

**GRAND JUNCTION CITY COUNCIL  
WORKSHOP AGENDA**

**MONDAY, SEPTEMBER 18, 2000, 7:00 P.M.  
CITY AUDITORIUM, 250 N. 5<sup>TH</sup> STREET**

**\*\*\*PLEASE NOTE LOCATION\*\*\***

- 7:00 MAYOR'S INTRODUCTION AND WELCOME**
- 7:05 COUNCILMEMBER REPORTS AND COMMENTS**
- 7:15 REVIEW WEDNESDAY COUNCIL AGENDA**

**WRITTEN REPORTS**

FACILITIES MASTER PLAN

[Attach W-1](#)

**PRESENTATIONS**

- 7:30 GROUP LIVING FACILITIES ORDINANCE:** Stephanie Rubenstein will present proposed changes to the zoning and Development Code concerning group living facilities.

[Attach W-2](#)

- 7:55 EXECUTIVE SESSION:** To discuss property negotiations and contract negotiations.
- 8:50 ADJOURN**

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

**MEMORANDUM**

**To:** City Council  
**From:** Tim Moore  
**Date:** September 23, 2000

**RE: Facilities Master Plan**

**Purpose:**

This memo outlines staff's progress to date on the development of the scope of work and the consultant selection process for a Facilities Master Plan that will include the Fire Dept., Public Works & Utilities Dept., Police Dept. and the Parks Dept.

**Summary:**

The development of a Facility Master Plan was included in the 2000-2001 budget process. We are currently seeking proposals from qualified firms for the preparation of a long range, strategic Facilities Plan encompassing at least the next twenty (20) years. This plan will be utilized by the City of Grand Junction as a decision making tool in evaluating the relative merits of various courses of action related to (but not limited to):

1. Analysis and projection of future facility requirements.
2. Logical and timely replacement or renovation of current City facilities.
3. Optimizing customer service and operational efficiency.

A complete Request for Qualifications/Proposals is attached for your review.

**Background Information:**

Grand Junction provides a full range of municipal services from various locations and facilities. The Facility Plan is to aid in long term planning for facility related capital improvements. Development of the plan will include a review of present facilities, an analysis of present and future needs and recommendations and estimates of associated costs for meeting those needs. The facilities to be included in the plan are the City Operations Center, Police Building, Parks and Recreation Office, Lincoln Park Auditorium, Lincoln Park Operations Facility and Fire Stations. The study shall determine the feasibility and cost-to-benefit of establishing satellite facilities and/or relocating present facilities. By way of example, the City's street services department operates from one location. The study shall analyze the savings and efficiencies, if any, the City could realize by operating from both the existing facility and a satellite facility." Our street sweeping operations are a good example of where the City could become more efficient by reducing travel time & fuel costs.

A committee has been formed to develop a scope of work for this project. The committee includes Rick Beaty w/Fire Dept., Don Hobbs w/Parks Dept., Robert Knight Police w/Police Dept., Chuck Leyden w/Public Works Fleet & Facilities Dept., and Ronald Watkins w/Purchasing. A Request for Qualifications (RFQ) / Request for Proposals (RFP) has been completed by Purchasing. The RFQ/RRP was mailed August 17, 2000 to prospective proposers and advertised per legal requirements on Wednesday August 23, 2000 and Sunday August 27, 2000.

Calendar of events:

	<u>RFQ/RFP Available</u>	<u>August 16, 2000</u>
	<u>Submittal deadline for RFQ/RFP</u>	<u>September 6, 2000</u>
	Short list of qualified firms available	September 15, 2000
28, 2000	Oral presentations	September
2000	Tentative City Council Approval	October 4,

**Project Completion Date:** The target date for the completion of the planning study and all deliverable reports and data is currently **May 1, 2001**. Completion in the spring of 2001 will allow the City to utilize the findings in the preparation of the next two year budget (2002-2003).

***REQUEST FOR QUALIFICATIONS/PROPOSAL  
# 49P-00-RW***

***LONG RANGE STRATEGIC FACILITIES PLAN***

***RESPONSES DUE: September 6, 2000  
CLOSE OF BUSINESS - 4:30 PM***

**Purchasing Representative:**

**Ron Watkins CPPO  
Purchasing manager  
Phone (970) 244-1534  
FAX (970) 244-1427**

**Facilities Representative:**

**Chuck Leyden  
Fleet and Facility Manager  
Phone (970) 244-1569**

**August 16, 2000**

This solicitation has been developed specifically for soliciting request for qualifications/proposals for FACILITIES MASTER PLAN and may not be the same as previous solicitations. All proposers are urged to thoroughly review this request prior to submittal of your documentation of qualifications. Submittal by FAX IS NOT ACCEPTABLE for this request.

**RFQ/RFP # 49P-00-RW**

**1. ADMINISTRATIVE INFORMATION**

**1.1. Issuing Office:** This Request for qualifications/proposals (hereinafter referred to a RFQ/RFP) is being issued for the City of Grand Junction Public Works Department, Parks Department, Police Department, and Fire Department by the City Purchasing Division.

