



Development Review Center
281 North College Avenue
PO Box 580
Fort Collins, CO 80522-0580
970-221-6689
fcgov.com/DevelopmentReview

January 8, 2025

Max Moss
Montava Development & Construction, LLC
430 N College Ave.
Fort Collins, CO 80524

RE: Montava Phase D Core and Irrigation Pond, BDR240006 – Manager’s Decision

Dear Max:

On May 1st, 2024, the City of Fort Collins Development Review Division received and processed a request for the Montava Phase D Core and Irrigation Pond, being a request for development of 329 alley-loaded single-unit attached and single-unit detached dwellings. (parcel #8833000002) in Transects 5, 4, and 3.2 per the Montava PUD Master Plan. This request has been processed in accordance with Section 2.2 and 2.18 – Basic Development Review Procedures, of the City of Fort Collins Land Use Code pursuant to the applicable standards in the Land Use Code. This request was evaluated under the 1997 Land Use Code and Montava PUD Master Plan Uses, Densities, and Development Standards.

The Planning Manager hereby makes the following findings of fact:

1. Montava Phase D Core and Irrigation Pond, BDR240006, has been accepted and properly processed in accordance with the requirements of Section 2.2 and 2.18 of the Land Use Code.
2. Montava Phase D Core and Irrigation Pond, BDR240006, complies with the applicable sections of Article Three, General Development Standards, of the Land Use Code with the following conditions of approval.
 - i. For the City to provide the Developer with approval of the Final Development Plan set, Development Agreement, and release the Development Construction Permit, the Developer must meet the following conditions:
 1. Developer agrees to permit and construct necessary stormwater infrastructure to provide an adequate stormwater outfall in accordance with the Fort Collins City Code and Stormwater Criteria Manual, an agreement with the Larimer and Weld Irrigation Company (LWIC), and City of Fort Collins revised Cooper Slough Stormwater Master Plan per the timeline outlined in these conditions.
 2. Montava Development leadership and engineering staff will attend design charette and monthly recurring coordination meetings with City Stormwater Master Planning and Water Utilities Development Review to keep plans and construction on track.

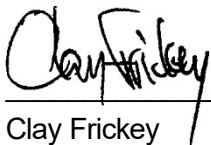
3. The Developer must have received all necessary variances from the City, as determined by the City, that are applicable to the necessary stormwater infrastructure and related plans including, but not limited to:
 - a. Any necessary variances pursuant to the Fort Collins City Code and Stormwater Criteria Manual; and
 - b. Any necessary variances from other City of Fort Collins departments.
4. All plans, supporting reports, and modeling, must be at 100% design detail and meet all City criteria and standards, including, but not limited to, all criteria and standards set forth in the Fort Collins Stormwater Criteria Manual (except to the extent the Developer has acquired variances for the same).
5. The Developer has acquired all necessary permits, property rights, and other approvals for the planned stormwater infrastructure described in the Final Development Plan, including, but not limited to, the following:
 - a. Executed "Settlement Agreement Regarding Ditch Crossings, Ditch Modifications, and Stormwater." between the Windsor Reservoir and Canal Company (WRCC), the Larimer and Weld Irrigation Company (LWIC), Montava Development & Construction LLC, Montava Partners LLC, and Montava Metropolitan District No. 1 detailing the requirements and timelines for permitting and constructing culvert/pipe and related infrastructure that will carry drainage flows from Phase D of the Montava Development under/through/past LWIC's Larimer and Weld Canal and associated easement. If settlement agreement is not finalized by all parties, the Developer will follow the standard City process timelines and requirements for permitting and constructing the stormwater outfall. As the City is not a party to the settlement agreement, the City is not in any way required or responsible for taking any actions, including construction and planning actions, or meeting any timelines, whether express or implied, that are included in the settlement agreement, except to the extent that the City is separately required or responsible for such actions and timelines.
 - b. Fee ownership, an adequate easement (as determined by the City), or irrevocable license from any property owner(s) located downstream of the Larimer and Weld Canal for any work that will not be in an existing drainage easement authorizing such work. Note that such property owners may include, but may be limited to: the LWIC, the Trail Head Community Association, Waterglen Owners Association, and Front Range Water, LLC.
 - c. Any other necessary permits, property rights, and other approvals for the planned drainage infrastructure described in the Final Development Plan, as determined by the City.

