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**GRAND JUNCTION CITY COUNCIL
MONDAY, JUNE 12, 2023
SPECIAL WORKSHOP, 5:30 PM
CITY HALL AUDITORIUM AND [VIRTUAL](#)
250 N 5TH STREET**

1. Discussion Topics

- a. Zoning and Development Code Update

2. City Council Communication

An unstructured time for Councilmembers to discuss current matters, share ideas for possible future consideration by Council, and provide information from board & commission participation.

3. Next Workshop Topics

4. Other Business

What is the purpose of a Workshop?

The purpose of the Workshop is to facilitate City Council discussion through analyzing information, studying issues, and clarifying problems. The less formal setting of the Workshop promotes conversation regarding items and topics that may be considered at a future City Council meeting.

How can I provide my input about a topic on tonight's Workshop agenda?

Individuals wishing to provide input about Workshop topics can:

1. Send an email (addresses found here www.gjcity.org/city-government/) or call one or more members of City Council (970-244-1504);
2. Provide information to the City Manager (citymanager@gjcity.org) for dissemination to the City Council. If your information is submitted prior to 3 p.m. on the date of the Workshop, copies will be provided to Council that evening. Information provided after 3 p.m. will be disseminated the next business day.

3. Attend a Regular Council Meeting (generally held the 1st and 3rd Wednesdays of each month at 6 p.m. at City Hall) and provide comments during “Citizen Comments.”
-



Grand Junction City Council

Workshop Session

Item #1.a.

Meeting Date: June 12, 2023

Presented By: Elizabeth Garvin, Tamra Allen, Community Development Director,
Nicole Galehouse, Interim Planning Supervisor

Department: Community Development

Submitted By: Nicole Galehouse, Principal Planner & Interim Planning Supervisor

Information

SUBJECT:

Zoning and Development Code Update

EXECUTIVE SUMMARY:

The City hired Clarion Associates to work on updating the City's Zoning and Development Regulations, Title 21 of the Grand Junction Municipal Code. This effort will work toward three primary goals:

- Update the City's development regulations to better implement the City's vision and goals as described in the 2020 One Grand Junction Comprehensive Plan
- Achieve greater simplicity, efficiency, consistency, and legal effectiveness in the code language
- Identify opportunities to facilitate the development of affordable and attainable housing

The Zoning and Development Code update was scheduled for adoption in March 2023, but was tabled by the Planning Commission based on requests from members of the Code Committee to continue to work through various issues. Members of the Code Committee have requested a workshop with City Council to discuss the project.

BACKGROUND OR DETAILED INFORMATION:

The attached document indicates issues the Code Committee has resolved, issues still to be discussed, and code sections that are currently being redrafted to address Code Committee's direction.

FISCAL IMPACT:

There is no fiscal impact related to this item.

SUGGESTED ACTION:

This item is for discussion only.

Attachments

1. GJ Z&DC CC Issues Summary 060823.2

Grand Junction Zoning and Development Code
Summary of Development Code Committee Discussion Issues
June 8, 2023



Committee Members

DCC Committee Members		
☐ Andrew Teske	☐ Erin Nex	☐ Keith Ehlers
☐ Bill Wade	☐ Ivan Greer	☐ Kevin Bray
☐ Brandon Stam	☐ Jane Quimby	☐ Mark Austin
☐ Candace Carnahan	☐ Jill Norris	☐ Colin St. Clair
☐ Emilee Powell	☐ Jonathan Purdy	☐ Nancy Strippel
☐ Mike Foster	☐ Shelly Dackonish	☐ Ron Abeloe

Meeting Schedule and Agendas

May 17, 3:00 – 5:00 p.m.	Zone Districts
May 31, 3:00 – 5:00 p.m.	Use Standards
June 14, 3:00 – 5:00 p.m.	Site and Structure Standards, Landscaping
June 28, 3:00 – 5:00 p.m.	Site and Structure Standards, Procedures
July 12, 3:00 – 5:00 p.m.	Review revisions
July 26, 3:00 – 5:00 p.m.	Review revisions
Additional meetings tbd	

Committee Guidelines

[Voting explanation: The DCC averaged 11 members per full DCC survey (either for attendance or by online survey), so a majority vote was established at 6 members.]