1.2. **Intent:** It is the intent of this RFQ/RFP is to provide interested engineering and architectural firms with sufficient information to enable them to prepare and submit statements of qualifications for a **long range, strategic facilities plan** on behalf of the City. Based on a rating of the qualification responses by the evaluation team a "**short list**" of the most qualified advertising firms will be developed. The top firms may then be invited to make an oral presentation before the evaluation committee. Pricing proposals and other specific submittals will only be requested of the short-listed firms and will be part of the final negotiation process.

1.3. **Scope:** This RFQ/RFP contains the instructions governing the qualification statements to be submitted and the required submittals. Special and mandatory requirements as shown in this document are within the applicable sections:

1. Administrative Information
2. Scope and Project Information
3. Submittal Requirements
4. Selection Process and Criteria

1.4. **Inquiries:** Inquiries regarding clarification of submittal requirements shall be directed to:

**Ron Watkins CPPO  
Purchasing Manager  
2549 River Road  
Grand Junction, CO 81505-7209  
Phone (970) 244-1534  
FAX (970) 244-1427**

Inquiries regarding Facilities Master Plan requirements shall be directed to:

**Chuck Leyden  
Fleet and Facilities Manager  
2549 River Road  
Grand Junction, CO 81506  
Phone (970) 244-1569  
FAX (970) 244-1427**

**RFQ/RFP # 49P-00-RW  
Administrative Information**

1.5. **Tentative calendar of events:**

RFQ/RFP Available	August 16, 2000	
Submittal deadline for RFQs		September 6, 2000
Short list of qualified firms available	September 15, 2000	
Oral presentations		September 28, 2000
Tentative City Council Approval		October 4, 2000

**1.6. Statement of Qualifications Responses Due: Responses with all required submittals shall be received NO LATER than close of business (4:30 PM) September 6, 2000 at:**

City of Grand Junction  
Purchasing Division  
2549 River Road  
Grand Junction, CO 81505-7209

**The original and seven (7) copies of the qualification submittals shall be delivered in a sealed package with the following information clearly delineated on the outside of the package:**

Firms Name  
RFQ/RFP No. 49P-00-RW  
Facilities Master Plan Services  
Due date: September 6, 2000

**1.7. Late Responses: Responses received after the time and date specified, whether delivered or mailed, will not be considered and will be returned to the proposer unopened. It is the sole responsibility of each respondent to ensure that their submittals arrive at the City Purchasing Division prior to the time and date specified.**

**1.8. Rejection of Submittals: The City reserves the right to accept or reject any or all submittals received in response to this solicitation. The City further reserves the right to waive any informalities and/or minor irregularities in submittals received, if deemed to be in the best interest of the City.**

**1.9. Proprietary Information: All submittals in response to this request become public record and become subject to public inspection. Any confidential information contained in your submittals must be clearly identified as such or it will not be treated as confidential or proprietary by the city and then only to the**

RFQ/RFP # 49P-00-RW

Administrative Information

**extent allowable by law in the Open Records Act. Unrestricted disclosure of proprietary or confidential information by the proposer places it in the public domain. Proprietary or confidential information is defined by the city to be any information that is not generally known to competitors and which may provide a competitive advantage. SUBMITTALS IN THEIR ENTIRETY CAN NOT BE SPECIFIED CONFIDENTIAL OR PROPRIETARY.**

**1.10. Submittal Ownership: All materials submitted with regard to this solicitation become the property of the city and will only be returned at the city's option. The City shall have the right to use all ideas or adaptations of the ideas contained in proposals received, subject to the confidential or proprietary limitations contained herein. Disqualification of any document does not restrict or eliminate this right.**

- 1.11. Expenses: Expenses incurred by prospective proposers in preparation, submission, and presentation of this RFQ/RFP are the responsibility of the offeror and can not be charged to the City.
- 1.12. Assignment: The selected engineering/architectural firm shall not sell, assign, transfer or convey any contract resulting from this RFQ/RFP in whole or in part without prior written approval from the city. Any claims for payment due to the provider from the city under this contract may not be assigned to a bank, trust company, or other financial institution or bankruptcy trustee without the prior written approval by the city.
- 1.13. Insurance Requirements: The successful proposer will be required to provide, at their own expense, without cost to the city the following minimum insurance:

Commercial General Liability Insurance policy with minimum combined single limits of (\$1,000,000 per occurrence and \$1,000,000 general aggregate) for bodily injury and property damage, which coverage shall include products/completed operations, independent contractors, and contractual liability each at \$1,000,000 per occurrence. Coverage must be written on an occurrence form.

Comprehensive Automobile Liability Insurance which includes coverage of all owned, non-owned and rented vehicles with a minimum of \$1,000,000 combined single limit for each occurrence.

