



360 Main St • Delta, Colorado 81416 • Phone (970) 874-7903 • Fax (970) 874-6931 • Website: www.cityofdelta.net

A G E N D A

**Planning Commission
Regular Meeting**

**April 6, 2015
6:30 p.m.**

A. Changes to the Agenda

B. Election of Chairman and Vice-Chairman

C. Minutes of the December 1, 2014 Planning Commission meeting.

D. Citizen Comments

Citizens who have comments on items that do not appear on the agenda are asked to make their comments at this time. Comments on an agenda item will be taken at the time that item is under discussion.

E. Zoning Amendment/Rezone Request for Lots 19-26, Block 7 Town of Delta (632, 640 & 654 Main Street; two of the parcels are not addressed) from B-1 to B-2.

F. 3-Mile Plan

G. Municipal Code Book Updates

H. Commissioner Comments

I. Staff Comments



A regular meeting of the City of Delta Planning Commission was held on Monday, December 1, 2014 at 6:30 p.m. in the City Council Chambers of City Hall at 360 Main Street, Delta, Colorado. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Richard Simmons, Chairman; Terry Osborne, Vice-Chairman; Lynn Williams, Commissioner; Carl Jahn, Commissioner; Ginni Selby, Commissioner; Gerald Roberts, Commissioner; Glen Black, Director of Community Development; Sharleen Walker, Planning Technician.

ABSENT: Tish Oelke, Commissioner (excused).

GUESTS:

CHANGES TO THE AGENDA

There were no changes to the agenda.

MINUTES

A motion was made by Ginni Selby, seconded by Carl Jahn to approve the minutes of the Planning Commission held on Monday, July 7, 2014 as amended. All voted yes. Motion passed.

CITIZEN COMMENTS

None

YEAR END REVIEW AND APPRECIATION

Glen Black, Community Development Director, thanked the Planning Commission for their service to the community and stated that the City needs them and appreciates them. Mr. Black stated that when development is slow it is harder to stay engaged.

Mr. Black reviewed the progress of Confluence Drive (the Truck Route). Mr. Black stated that today was a milestone day because the paving was finished today. There are some additional items that need to be completed including some curbing and striping, but construction should be done this Friday.

Justin Clifton, City Manager, also thanked the Planning Commission stating that the Planning Commission members are truly volunteers and perform what are examples of the true definition of service. Mr. Clifton thanked the commission for setting aside time on their calendars every month to be on call to serve the community of Delta.

Staff updated the Planning Commission on the status of the following projects: the proposed mining operation on the Hawk property, O'Reilly's Auto Parts that is proposed to be built on the Maverik-Delta subdivision; Hellman Chevrolet façade improvements and the expansion of Amarna.



COMMISSIONER COMMENTS

The Planning Commission thanked the Community Development staff for their administrative support to the Planning Commission and for Mr. Black accepting additional duties, such as the Truck Route.

Chairman Richard Simmons stated that TK mining is adding 14 new jobs, these additional job may help to mitigate the impacts of some of the other mine layoffs.

STAFF COMMENTS

None.

ADJOURNMENT

A motion was made by Gerald Roberts, seconded by Carl Jahn to adjourn the regular Planning Commission meeting. All voted yes. Motion passed. The meeting was adjourned at 6:41p.m. with no further action taken.

Sharleen R. Walker, Planning Technician



Block 7, Lots 19-26 Original Town of Delta Rezone Request

632-640, 654 Main Street

Community Development Director: **Glen L. Black** **Date:** **April 6, 2015**

Owners: Orval Proctor	Applicants: Orval Proctor
Location: Block 7, Lots 19-26 Original Town of Delta – including 632-640 & 654 Main Street (some lots do not have assigned addresses)	Parcels #: 3457-241-16-002; 3457-241-16-003; 3457-241-16-004; 3457-241-16-006 and 3457-241-16-007

Zone District: **B-1**

Parcel Size: **.49 acre**

Request:

The applicant is requesting that the above property’s zoning designation be amended (rezoned) from B-1 to B-2. The B-2 zone is intended for a large variety of uses to conveniently serve customers. Delta Municipal Code 17.04.150.

Criteria for Rezoning:

According to section 17.04.270 of the City Municipal Code, amendments to the Zoning Map involving any change in the boundaries of an existing district or changing the district designation of an area shall be allowed **only** upon findings as follows:

1. The amendment is not adverse to the public health, safety, and welfare; **and**
2. a. The amendment is in substantial conformity with the Master Plan; **or**
 - b. The existing zoning is erroneous; **or**
 - c. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.

Petitions: There were 16 petitions mailed out and currently there have been 2 petitions turned in approving of the rezone, 1 objecting to the rezone and 1 returned with no response.

Staff Recommendations:

The Planning Commission should carefully consider the following regarding this rezone request. When considering a rezone request always look at all of the uses that are allowed in the zone, not the implied proposed use of the current property owner.

The future land use map shows the area on the east side of Main Street from the 100 Block to 7th Street as B-1.

The Master Comprehensive Plan states that the Desired Future Condition as “Growth and development are managed to preserve and enhance the quality of life that makes Delta an attractive place to live and visit. The downtown core is revitalized as a walkable village center with a well designed mix of residential and



commercial uses that serve both residents and visitors. Edges of the community are clearly defined by surrounding agricultural land and future growth is concentrated within the present City boundaries.”

