

DURA

Delta Urban Renewal Authority
360 Main Street, Delta, CO 81416

Delta Downtown Urban Renewal Plan





Delta Urban Renewal Authority (DURA) Downtown Plan – 2017

City of Delta, Colorado

Prepared by:

City of Delta

360 Main Street
Delta, Colorado 81416

November 2017

Background information and other data have been gathered from City of Delta planning documents including: Resolution #14 1985 Creating an Urban Renewal Area, the City of Delta Comprehensive Master Plan Update 2008, the Delta US Highway 50 & Highway 92 Access Study, and the Better City Feasibility Studies: the Proposed Hotel in Delta County Feasibility Study and the Riverfront Activation Feasibility Study.

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- Exhibit A: DURA Downtown Plan Areas - 2017 and (same boundary as) TIF Area Map and Legal Description
- Exhibit B: DURA Blight Study
- Exhibit C: Riverfront Activation Feasibility Study
- Exhibit D: Proposed Hotel in Delta County Feasibility Study
- Exhibit E: Delta Urban Renewal Areas – (blighted) – 1986 Map
- Exhibit F: Phase I Subarea

1.0 Introduction

1.1 Preface

This Plan has been prepared by the City staff. The Plan will be carried out by DURA, pursuant to the provisions of the Act. It has been prepared to satisfy the requirements of § 31-25-107(1), C.R.S., that an urban renewal plan be adopted by the governing body of the municipality before an urban renewal authority undertakes an Urban Renewal Project (as defined later in this Plan). The administration and implementation of this Plan, including the preparation and execution of any documents implementing it, shall be performed by DURA.

1.2 Blight Findings

Under the Act, an urban renewal area is a blighted area, which has been designated as appropriate for an urban renewal project. In each urban renewal area, conditions of blight, as defined by the Act, must be present, and in order for the Authority to exercise its powers, the City Council must find that the presence of those conditions of blight substantially impairs or arrests the sound growth of the municipality or constitutes an economic or social liability, and is a menace to the public health, safety, morals or welfare.

The Delta Urban Renewal Blight Study prepared by the City of Delta, Community Development Department in January/February 2017, which is attached hereto as Exhibit B, demonstrates that Study Area, as defined in the DURA Blight Study, is a blighted area under the Act.

1.3 Other Findings

The Plan Area is appropriate for an urban renewal project and other activities undertakings authorized by the Act to be advanced by DURA. It is anticipated that DURA will engage in any and all activities and undertakings authorized by the Act in order to achieve the goals set forth in this Plan. Such actions are necessary to eliminate unsafe conditions, obsolete and other uses detrimental to the public welfare, and otherwise remove and prevent the spread of blighted conditions within the Plan Area. Among other things, DURA seeks to improve infrastructure design, public improvements, utility improvements and life safety measures within the Plan Area.

It is the intent of the City Council in adopting this Plan that DURA exercises all powers authorized in the Act, which may be necessary, convenient or appropriate to accomplish the objectives of this Plan, including, but not limited to, the power of eminent domain. It is the intent of this Plan that the Authority may exercise all such powers as may now be possessed or hereafter granted for the elimination of qualifying conditions in the Area.

The powers conferred by the Act are for public uses and purposes for which public money may be expended and police powers exercised. This Plan is in the public interest and necessity, which finding is a legislative determination by the City Council.

