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**GRAND JUNCTION CITY COUNCIL
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
AGENDA**

WEDNESDAY, APRIL 4, 2007, 7:00 P.M.

Call to Order

Pledge of Allegiance
Invocation – Michael Torphy, Religious Science Spiritual
Center

Proclamations / Recognitions

Proclaiming April 5, 2007 as "Entrepreneurship Day" in the City of Grand Junction

Proclaiming April 19, 2007 as "Arbor Day" in the City of Grand Junction

Appointments

To the Commission on Arts and Culture

Citizen Comments

Canvass Results of Downtown Development Authority Special Election

Canvass Results of City of Grand Junction Regular Election

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meetings**

[Attach 1](#)

*Action: Approve the Summary of the March 19, 2007 Workshop and the Minutes
of the March 21, 2007 Regular Meeting*

2. **Purchase of Three ½ Ton and One ¾ Ton Pickups for Parks and Recreation** [Attach 2](#)

This purchase is for the replacement of one 1994 pickup and one 1996 pickup for Parks and Recreation Forestry Division, and one 1997 pickup for Parks and Recreation Canyon View Park Division. The purchase also includes the addition to the fleet of one ¾ ton pickup for Parks and Recreation. Three of these vehicles are currently scheduled for replacement in 2007 as identified by the annual review of the Fleet Replacement Committee. The four new pickups will be E85 OEM Bi Fuel (flex fuel) compatible.

Action: Authorize the City Purchasing Division to Purchase Three 2007 Ford F-150 4 x 2 Pickups and One 2008 F-250 4 x 2 Pickup from Western Slope Auto Company, Grand Junction, CO, for the Amount of \$66,112

Staff presentation: Jay Valentine, Purchasing Manager

3. **Setting a Hearing on Zoning the Morning View Annexation, Located at 2961, 2967, and 2973 D Road** [File #ANX-2007-018] [Attach 3](#)

Request to zone the 34.37 acre Morning View Annexation, located at 2961, 2967, and 2973 D Road, to R-8 (Residential 8 du/ac).

Proposed Ordinance Zoning the Morning View Annexation to R-8 Located at 2961, 2967, and 2973 D Road

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for April 18, 2007

Staff presentation: Adam Olsen, Associate Planner

4. **Setting a Hearing on Zoning the Knight and Durmas Annexation, Located at 842 21 ½ Road** [File #ANX-2007-023] [Attach 4](#)

Request to zone the 2.84 acre Knight and Durmas Annexation, located at 842 21 ½ Road, to I-1 (Light Industrial).

Proposed Ordinance Zoning the Knight and Durmas Annexation to I-1 Located at 842 21 ½ Road

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for April 18, 2007

Staff presentation: Adam Olsen, Associate Planner

5. **Setting a Hearing on Zoning the Promontory Annexation, Located at the End of Sierra Vista Road** [File #ANX-2006-280] [Attach 5](#)

Request to zone the 5.88 acre The Promontory Annexation, located at the end of Sierra Vista Road, to R-4 (Residential, 4 du/ac). This is a serial annexation consisting of The Promontory Annexation No. 1, The Promontory Annexation No. 2, The Promontory Annexation No. 3 and The Promontory Annexation No. 4 and includes a portion of B Road, Clymer Drive and Sierra Vista Road rights-of-way.

Proposed Ordinance Zoning the Promontory Annexation to R-4 (Residential, 4 Du/Ac) Located at the End of Sierra Vista Road

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for April 18, 2007

Staff presentation: Ronnie Edwards, Associate Planner

6. **Setting a Hearing on the Miller Annexation, Located at 450 Wildwood Drive** [File #GPA-2006-239] [Attach 6](#)

Request to annex 35.7 acres, located at 450 Wildwood Drive. The Miller Annexation consists of 1 parcel and is a five part serial annexation.

a. **Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction**

Resolution No. 48-07 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Miller Annexation, Located at

450 Wildwood Drive and Including Portions of the South Broadway and Wildwood Rive Rights-of-Way

®Action: *Adopt Resolution No. 48-07*

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Miller Annexation No. 1, Approximately 0.002 Acres, Located in Portions of the South Broadway and Wildwood Rive Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Miller Annexation No. 2, Approximately 0.01 Acres, Located in Portions of the South Broadway and Wildwood Drive Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Miller Annexation No. 3, Approximately 0.73 Acres, Located in a Portion of the Wildwood Drive Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Miller Annexation No. 4, Approximately 2.10 Acres, Located at 450 Wildwood Drive and Including a Portion of the Wildwood Drive Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Miller Annexation No. 5, Approximately 32.86 Acres, Located at 450 Wildwood Drive

Action: *Introduction of Proposed Ordinances and Set a Hearing for May 16, 2007*

Staff presentation: Lisa Cox, Planning Manager

7. **Setting a Hearing on H Road/Northwest Plan Policies and Performance**

Standards [File #GPA-2007-025]

[Attach 7](#)

Request adoption of the H Road/Northwest Area Plan Policies and Performance Standards. These policies and performance standards are a part of the H Road/Northwest Plan the City and County Planning Commissions approved jointly on March 27, 2007. The Plan area comprises an area bounded by H Road to H ½ Road, from approximately 21 ¼ Road to 22 Road and also includes five properties located on the Southeast corner of H Road and 22 Road.

Proposed Ordinance Amending the Zoning and Development Code to Add Section 7.6 H Road/Northwest Area Plan Policies and Performance Standards

Action: Introduction of Proposed Ordinances and Set a Hearing for April 18, 2007

Staff presentation: David Thornton, Principal Planner

- 8. **Appeal of a Planning Commission Decision to Deny the Pinnacle Ridge Preliminary Plan, Located Northeast of Monument Road and Mariposa Drive**
 [File #PP-2005-226] – Continued from February 21, 2007 [Attach 8](#)

Appeal of the Planning Commission denial of the Pinnacle Ridge Preliminary Plan, consisting of 72 single family lots on 45.33 acres in a RSF-2 (Residential Single Family, 2 du/ac) zone district.

Action: Continue to July 18, 2007

Staff presentation: David Thornton, Principal Planner

***** END OF CONSENT CALENDAR *****

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *****

- *** 9. **Open Burning Ban Policy** [Attach 20](#)

The City of Grand Junction does not have a formal policy regarding enactment of a fire ban. A formal policy would establish clear guidelines to eliminate ad hoc decisions regarding enactment of a fire ban.

Resolution No. 53-07 – A Resolution Setting a Policy Regarding Banning of Open Burning In the City of Grand Junction

®Action: Adopt Resolution No. 53-07

Staff presentation: Jim Bright, Interim Fire Chief

- 10. **Purchase of an Uninterruptible Power Supply for City Hall Data Center** [Attach 9](#)

This purchase is for the replacement of the Uninterruptible Power Supply (UPS) for the City Hall Data Center. The replacement system interfaces with existing Information Systems equipment.

Action: Authorize the City Purchasing Division to Purchase the APC InfraStruXure Symmetra Solution from Information Systems Consulting, Inc. Centennial, CO for a Total Price of \$52,850.31

Staff presentation: Jim Finlayson, Information Systems Manager
Jay Valentine, Purchasing Manager

11. **Purchase of an Uninterruptible Power Supply for 911 Communications Center/Police Department** [Attach 10](#)

This purchase is for the replacement of the Uninterruptible Power Supply (UPS) for the 911 Communications Center/Police Department. The replacement system interfaces with existing Information Systems equipment.

Action: Authorize the City Purchasing Division to Purchase the APC InfraStruXure Symmetra Solution from Information Systems Consulting, Inc. Centennial, CO for a Total Price of \$66,345.46.

Staff presentation: Jim Finlayson, Information Systems Manager
Jay Valentine, Purchasing Manager

12. **Purchase One Swat Tactical Vehicle for Police** [Attach 11](#)

This purchase is for the replacement of one 1990 Chevy delivery van for the Police Department. This vehicle was currently scheduled for replacement in 2006 as identified by the annual review of the Fleet Replacement Committee.

Action: Authorize the City Purchasing Division to Purchase One 2007 Renegade 28' Swat Tactical Vehicle with a 2006 Freightliner M2 Chassis from Five-R Trucks & Trailers, Golden, CO in the Amount of \$129,825

Staff presentation: Jay Valentine, Purchasing Manager
Bill Gardner, Police Chief

13. **Construction Contract for the 2007 Alley Improvement District** [Attach 12](#)

Award of a construction contract for the 2007 Alley Improvement District to B.P.S. Concrete, Inc. in the amount of \$627,301.44.

Action: Authorize the City Manager to Sign a Construction Contract for the 2007 Alley Improvement District with B.P.S. Concrete, Inc. in the Amount of \$627,301.44

Staff presentation: Tim Moore, Public Works and Planning Director

14. **Construction Contract for 2007 Asphalt Overlays** [Attach 13](#)

The 2007 Asphalt Overlay project consists of asphalt resurfacing on 13 streets located throughout the City.

Action: Authorize the City Manager to Sign a Construction Contract for the 2007 Asphalt Overlay Project to Elam Construction, Inc. in the Amount of \$993,945

Staff presentation: Tim Moore, Public Works and Planning Director

15. **Support of Stormwater Regulation** [Attach 14](#)

Consideration of a resolution supporting the Colorado Water Quality Commission's regulation of storm water discharges from oil and gas operations that affect one acre or more.

Resolution No. 49-07 – A Resolution to Provide Continuing Support for the Colorado Water Quality Control Commission's Stormwater Regulations to Protect Colorado's Natural Resources

®Action: Adopt Resolution No. 49-07

Staff presentation: Eileen List, Environmental Services Manager

16. **Subrecipient Contract for Project within the City's 2006 Program Year Community Development Block Grant (CDBG) Program and Allocation of City's Affordable Housing Initiative Funds for Land Acquisition – Village Park Property** [File #CDBG 2006] [Attach 15](#)

The Subrecipient Contracts formalize the City's award of a total of \$178,630 to the Grand Junction Housing Authority as allocated from the City's 2006 CDBG Program as previously approved by Council and a request for \$181,370 of the City's Affordable Housing Initiative funds. The funding will be used towards the purchase of 6.6 acres located at Block 2 of Village Park Subdivision at 28 ¼ and Patterson Road for the future development of an affordable housing project.

Action: Authorize the City Manager to Sign the Subrecipient Contract with the Grand Junction Housing Authority for the City's 2006 Program Year, Community Development Block Grant Program and Approve the Allocation of Affordable Housing Initiative Funds

Staff presentation: Kathy Portner, Neighborhood Services Manager

17. **Public Hearing – Amendment to Action Plan for 2005 Program Year Community Development Block Grant (CDBG) Program; and Subrecipient Contract with the Grand Junction Housing Authority for Land Acquisition – Bookcliff Property** [File #CDBG-2005-04] [Attach 16](#)

Amending the City's 2005 Action Plan for the Community Development Block Grant (CDBG) Program Year 2005 to utilize the funds earmarked for the neighborhood program (\$120,000) for acquisition of property located at 1262 and 1282 Bookcliff Avenue by the Grand Junction Housing Authority (GJHA) to construct an affordable housing project and authorizing the City Manager to sign the Subrecipient Contract between the City and GJHA for acquisition of this property.

Action: Approve the Amendment to the City's CDBG Consolidated Plan 2005 Action Plan to Reflect the Revision to Use Grant Dollars Earmarked for the Neighborhood Program for Acquisition of the Property at 1262 and 1282 Bookcliff Avenue and Authorize the City Manager to Sign the Subrecipient Contract between the City and the Grand Junction Housing Authority

Staff Presentation: Kathy Portner, Neighborhood Services Manager

18. **Public Hearing – Dyer/Green/Ottenberg Annexation and Zoning Located at 2981, 2991, 2993 and 2995 B Road** [File #ANX-2007-008] [Attach 17](#)

Request to annex and zone 18.68 acres, located at 2981, 2991, 2993 and 2995 B Road, to RSF-4 (Residential Single Family, 4 units per acre). The Dyer/Green/Ottenberg Annexation consists of four parcels and is a two part serial annexation located east of the Mesa View Elementary School with a current county zoning of RSF-R.

a. Accepting Petition

Resolution No. 50-07 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Dyer/Green/Ottenberg Annexation Located at 2981, 2991, 2993, and 2995 B Road is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 4056 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Dyer/Green/Ottenberg Annexation No. 1, Approximately 4.21 Acres Located at 2981 B Road and a Portion of 2991 B Road

Ordinance No. 4057 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Dyer/Green/Ottenberg Annexation No. 2, Approximately 14.47 Acres Located at 2993, 2995, and the majority of 2991 B Road

c. Zoning Ordinance

Ordinance No. 4058 – An Ordinance Zoning the Dyer/Green/Ottenberg Annexation to RSF-4 Located at 2981, 2991, 2993, and 2995 B Road

®Action: Adopt Resolution No. 50-07 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4056, 4057, and 4058

Staff presentation: Faye Hall, Associate Planner

19. **Public Hearing – Home Lumber Annexation and Zoning Located at 2771, 2773, and 2779 D Road** [File #ANX-2006-360] [Attach 18](#)

Request to annex and zone 15.79 acres, located at 2771, 2773 and 2779 D Road, to I-1 (Light Industrial). The Home Lumber Annexation consists of three parcels and is located east of Indian Road and west of 28 Road.

a. Accepting Petition

Resolution No. 51-07 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Home Lumber Annexation Located at 2771, 2773, and 2779 D Road, and a Portion of the D Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4059 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Home Lumber Annexation, Approximately 15.79 Acres Located at 2771, 2773, and 2779 D Road, and a Portion of the D Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4060 – An Ordinance Zoning the Home Lumber Annexation to I-1 Located at 2771, 2773, and 2779 D Road

®Action: Adopt Resolution No. 51-07 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4059 and 4060

Staff presentation: Faye Hall, Associate Planner

20. **Public Hearing – West Ouray Growth Plan Amendment, Located at 302 W. Ouray Avenue** [File #RZ-2007-034] [Attach 19](#)

Request to amend the Growth Plan, to change the Future Land Use Designation from Residential Medium and Commercial to Commercial for one parcel consisting of approximately .723 acres. The parcel is located to the south of Bassett Furniture.

Resolution No. 52-07 – A Resolution Amending the Growth Plan of the City of Grand Junction to Designate West Ouray, Approximately .723 Acres Located at 302 W. Ouray Avenue, from "Residential Medium" and "Commercial" to "Commercial"

®Action: Hold a Public Hearing and Adopt Resolution No. 52-07

Staff presentation: Faye Hall, Associate Planner

21. **Non-Scheduled Citizens & Visitors**

22. **Other Business**

23. **Adjournment**

Attach 1
Minutes

**GRAND JUNCTION CITY COUNCIL
WORKSHOP SUMMARY
March 19, 2007**

The City Council of the City of Grand Junction, Colorado met on Monday, March 19, 2007 at 7:00 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmembers Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, Doug Thomason, and Council President Jim Doody. Absent was Councilmember Bonnie Beckstein.

Summaries and action on the following topics:

1. **UPDATE ON LAS COLONIAS PARK MASTER PLAN:** The Master Plan was revised because a portion of the site was necessary for Riverside Parkway alignment which significantly impacted the initial Master Plan. Parks and Recreation Director Joe Stevens explained how the changes to the Master Plan have come about. He introduced the consultant from EDAW, Kurt Friesen, who gave an overview of the history of the site. Mr. Friesen then described the site itself and the preparation that took place prior to the update of the Master Plan. One of the goals of the Master Plan was to bring some vibrancy to the area so the park will feel safe and usable in the evening. A workshop was held and was well attended and a number of goals were developed. From those goals, nine program elements were identified to be included in any Master Plan. He showed a number of examples of river walk developments in other municipalities. Two alternatives were then presented for consideration. He pointed out the unique elements of each proposal. He then presented the final proposed plan. The proposed phasing of the project was then shown, identifying elements that would be included in each phase.

Councilmember Coons commended the consultant work at the workshop and how a large, diverse group was brought together.

Councilmember Hill praised the amount of usable open space. The Plan gives the Council and future Councils the ability to make progress on a Plan without it being overwhelming. He pointed out that the property where there are mixed use designations are not owned by the City. He noted the access issue for the parking which the consultant acknowledged. The Plan creates the opportunity to give the river back to the community. He noted the incorporation of a few of the Riverside Parkway remnants into the Plan.

Councilmember Spehar agreed with retaining the small remnant and using it as an entrance into the Botanical Gardens. The parcels north of the Parkway

perhaps could be traded in order to try to direct development. He said that it makes some sense to trade with parcels on the south side and try to direct the uses. He hoped that the groundwater and mill tailings that remain on the one end were discussed. He would like to see a boat access to the river. He would also like to see room left to have an adequate park maintenance facility. He said this is the kind of a plan that leaves the opportunity for phased affordable development and that is something the Parks Board could look at as a recommendation to start something sooner.

Councilmember Coons mentioned that at the teleconference Senator Salazar mentioned the importance of the “Grand Junction”, that it be highlighted and made good use of.

Councilmember Thomason said it was a good conceptualization but he does not know how it will fit in with the current priorities of the Parks Board.

Councilmember Spehar said he thought this could be done on an affordable basis and might be a good project for going back to some of the other partners for funding sources, such as GOCO (Great Outdoors Colorado).

Councilmember Coons noted the comment made by Tom Dixon, Chair of the Parks and Recreation Advisory Board, that the park development at Canyon View was an economic development tool and this park could also develop into such a tool.

Councilmember Palmer pointed out some of the elements that are not on City-owned land but he felt the concept reflects features that are feasible; he likes the amphitheatre, festival area, parks maintenance facility, and dog park pieces of the proposal.

Councilmember Hill asked about the park maintenance facility and the cost. Parks and Recreation Director Joe Stevens advised a facility will be needed at more than one park, perhaps one in each of the quadrants of the City. The numbers assumed the facility would be sufficient to cover the south end of the City.

Councilmember Spehar thought that with the new connections to other parts of the City this makes the location ideal.

Council President Doody praised the Plan and the opportunity to reclaim the river for the citizens.

Councilmember Spehar asked how this Plan gets approved. Mr. Stevens advised that if the Plan is adopted, the City gets more leverage when applying for grants. Mr. Stevens advised that the comments about phasing and a part of

the Strategic Plan goal to regain river access were both incorporated into this plan.

Councilmember Spehar stated that he is in favor of adoption as it will give Staff direction for land trades and inform the south downtown owners of the planning process.

Councilmember Thomason asked when this Plan will be presented to the Parks and Recreation Advisory Board. Mr. Stevens said they have been involved but it can be presented for their recommendation first. Councilmember Thomason said having it to the Parks and Recreation Advisory Board first is one option. Mr. Stevens said the Riverfront Commission has also been involved.

Councilmember Coons agreed with Councilmember Thomason and noted the Parks and Recreation Advisory Board's desire to be more involved.

Councilmember Hill cautioned that the Council should prioritize capital expenditures.

Councilmember Spehar said that maybe it would be a good idea to wait a couple of weeks to give Staff a chance to talk to the two other boards for any objections and then bring it to Council for approval.

Action summary: Staff was directed to take the conceptual plan to the Parks and Recreation Advisory Board and the Riverfront Commission for their comments and input and bring it back to City Council in a couple of weeks for adoption.

Council President Doody called a recess at 8:27 p.m.

The meeting reconvened at 8:38 p.m.

2. **UPDATE ON AIR QUALITY IN THE GRAND VALLEY:** Perry Buda from the Mesa County Health Department Air Quality Division provided the annual update on Grand Valley air quality issues and explained how air quality monitoring devices should be installed in the area. He advised that the area has not really kept up on the changes that have taken place in the valley. A Grand Valley/Uncompahgre/North Fork airshed has recently been identified. Many times air can be stagnant in these areas. The population in the three county area is nearly 200,000. The State has the task of monitoring the air and there are different processes. He explained the current process. There is a monitoring station at 7th and Pitkin. There are a number of stations currently in the three county area. However there is no way to pull data from these stations and create a single reporting system. An attempt was made to get a grant for such a system and the project ran short of funds. The stations use different

software and so a system to combine that data into a common product is needed.

Councilmember Coons pointed out that the other systems do not monitor air quality, only meteorological data. Mr. Buda concurred.

Mr. Buda listed the pollutants currently being monitored. There is no complete monitoring system for the general public. Mr. Buda raised a number of other issues such as a number of pollutants that react with elements in the atmosphere and turn into other toxic and pollutant elements. Funding for monitoring comes from the federal government.

Councilmember Spehar asked if the facility or the operational aspect is most costly. Mr. Buda said it depends on the pollutant. There are some air toxins that are hard to monitor and then there are some very high costs involved in monitoring. Councilmember Spehar asked why Energy Impact Grants could not be used to get the equipment in place. Mr. Buda said the capital element could be addressed at the local level since the federal process takes time.

Mr. Buda explained the indexing system that is used for public dissemination. He then compared what pollutants are monitored here versus the Denver area. Some of those pollutants include ozone, nitrogen dioxide, lead, and sulfur dioxide. Sulfur dioxide levels could increase if any new refining operations get going.

Mr. Buda then addressed PM 10 emissions associated with vehicle travel including four-wheelers. Another significant source is construction sources. There are other sources such as wood-burning stoves which contribute to the amount of PM 10 emissions. Construction contribution goes down and wood stoves contribution goes up in the winter.

He then spoke to the urban Air Toxics Study that includes the VOCs (volatile organic compounds), carbonyls and metals. A study took place and it showed that Grand Junction is seeing higher concentrations of these items, similar to the Denver area.

Mr. Buda identified some concerns: the area is at a threshold of crossing the line from small urban/rural to a metropolitan area; the margin for maintaining attainment is reduced in 3 ways; and enhanced monitoring may be an additional regulatory requirement.

Councilmember Coons inquired as to how these compounds are rated as to their affect on humans. Mr. Buda said there is a risk assessment done on these chemicals. There is a concern but the exact risk is not quite known.

Councilmember Coons asked where the additional monitoring stations should be located. Mr. Buda said most of the emissions are traffic-related so the current

location is sufficient. The particulate levels need more monitoring sites; one possible location is at Clifton Sanitation District's new plant on 32 Road. He said another location toward Fruita is needed. Councilmember Coons noted this discussion came up during the watershed protection discussion and it was realized that the valley did not have a good monitoring system. She asked what should be done to improve the situation. Mr. Buda said a centrally located monitoring station is needed because ozone is a secondary pollutant and is formed in the atmosphere. He said the idea is to locate an ozone monitor up on Grand Mesa, by Purdy Mesa. It is primarily a summertime pollutant because the chemicals need sunlight to react and form ozone.

Councilmember Spehar asked for specifics regarding funding to get these stations built and what the cost will be. Mr. Buda said he does not have good numbers on those installations. He said the units are around \$50,000 but they only work in the summer. The systems that do not use solar power cost about twice that.

Councilmember Palmer asked if the City can buy the monitors or do they have to go through the State. Mr. Buda said there is a process to accomplish that but it is difficult.

Councilmember Spehar asked if the City could buy the equipment and then have the State run it, having the companies that are drilling in the watershed pay for the equipment. Mr. Buda thought it could go forward.

Councilmember Hill asked about elevations higher than the 6,000 feet that is not included in the airshed. He asked if the same monitoring system would monitor the other pollutants and if the State will then object to going outside the airshed. Mr. Buda said the airshed is designated locally. The 6,000 feet was based on a study of inversions. Councilmember Hill asked if the air at those elevations should even be monitored.

Councilmember Coons clarified that things that occur at one end of the valley can affect the other end due to the air flow and pollutants that are released in outer areas of the valley can affect those areas in town due to the weather patterns where they come in and get trapped under the inversion. Mr. Buda concurred.

Council President Doody asked if this is being presented to the other Counties and Cities in the airshed. Mr. Buda said the presentations are being made but the participation has been limited, except in Delta County. It will be presented to Mesa County Commissioners in the near future, as well as the other municipalities in the valley.

Councilmember Spehar suggested the City Council could encourage audience with the other entities and get something going.

Mr. Buda expressed that the State would probably be receptive to the communities in the valley providing the monitoring equipment and would in turn provide the operating resources.

Eileen List, Environmental Regulatory Compliance Coordinator, authored the proposed resolution. She noted it followed an earlier resolution on this subject.

Councilmember Palmer asked if the resolution would have more impact if it were a joint resolution with the other entities. Ms. List said she saw this as a good first step.

Council President Doody pointed out the numerous references to the oil and gas industry, whereas the information presented showed other sources for these emissions.

Councilmember Spehar agreed that the resolution was too specific to the one industry and the pollutants come from a variety of sources.

Councilmember Hill agreed that the blame was being directed at the oil and gas industry.

Councilmember Coons suggested simplifying the resolution and not attribute any particular source to the emissions.

Councilmember Spehar said he would like to see a resolution rather than just a letter. It should be a resolution that addresses the increase in population and the need for baseline data.

Action summary: The City Council wanted to move forward and to gain cooperation with the other Mesa County communities to get funding to purchase the equipment, with direction to Mr. Buda to acquire costs for such monitoring devices. Staff was directed to draft a new resolution and place it on Wednesday's agenda.

3. **C.A.S.T. POLICY STATEMENT CONCERNING GLOBAL WARMING:** The Colorado Association of Ski Towns (CAST) has developed a policy statement concerning global warming. They would like their member towns to adopt this policy statement. City Manager David Varley described the Policy Statement and highlighted the various areas of the Policy Statement. He also described many of the activities that the other cities are doing to reduce their carbon footprint. He referred to the energy conservation measures that are being done locally. The first meeting of the City's Energy Conservation Committee took

place today and Kathy Portner is heading up that group. There are a number of activities the City can do and does do to reduce the use of energy. The City plans to go forward regardless of whether the City Council adopts the CAST Policy Statement.

Councilmember Coons, the City's representative on CAST, was present at the discussion of the Policy Statement. The reason there are not specific goals and measurements was because it was recognized that each City had their own perspectives and issues. The statement is meant to be philosophical stating the concern. The intent is to pay attention to the wise use of resources.

Councilmember Hill would like to see a policy statement put together that acknowledges what the City has already done. He would like to see the Energy Conservation Committee bring forward a recommendation.

Councilmember Palmer agreed.

Council President Doody agreed as he is not sure of all the issues yet.

Councilmember Coons stated that they could debate global warming all night but whether all of Council agrees, they can all agree that it does make sense to have conservation measures and use resources wisely. It is important to talk about living in this world appropriately. She supported Councilmember Hill's idea to talk about what the City needs to do because it would convey that the City is responsible and wants to leave the world in as good as shape as it can for all the future generations.

Councilmember Spehar agreed and pointed out various opportunities; he agreed the Committee is a good place to start as long as it is not just a recitation of what the City is already doing but also what additional things will be done. The City could make a statement that will set the City on a logical path to make better use of the resources.

City Manager David Varley identified a number of ideas that came up at the first meeting. Councilmember Spehar suggested also accumulating baseline data and then setting some goals to reduce the current impact. City Manager Varley said there is an energy audit that was done a couple of years ago. Such document will be reviewed by the Committee to see what other things can be done.

Action summary: City Manager Varley was directed to have the Energy Conservation Committee do the things mentioned and develop an entity-specific statement for Grand Junction, which acknowledges what the City has already done and what additional things will be done. It would be a statement that will set the City on a logical path to make better use of the resources.

Councilmember Spehar suggested the City Committee contact Fort Collins and possibly Salt Lake City and seek out ideas about partnerships and other innovations they have pursued.

ADJOURN

The meeting adjourned at 10:14 p.m.

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

March 21, 2007

The City Council of the City of Grand Junction convened into regular session on the 21st day of March 2007, at 7:05 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason and President of the Council Jim Doody. Absent was Councilmember Jim Spehar. Also present were City Manager David Varley, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Palmer led in the pledge of allegiance. The audience remained standing for the invocation by Dr. Paul Dibble, Retired Professor of CO Christian University.

Council President Doody recognized Boy Scout Troop #384 in attendance.

Council President Doody recognized Administrative Services Director Ron Lappi, this being his last City Council meeting before his retirement. Councilmembers made parting remarks and expressed their gratitude for his work at the City.

Appointments

Ratify Appointments to the Riverview Technology Corporation

Councilmember Beckstein moved to ratify the appointments of Richard Pryor, Bruce Milyard, and Thea Chase Gilman to the Riverview Technology Corporation for a three year term expiring February, 2010 and Dennis Hill to the Riverview Technology Corporation for a term expiring February, 2008. Councilmember Palmer seconded the motion. Motion carried.

Citizen Comments

Mr. Kevin McConnell, owner of the Cabaret, was present and addressed City Council about the interference the 7th Street Construction is having on their theatre's business.

Patricia Cookson, attorney for Mr. McConnell, addressed the City Council. She described the history and character of the Cabaret. The request for assistance is unique; it is a short term request during the construction. They estimate the loss is \$40,000 per month, a 25% drop off in business.

Kevin McConnell said he and his brother worked hard to build the business. He said they offer something unique and attractive for the valley. The interference is supposed to be

over in June. The elderly ticket holders are not attending and expecting reimbursement from the theatre.

Ms. Cookson said she will contact the City Attorney in about five days to see if there is a response.

Earl Williams, 276 27 Road, was present and addressed City Council about the traffic problems at 27 and B ³/₄ Road. He was concerned about the children in the neighborhood. There are three bus stops and no signs stating such. Cars are speeding and he has seen several close calls. He asked for a traffic dip to be installed.

Council President Doody stated that Sergeant Norcross and Chief Gardner are present to talk to Mr. Williams.

CONSENT CALENDAR

Councilmember Thomason read the items on the Consent Calendar and then moved to approve. It was seconded by Councilmember Beckstein and carried by roll call vote to approve the Consent Items #1 through #12.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the March 2, 2007 Special Meeting, the Summary of the March 5, 2007 Workshop, and Minutes of the March 7, 2007 Regular Meeting

2. **Designating Persons Authorized to Sign on Bank Accounts**

Based on staffing changes it is recommended that persons designated as authorized to sign on bank accounts be amended.