Worker Compensation and Employers Liability Insurance shall cover the obligations of the contractor in accordance with the provisions of the Workers Compensation Act, as amended, by the State of Colorado.

RFQ/RFP # 49P-00-RW

## 2. SCOPE OF SERVICES

- 2.1. Background: Grand Junction provides a full range of municipal services from various locations and facilities. The *facility plan* is to aid in long term planning for facility related capital improvements. This plan will be utilized by the City as a decision making tool in evaluating the relative merits of various courses of action related to, but not limited to:

- 2.1.1. Analysis and projection of future facility requirements
- 2.1.2. Logical and timely replacement or renovation of current City facilities
- 2.1.3. Optimizing customer service and operational efficiency

The long-range strategic plan should encompass the next twenty (20) years as a minimum time frame to be analyzed and a plan prepared. Proposers shall specify the deliverables they will provide the City when the planning study is completed and the information compiled.

- 2.2. Objective: The general scope of services to be obtained as a result of this RFQ/RFP includes professional services to provide the tasks as outlined below. The specific tasks outlined will be the basis for negotiating the scope of work in a resulting contractual document. Changes may be suggested in the proposed scope of work based on the contractor's previous experience in performing similar tasks on projects of a similar nature in size and scope. As a minimum, the firm will be required to perform the tasks identified below:

- 2.2.1. The firm shall survey the Parks Department, Police Department, Fire Department and Public Works and Utilities Department to determine their staffing and operational projections and develop facility requirements to meet their needs during the next 20 years.**
- 2.2.2. The firm shall conduct an investigation of the City Police facility to determine the following:**
- **Suitability for current use**
  - **Suitability for expansion**
  - **Probable remaining life**
  - **Extent of rehabilitation/repairs/expansion that would be required to continue use for 20 years**
- 2.2.3. The firm shall conduct an investigation of the City Operations Center, 2553 River Road to determine the following:**
- **Probable remaining life of facilities**

RFQ/RFP # 49P-00-RW

Scope of Services (cont.)

- **Suitability and adequacy of facilities for current and future (20 years) use**
  - **Extent of rehabilitation/repairs/expansion/new construction that would be required to continue use for 20 years**
- 2.2.4. The firm shall conduct an investigation of the City Fire Department facilities to determine the following:**
- **Adequacy of facilities for current and future (20 years) use**
  - **Suitability and adequacy of facilities for current and future (20 years) use**
  - **Extent of rehabilitation/repairs/expansion/new construction that will be required to continue use for 20 years**
- 2.2.5. The firm shall conduct an investigation of the City Parks and Recreation office, Lincoln Park Auditorium and Lincoln Park Operations Facility to determine the following:**
- **Probable remaining life of facilities**
  - **Suitability and adequacy of facilities for current and future (20 years) use**
  - **Extent of rehabilitation/repairs/expansion/new construction that would be required to continue use for 20 years**



- 2.2.6. The firm shall review the advisability of establishing satellite facilities and/or relocation of present facilities and incorporate the findings in facility replacement recommendations.**
- 2.2.7. The final report with the appropriate deliverables to substantiate the findings and recommendations of the long-term plan.**
- 2.3. Non-appropriation of Funds: The contractual obligation of the City of Grand Junction under this contract is contingent upon the availability of appropriated funds from this fiscal year budget as approved by the City Council for this fiscal year only. State of Colorado Statutes prohibit obligation of public funds beyond the fiscal year for which the budget was approved. Anticipated expenditures/obligations beyond the end of the current City of Grand Junction fiscal year budget shall be subject to budget approval. Any contract will be subject to and must contain a governmental non-appropriation of funds clause.**
- 2.4. Project Completion Date: The target date for the completion of the planning study and all deliverable reports and data is currently May 1, 2001. Prospective firms shall provide a project time line that indicates critical dates.**

### **3. STATEMENT OF QUALIFICATIONS REQUIRED INFORMATION AND SUBMITTALS**

**3.1. Cover Letter: A cover letter shall be provided which succinctly explains the firm's interest in this project. The letter shall contain the name/address/phone number of the person who will serve as the firm's principal contact person and shall identify individual(s) who will be authorized to act in behalf of the firm. The statement shall bear the signature of the person having proper authority to make a formal commitment acting as the legal agent of the firm.**

**3.2. General Engineer/Architectural Firm Information:**

- 3.2.1. Provide a concise description of your firm including the professional services typically provided. Include a comprehensive explanation of the firm's overall capabilities, experience and approach to performing the services under the contract**
- 3.2.2. Provide a reference list consisting of at least three projects similar in size and scope to the City of Grand Junction project. Provide a brief description of each project to include the budget, activities, and any unique requirements to providing the professional services. The name and telephone number of your project reference.**
- 3.2.3. Include resume information concerning the key individuals with principal responsibility for providing the professional services as a result of this solicitation. Names, titles, experience, job descriptions, professional training, professional licenses, functional role, professional certifications and/or associations of individuals, shall be included.**
- 3.2.4. Demonstrate your in-house capabilities to provide the services that are outlined.**
- 3.2.5. Additional information that will demonstrate the firm's qualifications and ability relative to successfully performing the activities under a contract as a result of this solicitation.**
- 3.2.6. If your agency is one of the short-listed finalists you shall be required to provide proof of insurance coverage. Complete and notarize the "Insurance requirement Affidavit" enclosed.**