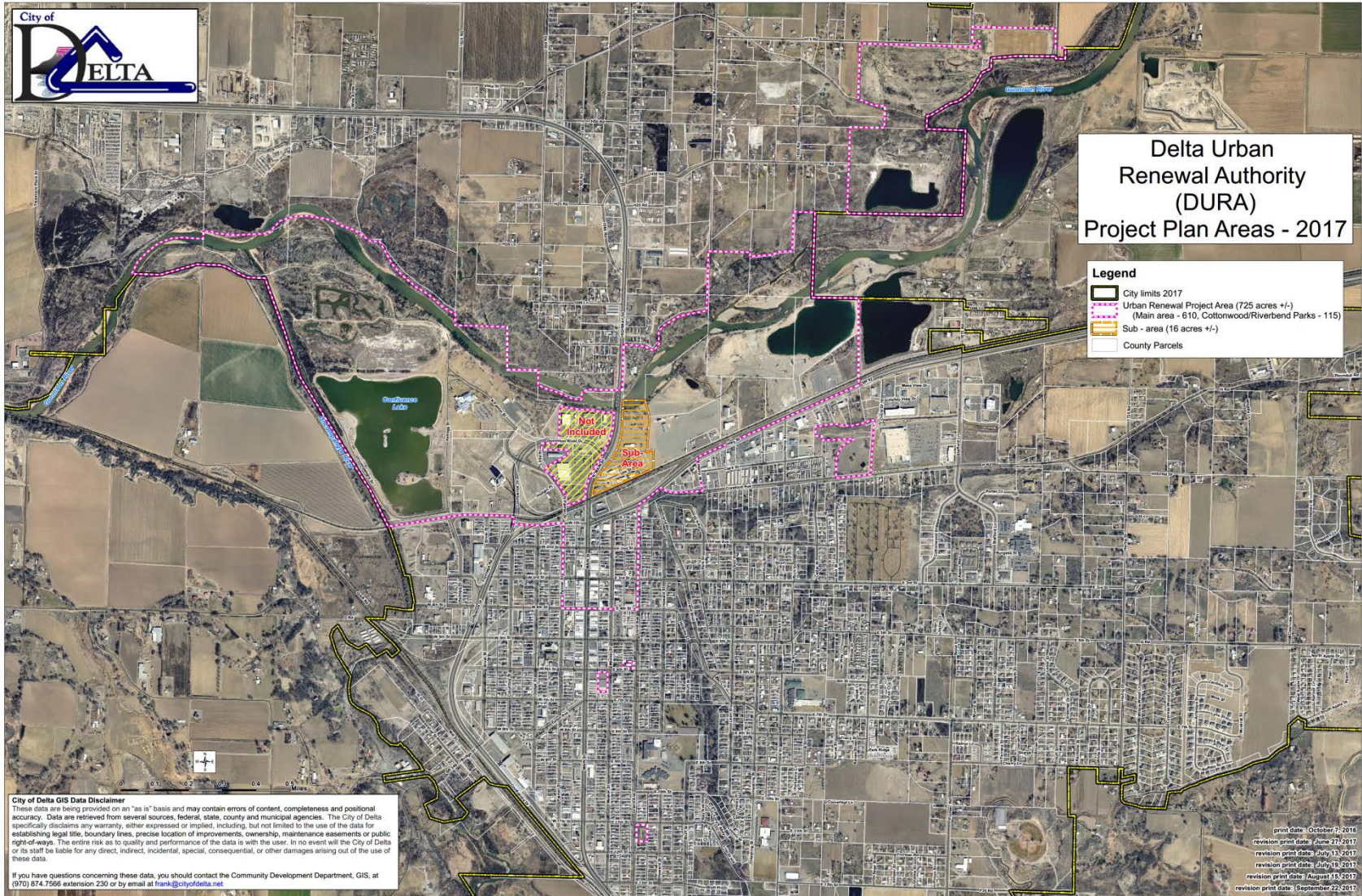
1.4 Urban Renewal Area Boundaries

The area comprising the proposed Plan Area contains approximately 725 acres and is located on both sides of US Hwy 50 (Main Street) south of the Gunnison River and eastward along and on both sides of the Gunnison River to the City's northern border. The Plan Area is irregularly shaped because it follows the Gunnison River and includes three "island" or outlying parcels of land and encircles commercial properties lying south of the Gunnison River, north of the Union Pacific Rail Road, west of US Hwy 50 which are not a part of the Plan Area. South of the Gunnison River the Plan area follows US Hwy 50 south to 4th Street, from Palmer Street (west) to Grand Avenue (east). South of the Gunnison River the Plan area also includes all of Confluence Park and generally extends east from the Uncompahgre River, north of the Union Pacific Rail Road, to US Hwy 50, then continuing in an easterly direction along CO Hwy 92 including all of the properties north of the Highway to approximately the eastern property line of the Tru-Vu Drive-In movie theater located at 1001 CO Hwy 92 and a few properties south of the Highway and west of the Wal-Mart property. Within the Plan Area are several large City of Delta parks (totaling approximately 387 acres or fifty two percent (52%) of the Plan area) including Confluence Park (approximately 265 acres), Cottonwood Park (approximately 66 acres) and Riverbend Park (approximately fifty six (56) acres). See page 3, DURA Plan Areas - 2017 and (same boundary as) TIF Area and Legal Description (Exhibit A).

1.5 Public Input

DURA considered the Plan at a meeting on September 26, 2017 and recommended its approval by the City Council. The City of Delta Planning Commission considered the Plan at a meeting on October 2, 2017 and found that the Plan is in conformity with the Comprehensive Plan, and thus, recommended its approval by the City Council. The City Council will consider the recommendation of the Planning Commission as to conformity, and also will consider the findings of blighted conditions, documented in the Survey and attached hereto as Exhibit B, and adoption of the Plan, at a public hearing on November 21, 2017. As required by the Act, every reasonable attempt was made to notify all property owners and owners of a business interest in the Plan Area of the public hearing. The hearing notice appeared in the *Delta County Independent* on October 18, 2017, the community's designated legal newspaper of general circulation, describing its purpose, as well as the date, time and location of the hearing. Similarly, reasonable efforts were used to mail a similar hearing notice to all property owners, residents and owners of businesses within the Plan Area.

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DURA Plan Areas - 2017

2.0 Definitions

Act – means the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, as amended.

Areas - DURA Plan Areas - 2017 as depicted on page 3 and legally described in Exhibit A.

Authority – means the Delta Urban Renewal Authority.

Authority Board – means the Board of Commissioners of the Delta Urban Renewal Authority.

Base Amount – means that portion of property taxes which are produced by the levy at the rate fixed each year by or for taxing entities upon the valuation for assessment of taxable property in a Tax Increment Area last certified prior to the effective date of approval of the Plan; and, that portion of municipal sales taxes collected within the boundaries of the Tax Increment Area in the twelve-month period ending on the last day of the month prior to the effective date of approval of the Plan.

CDOT - means Colorado Department of Transportation.

City – means the City of Delta, a home-rule municipal corporation of the State of Colorado.

City Code – means the City of Delta City Code.

City Council – means the City of Delta City Council as defined within the Charter of the City of Delta, Colorado, Article II.

City Sales Tax – means the sales tax authorized by Title 3 Revenue and Finance, Chapter 3.04 Sales and Use Tax of the City Code and currently imposed at the rate of three percent (3.0%), subject to any generally applicable decreases in rate that may occur during the term of the Plan and any generally applicable increases in rate that may be allocated to DURA by amendment to the Plan made by the City during the term of the Plan.

