

RESOLUTION NO. BOCC 2015-110
Planning Department File 2015-0182 TXT

**APPROVAL OF A TEXT AMENDMENT TO THE MESA COUNTY LAND DEVELOPMENT
CODE TO ADD SECTION 7.15.5 TO DEFINE THE PURPOSE OF AND REQUIREMENTS
FOR SHARED DRIVEWAYS, ADD SECTION 7.16.2, PUBLIC RIGHT-OF-WAY
DEDICATION CRITERIA, AND AMEND SECTION 7.16.3.**

WHEREAS, the Mesa County Planning Division, on the direction of the Board of County Commissioners, reviewed the Mesa County Land Development Code to make the Code easier to use and reducing or eliminating conflicts with other regulations and policies; and

WHEREAS, the Mesa County Master Plan lists as a goal “to ensure that future development occurs in an orderly fashion, avoiding and minimizing non-contiguous, scattered development throughout the County”; and

WHEREAS, providing access and utility corridors to properties influences economic activity and growth in the County; and

WHEREAS, the Mesa County Planning Commission recommended approval of the text amendment at their November 19, 2015 hearing; and

WHEREAS, a public hearing was held before the Mesa County Board of County Commissioners on December 8, 2015; and

WHEREAS, the Mesa County Board of County Commissioners approved the text amendment.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF MESA COUNTY, COLORADO FINDS:

THAT the hearing before the Board was held after proper notice;

THAT the application is in accordance with relevant Mesa County Master Plan Policies and the health, safety, and welfare of the residents of Mesa County; and

THAT the application meets Section 1.5 of the *Mesa County Land Development Code* and does not conflict with other sections in the *Mesa County Land Development Code*.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS IN THE COUNTY OF MESA, STATE OF COLORADO THAT:

1. The *Mesa County Land Development Code* is hereby amended as follows:
(additions are shown with underline; deletions are shown with ~~strikethrough~~.)

“7.15.5 | Shared Driveways

~~The purpose of shared driveways is to minimize access points and to increase the safety and efficiency of public streets and roads. Shared Driveways provide private driveway access for up to 5 lots, within “outlots” or easements that are privately owned and maintained. Lots served by a shared driveway typically have utility service extended from the public right-of-way in utility easements.~~

~~Within Rural Zoning Districts, and the RSF-R and RSF-E zones, up to four (4) single-family dwelling units may share a single driveway access to a public road through the use of a shared driveway, provided that the following conditions are shall be met:~~

~~A. Only one shared driveway shall be allowed per development unless the shared driveways take access from a public road classified as “local” (see the Road Access Policy). Additional shared driveways may be allowed in the NOI (Notice of Intent) process.~~

~~Shared driveways are allowed in locations approved per the Road Access Policy, provided that consideration of Public Right-of-way Dedication Requirements in Section 7.16 does not require a public right-of-way to be dedicated and/or a public road to be built by the developer.~~

~~B. Shared driveways shall meet the requirements in the Standard Specifications for Road and Bridge Construction, its appendix, the Road Access Policy, this Land Development Code and the International Fire Code, as may be amended. The shared driveway will be designed by a Professional Engineer licensed in the State of Colorado, and shall meet the following minimum specifications. Shared access within the Grand Junction Rural Fire District shall comply with the Fire Department Access requirements of the Grand Junction Transportation Engineering Design Standards (TEDS).~~

Minimum Specifications:

1. Unobstructed driving surface width of twenty (20) feet, exclusive of shoulders;
2. Proper drainage;
3. Turning radii at the intersection with public roads are built in accordance with the Road Access Policy;
4. Provision of a turnaround area in compliance with Appendix D of the International Fire Code where shared driveways exceed 150 feet in length;
5. An all-weather surface is constructed, meaning a road surface over which emergency and typical passenger vehicles can pass at all times and in any weather condition, maintained in a dust-free condition (exception: properties within the GJ Rural Fire District where TEDS is adopted must be finished with hot mix asphaltic concrete or concrete pavement over a flexible base); and
6. Paved aprons are constructed at intersections with paved public roads where required by the Road Access Policy, within the Urbanized Area of the Mesa County Municipal Separate Storm Sewer Systems (MS4s) Authorization (Stormwater Urbanized Area).

C. A Development Improvements Agreement (DIA) shall be required for the shared driveway construction. The developer shall be responsible to construct the shared driveway.