Resolution No. 39-07 - A Resolution Amending Resolution No. 167-05 Passed and Adopted by the City Council November 2nd, 2005 to Modify Authorized Signatures

Action: Adopt Resolution No. 39-07

3. **Purchase of a 2008 Utility Truck with Aerial Device for the Parks and Recreation Forestry Department**

This purchase is for the replacement of one 1997 Hi Ranger Bucket Truck for the Park and Recreation Forestry Department. The vehicle is currently scheduled for replacement in 2007 as identified by the annual review of the fleet replacement committee.

Action: Authorize the City Purchasing Division to Purchase One (1) 2008 International/Altec Articulating Aerial Lift Bucket Truck, from Altec Industries, Aurora, CO for the Amount of \$135,292.00

4. **Purchase of a 2008 Vactor P Ramjet Sewer Jetter Truck for Persigo Waste Water Treatment Plant**

This purchase is for the replacement of one 1997 International Sewer Rodder Truck for Persigo Waste Water Treatment Plant. The vehicle is currently scheduled for replacement in 2007 as identified by the annual review of the fleet replacement committee.

Action: Authorize the City Purchasing Division to Purchase One 2008 International 7400 SBA/Vactor Ramjet Sewer Jetter Truck, from Hanson International, Grand Junction, CO for the Amount of \$122,400.00

5. **Fire Station #1 Roof Restoration**

This approval request is for the award of a construction contract for the roof restoration at Fire Station #1.

Action: Authorize the City Purchasing Division to Enter into a Contract in the Amount of \$59,000 with B & M Roofing of Colorado, Inc.

6. **Lincoln Park Barn Siding and Window Replacement**

This approval request is for the award of a construction contract for the siding and window replacement at the Lincoln Park Barn.

Action: Authorize the City Purchasing Division to Enter into a Contract in the Amount of \$61,376 with Carroll Construction Services, LLC.

7. **Purchase of a Perpetual Stormwater Easement and Temporary Easements at Carmike Theater (Anthony Properties Management, Inc.) for the Independent Ranchman's Ditch Project**

The City has entered into a contract to purchase a perpetual stormwater easement and a temporary construction easement across a portion of the Carmike Theatre property for the Independent Ranchman's Ditch Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Resolution No. 40-07 – A Resolution Authorizing the Purchase of a Perpetual Storm Water Easement and Temporary Construction Easement at 590 24 ½ Road from Carmike Theatre (AP Consolidated Theatres Limited Partnership, a Texas Limited Partnership)

Action: Adopt Resolution No. 40-07

8. **Purchase of a Perpetual Stormwater Easement and Temporary Easements at Mesa Mall (SM Mesa Mall LLC) for the Independent Ranchman’s Ditch Project**

The City has entered into a contract to purchase a perpetual stormwater easement, temporary construction easements and a longitudinal temporary easement across a portion of the Mervyn’s property at Mesa Mall for the Independent Ranchman’s Ditch Project. The City’s obligation to purchase this property is contingent upon Council’s ratification of the purchase contract.

Resolution No. 41-07 – A Resolution Authorizing the Purchase of a Perpetual Storm Water Easement, Temporary Construction Easements, and a Longitudinal Temporary Easement at 2424 Highway 6 and 50 from Mesa Mall (SM Mesa Mall, LLC)

Action: Adopt Resolution No. 41-07

9. **Anderson Revocable Permit for Landscaping and Irrigation Located at 703 24 ¾ Road** [File #RVP-2005-182]

The petitioners are requesting approval and issuance of a revocable permit for existing landscaping and irrigation system and to construct fencing within the City right-of-way for G Road.

Resolution No. 42-07 – A Resolution Concerning the Issuance of a Revocable Permit to Donald and Joyce Anderson

Action: Adopt Resolution No. 42-07

10. **Setting a Hearing on the Brady South Annexation, Located at 347 and 348 27 ½ Road and 2757 C ½ Road** [File # GPA-2007-051]

Request to annex 12.62 acres, located at 347 and 348 27 ½ Road and 2757 C ½ Road. The Brady South Annexation consists of three (3) parcels.

a. Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction

Resolution No. 43-07 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Brady South Annexation Located at 347 and 348 27 ½ Road and 2757 C ½ Road

Action: Adopt Resolution No. 43-07

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Brady South Annexation Approximately 12.62 Acres, Located at 347 and 348 27 ½ Road and 2757 C ½ Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for May 2, 2007

11. **Setting a Hearing on the River Bend Annexation, Located South of Dry Fork Way, Crystal Drive, and Sunnyside Circle** [File #ANX-2007-045]

Request to annex 6.47 acres, located south of Dry Fork Way, Crystal Drive and Sunnyside Circle. The River Bend Annexation consists of 24 parcels and portions of rights-of-way of Sunnyside Circle, Crystal Drive, Yampa Way, Stillwater Avenue and Dry Fork Way. This annexation is a three part serial annexation.

a. Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction

Resolution No. 44-07 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, River Bend Annexation Located South of Dry Fork Way, Crystal Drive, and Sunnyside Drive

Action: Adopt Resolution No. 44-07

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, River Bend Annexation No. 1, Approximately 0.93 Acres, Located South of Dry Fork Way, Crystal Drive, and Sunnyside Circle

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, River Bend Annexation No. 2, Approximately 3.13 Acres, Located South of Dry Fork Way, Crystal Drive, and Sunnyside Circle

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, River Bend Annexation No. 3, Approximately 2.41 Acres, Located South of Dry Fork Way, Crystal Drive, and Sunnyside Circle

Action: Introduction of a Proposed Ordinance and Set a Hearing for May 2, 2007

12. **Extension of Arbors Subdivision Planned Development Preliminary Plan, Located at 2910 Orchard Avenue** [File #PP-2005-105]

A request for an extension of the Preliminary Plan for the Arbors Subdivision Planned Development. The project is located at 2910 Orchard Avenue. The plan will expire April 2, 2007. The applicant requests a 180 day extension of the Preliminary Plan until September 28, 2007.

Action: Mr. Mayor, on PP-2005-105 a Request for an Extension of the Expiration Date of a Preliminary Plan for a Planned Development, I Move that we Approve the Request for the Extension and Designate the Expiration Date for the Preliminary Plan as September 28, 2007

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Establishing Ozone Monitoring in Western Colorado

Perry Buda from the Mesa County Health Department Air Quality Division provided City Council with an annual update on Grand Valley air quality issues at the March 19, 2007 Workshop and presented data indicating the need for additional monitoring in Western Colorado. A Resolution is being requested urging a comprehensive West Slope air quality monitoring network.

Resolution No. 47-07 – A Resolution Requesting the Colorado Air Quality Control Commission Establish Ozone Monitoring in Western Colorado

City Attorney John Shaver presented this item mentioning that there was an extensive discussion on Monday evening at the workshop. This revised resolution is more in line with the comments put forth by the City Council during that discussion. If adopted, the resolution will be forwarded to the Colorado Air Quality Control Commission.

Councilmember Coons moved to adopt Resolution No. 47-07. Councilmember Palmer seconded. Motion carried by roll call vote.

Purchase of 90 Electric Golf Cars for Tiara Rado Golf and Lincoln Park Courses

This purchase is for ninety 2007 Club Car DS IQ electric golf cars for Tiara Rado and Lincoln Park Golf Courses. These cars will replace the 82 cars currently owned by the City with the trade-in value offered for these cars netted against the purchase price.

Jay Valentine, Purchasing/Fleet Manager, reviewed this item. He explained that the first thought was to lease the golf cars rather than purchase them. After analysis of the two options, it was determined it was in the City's best interest to purchase the golf carts. However, sufficient funds for purchase were not budgeted in the golf course funds. Therefore, the facilities funds will purchase the carts and ask for a supplemental appropriation.

Councilmember Beckstein moved to authorize the City Purchasing Division to purchase 90 Club Car 2007 DS IQ Electric Golf Cars, from Colorado Golf & Turf, Inc, Littleton, CO for the amount of \$190,250.00 (\$309,150 less \$118,900 trade). Councilmember Hill seconded the motion. Motion carried.

Mr. Valentine noted that the change to electric carts will save the golf course fund money in the long run plus cut down on noise at the golf course.

Public Hearing – Wexford Annexation and Zoning Located at 2949 and 2953 D ½ Road [File #ANX-2006-324]

Request to annex and zone 14.46 acres, located at 2949 and 2953 D ½ Road, to RMF-8 (Residential Multi-Family 8 du/ac). The Wexford Annexation consists of two parcels.

The public hearing was opened at 7:35 p.m.

Adam Olsen, Associate Planner, reviewed this item. He described the site, the surrounding land use and zoning designations. He reviewed the request and its compliance with State Law and noted that it meets the Zoning and Development Code criteria. The Planning Commission recommended approval.

Mike Queally, 1994 Bison Court, one of the owners, was present to answer any questions.

There were no public comments.

The public hearing was closed at 7:38 p.m.

a. Accepting Petition

Resolution No. 45-07 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Wexford Annexation Located at 2949 and 2953 D ½ Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4042 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Wexford Annexation, Approximately 14.46 Acres Located at 2949 and 2953 D ½ Road

c. Zoning Ordinance

Ordinance No. 4043 – An Ordinance Zoning the Wexford Annexation to RMF-8 Located at 2949 and 2953 D ½ Road

Councilmember Thomason moved to adopt Resolution No. 45-07 and adopt Ordinance Nos. 4042 and 4043 and ordered them published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing – Heron’s Nest Annexation and Zoning Located at 3125 D Road [File #ANX-2006-350]

Request to annex and zone 9.43 acres, located at 3125 D Road, to RSF-4 (Residential Single Family 4 du/ac). The Heron’s Nest Annexation consists of one parcel and is a two part serial annexation.

The public hearing was opened at 7:39 p.m.

Adam Olsen, Associate Planner, reviewed this item. He described the request, the site and location. Mr. Olsen reviewed the Land Use Designation and that the requested zoning is in conformance with the Land Use Designation. He described the surrounding zoning. The Planning Commission recommended approval, as does Staff.

Councilmember Palmer asked why the adjacent Riverbend Subdivision is not in the City. Mr. Olsen responded that the subdivision was platted in the 1980’s but there will be an annexation request coming forward as a part of that subdivision being replatted.

Tom Logue, representing the applicant, was present and concurred with Mr. Olsen’s presentation. He was available for questions.

There were no public comments.

The public hearing was closed at 7:41 p.m.

a. Accepting Petition

Resolution No. 46-07 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Heron’s Nest Annexation Located at 3125 D Road is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 4044 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Heron’s Nest Annexation No. 1, Approximately 0.22 Acres Located at 3125 D Road

Ordinance No. 4045 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Heron’s Nest Annexation No. 2, Approximately 9.21 Acres Located at 3125 D Road

c. Zoning Ordinance

Ordinance No. 4046 – An Ordinance Zoning the Heron’s Nest Annexation to RSF-4 Located at 3125 D Road

Councilmember Palmer moved to adopt Resolution No. 46-07 and adopt Ordinance Nos. 4044, 4045, and 4046 and ordered them published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing – Cimarron Mesa Enclaves 1-4 Annexation and Zoning, Located at 246, 248, 250, 256, 268 26 ¼ Road, 272 Linden Avenue, and 2677, 2685 South Highway 50 [File #ANX-2007-019]

Consider the annexation and zoning for the Cimarron Mesa Enclaves No. 1-4 Annexation. The Cimarron Mesa Enclaves No. 1-4 Annexation is located at 246, 248, 250, 256, 268 26 ¼ Road, 272 Linden Avenue, and 2677, 2685 S Highway 50 and consists of 9 parcels on 21.65 acres. The zoning being requested is RSF-2 (Residential Single Family 2 du/ac), RSF-4 (Residential Single Family 4 du/ac), and C-1 (Light Commercial).

The public hearing opened at 7:43 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the request and the locations of the nine parcels. Five of the parcels along 26 ¼ Road are designated residential and have been developed that way. There are two vacant and two occupied parcels of commercial properties along Highway 6 and 50. She reviewed the Land Use Designations and the proposed zoning. She identified the State Statutory cite that allows

for annexation of enclaves after three years and the requirement in the Persigo Agreement for the annexation within five years. The City is the applicant.

There were no public comments.

The public hearing closed at 7:45 p.m.

a. Annexation Ordinances

Ordinance No. 4047 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cimarron Mesa Enclave No. 1 Annexation, Located at 268 26 ¼ Road, Consisting of Approximately 2.51 Acres

Ordinance No. 4048 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cimarron Mesa Enclave No. 2 Annexation, Located at 256 26 ¼ Road, Consisting of Approximately 0.73 Acres

Ordinance No. 4049 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cimarron Mesa Enclave No. 3 Annexation, Located at 246, 248, and 250 26 ¼ Road, Consisting of Approximately 11.86 Acres

Ordinance No. 4050 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cimarron Mesa Enclave No. 4 Annexation, Located at 272 Linden Avenue, 2677 and 2685 South Highway 50, Consisting of Approximately 6.55 Acres

b. Zoning Ordinances

Ordinance No. 4051 – An Ordinance Zoning the Cimarron Mesa Enclave No. 1 Annexation to RSF-4 Located at 269 26 ¼ Road

Ordinance No. 4052 – An Ordinance Zoning the Cimarron Mesa Enclave No. 2 Annexation to RSF-4 Located at 256 26 ¼ Road

Ordinance No. 4053 – An Ordinance Zoning the Cimarron Mesa Enclave No. 3 Annexation to RSF-2 and RSF-4 Located at 246, 248, and 250 26 ¼ Road

Ordinance No. 4054 – An Ordinance Zoning the Cimarron Mesa Enclave No. 4 Annexation to C-1 Located at 272 Linden Avenue, 2677 and 2685 S. Highway 50

Councilmember Palmer moved to adopt Ordinance Nos. 4047, 4048, 4049, 4050, 4051, 4052, 4053, and 4054 and ordered them published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Public Hearing – Zoning and Development Code Text Amendments Regarding Various Development Standards and Issues [File #TAC-2007-006]

The City of Grand Junction requests approval to amend various sections and to add new sections to the Zoning and Development Code that pertain to Nonconforming Uses/Structures/Sites, Drive-through retail establishments, zoning of annexed property, Residential zone designations, lot size and setbacks for lots abutting tracts, Growth Plan Amendments and requests to rezone to Planned Development (PD).

The public hearing was opened at 7:49 p.m.

Lisa Cox, Planning Manager, reviewed this item. She described the reason for the amendments is to clarify provisions in the Code while still meeting the goals and objectives of the Growth Plan. Public input was solicited on the changes and there is a representative in the audience that may wish to speak.

Ms. Cox then explained each change and how that will improve the process for applicants while still ensuring certain criteria are met.

The first change addresses non-conforming uses and sites so that there may be some flexibility in how the property can be developed and will ultimately improve the site but not meet requirements where they are impossible to meet due to site constraints. A Site Design Exception Team would review requests for exceptions. The Site Design Exception Team would be composed of a planner, an engineer, a fire department representative, and a representative from Parks and Recreation.

Councilmember Hill clarified that some sites that were originally conforming sites became non-conforming when new regulations and requirements (like landscaping) were enacted. A change in business or any expansion triggers the requirement to conform with the new Codes so this change addresses that issue. He asked Ms. Cox if this is correct. Ms. Cox concurred. Mr. Hill continued that the applicant may still have to go through the TEDS exception process. Ms. Cox said that is a possibility. Councilmember Hill asked if there was consideration of changing the percentage where that the expansion triggers a new Code. His concern was the time it takes to go through the process and what is the appeal process if denied. If the percentage was increased to 75% for the trigger point it might save a lot of Staff time.

Councilmember Palmer said this gives a chance for conformity plus the opportunity for relief if conformity is not possible.

Councilmember Beckstein agreed with Councilmember Hill, using North Avenue as an example. Changes along that corridor will generate a large volume of review work. It is not practical for buildings already in existence to become conforming under the current rules.

Councilmember Coons said she sees the proposed change as an attempt to create a give and take situation.

Councilmember Palmer compared two parking lots on North Avenue as an argument for encouraging conformance with current Code. The Hastings parking lot developed in the early 1980's is a large slab with no landscaping. Partyland on the other side of the street, developed under the current Codes has design and landscaping. It all comes down to the look of the community.

Councilmember Beckstein did not object to having criteria as long as it does not delay the process.

Councilmember Hill reiterated that he is not opposing the change but agrees with Councilmember Beckstein on the situation not adding time to the process and a process that does not allow improvements. Neither he nor Councilmember Beckstein is referring to life safety requirements. A different review criteria applies to downtown due to the site constraints and there should be the same type of considerations in other areas.

Planning Manager Cox responded that the proposal won't resolve all issues. It may be necessary to create an overlay district for North Avenue but this proposal is being brought forward to address some examples. Regarding the time elements, the process is voluntary and can be incorporated into the regular review time so it shouldn't add time to the process.

Ms. Cox also stated, regarding appeals, if denied, an applicant could then go to the Board of Appeals for a variance.

City Attorney Shaver clarified the difference between an exception and a variance. The exception is much closer to conformity; a variance is not conformity.

Ms. Cox said the design criteria are developed so the property can meet the criteria as close as possible. Councilmember Hill pointed out that it adds a common sense element in the review.

City Attorney Shaver noted that criteria #5 is frequently a variance criteria. He noted it was not a necessary criteria. If kept in the list of criteria, he would ask for authorization to rewrite it.

Councilmember Coons favored deleting it but it could be part of the discussion.

Councilmember Hill asked how the criteria will be evaluated. Ms. Cox said each team member brings their perspective when reading the applicant's narrative.

Councilmember Beckstein asked for more clarification. Ms. Cox felt the Site Design Exception Team will function much in the same way as the TEDS Exception Team.

The next proposed change addressed drive-through establishments, retail drive-throughs are not currently allowed in the B-1 zone district; the change would allow some retail drive-through uses but would still require a Conditional Use Permit.

Councilmember Beckstein expressed her concerns, specifically with the current application on the Gormley property. The neighborhood has expressed concerns about drive-through facilities. Ms. Cox advised that the Gormley property is being developed as a Planned Development so this change will not affect that application.

Councilmember Palmer asked Ms. Cox to explain the Conditional Use Permit process. Ms. Cox explained the hearing process and notification requirements. The public does have the ability to comment and express their concerns. City Attorney Shaver said the review includes looking at compatibility.

Ms. Cox stated the next change affects the criteria for rezone. Criteria were inadvertently left in. The change corrects that issue.

Ms. Cox then addressed residential zone designations are proposed to be changed in title since RSF and RMF can each contain a mix of both single family and multi-family so the current designations are confusing to the public.

Councilmember Palmer asked if the bulk requirements are different in single family and multi-family. Ms. Cox said they are and this change does not affect the bulk requirements.

Councilmember Hill asked about previous discussion on making additional zone designations that are more accurate such as R-3. City Attorney Shaver said the focus group continues to discuss that issue and a resolution will be brought forward but has not been developed.

Ms. Cox stated the next amendment is alternative surfacing for parking and traffic circulation areas. In traffic circulation areas, in industrial areas, pavement is not practical due to the traffic being large truck and heavy equipment. Tracking of dust, mud, and debris out of the site would not be allowed.

Councilmember Hill asked that it be clear what areas are being addressed. City Attorney Shaver read the entire section and Council was convinced the section was clear.

Ms. Cox said the next amendment addresses lots size and setback abutting tracts. It allows the inclusion of the tract to address either setback or lot width or lot size requirements. The types of tracts were specified. The tract must not contain any

structures and is not provided for in any covenants and must be a part of the proposed subdivision.

Councilmember Palmer asked for assurance that the development community is aware of these changes and has had input in the development of these changes. Ms. Cox responded that not only did the development community have input, but they are anxiously awaiting the adoption of these changes.

Ms. Cox said the last amendment allows the consideration of a Growth Plan Amendment and a rezone to a Planned Development to be considered concurrently. It is also allowed to be considered during a zone of annexation request. The reason it cannot be considered with a rezone for a straight zone is that with a PD the plan is already developed and the zone is “married” to the plan.

Councilmember Hill asked if the change will encourage PD's. City Attorney Shaver said it could but under a PD the developer has already invested a lot of planning so it is not a detriment to the City for that to occur. Ms. Cox said the change will streamline the process for some applicants. The Focus Group wants Growth Plan Amendments to be considered more than twice a year.

Councilmember Coons asked why that restriction was put into place. Ms. Cox said it was designed to protect the integrity of the Growth Plan Map. She suggested Council may want to see what comes out of the Comprehensive Plan process before changing that schedule or they could allow one more opportunity per year for Growth Plan Amendments. When asked, Ms. Cox did not feel a change to three times a year would have much of an impact on the Planning Staff.

Councilmember Hill said the opportunity should be there all year long. There are criteria that must be met. Waiting for the Comprehensive Plan is not acceptable and the opportunity should not be prolonged.

Ms. Cox said likely such an amendment will be brought forward.

Staff was commended for bringing these changes forward.

Larry Rasmussen, a member of the Focus Group, said he was very appreciative of the Focus Group; there is sincere effort to proceed with things that are improving the community. He said this community needs houses. He said every one of the issues was reviewed thoroughly and they support them, except for item #5 under criteria for nonconforming uses. Steps have been taken to ensure predictability in the process. The Focus Group supports adoption of all amendments except for criteria #5.

Russ Justice, representing Brady Trucking who just cleaned up the rendering plant, expressed support for the amendments and appreciated the Council's support. They are

still trying to get the site to the point where they can build there and he would appreciate any relief.

The public hearing was closed at 9:17 p.m.

Ordinance No. 4055 – An Ordinance Amending Various Sections and Adding New Sections to the Zoning and Development Code to Address Issues with Nonconforming Structures and Sites, Drive-Through Retail Establishments, Zoning of Annexed Property, Residential Zone Designations, Alternative Surfacing of Vehicular Traffic Areas, Lot Size, Width and Setbacks for Lots Abutting Tracts, and Growth Plan Amendments with Planned Development Rezone Requests

Councilmember Hill moved to adopt Ordinance No. 4055 with the exception of #5 in the 3.8.b.4 and ordered it published. Councilmember Beckstein seconded the motion.

Discussion ensued.

Councilmember Palmer said in addressing Growth Plan Amendments, the time those can be accepted needs to be increased.

Councilmember Coons agreed but asked if that should come to the City Council as a separate amendment. City Attorney Shaver said it does need to go through the process, Planning Commission review and public notification.

Councilmember Coons asked if the additional wording for the Growth Plan Amendment request change should be included in the motion. City Attorney Shaver said that needs to be included. He provided the Clerk with additional language.

Councilmember Coons moved to amend the motion to add the wording in Section 2.5.B.2 to read “A Growth Plan Amendment request shall not be considered concurrently with any other development review process, except for a zone of annexation **to Planned Development** or request to rezone to Planned Development (PD).” Councilmember Hill seconded. Roll call vote was unanimous. Motion carried to amend the initial motion.

There was then more discussion.

Councilmember Hill expressed his appreciation to staff and the Focus Group in bringing these changes forward.

Councilmember Thomason and Beckstein added similar comments.

Councilmember Hill said regarding density, the City needs to maximize density to take advantage of existing infrastructure. He asked if those conversations are taking place.

He asked if denial precipitates a new application. Ms. Cox responded that there is usually more than one option under each Land Use Designation; the Council has the prerogative to zone a property any of those options. Mr. Shaver voiced concern that noticing to the public might be an issue if the Council were to select a higher density but notices could be changed to accommodate that possibility.

Councilmember Coons asked the Council President to call the question.

Council President Doody commended Ms. Cox on her presentation.

The amended motion was carried by roll call vote.

Non-Scheduled Citizens & Visitors

Councilmember Thomason introduced his parents in the audience.

Other Business

Larry Rasmussen, Focus Group member, said the group has spent hours discussing the density issue. The Group is exploring the possibility of, in the bulk standards, just having setback requirements and not having lot size and width included in the bulk standards.

Adjournment

The meeting adjourned at 9:37 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2

Purchase of Three ½ Ton and One ¾ Ton Pickups

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Purchase of Three ½ Ton and One ¾ Ton Pickups						
Meeting Date	April 4, 2007						
Date Prepared	March 25, 2007				File #		
Author	Shirley Nilsen			Senior Buyer			
Presenter Name	Jay Valentine			Purchasing Manager			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: This purchase is for the replacement of one 1994 pickup and one 1996 pickup for Parks and Recreation Forestry Division, and one 1997 pickup for Parks and Recreation Canyon View Park Division. The purchase also includes the addition to the fleet of one ¾ ton pickup for Parks and Recreation. Three of these vehicles are currently scheduled for replacement in 2007 as identified by the annual review of the Fleet Replacement Committee. The four new pickups will be E85 OEM Bi Fuel (flex fuel) compatible.

Budget: Of the total \$66,112.00 purchase, \$48,000.00 has been budgeted and approved in the Fleet Replacement Fund for the three replacement pickups. Parks and Recreation has budgeted \$17,000.00 for the purchase of the additional unit being added to the Fleet. The budget deficiency of \$1,112.00 will be made up from savings in the 2007 Fleet Replacement Fund.

Action Requested/Recommendation: Authorize the City Purchasing Division to purchase three 2007 Ford F-150 4 x 2 pickups and one 2008 F-250 4 x 2 Pickup from Western Slope Auto Company, a local company in Grand Junction, CO, for the amount of \$66,112.00.

Background Information: The solicitation was advertised in the Daily Sentinel, and invitations were sent to 59 potential bidders. Nine responsive and responsible bids were received as shown below. The Purchasing Manager agrees with this recommendation.

Company	Locations	Total
Western Slope Auto	Grand Junction, CO	\$66,112.00
Dallenbach Motors	Fort Collins, CO	69,364.00
Daniels Chevrolet	Colorado Springs, CO	72,244.00
Fuoco Motors	Grand Junction, CO	*53,067.00
Stevinson Chevrolet	Golden, CO	74,167.87
Grand Junction Chrysler	Grand Junction, CO	74,005.00
Performance GMC	Farmington, NM	76,438.00
Johnson Auto Plaza	Brighton, CO	78,391.00
Johnson Auto Plaza	Brighton, CO	\$75,475.00
*Fuoco did not bid the ¾ ton pickup		

Attach 3

Setting a Hearing on Zoning the Morning View Annexation, Located at 2961, 2967, and 2973 D Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Zoning the Morning View Annexation, located at 2961, 2967, and 2973 D Road.						
Meeting Date	April 4, 2007						
Date Prepared	March 29, 2007				File #ANX-2007-018		
Author	Adam Olsen			Associate Planner			
Presenter Name	Adam Olsen			Associate Planner			
Report results back to Council		Yes	<input checked="" type="checkbox"/>	No	When		
Citizen Presentation		Yes	<input checked="" type="checkbox"/>	No	Name		
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda	<input checked="" type="checkbox"/>	Consent		Individual Consideration

Summary: Request to zone the 34.37 acre Morning View Annexation, located at 2961, 2967, and 2973 D Road, to R-8 (Residential 8 du/ac).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed ordinance and set a public hearing for April 18, 2007.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report / Background information
2. Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing City and County Zoning
4. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION

Location:		2961, 2967, and 2973 D Road		
Applicants:		2973 D Road LLC-Owner B & G Development-Developer Development Construction Services-Applicant		
Existing Land Use:		Residential/Agriculture		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Vacant		
	East	Residential		
	West	Extraction (Gravel Pit)		
Existing Zoning:		RSF-R		
Proposed Zoning:		R-8		
Surrounding Zoning:	North	R-8 (City), RSF-R (County)		
	South	RSF-R (County)		
	East	RSF-R (County), PUD (County)		
	West	R-R (City)		
Growth Plan Designation:		RM (Residential Medium 4-8 du/ac)		
Zoning within density range?		X	Yes	No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the R-8 zone district is consistent with the Growth Plan designation of RM (Residential Medium 4-8 du/ac). The existing County zoning is RSF-R. The existing zoning of RSF-R is not consistent with the Growth Plan designation of RM (Residential Medium 4-8 du/ac). Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3, 4 and 5 as follows:

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations.

Response: The R-8 zone district is compatible with the neighborhood and will not create adverse impacts. The future land use map designates all surrounding properties as RM (Residential Medium 4-8 du/ac) with the exception of the property to the south which is designated as RML (Residential Medium Low 2-4 du/ac). A PUD in the County to the east has a density of 6.3 du/ac. To the north is the Country Place Estates with a density of 6.14 du/ac. Also to the north is the Flint Ridge Subdivision with a density of 7.7 du/ac.

The R-8 zone district is in conformance with the following goals and policies of the Growth Plan and the Pear Park Neighborhood Plan.

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.

Policy 5.2: The City will encourage development that uses existing facilities and is compatible with existing development.

Goal 10: To retain valued characteristics of different neighborhoods within the community.

Policy 10.2: The City will consider the needs of the community at large and the needs of individual neighborhoods when making development decisions.

Goal 11: To promote stable neighborhoods and land use compatibility throughout the community.

Goal 15: To achieve a mix of compatible housing types and densities dispersed throughout the community.

Goal 4, Transportation and Access Management, Pear Park Plan: Plan for future street cross-sections, sidewalks, bike lanes and trails.

Goal 3, Land Use and Growth, Pear Park Plan: Establish areas of higher density to allow for a mix in housing options.

- Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

Response: Adequate public facilities are available or will be provided at the time of further development of the property.

- The supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's needs.