City Tax or City Taxes – means, collectively, (i) the Sales Tax and (ii) the Use Tax.

City Tax Increment – means the tax increment derived from City Taxes.

City Use Tax – means the use tax authorized by Title 3 Revenue and Finance, Chapter 3.04 Sales and Use Tax of the City Code and currently imposed at the rate of three percent (3.0%) of storage or acquisition charges or costs for the privilege of storing, using or consuming within the Plan Area, subject to any generally applicable decreases in rate that may occur during the term of this Plan and any generally applicable increases in rate that may be allocated to the Authority by amendment to the Plan made by the City during the term of the Plan.

Comprehensive Plan – means City of Delta Comprehensive Plan 2008, as such plan has been or may be amended from time to time.

Conditions Study (or Survey) – means the DURA Blight Study, prepared by the City of Delta’s Community Development Department, in January/February 2017, which is attached hereto as Exhibit B (the “DURA Blight Study”) and incorporated herein by this reference.

County – refers to the Delta County Government.

County Sales Tax - means the sales tax authorized by Delta County Resolution 1969-R-001 and 1982-R-034 and currently imposed at the rate of two percent (2.0%).

C.R.S. – means the Colorado Revised Statutes, as amended from time to time.

Delta Urban Renewal Authority (DURA) Plan Areas - 2017 refers to the area depicted on page 3 and legally described in Exhibit A.

DOLA - means the Colorado Department of Local Affairs.

DURA – means the **Delta Urban Renewal Authority**.

Effective Date of Plan Approval – means November 21, 2017.

BLS – means the Federal Bureau of Labor Statistics.

IGA – means an Intergovernmental Agreement.

Phase I Subarea -- means that portion of the Project within the Urban Renewal Area consisting of ten (10) acres known as the TK Mining parcel, and certain adjacent properties along Ute Street, as shown on Exhibit F.

Plan or Urban Renewal Plan – means this Delta Urban Renewal Authority (DURA) Plan - 2017.

Plan Area – refers to the legal boundaries of the area described within this Plan.

Planning Commission – means the Planning Commission of the City of Delta.

Project Area – means the geographic territory encompassed within the Downtown Urban Renewal Plan Area (defined in Section 1.4) and depicted on page 3 and legally described in Exhibit A.

Project or Urban Renewal Project – any and all activities and undertakings designed to remedy blighted conditions pursuant to this Plan

Property Taxes – means, without limitation, all levies to be made on an ad valorem basis by or for the benefit of any public body upon taxable real and personal property within the Plan Area.

Property Tax Increment – means incremental revenues derived from Property Taxes which may be limited pursuant to an IGA between DURA and any of the other taxing bodies which levy a Property Tax within the Plan Area.

Public Finance and Development/Redevelopment Agreement(s) – means one or more agreements between DURA, the developer or property owner and/or developers of property within the Area, any special district or districts organized or caused to be organized by such developer or developers for the purpose of financing or refinancing public or private improvements within the Plan Area, or agreements with such other individuals or entities as may be determined by DURA to be necessary or desirable to carry out the purposes of this Plan pursuant to any of the powers set forth in the Act or in any other provision of Colorado law.

Sales Taxes – means taxes imposed by the City of Delta on the purchase of goods at the rate of three percent (3.0%), as described in Section 3.04 of the Delta Municipal Code, as it may be amended from time to time.

Sales Tax Increment – means incremental revenues derived from Sales Taxes.

School District – means Delta County School District 50J.

Special District – means any of the governmental taxing bodies other than the City, County or the School District that include any portion of the Plan Area within its boundaries.

Study Area – means the geographic territory defined for the Conditions Study as depicted on Exhibit B.

Tax Increment – means the combined increase in revenue derived from Property Taxes and Sales Taxes actually collected and received, above the Base Amount, within the Tax Increment Area, as described in Section 31-25-107(9) of the Act.

Tax Increment Area – means the area within the Plan Area, as defined and pursuant to the procedures set forth in Section 6 of this Plan, within which Tax Increment is authorized by this Plan to be collected by DURA. For this Plan, the Tax Increment Area and the Plan Area are coterminous.

Tax Increment Revenue Fund - means a fund supervised by DURA and the resources of which include, but are not limited to, Tax Increment revenues. Other sources of DURA revenue may include, but are not limited to, grants, investment interest, sale of property and donations.

TIF – means Tax Increment Financing.

Urban Renewal Area – see Plan Area definition.

3.0 Purpose of the Plan

The principal public purpose of the proposed Delta Urban Renewal Authority (DURA) Plan Areas - 2017 is to reduce, eliminate and prevent the spread of blight within, and outside of, the Plan Area. The City and Delta County generally face challenges to accomplishing this purpose.

A 2015 study completed by the consultant *Better City*, which in part drew information from the DOLA and the BLS found that *Delta saw a significant decline in the number of people employed from 15,984 in 2007 to an estimated 14,487 in 2013, with an increase in employment of almost 700 individuals between 2013 and 2014.* The *Better City* study further noted that *in contrast to the rest of the State, which saw steady employment growth from 2010 to the present, the County (Delta) has had a much slower recovery from the recent recession.* The Plan sets goals to achieve the public purpose of blight prevention and remediation through implementation of a strategy to achieve established objectives for the Area. This includes stimulating private investment and redevelopment, using available tools such as urban renewal and tax increment financing.

