

**RESOLUTION NO. BOCC 2015-111**  
Planning Department File 2015-0183 TXT

**APPROVAL OF A TEXT AMENDMENT TO THE MESA COUNTY LAND  
DEVELOPMENT CODE AMENDING SECTION 9.8, TRANSFERABLE DENSITY  
CREDITS: SECTION 9.8.1, SENDING SITES, AND SECTION 9.8.2.E, RECEIVING  
SITES, CLIFTON/FRUITVALE RECEIVING AREA**

**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 identifies Transfer of Development Rights as a means of conserving agricultural lands, and the Plan is implemented in Section 9.8 of the Mesa County Land Development Code, providing Transferable Density Credits as a possible incentive to encourage growth and development where infrastructure is available to serve higher densities; and

**WHEREAS**, it is desirable to allow flexibility in the implementation of Transferable Density Credits to adjust for changing markets and future needs; 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~~.)

### Section 9.8.1 | Sending Sites

- C. The Declaration of Restriction of Development and Easement shall be recorded in the real property records of Mesa County Clearly stating the number of Development Rights/Credits that have been transferred. The Declaration of Restriction of Development and Easement shall be ~~perpetual~~ for a period of thirty (30) years.
1. If TDR/C have not been used, in whole or in part, within ten (10) years, the owner of record of the sending site may seek to have the Declaration of Restriction of Development and Easement removed through the same process by which it was created.
  - a. If a portion of the TDR/C has been used, the Declaration of Restriction of Development and Easement may not be removed prior to the end of the original period.
2. Owners of record of sending sites that were approved prior to January 1, 2016 and that have not used the TDR/C in whole or in part may seek to amend the Declaration of Restriction of Development and Easement to remove the requirement for perpetual restriction and establish a new period of thirty (30) years, retroactive to the original date of the establishment of the TDR/C. The amendment shall be modified through the same process by which it was created.

### Section 9.8.2 | Receiving Areas

- E. Clifton/Fruitvale Receiving Area
  1. The Clifton/Fruitvale Receiving Area for Transfer of Development Rights/Credits (TDR/C) is any property in the “eastern expansion” area of the Clifton-Fruitvale planning boundary that has a future land use classification of Residential Medium Low (RML); or Residential Medium (RM) ~~or Mixed Use~~ in the Clifton/Fruitvale Community Plan.
  2. Residential development may be permitted at the ~~lowest~~ implementing density within the future land use classification of a Receiving Site ~~as a use-by-right.~~ Development of a Receiving Site at a density higher than the ~~minimum up to the maximum residential density in the future land use classification~~ ~~are encouraged~~ ~~and can only~~ may be achieved through the TDR/C program and implemented through the use of a Planned Use Development zone. Density may be increased to that of one zoning district higher than the maximum allowed by the implementing zoning districts. i.e., to RMF-5 in the RML future land use and to RMF-12 in the RM future land use.
  3. The primary Sending Area for the Clifton/Fruitvale TDR/C program is the Palisade Community Separator (Buffer Zone). The sending/receiving ratio from the

Palisade Community Separator Sending Area is 1:8. Each TDR credit issued from the Palisade Community Separator (Buffer Zone) is worth 8 dwelling units in the Clifton/Fruitvale Receiving Area.

4. Special Sending Areas. No more than 319 units may be transferred to the Clifton/Fruitvale Receiving Area from Special Sending Areas. This is approximately sixteen percent (16%) of the estimated total 2079 units the Clifton/Fruitvale Receiving Area can accept. The sending/receiving ratio is established above in Section 9.8.1.H.

APPROVED this 8<sup>th</sup> day of December, 2015.



---

Rose Pugliese, Chair  
Board of County Commissioners

ATTEST:

---

Sheila Reiner  
Mesa County Clerk & Recorder