- 3.2.7. Oral Presentations: Only respondents who demonstrate the required qualifications and experience for this project will be considered for participation in the oral presentations.**

**4. FINALISTS - PROPOSAL REQUIRED INFORMATION/SUBMITTALS**

RFQ/RFP # 49P-00-RW

Required Information/Submittals (cont.)

4.1. General Firm Information:

**4.1.1. In addition to your initial submittals, if your agency is one of the finalist short-listed firms you may be invited for an oral presentation to the evaluation team.**

**4.1.2. You will be required to provide at that time a complete list of standard fees and payment schedule requirements. Any additional consultant fees must also be included. All fees will be considered by the City to be negotiable based on the final scope of services and deliverables after completion of the study.**

**5. EVALUATION CRITERIA/PROCESS**

**5.1. Evaluation: An evaluation team shall review all responses and select those providers that best meet qualifications and experience criteria. Based on the evaluation criteria, the team will select respondents who clearly demonstrate the capability in all aspects to perform the scope of services as well as the integrity and reliability that will ensure good faith performance/best value for the City. Agencies selected for oral presentations will be chosen on the basis of their apparent ability to best meet the overall expectations of the City. Only firms selected for oral interviews will be required to provide fee proposals.**

**5.2. Criteria: Evaluation of responses to this solicitation will be done in accordance with the criteria defined below:**

- **Qualifications of firm/team members**
- **Past relevant experience and demonstrated technical competence**
- **Previous long term planning studies in scope and size to this project**
- **Responsiveness to RFP**
- **Demonstration of the understanding of the contract/objectives**
- **Negotiated fee structure**

**The criteria shown for evaluation are not listed in any particular order of importance or priority.**

**5.3. Oral Presentation/Interview: Only respondents who meet the qualification criteria will be requested to participate in the oral presentation/interview process. It is the intent of the City to invite a minimum of 3 of the most responsive and responsible firms to submit fee proposals and participate in the oral presentations. Oral presentations will not exceed 30 minutes in length. Immediately following the presentation the City will allow 15 minutes for questions from the evaluation team.**

- 5.4. Evaluation: The evaluation team shall review all of the written responses submitted and select the top firms out of those submitted based on the criteria included in this solicitation. After the oral presentations, finalists will be ranked in order of preference based on the written responses plus the oral presentations. The City evaluation team will then attempt to contract with the top ranked firm.**
  
- 5.5. Should the City not be able to agree on the details of the contract with the top rated firm through good-faith negotiations, they will proceed to the next highest ranked firm and enter into negotiations.**
  
- 5.6. Approval: After contract negotiations have concluded and a corresponding detailed contract is developed, the firm selected will be submitted to the City Council for final contract approval.**

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

<b>CITY COUNCIL</b>			
<b>Subject:</b>	<b>Group Living Facilities</b>		
<b>Meeting Date:</b>	<b>September 18, 2000</b>		
<b>Date Prepared:</b>	<b>September 12, 2000</b>		
<b>Author:</b>	<b>Stephanie Rubinstein</b>	<b>Staff City Attorney</b>	
<b>Presenter Name:</b>	<b>John Shaver/ Stephanie Rubinstein</b>	<b>Assistant/Staff City Attorney</b>	
<b>xx</b>	<b>Workshop</b>		<b>Formal Agenda</b>

**Subject:** Group Living Facilities

**Summary:** The major changes to section 4.Q of the Zoning and Development Code are:

1. The definition of “small group living facility” was changed from any group living facility with less than eight residents to a group living facility with 4 to 8 residents.
2. Definitions of “facility” and “use” were added.
3. The definition of a “homeless shelter” was changed from a facility which provides temporary accommodations for one or more days to a facility which provides accommodations for more than six months of a single year to any person.
4. A provision was added to provide that a group living facility in a commercial zone is not subject to provisions of this section which are specific to incompatibility with residential neighborhoods.
5. A provision was added to provide that an existing group living facility which is not compliant with all provisions of this section, can have the opportunity to show the Director how the facility will be made compliant in the future.
6. A provision was added to allow, if the Director approves such change, that a facility which is rezoned to a zone which renders the group living facility use in the new zone noncompliant, to continue to exist in the new zone.
7. The provision requiring all group living facilities be at least 1000 feet from every other group living facility was changed to 750 feet.
8. The current Code does not allow any administrative activities to occur on the property which are not directly related to the facility. This provision has been changed to allow administrative activities which are “sponsored, conducted or related” to the facility.
9. A definition of “adverse impact” has been added.
10. The current Code does not allow on-going medical or psychiatric treatment for persons who do not currently reside in the group living facility. This section has

been changed to allow up to 12 persons (which is the number of persons allowed in an Adult Day Care Facility in residential zones) who do not reside at the facility to use the facility's services.