Response: The subject property is being zoned with a City designation due to the annexation and is comparable with the surrounding area.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

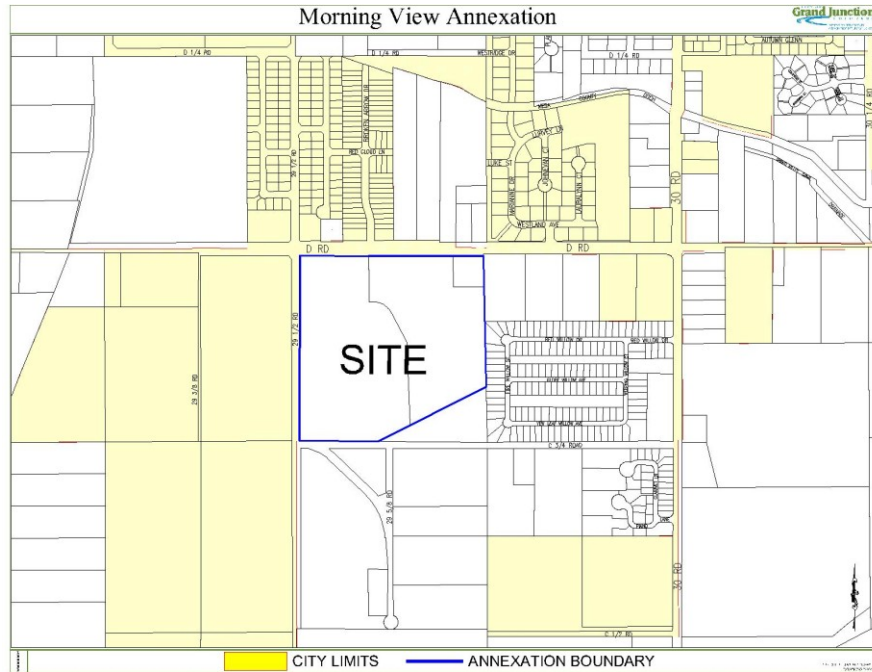
- a. R-4
- b. R-5

If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the R-8 district to be consistent with the Growth Plan, and Sections 2.6 and 2.14 of the Zoning and Development Code.

Site Location Map

Figure 1



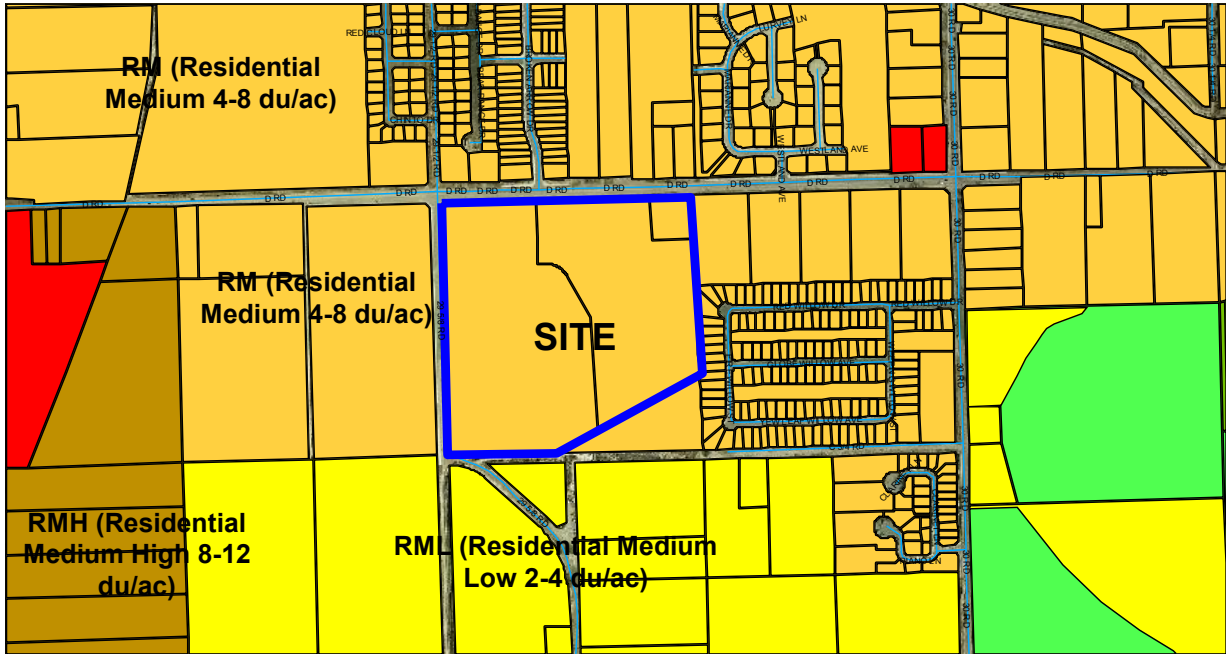
Aerial Photo Map

Figure 2



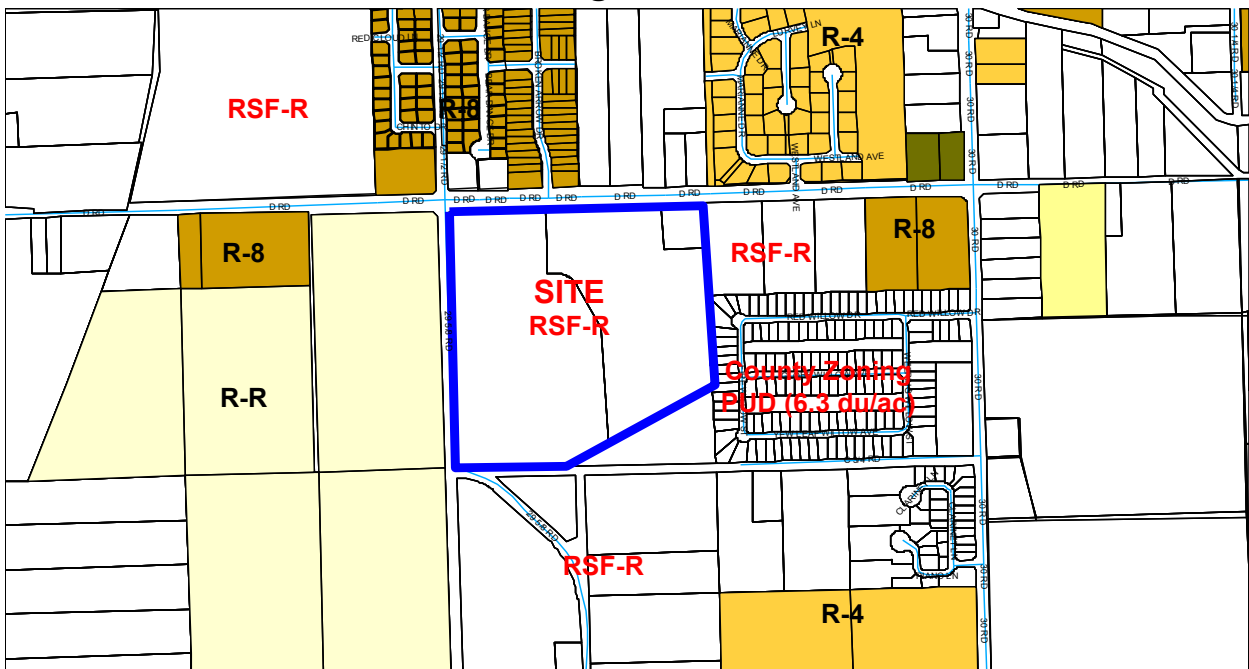
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE MORNING VIEW ANNEXATION TO
R-8**

LOCATED AT 2961, 2967, AND 2973 D ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Morning View Annexation to the R-8 zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-8 zone district is in conformance with the stated criteria of Section 2.6 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 be zoned R-8 (Residential 8 du/ac).

MORNING VIEW ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 20, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of Parcel 2 of Wareham Simple Land Division, as same is recorded in Plat Book 16, Page 196, Public Records of Mesa County, and assuming the North line of said Parcel 2 bears N89°58'45"E with all other bearings contained herein being relative thereto; thence N89°58'45"E along the North line of that certain parcel of land as described in Book 4116, Page 539, Public Records, Mesa County, Colorado to a point on the East line of the NW 1/4 NE 1/4 of Section 20; thence S00°03'02"E along said East line a distance of 208.71 feet to the Southeast corner of said parcel; thence S89°58'45"W along the South line of said parcel a distance of

208.71 feet to the Southwest corner; thence N00°03'02"W along the West line of said parcel a distance of 208.71, more or less, to the Point of Beginning. TOGETHER with Parcels 1 and 2 of said Wareham Simple Land Division

Said parcel contains 34.37 acres (1,496,980 square feet), more or less, as described.

INTRODUCED on first reading the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

ATTEST:

President of the Council

City Clerk

Attach 4

Setting a Hearing on Zoning the Knight and Durmas Annexation, Located at 842 21 ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Zoning the Knight and Durmas Annexation, located at 842 21 1/2 Road.						
Meeting Date	April 4, 2007						
Date Prepared	March 29, 2007				File #ANX-2007-023		
Author	Adam Olsen			Associate Planner			
Presenter Name	Adam Olsen			Associate Planner			
Report results back to Council		Yes	<input checked="" type="checkbox"/>	No	When		
Citizen Presentation		Yes	<input checked="" type="checkbox"/>	No	Name		
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda	<input checked="" type="checkbox"/>	Consent		Individual Consideration

Summary: Request to zone the 2.84 acre Knight and Durmas Annexation, located at 842 21 1/2 Road, to I-1 (Light Industrial).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed ordinance and set a public hearing for April 18, 2007.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report / Background information
2. Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing City and County Zoning
4. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION

Location:		842 21 1/2 Road		
Applicants:		Knight & Durmas Properties-Owner TPI-Developer Maverick Engineering-Representative		
Existing Land Use:		Vacant		
Proposed Land Use:		Light Industrial		
Surrounding Land Use:	North	Industrial		
	South	Industrial		
	East	Agriculture		
	West	Industrial		
Existing Zoning:		PUD		
Proposed Zoning:		I-1		
Surrounding Zoning:	North	PUD (County)		
	South	PUD (County)		
	East	RSF-R (County)		
	West	PUD (County)		
Growth Plan Designation:		C-I (Commercial Industrial)		
Zoning within density range?		X	Yes	No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the I-1 zone district is consistent with the Growth Plan designation of C-I (Commercial Industrial). The existing County zoning is PUD. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3, 4 and 5 as follows:

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations.

Response: The I-1 zone district is compatible with the neighborhood and will not create adverse impacts. The future land use map designates all surrounding properties as C-I (Commercial Industrial) and RUR (Rural 5-35 ac/du). The area to the north, south and west of the property is zoned County PUD. To the east is zoned RSF-R in the County.

The I-1 zone district is in conformance with the following goals and policies of the Growth Plan.

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.

Policy 5.2: The City and County will encourage development that uses existing facilities and is compatible with existing development.

Policy 10.2: The City and County will consider the needs of the community at large and the needs of individual neighborhoods when making development decisions.

Goal 17: To promote a healthy, sustainable, diverse economy.

Goal 18: To maintain the City's position as a regional provider of goods and services.

- Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

Response: Adequate public facilities are available or will be provided at the time of further development of the property.

- The supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's needs.

Response: The subject property is being zoned with a City designation due to the annexation and is comparable with the surrounding area.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

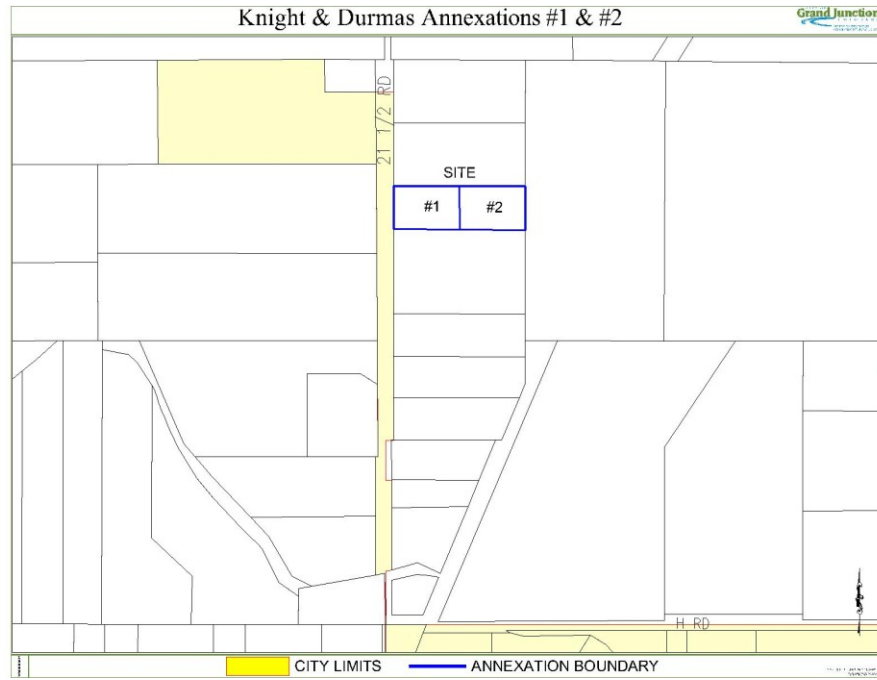
- c. C-2
- d. M-U

If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the I-1 district to be consistent with the Growth Plan, and Sections 2.6 and 2.14 of the Zoning and Development Code.

Site Location Map

Figure 1



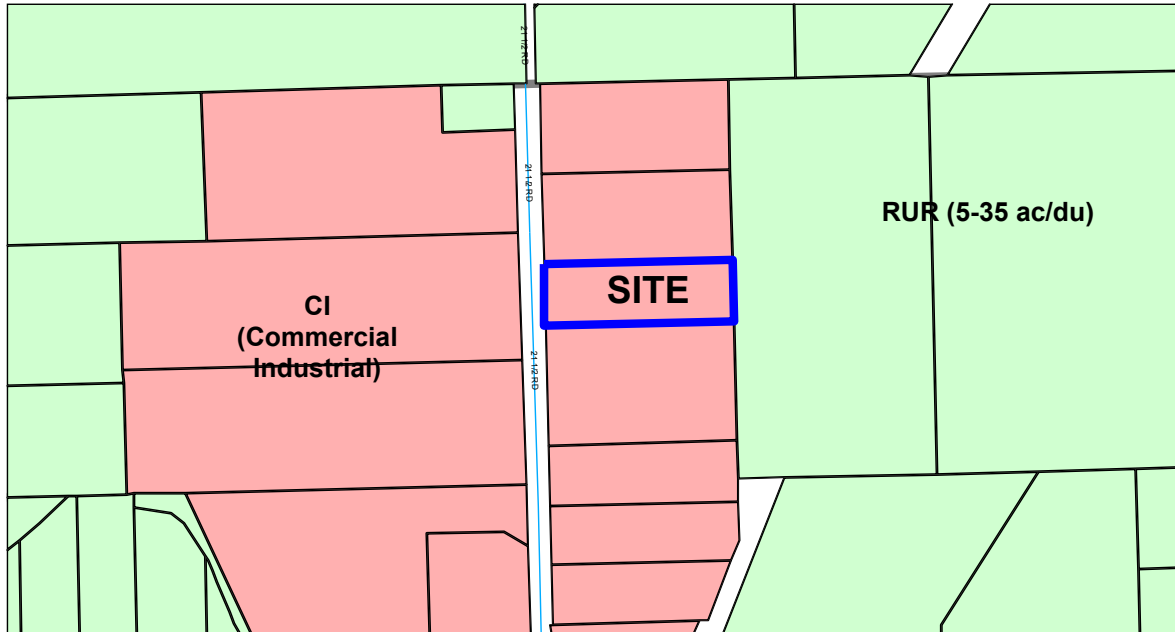
Aerial Photo Map

Figure 2



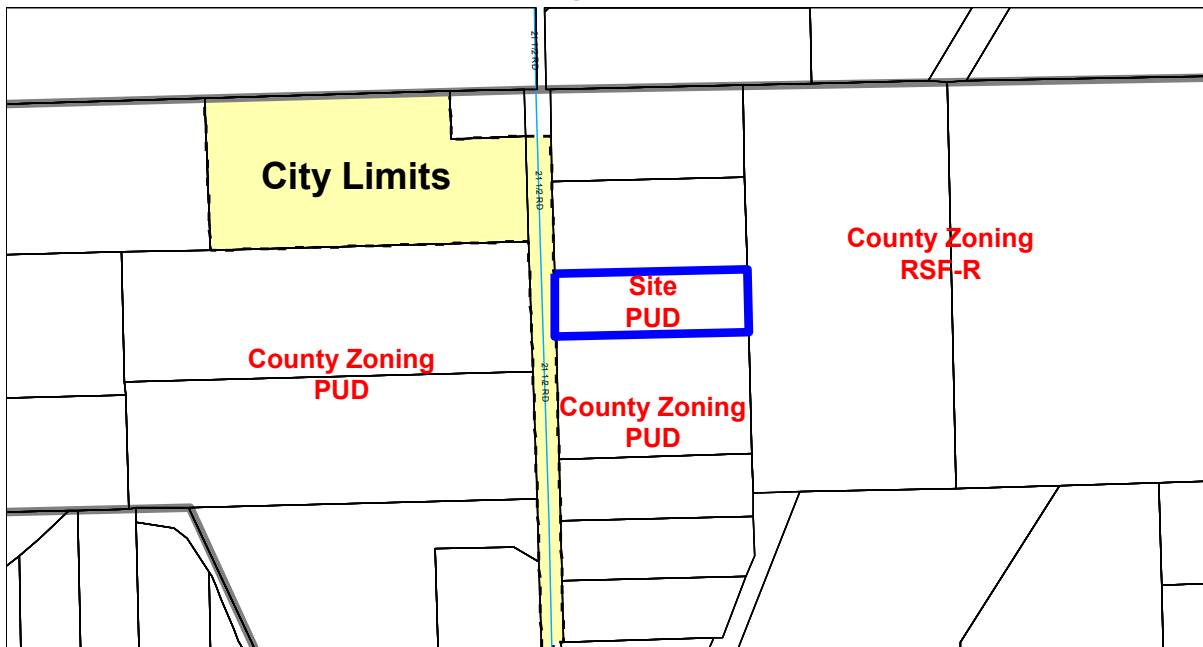
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE KNIGHT AND DURMAS ANNEXATION TO
I-1**

LOCATED AT 842 21 1/2 ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Knight and Durmas Annexation to the I-1 zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the I-1 zone district is in conformance with the stated criteria of Section 2.6 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 be zoned I-1 (Light Industrial).

KNIGHT AND DURMAS ANNEXATION NO. 1

A certain parcel of land located in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 25, Township 1 North, Range 2 West, of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 4 of Riverview Commercial Subdivision, as same is recorded in Plat Book 13, Page 138, Public Records of Mesa County, Colorado, and assuming the North line of said Lot 4 to bear S89°51'44"E with all bearings contained herein relative thereto; thence S89°51'44"E along said North line a distance of 310.31 feet; thence S00°00'45"W a distance of 200.00 feet to a point on the South line of said Lot 4; thence N89°51'44"W along said South line a distance of 310.31 feet to the Southwest corner of said Lot 4, said corner also being a point on the East line of 21-1/2 Road; thence N00°00'45"E along said East line of 21-1/2 Road a distance of 200.00 feet, more or less, to the Point of Beginning.

Said parcel contains 1.42 acres (62,063 square feet), more or less, as described.

KNIGHT AND DURMAS ANNEXATION NO. 2

A certain parcel of land located in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 25, Township 1 North, Range 2 West, of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Northwest corner of Lot 4 of Riverview Commercial Subdivision, as same is recorded in Plat Book 13, Page 138, Public Records of Mesa County, Colorado, and assuming the North line of said Lot 4 to bear S89°51'44"E with all bearings contained herein relative thereto; thence S89°51'44"E along said North line a distance of 310.31 feet to the POINT OF BEGINNING; thence S89°51'44"E along said North line a distance of 310.32 feet to the Northeast corner of said Lot 4; thence S00°01'20"W along the East line of said Lot 4 a distance of 200.00 to the Southeast corner; thence N89°51'44"W along the South line of said lot 4 a distance of 310.29 feet; thence N00°00'45"E a distance of 200.00 feet, more or less, to the Point of Beginning.

Said parcel contains 1.42 acres (62,060 square feet), more or less, as described.

INTRODUCED on first reading the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

ATTEST:

President of the Council

City Clerk

Attach 5

Setting a Hearing on Zoning the Promontory Annexation, Located at the End of Sierra Vista Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Zoning the Promontory Annexation, located at the end of Sierra Vista Road						
Meeting Date	April 4, 2007						
Date Prepared	March 26, 2007				File #ANX-2006-280		
Author	Ronnie Edwards			Associate Planner			
Presenter Name	Ronnie Edwards			Associate Planner			
Report results back to Council		Yes	X	No	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda	X	Consent		Individual Consideration

Summary: Request to zone the 5.88 acre Promontory Annexation, located at the end of Sierra Vista Road, to R-4 (Residential, 4 du/ac). This is a serial annexation consisting of The Promontory Annexation No. 1, The Promontory Annexation No. 2, The Promontory Annexation No.3 and The Promontory Annexation No. 4 and includes a portion of B Road, Clymer Drive and Sierra Vista Road rights-of-way.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed ordinance and set a public hearing for April 18, 2007.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Site Location Map / Aerial Photo Map

3. Future Land Use Map / Existing City and County Zoning Map
4. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		At the end of Sierra Vista Road		
Applicants:		Joe Payne		
Existing Land Use:		Vacant		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Vacant/Gunnison River		
	East	Residential		
	West	Residential		
Existing Zoning:		County RSF-4		
Proposed Zoning:		City R-4		
Surrounding Zoning:	North	County RSF-4		
	South	County RSF-4		
	East	County RSF-4		
	West	County RSF-4		
Growth Plan Designation:		Residential Medium-Low (2-4 du/ac)		
Zoning within density range?		X	Yes	No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the R-4 zone district is consistent with the Growth Plan designation of Residential Medium Low (2-4 du/ac). The existing County zoning is RSF-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3 and 4 as follows:

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations.

Response: The proposed zoning of R-4 is compatible with the neighborhood and conforms to the goals and policies of the Growth Plan. The surrounding zoning and uses are similar, as the existing residential subdivisions are built to densities of 2 to 4 units per acre.

- Adequate public facilities and services are available or will be supplied at the time of further development of the property.

Response: Adequate public facilities are available or will be provided at the time of further development of the property.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

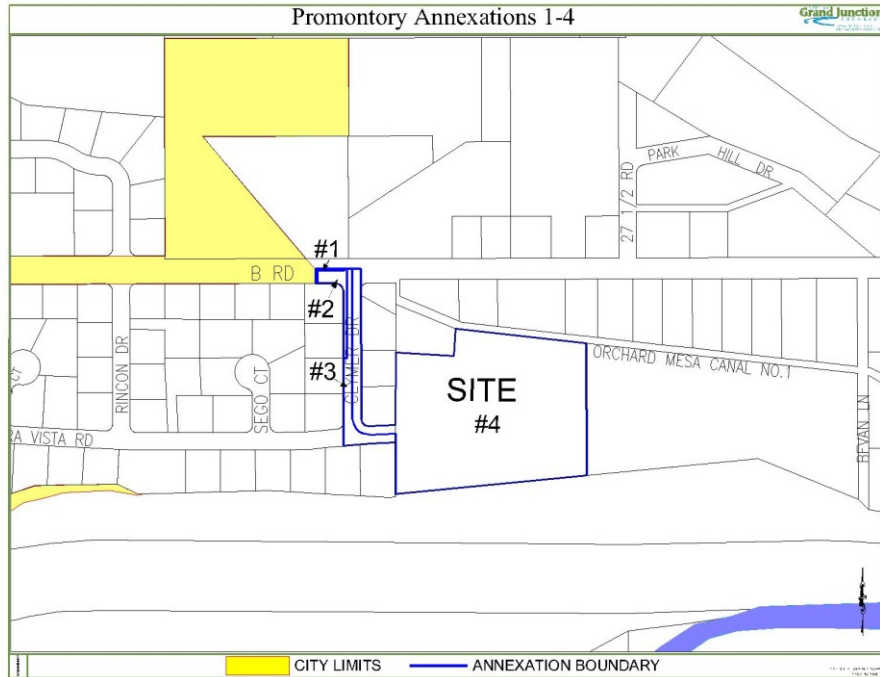
- e. R-2 (Residential, 2 du/ac)

If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the R-4 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

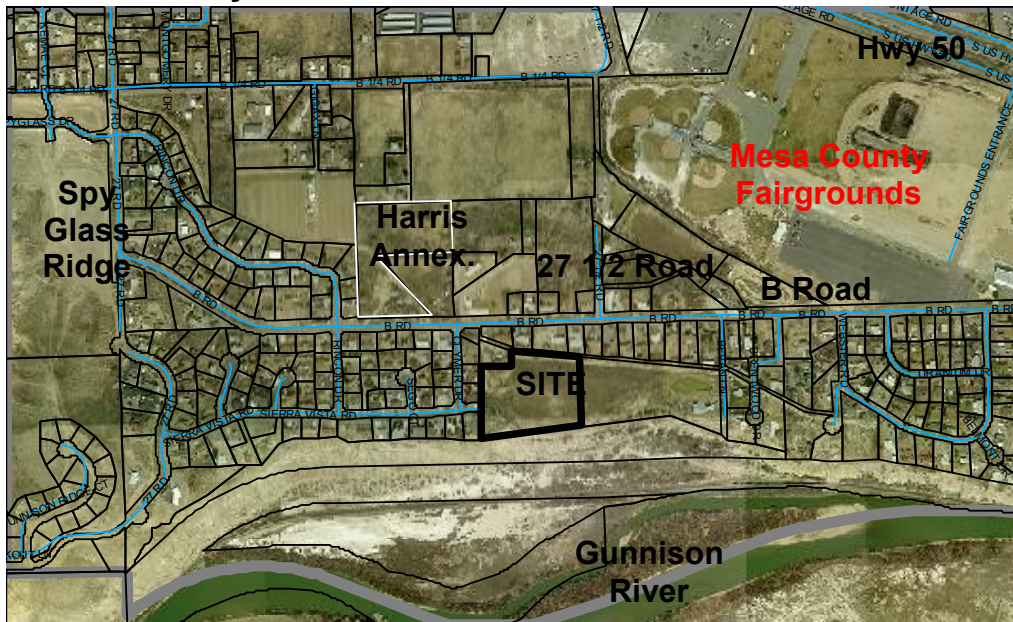
Site Location Map

Figure 1



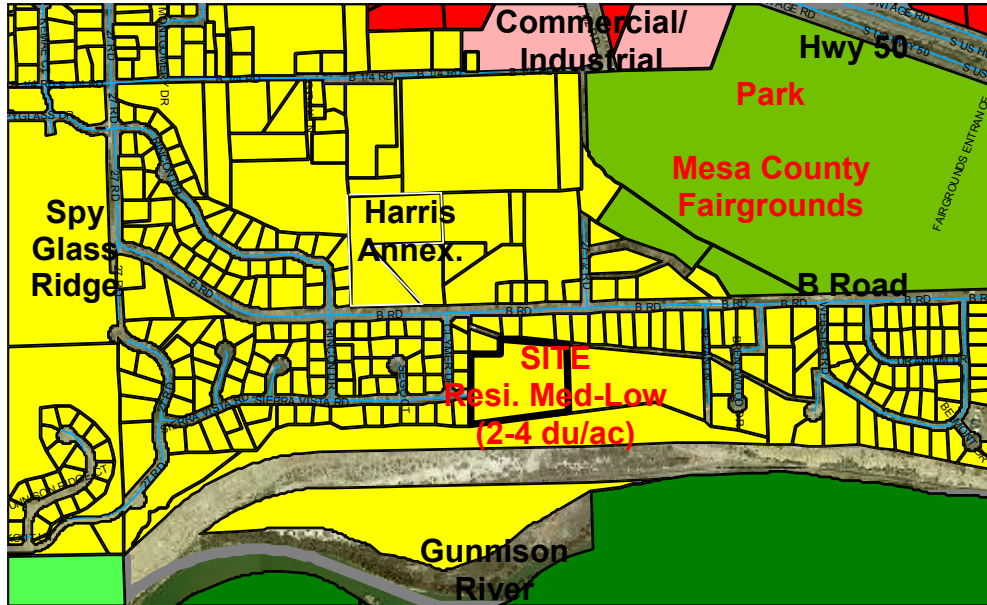
Aerial Photo Map

City Limits Figure 2



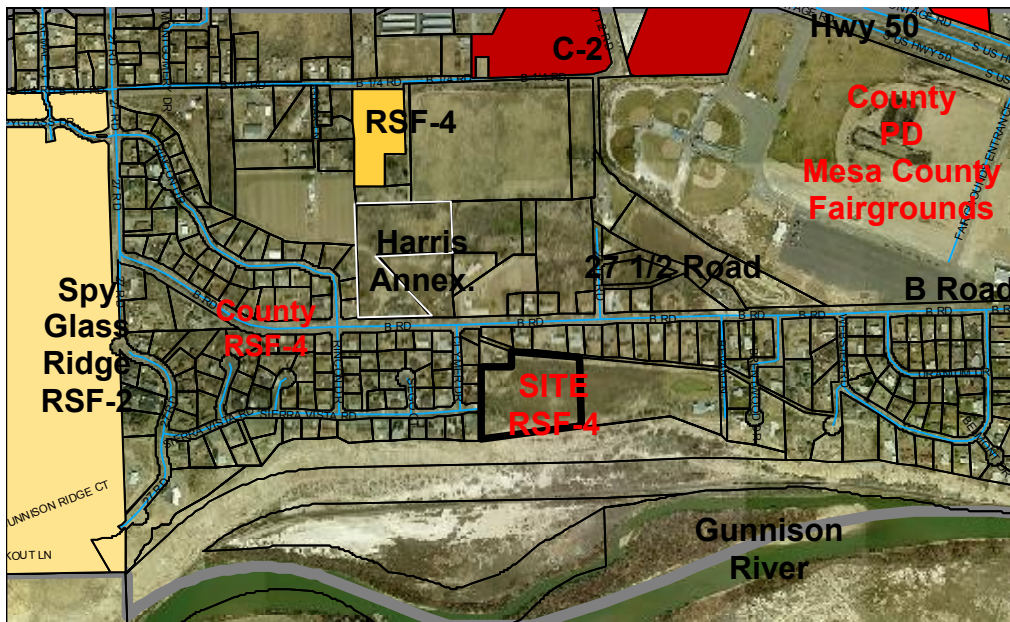
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE PROMONTORY ANNEXATION TO
R-4 (RESIDENTIAL, 4 DU/AC)**

LOCATED AT THE END OF SIERRA VISTA ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning The Promontory Annexation to the R-4, Residential, 4 du/ac, zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-4 zone district is in conformance with the stated criteria of Section 2.6 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 be zoned R-4 (Residential, 4 du/ac)

Promontory Annexation No. 1

A certain parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 36, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of that certain parcel of land as described in Book 3937, Page 864, Public Records of Mesa County, Colorado, and assuming the North line of the NE1/4 NW1/4 of said Section 36 bears N89°58'14"E with all other bearings contained herein being relative thereto; thence N89°58'14"E along said North line a distance of 80.00 feet; thence S00°01'46"E a distance of 5.00 feet to a point on a line being 5 feet South of and parallel with said North line; thence S89°58'14"W along said parallel line a distance of 75.00 feet; thence S00°05'12"E a distance of 35.00 feet to a point on the Northerly line of Sierra Vista Subdivision, as same is recorded in Plat Book 12, Page 115, Public Records of Mesa County, Colorado, and being the South right of

way of B Road; thence N89°58'14"W along said right of way a distance of 5.00 feet to a point on the Harris Annexation No. 2, City of Grand Junction, Ordinance No. 3946; thence N00°05'12"E along said Harris Annexation No. 2 a distance of 40.00 feet, more or less, to the Point of Beginning.

