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**CITY COUNCIL AGENDA
WEDNESDAY, MARCH 15, 2023
250 NORTH 5TH STREET - CITY HALL AUDITORIUM
[VIRTUAL MEETING](#) - [LIVE STREAMED](#)
BROADCAST ON CABLE CHANNEL 191
5:30 PM – REGULAR MEETING**

Call to Order, Pledge of Allegiance, Moment of Silence

Proclamations

Proclaiming March 2023 as American Red Cross Month in the City of Grand Junction

Citizen Comments

Individuals may comment regarding items scheduled on the Consent Agenda and items not specifically scheduled on the agenda. This time may be used to address City Council about items that were discussed at a previous City Council Workshop.

Citizens have four options for providing Citizen Comments: 1) in person during the meeting, 2) virtually during the meeting (registration required), 3) via phone by leaving a message at 970-244-1504 until noon on Wednesday, March 15, 2023 or 4) submitting comments [online](#) until noon on Wednesday, March 15, 2023 by completing this form. Please reference the agenda item and all comments will be forwarded to City Council.

City Manager Report

Council Reports

CONSENT AGENDA

The Consent Agenda includes items that are considered routine and will be approved by a single motion. Items on the Consent Agenda will not be discussed by City Council, unless an item is removed for individual consideration.

1. Approval of Minutes

REVISED

- a. Minutes of the March 1, 2023 Regular Meeting
- b. Minutes of the March 8, 2023 Special Meeting

2.**Set Public Hearings**

All ordinances require two readings. The first reading is the introduction of an ordinance and generally not discussed by City Council. Those are listed in Section 2 of the agenda. The second reading of the ordinance is a Public Hearing where public comment is taken. Those are listed below.

- a. Quasi-judicial
 - i. Introduction of Ordinances for Annexation and Zoning of Approximately 3.86 Acres from County PUD (Planned Unit Development) to R-5 (Residential – 5 Dwelling Units per Acre) for the Clear Creek Enclave Annexation, Located in the Brookdale Subdivision, a Replat of Brookdale (Book 13, Page 47) (Brookdale) Subdivision along and including Clear Creek Drive, Cripple Creek Court and Cascade Creek Court, and Setting a Public Hearing for April 5, 2023

3. Procurements

- a. Lincoln Park Pool Plaster Replacement
- b. Contract to Provide Roll-Off Containers with Drivers for Spring Cleanup 2023

4. Resolutions

- a. A Resolution Authorizing the City Manager to Submit a Grant Application for the Transportation Alternative Program (TAP) Grant Program for Additional Sections of the North Avenue Enhanced Transit Corridor Improvements Project
- b. A Resolution Revoking Revocable Permit Issued to RRB Holdings, Inc. Pursuant to Resolution #44-14 Dated December 3, 2014
- c. A Resolution Authorizing a Land Conveyance from Colorado West Land Trust for the Eicher Property aka Cat's Canyon Located Off of Mira Monte Drive

5. Other Action Items

- a. Accept a Request by McCurter Land Company, LLC for the Dedication of 1.93 Acres of Land in the Proposed Golden Leaf Estates Subdivision

- b. A Resolution Authorizing and Ratifying a Contract for the Purchase of a Portion of Property Identified by Mesa County Tax Assessors 2945-042-00-024 for the F 1/2 Parkway

REGULAR AGENDA

If any item is removed from the Consent Agenda by City Council, it will be considered here.

6. Public Hearings

- a. Legislative
 - i. An Ordinance Authorizing the Land Exchange Between the City of Grand Junction and Robert M. Stubbs
 - ii. A. An **Emergency** Ordinance Amending the Grand Junction Municipal Code Regarding Cannabis Licensing - **OR IF NOT APPROVED -**

B. Introduction of an Ordinance Amending the Grand Junction Municipal Code Regarding Cannabis Licensing and Setting a Public Hearing for April 5, 2023
 - iii. An Ordinance to Create Accessory Dwelling Unit Production Program
 - iv. A Resolution for the Creation of a Land Acquisition Program
 - v. Introduction of an Ordinance Authorizing a Supplemental Appropriation for American Recovery Plan Act (ARPA) Funds to be Allocated for a Land Acquisition Program and Setting a Public Hearing for April 5, 2023
- b. Quasi-judicial
 - i. An Ordinance to Rezone 17.37 Acres from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5.5 du/ac) Located at 2428 H Road - **ITEM WITHDRAWN**
 - ii. A Resolution to Create Alley Improvement District No. ST-23

7. Other Action Items

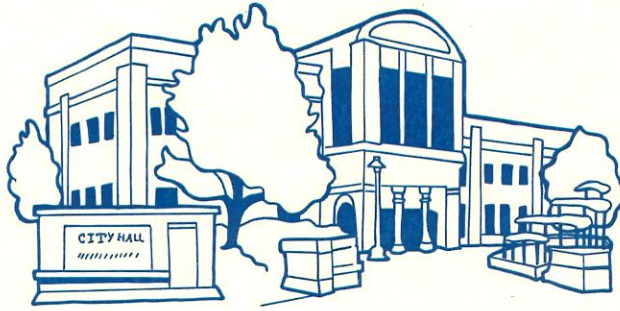
- a. Public Listening Session on Regulations for Cannabis Product Manufacturers

8. Non-Scheduled Citizens & Visitors

This is the opportunity for individuals to speak to City Council about items on tonight's agenda and time may be used to address City Council about items that were discussed at a previous City Council Workshop.

9. Other Business

10. Adjournment



City of Grand Junction, State of Colorado

Proclamation

Whereas, during American Red Cross Month in March, we celebrate the humanitarian spirit of the City of Grand Junction and reaffirm our commitment to help ensure no one faces a crisis alone; and

Whereas, the heart of our community is exemplified by the caring people of Grand Junction, whose simple acts of kindness through the Red Cross provide help and hope in people's most difficult moments by continuing the lifesaving legacy of Clara Barton, who founded the organization more than 140 years ago to prevent and alleviate human suffering; and

Whereas, every day, these ordinary individuals lend a helping hand to make an extraordinary difference for neighbors in need — whether it's providing emergency shelter, food and comfort for families displaced by home fires and other disasters; supporting military members and veterans, along with their families and caregivers through the unique challenges of service or using vital skills like first aid and CPR to help others survive medical emergencies; and

Whereas, their support, volunteerism and generous donations are critical to our community's resilience. We hereby recognize this month of March in honor of all those who fulfill Clara Barton's noble words, "You must never think of anything except the need and how to meet it," and ask everyone to join in this commitment.

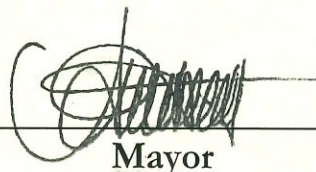
NOW, THEREFORE, I, Anna Stout, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim March 2023 as

"American Red Cross Month"

in the City of Grand Junction and encourage all citizens of Grand Junction to reach out and support its humanitarian mission.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 15th day of March 2023.





Mayor

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

March 1, 2023

Call to Order, Pledge of Allegiance, Moment of Silence

The City Council of the City of Grand Junction convened into regular session on the 1st day of March 2023 at 5:30 p.m. Those present were Councilmembers Chuck McDaniel, Phil Pe'a, Dennis Simpson, Council President Pro Tem Abe Herman and Council President Anna Stout. Councilmember Randell Reitz was absent.

Also present were City Manager Greg Caton, City Attorney John Shaver, City Clerk Amy Phillips, Deputy City Clerk Janet Harrell, Principal Planner Nicole Galehouse and Finance Director Jodi Welch.

Council President Stout called the meeting to order and Tevin Franklin led the Pledge of Allegiance, followed by a moment of silence.

Proclamations

Proclaiming March 2023 as Women's History Month in the City of Grand Junction

Council President Stout read the proclamation and Jane Quimby, daughter of Grand Junction's first female Mayor Jane Quimby, accepted the proclamation.

Appointments

Council President Pro Tem Herman moved and Councilmember Pe'a seconded to reappoint Diana Rooney, Stephen Meyer and Athena Fouts, and appoint Anita Sheetz for three-year terms expiring June 2026, and appoint Brooke Carlson for a two-year term expiring June 2025, all to the Urban Trails Committee. Motion carried by unanimous voice vote.

Councilmember Randall Reitz joined the meeting at 5:41 p.m.

Citizen Comments

Bruce Lohmiller spoke about Los Angeles Mayor's policy to open hotels to the area homeless and noted this policy was difficult to implement since participants were required to be drug free. He also said a non-profit event would be held in Mack.

Rickie Howie spoke about the City's upcoming election and expressed appreciation for City Council's decisions.

David Zollner talked about the "American Dream" and expressed concern regarding the

trend toward only higher density residential developments.

City Manager Report

City Manager Caton did not present a report.

City Attorney Shaver said the City received an objection and legal challenge to the scheduled cannabis randomized selection and recommended suspending the Horizon Drive Association Business Improvement District selection and presenting an ordinance to Council at the March 15th meeting to amend and clarify the selection process. He also noted the offer from Mesa County regarding the Orchard Mesa Pool is being refined and clarified.

Council Reports

Council President Stout attended the Colorado Municipal League (CML) Legislative Conference on February 16th and noted CML and the Associated Governments of Northwest Colorado are monitoring state legislation and advocating for local municipalities.

CONSENT AGENDA

Councilmember McDaniel requested item 2.b.ii. be moved to the regular agenda. Councilmember Simpson moved and Council President Pro Tem Herman seconded to adopt Consent Agenda items #1 - #4 excluding item 2.b.ii. Motion carried by unanimous voice vote.

1. Approval of Minutes

- a. Summary of the February 13, 2023 Workshop
- b. Minutes of the February 15, 2023 Special Meeting
- b. Minutes of the February 15, 2023 Regular Meeting

2. Set Public Hearings

- a. Legislative
 - i. Introduction of an Ordinance Creating an Accessory Dwelling Unit Production Program and Setting a Public Hearing for March 15, 2023
 - ii. Introduction of an Ordinance for a Land Exchange Between the City of Grand Junction and Dynamics Investments, Inc. and Setting a Public Hearing for March 15, 2023

- b. Quasi-judicial
 - i. A Resolution of Intent to Annex to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, and Exercising Land Use Control for the Clear Creek Enclave Annexation of 3.86 Acres, Located in the Brookdale Subdivision along and including Clear Creek Drive, Cripple Creek Court and Cascade Creek Court, and Setting a Public Hearing for April 5, 2023
 - ii. Introduction of an Ordinance to Rezone 17.37 Acres from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5.5 du/ac) Located at 2428 H Road and Setting a Public Hearing for March 15, 2023 –
Moved to Regular Agenda

3. Resolutions

- a. A Resolution Authorizing the City Manager to Submit a Request for Congressionally Directed Spending for the Community Recreation Center
- b. A Resolution Authorizing the City Manager to Submit a Request for Congressionally Directed Spending for the I-70 Interchange at 29 Road Project
- c. A Resolution Establishing City Council Support for House Bill 23-1156 *Public Airport Authority Act Modernization*

4. Other Action Items

- a. Request for 2023 Fireworks Displays at Suplizio Field
- b. Agreement for Palisade Pool Operations
- c. Approval of Federal Aviation Administration Agreement for Transfer of Entitlements

REGULAR AGENDA

Introduction of an Ordinance to Rezone 17.37 Acres from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5.5 du/ac) Located at 2428 H Road and Setting a Public Hearing for March 15, 2023 – Moved from Consent Agenda

Applicant and property owner Vista 5, LLP requested a rezone of 17.37 acres from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5.5 du/ac) located at 2428 H Road in anticipation of future development.

Councilmember McDaniel stated two procedural points regarding this item. He noted City Council heard an item to rezone this property three years ago and Council approved a rezone to R-1. If this request is the same, per res judicata, the presiding body should not entertain a rehearing of the item. Also, when the Planning Commission (PC) heard this item at their February 14, 2023 meeting, some commissioners made comments regarding the economic redevelopment of this property in connection with the request approval. The PC was not provided information in the record on economic development and he felt it was improper for the commissioners to speculate on the economic matters of the Zoning and Development Code. Councilmember McDaniel then recused himself from this item due to the appearance of a conflict (letter attached).

Discussion included that this item is being requested by a different applicant, the applicant bears the burden of providing new/different evidence at the public hearing, and if no new/different evidence is presented, Council may apply the res judicata doctrine.

Councilmember McDaniel moved and Councilmember Pe'a seconded to introduce an ordinance rezoning 17.37 acres from R-1 (residential – 1 du/ac) to R-5 (residential – 5.5 du/ac) located at 2428 H Road and set a public hearing for March 15, 2023. Motion carried by unanimous voice vote.

A Resolution Accepting the Petition for the Annexation of 17.42 Acres of Land and Ordinances Annexing and Zoning the Grand Valley Estates Annexation to R-12 (Residential - 12 du/ac), Located at the Northeast Corner of 31 Road and E ½ Road – Continued from January 18, 2023 and February 1, 2023

Applicant Grand Junction Venture, LLC requested annexation of land and a zone of annexation to R-12 (Residential – 12 du/ac) for the Grand Valley Estates Annexation in anticipation of future development. The approximately 17.42-acre undeveloped property, located at the northeast corner of 31 and E ½ Roads, is Annexable Development per the Persigo Agreement. The proposed zone district of R-12 is consistent with the Residential Medium (5.5 to 12 du/ac) Land Use category of the Comprehensive Plan.

At the January 10, 2023 Planning Commission (PC) meeting, there was significant discussion about safety and traffic along E ½ Road, deteriorating roadway conditions, concern regarding current school capacity as well as the impact of a new charter school, and compatibility with the Comprehensive Plan. The PC recommended denial of the proposed zoning with a vote of 1 to 6.

Following the January 10, 2023 PC public hearing, staff was notified the Grand Junction Daily Sentinel published the legal notice for the PC hearing on January 4, 2023, which did not meet the required notice provision of seven (7) days in advance of the public hearing (Section 21.02.080(g)). As a result, the scheduled City Council public hearing was continued to February 1, 2023, to allow a new notice to be published in the Grand Junction Daily Sentinel on January 25, 2023.

At the February 1, 2023 Council meeting, applicant representative Ty Johnson of Kaart Planning requested, on behalf of Grand Junction Venture, LLC, this item be continued since the proposed zoning ordinance would require an affirmative supermajority vote by Council (5 votes) to be approved since the PC recommended denial, and Council President Pro Tem Herman was not available for the entire meeting. Mr. Johnson's request was granted and the item was continued to the March 1, 2023 meeting.

Council President Stout requested this item be bifurcated in order to hear the annexation and zone of annexation separately with each having their own public hearing. Council concurred.

Principal Planner Nicole Galehouse and Ty Johnson from Kaart Planning presented the annexation item.

Discussion included that the state annexation requirement "C" refers to the City's interest/benefit/established contiguity (utility extension/future connection) of a property, all seven (7) state requirements must be met for annexation, if a property is contiguous the state requirement should be met, the Hoover Court subdivision is the closest residential area to this property, the City's Urban Development Boundary eastern edge is Long's Park, how the Persigo Agreement 1/6 perimeter requirement was calculated for this annexation, there is a parcel owned by Mesa County within this property, PC does not consider the annexation (only zoning), the zone of annexation must be compatible with the Comprehensive Plan (R-8, R-12, CSR, general residential and shop front), clarification that the property is 17.42 acres and Council may deny the annexation if specific requirements are not met.

The public hearing opened at 6:20 p.m.

The following spoke against the annexation: Carroll Aamold, Rod Hoover, Rose Bonine, Don Olbert, Mike Gardner, Amy Caster, Kathy Rossmann, Miles Cothrun, R.C. Buckley, Steven Schultz, Linda Votruba and Dave Dearborn.

Joe Jones asked what the zoning options are for this property.

The public hearing closed at 6:44 p.m.

Councilmember Pe'a moved and Councilmember Simpson seconded to deny Resolution No. 11-23, a resolution accepting a petition to the City Council for the annexation of lands to the City of Grand Junction, Colorado, the Grand Valley Estates Annexation, approximately 17.42 acres, located at the northeast corner of 31 and E ½ Roads and adopt Ordinance No. 5123 annexing territory to the City of Grand Junction, Colorado, Grand Valley Estates Annexation, approximately 17.42 acres, located at the northeast corner of 31 Road and E ½ Road. Motion failed by roll call vote.

Council President Pro Tem Herman moved and Councilmember Reitz seconded to adopt Resolution No. 11-23, a resolution accepting a petition to the City Council for the

annexation of lands to the City of Grand Junction, Colorado, the Grand Valley Estates Annexation, approximately 17.42 acres, located at the northeast corner of 31 and E ½ Roads and adopt Ordinance No. 5123 annexing territory to the City of Grand Junction, Colorado, Grand Valley Estates Annexation, approximately 17.42 acres, located at the northeast corner of 31 Road and E ½ Road, on final passage and ordered final publication in pamphlet form. Motion carried by roll call vote.

Council took a break at 7:06 p.m.

The meeting resumed at 7:15 p.m.

Principal Planner Nicole Galehouse and Ty Johnson from Kaart Planning presented the zone of annexation item.

Discussion included that the property has multiple incumbrances which is why the R-12 zone is being requested, the annexation is not typically considered a “subsequent” event for zoning, an annexed property is required to be zoned within 90 days of annexation, the zone of annexation must be compatible with “residential medium” designated by the Comprehensive Plan, once zoned the developer must go through the Development Review Process which includes a Neighborhood Meeting and review by City/County agencies, there is no formal design for this property yet, overview of the development process, the Comprehensive Plan is not compatible with the County zoning, development leads to infrastructure improvements which may help lead to further development, the County identified E ½ Road as a ‘Collector Road’ and has improvements scheduled for 2024 to expand lanes, nearby park property is desired for high density developments, higher density developments may help reduce crime, R-12 allows for a 60’ building height, R-12 would help with alleviate local housing issues, PC considered the concerns addressed tonight, only one zoning criteria needs to be met in order to rezone, what the legal definition of “are adequate” is, Council’s options are to deny the zoning, zone R-8, refer to developer or remand back to the PC.

The public hearing opened at 7:30 p.m.

Wayne Gardner spoke in favor of the item.

The following spoke against the zoning: Carroll Aamold, Rod Hoover, Sharon Jones, Bill Conrob, Jessica Hatcher, Mike Gardner, Rose Bonine, R.C. Buckley, Mark Baker, Amy Castor, Scott Rafferty, Don Olbert, Karen Romeo, Cheryl Fegal, Grace Fitzgerald, Marian Brosig, Lou Snyder, Lebecca Jones, Kathy Rossman, Miles Cochran, Heather Huntley, Linda Votruba and Dave Dearborn.

The public hearing closed at 8:27 p.m.

Councilmember Reitz moved and Councilmember Pe’a seconded to deny Ordinance No. 5124, an ordinance zoning the Grand Valley Estates Annexation to R-12 (Residential - 12 du/ac) zone district. Motion carried by unanimous roll call vote.

Council agreed to remand this zone of annexation item back to the PC.

Council took a break at 9:07 p.m.

The meeting resumed at 9:20 p.m.

An Ordinance Authorizing a Supplemental Appropriation for American Recovery Plan Act (ARPA) Grant Awards

The budget is adopted by City Council through an appropriation ordinance to authorize spending at a fund level based on the line-item budget. This supplemental appropriation is required for spending authorization to distribute ARPA grant awards to Grand Valley Catholic Outreach and Housing Resources of Western Colorado.

Council President Stout clarified that Resolution No. 20-23, adopted at the February 15, 2023 meeting, was to show the state that the City was committed to supporting this project with a \$1M grant and approval of this item will provide the legal authority for the City to expend those funds.

Finance Director Jodi Welch presented this item.

The public hearing opened at 9:21 p.m.

There were no public comments.

The public hearing closed at 9:21 p.m.

Council President Pro Tem Herman moved and Council President Stout seconded to adopt Ordinance No. 5131, an ordinance making supplemental appropriations to the 2023 Budget of the City of Grand Junction for the year beginning January 1, 2023 and ending December 31, 2023 for American Recovery Plan Act funding for Housing Resources and Grand Valley Catholic Outreach on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

An Ordinance Leasing City Property to Gray Media Group

The City of Grand Junction (City) owns property on Grand Mesa and has for many years leased a portion of the land for use as a television and radio transmitting site. The City has had a long-standing relationship with Pikes Peak Television, Inc. In late 2008 the City and Pikes Peak Television entered a 10-year lease ("Lease"). In 2019, with the City's consent, Pikes Peak assigned a portion of the leased premises to Chang Media Group. At the time of the partial assignment, Pikes Peak's records show that it sent a letter to the City notifying it that Gray Media was a successor in interest to Pikes Peak Television, Inc. and that Gray intended to exercise an option provided in the Lease for another 10-year term. The City did not receive that letter. Gray paid the annual Lease payments and, notwithstanding the Lease not being in its name, Gray performed

consistent with the City's expectations as provided in the Lease.

City Attorney John Shaver presented this item.

The public hearing opened at 9:23 p.m.

There were no public comments.

The public hearing closed at 9:23 p.m.

Councilmember Pe'a moved and Councilmember Simpson seconded to adopt Ordinance No. 5132, an ordinance transferring, authorizing and substituting the lease agreement by and between the City of Grand Junction and Pikes Peak Television, Inc. to Gray Media Group, Inc., for use of certain City land and ratifying all actions heretofore taken and in connection therewith on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

An Ordinance Amending the Description and Inclusion of Certain Property in the Downtown Development Authority Boundary

In 2011 and 2017, specified land areas were by ordinance duly and lawfully included in the Downtown Grand Junction Development Authority (DDA) area. Recently, the Mesa County Assessor determined that certain portions of certain alleys, streets and rights of way ("Property") were not fully described in the legal descriptions of the included land. The discrepancies in the legal descriptions are insubstantial. However, it is important that the legal descriptions be amended by and with this Ordinance so that the Property is, and shall be, fully described and included in the DDA area. Since the inclusions in 2011 and 2017 the Property has been sold and pursuant to C.R.S. 31-25-822 and the Authority's Plan, the Property owner, DR Land, LLC and DR Townhomes, LLC, have assented to inclusion of the Property into the Authority's boundary.

City Attorney John Shaver presented this item.

The public hearing opened at 9:25 p.m.

There were no public comments.

The public hearing closed at 9:25 p.m.

Council President Pro Tem Herman moved and Councilmember Reitz seconded to adopt Ordinance No. 5133, an ordinance amending Ordinance Nos. 3008, 4461 and 4756 expanding the boundary of the Grand Junction, Colorado Downtown Development Authority to include certain property formerly known as Hale, Lawrence and Lila Avenues and certain now vacated rights of way all as legally described herein located in the Dos Rios Subdivision on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Reitz requested the status of Council's support for House Bill 23-1156, *Public Airport Authority Act Modernization*. Council President Stout explained this item was passed on the Consent Agenda as item 3.c.

Adjournment

The meeting adjourned at 9:27 p.m.

Amy Phillips, CMC
City Clerk





March 1, 2023

Mayor Stout and Members of City Council
250 N. 5th Street
Grand Junction, CO 81501

Via Hand Delivery

Mayor Stout and Members of City Council,

I write concerning item number 2023-6879 on the March 1, 2023, City Council meeting agenda. That item is a proposed rezone of the property located at 2428 H Road. The property is owned by Vista 5, LLP.

With this letter I write to inform you of the appearance of a conflict of interest the existence of which calls into question my participation in the hearing/decision on the matter which is proposed to occur on March 15th.

I have a personal and previous professional relationship with Mr. Porter, who is affiliated with Vista 5, LLP, and because of that I have determined that my interactions with him, and the perception of a conflict that may arise from those interactions, will inhibit me from fairly considering the application. I have consulted with City Attorney Shaver who has advised that in light of the Council's customary standard regarding an appearance of conflict that my recusal is proper. Accordingly, I will not be participating in the hearing/decision on this matter.

A copy of this letter will be filed with City Clerk Phillips for inclusion in the minutes/public record pertaining to the March 1st and March 15th Council meetings.

Sincerely,

A handwritten signature in blue ink that reads "C.B. McDaniel". The signature is stylized with a large, looping "S" at the end.

C.B. McDaniel
City Councilmember At Large
City of Grand Junction, Colorado

pc: Amy Phillips
Greg Caton
John Shaver

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE SPECIAL MEETING**

City Hall Administration Conference Room

March 8, 2023

Call to Order

Council President Pro Tem Herman called the Special Meeting of the Grand Junction City Council to order at 5:03 p.m. on the 8th day of March 2023.

Those present were Councilmembers Chuck McDaniel, Phillip Pe'a, Randall Reitz, Dennis Simpson, Mayor Pro Tem Abe Herman and Council President Anna Stout (via Teams Meeting).

Also present were City Manager Greg Caton and City Attorney John Shaver.

Executive Session

Councilmember Reitz moved and Councilmember McDaniel seconded to convene into ***EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS UNDER AND PURSUANT TO SECTION 24-6-402(4)(f)(I) C.R.S. OF THE OPEN MEETINGS LAW RELATIVE TO CITY COUNCIL EMPLOYEES, SPECIFICALLY THE CITY MANAGER AND THE CITY ATTORNEY. THE EXECUTIVE SESSION FOR THE CITY MANAGER WILL START AT 5:30 P.M. AND THE EXECUTIVE SESSION FOR THE CITY ATTORNEY WILL FOLLOW. NEITHER THE CITY MANAGER NOR THE CITY ATTORNEY HAVE REQUESTED DISCUSSION IN OPEN SESSION.***

It was a unanimous vote to convene into Executive Session for the purpose stated.

Upon completion of the Executive Session, Council President Stout moved and Councilmember Pe'a seconded to return to open session in the City Hall Administration Conference Room.

Council President Pro Tem Herman reconvened the Special Meeting at 7:52 p.m.

Adjournment

There being no further business the meeting adjourned at 7:52 p.m.

Amy Phillips

City Clerk





Grand Junction City Council

Regular Session

Item #2.a.i.

Meeting Date: March 15, 2023
Presented By: David Thornton, Principal Planner
Department: Community Development
Submitted By: David Thornton, Principal Planner

Information

SUBJECT:

Introduction of Ordinances for Annexation and Zoning of Approximately 3.86 Acres from County PUD (Planned Unit Development) to R-5 (Residential – 5 Dwelling Units per Acre) for the Clear Creek Enclave Annexation, Located in the Brookdale Subdivision, a Replat of Brookdale (Book 13, Page 47) (Brookdale) Subdivision along and including Clear Creek Drive, Cripple Creek Court and Cascade Creek Court, and Setting a Public Hearing for April 5, 2023

RECOMMENDATION:

Staff recommends introducing the proposed Ordinances and setting a hearing for April 5, 2023 for the Clear Creek Enclave Annexation and Zone of Annexation. Planning Commission will hear the zone of annexation request at their March 14, 2023 meeting.

EXECUTIVE SUMMARY:

A request to annex 3.86 acres of enclaved property, located in the Brookdale Subdivision along Clear Creek Drive, Cripple Creek Court and Cascade Creek Court. The Clear Creek Enclave consists of a portion of the Brookdale subdivision consisting of twenty-four residential lots which have developed as 19 single family uses and two Brookdale Homeowners Association, Inc. (HOA)-owned parcels, along with 0.86 acres of public right-of-way. Under the 1998 Persigo Agreement with Mesa County, the City is to annex all Enclave areas at five (5) years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three (3) years. The Clear Creek Enclave has been enclaved since October 22, 2017. Under the 1998 Persigo Agreement with Mesa County, the City is to annex all Enclave areas within five (5) years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three (3) years.

This is also a request to zone the 3.86 acre Clear Creek Enclave Annexation to a R-5 (Residential – 5 dwelling units per acre) zone district. The R-5 zoning implements the

City's 2020 One Grand Junction Comprehensive Plan Land Use Map that designates this area as Residential Low 2 to 5.5 dwelling units per acre.

The request for annexation is being considered concurrently by City Council with the zone of annexation request, both are included in this staff report.

BACKGROUND OR DETAILED INFORMATION:

A request to annex and zone the 3.86 acre Clear Creek Enclave Annexation, consisting of 19 privately-owned parcels and two Brookdale HOA-owned parcels, less 0.86 acres of public right-of-way, to a R-5 (Residential – 5 dwelling units per acre) zone district. The nineteen properties each have an existing single-family home with lot sizes and density requirements that conform to the R-5 zone district. The R-5 zoning implements the City's 2020 One Grand Junction Comprehensive Plan Land Use Map that designates this area a Residential Low 2 to 5.5 dwelling units per acre.

Under the 1998 Persigo Agreement with Mesa County, the City is to annex all Enclave areas within five (5) years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three (3) years. The Clear Creek Enclave has been enclaved since October 22, 2017.

The request for annexation is being considered concurrently by City Council with the zone of annexation request, both are included in this staff report.

BACKGROUND

Enclave Annexation Request:

The proposed Clear Creek Enclave Annexation includes a portion of the Brookdale subdivision consisting of twenty-four residential lots which have developed as 19 single family uses and two HOA owned parcels located along Clear Creek Drive, Cripple Creek Court and Cascade Creek Court is eligible to be annexed and is proposed as the Clear Creek Enclave Annexation. The enclave area consists of 3.86 acres and includes the following address ranges, 3141 thru 3147 Cripple Creek Court and 3141 thru 3147 Cascade Creek Court in the Brookdale Subdivision. The road right-of-way for Clear Creek Drive, Cripple Creek Court and Cascade Creek Court are included in the annexation.

The property is Annexable Development. Under the 1998 Persigo Agreement with Mesa County, the City is to annex all Enclave areas within five (5) years. Once the five years pass, the City initiates the annexation process and zone of annexation. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three (3) years. The Clear Creek Enclave has been enclaved since October 22, 2017.

The request for zoning will be considered separately by City Council, but concurrently with the annexation request and will be heard in a future Council action.

The schedule for the annexation and zoning is as follows:

- Notice of Intent to Annex (30 Day Notice), Exercising Land Use – March 1, 2023.
- Planning Commission considers Zone of Annexation – March 14, 2023.
- Introduction of Proposed Ordinances for Annexation and Zoning by City Council – March 15, 2023.
- Public Hearing on Annexation and Zoning by City Council – April 5, 2023.
- Effective date of Annexation and Zoning – May 7, 2023.

Zone of Annexation Request:

The proposed zoning is Residential 5 (R-5) with densities between 3 and 5.5 dwelling units per acre. The R-5 zoning implements the City's 2020 One Grand Junction Comprehensive Plan Land Use Map that designates this area a Residential Low 2 to 5.5 dwelling units per acre. The annexation area consists of the developed portion of the Brookdale Subdivision with all existing residential properties conforming to the R-5 zone district and the total number of existing dwelling units falling within the R-5 density range of 3 to 5.5 dwelling units per acre. The nineteen dwelling units have been constructed on the 24 lots platted with the subdivision with some homes being built on two lots, utilizing the two lots for the home construction.

The property is currently zoned in the County as PUD (Planned Unit Development) and is completely built out with a density of just under 5 dwelling units per acre conforming to the density range of the Residential Low Land Use of the Comprehensive Plan. The proposed zone district of R-5 is consistent with the Residential Low (2 to 5.5 du/ac) Land Use category of the Comprehensive Plan. The surrounding zoning is R-5 to the south and west and R-8 to the north and east.

Zoning will be considered in a future action by City Council and requires review and recommendation by the Planning Commission.

The annexation area is developed at urban densities and has all urban services existing. It is located within Tier 2 on the Intensification and Growth Tiers Map of the Comprehensive Plan.

In addition to the R-5 zoning as proposed by the City, the following zone districts would also be consistent with the proposed Comprehensive Plan designation of Residential Medium (2 to 5.5 du/ac).

- a. R -4 (Residential – 2 to 4)
- b. Community Services and Recreation (CSR)

NOTIFICATION REQUIREMENTS

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the City's Zoning and Development Code. The subject property was posted with an application sign on February 17, 2023. Mailed notice of the public hearings before

Planning Commission and City Council in the form of notification cards was sent to the enclaved properties and surrounding property owners within 500 feet of the enclaved area on March 3, 2023. The notice of the Planning Commission public hearing was published March 7, 2023 in the Grand Junction Daily Sentinel.

Other Notification:

Public comment was offered through the GJSpeaks platform.

A neighborhood meeting was held virtually on Wednesday, March 8th with the nineteen affected property owners invited.

ANALYSIS

Annexation:

The proposed annexation is an enclave completely surrounded by existing city limits since October 22, 2017. Under the 1998 Persigo Agreement with Mesa County, the City is to annex all Enclave areas within five (5) years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three (3) years. Staff has found, based on knowledge of applicable state law, including the Municipal Annexation Act the enclaved area is eligible to be annexed.

Zone of Annexation:

The criteria for review are set forth in Section 21.02.140 (a) and includes that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria as identified:

(1) Subsequent events have invalidated the original premises and findings; and/or The City is exercising its rights under State annexation laws to annex these properties after they have been enclaved by the city for more than 3 years and seeks to zone them in conformance with existing land use conditions and for conformance with the 2020 One Grand Junction Comprehensive Plan. The proposed zone district of R-5 is compatible with the Comprehensive Plan Land Use Map designation of Residential Low (2 to 5.5 du/ac). Since these properties are currently in the County, the annexation of these properties is a subsequent event that will invalidate one of these original premises, a county zoning designation. However, staff has found this to not be enough justification and finds this criterion has not been met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The character or condition of the area has been changing over the past 20 years or more with the annexation of surrounding properties being annexed into the city for residential development at urban densities. This annexation area is already seen that urbanization with the existing 19 residential single family dwelling units that are part of this annexation. Infill development is occurring throughout the Pear Park planning area and the D 1/2 Road area is realizing much of that growth. However, with this zoning

request to R-5, it is a zone district that is compatible with the County zoning of PUD which permitted the 19 homes to be constructed on the 24 platted lots (some homes utilizing 2 lots) in the early 1980's, therefore this criterion has not been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Existing public and community facilities and services are available in close proximity to the annexation area. These services are sufficient to serve land uses associated with the R-5 zone district. Nearby urban services include grocery and other retail goods and services available in the 32 Road area less than 2 miles to the northeast.

Water and sewer services are available. This property is within the Clifton Water District service area. The area is served by Xcel Energy for natural gas and electricity. The property is currently within the Persigo 201 Sewer Service Area and has an 8-inch sewer line in Clear Creek Drive right-of-way with available capacity to accommodate future development of this property.

This property is in the Clifton Fire Protection District, but will be served by the Grand Junction Fire Department upon annexation. Fire protection and emergency medical response will be available with annexation. Primary response will be from Fire Station 8, a new fire station located at 441 31 Road less than a mile away and from that location response times are within National Fire Protection Association guidelines. Fire Station 8 has the capacity to handle calls for service resulting from this annexation.

Children living in these 19 homes attend Chatfield Elementary School, one half mile to the east, Grand Mesa Middle school, 2 ½ miles to the north and Grand Junction Central High School 2 miles to the north. Two convenience stores with gas are located less than one mile to the north. Major goods and services can be found nearby on North Avenue two miles to the north and downtown Grand Junction is located less than two miles to the west.

Staff has found the public and community facilities are adequate to serve the type and scope of urban land uses that are existing, therefore this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

The subject property and surrounding area are designated on the Comprehensive Plan Land Use Map as Residential Low (2 to 5.5 du/ac). The proposed zoning designation of R-5 includes the developed portion of the Brookdale subdivision with all existing lots sizes conforming to the R-5 zone district and the total number of existing dwelling units falling within the R-5 density range of 3 to 5.5 dwelling units per acre. The Land Use Map defines much of the immediate quarter mile area around the subject property as Residential Low and located in Tier 2 of the Intensification and Growth Tiers Map. Staff finds that the R-5 zone district provides zoning that conforms to the existing land uses of the properties being annexed and is in conformance of the Pear Park Neighborhood Plan and the 2020 One Grand Junction Comprehensive Plan. However there is no proposed land use, only existing single family residential land uses with each of the 19

residential lots built out, therefore, staff finds this criterion has not been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Annexation and zoning of the properties will create additional land within the City limits helping to fill in the patchwork of unincorporated urban area that is adjacent to and surrounded by the City limits. The annexation is also consistent with the City and County 1998 Persigo Agreement. The R-5 zoning district will provide a city zone that accommodates the existing 19 homes being annexed with the appropriate density range and ensure that higher density does not occur. For example if all property owners with two lots were to add another dwelling unit to their property creating a total of 24 units on 24 lots in this subdivision it would exceed the maximum density of 5.5 dwelling units per acre and not meet the Comprehensive Plan Land Use map designation of Residential Low, therefore not conforming to the Comprehensive Plan. Therefore, Staff finds that this criterion has been met.

Section 21.02.160 (f) of the Grand Junction Zoning and Development Code provides that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. Though the R-4 and CSR zone districts could be considered in a Residential Low Land Use area, the R-5 zone district is consistent with the recommendations of the Comprehensive Plan and provides conformance to the Code for the existing residential density of approximately 5 dwelling units per acre as well as ensuring conformance to the lot size requirements of the R-5 zone district.

Further, the zoning request of R-5 is consistent with the Land Use Plan Map found in Chapter 3 of the Comprehensive Plan.

Chapter 3

Intensification and Tiered Growth Plan. Subject property is located within Tier 2 where the focus is on areas that were developed in Mesa County. In Tier 2, the City should promote the annexation of those parcels which are surrounded by, and or have direct adjacency to, the City limits of Grand Junction.

Relationship to Existing Zoning. Requests to rezone properties should be considered based on the Implementing Zone Districts assigned to each Land Use Designation.

- Guide future zoning changes. Requests for zoning changes are required to implement the Comprehensive Plan.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Clear Creek Enclave Zone of Annexation, ANX-2022-834 request for the properties located in the Brookdale subdivision along and including Clear Creek Drive, Cripple Creek Court and Cascade Creek Court from County PUD (Planned Unit Development) to R-5 (Residential – 5 dwelling units per acre), the following findings of facts have been made:

1. The request conforms with Section 21.02.140 of the Zoning and Development

Code.

2. The request is consistent with the vision (intent), goals and policies of the Comprehensive Plan.

Therefore, Staff recommends approval of the request.

FISCAL IMPACT:

This area is already developed. City services are supported by a combination of property taxes and sales/use taxes. The revenue generated from City property taxes will be \$2,225. Sales and use tax revenues will be dependent on consumer spending on City taxable items for residential uses.

Utilities - There are no fiscal impacts. The nineteen homes are already on city sewer and are served by Clifton Water District.

Police Department - There is very little impact expected since the annexation involves only 19 single family homes.

Public Works - The annexation takes in 28,200 square feet of local streets on Clear Creek Drive, Cripple Creek Ct, and Cascade Creek Ct with a pavement condition index (PCI) between 36 and 53 based on Mesa County's 2022 condition survey. A minor reconstruction of the streets will be required in the next 5 years at an estimated expense of \$160,000. 1440 feet of v-pan and vertical curb and gutter are in fair condition. There is 525 feet of storm drain and associated inlets to be maintained. There are two streetlights. Street sweeping, storm drainage, and street lighting is estimated at \$800/year.

Fire Department - Currently the property is in the Clifton Fire Protection District. The Fire District collects a 11.5520 mill levy that generates \$3,212 per year in Clifton property taxes. If annexed, the property will be excluded from the Clifton Fire Protection District. This area will be served by the new Fire Station 8 at 441 31 Road and response times from the station to this annexation area will be within the National Fire Protection Association response time standards.

SUGGESTED MOTION:

I move to introduce an ordinance annexation the Clear Creek Enclave Annexation and an ordinance zoning the Clear Creek Enclave Annexation to R-5 (Residential – 5 dwelling units per acre) zone district, from Mesa County PUD (Planned Unit Development) and set a public hearing for April 5, 2023.

Attachments

1. General Project Report
2. Annexation Schedule - Table - Clear Creek Enclave Annexation
3. Maps and Photo of Area
4. Clear Creek Enclave Annexation Plat-Annexation Plat

5. Neighborhood Meeting Letter
6. ORD-Clear Creek Enclave Annexation 20230308
7. ORD- Clear Creek Enclave ANX Zoning 20230308

General Project Report

Clear Creek Enclave Annexation

In 2017 the Caballero Annexation completed the 100% of surrounding the area proposed as the Clear Creek Enclave by city limits. Five years have past and as required under the 1998 Persigo Agreement, enclaves will be annexed within 3 to 5 years of being completely surrounded by the City.



Annexations surrounding the Clear Creek Enclave Annexation Area



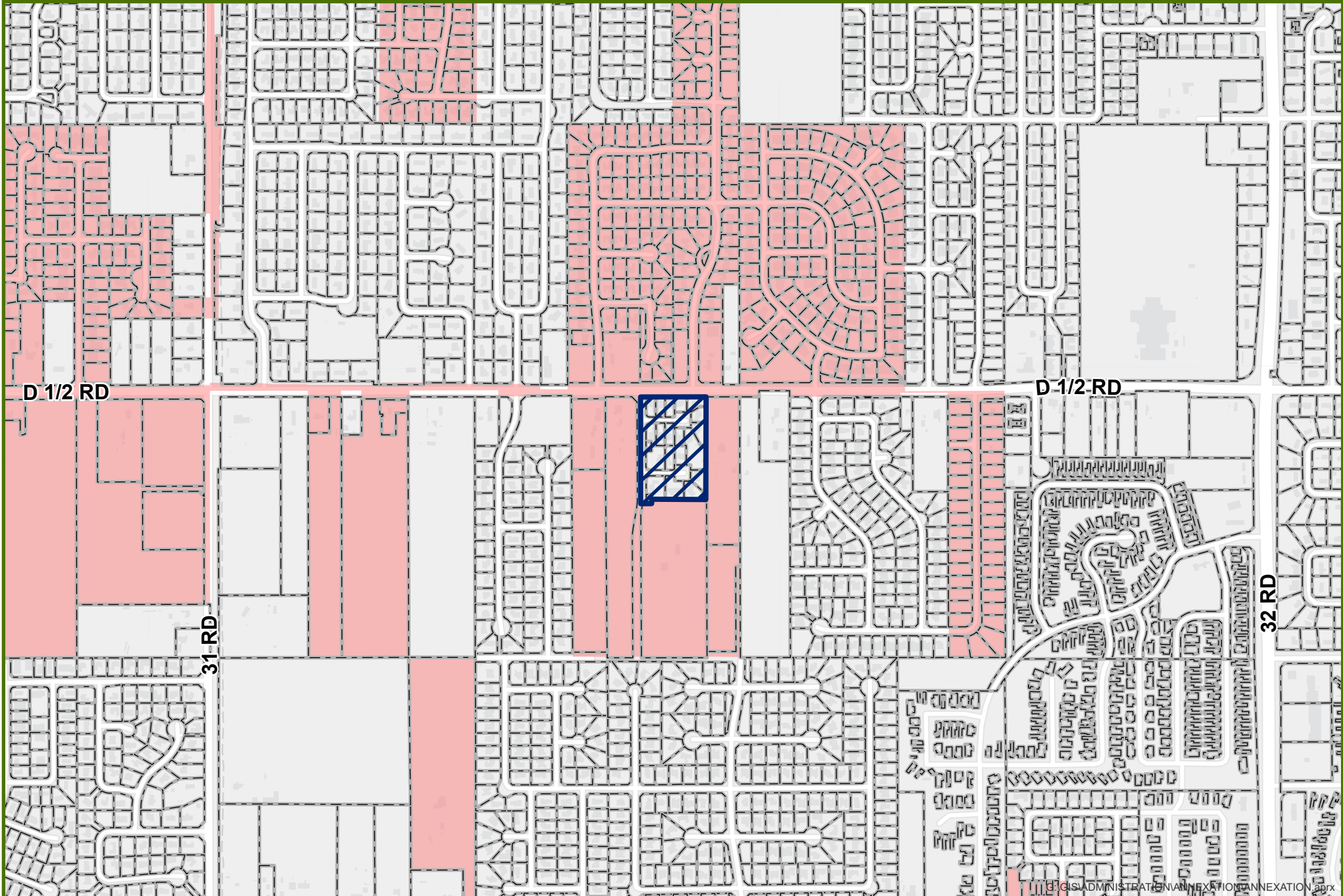
CLEAR CREEK ENCLAVE ANNEXATION SCHEDULE

March 1, 2023	Notice of Intent to Annex (30 Day Notice), Exercising Land Use
March 14, 2023	Planning Commission considers Zone of Annexation
March 15, 2023	Introduction of Ordinance on Annexation and Zoning by City Council
April 5, 2023	Public Hearing on Annexation and Zoning by City Council
May 7, 2023	Effective date of Annexation and Zoning

ANNEXATION SUMMARY

File Number:		ANX-2022-834
Location:		3141 thru 3147 Cripple Creek Ct; 3141 thru 3147 Cascade Creek Ct.
Tax ID Numbers:		See Annexation Map
# of Parcels:		20
Existing Population:		44
# of Parcels (owner occupied):		???
# of Dwelling Units:		19
Acres land annexed:		3.86
Developable Acres Remaining:		0
Right-of-way in Annexation:		0.86 acres (Clear Creek Dr, Cripple Creek Ct, Cascade Creek Ct)
Previous County Zoning:		PUD
Proposed City Zoning:		R-5
Current Land Use:		Vacant
Comprehensive Plan Land Use:		Residential Low
Values:	Assessed:	\$264,420
	Actual:	\$3,803,760
Address Ranges:		3141 thru 3147 Cripple Creek Ct; 3141 thru 3147 Cascade Creek Ct.
Special Districts:	Water:	Clifton Water & Ute Water Conservancy District
	Sewer:	City of Grand Junction
	Fire:	Clifton Fire Protection District
	Irrigation/Drainage:	Grand Valley Irrigation Company
	School:	District 51
	Pest:	Grand River Mosquito District & Upper Grand Valley Pest
	Other:	Colorado River Water Conservancy

CLEAR CREEK ENCLAVE ANNEXATION

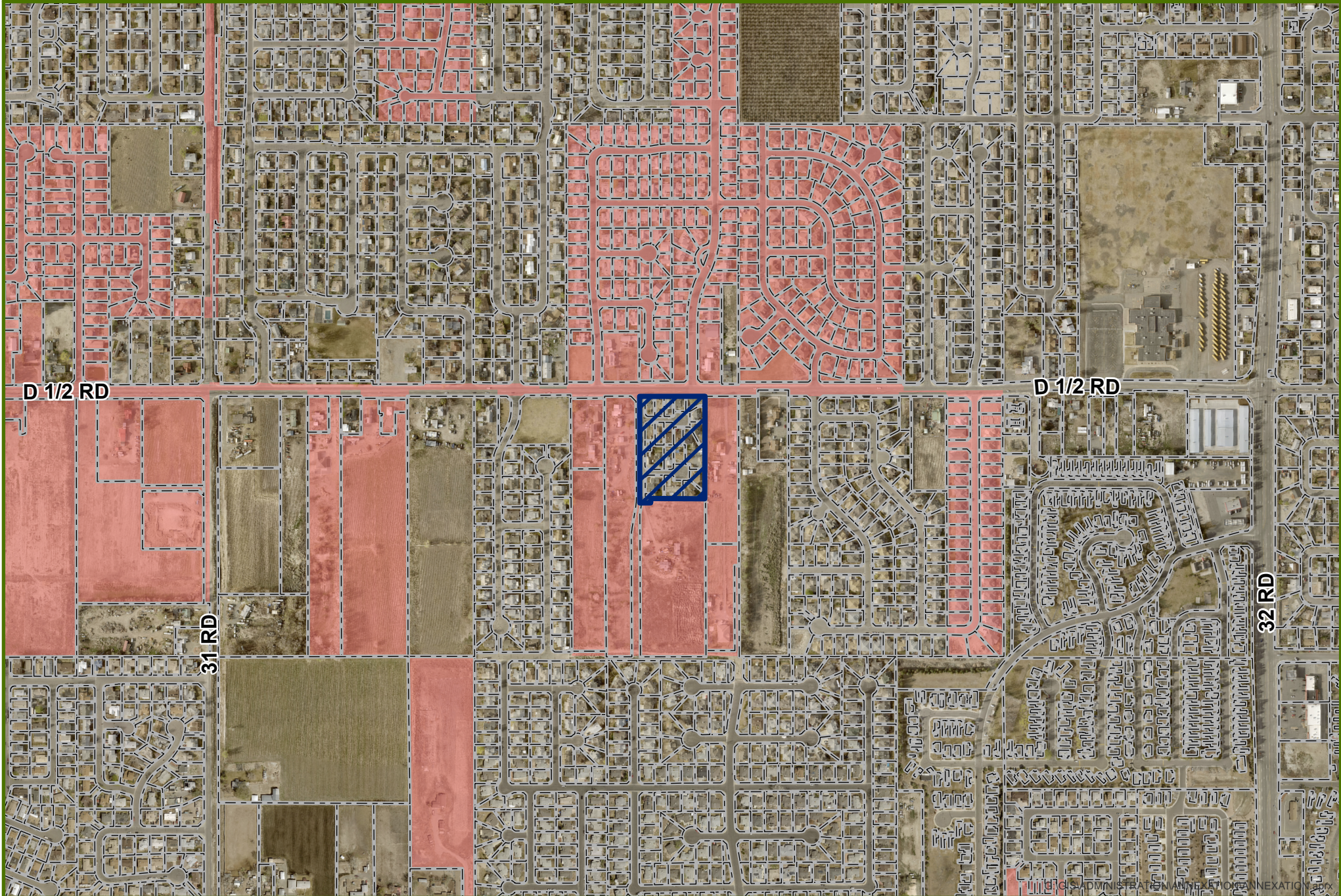


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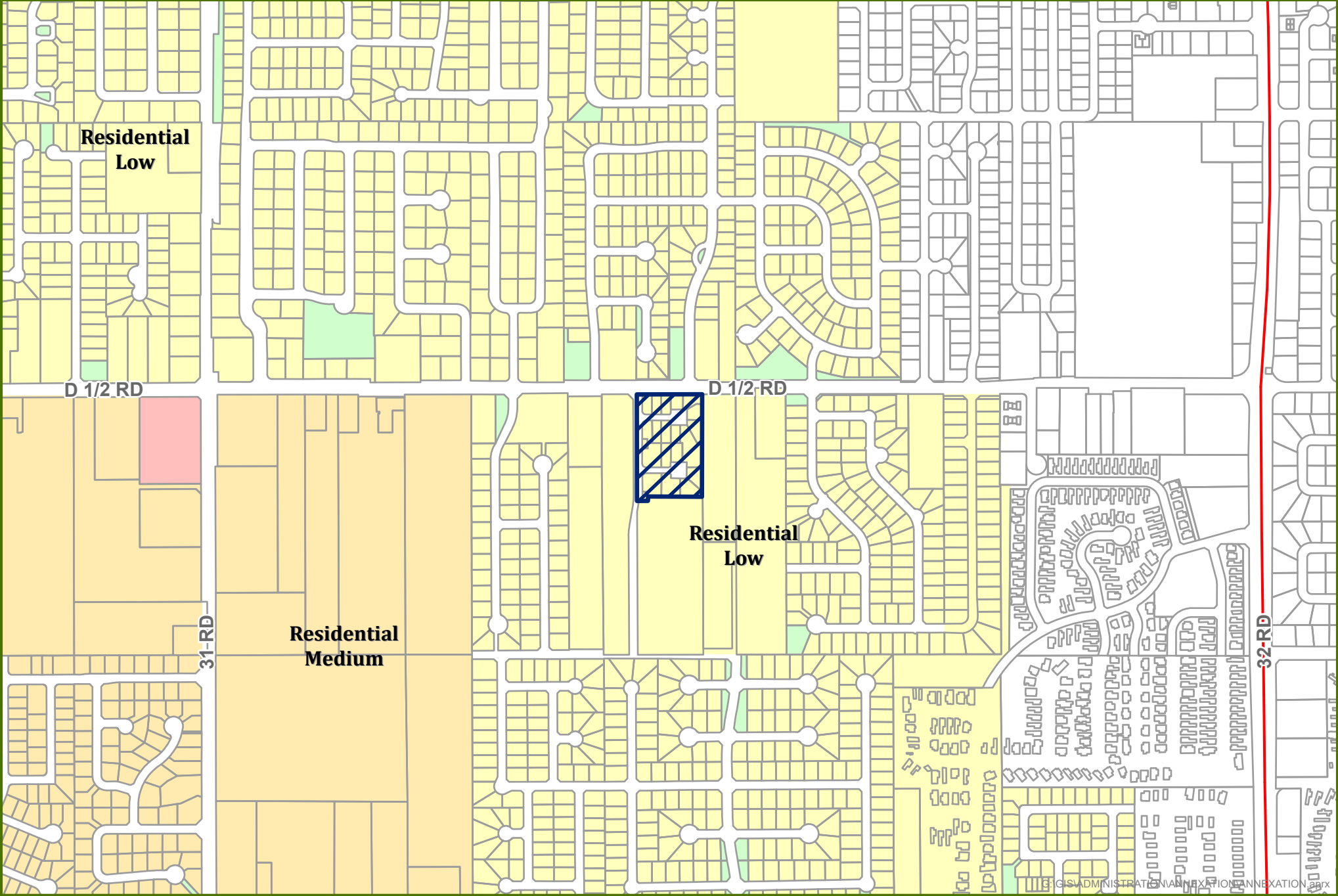
 Annexation

 City Limits

CLEAR CREEK ENCLAVE ANNEXATION



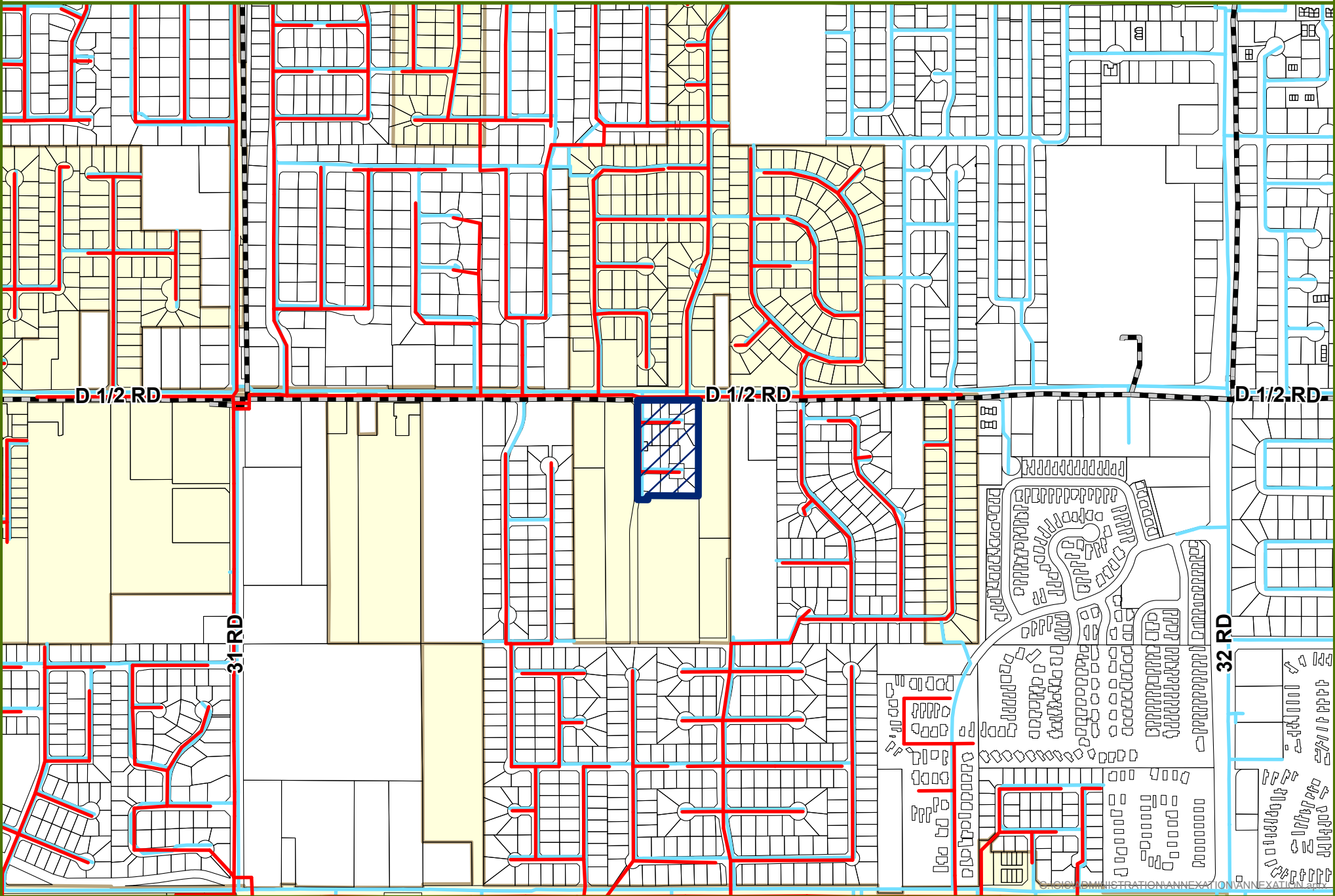
CLEAR CREEK ENCLAVE ANNEXATION - LAND USE



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 Annexation Boundary

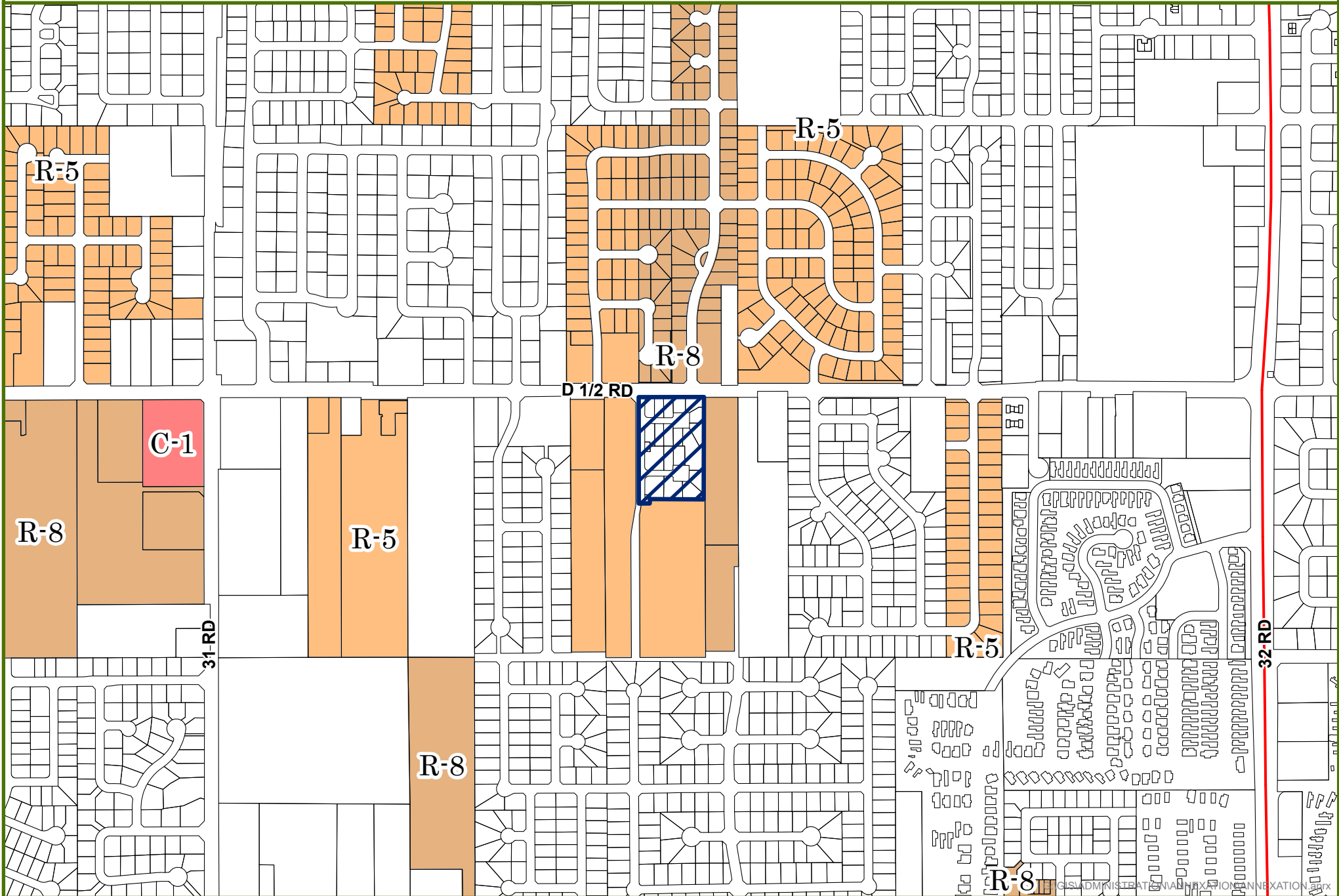
CLEAR CREEK ENCLAVE ANNEXATION - UTILITIES



0 0.1 0.2 Miles

NON-CITY FIBER SEWER CLIFTON WATER CITY LIMITS

CLEAR CREEK ENCLAVE ANNEXATION - ZONING



0 0.1 0.2 Miles

 Annexation

City Zoning
Packet Page 32

County Zoning

Date Created: 2/8/2023

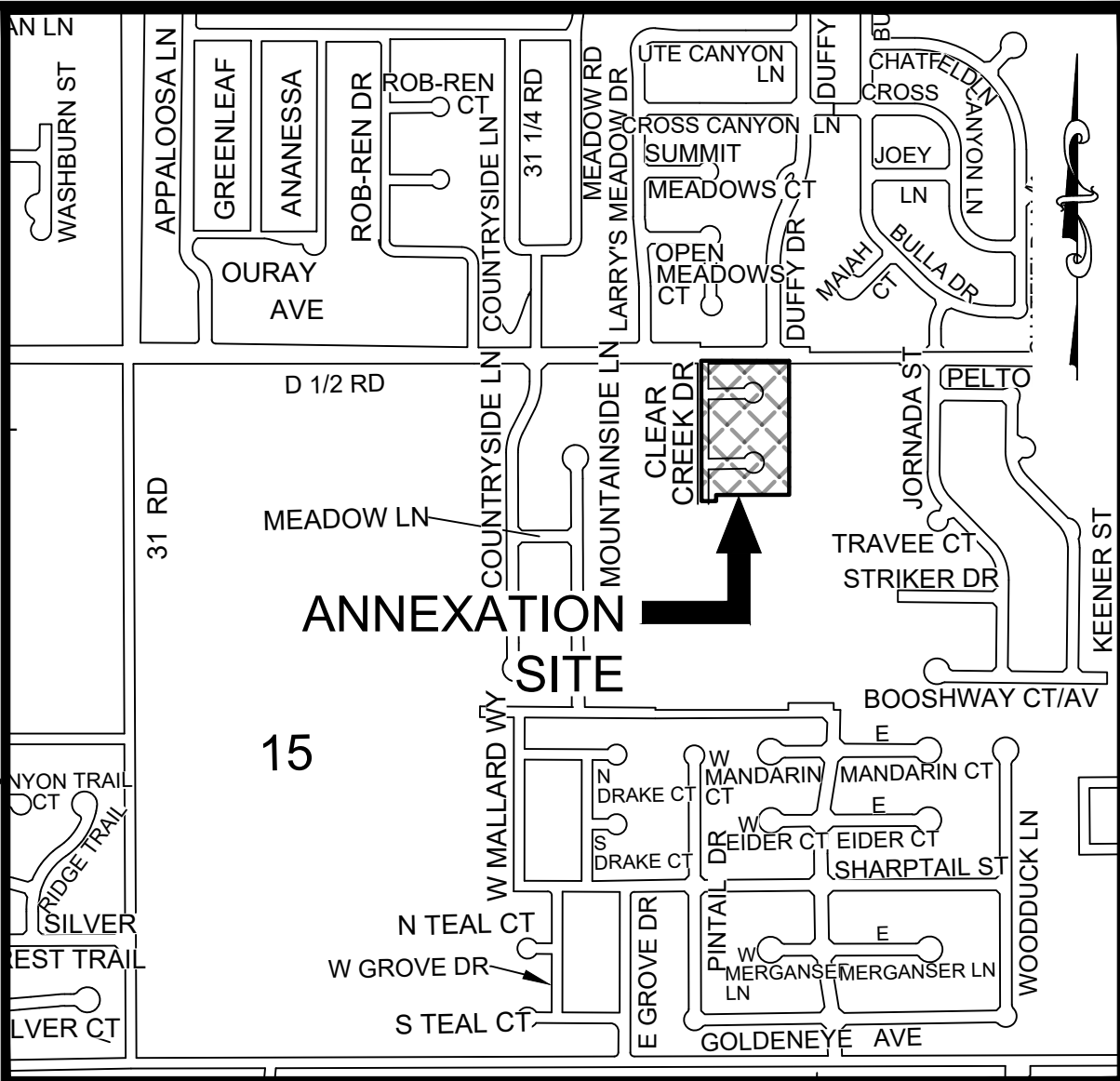
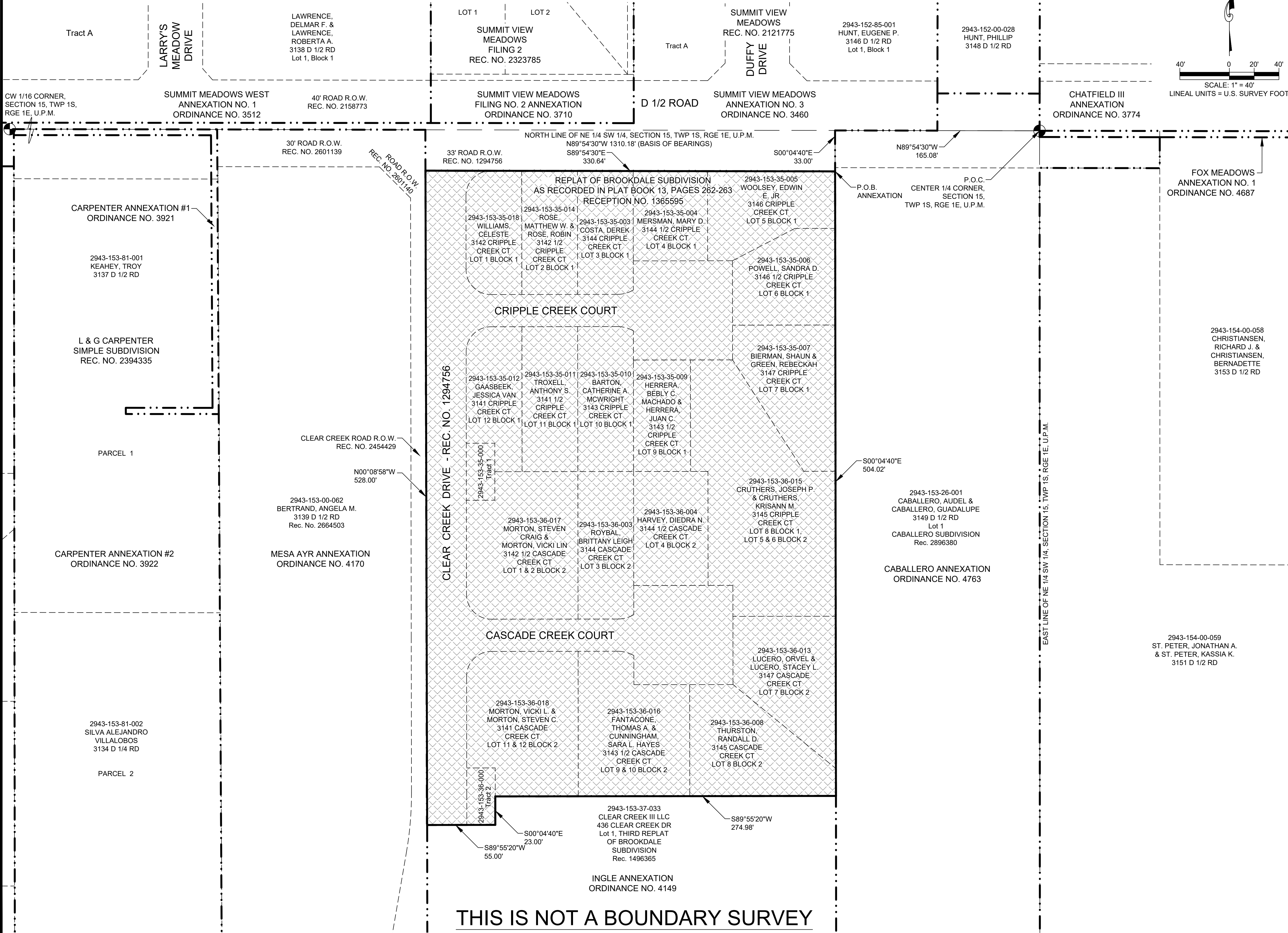
CITY OF
Grand Junction
COLORADO
GEOGRAPHIC INFORMATION SYSTEMS



View looking south from D ½ Road

CLEAR CREEK ENCLAVE ANNEXATION

Located in the NE1/4 SW1/4, SECTION 15, TOWNSHIP 1 SOUTH, RANGE 1 EAST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO



SITE LOCATION MAP SCALE: 1" = 200'

LEGAL DESCRIPTION

A parcel of land being a portion of Brookdale Subdivision Replat same as recorded at Reception Number 1365595 located in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section 15, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 15, whence the Center West Sixteenth Corner of said Section 15 bears N89°54'30"W a distance of 1,310.18 feet using the Mesa County Local Coordinate System with all other bearings contained herein being relative thereto; thence along the North line of said Northeast Quarter of the Southwest Quarter, N89°54'30"W a distance of 165.08 feet to a point on the west line of the *CABALLERO ANNEXATION, ORDINANCE NO. 4763*; thence along said west line of the annexation S00°04'40"E a distance of 33.00 feet to the Point of Beginning; thence continuing along said west line S00°04'40"E a distance of 504.02 feet to the Northeast Corner of the *INGLE ANNEXATION, ORDINANCE NO. 4149*; thence along the north line of said annexation the following three (3) courses, 1) S89°55'20"W a distance of 274.98 feet, 2) S00°04'40"E a distance of 23.00 feet, 3) S89°55'20"W a distance of 55.00 feet to a point on the east line of the *MESA AYR ANNEXATION, ORDINANCE NO. 4170*; thence along said east line of the annexation N00°08'58"W a distance of 528.00 feet to a point on the southerly line of the *SUMMIT VIEW MEADOWS ANNEXATION NO. 3, ORDINANCE NO. 3460*; thence along said southerly line of the annexation S89°54'30"E a distance of 330.64 feet to the Point of Beginning.

Said Parcel of land CONTAINING **167,918** Square Feet or **3.86** Acres, more or less.

AREAS OF ANNEXATION	
ANNEXATION PERIMETER	1,715.64 FT.
CONTIGUOUS PERIMETER	1,715.64 FT.
AREA IN SQUARE FEET	167,918 FT ²
AREA IN ACRES	3.86
AREA WITHIN R.O.W.	37,422 FT ²
AREA WITHIN DEEDED R.O.W.	37,422 FT ²
	0.86 ACRES

SURVEY ABBREVIATIONS		SQ. FT.	SQUARE FEET
P.O.C.	POINT OF COMMENCEMENT	Δ=	CENTRAL ANGLE
P.O.B.	POINT OF BEGINNING	RAD.	RADIUS
R.O.W.	RIGHT OF WAY	ARC	ARC LENGTH
SEC.	SECTION	CHD.	CHORD LENGTH
TWP.	TOWNSHIP	CHB.	CHORD BEARING
RGE.	RANGE	BLK.	BLOCK
U.M.	UTE MERIDIAN	P.B.	PLAT BOOK
NO.	NUMBER	BK.	BOOK
REC.	RECEPTION	PG.	PAGE
		HOR. DIST.	HORIZONTAL DISTANCE

ORDINANCE NO. PRELIMINARY

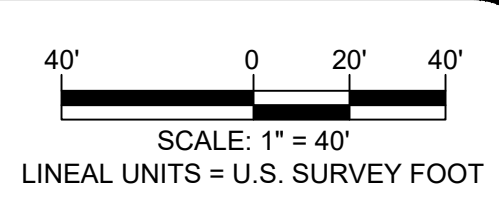
EFFECTIVE DATE PRELIMINARY

PRELIMINARY

RENEE BETH PARENT DATE
STATE OF COLORADO - P.L.S. NO. 38266
FOR THE CITY OF GRAND JUNCTION
333 WEST AVENUE - BLDG. C
GRAND JUNCTION, CO. 81501

NOTICE:
ACCORDING TO COLORADO LAW ANY LEGAL ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY MUST COMMENCE WITHIN THREE (3) YEARS AFTER THE DISCOVERY OF SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT FOUND IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

DRAWN BY: MJH DATE: 1/11/2023
DESIGNED BY: RBP DATE: 1/11/2023
CHECKED BY: RBP DATE: 1/11/2023



PUBLIC WORKS
ENGINEERING DIVISION

CLEAR CREEK ENCLAVE ANNEXATION

Located in the NE1/4 SW1/4, SECTION 15,
TOWNSHIP 1 SOUTH, RANGE 1 EAST,
UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO



February 24, 2023

Dear Property Owner,

You are invited to attend a virtual neighborhood meeting on Wednesday, March 8th at 5:30 pm regarding the Clear Creek Enclave Annexation that you were recently notified of to discuss city zoning and answer your questions on the annexation. You are being invited because you own property that is included in the annexation area.

The proposed zoning is Residential 5 (R-5) with densities between 3 and 5.5 dwelling units per acre. The R-5 zoning implements the City's 2020 One Grand Junction Comprehensive Plan Land Use Map that designates this area a Residential Low 2 to 5.5 dwelling units per acre. The annexation area consists of the developed portion of the Brookdale Subdivision with all existing lots sizes conforming to the R-5 zone district and the total number of existing lots falling within the R-5 density range of 3 to 5.5 dwelling units per acre. The nineteen properties each have an existing single-family home.

The property is currently zoned in the County as PUD (Planned Unit Development) and is completely built out with a density of just under 5 dwelling units per acre conforming to the density range of the Residential Low Land Use of the Comprehensive Plan. The proposed zone district of R-5 is consistent with the Residential Low (2 to 5.5 du/ac) Land Use category of the Comprehensive Plan. The surrounding zoning on adjacent lands are R-5 to the south and west and R-8 to the north and east.

Zoning will be considered by Planning Commission at a public hearing at 5:30 pm on March 14th and by City Council at 5:30 pm at a public hearing on April 5th.

Please join us online for this neighborhood meeting on March 8th at 5:30 pm at the following link.

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/483284541>

You can also dial in using your phone.

Access Code: 483-284-541

United States: [+1 \(872\) 240-3212](tel:+18722403212)

Get the app now and be ready when your first meeting starts:

<https://meet.goto.com/install>

If you have any questions about the meeting or the proposed city annexation and zoning of R-5 for your property, please contact me.

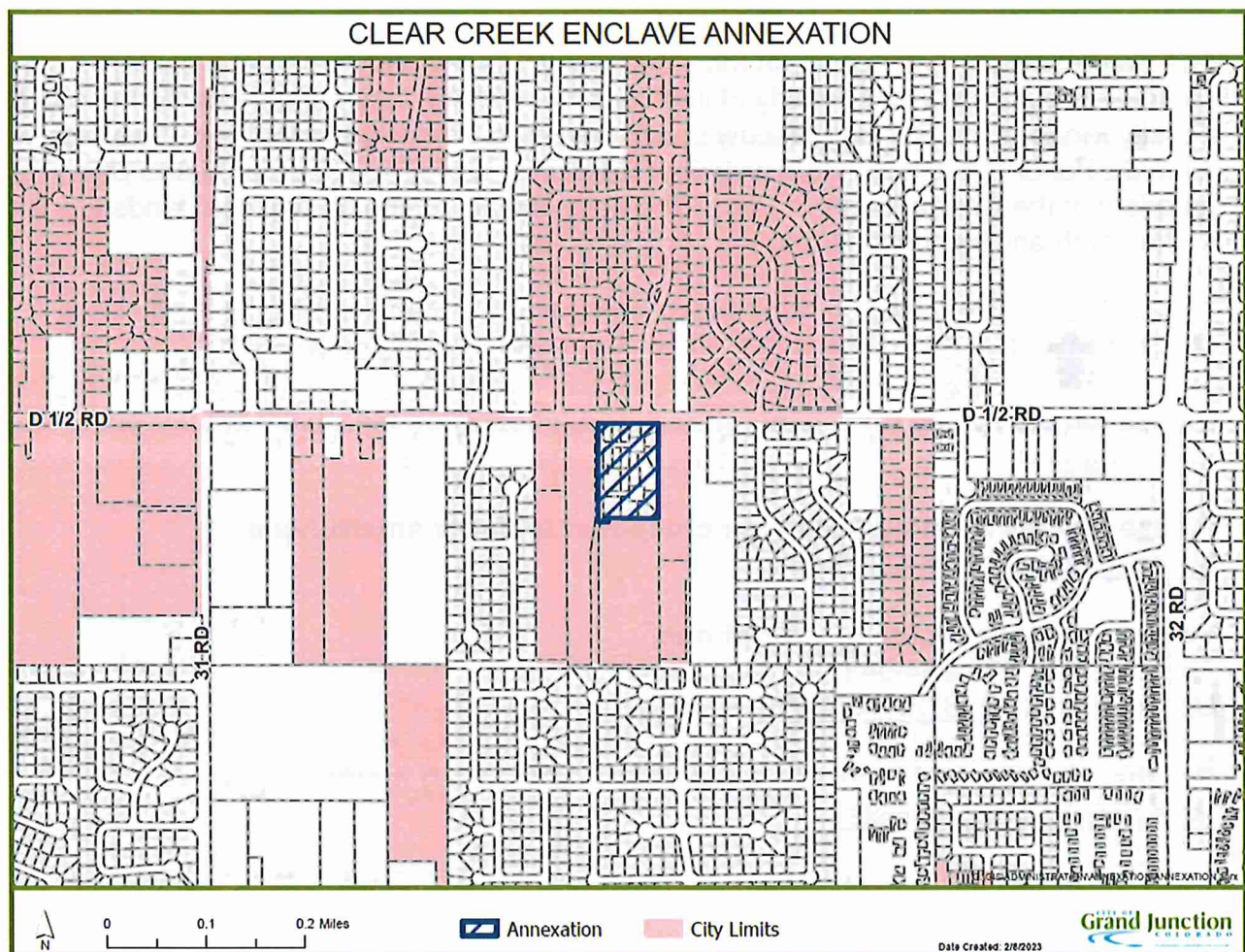
Respectfully,



David Thornton
Principal Planner
(970) 244-1450 or by e-mail to davidth@gjcity.org

Please visit our website at www.gjcity.org for information about the City of Grand Junction.

CC: Trent Prall, City Public Works Director
Jodi Welch, City Finance Director
Tamra Allen, City Community Development Director



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO
CLEAR CREEK ENCLAVE ANNEXATION**

**LOCATED IN THE BROOKDALE SUBDIVISION: A REPLAT OF BROOKDALE
(BOOK 13, PAGE 47) INCLUDING
3141 THROUGH 3147 CRIPPLE CREEK COURT AND
3141 THROUGH 3147 CASCADE CREEK COURT
APPROXIMATELY 3.86 ACRES**

WHEREAS, on the 1st day of March, 2023, the City Council of the City of Grand Junction considered a notice of Intent to annex for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing was duly held after proper notice on the 5th day of April, 2023; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the property situate in Mesa County, Colorado, and described to wit (Property):

A parcel of land being a portion of Brookdale: A Replat of Brookdale (book 13, page 47) subdivision same as recorded at Reception Number 1365595 located in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section 15, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 15, whence the Center West Sixteenth Corner of said Section 15 bears N89°54'30"W a distance of 1,310.18 feet using the Mesa County Local Coordinate System with all other bearings contained herein being relative thereto; thence along the North line of said Northeast Quarter of the Southwest Quarter, N89°54'30"W a distance of 165.08 feet to a point on the west line of the *CABALLERO ANNEXATION, ORDINANCE NO. 4763*; thence along said west line of the annexation S00°04'40"E a distance of 33.00 feet to the Point of Beginning; thence continuing along said west line S00°04'40"E a distance of 504.02 feet to the Northeast Corner of the *INGLE ANNEXATION, ORDINANCE NO. 4149*; thence

along the north line of said annexation the following three (3) courses, 1) S89°55'20"W a distance of 274.98 feet, 2) S00°04'40"E a distance of 23.00 feet, 3) S89°55'20"W a distance of 55.00 to a point on the east line of the *MESA AYR ANNEXATION, ORDINANCE NO. 4170*; thence along said east line of the annexation N00°08'58W a distance of 528.00 feet to a point on the southerly line of the *SUMMIT VIEW MEADOWS ANNEXATION NO. 3, ORDINANCE NO. 3460*; thence along said southerly line of the annexation S89°54'30"E a distance of 330.64 feet to the Point of Beginning.

Said Property consisting of 167,918 Square Feet or 3.86 Acres, more or less, as further described on Exhibit A hereto is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 15th day of March 2023 and ordered published in pamphlet form.

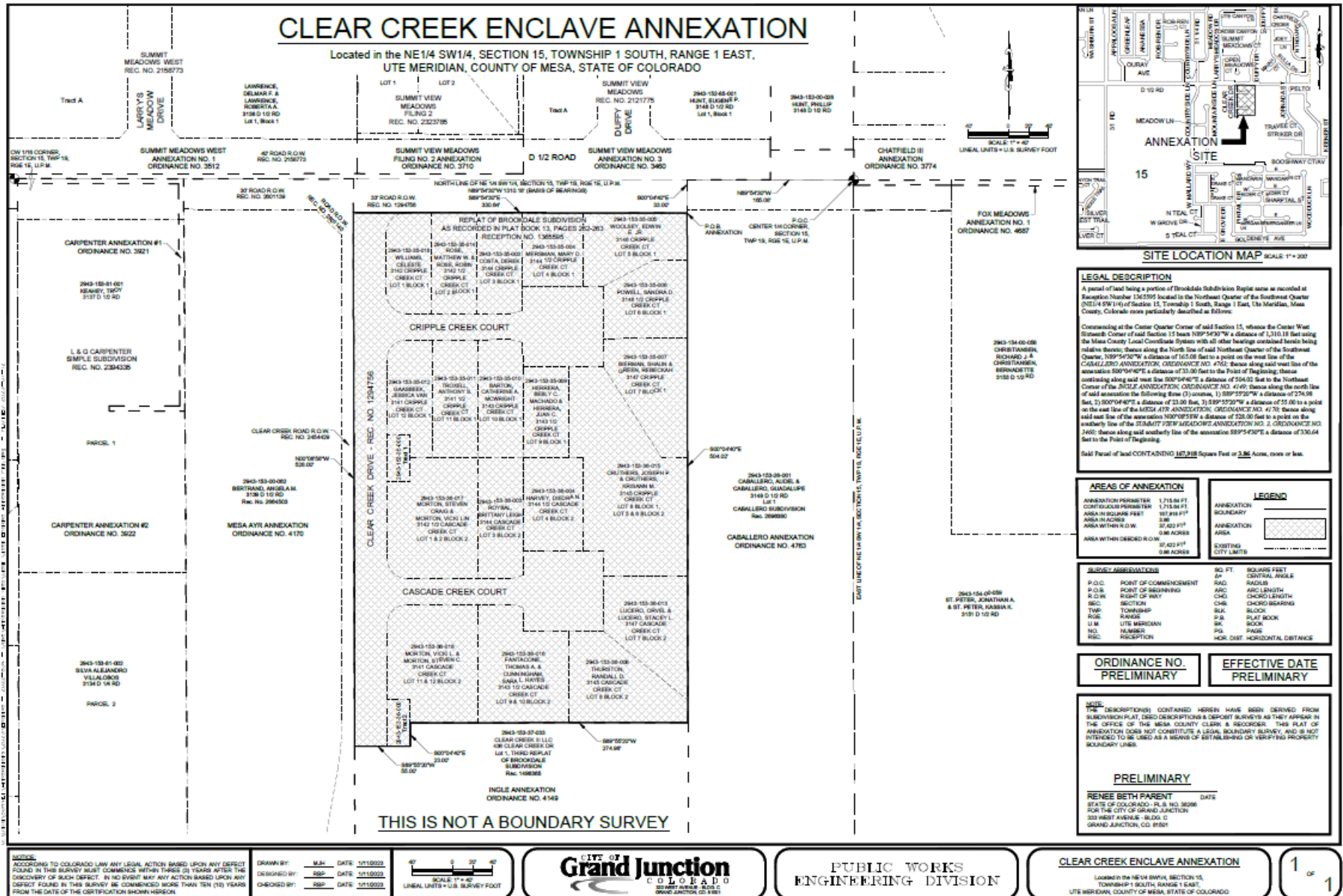
ADOPTED on second reading the ____ day of _____ 2023 and ordered published in pamphlet form.

Anna M. Stout
President of the City Council

ATTEST:

Wanda Winkelmann
City Clerk

EXHIBIT A



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE ZONING CLEAR CREEK ENCLAVE ANNEXATION
TO R-5 (RESIDENTIAL – 5 DWELLING UNITS PER ACRE) ZONE DISTRICT**

**LOCATED IN THE BROOKDALE SUBDIVISION: A REPLAT OF BROOKDALE (BOOK 13,
PAGE 47) INCLUDING
3141 THROUGH 3147 CRIPPLE CREEK COURT AND
3141 THROUGH 3147 CASCADE CREEK COURT**

Recitals:

This annexation is known and referred to as the *Clear Creek Enclave Annexation*.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended zoning the Clear Creek Enclave Annexation, consisting of 3.86 acres from County PUD (Planned Unit Development) to R-5 (5 dwelling units per acre) finding that both the R-5 zone district conforms with the designation of Residential Low as shown on the Land Use Map of the Comprehensive Plan and conforms with its designated zone with the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the R-5 (Residential – 5 dwelling units per acre) zone districts, is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code for the property known and referred to as the Clear Creek Enclave Annexation.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

THE CLEAR CREEK ENCLAVE ANNEXATION, as legally described in the City of Grand Junction, Mesa County, Colorado as follows is hereby zoned R-5 (5 dwelling units per acre)

A parcel of land being a portion of Brookdale: A Replat of Brookdale (book 13, page 47) subdivision same as recorded at Reception Number 1365595 located in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section 15, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 15, whence the Center West Sixteenth Corner of said Section 15 bears N89°54'30"W a distance of 1,310.18 feet using the Mesa County Local Coordinate System with all other bearings contained herein being relative thereto; thence along the North line of said Northeast Quarter of the Southwest Quarter,

N89°54'30"W a distance of 165.08 feet to a point on the west line of the *CABALLERO ANNEXATION, ORDINANCE NO. 4763*; thence along said west line of the annexation S00°04'40"E a distance of 33.00 feet to the Point of Beginning; thence continuing along said west line S00°04'40"E a distance of 504.02 feet to the Northeast Corner of the *INGLE ANNEXATION, ORDINANCE NO. 4149*; thence along the north line of said annexation the following three (3) courses, 1) S89°55'20"W a distance of 274.98 feet, 2) S00°04'40"E a distance of 23.00 feet, 3) S89°55'20"W a distance of 55.00 to a point on the east line of the *MESA AYR ANNEXATION, ORDINANCE NO. 4170*; thence along said east line of the annexation N00°08'58"W a distance of 528.00 feet to a point on the southerly line of the *SUMMIT VIEW MEADOWS ANNEXATION NO. 3, ORDINANCE NO. 3460*; thence along said southerly line of the annexation S89°54'30"E a distance of 330.64 feet to the Point of Beginning.

THE CLEAR CREEK ENCLAVE ANNEXATION consists of 167,918 Square Feet or 3.86 acres, more or less.

INTRODUCED on first reading this ____ day of _____, 2023 and ordered published in pamphlet form.

ADOPTED on second reading this ____ day of _____, 2023 and ordered published in pamphlet form.

Anna M. Stout
President of the City Council

ATTEST:

Wanda Winkelmann
City Clerk



Grand Junction City Council

Regular Session

Item #3.a.

Meeting Date: March 15, 2023

Presented By: Ken Sherbenou, Parks and Recreation Director

Department: Parks and Recreation

Submitted By: Ken Sherbenou

Information

SUBJECT:

Lincoln Park Pool Plaster Replacement

RECOMMENDATION:

Staff recommends entering into a contract with Mid-America Pool Renovation, Inc. for \$408,000.

EXECUTIVE SUMMARY:

The Lincoln Park Pool is a highly utilized facility and its continual maintenance and upkeep is important for contributing to the quality of life in Grand Junction. The completion of replastering the pool shell is required to ensure the facility's integrity. Since the 1986 major renovation of the Lincoln Pool, the re-plaster has occurred twice, first in 1992 and most recently in 2005. Plaster usually lasts 10 to 15 years depending on daily cleaning and upkeep. The current pool plaster is at the ends of its useful life and cracks are causing substantial loss of heated and treated pool water. Despite having received initial quotes in the summer of 2021 when budgeting for the project, only one bid was received from Mid America Pool Renovation. The bid was also unfortunately over the budget that was established using these initial quotes. Given the top priority and urgency of this project, staff proposes to reallocate Conservation Trust Fund (CTF) dollars to ensure this project is fully funded. The initial bid of \$438,000 was negotiated down to \$408,000, which includes a re-plaster of both the 50 meter pool and the learn to swim pool. Assuming Council approval, the project is planned this spring for completion in time for the busy summer season.

BACKGROUND OR DETAILED INFORMATION:

The Lincoln Park Pool continues to well serve the community. As the facility ages, capital repair and replacement is necessary at components reach the end of their useful life. With the Community Recreation Center (CRC) ballot proposal at Matchett, Lincoln Park pool is planned to continue serving in its current configuration for the foreseeable future. This requires additional investment to ensure functionality and longevity. Making these improvements now also sends the message that the City is committed to maintaining what it has when new facilities are being pursued. Along these lines, the most urgent needs at Lincoln Park pool are part of the 2023 budget. At the top of the list is the re-plaster of the pool shell. Currently, thousands of treated and heated water is lost due to leaks in the pool shell caused by the deterioration of the plaster which is at the end of its useable life. This

replaster is likely to fully fix the remaining leaks, which will save water costs, chemical costs and utility costs. If approved by Council, the contractor will mobilize this spring to first remove or scarify the existing plaster, patch the concrete shell and then apply new plaster. Once mobilized and on site, the process is expected to take three weeks and the project is currently scheduled for completion before the opening of the Lincoln Park Pool for the summer season.

During the budgeting process in the middle of last year, quotes were received to re-plaster the pool. While this is an effective way to understand and estimate potential costs, these quotes do not constitute formal bids. In providing quotes, companies tend to not put in as much effort as when submitting formal bids. Furthermore, although the quotes were gathered on the timeline that aligned with budget development and were as recent as possible, prices do change. By re-allocating CTF funds, the project will be fully funded. CTF is direct allocation of lottery dollars based on population to agencies providing public parks and recreation services. CTF must be spent on Parks and Recreation projects.

A formal Invitation for Bid (IFB) was issued via BidNet (an online site for government agencies to post solicitations), posted on the City's Purchasing website, sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractor's Association, and advertised in The Daily Sentinel. One (1) company submitted a formal bid, which was found to be responsive and responsible in the following amounts:

Company	Location	Original Bid	Negotiated Bid
Mid America Pool Renovation, Inc.	Grandview, MO	\$438,000.00	\$408,000.00

Per Section 10.10 of the Purchasing Manual, all solicitation documents shall remain confidential until the Purchasing Division awards the contract.

FISCAL IMPACT:

The 2023 approved budget was \$325,000 for the project and was fully funded by CTF. In order to complete this top priority project, the additional \$83,000 will be reallocated from playground repair which was also CTF funded. Although the reallocation is needed, staff expects to be able to complete the majority of the needed playground repairs in 2023 within remaining budget.

SUGGESTED MOTION:

I move to (authorize/deny) the City Purchasing Division to enter into a contract with Mid-America Pool Renovation, Inc. for \$408,000 to replaster the Lincoln Park Pool.

Attachments

None



Grand Junction City Council

Regular Session

Item #3.b.

Meeting Date: March 15, 2023

Presented By: Trenton Prall, Engineering & Transportation Director, Jay Valentine, General Services Director

Department: Public Works - Streets

Submitted By: Trent Prall, Public Works Director

Information

SUBJECT:

Contract to Provide Roll-Off Containers with Drivers for Spring Cleanup 2023

RECOMMENDATION:

Authorize the Purchasing Division to enter into a contract with Allied Waste Transportation DBA Republic Services to provide roll off containers for the duration of the two weeks for the City Spring Cleanup Program, for \$190.00 per haul at total estimated amount of \$95,000.

EXECUTIVE SUMMARY:

This request is for the award of a contract to provide roll off containers and drivers to haul debris and refuse from designated transfer facilities as part of the City's Annual Spring Cleanup Program for 2023.