11. The distance for which notice is required for a neighborhood meeting for a new group living facility is changed from one-half mile to 1000 feet.
12. The Review Board which was established by the current Code has been changed to provide that the current Adult and Juvenile Community Correction Boards review facilities which house persons who are sentenced to that facility.
13. A sunset provision has been added. There are two possibilities included.

**Background Information:** On April 22, 2000, the City of Grand Junction Zoning and Development Code became effective. Section 4.Q refers to Group Living Facilities. Several groups who manage and own group living facilities, as well as members of the Community Corrections Board, contacted the City and requested that the City revisit this issue, and they felt there were several issues which were not addressed or considered in the Code. These groups met with City staff a total of six times to discuss these concerns. The attached amended ordinance is the result.

**Budget:** None

**Action Requested/Recommendation:** Approval of Ordinance on First Reading

<b>Citizen Presentation:</b>	<input type="checkbox"/>	<b>No</b>	<input checked="" type="checkbox"/>	<b>Yes</b>	<b>If Yes,</b>
<b>Name:</b>					
<b>Purpose:</b>					

<b>Report results back to Council:</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When:</b>	
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<b>Placement on Agenda:</b>	<input type="checkbox"/>	<b>Consent</b>	<input type="checkbox"/>	<b>Indiv. Consideration</b>	<input checked="" type="checkbox"/>	<b>Workshop</b>
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Additions are shaded.

Deletions are underlined.

## Q. Group Living Facility.

1. Group Living Facility (“facility” or “group living facility”).
  - a. A Group Living Facility is a residential facility or use as defined by this Code that functions as a single housekeeping unit and is shared by comprised of unrelated persons who require assistance and supervision receiving public or private supervision, care or treatment. Registration and compliance with other terms and conditions, as defined and described by this Code are required. A separate City license is not required.
    - (1) An **unlimited group living facility** is a group living facility shared by or the residence of 12 or more unrelated persons per structure, exclusive of staff.
    - (2) A **large group living facility** is a group living facility shared by or the residence of more than eight (8) but fewer than twelve (12) unrelated persons per structure, exclusive of staff.
    - (3) A **small group living facility** is a group living facility shared by or the residence of more than four (4) but fewer than eight (8) or fewer unrelated persons per structure, exclusive of staff.
  - b. For the purpose of this section only, the following definitions shall apply:
    - (1) **Facility.** A single facility is a lot, parcel or tract of land, together with the structures located thereon.
    - (2) **Use.** The purpose, mission or activity for which land or buildings are designed, arranged or buildings are occupied or maintained.
    - (3) **Structure/Building** shall be defined in Chapter 9.
    - (4) **Related** means a person’s: child, stepchild, foster child that is being adopted by a foster family, or other descendant, spouse, aunt, uncle, niece, nephew, parent, grandparent, great grandparent, stepparent, or foster parent. (See, Chapter 9, Group Living Facility, Family and Household)
  - c. Group living facilities as defined by this Code may or may not be licensed by the State. A facility, which is licensed by the state, regardless of category or size is a group living facility and is required to register with the City.
  - d. A use which does not fit within the definition of a group living facility, is not allowed within a residential district. It is a violation of this Code for unrelated persons to reside together in a structure if a use or service the same as or similar to those described below occurs therein unless permitted by the City as a group living facility.
2. Accessory uses authorized with a group living facility are indoor and on-site recreational facilities and parking of vehicles for occupants and staff. The Director may approve other accessory uses that will have substantially the same impacts; if disapproved

the Director or the applicant otherwise he may refer such matters to the Planning Commission.