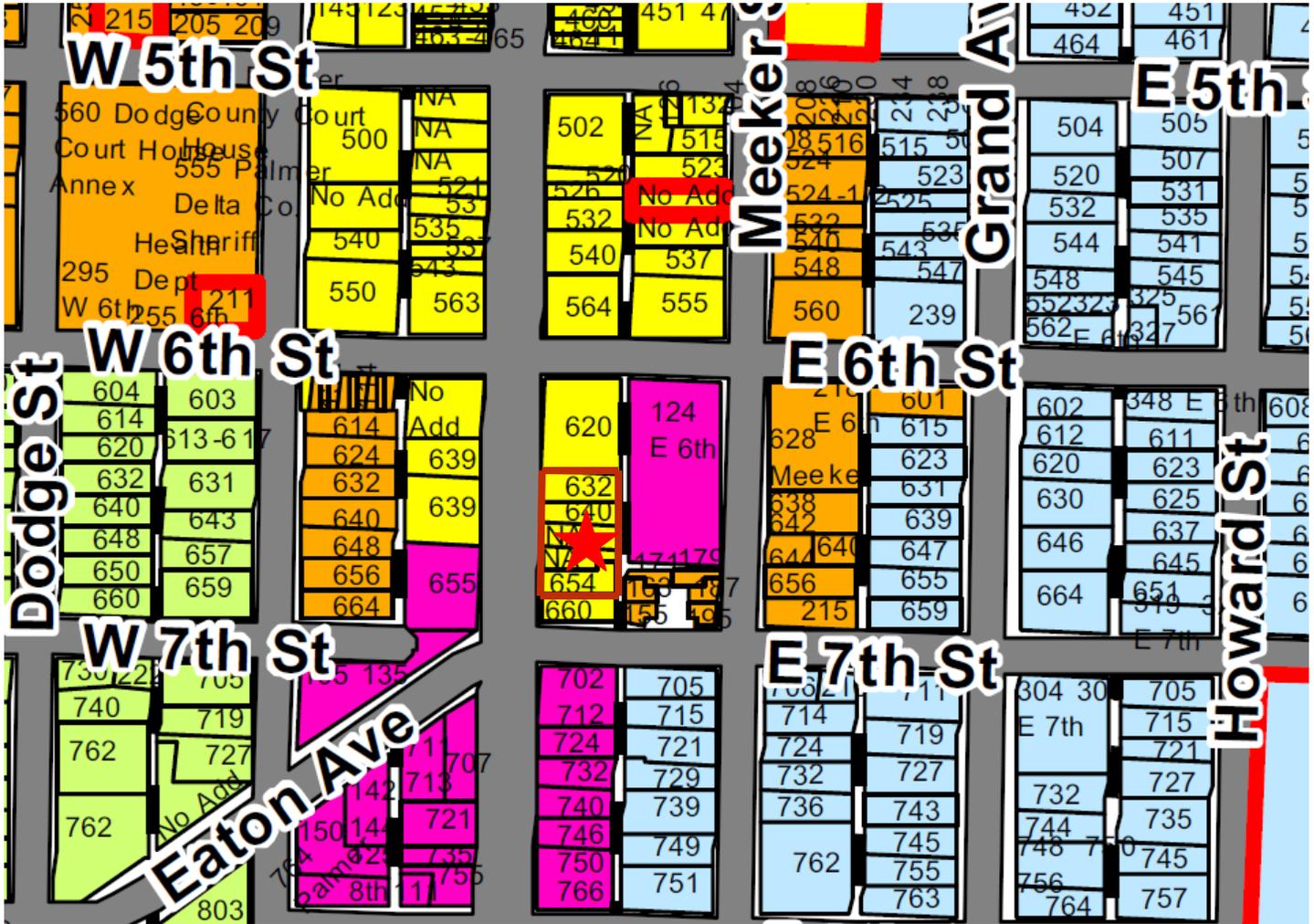
Policy 4 from the Master Comprehensive Plan states “Downtown should become a mixed use area with single family and multifamily residences, offices and retail establishments that serve the needs of residents and tourists.”

Policy 5 from the Master Comprehensive Plan states “Improve the appearance of downtown.”

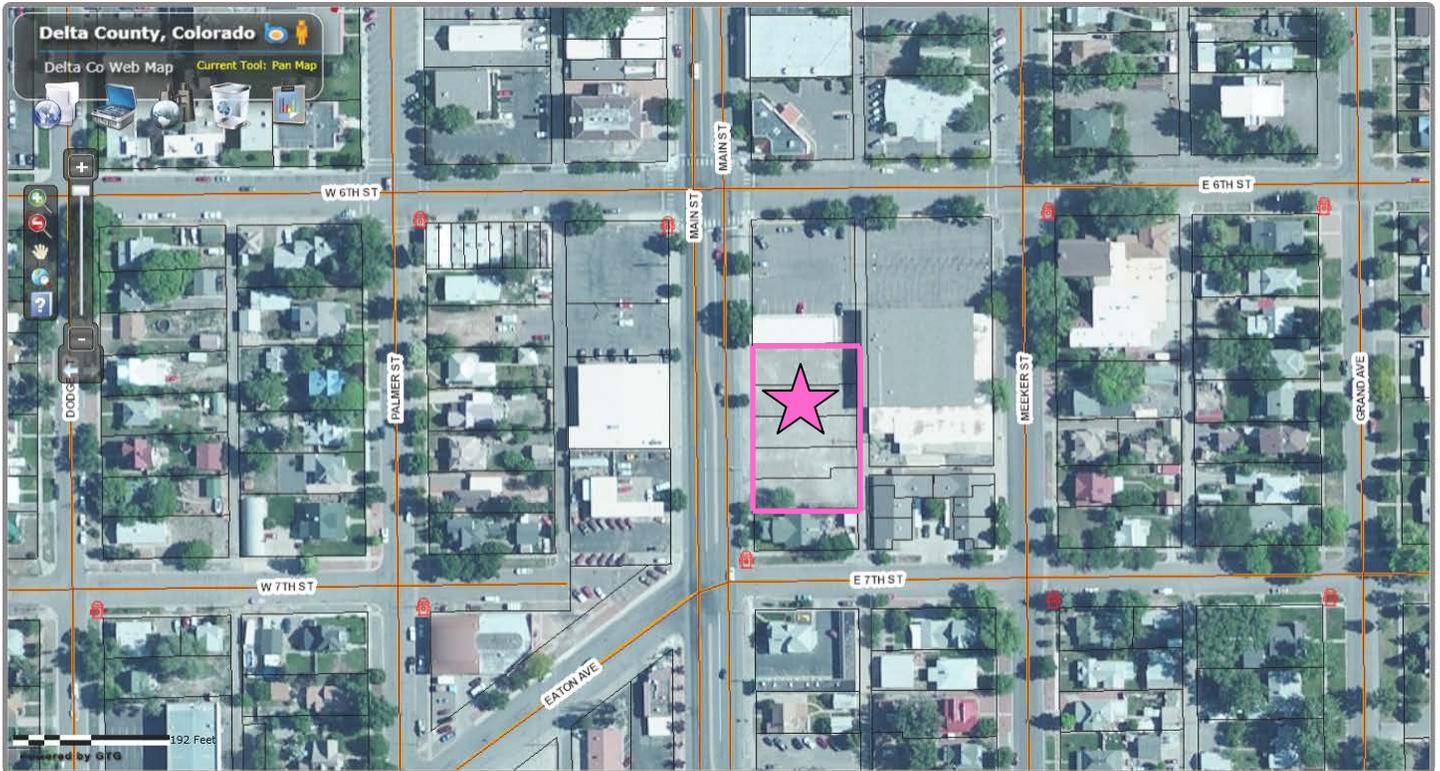
Example Motion:

I move that Planning Commission **recommend/not recommend** approval to City Council the request to change the zone district of Block 7 lots 19-26, Original Town of Delta from B-1 to B-2.