BACKGROUND OR DETAILED INFORMATION:

Each year the City's Streets Division conducts its Annual City Spring Cleanup Program. The Cleanup program provides hauling and disposal of debris and refuse that citizens wish to dispose of, at no cost to the citizens. The provision of roll off containers and hauling services is required to complete the two week cleanup, which runs from April 3, 2023 – April 14, 2023 (with the 1st week being dedicated to the north half of the City and the 2nd week being dedicated to the south half of the City). It is estimated the City will need approximately 500 pulls over the two week period.

A formal Invitation for Bids was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City's Purchasing website, sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractors Association, and advertised in The Daily Sentinel. While the amount bid is within the

City Manager's purchasing authority, since there was only one bid, City Council approval is required per City Purchasing Policy. One company submitted a formal bid, which was found to be responsive and responsible in the following amount:

FIRM	LOCATION	COST
<i>Allied Waste Transportation DBA Republic Services</i>	<i>Grand Junction, CO</i>	<i>\$95,000 (\$190/pull)</i>

Per Section 10.10 of the Purchasing Manual, all solicitation documents shall remain confidential until the Purchasing Division awards the contract.

FISCAL IMPACT:

The Spring Cleanup program is included in the 2023 Adopted Budget.

SUGGESTED MOTION:

I move to (authorize/deny) the Purchasing Division to enter into a contract with Allied Waste Transportation DBA Republic Services to provide roll-off containers with drivers for the duration of the two weeks for the City Spring Cleanup Program, for \$190.00 per haul for an estimated total amount of \$95,000.00.

Attachments

None



Grand Junction City Council

Regular Session

Item #4.a.

Meeting Date: March 15, 2023

Presented By: Trenton Prall, Engineering & Transportation Director

Department: Engineering & Transportation

Submitted By: Trent Prall, Public Works Director

Information

SUBJECT:

A Resolution Authorizing the City Manager to Submit a Grant Application for the Transportation Alternative Program (TAP) Grant Program for Additional Sections of the North Avenue Enhanced Transit Corridor Improvements Project

RECOMMENDATION:

Authorize the City Manager to submit an application in response to the Colorado Department of Transportation (CDOT) call for projects for the Transportation Alternative Program.

EXECUTIVE SUMMARY:

Colorado Department of Transportation (CDOT) is responsible for distributing federal Transportation Alternatives Program (TAP) funds to local entities. CDOT Region 3 has over \$7.7 million to invest over the three fiscal years 2024-2026. A call for projects has been issued and the application deadline is March 24, 2023.

City staff recommends \$2.3 million in additional scope be added to the previously funded North Avenue Enhanced Transit Corridor Improvements. The additional scope will provide lower stress, multi-modal paths along North Ave on the north side between 29 Road and I-70B and on the south side between 29 1/2 and I-70B. The project will be coupled with previously funded segments on the north side between 28 1/2 Road and 29 Road and on the south side between 29 Road and 29 1/2 Road.

BACKGROUND OR DETAILED INFORMATION:

Grant Background:

The Infrastructure Investment and Jobs Act (IIJA) - commonly referred to as the Bipartisan Infrastructure Bill, is a United States federal statute signed into law on November 15, 2021. As part of this legislation, the Transportation Alternative Program

(TAP) is a set aside of the Surface Transportation Block Grant Program distributed to the states. TAP provides funding for programs and projects defined as transportation alternatives, such as on-and off-road pedestrian and bicycle facilities, safe routes for non-drivers, vulnerable road user safety assessments, conversion of abandoned railway corridors to trails, scenic turnouts and overlooks, historic preservation & rehabilitation of historic transportation facilities and wildlife management.

CDOT's score and rank projects according to the project's ability to meet the following criteria:

- Enhance safety
- Maximize transportation investment / improve network connectivity / encourage active transportation / reduce greenhouse gas emissions
- Improve or expand state & regional economy, recreation, quality of life, and public health
- Enhanced transportation equity
- Project readiness
- Integration with plans, initiatives, and documented community support
- Built environment / community development policies

CDOT Region 3 is anticipated to receive \$7,772,000 over the three-year period from 2024-2026. CDOT has issued a call for projects. The application deadline is March 24, 2023. A 20 percent match is required.

Selected Project:

North Avenue has served the community as a major arterial since its construction in the mid-1950s. While it has functioned well over the years as a corridor for cars, trucks, and freight, it has lacked transit and pedestrian-friendly elements. Mesa County Regional Transportation Planning Office (RTPO) applied for and received \$1.5 million in transit-related funding made available by Senate Bill 267. The required 20 percent match or \$375,000 was provided by the City for a total estimated project of \$1,875,000. The City also applied and received \$962,500 in Multi-Modal Options Fund (MMOF) earlier this year to bring the project total to \$2,650,000. MMOF funds can be used as a match for TAP funds. This TAP application will leverage the MMOF funds and meet the 20 percent match requirement as well as expand the scope of the original project by \$2.3 million to a total of \$4,950,000.

The Enhanced Transit Corridor Study defines a long-term vision for North Avenue and identifies a set of prioritized infrastructure improvements to make the corridor more comfortable for people hiking, walking, and taking transit.

The current scope includes the following sections of North Ave to be improved:

1. North side 28 1/2 to 29 Road
2. South side 29 Road to 29 1/2 Road.

The proposed additional scope provided by TAP funding would complete detached

sidewalks on the following segments as prioritized in the study:

3. North side from 29 Road to I-70B
4. South side from 29 1/2 Road to I-70B

This project will finish the design of all four segments and will construct the highest priority segments and as much of the fourth priority segment as the budget allows.

The project has been identified in the Grand Valley Regional Transportation Planning Office's 2045 Regional Transportation Plan, the City's North Avenue Plan, the City's active transportation plan, and is the second highest priority for the City's Urban Trails Committee. One of the key goals in the 2045 Regional Transportation Plan is to "Foster active transportation by providing a regionally connected network of low-stress facilities that are safe for people walking and people biking".

The project will address national and local transportation goals such as safety, improved network connectivity, encouraged active transportation, reduced greenhouse gas emissions, improved recreation, quality of life, public health and provide transportation equity.

Awards are anticipated in June 2023. If selected, the additional scope will be added to the previous scope already funded through transit, MMOF and the City of Grand Junction capital improvement fund. Design and securing environmental permits and right-of-way is proposed for 2023 through mid-2024, followed by construction from mid-2024 through mid-2025.

FISCAL IMPACT:

The project that is currently budgeted in 2023 for \$2.15 million is primarily for north side improvements between 28 1/2 Road and 29 Road with a smaller portion of the south side included. This budget included CDOT Transit Funds of \$1.35 million.

In January, the City was awarded Multi-Modal Options Fund (MMOF) of \$962,500 which would fund the remaining portion of improvements on the south side between 29 Road and 29 1/2 Road, bringing the total project to \$2.65 million.

This grant request of \$2.3 million, if awarded, would increase the scope of the project to complete two other high priority segments between 29 Road and I-70B on the north side and 29 1/2 to I-70B on the south side for a total project budget of \$4.95 million.

Given the potential scope expansion and timing of coordination with CDOT, the design and right of way acquisition will be accomplished in 2023 with the construction of the project re-budgeted for 2024.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 25-23, a resolution supporting the grant application for Transportation Alternative Program (TAP) for a section of North Avenue Enhanced Transit Corridor.

Attachments

1. TAP North Ave Exhibit
2. RES-North Ave TAP

Figure 8 Prioritization of Future Sections of Multiuse Trail

Already Complete

- 12th Street to 23rd Street – both sides

Currently Advancing

- 28 ½ Road to 29 Road – north side
- 29 Road to 29 ½ Road – south side

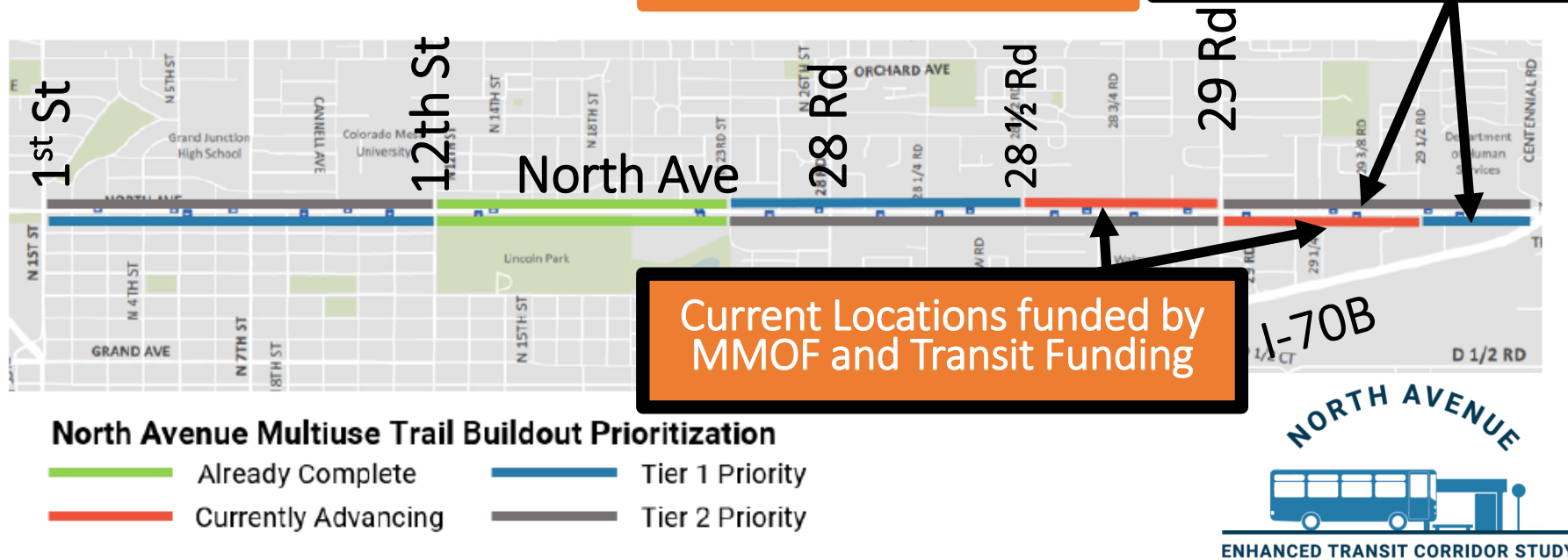
Tier 1 – Complete End-to-End Trail on One Side

- 1st to 12th Street – south side
- 23rd Street to 28 ½ Road – north side
- 29 ½ Road to I-70B – south side

Tier 2 – Complete Remaining Missing Segments

- 1st to 12th Street – north side
- 23rd Street to 29 Road – south side
- 29 Road to I-70B – north side

Additional locations if awarded TAP Funding



North Avenue Enhanced Transit Corridor Improvements Location Map

RESOLUTION NO. __-23

**A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR TRANSPORTATION
ALTERNATIVES PROGRAM (TAP) FOR NORTH AVENUE ENHANCED TRANSIT
CORRIDOR IMPROVEMENTS**

BE IT RESOLVED by the City Council of the City of Grand Junction, Colorado that:

The City of Grand Junction by, with and through this Resolution supports the North Avenue Enhanced Transit Corridor Improvements project application that the City has made to the Colorado Department of Transportation's Transportation Alternatives Program. Many segments of North Avenue have yet to have sidewalks after the original construction of North Avenue in the 1950's.

The Infrastructure Investment and Jobs Act (IIJA), commonly referred to as the Bipartisan Infrastructure Bill, is a United States federal statute signed into law on November 15, 2021. As part of this legislation, the Transportation Alternative Program is a set aside of the Surface Transportation Block Grant Program distributed to the states. Colorado Department of Transportation (CDOT) Region 3 has been allocated \$7.7 million for fiscal years 2024-2026. A call for projects has been issued.

The Transportation Alternatives Program provides funding for projects such as on- and off-road pedestrian and bicycle facilities.

In accordance with the grant purposes, the City Public Works Department proposes the funds be added to an existing project that all together will construct 8-foot-wide detached multi-modal paths on the north side of North Avenue between 28 ½ Road and I-70B and the south side between 29 Road and I-70B (the Project).

City staff is seeking CDOT's Transportation Alternative Program funding for the Project in the amount of \$2.3 million. Completion of the Project is planned for 2025.

The City Council authorizes the expenditure of funds necessary to meet the terms and obligations, including established deadlines, of any grant award. If a grant is awarded, the City Council hereby authorizes the City Manager to sign the grant agreement for the Project.

The City staff has recommended that the City Council support the grant application and if awarded that the grant be utilized for the North Avenue Enhance Transit Corridor Improvements Project.

PASSED and ADOPTED this 15th day of March 2023

ATTEST:

Anna M. Stout
President of the City Council

Amy Phillips
City Clerk



Grand Junction City Council

Regular Session

Item #4.b.

Meeting Date: March 15, 2023

Presented By: Trenton Prall, Engineering & Transportation Director, Tamra Allen, Community Development Director

Department: Engineering & Transportation

Submitted By: Konrad Vallard

Information

SUBJECT:

A Resolution Revoking Revocable Permit Issued to RRB Holdings, Inc. Pursuant to Resolution #44-14 Dated December 3, 2014

RECOMMENDATION:

Staff recommends approval of the resolution.

EXECUTIVE SUMMARY:

In 2014, Resolution #44-14 authorized the City Manager to issue a Revocable Permit to RRB Holdings, Inc. for use of 1.011 +/- acres to display vehicles within the limits of public Right-of-Way for F 1/2 Road abutting the south edge of the properties located at 651 Market Street. The revocation of this permit is necessary as the Right-of-Way area is needed for the construction of phase one of the F 1/2 Parkway project extending from 24 Road to 24 1/2 Road. This project is part of the Transportation Capacity Expansion funding approved by voters in 2019.

BACKGROUND OR DETAILED INFORMATION:

As part of the development of the Subaru Subdivision, and two car dealerships (Subaru and a "to be determined dealership," nka Volkswagen) on Lots 3 and 4 of Subaru Subdivision at 651 Market Place and 653 Market Place, Ron D. Bubar on behalf of RBB Holdings, Inc. requested a revocable permit for area included in F 1/2 Road which immediately abutted Lot 2 of Value Place Subdivision (land being subdivided as Subaru Subdivision) to display vehicles of the dealerships. The request was submitted in RVP-2014-378. Mr. Bubar understood at that time that the City intended to eventually construct and utilize a portion of the F 1/2 Parkway within the area requested. The City did not have a start date indicating when that would occur, but it was anticipated to be 10 years out.

City Council considered the request on December 3, 2014, and with Resolution #44-14 the City Manager was authorized and directed to issue the Revocable Permit in accordance with the resolution. Approximately 1.011 acres of F 1/2 Parkway immediately adjacent to Lot 2 of Value Subdivision (between 24 Road and Market Place) was permitted to Ron Bubar on behalf of RBB Holdings, Inc. to display vehicles for sale.

In 2019, ballot measure 2A was passed by voters for Transportation Capacity Expansion funding. The F 1/2 Parkway project is part of this funding. The City of Grand Junction is currently in the process of designing and acquiring the additional right-of-way necessary for the F 1/2 Parkway Project. The current owner of Lot 3 and Lot 4 of the Subaru Subdivision, SRE Colorado 6, LLC and SRE Colorado 7, LLC (the combined herein referred to as "SRE") have been notified of the project, the revocation of the revocable permit, and are aware the area is needed for construction of the project. SRE has vacated and is not utilizing the area currently, but is entitled to 30 days to surrender the property and remove potential encroachments after revocation. The City has informed SRE it may remove any of its property in that 30-day period, including light fixtures. SRE's failure to remove all property within the 30-day period, forfeits any interest SRE may have in any property/improvements included within the revocable permit area, but the actual demolition of and/or removal of improvements not removed by SRE that need to be removed for the City's use will be done by the City at no charge to SRE. With revocation of the permit, the City Manager shall issue a 30-day written surrender notice to SRE.

FISCAL IMPACT:

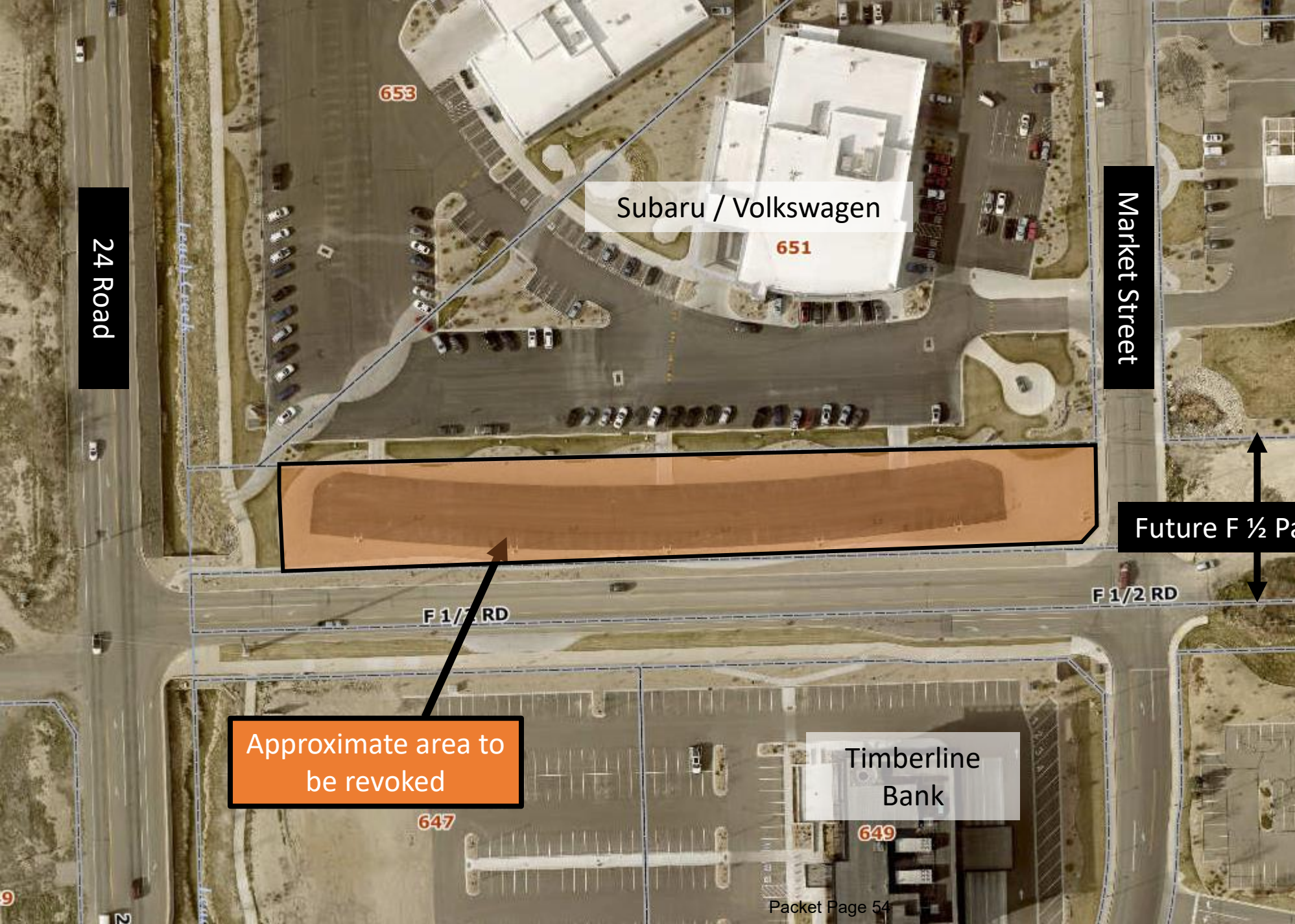
This action does not have any fiscal impact.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 26-23, a resolution revoking the Revocable Permit issued pursuant to Resolution #44-14 dated December 3, 2014, to RRB Holdings, Inc.

Attachments

1. Revoke Revocable Permit 44-14 (Subaru) Exhibit
2. Resolution_No_44-14_RRB HoldingsRevocablePermitpdf
3. Resolution_RevokingRevocablePermit_GrantedbyResolution_44-14



24 Road

Subaru / Volkswagen

Market Street

Future F 1/2 Parkway

Approximate area to
be revoked

Timberline
Bank

Exhibit – Resolution
revoking Revocable
Permit #44-14

8 PAGE DOCUMENT

RESOLUTION NO. 44-14

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
RRB HOLDINGS, INC.
ADJACENT TO PROPERTY LOCATED AT 651 MARKET STREET**

Recitals.

A. Ron Bubar, on behalf of RRB Holdings, Inc., hereinafter referred to as the Petitioner, represents that he intends to purchase or otherwise acquire the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lot 2 of Value Place Subdivision, as recorded in Book 5565, Page 53 of Mesa County Records.

Referred to herein as the Adjacent Property.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to, in connection with its proposed use of the Adjacent Property as a car dealership, display vehicles within the following described part of the public right-of-way:

A revocable license to use the following described portion of real property located in the West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$), Section 4, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, Mesa County, Colorado:

COMMENCING at the West Quarter corner (W $\frac{1}{4}$ corner) of Section 4, Township 1 South, Range 1 West of the Ute Meridian, in the City of Grand Junction, Mesa County, Colorado whence the North sixteenth (N $\frac{1}{16}$ th) corner on the West line of said Section 4 bears North 00°03'16" West, a distance of 1320.35 feet, for a basis of bearings with all bearings contained herein relative thereto; thence North 00°03'16" West, a distance of 123.91 feet, along the West line of said Section 4 to the North right-of-way line of F1/2 Road, as described in Book 4330, Page 133, Mesa County records; thence along said North right-of-way line North 89°54'55" East, a distance of 90.03 feet to the POINT OF BEGINNING; thence North 89°54'55" East, a distance of 612.29 feet, continuing along the North line of said right-of-way; thence South 00°07'29" East, a distance of 71.92 feet; thence South 89°54'59" West, a distance of 612.29 feet; thence North 00°07'29" West, a distance of 71.91 feet to the POINT OF BEGINNING.

Said area having 1.011 Acres.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2014-378 in the office of the City's Community Development Division, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purpose aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 3rd day of December, 2014.

Attest:

Stephanie Tun
City Clerk

Barbara Forrie
President of the City Council



REVOCABLE PERMIT

Recitals.

A. Ron Bubar, on behalf of RRB Holdings, Inc., hereinafter referred to as the Petitioner, represents that he intends to purchase or otherwise acquire the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lot 2 of Value Place Subdivision, as recorded in Book 5565, Page 53 of Mesa County Records.

Referred to herein as the Adjacent Property.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to, in connection with its proposed use of the Adjacent Property as a car dealership, display vehicles within the following described part of the public right-of-way:

A revocable license to use the following described portion of real property located in the West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$), Section 4, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, Mesa County, Colorado:

COMMENCING at the West Quarter corner (W $\frac{1}{4}$ corner) of Section 4, Township 1 South, Range 1 West of the Ute Meridian, in the City of Grand Junction, Mesa County, Colorado whence the North sixteenth (N $\frac{1}{16}$ th) corner on the West line of said Section 4 bears North 00°03'16" West, a distance of 1320.35 feet, for a basis of bearings with all bearings contained herein relative thereto; thence North 00°03'16" West, a distance of 123.91 feet, along the West line of said Section 4 to the North right-of-way line of F1/2 Road, as described in Book 4330, Page 133, Mesa County records; thence along said North right-of-way line North 89°54'55" East, a distance of 90.03 feet to the POINT OF BEGINNING; thence North 89°54'55" East, a distance of 612.29 feet, continuing along the North line of said right-of-way; thence South 00°07'29" East, a distance of 71.92 feet; thence South 89°54'59" West, a distance of 612.29 feet; thence North 00°07'29" West, a distance of 71.91 feet to the POINT OF BEGINNING.

Said area having 1.011 Acres.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2014-378 in the office of the City's Community Development Division, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit for the purpose aforescribed and within the limits of the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. This Petitioner shall acquire the Adjacent Property and establish thereon the car dealership described in and approved under File No. SPN-2014-377 and shall improve and maintain the Adjacent Property and the area subject to this Permit in accordance with the plans reviewed and approved by the Community Development Division under File No. SPN-2014-377.

2. The Petitioner's use and occupancy of the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public improvements and public utilities or any other facilities presently existing or which may in the future exist in said right-of-way.

3. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason in its sole discretion.

4. The Petitioner, for itself and for its successors, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

5. The Petitioner agrees that it shall at all times keep the above described public right-of-way in good condition and repair.

6. This Revocable Permit shall be issued only upon the concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole cost and expense of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at its own expense, remove any encroachment so as to make the aforescribed public right-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

7. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

8. Permittee shall obtain all applicable Planning Clearances from the City Community Development Division and any other clearances or permits, including a Work in the Right-of-Way permit, prior to construction of improvements within the ROW.

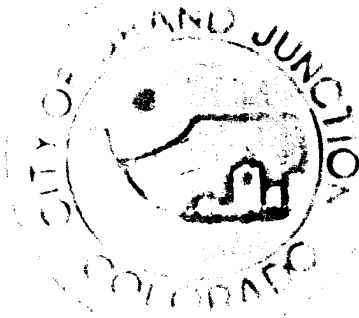
Dated this 12th day of December, 2014.

The City of Grand Junction,
a Colorado home rule municipality

Attest:

Stephanie Yum
City Clerk

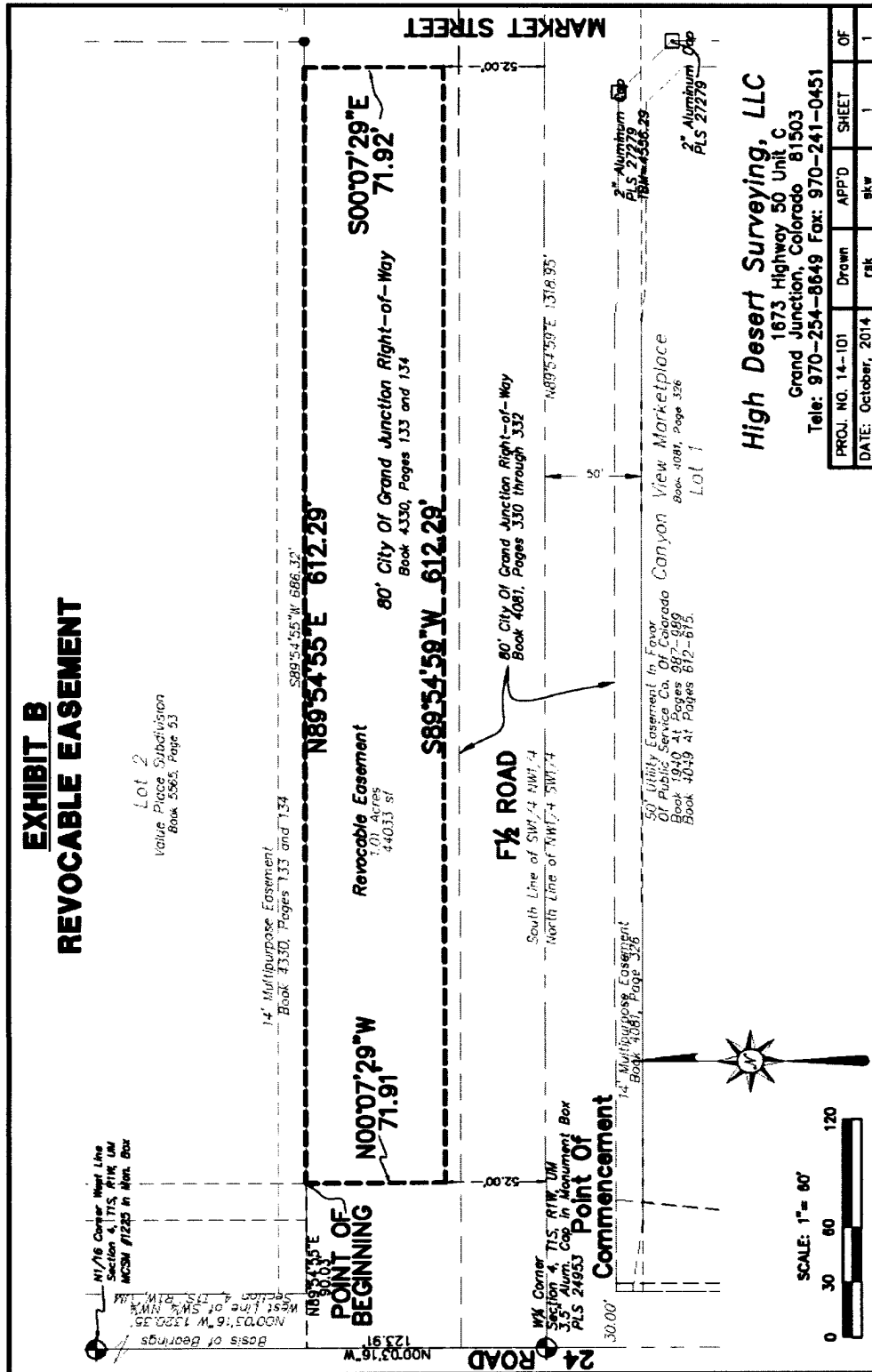
[Signature]
City Manager



Acceptance by the Petitioner:

[Signature]

Ron Bubar for RRB Holdings, Inc.



AGREEMENT

RRB Holdings, Inc. for itself and for its successors and assigns, does hereby agree to:

- (a) Abide by each and every term and condition contained in the foregoing Revocable Permit;
- (b) Indemnify and hold harmless the City of Grand Junction, its officers, employees and agents with respect to all claims and causes of action, as provided for in the approving Resolution and Revocable Permit;
- (c) Within thirty (30) days of revocation of said Permit by the City Council, peaceably surrender said public right-of-way to the City of Grand Junction;
- (d) At the sole cost and expense of the Petitioner, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this 12th day of Dec., 2014.

RRB Holdings, Inc.

By: 

Ron Bubar

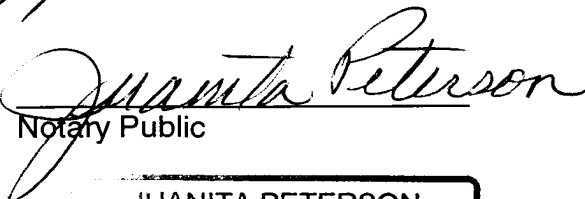
State of Colorado)

)ss.

County of Mesa)

The foregoing Agreement was acknowledged before me this 12th day of Dec., 2014, by Ron Bubar, for RRB Holdings, Inc.

My Commission expires: 10-10-2017
Witness my hand and official seal.


Notary Public

JUANITA PETERSON
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20014031957

My Commission Expires October 10, 2017

RESOLUTION NO. _____

**A RESOLUTION REVOKING THE REVOCABLE PERMIT ISSUED PURSUANT TO
RESOLUTION #44-14 DATED DECEMBER 3, 2014, TO RRB HOLDINGS, INC.**

Recitals.

A. A revocable permit was issued to Ron Bubar on behalf of RRB Holdings, Inc. and its successors and assigns as authorized by City Council with Resolution No. 44-14 dated December 3, 2014. The resolution directed the City Manager to grant a revocable permit for the following described portion of real property located in the West Half of the Northwest Quarter (W½ NW¼), Section 4, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, Mesa County, Colorado:

COMMENCING at the West Quarter corner (W1/4 corner) of Section 4, Township 1 South, Range 1 West of the Ute Meridian, in the City of Grand Junction, Mesa County, Colorado whence the North sixteenth (N1/16th) corner on the West line of said Section 4 bears North 00°03'16" West, a distance of 1320.35 feet, for a basis of bearings with all bearings contained herein relative thereto; thence North 00°03'16" West, a distance of 123.91 feet, along the West line of said Section 4 to the North right-of-way line of F1/2 Road, as described in Book 4330, Page 133, Mesa County records; thence along said North right-of-way line North 89°54'55" East, a distance of 90.03 feet to the POINT OF BEGINNING; thence North 89°54'55" East, a distance of 612.29 feet, continuing along the North line of said right-of-way; thence South 00°07'29" East, a distance of 71.92 feet; thence South 89°54'59" West, a distance of 612.29 feet; thence North 00°07'29" West, a distance of 71.91 feet to the POINT OF BEGINNING.

Said area having 1.011 Acres.

B. The right-of-way area described above is necessary for the construction of the F 1/2 Parkway project. This is one of the projects included in the Transportation Capacity funding approved by voters in 2019 by ballot measure 2A. Relying on this information, the City Council has determined that such action is for the benefit of the inhabitants of the City of Grand Junction.

C. SRE Colorado 6, LLC and SRE Colorado 7, LLC ("SRE") are the successors to RRB Holdings, Inc. SRE Colorado 6, LLC and SRE Colorado 7, LLC shall have 30 days to surrender the property in accordance with the terms of the permit. SRE shall not add any other property to the permit area during the 30 day surrender period, but may remove property such as the lights. Any property remaining on the property on the 31st day shall be the City's property. The City has agreed that SRE is not responsible for otherwise removing the encumbrances constructed on the property. The City has agreed that any encumbrances that need to be removed as a part of the F ½ Parkway project will be removed and/or modified by the City at the City's cost.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

1. That the Revocable permit issued to Rob Bubar on behalf of RRB Holdings, Inc. is hereby revoked.

2. The City Manager is hereby directed to provide a 30 day surrender notice to the successor of RRB Holdings, Inc., SRE Colorado 6, LLC and SRE Colorado 7, LLC, informing them to peaceably surrender the property on or before 30 days from the date of mailing said notice.
3. City Council ratifies the negotiations that SRE Colorado 6, LLC and SRE Colorado 7, LLC are entitled to remove improvements, such as the lights, but anything left after the 30 days shall be the property of the City and the removal and or modifications of encumbrances on the property for the F ½ Road Parkway project shall be the responsibility of the City.

PASSED and ADOPTED this 15th day of March 2023.

Attest:

Anna Stout, President of the City Council

Amy Phillips
City Clerk



Grand Junction City Council

Regular Session

Item #4.c.

Meeting Date: March 15, 2023
Presented By: John Shaver, City Attorney
Department: Community Development
Submitted By: Ken Sherbenou

Information

SUBJECT:

A Resolution Authorizing a Land Conveyance from Colorado West Land Trust for the Eicher Property aka Cat's Canyon Located Off of Mira Monte Drive

RECOMMENDATION:

Staff recommends authorization of the resolution.

EXECUTIVE SUMMARY:

This resolution authorizes a land conveyance of 5.65 acres near 140 Mira Monte Road and adjacent to No Thoroughfare Wash and Bureau of Land Management and City open space. This land will serve as a critical connector to the Mira Monte Rim Trail. The acquisition of the property by the City will legalize the use of the popular trail by non-motorized users. It will expand the highly popular area used for hiking and biking and it will commit the land to public ownership.

BACKGROUND OR DETAILED INFORMATION:

In 2022, Kathy Portner and Keith Fife approached Catherine Eicher and the Colorado West Land Trust (CWLT) about facilitation of a donation of a portion of the Eicher property. The CWLT and the City welcome the generous donation for the acquisition of a 5.65-acre parcel of land (Property) located south and west of Grand Junction. Please see the attached maps. Visits to the property have confirmed the public benefit of the land and further affirms the City's commitment to expanded public open space. The 2021 Parks, Recreation and Open Space Master Plan has trail connections and expansions as the #2 priority and this project fits squarely with that objective.

The Property will provide an easily accessible addition to public lands that are popular for biking and hiking and will offer access to unparalleled recreational opportunities. The parties have worked diligently and highly cooperatively to make the

acquisition a reality and the necessary subdivision and agreements for the transfer of the Property. The City will receive a deed to the Property following approval of this Resolution and closing of the transaction.

FISCAL IMPACT:

In the 2022 budget, \$30,000 was authorized as a contribution to CWLT to assist in the acquisition of this property. That acquisition was delayed until 2023, therefore the \$30,000 will be included in the upcoming supplemental appropriation.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 27-23, a resolution authorizing the land conveyance from the Colorado West Land Trust for the Eicher Property aka Cat's Canyon located off of Mira Monte Drive.

Attachments

1. RES-Cat's Canyon Acceptance from CWLT 20230703
2. Eicher trail Nov 2018
3. Plat Map, Cat's Canyon

RESOLUTION NO. __ - 23

**A RESOLUTION RATIFYING THE ACQUISITION OF THE PROPERTY KNOWN AS
OUTLOT 3 of CAT'S CANYON SUBDIVISION LOCATED NEAR 140 MIRA MONTE
ROAD, GRAND JUNCTION, COLORADO**

RECITALS:

In __ 2022 Kathy Portner and Keith Fife approached Catherine Eicher and the Colorado West Land Trust (CWLT) about facilitation of a donation of a portion of the Eicher property.

The CWLT and the City welcome the generous donation for the acquisition of a 5.65-acre parcel of land (Property) located south and west of Grand Junction. The Property is adjacent to No Thoroughfare Wash and BLM and City open space and will serve as critical connector to the Mira Monte Rim Trail. The acquisition of the Property by the City will legalize the use of the popular trail by non-motorized users. There are no buildings on the Property; there is a single-track dirt trail.

The Property will provide an easily accessible addition to public lands that are popular for biking and hiking and will offer access to unparalleled recreational opportunities.

The parties have worked diligently and highly cooperatively to make the acquisition a reality and the necessary subdivision and agreements for the transfer of the Property. The City will receive a deed to the Property following approval of this Resolution and closing of the transaction.

The execution of the documents by the City Manager and/or City Council President, and the City's intention to acquire the Property and proceed with the acquisition are expressly conditioned upon and subject to the formal ratification, confirmation, and consent of the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, THAT the City, by and through the City Council and the signature of its President, does hereby ratify the actions taken by the City staff in furtherance of the acquisition of Outlot 3 of Cat's Canyon Subdivision located near 140 Mira Monte Road, Grand Junction, Colorado; and,

FURTHERMORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO THAT the City, by and through the City Council and the signature of its President, does hereby ratify the terms, covenants, conditions, duties and obligations to be performed by the City in accordance with the contracts and directs the City staff to perform in accordance therewith so that the City acquires Outlot 3 of Cat's Canyon Subdivision located near 140 Mira Monte Road, Grand Junction, Colorado.

The City Council thanks Kathy Portner and Keith fife for their generous donation and expresses its appreciation for the work of Libby Collins and the work of the Colorado West Land Trust for the facilitation of the acquisition of the Property, which shall hereafter be committed to the use and benefit of the public.

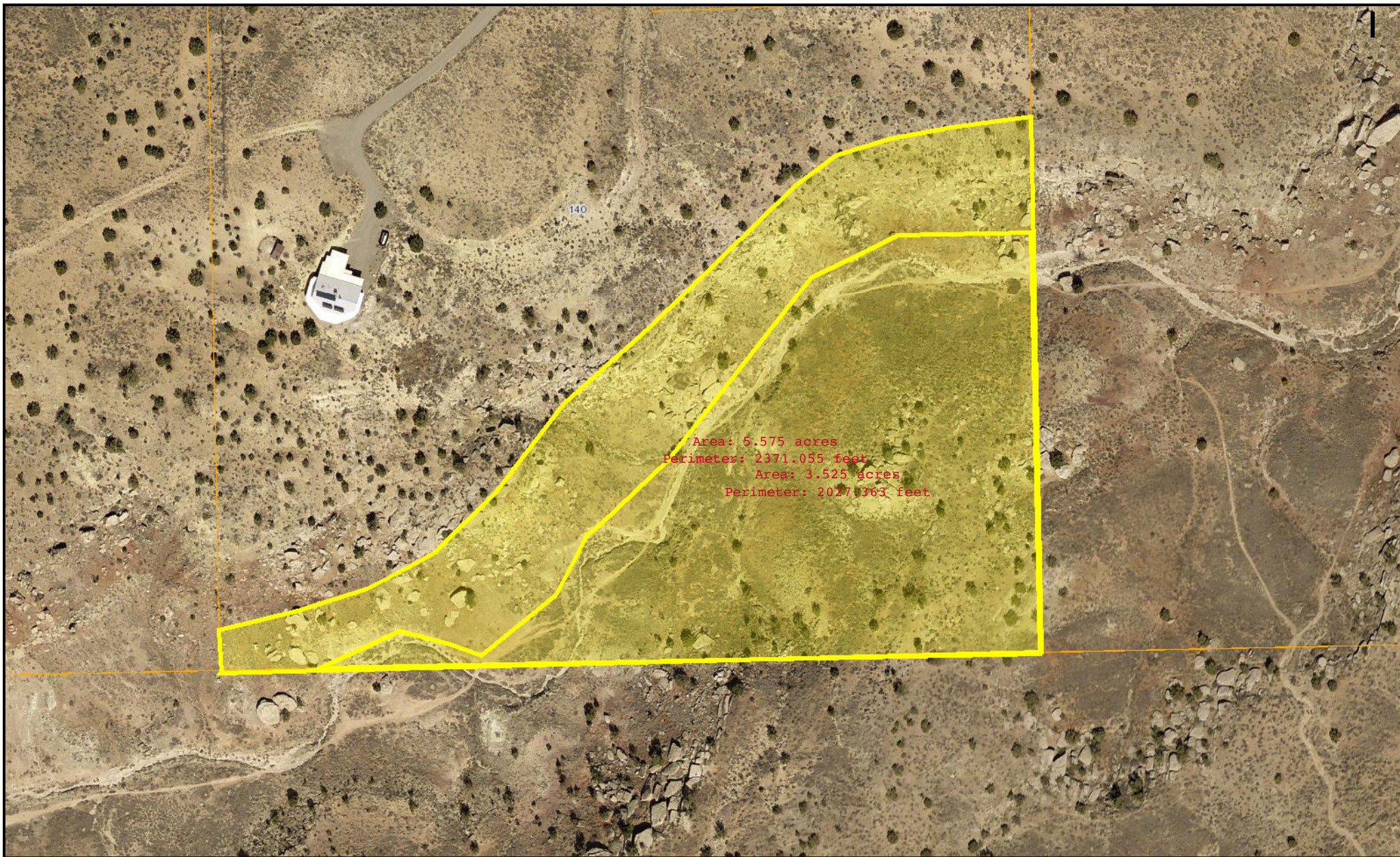
PASSED and ADOPTED this 15th day of March 2023.

Anna M. Stout
President of the City Council

ATTEST:

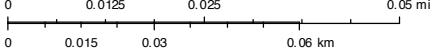
Amy Phillips
City Clerk

DRAFT

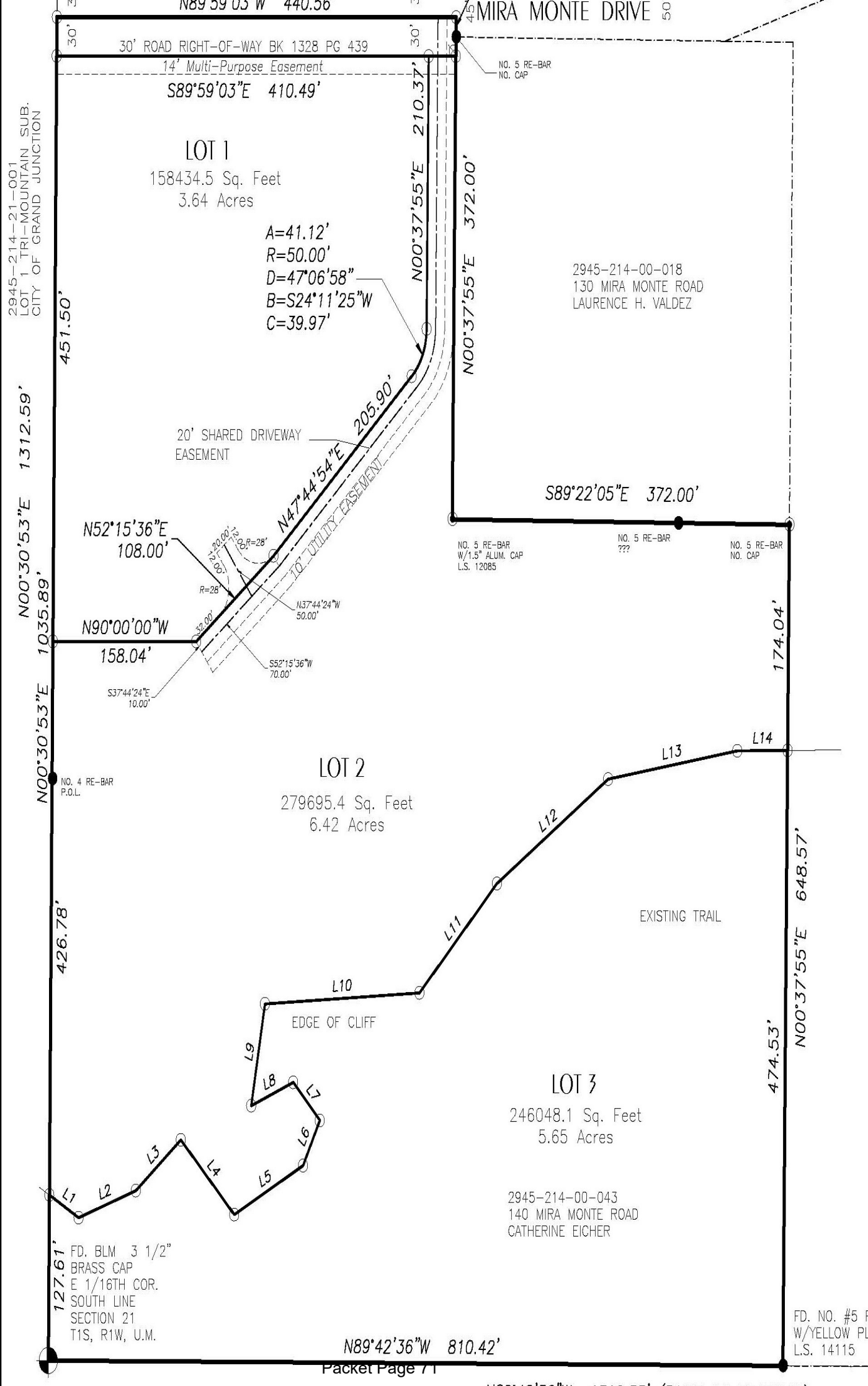


The Geographic Information System (GIS) and its components are designed as a source of reference for answering inquiries, for planning and for modeling. GIS is not intended or does not replace legal description information in the chain of title and other information contained in official government records such as the County Clerk and Recorder's Office or the courts. In addition, the representations of location in this GIS cannot be substituted for actual legal surveys. The information contained herein is believed accurate and suitable for the intended use, and subject to the limitations, set forth above. Mesa County makes no warranty as to the accuracy or suitability of any information contained herein. Users assume all risk and responsibility for any and all damages, including consequential damages, which may flow from the user's use of this information.

Eicher Trail Nov 2018
 Print Date: November 2, 2018



2945-214-21-001
LOT 1 TRI-MOUNTAIN SUB.
CITY OF GRAND JUNCTION





Grand Junction City Council

Regular Session

Item #5.a.

Meeting Date: March 15, 2023

Presented By: Niki Galehouse, Planning Supervisor

Department: Community Development

Submitted By: Nicole Galehouse, Principal Planner

Information

SUBJECT:

Accept a Request by McCurter Land Company, LLC for the Dedication of 1.93 Acres of Land in the Proposed Golden Leaf Estates Subdivision

RECOMMENDATION:

Staff recommends the City accept the dedication of 1.93-acres of land encompassing portions of and adjacent to Leach Creek within the proposed Golden Leaf Estates Subdivision (proposed Tract E) located at the NW Corner of I-70 and 26 Road.

EXECUTIVE SUMMARY:

The Applicant, McCurter Land Company LLC, proposes the City accept dedication of 1.93-acres of open space located within and adjacent to Leach Creek within the proposed Golden Leaf Estates Subdivision (proposed Tract E) located at the NW corner of I-70 and 26 Road in lieu of payment of the required 10 percent Open Space Fee.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND & ANALYSIS

A Final Subdivision Plan for a total of 22 single-family dwelling units is currently under review by the City for the proposed Golden Leaf Estates Subdivision to be located at the NW corner of I-70 and 26 Road (8.97 acres total) (City file # SUB-2022-618). The proposed residential development would be constructed within one (1) filing. Existing zoning for the property is R-4 (Residential - 4 du/ac) and the proposed overall residential density for the subdivision will be 2.45 du/ac.

Section 21.06.020 (a) (1) of the Zoning and Development Code states: "the owner of any residential development of 10 or more lots or dwelling units shall dedicate 10% of the gross acreage of the property or the equivalent of 10 percent of the value of the

property. The decision as to whether to accept money or land as required by this section shall be made by the Director.” The Applicant did complete an MAI appraisal of the property and it was determined that the 8.97-acres had a value of \$300,000.00. Further, subsection (4) states: “...The City Council may accept the dedication of land in lieu of payment so long as the fair market value of the land dedicated to the City is not less than 10 percent of the value of the property.” Under this requirement, the minimum land dedication requirement for this subdivision would be 0.897-acres (based 8.97 acres). The applicant’s proposed dedication to the City is 1.93 acres of property, or 21.5 percent. According to the MAI Appraisal, there is an average value of \$34,100/acre. Applying this value to the 0.56-acre trail portion of the dedication as dedicated right-of-way provides a value of \$19,096. To reach the 10 percent threshold, the remaining 1.37 acres comprised of the Leach Creek drainageway must be valued at a minimum of \$7,959/acre, about 23 percent of the value/acre for the entire site. While this portion may not have an equivalent value as developable land or right-of-way, the inherent value as a drainageway to the City’s overall stormwater management system is critical and supports this valuation.

As part of the proposed development, the Applicant is proposing to provide a separate tract (Tract E – 1.93 acres) located on the north side of the property which encompasses a portion of Leach Creek along with a trail that would be granted to the City in-lieu of payment of the required 10 percent Open Space fee. The proposed residential lots/dwelling units and commercial lot would be located on the west side of 26 Road and would include the remaining 7.04 acres.

The Public Works Director has expressed an interest in having major drainage corridors under public control for maintenance purposes for the conveyance of stormwater and recommends the City conditionally accept the open space dedication. Presently, this area of Leach Creek is private property, owned by the Applicant. Therefore, the City has indicated that dedication of proposed Tract E to the City would be the preferred option rather than payment of the open space fee so that the City would have control over this property.

FISCAL IMPACT:

The applicant’s proposed dedication to the City is 1.93 acres of property. If accepted by the City, future maintenance responsibilities of the tract of land would be the responsibility of the City and budgeted accordingly each year.

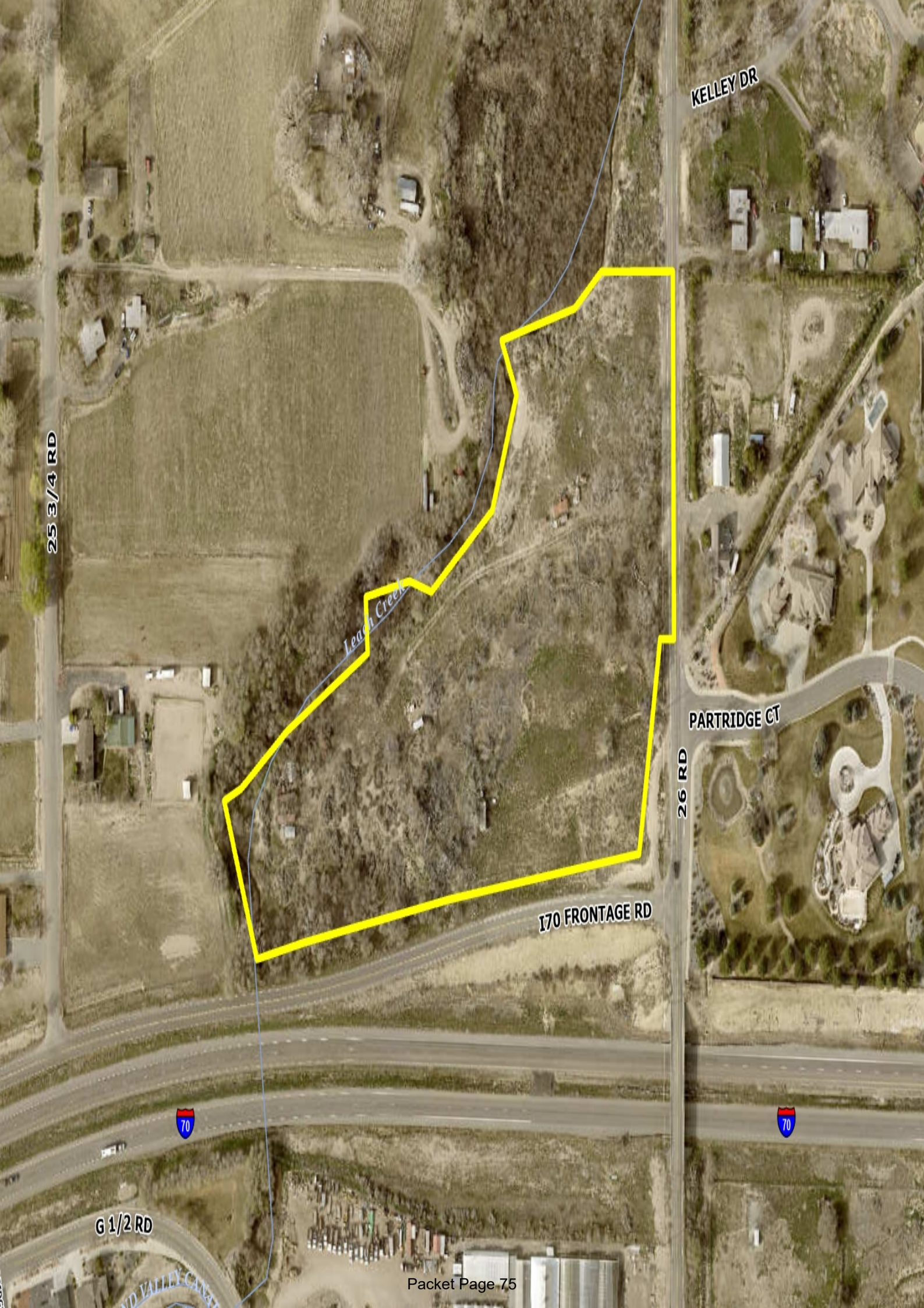
SUGGESTED MOTION:

I move to (approve/deny) the request to accept the dedication of land in the Golden Leaf Estates Subdivision, proposed Tract E, 1.93-acres in compliance with Section 21.06.020 (a) (1) of the Zoning and Development Code.

Attachments

1. Aerial Photo
2. Letter - Requesting Tract E to the City

3. Proposed Subdivision Plat - Golden Leaf Estates
4. MAI Appraisal Report - Golden Leaf Estates





March 2, 2023

City of Grand Junction
Community Development
250 N 5th Street
Grand Junction, CO 81501

SUBJECT: GOLDEN LEAF ESTATES TRACT E DEDICATION

To Whom it may concern:

On behalf of McCurter Land Company, LLC, it is proposed that the City of Grand Junction accept the dedication of Tract E of Golden Leaf Estates SUB-2022-618. This land is planned as a donation to the City, in lieu of open space fees.

This dedication includes 1.93 acres of land known as Leach Creek, including the existing sewer and easement, on the west side of 26 Road and north of the I-70 Frontage Road. Dedication of this land will provide wetlands protection, allow for drainage maintenance, sewer maintenance, and preserve a wildlife corridor for this portion of Leach Creek. The area is 21% of the overall project acreage total of 8.97 acres.

Per the requirements of the code, the applicant will either dedicate land equal to 10% of the total or provide a fee in lieu equal to 10% of the value of the land determined by a limited use appraisal. Because the land being dedicated is approximately 21% of the total acreage and knowing that the City has already expressed a desire for the land at the staff level, we are submitting this request without an appraisal.

Thank you for your consideration in this matter and please let us know if you have questions. The property is currently going through the subdivision process and the dedication would happen at plat recording.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ivan D. Geer", with a long horizontal flourish extending to the right.

Ivan D. Geer, P.E.
Principal

GOLDEN LEAF ESTATES

Southeast Quarter of the Northeast Quarter of Section 34, Township 1 North, Range 1 West, Ute Meridian. City of Grand Junction, County of Mesa, Colorado

Know All Persons By These Presents:

The undersigned, McCurter Land Company, LLC, is the owner of record of that real property situated in the Southeast Quarter of the Northeast Quarter of Section 34, Township 1 North, Range 1 West, of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, the ownership of which is demonstrated at Reception Number 3044675 of the records in the office of the Mesa County Clerk and Recorder. Said property being more particularly described as follows:

Beginning at a 3" brass cap marked COUNTY SURVEY MARKER NO. 743 for the north sixteenth corner of said Section 34 and Section 35, whence a 3.25" aluminum cap on #6 rebar marked MESA COUNTY SURVEY MARKER NO. 21-3 for the east quarter corner of said Section 34 bears South 00°10'18" East with all bearings herein relative thereto;
Thence South 00°10'18" East along the east line of the Southeast Quarter of the Northeast Quarter of said Section 34, a distance of 407.85 feet to the north line of right-of-way as recorded at Reception Number 861715;
thence continuing along said right-of-way the following 5 courses;
1. Thence North 89°33'17" West, a distance of 29.28 feet;
2. Thence South 10°43'43" West, a distance of 242.30 feet;
3. Thence South 82°59'43" West, a distance of 404.50 feet to a 3.25" brass cap marked COLO DEPT OF HIGHWAYS ROW MARKER;
4. Thence South 81°18'43" West, a distance of 312.70 feet;
5. Thence South 79°43'43" West, a distance of 101.10 feet to the centerline of Leach Creek;
Thence continuing along said centerline the following 12 courses;
1. Thence North 21°21'23" West, a distance of 188.66 feet;
2. Thence North 64°33'37" East, a distance of 38.55 feet;
3. Thence North 56°54'54" East, a distance of 116.34 feet;
4. Thence North 63°18'57" East, a distance of 191.01 feet;
5. Thence North 03°32'46" West, a distance of 62.50 feet;
6. Thence North 79°26'42" East, a distance of 94.51 feet;
7. Thence South 75°27'58" East, a distance of 47.47 feet;
8. Thence North 55°13'46" East, a distance of 157.57 feet;
9. Thence North 21°58'42" East, a distance of 138.35 feet;
10. Thence North 27°41'41" West, a distance of 68.03 feet;
11. Thence North 77°19'29" East, a distance of 158.53 feet;
12. Thence North 54°21'21" East, a distance of 70.04 feet to the north line of said Southeast Quarter of the Northeast Quarter;

Thence North 89°59'41" East, a distance of 151.45 feet to the Point of Beginning,
Said Parcel containing 390612 square feet or 8.97 acres

Said owners have by these presents laid out, platted and subdivided the above described real property into parcels, Lots, Tracts and streets as shown hereon, and designates the same as Golden Leaf Estates, in the City of Grand Junction, County of Mesa, State of Colorado,

- All streets, roads and Rights-of-Way are dedicated to the City of Grand Junction for the use of the public forever.
- Tract E and F are dedicated to the City of Grand Junction for the use of the public forever.
- All Multipurpose Easements are dedicated to the City of Grand Junction as perpetual easements for City approved utilities including the installation, operation, maintenance and repair of said utilities and appurtenances which may include but are not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, traffic control facilities, street lighting, landscaping, trees and grade structures.
- A drainage easement over the entirety of Tracts B, D and C is dedicated to the City of Grand Junction as a perpetual easement for the inspection, installation, operation, maintenance and repair of detention and drainage facilities and appurtenants thereto. The City of Grand Junction is dedicated reasonable ingress/egress access to the drainage/detention easement areas. The owner and/or the property owners association, if one exists, is not relieved of its responsibility to inspect, install, operate, maintain, and repair the detention and drainage facilities.
- A Utility Easement over the entirety of Tract G is dedicated to the City of Grand Junction as a perpetual easement for City approved utilities including the installation, operation, maintenance and repair of said utilities and appurtenances which may include but are not limited to electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, equivalent other public utility providers and appurtenant facilities.
- All Tracts/Easements include the right of ingress and egress on, along, over, under, through and across by the beneficiaries, their successors, or assigns, together with the right to trim or remove interfering trees and brush, and in Drainage and Detention/Retention easements or tracts, the right to dredge; provided however, that the beneficiaries/owners shall utilize the same in a reasonable and prudent manner. Furthermore, the owners of said lots or tracts hereby platted shall not burden or overburden said easements by erecting or placing any improvements thereon which may impede the use of the easement and/or prevent the reasonable ingress and egress to and from the easement.
- Ingress/egress and utility easement over Tract F and a portion of Tract E conveyed by separate instrument for the benefit of Lot 11.
- Irrigation easements conveyed by separate instrument to GLEHOA.
- Tracts A, B, C, D, G, and H conveyed by separate instrument to GLEHOA.

Said owner does hereby acknowledge that all lienholders or encumbrancers, if any, associated with the interests of this plat have been represented hereon.

Said owner does subscribe hereunder this ____day of _____, _____.

Jim McCurter, Member, McCurter Land Company, LLC



CITY USE BLOCK	
TRACTS A,B,C,D,G and H GLEHOA CCR's	RECEPTION NO. _____ RECEPTION NO. _____
INGRESS/EGRESS & UTILITY EASEMENT	RECEPTION NO. _____
IRRIGATION EASEMENTS	RECEPTION NO. _____
_____	RECEPTION NO. _____
_____	RECEPTION NO. _____
_____	RECEPTION NO. _____
_____	RECEPTION NO. _____

AREA SUMMARY		
Lots	4.60 ac	51.28%
Tracts	3.02 ac	33.61%
Right of Way (Dedicated)	1.35 ac	15.05%
Total	8.97 ac	100.00%

STATE OF COLORADO)
) ss
COUNTY OF MESA)

This plat was acknowledged before me by _____

on this _____day of _____, _____.

Witness my hand and seal _____ Notary Public

My commission expires _____

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

TITLE CERTIFICATION

We _____, a title insurance company, as duly licensed in the State of Colorado, hereby certify that we have examined the title to the hereon described property, that we find the title to the property is vested to McCurter Land Company, LLC, an Arkansas Limited Liability company; That the current taxes have been paid; That all mortgages not satisfied or released of record nor otherwise terminated by law are shown hereon and that there are no other encumbrances of record; That all easements, reservations and rights of way of record are shown hereon.

DATE: _____ BY: _____
NAME AND TITLE

LIENHOLDERS RATIFICATION OF PLAT

The undersigned, hereby certifies that it is a holder of a security interest upon the property described as Golden Leaf Estates being property described in security interest(s) according to the public records of Mesa County, Colorado and does hereby join in and consent to the dedication of the land described in said dedication by the owner(s) thereof and agrees that its security interest which is recorded at Reception Number _____ and any amendments thereto in the public records of Mesa County, Colorado shall be subordinated to the dedications shown hereon.

In witness whereof, the said corporation has caused these presents to be signed by its _____, with the authority of its board of directors,

This _____ day of _____, 20____

BY: _____ FOR: _____

(TITLE) (CORPORATE NAME)

STATE OF COLORADO)

COUNTY OF MESA) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____

WITNESS MY HAND AND OFFICIAL SEAL: _____

NOTARY PUBLIC

ADDRESS: _____

MY COMMISSION EXPIRES: _____

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)

) ss

COUNTY OF MESA)

THIS PLAT WAS ACCEPTED FOR FILING IN THE OFFICE OF THE CLERK AND RECORDER OF MESA COUNTY, COLORADO, AT _____O'CLOCK _____M., ON THIS _____ DAY OF _____, 20____ AND WAS RECORDED AT RECEPTION NO. _____

DRAWER NO. _____

AND FEES _____

CLERK AND RECORDER _____ DEPUTY CLERK _____

CITY APPROVAL

THIS PLAT OF GOLDEN LEAF ESTATES, A SUBDIVISION OF THE CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO, IS HEREBY APPROVED AND DEDICATIONS ACCEPTED

THIS _____DAY OF _____, A.D. 20____

CITY MANAGER _____ CITY MAYOR _____

Surveyors Notes:

The ditch that forms the north-westerly boundary of this property may be considered an ambulatory boundary subject to movement due to the action of water and therefor not monumented. The meanders of the ditch between subject parcel and that parcel as recorded at Reception Number 2517276 are based on survey data collected April 2021. The western adjoiners metes and bounds description at Reception Number 2649895 was accepted and held in favor of the flowline location.

This plat is a graphical representation of the professional opinion of the undersigned surveyor of the location of the property as described in the title documents referenced. The bearings of the boundary lines on the drawing represent the title description rotated to grid north of the Mesa County Local Coordinate System (MCLCS) noted above. The geometric integrity of the lines has been preserved except where they yield to record monuments and/or senior or controlling lines.

This survey plat does not constitute a title search by the undersigned surveyor or River City Consultants, Inc. and no certification as to title or ownership of any parcels shown hereon is made by either. All information regarding ownership, rights-of-way easements of record, adjoiners, and other documents that may affect the quality of title to this property is from a title commitment prepared by Land Title Guarantee Company, GJR65047329-9, dated September 26, 2022. Other documents may exist which would affect this property.

SURVEYOR'S STATEMENT

I, Alec K Thomas, a registered Professional Land Surveyor in the State of Colorado, do hereby state that the accompanying plat of Golden Leaf Estates, a subdivision of a part of the County of Mesa, State of Colorado, has been prepared by me and/or under my direct supervision and represents a field survey of the same. This statement is applicable only to the survey data represented hereon, and does not represent a warranty or opinion as to ownership, lienholders, or quality of title. This statement is not a guaranty, either expressed or implied.

Alec K Thomas,
Colorado PLS 38274



215 Pitkin Avenue, Unit 201
Grand Junction, CO 81501
Phone: 970.241.4722
Fax: 970.241.8841
www.rcwest.com

GOLDEN LEAF ESTATES

Southeast Quarter of the Northeast Quarter of
Section 34, Township 1 North, Range 1 West, Ute
Meridian. City of Grand Junction, County of Mesa,
Colorado

Sheet 1 of 2	Date: 3/6/23	Job No. 1071-016
Surveyed: SL6	Drawn: AKT	Checked: NA
Drawing name: S:\PROJECTS\071 Freeway Properties \McCurter\016 26 RD AND 110 FRONTAGE RD\071-016 SUB.DWG		

GOLDEN LEAF ESTATES

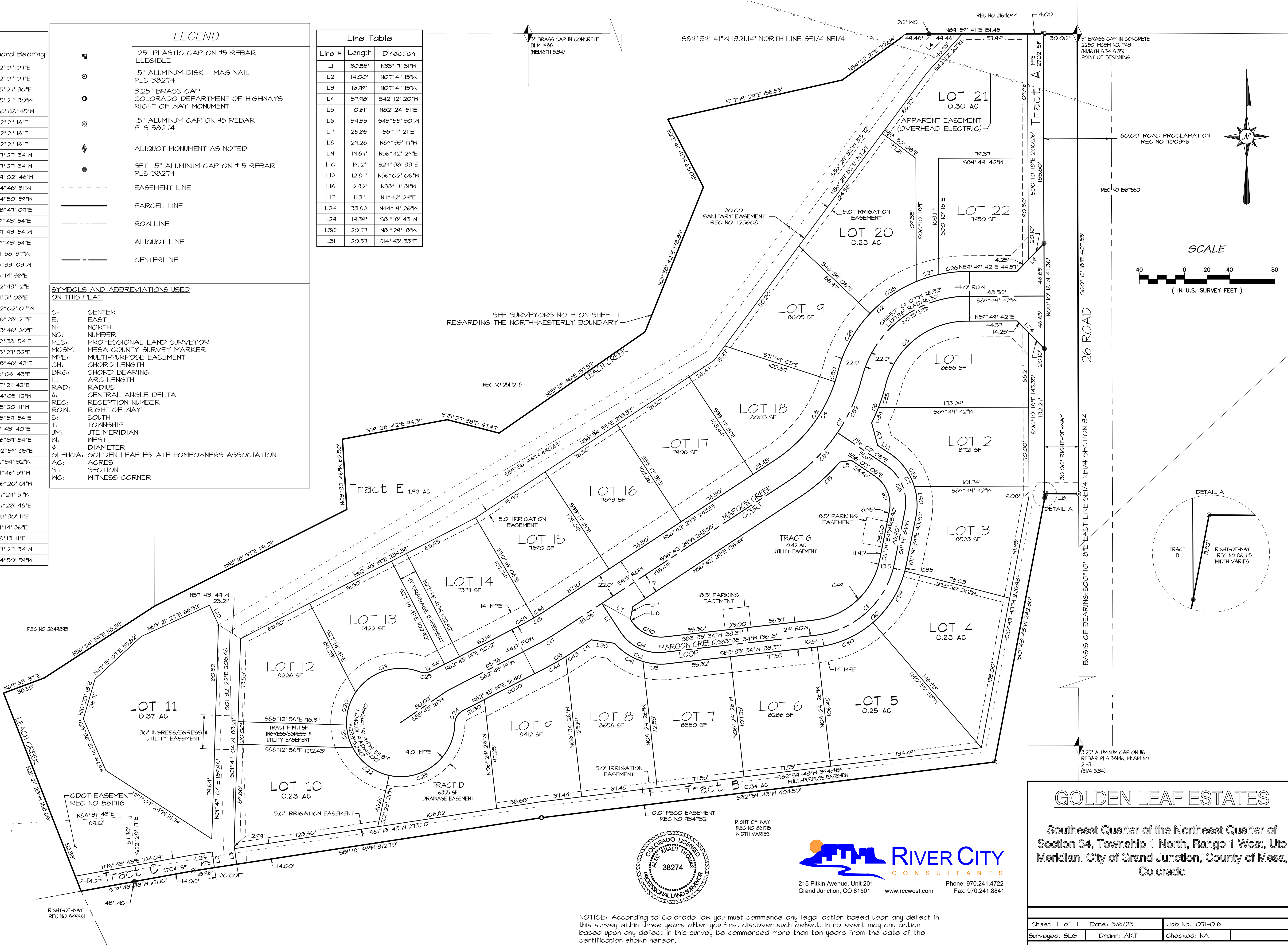
Southeast Quarter of the Northeast Quarter of Section 34, Township 1 North, Range 1 West, Ute Meridian. City of Grand Junction, County of Mesa, Colorado

Curve Table				
Curve #	Length	Radius	Delta	Chord Length
C2	156.40'	118.50'	075°37'11"	145.24'
C3	48.33'	74.50'	075°37'11"	41.34'
C4	47.54'	131.50'	042°24'58"	45.32'
C5	113.86'	153.50'	042°24'58"	111.27'
C6	36.37'	175.50'	011°52'28"	36.31'
C7	58.70'	55.54'	060°24'46"	56.01'
C8	47.03'	40.00'	067°21'40"	44.37'
C9	36.45'	31.00'	067°21'40"	34.38'
C10	114.15'	90.50'	072°16'00"	106.73'
C11	100.40'	80.00'	072°16'00"	94.35'
C12	52.53'	55.00'	054°43'21"	50.56'
C13	22.33'	55.00'	023°15'50"	22.18'
C14	44.06'	40.00'	063°06'55"	41.87'
C15	47.24'	171.00'	015°50'41"	47.14'
C16	24.08'	275.50'	006°02'50"	24.06'
C17	26.76'	253.50'	006°02'50"	26.74'
C18	24.43'	231.50'	006°02'50"	24.42'
C19	64.03'	48.00'	076°25'51"	54.34'
C20	30.51'	48.00'	036°25'12"	30.00'
C21	21.04'	48.00'	025°10'11"	20.42'
C22	41.71'	48.00'	044°46'55"	40.41'
C23	84.68'	48.00'	101°04'25"	74.12'
C24	14.48'	13.50'	061°26'22"	13.74'
C25	11.18'	13.50'	047°26'17"	10.86'
C26	25.05'	118.50'	012°06'45"	25.00'
C27	20.46'	118.50'	010°08'06"	20.43'
C28	50.12'	118.50'	024°13'51"	44.75'
C29	60.27'	118.50'	024°13'51"	54.62'
C30	8.74'	131.50'	003°48'24"	8.74'
C31	88.80'	131.50'	038°41'34"	87.13'
C32	52.43'	153.50'	019°45'23"	52.67'
C33	60.43'	153.50'	022°44'35"	60.53'
C34	14.81'	175.50'	004°50'04"	14.81'
C35	21.56'	175.50'	007°02'18"	21.55'
C36	37.14'	55.00'	038°44'26"	36.48'
C37	27.47'	55.00'	028°37'15"	27.19'
C38	5.00'	40.50'	003°04'56"	5.00'
C39	54.62'	40.50'	034°34'51"	53.80'
C40	54.52'	40.50'	034°31'06"	53.70'
C41	30.20'	55.00'	031°27'30"	24.82'
C43	7.42'	275.50'	001°32'35"	7.42'
C44	21.66'	275.50'	004°30'15"	21.65'
C45	12.22'	231.50'	003°01'25"	12.22'
C46	12.22'	231.50'	003°01'25"	12.22'
C44	83.88'	66.50'	072°16'00"	78.43'
C50	34.15'	31.00'	063°06'55"	32.45'

LEGEND	
■	1.25" PLASTIC CAP ON #5 REBAR ILLEGIBLE
○	1.5" ALUMINUM DISK - MAG NAIL PLS 38274
○	3.25" BRASS CAP COLORADO DEPARTMENT OF HIGHWAYS RIGHT OF WAY MONUMENT
⊗	1.5" ALUMINUM CAP ON #5 REBAR PLS 38274
⚡	ALIQUOT MONUMENT AS NOTED
●	SET 1.5" ALUMINUM CAP ON #5 REBAR PLS 38274
---	EASEMENT LINE
---	PARCEL LINE
---	ROW LINE
---	ALIQUOT LINE
---	CENTERLINE

SYMBOLS AND ABBREVIATIONS USED ON THIS PLAT	
C:	CENTER
E:	EAST
N:	NORTH
NO:	NUMBER
PLS:	PROFESSIONAL LAND SURVEYOR
MCSM:	MESA COUNTY SURVEY MARKER
MPE:	MULTI-PURPOSE EASEMENT
CH:	CHORD LENGTH
BRG:	CHORD BEARING
L:	ARC LENGTH
RAD:	RADIUS
Δ:	CENTRAL ANGLE DELTA
REC:	RECEPTION NUMBER
ROW:	RIGHT OF WAY
S:	SOUTH
T:	TOWNSHIP
UM:	UTE MERIDIAN
W:	WEST
Ø:	DIAMETER
GLEHOA:	GOLDEN LEAF ESTATE HOMEOWNERS ASSOCIATION
AC:	ACRES
S:	SECTION
WC:	WITNESS CORNER

Line Table		
Line #	Length	Direction
L1	30.58'	N83°17'31"W
L2	14.00'	N07°41'15"W
L3	16.94'	N07°41'15"W
L4	37.98'	S42°12'20"W
L5	10.61'	N82°24'51"E
L6	34.35'	S43°58'50"W
L7	28.85'	S61°11'21"E
L8	24.28'	N84°33'17"W
L9	14.67'	N56°42'24"E
L10	14.12'	S24°38'33"E
L12	12.87'	N56°02'06"W
L16	2.32'	N83°17'31"W
L17	11.31'	N11°42'29"E
L24	33.62'	N44°14'26"W
L29	14.34'	S81°18'43"W
L30	20.77'	N81°29'18"W
L31	20.57'	S14°45'33"E



Boundary monuments shall be set in concrete.

Lineal Units of Measurement are U.S. Survey Foot.

Vertical data is referenced to NAVD88.

MCLCS ZONE "GVA"

TRANSVERSE MERCATOR PROJECTION

POINT OF ORIGIN (SNO) AND CENTRAL MERIDIAN:

LATITUDE: 39°06'22.12146N

LONGITUDE: 108°32'01.43552W

NORTHING: 50,000FT

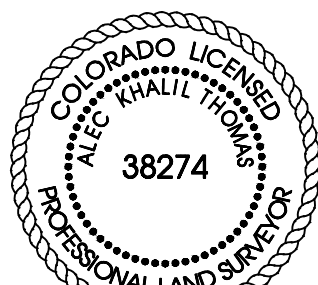
EASTING: 100,000FT

SCALE FACTOR: 1.0002181748

PROJECT/SCALE FACTOR HEIGHT: 4644FT(NAVD88)

BASIS OF BEARINGS

The bearings hereon are grid bearings of the Mesa County Local Coordinate System, GVA, as defined at http://emap.mesacounty.us/gps_survey/GVAZONE.htm, determined by GPS observation of a 3" brass cap marked COUNTY SURVEY MARKER NO. 743 for the north sixteenth corner of said Section 34 and Section 35, whence a 3.25" aluminum cap on #6 rebar marked MESA COUNTY SURVEY MARKER NO. 21-3 for the east quarter corner of said Section 34 bears South 00°10'18" East as shown hereon.



RIVER CITY
CONSULTANTS

215 Pitkin Avenue, Unit 201
Grand Junction, CO 81501

Phone: 970.241.4722
Fax: 970.241.8841

www.rcwest.com

GOLDEN LEAF ESTATES

Southeast Quarter of the Northeast Quarter of
Section 34, Township 1 North, Range 1 West, Ute
Meridian. City of Grand Junction, County of Mesa,
Colorado

Sheet 1 of 1	Date: 3/6/23	Job No. 1071-016
Surveyed: SLG	Drawn: AKT	Checked: NA
Drawing name: S:\PROJECTS\1071 Freeway Properties (R\Center)\2016 20 RD AND 170 FRONTAGE RD\Survey\1071-016-SUB.dwg		

APPRAISAL REPORT

NE Corner 26 Road & I-70 Frontage Road
Grand Junction, Colorado 81505



Effective Date of Valuation:	December 15, 2021
Date of the Report:	December 20, 2021
Prepared For:	Mr. Jim McCurter McCurter Land Company, LLC

Prepared by:

Nisley & Associates, Inc.
2764 Compass Drive, Suite 238
Grand Junction, Colorado 81506
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JOHN W. NISLEY, MAI, SRA
REAL ESTATE APPRAISER & CONSULTANT
2764 Compass Drive, Suite 238
GRAND JUNCTION, COLORADO 81506
PHONE (970) 242-8076



December 20, 2021

Mr. Jim McCurter
McCurter Land Company, LLC
2458 Home Ranch Court
Grand Junction, CO 81505

Re: Appraisal report on approximately 8.8 acres on the Northeast corner of 26 Road & I-70 Frontage Road in Grand Junction, CO

Dear Mr. McCurter:

As requested, I have completed an Appraisal Report on approximately 8.8 acres of land on the Northeast corner of 26 Road & I-70 Frontage Road in Grand Junction, Colorado. The property was inspected on December 15, 2021. Attached hereto is my report containing data gathered during my investigation upon which, in part, my opinion of value is based.

Based on the data and assumptions contained in the report, it would be my opinion that the Market Value for the fee simple interest in the subject property would be:

Subject Property	Market Value
NE corner of 26 Rd. & I-70 Frontage Road in Grand Junction, CO	\$300,000.00

In this appraisal, there has been no investigation of any liens which may or may not be in existence. My work has to do only with the estimate of value. It is expressly understood that the scope of my study and report thereon does not include the possible impact of price controls, energy requirements or environmental regulations, licensing requirements or other restrictions concerning the property except where such matters have been brought to my attention and are disclosed in the report.

No extraordinary assumptions or hypothetical conditions were made in the valuation of the property.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "John W. Nisley".

John W. Nisley, MAI, SRA (A.I.)
Certified General Appraiser
Colorado - # CG01313453
License Expiration - 12/31/21

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INTRODUCTION

Identification of Property

The property to be appraised in this report consists of approximately 8.8 acres on the Northeast corner of 26 Road & I-70 Frontage Road in Grand Junction, Colorado. The property has some old improvements that will be removed as part of the development of the project. A more detailed description of the property will be included later in the report. The property is under the ownership of Louise A. Miller; however, the property is under a contract to sell to McCurter Land Company, LLC.

Legal Description

The legal description from the ordinance for rezoning is as follows:

THAT PT OF SE4NE4 SEC 34 1N 1W N OF I-70 + E OF LEACH WASH

ASSIGNMENT CONDITIONS

Client and Intended Users

The client of this appraisal report is Mr. Jim McCurter, for McCurter Land Company, LLC. The intended users of the report include the client of the report and the City of Grand Junction Development Department for use in their determination of open space fees. No other users are intended by the appraiser.

Intended Use

The intended use of this appraisal report is to aid in, or support decisions related to the requirement for determination of open space fees on the property for the City of Grand Junction.

Effective Date of the Appraisal

The date the appraisal applies is as of December 15, 2021, the date of inspection by the appraiser.

Date of the report

The date of the report is December 20, 2021.

Type of Value and Source

The type of value estimated in this appraisal is the Market Value of the subject property on an "as is" basis. For the purpose of this report, Market Value is defined as follows:

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.

Implicit in this definition is consummation of a sale as of a specified date and passing of title from seller to buyer under conditions whereby:

Buyer and seller are typically motivated;

Both parties are well informed or well advised and each acting in what he considers his own best interest;

A reasonable time is allowed for exposure in the open market;

Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and

The price represents a normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."

This definition is from regulations published by the Federal Regulatory Agencies pursuant to Title XI of the Financial Institution's Reform, Recovery, and Enforcement Act (FIRREA) of 1989 between July 5, 1990, and August 24, 1990, by the Federal Reserve System (FRS), National Credit Union Administration (NCUA), Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and the Office of Comptroller of the Currency (OCC). This definition is also referenced in regulations jointly published by the OCC, OTS, FRS, and FDIC on June 7, 1994, and in the Interagency Appraisal and Evaluation Guidelines, dated December 2, 2010.

Property Rights Appraised

The property rights appraised in this report are the Fee Simple Estate rights of ownership. According to the 6th edition of the Dictionary of Real Estate Appraisal, the fee simple estate is defined as the *"absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat."*

Extraordinary Assumptions/Hypothetical Conditions

An extraordinary assumption is defined as "an assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser's opinions or conclusions."

A hypothetical condition is defined as "a condition that is presumed to be true when it is known to be false; a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results but is used for the purpose of analysis".

For the purpose of this report, I am making no extraordinary assumptions, but a hypothetical condition is assumed in that we are assuming no improvements exist, even though there are some improvements. The property is zoned R-4 in the City of Grand Junction.

SCOPE OF WORK

In order to complete this appraisal assignment, it was necessary to complete several steps to obtain data and information regarding the subject property, as well as market data which reflect the motivations and reactions of active buyers and sellers in the local marketplace for this type of property. The steps in the valuation process include:

- Defining the appraisal problem, including identification of the property to be appraised, as well as the property rights appraised. This step also includes identifying the effective date of appraisal and the purpose and uses of the appraisal.
- Preliminary analysis and data selection and collection, including both specific and general information regarding the subject property and comparable market data, primarily from an investigation of public records and deeds, a physical inspection of the subject property, drive-by/exterior inspections of the comparables, and confirmation of the sales.
- Parameters and extent of data research are detailed in each applicable section of the appraisal report.
- Highest and Best Use analysis, which usually includes both the study of the site, as though vacant and available to be used at its highest and best use, and a study of the property as improved.
- Analysis of the applicability of the three approaches to value (the Cost Approach, the Market Data/Sales Comparison Approach, and the Income Approach) to the appraisal problem followed by the valuation analysis using the appropriate techniques. All these approaches will be discussed in the valuation of the subject. The extent of the process of collecting, confirming and reporting data includes interviews with realtors in the area, sales and income data available from public records, as well as interviews with property owners and/or tenants, data gathered from the Assessor's and Treasurer's offices, as well as the Clerk and Recorder's office or title company.

We have tried to confirm all market data used in the development of these three approaches to value with the buyer, seller or realtor involved in the transaction. This is not always possible, however. A good faith effort has been made by us in collecting, confirming and reporting all available market data. The only limitation regarding market data for is the scarcity of data within the marketplace. There have been no limitations placed on us with regard to the collection, confirmation and reporting of market data available by the client or other parties.

- Reconciliation of the value indications, correlating the approaches to value in order to arrive at a final value estimate.
- The last step is communication of the analysis and conclusions, in this case, the form of a written report.

The appraisal report is not intended to be misleading in any manner. If there are any questions concerning the appraisal report, these questions should be directed to the appraiser.

The subject property was inspected as follows:

Appraiser	Extent of Inspection	Date Inspected
John W. Nisley, MAI, SRA	Site visit	December 15, 2021

The subject property consists of vacant land on the northeast corner of 26 Road and the Interstate 70 Frontage Road in Grand Junction, Colorado. The scope of work of this assignment includes the determination of the market value of the property on an “as is” basis. In the valuation of the property, the Sales Comparison Approach to value has been utilized. There is not enough information available to support an Income Approach or a Subdivision Analysis Approach, and this approach was not developed. The Cost Approach to value uses the Sales Comparison Approach for vacant land and, since no above-grade improvements are considered, the Cost Approach has not been developed. The lack of development of these approaches has not impacted the value presented in this report.

EXPOSURE AND MARKETING TIME

Exposure time is the concept of the period of time in the past that would be assumed the subject would have been listed prior to the date of valuation in order to sell at the appraised price. This is based on exposure in the open market and the time frame which other sales have occurred.

Marketing time is the concept of the future time frame required to sell the property after the date of value at the appraised price. Based on the information presented in this report, I have concluded a reasonable exposure and marketing time for the subject to be less than one year.

TAX AND ASSESSMENT DATA

The subject property is located under the Mesa County taxing jurisdiction. The property is assessed as parcel number 2701-341-00-016, with Account Number R018679. Tax information is as follows:

Year	Property Code	Improvements (Actual)	Land (Actual)	Total (Actual)	Improvements (Assessed)	Land (Assessed)	Total (Assessed)	TAC Code	Mill Levy/1000	Water Assessment	Property Tax & Water
2021	2135_2235	\$10,950	\$277,000	\$287,950	\$3,180	\$80,330	\$83,510	14100	0.0668490	\$0.00	*\$5,582.56
2020	2135_2235	\$10,640	\$184,950	\$195,590	\$3,090	\$53,640	\$56,730	14100	0.0668490	\$0.00	\$3,792.36
2019	2135_2235	\$10,640	\$184,950	\$195,590	\$3,090	\$53,640	\$56,730	14100	0.0632190	\$0.00	\$3,586.40

The tax burden is estimated to be \$5,582.56 on the entire property for 2021, however, the mill levy will not be determined until December of 2021. There are no past due taxes, with the taxes paid in full for 2020.

PERSONAL PROPERTY

No personal property is included in the valuation of the property.

HISTORY OF THE PROPERTY

The subject property has not sold during the last 3 years. The property has been rezoned from R-1 to R-4. The property is currently under contract from Louise A. Miller to McCurter Land Company, LLC at an overall price of \$300,000.00. The property went under contract in April of 2021. The closing is to occur within 15 days of Plat approval.

MARKET DATA

Area Overview

The subject property is located along 26 Road in northwest Grand Junction, Colorado. The City of Grand Junction is located approximately 250 miles west of Denver, along Interstate-70. Grand Junction is the county seat of Mesa County. According to the most recent Colorado Mesa University Economic Update (Q4,2020), the current unemployment rate of Mesa County is 6.7%. Overall employment numbers suggest a significant increase since the start of the pandemic in April 2020 when unemployment reached approximately 10.5%.