3. Examples of programs, services, and uses that are appropriate as group living facilities, if properly permitted, are listed below. See Table 3.5 Use/Zone Matrix. If the Director determines that a program, service or use is not appropriate or compatible with the neighborhood, even if it is described below, he may refer the question to the Planning Commission.
  - a. "Adult Day Treatment Facility" is a facility for the daytime care of adults who require nursing or physician assistance and/or supervision during the day by licensed caregivers and staff, where the resident resides at the facility.
  - b. "Adult Foster Home" or "Family Foster Home" or "Personal Care Boarding Home" is a residence for the care of adults who are unable to live alone in safety.
  - c. "Alternate Care Facility" is defined in C.R.S. § 26-4-603 (3).
  - d. "Assisted Living Facility" is a: a) structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or b) a supervised living environment that provides support, training or assistance with individual activities of daily living.
  - e. "Community Residential Home" is defined in C.R.S. § 27-10.5-102 (4).
  - f. "Family Care Home" is defined in C.R.S. § 26-6-102(4).
  - g. "Group Home for Persons with Mental Illness" is defined in C.R.S. § 30-28-115(2)(b.5).
  - h. "Group Home for the Developmentally Disabled" is defined in C.R.S. § 30-28-115(2)(a).
  - i. "Halfway Home" or "Halfway House" is a facility licensed by the State in which residents are provided supervision, counseling, training, or treatment of residents to facilitate their transition from a correctional institution to independent living.
  - j. "Homeless Shelter" is a structure or portion thereof in which sleeping accommodations are provided for one or more days for the temporarily homeless. A homeless shelter that provides accommodations for more than six months in one year for any one person shall comply with the group living facility regulations of this Code and any and all other applicable regulations. A shelter which provides accommodations for less than six months shall be considered "lodging" and shall be zoned as such.
  - k. "Institutions providing life care" as "life care" is defined in C.R.S. § 12-13-101(5).
  - l. "Non-profit group home for the developmentally disabled" is defined in C.R.S. § 30-28-115(2)(b)(I)(A).
  - m. "Nursing Facility" is defined in C.R.S. § 26-4-103(11).
  - n. "Nursing Home" is a health care facility, other than a hospital, constructed, licensed and operated to provide patient living accommodations, twenty-four (24) hour staff availability and at least two (2) of the following patient services: a) a selection of

patient services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological or other professional therapies to intermittent health-related or paraprofessional personal care services; b) a structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or c) a supervised living environment that provides support, training or assistance with individual activities of daily living.

- o. "Owner Operated Group Home" is defined in C.R.S. § 30-28-115 (2)(b)(I)(B).
- p. "Personal Care Boarding Home" is defined in C.R.S. § 25-27-102(8).
- q. "Resident Health Care Facility" means a facility licensed by the State which provides protected living arrangements for four (4) or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided by another category of licensed health facility. The resident health care facility shall be considered the resident's principle place of residence.
- r. "Residential Child Care Facility" is defined in C.R.S. § 26-6-102(8).
- s. "Residential Substance Abuse Treatment Home" means a residential facility licensed by the State which provides twenty-four (24) hour staff supervision and may include a peer support structure to help applicants acquire and strengthen the social and behavioral skills necessary to live independently in the community. A residential substance abuse treatment home provides supervision, counseling and therapy through a temporary living arrangement and provides specialized treatment, habilitation, or rehabilitation services for persons with alcohol, narcotic drug or chemical dependencies.
- t. "Secure Residential Treatment Center" is defined in C.R.S. § 26-6-102(9).
- u. "Staff Secure Facility" is defined in C.R.S. § 19-1-103 (101.5).
- v. "Transitional Treatment Home" means a residential facility which provides twenty-four (24) hour staff supervision and a peer support structure to help residents acquire and strengthen the social and behavioral skills necessary to live independently in the community. Such programs provide specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, behavioral dysfunction's or impairments. A transitional treatment home shall not include any persons referred by the State Department of Corrections.
- w. "Transitional Victim Home" means a residential facility licensed by the State. A transitional victim home which provides twenty-



four (24) hour care and peer support to help victims of abuse or crime. A transitional victim home arranges for or provides the necessities of life and protective services to individuals or families who are experiencing a temporary dislocation or emergency which prevents them from providing these services for themselves or for their families. Treatment is not a necessary component of residential support services; however, care must be made available on request may be provided.

4. Unlimited Group Living Facility may be established, subject to a Conditional Use Permit in RMF-12, RMF-16, RMF-24, RO, B-1, B-2, C-1, C-2.

A Small Group Living Facility may be established in the RSF-R, RSF-E, RSF-1, RSF-2, RSF-4, RMF-5, RMF-8, RMF-12, RMF-16, RMF-24, RO (residential office) and B-1 districts, if licensed by the State for each program and service offered. A Small Group Living Facility is subject to a Conditional Use Permit in a B-2, C-1, C-2 and CRS districts.

(A) A Large Group Living Facility is subject to a Conditional Use Permit in the RMF-5, RMF-8, RMF-12, RMF-16, RMF-24, RO, B-1, B-2, C-1 and C-2 districts, if licensed by the State for each program and service offered.

(B) A Group Living Facility located in a commercial zone district (C-1 or C-2) is not subject to the following requirements: compatibility with architecture, use of the facility by other groups, use of the facility by non-residents, and/or any other requirements which are specific to incompatibility with residential neighborhoods.

(C) No person shall own, operate or manage any group living facility unless the Director has issued a registration permit to such owner or operator the facility (ies) is/are registered with the City. Registration shall expire on the anniversary date twelve (12) months after issuance.

a. Transitional Victim Homes are subject to registration but the address of such group living facilities shall not be required to be disclosed.

b. A group living facility that is not registered may be abated, prosecuted or otherwise subject to enforcement action under this Code.

