

MESA COUNTY

LAND USE ITEMS

**August 10, 2009
9:00 A.M.**

**544 Rood Avenue
Grand Junction, Co.**

BoCC Rolling Calendar

| August 10, 2009 | | Board of County Commissioner's Hearing | | | |
|---------------------------|------------------------------------|-----------------------------------------------|---------------|-----------------|--|
| Project # | Project Name | Planner | Status | New BoCC | |
| 2009-0124 TXT1 | Extensions for Major Subs & PUDs | Christie | OK | | |
| 2009-0162 TXT1 | Amend Minimum Density | Linda | continued | 8/24 | |
| 2009-0158 TXT1 | Home Occupations | Linda | continued | 8/24 | |
| August 11, 2009 | | Board of County Commissioner's Hearing | | | |
| Project # | Project Name | Planner | Status | New BoCC | |
| 2009-0168 CUP1 | Javon's Corner CO1404 | Paul | OK | | |
| 2008-0648 CP1 | Wallace Subdivision | Christie | OK | | |
| 2008-0807 CUP1 | Old West Oil | Jo Carole | OK | | |
| 2008-0739 CUPR | Black Mountain Disposal Facility | Donna | OK | | |
| August 24, 2009 | | Board of County Commissioner's Hearing | | | |
| Project # | Project Name | Planner | Status | New BoCC | |
| 2009-0180 TXT1 | Telecommunication Tower Setbacks | Ron | continued | 9/21 | |
| 2009-0162 TXT1 | Amend Minimum Density | Linda | OK | | |
| 2009-0158 TXT1 | Home Occupations | Linda | OK | | |
| August 25, 2009 | | Board of County Commissioner's Hearing | | | |
| Project # | Project Name | Planner | Status | New BoCC | |
| 2009-0908 CP1 | Band of Brothers | Ron | OK | | |
| 2009-0212 CUP1 | Fruita Waste Water Treatment Plant | Paul | OK | | |
| 2009-0206 VA1 | Bareback Estates II | Jo Carole | OK | | |
| 2009-0215 VA1 | Albino Estates | Ron | OK | | |
| September 21, 2009 | | Board of County Commissioner's Hearing | | | |
| Project # | Project Name | Planner | Status | New BoCC | |
| 2009-0213 TXT1 | Text Amendment Change Process | Linda | OK | | |
| 2009-0180 TXT1 | Telecommunication Tower Setbacks | Ron | OK | | |
| September 22, 2009 | | Board of County Commissioner's Hearing | | | |
| Project # | Project Name | Planner | Status | New BoCC | |
| 2009-0204 CUP1 | Plateau Facility (Horsethief) | Randall | OK | | |
| 2009-0219 RZ1 | Orth | Ron | OK | | |
| 2009-0228 ZM1 | Dillard/Berg | Jean | OK | | |
| October 13, 2009 | | Board of County Commissioner's Hearing | | | |
| Project # | Project Name | Planner | Status | New BoCC | |
| 2009-0223 CUP1 | Alkali Creek Compressor Site | Randall | OK | | |
| October 19, 2009 | | Board of County Commissioner's Hearing | | | |
| Project # | Project Name | Planner | Status | New BoCC | |
| 2009-0202 TXT1 | AFT Setbacks | Donna | OK | | |

INDEX
MESA COUNTY COMMISSIONERS
LAND USE HEARING
AUGUST 10, 2009

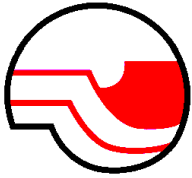
CONSENT ITEMS:

- 1. 2009-0124 TXT1 EXTENSIONS FOR MAJOR SUBDIVISIONS & PUD'S TEXT AMENDMENT**
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****ORGANIZATION STRUCTURE****

| | |
|-----------------------------------|--------|
| Project Review | White |
| Planning Commission Minutes | Pink |
| Review Agency Comments..... | Yellow |
| Public Comments | Blue |
| Applicant Information..... | Green |

PROJECT REVIEW



*Mesa County
Department of Planning and Economic Development*

*Land Use and Development • Long Range Planning
Economic Development • Development Services and Code Enforcement
750 Main Street, P. O. Box 20,000 Grand Junction, CO, 81502-5022
(970) 244-1636 www.mesacounty.us*

PROJECT REVIEW

May 5, 2009

Amended June 29, 2009 and July 20, 2009

A. PROJECT: **2009-0124 TXT1 Text Amendment to Sections 3.6, 3.7 & 3.16**

Petitioner: Mesa County Planning and Development Department
 Reviewed by: Planning and Development Staff
 Presented by: Christie Barton, Senior Planner
 Application: Text amendments to the Land Development Code to amend the existing text to allow extensions and phasing for major subdivisions and PUDs during the review process, to the attached language (language proposed to be deleted is in strikethrough font and new language is in ***bold italics***).
 Recommendation: Approval

B. PROJECT HISTORY:

As a result of requests from applicants for additional time and in consideration of the economy, a request is made to provide the ability of the Planning Director to allow extensions and phasings during the major subdivision process. The extension for Development Improvement Agreements is also included.

C. PROPOSED TEXT AMENDMENT:

The proposal is an amendment to 1) improve the location of phasing language currently in the Code, and 2) add extensions of time for the steps in the Major Subdivision process, the Planned Unit Development (PUD) process, and amend the Development Improvement Agreement process to reflect the existing process.

The following table demonstrates the proposed changes in time frames for Major Subdivisions and Planned Unit Developments:

| | Current: | Proposed: |
|---------------|-------------------------------------------------------------------|--------------------------------|
| Concept Plans | 1 year to Final Plan approval | 1 year to Final Plan submittal |
| | 1 year extension | 18 month extension |
| Final Plans | No time frame | 1 year to complete |
| | No extension provision | 1 year extension |
| Final Plats | 1 year to record development | 3 years to record development |
| | 1 year extension | Two 1-year extensions |
| DIA | 1 year to complete improvements | 1 year to complete (no change) |
| | No extension provision in Code (6 month extension allowed in DIA) | 1 year extension |

Section 3.16.4 Development Improvement Agreements: the proposed change is a formalization of the existing process. Current practice now allows a one year extension for an existing Development Improvement Agreement (DIA). Currently the Code does not have provisions for an extension but extensions have been allowed upon approval of a resolution by the County Commissioners.

The attached section of the Land Development Code contains the proposed changes. Additions to existing language are shown in *bold italics*; the items to be removed are shown with ~~strikethroughs~~.

D. COMPLIANCE WITH LAND DEVELOPMENT CODE

This Land Development Code is adopted for the purpose of preserving and improving the public health, safety, and general welfare of the citizens and businesses of Mesa County. More specifically, it is the purpose of this Land Development Code to:

- 1. implement, generally, the purposes, goals, and policies of the Mesa County Master Plan**
- 2. promote predictability, consistency, and efficiency in the land development process for residents, neighborhoods, businesses, agricultural and development interests;**
- 3. provide appropriate opportunities for participation and involvement in the development process by all affected parties;**
- 4. be fair to all by giving due consideration to protecting private property rights, the rights of individuals, and the rights of the community as a whole; and**
- 5. promote development that is consistent and compatible with that of the City of Grand Junction within the Joint Urban Planning Area.**

These text amendments improve the efficiency and usability of the Land Development Code by changing the Code to more accurately reflect the current process, removing errors, providing additional time for the development process especially in the uncertain economic climate, removing duplication with other documents that govern land development, and standardizing wording for ease of use.

The proposal **is consistent** with the purposes set forth in Section 1.5 of the Land Development Code.

E. PUBLIC COMMENT:

This amendment was reviewed by the Mesa County Land Development Code Focus Group. Comments from the meetings have been incorporated into the wording of the text amendment and two comments are attached.

F. REVIEW AGENCY COMMENTS:

All review comments received are a part of the hearing packet and the file. The following are excerpts from some review agency comments:

Staff comments: add in ‘**upon review of a written request**’ to the wording in the extension request portion.

