(D) Preliminary Plat:

(1) Submittal.

(a) Following approval of the sketch plan, except when not required by virtue of other provisions of this Chapter, a copy of a preliminary plat along with a copy of all required supporting plans or data as set out in Section 16.04.050(D)(8) below, shall be filed with the City accompanied by filing fees in an amount set by the City's annual fee schedule. The plat and engineered plans shall also be submitted in a digital format acceptable to the City and compatible with the City's systems. Additional hard copies of the preliminary plat may be requested by the City to distribute to other reviewing agencies pursuant to subsection (2) below, and the cost of such copies will be billed to the applicant in accordance with Section 16.04.140.

(b) **Courtesy Review:** The City encourages the subdivider to take advantage of the following courtesy review provision: If requested by the subdivider, Planning Staff will provide a courtesy review of the preliminary submittal for compliance with submittal requirements. A digital copy of the preliminary plat and all supporting engineering should be submitted to the City, which will inform the applicant within ten (10) business days whether the submittal requirements as set forth below for the preliminary plat are met. If said requirements are met, the hard copy may be submitted to the City. If said requirements are not met, suggestions and recommendations will be made, and submittal deficiencies outlined by the City. Preliminary plat filing fees must be paid prior to courtesy review. The City is not bound by this review.