Zone Map



Aerial Photo





Notice of Public Hearing

Notice of Public Hearing

Notice is hereby given that the City of Delta Planning Commission will hold a public hearing on April 6, 2015, at 6:30 p.m. in the City Council Chambers, 360 Main St, to consider a rezone request for the property located at 632-640 & 654 Main St. Lots 19-26 Block 7, Delta, Colorado

Published in the Delta County Independent on 3-25, 2015

*Applicant is responsible for payment of publication costs.

**Attach proof of publication from the delta county independent.

***A brief description of the action being requested for the property in question along with the address of the property is required to be included in the Notice of Public Hearing. If there is no address available, then a relationship to either a street, other property with an address, or other known landmarks must be used to identify the property location.

*Received 3/16/15
Beth A. Zimmerman*



CERTIFICATION OF NOTICE TO PROPERTY OWNERS

(200 Foot properties)

I, Orral Proctor, applicant, hereby certify that I personally mailed or hand delivered to the required property owners notice of public hearing before the City of Delta Planning Commission/City Council regarding the request. Notices were mailed or hand delivered on the 19th day of March, 2015

Applicant's Signature

+++++

CERTIFICATION OF SIGN POSTING

I, _____, applicant, hereby certify that I personally posted notice of public hearing before the City of Delta Planning Commission/City Council on the property under consideration on the _____ day of _____, _____.

Applicant's Signature



CERTIFICATION OF NOTICE TO PROPERTY OWNERS

100 foot properties

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NOTICE TO PROPERTY OWNERS

() Conditional Use/Change in Non-Conforming Use

() Variance

Zoning Amendment/Addition

() Other: _____

Description of action to be considered: rezone 632,640 & 654
Main St, Delta CO from B-1 to B-2

Address of property under consideration: 632,640 & 654 Main St.
Lots 19-26 of Block 7 Town of Delta, Colorado

Date of Public Hearing: April 6, 2015 Time: 6:30 p.m.

This letter is addressed to you as an adjacent property owner, within 100 feet of the area under consideration, to inform you that the City of Delta Planning Commission will review the above application on the date and time shown. You are invited to attend and comment at the public hearing, which will be held at the City Council Chambers at 360 Main Street, Delta Colorado.

I as a property owner within 100 feet of the area under consideration have been informed the above request as described in this application and hereby:

Approve

() Object

SIGNATURE

NAME (print)

STREET ADDRESS

Rufus W. Webb Rufus W. Webb 715 Meeker St., Delta

COMMENTS: None

***Please return this form to the City of Delta Planning Department at 360 Main St before the date of the hearing.**



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() Approve

() Object

SIGNATURE

NAME (print)

STREET ADDRESS

Alice C Lister

Alice C. Lister

179 E. 7th St, Delta CO

COMMENTS:

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() Approve Object

<u>SIGNATURE</u>	<u>NAME (print)</u>	<u>STREET ADDRESS</u>
<u>[Signature]</u>	<u>GEORGE E AUCLAIR</u>	<u>660 MAIN ST DELTA CO</u> <u>81416</u>

COMMENTS: "NO" I do not want a junk
yard adjacent to my property. They
are junk cars = junk car lot. I
do not want junk.

*Please return this form to the City of Delta Planning Department at 360 Main St before the date of the hearing.



NOTICE TO PROPERTY OWNERS

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() Variance

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() Other: _____

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Approve

() Object

SIGNATURE

NAME (print)

STREET ADDRESS

Paul D. Suppes Paul D. Suppes 51809 Amber Rd Delta Co 81416

COMMENTS: Do some lot improvements, not just a dirt parking lot?

***Please return this form to the City of Delta Planning Department at 360 Main St before the date of the hearing.**

I started working on the corner of 655 Main in 1969, when it was still a Texaco station.

I took the station over in 1973. I got my Dealers Licence in 1977.

I purchased the old Fina station at 707 Main in 1977. I turned it into a Texaco station and expanded my car lot to the 707 property.

After opening TACO TIME in 1980, I moved my cars back to 655 Main.

I left the 655 Main property in 1984 and returned and purchased the property in 1987.

In the mid 90's I pretty much changed into stocking and selling the older classic cars.

It is more of a hobby and it is a real Great Feeling just finding them.

This lot is known world wide and it is really great to just watch people just traveling through town and spot these cars just sitting here.

It is hard to believe how the years have flown by.

It is time to get real serious about selling my collection.

I was really sad in 1999 when Western Bank came in and bought up the lots at 632-640 & 654 main and knock the 4 houses down and hauled them in a Dump Truck.

I can remember, talking to the contractor and him saying that it was a great improvement, to the Down Town to have those lots cleared off.

I Disagree, there was a lot of the Down Town History hauled away in those Dump Trucks.

Well it is 15 years later and there is still a 200' x 125' hole in our Down Town main street.

In my planning on how I could really get serious about selling down my classic CAR inventory, I realized that I needed more room to relocate the collection on my 655 main Lot.

So in December of 2014 I was able to purchase all of the lot at 632, 640 & 654 main.

These Extra lots will allow me to relocate the collection at the main location and in return will help improve the appearance too.

It is my goal to Remodel the inside of the Building at 655 Main. And ADD ON to the south west corner, To give more useable space to Display and sell a lot of the parts and collectibles that I have

These lots will also give me more Room, to Bring Down more of my Titled CARS TO Display and sell.

These Lots will also give me more Room to Bring down more of my untitled CARS, so I can going through the Tittling process and Add them to my inventory

These Lots will allow me a lot more Room for more inventory so I can increase more sells and more Sales TAX for the city of Delta.

After Buying the lots, then I realized that they are Zoned B-1, which Doesn't allow CAR Lots.

Being that Consolidated Finance, opened their CAR Lot IN 1997 at 620 main and ran it as a CAR Lot up to 2012, I figured there shouldn't be a problem Putting a CAR Lot right next to the Consolidated Building

I Didn't Know or realize that the City of Delta had revise their ZONES and requirement in 1999.