Transportation Planning: Informational comment: Planning Department staff may want to discuss the potential consequences to adjacent property development when right-of-way required for access has been approved as part of a final plat, but not yet recorded. Review agencies may need to be notified of the status of approved but unrecorded rights-of-way in formulating review comments, and there may be opportunities to facilitate coordination between potential developers and the owners of approved but unrecorded subdivisions.

Development Engineering: Suggested change: “**One (1) extension of time up to one year may be approved by the Planning Director when deemed necessary.**”

F. PROJECT RECOMMENDATION: Approval of the proposed amendments to Major Subdivisions: Sections 3.6.3.F & L, Section 3.6.4.B & C.2, and Section 3.6.5.E; amendments to Planned Unit Developments: Sections 3.7.B & I, Section 3.7.2.B & C.2, Section 3.7.3.E; and amendments to Development Improvement Agreements in Section 3.16.4 in the Mesa County Land Development Code as attached to provide for phasing and extensions during the development process.

Bases for the approval: The proposed text amendment meets the purposes in Section 1.5 and does not conflict with any sections in the Land Development Code. It avoids duplication with other adopted regulations.

G. MCPC RECOMMENDATION (5/14/09): Continued due to workshop request. Rescheduled to **7/23/09:** Approved on consent, 5-0.

H. BCC DECISION (6/1/09): Continued due to workshop request. Rescheduled to **8/10/09:**

**TEXT
AMENDMENT**

Extensions for Concept Plans, Final Plans and Final Plats

May 5, 2009

§3.6 | Major Subdivisions

3.6.3 | Concept Plan

- A. **Neighborhood Meeting**

The Applicant shall hold a meeting with area property owners after the completion of the Sketch Plan Report and no less than 2 weeks prior to the submittal of a Concept Plan Application. Property owners within the notification area shall be invited to the meeting, which will be held at a reasonable time to encourage maximum participation. The purpose of the meeting is for the Applicant to discuss the application with area property owners and to identify issues that may need to be resolved to meet the approval criteria in this Land Development Code and any other adopted County regulations. A written narrative describing the meeting attendance and results must be submitted with the Concept Plan Application.
- B. **Application Filing**

Concept Plan applications shall be submitted to the Planning Director in the form required in the application packet.
- C. **Planning Director's Review and Report**

The Planning Director shall review each proposed Concept Plan in light of the Approval Criteria of Sec. 3.6.3.H, the applicable criteria in this Land Development Code and any other adopted County regulations, refer the application to those individuals and entities required by C.R.S 30-28-136.1(c), and may distribute the application to other reviewers. A preliminary report will be distributed to the applicant within ten (10) working days after the end of the review comment period.
- D. **Public Hearing Scheduling**

Public hearings shall be scheduled to a date certain. Subsequent to the initial application for administrative review, the applicant has 90 calendar days to respond to the review comments and may request one (1) 90-calendar day extension of time to respond. If the Applicant does not respond to review comments within either the 90 calendar days or the extension period, the application will be considered automatically withdrawn. The Applicant may request a public hearing, subsequent to the first response time period, if the Applicant wishes to proceed and the Application does not demonstrate compliance with County regulations, adopted policies and intergovernmental agreements, and review agency concerns and requirements. After three (3) review periods have been completed and the application contains deficiencies such that it does not meet County regulations, does not address adopted policies and intergovernmental agreements, or does not satisfy review agency concerns or requirements, the Planning Director will schedule the application for public hearing unless the Applicant withdraws it entirely.
- E. **Public Hearing Notice**

Notice of the Planning Commission's and Board of County Commissioners' public hearings shall be provided by mail, publishing and posting, in accordance with the requirements of Sec. 3.1.8. Written notice of the Planning Commission's public hearing shall also be provided to subsurface (mineral rights) owners at least five days before the hearing in accordance with the requirements of Sec. 3.1.8 and CRS §30-28-133(10) and §31-23-215. The Concept Plan shall have submitted with it the names and addresses of all surface owners, mineral owners, and lessees of mineral owners to whom notices of a hearing shall be sent as their names may appear upon the plats or records in the County Clerk and Recorder's office and as their most recent addresses may appear in a telephone or other directory of general use in the area of the property or on the tax records of the County.

Relocate section:

F. If construction is planned in phases, a phasing plan and schedule must be submitted for review by staff and review agencies and approval by the Board of County Commissioners in the public hearing as a part of the development application.

F.G. Planning Commission's Review and Recommendation

The Planning Director shall provide a report to the Planning Commission. The Planning Commission shall hold a public hearing on the proposed Concept Plan, and, at the close of the hearing, recommend approval, approval with conditions or denial of the application based on the Approval Criteria of Sec. 3.6.3.H, any other adopted County regulations and other applicable standards in this Land Development Code. Failure of the Planning Commission to make its recommendation within 30 days of the initial public hearing date for the Concept Plan application shall constitute a recommendation for approval of the application unless the applicant agrees in writing to an extension of this period.

G.H. Board of County Commissioners' Review and Decision

After receiving the recommendation of the Department of Planning and Development and the Planning Commission, the Board of County Commissioners shall hold a public hearing on the Concept Plan, and, at the close of the hearing, act to approve, approve with conditions, or deny the application, based on the Approval Criteria of Sec. 3.6.3.H, other applicable standards in this Land Development Code and any other adopted County regulations.

H.I. Approval Criteria

A Concept Plan may be approved by the Board of County Commissioners after considering the General Approval Criteria in Section 3.1.17 and the following:

1. the county and other service providers will be able to provide adequate facilities and services (including sewage and waste disposal, domestic water, and irrigation water, [where available], gas, electricity, police and fire protection, and roads and transportation, as applicable) which shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development;
2. the proposed subdivision will not result in significant and demonstrable adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife and vegetation;
3. the proposed subdivision, if located within the Joint Urban Planning Area's Urban Growth Boundary, will not impede future development of surrounding land at densities and intensities shown in the Mesa County Master Plan;
4. the proposal is not significantly different from surrounding and nearby land uses and/or allowed uses in terms of density, intensity and impacts, and it mitigates any potential adverse impacts to the maximum extent practical (traffic generation, noise, odor, dust, and other external impacts);
5. the proposed subdivision, if located within the Rural Planning Area, does not results in the division of, or hinder, conservation of prime or prime and unique agricultural land, as defined by the Natural Resources Conservation Service; and
6. the proposed subdivision, if located within or adjacent to the Rural Planning Area, includes a site plan and plat note reciting the County's Right to Farm and Ranch policy.

I.J. Findings of Fact

The decision of the Board of County Commissioners shall be accompanied by written findings of fact, which shall include a finding of whether the Major Subdivision is consistent or inconsistent with any applicable intergovernmental agreements between the County and other entities. Those

Extensions for Concept Plans, Final Plans and Final Plats

May 5, 2009

§3.6 | Major Subdivisions

3.6.3 | Concept Plan

- A. **Neighborhood Meeting**

The Applicant shall hold a meeting with area property owners after the completion of the Sketch Plan Report and no less than 2 weeks prior to the submittal of a Concept Plan Application. Property owners within the notification area shall be invited to the meeting, which will be held at a reasonable time to encourage maximum participation. The purpose of the meeting is for the Applicant to discuss the application with area property owners and to identify issues that may need to be resolved to meet the approval criteria in this Land Development Code and any other adopted County regulations. A written narrative describing the meeting attendance and results must be submitted with the Concept Plan Application.
- B. **Application Filing**

Concept Plan applications shall be submitted to the Planning Director in the form required in the application packet.
- C. **Planning Director's Review and Report**

The Planning Director shall review each proposed Concept Plan in light of the Approval Criteria of Sec. 3.6.3.H, the applicable criteria in this Land Development Code and any other adopted County regulations, refer the application to those individuals and entities required by C.R.S 30-28-136.1(c), and may distribute the application to other reviewers. A preliminary report will be distributed to the applicant within ten (10) working days after the end of the review comment period.
- D. **Public Hearing Scheduling**