Said parcel contains 0.01 acres (575 square feet), more or less, as described.

And Also Promontory Annexation No. 2

A certain parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 36, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 16 of Sierra Vista Subdivision, as same is recorded in Plat Book 12, Page 115, Public Records of Mesa County, Colorado, and assuming the East line of Block Three of said Sierra Vista Subdivision bears N00°01'46"W with all other bearings contained herein being relative thereto; thence N00°01'46"W along said East line a distance of 195.00 feet; thence 31.42 feet along the arc of a 20.00 foot radius curve concave Southwest, having a central angle of 90°00'00" and a chord bearing N45°01'46"W a distance of 28.28 feet; thence S89°57'35"W a distance of 54.45 feet to a point on a line being 5.00 feet East of and parallel with the East line of the Harris Annexation, City of Grand Junction, Ordinance No. 3946; thence N00°05'12"E along said parallel line a distance of 35.00 feet to a point on a line being 5.00 feet South of and parallel with the North line of the NE1/4 NW1/4 of said Section 36; thence N89°58'14"E along said parallel line a distance of 75.00 feet; thence N00°01'46"W a distance of 5.00 feet to a point on said North line; thence N89°58'14"E along said North line a distance of 9.38 feet; thence S00°01'46"E along a line being 10.00 feet East of and parallel with the East line of said Sierra Vista Subdivision, distance of 255.00 feet; thence S89°58'14"W a distance of 10.00 feet, more or less, to the Point of Beginning.

Said parcel contains 0.12 acres (5,238 square feet), more or less, as described.

And Also Promontory Annexation No. 3

A certain parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 36, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 16 of Sierra Vista Subdivision, as same is recorded in Plat Book 12, Page 115, Public Records of Mesa County, Colorado, and assuming the East line of Block Three of said Sierra Vista Subdivision bears

N00°01'46"W with all other bearings contained herein being relative thereto; thence N89°58'14"E a distance of 10.00 feet to a point on a line being 10.00 feet East of and parallel with said East line; thence N00°01'46"W along said parallel line a distance of 255.00 feet to a point on the North line of the NE1/4 NW1/4 of said Section 36; thence N89°58'14"E along said North line a distance of 15.00 feet; thence S00°01'46"E along a line being 25.00 feet East of and parallel with the East line of said Sierra Vista Subdivision a distance of 428.42 feet; thence 74.80 feet along the arc of a 45.00 foot radius curve concave Northeast, having a central angle of 95°14'19" and a chord bearing S47°38'56"E a distance of 66.48 feet; thence 73.91 feet along the arc of a 772.60 foot radius curve concave South, having a central angle of 05°28'59" and a chord bearing N87°28'31"E a distance of 73.88 feet to a point on the East line of said Sierra Vista Subdivision; thence S00°13'11"W along said East line a distance of 25.00 feet to a point on the South line of Sierra Vista Road; thence 71.51 feet along the arc of a 747.60 foot radius curve concave South, having a central angle of 05°28'51" and a chord bearing S87°28'29"W a distance of 71.49 feet; thence S84°44'04"W along said South line a distance of 76.71 feet; thence N00°01'46"W a distance of 250.13 feet, more or less, to the Point of Beginning.

Said parcel contains 0.31 acres (13,666 square feet), more or less, as described.

And Also Promontory Annexation No. 4

A certain parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 36, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of Lot 16, Block Three of Sierra Vista Subdivision, as same is recorded in Plat Book 12, Page 115, Public Records of Mesa County, Colorado, and assuming the East line of said Block three bears N00°01'46"W with all other bearings contained herein being relative thereto; thence N89°58'14"E a distance of 25.00 feet to the POINT OF BEGINNING; thence N00°01'46"W from said point of beginning a distance of 255.00 feet to a point on the North line of the NE1/4 NW1/4 of Section 36; thence N89°58'14"E along said North line a distance of 25.00 feet; thence S00°01'46"E along the West line of Block Four of said Sierra Vista Subdivision and its projection a distance of 428.42 feet; thence 33.24 feet along the arc of a 20.00 foot radius curve concave Northeast, having a central angle of 95°14'10" and a chord bearing S47°38'51"E a distance of 29.55 feet to a point on the South line of said Block Four; thence 76.30 feet along the arc of a 797.60 foot radius curve concave South, having a central angle of 05°28'52" and a chord bearing N87°28'29"E a distance of 76.27 feet; thence N00°13'11"E along the East line of said Block Four a distance of 207.10 feet to the Southwest corner of that certain parcel of land as described in Book 3600, Page 515, Public Records of Mesa County, Colorado; thence S86°16'51"E along the South line of said parcel a distance of 168.25 feet to the Southeast corner of said

parcel; thence N03°22'36"E along the East line of said parcel a distance of 77.62 feet to the Northeast corner of said parcel; thence S83°34'33"E along the South line of the Orchard Mesa Canal No. 1 a distance of 375.66 feet; thence S00°01'43"E along the East line of Lot 1 of Madre De Paz, A Replat of 4 Seasons-Orchard Mesa Development, as same is recorded in Plat Book 13, Page 380, Public Records of Mesa County, Colorado, a distance of 376.88 feet to the Southeast corner of said Lot 1; thence S84°36'37"W along the South line of said Lot 1 a distance of 549.94 feet; thence N00°13'11"E along the East line of Lot 19 and it's continuation a distance of 171.90 feet; thence 73.91 feet along the arc of a 772.60 foot radius curve concave South, having a central angle of 05°28'59" and a chord bearing S87°28'31"W a distance of 73.88 feet; thence 74.80 feet along the arc of a 45.00 foot radius curve concave Northeast, having a central angle of 95°14'19" and a chord bearing N47°38'56"W a distance of 66.48 feet; thence N00°01'46"W a distance of 173.42 feet, more or less, to the Point of Beginning.

Said parcel contains 5.44 acres (236,863 square feet), more or less, as described.

INTRODUCED on first reading the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

ATTEST:

President of the Council

City Clerk

Attach 6

Setting a Hearing on the Miller Annexation, Located at 450 Wildwood Drive

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Miller Annexation - Located at 450 Wildwood Drive					
Meeting Date		April 4, 2007					
Date Prepared		March 23, 2007			File # GPA-2006-239		
Author		Kristen Ashbeck		Senior Planner			
Presenter Name		Lisa Cox		Planning Manager			
Report results back to Council			Yes	X	No	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Request to annex 35.7 acres, located at 450 Wildwood Drive. The Miller Annexation consists of 1 parcel and is a five part serial annexation.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Miller Annexation and introduce the proposed Ordinances and set a hearing for May 16, 2007.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff Report/Background information
2. Annexation/Site Location and Aerial Photo Maps
3. Future Land Use and Existing City and County Zoning Maps
4. Resolution Referring Petition
5. Annexation Ordinances

STAFF REPORT / BACKGROUND INFORMATION				
Location:		450 Wildwood Drive		
Applicants:		Wylie and Carrie Miller, Owner and Developer		
Existing Land Use:		Large Parcel with Outbuildings		
Proposed Land Use:		Detached Single Family Residential		
Surrounding Land Use:	North	Large Lot Single Family Residential		
	South	Large Lot Single Family Residential		
	East	Large Lot Single Family Residential		
	West	Large Lot Single Family Residential		
Existing Zoning:		RSF-2		
Proposed Zoning:		R-2		
Surrounding Zoning:	North	R-R (City) and RSF- (County)		
	South	RSF-R (County)		
	East	RSF-R (County)		
	West	RSF-4 (County)		
Growth Plan Designation:		Residential Rural 5-35 acres/dwelling unit		
Zoning within density range?		Yes	X	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 35.7 acres of land and is comprised of one parcel and is a five part serial annexation. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Miller Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;

- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

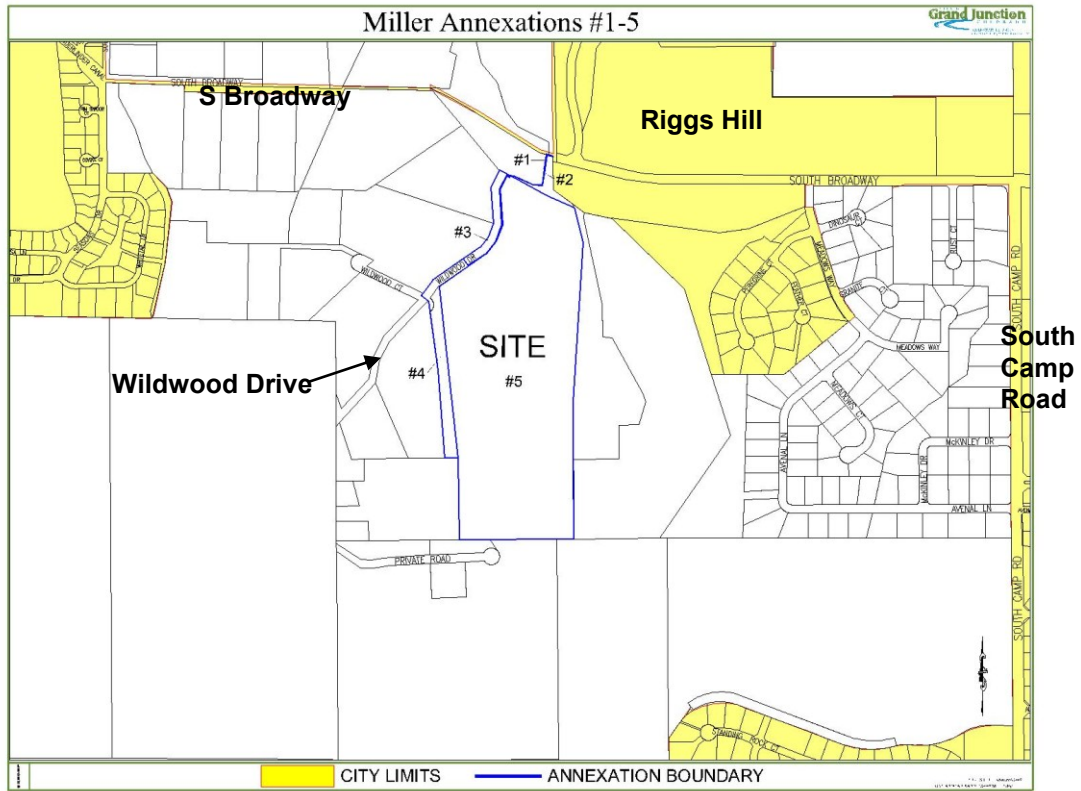
The following annexation and zoning schedule is being proposed. Zoning schedule will be determined following a decision on a Growth Plan Amendment for the property.

ANNEXATION SCHEDULE	
April 4, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
TBD	Planning Commission considers Zone of Annexation
TBD	Introduction Of A Proposed Ordinance on Zoning by City Council
May 16, 2007	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
June 17, 2007	Effective date of Annexation and Zoning

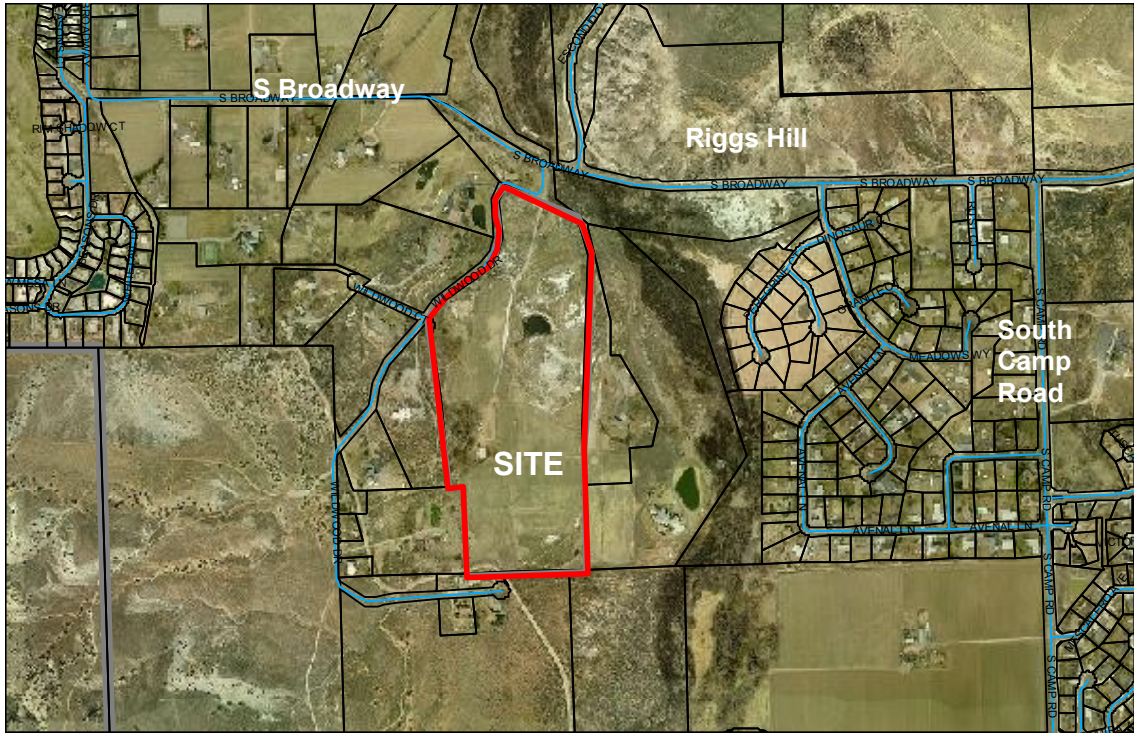
MILLER ANNEXATION SUMMARY

File Number:	GPA-2006-239	
Location:	450 Wildwood Drive	
Tax ID Number:	2947-263-00-048	
Parcels:	1	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	35.7	
Developable Acres Remaining:	Approximately 35	
Right-of-way in Annexation:	South Broadway and Wildwood Drive	
Previous County Zoning:	RSF-2	
Proposed City Zoning:	R-2	
Current Land Use:	Large Parcel with Outbuildings	
Future Land Use:	Detached Single Family Residential	
Values:	Assessed:	\$5,090
	Actual:	\$17,550
Address Ranges:	450 Wildwood Drive	
Special Districts:	Water:	Ute Water
	Sewer:	City
	Fire:	Grand Junction Rural Fire District
	Irrigation/ Drainage:	Redlands Water and Power
	School:	Mesa County Valley School District 51
	Pest:	NA

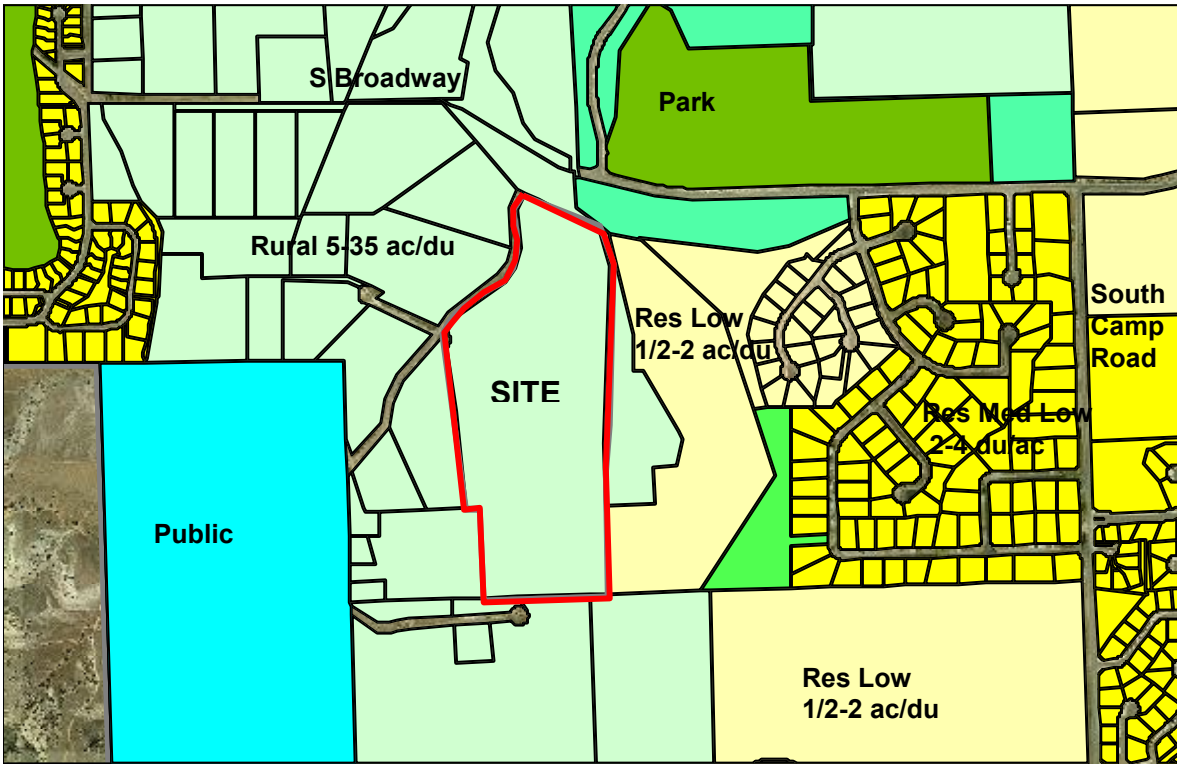
Site Location Map



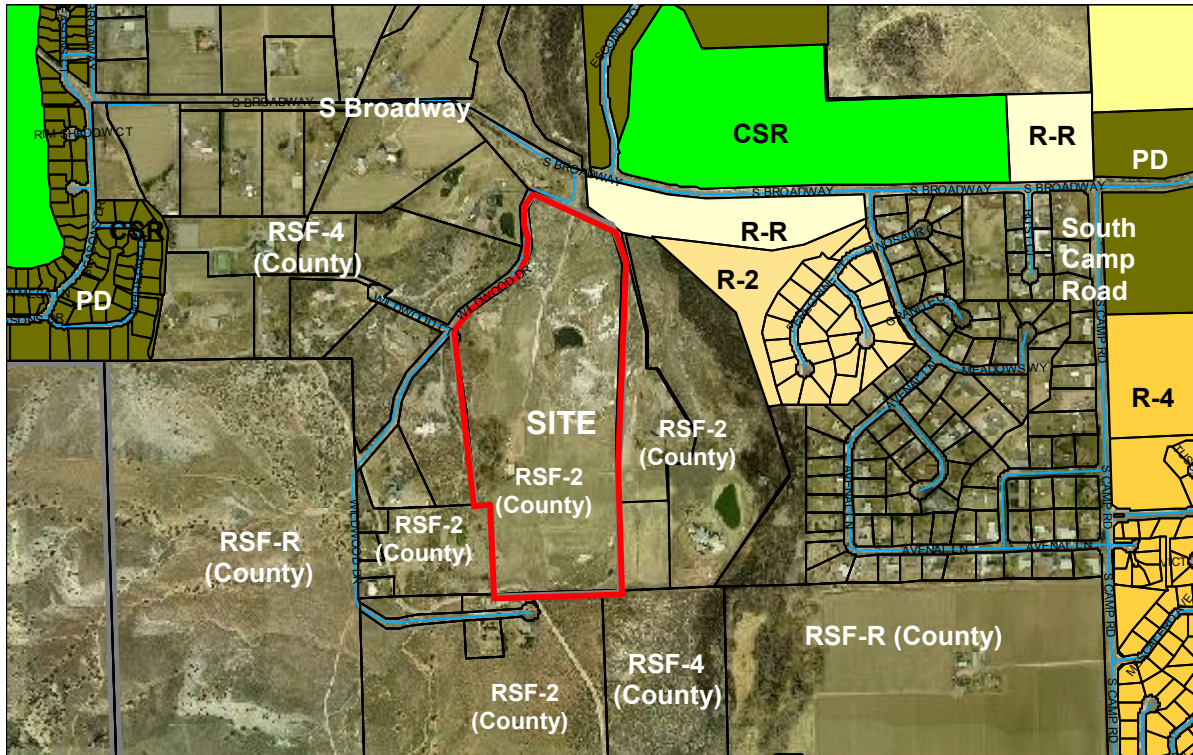
Aerial Photo Map



Future Land Use Map



Existing City/County Zoning



NOTICE OF HEARING ON PROPOSED ANNEXATION OF LANDS TO THE CITY OF GRAND JUNCTION, COLORADO

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 4th of April, 2007, the following Resolution was adopted:

RESOLUTION NO. ____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

MILLER ANNEXATION

**LOCATED AT 450 WILDWOOD DRIVE AND INCLUDING PORTIONS OF THE SOUTH
BROADWAY AND WILDWOOD DRIVE RIGHTS-OF-WAY**

WHEREAS, on the 4th day of April, 2007, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

MILLER ANNEXATION NO. 1

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 26, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of Desert Hills Estates Subdivision, as same is recorded in Plat Book 18, pages 21 through 25, Public Records of Mesa County, Colorado and assuming the East line of the SW 1/4 NW 1/4 of said Section 26 bears S00°48'44"E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S00°48'44"E along said East line a distance of 31.66 feet; thence S89°11'16"W a distance of 1.00 foot to a point on the South Camp Annexation Parcel No. 3, City of Grand Junction, Ordinance No. 2759 and the POINT OF BEGINNING; thence S00°48'44"E along said South Camp Annexation Parcel No. 3 a distance of 1.06 feet; thence N71°17'56"W along a line being 1.00 foot South of and parallel with the South line of said South Camp Annexation Parcel No. 3 a distance of 42.07 feet; thence S09°25'34"W a distance of 83.82 feet; thence N80°34'26"W a distance of 1.00 foot; thence N09°25'34"E a distance of 85.00 feet to a point on the South line of said South Camp Annexation Parcel No. 3; thence S71°17'56"E along said South line a distance of 42.89 feet, more or less, to the Point of Beginning.

Said parcel contains 0.002 acres (127 square feet), more or less, as described.

MILLER ANNEXATION NO. 2

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 26, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of Desert Hills Estates Subdivision, as same is recorded in Plat Book 18, pages 21 through 25, Public Records of Mesa County, Colorado and assuming the East line of the SW 1/4 NW 1/4 of said Section 26 bears S00°48'44"E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S00°48'44"E along said East line a distance of 32.73 feet; thence S89°11'16"W a distance of 1.00 foot to a point on the South Camp Annexation Parcel No. 3, City of Grand Junction, Ordinance No. 2759 and the POINT OF BEGINNING; thence S00°48'44"E along said South Camp Annexation Parcel No. 3 a distance of 1.06 feet; thence N71°17'56"W along a line being 2.00 feet South of and parallel with the South line of said South Camp Annexation Parcel No. 3 a distance of 41.24 feet; thence S09°25'34"W a distance of 83.65 feet; thence N80°34'26"W a distance of 1.00 foot; thence S09°25'34"W a distance of 99.90 feet; thence N86°51'36"W a distance of 51.09 feet; thence N64°58'07"W a distance of 100.19 feet; thence N25°01'53"E a distance of 1.00 foot; thence S64°58'07"E a distance of 100.00 feet; thence S86°51'36"E a distance of 50.00 feet; thence N09°25'34"E a distance of 100.00 feet; thence S80°34'26"E a distance of 1.00 foot; thence N09°25'34"E a distance of 83.82 feet to a point on a line being 1.00 foot South of and parallel with the South line of said South Camp Annexation Parcel No. 3; thence S71°17'56"E along Said parallel line a distance of 42.07 feet, more or less, to the Point of Beginning.

Said parcel contains 0.01 acres (377 square feet), more or less, as described.

MILLER ANNEXATION NO. 3

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 26, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of Desert Hills Estates Subdivision, as same is recorded in Plat Book 18, pages 21 through 25, Public Records of Mesa County, Colorado and assuming the East line of the SW 1/4 NW 1/4 of said Section 26 bears S00°48'44"E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S00°48'44"E along said East line a distance of 33.78 feet; thence S89°11'16"W a distance of 1.00 foot to a point on the South Camp Annexation Parcel No. 3, City of Grand Junction, Ordinance No. 2759 and the POINT OF BEGINNING; thence S00°48'44"E along said South Camp Annexation Parcel No. 3

a distance of 1.06 feet; thence N71°17'56"W along a line being 3.00 feet South of and parallel with the South line of said South Camp Annexation Parcel No. 3 a distance of 40.42 feet; thence S09°25'34"W a distance of 83.47 feet; thence N80°34'26"W a distance of 1.00 foot; thence S09°25'34"W a distance of 99.79 feet; thence N86°51'36"W a distance of 52.18 feet; thence N64°58'07"W a distance of 101.39 feet; thence N25°01'53"E a distance of 1.00 foot; thence N64°58'07"W a distance of 28.79 feet; thence N88°45'24"W a distance of 27.59 feet to a point on the North line of that certain parcel of land as described in Book 3495, Page 379, Public Records of Mesa County, Colorado; thence S28°03'05"W a distance of 5.00 feet; thence N61°59'50"W along a line being 5.00 feet South of and parallel with said North line a distance of 16.54 feet to a point on the East line of Wildwood Drive; thence along said East line of Wildwood Drive the following 5 courses; (1) S27°53'25"W a distance of 85.77 feet; (2) S03°23'50"E a distance of 215.62 feet; (3) S19°56'10"W a distance of 105.04 feet; (4) S38°44'10"W a distance of 96.39 feet; (5) S55°40'09"W a distance of 125.00 feet; thence N34°19'51"W a distance of 50.00 feet to a point on the West line of said Wildwood Drive; thence along said West line of Wildwood Drive the following 5 courses; (1) N55°40'09"E a distance of 117.56 feet; (2) N38°44'10"E a distance of 80.67 feet; (3) N19°56'10"E a distance of 86.44 feet; (4) N03°23'50"W a distance of 219.30 feet; (5) N27°47'41"E a distance of 110.45 feet to a point on the North line of said parcel; thence S39°32'19"E along said North line a distance of 14.48 feet; thence S61°56'55"E along said North line a distance of 51.15 feet; thence S88°45'24"E a distance of 29.78 feet; thence S64°58'07"E a distance of 30.00 feet; thence S25°01'53"W a distance of 1.00 foot; thence S64°58'07"E a distance of 100.19 feet; thence S86°51'36"E a distance of 51.09 feet; thence N09°25'34"E a distance of 99.90 feet; thence S80°34'26"E a distance of 1.00 foot; thence N09°25'34"E a distance of 83.65 feet to a point on a line being 2.00 feet South of and parallel with the South line of said South Camp Annexation Parcel No. 3; thence S71°17'56"E along said parallel line a distance of 41.24 feet, more or less, to the Point of Beginning.

Said parcel contains 0.73 acres (31,609 square feet), more or less, as described.

MILLER ANNEXATION NO. 4

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) and the South Half (S 1/2) of Section 26, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the most Northerly corner of Lot 2, Liberty Cap Subdivision, as same is recorded in Plat Book 15, page 288, Public Records of Mesa County, Colorado and assuming the East line of said Lot 2 bears N07°08'50"W with all other bearings contained herein being relative thereto; thence N55°32'07"W a distance of 50.00 feet to a point on the West line of Wildwood Drive; thence N34°27'53"E along said West line a distance of 116.13 feet; thence N55°40'09"E along said West line a distance of 225.67

feet; thence S34°19'51"E a distance of 50.00 feet to a point on the East line of said Wildwood Drive; thence along said East line of Wildwood Drive the following 5 courses; (1) N55°40'09"E a distance of 125.00 feet; (2) N38°44'10"E a distance of 96.39 feet; (3) N19°56'10"E a distance of 105.04 feet; (4) N03°23'50"W a distance of 215.62 feet; (5) N27°53'25"E a distance of 85.77 feet to a point on a line being 5.00 feet South of and parallel with the North line of that certain parcel of land as described in Book 3495, Page 379, Public Records of Mesa County, Colorado; thence S61°59'50"E along said parallel line a distance of 16.54 feet; thence N28°03'05"E a distance of 5.00 feet to a point on said North line; thence S61°56'55"E along said North line a distance of 5.00 feet; thence S28°03'05"W a distance of 10.00 feet; thence N61°59'50"W along a line 10.00 feet South of and parallel with said North line a distance of 16.53 feet to point on a line being 5.00 feet East of and parallel with the East line of said Wildwood Drive; thence along said parallel line the following 5 courses; (1) S27°53'25"W a distance of 79.36 feet; (2) S03°23'50"E a distance of 215.25 feet; (3) S19°56'10"W a distance of 106.90 feet; (4) S38°44'10"W a distance of 97.96 feet; (5) S55°40'09"W a distance of 341.06 feet; thence S05°54'54"E a distance of 1026.52 feet; thence S00°12'41"E a distance of 5.00 feet to the Northeast corner of that certain parcel of land as described in Book 1943, Page's 750-751, Public Records of Mesa County, Colorado; thence S89°18'34"W along the North line of said parcel a distance of 83.39 feet to the Southwest corner of Lot 2 of said Liberty Cap Subdivision; thence N03°41'07"W along the East line of said Liberty Cap Subdivision a distance of 521.32 feet; thence N07°08'50"W along said East line a distance of 425.66 feet, more or less, to the Point of Beginning.

Said parcel contains 2.10 acres (91,442 square feet), more or less, as described.