LOCAL ECONOMIC INDICATORS

	Q3 2020	Q2 2020	Q3 2019	change since last quarter	change since last year (comparable quarters)
Local Labor Market					
Unemployment Rate Mesa County -SA	6.70%	10.50%	3.30%	-3.80%	3.40%
Unemployment Rate Mesa County -NSA	6.30%	10.60%	3.10%	-4.30%	3.20%
Unemployment Rate Colorado -SA	6.80%	11.00%	2.60%	-4.20%	4.20%
Unemployment Rate U.S. -SA	8.80%	13.00%	3.60%	-4.20%	5.20%
Labor Force	77,580	76,373	76,947	1207	633
Employed	72,700	68,272	74,553	4,427	-1,853
Unemployed	4,880	8,101	2,394	-3,220	2,487
Business Confidence					
Leeds Colorado Business Confidence	47.9	44.3	46.9	8.13%	2.13%
Sales/Use Taxes					
	2020		2019		
City Sales/Use Taxes (YTD)	\$41,338,000		\$43,282,227		-4.49%
Mesa County Sales/Use Tax (YTD)	\$29,587,641		\$28,442,455		4.03%
City Lodging Tax Revenue (YTD)	\$1,675,337		\$2,719,613		-38.40%
Business Filings					
	2020 (YTD)		2019 (YTD)		
Mesa County New Business Entity Filings (YTD, as of August)	1,835		1,810		1.38%

CMU Q4,2020 Economic Update

Table 2:
Monthly Unemployment Rates (Non-seasonally adjusted)

	February	March	April	May	June	July	August	September	October
Mesa	4.1%	7%	12.6%	9.1%	10.1%	7%	6.2%	5.7%	5.7%
Montrose	3.6%	7.5%	12.3%	9.3%	10.4%	6.5%	5.5%	5.3%	5.1%
Delta	4.2%	7.9%	10%	8%	9.7%	6.2%	5.8%	5.6%	5.3%
Garfield	3.3%	6%	13.7%	10.1%	9.7%	6.3%	5.8%	5.4%	5.5%
Colorado	2.5%	5.2%	12.2%	10.2%	10.6%	7.4%	6.7%	6.4%	6.4%
U.S.	3.8%	4.5%	14.4%	13%	11.2%	10.5%	8.5%	7.7%	6.6%

Figure 1:
Employment (Sept-20 through Oct-20)

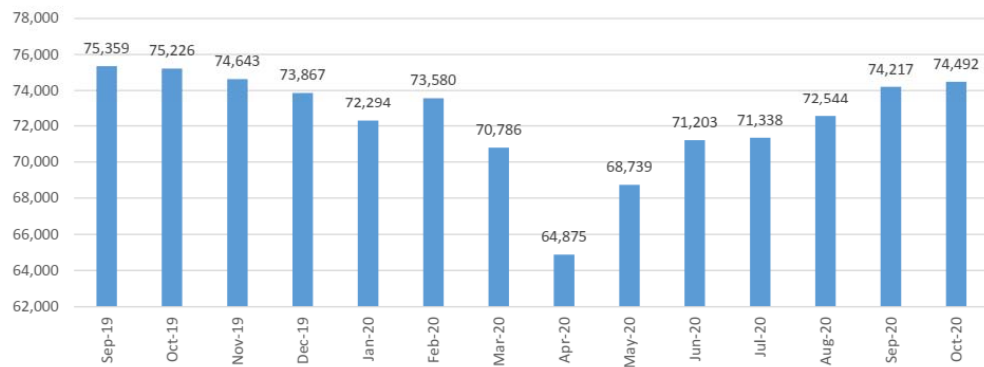


Figure 2:
Unemployment (Sept-20 through Oct-20)

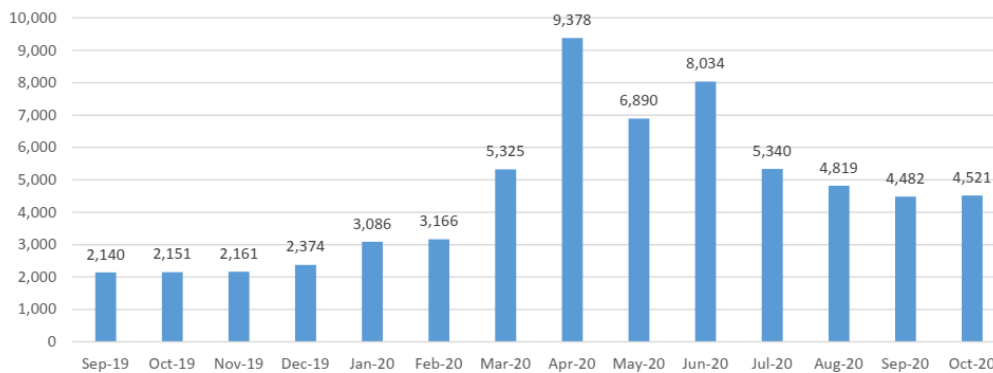


Figure 3:
Initial and Continued Unemployment Claims March
through November 2020

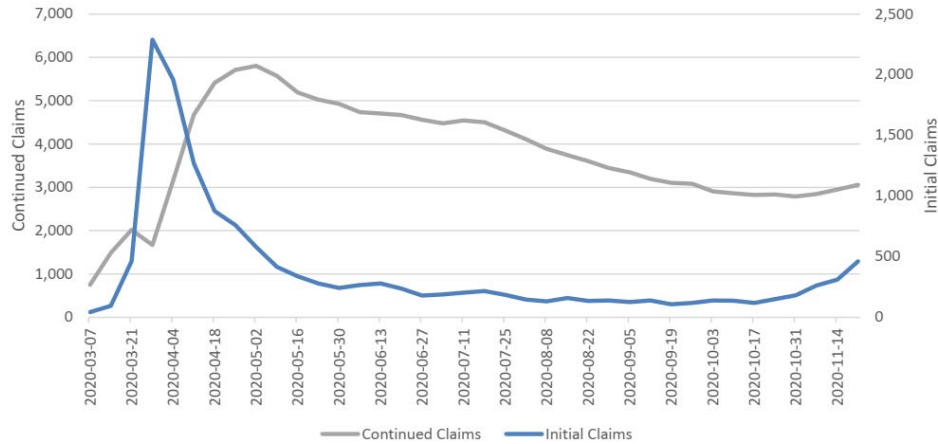
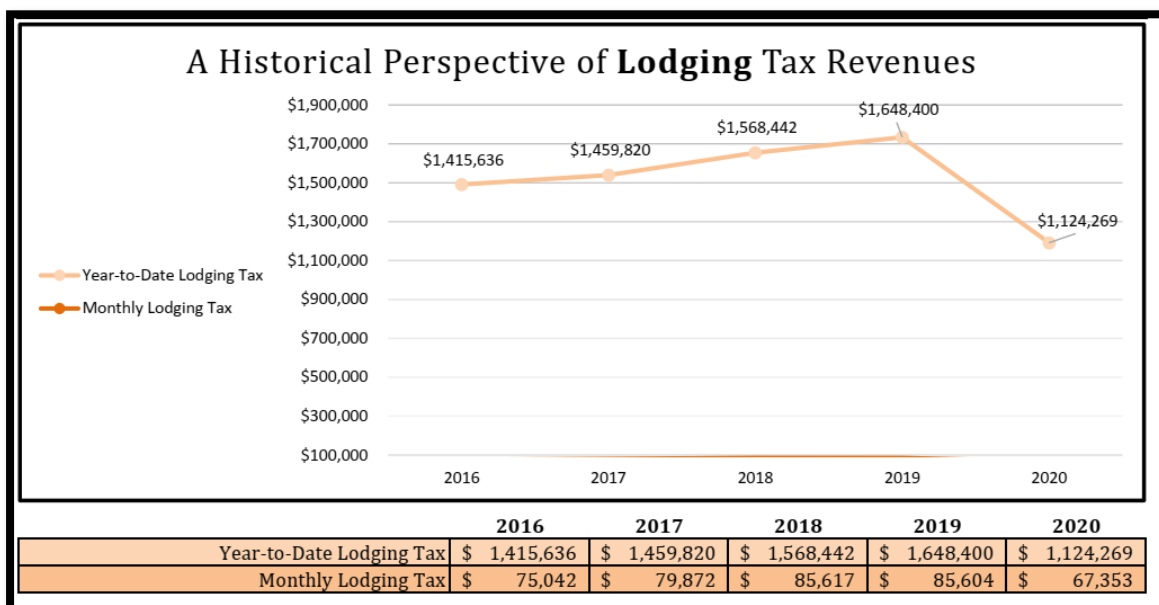


Table 4:
Quarterly Census of Employment and Wages (QCEW) Q2 2020 Compared to Q2 2019

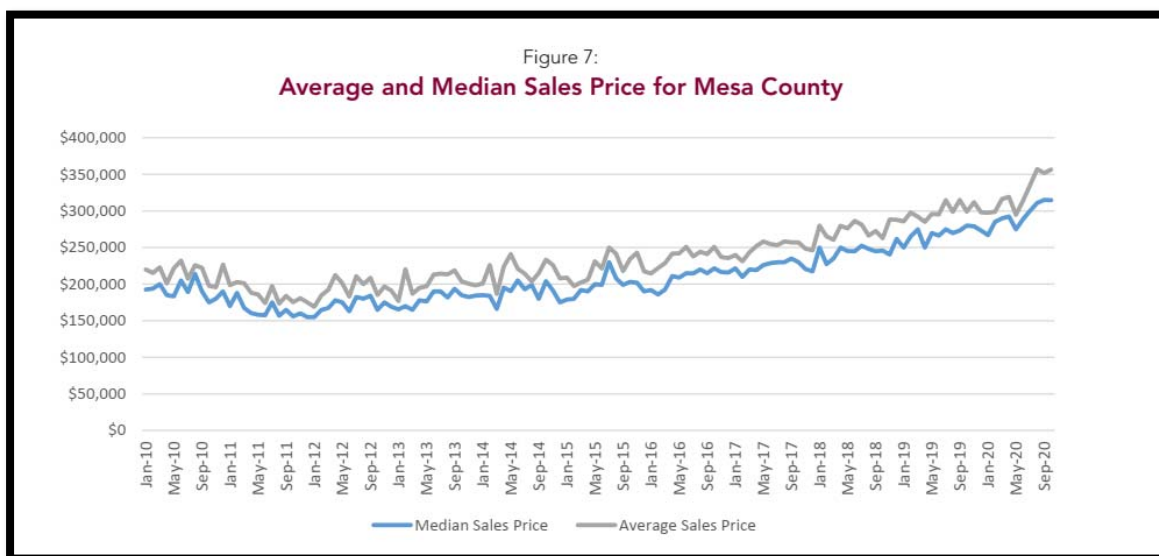
Sector	Average Employment Q2 2020	Total Quarterly Wages (Q2 2020)	Average Weekly Wage (Q2 2020)	Total Employment Change (Q2 2019 to Q2 2020)	Total Wage Change (Q2 2019 to Q2 2020)
Total, All Industries	57,577	\$668,362,609	\$893	-6,466	-\$48,301,482
Health Care and Social Assistance	12,068	\$152,090,040	\$969	-32	\$170,441
Retail Trade	7,634	\$69,008,890	\$695	-591	\$2,811,356
Construction	4,702	\$62,035,803	\$1,015	-465	-\$6,338,345
Educational Services	4,722	\$51,401,495	\$837	-205	\$974,806
Public Administration	3,294	\$44,688,758	\$1,044	-158	\$2,386,241
Finance and Insurance	1,884	\$38,447,462	\$1,570	-52	\$5,196,560
Manufacturing	2,833	\$32,556,617	\$884	-273	-\$3,783,225
Professional and Technical Services	2,221	\$31,426,133	\$1,088	-86	-\$344,668
Transportation and Warehousing	2,336	\$30,999,876	\$1,021	-198	-\$2,717,600
Wholesale Trade	2,176	\$29,861,729	\$1,056	-259	-\$4,646,579
Accommodation and Food Services	5,185	\$27,215,863	\$404	-1,790	-\$9,346,046
Administrative and Waste Services	2,581	\$24,633,805	\$734	-302	-\$901,433
Mining	1,055	\$22,770,063	\$1,660	-1,168	-\$28,671,460
Other Services, Ex. Public Admin	1,634	\$13,928,072	\$656	-249	-\$1,716,099
Real Estate and Rental and Leasing	931	\$10,231,663	\$845	-117	-\$281,456
Information	633	\$7,710,964	\$937	-54	-\$112,953
Utilities	355	\$6,504,964	\$1,410	13	\$33,029
Agriculture, Forestry, Fishing & Hunting	572	\$6,110,385	\$822	1	\$611,122
Arts, Entertainment, and Recreation	619	\$3,367,200	\$418	-463	-\$1,568,504
Management of Companies and Enterprises	139	\$3,158,436	\$1,748	-2	-\$67,649

SOURCE: Colorado Department of Labor and Employment (QCEW). The most recent quarterly data available is reported.

As would be expected, the largest share of unemployment claims has come from the retail trades, restaurants, and accommodations. As can be seen on the following City of Grand Junction sales tax revenue report (12/2020), there was a significant decline in tax revenue generated in 2020. Again, these declines are expected based on current restrictions and the economic climate.



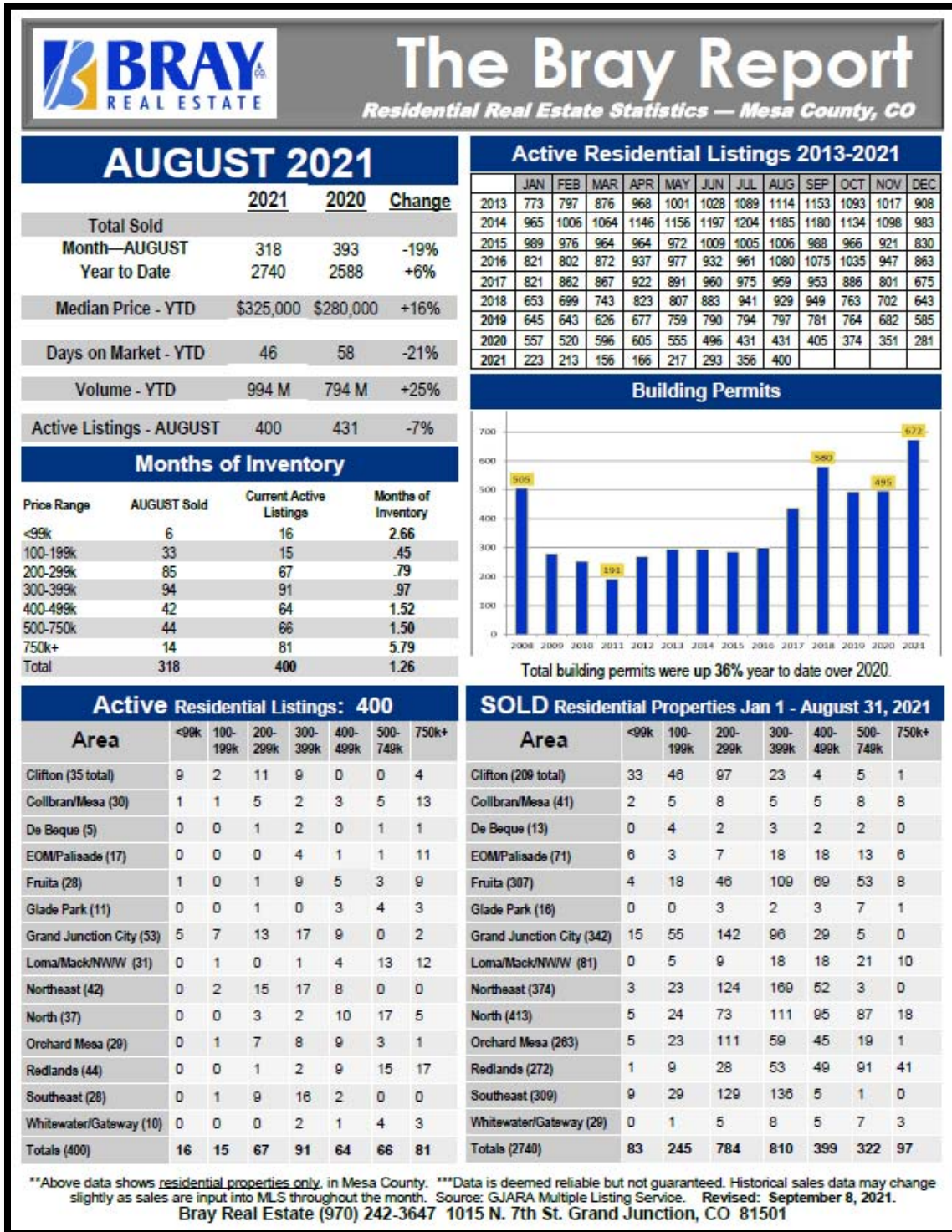
Although there are significant declines in revenue, there has not been a decline in demand or price in the City of Grand Junction residential market.



As can be seen, there has been steadily increasing values in the average and median sales prices for Mesa County. This is due to a variety of factors including low interest rates, limited inventory, and new demand from populations moving from more urban markets to the Grand Valley. Interest rates are not expected to increase in the near term. Although there is the risk of inflation due to current monetary

policy, the Federal Reserve targets inflation to be approximately 2%. Based on market research from Vonda and CBRE, inflation is not expected to reach this threshold in the near term.

Kevin Bray, with Bray Real Estate publishes monthly reports on the single-family residential market for the City of Grand Junction. The most recent report (Q3, 2021) includes the following data:



As can be seen, even considering the impact of the virus, the number of new building permits increased 36% in 2021, in a year-to-date comparison. The amount of inventory at year end was less than 1 month for every price category between \$100k and \$399k.

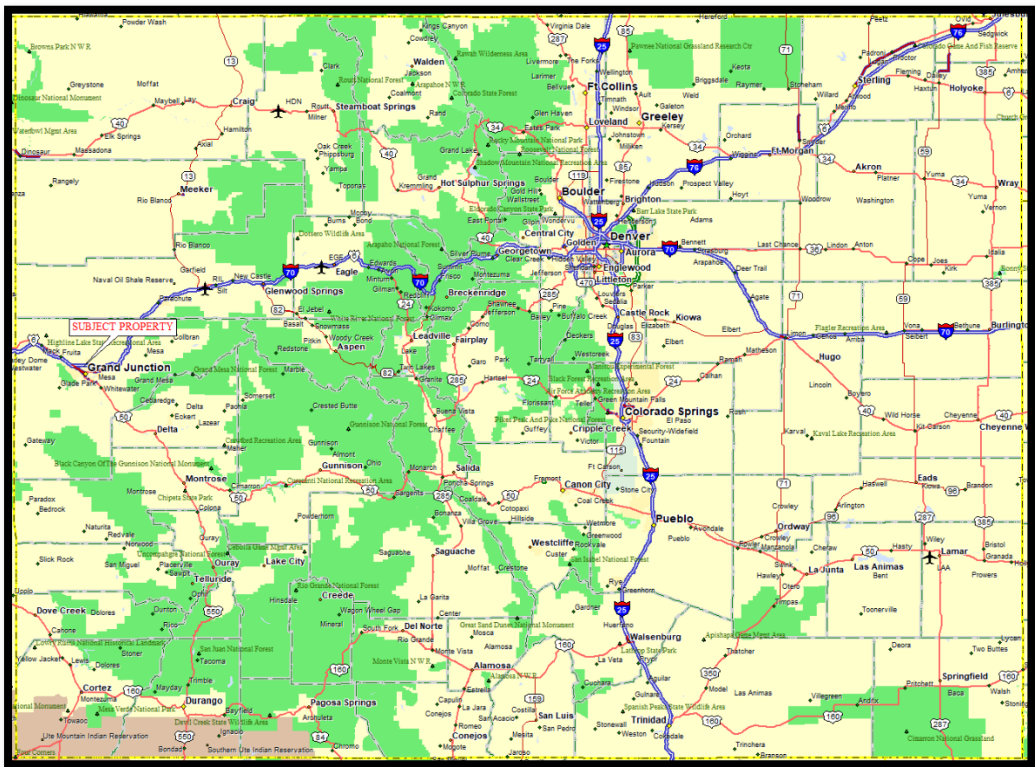
Overall, the single-family residential market in Grand Junction is strong and as long as demand remains steady, and inventory and interest rates remain low, housing prices can be expected to continue increasing. Values will likely increase until a point in which buyers are capped by local wages (which have remained stable).

COVID-19 Impact

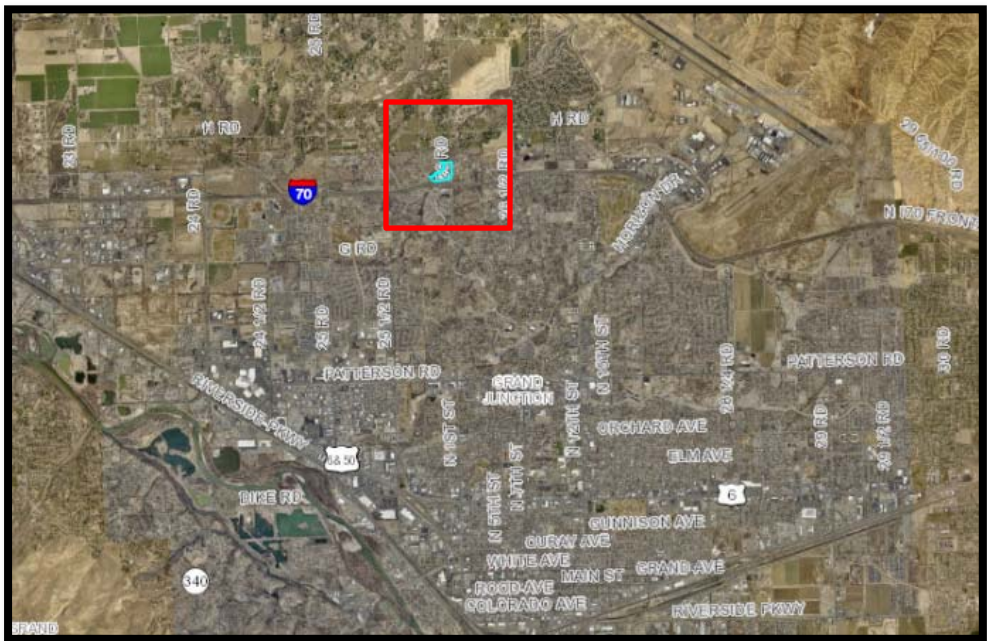
The World Health Organization (WHO) declared a coronavirus pandemic on January 30, 2020. During the week of March 9, 2020, the United States began to deal with the physical and financial impacts of the Wuhan Virus.

As of the effective date of value in this assignment, it was premature to gauge the long-term impact this may have on real estate values and how the capital markets will respond to this unprecedented situation. Market data in the Grand Junction area do not provide support for a market value trend due to closures and restrictions caused by the virus. Most recently, mask mandates have been enacted by companies with over 100 employees, and these mandates are resulting in a number of employees being fired for not receiving the Covid-19 vaccinations. This is not being received well by large numbers of employees. Additionally, the lack of available employees is having an impact on many service businesses, such as restaurants, who are sometimes closing for one to two days per week to allow existing employees some time off. The long-term impact of these policies is yet to be seen.

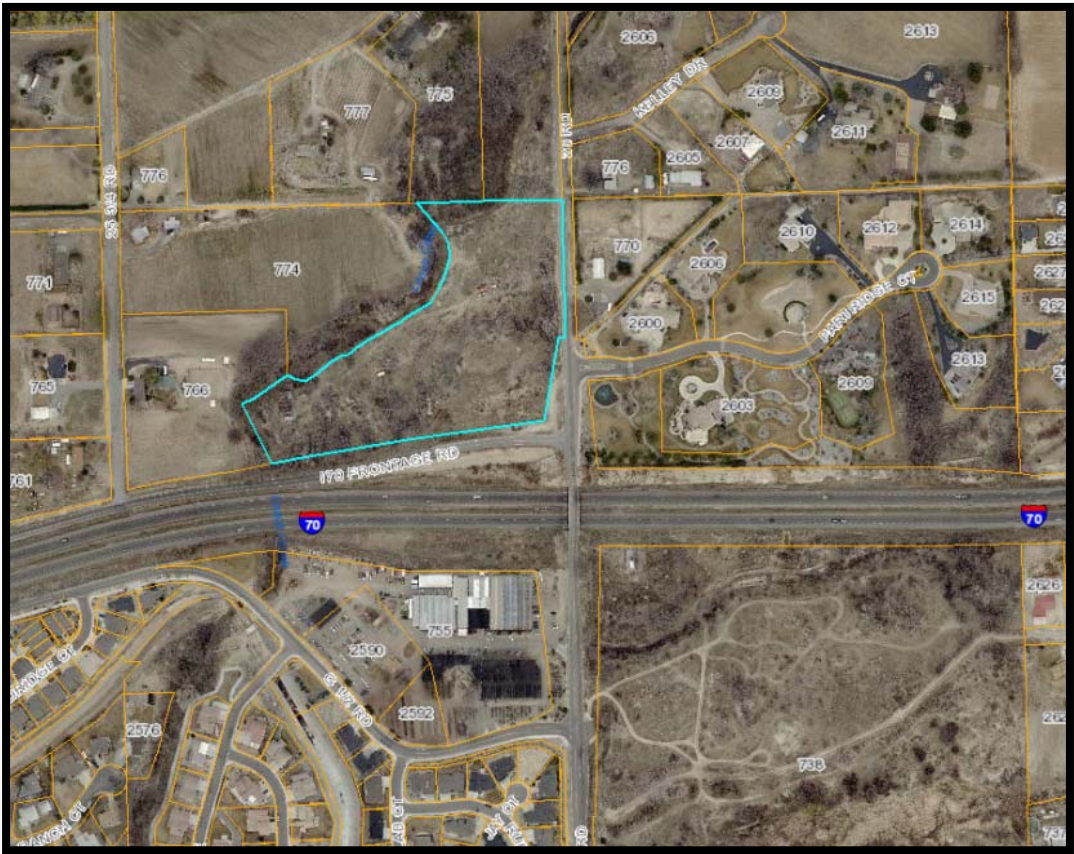
STATE MAP



CITY AERIAL



AREA AERIAL



SITE DESCRIPTION

According to the assessor's records, the subject property contains 8.8 acres. The property is presently vacant but has some storage buildings onsite. These are older farm buildings, but I did not drive into the property since it had a locked chain in place. The subject could be developed for around 35 units, based on the density of the R-4 zone, and would be served by public utilities. Uses could include single family detached dwellings, and duplexes.

SUBJECT AERIAL



SUBJECT ZONING



ZONING

The subject property is shown as R-4 above. The following is from the City of Grand Junction Development Code:

R-4: Residential – 4.

(1) Purpose. To provide for medium-low density single-family and two-family residential uses where adequate public facilities and services are available.

(2) Performance Standards. Development shall conform to the standards established in this code.

(i) The creation of a two-family dwelling via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two manufactured homes shall not constitute a two-family dwelling.

(ii) For the purpose of calculating density on parcels smaller than five acres, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.

1 /

The following is from the development code with specific lot information.

Residential District Summary Table

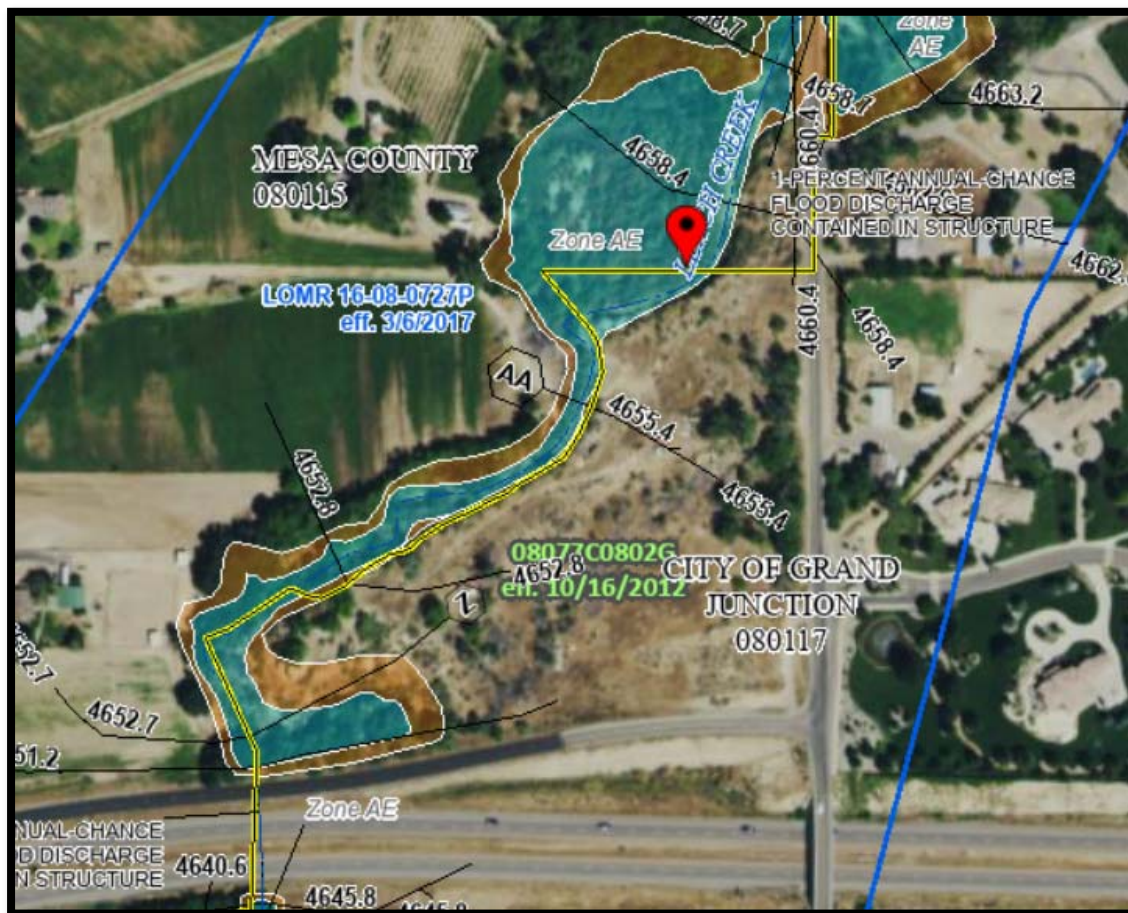
	RR	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24
Lot										
Area (min. ft. unless otherwise specified)	5 acres	1 acre	30,000	15,000	7,000	4,000	3,000	n/a	n/a	n/a
Width (min. ft.)	150	100	100	100	70	40	40	30	30	30
Frontage (min. ft.)	50	50	50	50	20	20	20	20	20	20
Frontage on cul-de-sac (min. ft.)	30	30	30	30	n/a	n/a	n/a	n/a	n/a	n/a
Setback										
Principal structure										
Front (min. ft.)	20	20	20	20	20	20	20*	20*	20*	20*
Side (min. ft.)	50	15	15	15	7	5	5	5	5	5
Rear (min. ft.)	50	30	30	30	25	15	10	10	10	10
Accessory structure										
Front (min. ft.)	25	25	25	25	25	25	25	25	25	25
Side (min. ft.)	50	5	3	3	3	3	3	3	3	3
Rear (min. ft.)	50	10	10	5	5	5	5	5	5	5
Bulk										
Lot coverage (max.)	5%	15%	20%	30%	50%	60%	70%	75%	75%	80%
Height (max. ft.)	35	35	35	35	40	40	40	60	60	72
Density (min. units per acre)	n/a	n/a	n/a	n/a	2	3	5.5	8	12	16
Density (max. units per acre)	1 unit / 5 acres	1	1	2	4	5.5	8	12	16	n/a
Cluster allowed	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No

The density allowed is from 2 units per acre up to 4 units per acre, with lot size requirements having a minimum of 7,000 square feet.

Overall, the site is irregular in topography, sloping downward toward the west, and drainage appears to be adequate. There are no known or apparent settlement-related, structural, or water-damage problems associated with the subject's surrounding neighborhood. Utilities are typical of the area.

Flood Zone

The subject is located in Zone AE along Leach Creek, within the 500 year flood plain, and within the 100 year flood plain with depths of less than 1 foot. This is only on the west side of the property with the majority of the property in Zone X, an area of minimal flood hazard. The property is shown in Community Panel number 08077C0802G, with a map revision date of October 16, 2012.



A summary of the subject characteristics is as follows:

SITE CHARACTERISTIC SUMMARY	
Location	
Town:	Grand Junction
Section, Township, Range:	Section 34 1N, 1W
Lot, Block:	NA
Subdivision:	NA0- metes & bounds
Market Type:	Tertiary
Submarket Type:	Suburban
Location Description:	The subject property is located on 26 Road, north of I-70
Location Classification:	Good
Size	
Land Area (Square Footage):	Approximately 383,328
Total Land (Acres):	8.8
Land Description:	Residential
Land To Building Ratio	NA
Site Coverage Ratio:	NA
Surplus Land Description:	NA
Access:	
Primary Frontage Type:	Secondary street
Access Classification:	Good, frontage on 26 Road and I-70 Frontage Road
Access Description:	Adequate and typical of the market
Encumbrances:	
Adverse Easements, Encumbrances, Or Rights-of-way:	None Noted
Nuisances, hazards, environment issues:	None Noted
Zoning:	
Zoning Jurisdiction:	City of Grand Junction
Zoning Code:	R-4
Permitted Uses:	Residential
Zoning Comments:	The area has mostly residential uses north and south on 26 Rd.
Conformity Conclusion:	Can be developed for residential use
Site Characteristics:	
Shape:	Irregular- access on 26 Road
Topography:	Rolling
Flood Zone:	Zone X and AE on west side
Flood Map Number:	08077C0802G
Flood Map Effective Date:	10/16/2012
Flood Plain Description:	Area of minimal flood hazard
Grade:	At Street Grade on East, slopes down to West
Drainage:	Adequate
Land Cover:	Dirt
Type of Land:	Residential
Available Utilities:	Water, Sewer, Electricity, telephone, natural gas, and cable service available
Utilities Description:	Utilities are adequate and typical
Site is Functionally Adequate for Use:	Yes

SITE DESCRIPTION CONCLUSION

Overall, the subject site has adequate functional utility for residential use. The site has adequate drainage, utilities which are reported to be sufficient to serve the property to its highest and best use and is not unduly restricted by easements or rights-of-way. The site amenities are considered typical of the area. There are no known nuisances, hazards, or environmental issues known or observed as of the effective date of value.

SUBJECT PHOTOGRAPHS

From 26 Road, near south side of subject



From 26 Road near north end of property



From 26 Road, near center of property



From I-70 Frontage Road



HIGHEST AND BEST USE

Process – The highest and best use of the property must be determined for both the subject site as though vacant and for the property as currently improved (if applicable). The highest and best use is:

1. Physically possible for the site.
2. Permitted or reasonably probable under the zoning laws and deed restrictions that apply to the site.
3. Economically feasible.
4. The use which will produce the highest net return on investment (i.e., highest value) from among the possible, permissible, and economically feasible uses.

Highest and Best Use (Site as if Currently Vacant)

Physically Possible Use - The subject parcel is adequately served by utilities and has an adequate shape and size, sufficient access, etc., to be developable. There are no known physical reasons why the subject site would not support any legally probable development (i.e., it appears adequate for development).

Legally Permissible - The subject site is in an R-4, City of Grand Junction zone district. Although the permissible uses in this zone district are fairly inclusive for many residential uses, the location has acreage homesites and farms north, east and west of the property. The property south has been developed for more typical, smaller lots, and the subject can be used for similar density. The zoning does not unduly restrict the site for development.

Feasible Use - The surrounding land area uses include a few residential subdivisions, but a number of acreages homesites. Based on the other subdivisions being developed in the area, residential development appears to be feasible. However, for a full analysis, substantially more information would be needed, including costs of any proposed development. There has been no recent commercial or industrial development in the immediate area.

Maximally Productive Use- The fourth and final determination in the highest and best use is to determine the maximally productive use of the sites. The site is vacant, and the maximally productive use would more than likely be for the development of the property for construction of new homes. The site has adequate size, shape and location to support development.

Highest and Best Use Conclusion

Demand in the area would appear to support development for subdivision use, with the end use being single family residential uses. This would be the highest and best use of the property.

ABOUT THE APPRAISAL PROCESS

The valuation process involves gathering information pertinent to the subject and the valuation procedure. This data is accumulated from the market and applied toward a value conclusion involving three valuation approaches. The value indications of the cost, sales comparison, and income capitalization approaches establish a range from which a final opinion of value is formed through the process of reconciliation. The process is illustrated in the flow chart in Figure 4.1.¹

The first step in the cost approach is to form an opinion of the subject site value. Then, the estimated reproduction cost of the improvements is developed. This step is followed by the application of depreciation for losses in value due to physical wear and tear and any possible functional deficiencies or negative external influences. The total of these estimates—the depreciated cost of the improvements and an allowance for site improvements and site value—represents the value of the property by the cost approach.

Sales comparison involves the collection of sales and listing data of properties that are similar to the subject property. These sales are compared to the subject, and adjustments are applied to the sales prices of the comparables to arrive at an indication of most probable price for the subject. If a comparable is inferior to the subject, a positive dollar or percentage adjustment is applied to the comparable sale price. If a comparable is superior to the subject, a negative dollar or percentage adjustment is applied.

In the income capitalization approach, current rental income is forecast for the subject property by comparison to comparable rental properties and examination of the subject's past performance. The resulting operating income is converted into a value indication by an applicable and supportable capitalization method.

The three approaches to value are interrelated. Each requires the gathering and analysis of data that pertains to the property being appraised. From the approaches applied, the appraiser develops separate indications of value for the property being appraised. To complete the valuation process, the appraiser integrates the information drawn from market research, data analysis, and the application of the approaches to reach a value conclusion.²

Useful definitions to the valuation process include, but are not limited to, the following:

1. *The Appraisal of Real Estate*, 14th edition. Chicago: Appraisal Institute, 2013, P. 37.

2. *Ibid*, P. 36.

Anticipation. *The perception that value is created by the expectation of benefits to be derived in the future.*

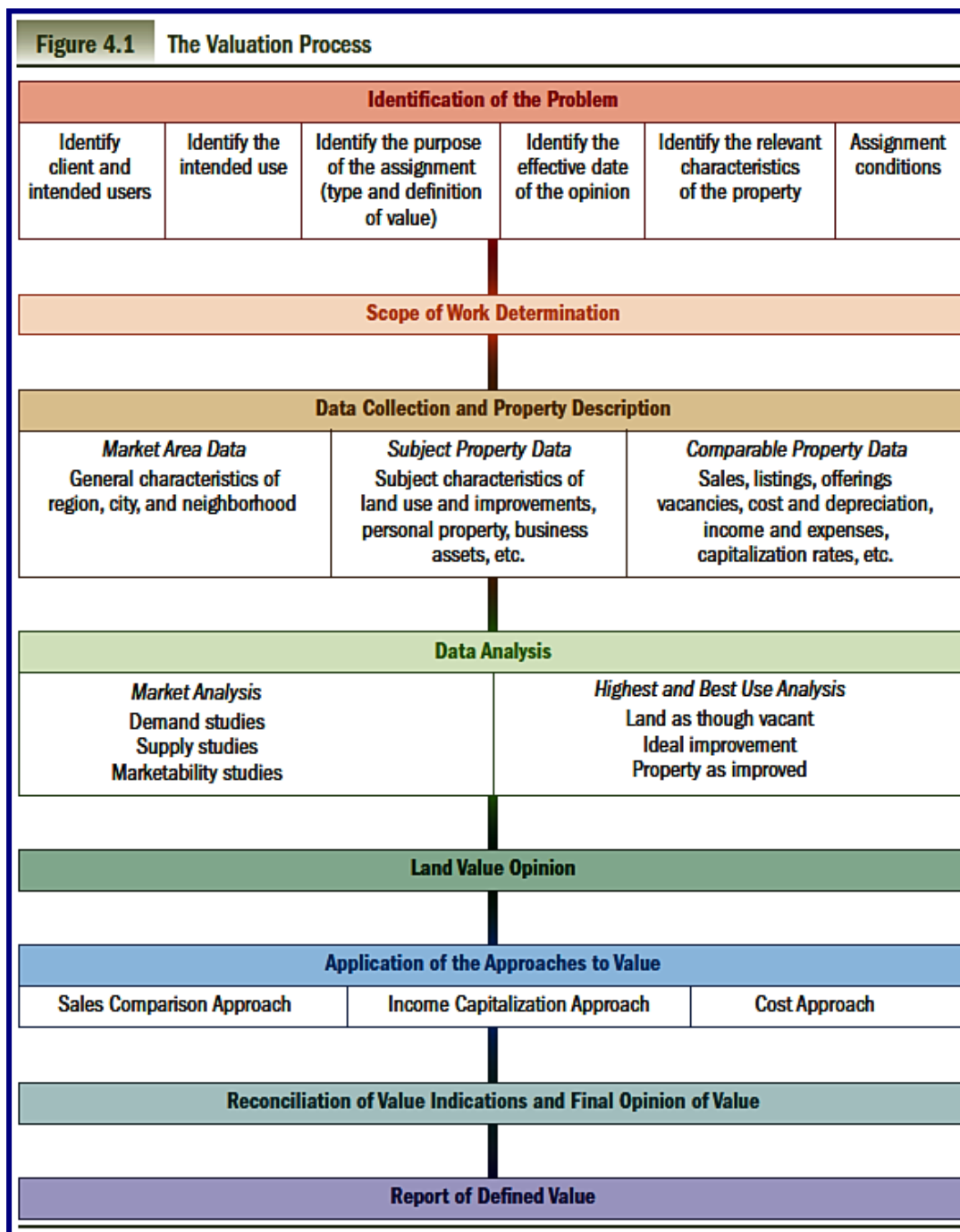
Balance. *The principle that real property value is created and sustained when contrasting, opposing, or interacting elements are in a state of equilibrium.*

External obsolescence. *A type of depreciation; a diminution in value caused by negative external influences and generally incurable on the part of the owner, landlord, or tenant. The external influence may be either temporary or permanent.*

Functional obsolescence. *The impairment of functional capacity of improvements according to market tastes and standards.*

Supply and demand. *In economic theory, the principle that states that the price of a commodity, good, or service varies directly, but not necessarily proportionately, with demand, and inversely, but not necessarily proportionately, with supply. In a real estate appraisal context, the principle of supply and demand states that the price of real property varies directly, but not necessarily proportionately, with demand and inversely, but not necessarily proportionately, with supply.*

Substitution. *The appraisal principle that states that when several similar or commensurate commodities, goods, or services are available, the one with the lowest price will attract the greatest demand and widest distribution. This is the primary principle upon which the cost and sales comparison approaches are based.*



SALES COMPARISON APPROACH

In the sales comparison approach, the appraiser develops an opinion of value by analyzing closed sales, listings or pending sales of properties that are similar to the subject property. The comparative techniques of analysis applied in the sales comparison approach are fundamental to the valuation process. A major premise of the sales comparison approach is that an opinion of the market value of a property can be supported by studying the market's reaction to comparable and competitive properties.

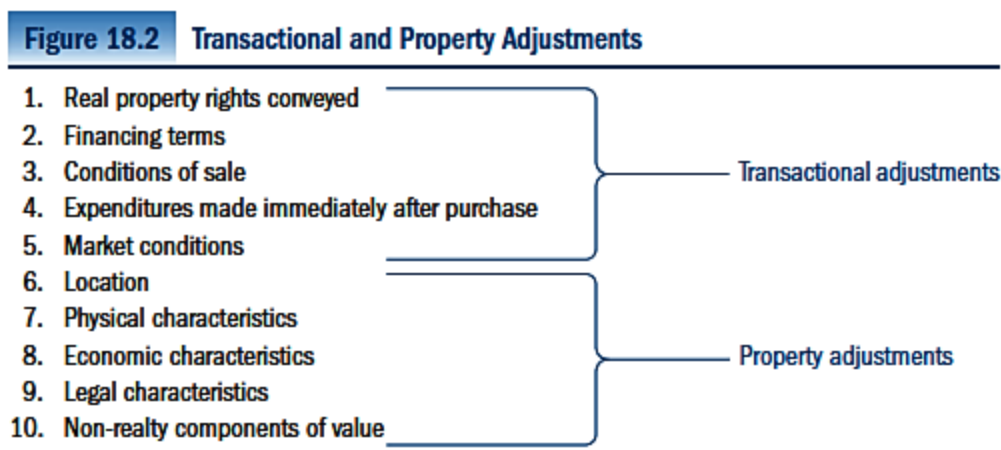
The sales comparison process entails five primary steps:

- “Research the competitive market for information on properties that are similar to the subject property and that have recently sold, are listed for sale, or are under contract. Information on agreements of sale, options, listings, and bona fide offers may also be collected. The characteristics of the properties such as property type, date of sale, size, physical condition, location, and land use constraints should be considered. The goal is to find a set of comparable sales or other evidence such as property listings or contracts as similar as possible to the subject property to ensure they reflect the actions of similar buyers. Market analysis and highest and best use analysis set the stage for the selection of appropriate comparable sales.
- “Verify the information by confirming that the data obtained is factually accurate and that the transactions reflect arm's-length market considerations. Verification should elicit additional information about the property such as buyer motivation, economic characteristics (if the property is income-producing), value component allocations, and other significant factors as well as information about the market to ensure that comparisons are credible.
- “Select the most relevant units of comparison used by participants in the market (e.g., price per acre, price per square foot, price per front foot, price per dwelling unit) and develop a comparative analysis for each unit. The appraiser's goal is to define and identify a unit of comparison that explains market behavior.
- Look for differences between the comparable sale properties and the subject property using all appropriate elements of comparison. Then adjust the price of each sale property, reflecting how it differs, to equate it to the subject property or eliminate that property as a comparable. This step typically involves using the most similar sale properties and then adjusting for any remaining differences. If a transaction does not reflect the actions of a buyer who would also be attracted to the subject property, the appraiser should be concerned about comparability.
- “Reconcile the various value indications produced from the analysis of comparables into a value conclusion.”

Tantamount to the cost approach, appraisal principles related to the sales comparison include substitution, balance, and externalities. In this approach, the appraiser interprets the actions of buyers and sellers in an open market. Per the principle of substitution, when two or more properties of similar utility are available, and assuming there is no undue delay, the one with the lowest sale price will receive the greatest demand. The implication of this procedure is important because it uses similar properties sold in the subject marketplace. It is for this reason that it is frequently considered one of the most reliable value indicators in the real estate market in general.

The following includes comparable descriptions and grids that facilitate the adjustment analysis of the comparable sales to the subject. To accomplish this adjustment process, the appraiser determines the elements of comparison for a given appraisal through market research and supports those conclusions with market data. Elements of comparison are the characteristics of properties and transactions that help explain the variance of prices paid for real estate.

Ten basic elements of comparison that should be considered in the sales comparison analysis include:



The subject property consists of a vacant tract of land to be developed. The typical buyer of the subject would likely consider other areas of Grand Junction as reasonable alternatives to the subject. Therefore, in determining the market value of the subject by the Sales Comparison Approach, I have analyzed sales of other properties located in or near Grand Junction.

For the purpose of this report, six sales were used for comparison to the subject, and these all occurred in late 2020 and 2021.

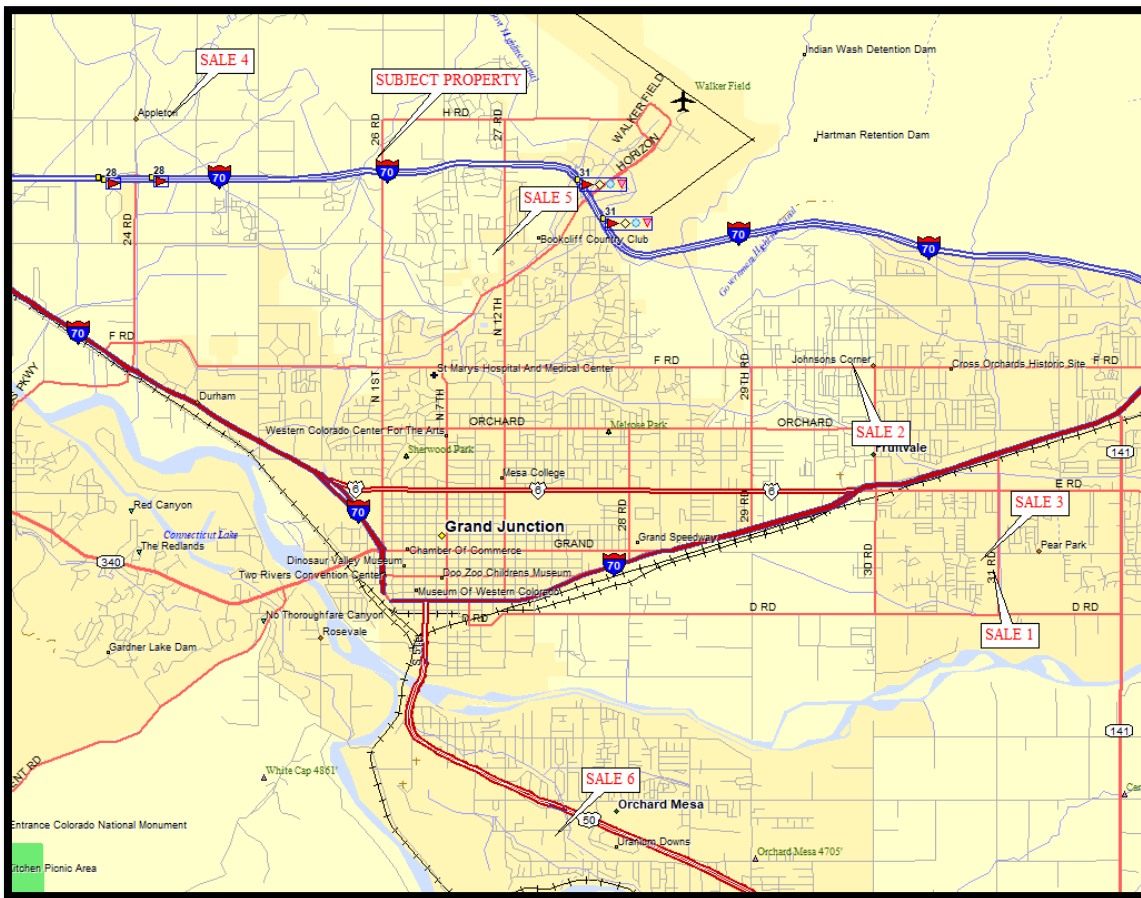
One of the sales had improvements, however these were remodeled and sold after a split was completed for the project. This is considered in the adjustment grid.

The sales were first adjusted for transactional elements including:

- Real property rights conveyed
- Financing terms
- Conditions of sale
- Expenditures made after purchase
- Market Conditions

After the transactional elements are considered, adjustments are then made for property characteristics including location, zoning, land area, configuration, accessibility, and visibility. The sales analyzed are as follows:

Sales Comparable Map



Comparable Sale # 1

Address 3091 D 1/2 ROAD
City, State, Zip Code GRAND JUNCTION, CO 81504
County MESA

Sale Information

Buyer	M. ROBERTS
Seller	S. & S. MILLER
Sale Date	May 11, 2021
Sales Price	\$387,000
Sales Price Per S.F.	\$50,921.05
Reception No.	2980880

Transactional Elements

Real Property Rights Conveyed	Fee Simple
Financing Terms	Cash to seller
Conditions of Sale	Typical
Expenditures Made Immediately After Purchase	None impacting sales price
Market Conditions	Similar

Property Characteristics

Zoning	GJ- R-8
Assessor Parcel Number	2943-164-25-003
Total Bldg. area- S.F.	0
Improvements	none at time of sale
Accessibility	D 1/2 ROAD & 31 RD.
Access Road	Paved
Visibility	GOOD
Previous Sales in the Past Three Years	No arms length transfers in last 3 years
Total land area- acres	7.60
Configuration	IRREGULAR

Remarks

This property is located on the south side of D 1/2 Road and also borders 31 Road. It is zoned R-8, which is a high density residential zone by the City of Grand Junction. It sold after 145 days on the market. The sale occurred at the list price of \$387,000.00, or just under \$51,000.00 per acre.



AERIAL FROM CITY OF GJ DEVELOPMENT
 PHOTO FROM GOOGLE EARTH



Comparable Sale # 2

Address 2982 PATTERSON ROAD
City, State, Zip Code GRAND JUNCTION, CO 81504
County MESA

Sale Information

Buyer	BURKEY PARK LLC
Seller	CITY OF GRAND JUNCTION
Sale Date	April 14, 2021
Sales Price	\$740,000
Sales Price Per acre	\$40,305.01
Reception No.	2976737

Transactional Elements

Real Property Rights Conveyed	Fee Simple
Financing Terms	Conventional
Conditions of Sale	Typical
Expenditures Made Immediately After Purchase	None impacting sales price
Market Conditions	Similar

Property Characteristics

Zoning	GJ-R-5
Assessor Parcel Number	2943-054-01-001
Total Bldg. area- S.F.	0
Improvements	None
Accessibility	PATTERSON ROAD, F 1/4 RD
Access Road	Paved
Visibility	GOOD
Previous Sales in the Past Three Years	none noted
Total land area- acres	18.36
Configuration	RECTANGULAR

Remarks

The sale property consists of vacant land on Patterson Road, just west of 30 Road. The property sold after 94 days on the market for \$10,000.00 less than the list price. This property is in the process of being developed into 67 lots, indicating a density of 3.65 lots per acre. The property has frontage on both the north and south sides on F and F.5 Roads.



AERIAL FROM CITY OF GJ DEVELOPMENT
 PHOTO FROM GOOGLE EARTH



Comparable Sale # 3

Address 3085 D 1/2 ROAD
City, State, Zip Code GRAND JUNCTION, CO 81504
County MESA

Sale Information

Buyer	PRODIGY HOMES & DEVELOPMENT LLC
Seller	B. WARREN
Sale Date	December 28, 2020
Sales Price	\$510,000
Sales Price Per Acre	\$41,129.03
Reception No.	2959304

Transactional Elements

Real Property Rights Conveyed	Fee Simple
Financing Terms	Cash to seller
Conditions of Sale	Typical
Expenditures Made Immediately After Purchase	None impacting sales price
Market Conditions	Similar

Property Characteristics

Zoning	MC- RSF-R, ADJ. TO GJ R-8
Assessor Parcel Number	2943-164-00-122
Total Bldg. area- S.F.	1,475
Improvements	House
Accessibility	D.5 Rd.
Access Road	Paved
Visibility	Good
Previous Sales in the Past Three Years	None Noted
Total land area- Acres	12.40
Configuration	RECTANGULAR



AERIAL FROM MESA COUNTY ASSESSOR
 PHOTO BY J. NISLEY



The sale property consists of a rectangular tract that is zoned RSF-R in Mesa County. It is annexed into the City of Grand Junction, and received an R-8 zoning, since the properties east and west are R-8. There is a residence on the frontage with D.5 Road that was built in 1900 and contains 1472 square feet. The house sold for \$285,000 with its own lot, after the buyers spent around \$100,000 on renovations. The cost to split was around \$8,200, and required ROW dedication. Deducting an 8% commission and assuming a 10% profit, the resulting contributory value of the house would be around \$145,000. That would leave a value to the remaining 12.4 acres to be developed of \$365,000.00, or \$29,435.48 per acre.

Comparable Sale # 4

Address 2428 H ROAD
City, State, Zip Code GRAND JUNCTION, CO 81505
County Mesa

Sale Information

Buyer	ALEX CHAFFETZ
Seller	GJ MAVERICK INVESTMENTS, LLC
Sale Date	October 28, 2020
Sales Price	\$650,000
Sales Price Per Acre	\$36,702.43
Reception No.	2949803

Transactional Elements

Real Property Rights Conveyed	Fee Simple
Financing Terms	Cash to seller
Conditions of Sale	Typical
Expenditures Made Immediately After Purchase	None impacting sales price
Market Conditions	Similar

Property Characteristics

Zoning	GJ- R-1
Assessor Parcel Number	2701-293-04-001
Total Bldg. area- S.F.	0
Improvements	NA
Accessibility	H Road
Access Road	Paved
Visibility	Good
Previous Sales in the Past Three Years	6/13/2018, \$500,000.00.
Total land area- Acres	17.71
Configuration	RECT.- FLAT

Remarks

This property is on the northeast corner of H Road and 24.5 Road. It sold after 289 days on the market. It was listed for \$719,900.00. It has a planning clearance for the construction of a single family home.



AERIAL FROM
GJ DEVELOPMENT WEBSITE
PHOTO FROM GOOGLE EARTH



Comparable Sale # 5

Address
City, State, Zip Code
County

TBD G ROAD
GRAND JUNCTION, CO 81501
Mesa

Sale Information

Buyer	MCCURTER LAND CO LLC
Seller	SCHIESSWOHL ESTATE & TRUSTS
Sale Date	October 22, 2020
Sales Price	\$350,000
Sales Price Per Acre	\$36,880.93
Reception No.	2948813,4,5,6

Transactional Elements

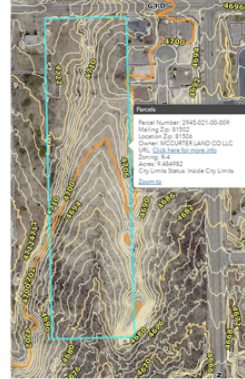
Real Property Rights Conveyed	Fee Simple
Financing Terms	Cash to seller
Conditions of Sale	Typical
Expenditures Made Immediately After Purchase	None impacting sales price
Market Conditions	SIMILAR

Property Characteristics

Zoning	GJ- R-4
Assessor Parcel Number	2945-021-00-009
Total Bldg. area- S.F.	0
Improvements	None
Accessibility	G ROAD
Access Road	Paved
Visibility	Good
Previous Sales in the Past Three Years	None
Total land area- Acres	9.49
Configuration	REC./TOPOG. INF.

Remarks

This is the sale of a tract on the south side of G Road, just west of 12th Street. It had been listed on and off since 2013, with an original list price shown at \$1,250,000.00. In 2016 it was listed at \$990,000.00, and in November of 2017 was reduced to \$899,000.00. On January 14, 2019 it was reduced to \$499,000.00, and sold after 2,565 days at \$350,000.00. The 9.99 acres immediately south of this property sold in May of 2019 for \$379,900.00 and was inferior in topography to this sale. That property, however, fronted N. 12th Street. The property is in planning to become Highlander Subdivision with 35 single family sites on approximately 9.9 acres, indicating a density of 3.5 lots per acre. The topography of the site will require added costs, with a difference in elevation on G Road of over 20 feet from west to east. from north to south, there is a difference of almost 50 feet with several "dips" requiring fill or leveling.



AERIAL FROM
 MESA COUNTY ASSESSOR
 TOPOGRAPHY MAP FROM GJ DEV.
 PHOTO FROM GOOGLE EARTH



Comparable Sale # 6

Address TBD B 1/4 ROAD
City, State, Zip Code GRAND JUNCTION, CO 81503
County Mesa

Sale Information	
Buyer	BOA BUILDERS, LLC
Seller	PAUL ADAMS
Sale Date	October 8, 2020
Sales Price	\$415,000
Sales Price Per Acre	\$31,203.01
Reception No.	2947397



Transactional Elements

Real Property Rights Conveyed	Fee Simple
Financing Terms	Cash to seller
Conditions of Sale	Typical
Expenditures Made Immediately After Purchase	None impacting sales price
Market Conditions	SIMILAR

Property Characteristics

Zoning	GJ- R-8
Assessor Parcel Number	2945-253-00-047
Total Bldg. area- S.F.	0
Improvements	None
Accessibility	B 1/4 ROAD
Access Road	Paved
Visibility	GOOD
Previous Sales in the Past Three Years	QCD to Sietan, LLC on 10-7-2020
Total land area- Acres	13.30
Configuration	RECTANGULAR

Remarks

This is the sale of 13.3 acres of R-8 zoned land on Orchard Mesa just west of 27 1/2 Road on B 1/4 Road. A development plan for 80 units on the property is being submitted. The property had been listed for a total of 756 days, with an original list price of \$479,000.00.

AERIAL FROM
MESA COUNTY ASSESSOR

UNITS OF COMPARISON

The first step of the adjustment process is to determine which unit of comparison is applicable to the given market. In the valuation of properties such as the subject, the typical unit of comparison is the sales price per acre. Therefore, all adjustments are made on a price per acre basis.

ADJUSTMENT DERIVATION

After the comparable sales have been selected and the unit of comparison has been determined, adjustments are quantitatively estimated. These adjustments are made on a percentage basis and represent the magnitude difference based on our observation of the subject and the comparables. These are comparable to qualitative adjustments converted to quantitative adjustments to present a reasonable adjusted value for the subject.

In order to derive adjustments, the first characteristics which must be considered are transactional elements.

TRANSACTIONAL ELEMENTS

Prior to derivation of adjustments for physical and locational characteristics, the sales must be adjusted for transactional elements, including real property rights conveyed, financing terms, conditions of sale, expenditures made after purchase, and market conditions.

Real Property Rights Conveyed

Each of the sales used in this analysis transferred the fee simple estate rights of ownership. No adjustment was made for differences in real property rights conveyed. Therefore, no adjustment is necessary.

Financing Terms

The financing terms of the of the sales were typically cash to the seller. No adjustments were necessary for financing terms.

Conditions of sale

Each of the sales had typical conditions of sale, and no adjustments were necessary.

Expenditures made after purchase

There were no significant expenditures made after purchase which impacted the sales prices of the sales, except for Sale #3. The property had a house that was remodeled after sale. The house sold after a split occurred after the initial purchase. This was considered in the improvement value, which was deducted from the sales price to achieve the sales price for the remaining land area. Therefore, no adjustments were necessary to the sales.

Market conditions

Due to the limited sales activity and other market volume, it is extremely difficult to determine an adjustment for market conditions which would represent changes in the market since the time of sale. The date of sale of each of the comparable properties is considered in the reconciliation of value. The sales all occurred in late 2020 and 2021. Therefore, no adjustments are made to those sales for market conditions, however it is considered.

PHYSICAL CHARACTERISTICS

After transactional elements are considered, adjustments are then made to consider differences in physical characteristics including location, zoning, land area, configuration, accessibility, and visibility. These adjustments have been calculated as follows:

Location

The subject property is located on 26 Road, just north of Interstate 70. Sales #2 and #5 were considered to be in similar locations and required no adjustments. Sales #1, #3 and #4 were considered to be in inferior locations, and positive adjustments of 10% were made to Sales #1 and #3, with a 25% adjustment made to Sale #6. Sale #4 had a superior location, and a minus 10% adjustment was made.

Zoning

The subject is zoned R-4, for residential development. Sale #5 had a similar zoning and required no adjustments. Sales #1 and #6 had R-8 zoning and required downward 15% adjustments. Sales #3 and #4 were zoned RSF-R and R-1 and required 10% upward adjustments. Sale #2 was zoned R-5 and required a 5% downward adjustment.

Land Area

The subject site contains an estimated 8.5 acres. Smaller properties typically sell for more per acre than larger properties. Sales #1 and #4 were fairly close in size and required no adjustment. The other sales were all larger and were adjusted upward 10%.

Configuration

The configuration of a site can have an impact on the development potential of a property. All sales were rectangular or irregular in shape, but were and all sales but Sale #5 required minus 10% adjustments to consider the topography of the subject, and the land in the subject in the flood plain in Leach Creek. The exception was Sale #5, which had irregular topography, which was more similar to the subject.

Accessibility

The subject property has good accessibility 26 Road. Sales #1, #2, and #5 were superior to the subject, and adjustments of minus 10% were made. Sales # and #4 were similar and required no adjustment. Sale #6 was behind commercial uses and would be inferior to the subject. A 10% upward adjustment was made to that sale. The other sales were considered similar, and no adjustment was made.

Visibility

The sales all had similar visibility, except in Sale #6. While this sale was inferior to the subject and the other sales, a 15% upward adjustment was made. The other sales were similar and no adjustment was made for this factor.

APPLICATION OF ADJUSTMENTS

The next step of the Sales Comparison Approach is to apply the adjustments determined to the sales. Each sale will then indicate a value to the subject. Applying each of the adjustments described above indicates the following value conclusion based on the comparable sales:

SALES COMPARISON ANALYSIS GRID- LAND															
8.8 ACRES- NW CORNER OF I-70 & 26 ROAD GRAND JUNCTION, COLORADO				NISLEY & ASSOCIATES 12/13/21											
		SUBJECT PROPERTY		SALE 1		SALE 2		SALE 3		SALE 4		SALE 5		SALE 6	
ADDRESS		NW CORNER OF 26 RD. & I-70 FRONTAGE ROAD		3091 D 1/2 ROAD		2982 PATTERSON ROAD		3085 D 1/2 ROAD		2428 H ROAD		TBD G ROAD		TBD B 1/4 ROAD	
		GRAND JUNCTION, CO		GRAND JUNCTION, CO 81504		GRAND JUNCTION, CO 81504		GRAND JUNCTION, CO 81504		GRAND JUNCTION, CO 81505		GRAND JUNCTION, CO 81501		GRAND JUNCTION, CO 81503	
SALES PRICE		\$300,000		\$387,000		\$740,000		\$510,000		\$650,000		\$350,000		\$415,000	
IMPROVEMENTS VALUE		\$0		\$0		\$0		\$145,000		\$0		\$0		\$74,100	
LAND VALUE		\$387,000		\$387,000		\$740,000		\$365,000		\$650,000		\$350,000		\$340,900	
\$/ACRE LAND		\$50,921.05		\$40,305.01		\$41,129.03		\$36,702.43		\$36,880.93		\$31,203.01			
DATE		12/13/21		5/11/2021		4/14/2021		12/28/2020		10/28/2020		10/22/2020		10/8/2020	
DOM															
REAL PROPERTY RIGHTS CONVEYED:		FEE SIMPLE		FEE SIMPLE		\$0.00		FEE SIMPLE		\$0.00		FEE SIMPLE		\$0.00	
ADJUSTED SALES PRICE		\$300,000.00		\$387,000.00		\$740,000.00		\$365,000.00		\$650,000.00		\$350,000.00		\$340,900.00	
FINANCING TERMS		NA		Cash to seller		\$0.00		CASH TO SELLER		\$0.00		CASH TO SELLER		\$0.00	
ADJUSTED SALES PRICE				\$387,000.00		\$740,000.00		\$365,000.00		\$650,000.00		\$350,000.00		\$340,900.00	
CONDITIONS OF SALE		NA		TYPICAL		\$0.00		TYPICAL		\$0.00		TYPICAL		\$0.00	
ADJUSTED SALES PRICE				\$387,000.00		\$740,000.00		\$365,000.00		\$650,000.00		\$350,000.00		\$340,900.00	
EXPENDITURES MADE AFTER PURCHASE		NA		NONE IMPACTING SALES PRICE		\$0.00		NONE IMPACTING SALES PRICE		\$0.00		NONE IMPACTING SALES PRICE		\$0.00	
ADJUSTED SALES PRICE				\$387,000.00		\$740,000.00		\$365,000.00		\$650,000.00		\$350,000.00		\$340,900.00	
MARKET CONDITIONS		NA		SIMILAR		\$0.00		SIMILAR		\$0.00		SIMILAR		\$0.00	
ADJUSTED SALES PRICE				\$387,000.00		\$740,000.00		\$365,000.00		\$650,000.00		\$350,000.00		\$340,900.00	
ADJ \$/ACRE- LAND		\$34,090.91		\$50,921.05		\$40,305.01		\$29,435.48		\$36,702.43		\$36,880.93		\$25,631.58	
LOCATION		26 RD. & I-70 FTG. RD.		31 & D.S RD.		10%		30 & PATTERSON RD		0%		D.S & 31		10%	
BUILDING AREA		0.00		0.00				0.00				1,475.00		0.00	
ZONING		GJ- R-4		GJ- R-8		-15%		GJ- R-5		-5%		MC- RSF- R. ADJ. TO GJ R-8		10%	
LAND AREA- ACRES		8.80		7.60		0%		18.36		10%		12.40		10%	
CONFIGURATION		IRREGULAR		RECTANGULAR		-10%		RECTANGULAR		-10%		RECTANGULAR		-10%	
ACCESSIBILITY		AVERAGE		AVERAGE-SUP.		-10%		AVERAGE-SUP.		-10%		AVERAGE		0%	
VISIBILITY		GOOD		SIMILAR		0%		SIMILAR		0%		SIMILAR		0%	
NET ADJ.						-25%				-15%		20%		0%	
ADJ. \$/S.F.				\$38,190.79				\$34,259.26				\$35,322.58			
												\$36,702.43			
												\$33,192.83			
														\$34,602.63	

SALES COMPARISON APPROACH CONCLUSION

Overall, the sales indicate a range in value for the subject site from \$33,192.83 per acre to \$38,290.79 per acre, with an average of \$35,533.58 per acre. The sales requiring the least adjustments on a net basis were Sales #4 and #5. These indicated values of \$36,702.43 and \$33,192.83 per acre, with an average of \$34,946.63 per acre.

In the 2020-2021 USPAP Frequently Asked Questions, #28- Page 198, it states that a contract sale price can be a good indicator of a property's market value, and it may be logical and reasonable for the appraiser to conclude they are the same. It also notes that a contract price can be higher or lower than what is typical for the market. In the case of the subject, it has a currently pending contract at \$300,000.00, or \$34,090.91 per acre, and it will become a comparable to the market once closed, with supportable and credible market data. The contract is within reason and accepted as the value within the Sales Comparison Approach.

Considered all the sales, but placing more emphasis on the subject contract and Sales #4 and #5, I have concluded an overall value for the subject at \$34,100.00 per acre.

Indicated Value by Sales Comparison Approach	
Land area- acres	8.8
Concluded \$/acre	\$34,100
Overall Value (rd.)	\$300,000

Indicated value by the Sales Comparison Approach:

\$300,000.00

RECONCILIATION OF VALUE

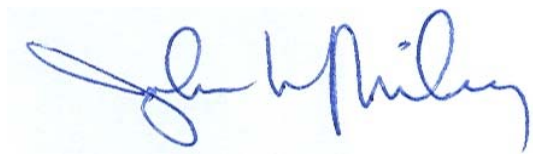
Indicated Values		
Cost Approach	Sales Comparison Approach	Income Approach
NA	\$300,000.00	NA

The Sales Comparison Approach to value indicates a value at \$300,000.00. Neither the Cost nor Income Approach was used, but this had no impact on the value conclusion.

Based on the data contained in this report, I have concluded an overall market value for the subject at **\$300,000.00**.

Subject Property	Market Value
NW Corner of 26 Road & I-70 Frontage Rd, Grand Junction, CO	\$300,000.00

Respectfully submitted,



John W. Nisley, MAI, SRA (A.I.)
Certified General Appraiser
Colorado - #CG01313453

JOHN (JACK) W. NISLEY **QUALIFICATIONS**

EDUCATION:

University of Denver

Bachelor of Science in Business Administration,
1976 - Major Study: Real Est. and Const. Management

Jones Real Estate College

Broker Studies

American Institute of Real Estate Appraisers

1978, Course 1A, Introduction to Real Estate Appraisal
1979, Course 1B, Capitalization Theory and Techniques
1979, Course II, Urban Properties
1980, Income Capitalization Workshop
1980, Course VI, Introduction to Real Estate Investment Analysis
1981, Subdivision Analysis Seminar
1981, Business Valuation Seminar
1982, Standards of Professional Practice
1983, Capitalization Theory & Techniques II
1983, Capitalization Theory & Techniques III
1984, Water and Value
1985, Standards of Professional Practice
1985, Evaluating Commercial Construction
1985, Residential Construction Analysis

1986, R-41B Seminar
1986, Foreclosure Seminar (Grand Junction Board of Realtors)
1987, Ad Valorem Tax and Assessed Values
1987, R-41C and the Appraiser
1987, Uniform Residential Appraisal Report
1988, Standards of Professional Practice Update
1988, Rates, Ratios and Reasonableness
1989, Current Appraisal Issues
1988, Residential Demonstration Report Writing Seminar Grader's Training
1989, Residential Demonstration Report Writing Seminar Grader's Training
1989, Standards of Professional Practice Update
1989, Valuation Methodology
1989, Environmental Hazards

Appraisal Institute – recent seminars and classes

2014, USPAP 2014-2015 and the New Reporting Options
2014, USPAP 7-Hour Update
2015, The Lost & Forgotten Cost Approach
2015, The Sharing Economy & Real Estate
2015, Board the Appraisal Bus/ CDOT Projections
2015, Analyzing Operating Expenses
2015, Using your HP12C Calculator
2015, Cool Tools, New Technology for Real Estate Appraisers
2016, USPAP 7-Hour Update
2017, Valuing Fractional Interests
2017, Colorado Property Taxes
2017, Trends in Health Care Real Estate
2017, 2018-2019 7-hour National USPAP Update Course
2017, The Discounted Cash Flow Model: Concepts, issues, and Apps.
2018, Colorado Economic & Development Update/Seminar
2018, Online Business Practices and Ethics
2018, Reviewer/Regulator Perspectives

2018, Hot Topics and Myths in Appraiser Law
2018, The Valuation of Solar Photovoltaic Systems
2019, Mountains and Valleys Valuation
2019, Appraisers Spreading Their Wings
2019, Opportunity Zones
2019, 2020-2021 7-hour National USPAP Update Course
2020, Colorado Economic Real Estate Update
2020, Business Practices and Ethics
2020, DORA update/Compliant Appraisal Reports
2020, Land Development Value Factors
2020, New Revaluation News & Updates
2020, Colorado Buried Treasures
2021 Colorado Economic & Real Estate Update
2021, Construction Costs & RE Valuation
2021, Colorado Property Tax Roundtable
2021, Emerging Trends in Alternative Lodging in 2021
2021, 7 Hour National USPAP Update Course

MEMBERSHIPS AND LICENSES:

Appraisal Institute - MAI Designation, #6925, 6-29-1984; SRA Designation 3-13-2007.
State of Colorado Certified General Appraiser - License #CG01313453

BACKGROUND AND EXPERIENCE:

Appraisal Apprentice - Mountain Realty Company - 6/75 to 9/75, 3/76 to 8/76
Fee Appraiser - Nisley & Associates, Inc. - 8/76 to Present Time

Qualified as Expert Witness in Mesa, Montezuma, Gunnison, and Garfield Counties District Courts

Appraisal Institute Committees - Served on Demonstration Report Grading Panel and
Experience Review Panel

Appraisal Institute - Served on Colorado Chapter Board of Directors, Past Chair of Membership
Retention and Development (Admissions) 2001, Colorado Experience Review Panel, Colorado
Chapter Secretary/Treasurer for 2002, Colorado Chapter Vice President 2003, President 2004,
Immediate Past President 2005, 2006-2008 Regional Representative for Colorado to Region II

Have been a Property Tax Arbitrator in Mesa County, Eagle County, Hearing officer in Montrose County

TYPES OF WORK DONE:

Residential - Single Family, Multi-Family, Assisted Living Facilities, Nursing Homes, Bed & Breakfasts
Residential and Commercial Subdivisions
Commercial - Office, Retail, and Wholesale Properties
Industrial Properties
Condominiums
Farms, Wineries
Vacant Land
Special Use Properties
Arbitration

PURPOSE OF APPRAISALS:

Acquisition	Mortgage	Estate Planning	Tax Arbitration
Tax Planning	Exchange	Development	Property tax hearing
Sales	Insurance	Open Space fees	
Foreclosure	Bankruptcy	Divorce	

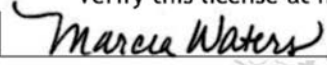
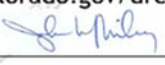
AREAS WORKED IN: (Counties)

Mesa County	Delta County	Montrose County	Garfield County
Moffat County	Rio Blanco County	Pitkin County	Gunnison County
Ouray County	Larimer County	San Miguel County	Montezuma County
LaPlata County	San Juan County	Eagle County	Routt County
(All in Colorado)			
Moab, and Grand County, Utah			

PARTIAL LIST OF CLIENTS:

School Dist. 51, Mesa Co.	First Bank Systems	Cornerstone Private Capital
Grand Valley	S.D. 16, Garfield Co.	Bank Midwest
Bank of the West	Alpine Bank	Home Loan State Bank
Zions Bank	Bank of the San Juans	Mountain Valley Bank
Greg Kampf	Bank of Colorado	Hilltop Services
Rio Grande Federal Credit Union	Intrust Bank	Builder Finance
Town of Carbondale	Habitat for Humanity	United Bank
Numerous Private Individuals and Companies		

Mesa County
Eagle County
Montrose County

Colorado Department of Regulatory Agencies	
Division of Real Estate	
John Winslow Nisley	
Certified General Appraiser	
CG1313453	12/10/2021
License Number	Issue Date
Active	12/31/2023
License Status	Expiration
Verify this license at http://dora.colorado.gov/dre	
	
Director: Marcia Waters	Licensee Signature

ASSUMPTIONS AND LIMITING CONDITIONS

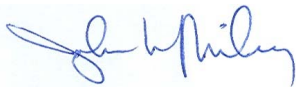
1. This is an Appraisal Report which is intended to comply with the reporting requirements set forth under Standard Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice for an Appraisal Report. The 2014-2015 edition of Uniform Standards of Professional Appraisal Practice eliminates reference to "Summary" or "Self-Contained" styles of reporting. Instead, "Standard 2 does not dictate the form, format, or style of real property appraisal reports. The form, format, and style of a report are functions of the needs of intended users and appraisers. The substantive content of a report determines its compliance." This report is designed to be similar to the requirements of a "Summary" report as described in former editions of USPAP and satisfies the current reporting standards. As such, it might not include full discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning and analyses is retained in the appraiser's file. The information contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraiser is not responsible for unauthorized use of this report.
2. No responsibility is assumed for legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated in this report.
3. The property is appraised free and clear of any and all liens and encumbrances unless otherwise stated in this report.
4. Responsible ownership and competent property management are assumed unless otherwise stated in this report.
5. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
6. All engineering is assumed to be correct. Any plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
7. On the letter of transmittal and the last page of the report, both signatories are in blue ink. If the signatures are not in blue ink, the appraisal report may not be an original.
8. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that would render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
9. It is assumed that there is full compliance with all applicable federal, state and local environmental regulations and laws unless otherwise stated in this report.
10. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a nonconformity has been stated, defined, and considered in this appraisal report.
11. It is assumed that all required licenses, certificates of occupancy or other legislative or administrative authority from any local, state, or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report are based.
12. Any sketch in this report may show approximate dimensions and is included to assist the reader in visualizing the property. Maps and exhibits found in this report are provided for reader reference purposes only. No guarantee as to accuracy is expressed or implied unless otherwise stated in this report. No survey has been made for the purpose of this report.
13. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless otherwise stated in this report.

14. The appraiser is not qualified to detect hazardous waste and/or toxic materials. Any comment by the appraiser that might suggest the possibility of the presence of such substances should not be taken as confirmation of the presence of hazardous waste and/or toxic materials. Such determination would require investigation by a qualified expert in the field of environmental assessment. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The appraiser's value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value unless otherwise stated in this report. No responsibility is assumed for any environmental conditions, or for any expertise or engineering knowledge required to discover them. The appraiser's descriptions and resulting comments are the result of the route observations made during the appraisal process.
15. Unless otherwise stated in this report, the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the Americans with Disabilities Act. The presence of architectural and communications barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.
16. Any proposed improvements are assumed to be completed in a good workmanlike manner in accordance with the submitted plans and specifications.
17. The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
18. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser, and in any event, only with proper written qualification and only in its entirety.
19. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news sales, or other media without prior written consent and approval of the appraiser.
20. THE ACCEPTANCE OF AND/OR USE OF THIS APPRAISAL REPORT BY THE CLIENT OR ANY THIRD PARTY CONSTITUTES ACCEPTANCE OF THESE TWENTY NUMBERED LIMITED CONDITIONS AND ASSUMPTIONS.

CERTIFICATION

The undersigned does hereby certify that, to the best of my knowledge and belief, and except otherwise noted in this appraisal report:

1. The statements of fact contained in this report are true and correct.
2. The report analysis, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, unbiased professional analysis, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.
4. I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
5. I have no bias with respect to the property that is the subject of this report or to the parties involved in this assignment.
6. My engagement in this assignment was not contingent upon developing or reporting a predetermined result.
7. My compensation for completing this assignment is not contingent upon the developing or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulation result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. My analysis, opinions, and conclusions were developed, and this report has been prepared in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the *Uniform Standards of Professional Appraisal Practice*.
9. I have made a personal inspection of the property that is the subject of this report.
10. No one provided significant real property appraisal assistance to the person signing this certification.
11. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
12. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
13. As of the date of this report, I, John W. Nisley, have completed the continuing education program of the Appraisal Institute.



John W. Nisley, MAI, SRA
Certified General Appraiser
Colorado - #CG01313453

12/20/2021

Date



Grand Junction City Council

Regular Session

Item #5.b.

Meeting Date: March 15, 2023

Presented By: Trenton Prall, Engineering & Transportation Director

Department: Engineering & Transportation

Submitted By: Trent Prall, Public Works Director

Information

SUBJECT:

A Resolution Authorizing and Ratifying a Contract for the Purchase of a Portion of Property Identified by Mesa County Tax Assessors 2945-042-00-024 for the F 1/2 Parkway

RECOMMENDATION:

Staff recommends adoption of the resolution.

EXECUTIVE SUMMARY:

The F 1/2 Parkway requires right of way and easements to be acquired from adjacent properties for future road improvements and utility relocations. This resolution authorizes the City Manager to sign a Memorandum of Agreement with F One-Half Acquisition LLC in the amount of \$291,515.

BACKGROUND OR DETAILED INFORMATION:

In fall of 2019, Grand Junction voters authorized the City to issue \$70 million in debt for expansion of City collector and arterial roads throughout the community. 24 and G Road construction is now underway. The next project proposed for construction later this year is the F 1/2 Parkway. In order to accommodate the future expansion of the road and utility relocations, additional rights of way and easements are required.

The proposed roadway includes travel lanes, auxiliary lanes, facilities to accommodate pedestrian and bicycle mobility, storm drainage facilities, street lighting, landscaped medians and parkways, and a new roundabout at the intersection of F 1/2 Parkway and 24 1/2 Road.

The Project requires acquisition of right of way, a multi-purpose easement and a temporary construction easement from property identified by Mesa County Tax

Assessors 2945-042-00-024 for F 1/2 Parkway. The subject property is currently undeveloped vacant land.

The City obtained and reviewed an appraisal prepared by a Colorado Certified General Appraiser to estimate the fair market value and just compensation to be offered for the portion of the property.

Approximately 76,020 square feet of right of way, 11,562 square feet of multi-purpose easement and 4,039 square feet of temporary construction easement will be purchased. Improvements being purchased include 659 linear feet of post and wire fencing and 13,188 sq feet of gravel/dirt driveway.

Valuation was determined by local market value. The final agreed to settlement is \$291,515. As the settlement was very near the appraised value, this acquisition was not taken to the property committee.

FISCAL IMPACT:

The cost of the acquisition of right of way, multi-purpose easement and a temporary construction easement is included in the 2023 Adopted Budget.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 28-23, a resolution authorizing the purchase by the City of a portion of real property identified by Mesa County Tax Assessors 2945-042-00-024 for the F 1/2 Parkway from F One-Half Acquisition LLC and ratifying actions heretofore taken in connection therewith.

Attachments

1. Vicinity Map - 2945-042-00-024
2. Fully Executed Memorandum of Agreement
3. Fully Executed Temporary Const Easement
4. Resolution - F.5 Pkwy 2945-042-00-024

Market Street

24 1/2 Road

Subject Property
2945-042-00-024
11.4 acres

F 1/2 ROAD

Right-of-way and
easements being
acquired

Regal
Cinema

Exhibit

Contract Purchase of a
Portion of Property from
2945-042-024

CITY OF GRAND JUNCTION DEPARTMENT OF PUBLIC WORKS MEMORANDUM OF AGREEMENT	Project No.: 207-F1903
	Description: F ½ Road Parkway Improvement Project
	Owner(s): F One-Half Acquisition LLC, A Colorado Limited Liability Company
	Parcels: RW-4, MPE-4, and TCE-4

This Memorandum of Agreement ("Agreement") is made and entered into this 21st day of February, 2023, by and between **F One-Half Acquisition LLC, a Colorado Limited Liability Company** hereinafter referred to as "the Owner", and the City of Grand Junction, a Colorado home rule municipality, hereinafter referred to as "the City".

RECITALS:

- A. The City is proceeding with implementation of the F ½ Road Parkway Improvement Project ("Project"). The Project will create a fully developed street section from 24 Road on the west to 25 Road on the east. The project will also add street improvements to 25 Road from Patterson Road on the south to Waite Avenue on the north. Improvements include additional travel lanes, auxiliary lanes, facilities to accommodate pedestrian and bicycle mobility, storm drainage facilities, street lighting, landscaped medians and parkways, and a new roundabout at the intersection of F ½ Road Parkway and 24 ½ Road ("Project Improvements"). The City Council of the City has determined that the Project is necessary for the health, safety and welfare of the inhabitants of the City of Grand Junction. All costs associated with installation of the Project Improvements will be borne by the City.
- B. The Owner owns certain real property within the limits of the Project in the City of Grand Junction, County of Mesa, State of Colorado described in Special Warranty Deed recorded at Reception No. 3045682, in Mesa County Colorado Clerk and Recorder's records, and as identified by Mesa County Assessor Parcel Number 2945-042-00-024, hereinafter referred to as "the Owner's Property".
- C. The installation, operation, maintenance, repair and replacement of the Project Improvements requires the acquisition of the following described real property interests from the Owner:

Parcel No. RW-4: A parcel of land in fee simple to be used as public right of way for F 1/2 Road, containing a total area of 76,020 square feet (1.75 acres), more or less, as more particularly described in the accompanying legal description labeled Exhibit "A" and depicted on the accompanying graphic illustration labeled Exhibit "B"; and also

Parcel No. MPE-4: A Multi-Purpose Easement for the installation, operation, maintenance and repair of public utilities, traffic control facilities, street lighting, landscaping, trees, grade structures, public sidewalks and trails, containing a total area of 11,562 square feet (0.27 acres), more or less, as more particularly described in the accompanying legal description labeled Exhibit "C" and depicted on the accompanying graphic illustration labeled Exhibit "D"; and also

Parcel No. TCE-4: A Temporary Construction Easement to facilitate prudent, proper, safe and efficient installation of the Project Improvements, containing a total area of 4,039 square feet (0.09 acres), more or less, as more particularly depicted on the accompanying graphic illustration labeled Exhibit "E". The City's required duration of use for Parcel No. TCE-4 is 24 months.

The above referenced real property interests may be referred to collectively hereafter as the "Acquired Property".

- D. The City has obtained and reviewed an appraisal prepared by a Colorado Certified General Appraiser to estimate the fair market value and just compensation to be offered for the Acquired Property. In consideration of the foregoing, the City and the Owner agree to the following sum of money as just compensation for the Acquired Property and any improvements, damages or costs to cure itemized below:

Parcel No. RW-4:	76,020 sq.ft. @ \$3.50/sq.ft.	= \$266,070
Parcel No. MPE-4:	11,562 sq.ft. @ \$3.50/sq.ft. x 40%	= \$16,187
Parcel No. TCE-4:	4,039 sq.ft. @ \$3.50/sq.ft. x 8% /year x 2 years	= \$2,262
Total Land & Easement Value		= \$284,519

- Improvements:
- 659 liner feet of post and wire fencing
 - 13,188 sq. ft. gravel/dirt driveway

Total Improvements Contributory Value = \$5,989

Administrative Settlement = \$1,015

Total Consideration = \$291,515

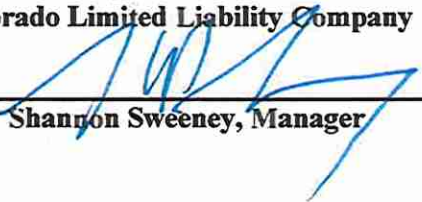
NOW, THEREFORE, based on the recitals above and in consideration of their mutual promises and other valuable consideration, the receipt and adequacy of which are acknowledged, the parties hereto agree as follows:

1. The Owner hereby accepts the Total Consideration stated above from the City as just compensation, and the City hereby agrees to pay the Total Consideration to the Owner subject to the promises, terms, covenants and conditions of this Agreement.
2. Subject to the City's typical payment processing period, the Total Consideration shall be remitted, at the City's sole discretion, to the Owner by either (1) the City directly in the form of a City check, or (2) a title company selected by the City, to which the City has deposited the Total Consideration pending upon the execution and delivery by the Owner to the City of:
 - a. One (1) fully executed original of this Memorandum of Agreement.
 - b. One (1) good and sufficient Special Warranty Deed for Parcel No. RW-4.
 - c. One (1) good and sufficient Grant of Multi-Purpose Easement Agreement for Parcel No. MPE-4.
 - d. One (1) good and sufficient Temporary Construction Easement Agreement for Parcel No. TCE-4.
 - e. One (1) completed and executed Federal Form W-9.
 - f. Satisfaction(s) or release(s) of any and all outstanding items referenced in Paragraph 3 below.
3. The Total Consideration shall fully compensate the Owner for the Owner's interests in and to the Acquired Property, either present or future, and the interests of all lienors and lessees of the Owner and any and all interests, legal or equitable, which are or may be outstanding, including, but not limited to: ad valorem property taxes due for prior years; current year ad valorem property taxes prorated to the date of closing (applicable to any fee simple parcel included in the Acquired Property), and satisfaction, subordination or release of all liens, judgments and financial encumbrances to deliver financially unencumbered title to the City. The Owner agrees to sell, convey and discharge all such interests in and to the Acquired Property by executing in writing any and all necessary deeds, documents and/or conveyances, including but not limited to, requests for releases, whether full or partial as applicable, or subordinations of deeds of trust.
4. The City shall be entitled to take irrevocable possession of the Acquired Property when the City, at its sole discretion, remits the total consideration to either: (1) the Owner directly by City Check; or, (2) deposits the consideration set forth above into an escrow account for the benefit of the Owner with the City's selected title company. Transfer of title to the Acquired Property shall occur upon performance of any and all terms under this Agreement, and release of the Total Consideration due to the Owner.
5. This Memorandum of Agreement embodies all agreements between the parties hereto and no other promises, terms, conditions or obligations, oral or written, have been made which might serve to modify, add to or change the terms and conditions of this Agreement.
6. This Memorandum of Agreement shall be deemed a contract extending to and binding upon the parties hereto and upon their respective heirs, successors and assigns.
7. The City will be entitled to specific performance of this Agreement upon tender of the agreed consideration.
8. This Agreement is a legal instrument. The City recommends the Owner seek the advice of the Owner's own legal and/or tax counsel before signing this Agreement.

Dated the day and year first above written.

Owner:
F One-Half Acquisition LLC,
a Colorado Limited Liability Company

By:


Shannon Sweeney, Manager

The City of Grand Junction,
a Colorado home rule municipality:

Greg Caton, City Manager

EXHIBIT A

LEGAL DESCRIPTION

2945-042-00-024

RIGHT-OF-WAY PARCEL NO. RW-4

A parcel of land being a portion of the tract of land as described in Reception Number 2964465 located in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) and the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section 4, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the SE Corner of the said SE1/4NW1/4 of said Section 4, and assuming the South line of said SE1/4NW1/4 bears N89°55'28"E with all other bearings contained herein being relative thereto; thence along the boundary of the said tract for the following three (3) courses, 1) N0°01'45"E along the east line of said SE1/4NW1/4, a distance of 20.00 feet; 2) S89°55'28"W, a distance of 660.00 feet; 3) N0°01'45"E, a distance of 119.00 feet; thence N89°55'28"W, a distance of 21.00 feet; thence S00°01'45"W a distance of 62.15 feet; thence Southwesterly along the arc of a 32.91 foot radius curve concave Westerly, a distance of 3.01 feet thru a central angle of 05°14'29" whose chord bears S03°10'45"W, a distance of 3.01 feet; thence S83°28'55"W, a distance of 17.29 feet; thence S89°55'28"W, a distance of 486.22 feet; thence Northwesterly along the arc of a 720.00 foot radius curve concave Northerly, a distance of 178.36 feet thru a central angle of 14°11'35" whose chord bears N82°22'11"W, a distance of 177.90 feet; thence continuing Northwesterly along the arc of a 880.00 foot radius curve concave Southerly, a distance of 92.02 feet thru a central angle of 05°59'28" whose chord bears N78°16'07"W, a distance of 91.98 feet to a point on the westerly line of the said tract; thence S00°00'21"W, a distance of 114.60 feet to a point on the South line of the SW1/4 NW1/4 of said Section 4; thence N89°55'03"E along the said South line, a distance of 132.00 feet to the Southwest Corner of the said SE1/4NW1/4; thence N89°55'28"E along the said South line a distance of 1318.92 feet to the Point of Beginning.

Said Parcel of land CONTAINING 76,020 Square Feet or 1.75 Acres, more or less, as described.

Authored by: Renee B. Parent, CO PLS #38266
City Surveyor - City of Grand Junction
333 West Avenue, Building C
Grand Junction, CO 81501



ELSA NELLY CABALLERO
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164039530
MY COMMISSION EXPIRES OCTOBER 17, 2024

City/County of Pitkin
State of Colorado
Subscribed and sworn to before me
this 21 day of FEB, 2023
by Shannon Sweeney
Elsa Nelly Caballero Notary Public
My Commission expires 10/17/2024

K:\Users\j\CS ROAD PARCELS FROM 24 RD TO 25 RD\6550W Acquisition Parcel 4\CAD\Parcel 4_VG Acquisition Docs\leg - PLOTTED 2022-10-11

ABBREVIATIONS

P.O.C.	Point of Commencement	Rec.	Reception
P.O.B.	Point of Beginning	No.	Number
R.O.W.	Right-of-Way	RW	Right-of-Way
R.	Section	MPE	Multi-Purpose Easement
S.	Township	TCE	Temporary Construction Easement
R.	Range	U.M.	Ute Meridian
±	Approximately	PSCO	Public Service Company Of Colorado

The sketch & description shown hereon have been derived from subdivision plats & deed descriptions as they appear in the office of the Mesa County Clerk & Recorder & monuments as shown. This sketch does not constitute a legal boundary survey, & is not intended to be used as a means for establishing or verifying property boundary lines.

DRAWN BY: MJH
DATE: 10-10-2022
REVIEWED BY: RBP
APPROVED BY: BH
SCALE: N/A

Portion of 2945-042-00-024
Located in parts of the SE¼ NW¼
& the SW¼ NW¼
Section 4, T.1S, R.1W
Ute Meridian, City of Grand Junction
Mesa County, Colorado



PUBLIC WORKS
ENGINEERING DIVISION
PROJECT NO. 207-F210306

2945-042-00-024
F-WAY PARCEL NO. RW-4



L2	S89°55'28"W	660.00'	L5	S0°01'45"W	62.15'
L3	N0°01'45"E	119.00'	L6	S83°28'55"W	17.29'
L4	S89°55'28"W	21.00'	L7	S89°55'28"W	486.22'

DRAWN BY:	<u>MJH</u>
DATE:	<u>10-10-2022</u>
REVIEWED BY:	<u>RBP</u>
APPROVED BY:	<u>BH</u>
SCALE:	<u>1" = 150'</u>

CITY OF
Grand Junction
COLORADO

PUBLIC WORKS
ENGINEERING DIVISION
PROJECT NO. 207-F210306

N:\Landbro\F5 ROAD PARKWAY FROM 24 RD TO 25 RD)\BSROW Acquisition\Parcel 4\CAD\Parcel 4 V3 Acquisition Docs.dwg - PLOTTED 2022-10-11

2945-042-00-024

A parcel of land being a portion of the tract of land as described in Reception Number 2964465 located in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) and the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section 4, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the SE Corner of the said SE1/4NW1/4 of said Section 4, and assuming the South line of said SE1/4NW1/4 bears N89°55'28"E with all other bearings contained herein being relative thereto; thence N0°01'45"E along the East line of said SE1/4NW a distance of 20.00 feet to a point being the Northeast Corner of Parcel Right-of-Way RW-4, thence along the Northern Boundary line of said Right-of-Way RW-4 for the following three (3) courses, 1) S89°55'28"W a distance of 660.00 feet; 2) N0°01'45"E, a distance of 119.00 feet; 3) S89°55'28"W, a distance of 21.00 feet to the Point of Beginning; thence along the Northern boundary of the said Parcel No. MPE-4 for the following six (6) courses: 1) S89°55'28"W, a distance of 14.00 feet; 2) S0°01'45"W, a distance of 52.62 feet; 3) S83°28'55", a distance of 4.18 feet; 4) S89°55'28"W a distance of 485.36 feet; 5) Northwestery along the arc of a 706.00 foot radius curve concave Northerly, a distance of 174.81 feet thru a central angle of 14°11'14" whose chord bears N82°22'00"W, a distance of 174.37 feet; 6) Northwestery along the arc of a 894.00 foot radius curve concave Southerly, a distance of 95.63 feet thru a central angle of 06°07'44" whose chord bears N78°20'15"W, a distance of 95.59 feet to a point on the West line of the said tract; thence S0°00'21"W along the said West line, a distance of 14.16 feet to the Northwest Corner of said RW-4; thence along the Northern boundary of the said RW-4 for the following six (6) courses: 1) Southeasterly along the arc of a 880.00 foot radius curve concave Southerly, a distance of 92.02 feet thru a central angle of 05°59'28" whose chord bears S78°16'07"E, a distance of 91.98 feet; 2) Southeasterly along the arc of a 720.00 foot radius curve concave Northerly, a distance of 178.36 feet thru a central angle of 14°11'35" whose chord bears S82°22'11"E, a distance of 177.90 feet; 3) N89°55'28"E, a distance of 486.22 feet; 4) N83°28'55"E, a distance of 17.29 feet; 5) Northeasterly along the arc of a non-tangent 32.91 foot radius curve concave Westerly, a distance of 3.01 feet thru a central angle of 05°14'29" whose chord bears N03°10'45"E, a distance of 3.01 feet; 6) N0°01'45"E, a distance of 62.15 feet to the Point of Beginning.

A circular professional seal for a Colorado Licensed Professional Land Surveyor. The outer ring contains the text "COLORADO LICENSED" at the top and "PROFESSIONAL LAND SURVEYOR" at the bottom, separated by dots. The center of the seal features the license number "38266" and the expiration date "10-12-2022". A diagonal line is drawn across the seal from the bottom left to the top right.