Public hearings shall be scheduled to a date certain. Subsequent to the initial application for administrative review, the applicant has 90 calendar days to respond to the review comments and may request one (1) 90-calendar day extension of time to respond. If the Applicant does not respond to review comments within either the 90 calendar days or the extension period, the application will be considered automatically withdrawn. The Applicant may request a public hearing, subsequent to the first response time period, if the Applicant wishes to proceed and the Application does not demonstrate compliance with County regulations, adopted policies and intergovernmental agreements, and review agency concerns and requirements. After three (3) review periods have been completed and the application contains deficiencies such that it does not meet County regulations, does not address adopted policies and intergovernmental agreements, or does not satisfy review agency concerns or requirements, the Planning Director will schedule the application for public hearing unless the Applicant withdraws it entirely.
- E. **Public Hearing Notice**

Notice of the Planning Commission's and Board of County Commissioners' public hearings shall be provided by mail, publishing and posting, in accordance with the requirements of Sec. 3.1.8. Written notice of the Planning Commission's public hearing shall also be provided to subsurface (mineral rights) owners at least five days before the hearing in accordance with the requirements of Sec. 3.1.8 and CRS §30-28-133(10) and §31-23-215. The Concept Plan shall have submitted with it the names and addresses of all surface owners, mineral owners, and lessees of mineral owners to whom notices of a hearing shall be sent as their names may appear upon the plats or records in the County Clerk and Recorder's office and as their most recent addresses may appear in a telephone or other directory of general use in the area of the property or on the tax records of the County.

Relocate section:

F. If construction is planned in phases, a phasing plan and schedule must be submitted for review by staff and review agencies and approval by the Board of County Commissioners in the public hearing as a part of the development application.

F.G. Planning Commission's Review and Recommendation
The Planning Director shall provide a report to the Planning Commission. The Planning Commission shall hold a public hearing on the proposed Concept Plan, and, at the close of the hearing, recommend approval, approval with conditions or denial of the application based on the Approval Criteria of Sec. 3.6.3.H, any other adopted County regulations and other applicable standards in this Land Development Code. Failure of the Planning Commission to make its recommendation within 30 days of the initial public hearing date for the Concept Plan application shall constitute a recommendation for approval of the application unless the applicant agrees in writing to an extension of this period.

G.H. Board of County Commissioners' Review and Decision
After receiving the recommendation of the Department of Planning and Development and the Planning Commission, the Board of County Commissioners shall hold a public hearing on the Concept Plan, and, at the close of the hearing, act to approve, approve with conditions, or deny the application, based on the Approval Criteria of Sec. 3.6.3.H, other applicable standards in this Land Development Code and any other adopted County regulations.

H.I. Approval Criteria
A Concept Plan may be approved by the Board of County Commissioners after considering the General Approval Criteria in Section 3.1.17 and the following:

1. the county and other service providers will be able to provide adequate facilities and services (including sewage and waste disposal, domestic water, and irrigation water, [where available], gas, electricity, police and fire protection, and roads and transportation, as applicable) which shall be available upon completion of the project to serve the subject property while maintaining adequate levels of service to existing development;
2. the proposed subdivision will not result in significant and demonstrable adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife and vegetation;
3. the proposed subdivision, if located within the Joint Urban Planning Area's Urban Growth Boundary, will not impede future development of surrounding land at densities and intensities shown in the Mesa County Master Plan;
4. the proposal is not significantly different from surrounding and nearby land uses and/or allowed uses in terms of density, intensity and impacts, and it mitigates any potential adverse impacts to the maximum extent practical (traffic generation, noise, odor, dust, and other external impacts);
5. the proposed subdivision, if located within the Rural Planning Area, does not results in the division of, or hinder, conservation of prime or prime and unique agricultural land, as defined by the Natural Resources Conservation Service; and
6. the proposed subdivision, if located within or adjacent to the Rural Planning Area, includes a site plan and plat note reciting the County's Right to Farm and Ranch policy.

I.J. Findings of Fact
The decision of the Board of County Commissioners shall be accompanied by written findings of fact, which shall include a finding of whether the Major Subdivision is consistent or inconsistent with any applicable intergovernmental agreements between the County and other entities. Those

written findings shall be stated in the Board's resolution approving or denying the Concept Plan. The findings shall also be filed with the Planning Department, and with the Clerk and Recorder of Mesa County. In the event of denial, the Board of County Commissioners' written findings shall specify the provisions of the County's adopted regulations that the proposal failed to satisfy.

J.K. Technical Disputes

As a means of resolving technical disputes between the applicant's licensed or registered professionals and the County, such disputes may be referred to a qualified employee of the appropriate state department for a recommendation pursuant to CRS §30-28-133.5.

K.L. Lapse of Concept Plan Approval

An approved Concept Plan shall lapse and be of no further force and effect if a complete Final Plan application for the subdivision or a phase of the subdivision, has not been ~~approved~~ **submitted** within one year of the date of Concept Plan approval by the Board of County Commissioners (date of approval resolution). One (1) extension of time up to ~~one (1) year~~ **18 months** may be approved by the Planning Director **upon review of a written request** when deemed necessary to resolve review comments **or due to unforeseen circumstances**. ~~If the subdivision is to be developed in phases, a phasing plan shall be approved as part of the Concept Plan approval. Failure to file a complete application for a Final Plat for any phase of a subdivision within the approved phasing plan shall result in a lapse of the Concept Plan.~~ If approval lapses, the Planning Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder.

3.6.4 | Final Plan

After approval of a Concept Plan, a Final Plan application for the subdivision may be submitted.

A. Application Filing

Final Plan applications shall be submitted to the Planning Director in the form required in the application packet.

B. Planning Director's Action

The Planning Director shall review each Final Plan application, and act to approve or deny the Final Plan based on the Approval Criteria of Sec. 3.6.4.C.

C. Approval Criteria

The Planning Director shall approve a Final Plan only if the Planning Director determines that the Final Plan is consistent with the approved Concept Plan and meets all conditions imposed by the Board of County Commissioners during their approval of the Concept Plan. A Final Plan is deemed to be consistent with the approved Concept Plan when 1) the locations of connections to public roads and adjacent properties not owned by the applicant are not altered and internal street and pedestrian path alignments may be slightly modified; 2) drainage and detention facility locations are retained within the general areas identified in the approved Concept Plan; 3) all applicable requirements of this Land Development Code are met; and 4) other modifications are determined by the Planning Director to be consistent with the approved Concept Plan. **If circumstances pertaining to the overall development change, a phasing plan may be approved by the Planning Director in response to a written request stating the specific circumstances. The applicant shall obtain concurrence from the applicable utilities and adjacent property owners shall be notified.** Any Final Plan which is determined to be inconsistent with the Concept Plan approval per this section may either be revised to be consistent with such previous approval or may be submitted as a new Concept Plan under Section 3.6.3.

D. Time Frames

The Final Plan shall be approved within one year of the date of submittal. One extension of one (1) year may be approved by the Planning Director upon review of a written request.

3.6.5 | Final Plat

After approval of a Final Plat, a Final Plat application for the subdivision may be submitted.

- A. **Public Improvements/Development Improvements Agreements**
Before approval of a Final Plat, the applicant must install all required public and private improvements in accordance with the approved improvements construction plans or execute a Development Improvements Agreement to install such improvements, in accordance with Sec. 3.16.
- B. **Application Filing**
Final Plat applications shall be submitted to the Planning Director. The application shall be submitted in person during a check in meeting (see Sec. 3.1.7).
- C. **Planning Director's Action**
The Planning Director shall review each Final Plat application, and act to approve or deny the Final Plat, after determining whether or not it is consistent with the approved Final Plat.
- D. **Acceptance of Improvements**
Approval of a Final Plat shall not, in and of itself, constitute acceptance of any public improvements. Such acceptance will require separate action by the Board of County Commissioners.
- E. **Recording; Lapse of Approval**
If the approved Final Plat is not recorded with the Clerk and Recorder of Mesa County within ~~one~~ **three (3) years** of the date of approval of the Final Plat ~~Plan~~, the Concept Plan and Final Plan shall lapse and be of no further effect. **Two (2) one-year extensions of time may be approved by the Planning Director upon review of a written request when deemed necessary due to unforeseen circumstances.** If approval lapses, the Planning Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder. ~~An administrative extension of an approved phasing plan for up to one year may be approved by the Planning Director pursuant to the Administrative Adjustment procedures in Section 3.14.~~
- F. **Corrections for Errors or Omissions for Minor Changes to Recorded Plats**
If it is discovered that there is a minor survey or drafting error, the Registered Land Surveyor who has certified the plat shall be notified of any errors or omissions, where upon the Registered Land Surveyor shall submit an Affidavit of Correction to the County Surveyor for verification. If the Surveyor who certified the plat is absent, the County Surveyor shall prepare the Affidavit of Correction. The completed Affidavit shall be submitted to the Mesa County Planning Department to be recorded with the Mesa County Clerk and Recorder within 10 days of completion.

