

**THE COUNCIL OF THE CITY OF GRAND JUNCTION
WORKSHOP AGENDA**

**Monday, January 17, 2000, 7:00 p.m.
Two Rivers Convention Center, 159 Main Street**

7:00 MAYOR'S INTRODUCTION AND WELCOME

7:05 COUNCILMEMBER REPORTS AND
COMMENTS

7:15 REVIEW WEDNESDAY COUNCIL AGENDA

PRESENTATIONS

7:20 **BUFFER AREA INVENTORY/COMMUNITY
SEPARATORS:** Keith Fife, of Mesa County
Planning Department, will brief Council on the
Cooperative Planning Area Inventory and
Demonstration Project [AttachW1](#)

7:45 **GRAFFITI REMOVAL PROGRAM:** Ivy
Williams of Code Enforcement and Lynn Benoit
of the Police Department will brief Council on
this new City program and recommend that it
be expanded. [AttachW2](#)

8:05 **EXECUTIVE SESSION TO DISCUSS
PERSONNEL**

9:05 ADJOURN

Attach W-1

In addition to the following materials, there is a booklet in the pocket of your notebook relative to this item.

MEMO

To: Mesa County Board of County Commissioners, Fruita
City Council, Grand Junction City Council, Palisade
Town Board
From: Andy Hill
Date: January 12, 2000
Subject: *Briefing* - Executive Summary on Transfer of
Development Rights or TDRs

Below is a summary of the TDR briefing and how this tool may be used in the Grand Valley, per your request for additional information at the second growth summit in December. I will be submitting the entire report before the next summit. Mesa County and Palisade planning staff reviewed and submitted comments for this summary report. Please feel free to call me with any questions or comments. Thank you.

Executive Summary – Transfer of Development Rights

Property Rights

The analogy of property rights as a “bundle of sticks” has often been used to explain water rights and mineral rights. This concept can be taken further, for example, the water rights on a property represent one stick, the subsurface rights represent another stick, and even the right to develop can represent another stick. If a property owner sells all water rights associated with the land, he/she still owns the land but no longer owns the water, which is recorded on the deed of that property. The right to develop can be severed from the property, and bought, sold, traded, and banked, much like other kinds of property rights. This is how we can purchase and transfer development rights.

TDR Concept

Transfer of Development Rights (TDRs) programs are one way to guide new development toward certain areas and away from other areas through the use of sales of development rights. Although the local municipal or county government must enact regulations to help establish the private market and to set limits on its operation, the government is acting primarily as a facilitator rather than a regulator in encouraging changes in development patterns. The development patterns in the Grand Valley have included a good deal of sprawl, especially into once very rural areas, which the local governments have been trying to change. There are a few ways to change development patterns: change the market,

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regulate development, or provide incentives and mechanisms for people to change development patterns on their own (i.e., make it profitable and/or desirable).

The Grand Valley communities have gone through a great deal of land use, economic development, historic preservation, and recreation planning efforts to keep the valley a unique and desirable place to live, work and recreate. Establishing buffer areas is one way to ensure the urban areas don't grow together, and leave each municipality a chance to maintain their own identity. A proper mix of regulations and incentives will help keep those buffer areas working as intended. TDRs provide a flexible tool for some landowners to keep urban-level development out of the buffer areas, or other areas that the community designates as important to preserve (e.g., farmland, historically significant areas). TDRs, tailored for the valley and combined with other tools, can help achieve these goals.

PDRs and TDRs

Several communities have used *Purchase* of Development Rights (PDR) as a way to buy up development rights in areas where their plans prioritized preservation, which is more affordable than buying the land out-right and better for those landowners who don't want to sell their land. For example, PDRs have been used to preserve prime farmland and agriculture as a business, preserve wetlands and groundwater, create landfill buffers, and conserve open spaces. Transfer of Development Rights uses the same concept, but instead of buying the rights and then doing nothing with them, those rights are allowed to be used by others in areas that can handle extra density. *There are three primary benefits of transferring and selling development rights: (1) it permits preservation of lands where further development is undesirable for a variety of reasons; (2) it does so without loss of new development to the community, (3) and it does so without depriving landowners of a reasonable economic return on their property.*

“Sending” and “Receiving” Areas

TDRs designate sending areas and receiving areas. Sending areas are usually where the community decides, based on research and data, existing zoning would allow too much density. Often these decisions are based on environmental, agricultural, economic, historical or other factors. In order to transfer development rights, there needs to be a place to transfer them from and a place to receive them. The sending areas transfer or *send* the development rights off those parcels to the receiving sites. Once the owner sells all or some of her development rights, the owner puts an easement or deed restriction on the land, so future owners of that parcel are aware of the restriction.

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Authority

Colorado Revised Statutes do not specifically enable the purchase or transfer of development rights; however, many local governments believe there is adequate existing authority for local governments to use these tools. Several communities in Colorado are using them (Routt, Larimer, Summit, Boulder, and Pitkin counties), and several states have used TDRs and PDRs for years, even states without specific enabling authority in their statutes. Other states using TDRs include New York, Pennsylvania, Maryland, Nevada, New Jersey, and California.

