

**CITY OF GRAND JUNCTION, COLORADO
ORDINANCE NO. 5345**

AN ORDINANCE ENACTING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING AND APPROVAL OF APPLICATIONS FOR DATA CENTERS WITHIN THE CITY OF GRAND JUNCTION; PROVIDING THAT THE MORATORIUM SHALL TERMINATE AT THE EARLIEST OF THE CITY'S ADOPTION OF AMENDMENT(S) TO TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE ADDRESSING DATA CENTERS OR THE EXPIRATION OF THREE HUNDRED SIXTY-FIVE (365) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR FINDINGS, INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS; DIRECTING A CODE STUDY; AND PROVIDING FOR SEVERABILITY

RECITALS:

Data centers and comparable large-load computing facilities are expanding rapidly across the United States and in Colorado. Facilities of this type differ from conventional industrial development in kind and not merely in degree. A single medium or large facility may draw electrical load comparable to that of a small city, may consume substantial quantities of water for evaporative cooling, and may operate continuously with associated mechanical noise, standby generation, and security and site design requirements that have no close analogue among the land uses presently identified in the Grand Junction Municipal Code.

Title 21 of the Grand Junction Municipal Code, the Zoning and Development Code, does not define, identify or regulate a data center as a principal use. Table 21.04-1, the Principal Use Table set forth at GJMC § 21.04.020, does not list a data center in any use category or in any zone district. The nearest analogues in the Code were written for other purposes. "Industrial, light" and "Industrial, heavy," as defined at GJMC § 21.14.020, describe the assembly, fabrication or processing of goods and materials. "Utility facility, major," as defined at the same section, describes a facility providing an important regional utility service such as water, sewer or drainage. A data center is none of these. It assembles and fabricates nothing, and it consumes rather than provides utility service.

In the absence of a defined use, an application proposing a data center would be classified by analogy on a case-by-case basis. Classification by analogy would produce inconsistent review, would place the use in zone districts selected without deliberation by the City Council, and would leave the City without use-specific standards under GJMC § 21.04.030 addressing the impacts that distinguish this use, including electrical demand, water consumption for cooling, wastewater discharge, continuous noise, standby generator testing and emissions, heat rejection, site and building massing, screening, hazardous materials storage, decommissioning, and the fiscal and infrastructure consequences of concentrated demand on the systems serving the City.

The regulatory framework at the state level is unsettled. During the 2026 regular session the Colorado General Assembly considered two measures addressing data centers, House Bill 26-1030 and Senate Bill 26-102, and neither measure was enacted. The General Assembly may take up data center legislation again in the 2027 regular session. The scope of any state framework, and its effect on local land use authority, will not be known until such legislation is considered and acted upon. It is prudent for the City to establish its own regulations with the benefit of that information rather than approve development in advance of it.

Other Colorado local governments have reached the same conclusion and have adopted temporary moratoria while they develop regulations, including the City and County of Broomfield

by Ordinance No. 2313 and the Town of Monument by Ordinance No. 18-2026. A temporary suspension of application acceptance while a code amendment is prepared is an accepted and measured exercise of municipal land use authority.

The City of Grand Junction is a home rule municipality organized under Article XX, Section 6 of the Colorado Constitution and the Charter of the City of Grand Junction. Zoning and land use regulation is a matter of local concern within the City's home rule authority. That authority is confirmed by C.R.S. § 29-20-104(1)(g), which authorizes each local government to regulate the use of land on the basis of the impact of the use on the community or surrounding areas, and by C.R.S. § 29-20-104(1)(f), which authorizes each local government to provide for phased development of services and facilities.

This Ordinance is not an anti-growth law within the meaning of C.R.S. § 29-20-104.2. It does not limit the growth of the population of the City, it does not limit the number of development permits or building permit applications for residential development or for the residential component of any mixed-use development, and it does not decrease permitted residential density or residential uses. It applies solely to a nonresidential use.

On September 9, 2026, the Mesa County Board of Commissioners approved a temporary moratorium on data center development within the County's jurisdiction. Members of the Grand Junction City Council have also expressed an interest in coordinating City and County approaches so that development near the municipal boundary is addressed through consistent or complementary standards.

A temporary moratorium is narrowly tailored, is temporary in nature, is necessary to protect the public health, safety and welfare, and is adopted in good faith for the purpose of completing needed planning and regulatory work. The moratorium will allow the City Manager, by and through the Community Development Department, in conjunction with the City Attorney and such other departments as the City Manager designates, to study the impacts of data centers, to evaluate appropriate zone districts, use classifications, thresholds and use-specific standards, and to present recommended amendments to Title 21 to the City Council. The moratorium is limited in duration and terminates automatically upon the earlier of the City Council's adoption of such amendments or the expiration of 365 days.

This temporary moratorium will further the health, safety and welfare of the people of the City of Grand Junction.