3.6.6 | Appeals *

- A. **Appeals of Planning Director's Decision**
Appeals of the actions of the Planning Director regarding Major Subdivision Final Plats may be taken to the Board of County Commissioners by filing an appeal with the Planning Director within thirty (30) days of the Planning Director's decision on the matters. The Board of County Commissioners shall consider the appeal as a new matter, and act to approve, approve with conditions, or deny the application. The required notice and approval criteria shall be the same as required of the original action before the Planning Director; however, evidence shall be weighed independently by the Board. If more than one appeal is filed concerning a single decision, the appeals may be consolidated into a single appeal for review at the discretion of the Board.
- B. **Appeals of Board of County Commissioners' Decision**
Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

§3.7 | Planned Unit Developments (PUD)

Planned Unit Developments are approved and processed in the same manner as Major Subdivisions. The first step involves review of a sketch plan application. A Planned Unit Development application will follow the Sketch Plan and Neighborhood Meeting processes described in Chapter 3.6, Major Subdivisions. The second step provides for review and approval of a Rezoning application to the PUD district and an accompanying Concept Plan. The third step involves review and approval of Final PUD Plans for the development. A Final Plat is required when subdivision of land is approved.

3.7.1. Concept Plan

A. Public Hearing Notice

Notice of the Planning Commission's and Board of County Commissioners' public hearings shall be provided by mail, publishing and posting, in accordance with the requirements of Sec. 3.1.8. Written notice of the Planning Commission's public hearing shall also be provided to subsurface (mineral rights) owners at least five days before the hearing in accordance with the requirements of Sec. 3.1.8 and CRS §30-28-133(10) and §31-23-215. The Concept Plan shall have submitted with it the names and addresses of all surface owners, mineral owners, and lessees of mineral owners to whom notices of a hearing shall be sent as their names may appear upon the plats or records in the County Clerk and Recorder's office and as their most recent addresses may appear in a telephone or other directory of general use in the area of the property or one the tax records of the County.

Relocate section:

B. If construction is planned in phases, a phasing plan and schedule must be submitted for review by staff and review agencies and approval by the Board of County Commissioners in the public hearing as a part of the development application.

B.C. Public Hearing Scheduling

Public hearings shall be scheduled to a date certain. Subsequent to the initial application for administrative review, the applicant has 90 calendar days to respond to the review comments and may request one (1) 90-calendar day extension of time to respond. If the Applicant does not respond to review comments within either the 90 calendar days or the extension period, the application will be considered automatically withdrawn. The Applicant may request a public hearing, subsequent to the first response time period, if the Applicant wishes to proceed and the Application does not demonstrate compliance with County regulations, adopted policies and intergovernmental agreements, and review agency concerns and requirements. After three (3) review periods have been completed and the application contains deficiencies such that it does not meet County regulations, does not address adopted policies and intergovernmental agreements, or does not satisfy review agency concerns or requirements, the Planning Director will schedule the application for public hearing unless the Applicant withdraws it entirely.

C.D. Planning Commission's Review and Recommendation

The Planning Commission shall hold a public hearing on the proposed Concept Plan, and, at the close of the hearing, recommend approval, approval with conditions or denial of the application based on the Approval Criteria of Sec. 3.7.1.E, other applicable criteria in this Land Development Code and any other adopted County regulations and other applicable standards. Failure of the Planning Commission to make its recommendation within 30 days of the date of its receipt of the Concept Plan application shall constitute a recommendation for approval of the application unless the applicant agrees in writing to an extension of this period.

D.E. Board of County Commissioners' Review and Decision

After receiving the recommendation of the Planning Commission, the Board of County Commissioners shall hold a public hearing on the Concept Plan, and, at the close of the hearing, act to approve, approve with conditions, or deny the application, based on the Approval Criteria of Sec. 3.7.1.D, other applicable criteria in this Land Development Code and any other adopted County regulations and other applicable standards.

E.F. Concept Plan and PUD Rezoning Approval Criteria

Concept Plans and PUD Rezoning applications may be approved by the Board of County Commissioners only if they find that all of the following criteria have been met:

1. the proposed Concept Plan is consistent with the Mesa County Master Plan pursuant to CRS §24-67-104;
2. the Concept Plan is necessary to address a unique situation or represents a substantial benefit to the County, compared to what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the Purposes set out in Sec. 1.5;
3. the Concept Plan complies with the PUD regulations of Sec. 4.4.1;
4. the proposal is not significantly different from surrounding land uses in terms of density, intensity and impacts, and it mitigates any potential adverse impacts to maximum extent practical;
5. facilities and services (including sewage and waste disposal, domestic water, irrigation water [where available], gas, electricity, police and fire protection, and roads and transportation, as applicable) shall be available upon completion of the project to serve the subject property, while maintaining adequate levels of service to existing development; and
6. the same development could not be accomplished through the use of other techniques, such as rezoning to a non-PUD district, variances, or administrative adjustments.

F.G. Findings of Fact

The decision of the Board of County Commissioners shall be accompanied by written findings of fact, which shall include a finding of whether the proposed Concept Plan and Rezoning are consistent or inconsistent with the Mesa County Master Plan pursuant to CRS §24-67-104; and substantially consistent or inconsistent with any applicable intergovernmental agreements between the County and other entities. Those written findings shall be stated in the Board's resolution approving or denying the Concept Plan and Rezoning. The findings shall also be filed with the Planning Department and the Clerk and Recorder of Mesa County. In the event of denial, the Board of County Commissioner's written findings shall specify the provisions of the County's adopted regulations that the proposal failed to satisfy.

G.H. Effect of Concept Plan Approval

Concept Plans shall be approved concurrently with PUD Rezoning applications. No Concept Plan may be approved without a PUD Rezoning, and no PUD Rezoning application may be approved until a Concept Plan for the development has been approved. Approval of a Concept Plan shall constitute acceptance of the uses, maximum development intensities, and general layout proposed for the PUD development. As such, the Concept Plan shall govern the preparation of the required Final PUD Plans. The approved Concept Plan shall be supported by the project final design. Should the Concept Plan prove unbuildable or otherwise not feasible based on the final PUD Plans, the Concept Plan must be revised to reflect the limitations identified in the design of the final PUD Plans.

H.I. Lapse of Concept Plan Approval

An approved Concept Plan shall lapse and be of no further force and effect if a complete Final PUD Plan application for the PUD or a phase of the PUD has not been ~~approved~~ **submitted** within one year of the date of Concept Plan approval by the Board of County Commissioners. One (1) extension of time up to ~~one (1) year~~ **18 months** may be approved by the Planning Director **upon review of a written request** when deemed necessary to resolve review comments **or due to unforeseen circumstances**. ~~If the PUD is to be developed in phases, a phasing plan with lapse dates shall be approved as part of the Concept Plan approval.~~ In the event that approval lapses, the Concept Plan shall be of no effect, and the property may be developed only in accordance with the regulations of the underlying base zoning district. In the event of lapse of approval, the Planning Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder, and initiate action to rezone the property to a zoning classification that is

consistent with the Mesa County Master Plan, in accordance with the Rezoning procedure of Sec. 3.4.

3.7.2 | Final PUD Plans

After approval of a Concept Plan, a Final Plan application for the subdivision may be submitted.