Obstacles to Using TDRs in the Grand Valley

There may be a few obstacles to work through if the Grand Valley communities choose to use TDRs as one tool to help implement their plans and buffer areas. The following include typical obstacles communities may face:

- If a developer can get the desired zoning anywhere, without having to buy development rights, no one will use the program
- Opposition from citizens, usually as a result of poor information or misunderstandings
- Skepticism on the part of elected and appointed officials, business leaders, development community, and others, whose support is needed for the program
- Lack of strong support and momentum (e.g., leadership, strong implementation plan, funding) to get the program started and keep it running

Local Advantages to Using TDRs in the Grand Valley

Fortunately, we can tailor a TDR program specific to the Grand Valley, to make it fit the circumstances and needs of the communities. The following factors help give the valley an edge in creating an effective TDR system:

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- ☐ A great deal of planning work has already been done, including:
significant citizen involvement in designating goals and priorities
(e.g., plan updates, land inventory study, buffer areas, IGAs)
- ☐ Resources: staff planners, local land conservancy, strong
network of community and interest groups, a development
community that knows the area well, a Technical Resource
Advisory Committee, etc.
- ☐ Sole reliance wouldn't be on the TDR program to achieve goals,
since other tools are already being used or explored to preserve
rural areas, prime agricultural land, buffer areas, and so on.

An effective TDR system could be used in the Grand Valley to help preserve rural character, agricultural viability, wildlife habitat, environmentally vulnerable and significant lands, historic and archaeological resources, the individual character of each municipality, or a combination of these resources. The system costs can be low; however, the degree of acceptance in the community plays a significant role in the total start up cost. One challenge is creating a program that will work for each community. Since much work has been done between the county and municipalities up to this point, this objective certainly seems attainable.

Attach W-2

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

Date Prepared: January 11, 2000

Author: Ivy Williams and Lyn Benoit

Title: Code Enf. Supervisor and Operations Lieutenant

Presenter Name: same **Title:** same

 Workshop

 Formal Agenda

Meeting Date: January 17, 2000

Subject: Graffiti Abatement Program Update

Summary: A progress report of the pilot program for graffiti removal in the downtown Beat-6 business district as requested.

Background Information:

The approved project area included businesses in the Police Department Beat-6 area with boundaries of Belford Avenue on the north, South Avenue on the south, 12th Street on the east and the railroad tracks on the west. The program, which offers abatement of graffiti by a contractor paid by the city, was implemented June 07, 1999 with Westwind Painting being awarded the bid for graffiti abatement. Police Department handled all investigations and related follow-up. Code Enforcement handled administration of the contract for removal including verification of satisfactory performance.

Education methods used

- Television coverage of program (Police and Code Enforcement participated in the interview)
- Announcement in DDA/DTA newsletter
- Brochures printed for distribution among business owners (supply to DDA) Code Enforcement and P.D. handed out brochures. (See [Attachment 1](#))

Statistics

- | | 1999 | 1998 |
|---|------------|------------|
| • Beat-6 downtown graffiti incidents reported to P.D. | <u>34</u> | <u>23</u> |
| • Total citywide Graffiti incidents reported to P.D. | <u>123</u> | <u>124</u> |
- Property information forwarded to Code Enforcement requesting removal of graffiti 20. Graffiti was successfully abated on 15 properties; two properties had multiple requests to total 20. **(See Attachment 2 for removal locations map)** Note: the 1998 statistics are for incident comparisons, the abatement program was not started until June 1999.

The cases in the Beat-6 area that did not participate in the graffiti abatement program involved public entities as victims, the victim declined participation in the program or the property owner could not be located. It is unknown if the new program generated an increase in cases reported in the downtown area or if there was an actual increase in graffiti incidents. There was not an initial clean up of existing graffiti and the program was in operation for a short period of six months.

The program was well accepted by the downtown businesses according to information received by the Beat 6 Officers. It is agreed by P.D. and Code Enforcement that the initial indicators would show that the program is a success. Given the short term of the program, an accurate assessment of funding needs and effectiveness is difficult.

Attachment 1

Graffiti Removal and Abatement Program

The City of Grand Junction has implemented a pilot graffiti removal and abatement program for business owners in downtown Grand Junction. This program is intended to encourage property owners to remove graffiti quickly, which discourages repeat vandalism.

Reporting

- Call the City of Grand Junction police dispatch center at 242-6707 to report graffiti
- Call 9-1-1 if the vandalism is in progress
- Downtown business properties are eligible to participate in the pilot graffiti removal and abatement program

Removal

If you are interested in having abatement or removal of graffiti on your property by the City:

- If your property is in the pilot area, ask the Officer for a waiver to sign
- The signed waiver will be sent to the Code Enforcement Division
- Costs of removal or abatement will be covered by the city
- No restoration of property will be provided

Guidelines

Graffiti will be abated using a closely matching paint color or removed using power wash and/or sandblasting equipment. **This program does not include restoration to the building.** The property owner or authorized agent must sign a waiver to allow abatement.

For more information on the Graffiti Abatement and Removal Program, please call The Code Enforcement Division at 244-1593 or The City of Grand Junction City DIAL at 244-1500 ext. 569.

Thank you for your continuous efforts in keeping Grand Junction a beautiful community.