The original Delta urban renewal area was created by City of Delta Resolution #14, 1985, adopted by the Delta City Council on August 13, 1985. Exhibit E: Delta Urban Renewal Areas – (blighted) – 1986 Map, attached to this Plan, shows the geographic area covered in the original Delta urban renewal area.

The need for DURA was demonstrated by the blight analysis conducted at that time, and by the State Resource Team’s findings. The DURA Plan goals and objectives were to: 1) provide a safe, enjoyable and attractive shopping experience for consumers, with more choices, better services and prices; 2) improve pedestrian and traffic circulation; 3) improve Delta’s image as a full-service shopping area through physical improvements and better merchandising; 4) decrease the sales leakage to areas outside Delta; 5) increase employment in the shopping area; 6) increase the tax base; 7) provide a plan for undertakings and activities for the elimination and prevention of the development or spread of slums and blight; 8) eliminate unhealthful, unsanitary, or unsafe conditions and eliminate uses detrimental to the public welfare; 9) remove or prevent the spread of blight and deterioration, and to provide land and buildings for needed public facilities; and, 10) to make Delta a better place to live, work and play.

3.1 Plan Approach – Identify the Problem

City staff members were engaged to conduct a new Conditions Study for the 725 acre Plan Area in January/February 2017, for consideration by DURA and the City. The Conditions Study concluded that the geographic area covered in the original Delta urban renewal area continues to be blighted. Adoption of the Plan ensures that actions will be pursued that will reduce blight conditions by the redevelopment of certain properties, the updating of transportation and utility infrastructure, encouraging the growth of local tourism, and through public/private partnerships to improve conditions through the use of TIF financing and other urban renewal tools.

3.2 Plan Approach – Eliminating Conditions of Blight

DURA’s approach to eliminating conditions of blight in the Area will be to actively promote investment within its boundaries and, when necessary, make resources available to assist property and business interests with financing meritorious undertakings and activities that otherwise would not have been feasible due to the presence of these adverse conditions.

3.3 Plan Approach – Advancing Local Objectives

DURA’s approach to advancing local objectives will be to ensure the Plan’s vision aligns with that of the mission and vision adopted by the City Council in 2016 and stated below; and to further stated goals and objectives contained within the Comprehensive Plan adopted in 2008 and within follow-up planning documents that advance the priorities presented in the Comprehensive Plan and presented below. The following offers a description of goals (*taken verbatim*) identified to advance the stated vision, with those that will be furthered through implementation of this Plan.

Mission Statement:

Preserve and enhance our community through collaborative efforts providing services that improve quality of life.

Vision Statement:

Destination Delta: An All-America City in the heart of western Colorado with community spirit and abundant natural resources that fosters responsible economic growth and prosperity to create an attractive and vibrant rural community for residents, business owners and visitors of all ages.

Comprehensive Plan 2008 – Action Item Priorities

- Prepare a detailed downtown development plan, including design alternatives for parking after the truck route is constructed and a downtown plaza.
- Publicize and promote boating on the Uncompahgre and Gunnison Rivers.
- Coordinate with CDOT and / or Delta County to make appropriate road and other improvements needed to serve future growth areas.
- Coordinate with CDOT and / or Delta County to beautify US Hwy 50 and CO Hwy 92 to make them more welcoming.
- Work with outdoor recreation groups to develop trails and facilities for outdoor sports such as mountain biking, off road vehicles, hiking, horseback riding.
- The expansive Confluence Park with its existing facilities, new boating opportunities and future riverfront trail linkages could continue to become an important regional facility.

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- Railroad crossings/emergency access and commercial traffic flow and study on US Hwy 50 within Delta County--This study will analyze the hazardous materials bypass around the commercial areas in Delta. The estimated cost of the study is \$150,000. The project is in the jurisdiction of CDOT Region 3.
- Intersection between US Hwy 50 and CO Hwy 92 --The improvements to this intersection within the City of Delta include replacing the surface material and upgrading the controls. The estimated cost for the intersection improvements is \$1,500,000. The project is in the jurisdiction of CDOT Region 3.
- Avoid congestion which hampers the flow of traffic to an amount which is unreasonably inconvenient or unsafe.
- Attempt to make transportation routes complimentary to adjacent land uses in their location and design.
- Safety on our streets, sidewalks, trails, rail crossings and in our public transportation.
- Promote alternatives to automobile travel by providing facilities and a framework for a multimodal transportation system (trails, sidewalks, bike lanes).
- Encourage walking to events, services, and recreation whenever possible.
- Discourage multiple curb cuts onto arterial and collector roads and, instead require shared driveways, and/or frontage roads.
- Provide pedestrian access from all parts of the City to the new Recreation Center and Confluence Park.
- Assure that new development creates new, adequate pedestrian ways through as well as into and out of development.
- Provide bike parking facilities at park/path trail heads.
- Prepare a detailed downtown development plan.
- Encourage new retail businesses.
- Encourage new tourism/lodging businesses.
- Encourage new buildings and major renovations of existing buildings (particularly industrial/distribution facilities) along the railroad tracks to function as “liner buildings” to mitigate the visual and audio impacts of trains.
- Balance the need to draw businesses to our community with the need to have those businesses that best work within the community fabric and infrastructure.
- Be constantly aware of the need to enhance and encourage expansion of existing businesses and industry as one means of economic development.