- A. Application Filing
Final Plan applications shall be submitted to the Planning Director in the form required in the application packet.
- B. Planning Director's Action
The Planning Director shall review each Final Plan application, and act to approve or deny the Final Plan, based on the Approval Criteria of Sec. 3.7.1.C.
- C. Approval Criteria
The Planning Director shall approve a Final Plan only if the Planning Director determines that the Final Plan is consistent with the approved Concept Plan and meets all conditions imposed by the Board of County Commissioners during their approval of the Concept Plan. A Final Plan is deemed to be consistent with the approved Concept Plan when 1) the locations of connections to public roads and adjacent properties not owned by the applicant are not altered and internal street and pedestrian path alignments may be slightly modified; 2) drainage and detention facility locations are retained within the general areas identified in the approved Concept Plan; 3) all applicable requirements of this Land Development Code are met; and 4) other modifications are determined by the Planning Director to be consistent with the approved Concept Plan. **If circumstances pertaining to the overall development change, a phasing plan may be approved by the Planning Director in response to a written request stating the specific circumstances. The applicant shall obtain concurrence from the applicable utilities and the adjacent property owners shall be notified.** Any Final Plan which is determined to be inconsistent with the Concept Plan approval per this section may either be revised to be consistent with such previous approval or may be submitted as a new Concept Plan under Section 3.7.1.
- D. **Time Frames**
The Final Plan shall be approved within one year of the date of submittal. One extension of one (1) year may be approved by the Planning Director upon review of a written request.
- D.E. Appeals
 - 1. Appeals of Planning Director's Decision
Appeals of the action of the Planning Director on a PUD Final Plan may be taken to the Board of County Commissioners by filing an appeal with the Planning Director within thirty (30) days of the Planning Director's decision on the matter. The Board of County Commissioners shall consider the appeal as a new matter, and act to approve, approve with conditions, or deny the application. The required notice and approval criteria shall be the same as required of the original action before the Planning Director; however, evidence shall be weighed independently by the Board. If more than one appeal is filed concerning a single decision, the appeals may be consolidated into a single appeal for review at the discretion of the Board.
 - 2. Appeals of Board of County Commissioners' Decision
Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.
- ~~E. Lapse of Final PUD Plan Approval
The right to develop in accordance with an approved Final PUD Plan shall lapse and be of no further effect if all development shown on the approved Final PUD Plan is not complete within~~

~~three years of the date of Final PUD Plan approval. If approval lapses, the Planning Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder.~~

3.7.3 | Final Plat

After approval of a Final Plan, a Final Plat application shall be submitted for a PUD which subdivides the property.

- A. **Public Improvements/Development Improvements Agreements**
Before approval of a Final Plat, the applicant must install all required public and private improvements in accordance with the approved improvements construction plans or execute a Development Improvements Agreement to install such improvements, in accordance with Sec. 3.16.
- B. **Application Filing**
Final Plat applications shall be submitted to the Planning Director. The application shall be submitted in person during a check in meeting (see Sec. 3.1.7).
- C. **Planning Director's Action**
The Planning Director shall review each Final Plat application, and act to approve or deny the Final Plat, after determining whether or not it is consistent with the approved Final Plan.
- D. **Acceptance of Improvements**
Approval of a Final Plat shall not, in and of itself, constitute acceptance of any public improvements. Such acceptance will require separate action by the Board of County Commissioners.
- E. **Recording; Lapse of Approval**
If the approved Final Plat **or Site Development Plan** is not recorded with the Clerk and Recorder of Mesa County within ~~one~~ **three** years of the date of approval of the Final Plat, the Concept Plan and Final Plans shall lapse and be of no further effect. **Two (2) one-year extensions of time may be approved by the Planning Director upon review of a written request when deemed necessary due to unforeseen circumstances.** If approval lapses, the Planning Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder.
- F. **Corrections for Errors or Omissions for Minor Changes to Recorded Plats**
If it is discovered that there is a minor survey or drafting error, the Registered Land Surveyor who has certified the plat shall be notified of any errors or omissions, where upon the Registered Land Surveyor shall submit an Affidavit of Correction to the County Surveyor for verification. If the Surveyor who certified the plat is absent, the County Surveyor shall prepare the Affidavit of Correction. The completed Affidavit shall be submitted to the Mesa County Planning Department to be recorded with the Mesa County Clerk and Recorder within 10 days of completion.

3.7.4| Expiration of Previously Approved Planned Unit Developments

If an Official Development Plan for a Planned Unit Development that was approved before the effective date of this Code (May 1, 2000) lapses or has lapsed prior to adoption of this Code, the subject property shall be governed by the regulations of the zoning district that existed on the property immediately before approval of the Planned Unit Development. Applications to Rezone such property to a zoning classification that is consistent with the Mesa County Master Plan shall be accepted without the payment of a fee. If a previously approved Official Development Plan expires, the Planning Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder. Within five years of recording of such an affidavit, the Planning Director shall initiate action to rezone the property to a zoning classification that is consistent with the Mesa County Master Plan, in accordance with the Rezoning procedure of Sec. 3.4.

3.16 Development Improvement Agreements

3.16.4 | Time Line for Completion of Improvements

~~If construction is planned in phases, a phasing plan and schedule must be submitted for review by staff and review agencies and approval by the Board of County Commissioners in the public hearing as a part of the development application.~~ All improvements shall be constructed within one year of the effective date of the Development Improvements Agreement. **One (1) extension of time up to one (1) year may be approved by the Planning Director upon review of a written request.** Only the phases scheduled for completion within 1 year of recording may be filed. Subsequent filings may be recorded in the same manner upon acceptance of the constructed improvements for the previous phase. All improvements contiguous to the recorded phase must be constructed with that filing and not with subsequent filings, unless approved by the Board of County Commissioners as a part of the phasing plan presented with the development application.

MCPC MINUTES

Mesa County Planning Commission

July 23, 2009

PUBLIC HEARING MINUTES

Chairman Justman called to order a scheduled hearing of the Mesa County Planning Commission at 6:04p.m. Commissioner Susuras led the Pledge of Allegiance. The hearing was held in the Public Hearing Room, Mesa County Administration Building, 544 Rood Avenue, Grand Junction, Colorado.

In attendance representing the Mesa County Planning Commission, were: John Justman, Mark Bonella, Sam Susuras, Phillip Jones and Joe Moreng.

In attendance, representing the Mesa County Department of Planning and Economic Development, were: Kurt Larsen, Linda Dannenberger, Donna Ross, JoCarole Haxel, Christie Barton and Paul Sizemore. Chy Arnett was present to record the minutes.

There were (18) citizens present throughout the hearing.

APPROVAL OF THE MINUTES

June 25, 2009

Motion Commissioner Moreng Moved to accept the minutes of June 25, 2009 as is.

Second Commissioner Susuras

Motion Approved 5-0

ANNOUNCEMENTS

Kurt Larsen, Mesa County Planning & Economic Development Director went through the agenda and pointed out several changes that needed to be addressed in the agenda.

Motion Commissioner Susuras moved that item # 6 2008-0807CUP1 Old West Oil Field Services Conditional Use Permit be moved to the first item to be heard on the Hearing Agenda.

Second Commissioner Jones

Motion Approved 5-0

CONSENT ITEMS

Chairman Justman explained the Consent Agenda and polled the Commission and the public to see if anyone had any objections to the item staying on the Consent Agenda. Hearing none Chairman Justman asked for a motion to approve the Consent Agenda.

Motion Vice Chairman Bonella moved that all items on the Consent agenda be approved with all Review Agency and Staff recommendation including the addition of an additional recommendation by Ms. Barton as explained by Kurt Larsen to have the

owners of item 2008-0648 CP1 Wallace Subdivision Concept Plan annexed into the Bookcliff public improvement district before the final plat is recorded.

Second Commissioner Susuras

Motion Approved 5-0

Due to some confusion a member of the public did not realized that he missed his opportunity to speak about the Consent Item 2008-0648 CP1 Wallace Subdivision Concept Plan. Chairman Justman asked if he would come down and stated his name and concerns about the item.

Joe Snyder of 3191 F¹/₂ road spoke about his concerns for the item being approved.

After a short time Vice Chairman Bonella realized this was not something that could be dealt with a simple question and answer.