MILLER ANNEXATION NO. 5

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) and the South Half (S 1/2) of Section 26, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of that certain parcel of land as described in Book 1943, Page's 750-751, Public Records of Mesa County, Colorado; and assuming the East line of said parcel bears N00°12'41"W with all other bearings contained herein being relative thereto; thence N00°12'41"W a distance of 5.00 feet; thence N05°54'54"W a distance of 1026.52 feet to a point on a line being 5.00 feet East of and parallel with the East line of said Wildwood Drive; thence along said parallel line the following 5 courses; (1) N55°40'09"E a distance of 341.06 feet; (2) N38°44'10"E a distance of 97.96 feet; (3) N19°56'10"E a distance of 106.90 feet; (4) N03°23'50"W a distance of 215.25 feet; (5) N27°53'25"E a distance of 79.36 feet to a point on a line being 10.00 feet South of and parallel with the North line of that certain parcel of land as described in Book 3495, Page 379, Public Records of Mesa County, Colorado;

thence S61°59'50"E along said parallel line a distance of 16.53 feet; thence N28°03'05"E a distance of 10.00 feet to a point on the North line of said parcel; thence S61°56'55"E along said North line a distance of 84.76 feet; thence S60°47'04"E along said North line a distance of 176.48 feet; thence S65°17'14"E along said North line a distance of 180.41 feet; thence S14°37'14"E along the East line of said parcel a distance of 200.45 feet; thence S03°59'29"W along said East line a distance of 948.87 feet; thence S00°13'16"W along said East line a distance of 819.89 feet to the Southeast corner of said parcel; thence S89°31'11"W along the South line of said parcel a distance of 689.59 feet to the Southwest corner of said parcel; thence N00°12'41"W a distance of 486.23 feet, more or less, to the Point of Beginning.

Said parcel contains 32.86 acres (1,431,316 square feet), more or less, as described.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 16th day of May, 2007, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2007.

Attest:

President of the Council

City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

City Clerk

<i>DATES PUBLISHED</i>
April 6, 2007
April 13, 2007
April 20, 2007
April 27, 2007

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

MILLER ANNEXATION NO. 1

APPROXIMATELY 0.002 ACRES

**LOCATED IN PORTIONS OF THE SOUTH BROADWAY
AND WILDWOOD DRIVE RIGHTS-OF-WAY**

WHEREAS, on the 4th day of April, 2007, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of May, 2007; 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:

MILLER ANNEXATION NO. 1

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 26, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of Desert Hills Estates Subdivision, as same is recorded in Plat Book 18, pages 21 through 25, Public Records of Mesa County, Colorado and assuming the East line of the SW 1/4 NW 1/4 of said Section 26 bears S00°48'44"E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S00°48'44"E along said East line a distance of 31.66 feet; thence S89°11'16"W a distance of 1.00 foot to a point on the South Camp

Annexation Parcel No. 3, City of Grand Junction, Ordinance No. 2759 and the POINT OF BEGINNING; thence S00°48'44"E along said South Camp Annexation Parcel No. 3 a distance of 1.06 feet; thence N71°17'56"W along a line being 1.00 foot South of and parallel with the South line of said South Camp Annexation Parcel No. 3 a distance of 42.07 feet; thence S09°25'34"W a distance of 83.82 feet; thence N80°34'26"W a distance of 1.00 foot; thence N09°25'34"E a distance of 85.00 feet to a point on the South line of said South Camp Annexation Parcel No. 3; thence S71°17'56"E along said South line a distance of 42.89 feet, more or less, to the Point of Beginning.

CONTAINING 0.002 Acres (127 Sq. Ft.), more or less, as described

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

MILLER ANNEXATION NO. 2

APPROXIMATELY 0.01 ACRES

**LOCATED IN PORTIONS OF THE SOUTH BROADWAY
AND WILDWOOD DRIVE RIGHTS-OF-WAY**

WHEREAS, on the 4th day of April, 2007, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of May, 2007; 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:

MILLER ANNEXATION NO. 2

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 26, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of Desert Hills Estates Subdivision, as same is recorded in Plat Book 18, pages 21 through 25, Public Records of Mesa County, Colorado and assuming the East line of the SW 1/4 NW 1/4 of said Section 26 bears

S00°48'44"E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S00°48'44"E along said East line a distance of 32.73 feet; thence S89°11'16"W a distance of 1.00 foot to a point on the South Camp Annexation Parcel No. 3, City of Grand Junction, Ordinance No. 2759 and the POINT OF BEGINNING; thence S00°48'44"E along said South Camp Annexation Parcel No. 3 a distance of 1.06 feet; thence N71°17'56"W along a line being 2.00 feet South of and parallel with the South line of said South Camp Annexation Parcel No. 3 a distance of 41.24 feet; thence S09°25'34"W a distance of 83.65 feet; thence N80°34'26"W a distance of 1.00 foot; thence S09°25'34"W a distance of 99.90 feet; thence N86°51'36"W a distance of 51.09 feet; thence N64°58'07"W a distance of 100.19 feet; thence N25°01'53"E a distance of 1.00 foot; thence S64°58'07"E a distance of 100.00 feet; thence S86°51'36"E a distance of 50.00 feet; thence N09°25'34"E a distance of 100.00 feet; thence S80°34'26"E a distance of 1.00 foot; thence N09°25'34"E a distance of 83.82 feet to a point on a line being 1.00 foot South of and parallel with the South line of said South Camp Annexation Parcel No. 3; thence S71°17'56"E along Said parallel line a distance of 42.07 feet, more or less, to the Point of Beginning.

CONTAINING 0.01 Acres (377 Sq. Ft.), more or less, as described

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

MILLER ANNEXATION NO. 3

APPROXIMATELY 0.73 ACRES

LOCATED IN A PORTION OF THE WILDWOOD DRIVE RIGHT-OF-WAY

WHEREAS, on the 4th day of April, 2007, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of May, 2007; 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:

MILLER ANNEXATION NO. 3

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 26, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of Desert Hills Estates Subdivision, as same is recorded in Plat Book 18, pages 21 through 25, Public Records of Mesa County, Colorado and assuming the East line of the SW 1/4 NW 1/4 of said Section 26 bears S00°48'44"E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S00°48'44"E along said East line a distance of 33.78

feet; thence S89°11'16"W a distance of 1.00 foot to a point on the South Camp Annexation Parcel No. 3, City of Grand Junction, Ordinance No. 2759 and the POINT OF BEGINNING; thence S00°48'44"E along said South Camp Annexation Parcel No. 3 a distance of 1.06 feet; thence N71°17'56"W along a line being 3.00 feet South of and parallel with the South line of said South Camp Annexation Parcel No. 3 a distance of 40.42 feet; thence S09°25'34"W a distance of 83.47 feet; thence N80°34'26"W a distance of 1.00 foot; thence S09°25'34"W a distance of 99.79 feet; thence N86°51'36"W a distance of 52.18 feet; thence N64°58'07"W a distance of 101.39 feet; thence N25°01'53"E a distance of 1.00 foot; thence N64°58'07"W a distance of 28.79 feet; thence N88°45'24"W a distance of 27.59 feet to a point on the North line of that certain parcel of land as described in Book 3495, Page 379, Public Records of Mesa County, Colorado; thence S28°03'05"W a distance of 5.00 feet; thence N61°59'50"W along a line being 5.00 feet South of and parallel with said North line a distance of 16.54 feet to a point on the East line of Wildwood Drive; thence along said East line of Wildwood Drive the following 5 courses; (1) S27°53'25"W a distance of 85.77 feet; (2) S03°23'50"E a distance of 215.62 feet; (3) S19°56'10"W a distance of 105.04 feet; (4) S38°44'10"W a distance of 96.39 feet; (5) S55°40'09"W a distance of 125.00 feet; thence N34°19'51"W a distance of 50.00 feet to a point on the West line of said Wildwood Drive; thence along said West line of Wildwood Drive the following 5 courses; (1) N55°40'09"E a distance of 117.56 feet; (2) N38°44'10"E a distance of 80.67 feet; (3) N19°56'10"E a distance of 86.44 feet; (4) N03°23'50"W a distance of 219.30 feet; (5) N27°47'41"E a distance of 110.45 feet to a point on the North line of said parcel; thence S39°32'19"E along said North line a distance of 14.48 feet; thence S61°56'55"E along said North line a distance of 51.15 feet; thence S88°45'24"E a distance of 29.78 feet; thence S64°58'07"E a distance of 30.00 feet; thence S25°01'53"W a distance of 1.00 foot; thence S64°58'07"E a distance of 100.19 feet; thence S86°51'36"E a distance of 51.09 feet; thence N09°25'34"E a distance of 99.90 feet; thence S80°34'26"E a distance of 1.00 foot; thence N09°25'34"E a distance of 83.65 feet to a point on a line being 2.00 feet South of and parallel with the South line of said South Camp Annexation Parcel No. 3; thence S71°17'56"E along said parallel line a distance of 41.24 feet, more or less, to the Point of Beginning.

CONTAINING 0.73 Acres (31,609 Sq. Ft.), more or less, as described

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

MILLER ANNEXATION NO. 4

APPROXIMATELY 2.10 ACRES

**LOCATED AT 450 WILDWOOD DRIVE
AND INCLUDING A PORTION OF THE WILDWOOD DRIVE RIGHT-OF-WAY**

WHEREAS, on the 4th day of April, 2007, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of May, 2007; 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:

MILLER ANNEXATION NO. 4

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) and the South Half (S 1/2) of Section 26, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the most Northerly corner of Lot 2, Liberty Cap Subdivision, as same is recorded in Plat Book 15, page 288, Public Records of Mesa County, Colorado and assuming the East line of said Lot 2 bears N07°08'50"W with all other bearings contained herein being relative thereto; thence N55°32'07"W a distance of 50.00 feet to

a point on the West line of Wildwood Drive; thence N34°27'53"E along said West line a distance of 116.13 feet; thence N55°40'09"E along said West line a distance of 225.67 feet; thence S34°19'51"E a distance of 50.00 feet to a point on the East line of said Wildwood Drive; thence along said East line of Wildwood Drive the following 5 courses; (1) N55°40'09"E a distance of 125.00 feet; (2) N38°44'10"E a distance of 96.39 feet; (3) N19°56'10"E a distance of 105.04 feet; (4) N03°23'50"W a distance of 215.62 feet; (5) N27°53'25"E a distance of 85.77 feet to a point on a line being 5.00 feet South of and parallel with the North line of that certain parcel of land as described in Book 3495, Page 379, Public Records of Mesa County, Colorado; thence S61°59'50"E along said parallel line a distance of 16.54 feet; thence N28°03'05"E a distance of 5.00 feet to a point on said North line; thence S61°56'55"E along said North line a distance of 5.00 feet; thence S28°03'05"W a distance of 10.00 feet; thence N61°59'50"W along a line 10.00 feet South of and parallel with said North line a distance of 16.53 feet to point on a line being 5.00 feet East of and parallel with the East line of said Wildwood Drive; thence along said parallel line the following 5 courses; (1) S27°53'25"W a distance of 79.36 feet; (2) S03°23'50"E a distance of 215.25 feet; (3) S19°56'10"W a distance of 106.90 feet; (4) S38°44'10"W a distance of 97.96 feet; (5) S55°40'09"W a distance of 341.06 feet; thence S05°54'54"E a distance of 1026.52 feet; thence S00°12'41"E a distance of 5.00 feet to the Northeast corner of that certain parcel of land as described in Book 1943, Page's 750-751, Public Records of Mesa County, Colorado; thence S89°18'34"W along the North line of said parcel a distance of 83.39 feet to the Southwest corner of Lot 2 of said Liberty Cap Subdivision; thence N03°41'07"W along the East line of said Liberty Cap Subdivision a distance of 521.32 feet; thence N07°08'50"W along said East line a distance of 425.66 feet, more or less, to the Point of Beginning.

CONTAINING 2.10 Acres (91,442 Sq. Ft.), more or less, as described

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

MILLER ANNEXATION NO. 5

APPROXIMATELY 32.86 ACRES

LOCATED AT 450 WILDWOOD DRIVE

WHEREAS, on the 4th day of April, 2007, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of May, 2007; 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:

MILLER ANNEXATION NO.5

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) and the South Half (S 1/2) of Section 26, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of that certain parcel of land as described in Book 1943, Page's 750-751, Public Records of Mesa County, Colorado; and assuming the East line of said parcel bears N00°12'41"W with all other bearings contained herein being relative thereto; thence N00°12'41"W a distance of 5.00 feet; thence N05°54'54"W a distance of 1026.52 feet to a point on a line being 5.00 feet East of and

parallel with the East line of said Wildwood Drive; thence along said parallel line the following 5 courses; (1) N55°40'09"E a distance of 341.06 feet; (2) N38°44'10"E a distance of 97.96 feet; (3) N19°56'10"E a distance of 106.90 feet; (4) N03°23'50"W a distance of 215.25 feet; (5) N27°53'25"E a distance of 79.36 feet to a point on a line being 10.00 feet South of and parallel with the North line of that certain parcel of land as described in Book 3495, Page 379, Public Records of Mesa County, Colorado; thence S61°59'50"E along said parallel line a distance of 16.53 feet; thence N28°03'05"E a distance of 10.00 feet to a point on the North line of said parcel; thence S61°56'55"E along said North line a distance of 84.76 feet; thence S60°47'04"E along said North line a distance of 176.48 feet; thence S65°17'14"E along said North line a distance of 180.41 feet; thence S14°37'14"E along the East line of said parcel a distance of 200.45 feet; thence S03°59'29"W along said East line a distance of 948.87 feet; thence S00°13'16"W along said East line a distance of 819.89 feet to the Southeast corner of said parcel; thence S89°31'11"W along the South line of said parcel a distance of 689.59 feet to the Southwest corner of said parcel; thence N00°12'41"W a distance of 486.23 feet, more or less, to the Point of Beginning.

CONTAINING 32.86 Acres (1,431,316 Sq. Ft.), more or less, as described

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

Attest:

President of the Council

City Clerk

Attach 7

Setting a Haring on H Road/Northwest Plan Policies and Performance Standards

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	H Road/Northwest Area Plan Policies and Performance Standards						
Meeting Date	April 4, 2007						
Date Prepared	March 29, 2007				File # GPA-2007-025		
Author	David Thornton		Principal Planner				
Presenter Name	David Thornton		Principal Planner				
Report results back to Council		Yes	X	No	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Request adoption of the H Road/Northwest Area Plan Policies and Performance Standards. These policies and performance standards are a part of the H Road/ Northwest Plan the City and County Planning Commissions approved jointly on March 27, 2007. The Plan area comprises an area bounded by H Road to H ½ Road, from approximately 21 ¼ Road to 22 Road and also includes five properties located on the Southeast corner of H Road and 22 Road.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed ordinance and set a public hearing for April 18, 2007.

Attachments:

1. Proposed Ordinance

Background Information:

The H Road/Northwest Area Plan consists of approximately 250 acres of land located in the 22 Road and H Road area. The Plan boundary includes an area that was added to the Persigo 201 boundary in March 2006. Since inclusion into the 201 sewer service

area, the public interest in establishing appropriate urban intensity development and establishing appropriate future land uses options for the study area has increased.

The planning process began in the fall of 2006 with initial meetings among City, County and Colorado Department of Transportation staff. Focus groups were held to discuss traffic/ transportation needs and commercial/industrial needs for vacant land.

Planning staffs conducted baseline inventories and met with in-house and external service providers to help identify key issues prior to meeting with the public. Focus group meeting were held with Grand Junction economic development representatives, oil and gas representatives and property owners along the 22 Road and H ½ Road corridors. A public open house was held in November 2006. The entire schedule is outlined below:

September 20, 2006	Committee Meeting #1 (City and County Staff)
October 3, 2006	Base Mapping Completed
October 4, 2006	Committee Meeting #2 (City and County Staff)
October 17, 2006	Committee Meeting #3 (City and County Staff)
October 30, 2006	Sub-committee meeting on transportation issues
November 1, 2006	Met with City Council's Strategic Planning Team #1
November 17, 2006	Send Notice for Neighborhood Meeting
November 29, 2006	Neighborhood Meeting/Open House
December 8, 2006	Committee Meeting #4 (City and County Staff)
January 16, 2007	Committee Meeting #5 (City and County Staff)
February 6 th	Invitation letter to Focus Group mailed
February 15, 2007	Met with 22 Road and H ½ Road Focus Group @ City
March 8, 2007	Joint City/County Planning Commission Workshop
March 12, 2007	Newsletter/Notice for Public Hearing mailed
March 27, 2007	Joint City/County Planning Commission Hearing
April 18, 2007	City Council Hearing

Public input was solicited at the open house held November 29, 2006 and the February 15th focus group. Staff also received numerous written comments, phone calls, letters and comments by e-mail, and other personal communications throughout the planning period. The public meetings were well attended, more than 60 individuals signed in at the open house and 17 people attended the focus group meeting. Two newsletters were mailed to every property owner in the planning area and within ½ mile of the plan area. The City internet web site kept the public up-to-date on issues and progress of the plan.

Public comments received at the Open House were clearly divided between those that expressed a desire to:

1. Not allow commercial/industrial land uses east of Pritchard Wash and only allow residential densities no greater than residential estates (2 to 5 acres per lot.); and
2. Make the entire study area commercial/industrial including the areas east of Prichard Wash.

The comments from the adjacent residential neighborhood were in opposition to commercial/industrial land uses east of Prichard Wash for such reasons as compatibility, quality of life, noise, feared loss of property values, etc.

The need for commercial/industrial land uses east of Prichard Wash was strongly supported by many of the property owners as well as the Grand Junction economic development community, oil and gas representatives, the Grand Junction Area Chamber of Commerce, and the business incubator staff and board. These groups, all stated the need for additional commercial/industrial land in the Grand Junction area, especially industrial parcels greater than 10 acres in size.

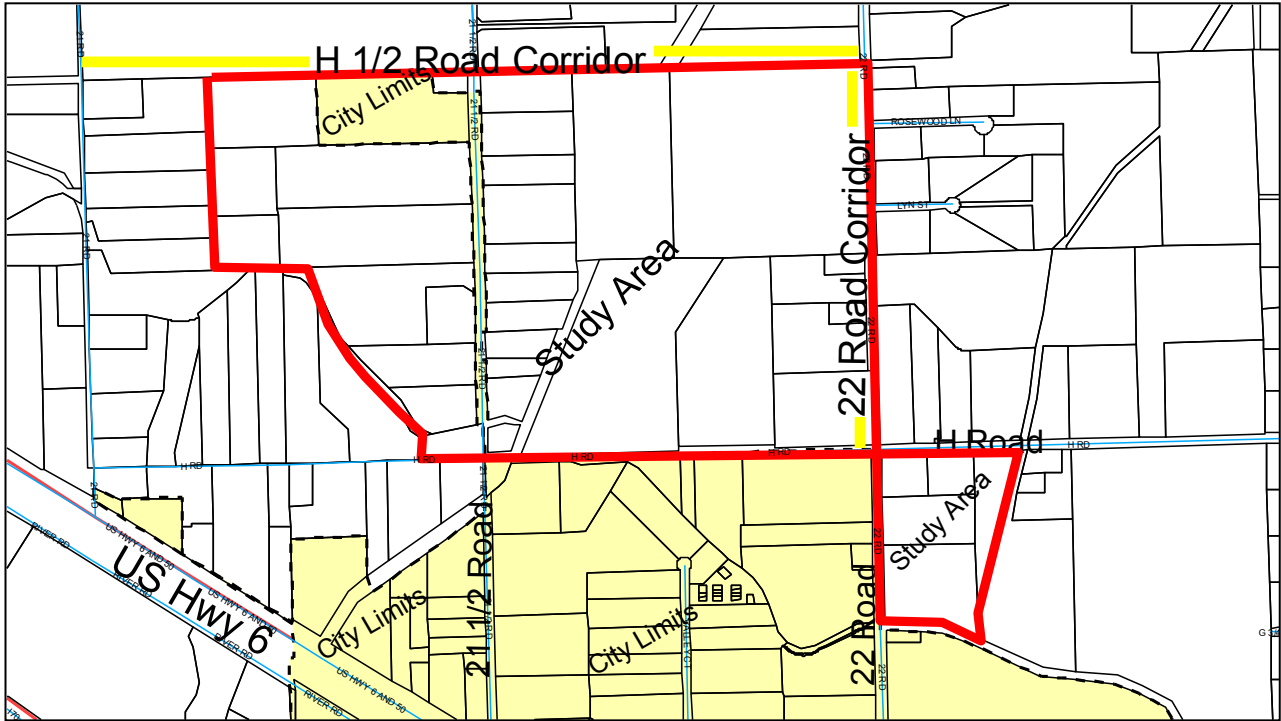
After six months of study and review, the City Planning Commission and the Mesa County Planning Commission held a public hearing on March 27, 2007 and approved the H Road/Northwest Plan. The City Planning Commission has forwarded its recommendation of approval for the Plan to City Council. That recommendation includes the following elements.

1. Amend the City's Growth Plan Future Land Use Map from "Rural" to Commercial/Industrial (C/I) for all properties located within the Plan area that are currently designated as "Rural".
2. Amend the Grand Valley Circulation Plan to include the Plan area and establish an appropriate street network that will accommodate future growth in the area.
3. Adopt Policies and Performance Standards for the Plan that will help mitigate impacts to the adjacent residential neighborhood outside of the Plan area.

The Policies and Performance Standards are regulatory and will be enforced through the City's Zoning and Development Code. Therefore, an amendment of the Code is required. That amendment is done by ordinance. Amending the Future Land Use Map and amending the Circulation Plan are done by Resolution. Under the proposed public hearing schedule, all three elements will be heard and considered by City Council on April 18, 2007.

The policies and performance standards were reviewed by and recommended by the City and County Planning Commissions on March 27th at a public hearing.

Additional background on this item as well as the other elements of the H Road/Northwest Area Plan will be included as part of the City Staff report and presentation on April 18, 2007.



Action Requested/Recommendation: Staff and Planning Commission recommend approval.

CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING AND DEVELOPMENT CODE TO ADD SECTION 7.6, H ROAD/NORTHWEST AREA PLAN POLICIES AND PERFORMANCE STANDARDS

RECITALS.

One of the purposes of the H Road/Northwest Area Plan was to create policies and performance standards to implement the plan once adopted. Staff and Planning Commission have recommended the policies be adopted as an overlay district to apply to the entire Plan Study area and that performance standards be adopted as an overlay zone district to apply to the 22 Road and H ½ Road corridors.

Overlay zoning is one way to create a more flexible and discretionary alternative to traditional zoning. An overlay zone is a mapped overlay district superimposed on one or more established zoning districts, which may be used to impose supplemental restrictions on uses in these districts, permit uses otherwise disallowed, or implement some form of density bonus or incentive bonus program.

An overlay zone supplements the underlying zone with additional requirements or incentives while leaving underlying zoning regulations in place. Examples might include special requirements such as design standards, performance standards or guidelines, additional setbacks or height limits. A parcel within the overlay zone will thus be simultaneously subject to standard and specialized, compatible zoning regulations; the underlying and the overlay zoning requirements.

Overlay zone boundaries are also not restricted by the underlying zoning districts' boundaries. An overlay zone may or may not encompass the entire underlying zoning district. Likewise, an overlay zone can cover more than one zoning district or even portions of several underlying zoning districts.

The H Road/Northwest Area Plan Policies and Performance Standards will apply as an overlay zone district to all development on all parcels abutting the west side of 22 Road from H Road to H ½ Road and the south side of H ½ Road from 21 Road to 22 Road. The number and size of parcels falling under this definition can change over time as determined by City Council through amendment of this ordinance.

The policies of the overlay district, as stated in the plan, are incorporated by this reference as if fully set forth. The policies are summarized as follows:

Truck Traffic. Site design shall direct truck (operations) traffic to the 21 ½ Road Corridor. All other traffic including customer or light vehicle traffic may also use 22 Road and H ½ Road.

Billboards. All signage as defined under the existing development codes and regulations of the City and County as off-premise signs are not allowed anywhere within the H Road/Northwest Area Plan boundaries.

Corridor Aesthetics/Landscaping. All property frontages along designated corridors shall provide at a minimum:

1. A 25 ft. wide landscaping strip the entire length of the frontage (excluding driveways);
2. A berm the entire length of the frontage with a minimum of 36 inches in height.

Fencing shall not be allowed within the 25 ft. landscape strip with the exception of split rail fences with up to 3 rails and not more than 4 feet in height.

Loading Docks and Fleet Parking. All loading docks and fleet/equipment parking shall be located in the rear half of the lot or behind the principal structure (i.e. south side of buildings fronting on H ½ Road and west of buildings fronting on 22 Road).

Outdoor Storage and Display. Outdoor storage areas shall be:

1. Adequately screened so as not to be visible from adjacent public roads (i.e. H ½ Road and 22 Road);
2. In the rear half of the lot or behind the principal structure (i.e. south of buildings fronting on H ½ Road and west of buildings fronting on 22 Road);
3. Trash receptacles shall be fully screened and located in the rear half of the lot or behind the principal structure.

Parking Lots. All parking lots located within the front half of the parcel or in front of the principal structure (adjacent to 22 Road and H ½ Road rights-of-way), shall only be used for customer parking.

Architectural Standards. Applies only to building facades facing the 22 Road and H ½ Road rights-of-way. Building form shall incorporate projected and recessed elements to provide architectural variety, such as entryways, special functional areas, rooflines, and other features including the following requirements:

1. Blank, windowless walls are discouraged. Where the construction of a blank wall is necessary, the wall shall be articulated.
2. Large monolithic expanses of uninterrupted facades (greater than 50 ft.) are not allowed. Pilasters, texture transitions, windows and stepping of the wall plane are required.

3. Buildings with flat roofs shall provide a parapet with an articulated cornice.
4. All primary buildings shall use materials that are durable, economically maintained, and of quality that will retain their appearance over time including but not limited to stone, brick, stucco, and pre-cast concretes.

Signage Standards. Only monument style signs at a maximum of 8 ft. in height with a maximum total of 64 square feet per sign face shall be allowed. Signs shall not be internally illuminated. External illumination is allowed.

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

The Zoning and Development Code is hereby amended to add Section 7.6 entitled "H Road/ Northwest Plan Area Policies and Performance Standards" said plan is incorporated by this reference as if fully set forth. All Policies stated in the plan (Truck Traffic and Billboards) shall be applicable to the area shown on Exhibit A to this ordinance. Be it further ordained that all Performance Standards (Corridor Aesthetics/Landscaping, Loading Docks and Fleet Parking, Outdoor Storage and Display, Parking Lots, Architectural Standards, Signage Standards) stated in the plan shall be applicable to all development on all parcels abutting the west side of 22 Road from H Road to H ½ Road and the south side of H ½ Road from 21 Road to 22 Road.

The City Clerk is authorized and directed to publish the amendment and set a Public Hearing.

Introduced on first reading this _____ day of _____, 2007.

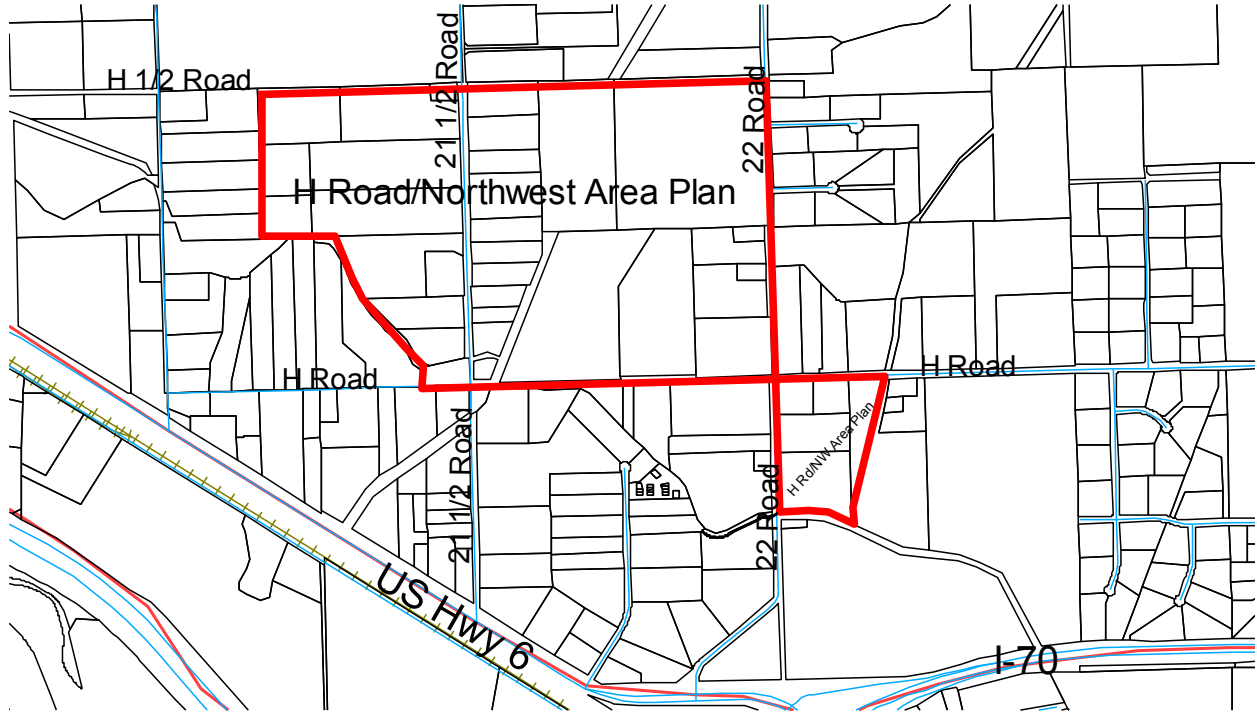
Passed and adopted on second reading this _____ day of _____, 2007.

ATTEST:

City Clerk

President of the Council

EXHIBIT A



Attach 8

Appeal of a Planning Commission Decision to Deny the Pinnacle Ridge Preliminary Plan

CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>						
Subject	Appeal of the Planning Commission Denial of the Pinnacle Ridge Preliminary Plan, Located Northeast of Monument Road and Mariposa Drive					
Meeting Date	April 4, 2007					
Date Prepared	March 29, 2007			File # PP-2005-226		
Author	David Thornton		Principal Planner			
Presenter Name	David Thornton		Principal Planner			
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name	
Workshop	<input checked="" type="checkbox"/>	Formal Agenda			Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: Appeal of the Planning Commission denial of the Pinnacle Ridge Preliminary Plan, consisting of 72 single family lots on 45.33 acres in a RSF-2 (Residential Single Family, 2 du/ac) zone district.