I was told that there wasn't ANY Records showing that Consolidated Finance was Required to File a Request for a Rezone or a Vairance when they purchased 620 main property and changed it into a car lot. in 1997.

I was Able to Get a copy of the Ordance #25-1975 - Business District-1 16-6-5-6 (A) Permitted Principal USES.

The closest thing to a CAR Lot is "Passenger Transportation Facilities"

Personal I feel that is very Vlg, to allow a car lot in a B-1 ZONE.

IN The SAME Ordance in 1975 for a B-2 ZONE, under Permitted Principal USE. They List the same " - "Passenger Transportation Facilities and they also show - Automobile & Farm implement Dealerships.

I was unable to find anything that showed wether 620 main was Listed as a B-1 or B-2 ZONE at the TIME that Consolidated purchased the property

IN the 30's + 40's there was a Texaco station that stood on 620 main.

IN the 50s + 60's it was twone Down and Replace with our second Location of City Market. It was Built parrel with the side walk and main Street.

IN the med 60's City Market Built their new Building Just east of the Alley and parrell with Meeker Street

This Location is still Zoned as B-2.

We have 2 choices

#1 - 620 main was originally Zoned AS B-2 when consolidated put their car lot in 1997 and then changed by the City in 1999 in their zone change.

#2 620 main was originally Zoned AS A B-1 zone in 1997 and Consolidate was Allow to put their car lot in under the " Passenger Transportation Facilities

Who KNOW'S - So far I haven't Been Able TO verify that either way

I am hoping to receive this zone change to a B-2 zone.

These lots have been sitting empty for the last 16 years.

It will be good for the whole community too finally have something to fill the big empty hole in our main street.

I know there are different opinions on my car lot. But I would bet you that there more people in this community and around the world that get a lot of enjoyment in seeing these old cars on main street. I know that there a lot people around the world, that remember Delta as that town in Colorado with all the old cars on main street.

I really enjoy preserving that part of our history and plan adding more around the history our town and our automotive industry. Like the 4 large murals on the history of Texaco service station that were located on 7th + main in the past years that are located on the side of my building
Thank you
Dwain Proctor

Ord # 25-1975

BUSINESS DISTRICT 1

16-6-5-6

Intent. To establish and preserve a central business district convenient and attractive for a wide range of retail uses and business, government and professional offices and places of amusement in a setting conducive to and safe for a high volume of pedestrian traffic.

(A) Permitted Principal Uses.

Theaters and other places of amusement conducted entirely within an enclosed building;
Office;
Establishment selling goods and services at retail and conducted entirely within an enclosed building;
Passenger transportation facilities;
Personal Service Shop;
Bank and other financial institution;
Social and Fraternal club.

(B) Accessory Uses and Structures.

Parking of automobiles used by the patrons, employees, and residents of the use; Refer to Section (C);
Loading and trash storage facilities;
Minor Structures;
Utilities;

(C) Uses Subject to Review.

Multiple family dwelling;
Commercial parking lot;
Hotel and motel;
Church;
Relay towers, pumps and substations for electric, television, gas and water distribution systems;

Structures in which to park motor vehicles used by the occupants or patrons of a permitted principal use of this district;
Establishment selling goods and services not within an enclosed building;
Off street parking for property contiguous to Main Street only.

(D) Minimum Standards.

See Section 16-6-4.

BUSINESS DISTRICT 2

16-6-5-7

Intent. To establish and preserve general commercial areas consisting of shopping centers and commercial strips where customers reach individual business establishments primarily by automobile.

(A) Permitted Principal Uses.

- Office, for any purpose;
- Establishment selling goods and services at retail;
- Theater and other places of amusement within or without an enclosed bldg.
- Passenger transportation facilities;
- Personal Service Shops;
- Bank and other financial institution;
- Social and Fraternal club;
- Mortuary;
- Hotel and motel;
- Automobile, farm implement and construction equipment dealership;
- Automobile service station;
- Drive-in facilities, retail and eating, all types;
- Restaurant;
- Wholesale distribution;
- Parking lots, commercial;
- Veterinary clinic;
- Farm Services.
- Vehicle Repair Garage

(B) Accessory Uses and Structures.

- Loading, and trash storage disposal facilities;
- Minor structures;
- Utilities;
- Relay stations, pumps and substations for electric, television, phone, gas and water distribution systems;
- Structures in which to park motor vehicles used by the occupants, employees or patrons of a permitted principal use of this district.

(C) Uses Subject to Review.

(D) Minimum Standards.

See Section 16-6-4.

DELTA COUNTY
INDEPENDENT

401 Meeker St.
P.O. Box 809
Delta, CO 81416

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO }
COUNTY OF DELTA } ss.

I, Randal Sunderland, do solemnly swear that I am managing editor of the *Delta County Independent*; that the same is a weekly newspaper printed, in whole or in part, and published in the County of Delta, State of Colorado, continuously and uninterruptedly in said County of Delta for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, and all amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of one consecutive insertion; that the first publication of said notice was in the issue of said newspaper dated March 25th, A.D., 2015, and that the last publication of said notice was in the issue of said newspaper dated March 25th, A.D., 2015.

NOTICE OF PUBLIC HEARING
Notice of Public Hearing
Notice is hereby given that the City of Delta Planning Commission will hold a public hearing on April 6, 2015, at 6:30 p.m. in the City Council Chambers, 360 Main St., to consider a rezone request for the property located at 632-640 & 654 Main St. Lots 19-26 Block 7, Delta, Colorado.
Published in the *Delta County Independent* March 25, 2015.

In witness whereof I have hereunto set my hand this 25th day of March, A.D., 2015.

Randal Sunderland
General manager of said *Delta County Independent*

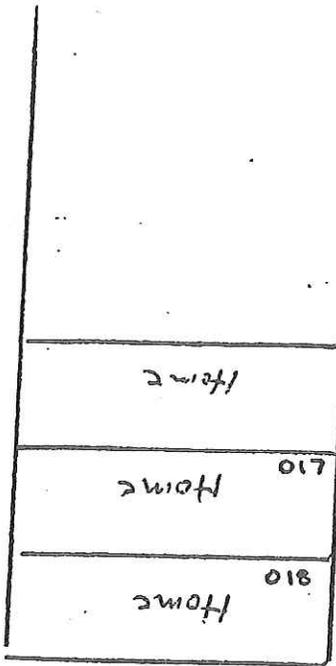
Subscribed and sworn before me, a Notary Public in and for the County of Delta, State of Colorado, this 25th day of March A.D., 2015.