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- Analyze City's role in private sector development projects, both commercial and housing.
- The entire Gunnison and Uncomphagre River, 100 year flood plain, is shown as "open space," recognizing the need to protect these areas from the severe flooding that Delta has experienced in the past.
- New development should pay its own way.
- The City of Delta should encourage commercial growth along US Hwy 50 to the north and south.
- The City of Delta should encourage commercial growth along the highway corridor to the east.
- Proactively pursue outside funding for the extension of utilities to outlying areas. Current users should not support new development financially.
- Guide the location of new growth so as to assure the maximum utilization of land, public facilities and services.
- Encourage development in areas immediately adjacent to existing development.
- Continue efforts to enhance community design and appearance, including historic preservation, housing rehabilitation, landscaping, street scape, store front improvements and urban forestry.
- Provide quality parks and recreation services to meet the growing and diversified population.
- Promote economic development by generating appropriate incentives that attract and retain job creating industries.

Delta US Hwy 50 & CO Hwy 92 Access Study, March 2016

Project Goals

This study effort coordinates anticipated development and growth in the area with the roadway network. In consultation with the project partners, the following project goals were established:

- Provide effective and efficient through travel for traffic on US Hwy 50 and CO Hwy 92.
- Provide safe, effective, and efficient access to and from US Hwy 50 and CO Hwy 92 for businesses, residents, and guests.
- Maintain compatibility with existing and proposed off-system connections that provide local circulation to support the transportation system.
- Provide a plan that is adoptable by all entities and can be implemented in phases.
- Support the economic viability of the project area.

- Maintain compatibility with previous local planning efforts.
- Support development of alternative modes.

Better City – Feasibility Study – Proposed Hotel in Delta County

There is substantial latent and unsatisfied demand in the Delta market that a nationally branded upper-mid tier hotel could take advantage of. Such a development would likely outperform other hotels in the area. Based upon the forecasted revenue and expenses, the consultants are of the opinion that the proposed national chain hotel property is feasible provided that the development of the conference center is incentivized for a period. This conclusion is based upon typical loan to value ratios, costs of construction of limited service mid-range to upper mid-range lodging properties in and around Delta County, and present market interest rates and assumes competent and able management.

Based on this information, one targeted strategy for achieving the Plan objectives is to seek a developer or investor to engage with DURA to propose and execute a project featuring such uses.

3.4 Plan Implementation

As the Plan's administrator, DURA will seek to advance this vision and these goals through completion of undertakings and activities which leverage private investment and reinvestment within its Plan boundaries. Specifically, DURA will work in cooperation with the City to advance investment in the public realm (roadways, parks, open space and trails), encourage development of public/private partnership development of connecting trails, access ways and waterways underlying private property, encourage development consistent with or exceeding existing standards; and, judiciously use limited resources which benefit the community at-large.

All development in the Plan boundaries shall conform to municipal codes and ordinances and any site-specific regulations or policies which might impact improvements within its boundaries, all as are in effect and as may be amended from time-to-time. Although the Act authorizes DURA to "regulate land uses, establish maximum or minimum densities, and institute other building requirements in an urban renewal area," within this Plan Area, DURA anticipates that these standards will meet or exceed the minimum standards provided for within the City's adopted codes and ordinances. While DURA will strive to achieve this outcome, this Plan does not delegate or otherwise diminish the authority of the City and the Planning Commission related to land use matters.

4.0 Blight Conditions

Before an urban renewal plan can be adopted by the City, the area must be determined to be a “blighted area” as defined in Section 31-25-103(2) of the Act. The Act which provides that "*in its present condition and use, the presence of at least four (or five in cases where the use of eminent domain is anticipated) of the following factors (see below) substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare.*"

Statutory factors include:

- (a) Slum, deteriorated, or deteriorating structures;
- (b) Predominance of defective or inadequate street layout;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d) Unsanitary or unsafe conditions;
- (e) Deterioration of site or other improvements;
- (f) Unusual topography or inadequate public improvements or utilities;
- (g) Defective or unusual conditions of title rendering the title non marketable;
- (h) The existence of conditions that endanger life or property by fire or other causes;
- (i) Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities;
- (j) Environmental contamination of buildings or property;
- (k.5) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements.
- (l) If there is no objection by the property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, “blighted area” also means an area that, in its present condition and use and, by reason of the presence of any one of the factors specified in paragraphs (a) to (k.5) of Section 31-25-103(2) of the Act, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare.

4.1 Blight Conditions observed

After review of the eleven blight factors described in Colorado Revised Statutes, the following ten (10) factors were observed within the Study Area during the field survey or by subsequent desktop research and analysis as part of the Blight Study:

- (a) Slum, deteriorated or deteriorating structures
- (b) Defective or inadequate street layout
- (c) Faulty lot layout in relation to size, adequacy, accessibility or usefulness
- (d) Unsanitary or unsafe conditions
- (e) Deterioration of site or other improvements
- (f) Unusual topography or inadequate public improvements or utilities
- (h) Conditions that endanger life or property by fire or other causes
- (i) Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities
- (j) Environmental contamination of buildings or property
- (k.5) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements

One (1) factor was not surveyed as part of this Study:

- (g) Defective or unusual conditions of title rendering the title nonmarketable

5.0 Plan Relationship to Other Community Documents

5.1 Plan Conformity

As supported by specific references presented herein, implementation of this Plan will further the principles and objectives of the Comprehensive Plan (and any subsequent updates) with respect to promotion of commercial offerings within the community's downtown / Main Street area and transportation corridors, employment opportunities within the City, and through business creation and job opportunities provide greater demand for housing. In addition, and as stated previously herein, development in the Plan Area will comply with all regulations, including the municipal code and other rules, regulations, and policies promulgated pursuant thereto. Any planning documents that might impact development in the Plan Area including, but not limited to, City-approved water and wastewater improvements, roadway improvements; stormwater

improvements, parks, trails, recreation and open space plans and improvements; and, any applicable City design standards that are in effect and which may be amended from time to time will be followed. Finally, conditions of blight within the Plan Area will be remedied by improvements, public and private, and funded in part by TIF revenues, to the extent deemed appropriate by DURA, in consultation with the City, private developers and affected property owners.