1. Meet every two weeks to consider the open issues list created by the DCC in late April.
2. Each issue can be discussed for two meetings. At the end of two meetings the DCC will vote to continue or end discussion. Six votes are needed to continue.
3. New issues can be added to the issues list. Six votes are needed to add an issue to the list.

This memo summarizes the drafting discussion issues identified by the Development Code Committee for further discussion.

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Resolved Issues (Organized Alphabetically)

EV charging (March)

Waiting for Colorado Model Electric Ready and Solar Ready Code publication (will be posted by June 1 here: <https://energyoffice.colorado.gov/climate-energy/energy-policy/building-energy-codes/energy-code-board>)

Outdoor lighting (March)

Added provision to allow Director to approve outdoor lighting at cooler temperatures up to 5,000 Kelvin.

R-O and B-1 residential density (May 17 meeting)

The MU-1 dimensional table will be changed as follows:

MU-1 Dimensional Standard		Building Standards		
Lot Standards		Setbacks: Principal Structure (min)		
Residential Standards				
Applicable district standards	RM-8 or RM-12 [1]	A	Front	15
Density, Min Max	8 no max.	B	Side	0
Mixed-Use Lot Standards		C	Side Abutting Residential	5
Lot Area (min, ft)	4,000	D	Rear	10
Lot Width (min, ft)	50	Setbacks: Accessory Structure (min)		
Lot Coverage (max, %)	70		Front	25
Parking, Loading, Service			Side	0
Access and Location	Side or Rear		Side Abutting Residential	5
Use Limits			Rear	0
Outdoor uses are not allowed on residential-only lots		Height (max, ft)		
Notes: [1] Either district may be chosen at rezoning; the chosen district shall be applied consistently.		E	Height	40
		Gross Floor Area (max, sf)		
			Retail	15,000
			Office	30,000

Utility undergrounding (21.05.020(d)(3), pg. 294)(April meeting)

Recommended Z&DC standard: All new electric utilities shall be provided and paid for by the developer and shall be installed underground. ~~Necessary a~~Above-ground facilities associated with new installations (e.g., pedestals, transformers, and transmission lines of 50kv capacity or greater) and temporary overhead lines may be allowed if deemed necessary by the Director.

Impact: This would be a change to current City policy that requires the undergrounding of all utilities (including gas and cable) and the undergrounding of existing electrical utilities. Pros and cons from the March memo on undergrounding:

Pros

Accepting the DCC's recommendation to limit this section to electric utilities only will clean-up references to outdated technology.

Accepting the DCC's recommendation to eliminate the requirement to put existing electric utilities underground may:

- Address the one-sided cost burden placed on the development of properties on the side of the street with existing utilities.
- Address the overall cost burden of undergrounding existing electric utilities.
- Encourage the purchase and redevelopment of more lots with existing electric utility lines.

Cons

Accepting the DCC's recommendation to limit this section to electric utilities only may leave a future technology gap or create unforeseen issues for utility provision for infill or redevelopment.

Accepting the DCC's recommendation to eliminate the requirement to put existing electric utilities underground is contrary to One Grand Junction Comprehensive Plan

- Principle 5: *Strong Neighborhoods and Housing Choice*, Goal 4(d)(pg. 29):

INFRASTRUCTURE IMPROVEMENTS. Prioritize infrastructure improvements, such as traffic calming enhancements, sidewalk repairs, bikeways, street tree plantings, and undergrounding of overhead utilities to improve safety and quality of life for neighborhood residents based on documented deficiencies.