Patricia Sunderland
Notary Public

My commission expires 12/24/2017
900 Cypress Wood Lane
Delta, CO 81416

PATRICIA SUNDERLAND
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 12-24-2017

PALMER ST



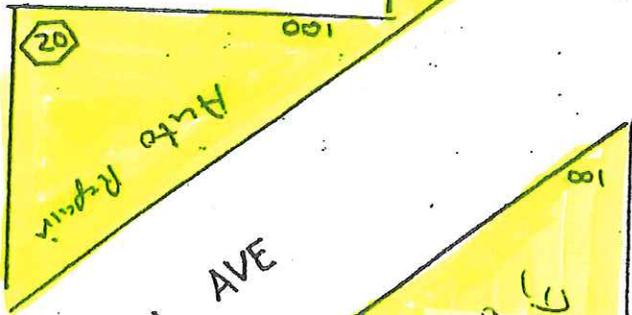
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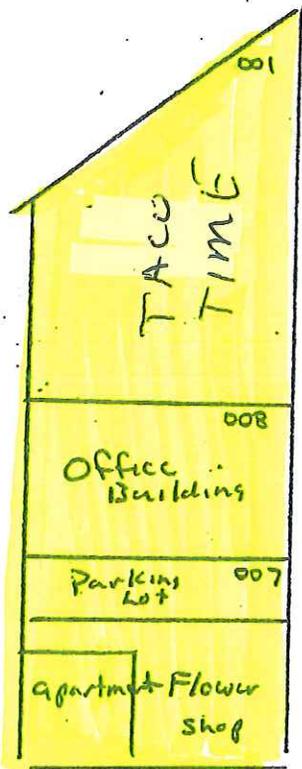
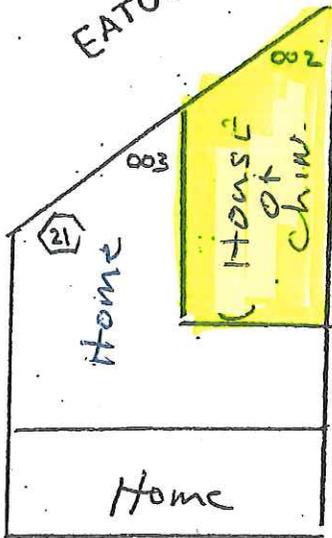
ORVALS
USED
CARS