ABBREVIATIONS

P.O.C.	Point of Commencement	Rec.	Reception
P.O.B.	Point of Beginning	No.	Number
R.O.W.	Right-of-Way	RW	Right-of-Way
R.	Section	MPE	Multi-Purpose Easement
S.	Township	TCE	Temporary Construction Easement
R.	Range	U.M.	Ute Meridian
~	Approximately	PSCO	Public Service Company Of Colorado

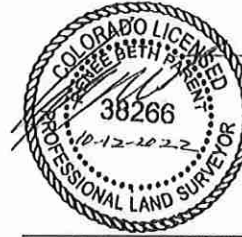
DRAWN BY:	MJH
DATE:	10-10-2022
REVIEWED BY:	RBP
APPROVED BY:	BH
SCALE:	N/A

CITY OF
Grand Junction
COLORADO

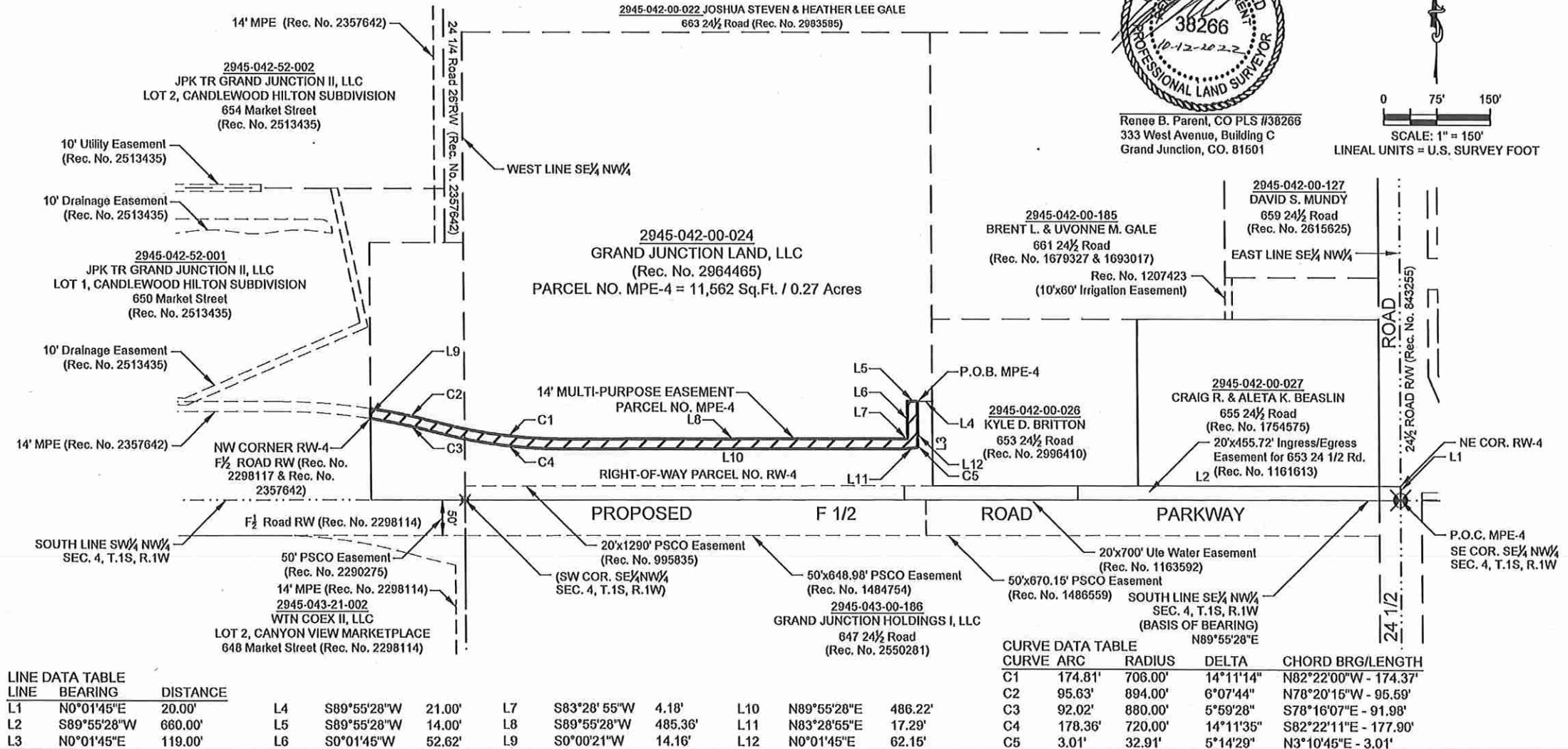
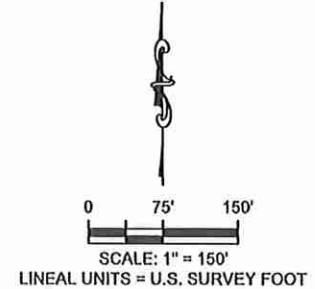
Packet Page 133

EXHIBIT D

2945-042-00-024 MULTI-PURPOSE EASEMENT PARCEL NO. MPE-4



Renee B. Parent, CO PLS #38266
333 West Avenue, Building C
Grand Junction, CO. 81501



LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	N0°01'45"E	20.00'
L2	S89°55'28"W	660.00'
L3	N0°01'45"E	119.00'

L4	S89°55'28"W	21.00'
L5	S89°55'28"W	14.00'
L6	S0°01'45"W	52.62'

L7	S83°28'55"W	4.18'
L8	S89°55'28"W	485.36'
L9	S0°00'21"W	14.16'

L10	N89°55'28"E	486.22'
L11	N83°28'55"E	17.29'
L12	N0°01'45"E	62.15'

CURVE DATA TABLE			
CURVE	ARC	RADIUS	DELTA
C1	174.81'	706.00'	14°11'14"
C2	95.63'	894.00'	6°07'44"
C3	92.02'	880.00'	5°59'28"
C4	178.36'	720.00'	14°11'35"
C5	3.01'	32.91'	5°14'29"

CHORD BRG/LENGTH	
N82°22'00"W	- 174.37'
N78°20'15"W	- 95.69'
S78°16'07"E	- 91.98'
S82°22'11"E	- 177.90'
N3°10'45"E	- 3.01'

ABBREVIATIONS

P.O.C.	Point of Commencement	Rec.	Reception
P.O.B.	Point of Beginning	No.	Number
R.O.W.	Right-of-Way	RW	Right-of-Way
R.	Section	MPE	Multi-Purpose Easement
S.	Township	TCE	Temporary Construction Easement
R.	Range	U.M.	Ute Meridian
~	Approximately	PSCO	Public Service Company Of Colorado

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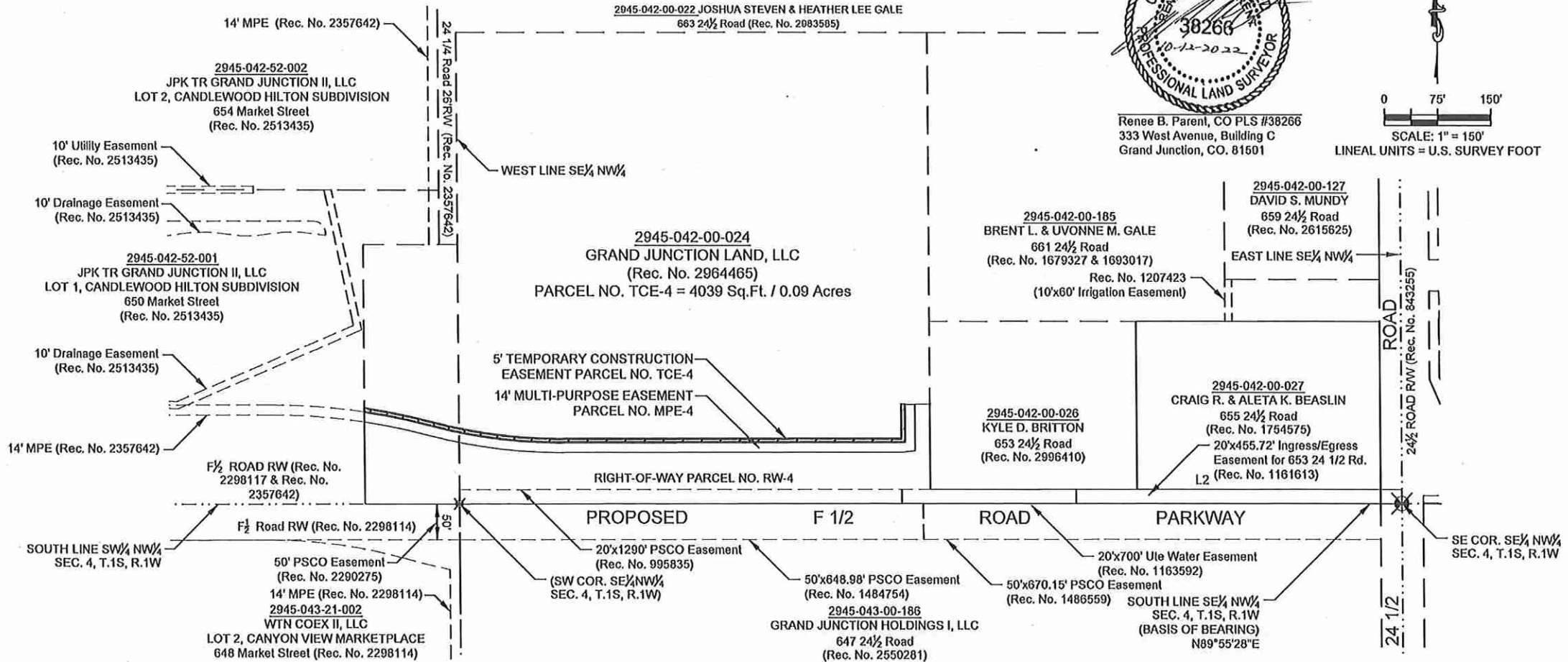
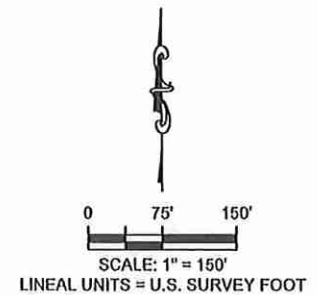
DRAWN BY:	MJH
DATE:	10-10-2022
REVIEWED BY:	RBP
APPROVED BY:	BH
SCALE:	1" = 150'

Portion of 2945-042-00-024
Located in parts of the SE 1/4 NW 1/4
& the SW 1/4 NW 1/4
Section 4, T.1S, R.1W
Ute Meridian, City of Grand Junction
Mesa County, Colorado



PUBLIC WORKS
ENGINEERING DIVISION
PROJECT NO. 207-F210306

TEMPORARY CONSTRUCTION EASEMENT PARCEL NO. TCE-4



ABBREVIATIONS	
P.O.C.	Point of Commencement
P.O.B.	Point of Beginning
R.O.W.	Right-of-Way
R.	Section
S.	Township
R.	Range
~	Approximately
Rec.	Reception
No.	Number
RW	Right-of-Way
MPE	Multi-Purpose Easement
TCE	Temporary Construction Easement
U.M.	Ute Meridian
PSCO	Public Service Company Of Colorado

The sketch & description shown hereon have been derived from subdivision plats & deed descriptions as they appear in the office of the Mesa County Clerk & Recorder & monuments as shown. This sketch does not constitute a legal boundary survey, & is not intended to be used as a means for establishing or verifying properly boundary lines.

DRAWN BY:	<u>MJH</u>
DATE:	<u>10-10-2022</u>
REVIEWED BY:	<u>RBP</u>
APPROVED BY:	<u>BH</u>
SCALE:	<u>1" = 150'</u>

Portion of 2945-042-00-024
Located in parts of the SE $\frac{1}{4}$ NW $\frac{1}{4}$
& the SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 4, T.1S, R.1W
Ute Meridian, City of Grand Junction
Mesa County, Colorado

CITY OF
Grand Junction
COLORADO

PUBLIC WORKS
ENGINEERING DIVISION
PROJECT NO. 207-F210303

TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

This Temporary Construction Easement Agreement ("Agreement") is made and entered into this 21st day of February 2023 by and between **F One-Half Acquisition LLC, a Colorado Limited Liability Company**, hereinafter referred to as "Owner" whose address is 312D Aspen Airport Business Center, Aspen, CO 81611, and the **City of Grand Junction, a Colorado home rule municipality**, hereinafter referred to as "City," whose address is 250 N. 5th Street, Grand Junction, CO 81501, hereinafter referred to as "City".

RECITALS:

- A. The City Council of the City has determined that constructing improvements for the F ½ Road Parkway, a principal arterial roadway which includes the installation, replacement, repair and upgrade of roadway improvements including but not limited to the construction and installation of asphalt, concrete curb and gutters, driveways and sidewalks and public utilities including but not limited to, electric power, irrigation, potable water, storm sewer and sanitary sewer (collectively, the "Project") is necessary for the health, safety and welfare of the inhabitants of the City.
- B. Owner is the owner of the parcel of land described in Special Warranty Deed recorded at Reception Number 3045682, in the Mesa County Clerk and Recorder's records ("Owner's Property"). The Project shall include the installation of some of the improvements on or adjacent to Owner's Property.
- C. To facilitate prudent and proper completion of the Project improvements, the City needs the Owner's permission to temporarily access and traverse the Owner's Property with workers and equipment in accordance with the terms and conditions of this Agreement and within the limits of the Owner's Property.

NOW, THEREFORE, based on the recitals above and in consideration of their mutual promises and other valuable consideration as herein stated, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree as follows:

- 1. The Owner hereby grants and conveys to the City one (1) Temporary Construction Easements within the limits of the Owner's Property as depicted on the attached **Exhibit "A"** which is incorporated herein ("Easement Area"), to allow access for workers and equipment to facilitate installation, repair, and replacement of improvements associated with the Project during the term specified in paragraph 2.
- 2. The term of the City's use of the Temporary Construction Easements herein granted is nonexclusive, except that the Owner agrees that Owner or its successors, heirs, or assigns, shall not erect or construct any building or other permanent structure within the Easement Areas or interfere with City's access, use or operation within the Easements without first obtaining written consent of the City's Manager or City's Public Works Director. The Temporary Construction Easements shall commence with written notice presented at least 48 hours prior to the commencement to Owner at Owner's address above by ordinary US mail (presentation complete upon mailing) or in person and shall expire at midnight 24 months from the date of presentation of the written notice to Owner.

3. This Agreement is temporary in nature and is not intended to affect the title of the Owner's Property. The City agrees that this Agreement shall not be recorded nor otherwise entered into the permanent record of any land office. Owner shall be responsible for informing any successor, heir, or assignee of this Agreement.
4. As a condition of accepting this grant of Temporary Construction Easement, the City agrees, at the City's sole cost and expense, to reasonably repair and restore those portions of the Owner's Property affected or damaged by the City's construction activities and to return said affected areas to the Owner in a condition reasonably approximate to that which existed prior to entry by the City, except the City shall have no obligation to repair or replace any improvements, vegetation, trees or surface cover that were acquired by City as consideration for this Easement and/or other conditions as agreed in that Memorandum of Agreement between Owner and City dated FEB 21st 2023
5. This Agreement otherwise embodies the complete agreement between the parties hereto and cannot be changed or modified except by a written instrument subsequently executed by both parties. This Agreement and the terms and conditions hereof apply to and are binding upon the successors, heirs and authorized assigns of both parties.

Dated the day and year first above written.

F One-Half Acquisition LLC,
a Colorado Limited Liability Company

By: [Signature]
Shannon Sweeney, Manager

State of Colorado)
County of PITKIN)ss

The foregoing instrument was acknowledged before me this 21 day of FEB, 2023 by Shannon Sweeney as Manager of F One-Half Acquisition LLC, a Colorado Limited Liability Company.

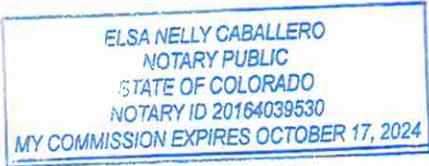
My commission expires 10/17/2024.

Witness my hand and official seal.

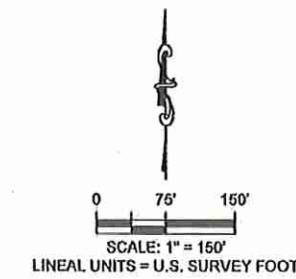
[Signature]
Notary Public

City of Grand Junction,
a Colorado home rule municipality:

Greg Caton, City Manager



TEMPORARY CONSTRUCTION EASEMENT PARCEL NO. TCE-4



CITY OF
Grand Junction
 **COLORADO**

PUBLIC WORKS
ENGINEERING DIVISION
PROJECT NO. 207-E210306

RESOLUTION NO. __-23

A RESOLUTION AUTHORIZING THE PURCHASE BY THE CITY OF A PORTION OF REAL PROPERTY IDENTIFIED BY MESA COUNTY TAX ASSESSOR AS 2945-042-00-024 F One Half Acquisition LLC AND RATIFYING ACTIONS HERETOFORE TAKEN IN CONNECTION THEREWITH

RECITALS:

The City Manager has entered into a Memorandum of Agreement ("Contract") with F One Half Acquisition LLC (also known as Seller) for the sale of a portion of property by the Seller and the purchase of said portion of property by the City of that certain real property identified by Mesa County Tax Assessor as 2945-042-00-024. The City Council has considered the Contract and deems the purchase of the property necessary and proper.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

1. That the City Council hereby authorizes the purchase of a portion of the above described property by the City for \$291,515 as provided in the attached Contract. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said portion of property which are consistent with the provisions of the Contract and this Resolution are hereby ratified, approved and confirmed.
2. That the City Council hereby authorizes the expenditure of \$291,515.00 plus normal and customary closing costs for the purchase of said portion of property to be paid at closing.
3. That the officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Resolution and the attached Contract, including, without limitation, the execution and delivery of such certificates, documents and payment as may be necessary or desirable to purchase the property.

PASSED and ADOPTED this 15th day of March 2023.

Anna Stout
President of the Council

Amy Phillips
City Clerk



Grand Junction City Council

Regular Session

Item #6.a.i.

Meeting Date: March 15, 2023
Presented By: Daniella Acosta, Senior Planner
Department: Community Development
Submitted By: Dani Acosta, Senior Planner

Information

SUBJECT:

An Ordinance Authorizing the Land Exchange Between the City of Grand Junction and Robert M. Stubbs

RECOMMENDATION:

Staff recommends approval of the ordinance.

EXECUTIVE SUMMARY:

The Camelback Gardens Planned Development is a proposed residential development in the Ridges to be located at 381 and 409 High Desert Road. The proposed development site is surrounded by approximately 14 acres of City Open Space. The Applicant, Mr. Robert M Stubbs, is petitioning to exchange approximately 12,336 square feet of existing City Open Space and, in return, build and dedicate a 10,149-square foot public park as City Open Space, as well as construct 5,795 square feet of hard-surface trail connections to the surrounding City Open Space for public use.

BACKGROUND OR DETAILED INFORMATION:

A 1976 Resolution concerning disposition of City-owned real estate, grants City Council the authority to consider a land swap between City-owned land and private property, and allowing such exchanges so long as the land exchange is of equal value or greater value (both actual and potential) to the public and to the City. In exchange for two pieces of City Open Space abutting the parcels' boundaries, totaling approximately 5,211 square feet and 7,125 square feet, the Applicant is proposing to build and dedicate to the City a 10,149-square foot (Tract MM) landscaped park for public use, along with constructing public trail access points totaling 5,795 square feet (Tract NN and Tract OO) to provide dedicated public access to the Ridge open space. Tract NN is 4,182 SF, and Tract OO is 1,613 SF (Exhibit 7).

The proposed public park and improvements formalize the trail network for both future residents of the Camelback Gardens and existing residents in the surrounding neighborhoods. The Applicant has expressed that he intends to frontload the public trail infrastructure to preserve access to the open space for the adjacent neighborhoods during subdivision construction. The details of construction obligations, formal development agreement regarding trail infrastructure, or a plan detailing the trail connections has yet to be laid out, but the agreement to dedicate, construct and maintain Tracts MM, NN, and OO is included in the terms of the exchange as outlined in the attached ordinance (ORD-Ridges Exchange Camelback 20230224).

Parks and Recreation staff participated in a site visit with the Applicant, who provided an overview of the proposed trail layout and open space configuration based on the new parcel boundaries resulting from the land exchange. As explained in the petition, the Applicant cites that the land exchange will create improved contiguity of the public open space by creating a more predictable boundary. Parks and Recreation staff communicated to Community Development staff that the proposed land swap would have no negative impact on the existing open space system, and that no trail improvements are projected for the two pieces of land included in the proposed swap. The land exchange petition was presented to the Parks and Recreation Parks Advisory Board (PRAB) on February 2. The PRAB voted to forward a recommendation of approval to the City Council.

FISCAL IMPACT:

There is no direct fiscal impact from this action. Future costs associated with maintenance of the park and trail connections will be budgeted accordingly.

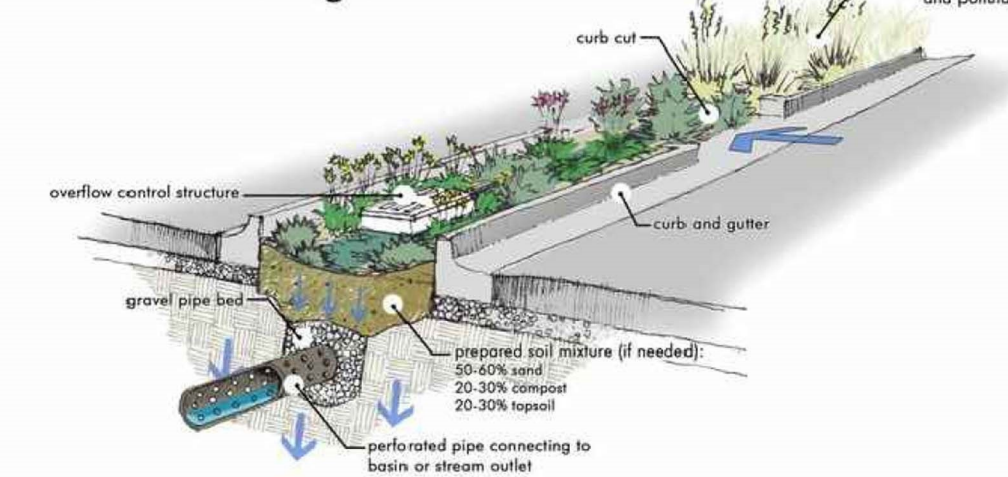
SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No. 5134, an ordinance authorizing and confirming the exchange of real property located at 381 High Desert Road and for property located at 409 High Desert Road in the City of Grand Junction, Colorado on final passage and order final publication in pamphlet form.

Attachments

1. Exhibit 1. Land Exchange Map Camelback Gardens ODP with Trails
2. Exhibit 2. Land Exchange Petition
3. Exhibit 3. Staff Annotated Exhibit
4. Exhibit 4. 1976 Resolution - City Council Policy on Disposal of City-Owned Real Estate
5. Exhibit 5. PRAB Minutes 2023 - February 2
6. Exhibit 6. Land Exchange Camelback Gardens Exhibit Map
7. Exhibit 7. ODP Sheet 3 Camelback Gardens showing Lands to be Exchanged
8. Exhibit 8. Parks and Recreation Staff Opinion (1)
9. Exhibit 9. Plat Camelback Gardens Land Exchange
10. ORD-Ridges Exchange Camelback 20230224 (1)

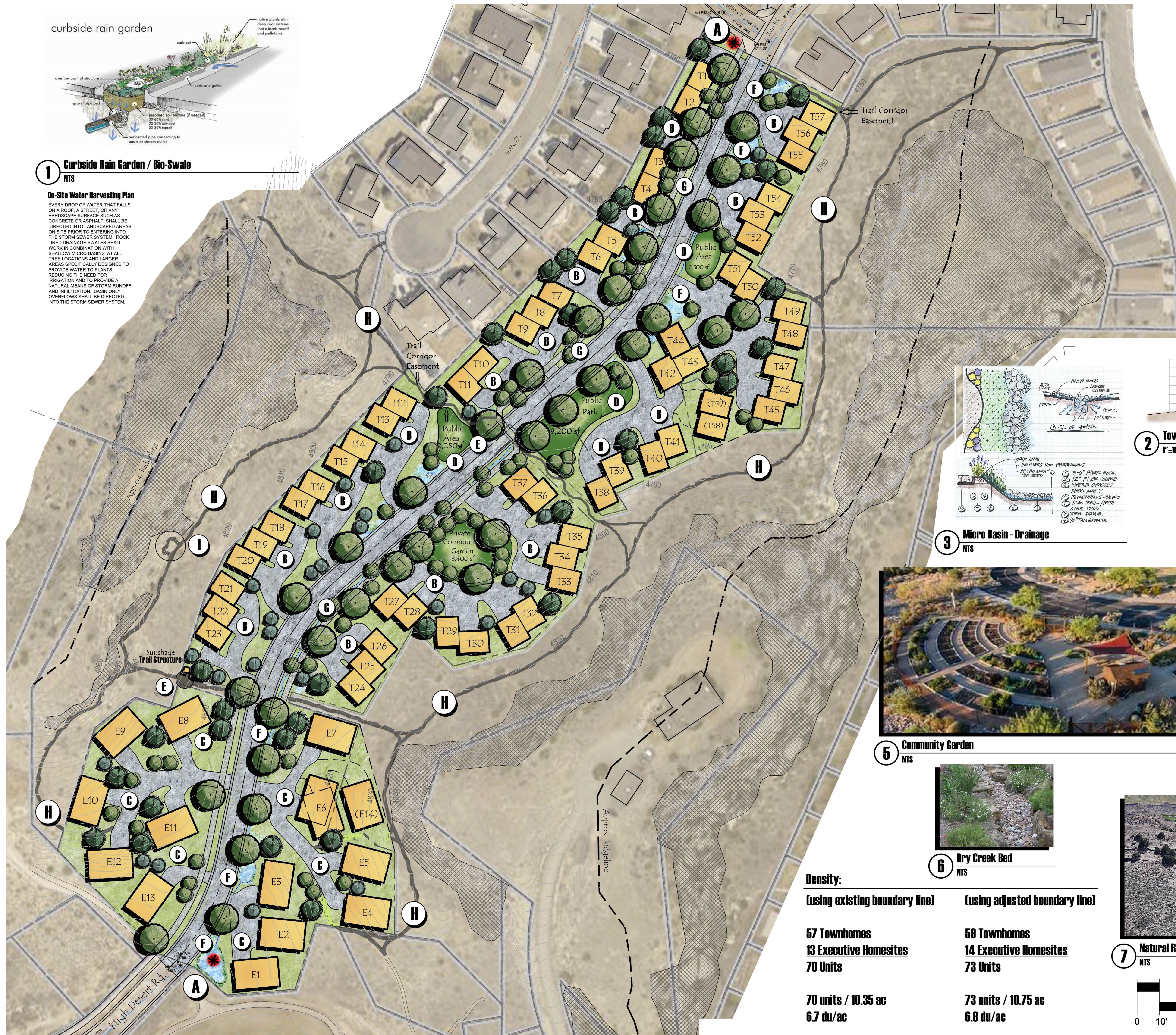
curbside rain garden



1 Curbside Rain Garden / Bio-Swale NTS

On-Site Water Harvesting Plan

EVERY DROP OF WATER THAT FALLS ON A ROOF, A STREET, OR ANY HARDSCAPE SURFACE SUCH AS CONCRETE OR ASPHALT, SHALL BE DIRECTED INTO LANDSCAPED AREAS ON SITE PRIOR TO ENTERING INTO THE STORM SEWER SYSTEM. ROCK LINED DRAINAGE SWALES SHALL WORK IN COMBINATION WITH SHALLOW MICRO-BASINS AT ALL TREE LOCATIONS AND LARGER AREAS SPECIFICALLY DESIGNED TO PROVIDE WATER TO PLANTS, REDUCING THE NEED FOR IRRIGATION AND TO PROVIDE A NATURAL MEANS OF STORM RUNOFF AND INFILTRATION. BASIN ONLY OVERFLOWS SHALL BE DIRECTED INTO THE STORM SEWER SYSTEM.



Legend

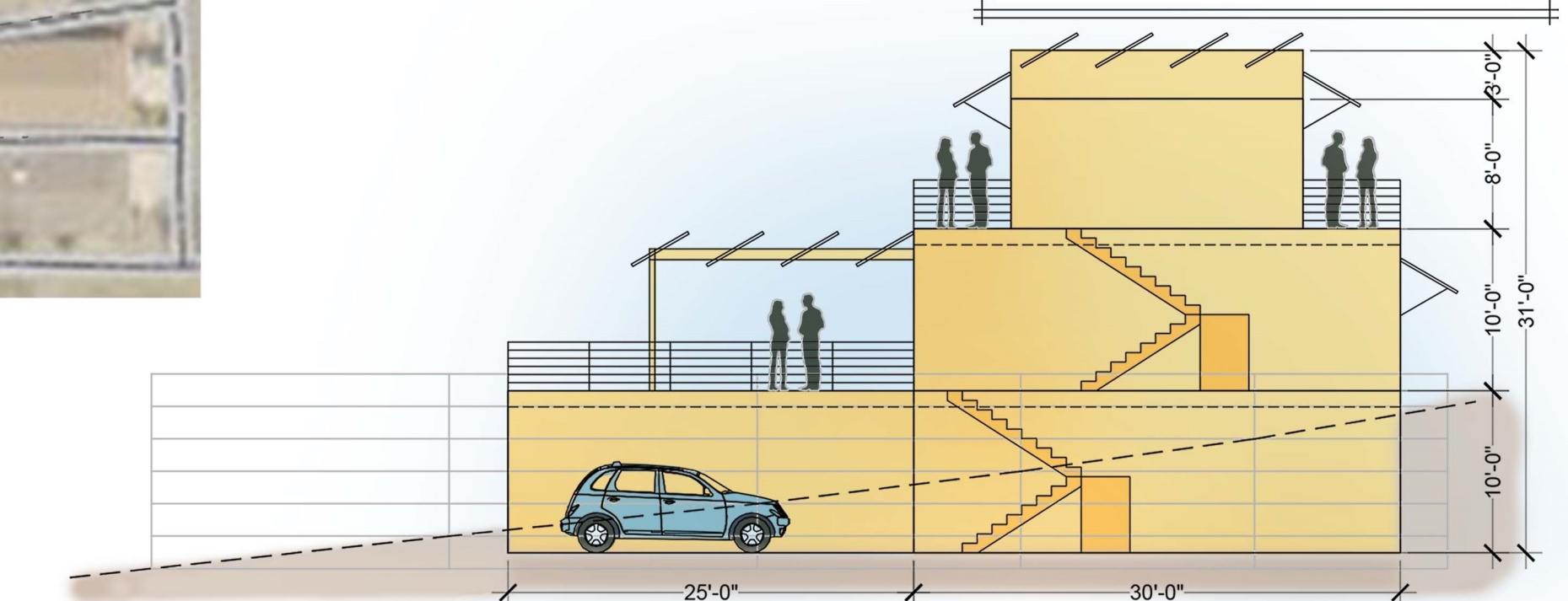
- A. Water Feature / I.D. Sign
- B. 30'x40' Townhome Units
- C. 40'x60' Executive Home Sites
- D. Park / Community Garden
- E. Bike Station / Outdoor Seating
- F. Micro-Basins
- G. Tree Lined Street / Sidewalk & Water Feature
- H. Hiking / Biking Trails
- I. Natural Amphitheater

Project Name :
Camelback Gardens
Grand Junction, Colorado

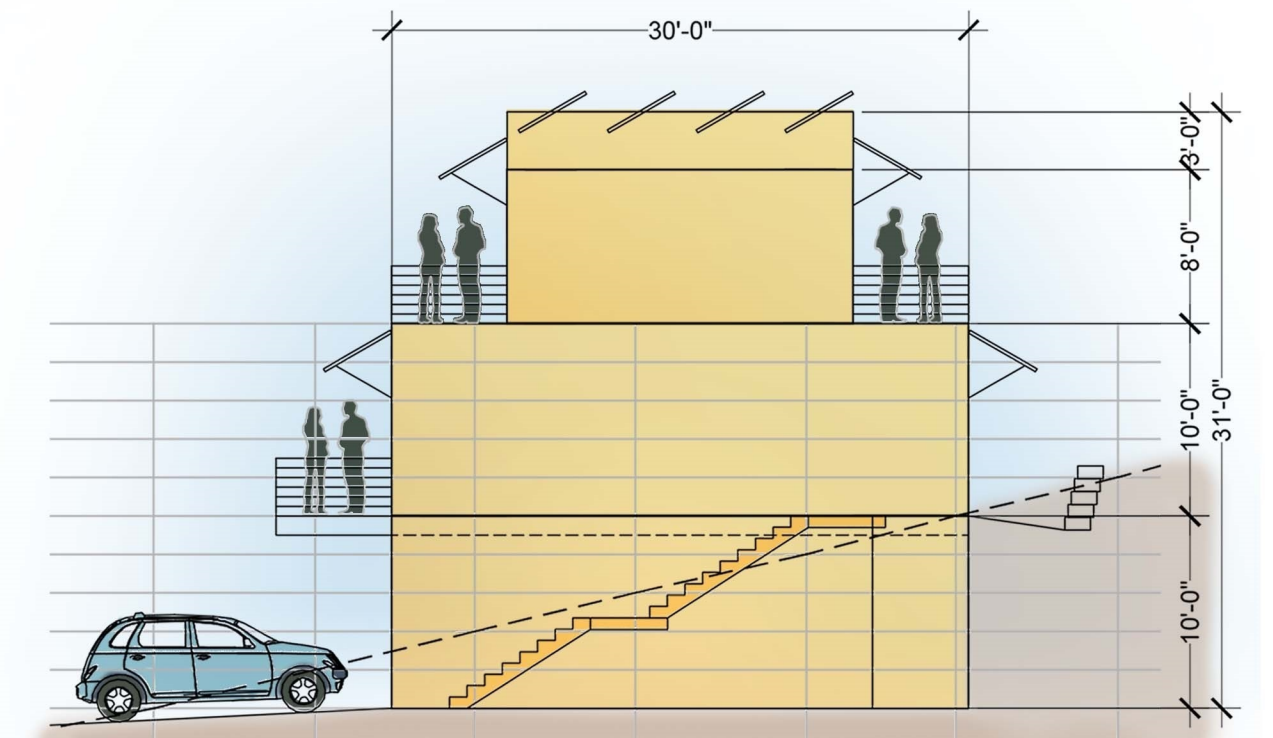
Client:
Mike Stubbs
rmstubs@icloud.com

Landscape Architect:
NIVISION DESIGN STUDIO, INC.
677 25 Road Grand Junction, CO 81505
Phone: 970.210.2155 Email: info@nvis.biz
Web: www.nvis.biz
Landscape Architecture | Visual Simulation | Graphic Design

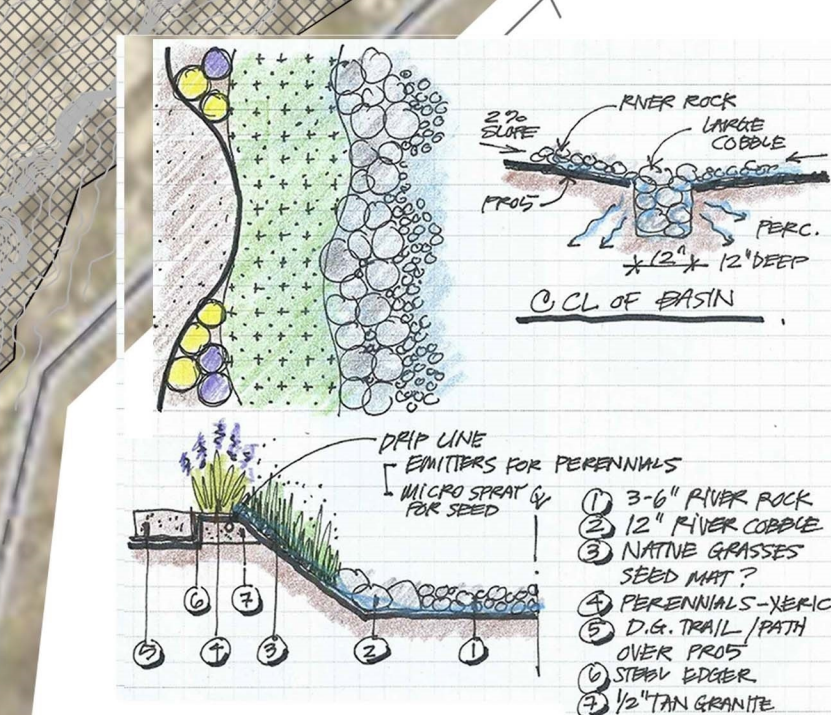
Planning & Design
Colorado Land Advisor, Ltd.
388 West Street | Suite 38 | Grand Junction, CO 81501 970.210.2208
Managing Colorado's Best Practices | ColoradoLandAdvisor.com



2 Townhome Suites Section - 12% Slope
1"=10'



4 Cottages Section - 25% Slope
1"=10'



3 Micro Basin - Drainage
NTS



5 Community Garden
NTS



6 Dry Creek Bed
NTS



7 Natural Rock Amphitheater
NTS

Density:

(using existing boundary line)

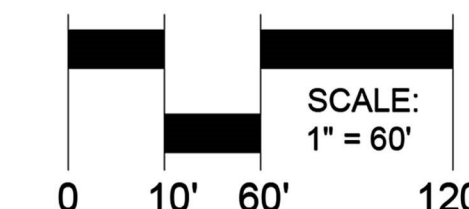
57 Townhomes
13 Executive Homesites
70 Units

70 units / 10.35 ac
6.7 du/ac

(using adjusted boundary line)

59 Townhomes
14 Executive Homesites
73 Units

73 units / 10.75 ac
6.8 du/ac



SCALE:
1" = 60'

Preliminary
Not For Construction

Registration:

Revisions:
This ODP is not Final & is subject to change

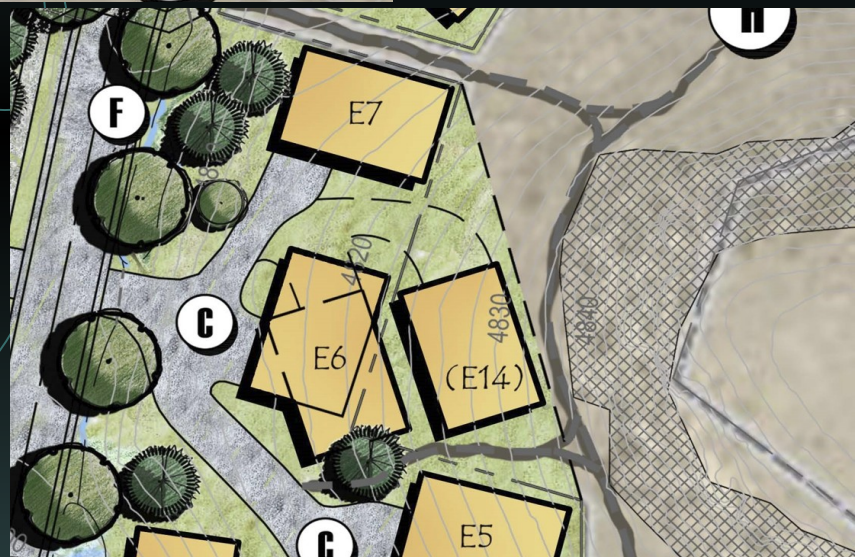
Sheet Title:

Concept

Project:
Camelback Gardens
Date:
12-12-22
Scale:
1" = 60'

Sheet:
North
CP
of 1 Sheet

Petition for Land Exchange



Colorado Land Advisor, Ltd.

Planning + Design + Land Advisor + Stormwater Management
300 Main Street | Suite 302 | Grand Junction, CO. 81501 | 970.812.3288
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Executive Summary

Petition for Land Exchange Of Ridges Open Space

The City of Grand Junction is hereby petitioned to approve and execute an exchange of unimproved and unmaintained Ridges Open Space owned by the City for land owned by Robert M. Stubbs in the Camelback Gardens Subdivision (Camelback) to be designated as public park space improved by the developer and maintained by the Camelback Gardens Home Owners Association.

Mr. Stubbs is in the process of pursuing an ODP for the development of Camelback Gardens. The current boundaries of Camelback are very irregular and are the result of prior platting of the area and dedication of open space based on the original plat. The land was previously platted for residential lots from a parcel of approximately 25 acres. The original site plan and plat for the area utilized a number of cul-de-sacs. The dedication of approximately 15 acres of open space was the result of clustering of the residential lots. The original plat was vacated, however, the open space dedications remained in effect. Open Space access areas that were reserved under the prior plat will be maintained and improved. The Open Space areas proposed for exchange are those adjacent to prior cul-de-sacs and were not dedicated with the intent of providing access to or maintenance of open space but rather to keep the lot sizes uniform.

The planning concepts currently employed for developing the ODP for Camelback Gardens utilize a number of shared private drives with small lots/building envelopes and significant amounts of improved and maintained private open space. The small areas of Ridges open space proposed for this exchange provide for better planning and utilization of infrastructure. Please refer to the enclosed concept plan and project report for more detailed information.

This exchange would provide the City with an improved and maintained public park as well as facilitate other significant public improvements. The Camelback ODP will include development of a formalized and established trail network through existing open space in cooperation with the City. We feel the tangible benefits to the City as well as the intangible benefits of facilitating superior site planning easily justify the exchange proposed.

Introduction

- This is a request for a land exchange between Robert M. Stubbs (Mike Stubbs), a developer, and the City of Grand Junction. The exchange is of private land(s) owned by the developer with lands within The Ridges open space. The open space area under consideration consists of 12,336 square feet. The open space land consists of property previously dedicated to The Ridges by the developer. The land Mr. Stubbs is proposing to exchange for the open space would be a newly developed park, shown and designated on the ODP as the 9,200 sf Public Area D, as well as 2 constructed trail connection corridors totaling 3,900 sf providing dedicated access to Ridges open space. This new park land and trail corridors would be located within the future Camelback Gardens development. This land exchange would create more public trails and open space access as well as a more predictable boundary between the public and private parcels. The approval of this request creates the potential for a more predictable boundary which would reduce user conflicts by creating a more fluid trail network. New trail connections would be more intuitive for users seeking to traverse the topography. The newly built trails would connect sensibly in locations which will enable users to continue on to preferred destinations around the Redlands.
- Approval of this request would allow for the development of open space trail connectivity prior to starting construction of Camelback Gardens. Public access would then be continuous and uninterrupted. An approval of this land exchange would create a pattern of development which would be improved through a more predictable boundary, a more predictable and enjoyable trail network. Many users of the Ridges open space access it across private land, land which will in the future be under construction as it is developed with new streets, utilities and infrastructure. By creating a more fluid definition of the relationship between public open space and private lands user conflicts would be reduced.

Introduction

Approval of the exchange would create better connectivity in The Ridges trail network. There would be more constructed trails built and more connection points established with public access easements.

The adjacent open space area experiences moderate use even though no formal development plan for, or maintenance of, the area exists. The Camelback Gardens development will form a home owners association to manage all of it's common areas. Part of the proposal for the Camelback Gardens ODP will be to partner with the City Parks and Open Space department to formalize and develop the open space to a level which increases user satisfaction.

Adventure seekers are appreciative of the land that surrounds them. In areas around Camelback Gardens many braided trails exist which were apparently created by locals without any plan for sustainability in mind. Right now many of these trails lead down into private land, the future Camelback Gardens. By creating more predictability in the area trail users will likely increase their use of open space area on trails that connect to other areas, other trails thus, increasing the healthy lifestyle opportunities which exist in the Grand Valley. This also increases community engagement and satisfaction.

By making small exchanges the overall site will function better in relationship to The Ridges open space. This concept is noted as one of the benefits to consider in our future ODP application for the site. In the City's Code at 21.02.150 *Planned development (PD)*. (1) *More efficient infrastructure;* (3) *More usable public and/or private open space(.)* We will be striving to meet this criteria. This land exchange will allow us to further develop these community benefits.

The land exchange will enable a more sustainable plan in the layout of the future development. The development could achieve the same density without the land exchange. However, the exchange opens the opportunity for a mutually beneficial design enabling new park areas and further connectivity to area trails.

Introduction

Any such park lands to be dedicated would be maintained by the Camelback Gardens HOA so that no further burden for maintenance would fall upon the City.

One of the purposes of this request is to encourage the preservation of environmentally sensitive areas for open spaces, while encouraging the ability to develop the most suitable lands at a density range supported by the Comprehensive Plan. Those densities which are consistent with the property's zoning designation will be proposed with the future ODP application.

Some of the open space land to be exchanged would become building envelopes, driveways, and sidewalks while nearly half of the land would be conveyed to, owned, and maintained by, the Camelback Gardens HOA as open space for the development. If approved it would also allow 2 buildings (up to 4 units) to be built on the exchanged lands.

The newly created open space of Camelback Gardens will abut or provide easy access to Ridges open space. The public will benefit in numerous ways as open space design and developer constructed improvements will:

- (1) Be linked to existing and planned public open spaces, constructed areas, and trails as much as possible while reducing user conflicts with landowners; and
- (2) Maximize access and use by residents of Camelback Gardens, city residents, as well as general trail users; and
- (3) Provide trails, paths and walkways to recreation areas, and other public facilities such as Pine Ridge Park and Mesa County open space; and
- (4) Provide a greater quality and quantity of public and private open space; and
- (5) This open space will be integrated with the subdivision and adjacent property to create attractive areas for active and passive use. This request will reduce peripheral strips of land and isolated corners, thus reducing user conflicts; and
- (6) The future ODP layout will interconnect streets, open spaces, and existing trails through the proposed pedestrian and bicycle trails. This land exchange will further enable the future development to create better continuity.

Site Analysis for Land Exchange

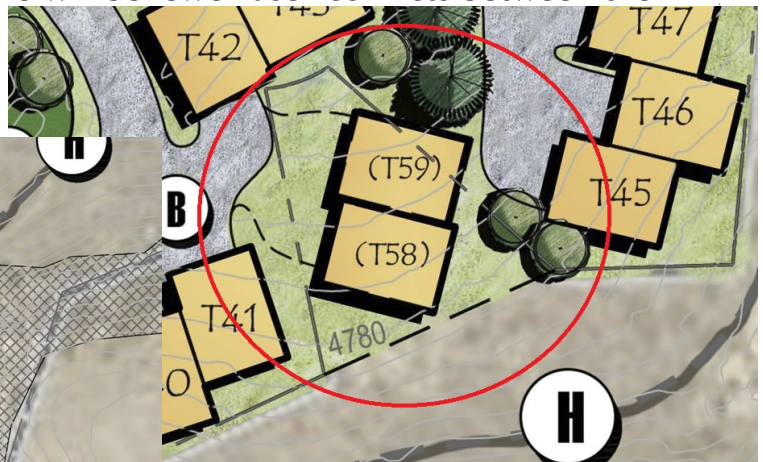
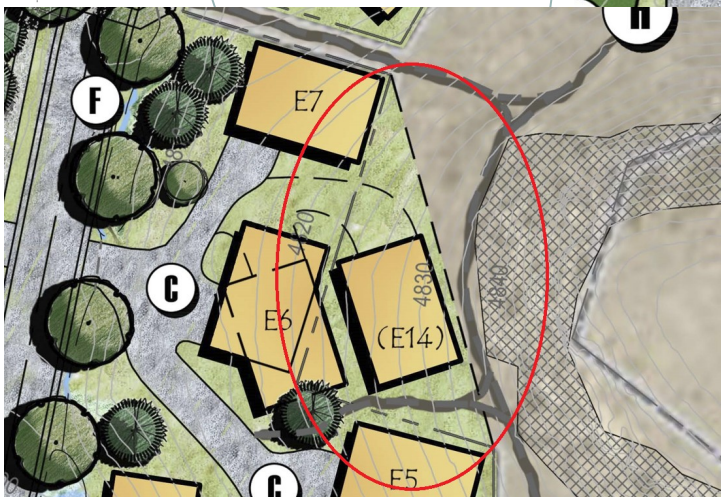
In identifying the physical and technical characteristics of the property for the Camelback Gardens land exchange in relationship to the surrounding area several factors were considered. Each areas assets and constraints were reviewed.

The private parcels are undeveloped vacant land. The Ridges open space parcel was previously held by the developer as private parcels. Current ground cover on all parcels is native plants with grasses, a few small trees, and numerous cactus. The open spaces surrounding the site has lots of topography with rock outcroppings with unconstructed T2 Wilderness trails (www.TrailTransect.com) running through it.

The sites under consideration consist of lands that are irregularly shaped with mild to moderate slopes similar to the adjacent land to be developed. In order to create a more natural shape to the project and increase the ultimate connectivity of utilities these two areas represent an opportunity to create a more rational property line while affording more opportunity for utility connections across the future Camelback Gardens HOA maintained open space.

By making the boundary more consistent and having natural connection points to the open space there will be fewer user conflicts between the HOA and area trail users.

Parcel 14 to be exchanged

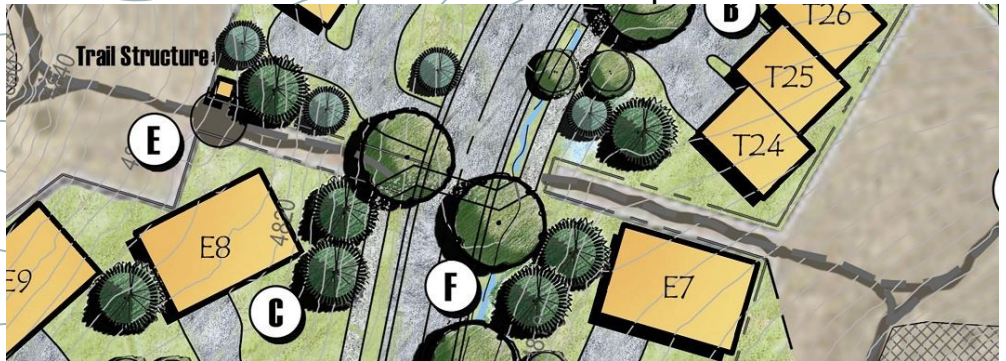


Parcel 58/59 to be exchanged
Please see the ODP map for
Better context of the area

Private Lands for Land Exchange

The trail connection points shown here are currently undeveloped on vacant private land. This would be similar in character with the 'Lunch Loop' trails.

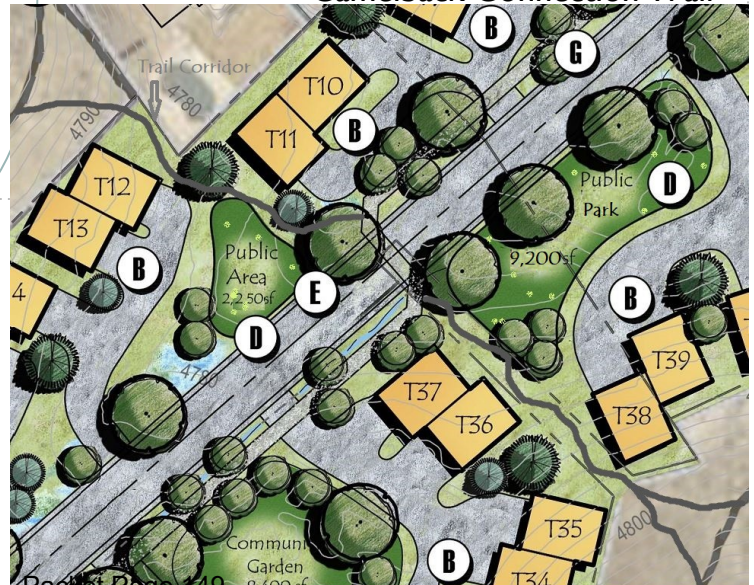
Watertower Loop Connection Trail



Rock Garden Connection Trail



Camelback Connection Trail



Private lands
trail corridors
to be considered
in the exchange

Note: This ODP map is not yet finalized
and is subject to change.

Trails to be realigned onto public lands or easements



Site Analysis

The two areas under consideration are uniquely shaped parcels which were formed by the previously platted subdivision boundary. The parcels were left undeveloped and left as open space due to the street layout of the previous plat. The two parcels are identified as T58/T59, consisting of 5211 square feet and E14, consisting of 7125 square feet.

Under the current ODP Camelback Gardens would create numerous connection points from the development into the open space. The proposed plan includes using the benefit of an approved Land Exchange to double the trail connections to at least 6 locations within The Ridges open space. These connections will allow connectivity through Camelback Gardens to and from popular recreational areas such as 'the watertower loop'. Currently all trail users are trespassing on this private land. This proposal creates a significant opportunity to at least double the existing connectivity to the trail system by funneling users to smart connection points as they travel in, out, and through the development via foot and bike.

As the project moves to the ODP phase an audit of the open space will be completed in order to make modifications to the site as needed to further improve upon human powered transportation in The Ridges and around Redlands Mesa, as well as the future Redlands 360 project. The development team has met with City Parks and Open Space staff a few times to walk the open space area around Camelback Gardens. General trail alignments have been discussed along with developing a general process for detailing the plan further. The open spaces surrounding the site has lots of topography with rock outcroppings with unconstructed T2 Wilderness trails running through it, a location which is more suitable for open space trails.

Approval of this request will have a net positive impact on the health of trail users. Through the creation of more trails, more interesting trails, users will have a more positive experience and this is more likely to reinforce their healthy behaviors.

Summary of Planning Concepts

In developing the concept plans for this project we have gone through numerous iterations in order to refine the plan and maximize the value for each of the future home sites. We have attached the townhome units on one or two sides in order to create some architectural distinction from the typical Grand Junction development. This makes the site more efficient as well. This creates some spacing between the multiple unit buildings that will be HOA open space. It is anticipated that future buyers will be outdoorsy people who will want to connect to the local trail system. Designing in more trail corridors and connection points will benefit the future development. It will also benefit all users of The Ridges open space as they will have more options, more trails to explore. It is possible to fit the same number of units without incorporating the proposed land exchange. In order to do that we have to move several units in order to maintain code separation. This closes the spacing which allows for several of the trail corridors. This is less desirable. We see a greater benefit to the future home owners as well as the public by spacing the units out and creating connection points to and from the existing trails in the area enabling adjacent homeowners to enjoy the interconnected trail system immediately outside their door, they will be able to 'Bike-In/Bike-Out'.TM

The ultimate public benefits are

- New 9,200 square feet of developed park land
- New 1,650 square foot Trail Corridor Easement
- New 2,250 square foot Trail Corridor Easement
- Partnership with City Parks and Open Space to construct Trails in Ridges Open Space
- Increase recreational opportunities within the Redlands area

Camelback Gardens Proposed Land Exchange

This report is the property of Colorado Land Advisor, Ltd.,
it's successors, and assigns.



Planning + Design + Land Advisor + Stormwater Management
300 Main Street | Suite 302 | Grand Junction, CO. 81501 | 970.812.3288
Designing Colorado's Best PLACES | ColoradoLandAdvisor.com

Jeffery Fleming QLIDI, Urban Planner
Colorado Land Advisor, Ltd.
300 Main Street | Suite 302
Grand Junction, CO 81501
970.812.3288
LandAdvisor@ColoradoLandAdvisor.com

As an urban planner much experience and research has gone into compiling data for this report. Information was collected from various sources and every attempt has been made to acknowledge the contributing sources. Any errors or omissions are unintentional and should be brought to the attention of the author as soon as possible.



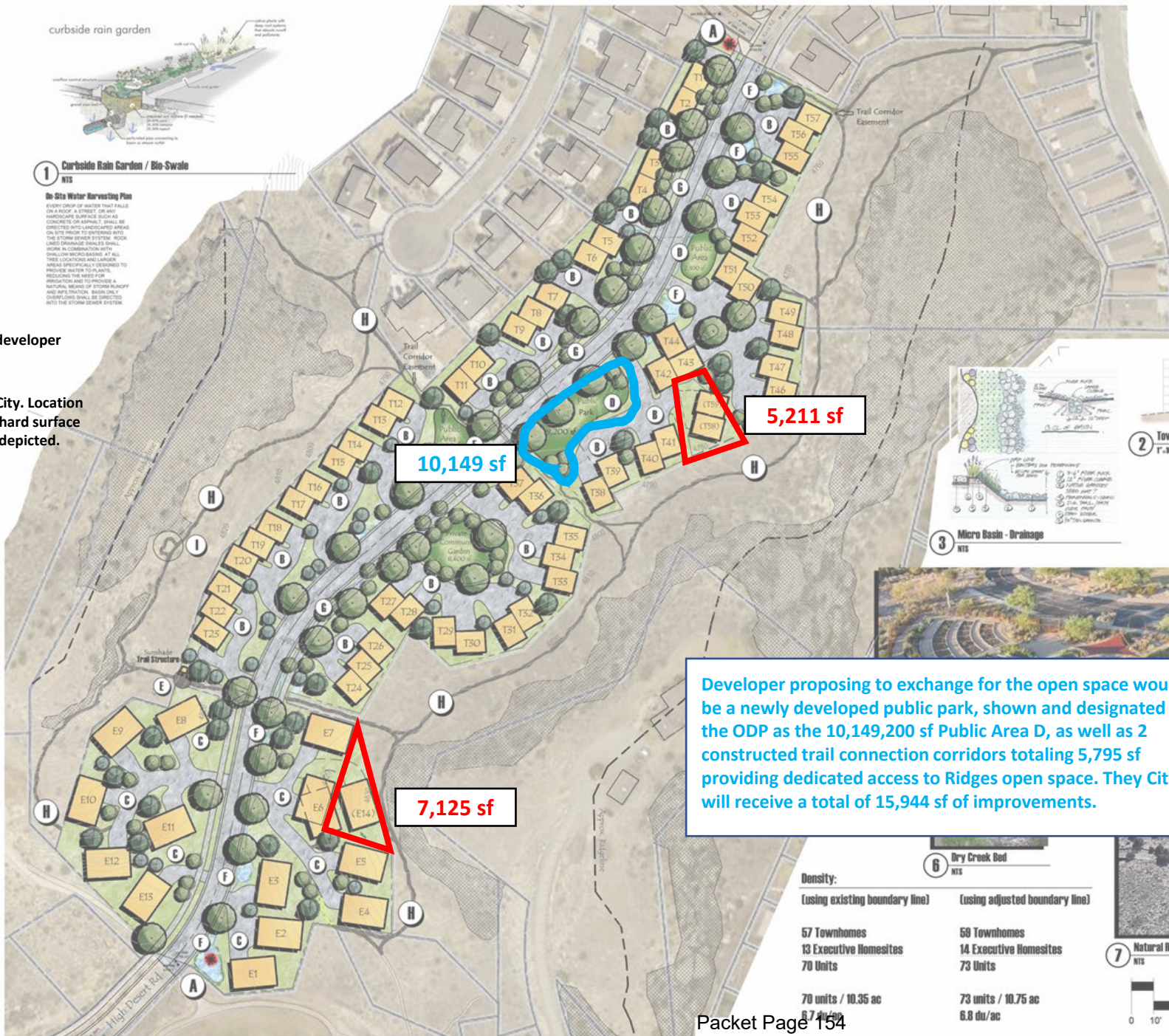
1 Curbside Rain Garden / Bio-Swale NTS

On Site Water Harvesting Plan

EVERY DROP OF WATER THAT FALLS ON A ROOF, A STREET, OR ANY HARDSCAPE SURFACE SUCH AS CONCRETE OR ASPHALT, SHOULD BE DIRECTED INTO LANDSCAPE AREAS ON SITE PRIOR TO ENTERING INTO THE STORM SEWER SYSTEM. MICRO BASIN DRAINAGE SWALES SHALL WORK IN COMBINATION WITH SHALLOW MICROBASINS AT ALL TREE LOCATIONS AND LANDSCAPE AREAS SPECIFICALLY DESIGNED TO PROVIDE WATER TO PLANTS, REDUCING THE NEED FOR IRRIGATION AND TO PROVIDE A NATURAL MEANS OF STORM RUNOFF AND INFILTRATION. BASIN ONLY SYSTEMS SHALL BE CONNECTED INTO THE STORM SEWER SYSTEM.

Exchange to developer

Exchange to City. Location of improved hard surface trails not depicted.



10,149 sf

5,211 sf

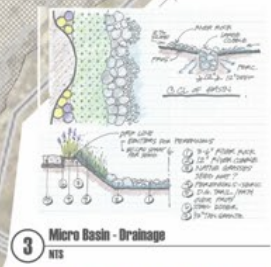
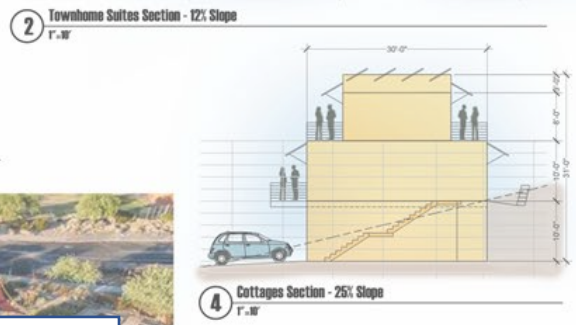
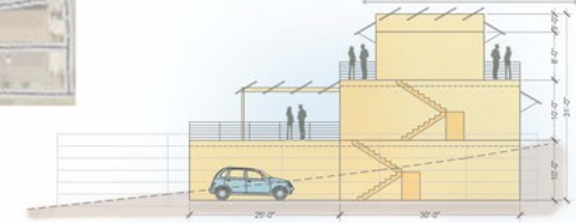
7,125 sf

Developer proposing to exchange for the open space would be a newly developed public park, shown and designated on the ODP as the 10,149,200 sf Public Area D, as well as 2 constructed trail connection corridors totaling 5,795 sf providing dedicated access to Ridges open space. They City will receive a total of 15,944 sf of improvements.

Density:	
(using existing boundary line)	(using adjusted boundary line)
57 Townhomes	58 Townhomes
13 Executive Homesites	14 Executive Homesites
70 Units	73 Units
70 units / 10.35 ac	73 units / 10.75 ac
6.7 du/ac	6.8 du/ac

- Legend**
- A. Water Feature / L.D. Sign
 - B. 30'x40' Townhome Units
 - C. 40'x60' Executive Home Sites
 - D. Park / Community Garden
 - E. Bike Station / Outdoor Seating
 - F. Micro-Basins
 - G. Tree Lined Street / Sidewalk & Water Feature
 - H. Hiking / Biking Trails
 - I. Natural Amphitheater

Project Name: Camelback Gardens
Grand Junction, Colorado
Client: Mike Stubbs
rmstubs@icloud.com
Landscape Architect: NIVISION DESIGN STUDIO, INC.
477 35 Road Grand Junction, CO 81505
Phone: 970.202.2155 Email: info@nvision.com
Planning & Design: Colorado Land Adviser, Ltd.
4400 West Avenue #100 Grand Junction, CO 81505
Phone: 970.202.2155 Email: info@cladviser.com



Preliminary
Not For Construction

Registration:
Revision:
This ODP is not Final & is subject to change
Sheet Title: Concept
Project: Camelback Gardens
Date: 12-12-22
Scale: 1" = 60'
CP

The following Resolution was presented and read:

RESOLUTION CONCERNING DISPOSITION OF CITY-OWNED REAL ESTATE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That it is the policy of the City Council to dispose of City-owned real estate in exchange for real estate that better suits the City's needs whenever possible.

PASSED AND ADOPTED this 21st day of July, 1976.

Parks and Recreation Advisory Board Minutes Regular Meeting – February 2, 2023

Meeting Location: Hospitality Suite – Lincoln Park Stadium

Roll Call

Board Members Present: William Findlay
Kyle Gardner
Lilly Grisafi
Gary Schroen
Nancy Strippel
Lisa Whalin
Byron Wiehe

Board Members Absent: Cindy Enos-Martinez
Austin Solko
Phil Pe'a
Abe Herman

City Staff Present: Ken Sherbenou, Director of Parks and Recreation
Daniella Acosta, Senior Planner
Lance Gloss, Senior Planner
Rob Davis, City Forester, Supervisor - Open Space
Emily Krause, Recreation Superintendent
Allison Little, Administrative Specialist

Guests Present: Jeffrey Fleming – Colorado Land Advisor
Scott Preisendorf – Upland Homes

Meeting called to order by Lisa Whalin at 12:02 p.m.

The Board noted that Lilly Grisafi's name was misspelled throughout the January minutes. Lilly made a motion to approve the minutes with the correction. The motion was seconded by Byron Wiehe and carried unanimously.

Motion by the Parks and Recreation Advisory Board: Yes 6 No 0

Camelback Gardens

Jeffrey Fleming of Colorado Land Advisor talked with the board about the history of the project and the dedications that have preceded this discussion, some of which was deeded to the county and makes up some of what is known as the Ridges Open Space. This development will be marketed towards folks looking for smaller homes with less maintenance requirements freeing up time for hobbies or other activities. Because the dwellings will have limited yard space, the developer wants to ensure open space and common areas are a high quality amenity for the residents.

The proposal is to swap previously dedicated land for new dedications to accommodate the new development since the plan has changed since the previous design. Daniella Acosta shared with the board that the City Charter prohibits disposing of land, but allows exchanging of land as long as what is received is of higher value than what is given away. The developer would be giving 10,100 sq feet of developed parkland with trees grass and irrigation, a trail corridor in either a tract or easement 1650 and 4182 trail corridor as well as improve the trails around the project. City Staff have met with the developer and walked the property. The swap would ensure access and appropriately diverts traffic from private land to public open space areas. This would allow for formalization of trail connections and would include a neighborhood playground for immediate and surrounding residents. As well as residents of the development, folks in the Ridges would benefit as well as others who drive in to use the social trails. Ken Sherbenou shared with the Board that the pedestrian bicycle plan will help make sure all the trails flow and have connectivity as segments are added.

Board members wondered about the soil supporting a developed park. Developers have found some bentonite soil but not an overwhelming amount. Board members also wondered what would happen if the swap was not approved. The developers do have alternative designs that could still meet density and provide trail access (though it would be less access). Board members asked who would maintain the park. Option 1 would be HOA maintain with City Easement. Option 2 would be to dedicate to the City for maintenance. Option 3 would be to dedicate to the City for maintenance with a payment from the HOA to help with costs.

Gary Schroen made a motion to support the land swap as presented for Camelback Gardens with an eye to full trail connectivity, and recommends the HOA undertake the maintenance of the park. The motion was seconded by Kyle and carried unanimously.

Motion by the Parks and Recreation Advisory Board: Yes 7 No 0

Urban Forestry Management Plan

Ken introduced Lance Gloss, who is currently in North Carolina completing his Masters Degree, and is working on the Urban Forestry Management Plan. Lance shared that he has been working on this plan with Rob Davis and the Forestry Board. Lance has surveyed a wide range of plans from comparable communities, in terms of population, climate, size scale, etc. A public meeting is scheduled for February 23 to continue to gather community input. The plan aims to understand the resource as it exists, threats and limitations, understanding public input and stakeholders, canopy goals, and implementation items for those goals.

The survey was open through the month of January in English and Spanish. 529 responses. More than 5x the responses from Boulder's survey, and almost the same as Austin's response, even though their population is far greater. Though this is not statistically valid its still important response. Lance shared breakdowns on demographic data noting there was a good spread on

geography, but fewer responses from the northwest and Pear Park areas. Additionally, there were few renter responses, though a number of landlord responses. Shade was the most tangible benefit response, and priorities for management were identified as pests and disease, drought, and losing trees from lack of care. There was also support for sustaining trees during construction. Half respondents felt that tree canopy had declined in their neighborhoods over the last decade. Trees are being taken care of by individuals (not professional companies) and about half the respondents were unaware of any tree care regulations.

Lance shared with the board that American Forest sets tree canopy goals at 30% canopy cover, A 20% goal would require a doubling of existing trees (230,000 new trees). The Forestry board would like to implement an 18% canopy coverage average that takes into account a lower coverage goal where appropriate (airport, commercial/industrial areas, rural agricultural areas) and a higher goal in residential, parks and open space areas.

The Board thanked Lance for the presentation. Lance will forward a draft of the plan to the board at the end of March for their review and support as it moves forward for Council Adoption.

Painted Bowl

This item was tabled to a future meeting.

JUCO Food Vendor Selection Meeting Representation

Emily Krause advised the board that historically PRAB has had a representative on the JUCO Food Vendor Selection Committee. Lilly Grisafi will check her schedule and let Emily know.

For the Good of the Community

Board members wondered about the election timeline. Ken Sherbenou advised the board that Election day is April 4. The ballot includes eight city council candidates, the Community Recreation Center question, and extending the lease for CDA on the public land to 99 years.

Board members wondered about the Orchard Mesa Pool. Ken Sherbenou shared with the Board that City Council discussed the pool last night and gave direction for staff to resume work with the consultant working on a renovation plan for the pool. There is an operational agreement in place to 2026, which should give the community a lot more confidence in the continued operation and highlights the City's dedication to the OM Pool.

Adjourn

The board adjourned by acclamation at 1:39 p.m.

Next Meeting

The next regular meeting will be March 2, 2023.

Respectfully submitted,
Allison Little
Administrative Specialist

MESA COUNTY PARCEL
No. 2945-202-53-001

N16° 59' 13"E
150.00'

N73° 00' 47"W
95.00'

TRANSFER PROPERTY
7,125 SQ FT

S15° 21' 38"E
177.55'

MESA COUNTY PARCEL
No. 2945-174-53-002

MESA COUNTY PARCEL
No. 2945-202-06-041

TRANSFER PROPERTY
5,211 SQ FT

N11° 40' 14"W
99.49'

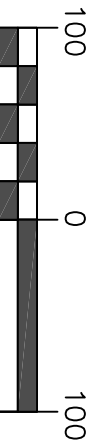
RAD=48.00'
L=23.03'
CHORD=22.81
BRG=N70°48'59"E
Δ=27°29'25"

S65° 32' 57"W
86.53'

S48° 13' 12"E
103.73'



GRAPHIC SCALE:
1"=100'



TRANSFER PROPERTY

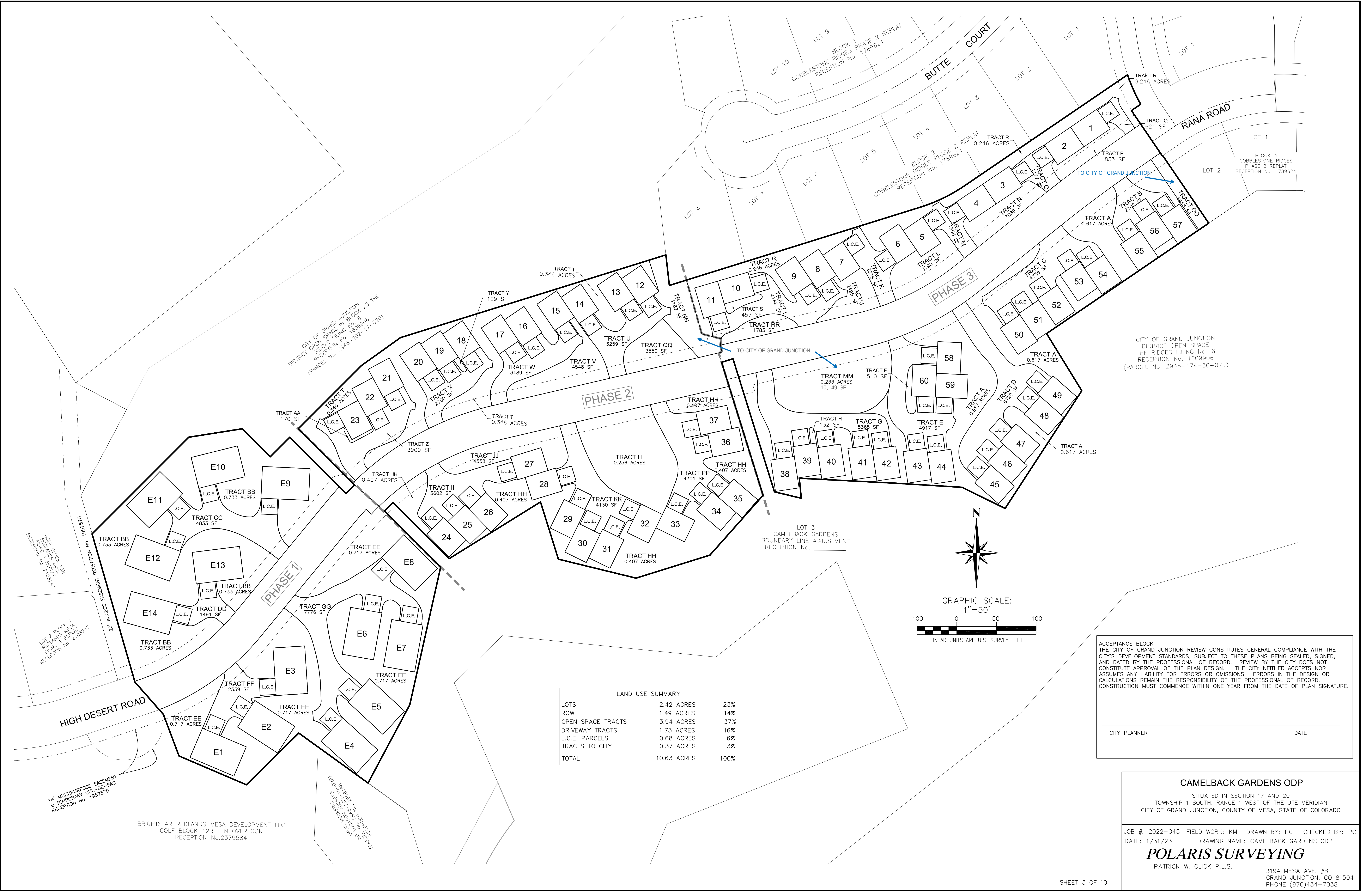
CAMELBACK GARDENS BOUNDARY LINE ADJUSTMENT
381 & 409 HIGH DESERT ROAD

POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

3194 MESA AVE
GRAND JUNCTION, CO 81504
PHONE (970)434-7038

JOB #: 2022-045
DATE: 11/1/22



LAND USE SUMMARY		
LOTS	2.42 ACRES	23%
ROW	1.49 ACRES	14%
OPEN SPACE TRACTS	3.94 ACRES	37%
DRIVEWAY TRACTS	1.73 ACRES	16%
L.C.E. PARCELS	0.68 ACRES	6%
TRACTS TO CITY	0.37 ACRES	3%
TOTAL	10.63 ACRES	100%

ACCEPTANCE BLOCK
THE CITY OF GRAND JUNCTION REVIEW CONSTITUTES GENERAL COMPLIANCE WITH THE CITY'S DEVELOPMENT STANDARDS, SUBJECT TO THESE PLANS BEING SEALED, SIGNED, AND DATED BY THE PROFESSIONAL OF RECORD. REVIEW BY THE CITY DOES NOT CONSTITUTE APPROVAL OF THE PLAN DESIGN. THE CITY NEITHER ACCEPTS NOR ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. ERRORS IN THE DESIGN OR CALCULATIONS REMAIN THE RESPONSIBILITY OF THE PROFESSIONAL OF RECORD. CONSTRUCTION MUST COMMENCE WITHIN ONE YEAR FROM THE DATE OF PLAN SIGNATURE.

CITY PLANNER _____ DATE _____

CAMELBACK GARDENS ODP

SITUATED IN SECTION 17 AND 20
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN
CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO

JOB #: 2022-045 FIELD WORK: KM DRAWN BY: PC CHECKED BY: PC
DATE: 1/31/23 DRAWING NAME: CAMELBACK GARDENS ODP

POLARIS SURVEYING
PATRICK W. CLICK P.L.S.
3194 MESA AVE. #B
GRAND JUNCTION, CO 81504
PHONE (970)434-7038

From: [Randy Coleman](#)
To: [Daniella Acosta](#)
Subject: Re: Camelback Gardens
Date: Thursday, February 16, 2023 12:04:35 PM
Attachments: [image001.png](#)
[Outlook-5r2mvusl.png](#)

Good Afternoon Dani,

I have visited the site and compared it to the site plan on many occasions, with and without the developer. After many questions and evaluation, we support the proposed land swap and believe there will be no impact on the City's Open Space. There is a perceived benefit to the development, our park users, and the citizens of Grand Junction.

If I can answer any other questions, please reach out.

Regards,
Randy Coleman

Randy Coleman

City of Grand Junction Parks and Recreation
Parks Superintendent
Phone: 970-254-3821 | randyc@gjcity.org
2529 High Country Court
Grand Junction, CO 81501



CAMELBACK GARDENS BOUNDARY LINE ADJUSTMENT

Owners' Statement and Dedication:

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Robert M. Stubbs and The City of Grand Junction, are the owners of that real property situate in Section 17 and Section 20, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado as evidenced by Quitclaim Deeds, filed in the office of the Mesa County, Colorado, Clerk and Recorder, at Reception No.'s 2916174 and 1609906, known as:

Lots 1 and 2
CAMELBACK GARDENS SUBDIVISION as recorded at Reception No. 2978317
County of Mesa, State of Colorado

AND INCLUDING

A tract of land situate in Section 20, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, said tract of land being a part of The Ridges Filing No. 6 as shown at Reception No. 1259706 of the Mesa County Records, being more particularly described as follows:

Commencing at the North Quarter Corner of said Section 20, from whence the East Sixteenth Corner on the North line of Section 20 bears S89°46'16"E a distance of 1318.50 feet for a Basis of Bearings, all bearings herein related thereto; thence S89°46'16"E along the North line of the Northwest Quarter of the Northeast Quarter of Section 20 a distance of 272.41 feet to a point on the Easterly line of Camelback Gardens Subdivision as recorded at Reception No. 2978317; thence N5°05'03"E along said Easterly Line a distance of 39.63 feet to the Point of Beginning; thence continuing along said Easterly Line the following (2) courses and distances;
1.N59°36'37"W a distance of 84.55 feet; 2. N27°44'43"E a distance of 247.00 feet to the Northeast Corner of said Camelback Gardens Subdivision; thence along the South and East Lines of Cobblestone Ridges Phase 2 Replat as recorded at Reception No. 1789624, Cobblestone Ridges Subdivision as recorded at Reception No. 1778367 and The Ridges Filing 6 as recorded at Reception No. 1259706 the following 3 courses and distances;
1. N27°44'43"E a distance of 72.63 feet; 2. N61°48'08"E a distance of 58.63 feet 3. N89°54'12"E a distance of 250.05 feet; thence N3°15'39"E a distance of 99.83 feet to a point on the Southern Right of Way for Rana Road as dedicated on said The Ridges Filing 6 and the start of a non-tangent curve to the right; thence 15.19 feet along said non-tangent curve to the right with a radius of 200.00 feet and a central angle of 4°21'05"whose chord bears S84°33'50"E a distance of 15.19 feet to a point on Westerly Line of Rockwood on the Ridges Filing 2 as recorded at Reception No. 2000592; thence along said Westerly Line the following (4) courses and distances;
1. S3°35'38"W a distance of 110.00 feet; 2. S76°53'29"W a distance of 125.00 feet; 3. S27°12'51"E a distance of 303.75 feet; 4. S13°47'09"W a distance of 86.53 feet to a point on the Westerly Line of Sand Cliff Court Subdivision as recorded at Reception No. 1786570; thence along said Westerly Line and the Westerly Line of Block 13 of The Ridges Filing No. 4 as recorded at Reception No. 1184745 the following seven (7) coursed and distances;
1. S89°35'32"W a distance of 57.71; 2. S45°45'27"W a distance of 223.51 feet; 3. S13°30'32"W a distance of 202.99 feet; 4. S23°53'01"W a distance of 585.00 feet; 5. S21°27'09"W a distance of 137.08 feet; 6. S87°09'42"W a distance of 100.10 feet; 7. S5°11'58"W a distance of 99.89 feet to the Northerly line of the Right of Way for Hillview Drive as shown on the Plat of said The Ridges Filing No. 4, and the start of a curve to the right; thence along said Right of Way and curve to the right on arc length of 25.62 feet with a radius of 20.00 feet and a central angle of 73°23'54"whose chord bears N48°17'39"W a distance of 23.90 feet to the start of a curve to the left; thence continuing along said Right of Way and curve to the left on arc length of 31.34 feet with a radius of 50.00 feet and a central angle of 35°54'49"whose chord bears N29°33'07"W a distance of 30.83 feet to the Southeast Corner of Lot 1 of Garrett Minor Subdivision as recorded at Reception No. 1759023; thence along said Garrett Minor Subdivision the following eleven (11) courses and distances
1. 123.48 feet along a non-tangent curve to the left with a radius of 200.00 feet and a central angle of 35°22'25"whose chord bears N5°31'03"W a distance of 121.53 feet to the start of a non-tangent curve to the right; 2. 81.82 feet along said non-tangent curve to the right with a radius of 310.00 feet and a central angle of 15°07'22"whose chord bears N15°25'27"W a distance of 81.58 feet; 3. S40°33'29"E a distance of 143.51 feet; 4. N79°36'11"E a distance of 69.15 feet; 5. N5°18'01"W a distance of 289.59 feet; 6. N40°25'59"E a distance of 326.17 feet; 7. N51°01'38"W a distance of 228.80 feet; 8. S23°41'28"W a distance of 194.09 feet; 9. S67°44'07"W a distance of 269.99 feet; 10. S17°36'28"W a distance of 84.97 feet; 11. S51°35'11"E a distance of 137.05 feet to the District open space of the Ridges Filing No. 5 as described at Reception No. 1609906;
thence S0°06'14"W along said open space a distance of 170.25 feet to the Northerly line of the Parcel described at Reception No. 2906168; thence N44°59'08"W along said Northerly line a distance of 120.16 feet; thence continuing along said Northerly line N82°12'05"W a distance of 59.27 feet to the Easterly line of the aforementioned Camelback Gardens Subdivision; thence along said Easterly line the following twenty two (22) courses and distances;
1. N0°02'42"E a distance of 111.78 feet; 2. N73°00'47"W a distance of 95.00 feet; 3. N16°59'13"E a distance of 150.00 feet; 4. N73°00'47"W a distance of 100.00 feet; 5. N16°59'13"E a distance of 15.00 feet; 6. S73°00'47"E a distance of 100.00 feet; 7. N30°09'31"E a distance of 135.55 feet; 8. S45°19'07"E a distance of 75.53 feet; 9. N75°43'23"E a distance of 100.68 feet; 10. N44°40'53"E a distance of 97.48 feet; 11. N13°38'23"E a distance of 100.68 feet; 12. N45°19'07"W a distance of 175.53 feet; 13. N44°40'53"E a distance of 15.00 feet; 14. S45°19'07"E a distance of 175.53 feet; 15. N75°31'43"E a distance of 34.76 feet; 16. N33°42'00"W a distance of 25.33 feet; 17. N64°55'57"E a distance of 118.78 feet; 18. N11°40'14"W a distance of 99.49 feet to the start of a non-tangent curve to the left; 19. 23.03 feet along said non-tangent curve to the right with a radius of 48.00 feet and a central angle of 27°29'25"whose chord bears N70°48'59"E a distance of 22.81 feet; 20. S48°13'12"E a distance of 103.73 feet; 21. N88°11'24"E a distance of 60.31 feet; 22. N5°05'03"E a distance of 176.95 feet to the Point of Beginning.

County of Mesa, State of Colorado

Said Parcel contains 20.36 Acres

Said Owners have by these presents laid out, platted and subdivided the above described real property, and designated the same as CAMELBACK GARDENS BOUNDARY LINE ADJUSTMENT, in the City of Grand Junction, County of Mesa, State of Colorado.

Owner states that there are nol lienholders of record.

IN WITNESS WHEREOF, said owners, Robert M. Stubbs and The City of Grand Junction have caused their names to be hereunto subscribed this

_____ day of _____, A. D. 20 ____.

by: _____
Robert M. Stubbs

by: _____
For the City of Grand Junction

STATE OF _____)
COUNTY OF _____) SS

The foregoing instrument was acknowledged before me by: Robert M. Stubbs

this _____ day of _____ A.D. 20 ____.

Witness my hand and official seal _____
Notary Public

My commission expires _____.

STATE OF _____)
COUNTY OF _____) SS

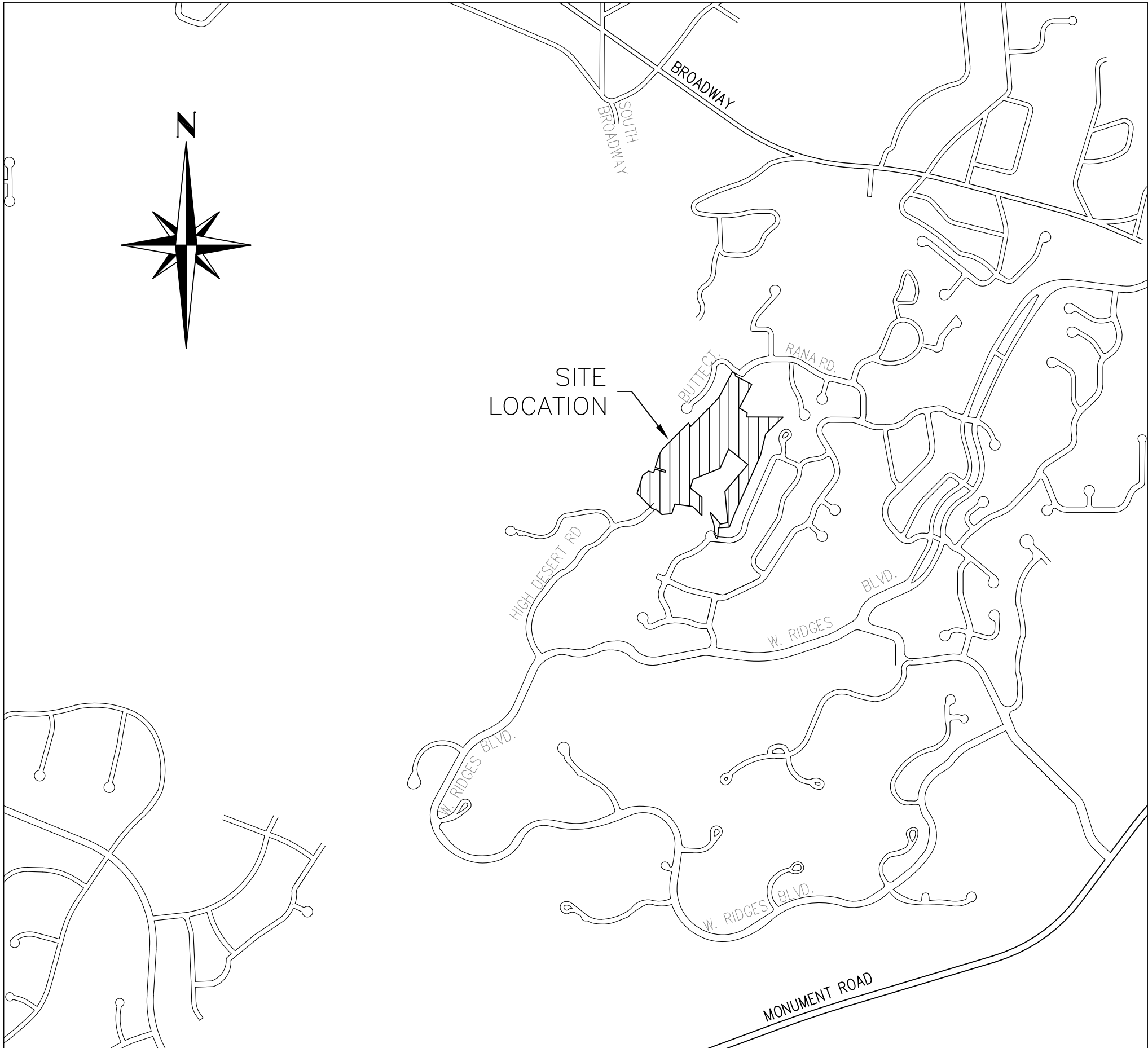
The foregoing instrument was acknowledged before me by: _____ For: The City of Grand Junction

this _____ day of _____ A.D. 20 ____.

Witness my hand and official seal _____
Notary Public

My commission expires _____.

SITUATED IN SECTION 17 AND 20
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN
BEING A REPLAT OF CAMELBACK GARDENS SUBDIVISION, RECEPTION No. 2978317
AND A PORTION OF THE RIDGES FILING No. SIX, RECEPTION No. 1259706
CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO



VICINITY MAP: NOT TO SCALE

NOTES

- OWNERSHIP, RECORDED RIGHTS-OF-WAY, AND EASEMENT INFORMATION WAS DONE USING A CURRENT TITLE POLICY BY ADVANCED TITLE COMPANY ORDER No. ATC-22-10425.
- BEARINGS ARE BASED ON THE NORTH LINE OF NW¼ NE¼ SECTION 20, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN. THE VALUE USED S89°46'16"E, WAS CALCULATED USING THE MESA COUNTY LOCAL COORDINATE SYSTEM. MESA COUNTY SURVEY MARKERS WERE FOUND AT THE EAST AND WEST ENDS OF SAID LINE AS SHOWN HEREON.
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- THIS PLAT IS BASED ON THE DEEDS AS RECORDED AT RECEPTION NUMBER 2916174 AND 1609906, OF THE MESA COUNTY RECORDS.

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO :
COUNTY OF MESA :ss

This plat was accepted for filing in the office of the Clerk and Recorder of Mesa County,

Colorado, at _____ o'clock ____ .m., on this ____ day of _____ 20 ____ and

was recorded at Reception No. _____

Drawer No. _____, and Fees _____.

Clerk and Recorder Deputy

CITY APPROVAL

CAMELBACK GARDENS BOUNDARY LINE ADJUSTMENT, a subdivision of the City of Grand Junction, County of Mesa, State of Colorado, is hereby approved and dedications accepted this _____ day of _____ 2023.

City Manager President of Council

CITY USE BLOCK

The below listed recording information for Associated Record Documents was not prepared under the professional land surveyor's responsible charge, Board Rule 6.2.1, State of Colorado

The recording information is to be completed by the City of Grand Junction personnel.

1. _____, as recorded at Reception Number _____.

TITLE CERTIFICATION

STATE OF COLORADO }
COUNTY OF MESA }ss
WE, ADVANCED TITLE COMPANY, A TITLE INSURANCE COMPANY, AS DULY LICENSED IN THE STATE OF COLORADO, HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY, THAT WE FIND THE TITLE TO THE PROPERTY VESTED TO ROBERT M. STUBBS AND THE CITY OF GRAND JUNCTION; THAT THE CURRENT TAXES HAVE BEEN PAID; THAT ALL MORTGAGES NOT SATISFIED OR RELEASED OF RECORD NOR OTHERWISE TERMINATED BY LAW ARE SHOWN HEREON AND THAT THERE ARE NO OTHER ENCUMBRANCES OF RECORD; THAT ALL EASEMENTS, RESERVATIONS AND RIGHTS OF WAY OF RECORD ARE SHOWN HEREON.

DATE: _____ BY: _____
NAME AND TITLE

SURVEYOR'S CERTIFICATION:

I, Patrick W. Click, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Colorado, that this Plat is a true, correct and complete Final Plat of the CAMELBACK GARDENS BOUNDARY LINE ADJUSTMENT, as laid out, platted, dedicated and shown hereon, that such Final Plat was made from an accurate survey of said property by me and under my supervision. Both conform to the standards of practice, statutes and laws of the State of Colorado to the best of my knowledge and belief. This statement is not a guaranty or warranty, either expressed or implied.