Motion Amended Vice Chairman Bonella moved that his motion to have item 2008-0648CP1 Wallace Subdivision be reconsidered and the item be moved to the second item to be heard on the Hearing Agenda.

Second Commissioner Susuras

Motion Approved 5-0

**REVIEW
AGENCY
COMMENTS**

5-2-1 Drainage Authority

Attn: Eric Mende PE
573 W Crete Circle, Suite 203
Grand Junction CO 81505-

Assessor's Office
Attn: Lavada, Jen or Jackie
Intra-county Mail

Blue Stone Conservancy District
Attn: George Letson, Secretary
PO Box 187
Parachute CO 81635-

Bresnan Communications
Attn: Scott Wright
2502 Foresight Circle
Grand Junction CO 81505-

Building Department

Attn: Bob Lee
Internal

Bureau Of Land Management
Attn: David Lehman
2815 H Road
Grand Junction CO 81506-

Central Orchard Mesa Fire Department
Attn: Dave Gitchell
2732 B Rd
Grand Junction CO 81503-

CenturyTel
Attn: Greg Jaramillo
PO Box 570
Eagle CO 81631-

Clifton Fire Protection District
Attn: Kent Holsan
PO Box 386
Clifton CO 81520-0386

Clifton Sanitation District #2
Attn: Frank Hyde
3217 D Road
Clifton CO 81520-0186

Clifton Water District

Attn: Dave Reinertsen
510 34 Road
Clifton CO 81520-0100

Code Enforcement
Attn: Donna Ross
Internal

Collbran Conservancy District
Attn: Wes Hawkins
PO Box 163
Collbran CO 81624-

Collbran Town Hall
PO Box 387
Collbran CO 81624-

Colorado Dept of Transportation - Region 3
Attn: Access Manager
222 S. 6th St Room 100
Grand Junction CO 81501-

Colorado Division of Wildlife
Attn: JT Romatzke
711 Independent Avenue
Grand Junction CO 81505-

Colorado State Parks
Attn: Bob Wiig/Brad Taylor
PO Box 700
Clifton CO 81520-

Corps of Engineer
Attn: Ken Jacobson
402 Rood Avenue #142
Grand Junction CO 81501-2563

DeBeque Fire Department
Attn: Nick Marx
PO Box 60
DeBeque CO 81630-

DeBeque Municipal Offices
Attn: Zeke Gaudern
PO Box 60
DeBeque CO 81630-

DeBeque Public Works
Attn: Coe Latham
PO Box 60
DeBeque CO 81630-

DeBeque School District 49JT
Attn: Steve Strong
PO Box 70
DeBeque CO 81630-

Development Engineer

Attn: Tim Hayashi
Internal

East Orchard Mesa Fire District
Attn: Rob Talbott
3620 F Road
Palisade CO 81526-

Enviromental Health - ISDS
Attn: Dean Goebel
Internal

Facilities and Parks
Attn: Sue Gormley
Intra-county Mail

Floodplain Administrator

Attn: Andi Staley
Internal

Fruita City Hall
Attn: Planning Dept
325 E. Aspen Ave
Fruita CO 81521-

Fruita Dept of Public Works
325 E. Aspen Ave
Fruita CO 81521-

Gateway Volunteer Fire Department
Attn: Dave Anderson
PO Box 126
Gateway CO 81522-

Glade Park Fire Department
Attn: Bill Perrin
PO Box 23119
Glade Park CO 81523-0119

Grand Junction Community Development - City Hall

Attn: David Thornton
Intra-county Mail

Grand Junction Drainage District
Attn: John Ballagh/Donna Garlitz
PO Box 969
Grand Junction CO 81502-0969

Grand Junction Fire Department

Attn: Hank Masterson/Norm Noble
330 S. 6th
Grand Junction CO 81501-

Grand Junction Rural Fire
Attn: Hank Masterson/Norm Noble
330 S. 6th
Grand Junction CO 81501-

Grand Junction Utilities (Persigo) - City Hall
Attn: Greg Trainor
Intra-county Mail

Grand Junction Water District
Attn: Terry Franklin
2553 River Rd
Grand Junction CO 81503-

Grand Valley Irrigation
Attn: Phil Bertrand
688 26 Rd
Grand Junction CO 81506-

Grand Valley Power
Attn: Perry Rupp
PO Box 190
Grand Junction CO 81502-0190

Grand Valley Water Users
Attn: Richard Proctor
1147 24 Road
Grand Junction CO 81505-9639

Juniata Ditch Company
Attn: Morris Kimmell
2080 Purdy Mesa Rd
Whitewater CO 81527-

KN Energy
Rocky Mountain Natural Gas
15519 59 1/2 Road
Collbran CO 81624-

Lands End Fire Protection District
Attn: Brian Cherveney
34955 Siminoe Rd
Whitewater CO 81527-9458

Long Range Planning
Attn: Michael Warren
Internal

Lower Valley Fire District
Attn: Fire Marshall
PO Box 520
Fruita CO 81521-0520

Mesa County Irrigation District
Attn: Charles E. McKim
PO Box 970
Palisade CO 81526-0970

Mesa County Valley School District #51
Attn: Jack McKelvy
2115 Grand Ave
Grand Junction CO 81501-

Mesa Water and Sanitation
Attn: Rondo Buechler
PO Box 213
Mesa CO 81643-

Mesa-DeBeque-Plateau Valley Conservation Districts
Attn: Joyce Foraker
2738 Crossroads Blvd, Suite 102
Grand Junction CO 81506-

Natural Resource Conservation Service
Attn: Jim Currier
2738 Crossroads Blvd. Suite 102
Grand Junction CO 81506-3960

Nucla-Naturita Telephone Company
Attn: Kent
PO Box 519
Nucla CO 81424-

Orchard Mesa Irrigation District
Attn: Rita Crumpton, District Manager
668 - 38 Road
Palisade CO 81526-

Palisade Irrigation District
Attn: Bob Arterburn
777 35 3/10 Rd
Palisade CO 81526-

Palisade Town Planning
Attn: Nathan Boddy
PO Box 128
Palisade CO 81526-

Palisade Volunteer Fire and Rescue
PO Box 160
Palisade CO 81526-

Palisade Water District
Attn: Jim Booker
PO Box 128
Palisade CO 81526-

Pest Management
Attn: Judith Sirota
Intra-county Mail

Plateau Valley Fire Protection District
Attn: Mike Harvey
PO Box 456
Collbran CO 81624-0456

Plateau Valley School District #50
Attn: Greg Randall
56600 Highway 330
Collbran CO 81624-

Powderhorn Recreation & Development Company
Attn: Steve Bailey
PO Box 250
Mesa CO 81643-

Qwest
Attn: Tim Hale
2524 Blichmann Ave
Grand Junction CO 81505-

Redlands Water & Power Company
Attn: Gregg Strong
2216 S Broadway
Grand Junction CO 81503-1102

Riverfront Commission
Attn: Michelle Rohrbach
P.O. Box 2477
Grand Junction CO 81502-2477

Road & Bridge District A
Attn: Andy Rubalcaba
Intra-county Mail

Road & Bridge District B
Attn: Otis Darnell
Intra-county Mail

Road & Bridge District C
Attn: Keith Hatch
Intra-county Mail

RTPO
Attn: Ken Simms
Internal

Sheriff's Department
Attn: Mark Clymer
Intra-county Mail

Transportation Planning
Attn:
Internal

Tri-River CSU Cooperative Extension
Attn: Curtis E. Swift
Intra-county Mail

Tri-State Generation & Transmission Association Inc
Attn: Burt Norem
PO Box 33695
Denver CO 80233-0695

US Fish and Wildlife Service
Attn: Al Pfister
764 Horizon Drive, Bldg B
Grand Junction CO 81506-

Ute Water Conservancy District
Attn: Jim Daugherty/Ed Tolen
PO Box 460
Grand Junction CO 81502-0460

Xcel Energy
Attn: Dan Steinkirchner
PO Box 849
Grand Junction CO 81502-0849

2009-0124TXT1
Extensions for Major Subdivisions & PUDs
Review Agency Index

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Christie Barton - 2009-0124 TXT1 Review Comments

From: Eric Mende
To: Christie Barton
Date: 04/09/2009 8:45 AM
Subject: 2009-0124 TXT1 Review Comments

Christie:

I received a review Sheet for the Major Subdivisions and PUDs Text Amendment. Not sure if you prefer email or hard copy response, so I'm sending it email.