610

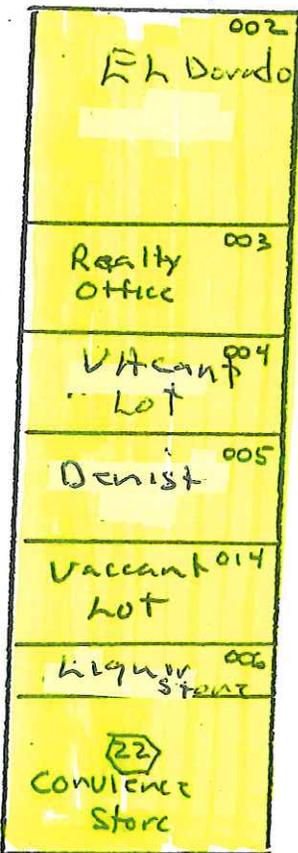
SEVENTH ST



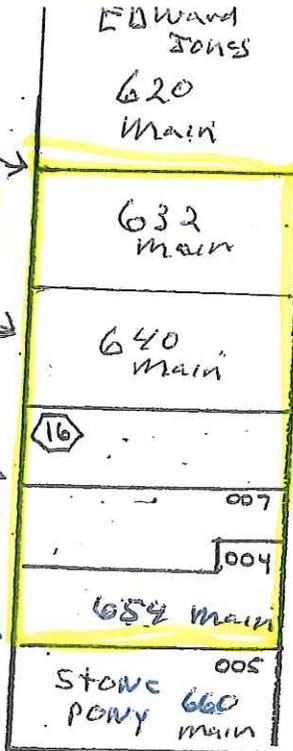
EATON AVE



MAIN ST

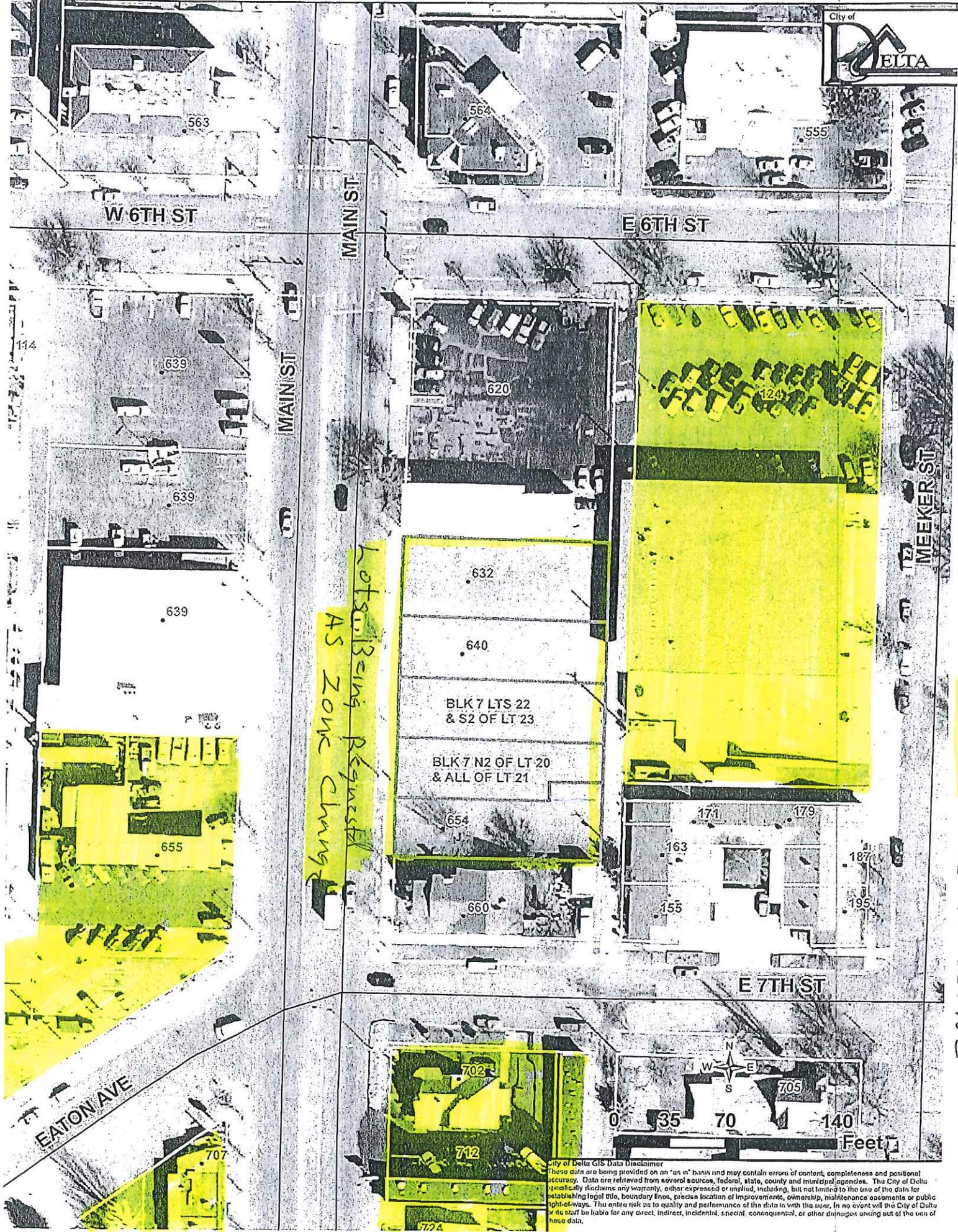


lots requesting
Zone change



OLD City
Market Buildings
Zone 13-2

- 13-2 ZONE

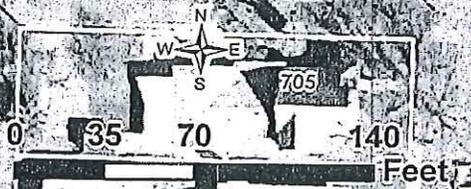


Lots 13 being Requested
 AS ZONE Change

D & ZONE

BLK 7 LTS 22
 & S2 OF LT 23

 BLK 7 N2 OF LT 20
 & ALL OF LT 21



City of Delta GIS Data Disclaimer
 These data are being provided on an "as is" basis and may contain errors of content, completeness and positional accuracy. Data are retrieved from several sources, federal, state, county and municipal agencies. The City of Delta specifically disclaims any warranty, either expressed or implied, including, but not limited to the use of the data for establishing legal title, boundary lines, precise location of improvements, ownership, maintenance easements or public right-of-ways. The entire risk as to quality and performance of the data is with the user. In no event will the City of Delta or its staff be liable for any direct, indirect, incidental, special, consequential, or other damages arising out of the use of these data.

I Didn't Block
off the Drive
ways To upset
The guy Next
Door.

There is a 6"-8"
Drop off.

I Didn't want
TO Held liable
for someone
Knocking a
Hole in their
Oil pan

plus the
Traffic is
Breaking up
the Side
walk
more
↓
More





It is even Dangerous for people walking down the Edge of the Side walk



Replace
Sidewalk

Depending on the CAR SALES
I would like Re curb This Drive and
Total close off This Drive
possible putting Red Rock From the
side walk to the curb





Depending
on the
CAR
SALES

↑ I would like to Remove the concrete here
& put Red Rock Down to the 348 light pole



Depending ON CAR SALES
I plan ON hauling IN Gravel TO Fill the
Holes & Level the whole LOT