PATRICK W. CLICK
COLORADO REGISTERED LAND SURVEYOR PLS #37904

ABBREVIATIONS:

N NORTH
S SOUTH
E EAST
W WEST
T TOWNSHIP
R RANGE
MCSM MESA COUNTY SURVEY MARKER
ROW RIGHT OF WAY
SIMS SURVEY INFORMATION MANAGEMENT SYSTEM
PLS PROFESSIONAL LAND SURVEYOR
No. NUMBER
GPS GLOBAL POSITIONING SYSTEM
ID IDENTIFICATION
SQ SQUARE
FT FEET
AVE. AVENUE
ST. STREET
CT. COURT
LN. LANE
DR. DRIVE
U.S. UNITED STATES
L.C.E. LIMITED COMMON ELEMENT
P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
P.O.L. POINT ON LINE

CURVE LABEL ABBREVIATIONS:

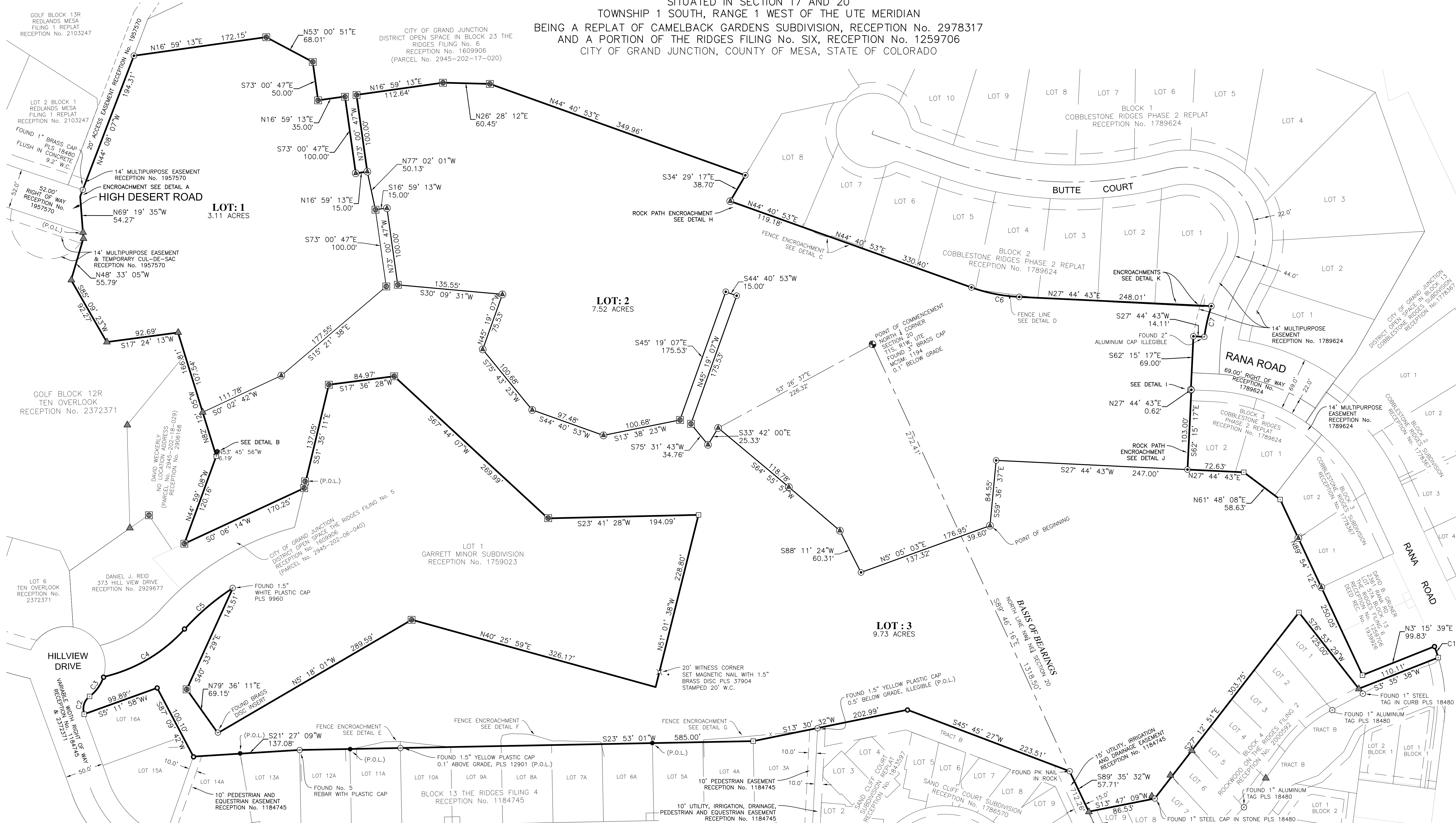
RAD RAD
L ARC LENGTH
CHORD LONG CHORD DISTANCE
BRG LONG CHORD BEARING
Δ CURVE CENTRAL ANGLE

LAND USE SUMMARY		
LOTS	20.36 ACRES	100%
ROW	0.00 ACRES	0%
TRACTS	0.00 ACRES	0%
TOTAL	20.36 ACRES	100%

CAMELBACK GARDENS BOUNDARY LINE ADJUSTMENT
A REPLAT OF CAMELBACK GARDENS SUBDIVISION, RECEPTION No. 2978317
AND A PORTION OF THE RIDGES FILING No. SIX, RECEPTION No. 1259706
SITUATED IN SECTIONS 17 AND 20
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN
CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO
JOB #: 2022-045 FIELD WORK: KM DRAWN BY: PC CHECKED BY: PC
DATE: 2/14/2023 DRAWING NAME: 381 & 409 HIGH DESERT ROAD
POLARIS SURVEYING
PATRICK W. CLICK P.L.S.
3194 MESA AVE. #B
GRAND JUNCTION, CO 81504
PHONE (970)434-7038

CAMELBACK GARDENS BOUNDARY LINE ADJUSTMENT

SITUATED IN SECTION 17 AND 20
TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN
BEING A REPLAT OF CAMELBACK GARDENS SUBDIVISION, RECEPTION No. 2978317
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CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO

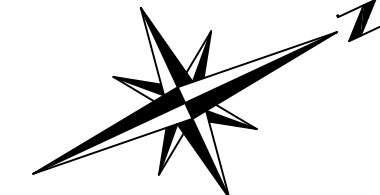
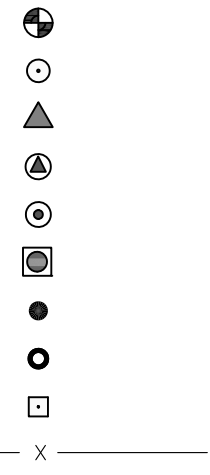


Curve Table					
Curve #	Radius	Length	Delta	Chord Length	Chord Bearing
C1	200.00'	15.19'	004° 21' 05"	15.19'	S84° 33' 50"E
C2	20.00'	25.62'	073° 23' 54"	23.90'	N48° 17' 39"W
C3	50.00'	31.34'	035° 54' 49"	30.83'	N29° 33' 07"W
C4	200.00'	123.48'	035° 22' 25"	121.53'	N05° 31' 03"W
C5	310.00'	81.82'	015° 07' 22"	81.58'	N15° 25' 27"W
C6	213.00'	62.96'	016° 56' 08"	62.73'	N36° 12' 10"E
C7	222.00'	40.70'	010° 30' 12"	40.64'	S52° 06' 33"E

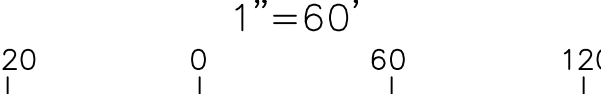
** NON TANGENT CURVE

LEGEND:

FOUND SURVEY MARKER AS DESCRIBED
FOUND CORNER AS DESCRIBED
FOUND 2 INCH ALUMINUM CAP PLS 18480
FOUND 2 INCH ALUMINUM CAP PLS 18478
FOUND 2 INCH ALUMINUM CAP PLS 37049
FOUND 1-1/2 INCH ALUMINUM CAP PLS 12770
FOUND No. 5 REBAR WITH NO CAP
FOUND No. 5 REBAR PLACED 2 INCH ALUMINUM CAP PLS 37904
SET No. 5 REBAR WITH 2 INCH ALUMINUM CAP PLS 37904
EXISTING FENCE LINE



GRAPHIC SCALE:



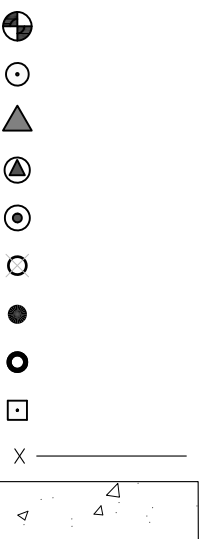
LINEAR UNITS ARE U.S. SURVEY FEET

CAMELBACK GARDENS BOUNDARY LINE ADJUSTMENT
A REPLAT OF CAMELBACK GARDENS SUBDIVISION, RECEPTION No. 2978317
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CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO



FOUND SURVEY MARKER AS DESCRIBED
FOUND CORNER AS DESCRIBED
FOUND 2 INCH ALUMINUM CAP PLS 18480
FOUND 2 INCH ALUMINUM CAP PLS 18478
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FOUND No. 5 REBAR PLACED 2 INCH ALUMINUM CAP PLS 37904
SET No. 5 REBAR WITH 2 INCH ALUMINUM CAP PLS 37904
EXISTING FENCE LINE
EXISTING CONCRETE



CAMELBACK GARDENS BOUNDARY LINE ADJUSTMENT A REPLAT OF CAMELBACK GARDENS SUBDIVISION, RECEPTION No. 2978317 AND A PORTION OF THE RIDGES FILING No. SIX, RECEPTION No. 1259706 SITUATED IN SECTIONS 17 AND 20 TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO	
JOB #: 2022-045 DATE: 2/14/2023	FIELD WORK: KM DRAWING NAME: 381 & 409 HIGH DESERT ROAD
<i>POLARIS SURVEYING</i> PATRICK W. CLICK P.L.S.	
3194 MESA AVE. #B GRAND JUNCTION, CO 81504 PHONE (970)434-7038	

1 CITY OF GRAND JUNCTION, COLORADO

2 ORDINANCE NO. ____

3 AN ORDINANCE AUTHORIZING AND CONFIRMING THE EXCHANGE OF REAL PROPERTY
4 LOCATED AT 381 HIGH DESERT ROAD AND FOR PROPERTY LOCATED AT 409 HIGH DESERT
5 ROAD IN THE CITY OF GRAND JUNCTION, COLORADO

6 RECITALS:

7 On December 15, 2022 the City received a Petition for Land Exchange ("Petition") from
8 Robert M. Stubbs ("Petitioner") for an exchange of two parcels totaling 12,336 square
9 feet of unimproved open space for 10,149 square feet of improved open space
10 together with 5,795 square feet of constructed trail connections all located in the
11 Ridges (collectively "Exchange" or "the Exchange"). The Petition is attached and
12 incorporated as if fully set forth.

13 The Exchange proposed by the Petition would facilitate the construction of a residential
14 subdivision known as Camelback Gardens ("Development"), which is pending City
15 review and approval. The Petitioner asserts that the Exchange and the Development
16 which would be facilitated by and with the City Council approving the Exchange will
17 result in more beneficial public access and use of the Ridges open space. Together
18 with the Development having more utility. The Petition and the Petitioner's testimony in
19 support thereof is the principal evidence adduced in this matter.

20 While the Petitioner bears both the burden of going forward and the burden of
21 persuasion with respect to the Petition, certain City Community Development and Parks
22 and Recreation Staff on December 9, 2022 inspected the property contemplated for
23 the Exchange and otherwise considered the proposed Exchange. Based on that
24 review the City Staff has determined the Exchange will have no impact on the City's
25 Open Space and accordingly formed an opinion that the Exchange has perceived
26 benefits to park users and citizens of Grand Junction and the City Staff has
27 recommended that the City Council favorably consider the Petition/the Exchange.

28 The City as the successor to the Ridges Metropolitan District owns the Ridges Open
29 Space. While the Ridges Open Space has neither been used for governmental
30 purposes, or is a developed park, it is used for recreational purposes. The City Charter
31 provides that the City Council has the power to sell certain real estate by ordinance or
32 resolution; however, if the real estate is used or held for park purposes before any sale
33 thereof shall be made a question shall be submitted to and ratified by voters. While the
34 Ridges open Space is not a park *per se* it is the City Attorney's opinion that if the
35 property proposed to be exchanged were being sold that the Charter restriction would
36 apply and prior voter approval for a sale or permanent disposal of the property would
37 be necessary; however, given that the Petition seeks a trade not a sale of the real
38 estate and the Exchange may reasonably be found to be equivalent or better based
39 on the City Staff review, the City Attorney has opined that it is within its discretion to City
40 Council to entertain the Exchange without submitting a question to the electorate.

Since adoption in 1976 of a City Council Resolution it has been City policy to “to dispose of City owned real estate in exchange for real estate that better suits the City’s needs whenever possible”. The Proposed Exchange is consistent with long-established City policy.

With this Ordinance the City Council has determined that the real estate to be acquired in the Exchange, as described in the Petition and the exhibit attached hereto, will better serve the needs of the City in general and the users of the Ridges Open Space in particular.

Furthermore, with this Ordinance the City Council confirms the Exchange and settles certain matters related to the history of the property and ratifies that the Exchange as stated in the Petition, is approved with this Ordinance, and is found to be consistent with the City Charter.

With this Ordinance the City Council deems the Exchange proper as stated herein, and additionally allows that the form of conveyance executed, approved, and acknowledged by the proper process and officers of the City for the property shall be held as *prima facie* evidence of compliance with the Charter, the laws of the City and State and the acts hereby and herewith ordained.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO THAT:

1. The foregoing Recitals are incorporated and adopted, and in accordance with and pursuant to this Ordinance, the City Council of the City of Grand Junction hereby authorizes, confirms and ratifies the exchange of 7,125 square feet from Lot 3 to Lot 1 and 5,211 square feet from Lot 3 to Lot 2 as identified on Exhibit 9 and Exhibit 7 and on the terms stated in the Petition attached hereto, which terms include but are not limited to dedication and construction of public open space and public improvements and on-going HOA maintenance of said public open space and as fully provided in the Petition, together with any terms, understandings and conditions that are or may be applicable by, with and through the City review and approval of the Development.

2. All actions taken by the officers, employees and agents of the City relating to the Exchange described or referred to herein and which actions are consistent with the provisions hereof are hereby ratified, approved, and confirmed.

3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions hereof, including, without limitation, the execution and delivery of such document(s) as may be necessary or required to affect the intent and purposes hereof.

INTRODUCED ON FIRST READING, PASSED for publication in pamphlet form and setting a hearing for the __ day of ____ 2023.

Anna M. Stout

80 President of the City Council

81 _____

82 Amy Phillips

83 City Clerk

84 HEARD, PASSED and ADOPTED ON SECOND READING and ordered published in

85 pamphlet form this ____ day of ____ 2023.

86

87 _____

88 Anna M. Stout

89 President of the City Council

90

91

92 _____

93 Amy Phillips

94 City Clerk

DRAFT



Grand Junction City Council

Regular Session

Item #6.a.ii.

Meeting Date: March 15, 2023
Presented By: John Shaver, City Attorney
Department: City Attorney
Submitted By: John Shaver

Information

SUBJECT:

A. An **Emergency** Ordinance Amending the Grand Junction Municipal Code Regarding Cannabis Licensing - **OR IF NOT APPROVED -**

B. Introduction of an Ordinance Amending the Grand Junction Municipal Code Regarding Cannabis Licensing and Setting a Public Hearing for April 5, 2023

RECOMMENDATION:

Consider and approve an emergency ordinance regarding the rental cannabis licensing process.

EXECUTIVE SUMMARY:

Due to the delay in the completion of the licensing selection process and possible legal challenges that may result, the City Council at its March 15, 2023, meeting considered amendments to the Grand Junction Municipal Code (GJMC) to clarify the retail cannabis license selection process. The two matters to be clarified are 1) the "cap within a cap" for licenses in the Horizon Drive Business Improvement District (District) and 2) whether the selection process should include an application that was denied by the Cannabis Licensing Authority and is the subject of litigation in the selection process and, if so, what the process will be if that application is or is not selected in the random drawing.

Pursuant to the City Charter, the City Council may adopt an emergency measure if the City Council deems it necessary to immediately modify the Code. Adoption of an ordinance as an emergency requires unanimity of the Council.

BACKGROUND OR DETAILED INFORMATION:

With this Emergency Ordinance, the City Council may amend the Grand Junction Municipal Code (GJMC or Code) to clarify the randomized selection process for licensure of regulated cannabis businesses in Grand Junction.

On April 8, 2022, the City Council adopted and approved Ordinance 5064. With the adoption of that Ordinance, now codified as Chapter 5, Title 13 of the Code, the City Council created, among other things, a regulatory framework for reviewing and approving, or denying, applications for, and the issuance of cannabis business licenses in the City. That regulatory framework includes a *Randomized Selection Process*. That process, when implemented, will allocate marijuana business licenses among the applicants.

Because of a lawsuit challenging the denial of an application for a marijuana business license (*High Colorado LLC v. City of Grand Junction and City of Grand Junction Cannabis Licensing Authority*, 2022 CV 30501) (Litigation) together with the fact that the review process has been protracted due to the City having received and processed 42 license applications, the City Council considered if and how to begin the randomized selection process prior to the resolution of the Litigation.

Section 5.13.017 of the Code establishes a randomized selection process for completing marijuana business applications. Subsection (b) provides that if more than two applications are submitted for a location within Horizon Drive Association Business Improvement District (District), the City shall conduct a random selection process for the Horizon Drive applications only. The District is a defined and discrete area of the City, for which the Code provides that no more than two cannabis business licenses will be issued.

On February 13, 2023, the City Council discussed the selection process and the delay. The City Attorney reminded the Council of subsection (b) and that because there are more than two applications for possible licensure in the District, and that the Code calls for a random selection process for the District applications only, a District process could be offered. The City Council directed that a District process take place.

On February 15, 2023, the City Clerk notified the Horizon Drive applicants that the City intended to conduct a District-only selection process on March 2, 2023.

After the February 15th notification, the City received objections from other applicants, which asserted inter alia, that the District only selection process would result in two licenses being awarded to applicants in the District and that such would violate the Code, including but not limited to section 5.13.020(b) which provides in relevant part that *no more than two cannabis business licenses may be issued in the Horizon Drive Association Business Improvement District*. While a District only process would not result in more than two licenses, it would award two licenses.

As a result of the objections to a District only process, and in order to clarify section 5.13.070(b) and 5.13.020(b), the City Council further discussed the matter at its

February 27, 2023 work session. The consensus among Council following that meeting was to direct the City Attorney to draft an emergency ordinance for Council's consideration at its March 15, 2023, meeting to 1) address the "two or not more than two" process question for possible licenses in the District and 2) to provide a process for the City to proceed with the selection of all 10 licenses as then provided in 5.13.020 notwithstanding the Litigation.

At its March 15, 2023, meeting, the City Council will consider an ordinance and determine if amendment of the Code is necessary as an emergency measure, and if so, the City Council action will immediately modify the Code which will allow the license selection process to continue pursuant to the amendments adopted and approved by the City Council.

Three versions of possible amendments are attached for Council consideration. City staff will be available at the March 15th City Council meeting to discuss the differences between the versions and answer questions.

FISCAL IMPACT:

SUGGESTED MOTION:

I move to (adopt and approve/not adopt and not approve) Ordinance No. 5135, a special emergency measure in accordance with Article VI of the City Charter and if approved, that the Ordinance be published within three days in full form available for public inspection all as provided in the City Charter. - **OR**

I move to introduce Ordinance No. 5135, an ordinance amending the Grand Junction Municipal Code Regarding Cannabis Licensing and setting a public hearing for April 5, 2023 on 1st hearing and publish in pamphlet form.

Attachments

1. ORD-Marijuana Emergency Ordinance 20230313
2. ORD-Marijuana Ordinance 20230313
3. 03.15 - ORD-Marijuana 20230315 Line 97
4. 03.15 - ORD-Marijuana NonEmergency Ordinance CBMcD DS JPS v2 20230315
5. 03. 15 - ORD-Marijuana Emergency Ordinance CBMcD DS JPS v3 20230315

03/13 Draft

ORDINANCE NO. _____

**AN EMERGENCY ORDINANCE TO AMEND THE GRAND JUNCTION MUNICIPAL
CODE REGARDING CANNABIS LICENSING**

RECITALS:

By and with this Emergency Ordinance the City Council amends the Grand Junction Municipal Code (GJMC or Code) to clarify the randomized selection process for licensure of regulated cannabis businesses in Grand Junction.

On April 8, 2022, the City Council adopted and approved Ordinance 5064. With the adoption of the Ordinance, now codified as Chapter 5, Title 13 of the Code, the City Council created among other things a regulatory framework for reviewing and approving, or denying, applications for, and the issuance of cannabis business licenses in the City. That regulatory framework includes a *Randomized Selection Process*. That process when implemented will allocate marijuana business licenses among the applicants.

Because of a lawsuit challenging the denial of one application for a marijuana business license (*High Colorado LLC v. City of Grand Junction and City of Grand Junction Cannabis Licensing Authority*, 2022 CV 30501) (Litigation) together with the fact that the review process has been protracted due to the City having received and processed 42 license applications, the City Council considered if and how to begin the randomized selection process prior to the resolution of the Litigation.

Section 5.13.017 of the Code establishes a randomized selection process for complete marijuana business applications. Subsection (b) provides that if more than two applications are submitted for a location within Horizon Drive Association Business Improvement District (District), the City shall conduct a random selection process for the Horizon Drive applications only. The District is a defined and discrete area of the City, for which the Code provides that no more than two cannabis business licenses will be issued.

On February 13, 2023, the City Council discussed the selection process and the delay. The City Attorney reminded the Council of subsection (b) and that because there are more than two applications for possible licensure in the District, and that the Code calls for a random selection process for the District applications only, a District process could be offered. City Council directed that a District process take place.

On February 15, 2023, the City Clerk notified the Horizon Drive applicants that the City intended to conduct a District only selection process on March 2, 2023.

After the February 15th notification the City received objections from other applicants, which asserted inter alia, that the District only selection process would result in two

licenses being awarded to applicants in the District and that such would violate the Code, including but not limited to section 5.13.020(b) which provides in relevant part that *no more than two cannabis business licenses may be issued in the Horizon Drive Association Business Improvement District*. While a District only process would not result in more than two licenses, it would, award two licenses.

As a result of the objections to a District only process, and in order to clarify section 5.13.070(b) and 5.13.020(b), the City Council further discussed the matter at its February 27, 2023 work session. The consensus among Council following that meeting was to direct the City Attorney to draft an emergency ordinance for Council's consideration at its March 15, 2023, meeting to 1) address the "two or not more than two" process question for possible licenses in the District and 2) to provide a process for the City to proceed with the selection of all 10 licenses as then provided in 5.13.020 notwithstanding the Litigation.

At its March 15, 2023, meeting the City Council considered this Ordinance and determined that amendment of the Code is necessary as an emergency measure and the City Council deems it necessary to immediately modify the Code as follows.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

In accordance with the Recitals and as provided herein, Title 5, Chapter 13, Sections 017 and 020 (in relevant part) of the Grand Junction Municipal Code are amended as follows (deletions are shown in ~~struck through~~; additions are shown as underlined):

5.13.017 Randomized selection process.

~~(d)~~ (b) All qualified applicants as determined by the application of this Code, including but not limited to those applications for locations from within Horizon Drive Association Business Improvement District (District) and the High Colorado LLC Application as provided in §5.13.020(c), will be placed within the selection container and randomly selected and assigned a number in the order they are drawn from first to last.

~~(b)~~ (d) If more than two applications are submitted for a location(s) within the District are selected in the City shall conduct a random selection as provided in this section and §5.13.020 then process for the Horizon Drive a separate District applications only - random selection process among the District applications will be immediately conducted without regard to the assigned number/order provided in (b) above. That process will randomly select and determine two applications for locations in the District with each chosen in the District only process being entered into the process provided in (e) with the corresponding number previously assigned. The application not selected shall not continue in the process.

(e) Following the assignment of a random numbers to the applications as provided in (b) and (d) above, the numbers will be placed back in the selection container and ten

93 numbers will be randomly selected, and in the event the High Colorado LLC Application
94 is drawn an eleventh (11th) number will be selected. ~~and those ten~~ The Applicants so
95 selected may will have an opportunity to be issued a cannabis business license as
96 provided in this Code. The Authority will notify those selected in writing within seven (7)
97 days of selection by United States mail return receipt requested at the address set forth
98 in the application.

99
100 5.13.020 Number of licenses.

101
102 (a) No more than ten (10) regulated cannabis business licenses, excluding any
103 cannabis testing facilities and any medical cannabis business license(s) co-located with
104 a Retail Cannabis business license, shall be issued.

105
106 (b) Included within the ten (10) license limit referenced above in (a), no more than two
107 cannabis business licenses may be issued in the Horizon Drive Association Business
108 Improvement District, (District) which is described as all commercial property bounded
109 on the south by G Road, north on Horizon Drive through and including H Road,
110 bounded on the west by 27 Road/15th Street, and on the east by 27 ½ Road northeast
111 to Walker Field Airport Authority. The boundaries of the ~~Horizon Drive Association~~
112 District include, but are not limited to, Horizon Court, Compass Drive Association,
113 Crossroads Boulevard, Crossroads Court, Skyline Court, Sundstrand Way, and Hilaria
114 Avenue, ~~as otherwise amended.~~

115
116 (c) Notwithstanding the Litigation, and in accordance with the stipulation made by the
117 parties to the Litigation, the City Council finds that it is in the best interest of the City to
118 enter the Application of High Colorado LLC in the random selection process. That
119 action is not and shall not be claimed or construed as a waiver of any decision(s),
120 finding(s), or ruling(s) made by the Cannabis Licensing Authority and/or that the
121 inclusion of the High Colorado LLC Application in the random selection process is an
122 abrogation of any defense(s) made, or that may be made, by the City in the Litigation.

123
124 (d) In accordance with the stipulation made by the parties to the Litigation, if the High
125 Colorado LLC Application is not drawn in the random selection process, then High
126 Colorado LLC shall file a motion to dismiss the Litigation with prejudice, bear its costs
127 and release any and all claims made by it in the Litigation.

128
129 (e) In accordance with the stipulation made by the parties to the Litigation, if the High
130 Colorado LLC Application is drawn in the random selection process, then an eleventh
131 (11th) number (Contingent Application) shall be drawn with the licensure of either or
132 both the High Colorado LLC Application and/or the Contingent Application being
133 conditional and subject to, as provided herein, resolution of the Litigation, whether by
134 judgment or settlement, in favor of High Colorado LLC.

135
136 (f) If the Litigation is not resolved, whether by judgment or settlement, in favor of High
137 Colorado LLC, then the selection of the High Colorado LLC Application in the random

selection process shall be without legal effect and no license shall issue to High Colorado LLC and instead a license shall issue to the Contingent Application.

(g) If the Contingent Application does not commence operations as provided by this Code following resolution of the Litigation as provided above, or otherwise determines and advises the City in writing that the Applicant selected for the Contingent Application decides to withdraw, then the City shall conduct another randomized selection process for one (1) license. That license shall be determined from the unsuccessful Applicants that participated in the prior randomized selection process.

(h) If the Litigation is resolved, whether by judgment or settlement, in favor of High Colorado LLC, then the selection of the Contingent Application in the random selection process shall be without legal effect and a license shall issue to High Colorado LLC.

(i) If a license is issued to High Colorado LLC the City acknowledges that the licensed premises is and will be nonconforming due to its location being closer than 1000 feet (980.21') to Grand Junction High School (GJHS). The City further acknowledges that the non-conforming distance may be a temporary condition due to the construction of a new GJHS. The non-conforming distance, if it is not resolved by construction of GJHS, shall not be a basis for a challenge to the issuance of a license as provided herein or to the conduct of business operations by High Colorado LLC.

(j) Furthermore, the existence of a non-conforming distance for High Colorado LLC shall not be, or be claimed to be, a waiver of any distance requirement for any other Application made, or to be made, pursuant to the Code.

City Council hereby declares that a special emergency exists and that this ordinance is necessary to preserve and advance the peace and the public health, safety, and welfare by effectuating the Council's purposes and policies, which are consistent with and supportive of the best interest of the citizens of the City.

This Ordinance, immediately on its final passage, shall be recorded in the City book of ordinances kept for that purpose, authenticated by the signatures of the Mayor and the City Clerk. The full text of the amending ordinance, in accordance with the Charter of the City of Grand Junction, is to be published in full within three days.

This Ordinance shall apply to the City of Grand Junction and the matters herein described. This Ordinance shall take effect immediately upon passage and with the unanimous approval of City Council.

Severability.

This Ordinance is necessary to protect the public health, safety and welfare of the residents of the City. If any provision of this Ordinance is found to be unconstitutional or illegal, such finding shall only invalidate that part or portion found to violate the law. All

other provisions shall be deemed severed or severable and shall continue in full force and effect.

All other provisions of Titles 5 and 21, Chapters 13 and 04 of the Grand Junction Municipal Code shall remain in full force and effect.

Anna M. Stout
President of the City Council

ATTEST:

Amy Phillips
City Clerk

03/13 Draft

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE GRAND JUNCTION MUNICIPAL CODE
REGARDING CANNABIS LICENSING**

RECITALS:

By and with this Ordinance the City Council amends the Grand Junction Municipal Code (GJMC or Code) to clarify the randomized selection process for licensure of regulated cannabis businesses in Grand Junction.

On April 8, 2022, the City Council adopted and approved Ordinance 5064. With the adoption of the Ordinance, now codified as Chapter 5, Title 13 of the Code, the City Council created among other things a regulatory framework for reviewing and approving, or denying, applications for, and the issuance of cannabis business licenses in the City. That regulatory framework includes a *Randomized Selection Process*. That process when implemented will allocate marijuana business licenses among the applicants.

Because of a lawsuit challenging the denial of one application for a marijuana business license (*High Colorado LLC v. City of Grand Junction and City of Grand Junction Cannabis Licensing Authority*, 2022 CV 30501) (Litigation) together with the fact that the review process has been protracted due to the City having received and processed 42 license applications, the City Council considered if and how to begin the randomized selection process prior to the resolution of the Litigation.

Section 5.13.017 of the Code establishes a randomized selection process for complete marijuana business applications. Subsection (b) provides that if more than two applications are submitted for a location within Horizon Drive Association Business Improvement District (District), the City shall conduct a random selection process for the Horizon Drive applications only. The District is a defined and discrete area of the City, for which the Code provides that no more than two cannabis business licenses will be issued.

On February 13, 2023, the City Council discussed the selection process and the delay. The City Attorney reminded the Council of subsection (b) and that because there are more than two applications for possible licensure in the District, and that the Code calls for a random selection process for the District applications only, a District process could be offered. City Council directed that a District process take place.

On February 15, 2023, the City Clerk notified the Horizon Drive applicants that the City intended to conduct a District only selection process on March 2, 2023.

After the February 15th notification the City received objections from other applicants, which asserted *inter alia*, that the District only selection process would result in two

licenses being awarded to applicants in the District and that such would violate the Code, including but not limited to section 5.13.020(b) which provides in relevant part that *no more than two cannabis business licenses may be issued in the Horizon Drive Association Business Improvement District*. While a District only process would not result in more than two licenses, it would, award two licenses.

As a result of the objections to a District only process, and in order to clarify section 5.13.070(b) and 5.13.020(b), the City Council further discussed the matter at its February 27, 2023 work session. The consensus among Council following that meeting was to direct the City Attorney to draft an ordinance for Council's consideration at its March 15, 2023, meeting to 1) address the "two or not more than two" process question for possible licenses in the District and 2) to provide a process for the City to proceed with the selection of all 10 licenses as then provided in 5.13.020 notwithstanding the Litigation.

At its March 15, 2023, meeting the City Council considered this Ordinance and determined that amendment of the Code is necessary to modify the Code as follows.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

In accordance with the Recitals and as provided herein, Title 5, Chapter 13, Sections 017 and 020 (in relevant part) of the Grand Junction Municipal Code are amended as follows (deletions are shown in ~~struck through~~; additions are shown as underlined):

5.13.017 Randomized selection process.

(d) ~~(b)~~ All qualified applicants as determined by the application of this Code, including but not limited to those applications for locations from within Horizon Drive Association Business Improvement District (District) and the High Colorado LLC Application as provided in §5.13.020(c), will be placed within the selection container and randomly selected and assigned a number in the order they are drawn from first to last.

~~(b)~~ (d) If more than two applications are submitted for a location(s) within the District are selected in the City ~~shall conduct~~ a random selection as provided in this section and §5.13.020 then process for the Horizon Drive a separate District applications only - random selection process among the District applications will be immediately conducted without regard to the assigned number/order provided in (b) above. That process will randomly select and determine two applications for locations in the District with each chosen in the District only process being entered into the process provided in (e) with the corresponding number previously assigned. The application not selected shall not continue in the process.

(e) Following the assignment of a random numbers to the applications as provided in (b) and (d) above, the numbers will be placed back in the selection container and ten numbers will be randomly selected, and in the event the High Colorado LLC Application

is drawn an eleventh (11th) number will be selected. ~~and those ten~~ The Applicants so selected may will have an opportunity to be issued a cannabis business license as provided in this Code. The Authority will notify those selected in writing within seven (7) days of selection by United States mail return receipt requested at the address set forth in the application.

5.13.020 Number of licenses.

(a) No more than ten (10) regulated cannabis business licenses, excluding any cannabis testing facilities and any medical cannabis business license(s) co-located with a Retail Cannabis business license, shall be issued.

(b) Included within the ten (10) license limit referenced above in (a), no more than two cannabis business licenses may be issued in the Horizon Drive Association Business Improvement District, (District) which is described as all commercial property bounded on the south by G Road, north on Horizon Drive through and including H Road, bounded on the west by 27 Road/15th Street, and on the east by 27 ½ Road northeast to Walker Field Airport Authority. The boundaries of the ~~Horizon Drive Association~~ District include, but are not limited to, Horizon Court, Compass Drive Association, Crossroads Boulevard, Crossroads Court, Skyline Court, Sundstrand Way, and Hilaria Avenue, ~~as otherwise amended~~.

(c) Notwithstanding the Litigation, and in accordance with the stipulation made by the parties to the Litigation, the City Council finds that it is in the best interest of the City to enter the Application of High Colorado LLC in the random selection process. That action is not and shall not be claimed or construed as a waiver of any decision(s), finding(s), or ruling(s) made by the Cannabis Licensing Authority and/or that the inclusion of the High Colorado LLC Application in the random selection process is an abrogation of any defense(s) made, or that may be made, by the City in the Litigation.

(d) In accordance with the stipulation made by the parties to the Litigation, if the High Colorado LLC Application is not drawn in the random selection process, then High Colorado LLC shall file a motion to dismiss the Litigation with prejudice, bear its costs and release any and all claims made by it in the Litigation.

(e) In accordance with the stipulation made by the parties to the Litigation, if the High Colorado LLC Application is drawn in the random selection process, then an eleventh (11th) number (Contingent Application) shall be drawn with the licensure of either or both the High Colorado LLC Application and/or the Contingent Application being conditional and subject to, as provided herein, resolution of the Litigation, whether by judgment or settlement, in favor of High Colorado LLC.

(f) If the Litigation is not resolved, whether by judgment or settlement, in favor of High Colorado LLC, then the selection of the High Colorado LLC Application in the random selection process shall be without legal effect and no license shall issue to High Colorado LLC and instead a license shall issue to the Contingent Application.

(g) If the Contingent Application does not commence operations as provided by this Code following resolution of the Litigation as provided above, or otherwise determines and advises the City in writing that the Applicant selected for the Contingent Application decides to withdraw, then the City shall conduct another randomized selection process for one (1) license. That license shall be determined from the unsuccessful Applicants that participated in the prior randomized selection process.

(h) If the Litigation is resolved, whether by judgment or settlement, in favor of High Colorado LLC, then the selection of the Contingent Application in the random selection process shall be without legal effect and a license shall issue to High Colorado LLC.

(i) If a license is issued to High Colorado LLC the City acknowledges that the licensed premises is and will be nonconforming due to its location being closer than 1000 feet (980.21') to Grand Junction High School (GJHS). The City further acknowledges that the non-conforming distance may be a temporary condition due to the construction of a new GJHS. The non-conforming distance, if it is not resolved by construction of GJHS, shall not be a basis for a challenge to the issuance of a license as provided herein or to the conduct of business operations by High Colorado LLC.

(j) Furthermore, the existence of a non-conforming distance for High Colorado LLC shall not be, or be claimed to be, a waiver of any distance requirement for any other Application made, or to be made, pursuant to the Code.

Severability.

This Ordinance is necessary to protect the public health, safety and welfare of the residents of the City. If any provision of this Ordinance is found to be unconstitutional or illegal, such finding shall only invalidate that part or portion found to violate the law. All other provisions shall be deemed severed or severable and shall continue in full force and effect.

All other provisions of Titles 5 and 21, Chapters 13 and 04 of the Grand Junction Municipal Code shall remain in full force and effect.

Anna M. Stout
President of the City Council

ATTEST:

Amy Phillips
City Clerk

(f) The selected Applicants, including the Contingent Application as provided in 5.13.020, will be announced at the conclusion of the random selection process. Subject to full and faithful compliance with this Code, including but not limited to determination of the legal effect of the Contingent Application, those selected will have an opportunity to be issued a cannabis business license as provided in this Code and other applicable law, rules and regulations. ~~The Authority will notify those selected in writing within seven (7) days of selection by United States mail return receipt requested at the address set forth in the application~~

1 **03/15 Draft v2 Non-emergency**

2 **ORDINANCE NO. _____**

3
4 **AN ORDINANCE TO AMEND THE GRAND JUNCTION MUNICIPAL CODE**
5 **REGARDING CANNABIS LICENSING**
6

7 **RECITALS:**
8

9 By and with this Ordinance the City Council amends the Grand Junction Municipal Code
10 (GJMC or Code) to clarify the randomized selection process for licensure of regulated
11 cannabis businesses in Grand Junction.
12

13 On April 8, 2022, the City Council adopted and approved Ordinance 5064. With the
14 adoption of the Ordinance, now codified as Chapter 5, Title 13 of the Code, the City
15 Council created among other things a regulatory framework for reviewing and
16 approving, or denying, applications for, and the issuance of cannabis business licenses
17 in the City. That regulatory framework includes a *Randomized Selection Process*. That
18 process when implemented will allocate marijuana business licenses among the
19 applicants.
20

21 Because of a lawsuit challenging the denial of one application for a marijuana business
22 license (*High Colorado LLC v. City of Grand Junction and City of Grand Junction*
23 *Cannabis Licensing Authority*, 2022 CV 30501) (Litigation) together with the fact that the
24 review process has been protracted due to the City having received and processed 42
25 license applications, the City Council considered if and how to begin the randomized
26 selection process prior to the resolution of the Litigation.
27

28 Section 5.13.017 of the Code establishes a randomized selection process for complete
29 marijuana business applications. Subsection (b) provides that if more than two
30 applications are submitted for a location within Horizon Drive Association Business
31 Improvement District (District), the City shall conduct a random selection process for the
32 Horizon Drive applications only. The District is a defined and discrete area of the City,
33 for which the Code provides that no more than two cannabis business licenses will be
34 issued.
35

36 On February 13, 2023, the City Council discussed the selection process and the delay.
37 The City Attorney reminded the Council of subsection (b) and that because there are
38 more than two applications for possible licensure in the District, and that the Code calls
39 for a random selection process for the District applications only, a District process could
40 be offered. City Council directed that a District process take place.
41

42 On February 15, 2023, the City Clerk notified the Horizon Drive applicants that the City
43 intended to conduct a District only selection process on March 2, 2023.
44

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46 which asserted inter alia, that the District only selection process would result in two

licenses being awarded to applicants in the District and that such would violate the Code, including but not limited to section 5.13.020(b) which provides in relevant part that *no more than two cannabis business licenses may be issued in the Horizon Drive Association Business Improvement District*. While a District only process would not result in more than two licenses, it would, award two licenses.

As a result of the objections to a District only process, and in order to clarify section 5.13.070(b) and 5.13.020(b), the City Council further discussed the matter at its February 27, 2023 work session. The consensus among Council following that meeting was to direct the City Attorney to draft an ordinance for Council's consideration at its March 15, 2023, meeting to 1) address the "two or not more than two" process question for possible licenses in the District and 2) to provide a process for the City to proceed with the selection of all 10 licenses as then provided in 5.13.020 notwithstanding the Litigation.

At its March 15, 2023, meeting the City Council considered this Ordinance and determined that amendment of the Code is necessary as follows.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

In accordance with the Recitals and as provided herein, Title 5, Chapter 13, Sections 017 and 020 (in relevant part) of the Grand Junction Municipal Code are amended as follows (deletions are shown in ~~struck through~~; additions are shown as underlined):

5.13.017 Randomized selection process.

~~(d)~~ (b) All qualified applicants as determined by the application of this Code, including but not limited to those applications for locations from within Horizon Drive Association Business Improvement District (District) and the High Colorado LLC Application as provided in §5.13.020(c), will be placed within the selection container and randomly selected and assigned a number in the order they are drawn from first to last.

~~(b)~~ (d) Following the assignment of a random numbers to the applications as provided in (b) above, the numbers will be placed back in the selection container and ten numbers will be randomly selected, and in the event the High Colorado LLC Application is drawn an eleventh (11th) number will be selected. The legal effect, if any, of the eleventh (11th) number will be determined in accordance with 5.13.017(e) and 5.13.020. ~~and those ten~~

(e) If more than two applications are selected from among the District applications pursuant to 5.13.017(d), then a separate random process shall be immediately conducted among the District applications and without regard to the random numbers assigned in 5.13.017(b), two District applications will be selected for licensure. The eleventh (11th) number will then be designated to replace the disqualified District

91 application and a twelfth (12th) number will be selected. The legal effect, if any, of the
92 twelfth (12th) number will be determined in accordance with 5.13.020.

93 ~~If more than two applications are submitted for a location(s) within the City shall conduct~~
94 ~~a random selection process for the Horizon Drive applications only~~

95
96 (f) The Applicants so selected may will have an opportunity to be issued a cannabis
97 business license as provided in this Code. The Authority will notify those selected in
98 writing within seven (7) days of selection by United States mail return receipt requested
99 at the address set forth in the application.

100
101 5.13.020 Number of licenses.

102
103 (a) No more than ten (10) regulated cannabis business licenses, excluding any
104 cannabis testing facilities and any medical cannabis business license(s) co-located with
105 a Retail Cannabis business license, shall be issued.

106
107 (b) Included within the ten (10) license limit referenced above in (a), no more than two
108 (2) cannabis business licenses may be issued in the Horizon Drive Association
109 Business Improvement District, (District) which is described as all commercial property
110 bounded on the south by G Road, north on Horizon Drive through and including H
111 Road, bounded on the west by 27 Road/15th Street, and on the east by 27 ½ Road
112 northeast to Walker Field Airport Authority. The boundaries of the Horizon Drive
113 Association District include, but are not limited to, Horizon Court, Compass Drive
114 Association, Crossroads Boulevard, Crossroads Court, Skyline Court, Sundstrand Way,
115 and Hilaria Avenue, ~~as otherwise amended.~~

116
117 (c) Notwithstanding the Litigation, and in accordance with the stipulation made by the
118 parties to the Litigation, the City Council finds that it is in the best interest of the City to
119 enter the Application of High Colorado LLC in the random selection process. That
120 action is not and shall not be claimed or construed as a waiver of any decision(s),
121 finding(s), or ruling(s) made by the Cannabis Licensing Authority and/or that the
122 inclusion of the High Colorado LLC Application in the random selection process is an
123 abrogation of any defense(s) made, or that may be made, by the City in the Litigation.

124
125 (d) In accordance with the stipulation made by the parties to the Litigation, if the High
126 Colorado LLC Application is not drawn in the random selection process, then High
127 Colorado LLC shall file a motion to dismiss the Litigation with prejudice, bear its costs
128 and release any and all claims made by it in the Litigation.

129
130 (e) In accordance with the stipulation made by the parties to the Litigation, if the High
131 Colorado LLC Application is drawn in the random selection process, then an eleventh
132 (11th or 12th) number as provided in 5.13.017(d) and (e) (Contingent Application) shall
133 be drawn with the licensure of either or both the High Colorado LLC Application and/or
134 the Contingent Application being conditional and subject to, as provided herein,
135 resolution of the Litigation, whether by judgment or settlement, in favor of High Colorado
136 LLC.

137
138 (f) If the Litigation is not resolved, whether by judgment or settlement, in favor of High
139 Colorado LLC, then the selection of the High Colorado LLC Application in the random
140 selection process shall be without legal effect and no license shall issue to High
141 Colorado LLC and instead a license shall issue to the Contingent Application.

142
143 (g) If the Contingent Application does not commence operations as provided by this
144 Code following resolution of the Litigation as provided above, or otherwise determines
145 and advises the City in writing that the Applicant selected for the Contingent Application
146 decides to withdraw, then the City shall conduct another randomized selection process
147 for one (1) license (Replacement Application). The Replacement Application shall be
148 determined from the unsuccessful Applicants that participated in the randomized
149 selection process 5.13.017(b). Notwithstanding 5.13.017(e) the District application not
150 selected for purposes of the District only process will be eligible for the Replacement
151 License process provided herein so long as two (2) applications for licensure in the
152 District have not been previously selected in the randomized selection process.

153 (h) If the Litigation is resolved, whether by judgment or settlement, in favor of High
154 Colorado LLC, then the selection of the Contingent Application in the random selection
155 process shall be without legal effect and a license shall issue to High Colorado LLC.

156 (i) If a license is issued to High Colorado LLC the City acknowledges that the licensed
157 premises is and will be nonconforming due to its location being closer than 1000 feet
158 (980.21') to Grand Junction High School (GJHS). The City further acknowledges that
159 the non-conforming distance may be a temporary condition due to the construction of a
160 new GJHS. The non-conforming distance, if it is not resolved by construction of GJHS,
161 shall not be a basis for a challenge to the issuance of a license as provided herein or to
162 the conduct of business operations by High Colorado LLC.

163 (j) Furthermore, the existence of a non-conforming distance for High Colorado LLC shall
164 not be, or be claimed to be, a waiver of any distance requirement for any other
165 Application made, or to be made, pursuant to the Code.

166 This Ordinance shall apply to the City of Grand Junction and the matters herein
167 described. This Ordinance shall take effect immediately upon passage and with the
168 unanimous approval of City Council.

169
170 Severability.

171
172 This Ordinance is necessary to protect the public health, safety and welfare of the
173 residents of the City. If any provision of this Ordinance is found to be unconstitutional or
174 illegal, such finding shall only invalidate that part or portion found to violate the law. All
175 other provisions shall be deemed severed or severable and shall continue in full force
176 and effect.

177
178 All other provisions of Titles 5 and 21, Chapters 13 and 04 of the Grand Junction
179 Municipal Code shall remain in full force and effect.
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181

182
183 _____
184 Anna M. Stout
185 President of the City Council

186 ATTEST:

187
188 _____
189 Amy Phillips
190 City Clerk
191

**AN EMERGENCY ORDINANCE TO AMEND THE GRAND JUNCTION MUNICIPAL
CODE REGARDING CANNABIS LICENSING**

RECITALS:

By and with this Emergency Ordinance the City Council amends the Grand Junction Municipal Code (GJMC or Code) to clarify the randomized selection process for licensure of regulated cannabis businesses in Grand Junction.

On April 8, 2022, the City Council adopted and approved Ordinance 5064. With the adoption of the Ordinance, now codified as Chapter 5, Title 13 of the Code, the City Council created among other things a regulatory framework for reviewing and approving, or denying, applications for, and the issuance of cannabis business licenses in the City. That regulatory framework includes a *Randomized Selection Process*. That process when implemented will allocate marijuana business licenses among the applicants.

Because of a lawsuit challenging the denial of one application for a marijuana business license (*High Colorado LLC v. City of Grand Junction and City of Grand Junction Cannabis Licensing Authority*, 2022 CV 30501) (Litigation) together with the fact that the review process has been protracted due to the City having received and processed 42 license applications, the City Council considered if and how to begin the randomized selection process prior to the resolution of the Litigation.

Section 5.13.017 of the Code establishes a randomized selection process for complete marijuana business applications. Subsection (b) provides that if more than two applications are submitted for a location within Horizon Drive Association Business Improvement District (District), the City shall conduct a random selection process for the Horizon Drive applications only. The District is a defined and discrete area of the City, for which the Code provides that no more than two cannabis business licenses will be issued.

On February 13, 2023, the City Council discussed the selection process and the delay. The City Attorney reminded the Council of subsection (b) and that because there are more than two applications for possible licensure in the District, and that the Code calls for a random selection process for the District applications only, a District process could be offered. City Council directed that a District process take place.

On February 15, 2023, the City Clerk notified the Horizon Drive applicants that the City intended to conduct a District only selection process on March 2, 2023.

After the February 15th notification the City received objections from other applicants, which asserted inter alia, that the District only selection process would result in two

licenses being awarded to applicants in the District and that such would violate the Code, including but not limited to section 5.13.020(b) which provides in relevant part that *no more than two cannabis business licenses may be issued in the Horizon Drive Association Business Improvement District*. While a District only process would not result in more than two licenses, it would, award two licenses.

As a result of the objections to a District only process, and in order to clarify section 5.13.070(b) and 5.13.020(b), the City Council further discussed the matter at its February 27, 2023 work session. The consensus among Council following that meeting was to direct the City Attorney to draft an emergency ordinance for Council's consideration at its March 15, 2023, meeting to 1) address the "two or not more than two" process question for possible licenses in the District and 2) to provide a process for the City to proceed with the selection of all 10 licenses as then provided in 5.13.020 notwithstanding the Litigation.

At its March 15, 2023, meeting the City Council considered this Ordinance and determined that amendment of the Code is necessary as an emergency measure and the City Council deems it necessary to immediately modify the Code as follows.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

In accordance with the Recitals and as provided herein, Title 5, Chapter 13, Sections 017 and 020 (in relevant part) of the Grand Junction Municipal Code are amended as follows (deletions are shown in ~~struck through~~; additions are shown as underlined):

5.13.017 Randomized selection process.

~~(d)~~ (b) All qualified applicants as determined by the application of this Code, including but not limited to those applications for locations from within Horizon Drive Association Business Improvement District (District) and the High Colorado LLC Application as provided in §5.13.020(c), will be placed within the selection container and randomly selected and assigned a number in the order they are drawn from first to last.

~~(b)~~ (d) Following the assignment of a random numbers to the applications as provided in (b) above, the numbers will be placed ~~back~~ in the selection container and ten numbers will be randomly selected, and in the event the High Colorado LLC Application is drawn an eleventh (11th) number will be selected. The legal effect, if any, of the eleventh (11th) number will be determined in accordance with 5.13.017(e) and 5.13.020. ~~and those ten~~

(e) If more than two applications are selected from among the District applications pursuant to 5.13.017(d), then a separate random process shall be immediately conducted among the District applications and without regard to the random numbers assigned in 5.13.017(b), two District applications will be selected for licensure. The eleventh (11th) number will then be designated to replace the disqualified District

application and a twelfth (12th) number will be selected. The legal effect, if any, of the twelfth (12th) number will be determined in accordance with 5.13.020.

~~If more than two applications are submitted for a location(s) within the City shall conduct a random selection process for the Horizon Drive applications only~~

(f) The selected Applicants, including the Contingent Application as provided in 5.13.020, will be announced at the conclusion of the random selection process. Subject to full and faithful compliance with this Code, including but not limited to determination of the legal effect of the Contingent Application, those selected will have an opportunity to be issued a cannabis business license as provided in this Code and other applicable law, rules and regulations. The Authority will notify those selected in writing within seven (7) days of selection by United States mail return receipt requested at the address set forth in the application.

5.13.020 Number of licenses.

(a) No more than ten (10) regulated cannabis business licenses, excluding any cannabis testing facilities and any medical cannabis business license(s) co-located with a Retail Cannabis business license, shall be issued.

(b) Included within the ten (10) license limit referenced above in (a), no more than two (2) cannabis business licenses may be issued in the Horizon Drive Association Business Improvement District, (District) which is described as all commercial property bounded on the south by G Road, north on Horizon Drive through and including H Road, bounded on the west by 27 Road/15th Street, and on the east by 27 ½ Road northeast to Walker Field Airport Authority. The boundaries of the Horizon Drive Association District include, but are not limited to, Horizon Court, Compass Drive Association, Crossroads Boulevard, Crossroads Court, Skyline Court, Sundstrand Way, and Hilaria Avenue, as otherwise amended.

(c) Notwithstanding the Litigation, and in accordance with the stipulation made by the parties to the Litigation, the City Council finds that it is in the best interest of the City to enter the Application of High Colorado LLC in the random selection process. That action is not and shall not be claimed or construed as a waiver of any decision(s), finding(s), or ruling(s) made by the Cannabis Licensing Authority and/or that the inclusion of the High Colorado LLC Application in the random selection process is an abrogation of any defense(s) made, or that may be made, by the City in the Litigation.

(d) In accordance with the stipulation made by the parties to the Litigation, if the High Colorado LLC Application is not drawn in the random selection process, then High Colorado LLC shall file a motion to dismiss the Litigation with prejudice, bear its costs and release any and all claims made by it in the Litigation.

(e) In accordance with the stipulation made by the parties to the Litigation, if the High Colorado LLC Application is drawn in the random selection process, then an eleventh (11th or 12th) number as provided in 5.13.017(d) and (e) (Contingent Application) shall

138 be drawn with the licensure of either or both the High Colorado LLC Application and/or
139 the Contingent Application being conditional and subject to, as provided herein,
140 resolution of the Litigation, whether by judgment or settlement, in favor of High Colorado
141 LLC.

142
143 (f) If the Litigation is not resolved, whether by judgment or settlement, in favor of High
144 Colorado LLC, then the selection of the High Colorado LLC Application in the random
145 selection process shall be without legal effect and no license shall issue to High
146 Colorado LLC and instead a license shall issue to the Contingent Application.

147
148 (g) If the Contingent Application does not commence operations as provided by this
149 Code following resolution of the Litigation as provided above, or otherwise determines
150 and advises the City in writing that the Applicant selected for the Contingent Application
151 decides to withdraw, then the City shall conduct another randomized selection process
152 for one (1) license (Replacement Application). The Replacement Application shall be
153 determined from the unsuccessful Applicants that participated in the randomized
154 selection process 5.13.017(b). Notwithstanding 5.13.017(e) the District application not
155 selected for purposes of the District only process will be eligible for the Replacement
156 License process provided herein so long as two (2) applications for licensure in the
157 District have not been previously selected in the randomized selection process.

158 (h) If the Litigation is resolved, whether by judgment or settlement, in favor of High
159 Colorado LLC, then the selection of the Contingent Application in the random selection
160 process shall be without legal effect and a license shall issue to High Colorado LLC.

161 (i) If a license is issued to High Colorado LLC the City acknowledges that the licensed
162 premises is and will be nonconforming due to its location being closer than 1000 feet
163 (980.21') to Grand Junction High School (GJHS). The City further acknowledges that
164 the non-conforming distance may be a temporary condition due to the construction of a
165 new GJHS. The non-conforming distance, if it is not resolved by construction of GJHS,
166 shall not be a basis for a challenge to the issuance of a license as provided herein or to
167 the conduct of business operations by High Colorado LLC.

168 (j) Furthermore, the existence of a non-conforming distance for High Colorado LLC shall
169 not be, or be claimed to be, a waiver of any distance requirement for any other
170 Application made, or to be made, pursuant to the Code.

171 City Council hereby declares that a special emergency exists and that this ordinance is
172 necessary to preserve and advance the peace and the public health, safety, and welfare
173 by effectuating the Council's purposes and policies, which are consistent with and
174 supportive of the best interest of the citizens of the City.

175
176 This Ordinance, immediately on its final passage, shall be recorded in the City book of
177 ordinances kept for that purpose, authenticated by the signatures of the Mayor and the

178 City Clerk. The full text of the amending ordinance, in accordance with the Charter of
179 the City of Grand Junction, is to be published in full within three days.

180
181 This Ordinance shall apply to the City of Grand Junction and the matters herein
182 described. This Ordinance shall take effect immediately upon passage and with the
183 unanimous approval of City Council.

184
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186
187
188 Severability.

189
190 This Ordinance is necessary to protect the public health, safety and welfare of the
191 residents of the City. If any provision of this Ordinance is found to be unconstitutional or
192 illegal, such finding shall only invalidate that part or portion found to violate the law. All
193 other provisions shall be deemed severed or severable and shall continue in full force
194 and effect.

195
196 All other provisions of Titles 5 and 21, Chapters 13 and 04 of the Grand Junction
197 Municipal Code shall remain in full force and effect.

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201 _____
202 Anna M. Stout
203 President of the City Council

204 ATTEST:

205
206 _____
207 Amy Phillips
208 City Clerk
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Grand Junction City Council

Regular Session

Item #6.a.iii.

Meeting Date: March 15, 2023

Presented By: Ashley Chambers, Housing Manager

Department: Community Development

Submitted By: Ashley Chambers

Information

SUBJECT:

An Ordinance to Create Accessory Dwelling Unit Production Program

RECOMMENDATION:

Approve an ordinance creating the Accessory Dwelling Unit Production Program and publish in pamphlet form.

EXECUTIVE SUMMARY:

The Accessory Dwelling Unit (ADU) Production Program (APP) is being proposed in response to a generalized shortage of affordable housing in Grand Junction. The proposed purpose of the APP is to increase ADU production as a lower-cost unit to meet the housing needs of Grand Junction.

BACKGROUND OR DETAILED INFORMATION:

Accessory Dwelling Units (ADUs) are smaller independent residences on the same property as a single-family primary home. Typically, an ADU can be attached to the home itself (e.g., basement apartment, attic conversion, etc.) or be a separate structure on the property (e.g., carriage house, mother-in-law unit, etc.). ADUs provide many benefits as they are considered a “naturally occurring affordable housing” (NOAH) unit due to their smaller size and lower rent opportunities. They were also one of the few unit types that received positive support from the Grand Junction Housing Needs Assessment (HNA) whereby survey results indicated that many people found ADUs to be “appropriate in my neighborhood”. Moreover, ADUs may provide extra income and affordability for the homeowner, lower costs than building a larger unit, utilize existing infrastructure, be developed faster, and meet a unique housing need. The Housing Needs Assessment identified that Grand Junction would benefit from smaller and lower-cost units as they are not frequently available or being produced at a measurable volume in the market.

On the January 30, 2023, City Council Workshop, staff brought forth the creation of an ADU Production Program (APP) that would support the construction or build-out of ADUs within or attached to existing structures containing the principal use of the property, or detached from that structure, that are on a permanent foundation with the intent of increasing the availability of ADUs – a naturally occurring affordable housing unit - within the City. In addition, for properties that are owner-occupied and with the intent of assisting in the creation of generational wealth from homeownership, the City would increase the incentive to help offset actual real construction costs.

Staff has proposed and attached an ordinance that includes the specific guidelines of the ADU Production Program, Administrative Procedures, Covenant Agreement and Annual Certification Form.

FISCAL IMPACT:

In 2022 the Grand Junction City Council allocated \$1,000,000 to support the implementation of the adopted housing strategies. In the 2023 adopted budget, the \$1,000,000 was re-budgeted for the same purposes and was increased by \$502,500 for a total of \$1,502,500. Of those funds, \$750,000 has been earmarked to match a Department of Local Affairs housing grant (on behalf of Grand Junction Housing Authority). Out of the remaining \$752,500, staff is proposing that \$250,000 be set aside for the development of an ADU Production Program. Approval of the APP and authorization of \$250,000 for ADU incentives would support the production of an additional 16 to 26 Accessory dwelling units.

SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No. 5136, an ordinance creating the Accessory Dwelling Unit Production Program on final passage and order final publication in pamphlet form.

Attachments

1. ORD-ADU Production Program
2. ADU Production Program Covenant Agreement and Occupancy Certification Form

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RECITALS:

By and with this Ordinance the City Council amends the Grand Junction Municipal Code (GJMC or Code) to establish the *Grand Junction Accessory Dwelling Unit Production Program*.

In May 2021 the City in conjunction with several housing agencies completed a Grand Valley Housing Needs Assessment (HNA). The HNA showed a poverty rate in Grand Junction of 16% which is well above the state average, a rental housing gap of 2,168 units for households earning less than \$25,000 (roughly 30% to 50% Average Monthly Income [AMI]), a need for accessible housing units for the 15% of the City's population that are disabled, and a generalized substandard condition of housing units within the community.

In response to and informed by the HNA, in October 2021, the City Council adopted a Housing Strategy outlining twelve (12) strategies tailored to address certain needs identified in the HNA with two of the top needs being “production and availability gaps including needs for additional affordable rentals and “starter homes and family homes priced near or below \$250,000.”

As demonstrated in the HNA, the City's most acute housing needs are for rental units for households below 30% AMI and up to 60% AMI and for ownership units for households at or below 80% AMI.

The Accessory Dwelling Unit (ADU) Production Program (APP) is intended to respond to, as described above and in detail in the Housing Needs Assessment, a generalized shortage of affordable housing in Grand Junction. The APP will incentivize and support the construction or build-out of ADUs within or attached to existing structures which structures are the principal use on the property, or ADU's that are detached from the principal structure and are on a permanent foundation.

The construction, and in turn increased availability, of ADUs within the City will contribute to alleviating the known shortage of affordable housing. Such dwellings are often referred to as *naturally occurring affordable housing* (NOAH) which, when constructed will benefit the City and promote the health, safety, and welfare of inhabitants of the City.

For properties that are owner-occupied, and with the intent to assist in the creation of generational wealth from homeownership that will be aided by the City's incentive funding, owners will realize a significant offset the costs of constructing ADU's.

Further, GMJC 21.11.010(k) provides "In order to promote the provision of low-moderate income housing in the City, the City Council may agree in writing to pay some, or all of the impact fees imposed on a proposed low or moderate income housing development by this chapter from other unrestricted funds of the City. Payment of impact fees on behalf of a fee payer shall be at the discretion of the City Council and may be made pursuant to goals and objectives adopted by the City Council to promote housing affordability."

On February 15, 2023, the City Council considered this Ordinance and determined that the creation and establishment of the Accessory Dwelling Unit Production Program (APP) is necessary and proper, and does for the foregoing reasons adopt and approve this Ordinance and the amendments of the Code necessary to develop, implement and enforce the Accessory Dwelling Unit Production Program all as follows.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Chapter 43 shall be added to Title 43 of the Grand Junction Municipal Code. Amendments are shown in **bold type**, deletions are shown in ~~strikethrough type~~

Chapter 43 Accessory Dwelling Unit Production Program

43.01.010 Definitions (Could cite to ZDC if already defined)

Accessory Dwelling Unit (ADU), as defined in GJMC 21.10.020

Area Median Income (AMI), As defined by Colorado Housing and Finance Authority

Applicant, as defined in GJMC 21.10.020

Application, as defined in GJMC 21.10.020

Additional Incentive is that amount equal to \$15,000 minus Fees.

Developer, See Applicant

Fees mean

- a) "Sewer Plant Investment Fee" means a plant investment fee (PIF) collected on behalf of Persigo Wastewater Treatment Facility.

b) “Water Plant Investment Fee” means a plant investment fee (PIF) collected on behalf of the City of Grand Junction. Does not include any fee collected by any other water provider.

c) “Development Impact Fee or Impact Fee” means certain fees now collected or as may be later applied and collected, also known as Development Impact Fee(s), for the purposes of police, fire, parks, and recreation, transportation capacity and/or other governmental functions and services.

Fee Payment means City payment of *Fees* on behalf of *Developer*.

Owner means and includes a deeded or judicially decreed legal and/or equitable interest in the Property

Owner-Occupied Property(es) is a piece of real estate in which the person who holds the title (owns the Property) also uses the home or an ADU located on the property as the Owner’s primary residence and lives on-site.

Property, as defined in GJMC 21.10.020

Term means the agreed upon term, either five or seven years, limiting the usage of an Accessory Dwelling Unit as a short-term rental.

43.01.020 Purpose and Applicability

The Accessory Dwelling Unit Production Program (APP) is intended to respond to a generalized shortage of affordable housing in Grand Junction as determined to exist by the City’s 2021 Housing Needs Assessment. The APP will, as provided in this Chapter, incentivize, and support the construction or build-out of ADUs on lots with a single family (attached or detached) or two-family use.

The construction, and in turn increased availability, of ADUs within the City will contribute to alleviating the known shortage of affordable housing. Such dwellings are often referred to as naturally occurring affordable housing (NOAH) which, when constructed will benefit the City and promote the health, safety, and welfare of inhabitants of the City.

43.01.030 Documents Incorporated by Reference

The ***ADU Production Program Covenant Agreement and Occupancy Certification Form*** are incorporated by reference and are cited to herein as **Attachment A**. Attachment may also be referred to as the ***APP Covenant and Agreement Documents***.

43.01.040 Permitting, Inspection and Approval

- (a) All ADUs must meet all permitting, building and processes outlined in GJMC 21.04.040(f) Accessory Dwelling Unit codes and applicable Mesa County building codes. .

43.01.050 Enforcement and Oversight

- (a) The City Manager shall be responsible for oversight and implementation of this Chapter including, but not limited to, review, inspection, and enforcement of the GJMC and the ***APP Covenant and Agreement Documents***.
- (b) The City and its contractor the Mesa County Building Department (Building Department) are authorized to perform inspections and take enforcement action(s) to ensure compliance with this Chapter.
- (c) Enforcement of this Chapter shall be in accordance with the duty(ies) set forth in GJMC 21.04.040(f) Accessory Dwelling Unit standards.
- (d) The Applicant shall install and maintain the approved ADU in accordance with this Chapter, the applicable building, fire and life safety codes of the City and the ***APP Covenant and Agreement Documents***.
- (e) The City shall provide an Application for fee payment on forms provided by the City, and when a complete Application is filed the Community Development Director will review the application and approve, approve with conditions, or deny each Application. within 45 days of the City determining the Application to be complete.

43.01.060 Fees

- (a) Fees are as defined Section 43.01.010. Fees do not include amounts paid to, charged or assessed by another special districts, owners association or special, or special assessment made by any public or private entity, or any other governments other than the City of Grand Junction and Persigo Wastewater Treatment Facility Fees do not include monies due for permits or plans including, but not limited to planning clearances, building inspection or permits, fire inspections, etc.

(b) Fee Payment

A Fee Payment under this Chapter is applicable to any ADU Developer (Commercial or Homeowner).

(i) The City will upon satisfaction of the following pay Fees on behalf of the Developer for the construction of an ADU.

(ii)

(iii) To receive payment of Fees, the Developer is required to:

A. Agree to execute and record in the Mesa County land title records a binding restrictive covenant, in a form provided by the City, that no short-term rental be permitted as a use of either the ADU or Principal Structure on the Property for a period of no less than 5 years

B. Certificate of Occupancy “hold” will be placed on any approved ADU Planning Clearance receiving a Fee Payment and/or Additional Incentive to ensure completion of construction within one calendar year from date of the approved application for Fee payment and approved Planning Clearance whichever is later. If a Certificate of Occupancy is not issued within one year, all Fees and a refund of any additional incentive will become due immediately; and

D. Agree to file an annual certification and reporting requirement as provided in 43.01.070.

ADU Production Program			
	ADU developers (amount)	ADU w/ Owner- Occupied Properties (amount)	Terms
City Paid Fees	Amount equal to Fees at time of Planning Clearance Application	Amount equal to Fees at time of Planning Clearance Application	5-year commitment to no short-term rental on property
ADU Additional Incentive (Owner-Occupied & Income Qualified)	Not applicable	Amount of Fees at time of Planning Clearance Application plus an amount that sums to \$15,000.	Additional 2- year commitment to no short--term rental (total of 7 years) on property

ADU Developer of an Owner-Occupied property. The City will pay Fees as provided in (b)(i) and (ii) and will provide an additional incentive in an amount that sums to \$15,000

To receive the Additional Incentive an Owner-Occupied Homeowner shall:

A. Provide Proof of Owner-occupancy of the property (in the form of a deed) and affidavit indicating intent for owner-occupancy as a primary residence for the term of the Program at time of application; and,

B. Agree to execute and record in the Mesa County land title records a binding restrictive covenant (see, attachment A) that no short-term rentals be permitted as a use of either the ADU or Principal Structure on the Property for a period of no less than 7 years from the Certificate of Occupancy;

C. Submit written evidence at the time of application that the property owner does not have a Household Income of more than 140% AMI; using the most recent Colorado Housing Finance Authority (CHFA) standards; must submit 2 forms of verification; including (1) two paycheck stubs from most recent pay periods for all adults living in the household, (2) income tax return from the most recent tax year (3) employer verification certification, (4) income verification certification from the social security administration and/or another government agency, if property owner/applicant receives any assistance or income from other sources;

D. Agree to file an annual certification and reporting requirement as provided in 43.01.070

(b) Early Termination Penalty

Due to the potential for homes to be sold, or title to be involuntarily transferred, or a homeowner wanting to end the APP commitment(s), an early termination of the APP Covenant and Agreement Documents may occur as follows:

A. An Owner may terminate the APP Covenant and Agreement Documents at any time by providing a signed written termination notice within 30 days to the City and pay a termination fee in the following amount: (1) twenty percent (20%) of the Total City paid Fees and/or Additional Incentive; plus,
(2) an additional 20 percent (20%) of the City Paid Fees for each full or incomplete year left in the Term ("Termination Fee"). termination fee + 20% of incentive x remaining term years

If a property is transferred or sold voluntarily or involuntarily, the Owner must either pay early termination fee at time of transfer or sale closing and/or the new owner execute a new Covenant Agreement for the remaining years to fulfill the full extent of the prior owner's commitment. Partial years will be pro-rated.

252
253 **43.01.070 Reporting Requirements and Monitoring**

254 (a) The property owner shall provide copies of lease terms and a completed
255 Occupancy Certification Form for ADU occupants within ten (10) calendar
256 days when new occupancy of ADU occurs and an annual certification on
257 forms provided by the City; and other provisions, as deemed appropriate
258 by the City Attorney.

259 (b) The City shall either directly or through a contractor:

260 Conduct periodic audits at intervals determined necessary or appropriate
261 of the ADU Production Program to ensure compliance with the agreements;
262 including, but not limited to review and inspection of Short-Term Rental
263 audit, lease reviews and Building Permit activity.

264
265 **43.01.080 Remedies**

266
267 (a) All Fees and Additional Incentive paid by the City pursuant to this
268 Chapter, together with all interest thereon and penalties for early
269 termination/default of any condition of the APP Covenant and
270 Agreement Documents, and all costs of collection, shall constitute a
271 perpetual real estate lien equivalent to general property taxes. No sale
272 or conveyance, whether voluntary or involuntary, of the Property to
273 which the APP Covenant and Agreement Documents apply shall
274 extinguish the perpetual lien created hereby. No delay, mistake, error, or
275 irregularity in any act or proceeding authorized by this Chapter shall
276 prejudice or invalidate the lien, but the same may be remedied by
277 subsequent amending acts or proceedings, as the case may require.
278 When so remedied, the lien shall take effect and have the priority as of
279 the date of the original covenant or agreement by which it was created.
280 If any court of competent jurisdiction declares any such lien made
281 pursuant to this Chapter invalid, then the City Council may, upon notice
282 as required for the making and passing of an ordinance make the lien
283 effective in accordance with the intent of the APP Covenant and
284 Agreement Documents and this article.

285
286 (b) In the event of a default of the terms and conditions of the APP
287 Covenant and Agreement Documents the City Manager shall prepare an
288 assessment against the real estate to be lienied, the amount of the lien
289 and the amount of principal and interest due. No error, failure, or
290 neglect, or default on the part of the City, County Treasurer or County
291 Assessor in complying with recordation, certification or collection of
292 any lien shall invalidate the same.
293

294 (c) Any lien upon real estate made pursuant to the APP Covenant and
295 Agreement Documents and this Chapter shall be due and payable to the
296 Mesa County Treasurer. The Mesa County Treasurer shall receive
297 payment of all liens so made against any real estate, together with
298 interest and other charges and, in case of default in the payment of any
299 payment(s) so owed the City when due, shall advertise and sell any and
300 all real estate concerning which such default is suffered for the payment
301 of the due but unpaid sum of money with interest thereon. Such sales
302 and advertisements shall be made at the same time(s) and in the same
303 manner and under the same conditions and penalties and to the same
304 effect as are provided by the general laws of the State for the sale of real
305 estate in default of payment of general taxes. The holder of a certificate
306 from the County Treasurer, including the City, showing payment of a
307 lien, may have subsequent assessments endorsed thereon under the
308 same terms and conditions as provided by the general laws of the State
309 for the endorsement of subsequent taxes on tax certificates.
310

311 (d) At any sale by the County Treasurer of any real estate in the City for the
312 purpose of paying any lien created by the APP Covenant and Agreement
313 Documents and this Chapter, the City Manager or his designee may
314 purchase any such real estate without paying for the real estate in cash
315 and shall receive certificates of purchase in the name of the City. Such
316 certificates shall be received and credited at face value, with all interest
317 penalties and other charges accrued, to the City Manager on account of
318 the lien(s) in pursuance of which the sale was made. The certificates
319 may thereafter be sold by the City Manager at face value, with all
320 interest and penalties accrued. The City Manager shall assign the
321 certificates and the proceeds shall be credited to the APP fund.
322

323 (e) In case of any violation of any provision of this chapter, or any
324 amendment thereof, the City may, at its discretion, initiate civil
325 proceedings, including perfecting a lien, and/or filing for injunction,
326 mandamus, abatement, declaratory judgment or other appropriate
327 actions or proceedings, to prevent, enjoin, abate, remove, or otherwise
328 correct any violation of the APP Covenant and Agreement Documents or
329 this article. Civil remedies provided for under this section are not
330 exclusive and shall not preclude prosecution for criminal violations
331 under the provisions of this chapter.
332

333 43.01.090 Severable and Contingent

334

335 (a) This chapter is necessary to protect the public health, safety, and
336 welfare of the residents of the City and covers matters of local concern
337 or matters of mixed State and local concern. The provisions of this
338 Chapter are severable. If any provision of this chapter is found to be
339 unconstitutional or illegal, such finding shall only invalidate that part or

portion found to violate the law. All other provisions shall be deemed severed or severable and shall continue in full force and effect.

- (b) The provisions of this Chapter and the offering of any incentive(s) for the Accessory Dwelling Unit Production Program is contingent upon annual funding by the City Council availability. The City Council shall, from time to time and/or necessary, consider effectiveness of the ordinance at achieving its stated purposes.

43.01.100 Administrative regulations

- (a) The City Manager is authorized to promulgate such rules, regulations, and forms as are necessary to effectuate the implementation, administration, and enforcement of this Chapter.

43.01. 110 No City liability; Indemnification.

- (a) By participating in the Accessory Dwelling Unit Production Program and/or accepting an incentive(s) pursuant to this Chapter, the Applicant waives and releases the City, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages or liabilities of any kind that may result from the construction and/or occupancy of the ADU(s).
- (b) By participating in the Accessory Dwelling Unit Production Program and/or accepting an incentive(s) pursuant to this Chapter, the Applicant agrees to indemnify, defend and hold harmless the City, its officers, elected officials, employees, attorneys, agents and insurers against all liability, claims and demands on account of any injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the construction and/or occupancy of the ADU(s).

Introduced on first reading the ____ day of ____ 2023 and ordered published in pamphlet form.

Adopted on second reading this ____ day of ____ 2023 and ordered published in pamphlet form.

ATTEST:

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Anna M. Stout
President of City Council

Amy Phillips
City Clerk

DRAFT

Attachment A

Accessory Dwelling Unit (ADU) Production Program (APP)

Administrative Procedures

Application.

1. An application for a Planning Clearance for a new ADU shall be construed as a request for the ADU Production Program (APP). Should a homeowner/developer be seeking the Fee Waiver, the Applicant shall submit an ADU Production Program application, to include:

A. An initial application submitted with an ADU's minor site plan review material shall include the ADU's developers name and contact information, the property owner's name and contract information and any additional requirements as may be determined necessary. For those ADU developers seeking the additional incentive submittal information shall also include:

b. Proof of owner-occupancy of the property (in the form of a deed) and affidavit indicating intent for owner-occupancy for the term of the Program.

c. Submit evidence that the property owner does not have a Household Income more than 120 % AMI, as recognized by CHFA; (must submit 2 forms of verification at the time of application):

(1) Two paycheck stubs from most recent pay periods

(2) Income Tax Return from the most recent year

(3) Employer Verification certification

(4) Income verification certification from the Social Security Administration and/or a Colorado State Agency, if property owner/applicant receives any assistance

Application Review and Granting of Funds

2. City staff shall review the application materials. Upon finding of a complete and accurate application and upon land use approval of the ADU, the developer shall submit

(a) (Fee Payment) Assigned Covenant, agreeing to no short-term rentals operating non the property in either a primary or accessory dwelling unit for no less than 5 years; and

(b) construction of the ADU within one-calendar year of the date of planning clearance approval, and

agreement to annually certify and report; OR

(c) (Additional Incentive) Signed Covenant agreeing to no short-term rentals operating on the property in either a primary or accessory dwelling unit for no less than 7 years; and

(d) construction of the ADU within one-calendar year of the date Planning Clearance approval, and

(e) agreement to annually certify and report

3. Any Fee Payment and Additional Incentive shall be conditioned upon a Certificate of Occupancy being issued by Mesa County within one calendar year from date of approved Planning Clearance. A Certificate of Occupancy "hold" will be placed on any approved ADU Planning Clearance receiving a Fee Payment and/or Additional Incentive to ensure completion of construction. If a Certificate of Occupancy is not issued within one year, all Fees and additional incentive will become due immediately.
- a. The value of the Fee Payment is not to exceed the value of the Fees; the value additional incentive shall not exceed a maximum of \$15,000 in sum (for owner-occupied properties) when combined with the Fee Payment

ADU Production Program Agreement

4. Should an application be approved, the City, the developer or homeowner shall execute An ADU Production Program Covenant Agreement prior to the planning clearance being issued. Agreement shall at minimum provide:
- a. Terms for the commencement and completion of the ADU project as approved with and by the City Planning Clearance; and,
- b. Terms for termination and/or for sale and or transfer of occupancy terms; and,
- c. Remedy for default; and,
- d. Recording Memorandum.
- e. Require property owner to provide copies of lease terms and a completed Occupancy Certification Form for ADU occupants within ten (10) calendar days when new occupancy of ADU occurs and an annual certification on forms provided by the City; and
- e. other provisions, as deemed appropriate by the City Attorney.
5. The City shall either directly or through a contractor:
- a. Conduct periodic audits at intervals determined necessary or appropriate of the ADU Production Program to ensure compliance with the agreements; including, but not limited to review and inspection of Short-Term Rental audit, lease reviews and Building Permit activity.

Definitions

5. "Fees" means

- a) "Sewer Plant Investment Fee" means a plant investment fee (PIF) collected on behalf of Persigo Wastewater Treatment Facility. Does not include any fee collected by any other wastewater provider.
- b) "Water Plant Investment Fee" means a plant investment fee (PIF) collected on behalf of the City of Grand Junction. Does not include any fee collected by any other water provider.
- c) "Development Impact Fee or Impact Fee" means certain fees now collected or as may be later applied and collected, also known as Development Impact Fee(s), for the purposes of police, fire, parks, and recreation, transportation capacity and/or other governmental functions and services.

ATTACHMENT B

EXAMPLE OF COVENANT AGREEMENT FORM

RECORDING REQUESTED BY:

City of Grand Junction

AFTER
RECORDING,
PLEASE
MAIL THIS
INSTRUMENT
TO:

City Of Grand Junction

250 North
5th Street

Grand
Junction,
CO 81501

ATTN: CITY CLERK

**COVENANT AGREEMENT RESTRICTING OCCUPANCY FOR AN
ACCESSORY DWELLING UNIT AND PROVIDING FOR
ENFORCEMENT CERTAIN TERMS AND CONDITIONS**

This Covenant Agreement Restricting Occupancy for an Accessory Dwelling Unit ("Agreement") is made and entered in to as of _____ ("Reference Date"), by and between the City Of Grand Junction, a Colorado Home Rule municipality ("City"), and _____, the owner of real property ("Owner"), located at _____ ("Property"). Collectively the City and the Owner may be referred to as Parties.

RECITALS

A. Owner owns the Property, which is currently developed with, or will be developed with, a single-family residence. Owner has been approved by the City to construct on the Property an accessory dwelling unit ("ADU") as that term is defined in 21.04.040F of Grand Junction Zoning and Development Code ("Code" or "ADU Code").

B. Ordinarily certain Fees, known as Development Impact Fees, Sewer Plant Investment Fee (PIF) ("Fees") and Transportation Capacity Payment ("TCP") will be paid by Owner as a condition of the development of an ADU under the Code, and pursuant to this agreement, the Owner may be excused from paying t Fees and TCP if the Owner, for a period of five (5) years, agrees to limit occupancy of the ADU per the terms of this Agreement and not use the Property as a short-term rental (either the ADU or the principal structure) and commits the ADU to long term rental (rental periods longer than 30 days) only.

For owner-occupied (living on the Property in either unit) properties, an additional incentive of up to \$15,000 total including Fee waiver may be included for an additional two (2) year commitment (7 years total) to long term rental (30 days or more) and a commitment to not use any structure on the Property (either the ADU or the principal structure) as a short-term rental.

Owner has reviewed and accepted the terms of this Agreement and has by his/her/its signature agreed to comply with this Agreement and to obtain authorization to develop an ADU on the Property without being required to pay the Fees and TCP and/or qualified for the additional incentive.

NOW, THEREFORE, in consideration of these recitals and the mutual covenants contained herein, the Parties agree as follows:

1. The City agrees to pay as consideration for the Owner's commitments, and the Owner agrees that the consideration is adequate to support the making and enforcement of the Agreement.

2. AMOUNT OF PAID IMPACT FEES. The amount of Impact Fees to be waived pursuant to this Agreement, in total, equal \$_____ ("PAID Impact Fees") and/or _____ (additional Incentive, if applicable).

3. EXECUTION AND RECORDATION OF AGREEMENT. Before the City agrees to issue a planning clearance for the ADU without requiring Owner to pay Fees and the TCP, the Owner must execute and notarize this Agreement. Following Owner's execution and notarization of this Agreement, the City will promptly countersign and record the Agreement or a Memorandum of the Agreement at the City's option in the Mesa County, Colorado land title records. The recordation shall touch and concern the Property as described in Exhibit A and shall run with the land until released by the City.

4. The Agreement shall have a term of _____ years commencing on the date the City issues a certificate of occupancy for the ADU ("Commencement Date") and ending on the _____ anniversary of the Commencement Date, unless the Parties hereto mutually terminate the Agreement earlier as provided in Section 8 ("Term").

Commented [JS1]: Some paragraphs use headers some do not.

5. EARLY TERMINATION OF THIS AGREEMENT

(A) Owner may terminate this Agreement at any time by providing a signed written termination notice to the City and pay a termination fee in the following amounts: (1) twenty percent (20%) of the Total Paid Impact Fees and/or additional incentive; plus, (2) an additional 20 percent (20%) of the Paid Impact Fees for each full or incomplete year left in the Term ("Termination Fee").

The following example illustrates the operation of the preceding paragraph where the paid Impact Fees total \$10,000, and Owner terminates the Agreement with two years left in the original five-year term. In this example, the Termination Fee would be \$6,000. The \$6,000 is computed as follows: (1) \$2,000 representing 20% of the Waived Impact Fees; and (2) \$4,000 representing: (i) 20% of the paid Impact Fees; multiplied by two full or incomplete years left on the original five-year term.

5. SALE OR TRANSFER OF TITLE

If the Property is voluntarily or involuntarily transferred or sold, the Owner must pay an early termination fee at time of transfer or sale closing or the successor to the Owner must execute and record to the City's satisfaction a new Covenant Agreement for the remaining years must be submitted for the new owner. In accordance with Code §§ the City has a right to be paid all Fees, the TCP and Extra Incentive disbursed, committed or paid by the City for or on behalf of the Owner for the ADU, together with all interest thereon and penalties for early termination/default of any condition of this Covenant Agreement. In the event of default, the value of all Fees, TCP, Additional Incentive, Termination Fee and Penalty, together with costs of collection, shall constitute a perpetual real estate lien equivalent to general property taxes.

6. DELIVERY OF OCCUPANCY CERTIFICATION FORMS AND LEASE MATERIALS TO CITY; ADDITIONAL REPORTS

(A) Within ten (10) calendar days of the date of having an initial occupant, the Owner shall provide the City (1) a fully executed long-term lease, and (2) the Occupancy Certification Forms executed by the Owner, along with any documentation provided in conjunction with the forms; and,

(B) Within ten (10) calendar days of an Annual Certification Date following an initial occupancy, the owner shall provide the City with the following (1) if a NEW lease for the ADU has been executed, a copy of that newly executed lease; and (2) the complete Occupancy Certification Forms executed by the Owner, along with any certification documentation provided in conjunction with those forms.

(C) The City shall keep the Occupancy Certification Forms in confidence to the extent permitted by law.

7. VIOLATIONS AND REMEDIES

(A) The Parties agree that each remedy allowed by this Agreement and the Code is a cumulative remedy and is not exclusive of any other remedy available pursuant to this Agreement, the Code or other legal authority.

(B) Owner agrees that: (1) a violation of this Agreement also constitutes both a permit violation and a Code violation for purposes of the Grand Junction Municipal Code; and (2) any violation of this Agreement may also be enforced through the issuance of administrative citation(s) in accordance with the Grand Junction Municipal Code.

(C) For purposes of this paragraph an "Event of Default" occurs if the City notifies the Owner of a violation of this Agreement and the Owner does not fully cure the violation within ten (10) calendar days following the date of the notice, or if such a cure cannot be accomplished with diligent action within ten (10) days, within no more than sixty (60) days. If an Event of Default occurs, the City may provide written notice to the Owner that the City is terminating the Agreement and requiring the Owner to pay the City the full termination fee provided in Section ____, with a penalty of twenty percent (20%) of the paid Impact Fees ("Termination Fee and Penalty"). Until the Termination Fee and Penalty are fully paid, no use of the ADU may occur. Each day on which a use of the ADU is made, prior to payment of the Termination Fee and Penalty shall also constitute both a permit violation and a code violation.

8. ADDITIONAL TERMS

(A) The Owner shall not permit a household to occupy the ADU in a manner not compliant with Grand Junction or Mesa County zoning and development and/or building codes.

(B) The Owner shall assure that any occupancy of the ADU occurs in a manner that satisfies all applicable laws.

9. NOTICES Any notices pursuant to this Agreement shall be in writing and sent (i) by an established express delivery service which maintains delivery records, (ii) by hand delivery, by United States Post first class mail, postage prepaid; or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the following addresses:

To City: City of Grand Junction
 Attn: Housing Manager
 250 N 5th Street
 Grand Junction, Co. 81501

To Owner: _____

City and Owner hereby declare their express intent that the covenants and restrictions set forth in this Agreement shall run with the land and shall bind all successors in title to the property. Each and every contract, deed, or other instrument hereafter executed covering or conveying the Property or any covenants or restrictions contained in this Agreement whether such covenants or restrictions are set forth in such contract, or deed.

() No waiver of any nature, whether by conduct or otherwise, in any one or more instances, shall be deemed to be, or construed as, a further or continuing waiver of such condition or of any breach, or a waiver of any other condition or breach of any other term of this Agreement.

() The following Exhibits are attached and incorporated herein by this reference:

Exhibit A

Legal Description of Property

"CITY"

"OWNER"

City of Grand Junction _____

By: _____

Greg Caton, City Manager

BY: _____

NOTE: A COLORADO ALL PURPOSE NOTARY ACKNOWLEDGEMENT MUST BE ATTACHED FOR ALL SIGNATURES ABOVE THIS LINE OF TEXT.

ATTEST:

Amy Phillips, City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

THE LAND REFERRED TO HEREIN IS SITUATED IN THE City of Grand Junction COUNTY OF, Mesa
AND IS DESCRIBED AS FOLLOWS:

DRAFT



ATTACHMENT B

OCCUPANCY CERTIFICATION FORM

ACCESSORY DWELLING UNIT

This form will need to be completed on an annual basis or within ten (10) days of occupancy of ADU/property for _____ years from the date of occupancy. For additional information regarding criteria or ADU Production Program, please contact the City of Grand Junction Housing Division at housing@gjcity.org or 970.256.4120.

Please Check the Appropriate Boxes:

- ☐ Initial Certification
- ☐ Annual Recertification (Year) _____
- ☐ New Tenant

ADU Address: _____ Number of Bedrooms in ADU: _____

Owner Name(s): _____

Owner Email Address: _____

Property Owner Phone #: _____

- ☐ Property owner lives on-site
- ☐ Property owner lives off-site

ADU Tenant Name: _____

Household Size: _____ (number of people)

Tenant Email Address: _____

Lease Term: _____

- ☐ **Please attach a copy of the tenant/landlord lease agreement**

Submit all documents via mail or email to:

City of Grand Junction
c/o: Housing Division
250 North 5th St
Grand Junction, CO 81501
housing@gjcity.org



Grand Junction City Council

Regular Session

Item #6.a.iv.

Meeting Date: March 15, 2023

Presented By: Ashley Chambers, Housing Manager

Department: Community Development

Submitted By: Ashley Chambers, Housing Manager

Information

SUBJECT:

A Resolution for the Creation of a Land Acquisition Program

RECOMMENDATION:

EXECUTIVE SUMMARY:

A Land Acquisition Program (LAP) is being proposed in response to a generalized shortage of affordable housing in Grand Junction. The proposed purpose of the LAP is to provide funds to assist local developers to acquire property and/or land to assist in reducing the overall cost of construction of new affordable housing units.

BACKGROUND OR DETAILED INFORMATION:

Property and/or building acquisition costs, especially in developed areas of the city, are a major component of the cost of developing affordable housing. In current markets, land and/or building acquisition is approximately 10-15% of the overall project.

At the August City Council workshops, Staff presented an overview of land banking and land trusts and, based on the Council's direction, is now focusing on strategic land acquisition to increase the supply of available properties. The November City Council Workshop included a presentation about the different options available for how to establish and the decision-making structure of the proposed land bank. Recently, the appointed ARPA committee recommended the use of ARPA funds in the amount of \$3,373,337 be assigned for the purpose of creating a land bank. Additionally, Grand Junction Housing Authority (GJHA) recommended the use of \$1,800,000 of requested ARPA funds as it was not able to move forward with a preservation project that had been recommended for ARPA funds. On February 27 and March 13, 2023, City staff presented the proposed Land Acquisition Program, Council made several recommendations for change.

The Resolution, scoring matrix and administrative procedures are attached.

FISCAL IMPACT:

If a Land Acquisition Program is approved, funding will be approved by City Council with a second ordinance for appropriation.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 30-23, a resolution for the creation of a Land Acquisition Program.

Attachments

1. Land Acquisition Program Allocation Administrative Procedures
2. Land Acquisition Program Scoring Matrix
3. RES-Land Acquisition Program 20230314

ATTACHMENT A

Land Acquisition Program Allocation

ADMINISTRATIVE PROCEDURES

Application

1. Applications will be advertised and accepted on an on-going basis.
2. At a minimum, the application for the Land Acquisition Program shall include the following:
 - a. Project Name, property ownership and address, developers, or entity(s) information, amount requested, whether project is currently under contract and scheduled/estimated closing date;
 - b. Summary of the acquisition including acquisition costs, timeline, overall budget, financing, environmental review and any other conditions of the acquisition.
 - c. Description of the Project is dependent on other financing, grant funding or entitlements, whether the Project will be phased, in-kind/community support, and if there any known uncertainties for the Project;
 - d. Description of the developer's experience with and capacity to implement the Project.
 - e. A description of what the land acquisition will be used for in terms of an overall future housing project, including information such as projected unit creation, type of units, targeted occupants of the project, description of how the Project will address the City's documented housing needs and/or if there are other considerations made for population served; whether the project is "for sale" or "for rent" units
 - f. A description of the intended overall project services that will be available to residents; community support of project and engagement plan, proximity to hazards (floodplain, environmental, etc), proposed term of affordability, sustainability of resources to support the future/ongoing need of project, and energy conservation features.

Application Review and Granting of Funds

1. The City Manager (or designee) shall review the application materials. Upon finding of a complete and accurate application,, the City Manager (or designee) will prepare a report of the application(s) and provides recommendation to the City Council for funding. At a minimum to receive a recommendation for funding, the application must demonstrate:
 - a. Furthering and/or implementation of City adopted housing goals and strategies.
 - b. The application "Meets Expectations" in all categories of the Scoring Matrix (Attachment B).
2. The City Manager (or designee) has the authority to approve projects that receive a score of 16 or greater and for acquisition requests for less than or equal to \$300,000.

3. City Council reviews recommendation and based on their review and discretion, approves budgetary assignment to project(s).
4. Resolution is created.
5. Agreements are created for finalization of the project.

DRAFT



Land Acquisition Program - Program Scoring Matrix

Readiness and Capacity (6 points available)

Project Timeline & Capacity

3 (Exceeds Expectations) - Project Timeline is detailed and articulates milestones for each phase of work and pre-work that will have been completed. Timeline is clear and project will be completed within 23 months. Staff and partner roles are clearly articulated for each phase of work identified as major risk to project completion.

Project team assembled has substantial experience in managing similar grants and projects. Organization has identified and addressed capacity limitations

Letters of support and/or financial commitments are provided by all project partners and some key stakeholders. Organization has identified and confirmed other sources of funding to leverage for the project.

2 (Meets Expectations) - Project timeline provides general information related to each phase of work and pre-work that will have been completed. Timeline is clear that project is likely to be completed within 26 months. Staff and partner roles are generally articulated for each phase of work. Identifies major risks to project completion

Project team assembled has demonstrated experience in managing similar grants and projects. Organization has identified and addressed capacity limitations

Letters of support are provided by all project partners and some key stakeholders. Some partners have provided financial commitment. Organization has identified and confirmed other sources of funding to leverage the project

1 (Meets some Expectations) - Project timeline is incomplete. Unclear that staff and partner roles are articulated for each phase of work. Does not identify major risks to project completion

Capacity appears too limited

Letters of support have not been provided by all project partners and some key stakeholders. No partners have provided financial commitment. Organizations have not identified and confirmed other sources of funding to leverage for the project

Community Leadership Support

3 (Exceeds Expectations) - Organization has documented support from organization and community leadership. Organization has provided links/documentation for all relevant documentation to show alignment to adopted vision, strategies, policies, or goals of the organization or other supporting information. Any challenges have been identified in getting support for the project have been planned for or addressed.

2 (Meets Expectations) - Organization has support from organization and community leadership and has identified and provided links/documentation for some combination of adopted vision, strategies, policies, or goals of the organization or other supporting information. Any challenges have been identified in getting support for the project have been planned for or addressed.

1 (Meets some Expectations) - Organization has support from organization and community leadership and has identified and provided links/documentation for some combination of adopted vision, strategies, policies, or goals of the organization or other supporting information. Any challenges have been identified in getting support for the project have been planned for or addressed.

Impact on Housing Needs (6 points available)

Impact on Affordable Housing Targeted and Intended

3 (Exceeds Expectations) - Organization clearly identifies households that will be served and how the project fills a gap proportional to the affordable housing needs of the community, based on current or the best available data and/or needs assessment.