6. The Developer must place the following note on the Final Plans concerning permitting with the Burlington Northern Santa Fe Railroad (BNSF) for a culvert/pipe and related infrastructure that will carry drainage flows from Phase D of the Montava Development under/through/past the BNSF right-of-way.
 - a. Developer is proceeding at their own risk. Burlington Northern Santa Fe Railroad (BNSF) permits are required for the Montava Phase D stormwater outfall. The design for the stormwater outfall will be reviewed by the City under a separate utility plan set. BNSF review and permitting will coincide with the following City process milestones:
 - i. The Developer will obtain BNSF Engineering Review Approval for the stormwater outfall prior to the City releasing any building permits for Montava Phase D.
 - ii. The Developer will obtain a BNSF permit for construction of the stormwater outfall prior to the City releasing more than 25% of Montava Phase D building permits.
 - iii. The Developer will construct and certify the stormwater outfall prior to the City releasing more than 35% of the total building permits for Phase D of the Montava Development (the sum of the 25% previously-released building permits and an additional 10% of building permits).
 - b. Developer acknowledges the design for the stormwater outfall infrastructure may need to change based on future revisions to the Cooper Slough Stormwater Master Plan resulting from any agreement the Developer may enter into with local ditch companies. The City will not pay or reimburse the Developer if designed and/or constructed drainage infrastructure does not meet the revised Cooper Slough Stormwater Master Plan.
7. Prior to construction within the regulatory FEMA floodplain, the Developer has acquired from the City, pursuant to the Fort Collins Municipal Code, a floodplain use permit with no-rise or CLOMR for any work within a FEMA regulated floodplain, as such terms are defined in Chapter 10 of the Fort Collins Municipal Code.
 - ii. For the City to release any building permits up to 25% of the total building permits for Phase D of the Montava Development, the Developer must meet the following conditions:
 1. The Developer must have obtained BNSF Engineering Review Approval for a culvert/pipe and related infrastructure that will carry drainage flows from Phase D of the Montava Development under/through/past the BNSF right-of-way.

- iii. For the City to release up to 35% of the total building permits for Phase D of the Montava Development (the sum of the 25% previously-released building permits and an additional 10% of building permits), the Developer must meet the following conditions:
 - 1. The Developer must have met all conditions listed in the previous section regarding building permits up to 25% of the total building permits for Phase D.
 - 2. The Developer must have acquired BNSF permits for the Stormwater outfall.
- iv. For the City to release the remaining building permits for Phase D of the Montava Development (anything above the previously-released 35% of building permits), the Developer must meet the following conditions:
 - 1. All offsite drainage infrastructure must be installed pursuant to the Final Development Plan approved by the City.
 - 2. All offsite drainage infrastructure must be certified by the developer's engineer and accepted by the City.
- 3. Montava Phase D Core and Irrigation Pond, BDR240006, complies with all applicable requirements of the Montava PUD Master Plan Uses, Densities, and Development Standards.

Based on these findings of fact, the Planning Manager of the City of Fort Collins makes the following decision:

Approved with Conditions	January 8, 2025
Decision	Date



 Clay Frickey
 City of Fort Collins, Planning Manager

This final decision of the Planning Manager may be appealed to the Planning & Zoning Commission, in accordance with Article 2, Division 2.18.3(L) of the Land Use Code, within 14 calendar days of the date of final action by the Planning Manager. Guidelines explaining the appeal process, including the Code provisions previously referenced, can be found online at fcgov.com/cityclerk/appeals.php, or may be obtained in the City Clerk's Office at 300 Laporte Avenue.