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

- 1. Findings, Intent and Purpose.** The foregoing Recitals are incorporated by reference and serve as the findings of the City Council and state the City Council's intent and purpose for this Ordinance.
- 2. Definitions.** For purposes of this Ordinance only, the following definitions apply. These definitions are adopted for the administration of this Ordinance and do not amend Title 21 of the Grand Junction Municipal Code.
 - (a) "Data center" means a building, a group of buildings, or a portion of a building, together with associated electrical infrastructure, mechanical cooling equipment, and standby or backup electrical generation, that:

- (i) houses information technology equipment used for data processing, data storage, or telecommunications;
 - (ii) has as a primary function the delivery of information technology services, including providing data storage, processing and transport services, supporting the delivery of cloud computing services, providing network connectivity services, supporting artificial intelligence, machine learning or similar computational services, or performing cryptocurrency mining, blockchain validation or comparable computation; and
 - (iii) has a projected, designed or requested electrical load of one (1) megawatt or more, measured as the aggregate load at full build-out of all phases identified in any application, site plan, utility service request, will-serve request or interconnection request, whether or not all phases are proposed for immediate construction.
- (b) Aggregation. Two or more facilities that would each meet subsections (a)(i) and (a)(ii) of this Section, that are located on the same parcel or on contiguous parcels, and that are under common ownership or common control, shall be treated as a single data center and their projected electrical loads shall be aggregated for purposes of subsection (a)(iii).
- (c) Exclusions. "Data center" does not include:
- (i) computer, server or network equipment rooms that are accessory to a lawfully established principal use on the same site and that serve the operations of that principal use;
 - (ii) telecommunications facilities regulated under GJMC § 21.04.030(e)(5);
 - (iii) a "utility facility, basic" as defined at GJMC § 21.14.020; or
 - (iv) any facility that does not meet the electrical load threshold in subsection (a)(iii).
- (d) "Application" means any application, submittal or request for City review, action or approval under Title 21 or any other title of the Grand Junction Municipal Code, including without limitation a pre-application or pre-submittal conference request, a request for an amendment to the Official Zoning Map, a rezoning, an annexation with an associated zoning request, a Planned Development, an outline development plan, a site plan, a site development plan, a conditional use permit, a Special Dimensional Permit, a subdivision or plat, a development permit, an administrative permit, a grading or engineering permit, a building permit, and any amendment to or renewal of any of the foregoing.

3. Imposition of Moratorium. A moratorium is hereby declared and imposed on the acceptance, processing, review, approval and issuance by the City of any Application that proposes a data center as a principal use, as an accessory use, or as any component of a proposed development. During the moratorium period the City Manager and all City departments shall not accept, process, review, act upon, approve or issue any such Application, and shall not conduct pre-application or pre-submittal activities concerning a data center.

- 4. Duration.** The moratorium declared by this Ordinance shall commence on the effective date of this Ordinance, November 23, 2026, and shall continue for a period of three hundred sixty-five (365) days to November 23, 2027 (inclusive), or until the City Council's adoption of amendment(s) to Title 21 of the Grand Junction Municipal Code addressing data centers, or until further action of the City Council ending, modifying or extending this moratorium, whichever occurs first. Such further action shall be taken by ordinance of the City Council.
- 5. Applications On File.** This Ordinance applies prospectively. An Application that was submitted to and accepted by the City as complete before the effective date of this Ordinance shall continue to be processed under the provisions of the Grand Junction Municipal Code in effect at the time the Application was accepted as complete. Nothing in this Section requires the City to approve any Application, and nothing in this Ordinance creates, enlarges or recognizes any vested property right. A vested property right arises only upon approval of a site-specific development plan in accordance with GJMC § 21.02.050(r) and C.R.S. § 24-68-101 et seq.
- 6. Lawfully Existing Uses.** This Ordinance does not apply to a data center lawfully established and in operation within the City as of the effective date of this Ordinance, provided that any Application to expand, enlarge or increase the electrical load of such a facility in a manner that would meet the definition in Section 2 is subject to the moratorium.
- 7. Study and Code Amendments.** During the term of the moratorium the City Manager, by and through the Community Development Department and in conjunction with the City Attorney and such other departments as the City Manager designates, is directed to:
- (a) study the impacts of data centers on the water, wastewater, electrical, transportation and public safety systems serving the City, and on adjacent land uses;
 - (b) evaluate appropriate zone districts, use categories, definitions and load or size thresholds for the use;
 - (c) develop use-specific standards and performance standards, including standards addressing noise, standby generation, water consumption and reuse, heat rejection, screening, lighting, hazardous materials, decommissioning and financial assurance;
 - (d) monitor and evaluate any data center legislation considered by the Colorado General Assembly and advise the City Council of the same; and
 - (e) present recommended amendments to Title 21 of the Grand Junction Municipal Code to the Planning Commission and the City Council.
- 8. Limited Effect.** This moratorium does not suspend the enforcement of any section of the Grand Junction Municipal Code or of any other applicable law. All other provisions of the Grand Junction Municipal Code remain in full force and effect.
- 9. Severability.** If any section, sentence, clause or phrase of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, which can be given effect without the invalid portion.

10. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage and final publication in accordance with Section 136 of the Charter of the City of Grand Junction.

Introduced on first reading the 7th day of October, 2026 and ordered published in pamphlet form.

Adopted on second reading the 21st day of October, 2026 and ordered published in pamphlet form.



President of the City Council

Attest:


City Clerk

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 5345 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 7th of October, 2026, and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the day of the 21st October which Ordinance No. 5345 was read, considered, adopted, and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 27th day of October 2026.



Deputy City Clerk

Published: October 10, 2026
Published: October 24, 2026
Effective: November 23, 2026