2 (Meets Expectations) - Organization generally identifies households that will be served and how the project fills a gap proportional to the affordable housing needs of the community based on the current or the best available data and/or needs assessment.

1 (Meets some Expectations) - Organization identifies households that will be served and how the project fills a gap proportional to the affordable housing needs of the community based on current or the best available data and/or needs assessment.

Long term impact	3 (Exceeds Expectations) - Project ensures long-term affordability with a use of covenant, regulatory agreement, or other deed restriction, and includes a monitoring mechanism.	2 (Meets Expectations) - Project ensures long-term affordability with a use covenant, regulatory agreement or other deed restriction, but is unclear how it will be sustained and/or monitored.	1 (Meets Some Expectations) - Project ensures long-term affordability with a use covenant, regulatory agreement or other deed restriction, but is unclear how it will be sustained and/or monitored.
	If project is mixed-income, long term affordability mechanism will be applied to designated affordable units.	If project is mixed-income, long-term affordability mechanism will be applied to designated affordable units.	If project is mixed-income, long-term affordability mechanism will be applied to designated affordable units.

Sustained and Equitable Support (6 points available)

Community Engagement Process	3 (Exceeds Expectations) - Organization has engaged in (or plans to engage in) a robust community engagement process, (e.g. multiple ways for community to participate a clear plan for involving marginalized and vulnerable populations, proposes working with community navigators and/or reduction of NIMBYism). And, has described how they will continue to engage the public over the course of the project.	2 (Meets Expectations) - Organization has engaged in (or plans to engage in) a general community engagement process, (e.g. public meetings, some efforts for community to participate a clear plan for involving marginalized and vulnerable populations, proposes working with community navigators and/or reduction of NIMBYism). And, has described how they will continue to engage the public over the course of the project.	1 (Meets Some Expectations) - Organization has engaged in (or plans to engage in) a limited community engagement process, (e.g. public meetings, some efforts for community to participate a clear plan for involving marginalized and vulnerable populations, proposes working with community navigators and/or reduction of NIMBYism). And, has described how they will continue to engage the public over the course of the project.

Community Benefits	3 (Exceeds Expectations) - Organization clearly describes a variety of benefits that will be provided or supported during and after the project is completed	2 (Meets Expectations) - Organization describes a few benefits that will be provided or supported during and after the project is completed	1 (Meets Some Expectations) - Organization describes a few benefits that will be provided or supported during and after the project is completed
	It is clear that community benefits provided/supported are integrated in the project and clear that targeted and historically marginalized/underserved populations will be the main recipients.	It is clear that community benefits provided/supported are integrated in the project but unclear that targeted and historically marginalized/underserved populations will be the main recipients.	It is unclear that community benefits provided/supported are integrated in the project and unlikely that targeted and historically marginalized/underserved populations will be the main recipients.

Sustainable Development (6 points available)

Location & access to amenities	3 (Exceeds Expectations) - Project is located in pre-existing neighborhood or commercial district and no new infrastructure is required to be built to support project (aside from impact fees)	2 (Meets Expectations) - Project is located adjacent to neighborhood or commercial district and no new infrastructure is required to be built to support project (aside from impact fees)	1 (Meets Some Expectations) - Project is located in neighborhood or commercial district and no new infrastructure is required to be built to support project (aside from impact fees)

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Project |
proximity

3 (Exceeds Expectations) - Project is within (1/3 miles) of alternative transportation options and in close proximity to employment and educational opportunities, grocery stores, etc.

2 (Meets Expectations) - Project is within (1/2 miles) of alternative transportation options and in close proximity to employment and educational opportunities, grocery stores, etc.

1 (Meets Some Expectations) - Project is within (1/2 miles) of alternative transportation options and in close proximity to employment and educational opportunities, grocery stores, etc.

Extra Points (up to 7 points available)

Rehab/Repurpose
vacant/underutilized
commercial or industrial
buildings

1 Extra Point Available. Project rehabilitates and repurposes a vacant or underutilized commercial or industrial building in a core commercial or industrial area for affordable housing

Energy Efficient Standards

1 Extra Point Available. Project plans to incorporate energy efficiency standards. This can be achieved in a number of ways: Project is built to International Energy Conservation Code 2018 (or later), project incorporates onsite renewable energy production, project is built to the standards of or has certification for LEED, Enterprise, Green Communities, Zero Energy Ready Homes (ZERH), National Green Building Standards (NGBS), or Green Globes, Project demonstrates positive environmental impact in another manner consistent with the aims of meeting high energy efficiency standards.

Long Term Affordability

5 Extra Points Available. Project demonstrates that it can achieve long-term affordability based on the geographic location and housing type (longer than 20 years).

tions) - Project timeline is vague or project will be completed in less than 5 years. e not clearly articulated for each phase of ajor risks to project completion.

ted for the proposed project.

0 (Does not meet expectations) - Project timeline does not provide sufficient information about each phase of work. No evidence that project will be completed by 5 years or longer. Staff and partner roles are not clearly articulated for each phase of work. Does not identify major risks to project completion.

Capacity appears very limited for the proposed project.

ot been provided by all project partners or key s have provided financial commitments. Identified or confirmed other sources of funding t.

No letters of support have been provided by the project partners or key stakeholders. No partners have provided financial commitments. Organizations have not identified or confirmed other sources of funding to leverage for the project.

tions) - Organization has limited support from runity leadership and stakeholders and has links/documentation for some combination of ies, policies, or goals of the organization or tion. Any challenges that have been identified project have been planned for or addressed.

0 (Does not Meet Expectations) - Organization does not have documented support from community leadership and stakeholders. Organization has not identified or provided links/documentation for plans, policies, or other supporting information. Any challenges that have been identified in getting support for the project have not been planned for or addressed.

tions) Organization does not clearly identify erved or how the project fills a gap able housing needs of the community, based ilable data and/or needs assessment.

0 (Does Not Meet Expectations) Organization provides minimal or no information identifying households that will be served or how the project fills a gap proportional to the affordable housing needs of the community, based on current or the best available data and/or needs assessment.

tions) - Long term affordability mechanism is uncertain if it will work.

0 (Does not meet Expectations) - No affordability mechanism and/or monitoring are proposed.

3, long-term affordability mechanism will only affordable units.

tions) - Organization has engaged in (or ted community engagement process that n outreach to community to participate a arginalized and vulnerable populations, mmunity navigators and/or reduction of efly described how they will continue to e course of the project.

0 (Does not meet Expectations) - Organization has not engaged in or does not plan to engage in a community engagement process and does not identify how they will reach out to marginalized and vulnerable populations. Organizations has not described how they will continue to engage the public over the course of the project.

tions) - Organization describes limited ded or supported during and after the project

0 (Does not meet Expectations) - Organization describes no benefits that will be provided or supported during and after the project is completed.

ity benefits provided/supported are integrated
' that targeted and historically
d populations will be the main recipients.

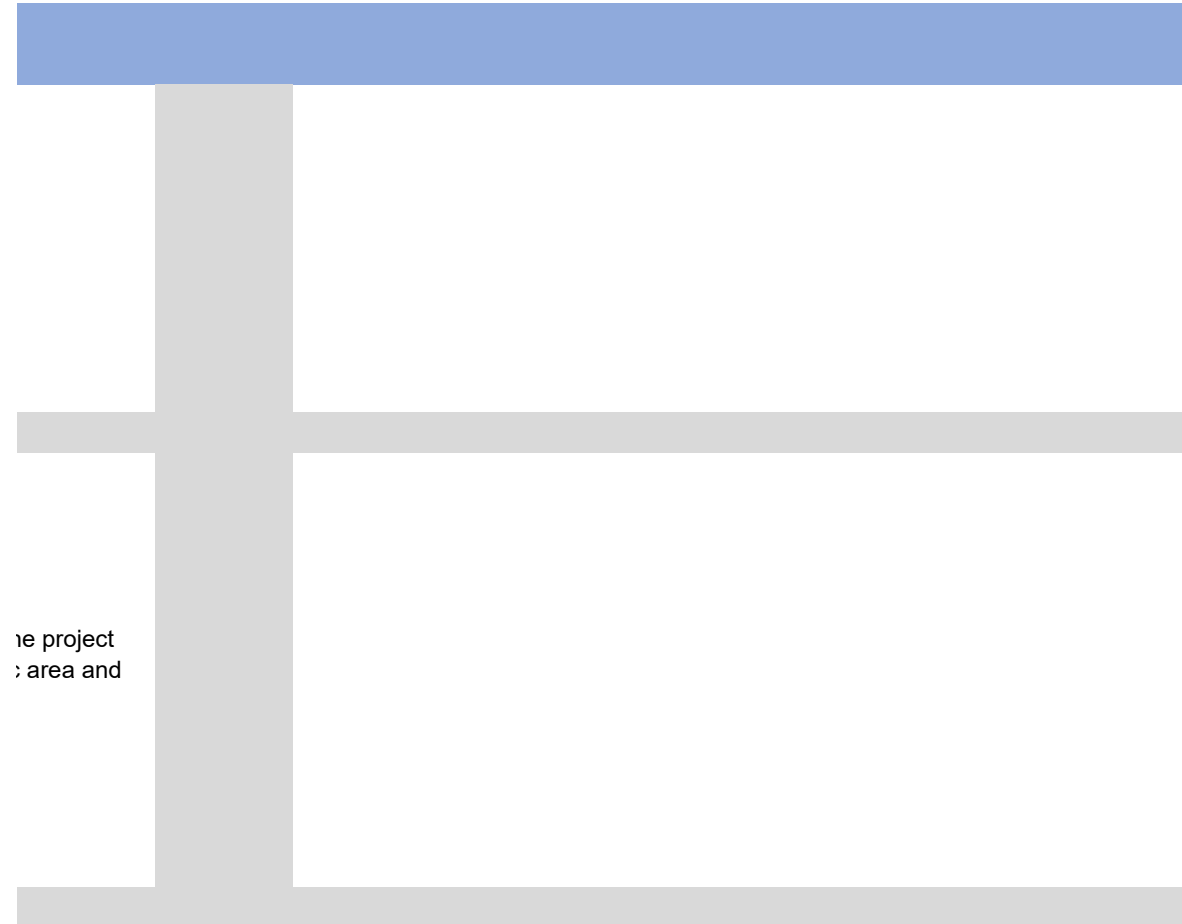
tions) - Project is located in or adjacent to cial district and some new infrastructure is port project (aside from impact fees)

0 (Does Not Meet Expectations) - Project is located in a greenfield and new infrastructure is required to be built to support project.

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tions) - Project is under 1 miles of alternative
d in close proximity to employment and
, grocery stores, etc.

0 (Does Not Meet Expectations) - Project is more than 0 mile
from alternative transportation options and in close proximity to
employment and educational opportunities, grocery stores, etc.



re project
; area and

RESOLUTION NO. ____-23

A RESOLUTION CREATING A LAND ACQUISITION PROGRAM IN THE CITY OF GRAND JUNCTION, COLORADO

Recitals:

On October 6, 2021, City Council adopted Resolution No. 82-21, which outlines 12 housing strategies to create a balanced approach for promoting both affordable housing (housing for households making 80% AMI or less) and attainable housing (housing for households making between 80-120% AMI). "Strategy 6: Allocate city-owned land (and/or strategically acquire vacant or underutilized properties) for affordable and mixed-income housing" was identified to meet the shortage of affordable/attainable housing and to promote more opportunities for housing choices that meet the needs of people of all ages, abilities, and incomes.

Property and/or building acquisition costs, especially in developed areas of the city, are a major component of the cost of developing affordable housing. In current markets, land and/or building acquisition is approximately 10-15% of the overall project.

At its January 30, 2023, workshop, the City Council directed staff to explore the creation of a mechanism to fund land acquisition for affordable housing projects in the City. On February 27, 2023, staff presented a recommended concept for a Land Acquisition Program (LAP) including a description of administrative procedures and review criteria for LAP applications. Having reviewed the proposal, the City Council expressed its support for the creation of a LAP and directed staff to refine the proposal for further review.

The Land Acquisition Program (LAP) proposed by and with this Resolution is in response to a generalized shortage of affordable housing in Grand Junction. The primary purpose of the proposed LAP is to provide funds to assist developers to acquire property and/or land to subsidize, in whole or part, the cost of developing housing to alleviate the housing shortage in Grand Junction.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The 2023 *Land Acquisition Program Administrative Procedures and Scoring Matrix (Matrix)* attached hereto is hereby adopted and approved as described and for the purposes stated in the foregoing Recitals. The *Matrix* is intended to implement the *Land Acquisition Program* established by this Resolution, and as the Program is funded from time to time by appropriations authorized by the City Council, for the purposes stated in this Resolution and respective appropriation ordinance(s).

PASSED AND APPROVED this 15th day of March 2023.

Anna M. Stout
President of the City Council

ATTEST:

Amy Phillips
City Clerk

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Grand Junction City Council

Regular Session

Item #6.a.v.

Meeting Date: March 15, 2023
Presented By: Jodi Welch, Finance Director Emeritus
Department: Finance
Submitted By: Jodi Welch, Finance Director

Information

SUBJECT:

Introduction of an Ordinance Authorizing a Supplemental Appropriation for American Recovery Plan Act (ARPA) Funds to be Allocated for a Land Acquisition Program and Setting a Public Hearing for April 5, 2023

RECOMMENDATION:

Staff recommends setting a public hearing for April 5, 2023 for the ordinance making supplemental appropriations and amending the 2023 City of Grand Junction Budget for ARPA funds to be allocated for a land acquisition program.

EXECUTIVE SUMMARY:

The budget was adopted by the City Council through an appropriation ordinance to authorize spending at a fund level based on the line item budget. Supplemental appropriations are also adopted by ordinance and are required when the adopted budget is increased to reappropriate funds for capital projects that began in one year and need to be carried forward to the current year to complete. Supplemental appropriations are also required to approve new projects or expenditures.

This supplemental appropriation is required for spending authorization to allocate ARPA funds for the Land Acquisition Program created by and with Resolution 30-23.

BACKGROUND OR DETAILED INFORMATION:

The American Rescue Plan Fund (Fund 114) accounts for the direct distribution of ARPA federal funds to the City of Grand Junction. A total of \$10.4 million has been received by the City and in 2022, City Council authorized the distribution of \$1.4 million to Visit Grand Junction, Air Alliance, and Sports Commission for lodging revenue loss, leaving a remaining \$9 million available for distribution. Grand Junction City Council appointed an Advisory Committee (Committee) to make recommendations about how

the funds will be spent. Recently, City Council authorized the distribution of \$2 million in ARPA funds for grant awards of \$1 million each to Grand Valley Catholic Outreach and Housing Resources of Western Colorado, leaving \$7 million available for distribution.

At the time of the adoption of the 2023 budget, City Council had not heard the recommendations from the Committee, nor made any decisions on grant awards. Therefore, distribution of monies from the American Rescue Plan Fund was not budgeted or appropriated. Therefore, a supplemental appropriation is required in the American Rescue Plan Fund (Fund 114) of \$3,373,337. The supplemental appropriation authorizes the budget for the spending authority. The actual spending will be accounted for in the American Rescue Plan Fund.

FISCAL IMPACT:

The supplemental appropriation ordinance is presented in order to ensure sufficient appropriation by fund to defray the necessary expenses of the City of Grand Junction. The appropriation ordinance is consistent with, and as proposed for adoption, reflective of lawful and proper governmental accounting practices and are supported by the supplementary documents incorporated by reference above.

SUGGESTED MOTION:

I move to introduce an ordinance making supplemental appropriations to the 2023 Budget of the City of Grand Junction for the year beginning January 1, 2023 and ending December 31, 2023 and setting a public hearing for April 5, 2023.

Attachments

1. 2023 ARPA Funding Supplemental Appropriation March 15, 2023

ORDINANCE NO. ____

AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2023 BUDGET OF THE CITY OF GRAND JUNCTION, COLORADO FOR THE YEAR BEGINNING JANUARY 1, 2023 AND ENDING DECEMBER 31, 2023 FOR A LAND ACQUISITION PROGRAM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That the following sums of money be appropriated from unappropriated fund balance and additional revenues to the funds indicated for the year ending December 31, 2023 to be expended from such funds as follows:

Fund Name	Fund #	Appropriation
American Rescue Plan Fund	114	\$ 3,373,337

INTRODUCED AND ORDERED PUBLISHED IN PAMPHLET FORM this 15th day of March, 2023.

TO BE PASSED AND ADOPTED AND ORDERED PUBLISHED IN PAMPHLET FORM this ____ day of _____, 2023.

President of the Council

Attest:

City Clerk



Grand Junction City Council

Regular Session

Item #6.b.i.

Meeting Date: March 15, 2023

Presented By: Niki Galehouse, Planning Supervisor

Department: Community Development

Submitted By: Nicole Galehouse, Principal Planner

Information

SUBJECT:

An Ordinance to Rezone 17.37 Acres from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5.5 du/ac) Located at 2428 H Road - **ITEM WITHDRAWN**

RECOMMENDATION:

The Planning Commission heard this request at its February 14, 2023 meeting and voted (6-1) to recommend approval of the request.

EXECUTIVE SUMMARY:

The Applicant and property owner, Vista 5, LLP, is requesting a rezone of 17.37 acres from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5.5 du/ac) located at 2428 H Road (Property). The requested R-5 zone district would be consistent with the Comprehensive Plan Land Use Map designation of Residential Low, if approved.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The Property is situated along the north side of H Road approximately 1/4 of a mile east of 24 Road. The Property is currently vacant. The Property was annexed to the City in 2019 with an R-1 (Residential – 1 du/ac) zone. During the annexation process, the former property owner requested a zone district of R-4 (Residential – 4 du/ac), which implemented the 2010 Comprehensive Plan designation of Residential Medium Low (2 – 4 du/ac). In December 2020, the 2020 One Grand Junction Comprehensive Plan was adopted by the City and the Property was designated Residential Low (2 – 5.5 du/ac). The future land use map, as adopted, does not support the R-1 zone district for either future land use designation. The Property is located within Tier 2 on the Intensification and Growth Tiers Map of the Comprehensive Plan, supporting the request to intensify land use through redevelopment in this area. The “Residential Low” land use designation within this category is implemented through zone districts which are

comprised of varying housing types and lot sizes and are designed to provide a transition between the less-developed edges of the City and the denser urban areas.

The purpose of the R-5 (Residential – 5 du/ac) zone district is to provide for medium-density detached and attached dwellings and multifamily in areas where large-lot development is discouraged and adequate public facilities and services are available. The R-5 district supports the Comprehensive Plan principles of concentrating urban growth and reinforcing community centers.

In addition to the R-5 (Residential – 5 du/ac) zoning requested by the applicant, the following zone districts would also be consistent with the Comprehensive Plan designation of Residential Low:

1. R-4 (Residential – 4 du/ac)
2. CSR (Community Services and Recreation)

The properties adjacent to the Property to the north, west, and south are still in the County with a zoning of AFT (Agricultural, Forestry, Transitional), which provides for a maximum density of 1 lot per 5 acres. The properties to the west have a City land use designation of Residential Low, while the property to the north is not within the Persigo boundary and is not contemplated for annexation into the City. The properties to the east and south are also still in the County with a zoning of RSF-E (Residential Single Family – Estate) with a City land use of Rural Residential to the east and Residential Low to the south.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed rezone request was held via Zoom on Wednesday, November 9, 2022, in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant and its representatives were in attendance, along with a representative from City staff and approximately 11 neighbors. The Applicant's representative provided an overview of the proposed development and reason for the rezone. There was significant discussion on the impacts of the project and how these would be managed. Residents in the area had concerns about the traffic, proposed increase in density, development of infrastructure, impacts to Appleton Elementary School, and irrigation rights. General opposition was expressed with regard to the requested rezone.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with a new application sign on November 23, 2022. The Applicant checked the site on January 24, 2023, and January 31, 2023, and confirmed with staff that the sign was still on the property. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on February 2, 2023. The notice of this public hearing was published February 7, 2023, in the Grand Junction Daily Sentinel.

Public comment was also received in an online hearing between February 7, 2023, and February 13, 2023, through the GJSpeaks.org platform.

ANALYSIS

The criteria for review are set forth in Section 21.02.140 (a) of the Zoning and Development Code, which provides that the City may rezone property if the proposed changes are consistent with the vision, goals, and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria as identified:

(1) Subsequent events have invalidated the original premises and findings; and/or the property owners have requested to rezone the Property to R-5 which is compatible with the Comprehensive Plan Land Use Map designation of Residential Low (2 – 5.5 du/ac). During the 2020 One Grand Junction process, the land use designation on the property was changed from Residential Medium Low (2 – 4 du/ac) to Residential Low (2 – 5.5 du/ac). The current zoning of R-1 (Residential – 1 du/ac) is not supported by the Comprehensive Plan to implement either the Residential Medium Low or the Residential Low land use. While the Property owner could still develop using the R-1 zone district, the requested zoning of R-5 implements the Residential Low future land use designation. The Staff find that this criterion has been met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or The adoption of the Comprehensive Plan in 2020, designated the Property as Residential Low (2 – 5.5 du/ac). The Applicant is requesting an allowable zone district that is consistent with the higher end of the density range allowed by the Residential Low category. The character and/or condition of the area has not changed in recent years as the adjacent residential properties are currently large acreage and have not yet fully developed; however, the requested zone district is compatible with the Comprehensive Plan designation. Staff is unable to identify any apparent change of character and/or condition and therefore, staff finds that this criterion has not been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or Adequate public and community facilities and services are available to the Property and are sufficient to serve land uses associated with the R-5 zone district. Ute Water is presently available to the site along H Road. The Property is within the Persigo boundary, with adequate capacity for development and infrastructure that is proximate and can be extended to the Property. The property can be served by Xcel Energy natural gas and Grand Valley Power electricity. Appleton Elementary School is about 6/10 mile to the west and Canyon View Park is located approximately a mile to the southwest. Further to the south along Patterson Road are commercial retail centers that include Mesa Mall, offices, convenience stores with gas islands, restaurants, commercial businesses, and a grocery store. Community Hospital is also nearby on G Road.

The area is served by Fire Station #3; however, response times are estimated to be 6 to 8 minutes from the time of dispatch for an emergency call for service, which is longer than National Fire Protection Association response time standards. The

Property can be reached in approximately the same time from three different stations, increasing the service potential. The City has been working to address the current and future fire and EMS coverage demands of this area and is planning for a new Fire Station at 23 and H Roads.

In general, staff have found public and community facilities are adequate to serve the type and scope of the residential land use proposed. As such, staff finds this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

There is minimal property north of I-70 that has been incorporated into the City west of 26 Road. What does exist in this area is commercial in the 24 Road Corridor and a mix of R-4 and R-8 zone districts. Looking further out from this, there are approximately 100 acres of R-5 zoning between 24 ½ Road and 25 ½ Road along G Road. The R-5 zone district is prevalent east of Horizon Drive. Therefore, Staff finds this criterion has not been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment. The community and area may benefit from this proposed request. The requested zone provides an opportunity for housing within a range of density that is consistent with the Comprehensive Plan in this area to meet the needs of the growing community. However, Plan Principle 3, along with the Tiered Growth Plan, provides that growth be carefully guided, prioritizing infill and redevelopment. The Property is located on the periphery of the urban service boundary as well as the Persigo 201 service area & the service area for the nearest fire station. Surrounding properties are outside of the 201 boundary in addition to being outside of the city limits. While the existing R-1 zone district does not implement the Comprehensive Plan, the R-5 request may not be the most appropriate zone district to strike the balance desired by the Comprehensive Plan to achieve appropriate benefits. Therefore, Staff finds that this criterion has not been met.

In addition to the above criteria, the City may rezone property if the proposed changes are consistent with the vision, goals, and policies of the Comprehensive Plan. The following provides an analysis of relevant sections of the Comprehensive Plan that support this request.

Implementing the Comprehensive Plan. The following narrative evaluates the proposed rezone to R-5 (Residential – 5 du/ac) against the principles, goals, and policies of the Comprehensive Plan:

- Land Use Plan: *Relationship to Existing Zoning*

Requests to rezone properties should be considered based on the Implementing Zone Districts assigned to each Land Use Designation. As a guide to future zoning changes, the Comprehensive Plan states that requests for zoning changes are required to implement the Comprehensive Plan.

The 2020 Comprehensive Plan provides the Property with a land use designation of Residential Low. As outlined in the background section of this staff report, the R-5 zone district implements the Residential Low designation.

- Plan Principle 1: *Collective Identity*

Where We are Going – The narrative associated with the future of the City’s identity has a strong focus on retaining character as growth continues. An important part of the community’s culture comes from its agricultural roots. It’s important to respect these and ensure maximum compatibility and appropriate transitions from long-term agricultural zones to more dense urban settings.

The proposed rezone is on the edge of the Urban Development Boundary and isolated in the Persigo 201 service area. The properties to the north are outside of the City’s Urban Development Boundary while the remaining properties on the perimeter are within the boundary, but outside of the Persigo 201 service area. While the request to increase density on the property is one of two implementing zone districts of the Comprehensive Plan, the request for an R-5 zone district may not be the most appropriate zone district to strike the balance between growth and maintaining a sense of place as contemplated by this principle.

- Plan Principle 3: *Responsible and Managed Growth*

Where We are Today (and Where We are Going) – The One Grand Junction Comprehensive Plan raises concerns about a waning supply of attainable housing combined with limited supply of land that has existing infrastructure available. To move forward effectively and manage growth, priority has been placed on infill and redevelopment projects.

How We Will Get There – The policies in this principle address the manner in which growth must happen within the City. One such policy is to support a compact pattern of growth and encourage the efficient use of land through the Zoning & Development Code (ZDC). The ZDC is currently undergoing an update to implement the 2020 One Grand Junction Comprehensive Plan and identify ways to prioritize this type of development. An example of this particularly comes into play with the proposed removal of the multifamily component of the R-5 zone district while creating new use categories for duplexes and triplexes. One of the concerns that is typically brought up about the R-5 zone district is the allowance of multifamily, despite the fact that the district is rarely developed as anything other than single-family detached dwellings. The proposed ZDC amendment takes this into account and seeks to create a resolution.

- Plan Principle 4: *Strong Neighborhoods and Housing Choices*

Where We are Today (and Where We are Going) – Housing within the City of Grand Junction is in crisis. The majority of the existing stock is single-family homes, with

little of other product types. This principle outlines how, in the decade preceding its adoption, the City saw an increase of over 70% in the cost of for-sale housing and more than 50% of renters are cost-burdened. To address these issues, more units are needed, and those units must be diverse. The development should be high quality, focusing on development near amenities and with high levels of walkability and bikeability. Neighborhoods should be strengthened not only through the creation of third places where people can interact, such as cafes, parks, trails, and restaurants, but also through diverse and interspersed housing options.

How We Will Get There – Since the adoption of the Comprehensive Plan approvals for multifamily developments have increased, with hundreds of apartment units being approved. However, the ‘missing middle’ housing type – duplexes, triplexes, townhomes, and other non-traditional multifamily products, have been pursued in insignificant quantities. The R-5 zone district, both as it exists and with proposed changes, allows for those housing options to be built. The 2020 One Grand Junction Comprehensive Plan encourages a variety of housing types, which can assist in increasing density while maintaining neighborhood character. The subject property is close to an elementary school, ¼ mile from the 24 Road Corridor, including access to Canyon View Park and the retail centers near Highway 6 & 50, while also being only ½ mile from I-70, providing ease of access to nearby communities. It is also located less than ¼ mile from an active transportation corridor, providing access to the City’s multimodal facilities despite being in a more remote area of the City.

- Plan Principle 8: *Resource & Stewardship*

How We Will Get There – Part of properly managing the City’s resources and being good stewards of the environment is to promote sustainable development. This can be done by maximizing existing infrastructure. The subject property is located along an improved right-of-way with existing water lines available to the site. Sanitary sewer would need to be brought to the site but is in close proximity.

- Intensification and Tiered Growth Plan

Tier 2: Suburban Infill – Tier 2 is intended to apply to areas of the City that are urbanizing or close to areas that are urbanizing. The area immediately surrounding the subject property is not currently urbanizing. However, the property is very close to the 24 Road Corridor, which is seeing significant growth. Development in this area is anticipated to “provide development opportunities while minimizing the impact on infrastructure and City services”.

The need for housing in the City of Grand Junction is clearly outlined in the Comprehensive Plan. This need encompasses not only attainable housing but a variety of housing options, including those that could be provided through the requested rezone. The Comprehensive Plan designation of Residential Low for the subject property indicates that any of the implementing zone districts (R-4, R-5, or CSR) will “provide a transition between the open, less dense edges of Grand Junction and the denser urban areas toward the City’s center.”

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Vista Five Rezone request, for a rezone from R-1 (Residential – 1 du/ac) to R-5 (Residential 3 – 5.5 du/ac) located at 2428 H Road, the following findings of facts have been made:

- 1) The request has met one or more of the criteria in Section 21.02.140 of the Zoning and Development Code.
- 2) The request is consistent with the vision (intent), goals, and policies of the Comprehensive Plan.

Therefore, the Planning Commission recommended approval of the request.

FISCAL IMPACT:

There is no direct fiscal impact related to this request.

SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No. 5137, an ordinance rezoning approximately 17.37 acres from R-1 (Residential - 1 du/ac) to R-5 (Residential - 5 du/ac), located at 2428 H Road on final passage and order final publication in pamphlet form.

Attachments

1. Exhibit 2 - Development Application
2. Exhibit 3 - Site Maps & Pictures of Site
3. Exhibit 4 - ORD-2428 H Road 20230221
4. Exhibit 5 - Public Comment 03.10.23
5. Exhibit 6 - Draft Planning Commission Minutes
6. Conflicts Ltr 3-1-23

Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For:

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation

Existing Zoning

Proposed Land Use Designation

Proposed Zoning

Property Information

Site Location:

Site Acreage:

Site Tax No(s):

Site Zoning:

Project Description:

Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

NOTE: Legal property owner is owner of record on date of submittal.

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application

Digitally signed by Tracy States
Date: 2022.10.13 14:57:11 -06'00'

Date

Signature of Legal Property Owner 

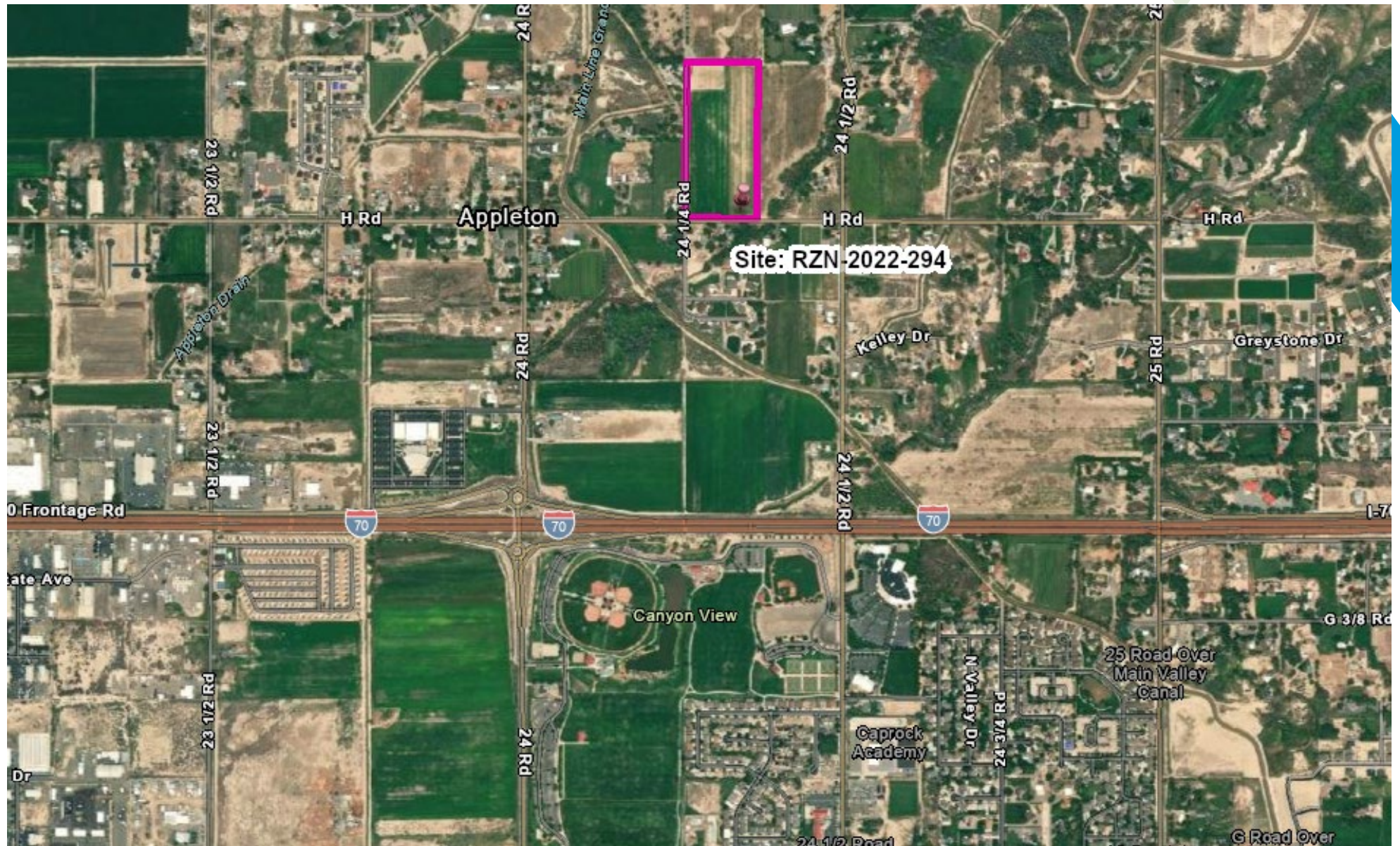
Date

Vicinity Map



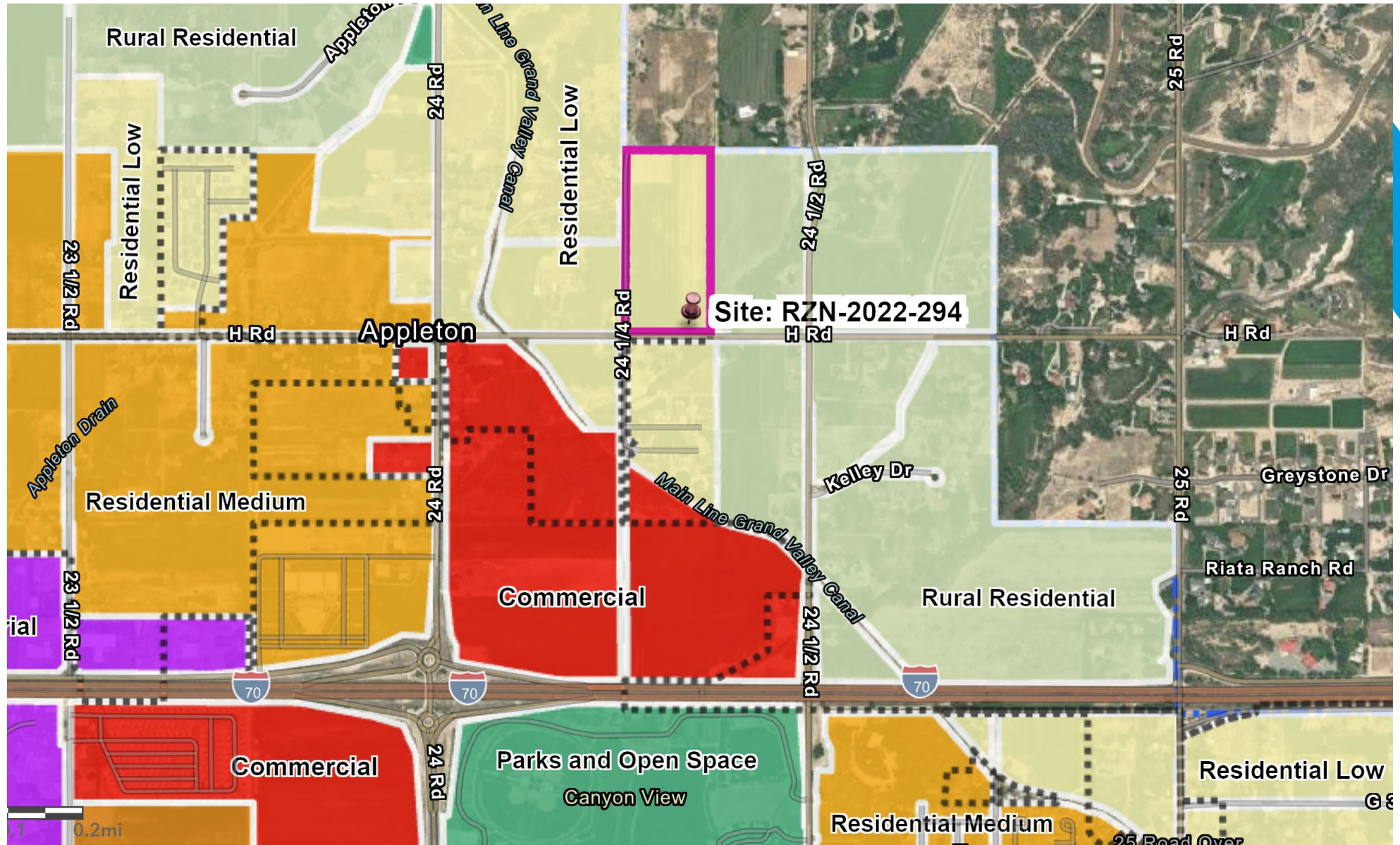
Vista Five Rezone

Site Location Map



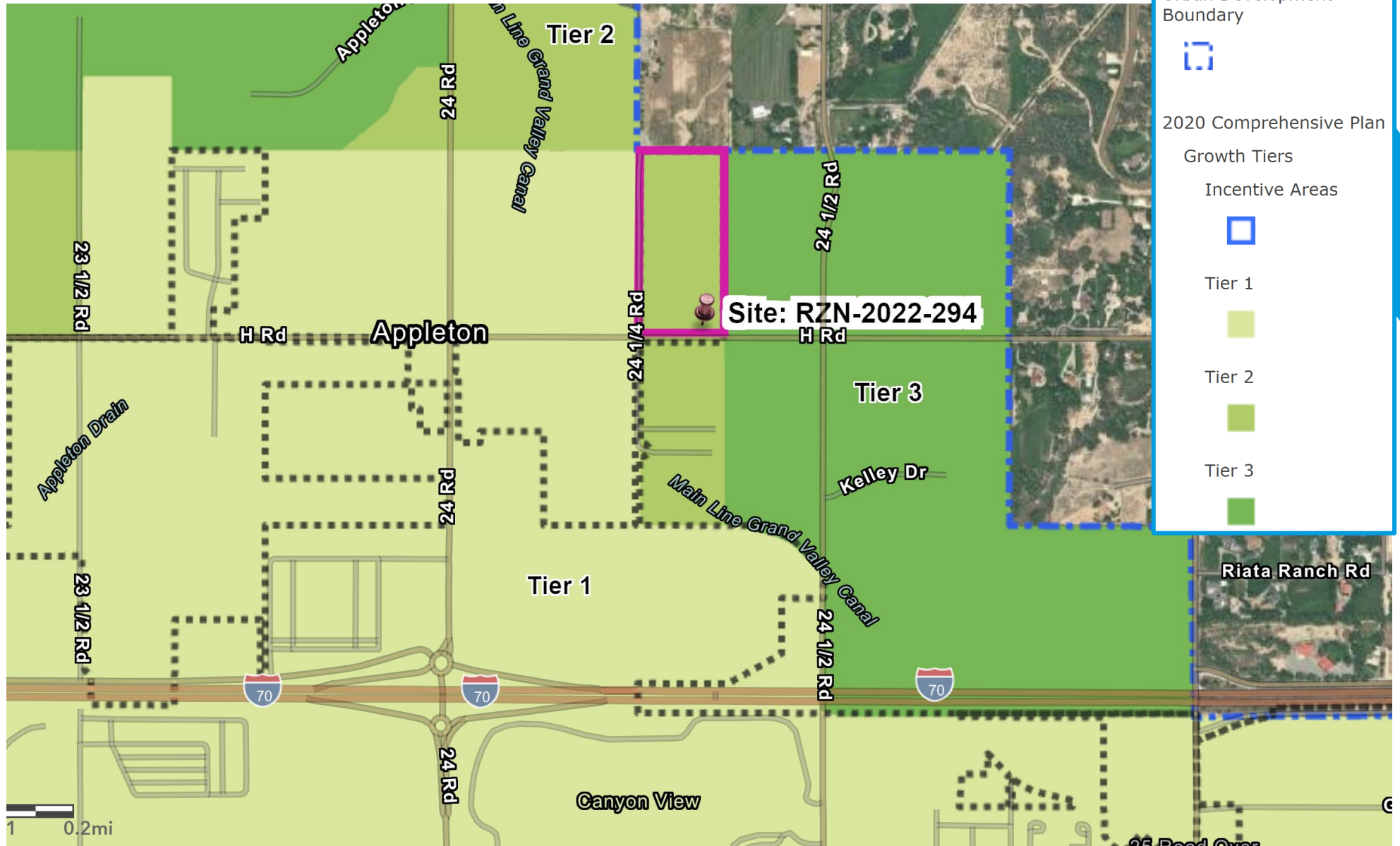
Vista Five Rezone

Land Use Map



Vista Five Rezone

Tiered Growth Plan

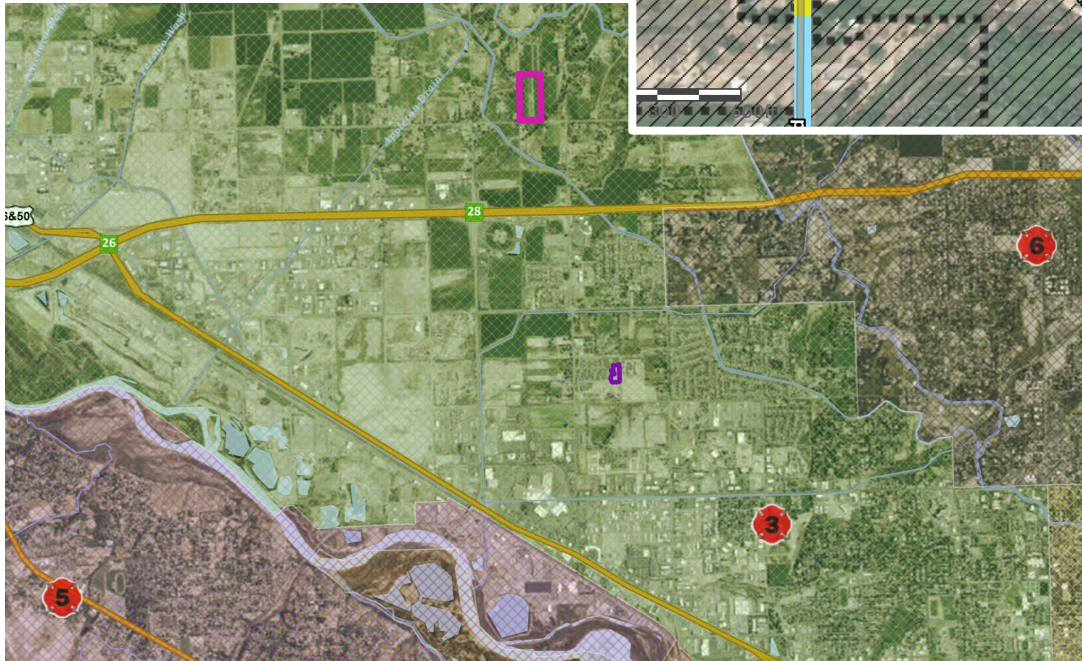
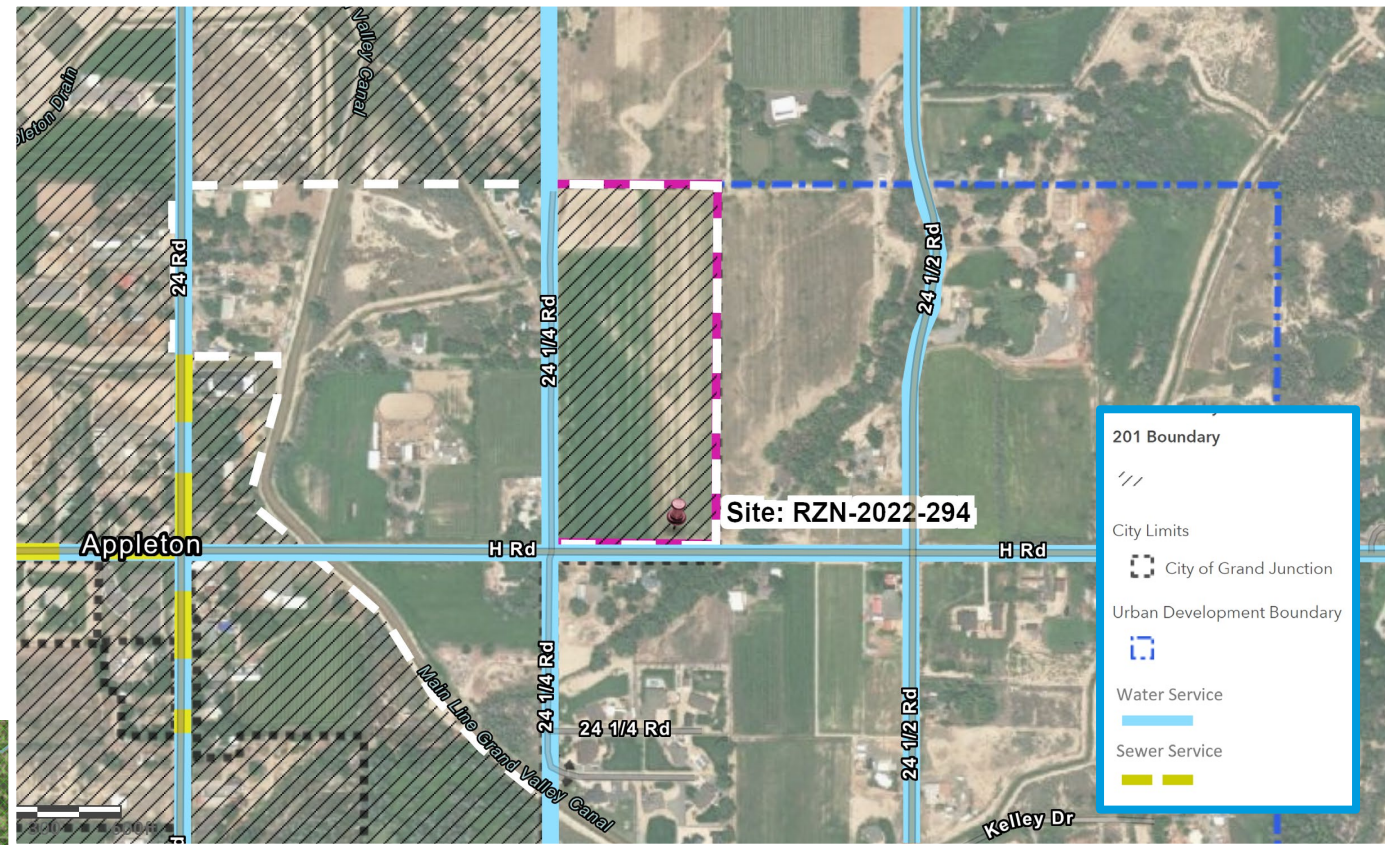


Zoning Map



Vista Five Rezone

Availability of Services



Fire Station 3 Service Area

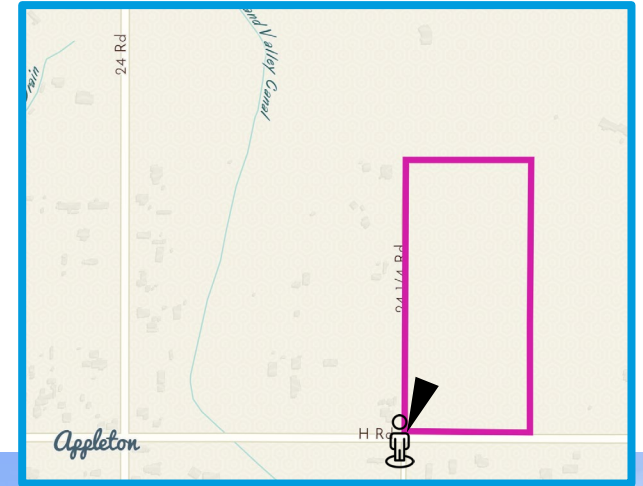
Approximately 8-9 minutes
from Stations 3, 5, & 6

Station 7 planned

Vista Five Rezone

Site Photo

Google Maps street view of property northeast from the intersection of 24 1/4 Road and H Road



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE REZONING FROM R-1 (RESIDENTIAL - 1 DU/AC) TO R-5 (RESIDENTIAL – 5 DU/AC) ZONE DISTRICT THE PARCEL OF LAND LOCATED AT 2428 H ROAD, GRAND JUNCTION, COLORADO (Tax Parcel No. 2701-283-04-001)

Recitals:

The property owner, Vista 5, LLP, proposes a rezone from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5 du/ac) on a total of 17.37-acres located at 2428 H Road (Property).

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended changing the zoning from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5 du/ac) for the Property, finding that it conforms to and is consistent with the Land Use Map designation of Residential Low (2 – 5.5 du/ac) of the 2020 One Grand Junction Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that rezoning from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5 du/ac) for the Property is consistent with the vision, intent, goals, and policies of the Comprehensive Plan and has met one or more criteria for a Comprehensive Plan amendment. The City Council also finds that the R-5 (Residential – 5 du/ac) zone district is consistent and is in conformance with the Comprehensive Plan and at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following property shall be zoned R-5 (Residential – 5 du/ac) on the zoning map:

LOT 1 OF VENEGAS MINOR SUBDIVISION NO. 2, COUNTY OF MESA, STATE OF COLORADO.

Introduced on first reading this ____ day of _____, 2023 and ordered published in pamphlet form.

Adopted on second reading this ____ day of _____, 2023 and ordered published in pamphlet form.

ATTEST:

Amy Phillips

City Clerk

Anna M. Stout

President of City Council

DRAFT

From: [Debbie Parko](#)
To: [Nicole Galehouse](#)
Subject: Rezone at 2428 H Rd.
Date: Thursday, March 9, 2023 8:42:41 PM

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

Nicole, you are receiving this EMail in our response to the Rezone request of 2428 H Road (formerly Maverik , now Vista 5 LLP property). My husband and I live at 2411 H Rd. and we are opposed to this Rezone, because it doesn't fit into our neighborhood, it doesn't conform to our beliefs of the surrounding neighbors who have established farming, wildlife that live in and around that particular piece of property will completely destroy their homes as remove that country living concept that we have raised our children in. Interstate Bridges at 241/2 and 25 roads are extremely unsafe for any child or adult currently, and this rezoned property will create even more of a higher density to any walkers, bicycles, let alone vehicles while using that unrealistic Bridge. Schools are another big problem. Appleton Elementary School will be inadequate for a larger growth putting an overwhelming pressure on Teachers, student learning abilities and classroom size burdens.

Thank You for your time and your consideration to Oppose this property rezone as well.

Sincerely Debbie Parko and Terry Parko

Stephen Hillard
887 25 Road
Grand Junction, CO 81505

To: Grand Junction City Council

Re: Opposition to Vista 5, LLP Rezoning Application

Date: March 9, 2023

Dear City Council Members:

First of all, thank you for bearing the task of conducting the people's business in this and so many other matters. Please consider these comments in that light.

The developer here is asking you for too much, too soon.

A hasty decision by the City Council to revisit the zoning of this property, so soon, and especially to reverse the prior Council, will raise questions about the public's ability to rely on considered decisions of this body.

Rather than burden this decision with a questionable process, the purpose of this letter is to suggest a better path:

- Place the decision on hold and request that the City Planning Department conduct a further study of compliance with the Comprehensive Plan. The current planning department review has numerous areas that were either not addressed or inadequately addressed, including —
 - the specific status of Appleton School (District 51 has decisions pending),
 - fire station response times (the proposal is clearly in violation of the City's safety codes),
 - pedestrian and bicycle access and safety (the proposal does not consider this although clear safety concerns for this factor are identified elsewhere by the City).

- To drill down a little deeper, consider the Pedestrian and Bicycle Plan, recently reviewed and approved by the Council. This plan is scheduled to be finalized next month. It clearly identifies access across the 25 Road and 24 1/2 Road bridges as Level-4 problems — i.e. they are unsafe. Allowing this intense development (involving scores of young children) to go forward now will result in undeniably unsafe conditions according to the City's own planning documents. Surely the Council does not want to disregard its own planning process just to get this development in "under the wire,"
- Allow the public and the developer to input and review this further study. On the current track, the proposal is simply out of sync with sound practices under the Comprehensive Plan. It effectively is racing ahead of considerations, such as public safety, that must be taken into account.
- This out-of-sync development clearly has many elements of spot zoning. The zoning designation in the Comprehensive Plan is not, in and of itself, an open door for such a radical, otherwise unsupported, change of zoning.
- Lastly, this is not a "NIMBY" situation. If a sound record of true consideration of the relevant factors can be developed, so be it. If the questions of public safety and true compliance with the Comprehensive Plan cannot be adequately answered, then so be it also. If the City wants to break new ground on housing development, better to do it with sound practices rather than risk it getting tied up with further public opposition and possible appeals.

Attached please find comments filed with the Planning Commission which amplify on some of these points.

Respectfully submitted,



Stephen Hillard

**Stephen Hillard
887 25 Road
Grand Junction, CO 81505**

To: Grand Junction Planning Commission

Re: Opposition to Vista 5, LLP Rezoning Application

Date: February 11, 2023

The last time this parcel was proposed for dense development, the approval decision of the Planning Commission ended in rejection by the community, the County, and the City Council. In fact, the City Council voted unanimously to limit any development to one unit per acre. See Maverick Subdivision proceedings.

Rather than repeat this process, and all the wasteful use of public and community resources it entails, the Planning Commission should stand by the prior City Council decision and recommend denial of the current application.

As detailed below, the February 14, 2023 study by the Planning Department (the "Study") is flawed. In fact, it requires denial of the application for the following reasons:

1. Technical Factors. The Study relies on the "one of five" factors position to justify approval. Finding one of the five factors to exist only leads to the result that the rezoning "may" occur. Under the 2020 Comprehensive Plan (the "Plan"), the decision must still be carefully weighed in light of the various factors.

More important, in this case, none of the five factors can be sustained.

The Study has already found that three of the five factors (items 2,4 and 5) were not met. Those factors are real and critically important to correctly conducting the people's business under the Plan.

Restated in plain English, the Study found:

A. The character of the area has **not** changed, and therefore the rezoning would **not be consistent** with the Plan. (page 3, item 2).

B. An adequate supply of suitably designated land **is available** in the community to accommodate the proposed use. (page 4, item 4).

C. The community will **not derive benefits** from the proposed amendment. (page 4, item 5).

2. Subsequent Events. Having established that the proposed rezoning is inconsistent with the Plan, unnecessary, and not beneficial, the Study then incorrectly suggests that subsequent events have invalidated the original premises and findings. (page 2, item 1). However, the land use map designation only provides for possible consideration of a higher density. It does not establish the substantive requirement that the original premises and findings, which are matters of fact, have been invalidated. To the contrary, the record before the Planning Commission now establishes that the premises and findings for the existing zoning (no change of character, other land available, no benefit to community) have once again been validated.

In short, the Study utterly fails the "Subsequent Events" test.

3. Adequate Facilities. The Study erroneously finds that the public and community facilities are adequate to serve the higher density. (page 5, item 3). There is no basis for this finding, especially in regards to:

- Schools. The fact that Appleton Elementary is 6/10 of a mile away just glosses over the fact that the school is already severely overcrowded. Adding another 80-plus residences nearby will compound this situation. The Analysis fails to even address this key problem. Moreover, the status of the Appleton School is an open question, now pending before the District 51 school board. See Daily Sentinel, February 12, 2023.
- Parks. The location of Canyon View Park is in fact a problem for the rezoning. The park is a magnet for kids walking or taking their bikes to the park, which means that from this proposed subdivision they will typically go over a dangerous, no-walk-way,

highly inadequate bridge on 24 1/2 Road. As pointed out to the City Council previously, this is a disservice to the public and an open invitation for municipal liability.

- Fire Department Response. This is serious, life-or-death business. The Study, however, again glosses over this critical facility. It admits that the response time does not meet the required response time under the National Fire Protection Association standards. Those standards set a required performance limit. See NFPA Section 1710 (2020). That other fire stations could also arrive late doesn't help. Nor does recitation that the City "has been working on it" address this problem of absolute non-compliance of a critical facility.

Accordingly, as to the "Adequate Facilities" test, the proposed rezoning flunks. It is unsafe and invites disaster for the public and the City along the way.

4. Generalizations. Lastly, the Study resorts to a generalized review of "visions, goals and policies" under the Plan. (page 5). The points already admitted in the Study (no change of character, other land available, no benefit to community) already invalidate this approach. Also, glossing things over with reference to "ZDC undergoing an update" again puts speculation before the horse of sound decision-making.

As established above, none of the elements required to even consider a rezoning of this parcel have been established.

The simple truth is that elements within the City have for years sought to disrupt this long-established rural neighborhood. This application is merely *deja vu* all over again and should not be approved.

Sincerely,



Stephen Hillard

shillard@counciltree.com

Council Member _____

Planning Dept
Copy

RE: Vista 5 LLP Rezone
RZN-2022-845
2428 H Road

To be heard **March 15, 2023**

I encourage the City Council to pause for a moment and consider why
GJ **Planning Commission member** Ken Scissors stated
on 2/14/23 that this proposed rezone is
"not even remotely compatible" with the neighborhood.

I suggest his reason is why the subject parcel was zoned R-1 by City Council in 2019.

The attached **aerial photo** shows this "not even remotely compatible"
in one broad picture of the neighborhood, with the dots representing
an existing home or developed residential lot.

Please consider as part of this 'why' the following information as related to the history
of the neighborhood, and why **denial of the requested rezone** is appropriate for
quality growth in greater Grand Junction:

- 1) the subject 'neighborhood' is the residential area **between 24 and 26 Roads North of I-70**
- 2) the neighborhood is **already about 75-80% developed**
- 3) the neighborhood has **a long history** since the mid 1960's of **developing as 5 acre, 2 acre**, and most recently as **some one acre** home parcels
- 4) a rezone would dramatically alter this longstanding area development plan
- 5) the average parcel size of this long since developed neighborhood is **nearly 6 acres in size**
- 6) the proposed rezone would be nearly **30 times the density** of the average parcel size of this substantially developed neighborhood; please observe the **greatly disproportionate density (dots)** in the photo of the proposed development compared to neighborhood [about **88 homes** on 17.37 acres].
- 7) the proposed rezone would also be 5 times the density of the smallest of lots of the neighborhoods labeled 'R-1 Sample.'

- 8) the City has **already recognized where increased density should go** in this North Central Valley area with existing **higher densities** West of 24 Road and East of 26 Road with sewer needs and more dense developments in these areas. The West area needed sewer because of commercial use, the school, and high water tables in the area. **These recognized higher density areas, along with I-70, provide the definition of this established neighborhood.**
- 9) The **existing R-1** zoning of the subject **already exactly fits the needs and long established character of the neighborhood**, matching its most recent developments.
- 10) Are we **abandoning diversity of land use**, wanting everything R-5 and greater density? The 'Key Changes' to the Development Code [see attached] include **"Expanded housing options."** **Discarding R-1 here shrinks housing options** for Grand Junction. Higher densities are already available East, West, and South of this neighborhood.
- 11) **Objective or Subjective?**: If this decision was all objective, as 'one-size-fits-all', then Council consideration would not be necessary. The Council is to put flesh on the bones of the Development Code, even considering citizen input. **The Code recognizes this subjective** nature with [see attached] statements like **"identify the land uses that are most compatible with the character and physical environment of specific areas"** and **"to protect ...unique sense of place and character."** The **proposed rezone does not fit these subjective criteria** when considering the facts of inserting nearly 30 times the existing average density of this substantially developed neighborhood.
- 12) **Medical Personnel**: some medical personnel need to live within about 10 minutes of the two hospitals to provide 24 hour emergency service, and some specifically live in this larger lot area now, while some have been attracted to Grand Junction because of this availability. To begin to **choke off this land use option** with higher density development that is already available elsewhere is limiting the attraction of Grand Junction to this needed medical staff.
- 13) **I-70 Bridge**: The most central access from the subject parcel to town is the 24½ Road I-70 bridge which is **remarkably** narrow at only **9' wide lanes** and with **rapid rising ramps** on each approach rendering **visibility ahead practically impossible** until reaching the bridge. Both these issues are **unique to this bridge**, with none other so narrow like it in the Grand Valley except the 29 Road I-70 'bridge to nowhere.' The 24½ I-70 Road bridge was truly scaled down for farm access. This bridge is an **attractive nuisance** to bikers and walkers desiring to get to Canyon View Park or Caprock Academy or shopping. Higher density would only complicate this over time. Try crossing the bridge with traffic sometime ...there are **steep declines on each side** with no place to bail out!

- 14)Flagpole Annexation: While the annexation was done legally, it was **not done in the spirit of the law** as it required 5 separate annexations to accomplish it [Annex #911-915 dated 9/22/19] ...5 separate contortions / jogs to 'fit' the subject parcel into the neighborhood. The annexation crosses raw land and the GV Canal with no bridge, and there are no City roads to access the subject parcel.
- 15)Petition: Please consider the petition dated March 8, 2023 [separately submitted to the Planning Department] that contains 200+ signatures of residents of the area that are **opposed to the subject zoning change** and are satisfied with the existing R-1 zoning of the subject parcel. I suggest this represents the super-majority of the residents.

I hope you consider these issues as '**quality growth**' and as '**retaining housing options**' ...all for the greater long-term good of Grand Junction and the Grand Valley.

In short, I respectfully ask the City Council to **decline the rezone** as the already existing **R-1 zoning respects this area for the greater good of Grand Junction**.

Sincerely,

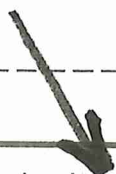
Dave Zollner

2562 H Road GJ, CO 81505
dzollner@gvii.net



Use Standards

ONE GRAND
JUNCTION
ZONING & DEVELOPMENT
CODE UPDATE



i

Use standards determine where certain land uses and activities can be located in the City. The Code helps identify the land uses that are most compatible with the character and physical environment of specific areas.



Development Standards

ONE GRAND
JUNCTION
ZONING & DEVELOPMENT
CODE UPDATE

i

Development standards set minimum requirements for each part of the physical environment (land, utilities, buildings) that form a development. Development standards affect the quality of development from protection

?

WHY DOES THE CODE ADDRESS THIS?



- To protect Grand Junction's life safety, public health, and unique sense of place and character.



Project Overview

ONE GRAND
JUNCTION
ZONING & DEVELOPMENT
CODE UPDATE

i

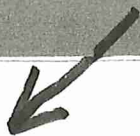
The goals of the Zoning and Development Code update project, informed and guided by the One Grand Junction Comprehensive Plan include:

1. Increase development potential across the city and promote a wide range of development types
2. Produce high quality and compatible development.
3. Increase housing supply and maintain affordability



HOW DO KEY CHANGES TO THE CODE IMPLEMENT THESE GOALS?

Key Changes	Project Goals		
	1	2	3
Use Regulations - <u>Expanded housing options</u> - Greater mix of residential and nonresidential uses allowed in more districts	✓	✓	✓
Site and Structure Standards		✓	
Natural Resources and Environmentally Sensitive Lands		✓	



Dot = house or developed lot

MARCH 2023 City GIS



3/8/23

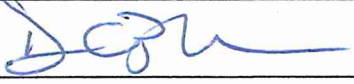
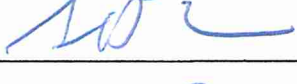
PETITION

To: Grand Junction CITY COUNCIL

Re: Vista 5 LLC Rezone – 2428 H Road – to be heard March 15, 2023

We the undersigned, respectfully request that the City Council **DECLINE** the rezone proposed because:

- 1) we are in agreement with GJ Planning Commission member Ken Scissors who stated February 14, 2023 that the proposed rezone is “not even remotely compatible” with the area;
- 2) the area [24 Rd to 26 Rd North of I-70] is already about 75-80% developed as large lots over a 50 yr period; this rezone would be 5x the density of the smallest existing lots and over 25x the density of existing average lot size;
- 3) The existing R-1 zoning of the subject parcel is already within the existing density and character of the area.
- 4) other reasons not included here due to space limitations.

Name	Signature	Address
Dave Zollner		2562 H Road
DAN KOMLO		852 24 1/2 Rd GJ, CO 81505
BOB FUOCO		2467 H Rd. G.J., 81505
Craig Moxley		2489 Red Peach Court GJ
Ken & Brenda Goodwin		786 Foxtail Rd. GJCO 81505
Al & Kulken Laase		2471 H Road
Larry & Cindy Estrada		2527 Greystone Drive.
Ron Hughes		2526 Greystone Dr.
Joe Moreng		2441 Red Ranch Dr

9 Signatures Total = 203

Name	Signature	Address
Pete Valenti	Pete Valenti	2431 Red Ranch Dr
Sarah Marshall	Sarah Marshall	2439 H Rd
Jim Marshall	[Signature]	2439 H RD.
LARRY TICE	[Signature]	775 26 Rd.
Peggy Ahern	[Signature]	2550 Canaan Wy
Roxanna Napier	[Signature]	830 24 1/2 RD
Melanie Hyman	Melanie Hyman	2448 H Rd
Brenda Prestangen	Brenda Prestangen	2520 Greystone Dr, Grand Jct, CO 81505
Jayden Cornell	[Signature]	816 24 1/2 Road
MIKE JOHNSON	[Signature]	2421 I Rd
Linda Davis	[Signature]	766 25 3/4 RD
Sandra M. Holloway	Sandra M. Holloway	813 24 1/4 Rd
BRIAN SWANSON	Brian Swanson	813 24 1/4 RD
Patricia Amrine	Patricia Amrine	805 24 1/4 Rd
DIANE DAVIS Diane E Davis	Diane E Davis	843 24 1/2 Rd 81505

15 sigs

PETITION

P.3

To: Grand Junction CITY COUNCIL

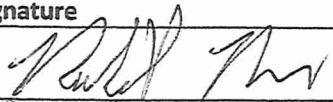
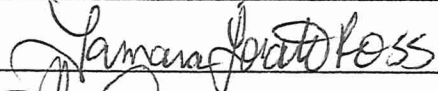
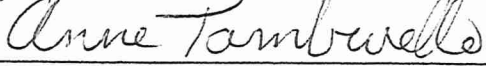
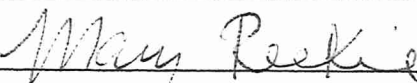
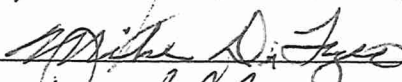
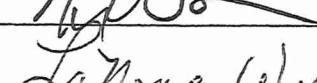
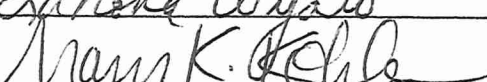
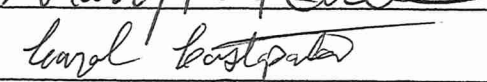
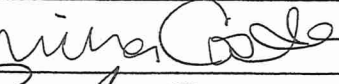
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- 3) The **existing R-1 zoning of the subject parcel** is already within the **existing density and character of the area.**
- 4) other reasons not included here due to space limitations.

Name	Signature	Address
Cheryl Cole	Cheryl Cole	2535 Riata Ranch Ct.
Brenda Boff	Brenda Boff	2510 Greystone Dr
GLENN BOFF	Glenn Boff	2510 GREYSTONE DR
Mark Sutton	Mark Sutton	779 25 1/4 Rd.
Keith Gustad	Keith Gustad	2503 Greystone Dr
Krisi Gustad	Krisi Gustad	2503 Greystone Dr.
Jan Gifford	Jan Gifford	2530 Greystone Dr
David David Gifford	David Gifford	2530 Greystone Dr
Terri Trimm	Terri Trimm	2540 Riata Ranch Ct

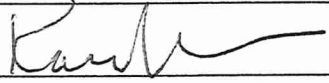
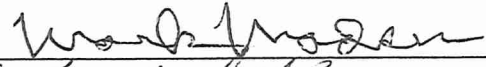
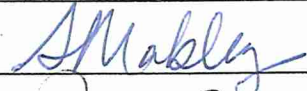
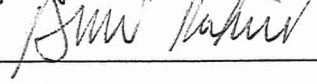
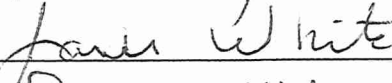
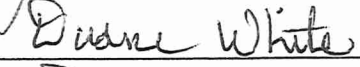
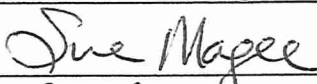
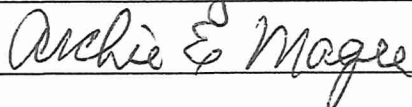
9 sigs

Name	Signature	Address
Robert Ross		2508 Greystone Dr
Tamara Lovato-Ross		2508 Greystone Drive GJ 81505
Greg Tamburello		2446 Ruby Mesa Ct.
Anne Tamburello		2446 Ruby Mesa Ct
Mary Reekie		2411 I Rd, GJ 81505
MIKE DI LUZIO		2390 I RD. GJ 81505
DAVID Aldridge		768 Foxtail Rd GJ 81505
Marilyn Aldridge		768 Foxtail Rd G.S. 81505
MICHAEL J JOHNSON		2421 I RD G.J. 81505
Neil Morris		818 24 1/2 Rd, G.J. CO 81505
Larona Wyatt		2446 H Road, GJ Co. 81505
MARY Kohler		806 24 Road, GJ, CO 81505
Carol Costopoulos		855 24 1/2 Road GJ, CO 81505
Nicholas Costopoulos		855 24 1/2 Rd GJ, CO 81505
Ray Costopoulos		855 24 1/2 rd GJ, CO 81505

15 sigs

Name	Signature	Address
Guy Thomas		921 25 RD Grand Jct CO,
Jennifer Stephens	Jennifer Stephens	2580 Pinta Ranch Ct. G.J., CO
Patrick Page	Patrick W. Page	827 25 RD G.J. CO 81505
Fred E. Fowler Jr.	Fred E. Fowler Jr.	2485 Sage Run Ct. 81505
Carol Fowler	Carol Fowler	2485 Sage Run Ct GJ CO 81505
Martha Hampson	Martha Hampson	2483 Sage Run Ct GJ 81505
Judy Kolacny	Judy Kolacny	859 Quail Run A. G.J., 81505
Bruce Kolacny	Bruce Kolacny	859 Quail Run A. G.J., CO. 81505
Robert W. Leach	Robert W. Leach	867 25 Road Grand Junction CO 81505
Karen E. Leach	Karen E. Leach	867 25 Rd. Grand Jct, CO
CHARLES KELLER	Charles Keller	822 25 RD G.J. 81505
Debbie Keller	Debbie Keller	822 25 Road G.J. 81505
Jonathan Kell	Jonathan Kell	824 25 Road, G.J., CO 81505
Raedelle Mundy	Raedelle Mundy	2426 H Rd
Tracy Mundy	Tracy Mundy	2426 H Rd. G.J., CO 81505

15 sigs

Name	Signature	Address	CELL
KAREN MADSEN		2484 Sage Run Ct	
MARK MADSEN		2484 Sage Run CT.	
Knut Knudson		876 Covey Rd	
Sandi Knudson		876 Covey Road	
Stephanie Mabley		774 Foxtail Road	
Roger & Patti Beaudoin		833 24 1/2 Rd.	
Ronald Gray		2369 2369 H Road	
Karon Wiles		782 24 1/2 Rd.	
Ken Johnston		782 24 1/2 Rd	
DREW REEKIE		2411 I RD.	
Lit Mabley		774 Foxtail Rd.	
Tamie White		810 24 Rd	
Duane White		810 24 Rd	
Sue Magee		2517 Oleaster Court	
Archie & Magee		2517 Oleaster Court	

15 sigs

Name	Signature	Address
JUDITH BUTTERFIELD	Judith Butterfield	2502 GREYSTONE DR.
ED BUTTERFIELD	Edward E. Butterfield	2502 GREYSTONE DR.
Bruce Bolton	Bruce Bolton	800 25 Rd
Josie Bolton	Josie Bolton	800 25 Rd. G.J.C.O
Melissa Hein	Melissa Hein	2502 Riata Ranch Rd GJ, CO 81505
Bryce Hein	Bryce Hein	2502 Riata Ranch Rd GJ, 81505
Cynthia Komlo	Cynthia Komlo	852 24 1/2 Rd. GJ 81505
Christene Brigh	Christene Brigh	848 24 1/2 Rd GJ 81505
Sharon Wilcox	Sharon L. Wilcox	848 24 1/2 Rd GJ 81505
Mary Jo Stauter	Mary Jo Stauter	2457 I Rd. GJ 81505
MATHEW DOKONGIL	Matthew Dokongil	2477 I Rd. G.J. 81505
Cathy Dokongil	Cathy Dokongil	2477 I Rd GJ 81505
Pat Kephart	Pat Kephart	2491 I Rd GJ 81505
Michael Cedar	Michael Cedar	2491 I Rd GJ 81505
G. H. Gilly	G. H. Gilly	2491 I Rd - 81505

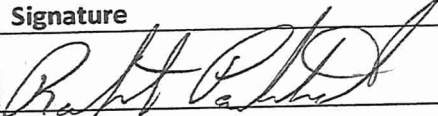
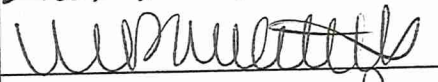
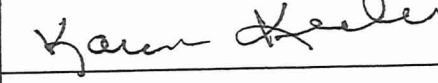
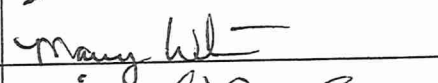
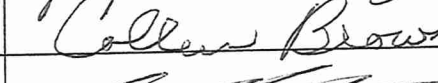
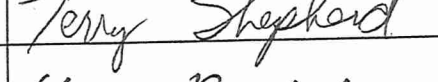
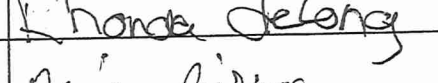
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Name	Signature	Address
CHERYL HAYWARD	Cheryl Hayward	2486 I 1/2 RD GJ CO 81505
MARLO REIMER	Cheryl Hayward for	753 25 RD GJ CO 81505
Wayne Jacovetto	Wayne Jacovetto	949 25 RD GJ CO 81505
Lupuna Jacovetto	Lupuna Jacovetto	949 25 RD GJ CO 81505
DAVID MCDANIEL	David McDaniel	949 25 RD GJ CO 81505
Janice R McDaniel	Janice R McDaniel	949 25 RD GJ CO 81505
David D moeller	David D moeller	979 25 R.J.
Annie moeller	Annie moeller	979 25 R.J.
Tammy Brislin	Tammy Brislin	2529 Woody Creek Rd
Mike Brislin	Michael Brislin	2529 Woody Creek Rd
Alice Bungarner	Alice M. Bungarner	992 25 Rd GJ CO
Mike Ross	Mike Ross	1007 25 Road G.I. Co.
Susan Ross	Susan Ross	1007 25 Rd G.I. Co
Debbie Thomas	Debbie Thomas	921-25 Rd GJ CO 81505
Jonathan Stephens	Jonathan Stephens	2530 Vista Ranch Ct GJ CO 81505

15 Sigs

Name	Signature	Address
Carolyn Pierce	Carolyn Pierce	3436 C/2 Rd Palisade CO 81826
Kathy J Plunk	Kathy J Plunk	2132 Slope Creek Ave Gr Jct CO 81505
Jordyn Stephenson	Jordyn Stephenson	255 W. Kennedy Ave.
Peggy Espinoza	Peggy Espinoza	525 Grand Valley Dr Grand Jct CO 81504
Orion Chamberlain	Orion Chamberlain	223 Camino del Rey Dr GJ 81504
Cheyenne Connolly	Cheyenne Connolly	615 28 1/4 RD #431 G.J. 81506
Katherine McCreary	Katherine McCreary	523 Beverly Ln GJCO 81504
Jennifer Kubat	Jennifer Kubat	489 Sheldon Rd. / G.J. 81504
Annet Rodriguez	Annet Rodriguez	3231 Main St Clifton, CO 81520
Brittany Lauer	Brittany Lauer	247 Thistle Dr GJ, CO 81503
Charlotte Cole	Charlotte Cole	641 Zoe Lane, GJ, CO 81504
Deb Spence	Deb Spence	277 27 3/4 Rd Grand Junction 81503
Shirley Spence	Shirley Spence	504 Gamma Ct, Grand Junction, CO 81504
Shleah Jones	Shleah Jones	2720 1/2 Rincon Dr. GJCO 81503
Lisa Whalin	Lisa Whalin	2380 E. PIRAZA Pl. GJ CO 81506

15 sigs

Name	Signature	Address
Robert Pauletich		765 24 1/2 rd
Mandy Pauletich		765 24 1/2 Rd.
Karen Heeler		779 24 1/2 Rd
Shiloh White		779 24 1/2 Rd
Mary White		781 24 1/2 Rd
Michael Crumly		2457 Kelley Drive
Lylamae T. Chedsey		2457 Kelley Drive
Colleen Brown		2478 H Ct
STEPHEN CORN		2486 H CT
Kelly Corn		2486 H Ct
Terry Shepherd		791 25 Rd -
Chase Boddicker		2479 H Rd Grand Junction, 81505
Rhonda Delong		811 24 1/4 Rd GJ CO 81505
Devin Bishop		815 24 1/4 Rd CO 81505
RAYMOND C. PILCHER		645 26 Rd GJ CO 81506

15 sigs

Name	Signature	Address
René Knight	René Knight	784 24 1/4 Road Grand Jct, CO 81505
Loretta Hanvey	Loretta Hanvey	792 24 1/4 Rd
Brad Kiser	Brad Kiser	794 24 1/4 Rd
Monique Kiser	Monique Kiser	794 24 1/4 Rd.
Jane Tatum	Eleana J Tatum	783 24 1/2 Rd.
James F. Tatum	James F. Tatum	783 24 1/2 Rd G.T. Colo 81505
PAT BACK	PAT B.	2449 H ROAD
Dylan B.	Dylan B.	2482 H Court
Chris Duffey	Chris Duffey	2489 H Road
MARY JONES	Mary Jones	2495 H Rd
MICHAEL JONES	Michael Jones	787 25 Rd
Susan S. Orloff	Susan S. Orloff	525 Walnut Ave.
Walter Orloff	Walter Orloff	525 Walnut Ave.
Kevin Young	K. Young	2451 Kelley Dr.
John Hershbuser	John Hershbuser	2368 Green Apple Dr.

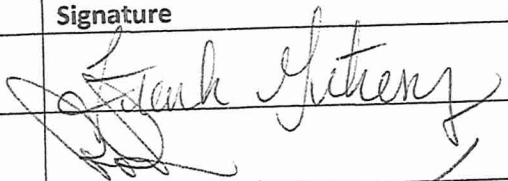
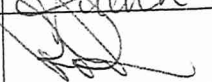
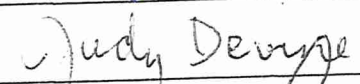
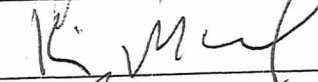
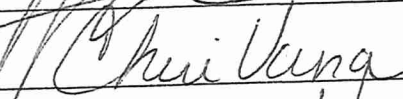
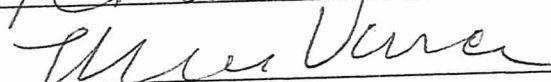
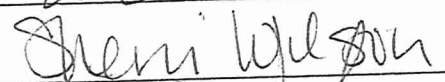
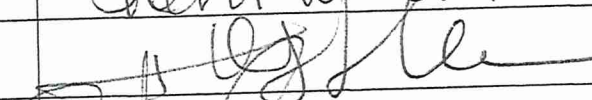
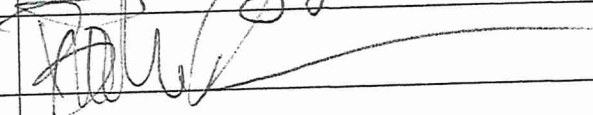
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Name	Signature	Address
Lisa Powers	Lisa Powers	2403 H Rd
Cliff Miller	Clifford Miller	2463 H Rd
Andrew Bajorek	Andrew Bajorek	2433 H Rd.
Sarah Bajorek	Sarah Bajorek	2433 H Rd
Daniel Bajorek	Daniel Bajorek	2433 H Rd.
Jennifer Hunt	Jennifer E Hunt	2453 H Rd.
ANNA MARIA FRESCO	Anna Maria Fresco	2457 H Rd.
Kristy Cramore	Kristy L Cramore	2314 Knoll Circle 81506
Cindy Gramm	Cindy Gramm	3350 Cliff Ct. 81506
Shilo Cook	Shilo Cook	202 24 RD 81502
Jan & Walter	Hannie Wato	808 24 RD 81502
James Scholl	James A Scholl	814 24 RD 81505
Bob Balog	Bob Balog	824 24 Rd 81505
Robbie L. Balog	Robbie L. Balog	824 24 RD 81505
Randy Hunt	Randy Hunt	2453 H Road. 81505

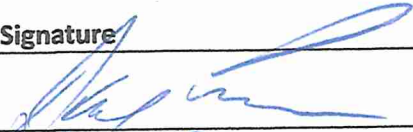
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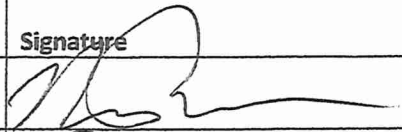
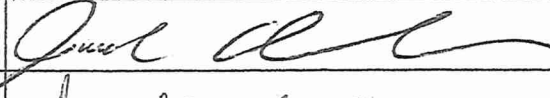
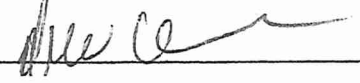
Name	Signature	Address
Chad Hylan	Chad Hylan	2448 Hrd GJ 81505
Levi Hylan	Levi Hylan	2448 Hrd GJ 81505
JAY Keeher	Jay Keeher	779 24 1/2 Rd GJ 81505
DR. SHALONA McFARLAND	Dr. Shalona McFarland	2416 H Road G.J. 81505
Josh Wyatt	Josh Wyatt	2416 H Rd G.J. 81505
Dr. J.J. Wyatt	Dr. J.J. Wyatt	2416 H Rd. G.J. 81505
ANDREW KUSMENTS	Andrew Kusments	780 24 1/4 Rd. GJ 81505
Jessica Klements	Jessica Klements	780 24 1/4 Rd GJ 81505
Karmela Klements	Karmela	780 24 1/4 Rd GJ 81505
David Hartman	David Hartman	970. 260. 0191 786 24 1/4 Rd
Markus Hartman	Markus Hartman	970. 260. 0191 786 24 1/4 Rd
JONATHAN HARDER	Jonathan Harder	215. 901. 0225 772 24 1/4 Rd 81505
BRIAN HAUT	Brian Haut	788 24 1/4 Rd, GJ. 81505
MADALYN HAUT	Madelyn Haut	788 24 1/4 Rd G.J. 81505
Taylor Knight	Taylor Knight	784 24 1/4 Rd GJ. 81505

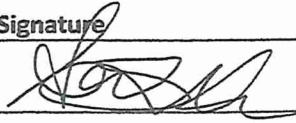
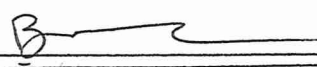
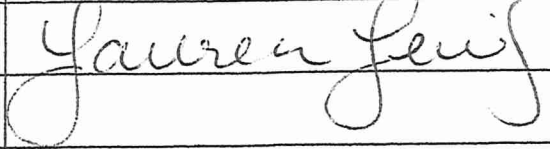
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Name	Signature	Address
Frank Gutierrez		777 Foxtail Rd
Petrick Tramm		2540 Riata Ranch Ct
Richard Hulse		2931 Riata Ranch Ct
Robin Martha		787 Foxtail Rd
Judy Devine		2525 Riata Ranch Ct.
Kevin McCarrel		2529 Riata Ranch Ct.
Ryan Cranston		778 Foxtail Rd.
Cheri Vana		2514 Greystone Dr.
Mark Vana		2514 Greystone Dr.
SHERRI WILSON		766 Foxtail Rd.
Trevor Johnson		788 Foxtail Rd
Brooke Johnson		788 Foxtail Rd

12 sigs

Name	Signature	Address
Dan Perrin		913 23 1/2 Rd. 81505
Kyle Prestangen		2520 Greystone Dr., Grand Jet CO 81505

Name	Signature	Address
Matt Rossman		826 24 1/2 Rd
Jared Chisholm		2440 Ruby Mesa Ct
Marcus Castropoulos		855 24 1/2 Rd

Name	Signature	Address
Anna Smith		2763 Compass Dr. GJ 81506
Brooke Williams		1537 19 Rd Fruita 81521
Lauren Lewis		2426 I RD.
		8 sigs

From: [pincushion2](#)
To: [Nicole Galehouse](#)
Subject: Vista 5 LLP Rezone
Date: Tuesday, March 7, 2023 9:39:55 PM

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Hello -

We are respectfully requesting that the Vista 5 LLP remain R1 and not be changed to R5.

We have many reasons for this but will strive to be succinct. Being a native of GJ, I have watched this area, specifically the area between 24 Road and 26 Road north of I-70, slowly develop. The R-1 zoning has worked well for this area. Apparently City Council agreed in 2019 and limited parcels to R-1 to maintain the low-density already established over a long period of time.

To create this proposed high density area, the city had to allow a series of annexations so that it looked like a weird puzzle. Of note, there are no city roads that access this land.

We would also like to point out that the 24 1/2 Road bridge over I-70 is extremely narrow and dangerous with cars, trucks, farm equipment, trailers, bikers, walkers and runners using it. It is steep, allowing no visibility of oncoming traffic. We would never walk or ride a bike over it because of the danger, and yet Canyon View Park is right there and we see people crossing that bridge on foot or by bike often. It is simply too dangerous for that. Allowing more density in the area would see more traffic and pedestrians crossing, not a good situation.

We ask that you and the City Council continue to protect this area and it's unique sense of place and character and keep the R-1 zoning. And to recognize the 2019 City Council decision to limit the parcel to R1.

Thank you,
Ron & Roxanna Napier
830 24 1/2 Road

Sent with [Proton Mail](#) secure email.

Dear City Council members,

My name is Patrick Page.

As a lifelong Grand Junction resident, my current address is 827 25 Road.

I live on a 10 acre parcel purchased in 1989.

I write to voice my opposition to the rezoning of the 17 acre parcel at 2428 H Road from R1 to R5.

The Appleton area has a current density of 5 to 10 acres per house.

The R1 designation was felt to be a good target by the residents of Appleton in 2019.

The R1 designation would allow for organic, gradual growth, which could be assimilated with grace.

Over time, 1 house per acre would provide a 10 fold increase in the number of households to Appleton, more than the projected growth rate.

My neighbors and I feel that to encourage a 50 fold increase of the potential households would be an unwanted and abrupt change to the beauty of the neighborhood and exceed the needs of the Mesa County growth projections.

Sincerely,

Patrick Page

827 25 Road
Grand Junction CO
81505

From: [Shiloh White](#)
To: [Nicole Galehouse](#)
Subject: Vista 5 LLC Rezone
Date: Wednesday, March 8, 2023 5:05:10 PM

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To Whom It May Concern:

During the planning commission meeting on Feb 14 regarding the Vista 5 LLC Rezone, all seven of the planning commission members brought up the same point. To paraphrase: the plan to rezone this area looks good on paper, but it's hard to discount the human element as so much of your neighborhood has turned out to speak against the rezone. However, a plan is a plan, so we're going to go with what looks good on paper.

There was only one member of the planning commission who spoke against this idea and, not coincidentally, was the only member who actually came out to our area and surveyed not only the parcel proposed for rezone, but went at least a mile in each direction from the lot in question. He spent over an hour driving around our neighborhoods and the conclusion he came to was that, while the rezone may look good on paper, our area is "not even remotely compatible" with the ideas that the city planners keep trying to push on us.

The city engineer who spoke to the planning commission assured them that the city has plans to eventually build a firehouse and to improve the roads to the property, that the city has already widened 24 ½ Rd and added bike lanes all the way up to Canyon View park. This is true. However, what he failed to mention is that none of the roads leading to the property are city roads. They are all county, and it is clear to see on the road itself (especially anytime the roads get paved or chip sealed) exactly where the city thinks its obligations extend to as far as upkeep of those roads. 24 ½ Rd has been widened, has had bike lanes added, but only up to Canyon View. There has been no attempt to improve any of the roads north of that invisible line. More important than the widening of the road in general is the acknowledgement that the 24 ½ Rd bridge over I-70 is one of narrowest in the valley. This bridge is only 18' wide, with rapid rises on both sides and practically no shoulder on either side. Pedestrians trying to cross this bridge have a small slab of concrete, perhaps 1' wide, to walk on; a path which becomes increasingly dangerous for both drivers and pedestrians as traffic intensifies since there is nowhere to go except over the railing or down the steep hills on either side if a car loses control.

These facts beg the question – if the parcel in question is part of the city, why is it surrounded by county roads? The sod farm was brought into the city by way of "flagpole annexation", a form of gerrymandering that may be technically legal, but hardly follows the spirit of the law. Surrounded by county roads, rural neighborhoods, and agricultural families, a subdivision with R-5 zoning is hardly "low-density", no matter the technical definition written by the city planners. Perhaps 5.5 houses per acre is low-density inside the city limits, but between 24 Road and 26 Road North of I-70 where we are zoned for 1-10 acres per house, it becomes high-density. Looking at the technical definition on paper isn't enough – you need to also look at the character of the neighborhood as it stands, and as it was originally planned to be. A change to the current zoning from an R-1 to an R-5 would irrevocably destroy the "unique sense of place and character" that the city's own Zoning Development Code says must be protected when looking at any zoning changes.

We know that the city spent a long time on the One Comprehensive plan, that the city planners asked for residential input, and that it was supposedly taken into account when the plan was finalized. However, it has been clear for years that our area does not want to be a part of the city. We fought rezoning to R-4 back in 2019 and, thankfully, the City Council recognized the need to limit zoning to R-1 in recognition of the rural nature of the neighborhood that had been established over fifty+ years. There were members of the council at that time, and six of the seven members of the planning commission last month, that stated it did not matter how the current residents felt, the comprehensive plan needs to be honored and followed because a plan is a plan, and you need to stick to the plan. But if that is true, why are the city planners not sticking to the plan that was set down for our area in the 70's? Why, with such resistance from the residents in the Appleton area, do they keep encouraging developers to buy this lot and try to rezone it? The city planners know that we do not mind new housing coming in, but we want it to be compatible "with the character and environment of (the) specific area". R-5 is not compatible. And for the developer and his lawyer to stand in front of us and say that, too bad, it's part of the city, so suck it up and deal with what we want to do shows that their hedging about what the actual plans for the property are is just that. Hedging. Mr. Porter said that they want an R-5 zoning to give them the creative freedom to structure the housing how they want it. He is not the only developer to use this ploy to try and gain the trust of the surrounding community, only to then turn and build the maximum amount of units they can in order to maximize their profits.

Please do not allow Vista 5 and the city planners to destroy our community, simply because they can. Please leave the zoning for our area where it is, and stop the city planners from continuing to try and rezone it for an R-4 and above.

If a plan must be followed, let it be the original plan for our neighborhood, which keeps the area rural and allows us to preserve our homes the way they were meant to be.

Thank you.

Shiloh White

779 24 ½ Rd

From: [Glenn Bott](#)
To: [Nicole Galehouse](#)
Subject: 2428 H Road - Vista 5 LLP Rezone
Date: Wednesday, March 8, 2023 5:42:16 PM
Attachments: [image001.png](#)

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Nicole -

Good Day!

I'd like to voice my opposition to the proposed rezoning of this area. While we're relatively new to the area, part of the reason we bought here on the North side of town, is because of the historic R-1 zoning that was established over the previous 50 years. We love that we're in an area that has been dedicated to preserving a more open, and rural, look/feel. My wife and I both grew up in Arvada and watched it deteriorate over the years because of catering to the incessant requests of home builders. We understand the developers wanting to maximize their investment by building as many homes as possible on their plot of land, but this is totally against the wants/needs/plans of those who have historically developed and nurtured this area of Junction.

It's also our understanding that a similar issue was brought before the City Council back in late 2019. At that time, the Council recognized the need to limit and maintain this parcel of land (North of I-70 between 24 and 26 Road) as R-1 to protect the look/feel of the area and protect the previous 50 years of dedicated work/protection. We applaud the foresight of those that had the vision and will to preserve this land!

If you have any questions or need more information, I'm happy to have a chat with you.

Be Mindful

G

Glenn Bott
Think Differently, Live Better
303-918-4626
www.GlennBott.com
Keynote Speaker / Warrior / Consultant / Author

Dan & Cynthia Komlo
852 24 ½ Road Grand Junction, CO 81505

To: Grand Junction City Council
RE: Opposition to Vista 5 LLP Rezoning Request
Date: March, 7, 2023

We are writing this letter to urge the Grand Junction City Council to vote against the RZN 2022 845 rezoning request located at 2428 H Rd. My wife and I purchased our property on 24 ½ Rd. in 1984 and have been involved with the North Grand Junction planning process the entire time.