Depending ON the CAR SALES
I plan ON Repairing or Replacing the
Side walks

East side ↗

South



B-2



South

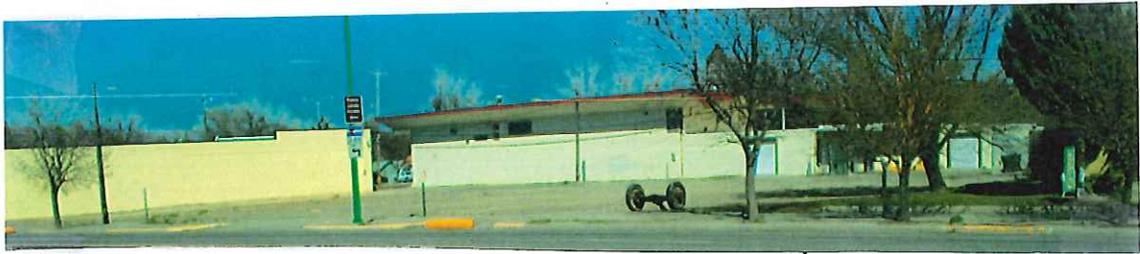


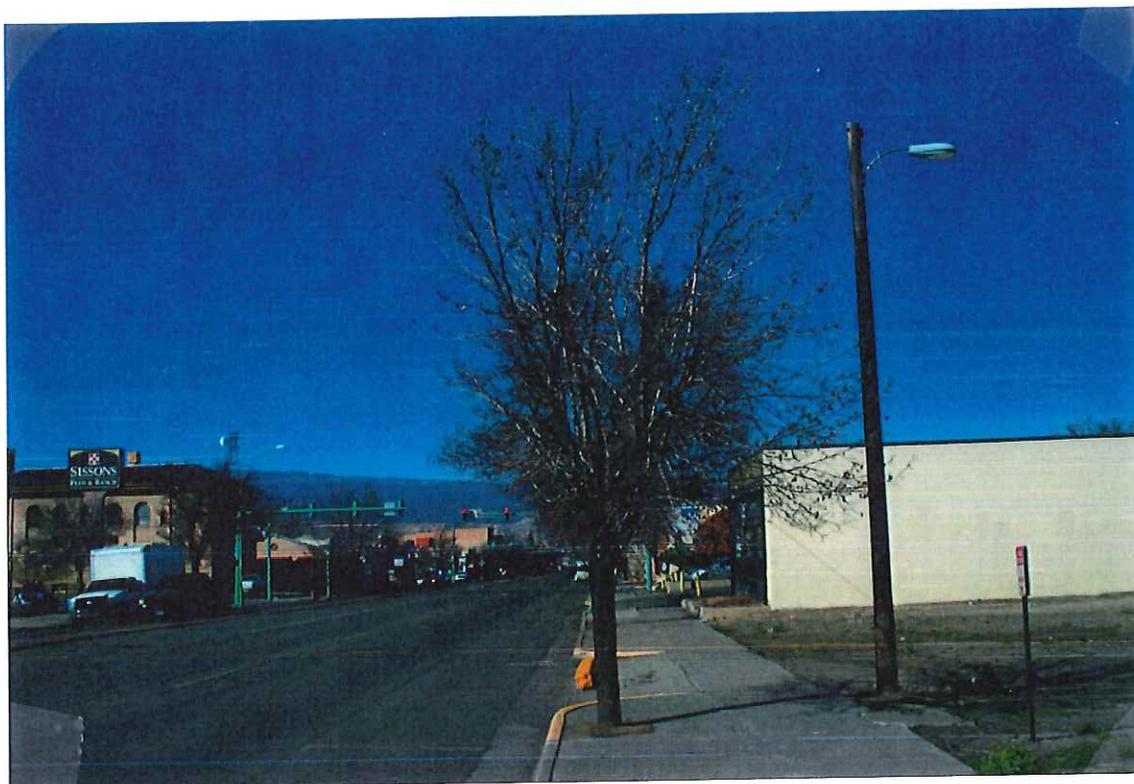
B-2



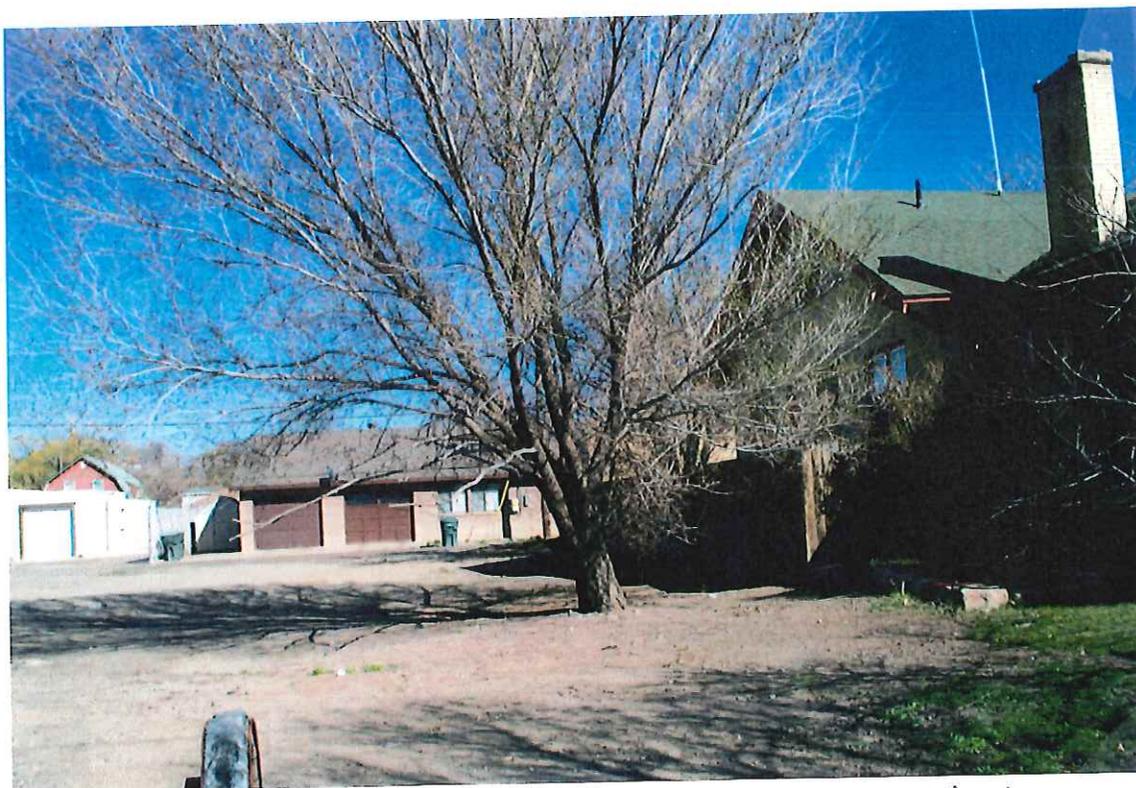
West Side







I will need to get permission from the city to trim this tree
you have to duck down to walk under
It is getting real trashy looking it



I plan on trimming up this tree



Three Mile Plan

Overview

The following plan is hereby developed to comply with C.R.S. 31-12-105 (e)(I), which states the following:

(e) (I) Except as otherwise provided in this paragraph (e), no annexation may take place that would have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year..... Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area. Such plan shall be updated at least once annually.....

The Plan

The City of Delta's Three Mile Plan includes the following:

1. A boundary map showing a three mile area around the City.
2. The City of Delta Comprehensive Plan, including the Future Land Use Plan map.
3. The Growth Management Agreement between the City and Delta County recorded January, 2007 in the Delta County Records.
4. The Delta County Road and Bridge Map, incorporated to the extent of the three mile area shown on the boundary map.
5. The Capital Improvement Plans.
6. The Major Street Plan.

Public utilities in the three mile area include the following:

- a. Power providers: Include the City of Delta and Delta-Montrose Electric Association within their respective service areas.
- b. Sewer: Available in and near the City from the City of Delta. City sewer is extended as per City ordinances at the cost of the applicant, or pursuant to special financial projects. Other areas are planned for agricultural or low density residential until City sewer is extended. Individual Sewage Disposal Systems (ISDS) are authorized under certain circumstances in the City.
- c. Water service: Domestic water services are provided in the area by the City of Delta and Tri-County Water Conservancy District within their respective service areas



- d. Trash collection: City trash service is provided within the City. Private collection services operate outside and within the City. Delta County operates the Delta County Landfill.
- e. Telephone: Century Link Communications and TDS as per their certified service areas.
- f. Natural Gas: Source Gas provides service available in the City, in fringe areas of the City, and along the main pipeline only.
- g. Cable TV: Available in and near the City only, pursuant to Charter CATV permit.

The proposed land uses of the area consist of public land, agricultural uses, and low-density residential uses, except to the extent specifically provided otherwise by the City's Zoning Map, Comprehensive Plan, and Future Land Use Plan map.

No transportation services are proposed to be provided by the City other than streets, alleys or bikeways, and recreation pathways.