Each group living facility lawfully existing when this Code becomes effective on or after January 1, 2001 shall:

a. Register within ninety (90) days on or before one year after the effective date of this section;

b. Be allowed to continue for five years subject to annual registration but shall not be allowed to continue beyond five years unless it meets all the provisions of this Code. During said five-year period, if any program, service or use does not comply with the provisions of this Code, the owner/operator, at the time of application, shall propose proposes to the satisfaction of the Director when and how each such program, service, improvement or use shall be made to comply with the provisions of this Code. If the Director does not approve such proposal within

- forty-five (45) twenty (20) business days, he may require quicker compliance, different compliance or he may refer the matter to the Planning Commission for its decision;
- c. If the only violation or non-compliance is that any lawfully existing group living facility does not meet the distance separation standards provided below, or the area is rezoned from a prior zone rendering the group living facility use in the new zone noncompliant, the owner of such facility shall assert such. If the Director agrees and issues a permit so finding, such facility shall not be considered to be in violation of this section.
  - d. An application for a new group living facility which is submitted after the effective date of this section shall be considered a new group living facility and shall be subject to all requirements of this section.

The Director shall approve the annual registration if the applicant, when registering or renewing a registration, provides proof that:

- a. The group living facility has a valid Colorado license, if any is required;
- b. The group living facility is at least one thousand (1,000) seven hundred and fifty (750) feet from every other group living facility (See 12c.);
- c. The group living facility has complied with the applicable City, state and other building, fire, health and safety codes as well as all applicable requirements of the zone district in which the group living facility is to be located;
- d. The architectural design of the group living facility is substantially consistent with the character of the neighborhood residential in character and generally consistent with the RO zone district;
- e. No administrative activities of any private or public organization, other than those directly related to the specific group living facility Only administrative activities of the private or public organization sponsored, conducted or related to group living facilities shall be conducted at the facility;
- f. The group living facility complies with the parking requirements of this Code; and
- g. The maximum number of residents allowed is not exceeded.
- h. All residents are living in the facility as their primary residence.

A facility shall only be located or operated on a lot or parcel that contains:

- a. At least five hundred (500) square feet for each person residing in the group living facility, and;
- b. Shall give mailed notice to, and meet with, at a location convenient to The Director determines that public facilities and the neighborhood will not be adversely affected by the number

of residents proposed and/or any uses offered or by the aggregate number of group living facilities in the Neighborhood.

(D) A facility is considered to have an adverse affect on a neighborhood if one or more of the following standards are shown:

- a. Public and private services such as streets, sewers, water and or utility systems are burdened by the group living facility, to the extent that usage exceeds that normally associated with such a use or in the particular neighborhood;
- b. The group living facility interferes with the peace, quiet and dignity of the neighborhood;
- c. The group living facility creates, imposes, aggravates or leads to inadequate, impractical, unsafe or unhealthy conditions; or
- d. The group living facility is found to be dangerous or unsafe due to an increased number of police visits, instigated by neighbors or for non-mandated purposes; or the existence of a single criminal act by a resident involving serious bodily injury or extensive property damage; or an increased number of incidences of criminal acts by residents involving bodily injury or property damage.
- e. When considering whether an adverse impact exists, the Director shall consider the following:
  - (1) Whether the impact is real or perceived, based upon stereotypes of the population served by the group living facility;
  - (2) The existence of alarms and/or fences, in and of itself shall not constitute a safety issue which would be an adverse impact; or
  - (3) Whether complaints and/or police calls regarding the group living facility have been founded or unfounded.

(E) Programs or services provided within the group living facility setting do not include on-going medical or psychiatric treatment normally associated with a hospital, medical or counseling clinic. Services provided within the group living facility shall be restricted to the residents of the facility. Any use which provides services for those other than current residents, which facility is located in a residential zone may allow additional persons up to the number of persons permitted in an Adult Day Care Center (twelve) to use the services of the use. For example, if there are currently eight (8) residents at the facility, no more than four (4) non-residents may use the services the facility provides;

(F) If the group living facility proposes to use or convert existing multi-family residences, adequate lot area is provided according to the requirements of the district, that the requirements of the district are met and that the intensity of the programs or services offered is compatible with the neighborhood.

(G) Within thirty (30) days prior to making an application for registration of a new (including conversion of an existing building or buildings) group living facility, each applicant shall give mailed notice to and meet with, at a location convenient to

the neighborhood: abutting property owners and those neighborhood groups which are registered with the City and which represent residents within one-half (1/2) mile one thousand (1000) feet of the group living facility.