Below are my review comments:

1. Under Section 3.6.3 I and 3.7.F.5 - Approval Criteria, Subparagraph 1., "drainage" should be added to the listed facilities and services.
2. Under 3.6.4.c.iii and 3.7.2.c.ii - change the words "detention facility" to "permanent Stormwater Best Management Practice (BMP) facilities" to reflect the fact that there are other options other than just detention facilities.

For the 521 Drainage Authority:

Eric Mende PE
Manager, 5-2-1 Drainage Authority
573 W. Crete Circle #203
Grand Junction, Colorado 81505
970 263-7401
eric.mende@mesacounty.us

Christie Barton - Agency Review

From: Bob Lee
To: Christie Barton
Date: 04/01/2009 8:33 AM
Subject: Agency Review

2009-0124 TXT1 No comments

Christie Barton - FW: Review Agency Comments 2009-0124 TXT1

From: "David Reinertsen" <dreinertsen@cliftonwaterdistrict.org>
To: "Christie Barton" <christie.barton@mesacounty.us>
Date: 03/30/2009 5:23 PM
Subject: FW: Review Agency Comments 2009-0124 TXT1

Oops, should have come to you not Linda.
David

From: David Reinertsen
Sent: Monday, March 30, 2009 4:36 PM
To: 'Linda.Dannenberger@mesacounty.us'
Subject: Review Agency Comments 2009-0124 TXT1

Linda,
No comment other than we will very much be interested in the proposed schedule for any planned phasing of a project (as identified in 3.6.3 Concept Plan section F. and in 3.7.1 Concept Plan section B.)

We don't really like for an approved project to sit on the shelf for three years as other infrastructure changes may happen in the interim thus impacting the previously approved project.

Regards,

DAVID A. REINERTSEN
Assistant Manager
Clifton Water District
(970)434-7328
dreinertsen@cliftonwaterdistrict.org

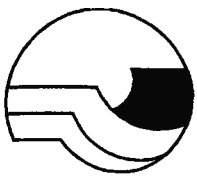
Christie Barton - Review Comments 2009-0124 TXT1

From: "David Reinertsen" <dreinertsen@cliftonwaterdistrict.org>
To: "Christie Barton" <christie.barton@mesacounty.us>
Date: 03/30/2009 4:31 PM
Subject: Review Comments 2009-0124 TXT1

Christie,

No Comment.

DAVID A. REINERTSEN
Assistant Manager
Clifton Water District
(970)434-7328
dreinertsen@cliftonwaterdistrict.org



MESA COUNTY REVIEW SHEET

MCPC Public Hearing: 05-14-09
BoCC Public Hearing: 06-01-09

Please comment by April 17, 2009.
Failure to comment by this date may constitute approval pursuant to statute by certain non-county entities and the Mesa County Health Department.

**2009-0124 TXT1 EXTENSIONS FOR MAJOR SUBDIVISIONS & PUDs
TEXT AMENDMENT**

Petitioner: Mesa County Planning and Economic Development Department
Planner: Christie Barton, 255-7191, Christie.Barton@mesacounty.us
Request: Approval of text amendments to the Land Development Code to amend the existing text to allow extensions and phasing for major subdivisions and PUDs during the review process, to the attached language (language proposed to be deleted is in ~~strikethrough~~ font and new language is in ***bold italics***).

Review Comments:

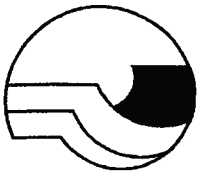
For Section 3.16.4
There are no review comments at this stage.

Suggested change:
"One (1) extension of time up to one (1) year may be approved by the Planning Director when deemed necessary."

Review Office Development Engineering

Reviewed By: [Signature] Date: 5/5/2009

Please return to: Mesa County Planning and Development
P.O. Box 20,000, Grand Junction, CO 81502-5022



MESA COUNTY REVIEW SHEET

MCPC Public Hearing: 05-14-09

BoCC Public Hearing: 06-01-09

Please comment by April 17, 2009.

Failure to comment by this date may constitute approval pursuant to statute by certain non-county entities and the Mesa County Health Department.

**2009-0124 TXT1 EXTENSIONS FOR MAJOR SUBDIVISIONS & PUDs
TEXT AMENDMENT**

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Planner: Christie Barton, 255-7191, Christie.Barton@mesacounty.us
Request: Approval of text amendments to the Land Development Code to amend the existing text to allow extensions and phasing for major subdivisions and PUDs during the review process, to the attached language (language proposed to be deleted is in ~~strikethrough~~ font and new language is in ***bold italics***).

Review Comments:

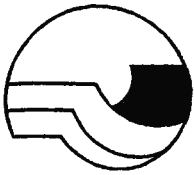
No objections.

Informational comment: Planning Department staff may want to discuss the potential consequences to adjacent property development when right-of-way required for access has been approved as part of a final plat, but not yet recorded. Review agencies may need to be notified of the status of approved but unrecorded rights-of-way in formulating review comments, and there may be opportunities to facilitate coordination between potential developers and the owners of approved but unrecorded subdivisions.

Review Office Land Use and Development – Transportation Planning

Reviewed By: Paul Sizemore Date: 4/20/09

Please return to: Mesa County Planning and Development
P.O. Box 20,000, Grand Junction, CO 81502-5022



MESA COUNTY REVIEW SHEET

MCPC Public Hearing: 05-14-09

BoCC Public Hearing: 06-01-09

Please comment by April 17, 2009.

Failure to comment by this date may constitute approval pursuant to statute by certain non-county entities and the Mesa County Health Department.

**2009-0124 TXT1 EXTENSIONS FOR MAJOR SUBDIVISIONS & PUDs
TEXT AMENDMENT**

Petitioner: Mesa County Planning and Economic Development Department
 Planner: Christie Barton, 255-7191, Christie.Barton@mesacounty.us
 Request: Approval of text amendments to the Land Development Code to amend the existing text to allow extensions and phasing for major subdivisions and PUDs during the review process, to the attached language (language proposed to be deleted is in ~~strikethrough~~ font and new language is in **bold italics**).

Review Comments:

No comment.

Review Office: Mesa County Engineering
 Reviewed By: Bud Thompson Date: April 17th, 2009

Please return to: Mesa County Planning and Development
 P.O. Box 20,000, Grand Junction, CO 81502-5022

Christie Barton - 2009-0124 TXT1 - Extensions for Major Subs and PUDs

From: "Brian Rusche" <brianr@ci.grandjct.co.us>
To: "Christie Barton" <Christie.Barton@mesacounty.us>
Date: 04/13/2009 4:46 PM
Subject: 2009-0124 TXT1 - Extensions for Major Subs and PUDs
CC: "Wendy Spurr" <wendys@ci.grandjct.co.us>

Christie,

After reviewing the proposed amendment to the code regarding extensions for Major Subdivisions and PUDs, I offer no objections to the proposal.

Thank you for the opportunity to provide comments !

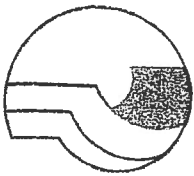
Brian Rusche
Senior Planner
City of Grand Junction
Public Works and Planning
(970) 256-4058

From: "Steven Kollar" <stevenk@ci.grandjct.co.us>
To: <Christie.Barton@mesacounty.us>
Date: 03/31/2009 9:06 AM
Subject: 2009-0124 TXT1| Text Amendment for Major Subs and PUDs

MESA COUNTY
2009-0124 TXT1 - TEXT AMENDMENT/ EXTENSIONS FOR MAJOR SUBDIVISIONS AND PUDs.