Budget: N/A

Action Requested/Recommendation: Continue to July 18, 2007

Background Information:

To be provided next Council meeting.

Attach 9

Purchase of Uninterruptible Power Supply for City Hall Data Center

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Uninterruptible Power Supply for City Hall Data Center					
Meeting Date	April 4, 2007					
Date Prepared	March 26, 2007				File #	
Author	Shirley Nilsen			Senior Buyer		
Presenter Name	Jim Finlayson Jay Valentine			Information Systems Manger Purchasing Manger		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X		Formal Agenda		Consent X Individual Consideration

Summary: This purchase is for the replacement of the Uninterruptible Power Supply (UPS) for the City Hall Data Center. The replacement system interfaces with existing Information Systems equipment.

Budget: The 2007 replacement estimated cost budgeted for this unit, including electrical contractor support and computer room modifications, was \$70,000. The total purchase price for the replacement UPS equipment is \$52,850.31.

Action Requested/Recommendation: Authorize the City Purchasing Division to purchase the APC InfraStruXure Symmetra Solution from Information Systems Consulting, Inc. Centennial, CO for a total price \$52,850.31. Additional installation costs will be handled through the normal procurement process.

Background Information: The UPS is a device which maintains a continuous, filtered supply of electric power to connected equipment by supplying power from a battery source when utility power is not available. As the largest single investment in most data centers, and the device with the longest expected usage (10 years), the selection of a provider is one of the most critical technology decisions that an organization makes. After considerable research and comparison, the Information Services Division has determined that the APC InfraStruXure Symmetra UPS is the only solution that meets the following mandatory specifications:

- Modular design that is scalable from 20kW to 80kW, allowing the system to be expanded as needs increase without having to replace the entire system. (We will start at the 30kW level).
- Upgradeable power module that will allow the conversion from 208V power to 480V power that will allow us to take advantage of the more efficient higher voltage as it becomes available. This feature allows us to buy compatible devices for use in both the 911Communications Center/PD and City Hall data centers that can share spare parts and provide back-up capabilities in case of device failure.
- N + 1 redundancy (meaning that the failure of any one component will not result in the failure of the entire device).
- Built-in power bypass, which allows the unit to be upgraded or taken off-line for maintenance without having to cut power to the data center.
- User performed maintenance including hot-swappable component and battery replacement. This significantly reduces the total cost of ownership of the device.
- Web-based management tools at the outlet level on power distribution units.
- Compatibility with current environmental monitoring devices and software.

The APC offering is the only available solution meeting these mandatory requirements. APC is the largest provider of UPS equipment for data centers (supplying because it meets the criteria identified above). In addition, the proposed solution takes advantage of the enhanced U.S. General Services Administration (GSA) pricing (4% off the current GSA agreement).

The Information Systems Manager and Purchasing Manager agree with this recommendation.

Attach 10

Purchase of an Uninterruptible Power Supply for 911 Communications Center/Police Department

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Uninterruptible Power Supply for 911 Communications Center/Police Department					
Meeting Date	April 4, 2007					
Date Prepared	March 26, 2007				File #	
Author	Shirley Nilsen		Senior Buyer			
Presenter Name	Jim Finlayson Jay Valentine		Information Systems Manger Purchasing Manger			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: This purchase is for the replacement of the Uninterruptible Power Supply (UPS) for the 911 Communications Center/Police Department. The replacement system interfaces with existing Information Systems equipment.

Budget: The 2007 replacement estimated cost budgeted for this unit, including electrical contractor support and computer room modifications, was \$90,000 (\$40,000 City, \$50,000 Comm. Center). The total purchase price for the replacement UPS is \$66,345.46.

Action Requested/Recommendation: Authorize the City Purchasing Division to purchase the APC InfraStruXure Symmetra Solution from Information Systems Consulting, Inc. Centennial, CO for a total price \$66,345.46. Additional installation costs will be handled through the normal procurement process.

Background Information: The UPS is a device which maintains a continuous, filtered supply of electric power to connected equipment by supplying power from a battery source when utility power is not available. As the largest single investment in most data centers, and the device with the longest expected usage (10 years), the selection of a provider is one of the most critical technology decisions that an organization makes. After considerable research and comparison, the Information Services Division has

determined that the APC InfraStruXure Symmetra UPS is the only solution that meets the following mandatory specifications:

- Modular design that is scalable from 20kW to 80kW, allowing the system to be expanded as needs increase without having to replace the entire system. (We will start at the 30kW level).
- Upgradeable power module that will allow the conversion from 208V power to 480V power that will allow us to take advantage of the more efficient higher voltage as it becomes available. This feature allows us to buy compatible devices for use in both the Comm. Center/PD and City Hall data centers that can share spare parts and provide back-up capabilities in case of device failure.
- N + 1 redundancy (meaning that the failure of any one component will not result in the failure of the entire device).
- Built-in power bypass, which allows the unit to be upgraded or taken off-line for maintenance without having to cut power to the data center.
- User performed maintenance including hot-swappable component and battery replacement. This significantly reduces the total cost of ownership of the device.
- Web-based management tools at the outlet level on power distribution units.
- Compatibility with current environmental monitoring devices and software.

The APC offering is the only available solution meeting these mandatory requirements. APC is the largest provider of UPS equipment for data centers (supplying because it meets the criteria identified above). In addition, the proposed solution takes advantage of the enhanced U.S. General Services Administration (GSA) pricing (4% off the current GSA agreement).

The system being purchased for use in the 911 Communications Center and Police Department is specifically configured to support the needs of both entities and to provide failover capability from one entity to the other. The shared system will be paid for based on proportional use by the 911 Communications Center and the City. The 911 Communications Center portion of the project is a 911 surcharge eligible cost.

The Information Systems Manager and Purchasing Manager agree with this recommendation.

Attach 11

Purchase One Swat Tactical Vehicle for Police

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Purchase of One Swat Tactical Vehicle					
Meeting Date	April 4, 2007					
Date Prepared	March 29, 2007				File #	
Author	Shirley Nilsen			Senior Buyer		
Presenter Name	Jay Valentine Bill Gardner			Purchasing Manager Police Chief		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: This purchase is for the replacement of one 1990 Chevy delivery van for the Police Department. This vehicle was currently scheduled for replacement in 2006 as identified by the annual review of the Fleet Replacement Committee.

Budget: The Police Department has \$75,000.00 budgeted for the purchase of this vehicle. The Fleet Replacement fund has also accrued \$25,000.00, and \$35,000.00 is available in the Seized Funds account being carried forward from 2006.

Action Requested/Recommendation: Authorize the City Purchasing Division to purchase one 2007 Renegade 28' Swat Tactical Vehicle with a 2006 Freightliner M2 Chassis from Five-R Trucks & Trailers, Golden, CO in the amount of \$129,825.00.

Background Information: In November the Purchasing Division sent out a formal solicitation for a SWAT Tactical Vehicle. The proposal pricing that was received ranged from \$169,000.00 - \$325,322.50, which is significantly higher than the budgeted amount. Police personnel who researched SWAT vehicles prior to the RFP learned that Northglenn/Thornton and Denver SWAT purchased their tactical vehicle through Five-R Trucks. A quote was requested from Five-R for a vehicle that was similar to Northglenn/Thornton's design. The Purchasing Department received pricing for a Swat Vehicle with a 2006 Freightliner Chassis from Five-R. The 2006 Chassis will provide a \$9,000.00 savings compared to a 2007 chassis.

The Purchasing Manager and Police Chief agree with this recommendation.

Attach 12

Construction contract for the 2007 Alley Improvement District

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Construction Contract for 2007 Alley Improvement District					
Meeting Date	April 4, 2007					
Date Prepared	March 29, 2007				File #	
Author	Mike Curtis			Project Engineer		
Presenter Name	Tim Moore			Public Works and Planning Director		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	X		Formal Agenda		Consent X Individual Consideration

Summary: Award of a construction contract for the **2007 Alley Improvement District** to B.P.S. Concrete, Inc. in the amount of **\$627,301.44**.

Budget: This project is funded under Funds 2011 and 905 for Program Year 2007.

The estimated project costs are:

	Alley Sewer Replacement	Alley Construction
Construction Contract	\$258,225.10	\$369,076.34
Design	\$1,600.00	\$18,416.00
Construction Inspection	\$12,500.00	\$20,000.00
Improvement District Administration		\$20,000.00
Total Project Costs	\$272,325.10	\$427,492.34
Budget (Alley Sewer Fund 905-F10300)	\$205,900.00	
Alley I.D. Budget (Fund-2011-F00710)		\$380,000.00
Balance in 2007	-\$66,425.10	-\$47,492.34

The shortfall of \$66,425.10 for the Alley sewer replacement will be transferred into 905-F10313 from the balance in fund 902. The number of alleys requiring sewer replacement has changed from when the 905 budget was prepared to when the 2007 Alley Improvement District was created. Additional sewer replacement is required from the originally budgeted scope. The shortfall of \$47,492.34 for the alley construction will be added to the Alley I.D. account (2011-F00700) from budgeted funds remaining in projects completed in 2006. This adjustment will be made in the 2006 to 2007 Carry Forward process.

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **2007 Alley Improvement District** with B.P.S. Concrete, Inc. in the amount of \$627,301.44.

Attachments: none

Background Information:

Bids for the project were opened on March 20, 2007. The low bid was submitted by B.P.S. Concrete, Inc. in the amount of \$627,301.44. The following bids were received:

Bidder	From	Bid Amount
B.P.S. Concrete, Inc.	Grand Junction	\$627,301.44
Vista Paving, Inc.	Grand Junction	\$730,447.50
Reyes Construction, Inc.	Grand Junction	\$730,735.70
Engineers Estimate		\$561,953.50

This project consists of construction of concrete pavement in six alleys and removal and replacement of five deteriorated sewer lines. In conjunction with the sewer and concrete pavement construction, Xcel Energy will be replacing gas lines in five alleys.

The work will take place in six alleys. The locations are tabulated below:

Ouray Ave. to Gunnison Ave. between 22 nd and 23 rd Street; pavement
7 th to 8 th Street between Teller Ave. and Belford Ave. & Teller Ave. to Belford Ave. between 7 th and 8 th Street; sewer and pavement
3 rd to 4 th Street between Ouray Ave. and Chipeta Ave.; sewer and pavement
10 th to 11 th Street between Ouray Ave. and Chipeta Ave.; sewer and pavement
Ouray Ave. to Chipeta Ave. between 17 th and 18 th Street; sewer and pavement
12 th to 14 th Street between Elm Ave. and Texas Ave.; sewer and pavement

The project schedule is as follows:

Xcel Energy Gas Relocation Start
2007 Alley Improvement District Construction Start
2007 Alley Improvement District Construction Completed

April 2007
April 16, 2007
September 21, 2007

Attach 13

Construction Contract for 2007 Asphalt Overlays

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Construction Contract for 2007 Asphalt Overlays					
Meeting Date	April 4, 2007					
Date Prepared	March 29, 2007	File # - N/A				
Author	Justin J. Vensel	Project Manager				
Presenter Name	Tim Moore	Public Works and Planning Director				
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent
					<input checked="" type="checkbox"/>	Individual Consideration

Summary: The 2007 Asphalt Overlay project consists of asphalt resurfacing on 13 streets located throughout the City.

Budget: Project No.: 2011-F00400

Project costs:

Construction contract (low bid)	\$ 993,945.00
Design	\$15,000.00
Construction Inspection and Administration (est.)	<u>\$40,000.00</u>
Total Project Costs	\$1,048,450.00

Project funding:

Fund 2011-F00400 Contract Street Maintenance	
Current Balance	\$1,400,000.00
Allocation for this Contract	<u>\$1,048,450.00</u>
Remaining Balance	\$ 351,550.00

Of the remaining funds \$150,000.00 is needed for a joint City-County Project to widen and overlay Monument Road, \$101,550 is proposed for shoulder paving on Hillcrest and Walnut Avenues east of 1st Street and \$100,000 is needed to fund a budget shortfall on the 7th Street Reconstruction Project.

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **2007 Asphalt Overlay Project** to **Elam Construction Inc.** in the amount of **\$993,945.00**.

Attachments: none

Background Information:

The annual street maintenance project generally consists of resurfacing existing streets with 2" of new asphalt pavement. Work items associated with the paving include: milling of existing asphalt pavement where needed, adjusting manhole lids and valve covers to grade, and placing shoulder gravel on roads that do not have curb and gutter. Curb and gutter repairs and crack sealing will be completed ahead of the street overlay project. Various streets were selected for the 2007 overlay project. The list was narrowed using the following parameters: Traffic volume, pavement quality, structural adequacy and surface distress. The 2007 overlay Project includes 55,700 square yards of asphalt milling and 6,700 tons of Hot Mix Asphalt.

The work will take place on thirteen different street locations throughout the City. The locations are:

- 1) Teller Avenue – 3rd St to 4th St
- 2) Glenwood Avenue – 5th St to 6th Street
- 3) 6th Street – North Avenue to Glenwood
- 4) 14th Street – Hermosa to End
- 5) Orchard Ave - 15th St to 23rd Street
- 6) Brittany – 28 ¼ east to Round-about
- 7) Barberry Ave – Applewood St to Beechwood Ave.
- 8) Sparn Ct – F ¼ to End
- 9) Grand Ave – 12th St to 22nd St
- 10) Cheyenne Dr. 27 3/8 East to 2751 Cheyenne Dr.
- 11) 10th Street – Pitkin Ave to Ute Ave
- 12) 24 ¾ Rd – G Road north to 725 ½ 24 ¾ Rd
- 13) 24 Road Overpass

The contract is scheduled to begin on June 18, 2007 and be completed on September 7, 2007.

The following bids were opened on Tuesday, March 13, 2006:

Bidder	From	Bid Amount
Elam Construction Inc.	Grand Junction	\$ 993,945.00
United Companied of Mesa County	Grand Junction	\$1,237,505.00
Engineer's Estimate		\$ 976,000.00

Attach 14

Support of Stormwater Regulation

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Support of Stormwater Regulation					
Meeting Date	April 4, 2007					
Date Prepared	March 28, 2007				File #	
Author	Greg Trainor			Utility and Street Systems Director		
Presenter Name	Eileen List			Environmental Services Manager		
Report results back to Council		No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary:

Consideration of a resolution supporting the Colorado Water Quality Commission's regulation of storm water discharges from oil and gas operations that affect one acre or more.

Budget: NA**Action Requested/Recommendation:**

Adopt resolution supporting the Colorado Water Quality Commission's regulation of storm water discharges from oil and gas operations that affect one acre or more

Attachment

Proposed Stormwater Resolution

Background Information:

In January 2006, the City Council supported applying the Colorado Stormwater Regulations to the oil and gas industry despite federal exemptions in the 2005 Energy Bill. At the January 2006 Water Quality Control Commission (WQCC) Rulemaking Hearing, the WQCC directed staff to consider if any exemptions were warranted for the oil and gas industry.

A State-wide stormwater work group was convened to work with the staff of the Commission. The Colorado River Water Conservation District was the “lead” in this effort.

The WQCC is now holding an Informational Hearing on May 14 to consider if the current Stormwater Regulations should be modified in the future for the oil and gas industry. The State Water Quality Control Division (WQCD) is proposing to keep the existing State Stormwater Regulations intact with very few changes.

On March 13, the Town of Palisade adopted a resolution supporting the Division’s recommendation.

RESOLUTION NO.

**A RESOLUTION TO PROVIDE CONTINUING SUPPORT FOR
THE COLORADO WATER QUALITY CONTROL
COMMISSION'S STORMWATER REGULATIONS TO PROTECT
COLORADO'S NATURAL RESOURCES**

WHEREAS, energy development is occurring at an unprecedented pace in Colorado and the Rocky Mountain West; and

WHEREAS, drilling permits were issued in Colorado for 4,373 new oil and gas wells in 2005 and 5,904 drilling permits were issued in 2006; and

WHEREAS, the Energy industry predicts as many as 400,000 new oil and gas wells will be drilled in the United states over the next 15 years, many of which are expected to be located in this State; and

WHEREAS, drilling pad construction disturbs soil and plants, and has the potential to spill fuel, solvents and chemicals into the soil and produce sediments that can pollute streams and lakes; and

WHEREAS, storm water runoff in the form of rain and melting snow flowing across drilling pads and other construction areas associated with oil and gas operations can cause soil erosion, sending sediment into streams and rivers; and

WHEREAS, water quality in Colorado streams will decline due to increased storm water runoff, impacting aquatic life, irrigation and drinking water if storm water discharge from oil and gas development is not controlled; and

WHEREAS, maintaining high quality source water protection is of paramount importance to the residents of Grand Junction; and

WHEREAS, in spite of USEPA reports that "siltation is the largest cause of impaired water quality in rivers" and that erosion rates from construction sites are much greater than from almost any other land use, the federal government, having in the past regulated storm water discharges from oil and gas construction sites, is now largely precluded from doing so by the Energy Bill of 2005; and

WHEREAS, in January 2006, the Colorado Water Quality Control Commission overwhelmingly voted to retain its regulations to control storm water discharges from oil and gas construction sites by applying best management practices in spite of the federal exemption and is not precluded by the Energy Bill of 2005 from continuing to implement those regulations; and

WHEREAS, all other industries and private citizens in Colorado must comply with Colorado Water Quality Control Commission regulations for stormwater discharges, which require the use of best management practices to control storm water runoff; and

WHEREAS, the Colorado Oil and Gas Association and some individual operators are requesting exemptions from the Commission's regulation which are not based on sound science or policy, including exemptions for oil and gas construction sites that are more than 50 feet from waters of the state, and for sites where proof of impacts is not shown; and

WHEREAS, the Water Quality Control Commission will hold an informational hearing in May of 2007 to evaluate these requests.

NOW, THEREFORE, BE IT RESOLVED, that the City of Grand Junction supports the Colorado Water Quality Commission's regulation of storm water discharges from oil and gas operations that affect one acre or more of land; and

BE IT FURTHER RESOLVED, that the City of Grand Junction calls on the Colorado Water Quality Control Commission to retain its current regulation of storm water discharges from oil and gas construction sites and reject proposed exemptions that are not based on sound science or policy.

ADOPTED AND APPROVED THIS _____ day of _____, 2007

APPROVED:

President of the Council

ATTEST:

City Clerk, City of Grand Junction

Attach 15

Subrecipient Contract for Project within the City’s 2—6 Program Year Community Development Block Grant Program and Allocation of the City’s Affordable Housing Initiative Funds for Land Acquisition – Village Park

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Subrecipient Contract for Project within the City’s 2006 Program Year Community Development Block Grant (CDBG) Program and Allocation of the City’s Affordable Housing Initiative Funds for Land Acquisition – Village Park Property					
Meeting Date	April 4, 2007					
Date Prepared	March 29, 2007			File: CDBG 2006		
Author	Debra Gore		CDBG Program Administrator			
Presenter Name	Kathy Portner		Neighborhood Services Manager			
Report Results Back to Council	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	When	
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: The Subrecipient Contracts formalize the City’s award of a total of \$178,630 to the Grand Junction Housing Authority as allocated from the City’s 2006 CDBG Program as previously approved by Council and a request for \$181,370 of the City’s Affordable Housing Initiative funds. The funding will be used towards the purchase of 6.6 acres located at Block 2 of Village Park Subdivision at 28 ¼ and Patterson Road for the future development of an affordable housing project.

Budget: 2006 CDBG Allocation - \$178,630

Action Requested: Authorization for the City Manager to sign the subrecipient contract with the Grand Junction Housing Authority for the City’s 2006 Program Year,

Community Development Block Grant Program and approve the allocation of Affordable Housing Initiative funds.

Background Information: Grand Junction Housing Authority is requesting that funding previously approved for the acquisition of property at 2150 Grand Ave in the amount of \$178,630 in CDBG funding and \$181,370 of City's Affordable Housing Initiative funds be reallocated for purchase of Block 2 of Village Park Subdivision, located at the northwest corner of 28 ¼ and F Road for the same purpose, future development of affordable housing. The Subrecipient Contract formalizes the City's award of \$178,630 to the Grand Junction Housing Authority as allocated from the City's 2006 CDBG Program. The funding will be used towards the purchase of 6.6 acres at the above stated location.

GJHA is considered a "subrecipient" to the City. The City will "pass through" a portion of its 2006 Program Year CDBG funds to GJHA but the City remains responsible for the use of these funds. This contract with GJHA outlines the duties and responsibilities of each party/program and are used to ensure that GJHA will comply with all Federal rules and regulations governing the use of these funds. The contracts must be approved before the subrecipient may spend any of these Federal funds. Exhibit A of the contract (attached) contains the specifics of the project and how the money will be used by the GJHA for the property acquisition.

Attachments:

1. Exhibit A, Subrecipient Contract
2. Aerial Photo Location Map – Block 2 of Village Park Subdivision
3. Letter from Grand Junction Housing Authority

EXHIBIT "A"
SCOPE OF SERVICES

**2006 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
WITH
GRAND JUNCTION HOUSING AUTHORITY**

1. The Grand Junction Housing Authority (GJHA) has been awarded \$178,630 from the City's 2006 Community Development Block Grant (CDBG) funding cycle to acquire property for future development of affordable housing.
2. GJHA understands that the funds described in paragraph #1 above are received by the City of Grand Junction from the US Department of Housing and Urban Development under the Community Development Block Grant Program. Grand Junction Housing Authority shall meet all City of Grand Junction and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically stated in the contract. Grand Junction Housing Authority shall provide the City of Grand Junction with documentation establishing that all local and federal CDBG requirements have been and if required will continue to be met.
3. The City agrees to pay Grand Junction Housing Authority \$178,630 from its 2006 Program Year CDBG Entitlement Funds for the acquisition of property located at 28 ¼ and F Roads, also known as Block 2 of Village Park Subdivision. GJHA intends to develop the site for low and moderate income persons and families in Grand Junction, meeting the Department of Housing and Urban Development (HUD) LMI income guidelines. Acquisition (or acquire) as used in this agreement means closing and recordation of any and all deeds or evidence(s) of conveyances. If the subrecipient fails to acquire the property on or before December 31, 2007 this agreement shall be null and void.
4. Grand Junction Housing Authority certifies that it will meet the CDBG National Objective of low/moderate limited clientele benefit (570.208(a)(2)). It shall meet this objective by providing the above-referenced housing to low/moderate income homeless persons in Grand Junction, Colorado.

_____ Grand Junction Housing Authority
_____ City of Grand Junction (initial by both)

5. Grand Junction Housing Authority certifies that it will meet eligibility requirements for the CDBG program. The acquisition of the parcel is eligible under 570.201(c) Public Facilities and Improvements. Acquisition where the property is acquired for a public purpose and owned/operated by a non-profit organization.
6. CDBG funds shall be used ONLY for acquisition costs. Any balance for acquisition and additional costs shall be borne by GJHA. Any property improvements and repair and/or rehab work are outside the scope of this contract.
7. Grand Junction Housing Authority will purchase the property "Block 2 of the Village Park Subdivision, County of Mesa, State of Colorado", located on the NW corner of 281/4 Road and F Road, for the purpose of developing Low/Moderate Income Housing. The new housing units shall remain available for LMI persons at rental rates established by HUD at least through December 31, 2017. If rental rate(s) for the units change to market rent(s) before December 31, 2017, GJHA shall refund the City of Grand Junction CDBG funding at the rate of \$5,000 per year for each year that it is not serving LMI families to December 31, 2017.
8. During a period until December 31, 2017 the use or planned use of the property may not change unless 1) the City determines the new use meets one of the National Objectives of the CDBG Program and 2) Grand Junction Housing Authority provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If Grand Junction Housing Authority decides, after consultation with affected citizens that it is appropriate to change the use of the property to a use which the City determines does not qualify in meeting a CDBG National Objective, Grand Junction Housing Authority must reimburse the City a prorated share as established in paragraph 7 of the City's \$178,630 CDBG contribution. After December 31, 2017, the only City restrictions on use of the property shall be those found within the City's laws, rules, codes and ordinances.
9. This project shall commence upon the full and proper execution of the 2006 Subrecipient Agreement and the completion of all necessary environmental review of the site. Acquisition of the property as deemed by this agreement shall be completed on or before December 31, 2007. No reimbursement shall be made prior to that date if the subrecipient has not acquired the property.

_____ Grand Junction Housing Authority
_____ City of Grand Junction (initial by both)

10. The City of Grand Junction shall monitor and evaluate the progress and performance of Grand Junction Housing Authority to assure that the terms of this agreement are being satisfactorily met in accordance with City and other applicable monitoring, and evaluating criteria and standards. Grand Junction Housing Authority shall cooperate with the City or HUD relating to such monitoring and evaluation.
11. Progress Reports: Grand Junction Housing Authority shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A year-end report detailing income data of residents shall also be submitted by March 30th of the following year. A final report shall also be submitted once the project is completed. All required reports shall be sent to Debra Gore, CDBG Administrator, City of Grand Junction, 2549 River Road, Grand Junction, Colorado 81501.
12. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis or paid at property closing. Grand Junction Housing Authority shall notify the City two weeks in advance of the closing date.
13. The budget for the acquisition of the property is estimated to be \$1,300,000 with the City providing \$178,630 in CDBG funding.

_____ Grand Junction Housing Authority
_____ City of Grand Junction (initial by both)

TO: Kathy Portner, City of Grand Junction
David Thornton, City of Grand Junction

FROM: Jody Kole, Grand Junction Housing Authority

DATE: March 16, 2007

RE: Community Development Block and General Fund Grant Funding Request

The Grand Junction Housing Authority had been under contract to purchase the Ultronics property at 2150 Grand Avenue. The City allocated \$178,630 of CDBG funds and \$181,370 of the General Fund for Affordable Housing, towards acquisition of the property. Unfortunately, the sellers are embroiled in a legal dispute, and cannot transfer a clear title at this time. GJHA waited several months, extending the close of escrow date twice, in order to allow them time to resolve the underlying dispute. When our contract terms expired February 1, 2007 we allowed the contract to lapse, and began seeking alternative locations to build.

We have a signed contract for purchase of the Village Park parcel – slightly larger, and a much lower purchase price. The Village Park parcel is located on the northwest corner of 28 ¼ Rd and F Rd and the legal description is “Block 2 of the Village Park Subdivision, County of Mesa, State of Colorado.”. We were successful in our negotiations for the purchase by offering the seller a 60 day close. Time is of the essence in this contract and the scheduled close date is May 14, 2007. We would respectfully ask that the City reallocate both its CDBG dollars and the General Fund Affordable Housing dollars towards the acquisition of the new parcel and the funds made available to close on May 14, 2007.

For reference, the two properties compare as follows:

Ultronics estimated	5.5 acres	\$1,800,000 purchase price	80 units
Village Park minimum	6.6 acres	\$1,300,000 purchase price	122 units

The Village Park property will allow more affordable units to be built at a lower land cost per unit allowing GJHA to continue its’ mission of making safe housing affordable and meeting the needs of the community..

GJHA appreciates the support of the City of Grand Junction.

BLOCK 2 OF VILLAGE PARK SUBDIVISION



Attach 16

Public Hearing – Amendment to Action Plan for 2005 Program Year Community Development Block Grant Program; and Subrecipient Contract with the Grand Junction Housing Authority for Land Acquisition – Bookcliff Property

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Amendment to Action Plan for 2005 Program Year Community Development Block Grant (CDBG) Program; and Subrecipient Contract with the Grand Junction Housing Authority for Land Acquisition-Bookcliff Properties					
Meeting Date	April 4, 2007					
Date Prepared	March 29, 2007				File: CDBG 2005-04	
Author	Debra Gore		CDBG Program Administrator			
Presenter Name	Kathy Portner		Neighborhood Services Manager			
Report Results Back to Council		Yes	X	No	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: Amending the City’s 2005 Action Plan for the Community Development Block Grant (CDBG) Program Year 2005 to utilize the funds earmarked for the neighborhood program (\$120,000) for acquisition of property located at 1262 and 1282 Bookcliff Avenue by the Grand Junction Housing Authority (GJHA) to construct an affordable housing project and authorizing the City Manager to sign the Subrecipient Contract between the City and GJHA for acquisition of this property.

Budget: The City will reallocate \$120,000 2005 CDBG funds originally to be used for the Neighborhood Program to assist the Grand Junction Housing Authority in the acquisition of property intended to be developed as an affordable housing project. Following this action, the budget amount in the 2005 program year for neighborhood programs will be zero and a new 2005 CDBG project will be created in the amount of \$120,000 for purposes of property acquisition.

2005 CDBG Allocation - \$120,000
 City’s 2005 Affordable Housing Initiative - \$181,370

Action Requested: 1) Hold a public hearing and approve the amendment to the City’s CDBG Consolidated Plan 2005 Action Plan to reflect the revision to use grant dollars earmarked for the Neighborhood Program for acquisition of the property at 1262 and 1282 Bookcliff Avenue; and 2) Authorize the City Manager to sign the Subrecipient Contract between the City and the Grand Junction Housing Authority.

Background Information: The City develops a five-year Consolidated Plan and a one-year Action Plan for each program year as part of the requirements for use of CDBG funds under its status as an entitlement city. The Action Plans summarize how the funds for each year are to be allocated.

The 2005 Action Plan set aside \$120,000 to spend on neighborhood based planning and improvements (CDBG-2005-04). To date, the City has not expended any of these funds. Thus, in order to meet HUD timeliness guidelines on expenditure of funds, it is being proposed that these funds be reallocated to the project described below.

CDBG 2005-04 Bookcliff Avenue Property Acquisition: Funding in the amount of \$120,000 to the Grand Junction Housing Authority (GJHA) for the acquisition of .87 acres located at 1262 and 1282 Bookcliff Avenue. The properties currently have a single family home and a five-plex apartment structure. GJHA proposes to demolish the single family home, retain the existing five-plex, and construct additional housing units as allowable by the existing RMF-24 zone district. All units will be managed by GJHA as affordable housing for low-moderate income persons.