5.2 Consistency with the Comprehensive Plan

A general plan for the development of the City known as the *City of Delta Comprehensive Plan*, was adopted in 2008. DURA, with the cooperation of the City, private enterprise and other governmental agencies will engage in undertakings and activities in order to eliminate the identified conditions of blight while also implementing the goals of the Comprehensive Plan and all other relevant City-adopted plans for the Plan Area. Key elements of the Comprehensive Plan which this Plan will advance are described in detail in Section 3.3 herein.

5.3 Correlation with Other Community Plans

Implementation of this Plan will be consistent with objectives expressed in all City-adopted and adopted plans that speak specifically to improvements in the Project Area, including but not limited to the Comprehensive Plan, the Delta US Highway 50 & State Highway 92 Access Study, March 2016; the Street Master Plan; the Parks, Trails and Open Space Master Plan (underway); and other plans that the City may adopt from time-to-time.

6.0 Authorized Urban Renewal Undertakings and Activities

The Act allows for a wide range of activities to be used in the implementation of an urban renewal plan. In the case of this Plan, it is the Authority's intent to undertake the Urban Renewal Project to stimulate private investment in cooperation with property owners, developers, stakeholders and other affected parties in order to prevent and eliminate blight. Public-private partnerships and other forms of cooperative development will be critical to DURA's strategy for eliminating existing blight conditions and preventing the spread and reoccurrence of blight within the area.

6.1 Public Improvements and Facilities

DURA may undertake certain actions to make the Area more attractive for private investment. DURA may, or may cause others, to install, construct, and reconstruct any public improvements. DURA may, or may cause others to, demolish and clear buildings and existing improvements for the purpose of promoting the objectives of the Plan and the Act. Additionally, DURA may, or may cause others to, install, construct and reconstruct any other authorized improvements, including, without limitation, other authorized undertakings or improvements for the purpose of promoting the objectives of this Plan and the Act.

Public projects are intended to stimulate (directly and indirectly) private sector investment to assist in the conversion of the Plan Area into a viable commercial, employment and mixed-use

area supported by accessible transportation with supporting public spaces contributing to increased revenues from property and sales taxes.

It is the intent of the Plan that the public sector plays a significant role in all urban renewal efforts as a strategic partner. However, experience has proven that a critical component to the success of any urban renewal strategy is participation by both the public and private sectors. The leveraging of resources is essential as no one entity, either public or private, has sufficient resources alone to sustain a long-term improvement effort. Typical public infrastructure investments may include, but are not limited to: creating public spaces and meeting places; improving access and circulation; improving streets, trails, parks and open spaces; providing for corridor improvements and parking; completing utilities and improving storm water drainage capacity and flood mitigation improvements; and, creating special districts or other financing mechanisms.

6.2 Other Improvements and Facilities

Other non-public improvements or facilities in the Plan Area may be required in connection with an urban renewal project. This may include, by way of example, including but not limited to such items as parking facilities, enhanced building facades and night sky friendly lighting, landscaping, riverfront access, connections to public sidewalks, trails and access ways, and other amenities. DURA may assist in the financing or construction of these improvements because they serve a public purpose in remediating and preventing the spread of blight and further the goals and objectives of this Plan.

6.3 Promote Development and Redevelopment

Better City consulting completed an analysis of activities that might serve as catalysts for redevelopment in the City's downtown. A key concept associated with implementation of the Plan is a commitment to prioritize public investments that serve as a catalyst and help to encourage and make feasible private investment that generates resources to fund the same. The potential return on this investment is projected in the Better City's Gateway Project report. Presentation of this information and copies of this report were provided to Delta County officials and School District officials by Delta County Economic Development.

6.4 Development Standards

All development in the Plan Area shall conform to the laws, rules, regulations, policies and other requirements and standards of the City and any other governmental entity which has jurisdiction over all or any portion of the Area.

In conformance with the Act and the Plan, DURA may adopt design standards and other requirements in addition to the applicable zoning for the project undertaken by DURA. As discussed in Section 5.0, it is the intent of the City Council in adopting this Plan to conform to all concepts, land uses and design standards adopted by the City. Unless otherwise approved by the City Council, any such standards and requirements adopted by DURA shall be consistent with all other City zoning and development policies and regulations.

6.5 Modify the Plan

DURA may propose, and the City Council may make, modifications to this Plan as may be necessary provided the changes are consistent with the Comprehensive Plan and any subsequent updates. Additionally, any such amendments made in accordance with this Plan and as otherwise contemplated, must also be compliant with the Act. Finally, DURA may, in specific cases, allow non-substantive variations from the provisions of this Plan if it determines that a literal enforcement of the provision would constitute an unreasonable limitation beyond the intent and purpose stated herein. As noted, the inclusion of additional incremental property tax revenue from other taxing bodies with whom agreement has not been reached as of the date of this Plan approval shall not be considered a substantial modification.