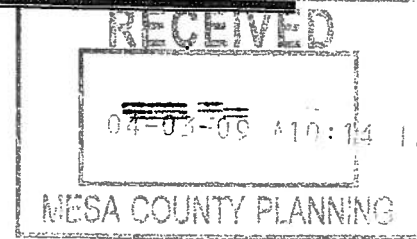
The Grand Junction Fire Department does not have any objections to the proposed text amendment.

Steve Kollar, Fire Prevention Officer
Grand Junction Fire Department
330 S. 6th Street
Grand Junction, Co 81501
970-244-1479



MESA COUNTY REVIEW SHEET

MCPC Public Hearing: 05-14-09
BoCC Public Hearing: 06-01-09



Please comment by April 17, 2009.
Failure to comment by this date may constitute approval pursuant to statute by certain non-county entities and the Mesa County Health Department.

**2009-0124 TXT1 EXTENSIONS FOR MAJOR SUBDIVISIONS & PUDs
TEXT AMENDMENT**
Petitioner: Mesa County Planning and Economic Development Department
Planner: Christie Barton, 255-7191, Christie.Barton@mesacounty.us
Request: Approval of text amendments to the Land Development Code to amend the existing text to allow extensions and phasing for major subdivisions and PUDs during the review process, to the attached language (language proposed to be deleted is in ~~strikethrough~~ font and new language is in **bold italics**).

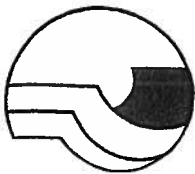
Review Comments:

ORCHARD MESA IRRIGATION DISTRICT
668 38 Road
Palisade, CO 81526

Review Office _____

Reviewed By: Rita Crumpton, Mgr Date: 3/31/09

Please return to: Mesa County Planning and Development
P.O. Box 20,000, Grand Junction, CO 81502-5022



RECEIVED
MAR 30 2009

MESA COUNTY REVIEW SHEET

MCPC Public Hearing: 05-14-09
BoCC Public Hearing: 06-01-09

RECEIVED
04-06-09 10:36 AM
MESA COUNTY PLANNING

Please comment by April 17, 2009.
Failure to comment by this date may constitute approval pursuant to statute by certain non-county entities and the Mesa County Health Department.

2009-0124 TXT1

EXTENSIONS FOR MAJOR SUBDIVISIONS & PUDs TEXT AMENDMENT

Petitioner:
Planner:
Request:

Mesa County Planning and Economic Development Department
Christie Barton, 255-7191, Christie.Barton@mesacounty.us
Approval of text amendments to the Land Development Code to amend the existing text to allow extensions and phasing for major subdivisions and PUDs during the review process, to the attached language (language proposed to be deleted is in ~~strikethrough~~ font and new language is in **bold italics**).

Review Comments:

Christie,
it appears that the changes don't affect us as a review agency and that we remain fully included as part of the process.

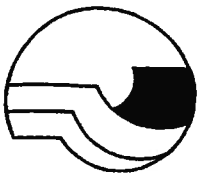
Thank you,

Paul West
Public Works Director
Town of Palisade

Review Office _____

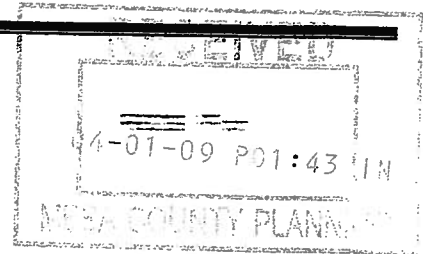
Reviewed By: _____ Date: _____

Please return to: Mesa County Planning and Development
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Review Comments: *No Comment*

Review Office Road & Bridge District A

Reviewed By: *Andy Alhake* Date: 4/1/09

Please return to: Mesa County Planning and Development
P.O. Box 20,000, Grand Junction, CO 81502-5022

PUBLIC COMMENTS

From: Kurt Larsen
To: greg@sun-king.com
CC: LDCFG
Date: 02/26/2009 8:53 AM
Subject: Re: Meeting of Land Development Code Focus Group

Greg,

Thanks for your e-mail. I am sorry you can not make it today . I appreciate you comments concerning time extensions; I will share your them with the Focus Group. Have a safe trip.....Kurt

>>> <greg@sun-king.com> 02/25/2009 3:22 PM >>>

Hi Kurt,

Wanted to let you know that I will be in Rangely tomorrow so will not be able to attend the focus group.

Looking at the time extensions for Major subdivisions and PUD's my three comments or questions would be:

1) Can the determination of when one decides if they are going to phase a development occur at the Final Plan stage or does it have to take place at Concept Plan? Is the phasing determination for a project required to be part of the public hearing process or solely determined by staff or Director? If by staff or Director it would seem that this determination could be made later on into the process.

2) It seems that the term " unforeseen circumstances" should be better defined. What would be acceptable from the Director's point of view as to what would be approved or not approved. For example, is market conditions or development financing an acceptable "unforeseen circumstance"?

3) I would prefer to see some flexibility in allowing for more than just 1 extension for either the Concept to Final Plan stage and the Final Plan to Final Plat stage. Basically, because of uncontrollable market conditions that could occur and by no fault of the developer they have to continue to delay the submittal and/or development process/time frame.

Please share these comments with the rest of the group if you feel they are appropriate or valuable to do such.

Apologize for not being able to attend.

From:

"Kurt Larsen" <Kurt.Larsen@mesacounty.us>

To:

"Kim Kerk" <KKerk@bluestarindustries.com>, "Kevin Bray" <kevinbray@brayandco.com>, "Keith Ehlers" <Keith@ciavonne.com>, "Ron Abeloe" <ron@cwihomes.com>, "Diane Schwenke" <diane@gjchamber.org>, "Steve Kesler" <keslergroup@gmail.com>, "Dan Whalen" <danw@housingresourceswc.org>, "Pat Green" <patg@landesign-gj.com>,

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"Kim Kerk" <KKerk@bluestarindustries.com>, "Kevin Bray" <kevinbray@brayandco.com>, "Keith Ehlers" <Keith@ciavonne.com>, "Ron Abeloe" <ron@cwihomes.com>, "Diane Schwenke" <diane@gjchamber.org>, "Steve Kesler" <keslergroup@gmail.com>, "Dan Whalen" <danw@housingresourceswc.org>, "Pat Green" <patg@landesign-gj.com>,

From: Kurt Larsen
To: Steven Kesler
CC: Christie Barton; Linda Dannenberger
Date: 02/17/2009 12:47 PM
Subject: Re: Expired Approvals

Steve,

As you are aware County Planning staff has been working on this issue. I expect to send the Focus Group a draft of our work later this week or Monday of next week.....Kurt

>>> "Steven Kesler" <keslergroup@gmail.com> 02/10/2009 4:09 PM >>>

Tim you and staff have been aware for some time that many housing projects are on hold due to our terrible economy. The developer does not want to "final plat" the property with all the additional costs when he knows he cannot get bank loans to finish the project. Actually the problem is not so much our local economy as it is banks are not making "development and build" loans to real estate projects due to the national economy. Our valley is suffering too but has been slower to shut down and likely will be quicker to start up again when things do get better.

The housing reports I have seen still show new houses are selling in price ranges lower than \$300,000 (even stronger sales happen at \$250,000 and below). The rental market is also still strong. We have an immediate need for more housing. That need will increase again quickly when the economy turns around. If we stick to the "letter of the law" existing now, many of the housing projects that are nearly to final would have to start all over again slowing down our ability to get houses to the public and increasing the costs of those houses. I know you are aware of this and that there has been discussion about how to handle this in various meetings. It might be helpful to the development community to have some form of communication how the City wants to handle this problem.

This "on hold" project problem is also effecting outside agencies. Steve LaBonde told me today that Central Grand Valley Irrigation is concerned (and may be taking some kind of action - I was not clear on that) they feel they have spent way too much of their time on these on hold projects. This is a serious enough issue it may be worth some kind of a workshop discussion with City, County, Outside Agencies, and a few key developers involved to try to resolve. Whether the turn around is in six months or four years this valley will need housing normal folks can afford. It would be terrible long term planning to waste the work that so many have already done especially when the reason for the projects being on hold is beyond anyone's control. Steve

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