- Chapter 4, *Area Specific Policies*, Commercial Areas/Employment Centers/Streetscape (pg. 68) :

Streetscape elements should include pedestrian signage, benches, and street trees.

A high priority should be placed on the undergrounding of utilities, wayfinding signage, sidewalk connectivity, and other improvements that enhance the streetscape functionality and safety.

Accepting the DCC's recommendation to eliminate the requirement to put existing electric utilities underground may:

- Allow above-ground utilities to stay in place in a manner that impacts overall community aesthetics and quality of life, as well as potentially creating a long-term impact on property values.

- Contribute to future fire hazards, power outages, or other life safety and community welfare concerns.

Tiny Home Definition (May 17 meeting)

A single-family dwelling either (a) constructed on a frame and ~~that may have been capable of being transported on its own wheels but from which the wheels have been removed~~, or (b) built on the site that contains less than 400 square feet of gross floor area, ~~that is intended for long-term habitation~~, and that meets either the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et. seq.) or the ~~adopted~~ building code. ~~Tiny homes on wheels are regulated as RVs.~~

Issues to be Discussed

Stormwater (Sec. 21.05.020(d)(4), pg. 294)

DCC Request

Onsite stormwater vs regional- potential for less expensive development

Issue Explanation

This is an adjacent issue. Stormwater management determinations are made pursuant to GJMC Title 28, not in the Z&DC. This section references Z&DC users to Title 28.

Multi-Modal Transportation System (Sec. 21.05.020(e) pg. 294)

DCC Requests

Turn lane provision (issue: burden of providing turn lane on orphan properties)

Discussion at time of adoption of impact fee that it would not require oversizing or off-site improvements

Issue Explanation: Turn Lane Provisions, Oversizing, and Off-Site Improvements

This is an adjacent issue. The turn lane and oversizing requirements were added with the adoption of the TCP impact fee in 2019, through Ordinance No. 4878 (available on the City's website [here](#)¹). The off-site infrastructure requirement was carried forward from the previous code. Turn lane warrants are set in GJMC 29.28.170 (TEDS), Lane Requirements.

Private Streets (21.05.020(E)(5), pg. 297)

DCC Request

Private roads pay same taxes no incentive but less cost to the city

Issue Explanation

Grand Junction's policy, described in the Z&DC, is to require public roads.

Ute Water Conservancy District does not provide service along private roads.

Impact: This would be a change to the City's current policy. Most cities place restrictions on the use and construction of private roads because the roads are typically undersized and underfunded. In many cases, later owners petition the city to take over road maintenance which can come with substantial improvement costs to bring the road up to city standards. These costs are usually borne by the entire community because the improvements are funded through the general fund.

¹ Impact Fee adoption ordinance: <https://www.gjcity.org/DocumentCenter/View/597/Ordinance-4878-PDF>

One Grand Junction Plan Principle 5, Goal 3 promotes infrastructure improvements as a method of providing strong neighborhoods and housing choices: “Support continued investment in and ongoing maintenance of infrastructure and amenities in established neighborhoods.” Plan Principle 6, Goal 1 states that the City should “continue to develop a safe, balanced, and well-connected transportation system that enhances mobility for all modes.” If private streets are not constructed to City standards, it is unlikely that this goal will be met.

Bicycle Circulation (21.05.020(e)(8)) and Trails (Sec. 21.05.030(c))

DCC Requests

Update on what’s coming into the code from the Ped Bike Plan

Issue Explanation

The Z&DC references the City’s Comprehensive Plan, “other City-adopted plans addressing transportation,” and TEDS, all of which will be used as decision-making documents and standards for the implementation of Grand Junction Pedestrian and Bicycle Plan. Applicants will be required to comply with the requirements of the plan. Minor changes have been made to this section in the Z&DC to clarify types of bicycle or pedestrian facilities that may be required.

Significant Trees (Section 21.07.030(h))

DCC Request

Discuss significant trees preservation.