The need for a day care center on Orchards Mesa has been identified, and with the addition of CDBG funds, the Housing Authority will be able redirect their money to a feasibility study, design and business plan for a day care center at Linden Point.

CITIZEN PARTICIPATION PLAN: Following the City's Citizen Participation Plan, the proposal was advertised and this public hearing is being conducted to amend the City's CDBG Consolidated Plan and Action Plan for Program Year 2005. A summary of this proposed amendment was published March 19, 2007 which is being followed by a 30-day public comment period.

SUBRECIPIENT CONTRACT: For project CDBG 2005-04 summarized above, GJHA is considered a "subrecipient" to the City. The City will "pass through" a portion of its 2005 Program Year CDBG funds to GJHA but the City remains responsible for the use of these funds. This contract with GJHA outlines the duties and responsibilities of each party and is used to ensure that GJHA will comply with all Federal rules and regulations governing the use of these funds. This contract must be approved before the subrecipient may obligate or spend any of these Federal funds. Exhibit A of the contract (attached) contains the specifics of the project and how the money will be used by GJHA for the property acquisition.

Attachments:

1. Summary Sheets of Amendments as Drafted for Public Comment
2. Exhibit A, Subrecipient Contract
3. Aerial Photo Location Map of 1262 and 1282 Bookcliff Avenue
4. Letter from GJHA

USER PROJECT ORIGINAL PROJECT 2005-04

Project Title City of Grand Junction Neighborhood Program Funds

Description The City set aside \$120,000 administration dollars from the CDBG 2004 Program Year to spend on its neighborhood based CDBG program. To date, the City has not used the funding.

Project ID --
Local ID 2005-04

Activity Administration – Citywide Neighborhood Based CDBG Program

Funding	
Community Development (CDBG)	\$120,000
Homeless (ESG)	\$ 0
Housing (HOME)	\$ 0
HIV/AIDS (HOPWA)	\$ 0
Other Funding	\$ 0
TOTAL	\$120,000

Prior Funding \$
Eligibility
Type of Recipient Local Government

Performance

Location Type Address
Various

USER PROJECT

NEW PROJECT 2005-07

Project Title GJHA Bookcliff Acquisition

Description Grand Junction Housing Authority is purchasing .87 acres of property for an affordable housing project.

Project ID --

Local ID 2005-07

Activity Property Acquisition

Funding

Community Development (CDBG) \$ 120,000

Homeless (ESG) \$ 0

Housing (HOME) \$ 0

HIV/AIDS (HOPWA) \$ 0

Other Funding \$ 380,000

TOTAL \$ 500,000

Prior Funding \$ 0

Eligibility

Type of Recipient Housing Authority

Performance Property Acquisition

Location Type Address

1262 and 1282 Bookcliff Ave

**2006 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
WITH
GRAND JUNCTION HOUSING AUTHORITY**

**EXHIBIT "A"
SCOPE OF SERVICES**

1. The Grand Junction Housing Authority has been awarded \$120,000 from the City's 2005 Community Development Block Grant (CDBG) funding cycle to **acquire property for multi-family affordable housing units** for low income persons.
2. Grand Junction Housing Authority understands that the funds described in paragraph #1 above are received by the City of Grand Junction from the US Department of Housing and Urban Development under the Community Development Block Grant Program. Grand Junction Housing Authority (GJHA) shall meet all City of Grand Junction and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically stated in the contract. Grand Junction Housing Authority shall provide the City of Grand Junction with documentation establishing that all local and federal CDBG requirements have been and if required will continue to be met.
3. The City agrees to pay Grand Junction Housing Authority \$120,000 from its 2005 Program Year CDBG Entitlement Funds for the acquisition of properties located at 1262 & 1282 Bookcliff Avenue. The existing multi-family structure will remain intact and GJHA will demolish the existing single family unit and replace it with additional multi family affordable housing units for low and moderate income persons and families in Grand Junction, meeting the Department of Housing and Urban Development (HUD) LMI income guidelines. Acquisition (or acquire) as used in this agreement means closing and recordation of any and all deeds or evidence(s) of conveyances. If the subrecipient fails to acquire the property on or before December 31, 2007 this agreement shall be null and void.
4. The Grand Junction Housing Authority certifies that it will meet the CDBG National Objective of low/moderate limited clientele benefit (570.208(a)(2)). It shall meet this objective by providing the above-referenced housing to low/moderate income homeless persons in Grand Junction, Colorado.

_____ Grand Junction Housing Authority (initial)
_____ City of Grand Junction (initial)

5. The GJHA certifies that it will meet eligibility requirements for the CDBG program. The acquisition of the parcel is eligible under 570.201(c) Public Facilities and Improvements. Because the property is acquired for a public purpose and owned/operated by a non-profit organization.
6. CDBG funds shall be used ONLY for acquisition costs. All additional costs shall be borne by Grand Junction Housing Authority. Any property improvements and repair and/or rehabilitation work are outside the scope of this contract.
7. Grand Junction Housing Authority will purchase the properties at 1262 & 1282 Bookcliff Avenue, Grand Junction, Colorado, for the purpose of developing Low/Moderate Income Housing. The new housing units shall remain available for LMI persons at rental rates established by HUD at least through December 31, 2017. If rental rate(s) for the units change to market rent(s) before December 31, 2017, GJHA shall refund the City of Grand Junction CDBG funding at the rate of \$5,000 per year for each year that it is not serving LMI families to December 31, 2017.
8. During a period until December 31, 2017 the use or planned use of the property may not change unless A) the City determines the new use meets one of the National Objectives of the CDBG Program and B) Grand Junction Housing Authority provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If GJHA decides, after consultation with affected citizens that it is appropriate to change the use of the property to a use which the City determines does not qualify in meeting a CDBG National Objective, Grand Junction Housing Authority must reimburse the City a prorated share as established in paragraph 7 of the City's \$120,000 CDBG contribution. After December 31, 2017, the only City restrictions on use of the property shall be those found within the City's laws, rules, codes and ordinances.
9. This project shall commence upon the full and proper execution of the 2007 Subrecipient Agreement and the completion of all necessary environmental review of the site. Acquisition of the property as deemed by this agreement shall be completed on or before December 31, 2007. No reimbursement shall be made prior to that date if the subrecipient has not acquired the property.

_____ Grand Junction Housing Authority (initial)
_____ City of Grand Junction (initial)

10. The City of Grand Junction shall monitor and evaluate the progress and performance of GJHA to assure that the terms of this agreement are being satisfactorily met in accordance with City and other applicable monitoring, and evaluating criteria and standards. Grand Junction Housing Authority shall cooperate with the City or HUD relating to such monitoring and evaluation.
11. GJHA shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A year-end report detailing income data of residents shall also be submitted by March 30th of the following year. A final report shall also be submitted once the project is completed. All required reports shall be sent to Debra Gore, CDBG Administrator, 2549 River Road, Grand Junction, Colorado 81501.
12. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis or paid at property closing. Grand Junction Housing Authority shall notify the City two weeks in advance of the closing date.
13. The budget for the acquisition of the property is estimated to be \$500,000 with the City providing \$120,000 in CDBG funding.

_____ Grand Junction Housing Authority (initial)
_____ City of Grand Junction (initial)

TO: Kathy Portner, City of Grand Junction
David Thornton, City of Grand Junction

FROM: Jody Kole, Grand Junction Housing Authority

DATE: March 9, 2007

RE: Community Development Block Grant Funding Request

Thank you for meeting with Don Hartman and me last week to discuss the Housing Authority's development plans. We brainstormed a very exciting concept involving affordable housing and affordable child care, both supporting the Anti-Poverty Strategy included in the City's CDBG Consolidated Plan.

GJHA is under contract to acquire a property from the Hayashi family. Located at 1262 and 1282 Bookcliff Avenue, this small infill parcel currently includes a 5-unit apartment building, a single family house, and some vacant land on which we anticipate building 8 – 10 additional units. Our preliminary plans are to build primarily one-bedroom and two-bedroom apartments, focusing on elderly households. The property is close to a grocery store, hospital and doctors offices, GVT routes, and other amenities. The small site and small scale of development also seem ideal for trying to use some small scale, less-traditional funding mechanisms and designs.

Our negotiated purchase price for this parcel is \$500,000. We request that the City reallocate the CDBG funds in support of this acquisition.

Based on the City's support, GJHA would reprogram the funds it had allocated toward this purchase to undertake a professional feasibility analysis for developing a child care facility on the Linden Pointe property on Orchard Mesa.

Within the Housing Authority's client population are many households in which a parent is not working, primarily due to the lack of affordable child care for their small children. The Workforce Center currently has over 2,000 jobs to be filled, but lacks an adequate supply of job seekers. We believe that if GJHA could supplement the existing supply of affordable child care available to entry-level workers, more low income parents would be able to work outside of the home and increase their family's income and stability.

As you know, when the Housing Authority developed Linden Pointe, we set aside land on that site for a child care facility, in the hopes that we would be able to identify funding and partners to make such a venture financially viable. We are enthusiastic about providing such a valuable and needed service.

We have extended the close date three times on the Bookcliff properties, while resolving a boundary agreement on the northern portion of the parcel. The seller is anxious to close and will not amend / extend the contract into May of 2007. For this reason, GJHA respectfully requests the CDBG funds be reallocated and available to close prior to May of 2007.

1262 AND 1282 BOOKCLIFF



Attach 17

Public Hearing – Dyer/Green/Ottenberg Annexation and Zoning, Located at 2981, 2991, 2993 and 2995 B Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Dyer/Green/Ottenberg Annexation and Zoning, located at 2981, 2991, 2993 and 2995 B Road					
Meeting Date	April 4, 2007					
Date Prepared	March 21, 2007			File #ANX-2007-008		
Author	Faye Hall		Associate Planner			
Presenter Name	Faye Hall		Associate Planner			
Report results back to Council		Yes	X	No	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Request to annex and zone 18.68 acres, located at 2981, 2991, 2993 and 2995 B Road, to RSF-4 (Residential Single Family, 4 units per acre). The Dyer/Green/Ottenberg Annexation consists of four parcels and is a two part serial annexation located east of the Mesa View Elementary School with a current county zoning of RSF-R.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Dyer/Green/Ottenberg Annexation and hold a public hearing and consider final passage of the annexation ordinance and zoning ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Annexation - Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Acceptance Resolution
5. Annexation Ordinance
6. Zoning Ordinance

STAFF REPORT/BACKGROUND INFORMATION			
Location:		2981, 2991, 2993 and 2995 B Road	
Applicants:		Owners: David and Susan Deppe, Kenneth and Kellie Ottenberg, Thomas and Marcia Dyer, Laura Green Representative: Vortex Engineering Inc – Robert Jones II Developer: Landmark Development Co LLc – Cathy Horen	
Existing Land Use:		Residential and Agriculture	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Residential – Chipeta Pines Subdivision	
	South	Residential	
	East	Residential	
	West	Public – Mesa View Elementary School	
Existing Zoning:		County RSF-R	
Proposed Zoning:		City RSF-4	
Surrounding Zoning:	North	City PD – 3.9 units per acre	
	South	County RSF-R	
	East	City RSF-4	
	West	County RSF-R	
Growth Plan Designation:		Residential Medium Low 2-4 du/ac	
Zoning within density range?		X	Yes
			No

Staff Analysis:

ANNEXATION:

This annexation area consists of 18.68 acres of land and is comprised of four parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's professional opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Dyer/Green/Ottenberg Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

<u>ANNEXATION SCHEDULE</u>	
February 21, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
February 27, 2007	Planning Commission considers Zone of Annexation
March 7, 2007	Introduction Of A Proposed Ordinance on Zoning by City Council
April 4, 2007	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
May 6, 2007	Effective date of Annexation and Zoning

DYER/GREEN/OTTENBERG ANNEXATION SUMMARY		
File Number:	ANX-2007-008	
Location:	2981, 2991, 2993 and 2995 B Road	
Tax ID Number:	2943-321-00-167,102,156 and 157	
Parcels:	4	
Estimated Population:	6	
# of Parcels (owner occupied):	4	
# of Dwelling Units:	4	
Acres land annexed:	18.68 acres	
Developable Acres Remaining:	18.68 acres	
Right-of-way in Annexation:	None	
Previous County Zoning:	County RSF-R	
Proposed City Zoning:	City RSF-4	
Current Land Use:	Residential and Agriculture	
Future Land Use:	Residential	
Values:	Assessed:	\$76,730
	Actual:	\$761,370
Address Ranges:	2981 thru 2995 (odd only) B Road	
Special Districts:	Water:	Ute Water
	Sewer:	Orchard Mesa Sanitation
	Fire:	Grand Junction Rural Fire
	Irrigation/Drainage:	Orchard Mesa Irrigation
	School:	District 51

Zone of Annexation: The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan designation of Residential Medium Low 2-4 du/ac. The existing County zoning is RSF-R. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3 and 4 as follows:

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations.

Response: The proposed zone of RSF-4 is compatible with the neighborhood in that the area is developing quickly. The Chipeta Pines Subdivision to the north has a built density of 3.9 units per acre. The Hawk's Nest Subdivision to the east, which was annexed in March of 2005, is developing with an RSF-4 zone district. To the west is Mesa View Elementary School and the subdivisions that are located approximately 1/4 to the west are zoned RSF-4 in the County. The zone of RSF-4 conforms with and furthers the goals and policies of the Growth Plan.

- Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

Response: Adequate public facilities are available or will be supplied at the time of further development of the property.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

f. RSF-2

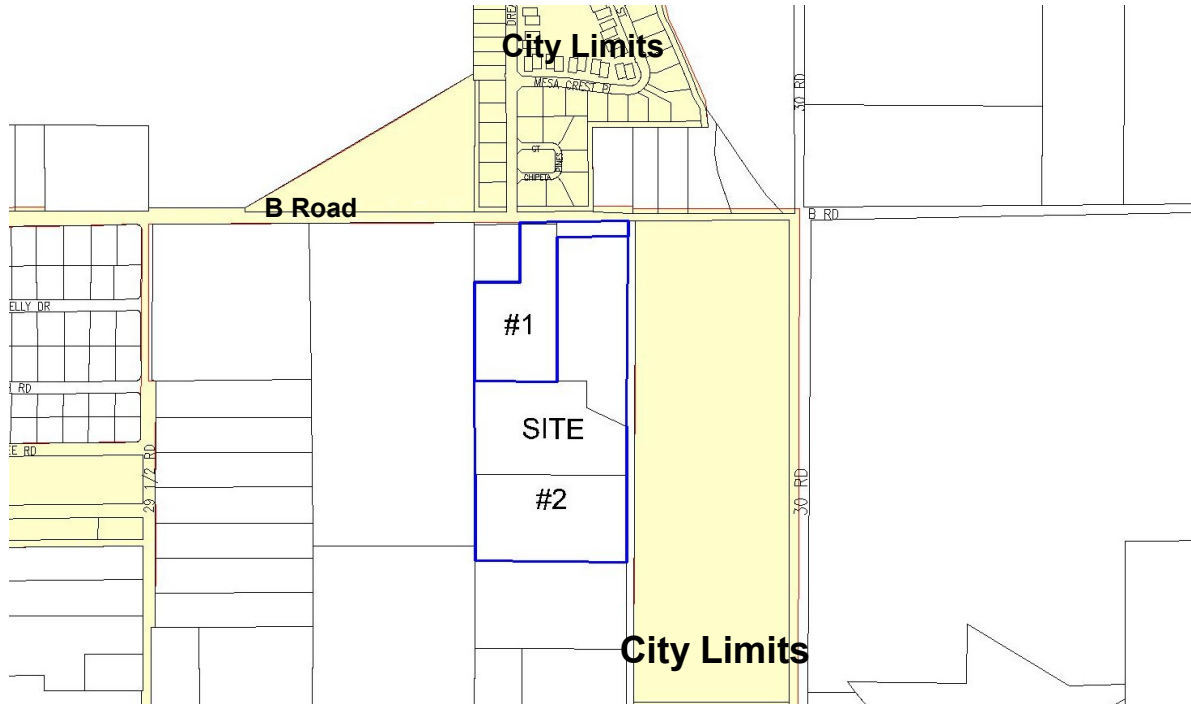
If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RSF-4 district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

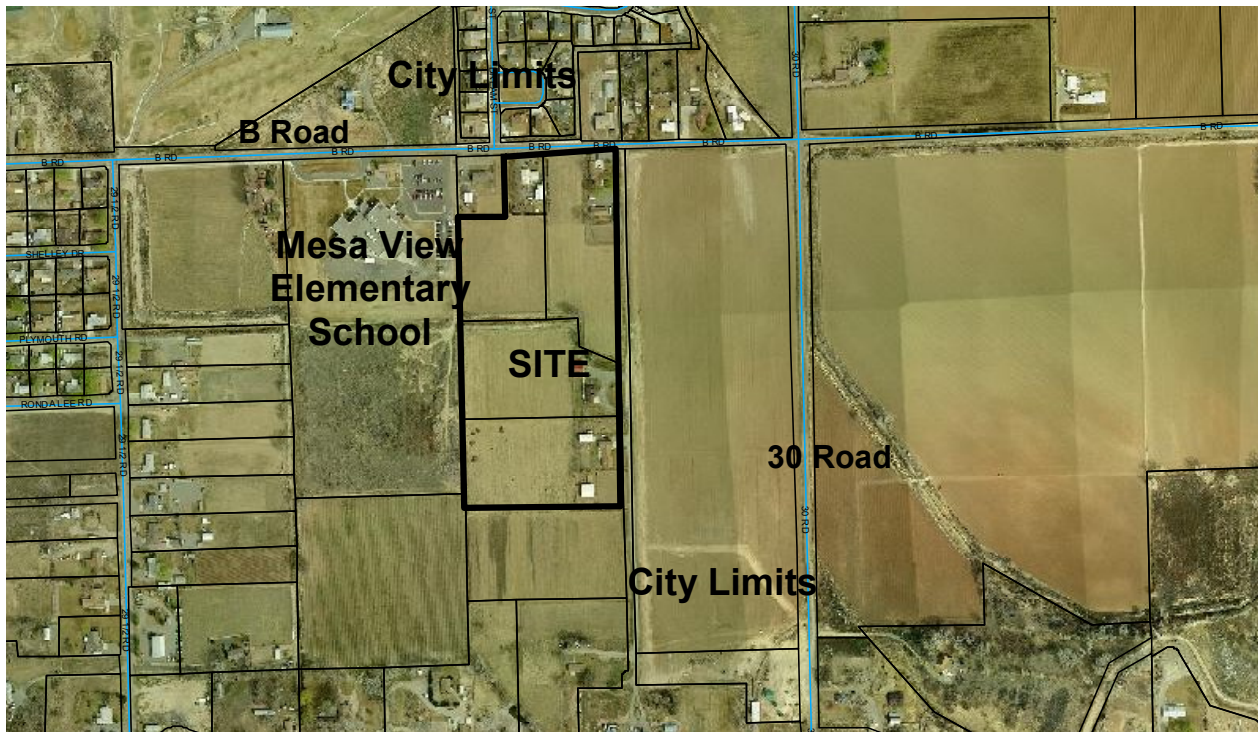
Site Location Map

Figure 1



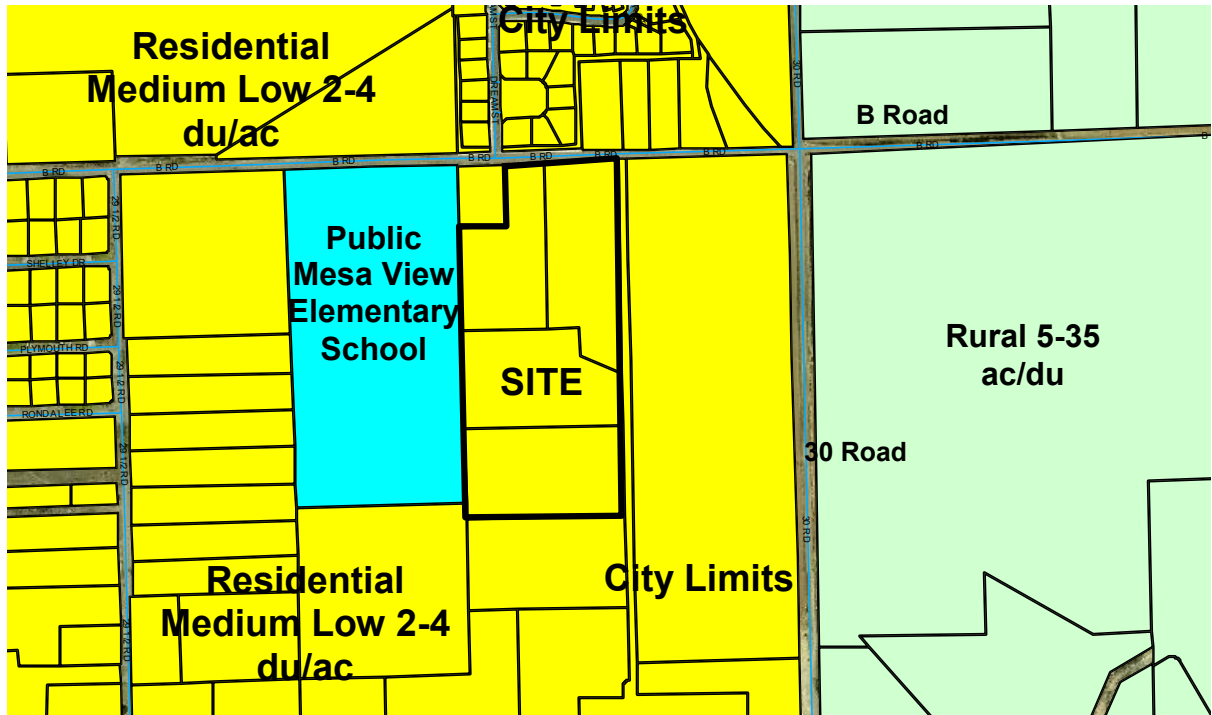
Aerial Photo Map

Figure 2



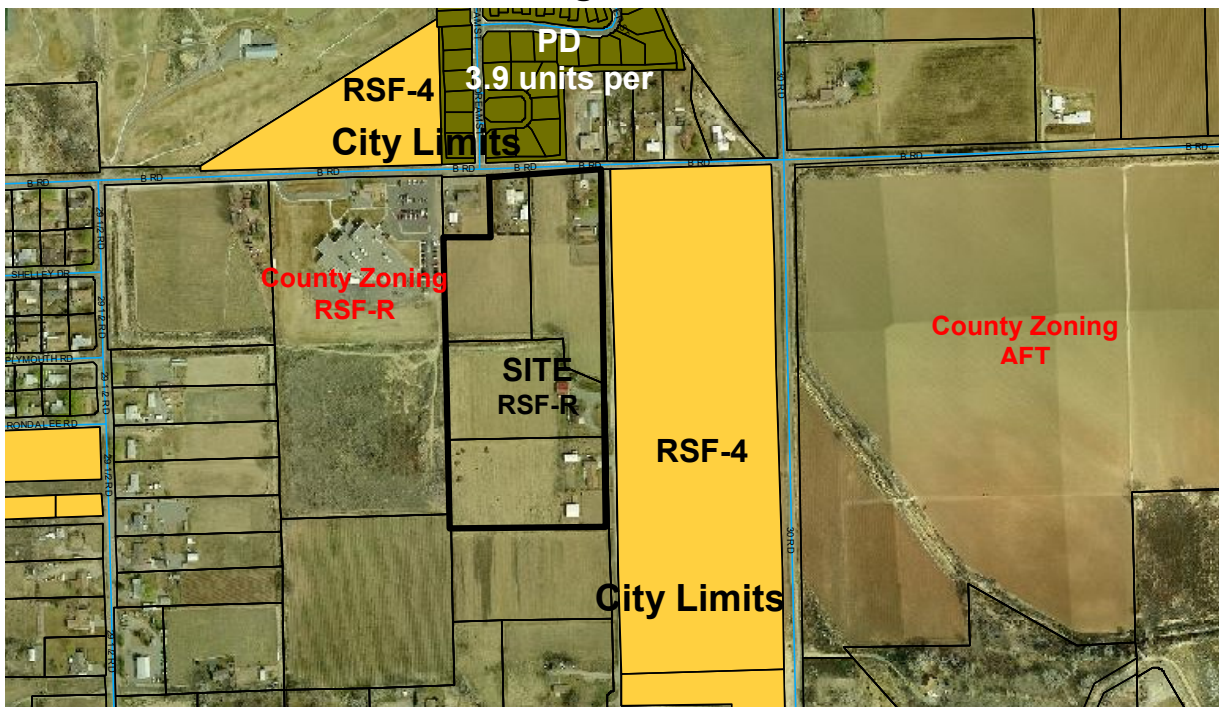
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

DYER/GREEN/OTTENBERG ANNEXATION

LOCATED AT 2981, 2991, 2993 AND 2995 B ROAD

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 21st day of February, 2007, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

DYER/GREEN/OTTENBURG ANNEXATION #1

A certain parcel of land lying in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of that certain parcel of land as described in Book 2908, Page 495, Public Records, Mesa County, Colorado, and assuming the North line of said parcel bears N89°52'02"E with all other bearings contained herein being relative thereto; thence S00°15'28"W along the East line of said parcel a distance of 50.00 feet; thence S89°52'02"W a distance of 289.89 feet to a point on the West line of said parcel; thence S00°15'54"W along said West line a distance of 583.49 feet to the Southeast corner of that certain parcel of land as described in Book 3046, Pages 522-523, Public Records, Mesa County, Colorado; thence N89°43'58"W along the South line of said parcel a distance of 335.34 feet to the Southwest corner of said parcel, also being a point on the West line of the NE 1/4 of the NE 1/4 of said Section 32; thence N00°11'54"E along said West line a distance of 397.28 feet to the Southwest corner of that certain parcel of land as described in Book 3065, Page 311, Public Records, Mesa County, Colorado; thence S89°44'21"E along the South line of said parcel a distance of 185.44 feet to the Southeast corner of said parcel; thence N00°15'34"E along the East line of said parcel a distance of 235.14 feet to a point on the South line of B Road; thence N89°52'02"E along said South line being a line 30.00 feet South of and parallel with the North line of the NE 1/4 of the NE 1/4 of said Section 32, a distance of 440.29 feet, more or less, to the Point of Beginning.

Said parcel contains 4.21 acres (183,256 square feet), more or less, as described.

DYER/GREEN/OTTENBURG ANNEXATION #2

A certain parcel of land lying in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) and the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of that certain parcel of land as described in Book 2908, Page 495, Public Records, Mesa County, Colorado, and assuming the North line of said parcel bears N89°52'02"E with all other bearings contained herein being relative thereto; thence S00°15'28"W along the East line of said parcel a distance of 50.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning S00°15'28"W along said East line a distance of 1323.16 feet to the Southeast corner of that certain parcel of land as described in Book 3774, Page 184, Public Records, Mesa County, Colorado; thence N89°44'26"W along the South line of said parcel a distance of 624.54 feet to the Southwest corner of said parcel, also being a point on the West line of the SE 1/4 of the NE 1/4 of said Section 32; thence N00°11'50"E along said West line a distance of 80.58 feet to the Northwest corner of the SE 1/4 NE 1/4 of said Section 32; thence N00°11'54"E along the West line of the NE 1/4 of the NE 1/4 of said Section 32 a distance of 1054.43 feet to the Southwest corner of that certain parcel of land as described in Book 3046, Pages 522-523, Public Records, Mesa County, Colorado; thence S89°43'58"E along the South line of said parcel a distance of 335.34 feet to the Southeast corner of said parcel; thence N00°15'54"E along the East line of said parcel a distance of 583.49 feet; thence N89°52'02"E along a line being 80.00 feet South of and parallel with the North line of the NE 1/4 of the NE 1/4 of said Section 32, a distance of 289.89 feet, more or less, to the Point of Beginning.

Said parcel contains 14.47 acres (630,461 square feet), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 4th day of April, 2007; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation

in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT;

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED this ____ day of _____, 2007.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

DYER/GREEN/OTTENBERG ANNEXATION #1

APPROXIMATELY 4.21 ACRES

LOCATED AT 2981 B ROAD AND A PORTION OF 2991 B ROAD

WHEREAS, on the 21st day of February, 2007, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 4th day of April, 2007; 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:

DYER/GREEN/OTTENBURG ANNEXATION #1

A certain parcel of land lying in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of that certain parcel of land as described in Book 2908, Page 495, Public Records, Mesa County, Colorado, and assuming the North line of said parcel bears N89°52'02"E with all other bearings contained herein being relative thereto; thence S00°15'28"W along the East line of said parcel a distance of 50.00 feet; thence S89°52'02"W a distance of 289.89 feet to a point on the West line of said parcel; thence S00°15'54"W along said West line a distance of 583.49 feet to the

Southeast corner of that certain parcel of land as described in Book 3046, Pages 522-523, Public Records, Mesa County, Colorado; thence N89°43'58"W along the South line of said parcel a distance of 335.34 feet to the Southwest corner of said parcel, also being a point on the West line of the NE 1/4 of the NE 1/4 of said Section 32; thence N00°11'54"E along said West line a distance of 397.28 feet to the Southwest corner of that certain parcel of land as described in Book 3065, Page 311, Public Records, Mesa County, Colorado; thence S89°44'21"E along the South line of said parcel a distance of 185.44 feet to the Southeast corner of said parcel; thence N00°15'34"E along the East line of said parcel a distance of 235.14 feet to a point on the South line of B Road; thence N89°52'02"E along said South line being a line 30.00 feet South of and parallel with the North line of the NE 1/4 of the NE 1/4 of said Section 32, a distance of 440.29 feet, more or less, to the Point of Beginning.

Said parcel contains 4.21 acres (183,256 square feet), more or less, as described.

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 21st day of February, 2007 and ordered published.