To the extent that any item mentioned in C.R.S. 31-12-105 (1) (e) is not reflected in the items of this Plan, the Plan should be construed to mean that no such facilities are contemplated to be provided.

In the event of any conflict between anything in the foregoing elements of the Three Mile Plan and City ordinances or regulations, the City ordinances and regulations shall control. The City of Delta Comprehensive Plan and other city elements of the above documents shall control with respect to any conflicts with provisions of the plan incorporated from other "non-City" entities.

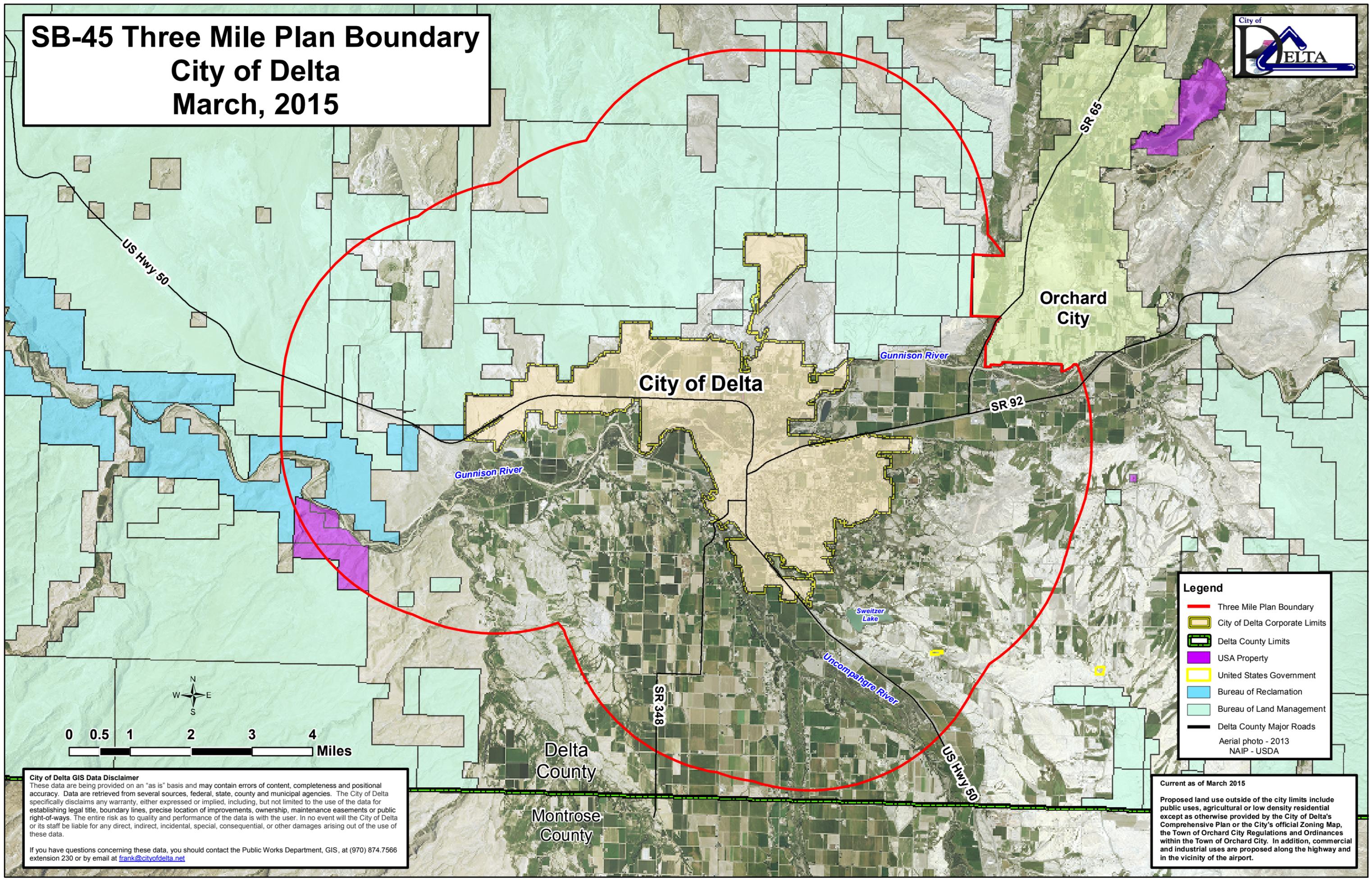
Staff Recommendation

Staff recommends approval of the Three Mile Plan.

Example Motion

I move that Planning Commission recommend **approval/disapproval** of the Three Mile Plan to the City Council.

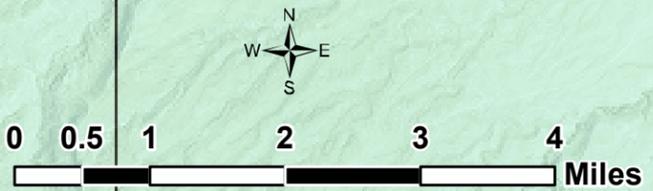
SB-45 Three Mile Plan Boundary City of Delta March, 2015



Legend

- Three Mile Plan Boundary
- City of Delta Corporate Limits
- Delta County Limits
- USA Property
- United States Government
- Bureau of Reclamation
- Bureau of Land Management
- Delta County Major Roads

Aerial photo - 2013
NAIP - USDA



City of Delta GIS Data Disclaimer
 These data are being provided on an "as is" basis and may contain errors of content, completeness and positional accuracy. Data are retrieved from several sources, federal, state, county and municipal agencies. The City of Delta specifically disclaims any warranty, either expressed or implied, including, but not limited to the use of the data for establishing legal title, boundary lines, precise location of improvements, ownership, maintenance easements or public right-of-ways. The entire risk as to quality and performance of the data is with the user. In no event will the City of Delta or its staff be liable for any direct, indirect, incidental, special, consequential, or other damages arising out of the use of these data.

If you have questions concerning these data, you should contact the Public Works Department, GIS, at (970) 874.7566 extension 230 or by email at frank@cityofdelta.net

Current as of March 2015

Proposed land use outside of the city limits include public uses, agricultural or low density residential except as otherwise provided by the City of Delta's Comprehensive Plan or the City's official Zoning Map, the Town of Orchard City Regulations and Ordinances within the Town of Orchard City. In addition, commercial and industrial uses are proposed along the highway and in the vicinity of the airport.