6.6 Project Financing and Creation of a Tax Increment Area

Tax Increment Financing

The boundaries of the Plan Area shall be as generally described in Section 1.4, illustrated on page 3 and legally described in Exhibit A. It is the intent of the City Council in approving this Plan to authorize the use of TIF by DURA as part of its efforts to advance the vision, objectives and activities described herein. Pursuant to the provisions of Section 31-25-107(9) of the Act, in approving this Plan, the City Council hereby creates a single Tax Increment Area with the same boundary as the Plan Area. DURA is specifically authorized to expend Tax Increment revenues generated by Property Taxes and Sales Taxes, to the extent authorized by the Act and this Plan, in furtherance of the Project.

This Plan contemplates that the primary method of assisting with financing eligible expenses in the Area will be through the use of revenues from Property Tax Increment and Sales Tax Increment. As such, pursuant to the provisions of Section 31-25-107(9) of the Act, in approving this Plan, the City Council specifically authorizes the use of Sales Tax Increment, and agrees to allow one hundred percent (100%) of the Sales Tax Increment generated under this Plan to be received by DURA to further the goals of the Plan.

Intergovernmental agreements authorizing the use of property tax increment within the Plan area have been negotiated and approved with the following taxing bodies:

- Delta Memorial Hospital District
- Delta County
- Delta County School District 50J
- Delta County Ambulance District
- Delta Library District

The following taxing bodies have not agreed to share property tax increment in support of the Plan and the incremental property tax revenues generated by their mill levies will not be included within the revenues DURA is authorized to receive:

- Colorado River Water Conservation District
- Tri-County Water District.

The following taxing bodies also have not agreed to share Property Tax Increment in support of the Plan and the incremental property tax revenues generated by their mill levies will not be included within the revenues DURA is authorized to receive; however, mediation with these taxing entities is in process as of the date of approval of the Plan. In the event that agreement is reached with these taxing bodies, or the findings issued by the mediator allocate property tax increment from these mill levies to DURA, the addition of such revenue to the Special Fund under this Plan shall not be a substantial modification to the Plan.

- Delta Mosquito Control District
- Delta County Fire Protection District #1

Incremental County Sales Tax Revenues – Phase I Subarea

An intergovernmental agreement has been negotiated between DURA and Delta County in which the County has agreed, subject to annual appropriation, to share back one hundred percent (100%) of the net new sales tax revenues generated within the Phase I Subarea. The intergovernmental agreement contains various other provisions related to the County Sales Tax Revenues, and in the event of any conflict between the Plan and the intergovernmental agreement on this subject, the intergovernmental agreement shall control, so long as it is consistent with the Urban Renewal Law and other applicable Colorado law.

Other Financing Means:

The Plan is designed to provide for the use of TIF as one tool to facilitate investment and reinvestment within the Area. However, in addition to TIF, DURA shall be authorized to finance implementation of the Plan by any method allowed by the Act. Whereas, DURA is committed to making a variety of strategies and mechanisms available which are financial, physical, market and organizational in nature; it is the intent of this Plan to use these tools either independently or in various combinations.

DURA and City Council also recognize that Colorado law allows for the creation of additional political subdivisions within a municipality to fund improvements and provide other services within a defined geography. These entities include metropolitan, general improvement, downtown improvement, creative and other special districts including business improvement districts. These entities have available to them certain taxing powers that can generate additional revenues to assist with redevelopment efforts. However, as such, they will require the support of property owners within their boundaries and in select instances, community at-large, prior to their collection.

Given the obstacles associated with infill development and redevelopment, DURA believes that it is imperative that solutions be put in place which are comprehensive, flexible and creative; and, that DURA may contract with the City to administer these various resources.

6.7 Property Acquisition and Land Assemblage

DURA may acquire property or any interest therein by negotiation or any other method authorized by the Act. In addition, DURA may acquire property or any interest therein through the exercise of the power of eminent domain, which property or interest may be transferred to a private party as DURA deems appropriate; provided, however, that any such acquisition and/or transfer shall be conducted in accordance with Sections 31-25-105.5 and 31-25-107(4.5) of the Act, as amended from time to time. DURA may operate, manage and maintain such acquired property in accordance with the powers granted to it under the Act.

6.8 Relocation Assistance

In the event it is necessary to relocate or displace any residence, business or other commercial DURA shall adopt relocation policies consistent with the Act, for payment of relocation expenses. Such expenses may include moving expenses, actual direct losses of property for business concerns, and goodwill and lost profits that are reasonably related to relocation of the business, resulting from its displacement for which reimbursement or compensation is not otherwise made.

6.9 Demolition, Clearance, Environmental Remediation, and Site Preparation

In carrying out this Plan, it is anticipated that DURA may, on a case-by-case basis, elect or find it necessary to demolish and clear buildings, structures and other improvements. Additionally, development activities consistent with this Plan may require such demolition and clearance to eliminate unhealthy, unsanitary, and unsafe conditions, eliminate obsolete and other uses detrimental to the public welfare, and otherwise remove and prevent the spread of deterioration. Environmental remediation, if required, may be facilitated through the use of various State and/or Federal programs that are available.

6.10 Property Disposition

DURA may sell, lease, or otherwise transfer real property or any interest in real property subject to covenants, conditions and restrictions, including architectural and design controls, time restrictions on development, and building requirements, as it deems necessary to develop such property. Real property or interests in real property may be sold, leased or otherwise transferred for uses in accordance with the Act and this Plan.