Just three years ago (2019) the former owner of 2428 H Rd. applied for a R-4 zoning designation. Not only was it rejected by the County but the City Council voted unanimously to limit the development to an R-1 zoning, citing that the requested R-4 density would **not** be compatible with the character of the neighborhood.

The use of a disfavored “flagpole annexation” in 2019 has resulted in a leap frog, irregular, tentacle-like city limit. The 2020 Comprehensive Plan page 56 Tier 2, policy states **“the city should promote annexation of those parcels which are surrounded by, or have direct adjacency to, the City limits of Grand Junction”**. Promoting R-5 for this property under these circumstances should be re-evaluated.

The Planning Commission determined and published the following findings in its review of the Vista 5 development dated 2/14/23.

1. **“The character and/or condition of the area has not changed in recent years as the adjacent residential properties are currently large acreage and have not yet fully developed”**. Staff was unable to identify any change of character or condition and therefore this is not consistent with the plan.

Page 60 The Plan, Residential Low (Characteristics) states **“Residential Low should be designed in a manner to fit the character of the neighborhood”**.

2. This commission determined that the community area would not derive benefits from this rezone. Stating **“the R-5 request may not be the most appropriate zone district to strike the balance desired by the Comprehensive Plan to reach appropriate benefits”**.
3. During the final vote Planning Commissioner Ken Scissors stated that the proposed rezone is not even remotely compatible with the surrounding area.
4. The Commission also cited - Plan Principle 1: “Collective Identity” Where Are We Going - **“The narrative associated with the City’s identity has a strong focus on retaining character as growth continues. An important part of the community’s culture comes from its agricultural roots. It is important to respect these and ensure maximum compatibility and appropriate transitions from long-term agricultural zones to more dense settings”**
The commission commented: **“The request for an R-5 zone district may not be the most appropriate district to strike the balance between growth and maintain a sense of place as contemplated by this principal”**.

The Grand Junction Planning Commission has stated in their Feb 14th Session Analysis that the Vista 5 property is not compatible with the surrounding area in their review of this rezoning request. These items listed above are important criteria that seem to have been ignored resulting in the Planning Commissions recommended approval for this property.

1 of 2

Lack of safe neighborhood connections, page 26 of the Comprehensive Plan lists the 1-70 overpasses at 23 Rd & 26 Rd as being “**Non-Existing crossings**” as ...**multimodal grade separated crossings**”. Both 24 ½ and 25 Rd overpasses can also share that designation since they are just as narrow (18’ width) and will not safely support pedestrian or bicycle traffic either.

The Plan also states, page 29 we should “**promote housing density to be located near existing or future transit routes and in areas where pedestrian and bicycle facilities can provide safe and direct connection to neighborhood and employment centers**”. Both CDOT (2019) and Dave Thornton (at a meeting on 3/1/23) have recently indicated that there are **no** future plans to improve or provide pedestrian access for any of the four overpasses listed above.

We are not opposed to additional housing in the Appleton area just not at an R-5 density. The Golden Leaf Subdivision that is currently under planning review, located at 26 Rd & Frontage Rd north of I-70, if approved will provide 22 dwellings on 9 acres for a density of 2.4 units per acre. It is my opinion that this type of development would be compatible to the existing neighborhood and help transition the growth that will follow.

Now here we are, you as Grand Junction City Council members and the vast majority of residents in the North Appleton Neighborhood that oppose this rezone request. Council is being asked to approve this request on the basis that it conforms to and is consistent with a Land Use map and is consistent with the vision, intent, goals, and policies of the Comprehensive Plan. I ask you to drive through this area and I believe you will realize that not all criteria can be captured or defined with maps and written words. That is the case with this neighborhood. R-5 is not the right **vision**, and if the **intent** is for the local community to derive benefits it certainly will not. It does not meet the **goal** of blending with the character of the neighborhood, and in regard to **policies** I have heard many inferred interpretations of the 2020 Comprehensive Plan and I am convinced this rezone request is **NOT consistent with the intent of the Plan**.

Please consider and carefully weigh all of the criteria before making this final decision.

Respectfully,

Dan & Cynthia Komlo

From: [Diane Davis](#)
To: [Nicole Galehouse](#)
Subject: Land Use 2428 H Road
Date: Wednesday, March 8, 2023 10:41:42 AM

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Dear Grand Junction City Council:

It is difficult to write a thoughtful letter expressing the possible change in land use at 2428 H Road. Emotions are running high, on all sides, regarding your impending decision on the future density of this patch of land.

I accede that land development in the Appleton area is inevitable. However, I never envisioned nor now approve of the density requested by Vista 5, LLP in its rezoning application. It is not the fault of the Appleton community that the owners of this acreage paid far too much for the ground, nor is it our choice to help Vista 5 LLP make a profit on their investment with its 5 DU/AC rezoning application by rolling over on this issue. On the other hand, it is unreasonable to suggest that the zoning should remain as the city council voted in 2019, at 1 DU/AC.

Why not consider the lower density numbers as cited in Vista 5's "General Project Report", Plan# RZN-2022-845, submitted to GJ City Planning, November 2022:

"3) Proposed Use:

This submittal is for the Rezoning of the parcel from R-1 to R-5. The future land use is **Residential Low (2 – 5.5 DU/AC)**. The proposed R-5 zoning (**3 – 5.5 DU/AC**) meets the intent of the 2020 Comprehensive Plan with regards to density and use. The current R-1 zoning does not implement the 2020 Comprehensive Plan. "

"B. Public Benefit

The proposed Rezone would allow for a range of **52** to 95 dwelling units on the parcel meeting a need to keep up with growth and demand for housing."

Compromise by many in the Appleton community is not under consideration. I feel differently. Somewhere, there must be a compromise available; a meeting between the needs of the developers and the desires of the Appleton residents. Speaking for myself, 52 dwellings, or about 3 per acre, is in keeping with the "country" lifestyle to be enjoyed by all concerned.

Respectfully submitted,

Diane Davis
843 24 ½ Road
GJ, CO 81505

From: [Mark Smith](#)
To: [Nicole Galehouse](#)
Subject: 2428 H Road
Date: Wednesday, March 8, 2023 10:22:17 AM

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I am imploring the GJ City Council to reject the re-zoning request for 2428 H Rd. 5 per acre is outrageously out of sync with this area of North GJ. Most of the built lots there are over 2 acres per house as is ours at 822 24 1/2 Rd. When we moved here in 1995 and opened Main Street Bagels, we looked for and purchased property in our rural area of North GJ. We expected growth in our area to be of the kind we have so far seen. (1-2 acres per house at most). There is lots of undeveloped acreage closer in to the City of GJ still to be developed. Those are the appropriate areas to build high density homes.

Thanks for listening!

Mark & Missy Smith

822 24 1/2 Rd

970 433-1496

From: [craig Moulton](#)
To: [Nicole Galehouse](#)
Subject: Re zoning property at 2428 H Road from R-1 to R5
Date: Wednesday, March 8, 2023 10:07:33 AM

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I'm writing this to oppose the proposed re-zoning of subject property from R-1 to R-5. The proposal does not fit into the surrounding area and will have a negative effect on the surrounding area. H road, as well as other main roads in the area will not support the added population and will not be safe for residents to travel either by foot, or vehicle to shopping and recreation due to the added population. During the planning commission meeting this passed 6 to 1 in favor. The interesting thing to note is the one against this proposal was the only one that actually visited the site, I think if anyone is voting on a major change, as this is, they should have all the facts prior to voting. Please decline the approval on this project

Thank you.
Craig Moulton
2489
Red Peach Court
Grand Junction Colorado 81505

Grand Junction City Council
250 N. 5th Street
Grand Junction, CO 81501

RE: Proposed Rezone of the property at 2428 H Road – “Vista 5 LLP Rezone”

Dear Sirs and Madam:

I am writing to express my objection to the proposed rezoning of the above-referenced property. The proposed area is currently zoned R-1, which was decided by City Council in late 2019. This was done to maintain and recognize the current low-density development that has been established in the area.

Earlier this year, the City’s Planning Commission determined that the application for rezoning was warranted, and thus, they gave it their approval. Their process evaluates five separate criteria. If the application meets only one of the five criteria, the commission recommends approval of the application. The City Planner felt that two of the five criterium were met, while three other criterium were not met. Six of the seven Planning Commissioners voted to approve the application for rezoning, while one commissioner did not. This single commissioner was the only one who stated that he drove around the neighborhood which surrounds the property in question and that the proposed rezone is “not even remotely compatible” with the area.

One of the two criterium the Planner felt was met was that the applicant simply followed the instructions for filing a rezoning application. This criterium does not consider what or where the parcel in question is located. So, does this mean that anyone who can follow instructions and procedures can qualify an application for rezoning? Pretty low bar!

The second criterium that the Planner felt was met evaluates whether public and community facilities are adequate to serve the type and scope of land use proposed by the rezone. The City Planner stating that “further to the south along Patterson Road are commercial retail centers that include Mesa Mall, offices, convenience stores with gas islands, restaurants, commercial businesses, and a grocery store.” What was not mentioned, but is also an attraction, is Canyon View Park, which is just south of I-70 between 24 ½ RD and 24 Rd. For the commission to believe that these criteria were met, the six commissioners who voted to approve the application clearly never took the time to drive around the neighborhood, or even to drive towards the property in question. To do so, they would have had to cross one of three bridges that cross over I-70, at 25 Rd, at 24 ½ Rd, and at 24 Rd. While these bridges can be crossed by car, none of them are safe to traverse either by walking or by bicycle. One bridge does not even have sidewalks and was originally designed for farm travel only (24 ½ Rd bridge) and only has knee high railings, a second bridge has sidewalks but still only has knee high railings (25 Rd bridge), and the third bridge at 24 Rd, contains two roundabouts that are very unsafe for pedestrian and bicycle travel.

To summarize, if the six Planning Commissioners had taken the time to drive around the neighborhood, they should never have agreed that the rezone is compatible with the area, as the public and community facilities are not readily available to a high-density subdivision, and that the parcel should not be rezoned for greater density development.

I urge each of you as a member of the Grand Junction City Council to take the time to drive around the neighborhood. It will not take you long to get a feel for the neighborhood. If you do, I am very confident that you will also come to the same conclusion as the seventh commissioner, that the proposed rezone is not even remotely compatible with the area.

For these reasons, as well as all the other reasons presented by my neighbors, I urge you to reject the application for rezoning presented by VISTA 5 LLP.

Respectfully,

James S Marshall
2439 H Rd
Grand Junction, CO 81505
970-260-4131

From: [Sandra Holloway](#)
To: [Nicole Galehouse](#)
Subject: Vista 5 LLP Rezone
Date: Wednesday, March 8, 2023 7:37:00 AM

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Dear Council Members of Grand Junction,

I am writing to urge you to consider not changing the zoning on the property at 2428 H Road from one dwelling per acre to five houses. The area north of I-70, east of 24 Road and west of 26 Road has historically had a density of a maximum of one dwelling per acre, and actually for many years had a maximum of one dwelling per five acres. The City Council of 2019 recognized this historical low-density development of over 50 years and rezoned this property to R-1 at that time.

The Planning Commission on February 14th voted overwhelmingly to approve this change with only one vote against. The gentleman who voted no remarked that he took the time to drive around this area and came to the conclusion that the proposed rezone **“is not even remotely compatible”** with the area. I strongly urge all the members of the Council to please take the time to drive around this area before the March 15th meeting in order to see just what the area looks like now. Having a subdivision with over 90 homes on 17 acres just does not fit.

Also, a great concern is the fact that the main corridor roadway that well over 90 cars will be using is 24 ½ Road which has a very narrow and dangerous overpass going over I-70. I’m sure that the people who buy these properties will have children who will want to ride their bikes over to Canyon View Park. That is a tragedy in the making.

I would ask you all again to take the time to drive around this area and see that a subdivision with 90 homes doesn’t fit with the historical land use already established.

Thank you,

Sandra M Holloway
813 24 ½ Road
Grand Junction, CO 81505
sandsourdough@gmail.com

--

Sandra M. Holloway

From: [Duane White](#)
To: [Nicole Galehouse](#)
Subject: Rezoning of 2428 H Road Formerly maverick, now Vista 5 LLP Property
Date: Wednesday, March 8, 2023 8:28:33 AM

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Dear Nicole,

We live just north of H Road on 24 Road. We are concerned about the number of houses that are proposed for property at 2428 H Road. The traffic will increase substantially and the rest of the properties in the area are not as densely populated. We are wondering if any of the members of the Grand Junction Planning Commission have actually driven by the property to see just how small it is for 95 houses. We would like to express our displeasure of the density proposed. We are not opposed to a subdivision, but the lots should be larger with fewer lots overall. 95 houses is TOO many.

Duane and Janie White

From: [Matthew Swelstad](#)
To: [Nicole Galehouse](#)
Cc: [Dan Komlo](#)
Subject: 2428 H road land use
Date: Wednesday, March 8, 2023 8:44:32 AM

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To whom it may concern,

My wife and I would like to officially state we do NOT support the move towards high density housing at 2428 H road. We love our community and its rural character. The proposed plan is bad for our neighborhood.

We had countless meetings over the past several years to 'compromise' on a plan. This re-zoning demonstrates a lack of respect to that process and those who participated.

Please reconsider.

Matt and Kathy Swelstad
894 24 1/2 Road

Sent from my iPhone

From: [Joseph Crocker](#)
To: [Nicole Galehouse](#)
Subject: Density Change for 2428 H Road
Date: Tuesday, March 7, 2023 6:42:49 PM

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Grand Junction City Development Department:

I am writing to oppose the petition for a rezoning for 2428 H Road. The existing zoning is a good match for the surrounding properties and the area in general. I do not think a denser zoning serves the character of the neighborhood. The traffic impacts alone would cause a major disruption to the area.

Thank you for considering these comments.

Joe Crocker
806 24 Road
Grand Junction, CO 81505

2439 H Road
Grand Junction, CO 81505
March 6, 2023

Grand Junction City Council
250 N. 5th Street
Grand Junction, CO 81501

RE: Proposed Rezone of the property at 2428 H Road – “Vista 5 LLP Rezone”

Dear Sirs and Madam:

I am writing to express my objection to the proposed rezoning of the above-mentioned property. The proposed area is currently zoned R-1, which was decided by City Council in late 2019. This was done to maintain and recognize the current low-density development that has been established in the area. **Nothing has substantially changed in the area since that time that would warrant a change to the existing zoning. It still remains a largely agricultural community.**

Conflicts with the City’s Comprehensive Plan. The Comprehensive Plan (The Plan) states an intention to **retain the agricultural identity of the area and community character**. The Plan also calls for **responsible growth that supports infill and redevelopment**. Both of these aspects are referred to numerous times in The Plan. This re-zoning proposal is not in line with either of these aspects as there is no other development of this type within this area. Re-zoning to R-5 would be harmful to the long-standing character of the area which has been developed over many years. This does not seem like thoughtful and managed growth, but more like a **leap-frog development**, as evidenced by a look at the map of the area. It is, without doubt, a **Tier 3 parcel** within the context of The Plan (Rural Areas and County Development). The Plan specifically states that Tier 3 is designed for Outward Growth and should be **“prioritized to stay rural for the duration of the 20-year planning horizon”**.

Flagpole Annexation. None of the land in this area is within the City boundary **with the exception** of this single parcel. That this annexation was allowed to happen does not even seem reasonable. All roads leading to and surrounding this parcel are owned by the county and were designed to give farm access to the area.

Lack of existing infrastructure availability and capacity. This area is definitely **not a walkable area** (except for the occasional herd of goats that can be found moving down H Road to new pasture!). In fact, it could be considered dangerous for those attempting to walk to shopping, parks, schools, and other amenities. It requires crossing of I-70 either via a double round-about or a narrow, dangerous bridge with side rails only reaching knee high. **I would urge each of you to visit the area and drive over this bridge to make your own judgment regarding its safety and ability to support growth such as is proposed by this re-zone.** Infrastructure availability and capacity is just not there. This seems to be a good example of putting the cart before the horse!

Agricultural lifestyle and community. Our property at 2439 H Rd is approximately 5 acres and is actually one of the smallest lots in the area (24-26 Roads, North of I-70). Our property is zoned Agricultural and is used accordingly to **grow hay and graze livestock**. Much of the surrounding area is used for the same purpose and supports **an agricultural lifestyle that many of us have known for years.**

Lack of compatibility. According to current zoning definitions, R-5 is considered low-density. While that may make sense in a larger metropolitan area such as Denver, that seems like an **extremely high density for the area** in which it is being proposed. **The City Planning Department expressly stated that this type of development is not at all compatible with the surrounding area** in their review of the rezoning application.

For all of the reasons stated above, as well as numerous others not mentioned here due to lack of time and space, I believe **granting of this re-zone will have an incredibly harmful impact on the area, it's residents and their quality of life.**

Respectfully,

Sarah Marshall

| [cc Community Development \(nicoleg@gjcity.org\)](mailto:nicoleg@gjcity.org)

From: [Missy Smith](#)
To: [Nicole Galehouse](#)
Subject: Proposed rezoning
Date: Monday, March 6, 2023 5:51:14 PM

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Hi Nicole and all city council members. My name is Missy Smith and I am writing regarding the Vista 5 LLP Rezone. I am in agreement with Ken Scissors who stated on February 14, 2023 that the proposed rezone is "not even remotely compatible" with the area. The area is already about 75 -80% developed as large lots over a 50 years of development plans and this rezone would be 5X the density of the smallest existing lots and 25X the density of the existing average lot size. The existing R1 zoning of the subject parcel is already within the existing density and character of the area. The proposed rezoning would destroy the established 50 years of development. I am not against development in the area (defined at the residential properties between 24 Rd. and 26 Rd North of I70). For example, recent rezoning of R1 in Greystone Estates has reasonably and beautifully fit the area.

Another serious concern is the very very narrow 241/2 Rd bridge over I70, with rapid rising ramps on both approaches making visibility almost impossible and this bridge would be the most central access to town. Other than the 29 Road I70 bridge, it is the most narrow in the Grand Valley. High density would only complicate this and put more people in danger, especially bikers and walkers. Please try crossing it sometime when there is traffic and I think you will agree.

I have learned that in order to fit this density the city had to allow many jogs of annexations which are legal not truly in the spirit of the law. This is a "city" parcel but there are no City roads to access it with only county roads accessing it. In 2019, the City Council purposefully recognized the need to limit this parcel to R1 in recognition of the substantial low-density development already long established in the area.

Our Development Code says that its purpose includes "to protect... unique sense of place and character and to identify land uses that are most compatible with the character and environment of specific areas. These involve both objective and subjective criteria. Historically, the planning department has forsaken the latter. One size cannot fit all. Do you agree?

The city has exhibited its desire to get rid of low density R1 and R2 zoning, by forcing higher densities by mandating minimum (not just maximum) densities in its zoning ranges; for example labeling R5 as "low density". It scares me to learn that the state of Oregon has recently outlawed single family housing in a town of over 10,000! Please protect us. We have voted in the members of the City Council because we trust you to fully know all the facts and see clearly what is happening now and how it will affect our future. We are growing because this is such a beautiful and wonderful place to live. I am earnestly asking you to protect this beautiful and wonderful place and vote for careful, wise development. Please don't let developers who may not care about the big picture have their way if it isn't right.

Sincerely,
Missy Smith

March 4, 2023

Dear Ms. Galehouse and City Planning Team,

We purchased our property north of I-70 in 1995 under the development plan that has been in place since the 1970's and etched in planning department codes since 1990.

Several times since then, the Planning Commission has considered changing the code from R1 to R5. Most recently R1 was approved in the Development Plan in 2019. Much thought and input were given to that plan when it was approved.

Once again, a proposal for high density development in a section of the county where it is not in the Development Plan is being considered. We have learned that a developer is requesting a change in zoning to R5 for a 17 acre parcel at 2425 H Road which according to the **2019 approved Development Plan is zoned for R1.**

One of the assets of the Grand Junction area is the diversity of development. The Area north of I-70 between 24 and 26 Roads zoned as R1 that is still relatively close to town is unique to our city and an asset to the City and County.

There is land south of I-70 that is zoned appropriately for the R5 development.

Our concerns also consider traffic on small roads as well as additional traffic on the 9' wide lanes on the I-70 Bridge on 24 ½ Road which was not designed for high density traffic, but we are most concerned about the Planning Department not following the Development Plan that was most recently approved in 2019.

The area 24 Road to 26 Road north of I-70 is already about 75-80% developed as large lots following the Development Plan over the past 50 years. It is not appropriate to disregard the Development Plan for the remaining undeveloped land in this area.

Please include our letter in the packet to be distributed to the City Council on March 15, 2023.

Thank you for your time and consideration in this matter.

Sincerely,
Archie and Sue Magee
2517 Oleaster Court
Grand Junction, CO

From: karencd@bresnan.net
To: [Nicole Galehouse](#)
Subject: development
Date: Thursday, March 2, 2023 2:25:54 PM

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Hello,

I'm writing in concern for the proposed **rezone of the area 24 Rd to 26 Rd North of I-70.**

I am truly concerned about the over population of the area and lack of roads/water etc. The **existing R-1 zoning of the subject parcel** is already within the **existing density and character of the area.**

More specific issues to this area are:

Historical Land Use: This area is **75-80% developed already**, having done so **over literally 50 years of development plans**, with an average parcel size of over 5 acres per dwelling unit. To introduce **R-5** ...25x the existing density... destroys the established 50 years of development. Recent R-1 zoning has reasonably fit the area as is seen in Greystone Estates on 25 Road. Even Planning Commission member Ken Scissors said recently the proposed rezone "is **not even remotely compatible**" with the area.

***[Very important to define** is 'the area.' We define the area as the residential properties between 24 Road and 26 Road North of I-70. The reason that West of 24 Road and East of 26 Road are left out, despite some similarities, are that sewer and higher densities have already been established there]*

I-70 Bridge: The most central access from the subject parcel to town is the 24½ Road I-70 bridge which is remarkably narrow at only **9' wide lanes** and with **rapid rising ramps** on each approach rendering **visibility ahead practically impossible** until reaching the bridge. Both these issues are unique to this bridge, with none other so narrow like it in the Grand Valley except the 29 Road I-70 'bridge to nowhere.' The 24½ Road bridge is truly only for farm road access. This bridge is an **attractive nuisance** [but necessary] to bikers and walkers desiring to get to Canyon View Park or Caprock Academy or shopping. Higher density would only complicate this. Try crossing the bridge with traffic sometime ...there are **steep declines on each side** with no place to bail out!

Annexation Contortion: To accomplish this high density to 'fit' into this area the city had to allow multiple jogs of annexations to make it happen ...legal but not in the spirit of the law. In fact, to get to this subject 'city' parcel there are no City roads to access it; one must travel through the county to get to it by road.

2019 City Council decision: The City Council in late 2019 purposefully recognized the need to limit this parcel to R-1 in recognition of the substantial low-density

development already long established in the area.

Subjective vs Objective: the purpose of the City Council as 'quasi-judicial' is to put 'meat on the bones' of the Development Code ...to bring a human element to the Code that might be left out. This is to sometimes subjectively consider that 'one size fits all' may not work, and thus too the purpose of considering citizen comment. The Code says its purpose includes **"to protect ...unique sense of place and character"** and to **"identify land uses that are most compatible with the character and environment of specific areas"** and for **"expanded housing options"** [not limiting housing options in a 'push for higher density'; see below]. These involve both objective and subjective criteria that the latter the planning department is notorious in forsaking.

City's Push for High Density: The City has exhibited its desire to force increased densities by its desire get rid of low density R-1 and R-2 zoning, by forcing higher densities by mandating minimum [not just maximum] densities in it zoning ranges, and by thinks like labeling R-5 as 'low density.' These hardly meet the Code's claimed "expanded housing options" noted above. This eerily seems on the path of the State of Oregon that has recently outlawed single family housing in towns over 10,000. Yes, you read that right.

I am unable to come to the meeting because of physical limitations, but I truly hope the points above are given very serious consideration.

Thank you,
Karen Duignan

Proud Mom of Colleen and Proud Marine Mom of SSgt. Kyle (Ret)

From: [Tamra Allen](#)
To: [Nicole Galehouse](#)
Cc: [David Thornton](#)
Subject: FW: Future zoning and planning issues
Date: Thursday, February 16, 2023 11:00:07 AM

FYI.

Tamra Allen, AICP
Community Development Director
City of Grand Junction, Colorado
tamraa@gjcity.org
970-256-4023

City Hall is open Monday through Friday 8 a.m. to 5 p.m. We also conduct business online, by phone or by appointment as needed.

-----Original Message-----

From: Greg Caton <gregc@gjcity.org>
Sent: Wednesday, February 15, 2023 5:13 PM
To: Tamra Allen <tamraa@gjcity.org>; Trenton Prall <trentonp@gjcity.org>
Subject: FW: Future zoning and planning issues

FYI

Thank you,
Greg

Greg Caton, ICMA – CM
City Manager
City of Grand Junction
970-244-1502

-----Original Message-----

From: Council <council@gjcity.org>
Sent: Wednesday, February 15, 2023 2:58 PM
To: Abe Herman <abeh@gjcity.org>; Anna Stout <annas@gjcity.org>; Belinda White <belindaw@gjcity.org>; Chuck McDaniel <chuckmc@gjcity.org>; Council <council@gjcity.org>; Dennis Simpson <denniss@gjcity.org>; Greg Caton <gregc@gjcity.org>; John Shaver <johns@gjcity.org>; Phillip Pe'a <phillipp@gjcity.org>; Randall Reitz <randallr@gjcity.org>; Anna Stout <anna@annaforgj.com>
Subject: FW: Future zoning and planning issues

FYI: Madame Mayor and Members of Council, the message below from Bob Fuoco regarding the above-mentioned, was left on Council's email this afternoon:

Belinda White
Administrative Specialist
(970) 244-1508

-----Original Message-----

From: Bob Fuoco <bfuoco@fuocomotors.com>

Sent: Wednesday, February 15, 2023 2:31 PM
To: Council <council@gjcity.org>
Subject: Future zoning and planning issues

** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - **

Hello Councilors,

I attended last night's planning commission meeting and heard several comments from the commission that I would like clarified.

The first was that developers pay development fees that will be used for road improvements. When and if will the City improve 25 Road, which has almost totally been developed between F Road and G Road.

With the proposed density of R-5 at 2428 H Road, when will the City make the needed improvements on H Road east of 24 Road.

A statement was made that the City is only considering projects that will be profitable to the City. Has this always been the policy. If not, when was it mandated. Did it come from the Council, staff or administration.

In adopting the 2020 Comprehensive Plan the definition of low density was changed from R-1 to R-4. Planners are requiring developers to develop at the highest possible density which starts at R-5. Will there ever be another project developed at R-2? Is this the desire of the Council or the planners?

One Commissioner stated lower densities are too expensive for developers so no one would buy their homes. Is this really a function of the Commission to insure the profitability of a project. If so it opens up a whole new can of worms.

Another Commissioner commented that the project at 2428 H Road will be the end of the City's growth in the Appleton area. Is this truly the plan or was he saying that to ease our disappointment.

I, and a couple of my neighbors, would love to meet with any or all of you to discuss your answers. Please call me at 970-216-3476.

Thank you,

Bob Fuoco

Sent from my iPad

Nicole Galehouse

From: Robert Fuoco <bfuoco2467@gmail.com>
Sent: Friday, December 9, 2022 9:24 AM
To: Nicole Galehouse
Cc: Dan Komlo; shillard@counciltree.com
Subject: 2022-845, 2428 H Rd

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Good morning Nicole,

I understand you are the planner for this project. Just two years ago this property was zoned R-1 because City Council recognized higher density was not compatible with the surrounding area. It also received substantial pushback from the affected neighbors. Many of those Council members are still on Council. I urge you to take into account the prior history of this property when making a decision to recommend R-5 density to planning.

Bob Fuoco
2467 H Rd
970-216-3476

7 Feb 2023

RE: **Vista 5 LLP Rezone**
RZN-2022-845
2428 H Road

The City rezoned this subject parcel to R-1 in late 2019. Why did they do that?

What has changed in 3+ years? Will a different decision blow in the winds of a different developer or Commission or Council ... or is there something more fundamental and important going on here that should influence a decision?

I suggest the primary issue revolves around the **historical use of the neighborhood**. This neighborhood can be reasonably defined as from 24 to 26 Roads North of I-70 [with a notable exception as the NE corner of 24Rd/I-70 as Commercial]. This area has been steadily **built out over the past 60 years as large lots**, as a semi-rural rolling hills area. To date, roughly **75-80% of it has been built** out this way in **lots of 10, 5, 2, and 1 acre parcels**.

This area has **long had that established character** and the City Council recognized this as such in 2019. I submit that nothing has changed.

Do we not want diversity of land use in the City? Do we want everything to look the same? Or will we reasonably respect historical land use, especially that already established with so much effort and heart and soul?

This is not a 'Not-In-My-BackYard' issue. This is about a **reasonable respect for the past** and for a **reasonable diversity of land use** and **vision for the long-term** good of greater Grand Junction.

There is already established higher density West of 24 Road North of I-70 that the City has recognized with many years, with a great supply of land that has not been built out as the subject larger lot area east of 24 Road.

Please don't **introduce a conflicting land use** into this largely built out area that will then spread further as a wildfire in and amongst the existing housing.

Sincerely,

Dave Zollner
2562 H Road
Grand Junction CO 81505

From: [Neil Morris](#)
To: [Nicole Galehouse](#)
Subject: Proposed Development at 2425 H Rd
Date: Saturday, February 4, 2023 2:18:49 PM

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Hello Nicole,

My name is Neil Morris. I live at 818 24 1/2 Rd. The reason I am writing is to express my concerned interest in the proposed development, across the Cochran Creek, from my house at 2425 H Rd. I have been told the developer is asking the City of Grand Junction to designate it as a 5 houses to an acre development.

When I purchased my home in June of 2020, I was assured that the farm areas surrounding my land were designated to be developed at 1 home per acre. I spoke with neighbors and researched the City and Mesa County plans for the area to make sure. As you can imagine, hearing that the City is now considering changing this area to allow for a population dense subdivision with potential condo and apartment complexes has come as a surprise to me. My understanding is that this area North of I-70 between 24 and 26 Roads was part of a long term growth plan since the 1970s and that a mere three years ago the City approved an R-1 designation for this area. When I purchased my home, the conditions stated that I may divide it into 1 acre parcels but no smaller. I accepted those terms- so should the purchaser of the property at 2425 H Rd.

I think that 1 house per 1/2 acre is an acceptable compromise that would allow the area to retain its country feel while allowing for the inevitable growth of the Valley.

Best regards,
Neil Morris
720-788-3197

Nicole Galehouse

From: Robert Fuoco <bfuoco2467@gmail.com>
Sent: Wednesday, February 1, 2023 2:14 PM
To: Nicole Galehouse
Subject: Re: 2428 H Rd.

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Thank you. It is such an important issue to us and I did not want it to slip through the cracks.

On Wed, Feb 1, 2023 at 1:11 PM Nicole Galehouse <nicoleg@gjcity.org> wrote:

Mr. Fuoco,

I apologize sincerely. I was trying to finalize some information about the item which was only confirmed yesterday morning. I should have acknowledged your email in the interim. You are correct, the item is scheduled for hearing on February 14, 2023 with Planning Commission. It will be on consent to set the public hearing with City Council on March 1 & the public hearing will be held with City Council on March 15.

The item will be posted on our City's website for public input, [GJSpeaks](#), a week prior to the hearing. I will include your email as public input with the agenda item but you can also add public comment to the item through this site.

Nicole Galehouse, AICP

Principal Planner

[970.256.4014](tel:970.256.4014)

nicoleg@gjcity.org



From: Robert Fuoco <bfuoco2467@gmail.com>

Sent: Wednesday, February 1, 2023 1:04 PM

To: Dan Komlo <dan.komlo26@gmail.com>; Nicole Galehouse <nicoleg@gjcity.org>; Steve Hillard - Council Tree <shillard@counciltree.com>; dzollner@gvii.net

Subject: 2428 H Rd.

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Good morning Nicole,

I am disappointed that you did not respond to my email last week. I just learned that planning commission is meeting on the 14th to discuss the project at 2428 H Rd.

I want to formally record my opposition to the project. Just over two years ago City Council recognized the need to reserve a small portion of our City for larger, nicer homes, much like our forefathers did on North 7th and prior to that Gunnison Avenue. That is why they approved the zoning at one unit per acre.

I don't understand the "Build it and they will come" mentality. Because of that we have experienced increased traffic, homelessness, crime, drugs and deteriorating air quality, not to mention the increased demand on our water supply.

Please urge planning to only consider the lowest possible density for this property.

Bob Fuoco

2467 H Rd.

Nicole Galehouse

From: Robert Fuoco <bfuoco2467@gmail.com>
Sent: Friday, December 9, 2022 7:38 PM
To: Dan Komlo
Cc: Nicole Galehouse
Subject: Re: RZN-2022-845

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Thank you for your response.

On Fri, Dec 9, 2022, 5:14 PM Dan Komlo <dan.komlo26@gmail.com> wrote:

Hello Nicole,

In March 2020 the former owner of the property at 2428 H Road applied for a land development zoning density to R-4. After the public hearings and review City Council recognized the higher density was not compatible with the existing neighborhood and zoned the property R-1. I urge you to consider the affected neighbors' concerns from 2020 when making a decision to recommend an R-5 density to planning.

Daniel Komlo
852 24 1/2 RD
970 260 2227

From: [Kristin Rau](#)
To: [Nicole Galehouse](#)
Subject: Vista 5 LLP Rezone RZN-2022-845
Date: Sunday, February 5, 2023 6:58:24 AM

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Please DO NOT REZONE to R5!

City Council barely more than 3 years ago thoughtfully approved R-1 (1 Dwelling per acre) because this area between 24 Road and 26 Road North of I-70 has been methodically and purposely built out this way since about 1970,

This was etched in planning departments codes since 1990, and this area is roughly 75% or more developed already in mostly 10, 5, 2, and one acre lots.

To introduce such a radical change in a substantially developed area is not quality growth and does not respect a diversity and variety of land use, but rather puts pressure to 5 units and greater density throughout Grand Junction.

Please do not allow this to set a new precedent for our beloved North area!

Thank you,

Kristin Rau
2573 I Rd

In regard to RZN-2022-845 Vista 5 LLP Rezone of 2428 H Road

I am La Nona Wyatt and am writing this for the eleven people who have signed below. We own the properties directly west of the proposed zone change and have many concerns. We are agricultural with crops and livestock that would be impacted by the people, traffic, noise, domestic animals and extra ditch water that an urban development would bring to this area.

The area is now and has been for over fifty years agricultural and Estate with one house per five acres. If you rezone, we could see 2000 units on three hundred acres when all is developed. If this area is developed with five units per acre we will need a larger police force and fire department within this area to handle the additional problems. The proposed change could put up to 85 or more units in the area, which could bring 340 more people at a minimum. If there are just four people per unit, with 2 personal cars per unit, the neighborhood would be looking at 170 new vehicles when adding delivery, postman, friends, ext. per day. If there are only two children per unit, that will add 170 more children to an already overburdened school. One pet per unit would be 85 more to deal with, and most people have more than one pet. Then there is the water. Farmers are having problems as it is getting enough water for their crops. We do not need more personal lawns to use our limited ditch water! Also, every year the agricultural lands have to burn the fields in order for new, healthy crops to come in to feed all these new people in the area, and they will not understand the process of burning, shooting varmints, and trapping animals that are not welcome with livestock.

There is no R5 zone west of 25 road and east of 24 road or north of I 70. What has changed in the last three years to warrant such a large increase in density? Does quality of life not matter or is it only if the developer makes money on land they purchased knowing what the zoning was when they purchased it? Developers are in favor of this plan, but they are in the business to make money so of course they are in favor!

Since you incorporated this plot into your City in 2019 no infrastructure has changed. There is only one mile of road that will be affected by this change currently, between 24 and 25 road on H Road. The bridge over I 70 at 24 1/2 road is dangerous to walk or bike over and that is the only access to Caprock school from this neighborhood. There is no way to safely cross the roundabout on 24 road at I 70 on foot or bike and Canyon view park is on the other side of the interstate from H road. H road is in very bad shape. Schools are already overcrowded. The nearest police and fire stations are several miles away. H road between 24 and 25 roads are overburdened now, we have no transit, bike or pedestrian trails.

We respectfully request that you leave the zoning R 1 on this property.

Thank You for your consideration.

La Nona Wyatt

Dr. John Wyatt

Dr. Shalona Mcfarland

Joestes Wyatt

Grant Mcfarland

Grace Hann

Patricia Amrine

Anthony Tailleir

Marya Tailleir

Katie Laitiner

Crista Knoll

La Nona Wyatt
Dr. John Wyatt
Dr. Shalona Mcfarland
Joestes Wyatt
Grant Mcfarland
Grace Hann
Patricia Amrine
Anthony Tailleir
Marya Tailleir
Katie Laitiner
Crista Knoll

From: [Bajorek, Andrew](#)
To: [Nicole Galehouse](#)
Subject: 2428 H Rd (RZN-2022-845)
Date: Monday, February 13, 2023 3:01:21 PM

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To whom it may concern:

I am writing to express my strong opposition to the proposed rezoning of the property located at 2428 H Rd. This land, which is primarily zoned for residential, agricultural operations, and open space, is an essential part of our community's character and should be protected from further development. Please consider the following points for this matter:

1. **Findings remain valid from 2019 attempt for rezoning:** Subsequent events have not invalidated the original premises and findings for the area, which is primarily zoned for residential low and intended to maintain the existing character and stability of the neighborhood.
2. **The character and condition of the area has not changed in a way that would make the proposed amendment consistent with the comprehensive plan:** The area remains primarily zoned for low-density residential development and preserving the natural environment. The proposed rezoning is not in line with the surrounding zoning designations, which prioritize the preservation of agricultural operations, open space, and home-based businesses. Keeping the zoning of 2428 H Rd as rural residential would maintain the consistent and cohesive character of the surrounding area, which is primarily zoned for residential uses.
3. **Public and community facilities are not adequate to serve the type and scope of land use proposed:** The proposed multi-story residential units would require significant investment in infrastructure, including wastewater treatment and transportation, which are currently not available in the area.
4. **There is not an inadequate supply of suitably designated land available in the community to accommodate the proposed land use.** The comprehensive plan prioritizes the preservation of residential neighborhoods and open spaces, and there are alternative locations available for new development that would not have the same negative impact on the character and stability of the community.
5. **The community would not derive benefits from the proposed amendment,** as it would disrupt the existing character of the neighborhood, negatively impact the natural environment, and require significant investments in infrastructure that are currently not available. Residential low zoning can help to protect the property values of surrounding homes by ensuring that new development is consistent with the existing character of the neighborhood.

The 2020 One Grand Junction Comprehensive Plan also outlines the importance of maintaining consistency in land use and zoning designations, which helps to protect property values and ensure that new development is compatible with the existing character of the neighborhood. The proposed rezoning of 2428 H Rd would disrupt this consistency and could have a negative impact on property values in the surrounding area.

In conclusion, I strongly urge the rejection of the proposed rezoning of 2428 H Rd. This property should remain zoned as is, in line with the Grand Junction Comprehensive Plan's goals of preserving the existing character of residential neighborhoods, promoting stability, and protecting the natural environment.

Thank you for considering my perspective on this matter.

Sincerely,
Andrew Bajorek

Andrew D. Bajorek, M.M. Associate Director of Bands
Colorado Mesa University
Department of Music | Moss Performing Arts Center 004
970.248.1163 (text preferred) | abajorek@coloradomesa.edu
[Schedule a Meeting with Mr. Bajorek](#)

Follow @CMUBands on social media:
[Facebook](#) [Instagram](#) [Twitter](#) [TikTok](#)

From: [Sarah Bajorek](#)
To: [Nicole Galehouse](#)
Subject: 2428 H Rd (RZN-2022-845)
Date: Monday, February 13, 2023 2:02:29 PM
Attachments: [Outlook-i1qqi5i3.png](#)
[Outlook-cidimage00.png](#)
[Outlook-cidimage00.png](#)
[Outlook-cidimage00.png](#)
[Outlook-cidimage00.png](#)
[Outlook-Text Desc.png](#)

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To whom it may concern,

I am writing to express my strong opposition to the proposed rezoning from R1 to R5 of the property located at 2428 H Rd (RZN-2022-845). As you are aware this property rezoning several years ago caused much concern amongst the neighbors. There was a website for the neighbors to try to gather support due to their concerns of changing the zoning from rural to residential. They feared that the property owner would continue to try to increase the allowed density of the zoning to then sell the land and maximize his profit. Several of the neighbors became so concerned and frustrated that they decided to sell their house and move away. We purchased the property across the street from this parcel. We have the same concerns that the prior owners had.

The current zoning of 1.5 units per acre is appropriate and should be maintained, as increasing the density to 4-6 units per acre would have a significant negative impact on the surrounding community. First and foremost, increasing the density of the property would put a strain on already limited resources such as water, sewage (it does not extend to this parcel), and road infrastructure. It is imperative that we consider the long-term impact of this decision and ensure that our infrastructure is able to meet the needs of the community. Furthermore, the increased density would negatively impact the quality of life for residence living in the area. Many of the owners of surrounding houses moved to the area to not live in town and to have a somewhat quieter life. Also, there are livestock including horses, cows, goats, and chickens in surrounding properties. There are already cars that speed down the road at 50 mph and the added traffic, noise, and overcrowding would disrupt the peaceful atmosphere. Appleton school already is one of the schools with the most students in the district and adding this many houses would put significant stress on this school.

I also want to bring to your attention the potential impact on property values. Studies have shown that high-density housing developments can have a detrimental effect on the value of surrounding properties. This could result in a decline in property values, which would have a significant impact on the financial well-being of residents in the area.

While I understand that Grand Junction is growing and the area around the mall is going to be built up, I do not believe the parcel this far North should have 4-6 houses per acre. I am also concerned that the owner of the property is desiring this rezoning to try to maximize his

profit without considering his neighbors and community. In conclusion, I strongly urge the City Council to maintain the current zoning of 1.5 units per acre for the property located at 2428 H Rd. Thank you for your time and consideration.

Best,

Sarah Bajorek, DO FAAP

Neonatologist

St. Mary's Hospital

Intermountain Health, Peaks Region

2635 N 7th Street, Grand Junction, CO, 81501

P: 970.298.2279 | F: 970.298.2694

sarah.bajorek@imail.org



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From: [stephen hillard](#)
To: [Nicole Galehouse](#)
Cc: [stephen hillard](#); [Dave/Corrine Zollner](#); [Bob Fuoco](#); [Dan Komlo](#)
Subject: Opposition to Vista 5, LLP Rezoning Application
Date: Sunday, February 12, 2023 11:04:54 AM
Attachments: [GJN LETTER 21223 copy.pdf](#)

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Nicole, please find attached my opposition to the above rezoning application. Please distribute this to the members of the Planning Commission before the February 14, 2023 meeting.

Sincerely,

Steve Hillard

**Stephen Hillard
887 25 Road
Grand Junction, CO 81505**

To: Grand Junction Planning Commission

Re: Opposition to Vista 5, LLP Rezoning Application

Date: February 11, 2023

The last time this parcel was proposed for dense development, the approval decision of the Planning Commission ended in rejection by the community, the County, and the City Council. In fact, the City Council voted unanimously to limit any development to one unit per acre. See Maverick Subdivision proceedings.

Rather than repeat this process, and all the wasteful use of public and community resources it entails, the Planning Commission should stand by the prior City Council decision and recommend denial of the current application.

As detailed below, the February 14, 2023 study by the Planning Department (the “Study”) is flawed. In fact, it requires denial of the application for the following reasons:

1. Technical Factors. The Study relies on the “one of five” factors position to justify approval. Finding one of the five factors to exist only leads to the result that the rezoning “may” occur. Under the 2020 Comprehensive Plan (the “Plan”), the decision must still be carefully weighed in light of the various factors.

More important, in this case, none of the five factors can be sustained.

The Study has already found that three of the five factors (items 2,4 and 5) were not met. Those factors are real and critically important to correctly conducting the people’s business under the Plan.

Restated in plain English, the Study found:

A. The character of the area has **not** changed, and therefore the rezoning would **not be consistent** with the Plan. (page 3, item 2).

B. An adequate supply of suitably designated land **is available** in the community to accommodate the proposed use. (page 4, item 4).

C. The community will **not derive benefits** from the proposed amendment. (page 4, item 5).

2. Subsequent Events. Having established that the proposed rezoning is inconsistent with the Plan, unnecessary, and not beneficial, the Study then incorrectly suggests that subsequent events have invalidated the original premises and findings. (page 2, item 1). However, the land use map designation only provides for possible consideration of a higher density. It does not establish the substantive requirement that the original premises and findings, which are matters of fact, have been invalidated. To the contrary, the record before the Planning Commission now establishes that the premises and findings for the existing zoning (no change of character, other land available, no benefit to community) have once again been validated.

In short, the Study utterly fails the “Subsequent Events” test.

3. Adequate Facilities. The Study erroneously finds that the public and community facilities are adequate to serve the higher density. (page 5, item 3). There is no basis for this finding, especially in regards to:

- Schools. The fact that Appleton Elementary is 6/10 of a mile away just glosses over the fact that the school is already severely overcrowded. Adding another 80-plus residences nearby will compound this situation. The Analysis fails to even address this key problem. Moreover, the status of the Appleton School is an open question, now pending before the District 51 school board. See Daily Sentinel, February 12, 2023.
- Parks. The location of Canyon View Park is in fact a problem for the rezoning. The park is a magnet for kids walking or taking their bikes to the park, which means that from this proposed subdivision they will typically go over a dangerous, no-walk-way,

highly inadequate bridge on 24 1/2 Road. As pointed out to the City Council previously, this is a disservice to the public and an open invitation for municipal liability.

- Fire Department Response. This is serious, life-or-death business. The Study, however, again glosses over this critical facility. It admits that the response time does not meet the required response time under the National Fire Protection Association standards. Those standards set a required performance limit. See NFPA Section 1710 (2020). That other fire stations could also arrive late doesn't help. Nor does recitation that the City "has been working on it" address this problem of absolute non-compliance of a critical facility.

Accordingly, as to the "Adequate Facilities" test, the proposed rezoning flunks. It is unsafe and invites disaster for the public and the City along the way.

4. Generalizations. Lastly, the Study resorts to a generalized review of "visions, goals and policies" under the Plan. (page 5). The points already admitted in the Study (no change of character, other land available, no benefit to community) already invalidate this approach. Also, glossing things over with reference to "ZDC undergoing an update" again puts speculation before the horse of sound decision-making.

As established above, none of the elements required to even consider a rezoning of this parcel have been established.

The simple truth is that elements within the City have for years sought to disrupt this long-established rural neighborhood. This application is merely *deja vu* all over again and should not be approved.

Sincerely,

Stephen Hillard
shillard@counciltree.com

From: [Dan Komlo](#)
To: [Nicole Galehouse](#)
Cc: [Steve Hillard - Council Tree](#); [Robert Fuoco](#); [Dave/Corrine Zollner](#)
Subject: Opposition to Vista5, LLP Rezone Application
Date: Sunday, February 12, 2023 4:25:09 PM
Attachments: [Vista 5 Planning.docx](#)

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Hello Nicole, please find my attached letter of opposition to RZN-2022-845 rezone application. Thankyou in advance for your assistance in distributing this to the Planning Commission before the Feb. 14, 2023 meeting.

Thank-you,

Dan Komlo

**Dan Komlo
852 24 ½ Rd
Grand, Junction, CO 81505**

To: Grand Junction Planning Commission
Re: Opposition to Vista 5, LLP Rezoning Application
Date: February 11, 2023

I am writing this letter to urge the Planning Commission to limit the allowable dwelling density for the RZN 2022 845 rezone request to no more than R-2 rather than the requested R-5. My wife and I live at 852 24½ Rd. We purchased our property in 1984 and have been involved with the North Grand Junction planning process the entire time.

Once again, as in 2019 most of the local neighbors were not notified about the Nov. 9th neighborhood meeting due to the 500-foot notification process. The meeting notes, as published, reported that only 11 residents joined the call, and it does not appear that any of those residents favored the rezone from R-1 to R-5. I feel that most of the additional neighbors that were not informed of the meeting would echo the sentiment of those that did attend. Because the proposed R-5 would be contrary to the character of the neighborhood.

Just three years ago after much debate the G.J. City Council voted to only allow R-1 for this very same property at 2428 H Rd. citing that the requested R-4 density would not be compatible to the character of the existing neighborhood.

The 2020 Comprehensive Plan states (Page 60) that residential low "...secondary uses are designed in a manner to fit the character of the neighborhood and provide a transition between the open, less developed edges of Grand Junction". I feel that an increased density shift from R-1 to R-5 will not fit the character or provide a proper transition for the areas surrounding this property.

The use of the disfavored "flagpole annexation" in 2019 has resulted in a leap frog, irregular, tentacle-like city limit. The Comp. Plan (Page 56) Tier 2, policy states "the city should promote annexation of those parcels which are surrounded by, or have direct adjacency to, the City limits of Grand Junction". Promoting R-5 for this property under these circumstances should be re-evaluated.

Lack of safe neighborhood connections, (Page 26) of the Comprehensive Plan indicates the I-70 overpasses at 23 & 26 Rd as being "Non-Existing Crossings" as "... multimodal grade separated crossings". Both 24½ and 25 road overpasses can also share that designation as they currently do not safely provide pedestrian or bicycle traffic.

Page 29 of the Comp. Plan also states we should "promote housing density to be located near existing or future transit routes and in areas where pedestrian and bicycle facilities can provide a safe and direct connection to neighborhood and employment centers". CDOT has recently indicated there are no future plans to improve pedestrian access for any of the four overpasses indicated above.

I am not against additional housing in the Appleton area, a subdivision such as Golden Leaf Estates that is currently under planning review located at 26 Rd. and the Frontage rd. north of I-70, if approved will provide 22 dwellings on 9 acres for a density of 2.4 units per acre. It is my opinion that this type of development would enhance our neighborhood and help transition the growth that will undoubtedly follow.

Thank you for your consideration on this matter.

Dan Komlo

Dan.komlo26@gmail.com

From: [Robert Fuoco](#)
To: [Nicole Galehouse](#)
Subject: Re: 2428 H Rd.
Date: Friday, February 10, 2023 2:04:47 PM
Attachments: [image001.png](#)
[image003.png](#)
[image002.png](#)

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Thank you for the information.

I am very curious as to the total acreage in tier 1.

If I understand correctly all R-1 was eliminated with the 2020 plan so the only options are R-4 or R-5 meaning R-1 is no longer an option. Is that correct?

Bob Fuoco

On Fri, Feb 10, 2023 at 1:41 PM Nicole Galehouse <nicoleg@gjcity.org> wrote:

Mr. Fuoco,

The R-1 and R-2 zone districts are not supported by the One Grand Junction Comprehensive Plan, which was adopted in December 2020. The land development code revision will essentially “retire” these zone districts to be consistent with the Comprehensive Plan. They will remain in the code so the standards can be used for properties that have that zoning, but properties will no longer be allowed to rezone to those districts. The lowest density zone district will be R-R (Residential-Rural), which has a maximum density of 1 unit per 5 acres and implements the Future Land Use designation of *Rural Residential*. The property at 2428 H Road has a Future Land Use designation of *Residential Low*, which can be implemented by the R-4 (Residential – 2-4 du/ac) or the R-5 (Residential – 3-5.5 du/ac).

For the tiers in the comprehensive plan, I’m including a screenshot below from the Comprehensive Plan, which can also be found on the City’s website. Essentially, Tier 1 is urban infill, where services already exist and development is either filling in vacant properties in urban areas or intensifying existing uses/structures. Tier 2 is suburban infill, which extends a little further out but encourages urbanizing of properties where infrastructure is available or proximate. Tier 3 is predominantly rural and not served by infrastructure.

Intensification and Tiered Growth Plan

Intensification of the City should be achieved through infill, redevelopment of underutilized properties, and new development of vacant lots. Further, this should be achieved by offering incentives for infill/redevelopment in specific areas as well as through a Tiered Growth approach. The Growth Tiers focus on intensifying the City's urban and suburban areas, prioritizing areas that have the existing urban infrastructure, and in a manner that will both preserve the City's character and capitalize on its development opportunities while also providing opportunities for greenfield development as the City grows.

Tiered Growth

The Growth Tiers Map are intended to guide the City's long-term planning and reflect locational priorities for which the City should accommodate and prioritize the future population. This starts with the intensification of the City's urban core, which allows the City to support the efficient use of existing public facilities and services by directing development to locations where it can be adequately served by existing water, sewer, police, transportation, schools, fire, stormwater management, and parks. Also, it allows the City to better align capital improvements and infrastructure investments with its financial resources and focus improvements in areas that already provide some level of urban service.

Growth in Grand Junction will continue to recognize the Urban Development Boundary as the area in which urban level development should occur and as such, this Comprehensive Plan focuses on urban intensification and three general tiers of development that fit within, and directly respond to, the established boundary. By adhering to the growth tiers for future development, Grand Junction will be well-positioned to prepare for steady population growth, manage its existing land uses, and achieve its vision of responsible and managed growth.

Tier 1: Urban Infill

Description: Areas where urban services already exist and generally meet service levels, usually within existing City limits, where the focus is on intensifying residential and commercial areas through infill and redevelopment.

Policy: Development should be directed toward vacant and underutilized parcels located primarily within Grand Junction's existing municipal limits. This will encourage orderly development patterns and limit infrastructure extensions while still allowing for both residential and business growth. Development in this Tier, in general, does not require City expansion of services or extension of infrastructure, though improvements to infrastructure capacity may be necessary. Portions of the Redlands, Orchard Mesa, Pear Park, and Northwest areas offer some of the most significant opportunities for Tier 1 infill development and growth within City limits.

Tier 2: Suburban Infill

Description: Areas within the existing UDB and 201 that are urbanizing or proximate to areas that are urbanizing. This Tier also includes areas that were mostly developed in unincorporated Mesa County and infrequently improved with urban infrastructure such as curb, gutter, sidewalks, and parks. Annexation is appropriate for new development and redevelopment in Tier 2 areas, though annexation for existing subdivisions and/or neighborhoods is not generally desirable.

Policy: In Tier 2, the City should promote the annexation of those parcels which are surrounded by, or have direct adjacency to, the City limits of Grand Junction. Annexation and development of these parcels will provide development opportunities while minimizing the impact on infrastructure and City services. Tier 2 includes western portions of Redlands on the City's west side, as well as Pear Park and Orchard Mesa.

Tier 3: Outward Growth

Description: Areas predominantly characterized as rural and larger acreage properties not currently served by urban infrastructure and that are prioritized to stay rural for the duration of the 20-year planning horizon to promote more focused development activity in Tier 1 and Tier 2.

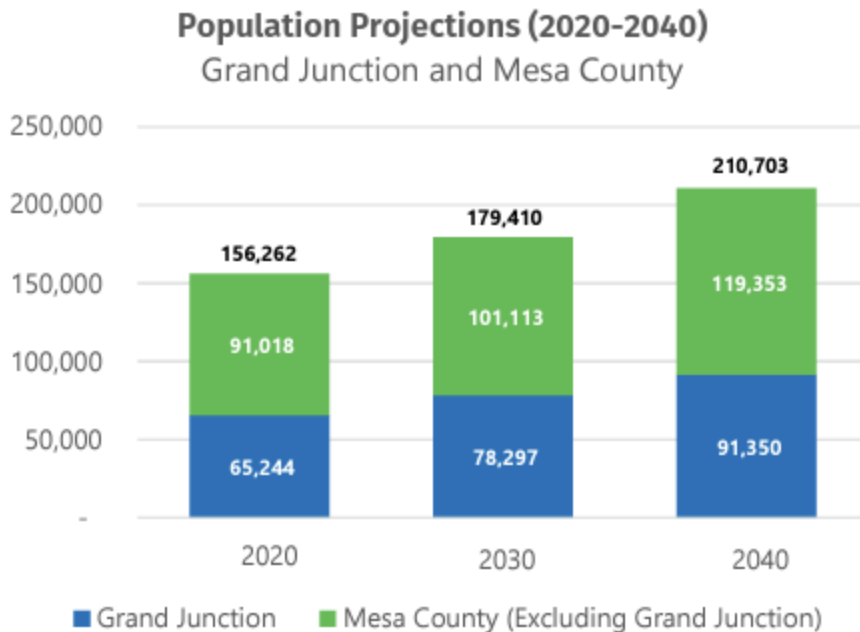
Policy: The priority for Tier 3 is to continue outward growth and annexation into the Urban Growth Boundary after substantial infill and growth in Tier 1 and Tier 2 areas. Tier 3 growth areas include large parcels that provide development potential, can be served by an extension of utilities and urban infrastructure, and are identified as Rural Residential the Future Land Use Map.

Incentive Areas

Description: Areas consistent with past City plans and in general include the Rail, River, Downtown, and University Districts as well as the North Avenue Corridor. The State Highway 50 corridor in Orchard Mesa is also included.

Policy: These areas within the City should be considered the highest priority for infill and redevelopment and the City may consider additional incentives for infill and redevelopment in these areas. Over time, other areas may be considered to be included in the incentive area as may be consistent with established City goals.

I don't have the acreage number of vacant land in Tiers 1 and 2, but I can ask our GIS department if that's something they can calculate. For population growth, see the table below from our Comprehensive Plan.



Nicole Galehouse, AICP

Principal Planner

[970.256.4014](tel:970.256.4014)

nicoleg@gjcity.org



From: Robert Fuoco <bfuoco2467@gmail.com>
Sent: Tuesday, February 7, 2023 8:10 AM
To: Nicole Galehouse <nicoleg@gjcity.org>
Subject: Re: 2428 H Rd.

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Good morning Nicole,

In preparation for the planning and council meetings could you provide me with some information.

Is it true R-1 and R-2 designations are going away? If so what will be the lowest density classification and how many units per acre will it allow?

Can you explain the definitions of tier 1, tier 2 and tier 3 properties.

What is the current inventory of un built acreage in tiers 1 and 2?

What is the City's estimated population growth in the next ten years?

Thanks,

Bob Fuoco

On Wed, Feb 1, 2023 at 2:13 PM Robert Fuoco <bfuoco2467@gmail.com> wrote:

Thank you. It is such an important issue to us and I did not want it to slip through the cracks.

On Wed, Feb 1, 2023 at 1:11 PM Nicole Galehouse <nicoleg@gjcity.org> wrote:

Mr. Fuoco,

I apologize sincerely. I was trying to finalize some information about the item which was only confirmed yesterday morning. I should have acknowledged your email in the interim. You are correct, the item is scheduled for hearing on February 14, 2023 with Planning Commission. It will be on consent to set the public hearing with City Council on March 1 & the public hearing will be held with City Council on March 15.

The item will be posted on our City's website for public input, [GJSpeaks](#), a week prior to the hearing. I will include your email as public input with the agenda item but you can also add public comment to the item through this site.

Nicole Galehouse, AICP

Principal Planner

[970.256.4014](tel:970.256.4014)

nicoleg@gjcity.org



From: Robert Fuoco <bfuoco2467@gmail.com>
Sent: Wednesday, February 1, 2023 1:04 PM
To: Dan Komlo <dan.komlo26@gmail.com>; Nicole Galehouse <nicoleg@gjcity.org>;
Steve Hillard - Council Tree <shillard@counciltree.com>; dzollner@gvii.net
Subject: 2428 H Rd.

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Good morning Nicole,

I am disappointed that you did not respond to my email last week. I just learned that planning commission is meeting on the 14th to discuss the project at 2428 H Rd.

I want to formally record my opposition to the project. Just over two years ago City Council recognized the need to reserve a small portion of our City for larger, nicer homes, much like our forefathers did on North 7th and prior to that Gunnison Avenue. That is why they approved the zoning at one unit per acre.

I don't understand the "Build it and they will come" mentality. Because of that we have experienced increased traffic, homelessness, crime, drugs and deteriorating air quality, not to mention the increased demand on our water supply.

Please urge planning to only consider the lowest possible density for this property.

Bob Fuoco

2467 H Rd.

From: [Cynthia Komlo](#)
To: [Nicole Galehouse](#)
Subject: RZN-2022-845 Rezone Application Comments
Date: Monday, February 13, 2023 3:06:11 PM
Attachments: [RZN 2022 845 REZONE APPLICATION.docx](#)

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Dear Grand Junction Planning Department and City Council,

Forgive me, I forgot to include my attachment in my first email.

For the record I am opposed to RZN-2022-845 Rezone Application that requests the 17.38 acre property, 2428 H Road, to be changed from R-1 to R-5. This high density of 5.5 homes per acre with the possibility of townhomes does not follow the 2020 Comprehensive Plan to maintain the characteristics and integrity of the surrounding area. Please read additional talking points in my husband's attached letter which he gives me permission to submit his "talking points" as my additional "talking points" for the Planning Commission meeting on February 14, 2023 opposing the RZN-2022-845 Rezone Application.

I do suggest R-2 zoning as a more fitting rezone for this lot that can integrate into our North neighborhood IF a quality contractor is used such as Nate Porter.

One of my fears is to have another "Willowbrook" duplicated.

I will be attending the February 14, 2023 meeting remotely.

Thank you for your consideration,

Cynthia Komlo
852 24 1/2 Rd.
Grand Junction, CO 81505
(970) 270-7052
cynthia.komlo@gmail.com

**Dan Komlo
852 24 ½ Rd
Grand, Junction, CO 81505**

To: Grand Junction Planning Commission
Re: Opposition to Vista 5, LLP Rezoning Application
Date: February 11, 2023

I am writing this letter to urge the Planning Commission to limit the allowable dwelling density for the RZN 2022 845 rezone request to no more than R-2 rather than the requested R-5. My wife and I live at 852 24½ Rd. We purchased our property in 1984 and have been involved with the North Grand Junction planning process the entire time.

Once again, as in 2019 most of the local neighbors were not notified about the Nov. 9th neighborhood meeting due to the 500-foot notification process. The meeting notes, as published, reported that only 11 residents joined the call, and it does not appear that any of those residents favored the rezone from R-1 to R-5. I feel that most of the additional neighbors that were not informed of the meeting would echo the sentiment of those that did attend. Because the proposed R-5 would be contrary to the character of the neighborhood.

Just three years ago after much debate the G.J. City Council voted to only allow R-1 for this very same property at 2428 H Rd. citing that the requested R-4 density would not be compatible to the character of the existing neighborhood.

The 2020 Comprehensive Plan states (Page 60) that residential low "...secondary uses are designed in a manner to fit the character of the neighborhood and provide a transition between the open, less developed edges of Grand Junction". I feel that an increased density shift from R-1 to R-5 will not fit the character or provide a proper transition for the areas surrounding this property.

The use of the disfavored "flagpole annexation" in 2019 has resulted in a leap frog, irregular, tentacle-like city limit. The Comp. Plan (Page 56) Tier 2, policy states "the city should promote annexation of those parcels which are surrounded by, or have direct adjacency to, the City limits of Grand Junction". Promoting R-5 for this property under these circumstances should be re-evaluated.

Lack of safe neighborhood connections, (Page 26) of the Comprehensive Plan indicates the I-70 overpasses at 23 & 26 Rd as being "Non-Existing Crossings" as "... multimodal grade separated crossings". Both 24½ and 25 road overpasses can also share that designation as they currently do not safely provide pedestrian or bicycle traffic.

Page 29 of the Comp. Plan also states we should "promote housing density to be located near existing or future transit routes and in areas where pedestrian and bicycle facilities can provide a safe and direct connection to neighborhood and employment centers". CDOT has recently indicated there are no future plans to improve pedestrian access for any of the four overpasses indicated above.

I am not against additional housing in the Appleton area, a subdivision such as Golden Leaf Estates that is currently under planning review located at 26 Rd. and the Frontage rd. north of I-70, if approved will provide 22 dwellings on 9 acres for a density of 2.4 units per acre. It is my opinion that this type of development would enhance our neighborhood and help transition the growth that will undoubtedly follow.

Thank you for your consideration on this matter.

Dan Komlo

Dan.komlo26@gmail.com

From: [Melanie Hylan](#)
To: [Nicole Galehouse](#)
Subject: Vista 5 LLP Rezone RZN-2022-845
Date: Monday, February 13, 2023 8:04:09 PM

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To Whom It May Concern:

This email is in regards to Vista LLP Rezone RZN-2022-845. It is our understanding that in 2019 the parcel 2701 283 04 001 (2428 H Rd) was approved for one house per acre, which seems reasonable. As homeowners in the area, we are **STRONGLY OPPOSED** to re-zoning this area from R-1 to R-5 as requested by the developer. The area surrounding this parcel is made up of 1-10 acre lots and for decades has been purposely and methodically developed this way. Randomly allowing high density housing in the middle of it is not quality growth. It is a radical change or rather intrusion, that if allowed, will continue to spread through and disrupt the area between 24 Road and 26 Road North of I-70. An area that was meant for and should remain low density. There are plenty of areas in the valley where R-5 zoning is appropriate, this is not one of them. We urge you to keep parcel 2701 283 04 001 zoned R-1. Thank you for your time.

Sincerely,
Chad and Melanie Hylan

Sent from my iPhone

From: brad.m.kiser
To: [Nicole Galehouse](mailto:Nicole.Galehouse)
Subject: Vista 5 LLP Rezone RZN-2022-845
Date: Monday, February 13, 2023 9:56:47 AM

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Subject: Vista 5 LLP Rezone RZN-2022-845

Nicole,

My name is Brad Kiser I live at 794 24 1/4 Road Grand Junction and I'm writing you this morning with my concerns that the city is considering rezoning the 17 acre parcel at 2425 H Road from the current zoning R1 (Residential 1 dwelling unit/ac) to an R5 (Residential 5 dwelling units/ac) . The City voted on this same parcel of land barely 3-years ago and unanimously decided to zone it as R1 which I believe was the right decision then and I believe that it's the right decision now. This is 5 times as many homes as was originally approved by the City in 2019, and has ever been allowed in the area. Of equal concern is that this radical density increase will then spread rapidly in the area between 24 Road and 26 Road North of I-70 and materially change the large lot land use that has been in place for 50 years. To introduce such a radical change in a substantially developed area, I suggest, is not quality growth and does not respect a diversity and variety of land use, but rather puts pressure to 5 units and greater density throughout Grand Junction. I would like to express my concern for the proposal and would like to ask the City Council to stand by the decision that they made back in 2019.

Respectfully,

Brad Kiser

This message (including any attachments) is confidential and intended for a specific individual and purpose. If you are not the intended recipient, please notify the sender immediately and delete this message.

From: [Sue Magee](#)
To: [Nicole Galehouse](#)
Cc: [Dave/Corrine Zollner](#); [Bob Fuoco](#); [Stephen & Sharmaine Hillard](#); [Dan Komlo](#)
Subject: Vista 5 LLP Rezone RZN-2022-845
Date: Wednesday, February 8, 2023 11:21:06 AM

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Dear Ms. Galehouse and City Planning Team,

We purchased our property north of I-70 in 1995 under the development plan that had been in place since the 1970's and etched in planning department codes since 1990.

Several times since then, the Planning Commission has considered changing the code from R1 to R5. Most recently R1 was approved in the Development Plan in 2019. **Much** thought and input was given to that plan when it was approved.

Once again, a proposal for high density development in a section of the county where it is not in the development plan is being considered. We have learned that a developer is requesting a change in zoning to R5 for a 17 acre parcel at 2425 H Road which according to the **2019 approved plan is zoned for R1.**

One of the assets of the Grand Junction area is the diversity of development. The Area north of I-70 zoned as R1 that is still relatively close to town is unique to our city and an asset to the City and County.

There is land south of I-70 that is zoned appropriately for the R5 development.

My concerns also consider traffic on small roads but I am most concerned about the Planning Department not following the development plan that was most recently approved in 2019.

Thank you for your time and consideration in this matter.

From: [Jared and Becky](#)
To: [Nicole Galehouse](#)
Subject: Vista 5 LLP Rezone
Date: Tuesday, February 14, 2023 11:40:09 AM

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I was writing to voice concern over
Vista 5 LLP Rezone
RZN-2022-845

When discussing growth in this particular area, I have serious concerns. Several years ago we had a similar meeting and City Council agreed that 5 homes per acre was too much for this particular area. Growth is important and planning for that growth is also very important. Please understand I am not suggesting we do not have any building in this area. What I am suggesting is keeping the integrity of this area. It is roughly $\frac{3}{4}$ developed thus far and consists mostly of 2-10 acre lots. That is part of the charm of Grand Junction. There are areas so close to the city that still feel country. One could take a drive and find quiet, serene streets with open space. 24 road is one of the only roads I know that has a twisty bend in it. That along with the huge oak trees that give the bend shade in the summertime and cover it during the autumn, with its yellow leaves, is one of the reasons we bought the home we did. Character is part of a town. I imagine the character of that road would be destroyed if a second road into a neighborhood housing 5 homes per acre was carried out. The way this area was planned was done so on purpose. It adds value to our community with its character, larger lots, open space, wildlife etc. The suggested 5 homes to 1 acre is a radical change that does not support what has been developed in this area. In fact it feels slapped together and stuck into an area without much thought.

Obviously there are the concerns over traffic, bridges, schools etc. However, the greatest concern is this plan is not quality growth. It does not respect the way this particular area of Grand Junction has been purposely built out. Once you start, where do we stop? 3 years ago, you approved R-1. Please do not go back on that decision. Lets continue to grow Grand Junction in a purposeful way. 5 lots per acre are not appropriate for this particular area. Lets talk about a plan that is.

Respectfully,

Jared and Becky Chisholm

From: [Robert Fuoco](#)
To: [Nicole Galehouse](#)
Subject: Vista 5, 2428 H Rd
Date: Monday, February 13, 2023 9:52:23 AM

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Nicole,

Please pass this e:mail onto the Planning Commission. I plan on using it at the Planning meeting on the 16th. I will also bring copies for the Commissioners.

Currently the City of Grand Junction encompasses just over 40 square miles or 25,600 acres. If you deduct 40% for commercial, parks, etc. that leaves 15,360 acres for residential. At just three units per acre and an average of three residents per home that allows for a population of 138,240. This is without any additional annexation. That population is over 50% above the 90,000 estimated by 2040. Obviously the numbers grow exponentially with the higher density the City is requiring. What is the motivation?

Bob Fuoco

From: Brian Swanson <swanzy2223@gmail.com>

Sent: Tuesday, February 14, 2023 2:20 PM

To: Nicole Galehouse <nicoleg@gjcity.org>

Subject: Vista 5 Rezone RZN-2022-845

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Nicole, I would like to comment on this procedure as I have a vested interest in this area. My wife (Sandra Holloway) and I own the 813, 24 and 1/4 property. The method to get the R1 one zoning in the beginning was in question in the first attempt at rezoning to R5 in 2019. But many in the area decided that R1 was an acceptable outcome to the inevitable. These attempts at rubbing salt in the wound are not. This is a proposal by a few to undermine the many. No one in the area is in favor of this. Again, we are willing to accept the R1 zoning, though not happy with it. We do not believe it should have changed in the first place. As to the criteria for the new application, I don't believe any thing has change from 2019. People still hate this idea, there is no benefit to anyone in the area , and the general composition of the neighborhood and infrastructure remain exactly as they did before. I would sincerely hope that you consider the people who live here (some generationly). This a none too subtle attempt at maximizing profit at someone else's expense.

Sincerely, Brian Swanson

February 12, 2023

The Grand Junction Planning Commission
250 N 5th Street
Grand Junction, CO 81501

RE: RZN-2023-845 Vista 5 LLP Rezone

To Whom It May Concern:

I am writing regarding the above-referenced rezone application. My wife and I live directly across from the property in question. We understand that the property was annexed into the city as a flagpole annexation, under legal but questionable circumstances; adjacent properties on all four sides of this property are not within city limits, and all of these properties are zoned agricultural and are engaged in agricultural activities.

We understand the need for city expansion as our valley grows, but it is also important to maintain our valley's agricultural history, by keeping our agricultural community strong. Expansion from the outer boundaries inward is counter to this.

Locating a high-density neighborhood in the center of agricultural land is not consistent with current land use in the area and will not be embraced.

We strongly urge the Planning Commission to reject this application for rezoning.

Thank you for your consideration in this important decision.

Best regards,

Jim & Sarah Marshall
2439 H RD
Grand Junction, CO 81505
970-260-4131
970-270-7761

From: [pincushion2](#)
To: [Nicole Galehouse](#)
Subject: Vista 5 LLP Rezone RZN-2022-845
Date: Tuesday, February 14, 2023 3:22:17 PM

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Dear Ms. Galehouse:

We are aware that there is a proposal to rezone 17.37 acres from R-1 to a R-5 zone district and respectfully urge you to keep this area R-1 zone district.

Less than 3 years ago this area between 24 Road and 26 Road North of I-70 was approved R-1. To change this to a R-5 zone district is a major change and does not fall in line with how this area has been developed in the past. This is not quality growth and we respectfully urge you to keep this area an R-1 zone district.

Thank you,
Ron & Roxanna Napier
830 24 ½ Road

Sent with [Proton Mail](#) secure email.

Grand Junction Speaks

Published Comments for February 14, 2023 Planning Commission Meeting

Vista 5 LLP Rezone

Sandra Holloway

• Feb 13, 2023 • 5:16pm

To Whom it may concern: I have the feeling you folks have already decided to rezone the property at 2428 H Road, but I still would like to express my displeasure at you wanting to change the density of this property to 5 dwellings per acre. You already know that the people who own properties around this parcel don't like the idea of 85 units being erected, since we already expressed those ideas back a couple of years ago. Nothing wrong with keeping the 1 house per acre that was decided back then, except that certain people and the city can make a lot more money with that amount of parcels. I also don't appreciate that I just today got the notification about the meeting tomorrow and this website where I can leave a comment that probably won't be read anyway. I can see no benefit to the people of this area or to nature either. Please leave the zoning as it was.

Address:

813 24 1/4 Road

Grand Junction, 81505

Andrew Bajorek

• Feb 13, 2023 • 3:01pm

To whom it may concern: I am writing to express my strong opposition to the proposed rezoning of the property located at 2428 H Rd. This land, which is primarily zoned for residential, agricultural operations, and open space, is an essential part of our community's character and should be protected from further development. Please consider the following points for this matter: Findings remain valid from 2019 attempt for rezoning: Subsequent events have not invalidated the original premises and findings for the area, which is primarily zoned for residential low and intended to maintain the existing character and stability of the neighborhood. The character and condition of the area has not changed in a way that would make the proposed amendment consistent with the comprehensive plan: The area remains primarily zoned for low-density residential development and preserving the natural environment. The proposed rezoning is not in line with the surrounding zoning designations, which prioritize the preservation of agricultural operations, open space, and home-based businesses. Keeping the zoning of 2428 H Rd as rural residential would maintain the consistent and cohesive character of the surrounding area, which is primarily zoned for residential uses. Public and community facilities are not adequate to serve the type and scope of land use proposed: The proposed multi-story residential units would require significant investment in infrastructure, including wastewater treatment and transportation, which are currently not available in the area. There is not an inadequate supply of suitably designated land available in the community to accommodate the proposed land use. The comprehensive plan prioritizes the preservation of residential neighborhoods and open spaces, and there are alternative locations available for new development that would not have the same negative impact on the character and stability of the community. The community would not derive benefits from the proposed amendment, as it would disrupt the existing character of the neighborhood, negatively impact the natural environment, and require significant investments in infrastructure that are currently not available. Residential low zoning can help to protect the property values of surrounding homes by ensuring that new development is consistent with the existing character of the neighborhood. The 2020 One Grand Junction Comprehensive Plan also outlines the importance of maintaining consistency in land use and zoning designations, which helps to protect property values and ensure that new development is compatible with the existing character of the neighborhood. The proposed rezoning of 2428 H Rd would disrupt this consistency and could have a negative impact on property values in the surrounding area. In conclusion, I strongly urge the rejection of the proposed rezoning of 2428 H Rd. This property should remain zoned as is, in line with the Grand Junction Comprehensive Plan's goals of preserving the existing character of residential neighborhoods, promoting stability, and protecting the natural environment. Thank you for considering my perspective on this matter. Sincerely, Andrew Bajorek

Address:

2433 H Rd
Grand Junction, 81505
Sarah Bajorek
• Feb 13, 2023 • 2:09pm

To whom it may concern, I am writing to express my strong opposition to the proposed rezoning from R1 to R5 of the property located at 2428 H Rd (RZN-2022-845). As you are aware this property rezoning several years ago caused much concern amongst the neighbors. There was a website for the neighbors to try to gather support due to their concerns of changing the zoning from rural to residential. They feared that the property owner would continue to try to increase the allowed density of the zoning to then sell the land and maximize his profit. Several of the neighbors became so concerned and frustrated that they decided to sell their house and move away. We purchased the property across the street from this parcel. We have the same concerns that the prior owners had. The current zoning of 1.5 units per acre is appropriate and should be maintained, as increasing the density to 4-6 units per acre would have a significant negative impact on the surrounding community. First and foremost, increasing the density of the property would put a strain on already limited resources such as water, sewage(it does not extend to this parcel), and road infrastructure. It is imperative that we consider the long-term impact of this decision and ensure that our infrastructure is able to meet the needs of the community. Furthermore, the increased density would negatively impact the quality of life for residence living in the area. Many of the owners of surrounding houses moved to the area to not live in town and to have a somewhat quieter life. Also, there are livestock including horses, cows, goats, and chickens in surrounding properties. There are already cars that speed down the road at 50 mph and the added traffic, noise, and overcrowding would disrupt the peaceful atmosphere. Appleton school already is one of the schools with the most students in the district and adding this many houses would put significant stress on this school. I also want to bring to your attention the potential impact on property values. Studies have shown that high-density housing developments can have a detrimental effect on the value of surrounding properties. This could result in a decline in property values, which would have a significant impact on the financial well-being of residents in the area. While I understand that Grand Junction is growing and the area around the mall is going to be built up, I do not believe the parcel this far North should have 4-6 houses per acre. I am also concerned that the owner of the property is desiring this rezoning to try to maximize his profit without considering his neighbors and community. In conclusion, I strongly urge the City Council to maintain the current zoning of 1.5 units per acre for the property located at 2428 H Rd. Thank you for your time and consideration. Best, Sarah Bajorek

Address:
2433 H Rd.
Grand Junction, CO , 81505
Brian how h a u t

• Feb 13, 2023 • 1:57pm
just wondering a comment on the reasoning 24288 Road I reasoning from our 12 our 5 I live my address is just a block south of this particular plot of land everything around here is at minimum one acre or larger I just want to state that are 5 designation which is pretty high density building it doesn't fit in with the agricultural area here it's one of the reasons we build a home out here so I just want express my. comment that I don't like it I think our one designation which is what it was proposed I don't know 2 or 3 years ago when another developer tried to reset it I think the H 1 designation would be more than adequate for this particular area thank you

Address:
30 mailing address is 78824 and one corner of Grand Junction 855
Grand Junction Colorado, hey 1505

GRAND JUNCTION PLANNING COMMISSION
February 14, 2023, 5:30 PM
MINUTES

The meeting of the Planning Commission was called to order at 5:31 p.m. by Commissioner Teske.

Those present were Planning Commissioners; Ken Scissors, Kimberly Herek, Shanon Secrest, JB Phillips, Keith Ehlers, and Melanie Duyvejonck.

Also present were Jamie Beard (City Attorney), Felix Landry (Planning Supervisor), Nicole Galehouse (Principal Planner), and Jacob Kaplan (Planning Technician).

There were 30 members of the public in attendance, and 4 virtually.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from December 13, 2022.

REGULAR AGENDA

1. Vista 5 LLP Rezone

RZN-2022-845

Consider a request by Vista 5, LLP, Property Owner, to rezone 17.37 acres from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5.5 du/ac) located at 2428 H Road.

Staff Presentation

Felix Landry, Planning Supervisor, introduced exhibits into the record and provided a presentation regarding the request.

Applicant Nate Porter was present and available for questions/comments.

Questions for staff

Commissioner Scissors asked what the implications of the proposed changes to the Zoning and Development Code would mean for this rezone to R-5.

Public Hearing

The public hearing was opened at 5:00 p.m. on Tuesday, February 7, 2023, via www.GJSpeaks.org.

Bob Fuoco wondered if the increased density was completely necessary in this area. He stated that the City needed to maintain an inventory of lower density housing.

Dan Komlo stated that the proposed R-5 density would not be compatible with the character of the neighborhood. He listed his disagreements with the staff's findings.

Sarah Bajorek commented that the presentation wasn't an accurate representation of the surrounding area. She expressed concerns about neighbors moving away due to the increased density. She proposed an alternative location for the development. She is also concerned about the lack of sidewalks in the area coupled with the increase in foot traffic for children heading to Appleton Elementary. Finally, she stated her concerns about the potential reduction in property values for the surrounding area.

Craig Moulton noted that the character of the area was rural and that this development would impact property values.

Jim Marshall stated that all of the surrounding parcels were agricultural.

Dave Zolner stated that the proposed density would be 5-25x higher than the surrounding area. He listed various sections of the code pertaining to expanding housing options, protecting unique character, and identifying compatible land uses. He expressed concerns about future development on his own property.

Greg Tamburello noted the characteristics of rural communities and stated that the Planning Department should work with residents to preserve this heritage. He stated that the proposed development would increase noise pollution, create a sense of overcrowding, and decrease nearby property values.

Tyler Mundy stated the controversial nature of a "flagpole" annexation. He noted that all of the surrounding roads were County roads and that they were in disrepair. He also stated that 24 1/4 Road is actually on the deed of his grandmother's property and questioned whether it could be classified as a public road. Lastly, he argued that development does not always facilitate infrastructure improvements and gave the 25 Road corridor between Patterson and I-70 as an example.

Shiloh White stated that compatibility with a city planner "wish list" does not constitute an invalidating event. She echoed concerns that the available services are inadequate to properly support a housing development of the proposed size.

Andrew Bajorek stated that the claim that this area was close to urbanizing was not backed by measurable evidence. He echoed other's concerns about poor road conditions and walkability, proximity to amenities, and reduction in property values.

Mike Johnson brought up the poor condition of H Road and the increase in traffic this development would bring.

Nyann Davis expressed concerns with water scarcity in the area. She noted that H Road and Appleton Elementary are not currently in a state to accommodate the increased population this development would bring.

Nate Molse noted the lack of sidewalks in the area and that it was currently unsafe for foot traffic.

Cynthia Komlo asked if the Commissioners had visited the site or had ever tried to walk through the double roundabout on 24 Road and encouraged them to do so.

The public hearing was closed at 6:28 p.m. on February 14, 2023.

Discussion

Representative, Ivan Geer, spoke on the proximity of available amenities to the proposed development. He spoke about the impact fees developers pay to reduce the impact of development. Lastly, he noted that enrollment rates were declining and that D-51 is considering closing schools.

Development Engineer, Rick Dorris, commented on the conditions of the surrounding area.

Commissioner Scissors asked why the applicant was requesting R-5 instead of R-4.

Applicant, Nate Porter, said that the R-5 zoning offered increased flexibility for housing options. He stated that they were not considering duplexes or multi-family development at the moment.

Commissioner Ehlers addressed the questions about what had changed between now and when the property was rezoned in 2019. He spoke about the community benefits of development and noted that compatibility does not mean uniformity when it comes to housing options. Additionally, he noted that this rezone would not have an impact on what current property owners were allowed to do on their land.

Commissioner Herek agreed with Commissioner Ehlers that this rezone met the requirements as outlined in the 2020 Comprehensive Plan.

Commissioner Secrest commented that property values may actually increase as there would be more housing and lot size options in the area. He noted the challenges for developers when designing attainable and desirable homes. Lastly, he wondered where development occur if not here.

Commissioner Scissors stated that the R-5 development did not match the character of the surrounding area and that future road improvements are probably a long way away. He noted the necessity for available and affordable housing, but that there are likely better locations for development closer to town.

Commissioner Duyvejonck noted that R-5 is still considered "low density".

Commissioner Phillips noted that the current roadways did not accommodate foot traffic or walkability.

Commissioner Teske noted the importance of upholding the comprehensive plan. He noted that historically new developments have not matched the increase in population density and that minimum densities had to be introduced.

Motion and Vote

Commissioner Phillips made the following motion “Mr. Chairman, on the Rezone request for the property located at 2428 H Road, City file number RZN-2022-845, I move that the Planning Commission forward a recommendation of approval to the City Council with the findings of fact as listed in the staff report.”

Commissioner Secrest seconded; motion passed 6-1.

OTHER BUSINESS

A good Samaritan had turned in a set of keys.

ADJOURNMENT

Commissioner Scissors moved to adjourn the meeting.
The vote to adjourn was 7-0.

The meeting adjourned at 7:01 p.m.

March 1, 2023

Mayor Stout and Members of City Council
250 N. 5th Street
Grand Junction, CO 81501

Via Hand Delivery

Mayor Stout and Members of City Council,

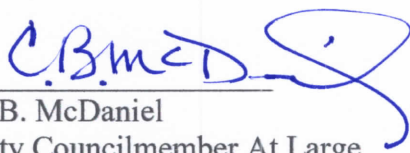
I write concerning item number 2023-6879 on the March 1, 2023, City Council meeting agenda. That item is a proposed rezone of the property located at 2428 H Road. The property is owned by Vista 5, LLP.

With this letter I write to inform you of the appearance of a conflict of interest the existence of which calls into question my participation in the hearing/decision on the matter which is proposed to occur on March 15th.

I have a personal and previous professional relationship with Mr. Porter, who is affiliated with Vista 5, LLP, and because of that I have determined that my interactions with him, and the perception of a conflict that may arise from those interactions, will inhibit me from fairly considering the application. I have consulted with City Attorney Shaver who has advised that in light of the Council's customary standard regarding an appearance of conflict that my recusal is proper. Accordingly, I will not be participating in the hearing/decision on this matter.

A copy of this letter will be filed with City Clerk Phillips for inclusion in the minutes/public record pertaining to the March 1st and March 15th Council meetings.

Sincerely,


C.B. McDaniel
City Councilmember At Large
City of Grand Junction, Colorado

pc: Amy Phillips
Greg Caton
John Shaver



Grand Junction City Council

Regular Session

Item #6.b.ii.

Meeting Date: March 15, 2023

Presented By: Trenton Prall, Engineering & Transportation Director

Department: Engineering & Transportation

Submitted By: Trent Prall, Public Works Director

Information

SUBJECT:

A Resolution to Create Alley Improvement District No. ST-23

RECOMMENDATION:

Staff Recommends the City Council conduct a public hearing and review and adopt the proposed resolution.

EXECUTIVE SUMMARY:

A successful petition has been submitted requesting a Local Improvement District be created to reconstruct the following alley:

- North/South Alley between 6th Street and 7th Street and Tiger Avenue and Orchard Avenue east of Grand Junction High School.

This is the public hearing to form the district after 30 days notice as provided by Resolution 14-23, a Resolution Declaring the Intention to Create Alley Improvement District No. ST-23 at the February 1st, 2023 City Council Meeting.

BACKGROUND OR DETAILED INFORMATION:

People's Ordinance No. 33 authorizes the City Council to create improvement districts and levy assessments when requested by a majority of the owners of the property to be assessed. Council establishes assessment rates by resolution. Assessment rates for alleys are based on percentages of total assessable costs, with the City contributing 85 percent per abutting foot for residential single-family uses, 75 percent per abutting foot for residential multi-family uses, and 50 percent per abutting foot for non-residential uses.

A summary of the process that follows submittal of the petition is provided below.

Date	Steps	Action
February 1, 2023	1.	City Council passes a Resolution declaring its intent to create an improvement district. The Resolution acknowledges receipt of the petition and gives notice of a public hearing.
March 15, 2023	2.	Council conducts a public hearing and passes a Resolution creating the Improvement District. The public hearing is for questions regarding the validity of the submitted petitions.
May 17, 2023	3.	City Manager awards the construction contract.
June 5 through August 11, 2023	4.	Construction.
September 15, 2023	5.	After construction is complete, the project engineer prepares a Statement of Completion identifying all costs associated with the Improvement District.
October 4, 2023	6.	Council passes a Resolution approving and accepting the improvements, gives notice of a public hearing concerning a proposed Assessing Ordinance, and conducts a first reading of a proposed Assessing Ordinance.
November 15, 2023	7.	Council conducts a public hearing and second reading of the proposed Assessing Ordinance. The public hearing is for questions about the assessments.
November 16, 2023	8.	The adopted Ordinance is published.
December 15, 2023	9.	The property owners have 30 days from final publication to pay their assessment in full. Assessments not paid in full will be amortized over a ten-year period. Amortized assessments may be

			paid in full at anytime during the ten-year period.
--	--	--	---

There are 30 separate parcels that will be part of the proposed Alley Improvement District and 24 ownerships (some parties have an interest in more than one parcel). The City has received a signed petition representing 17 parcels in favor of the proposed district and two parties opposed to the proposed district. Eleven ownerships did not sign the petition and eight ownerships did not respond. Two parties responded by phone that they are in favor of the district, but did not submit a signed petition.

Of the 30 (57 percent) ownerships 17 have signed the petition in favor of the proposed district accounting for 77 percent of the proposed alleyway frontage that will be impacted by the district.

The only concerns submitted to date by community members along the alleyway is a need for traffic calming or an effort to reduce speeds along the alleyway. Four parties contacted staff directly and one additional written response was received expressing concern over speeds along the alleyway. Each of them reported they are in favor of the project but fear the paved alleyway will result in increased speeds. Two of the parties have recently had their fences hit and damaged, one of which was reported to police. One party who signed the petition in favor of the project responded in writing and requested that the City "*Please consider putting a stop sign in the Alley where the Alley meets the new bus entrance*". An evaluation by Traffic Engineering staff found that installation of a stop sign at this location is not warranted and would not be effective in reducing speeds in the alley. The amount of traffic is projected to decrease significantly with the reconfiguration of the school property since the student parking area will only have access from 5th Street. City staff plan to monitor traffic in the alley once the new high school is completed to determine if additional traffic calming measures are appropriate.

If the district is formed, construction of the alley is proposed this summer in close coordination with the Grand Junction High School construction.

FISCAL IMPACT:

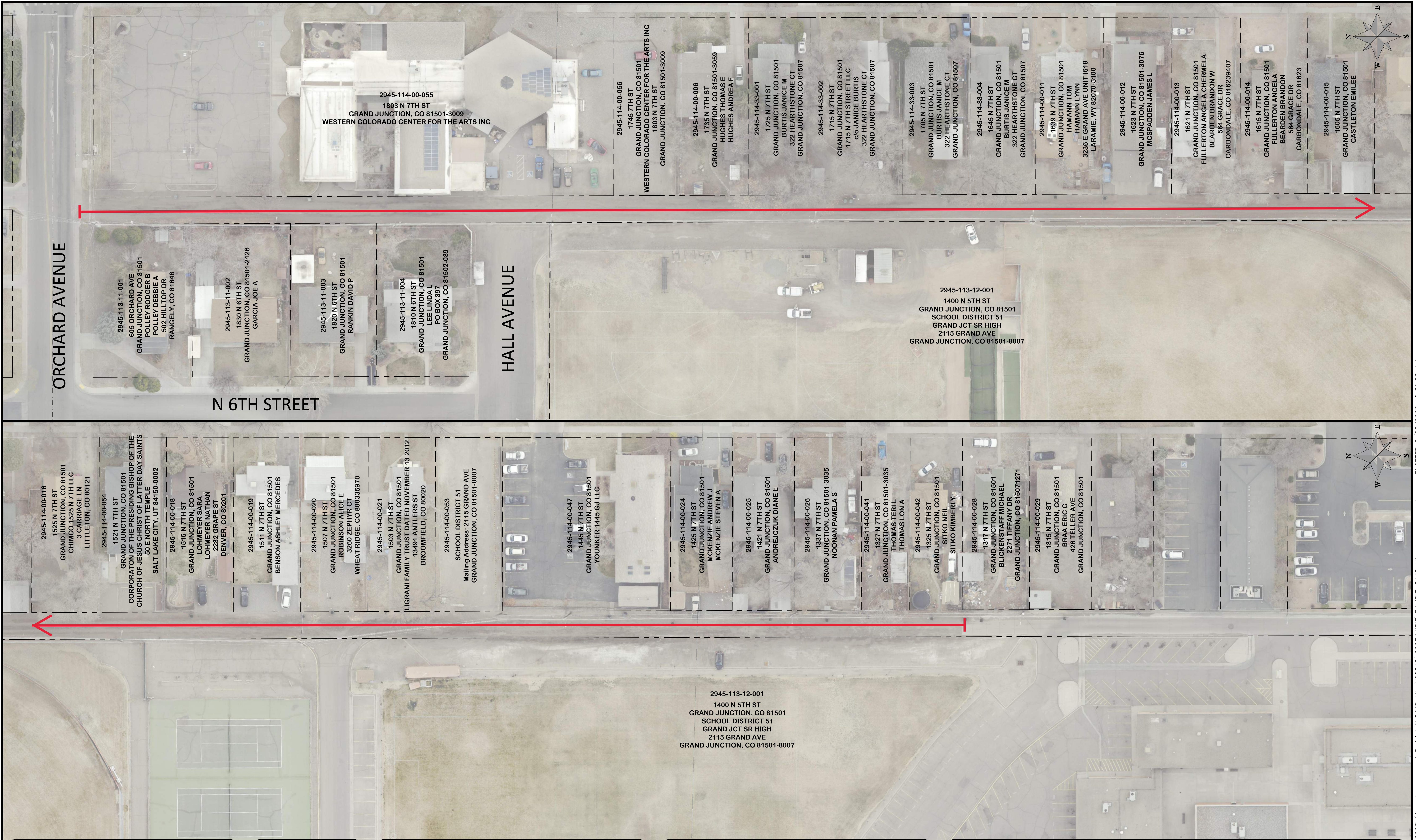
The costs of the alley improvement project are shared by the property owners and the City. The cost of the alley improvement district is estimated at \$650,000. The property owners' portion is \$236,954, and the City's portion is \$413,046. The expenses and revenue for this project are included in the 2023 Adopted Budget.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 29-23, a resolution creating and establishing Alley Improvement District No. ST-23 within the corporate limits of the City of Grand Junction, Colorado, authorizing the reconstruction of certain alleys, adopting details, plans and specifications for the paving thereon and providing for the payment thereof.