Issue Explanation

The Landscaping Code Amendment was adopted through Ordinance 5114 in December 2022. This is a continued discussion of the significant tree preservation requirements in that amendment. An overview of the significant tree discussion will be provided as part of the DCC presentation.

Perimeter Fencing (Section 21.07.080)

DCC Request

Perimeter fencing is misused or up for interpretation

Issue Explanation

The consultant/staff team thinks this issue arises from the Residential Subdivision Perimeter Enclosures standards but would like a more details from the DCC.

Site Plan Review

DCC Request

Not require site plan review for the following:

- Non-building related site improvements
- Building expansion less than 41% of existing building area
- Change of use

Issue Explanation

Site plan review is required so that the City can determine the compliance of an application with the requirements of the Z&DC.

Rezoning Review Criteria (Sec. 21.02.050(d))

DCC Request

Issues/concerns/outstanding questions with code – zoning/annexation criteria.

Z&DC Public Review Version Text (pg. 74)

Changes recommended by Planning and Zoning Commission

(d)(3)(iii) Review Criteria

An applicant for text amendment or rezoning has the burden of producing evidence that proves each of the following criteria:

1. The proposed text amendment or rezoning is consistent with the adopted Comprehensive Plan and the plan's land use plan and map. Application of the plan principles, goals, and strategies and the responses to Criterion (B) may be used to help show the consistency of the proposal.
2. A residential rezoning request must be consistent with the **preponderance of relevant** numbered items listed in the How We Will Get There section of Principles 3 and 5 of the 2020 Grand Junction Comprehensive Plan. A mixed-use or nonresidential rezoning request must be consistent with a preponderance of the relevant numbered items listed in the How We Will Get There section of Principles 2 and 3.
3. If the Comprehensive Plan (as amended) recommends more than one zone district as an implementing zone district (not including Public, Parks, and Open Space districts), the applicant will also have the burden to provide evidence that the densest or most intense form of development allowed in the required zone district can feasibly occur in a manner compatible with future surrounding development as identified in the Comprehensive Plan. Compatible, for the purposes of this section, is defined in terms of:
 - a. The comparative generation of vehicle traffic between the proposed zone district, the adjacent existing development, the adjacent future development as indicated in the Comprehensive Plan Land Use Map, and other less intense zone districts also identified as implementing zone districts by the Comprehensive Plan; and
 - b. The ability of the subject site to meet required transitions in GJMC **Error! Reference source not found.** between the range of structures and uses allowed and adjacent structures and uses where applicable.

Commented [EG1]: What is the burden? Preponderance, clear and convincing; remove inapplicable items; who determines relevance? Let's get the important things identified; add

2. Discussion

The Planning and Zoning Commission reviewed, discussed, and edited the rezoning criteria to reflect implementation of the comprehensive plan and explain how the PZC will review specific types of rezoning applications that they review.

The annexation procedures have been revised back to the process in the current Z&DC.

This section will be revised based on input from the City Attorney's Office and further review by Community Development.

FOLLOW-UP/NEXT STEPS

Current Drafting

Cottage Court Standards

Update notes from May 17 meeting:

Cottage Court (21.04.030(b)(1), pg. 225) Revise this section to address issues and reshare with DCC

Cottage Court Dwelling (Helpful for infill, smaller parcels that are hard to build on) Teller & 12th

The minimum project size for a cottage court development is one-half acre and the maximum project size is 5 acres. The maximum density permitted is the maximum density of the Comprehensive Plan Land Use Designation applicable to the parcel.

The maximum size of the building footprint of each dwelling shall be 1,000 square feet. Clarify how to conceptualize the internal "lot" and non-applicability of setbacks to internal lots; do we need a max. footprint size, maybe switch to minimum? Maybe use parking as the density determination, if you can park it then you can build it (plus buffer/screen)

Individual dwellings shall be clustered around a shared private open space containing a minimum of 10 percent of the site area. How does this work as a sub-part of another project or in a straight zone that has an OS requirement? E.g., Copper Creek (check how this was created). What if adjacent to actual open space?