D. The shared driveway must be maintained with an all-weather surface and in a condition comparable to that required by the engineered design and minimum specifications noted above. Any disturbance of or damage to the driveway for installation of utilities, maintenance, etc. must be restored to meet the requirements engineered design and the minimum specifications noted above. Multi-purpose easements shall be dedicated contiguous to the shared driveway for utility service lines. Alternative provisions for utilities must be approved by the utility providers.

The shared driveway shall have some mechanism for maintenance, such as dedication to a property owners' association with responsibility for maintaining the shared driveway and the power to enforce payment of dues from individual homeowners in order to do so, or recording a maintenance agreement for the shared driveway. The mechanism for maintenance shall be recorded before the Final Plat is recorded.

7.16.2 | PUBLIC RIGHT-OF-WAY DEDICATION CRITERIA

Intent:

Roads are an important component of land development. They provide access to subdivision lots and circulation for vehicles and pedestrians in a broader area. Some utilities, such as domestic water and sewer, will only locate public lines within public rights-of-way. Since the needs for public right-of-way are different for every developing property or area, the following criteria will be considered when subdivision or re-subdivision of properties is proposed.

1. The development includes the construction of new roadways that will be petitioned for acceptance into the County road system.
2. The development application proposes more than 5 lots on one access or more than 5 lots on a shared driveway or auto court.
3. The property that is the subject of the development application is able to develop additional lots in the future according to the existing zoning on the property or designated future land use.
4. Adjacent properties are currently physically or legally landlocked from public right-of-way.
5. Adjacent properties are otherwise constrained by access regulations from direct access on existing public right-of-way.
6. Public right-of-way is necessary on the subject property to provide development improvements to the surrounding area either presently or in the future.
7. Adopted transportation plan(s) show(s) anticipated road circulation that involves the subject parcel.

The Mesa County Public Works Department will consider the above criteria prior to requiring dedication of public right-of-way. Required right-of-way connections to adjacent properties shall be located as effectively as possible considering topography, environmental constraints and adopted policies and regulations.

If the developer believes that dedication of public right(s)-of-way internal to the subdivision would not be beneficial to the current or future property owners or to the planned development of the area, then the developer or their engineer shall prepare a report for consideration by the Public Works Department certifying why public right(s)-of-way should not required.

Note: A bubble diagram will be required from the applicant to conceptually lay out their idea for full design of the subdivision at the density allowed by the zoning on the property or the Future Land Use classification.

7.16.2 3 | Improvements

Road improvements must meet the Mesa County Transportation Impact Fee (TIF) Regulation adopted on June 7, 2004 and effective January 1, 2005.

Limited improvements to adjacent roads shall be required of all types of development (excluding Property Line Adjustments and Residential Site Plans) that are not covered by the Transportation Impact Fee regulation (i.e., local roads).

A. Required Improvements

1. Streets/Roads

If a development is adjacent to a local street or road (as defined in the Road Access Policy) and if the street/road provides primary access, the developer shall be responsible for all improvement costs (see 2, below).

2. Primary Access Street/Road

When a development is not adjacent to a street/road and a Primary Access Street/Road is required to access the development the developer shall be responsible for the entire cost of the design and construction of said Primary Access Street/Road.

3. Internal Streets/Roads

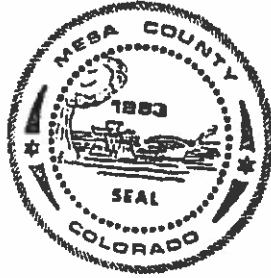
The developer shall be responsible for the entire cost of the design and construction of internal streets/roads and connection stubs. In the rural zone districts, the Developer may have their engineer prepare a specific proposal for reduced improvements when constraints (e.g. the need exists for additional right-of-way from an adjoining property or when a responsibility to share road construction costs with an adjoining property exists) are identified. When five or fewer residential lots will use the internal road for access, the improvements required in the right-of-way may be reduced, upon request by the Developer, to the minimum standard for shared driveways as specified in 7.15.5.

Mesa County will not accept new roads for maintenance that are not built to County specifications.”

APPROVED this 8th day of December, 2015.



Rose Pugliese, Chair
Board of County Commissioners



ATTEST:



Sheila Reiner
Mesa County Clerk & Recorder