Attachments

1. Alley ID ST-23 Exhibit
2. Alley ID ST-23 - Summary Sheet
3. RESOLUTION NO____-23_ Create Alley ID ST-23



DRAWN BY HMC DATE 2022
DESIGNED BY _____ DATE _____
CHECKED BY _____ DATE _____
APPROVED BY _____ DATE _____

SCALE
HORIZONTAL: 1" = 30'
0 15 30



PUBLIC WORKS
ENGINEERING DIVISION

PROPOSED ALLEY IMPROVEMENT DISTRICT
GRAND JUNCTION HIGH SCHOOL
ORCHARD AVENUE ALLEY

SUMMARY OF ESTIMATED COSTS

PROPOSED ALLEY IMPROVEMENT DISTRICT 6th STREET TO 7th STREET TIGER AVENUE TO ORCHARD AVENUE

	Owner	Property Address	Footage	Estimated Assessment
*	SCHOOL DISTRICT 51 2115 GRAND AVE GRAND JUNCTION CO 81501	1400 N 5th St	1,305.00	\$ 128,881.80
*	RODGER POLLEY AND DEBBIE POLLEY, 502 HILLTOP DR RANGELY CO 81648	605 Orchard Ave	74.50	\$ 2,207.44
	JOE GARCIA, 1830 N 6TH ST	1830 N 6th St	74.00	\$ 2,192.62
	DAVID P RANKIN, 1820 N 6TH ST, 1820 N 6TH ST	1820 N 6th St	65.75	\$ 1,948.17
*	LINDA L LEE, PO BOX 397, GRAND JCT 81502	1810 N 6th St	65.75	\$ 1,948.17
	NEIL AND KIMBERLY SITKO; 1325 N 7TH ST	1325 N 7th St	39.00	\$ 1,155.57
*	TERI L THOMAS AND LON A THOMAS 1327 N 7TH ST	1327 N 7th St	36.00	\$ 1,066.68
	PAMELA S NOONAN, 1337 N 7TH ST	1337 N 7th St	50.00	\$ 1,481.50
	DIANE L ANDREJCZUK, 1421 N 7TH ST	1421 N 7th St	46.00	\$ 1,362.98
	ANDREW J MCKENZIE AND STEVEN A MCKENZIE 1425 N 7TH ST	1425 N 7th St	46.00	\$ 1,362.98
	YOUNKER 1445 GJ LLC, 1445 N 7TH ST	1445 N 7th St	125.00	\$ 12,345.00
*	SCHOOL DISTRICT 51 2115 GRAND AVE GRAND JUNCTION CO 81501	2945-114-00-053	50.00	\$ 4,938.00
*	LIGRANI FAMILY TRUST, 13491 ANTLERS ST BROOMFIELD CO 80020	1503 N 7th St	50.00	\$ 1,481.50
	ALICE E ROBINSON, 3260 ZEPHYR CT, WHEAT RIDGE, CO 80033	1507 N 7th St	50.00	\$ 1,481.50
*	ASHLEY MERCEDES BENSON, 1511 N 7TH ST	1511 N 7th St	50.00	\$ 1,481.50
*	NATHAN AND SARA LOHMEYER, 1515 N 7TH ST	1515 N 7th St	50.00	\$ 1,481.50
	CORPORATON OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS 50 E NORTH TEMPLE SALT LAKE CITY, UT 84150-0002	1521 N 7th St	50.00	\$ 4,938.00
	CHIMCO 1525 N 7TH LLC, 3 CARRIAGE LN LITTLETON, CO 80121	1525 N 7th St	50.00	\$ 1,481.50
	EMILEE, CASTLETON, 1605 N 7th Street	1605 N 7th St	50.00	\$ 1,481.50
*	BRANDON BEARDEN AND ANGELA FULLERTON, 564 GRACE DR, CARBONDALE, CO 81623	1615 N 7th St	50.00	\$ 1,481.50
*	BRANDON BEARDEN AND ANGELA FULLERTON, 564 GRACE DR, CARBONDALE, CO 81623	1621 N 7th St	51.00	\$ 1,511.13

*	JAMES L MCSPADDEN 1623 N 7TH ST	1623 N 7th St	51.00	\$ 2,518.38
	TOM HAMANN AND LYNN HAMANN, 3236 E GRAND AVE UNIT I618 LARAMIE, WY 82070	1639 N 7th St	50.00	\$ 1,481.50
*	1645 N 7TH STREET LLC c/o JANICE M BURTIS, 322 HEARTHSTONE CT GRAND JUNCTION, CO 81507	1645 N 7th St	53.63	\$ 2,648.25
*	1705 N 7TH STREET LLC, 322 HEARTHSTONE CT GRAND JUNCTION, CO 81507	1705 N 7th St	53.62	\$ 2,647.76
*	1715 N 7TH STREET LLC, 322 HEARTHSTONE CT GRAND JUNCTION, CO 81507	1715 N 7th St	53.87	\$ 2,660.10
*	1725 N 7TH STREET LLC C/O JANICE M BURTIS 322 HEARTHSTONE CT GRAND JUNCTION, CO 81507	1725 N 7th St	53.63	\$ 2,648.25
	THOMAS E HUGHES AND ANDREA F HUGHES 1735 N 7TH ST	1735 N 7th St	50.00	\$ 1,481.50
*	WESTERN COLORADO CENTER FOR THE ARTS INC 1803 N 7TH ST GRAND JUNCTION, CO 81501-3009	1745 N 7th St	50.00	\$ 4,938.00
*	WESTERN COLORADO CENTER FOR THE ARTS INC 1803 N 7TH ST GRAND JUNCTION, CO 81501-3009	1803 N 7th St	387.00	\$ 38,220.12
		Total	3,230.75	\$ 236,954.40
	Estimated Cost to Construct			\$ 650,000.00
	Maximum Cost to Owners			\$ 236,954.40
	Estimated Cost to City			\$ 413,045.61

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 6% per annum on the declining balance.

“ * ” Represents owners signing in favor of the improvements. 57% of the owners representing (17/30) are in favor or 77% of the assessable footage.



RESOLUTION NO. _____

**A RESOLUTION CREATING AND ESTABLISHING
ALLEY IMPROVEMENT DISTRICT NO. ST-23
WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION,
COLORADO, AUTHORIZING THE RECONSTRUCTION OF CERTAIN ALLEYS,
ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR THE PAVING
THEREON AND PROVIDING FOR THE PAYMENT THEREOF**

WHEREAS, a majority of the owners of the property to be assessed have petitioned the City Council, under the provisions of Chapter 28 of the City of Grand Junction Code of Ordinances, as amended, and People's Ordinance No. 33, that an Alley Improvement District be created, for the special benefit of the real property hereinafter described, to construct and install improvements to the following described alley:

- North/South Alley between 6th Street and 7th Street and Tiger Avenue and Orchard Avenue east of Grand Junction High School.

WHEREAS, the City Council has found and determined, and does hereby find and determine, that the construction of alley improvements as petitioned for is necessary for the health, safety and welfare of the residents of the territory to be served and would be of special benefit to the property included within said District; and

WHEREAS, on the 1st day of February, 2023, the City Council of the City of Grand Junction, Colorado, passed a Resolution Stating its Intent to Create Alley Improvement District No. ST-23, authorizing the City Engineer to prepare full details, plans and specifications for the paving thereon together with a map of the District to be assessed, and authorizing Notice of Intention to Create said District; and

WHEREAS, the City Engineer has fully and strictly complied with the directions so given, and has filed such specifications and map, all in accordance with said Resolution and the requirements of Ordinance No. 178, as amended, of said City; and

WHEREAS, Notice of Intention to create said District was duly published.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF GRAND JUNCTION, COLORADO:**

1. That the real property (also known as the "District Lands") to be assessed with a portion of the costs of the proposed services, labor, materials and improvements which the City may deem appropriate, is described as follows:

Lots 1 through 5, inclusive, Block 1, High School Addition (Reception Number 450288),
AND ALSO

That portion of Hall Avenue Right-of-Way South of Block 1, High School Addition
(Reception Number 450288),

AND ALSO

Block 3, High School Addition (Reception Number 450288) except that sixty (60) foot
Right-of-Way deeded to the City of Grand Junction at Reception Number 551766,
AND ALSO

Lot 22, Capitol Hill Subdivision (Reception Number 28174) except the North thirty (30)
feet thereof,

AND ALSO

Lots 1 through 4 inclusive, Haney Subdivision (Reception Number 2961257),
AND ALSO

Lot 21, Capitol Hill Subdivision (Reception Number 28174) except the North two hundred
fifteen (215) feet thereof,

AND ALSO

Lot 20, Capitol Hill Subdivision (Reception Number 28174)

AND ALSO

Lot 19, Capitol Hill Subdivision (Reception Number 28174) except the south one
hundred and fifty (150) feet thereof,

AND ALSO

Lot 1, Community First National Bank Simple Subdivision (Reception Number 2246848)

All located in the South Half of Section 11, Township 1 South, Range 1 West of the Ute
Meridian, City of Grand Junction, Mesa County, Colorado.

2. That the proposed services, labor, materials and improvements necessary to accommodate the request of the owners of the District Lands shall include, but may not be limited to, the design, construction, installation, placement and inspection of base course material and concrete paving, together with any other services or facilities required to accomplish this request as deemed necessary by the City Engineer ("District Improvements"), all of which shall be installed in accordance with the General Conditions, Specifications and Details for Public Works and Utility Projects of the City of Grand Junction.

3. That the assessments to be levied against and upon each respective property which is part of the District Lands shall be determined by multiplying the linear footage that each respective property abuts the alley right-of-way by the appropriate Residential Single-Family, Residential Multi-Family or Non-Residential assessment rate as defined by City Resolution No. 16-97, passed and adopted on the 17th day of February, 1997, and as established by City Resolution No. 57-99, passed and adopted on the 21st day of April, 1999, and as established by City Ordinance No. 4280, passed and adopted on the 20th day of August, 2008, as follows:

(a) The Residential Single-Family assessment rate shall be fifteen (15) percent of the total contracted construction costs for their abutting footage. The Residential Single-Family assessment rate shall apply to all properties having only one residential housing unit which is arranged, designed and intended to be occupied as a single housekeeping unit, and all vacant properties located within a residential single-family residential zone;

(b) The Residential Multi-Family assessment rate shall be twenty-five (25) percent of the total contracted construction costs for their abutting footage. The Residential Multi-Family assessment rate shall apply to all properties having a structure or structures which are arranged, designed and intended to be the residence of more than one housekeeping unit independent of other housekeeping units, and properties which are necessary for and appurtenant to the use and occupancy of multi-family residential uses, such as parking lots, clubhouses and recreation facilities, and all vacant properties located within a multi-family residential zone;

(c) The Non-Residential assessment rate shall be fifty (50) percent of the total contracted construction costs for their abutting footage. Except as provided in Section 3(d) below, the Non-Residential assessment rate shall apply to all properties which are used and occupied for any purpose other than single-family or multi-family residential purposes, and all vacant properties located within any zone other than residential;

(d) Properties from which a business or commercial use is conducted ("home occupation") which also serve as a single-family or multi-family residence may be assessed the applicable single-family or multi-family assessment rate if such home occupation conforms with or has been authorized by the Zoning and Development Code of the City;

(e) Pursuant to City Resolution No. 61-90, passed and adopted on 19th day of September, 1990, properties having alley frontage on more than one side shall be assessed the applicable assessment rate for the frontage on the longest side only.

(f) The assessment rates described above shall be applicable as of the date of the final reading of the assessing ordinance.

4. That the assessments to be levied against the District Lands to pay a portion of the costs of the District Improvements shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs against and upon the District Lands becomes final. The failure by any owner(s)

to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay such owner's assessment in ten (10) annual installments, in which event an additional six percent (6%) one-time charge for costs of collection and other incidentals shall be added to the principal amount of such owner's assessment.

Assessments to be paid in installments shall accrue simple interest at the rate of eight percent (6%) per annum on the unpaid balance and shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter until paid in full.

5. That the City Engineer is hereby authorized and directed to prepare full details, plans and specifications for the District Improvements, together with a map of the District depicting the District Lands to be assessed from which the amount of the assessments to be levied against each individual property may be readily ascertained, all as required by Ordinance No. 178, as amended, City of Grand Junction, Colorado.

PASSED and ADOPTED this ____ day of March, 2023.

President of the Council

Attest:



Grand Junction City Council

Workshop Session

Item #7.a.

Meeting Date: March 15, 2023
Presented By: Niki Galehouse, Planning Supervisor
Department: Community Development
Submitted By: Nicole Galehouse, Principal Planner

Information

SUBJECT:

Public Listening Session on Regulations for Cannabis Product Manufacturers

EXECUTIVE SUMMARY:

Referred measures 2A and 2B were passed on April 6, 2021, in the municipal election, providing the Council with an opportunity to consider establishing tax rates and regulations for cannabis businesses. Since that time, City Council and staff have focused on regulation and licensing of retail and co-located retail and medical cannabis businesses. As that process comes closer to licensing 10 stores, the City is now interested in evaluating the regulation of extraction, processing of cannabis.

BACKGROUND OR DETAILED INFORMATION:

Background Information

The City has engaged in the topic of regulating retail cannabis businesses since September of 2020. This effort included an in-depth issue identification exercise with a working group of approximately 20 community and industry members in November and December of 2020. At the City Council's public hearing on January 20, 2021, Council referred measures 2A and 2B to the ballot. Subsequently, the Planning Commission discussed zoning and other land use concerns at a series of five workshops from January 21, 2021 to February 18, 2021.

A staff update to City Council on March 1, 2021, included an overview of research and the outreach processes, as well as a summary of policy tools and a draft timeline for regulatory processes, pending the result of the April 6, 2021 election. Subsequently, the results of the election lifted the moratorium on cannabis businesses and established the City's authority to tax those businesses. City Council approved regulations for retail cannabis businesses, including zoning, licensing, and taxation in April and May 2022. A selection process for retail cannabis licenses is currently underway.

Cannabis Product Manufacturers – These businesses manufacture cannabis products intended for consumption in concentrated form for smoking, or for consumption other than by smoking, such as edible products, ointments, and tinctures and are required to have both a state license and a local license to be a “Product Manufacturer”. These businesses may vary widely in terms of their products and processes and may include hazardous uses which in Grand Junction currently requires a Conditional Use Permit. Medical product manufacturers may transact only with medical cannabis cultivation and sales licenses, and likewise for retail. These businesses may generate jobs for their processing and packaging activities, depending on the type of product manufactured, scale of operation, and the degree of automation. There is no sales or excise tax on manufactured products (excise tax is to be collected on the first sale or transfer of unprocessed retail marijuana by a retail cultivation facility within the City).

Regulation Examples

In evaluating reasonable guidelines for the operation of businesses which extract, process, and infuse cannabis products, the first step was to review approaches taken by other jurisdictions.

Palisade

- “Retail Marijuana Free Zone” – no establishments permitted in this area, which is the core downtown
- Distance requirement (1,000 feet from school or preschool)
- Hours of Operation – shipping and receiving of products and supplies must take place from 4 a.m - 10 p.m.

Mesa County

- Cannot locate in a building with a residential occupancy (all or in-part)
- Distance requirement (1,000 feet from schools serving 6th grade level and up)

Carbondale

- Distance requirements (500 feet for school or daycare; 500 feet for alcohol treatment facility)
- Zone Districts – Commercial/Retail/Wholesale or General Industrial
- Local residency – agent who is a point of contact with primary home in the town

Denver

- No medical or retail marijuana products manufacturer license shall be issued within any zone district where, at the time of application, "food preparation and

sales, commercial," "manufacturing, fabrication and assembly, general," or "manufacturing, fabrication and assembly, heavy" is not permitted

Boulder

- May only locate where “manufacturing ≤ 15,000 square feet” is a permitted use. Use is limited to 15,000 square feet.
- Not allowed in a building with residential units or in residential zones
- Does not allow retail sales in the same building
- Distance requirement (1,000 feet from any public or private elementary, vocational, or secondary school, or a college, university, or a state licensed day care center, or an addiction recovery facility)
- Separation requirement (500 feet from 3 other cannabis businesses)
- No use of pesticides
- Ventilation required
- Required to offset 100 percent of energy consumption through renewable energy
- Cultivation and manufacturing not permitted on the same premises, except for cold-water extraction facilities
- Minimum of one-hour fire wall separation between any other business

Land Use

As a component of licensure, as well as a process pertinent to any business operation in the City, land use and its related impacts (e.g. noise, odor, traffic, etc) is a primary consideration related to cannabis Product Manufacturer businesses. Unlike retail cannabis businesses, cannabis Product Manufacturers are primarily industrial in function. When discussed with Planning Commission at a series of five workshops from January 21, 2021 to February 18, 2021, recommendations for regulating this land use reflect that distinction. Previous workshops led the Planning Commission to recommend such businesses be limited to areas where general manufacturing and food product manufacturing are allowed, depending on the nature of the specific business, to include I-O (Industrial – Office), I-1 (Light Industrial), I-2 (General Industrial), and C-2 (General Commercial) zone districts. Though the current code requires hazardous uses (H Occupancy) per Fire Code to seek a Conditional Use Permit (CUP) to operate in I-O, I-1, and I-2 zone districts, this requirement has been removed in the current draft of the Zoning and Development Code.

After further consideration and research, staff recommends further refinement to the areas in which cannabis Product Manufacturers are allowed. Within the broad Product Manufacturer category, there are two distinct types of operation – those who extract and process raw material and those who produce a cannabis-infused product. The extraction and processing of raw material presents greater risk factors due largely to the use of volatile materials as well as nuisance issues such as odor. Because of the difference in potential risk and impact, staff recommends that Product Manufacturers be split into two uses as follows:

Cannabis product manufacturing facility shall mean a business licensed as a Product Manufacturer to purchase cannabis; manufacture, prepare and package cannabis products; and wholesale cannabis and cannabis products to other licensed cannabis businesses for wholesale.

Cannabis-infused product manufacturer means a business licensed as a Product Manufacturer that utilizes cannabis previously extracted and/or manufactured off-site to infuse into products, prepare and package products intended for wholesale.

The zone districts originally recommended by Planning Commission remain consistent with zone districts contemplated to allow Products Manufacturing Facilities; however, staff recommends that certain areas of the City that have these zone districts are removed from allowing this use due to potential safety and nuisance issues. The general areas proposed to be removed include the Greater Downtown area (Rail District), areas in the vicinity of the Dos Rios and Las Colonias Improvement Districts, and specific areas that are nearby or adjacent to residential development and/or residential land use areas., which are proposed by staff to be excluded as allowable parts of the City for the Cannabis Product Manufacturing Facility uses. This will be accomplished with a zoning overlay; the proposed zoning overlay boundaries are shown in Exhibit A.

This approach would streamline verification of allowable sites for the use.

The Cannabis-Infused Product Manufacturer, as defined above, does not have the same concerns regarding hazardous materials. As such, staff recommends defining a separate Use Category for businesses that exclusively infuse instead of extract. The use is proposed to be allowed in all zone districts previously recommended by the Planning Commission and include the C-1 (Light Commercial), B-1 (Neighborhood Business), B-2 (Downtown Business), M-U (Mixed-Use), and BP (Business Park Mixed Use) zone districts.

Use Category	Principal Use	R R	R E	R 1	R 2	R 4	R 5	R 8	R 1 2	R 1 6	R 2 4	R O	B 1	B 2	C 1	C 2	C S R	M U	B P	I O	I 1	I 2
Manufacturing and Production – firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods	<i>Cannabis products manufacturing facility</i>															<u>A</u> *				<u>A</u> *	<u>A</u> *	<u>A</u> *
	<i>Cannabis-infused product manufacturer</i>													<u>A</u>	<u>A</u>	<u>A</u>		<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>

* Subject to the zone district being located within the adopted zoning overlay.

Operational Requirements

In addition to land use regulations, it is also important that aspects of the operation of cannabis product manufacturers be managed to mitigate potential impacts and ensure quality operators. The following are components of operations frequently regulated in other jurisdictions and/or are recommended by staff:

- Retail sales are not permitted from a cannabis product manufacturer unless the premises is already licensed as a regulated cannabis store. Only the 10 licensees under GJMC Chapter 5.13 may be permitted to co-locate with a cannabis Product Manufacturer.
- Cannabis Product Manufacturer Facilities must be located in standalone buildings. While the risks of many extraction methods can be mitigated through building design and requirements of the fire code in multi-tenant buildings, a standalone building requirement will further reduce risks to nearby businesses and buildings. Additionally, standalone facilities will help reduce the potential nuisance of odors coming from the use that may negatively impact neighboring tenants/owners. This would not apply to Cannabis-Infused Product Manufacturers.
- A Compliance Report detailing all means to be used for extraction, heating, washing, or otherwise changing the form of the marijuana plant, or testing any marijuana, accompanied by a third-party report, prepared by a Certified Industrial Hygienist, certifying that the plan adequately protects the business and adjacent properties and persons and comply with all applicable laws must be provided for each business location.
- Odor management controls, similar to retail cannabis stores, will be required to ensure that compatibility with neighbors is kept high.
- There are several local amendments to the International Fire Code (IFC) that are being contemplated by the Fire Department. These amendments are intended to clarify regulations, including but not limited to how equipment used in extraction and processing of cannabis can be modified and what inspections may be required.
- Subject to annual, and as needed, inspections.

Licensing Process

It is anticipated that the licensing process will be similar to that of liquor licensing. There is no cap proposed for cannabis product manufacturers, so the licensing process and application review would occur on an as needed basis once an application is submitted to the City Clerk's office. A brief outline of the proposed licensing process is as follows:

1. Zoning Verification completed by Community Development
2. Application submitted to State Marijuana Enforcement Division

3. Pre-Application meeting with City Clerk's office: Hand-deliver and review State application and additional local licensing requirements, such as fingerprints, an operation plan, and a compliance report prepared by an industrial hygienist.
4. Application submitted and distributed to City departments for review of local requirements
5. Recommendation, based on review, for licensing (not licensing) provided to Cannabis Licensing Authority
6. Public hearing scheduled with 14-day notice and held with the Cannabis Licensing Authority

FISCAL IMPACT:

This item is for discussion purposes only.

SUGGESTED ACTION:

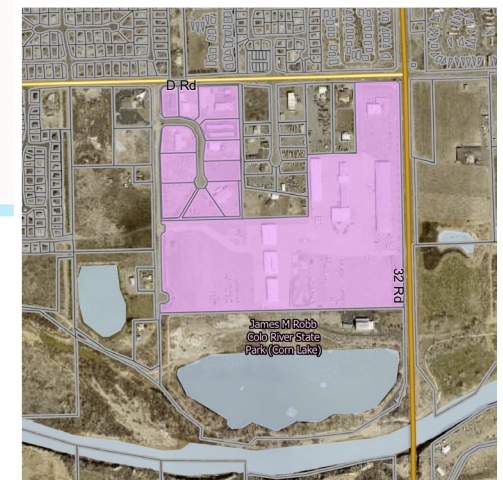
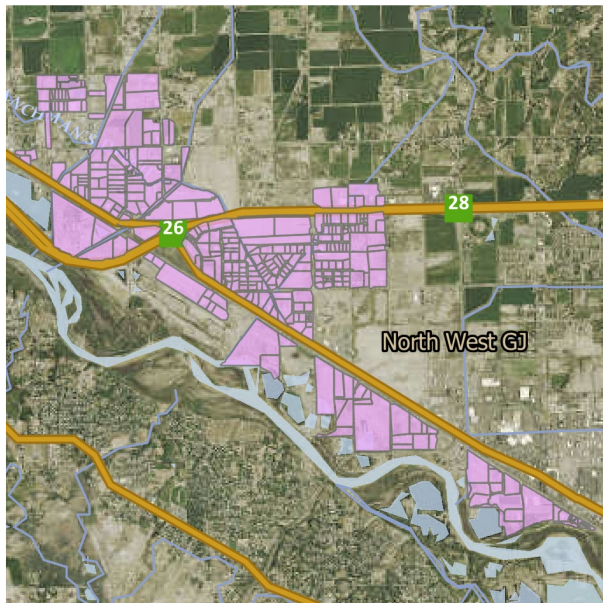
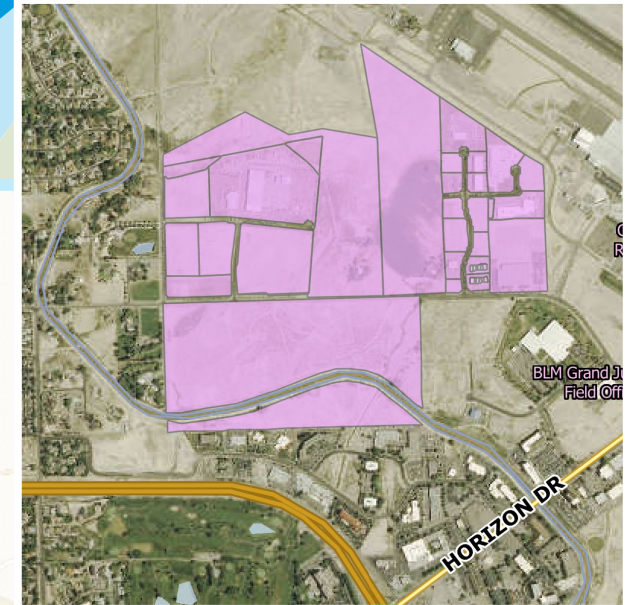
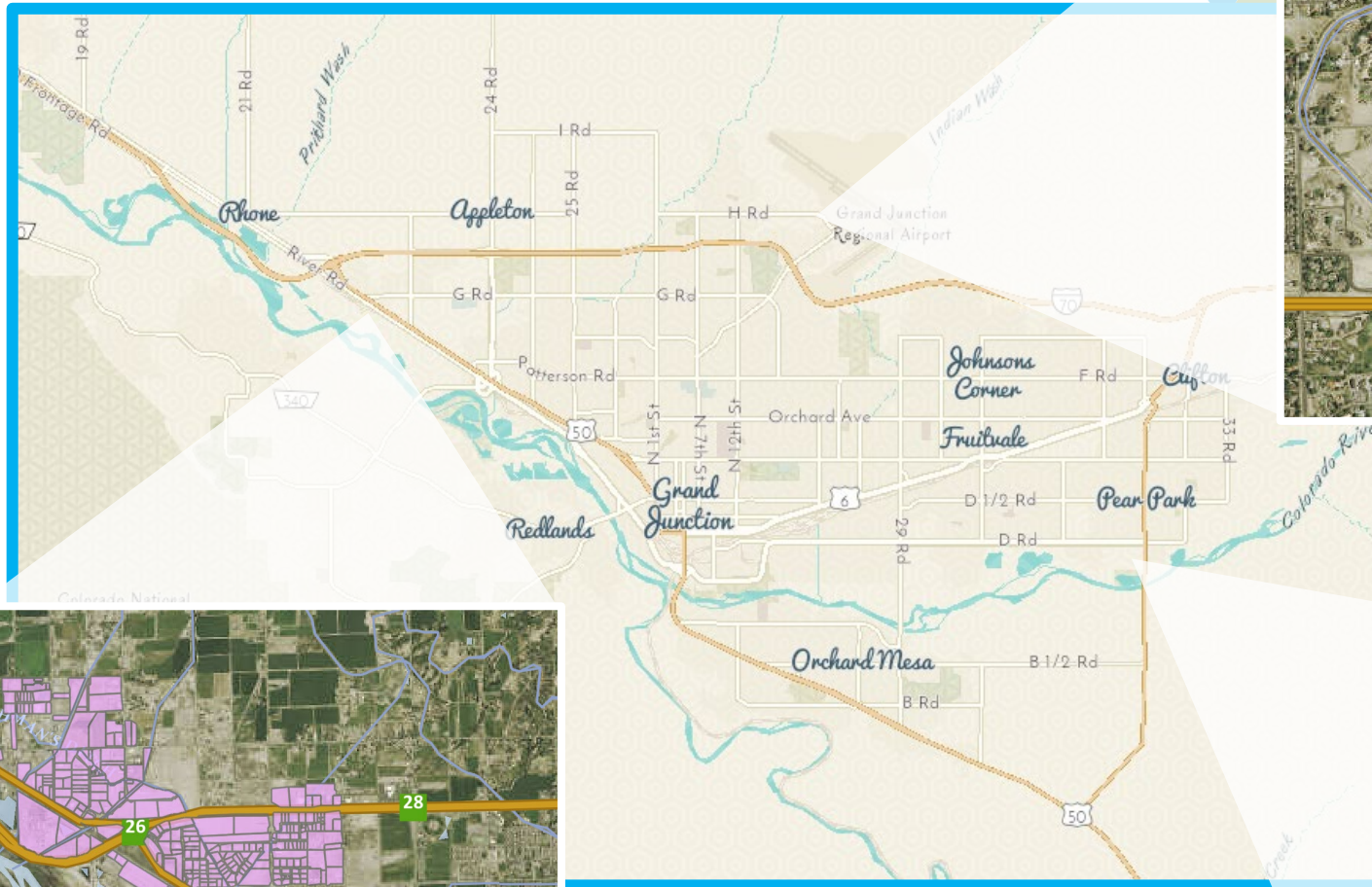
Staff recommends City Council receive public comments with regard to the potential allowance and regulation of cannabis Products Manufacturers in the city.

Attachments

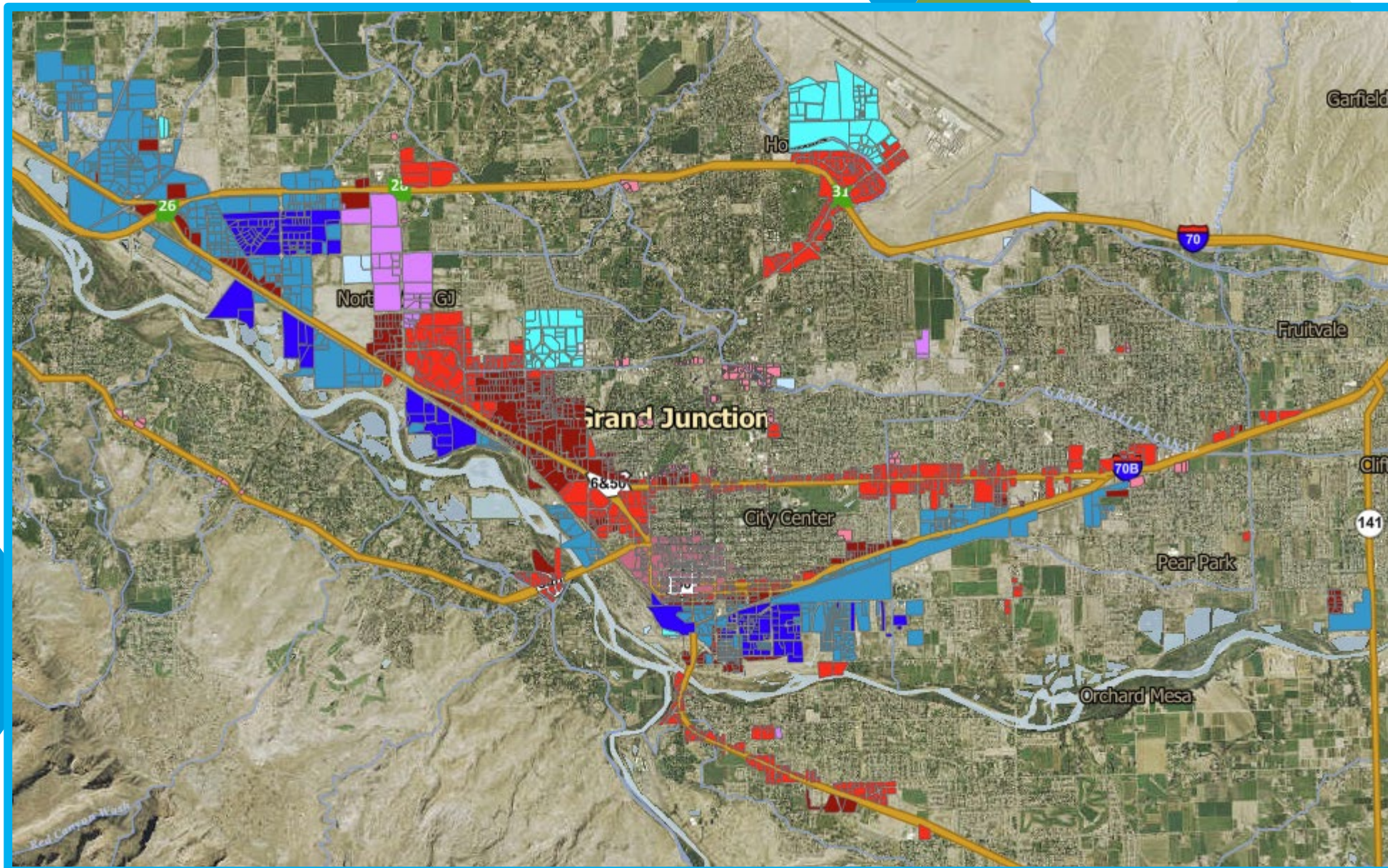
1. Exhibit A - Draft Cannabis Product Manufacturer Maps
2. Draft Zoning Ordinance
3. Zoning Analysis Maps
4. ORD - Amend Ord 5117 To Allow Cannabis Manufacturing Businesses - Draft - 20030308
5. ORD-Cannabis Manufacturing Business Licensing - Draft - 20030308
6. State Application Checklist

Proposed Cannabis Product Manufacturing Facility Overlay

EXHIBIT A



Proposed Cannabis-Infused Product Manufacturer Zone Districts



ORDINANCE NO. _____

**AN ORDINANCE TO AMEND TITLE 21 CHAPTER 4 AND CHAPTER 10 OF THE
GRAND JUNCTION MUNICIPAL CODE REGARDING USE STANDARDS AND FOR
SPECIFIC LOCATION OF CANNABIS PRODUCT MANUFACTURERS, AND
DEFINITIONS FOR SUCH BUSINESSES**

RECITALS:

The City desires to maintain effective regulations in its Zoning and Development Code (Title 21 of the Grand Junction Municipal Code (“GJMC”)); regulations that encourage and require appropriate use of land throughout the City while taking into consideration the needs and desires of the citizens of Grand Junction.

Although Federal law criminalizes the use and possession of marijuana as a Schedule 1 controlled substance under the Controlled Substance Act, on June 7, 2010, former Governor Ritter signed into law House Bill 10-1284 and Senate Bill 10-108 which, among other things, authorized the City to adopt an ordinance to license, regulate or prohibit the cultivation and/or sale of marijuana (C.R.S. 12-43.3-103(2)). The law also allowed a city to vote, either by a majority of the registered electors or a majority of the City Council, to prohibit the operation of medical marijuana centers, optional premises cultivation operations and medical marijuana infused products manufacturers.

At the time of House Bill 10-1284 and Senate Bill 10-108's passing, a moratorium was in effect in the City for the licensing, permitting and operation of marijuana businesses. The moratorium, which was initially declared on November 16, 2009 (through Ordinance 4437), was for a period of twelve months and applied to any person or entity applying to function, do business or hold itself out as a medical marijuana dispensary in the City of Grand Junction, regardless of the person, entity, or zoning. On October 13, 2020, City Council adopted Ordinance 4446 which extended the moratorium to July 1, 2021.

At the April 5, 2011 election, the electorate voted in favor of prohibiting the operation of medical marijuana businesses and the amendment of the GJMC by prohibiting certain uses of marijuana (Measure A).

On November 6, 2012, Colorado Amendment 64 was passed by the voters, amending Article 18 of the Colorado Constitution adding Section 16 which allows retail marijuana stores and made it legal for anyone 21 years or older to buy marijuana at such stores. In addition, Amendment 64 allows anyone 21 years or older to legally possess and consume up to one ounce of marijuana. Amendment 64 does not change the Federal law; it still remains illegal under Federal law to produce and/or distribute marijuana also known as cannabis.

On February 6, 2013, City Council approved Resolution 07-13 adopting marijuana policies for the City and restrictions for persons or entities from applying to function, do

business, or hold itself out as a marijuana facility, business, or operation of any sort in the City limits. Later that same year, City Council adopted Ordinance 4599 which prohibited the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores. Ordinance 4599 also amended Sections in Title 5, Article 15 of the GJMC that prohibit certain uses relating to marijuana.

In late 2015, the City, Mesa County and Colorado Mesa University, by and through the efforts of the Grand Junction Economic Partnership (GJEP), were successful in establishing the *Colorado Jumpstart* business development program. One business which was awarded the first *Jumpstart* incentive planned to develop a laboratory and deploy its advanced analytical processes for genetic research and its ability to mark/trace chemical properties of agricultural products, one of which was cannabis. In October 2016, City Council passed Ordinance 4722 which amended Ordinance 4599 and Section 21.04.010 of the GJMC to allow marijuana testing facilities in the City.

On January 20, 2021, the City Council approved Resolution 09-21, the adoption of which referred a ballot question to the regular municipal election on April 6, 2021 to repeal Referred Measure A contingent on and subject to voter approval of taxation of marijuana businesses. A majority of the votes cast at the election were in favor of repealing the moratorium on marijuana businesses and in favor of taxation of cannabis businesses.

City Council has decided to allow certain regulated cannabis businesses within the City. On April 6, 2022, the City Council approved Ordinance No. 5064, the adoption of which included certain cannabis use licenses and regulations in the GJMC. On May 4, 2022, the City Council adopted Ordinance No. 5070 related to cannabis business licensing land use regulations, including use standards, buffering, and signage requirements.

City staff and community members, including the Cannabis Working Group, have researched, reviewed, and discussed various approaches to manufacturing of cannabis products within the City. Regulations have been established at the state level with the adoption and implementation of the Colorado Marijuana Code in the Colorado Revised Statutes (C.R.S. 44-10-101, *et. seq.*); however, regulation of regulated marijuana uses at the state level alone are inadequate to address the impacts on the City of regulated cannabis, making it appropriate for the City to regulate the impacts of regulated cannabis uses.

The City has a valid interest in regulating zoning and other impacts of cannabis businesses in a manner that is consistent with constitutional and statutory standards. The City Council desires to facilitate the provision of quality regulated cannabis in a safe manner while protecting existing uses within the City. Regulation of the manner of operation and location of regulated cannabis uses is necessary to protect the health, safety and welfare of both the public and the customers. The proposed ordinance is intended to allow manufacturing of cannabis products that will have a minimal impact and where potential negative impacts are minimized.

This proposed ordinance amends the City's Code to permit cannabis product manufacturers in the specific zone districts where like uses are permitted through an overlay that considers buffering from specific land uses including, certain schools and specific rehabilitation facilities, as well as residential districts. This ordinance also includes definitions for cannabis product manufacturers.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed amendments.

After public notice and public hearing, the Grand Junction City Council finds that the amendments to allow cannabis product manufacturers by and through the uses and the Use Table, are responsive to the community's desires and otherwise advance and protect the public health, safety and welfare of the City and its residents.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING SECTIONS OF THE GRAND JUNCTION MUNICIPAL CODE INCLUDING TITLE 21: ZONING AND DEVELOPMENT CODE ARE AMENDED AS FOLLOWS (new text additions underlined and deletions marked with strike-through notations):

21.04.010 Use Table.

Key: A = Allowed, C = Conditional, Blank Cell = Not Permitted

Use Category	Principal Use	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2	M X-	Std.
Manufacturing and Production – firms involved in the processing, fabrication, packaging, or assembly of goods	<u>Cannabis product manufacturing facility</u>															A*				A*	A*	A*		
Retail Sales and Service	<u>Cannabis-infused product manufacturer</u>													A	A	A		A	A	A	A	A	A	

*Subject to the zone district being located within the adopted zoning overlay.

21.04.030 Use-specific standards.

(x) Cannabis Product Manufacturers.

(1) Applicability. These regulations apply to all Cannabis Product Manufacturers in the City in addition to the other provisions in the GJMC pertaining to cannabis businesses, including but not limited to, GJMC Chapters 5.13 and 5.14.

(2) Zoning.

(i) Overlay established.

(A) The purpose of the Cannabis Product Manufacturers Overlay is to provide appropriate locations for extraction and processing of cannabis to occur within City limits while considering proximity to schools, rehabilitation facilities, and residential land uses.

(B) The Cannabis Product Manufacturers Overlay includes properties with General Commercial (C-2) and Industrial (I-O, I-1, and I-2) zone districts as identified on the zone district overlay map.

(ii) Cannabis Product Manufacturers, excluding Cannabis-Infused Product Manufacturers, shall only be located in standalone buildings.

(iii) Retail sales are prohibited from occurring on the premises of a Cannabis Product Manufacturer.

(A) A regulated cannabis store licensee under GJMC Chapter 5.13 may co-located with a Cannabis Product Manufacturer.

21.10.020 Terms defined.

Cannabis product manufacturing facility shall mean a business licensed as a Product Manufacturer to purchase cannabis; manufacture, prepare, and package cannabis products; and wholesale cannabis and cannabis products to other licensed cannabis businesses for wholesale.

Cannabis-infused product manufacturer shall mean a business licensed as a Product Manufacturer that utilizes cannabis previously extracted and/or manufactured off-site to infused into products, prepare, and package products intended for wholesale.

All other provisions of Title 21 Chapter 4 and Chapter 10 shall remain in full force and effect.

Introduced on first reading the _____ day of _____, 2023 and ordered published in pamphlet form.

Adopted on second reading this ____ day of _____ 2023 and ordered published in pamphlet form.

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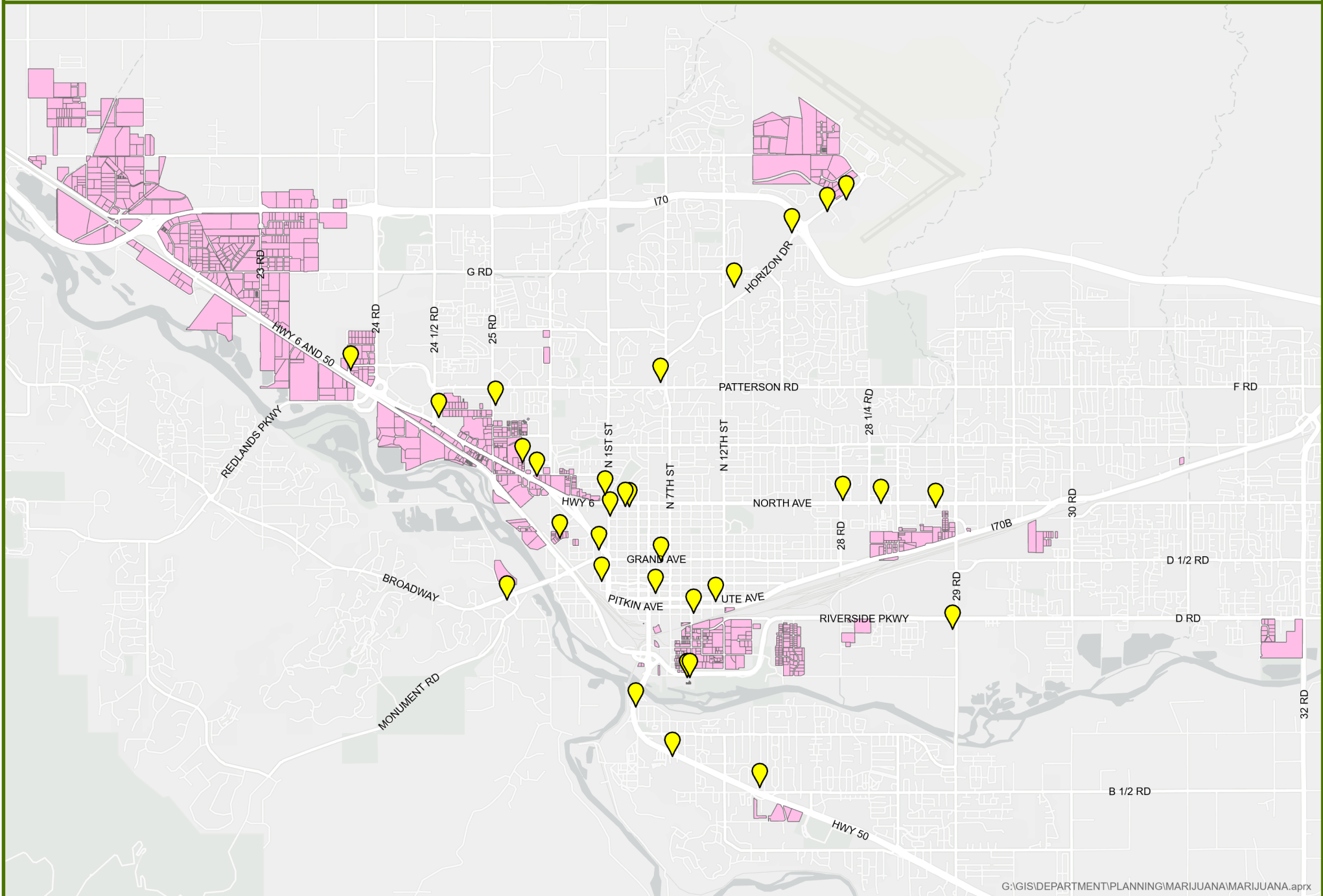
ATTEST:

Anna Stout
President of City Council

Amy Phillips
City Clerk

DRAFT

Applicant Locations - Permitted Zones



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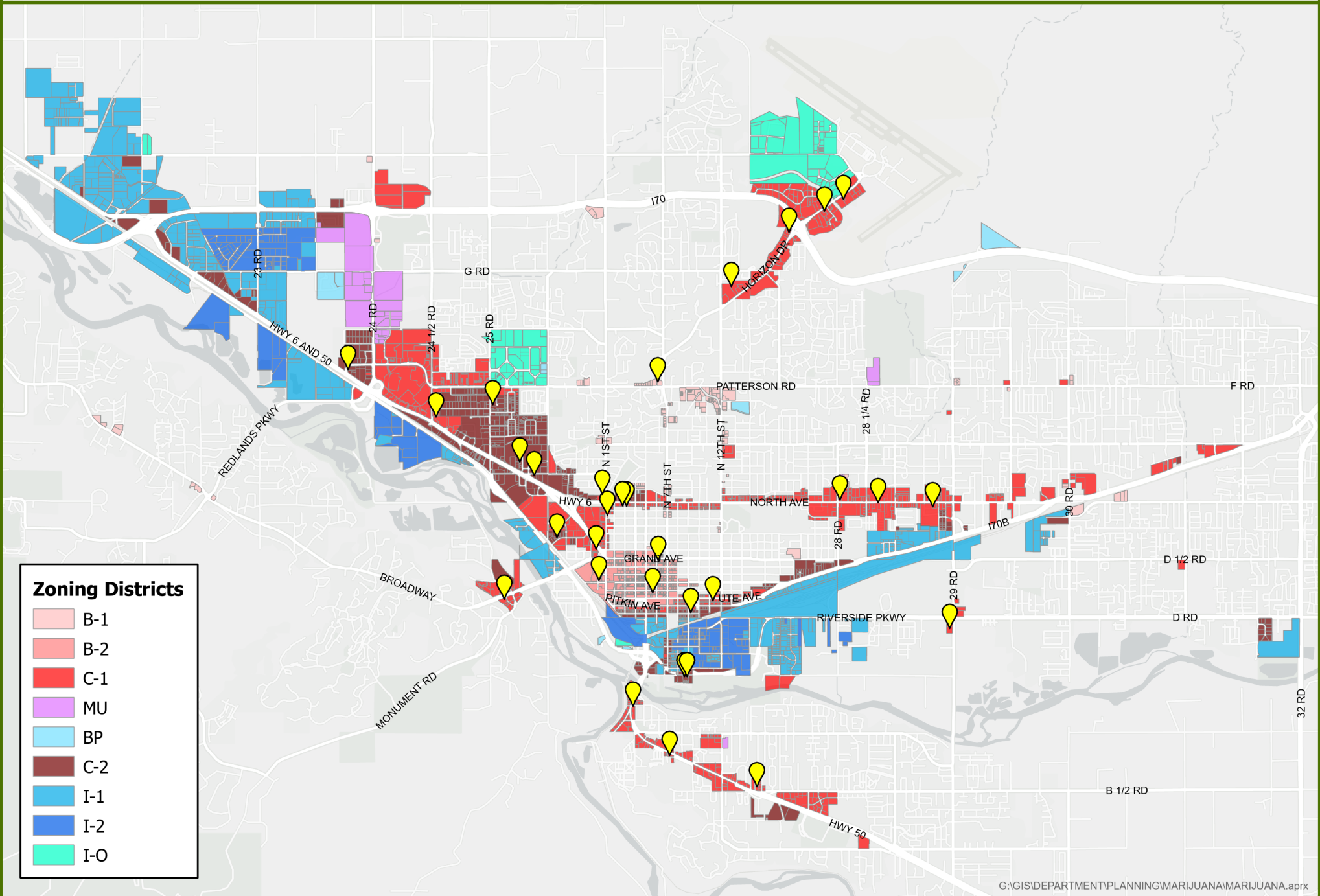


Applicant Locations



Permitted Zones

Applicant Locations - Zoning Districts



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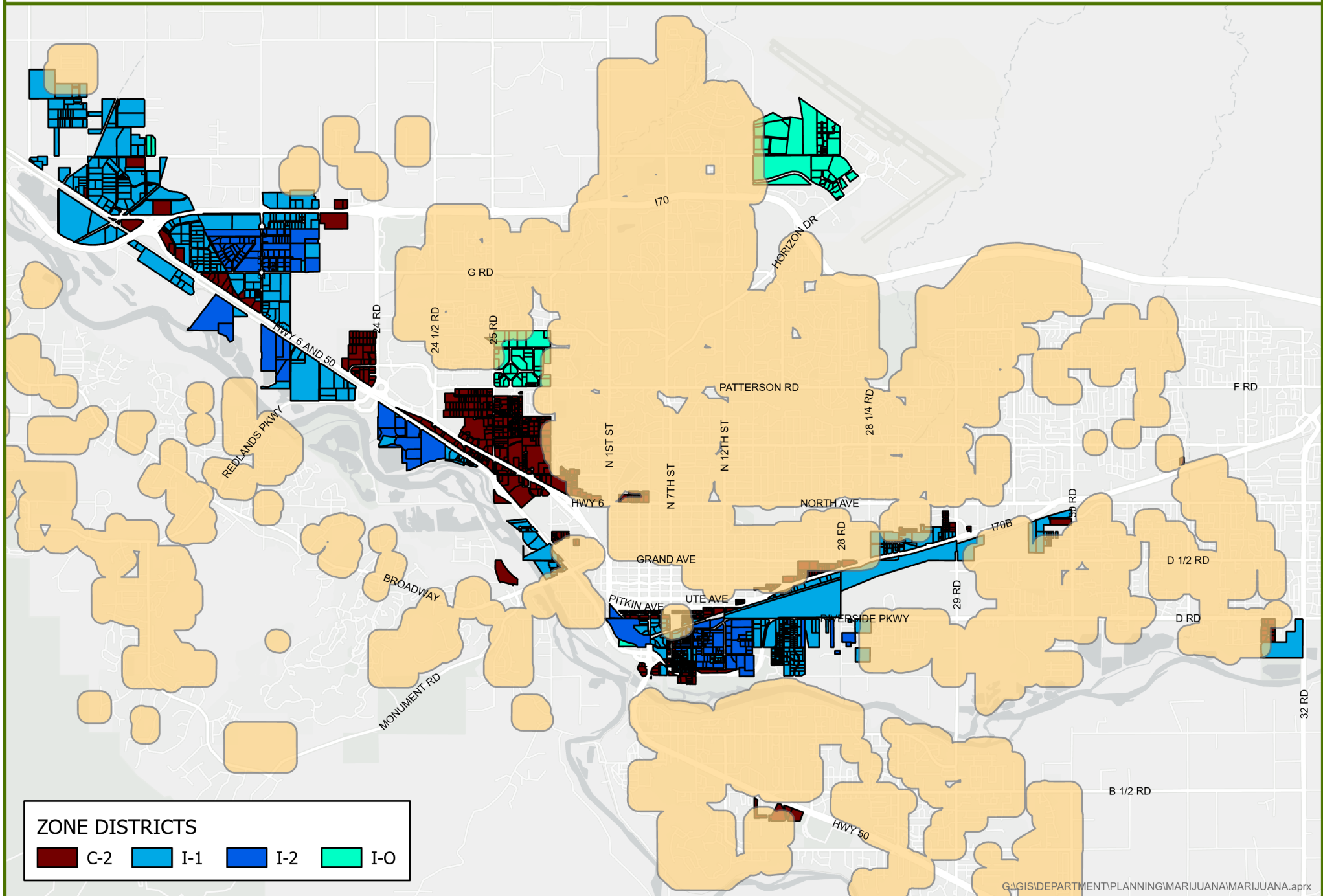


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Applicant Locations

RESIDENTIAL ZONE BUFFER



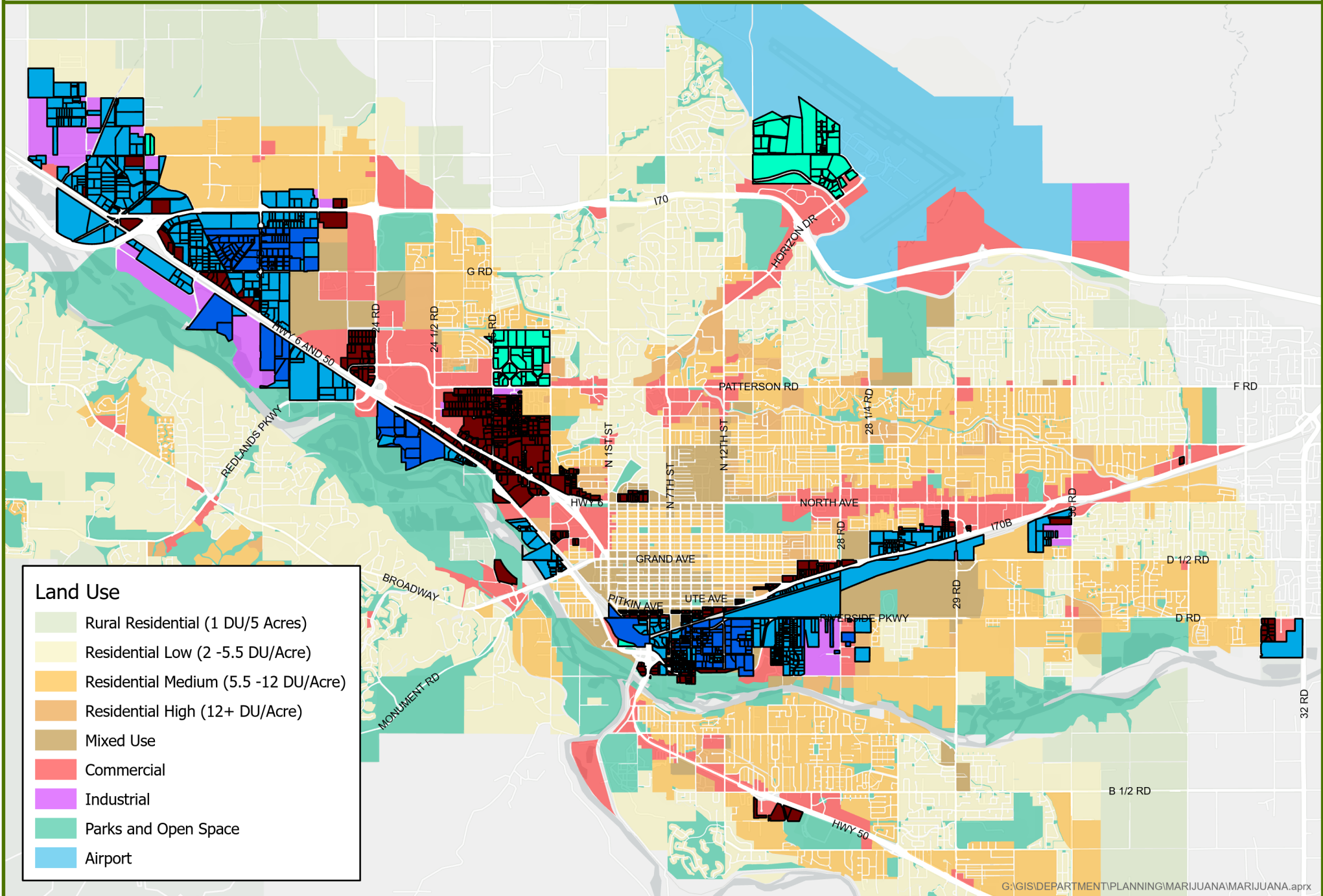
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0 0.5 1 2 Miles

500ft Buffer Residential Zoning

COMP PLAN DESIGNATIONS



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0 0.5 1 2 Miles

C-2

I-1

I-2

I-O

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- 3
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- 8
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- 0
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- 2
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RECITALS:

On November 6, 2012, Amendment 64 was passed by the voters, amending Article 18 of the Colorado Constitution by adding Section 16 which allowed retail marijuana stores and made it legal for anyone 21 years or older to buy cannabis at such stores. In addition, Amendment 64 allowed anyone over 21 years of age to legally possess and consume up to one ounce of marijuana. Amendment 64 did not change the Federal law; it remains illegal under Federal law to produce and/or distribute marijuana.

On February 6, 2013, City Council approved Resolution 07-13 adopting marijuana policies for the City and restrictions for persons or entities from applying to function, do business, or hold itself out as a marijuana facility, business, or operation of any sort in the City limits. Later that same year, City Council adopted Ordinance No. 4599 which prohibited the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores. Ordinance No. 4599 also amended Sections in Title 5, Article 15 of the Grand Junction Municipal Code that prohibited certain uses relating to marijuana.

On January 20, 2021, the City Council approved Resolution 09-21, the adoption of which referred a ballot question to the regular municipal election on April 6, 2021, to repeal Measure A contingent on and subject to voter approval of taxation of marijuana businesses. A majority of the votes cast at the election were in favor of repealing the moratorium on marijuana businesses and in favor of taxation of marijuana businesses.

On April 6, 2022, the City Council approved Ordinance No. 5064 which among other things allowed for certain cannabis businesses, subject to regulations adopted by the City, to operate within the City. Pursuant to Ordinance No. 5064 the City has been reviewing applications for the licensing and operation of regulated cannabis businesses. Because of the adoption of Ordinance No. 5064, Ordinance No. 4599 needs to be amended to allow the location and regulation of certain marijuana businesses in a manner that is consistent with Ordinance No. 5064 and other applicable statutory and constitutional standards.

Packet Page 364

regulated cannabis businesses in the City. Regulated cannabis businesses may include retail and/or co-located retail and medical cannabis businesses.

This ordinance amends Ordinance No. 4599, and its codification GJMC 5.15.010 *et. seq.*, to operate cannabis product manufacturing facilities and cannabis-infused product manufacturing facilities in the City. Cannabis product manufacturing facilities are businesses licensed as a products manufacturer,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Title 5 of the Grand Junction Municipal Code, in relevant part, is amended as follows. Additions are shown in **bold** typeface. Deletions are shown in ~~striketrough~~ typeface. All other provisions of Title 5 of the Grand Junction Municipal Code shall remain in full force and effect.

5.15.010 Marijuana

*Under the authority granted in Article XVIII, Section 16 of the Colorado Constitution (Amendment 64) and the Charter of the City of Grand Junction this ordinance is adopted by the City Council to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, ~~retail marijuana stores~~ and all business and land uses **that are not authorized by Ordinance No. 5064 codified as GJMC 5.13.010 et. seq.** ~~related to marijuana in the City~~ and in furtherance of its stated intent, the City Council makes the following findings.*

5.15.012 Applicability and effective date

This Article shall apply to all property and persons within the City of Grand Junction.

*It shall be unlawful and a violation under this Chapter for a person to establish, operate, cause or permit to be operated, or continue to operate within the City and within any area annexed to the City after the effective date of this ordinance, a marijuana cultivation facility, ~~a marijuana establishment, a marijuana product manufacturing facility, a retail marijuana store~~ and/or to conduct any marijuana cultivation business as either a primary, incidental or occasional activity or any other **similar** operation ~~involving the sale of and/or the offer to sell marijuana~~ and/or the establishment of a land use, home occupation, business or commercial activity concerning marijuana cultivation.*

A regulated cannabis businesses may be established, operate, cause or be permitted to be operated, or continue to operate within the City and within any area annexed to the City so long as the business has fully and faithfully complied with GJMC 5.13.010 et. seq. and all other applicable law.

A regulated cannabis business includes retail and/or co-located retail and medical cannabis businesses.

...

This ordinance is necessary to protect the public health, safety, and welfare of the residents of the City. If any provision of this ordinance is found to be unconstitutional or illegal, such finding shall only invalidate that part or portion found to violate the law. All other provisions shall be deemed severed or severable and shall continue in full force and effect.

INTRODUCED ON FIRST READING AND ORDERED PUBLISHED in pamphlet form this 7th day of December 2022.

PASSED, ADOPTED, and ordered published in pamphlet form this ___ st day of December 2022.

Anna M. Stout

President of the City Council

ATTEST:

Amy Phillips

City Clerk

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 5 ADDING CHAPTER 10 TO THE GRAND
JUNCTION MUNICIPAL CODE CONCERNING CANNABIS PRODUCT
MANUFACTURING FACILITY AND CANNABIS INFUSED-PRODUCT
MANUFACTURER BUSINESS LICENSING AND REGULATIONS.

RECITALS:

With Ordinance No. 5064 (“Ordinance”) the City Council adopted *inter alia* cannabis business licensing regulations. The Ordinance amended the Grand Junction Municipal Code (“GJMC”) to include time, place, and manner restrictions for operating regulated cannabis businesses in the City while protecting the public health and safety through reasonable limitations on business operations. Regulated cannabis businesses include retail and/or co-located retail and medical cannabis businesses.

On December 21, 2022, City Council adopted Ordinance No. 5117 which amended Ordinance 4599 and its codification in the Grand Junction Municipal Code (GJMC) at 5.15.010 *et. seq.*, subject to the provisions of Ordinance No. 5064, allowing regulated cannabis businesses to be operated in the City. Regulated cannabis businesses may include retail and/or co-located retail and medical cannabis businesses.

The Council has broadened its discussion of cannabis businesses/business operations and has considered the allowance for cannabis product manufacturing facilities and the regulation of the same. In general, those businesses manufacture cannabis products intended for consumption in concentrated form for smoking, or for consumption other than by smoking, such as edible products, ointments, and tinctures and are required to have both a state and local license to be a “product manufacturer”.

Medical product manufacturers may transact only with medical cannabis cultivation and sales licenses, and likewise for retail. Those businesses may generate jobs for their processing and packaging activities, depending on the type of product manufactured, scale of operation, and the degree of automation. There is no sales or excise tax on manufactured products (excise tax is to be collected on the first sale or transfer of unprocessed retail marijuana by a retail cultivation facility within the City).

This ordinance proposes amendments to the GJMC to include cannabis product manufacturing facilities and cannabis infused-product manufacturers to be licensed and regulated by the City. The City’s licensing and operational restrictions are generally those provided by the *Colorado Marijuana Code* and the provisions of the various *Colorado Rules and Regulations* promulgated thereunder, as amended, however, with the Ordinance the City does also establish and provide additional restrictions, including but not limited to:

- 40 A) Disallowing retail sales by a cannabis product manufacturer unless the
41 premises is already licensed as a regulated cannabis store; and,
42
43 B) Requiring each cannabis product manufacturing facility and cannabis infused-
44 product manufacturing business to provide no less than an annual compliance
45 report detailing the means and methods used for extraction, heating, washing
46 or otherwise changing the form of the marijuana plant, which report shall be
47 accompanied by a third-party report prepared by a Certified Industrial Hygienist
48 confirming adequate safety requirements are met; and,
49
50 C) Require an annual inspection(s) by law enforcement, building officials and fire
51 department personnel; and,
52
53 D) Require all manufacturing to occur indoors together with the storage and
54 processing of cannabis, cannabis products, cannabis accessories and
55 paraphernalia all of which shall not be visible from the exterior of the building;
56 and,
57
58 E) All manufacturing facilities shall be closed to the public; and,
59
60 F) All persons, including employees, entering, and exiting, manufacturing facilities
61 shall always be documented by the facility manager or owner.

62 Zoning and land use regulations, requirements, standards, or restrictions shall be
63 separately determined by the City Council with amendments to GJMC Title 21 and the
64 *Use Table* therein, together with the adoption and implementation of a zoning overlay to
65 regarding use by right, conditional use or prohibition of cannabis product manufacturing
66 facilities and cannabis infused-product manufacturer businesses in specific zone districts.

67 Amendments to the International Fire Code and/or Building Code shall be separately
68 determined by the City Council. Amendments may be necessary or required to address
69 equipment that may be necessary to control the safety and odor of cannabis product
70 manufacturing businesses.

71 NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
72 GRAND JUNCTION THAT:

73 In accordance with the Recitals and as provided herein, Title 5, Chapter 10 of the Grand
74 Junction Municipal Code is established as follows (deletions, of which there are none,
75 are shown in struck through; additions are shown as underlined):

76 5.10.00 CANNABIS PRODUCT MANUFACTURING

77 5.10.010 Purpose and Legislative Intent; Incorporation of Law by Reference.
78

79 On January 20, 2021, the City Council approved Resolution 09-21, the adoption of which
80 referred a ballot question to the regular municipal election on April 6, 2021, to repeal
81 Referred Measure A contingent on and subject to voter approval of taxation of marijuana
82 businesses. The voters approved the April 2021 ballot measures and by and with such
83 authority, City Council intends to regulate the use, possession, and Distribution of
84 marijuana in a manner that is consistent with Article XVIII, Sections 14 and 16 of the
85 Colorado Constitution and the Colorado Marijuana Code, C.R.S. § 44-10-101, et seq.
86 With the adoption of this Chapter, any provisions of the City's Code that conflicts with this
87 Chapter shall be superseded.

88 Article XVIII, Section 16(5)(g) of the Colorado Constitution authorizes a system of state
89 licensing for businesses engaging in the regulated sale of marijuana, collectively referred
90 to as "regulated marijuana establishments". This provision allows a municipality within its
91 jurisdiction to prohibit licensing of regulated marijuana establishments; regulate the time,
92 place, and manner in which regulated marijuana establishments may operate; and limit
93 the total number of regulated marijuana establishments.

94
95 The authority of localities to prohibit or regulate regulated marijuana establishments within
96 their respective jurisdictions, including the authority to engage in local licensing of
97 marijuana establishments is also provided in various provisions of the Colorado Marijuana
98 Code. The Colorado Marijuana Code, among other things, affords municipalities the
99 option to determine whether to license certain regulated marijuana establishments within
100 their respective jurisdictions. Consistent with its lawful authority this Chapter affirmatively
101 authorizes licensing and regulating cannabis related businesses in the City of Grand
102 Junction and to designate a local licensing authority to issue and process applications
103 submitted for such licenses within the City.

104
105 This Chapter is adopted pursuant to the constitutional and statutory authority referenced
106 above as well as the City's Charter and home rule authority to adopt and enforce
107 ordinances under its police powers all in order to preserve the public health, safety and
108 general welfare. By adopting this Chapter, the City intends to implement provisions of the
109 Colorado Marijuana Code and any rules and regulations thereunder except to the extent
110 that more restrictive or additional regulations may be set forth in herein.

111
112 The purposes of this Chapter are to:

- 113
114 (1) provide time, place, and manner restrictions for operating cannabis product
115 manufacturing facilities and cannabis infused-product manufacturing businesses
116 (Manufacturing Businesses) in the City;
117
118 (2) protect public health and safety through reasonable limitations on Manufacturing
119 Business operations as they relate to air quality, security for the business and its
120 personnel, and other health and safety concerns;
121

- 122 (3) impose fees to defray some of the costs to the City of licensing Manufacturing
123 Businesses;
124
125 (4) adopt a mechanism for monitoring compliance with the provisions of this Chapter;
126
127 (5) create regulations that address the needs of the residents, the Manufacturing
128 Businesses, and the City and to coordinate with laws enacted by the State of
129 Colorado regarding cannabis; and,
130
131 (6) issue cannabis product manufacturing facility and cannabis infused-product
132 manufacturer business licenses only to Applicants that demonstrate the intent and
133 capability to comply with the law.
134

135 This Chapter is to be construed to protect the interests of the public over the interests of
136 the Manufacturing Businesses. Operation of a Manufacturing Business(es) is a revocable
137 privilege and not a right in the City. There is no property right for any person and/or
138 business entity to have a cannabis product manufacturing facility or cannabis infused-
139 product manufacturer business license in the City.
140

141 Nothing in this Chapter is intended to promote or condone the production, distribution, or
142 possession of cannabis in violation of any applicable law.
143

144 5.10.010 Applicability.

145

146 This Chapter, together with all other titles and chapters of the Grand Junction Municipal
147 Code (GJMC), and any resolution(s) and/or administrative regulation(s) of the City shall
148 govern all applications submitted for Manufacturing Business licensing on and after the
149 effective date.
150

151 5.10.020 Applicability of State and other Laws.

152

- 153 (a) Except as otherwise specifically provided herein, this Chapter incorporates and
154 adopts the requirements and procedures set forth in the Colorado Marijuana Code
155 and the provisions of the Colorado Rules and Regulations promulgated
156 thereunder, as amended, and the provisions of GJMC Title 5 Chapter 13 relating
157 to the definition of terms, licensing, sales, hours of sale, records, inspection, and
158 unlawful acts as set out in full therein and herein. In the event of any conflict
159 between the provisions of this Chapter and the provisions of the Colorado
160 Marijuana Code or any other applicable state or local law, the more restrictive
161 provision shall control. Manufacturing Business licensees shall comply with and
162 conduct their business in compliance with all applicable state and local laws, rules
163 and regulations, and the terms and conditions of their license. Noncompliance with
164 any applicable state or local laws, rules or regulations shall be grounds for

suspension, revocation or non-renewal of any license issued hereunder and/or imposition of fine(s), and/or fine(s) in lieu of suspension, and other allowable sanctions.

(b) Compliance with any applicable state law or regulation shall be deemed additional requirements for issuance of any license and conduct of any business under this Chapter, and noncompliance with any applicable law or regulation shall be grounds for suspension, revocation or non-renewal of any license issued hereunder and/or imposition of fines and other allowable sanctions.

(c) If the state prohibits the sale or other distribution of cannabis through a regulated business(es), any license issued hereunder shall be deemed immediately revoked by operation of law.

5.10.011 Definitions.

The definitions set forth in Article XVIII, Subsections 14(2) and 16(2) of the Colorado Constitution, as well as the definitions found in the Colorado Marijuana Code, the Colorado Code of Regulations, the Department of Revenue Regulated Marijuana Enforcement Division Rules, and regulations as amended, and GJMC Title 5 Chapter 13 are adopted herein unless by reference specifically amended hereby.

“Cannabis product manufacturing facility” means a business licensed as a product manufacturer to purchase cannabis; manufacture, prepare and package cannabis products; and wholesale cannabis and cannabis products to other licensed cannabis businesses for wholesale.

“Cannabis-infused product manufacturer” means a business licensed as a product manufacturer that utilizes cannabis previously extracted and/or manufactured off-site to infuse into products, prepare and package products intended wholesale.

A “Manufacturing Business” is a Cannabis product manufacturing facility or a Cannabis-infused product manufacturer.

5.10.012 License Required.

(a) It shall be unlawful for any person to engage in any form of Cannabis product manufacturing facility or Cannabis-infused product manufacturer business in the City without a license to operate issued pursuant to the requirements of this Chapter while concurrently holding a license in good standing from the State and in compliance with any and all applicable laws.

(b) No Manufacturing Business shall operate without obtaining any other license(s) or permit(s) required by any federal, state, or local law, by way of example, retail food business license, or any applicable zoning or building permit.

(c) No two or more Manufacturing Businesses may be treated as one premise unless approved as co-located businesses.

(d) The license(s) required to lawfully conduct business must be always in full force and effect, all applicable fees and taxes must be paid in full, and all conditions of the license application be satisfied in order to lawfully conduct a Manufacturing Business. Every license applies to the person/entity named thereon and the activity(ies) authorized by the license and the location where the sale and/or possession occurs. Failure to maintain a current, valid license shall constitute a violation of this Chapter.

(e) It shall be unlawful for any person to exercise any of the privileges granted by a license other than the person(s) issued the license.

(f) It shall be unlawful for any person(s) granted a license to allow any other person to exercise any privilege granted under the license.

(g) It shall be unlawful for any person to operate any Manufacturing Business in the City without a license issued by the City and the State licensing authorities pursuant to the Colorado Marijuana Code, this Chapter, and other applicable provisions of the GJMC and applicable law.

(h) The issuance of a City license pursuant to this Chapter does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, storage, transportation or possession of cannabis.

(i) All persons who are engaged in or who are attempting to engage in the distribution, and/or sale of regulated cannabis in any form shall do so only in strict compliance with the terms, conditions, limitations, and restrictions in Section 14 and 16 of Article XVIII of the Colorado Constitution, state law, the Colorado Marijuana Rules, the GJMC, and all other laws, rules, and regulations.

5.10.013 Cannabis Licensing Authority.

For the purpose of regulating and controlling the licensing and the sale of regulated Cannabis in the City, the Cannabis Licensing Authority (hereinafter referred to as Authority) as established in GJMC 5.13.015 shall oversee all licensing matters pertaining to Manufacturing Business.

247
248 5.10.014 Application process/requirements.

- 249 (a) Applications. All applications for a Manufacturing Business license authorized
250 by this Chapter shall be submitted to the City Manager upon forms provided by
251 the Authority and shall include supplemental materials as required by this
252 Chapter, the Colorado Marijuana Code, GJMC 5.13 and any rules and
253 regulations adopted pursuant thereto. To the extent any of the foregoing
254 materials have been included with the Applicant's State license application and
255 forwarded to the City by the State, the Authority may rely upon the information
256 forwarded by an Applicant without requiring resubmittal of the same material(s)
257 in conjunction with the City Manufacturing Business license application.
- 258 (b) The Authority may, at the Authority's discretion, require additional information
259 and/or documentation for the consideration of an application for a
260 Manufacturing Business license as the Authority may deem necessary to
261 enforce the requirements of the Colorado Marijuana Code and this Chapter.
- 262 (c) The general procedures and requirements of licenses, as more fully set forth in
263 Chapter 5.04 of the Grand Junction Municipal Code, shall apply to
264 Manufacturing Business. To the extent of conflict between the provisions of this
265 Chapter and Chapter 5.04, the provisions of this Chapter shall control for
266 cannabis product manufacturing and cannabis infused-products manufacturer
267 businesses.
- 268 (d) The City Manager will provide public notice of any open application period.
- 269 (e) Initial Application.
- 270 1. The Applicant for a Manufacturing Business license shall provide a written
271 zoning and buffering verification from City Community Development
272 Department Director that states the location proposed for licensing
273 complies with any and all zoning laws of the City, and any restrictions on
274 location set forth in this Code. If the Director makes a determination that
275 the proposed license location would be in violation of any zoning law or
276 other restriction on location set forth in the GJMC and/or any Administrative
277 Regulation(s) construing the same, then the Director shall, no later than
278 ten (10) working days from the date the Applicant requested the zoning
279 verification, notify the Applicant in writing that the proposed license location
280 cannot be verified to be in compliance. As provided by the GJMC, the
281 applicant may appeal the Directors decision.
- 282 2. The Applicant shall submit to the State Marijuana Enforcement Division an
283 application for a Manufacturing Business.
284

285 3. The Applicant shall schedule a pre-application meeting with the City Clerk's
286 office to hand deliver and review the State's application and any additional
287 local licensing requirements.

288
289 4. The Applicant shall submit the State application, City's application, and any
290 additional forms or documents supporting documentation to the City
291 Clerk's Office.

292
293 5. The application/process requirements of GJMC 5.13.016(e) shall apply to
294 cannabis product manufacturing facility and cannabis infused-products
295 manufacturing businesses.

296
297 (f) Incomplete Application. Upon review of an application, the City Manager shall
298 provide a notice of initial determination to the applicant in writing as to whether
299 the applicant's application is complete and if found to be incomplete that the
300 applicant may supplement its application so long as the application is made
301 complete within the application period.

302 (g) Denial of initial application. The City Manager may deny any application that
303 does not meet the requirements of this Chapter, the Colorado Marijuana Code,
304 or any other applicable state or City law or regulation. In addition to prohibitions
305 on persons as licensees found in the Colorado Marijuana Code, should the
306 applicant fail to affirm any information or representation(s) as required by
307 GJMC 5.13.016, or the City discovers evidence that any affirmation was
308 contrary, false, misleading or incomplete, such shall constitute full and
309 adequate grounds for denial of any application.

310 1. Notice of denial. If, after investigation and discovery, the City Manager
311 determines that the application will be denied, the City Manager shall:

312 a. Provide notice in writing to the applicant that the application is
313 denied and reasons for the denial;

314
315 b. Notify the State in writing of the City Manager's decision to deny
316 the application.

317
318 2. Appeal of denial. An applicant may appeal the City Manager's decision of
319 denial by submitting a written request on a form provided by the City,
320 received by the City Manager within 10 days of the date on the written
321 notice of denial. The appeal request shall include any legal and factual
322 support for the appeal. An appeal hearing will be set before the Hearing
323 Officer for a written appeal. The Hearing Officer shall only review and
324 consider those issues specifically addressed in the written appeal.

326 5.10.015 Classes of licenses authorized.

327 The Authority, in its sole discretion, may issue and grant to the applicant a local license
328 from any of the following classes, and the City hereby authorizes issuance of the
329 licenses of the following classes by the state licensing authority in locations in the City,
330 subject to the provisions of this Chapter:

331 (a) Cannabis product manufacturing facility

332
333 (b) Cannabis infused product manufacturer.

334 5.10.016 Requirements for Issuance of a Manufacturing Business License.

335 The Authority shall not issue a Manufacturing Business license except when each of the
336 following requirements have been met:

337 (a) The City Manager approved the Applicant's initial application; and,

338 (b) The Hearing Officer finds in writing the Application to be complete, and after a
339 public hearing confirms licensure;

340 (d) The Applicant submitted all documents to the Authority that it provided to the State
341 for marijuana business licensure; and,

342 (e) At the time of issuance of a Manufacturing Business license, the Applicant has
343 paid all fees; and,

344 (f) The applicant and the applicant's owner(s) are in compliance with all federal, state,
345 and local laws.

346 5.10.017 Fees.

347 (a) A nonrefundable application fee shall be paid to the State upon application to
348 the State for a cannabis Manufacturing Business license.

349 (b) The Applicant shall pay the required application and license fees to the City at
350 the time of application for a Manufacturing Business license. The license fee
351 may be refunded if an Application is withdrawn by the Applicant or denied by
352 the City Manager or Hearing Officer. The City Manager will refund to the license
353 fee within 30 days of the date of the withdrawal, denial of the application. The
354 application fee is nonrefundable.

355 (c) Renewal, change of location, inspection and all other fees may be imposed as
356 necessary for the administration, regulation and implementation of this Code,
357 and those fees shall be set by City Council resolution.

358 (d) License and application fees shall be set City Council resolution, and as
359 deemed necessary, adjusted to reflect the direct and indirect costs incurred by

the City in connection with the adoption, administration, and enforcement of this Code.

(e) In addition to fees and any other monetary remedy provided by this Code, the City shall have the right to recover all sums due and owing hereunder by any civil remedy available at law.

5.10.018 No vested rights; commencement of operations.

(a) Notwithstanding anything contained in this Chapter, an application initially approved for consideration of licensure and found to be complete by the Hearing Officer, or in the event a license is issued, creates no vested right(s) to the license or the renewal of a license, and no property right in the license or the renewal of a license is created.

5. If a Manufacturing Business license does not commence operations within 12 months of licensure, the license shall be deemed forfeited and the business may not commence operation, unless the Authority has granted an extension pursuant to section §5.13.022(e).

(c) It shall be unlawful for the owner of a building to allow the use of any portion of the building by a Manufacturing Business unless the tenant has a valid Manufacturing Business license or has applied for one and been awarded such license. No cannabis may be located on any premises until a Manufacturing Business license has been issued by the City and the State. If the City has an articulable reason to believe that a Manufacturing Business is being operated unlawfully on any premises, it shall be unlawful for the owner of the premises to refuse to allow the City access to the portion of the premises in which the Manufacturing Business is suspected to be located.

5.10.020 Public Hearing and Notice Requirements.

(a) The public hearing procedure shall apply to any Application that has been first approved by the City Manager for any Manufacturing Business and to any Application for license renewal if the renewal application is referred to the Authority by the City Manager pursuant to GJMC 5.13.035.

(b) Public notice of the application shall be given as follows or as more particularly required by C.R.S. 44-10-303 as applicable.

1. Posting a sign by the applicant on the premises for which an application has been made, not less than 14 days prior to the public hearing, stating the date of the application, the date of the hearing, the name and address of the applicant and such information as may be required to fully apprise the

public of the nature of the application. The City Clerk shall provide the sign to the applicant for posting. If the building in which the cannabis product manufacturing business is to be located is in existence at the time of the application, any sign posted shall be placed to be conspicuous and plainly visible to the public.

2. Publication of notice by the City Manager not less than 14 days prior to the public hearing, in the same manner as the City posts notice of other public hearing matters.

(c) Any decision of the Authority, acting by and through the Hearing Officer, approving or denying an application for a Manufacturing Business license shall be in writing stating the reasons therefor and a copy of such decision shall be mailed by certified mail to the Applicant at the address shown in the application and to the State licensing authority.

5.10.021 Insurance.

(a) All Applicants must provide at time of application a binder for worker's compensation insurance as required by state law and general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit.

(b) Licensee shall always maintain in force and effect worker's compensation insurance as required by state law and general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit.

(c) Insurance shall:

1. Provide primary coverage;

2. Carry limits as provided in this Chapter;

3. Issue from a company licensed to do business in Colorado having an AM Best rating of at least A-VI; and,

4. Be procured and maintained in full force and effect for duration of the license.

(d) Licensee shall be required to maintain insurance under this section and shall annually provide the City a certificate of insurance evidencing the existence of a valid and effective policy. The certificate shall show the following:

1. The limits of each policy, the name of the insurer, the effective date and expiration date of each policy, the policy number, and the names of the additional insureds; and,

2. A statement that licensee shall notify the City of any cancellation or reduction in coverage within seven days of receipt of insurer's notification to that effect. The licensee shall forthwith obtain and submit proof of substitute insurance in the event of expiration or cancellation of coverage within 30 days.

5.10.022 Public health and labeling requirements.

- (a) All cannabis and cannabis products sold or otherwise distributed by a Manufacturing Business licensee shall be labeled in a manner that complies with the requirements of the Colorado Marijuana Code and all applicable rules and regulations promulgated thereunder.
- (b) All cannabis and cannabis products sold or otherwise distributed by a Manufacturing Business licensee shall be accompanied by a warning that advises the purchaser that it contains cannabis and specifies the amount of cannabis in the product, that the cannabis is intended for regulated use solely by the person to whom it is sold, and that any resale or redistribution of the cannabis or cannabis products to a third person is prohibited. In addition, the label shall comply with all applicable requirements of the State of Colorado and any other applicable law.

5.10.023 Operational Standards.

All Manufacturing Businesses shall comply with the applicable state and local laws, rules, and regulations, as now in effect or as may be amended. In addition, a Manufacturing Business licensee shall comply with the operational standards in GJMC 5.13 as well as the following additional requirements. Failure to comply with any State or local law, rule or regulation or any operational standard(s) may be grounds to suspend or revoke any license and impose civil penalties where applicable.

- (a) Retail sales are not permitted from the Manufacturing Business premises unless the premises is already licensed as a regulated cannabis store. Only the ten licenses issued under GJMC Chapter 5.13 may be permitted to co-locate with a Manufacturing Business; and,
- (b) Cannabis product manufacturer facilities must be located in standalone buildings. (Nicole is including this in the ZDC amendment. Do we need to include it here as well?)
- (c) Each Manufacturing Business may not allow retail sales unless the premises is already licensed as a regulated cannabis store; and,
- (d) Each Manufacturing Business shall provide no less than an annual compliance report detailing the means and methods used for extraction, heating, washing or otherwise changing the form of the marijuana plant, which report shall be accompanied by a third-party report prepared by a Certified Industrial Hygienist confirming adequate safety requirements are met; and,

- (e) Each Manufacturing Business is required to have an annual inspection(s) by law enforcement, building officials and fire department personnel; and,
- (f) Each Manufacturing Business is required to conduct all production, manufacturing, and sales indoors and shall not be visible from the exterior of the building. Similarly, all cannabis, cannabis products, cannabis accessories and paraphernalia shall be kept indoors and shall not be visible from the exterior of the building. All cannabis or cannabis products ready for sale shall be in a sealed or locked cabinet or refrigerator except when being accessed for distribution; and
- (g) All Manufacturing Business facilities shall be closed to the public; and,
- (h) All persons, including employees, entering, and exiting, Manufacturing Business facilities shall be documented by the facility manager or owner at all times. Cannabis businesses which manufacture products shall not be open to the public. All visitors must be tracked in an entry log identifying the visitor's name, entry and departure times, and purpose of the visit. Visitors must be always escorted by a manager or owner.
- (i) Compliance Report. A compliance report detailing all means to be used for extraction, heating, washing, or otherwise changing the form of the marijuana plant, or testing of any marijuana, accompanied by a third-party report, prepared by a Certified Industrial Hygienist, certifying that the plan adequately protects the business and adjacent properties and persons and comply with all applicable laws must be provided for each business on a _____ basis.

5.10.024 Inspections.

In addition to the inspection requirements of GJMC 5.13.038, cannabis product manufacturing facility and cannabis infused-product manufacturer businesses must allow inspection of the licensed premises, including any places of storage where marijuana or marijuana products are stored, sold, dispensed, or tested are subject to inspection by the City (including but not limited to the Grand Junction Police Department and Grand Junction Fire Department) and Mesa County Building Department, during all business hours and other times of apparent activity, for the purpose of inspection or investigation. When any part of the licensed premises consists of a locked area, upon demand to the licensee, such area must be available for inspection without delay, and upon request by the City, the licensee shall open the area for inspection.

Introduced on first reading the _____ day of _____, 2023 and ordered published in pamphlet form.

Adopted on second reading this ____ day of _____ 2023 and ordered published in pamphlet form.

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ATTEST:

Anna M. Stout
President of City Council

Amy Phillips
City Clerk

DRAFT

Colorado Marijuana Enforcement Division**Regulated Marijuana Business License Application Instructions****APPLICATION CHECKLIST**☐ **1 Application Fully Completed**

Type or clearly print, in English, an answer to every question. If a question does not apply, indicate with an N/A. If the available space is insufficient, continue on a separate sheet and precede each answer with the appropriate title. An applicant is prohibited from operating a Regulated Marijuana Business prior to obtaining all necessary approvals or licenses from both the State Licensing Authority and the local jurisdiction. **A separate application is required for EACH license type.**

☐ **2 Application Contents**

- ☐ Disclosure Requirements
- ☐ Main Application
- ☐ Authorization Forms
- ☐ Affirmation of Reasonable Care
- ☐ Publicly Traded Company (PTC) Addendum A
- ☐ Qualified Private Fund (QPF) Addendum B
- ☐ Qualified Institutional Investor (QII) Addendum C
- ☐ Research & Development (Medical only) Addendum D

The disclosure requirements and the main application must be completed in full by all applicants. If this is for a PTC, QPF, QII or R&D, the appropriate addendum must also be completed.

☐ **3 All Forms Signed & Attached**

The following accompanying forms must be completed, signed and returned by each individual CBO and a representative for each CBO entity with the application:

- ☐ Affirmation & Consent
- ☐ Tax Check Authorization
- ☐ Investigation Authorization / Authorization to Release Information
- ☐ Applicant's Request to Release Information
- ☐ Affirmation of Reasonable Care

☐ **4 Required Disclosures**

- ☐ **See Application Required Disclosures (page 1 of application)**
- ☐ Upon request by the Division, an Applicant must provide additional information or documents required to process and investigate the application, within seven (7) days of the request.
Please note: This deadline may be extended for a period of time commensurate with the scope of the request.

☐ **5 Application and License Fees**

All applications and documentation submitted must be single-sided and on 8.5x11 inch paper.

See fee table on website: SBG.Colorado.gov/MarijuanaEnforcement

Application fees remitted to the State Licensing Authority and/or the Department of Revenue, are non-refundable.

- ☐ Submit complete original or scanned application packet. All **Retail** businesses must provide one complete copy along with the applicable fee (see fee schedule). **Additional fees may be required by the local jurisdiction.**
- ☐ Checks (in the name of the applicant or applicants attorney's trust account), money orders and major credit cards (subject to service charge), are acceptable forms of payment.
- ☐ Mail-in applications can only be paid by check or money order.

You are responsible for knowing who your Local Licensing Authority is. **NO Transfers/Changes of Ownership applications will be accepted until after the state license is issued.**

☐ **6 Application Submittal**

Applications can be submitted in person or by mail with all attachments and requisite fees:

Marijuana Enforcement Division
1697 Cole Blvd., Suite 200, Lakewood, CO 80401
ATTN: Business Licensing

Note: Incomplete applications will not be processed. Applicants must collect the incomplete application and fees (including those mailed in or delivered via courier), from the Lakewood Office prior to the end of the next business day.

New Business Application Required Disclosures

- ☐ Consolidated Financial Statements (Must provide Balance Sheet, Income Statement & Cash Flow Statement for the previous calendar year), including auditors reports and footnotes, if applicable. (See separate PTC requirements on PTC Addendum)
- ☐ Audited (PTC only) ☐ Not Audited
- ☐ Copy of the Local license application, if required for a Regulated Marijuana Business.
- ☐ Organizational Chart, including the identity and ownership percentage of all CBO's.
- ☐ Certificate of Good Standing from jurisdiction where Entity was formed. (Must be U.S. or country that authorizes the sale of marijuana).
- ☐ Organizational documents including identity and physical address of the registered agent in Colorado.
- Organizational Documents (Indicate which document is being provided)
- ☐ Articles of Incorporation ☐ By-Laws ☐ Shareholder agreement ☐ Operating Agreement for LLC ☐ Partnership Agreement for partnership
- Corporate Governance Documents
- ☐ Required for Publicly Traded Companies ☐ Permitted, but not required for Privately held companies
- ☐ Proof of Possession of Licensed Property (Indicate which document is being provided)
- ☐ Deed ☐ Lease ☐ Sublease ☐ Rental Agreement ☐ Contract
- ☐ Facility Diagrams – Provide a Legible and Accurate diagram for the facility. The diagram must include a plan for the Licensed Premises and a separate plan for the Security/Surveillance, including camera location, number and direction of coverage. If the diagram is larger than 8.5x11 inches, the Applicant must also provide a PDF copy of the diagram.
- ☐ Licensed Premises ☐ Security and Surveillance
- ☐ A copy of any contracts, agreements, royalty agreements, equipment leases, financing agreement, security contract or any other IFIH required to be disclosed by Rule 2-230(A)(3).
- ☐ A copy of any management agreement(s).
- ☐ Provide a list of any sanctions, penalties, assessments or cease and desist orders.

Addendums:

☐ PTC ☐ QPF ☐ QII ☐ R&D

Glossary of Terms:

RMB - Regulated Marijuana Business
 PBO - Passive Beneficial Owner
 QII - Qualified Institutional Investor
 PTC - Publicly Traded Company

CBO - Controlling Beneficial Owner
 IFIH - Indirect Financial Interest Holder
 QPF - Qualified Private Fund
 R&D - Research and Development

Affirmation of complete application

Signature	THIS FORM MUST BE SIGNED IN ACROBAT PRO OR READER	REQUIRED	Printed Name	Date (MM/DD/YY)
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