A shared facility for communal cooking, dining, and other activities containing no more than 2,000 square feet may be provided and shall not count against the maximum density limits.

Lot and Setback requirements for the base zoning district shall apply to the project site perimeter as a whole. Buffering and compatibility to neighboring lots, is the base zone district setback enough? If this is incorporated within a larger development will the buffering be required? Parking buffer/screen if parking abuts single family

- Where should parking go? Typically on the back side of the development, can parking go in the buffer?
- Clarify: structures can be stick-built or modular
- Differentiate from Manufactured Home Park? Building code, financing
- In what zones is this allowed? R-4 to MU2
- How can we use this in a larger subdivision? Could this be included in a larger subdivision to get to density?
- This would be **major site plan review**, how would this work with other site requirements? What about MF design standards for the site and would that offset the benefit? Is MF allowed here or just SF detached? What is lot owner's responsibility for landscaping provision and maintenance? Differentiate perimeter landscaping from internal landscaping. Midland Park example, underlying landowner has vested interest in keeping lot maintained because it impacts lot rents (similar to HOA).

Could this also be approved through traditional subdivision process? Create a lot and show this on subdivision to avoid surprises (do concurrently with MSP)

Manufactured Homes

- Revise the manufactured home park standards to align with the density allowed in the underlying zone district.
- Align the manufactured home park perimeter setback and landscaping/screening/buffering to the underlying zone district requirements.
- Update manufactured home unit separation requirements to allow more density.

Co-Living Standards Updates

Update the co-living definition and standards to allow a range of co-living housing types and consider the following:

- Do a clean-up across group living definitions (consider density as the regulator):
- Code does have dorm option now
- Why are there different definitions for group living, dorm, and fraternity/sorority – can have more density but is limited to location near campus
- Have older hotels/motels that are converted and rented long-term
- What about this as an option for people who are experiencing homelessness? Melrose Hotel: look at this option and add options for transitional housing, this can also be low-to-middle income in singles and small families that would live here also, add to code
- Boarding and Rooming (specific density calculation)
- Co-housing – different sizes/approaches (run by leasing company -shared unit), micro apartments -
- Definition of family may limit, review this (also Lofts Project neighborhood concerns), parking becomes an issue

Drive-Through Regulations

Update notes from May 31 meeting:

Z&DC Public Review Version Text

This is an excerpt from the Accessory Use Table (starting on pg. 275):

Table 21.04-2: Accessory Use Table																				
A = Allowed Use C = Conditional Use																				
Current Zone Districts	R-R	R-E	R-1	R-2	R-4	R-5	R-8, MXR-3	R-12, MXR-5	R-16	R-24, MXR-8	R-O, B-1, MXG-3, MXS-3, MXOC	M-U, BP, C-1, MXG-5, MXS-5, MXG-8, MXS-8	B-2	C-2	I-O	I-1	I-2	CSR/New	CSR/New	
Proposed Zone Districts	R-R	R-ER	R-1R	R-2R	RL-4	RL-5	RM-8	RM-12	RH-16	RH-24	MU-1	MU-2	MU-3	CG	I-OR	I-1	I-2	P-1	P-2	Use-Specific Standards
Commercial Uses																				
Agri-business ³¹⁸	C	C																C	C	
Animal Agriculture ³¹⁹	A/C	A/C	A/C						—							A/C	A/C	A/C	A/C	21.04.030(d)(2)
Drive-Through Facility ³²⁰											C ³²¹	C ³²²	A	A	A ³²³	A			C ³²⁴	21.04.040(e)(2)(i)

DCC Discussion

Current code: Drive-thru was an allowed use in C-1 with limitations, M-U doesn't allow drive-thru for some uses, 24 Road Corridor Overlay allows some, drive-thrus not allowed in new MU-1.