6.11 Redevelopment and Rehabilitation Actions

Redevelopment and rehabilitation actions by DURA may include such undertakings and activities as are in accordance with this Plan and the Act, including without limitation: demolition and removal of buildings and improvements; installation, construction and reconstruction of public improvements; rehabilitation of buildings and sites; elimination of unhealthy, unsanitary or unsafe conditions; elimination of obsolete or other uses detrimental to the public welfare; prevention of the spread of deterioration; and, provision of land for needed public facilities. DURA may enter into Cooperative Agreements and Public Finance and Redevelopment Agreements to provide assistance or undertake all other actions authorized by the Act or other applicable law to redevelop and rehabilitate the Area.

6.12 Public Finance and Development/Redevelopment Agreements

For the purpose of this Plan, DURA is authorized to enter into Public Finance and Development/Redevelopment Agreements or other contracts with developer(s) or property owner(s) or such other individuals or entities as are determined by DURA to be necessary or desirable to carry out the purposes of this Plan. Such Public Finance and Development/Redevelopment Agreements, or other contracts, may contain such terms and provisions as shall be deemed necessary or appropriate by DURA for the purpose of undertaking the activities contemplated by this Plan and the Act, and may further provide for such undertakings by DURA as may be necessary for the achievement of the objectives of this Plan or as may otherwise be authorized by the Act. This Plan does not, by its adoption, modify or terminate any existing agreements between the City and any other parties.

6.13 Cooperation with Public and Private Entities

For the purpose of this Plan, DURA may enter into one or more Cooperative Agreements pursuant to the Act. The City and DURA recognize the need to cooperate in the implementation of this Plan and, as such, Cooperative Agreement(s) may include, without limitation, agreements regarding the planning or implementation of this Plan and its projects, as well as programs, public works operations, activities or services which DURA, the City or other public bodies are otherwise empowered to undertake including, without limitation, agreements respecting the financing, installation, construction and reconstruction of public improvements, utility line relocation(s), storm water detention, demolition, environmental remediation, landscaping and/or other eligible improvements. This paragraph shall not be construed to require any particular form of cooperation.

7.0 Severability

If any portion of this Plan is held to be invalid or unenforceable, such invalidity will not affect the remaining portions of the Plan.

Appendix

Exhibit A:

Legal Description of Delta Downtown Urban Renewal Area

Land located in Township 15 South, Ranges 95 and 96 West, 6th Principal Meridian, in the City of Delta, County of Delta, Colorado totaling approximately 725 acres more specifically described as:

Beginning at the midpoint of the intersection of 4th Street and Grand Avenue, thence running westerly along the centerline of 4th Street to the midpoint of the intersection of 4th Street and Palmer Street, thence northerly along the centerline of Palmer Street to the intersection of Palmer Street and 1st Street, thence westerly along the centerline of 1st Street to the intersection with Frontage Road, thence northerly to the centerline of the Union Pacific Railroad, thence westerly following the centerline of Union Pacific Railroad to the intersection of the Union Pacific Railroad and the Uncompahgre River, thence north approximately 30 degrees west along property owned by the City of Delta known as Confluence Park, thence westerly along the boundary of City owned property to the intersection of the Gunnison River, thence easterly to south easterly along the northern property lines of City owned property more or less along the Gunnison River to the intersection of Highway 50, thence north along the westerly boundary Delta County Parcel ID 345713107002 (hereinafter referred to as ID), thence westerly along the northern boundary of said parcel, thence north along part of the westerly boundary of ID 345518200019 to the intersection of parcel ID 3455073600028, thence northerly along west boundary of ID 3455073600028, thence easterly along northern boundary of said parcel, thence southerly to intersection of parcel ID 345507300024, thence following the parcel boundary of said parcel easterly thence northerly thence easterly thence southerly to the intersection with parcel 345518200003, thence following the parcel boundary of said parcel easterly and thence southerly to the intersection of parcel 345518200001, thence southerly along said parcel to the centerline of Highway 92, thence westerly following the centerline of Highway 92 to the intersection of Henry Street, thence southerly along the centerline of Henry Street to the intersection of Crawford Avenue, thence westerly along the centerline of Crawford Avenue to the intersection of Highway 92, thence westerly along the centerline of Highway 92 to the intersection with Grand Avenue, thence southerly along the centerline of Grand Avenue to the intersection of 4th Street and the point of beginning;

Also including 2 contiguous parcels owned by the City of Delta and known as Cottonwood Park ID 345507100002 and Riverbend Park ID 345507400001;

And also including two contiguous parcels located west of the future southerly extension of Circle Drive ID 345518207001 and ID 345518204003;

And also including property on the northwest corner of Grand Avenue and 6th Street addressed as 239 E 6th St and ID 345724109009;

And also including property on the southwest corner of Meeker Street and 6th Street addressed as 124 E 6th St and ID 345724116008;

And also including property on the southeast corner of Grand Avenue and 11th Street addressed as 1102 Grand Avenue and ID 345724412002.

Property is shown on the Delta Urban Renewal Authority (DURA) Project Plan Areas – 2017 Map with details available at Delta City Hall located at 360 Main Street, Delta Colorado.

Exhibit A

Exhibit B:

DURA Blight Study

Exhibit C:

Riverfront Activation Feasibility Study

Exhibit D:

Proposed Hotel in Delta County Feasibility Study

Delta Downtown Urban Renewal Plan - 2017

Exhibit E:

Delta Urban Renewal Areas – (blighted) – 1986 Map

Exhibit E

Exhibit F:

Phase I Subarea