- a. At the meeting, the applicant shall describe the facility, its programs and its proposed uses.
  - b. If a neighborhood meeting is required because of development application then only one neighborhood meeting, conducted in accordance with the more restrictive standard of this Code, shall be necessary.
  - c. Transitional victim homes, where confidentiality of the location is an integral part of the facility, shall not be required to hold a neighborhood meeting.
  - d. The Director may rely on any comments received by the residents of the neighborhood, or other interested persons when he makes his decision to register, deny, refer or register with conditions. The Director shall not be required to research the comment or otherwise investigate the motive of the commenting party or parties.
- (H) Only one group living program is allowed in each structure. Group living uses occurring in each structure, if more than one structure exists on a single group living facility property, may be limited in size and number if the Director determines that the neighborhood is adversely impacted by multiple uses occurring in one structure.
- (I) At least twenty (20) days in advance of any change of use, as defined by this section, the owner and/or operator shall report in writing to the Director such proposed change in the site, programs, services, use, scope, type, number of persons or intensity of the group living facility. A change of residents or staff of the group living facility shall not, in and of itself, require a report to the Director.
- a. The Director may disallow any change, refer the change to the Planning Commission or he may approve the change.
  - b. If the Director fails to act within twenty (20) business days, the proposed change is deemed approved; however, the owner or operator shall not implement any such change until the earlier of:
    - (1) The twenty day period has elapsed; or
    - (2) The Director's decision to disallow, allow or refer.
- (J) At least once each twelve- (12) months, the owner or operator of each group living facility shall file a renewal application with the Director. Each such application shall describe each service, program or use of the facility including any changes from the prior application, including changes in staff, residents, type of facility, licensure, structural changes, change of use and improvements.
- a. A group living facility does not obtain an approved application or permit that is not registered and if applicable does not have an approved compliance schedule, may be

abated, prosecuted or otherwise subject to enforcement action under this Code.

- b. Within thirty (30) twenty (20) days after the group living facility has applied for registration or a renewal, the Director may refer the matter to the Planning Commission for its decision. The Director may make such a referral based on founded complaints, failure to register or renew registration, unsatisfactory completion of the registration requirements, lapse of any State licensing or any change to the site, a program, service or use or inconsistency any suspected or actual noncompliance with a provision or provisions of this Code.
- c. Within ten (10) days of the Director's decision, the owner or operator of a group living facility may appeal the Director's denial of an application or a condition imposed by the Director to the Zoning Board of Appeals. Appeals shall be in writing and perfected in accordance with Chapter Two of this Code. A denial or condition imposed by the Planning Commission shall be final, pursuant to the Code.

Each group living facility for accused, convicted or adjudicated juveniles or adults is designed and located to assure the security of the facility itself, adjoining properties and the neighborhood. As a basis for his decision, the Director may rely on the number, type and frequency of police and/or other emergency responses at the Facility in the preceding twelve (12) month period;

5. Every group living facility or use for adult or juvenile offenders or Community Corrections facility, defined as persons that are sent or taken to the facility because they have committed a crime or are accused of having committed a crime and the same is the reason for placement, shall be reviewed annually when the facility applies for annual registration.
  - a. The Mesa County Juvenile Community Corrections Board shall conduct the review, if the facility houses juvenile offenders or the Adult Community Corrections Board if the facility houses adult offenders. If the facility houses a combination of adult and juvenile offenders, the facility shall be reviewed by the juvenile board if there is a greater number of juveniles residing in the facility or by the adult board if there is a greater number of adults residing in the facility.
  - b. The review shall include but not necessarily be limited to criteria established by the Board and adopted by the City. Criteria shall be established and maintained by the Board and shall be based upon researched factors that have been demonstrated to be correlative to risk to the community, community expectations, prudent land use practices and legal standards. Before any criteria being used by the Board, the City shall review and adopt such criteria.
  - c. It is the responsibility of the group living facility that is being reviewed to provide to the Board with complete and accurate information regarding the types of offenders, the number of

offenders, the average length of placements and responses to the other Board-established criteria.

- d. The Board shall make a recommendation to the Director to register the facility, deny registration, or register with conditions. The Board shall take into consideration the interests of the community in light of the criteria established by the Board.
6. Group living facilities shall comply with all requirements of this Code, as well as the State licensing requirements, unless the City requirements are incompatible with State licensing requirements. In case of a conflict, the more stringent regulation shall apply.
7. The Director shall not approve an application, notwithstanding a recommendation from the Board to register or register with conditions, for a group living facility that houses one or more sex offenders, as defined by state law. The Planning Commission shall determine any such application. In addition to the other criteria, the Planning Commission shall consider whether the proposed owner/operator has established how the neighborhood and its residents shall be safe from any sex offender in any such facility by clear and convincing evidence that any sex offender shall not directly impact the neighborhood and/or its residents. An appeal from a Planning Commission decision made under this paragraph 18 shall be in accordance with Colorado Rule of Civil Procedure 106(a)(4).
8. After one year of the effective date of this ordinance, the City Council shall examine the ordinance's effectiveness. If the Council determines at that time that the provisions have been effective, the review shall occur every three years thereafter.

OR

After one year of the effective date of this ordinance, the City Council shall examine the effectiveness of Section 20 above. If the Council determines at that time that the provision has been effective, the review shall occur every three years thereafter.