Is there a mechanism to allow some drive-thrus here (MU and 24 Road overlap)? What's the development pattern for this corridor? Are we adjusting the overlay or the accessory uses?

What kind of retail will develop along 24 Road Corridor Overlay if drive-thrus are not allowed

If drive-thrus are allowed in MU-2 they will only develop in some locations because of site conditions

Look at MU/24 Road Corridor Overlay, allow drive-thrus outside of MU areas in comprehensive plan

Updates:

- Allow drive-thru in C-1, consider treating allowing drive-thru same as gas station
- Look at allowing large parcels in MU some drive-thrus, (distance from an intersection) review overlay corridor restrictions
- Follow-up email from Mike Foster (June 1, 2023 and replies)

Drive-Through Facility (21.04.040(E)(2)(i))

Drive-through windows shall be located to the side or rear of the principal building and not between any side of a principal building and any street, to the maximum extent practicable.

All drive-through facilities shall be designed and located to avoid impairing pedestrian mobility to or from the principal structure or creating risks to pedestrian safety. Revise this to allow conflicts points to addressed

Drive-through facilities shall be clearly signed and marked to provide efficient flow through the facility.

Drive-through lanes shall be set back at least 10 feet from a residentially zoned lot.

All drive-through facilities shall comply with the loading and stacking standards as set forth in TEDS.

Clarify that applicant can identify front side of lot

21.14.010(c)(1) Move to frontage, end sentence at Applicant can determine which side of the lot will be designated as the front. This will be used for the purposes of determining setbacks, drive-thru location, street orientation, and other similar measurements

Impact: Both the M-U district and 24 Road Corridor Overlay prohibit some or all drive-through facilities. Changes to the current M-U district and 24 Road Corridor Overlay to allow the approval of more drive-through facilities will be a change in policy, regulation, and development character for that area. One Grand Junction Plan Principle 3, Goal 7 has the following strategies:

7. Continue efforts to create a community that provides a sense of arrival, attractive design, and well-maintained properties.

a. Gateways. Enhance and accentuate the community's gateways, including Interstate 70 interchanges, Interstate 70 Business Loop, and State Highway 50 to provide a coordinated and attractive community entrance. Gateway design elements may include streetscape design, supportive land uses, building architecture, landscaping, signage, lighting, and public art.

b. Design Standards. Develop basic design standards for key corridors to improve the overall visual cohesiveness and appeal of an area as well as improve upon the overall physical appearance of the city.

Parking Structure

DCC Request

A parking garage and parking lots are not allowed in B-2 but that's where the existing ones are located.

Discussion

The public parking garages currently located on a lot in the B-2 district are publicly owned structures. The purpose of not allowing a parking lot or garage in B-2 as a principal use is to prevent Downtown lots from converting to surface parking as an interim holding use.

- Use of existing empty lots
- discourage demolition of structures for parking – add standards for structure preservation, add incentives for property owners to maintain structures
- If development is on multiple adjacent lots can it be treated as a single parcel?
- Maintenance for nonconforming parking structures – would they need to bring the lot into compliance

Updates

- Conditional use permit with a time frame (e.g., 10 years)
- Draft: CUP on existing vacant lots

Impact: New surface parking as a primary use is not allowed in Downtown Grand Junction in the current regulations. One Grand Junction Plan Principle 3: Responsible and Managed Growth, Goal 2:

Encourage infill and redevelopment to leverage existing infrastructure includes the following strategies (pg. 20):

Underutilized Properties. Support the use of creative strategies to revitalize vacant, blighted, or otherwise underutilized structures and buildings including, but not limited to:

- i. adaptive reuse of existing buildings (particularly those that have historic significance);
 - ii. infill of existing surface parking lots;
 - iii. consolidation and assembly of properties to improve and coordinate the redevelopment of blocks or segments of corridors where a property-by-property approach would limit development potential; and/or
 - iv. public/private partnerships.
- b. Incentives. Align existing incentives, such as reduced impact fees, with urban intensification priorities.

Similar language is included in Plan Principle 4, Goal 3e: Underutilized Properties. Work with property owners and partners such as Downtown Grand Junction to redevelop underutilized properties (including surface parking lots) through regulation, incentives, and use of other redevelopment tools.

Open Issues

A. Current MX Zoning Update

Community Development and City Attorney's Office: Is the change from the MX districts to the MU districts considered a name change or must a rezoning be requested?

B. HOA Immunity for Providing Public Trails/Open Spaces (Active Transportation Corridor)

Discussing with City Attorney's Office

Adjacent Issues

The following issues and processes have come up multiple times in DCC discussion but are not controlled by the Z&DC. These issues are being identified here for additional consideration by the City.

A. Authorizing Additional Impact Fee Credits

Members of the DCC have requested that the City review the current impact fees and explore opportunities for additional credits to help reduce the overall cost of development.

B. Building Code, Fire Code, and TEDS

1. DCC Issues

- a. Fire access plan
- b. Review Agency requirements i.e., fire truck turnarounds
- c. Exhausting Review Process (Fire, Legal, and canal company discharge permits (requested change to language of GJMC 28.16.200 per KB email))
- d. Confirm how many lots kick off the requirement for 2nd access and then when its built
 1. TEDS Manual 29.24.030 Access guidelines, subsections (c)-(e).

C. Application Processing Time/City Review Comments

Members of the DCC have discussed delays in application processing and receipt of City staff comments regarding application content. The Planning staff, City Attorney's Office, and consultant team have considered these comments and identified some potential changes that could be made application requirements and the application process that would help ensure the submission of a complete and sufficient application that is ready for prompt City review. These changes will be explored further following adoption of the updated Z&DC.

D. Cost of Construction and Site Features Relative to Creation of Affordable Housing

Members of the DCC have expressed concerns about the impact of new development requirements in the updated Z&DC on the cost of housing. In addition to some modest new requirements in the Z&DC that were included to implement One Grand Junction, there have also been significant reductions to development requirements and lot dimensional requirements along with expansions to permitted uses. Planning staff and the consultant team are preparing a summary of these changes for DCC and City review.

E. Public Services and Facilities

1. DCC Requests

- a. What is policy on lift stations?

F. Public v. Private Responsibility

1. DCC Request

CCRs, DIAs, etc. – we had some early discussions on this.

G. Trail Construction (Active Transportation Corridor)

The DCC identified the ~~trail~~ Active Transportation Corridor construction requirement as a cost that imposes a particular burden on smaller subdivisions. In Sec. 21.05.030 Open Space Dedication, the Code

requires residential subdivisions with "10 or more lots or dwelling units [to] dedicate 10 percent of the gross acreage of the property or the equivalent of 10 percent of the value of the property." Trails-Active Transportation Corridors are required to be constructed in addition to the 10% dedication/fee requirement. The Code currently provides relief to subdivisions with 10 or more lots, allowing the applicant to claim a trail-Active Transportation Corridor construction offset against the open space fee:

"If an trail(s)-Active Transportation Corridor (ACT) is constructed in addition to the construction of required sidewalks, then the owner may request an offset for the cost of construction of the trail(s)-ACT against the project's open space fee in an amount not to exceed the total open space fee."

Smaller subdivisions, here defined as fewer than 10 dwellings or lots, are not required to provide the 10% open space dedication/fee, which is a cost savings, but are required to dedicate and construct any required trails-Active Transportation Corridor that are planned to cross the property. Unlike larger subdivision, the open space fee offset is not available to smaller subdivisions.

Staff is exploring the possibility of allowing Transportation Impact Fee (TCP) credit to those small subdivisions not eligible for open space fee offset, but that are required to both pay a TCP fee and provide trail-Active Transportation Corridor construction. This change will not happen within the Z&DC update but will require an update to the nexus study that is the legal basis for fee calculation.