ADOPTED this _____ day of _____, 2007.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

DYER/GREEN/OTTENBERG ANNEXATION #2

APPROXIMATELY 14.47 ACRES

LOCATED AT 2993, 2995 AND THE MAJORITY OF 2991 B ROAD

WHEREAS, on the 21st day of February, 2007, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 4th day of April, 2007; 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:

DYER/GREEN/OTTENBURG ANNEXATION #2

A certain parcel of land lying in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) and the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of that certain parcel of land as described in Book 2908, Page 495, Public Records, Mesa County, Colorado, and assuming the North line of said parcel bears N89°52'02"E with all other bearings contained herein being relative thereto; thence S00°15'28"W along the East line of said parcel a distance of 50.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning

S00°15'28"W along said East line a distance of 1323.16 feet to the Southeast corner of that certain parcel of land as described in Book 3774, Page 184, Public Records, Mesa County, Colorado; thence N89°44'26"W along the South line of said parcel a distance of 624.54 feet to the Southwest corner of said parcel, also being a point on the West line of the SE 1/4 of the NE 1/4 of said Section 32; thence N00°11'50"E along said West line a distance of 80.58 feet to the Northwest corner of the SE 1/4 NE 1/4 of said Section 32; thence N00°11'54"E along the West line of the NE 1/4 of the NE 1/4 of said Section 32 a distance of 1054.43 feet to the Southwest corner of that certain parcel of land as described in Book 3046, Pages 522-523, Public Records, Mesa County, Colorado; thence S89°43'58"E along the South line of said parcel a distance of 335.34 feet to the Southeast corner of said parcel; thence N00°15'54"E along the East line of said parcel a distance of 583.49 feet; thence N89°52'02"E along a line being 80.00 feet South of and parallel with the North line of the NE 1/4 of the NE 1/4 of said Section 32, a distance of 289.89 feet, more or less, to the Point of Beginning.

Said parcel contains 14.47 acres (630,461 square feet), more or less, as described.

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 21st day of February, 2007 and ordered published.

ADOPTED this _____ day of _____, 2007.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE DYER/GREEN/OTTENBERG ANNEXATION TO
RSF-4**

LOCATED AT 2981, 2991, 2993 AND 2995 B ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Dyer/Green/Ottenberg Annexation to the RSF-4 zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-4 zone district is in conformance with the stated criteria of Section 2.6 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 be zoned RSF-4 (Residential Single Family, 4 units per acre)

DYER/GREEN/OTTENBURG ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of that certain parcel of land as described in Book 2908, Page 495, Public Records, Mesa County, Colorado, and assuming the North line of said parcel bears N89°52'02"E with all other bearings contained herein being relative thereto; thence S00°15'28"W along the East line of said parcel a distance of 50.00 feet; thence S89°52'02"W a distance of 289.89 feet to a point on the West line of said parcel; thence S00°15'54"W along said West line a distance of 583.49 feet to the Southeast corner of that certain parcel of land as described in Book 3046, Pages 522-523, Public Records, Mesa County, Colorado; thence N89°43'58"W along the South line of said parcel a distance of 335.34 feet to the Southwest corner of said parcel, also

being a point on the West line of the NE 1/4 of the NE 1/4 of said Section 32; thence N00°11'54"E along said West line a distance of 397.28 feet to the Southwest corner of that certain parcel of land as described in Book 3065, Page 311, Public Records, Mesa County, Colorado; thence S89°44'21"E along the South line of said parcel a distance of 185.44 feet to the Southeast corner of said parcel; thence N00°15'34"E along the East line of said parcel a distance of 235.14 feet to a point on the South line of B Road; thence N89°52'02"E along said South line being a line 30.00 feet South of and parallel with the North line of the NE 1/4 of the NE 1/4 of said Section 32, a distance of 440.29 feet, more or less, to the Point of Beginning.

Said parcel contains 4.21 acres (183,256 square feet), more or less, as described.

And also contains

A certain parcel of land lying in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) and the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of that certain parcel of land as described in Book 2908, Page 495, Public Records, Mesa County, Colorado, and assuming the North line of said parcel bears N89°52'02"E with all other bearings contained herein being relative thereto; thence S00°15'28"W along the East line of said parcel a distance of 50.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning S00°15'28"W along said East line a distance of 1323.16 feet to the Southeast corner of that certain parcel of land as described in Book 3774, Page 184, Public Records, Mesa County, Colorado; thence N89°44'26"W along the South line of said parcel a distance of 624.54 feet to the Southwest corner of said parcel, also being a point on the West line of the SE 1/4 of the NE 1/4 of said Section 32; thence N00°11'50"E along said West line a distance of 80.58 feet to the Northwest corner of the SE 1/4 NE 1/4 of said Section 32; thence N00°11'54"E along the West line of the NE 1/4 of the NE 1/4 of said Section 32 a distance of 1054.43 feet to the Southwest corner of that certain parcel of land as described in Book 3046, Pages 522-523, Public Records, Mesa County, Colorado; thence S89°43'58"E along the South line of said parcel a distance of 335.34 feet to the Southeast corner of said parcel; thence N00°15'54"E along the East line of said parcel a distance of 583.49 feet; thence N89°52'02"E along a line being 80.00 feet South of and parallel with the North line of the NE 1/4 of the NE 1/4 of said Section 32, a distance of 289.89 feet, more or less, to the Point of Beginning.

Said parcel contains 14.47 acres (630,461 square feet), more or less, as described.

Introduced on first reading this 7th day of March, 2007 and ordered published.

ADOPTED on second reading this ____ day of _____, 2007.

ATTEST:

President of the Council

City Clerk

Attach 18

Public Hearing – Home Lumber Annexation and Zoning Located at 2771, 2773, and 2779 D Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Home Lumber Annexation and Zoning, located at 2771, 2773 and 2779 D Road					
Meeting Date	April 4, 2007					
Date Prepared	March 21, 2007			File #ANX-2006-360		
Author	Faye Hall		Associate Planner			
Presenter Name	Faye Hall		Associate Planner			
Report results back to Council		Yes	X	No	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Request to annex and zone 15.79 acres, located at 2771, 2773 and 2779 D Road, to I-1 (Light Industrial). The Home Lumber Annexation consists of three parcels and is located east of Indian Road and west of 28 Road.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Home Lumber Annexation and hold a public hearing and consider final passage of the annexation ordinance and zoning ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Annexation - Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Acceptance Resolution
5. Annexation Ordinance
6. Zoning Ordinance

STAFF REPORT/BACKGROUND INFORMATION			
Location:		2771, 2773 and 2779 D Road	
Applicants:		Owners: William Jarvis Jr. and Robert and Diana Fulcher	
Existing Land Use:		Salvage yard and building material storage	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Industrial – Railroad Humpyard	
	South	Industrial - Vacant	
	East	Industrial	
	West	Industrial - Residence	
Existing Zoning:		County I-2	
Proposed Zoning:		City I-1	
Surrounding Zoning:	North	City I-1	
	South	County I-2	
	East	County I-2	
	West	City I-2	
Growth Plan Designation:		Industrial	
Zoning within density range?		X	Yes
			No

Staff Analysis:

ANNEXATION:

This annexation area consists of 15.79 acres of land and is comprised of three parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's professional opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Home Lumber Annexation is eligible to be annexed because of compliance with the following:

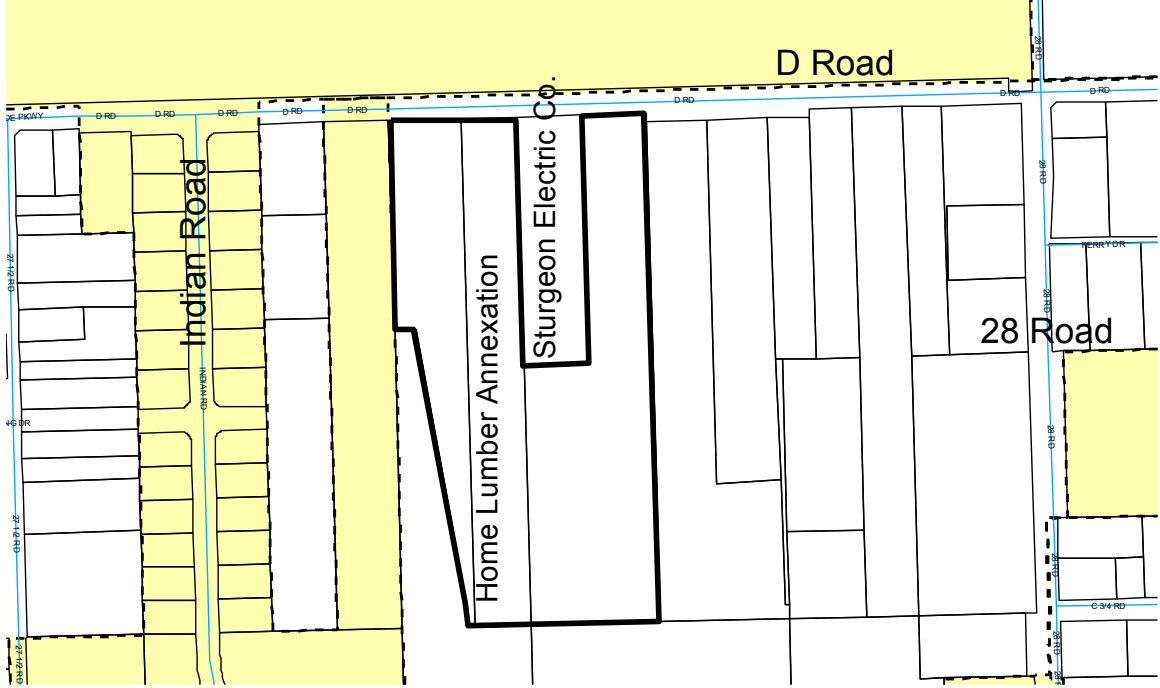
- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single

demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;

- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The Home Lumber Annexation inadvertently completes an enclave of incorporated land. Enclaves are small areas of unincorporated Mesa County that are entirely surrounded by the limits of the City of Grand Junction. Included in the Persigo Agreement is a provision to close all enclaves by bringing them into the City in a timely fashion in accordance with state annexation laws. State Annexation statutes require a minimum of 3 years before an area that is enclaved by a City to be unilaterally annexed by that city.

There is one property located at 2775 D Road (see map below) that is within this enclave and is owned by Sturgeon Electric Co. Inc, with an acreage of 2.376 acres. No dates have been established at this point for annexing the Sturgeon Electric Co. Inc, properties as an enclave annexation, but under the Persigo Agreement it shall occur within 5 years. The owner of the property will be notified by mail of this enclave happening as a result of the Home Lumber Annexation, then when the enclave annexation is scheduled sometime between 3 and 5 years from now, the owner will be notified again with an established timeline.



The following annexation and zoning schedule is being proposed.

<u>ANNEXATION SCHEDULE</u>	
February 21, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
February 27, 2007	Planning Commission considers Zone of Annexation
March 7, 2007	Introduction Of A Proposed Ordinance on Zoning by City Council
April 4, 2007	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
May 6, 2007	Effective date of Annexation and Zoning

HOME LUMBER ANNEXATION SUMMARY		
File Number:	ANX-2006-360	
Location:	2771, 2773 and 2779 D Road	
Tax ID Number:	2945-241-00-246, 015 and 012	
Parcels:	3	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	15.79 acres	
Developable Acres Remaining:	15.57 acres	
Right-of-way in Annexation:	.218 acres (9505 sq ft)	
Previous County Zoning:	I-2	
Proposed City Zoning:	I-1	
Current Land Use:	Industrial	
Future Land Use:	Industrial	
Values:	Assessed:	\$234,700
	Actual:	\$809,290
Address Ranges:	2771 thru 2779 D Road (odd only)	
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley
	Fire:	Grand Junction Rural Fire
	Irrigation/Drainage:	Grand Junction Drainage Grand Valley Irrigation
	School:	District 51

Zone of Annexation: The requested zone of annexation to the I-1 district is consistent with the Growth Plan designation of Industrial. The existing County zoning is I-2. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3 and 4 as follows:

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations.

Response: The proposed zone is compatible with the area in that this area is seeing a lot of industrial growth. The railroad hump yard is located to the north and various industrial uses are located on both sides of the property. As development occurs in this area the zoning of I-1 matches the uses that are existing in the county. In this case there is an existing salvage yard and a building material storage site which fits in the I-1 zone district.

- Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

Response: Adequate public facilities are available or will be supplied at the time of further development of the property.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

- g. I-2
- h. I-O
- i. M-U

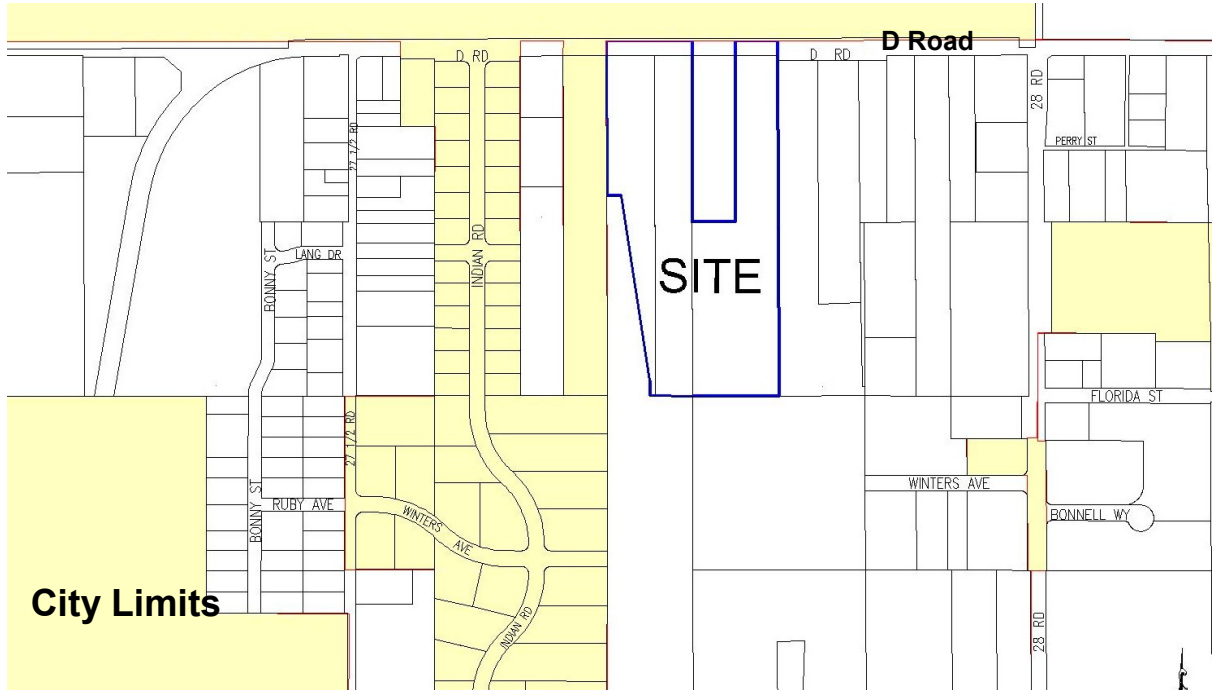
If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the I-1 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

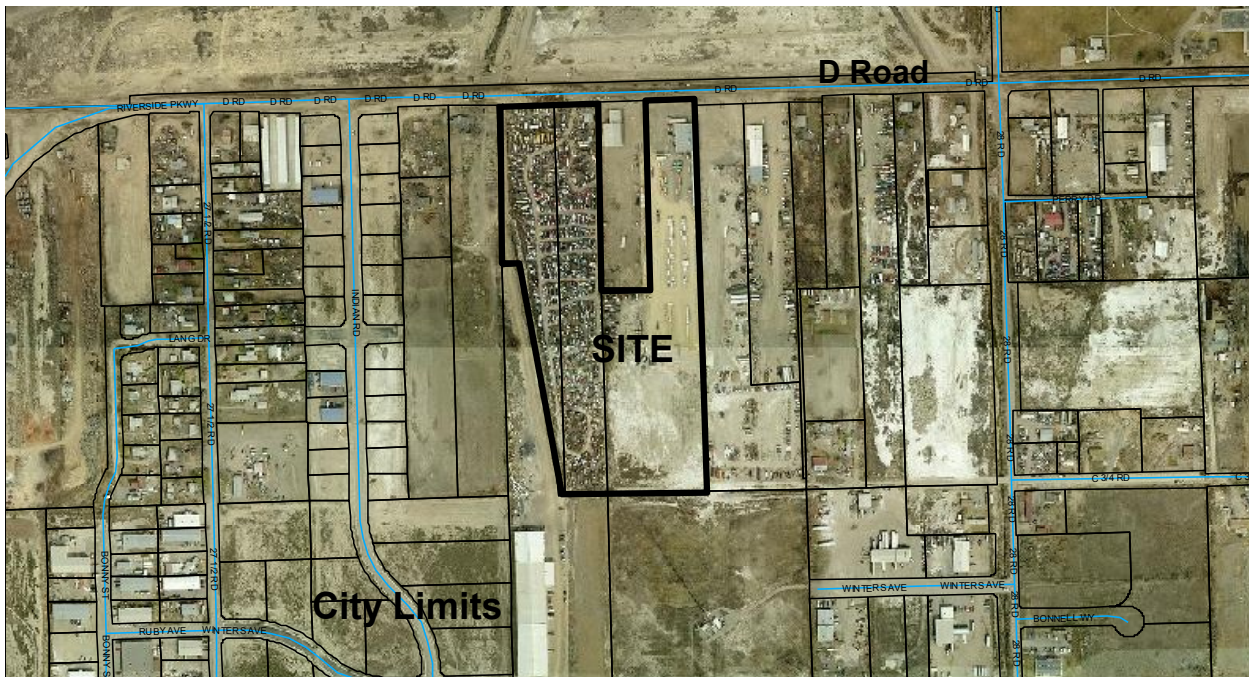
Site Location Map

Figure 1



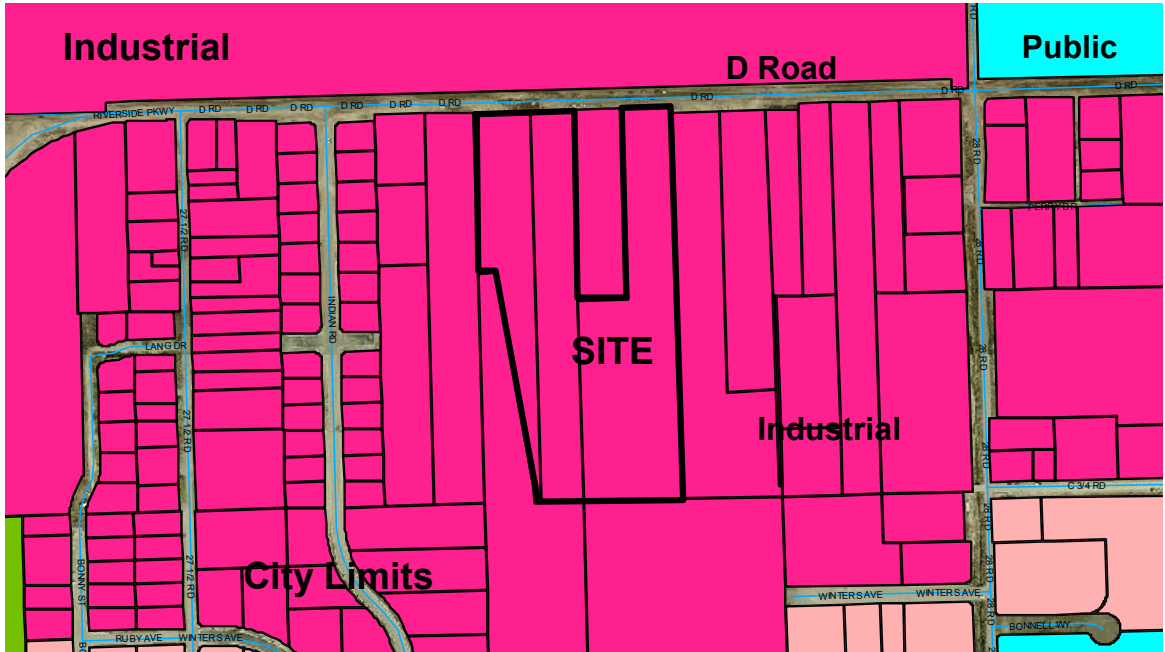
Aerial Photo Map

Figure 2



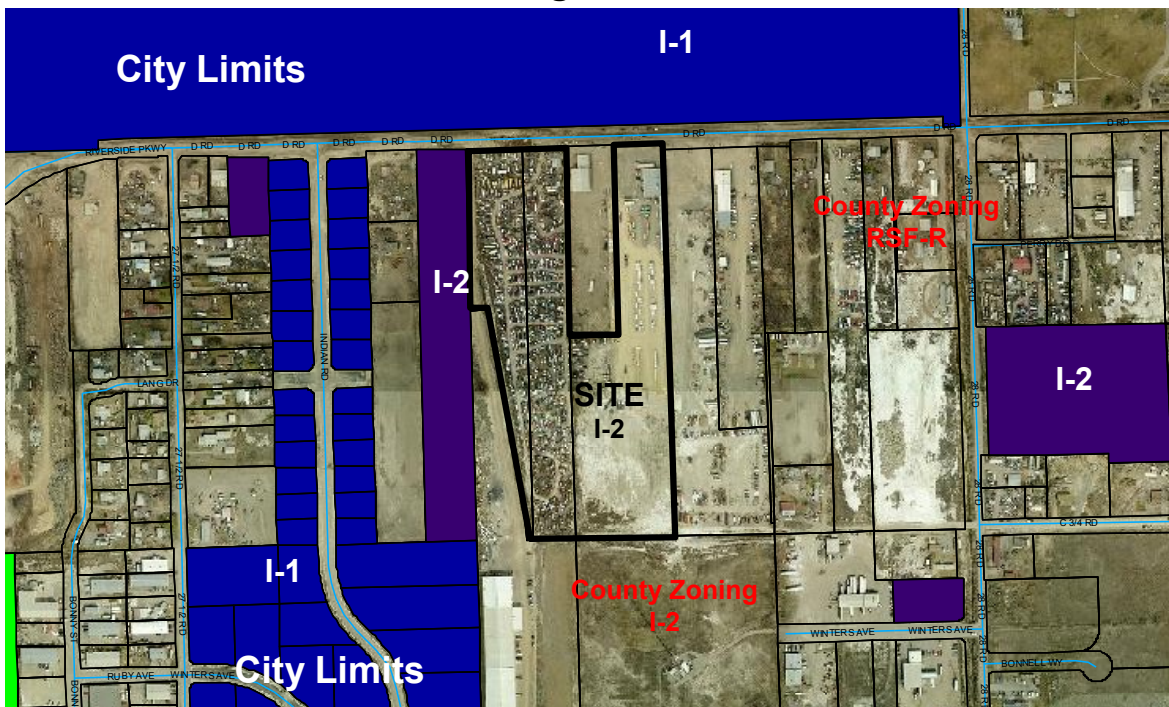
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

HOME LUMBER ANNEXATION

**LOCATED AT 2771, 2773 AND 2779 D ROAD AND A PORTION OF THE D ROAD
RIGHT OF WAY**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 21st day of February, 2007, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

HOME LUMBER ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) and the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 24, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of Section 24 and assuming the North line of the NE 1/4 of said Section 24 bears N89°59'19"W with all other bearings contained herein being relative thereto; thence N89°59'19"W along said North line of Section 24 a distance of 983.34 feet to a point on the East line of that certain parcel of land described in Book 3993, Page 492, Public Records of Mesa County, Colorado, and the POINT OF BEGINNING; thence S00°10'42"W along the East line of said parcel a distance of 1322.82 feet to the Southeast corner of said parcel, said corner also being a point on the South line of the NE 1/4 NE 1/4 of said Section 24; thence N89°52'14"W along said South line a distance of 328.18 feet to the Southwest corner of said NE 1/4 NE 1/4; thence N89°52'24"W along the South line of the NW 1/4 NE 1/4 of said Section 24 a distance of 162.88 feet to the Southwest corner of that certain parcel of land described in Book 3901, Page 371, Public Records of Mesa County, Colorado; thence N04°22'50"W along the West line of said parcel a distance of 56.63 feet; thence N08°41'22"W along said West line a distance of 710.83 feet; thence N89°43'39"W a distance of 55.69 feet to a point on the East line of that certain parcel of land described in Book 4017, Page 424, Public Records of Mesa County, Colorado, said East line also being the East line of the Pine Industrial No. 1 Annexation No. 1, City of Grand Junction, Ordinance Number 3942; thence N00°06'23"E along the East line of said parcel, a distance of 590.44 feet to a point on the South line of the Darren Davidson

Annexation, as same is recorded with the City of Grand Junction, Ordinance Number 3205; thence S89°59'19"E along a line 28.00 feet North of and parallel with, the North line of the NW 1/4 NE 1/4 of said Section 24, a distance of 327.60 feet; thence S00°09'41"E along the West line of the NE 1/4 NE 1/4 of said Section 24, a distance of 689.07 feet to the Southwest corner of that certain parcel of land described in Book 3880, Page 338, Public Records of Mesa County, Colorado, thence S89°55'46"E along the South line of said parcel a distance of 163.99 feet; thence N00°10'11"W along the East line of said parcel a distance of 689.24 feet to a point on the South line of said Darren Davidson Annexation; thence S89°59'19"E along a line 28.00 feet North of and parallel with, the North line of the NE 1/4 NE 1/4 of said Section 24, a distance of 163.89 feet; thence S00°10'42"E a distance of 28.00 feet, more or less, to the Point of Beginning.

Said parcel contains 15.79 acres (687,730 square feet), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 4th day of April, 2007; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT;

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED this ____ day of _____, 2007.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

HOME LUMBER ANNEXATION

APPROXIMATELY 15.79 ACRES

**LOCATED AT 2771, 2773 AND 2779 D ROAD AND A PORTION OF THE D ROAD
RIGHT OF WAY**

WHEREAS, on the 21st day of February, 2007, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 4th day of April, 2007; 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:

Home Lumber Annexation

A certain parcel of land lying in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) and the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 24, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of Section 24 and assuming the North line of the NE 1/4 of said Section 24 bears N89°59'19"W with all other bearings contained herein being relative thereto; thence N89°59'19"W along said North line of Section 24 a distance of 983.34 feet to a point on the East line of that certain parcel of land described in Book 3993, Page 492, Public Records of Mesa County, Colorado, and the

POINT OF BEGINNING; thence S00°10'42"W along the East line of said parcel a distance of 1322.82 feet to the Southeast corner of said parcel, said corner also being a point on the South line of the NE 1/4 NE 1/4 of said Section 24; thence N89°52'14"W along said South line a distance of 328.18 feet to the Southwest corner of said NE 1/4 NE 1/4; thence N89°52'24"W along the South line of the NW 1/4 NE 1/4 of said Section 24 a distance of 162.88 feet to the Southwest corner of that certain parcel of land described in Book 3901, Page 371, Public Records of Mesa County, Colorado; thence N04°22'50"W along the West line of said parcel a distance of 56.63 feet; thence N08°41'22"W along said West line a distance of 710.83 feet; thence N89°43'39"W a distance of 55.69 feet to a point on the East line of that certain parcel of land described in Book 4017, Page 424, Public Records of Mesa County, Colorado, said East line also being the East line of the Pine Industrial No. 1 Annexation No. 1, City of Grand Junction, Ordinance Number 3942; thence N00°06'23"E along the East line of said parcel, a distance of 590.44 feet to a point on the South line of the Darren Davidson Annexation, as same is recorded with the City of Grand Junction, Ordinance Number 3205; thence S89°59'19"E along a line 28.00 feet North of and parallel with, the North line of the NW 1/4 NE 1/4 of said Section 24, a distance of 327.60 feet; thence S00°09'41"E along the West line of the NE 1/4 NE 1/4 of said Section 24, a distance of 689.07 feet to the Southwest corner of that certain parcel of land described in Book 3880, Page 338, Public Records of Mesa County, Colorado, thence S89°55'46"E along the South line of said parcel a distance of 163.99 feet; thence N00°10'11"W along the East line of said parcel a distance of 689.24 feet to a point on the South line of said Darren Davidson Annexation; thence S89°59'19"E along a line 28.00 feet North of and parallel with, the North line of the NE 1/4 NE 1/4 of said Section 24, a distance of 163.89 feet; thence S00°10'42"E a distance of 28.00 feet, more or less, to the Point of Beginning.

Said parcel contains 15.79 acres (687,730 square feet), more or less, as described.

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 21st day of February, 2007 and ordered published.

ADOPTED this _____ day of _____, 2007.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE HOME LUMBER ANNEXATION TO
I-1**

LOCATED AT 2771, 2773 AND 2779 D ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Home Lumber Annexation to the I-1 zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the I-1 zone district is in conformance with the stated criteria of Section 2.6 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 be zoned I-1 (Light Industrial).

HOME LUMBER ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) and the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 24, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of Section 24 and assuming the North line of the NE 1/4 of said Section 24 bears N89°59'19"W with all other bearings contained herein being relative thereto; thence N89°59'19"W along said North line of Section 24 a distance of 983.34 feet to a point on the East line of that certain parcel of land described in Book 3993, Page 492, Public Records of Mesa County, Colorado, and the POINT OF BEGINNING; thence S00°10'42"W along the East line of said parcel a distance of 1322.82 feet to the Southeast corner of said parcel, said corner also being a point on the South line of the NE 1/4 NE 1/4 of said Section 24; thence N89°52'14"W along said South line a distance of 328.18 feet to the Southwest corner of said NE 1/4

NE 1/4; thence N89°52'24"W along the South line of the NW 1/4 NE 1/4 of said Section 24 a distance of 162.88 feet to the Southwest corner of that certain parcel of land described in Book 3901, Page 371, Public Records of Mesa County, Colorado; thence N04°22'50"W along the West line of said parcel a distance of 56.63 feet; thence N08°41'22"W along said West line a distance of 710.83 feet; thence N89°43'39"W a distance of 55.69 feet to a point on the East line of that certain parcel of land described in Book 4017, Page 424, Public Records of Mesa County, Colorado, said East line also being the East line of the Pine Industrial No. 1 Annexation No. 1, City of Grand Junction, Ordinance Number 3942; thence N00°06'23"E along the East line of said parcel, a distance of 590.44 feet to a point on the South line of the Darren Davidson Annexation, as same is recorded with the City of Grand Junction, Ordinance Number 3205; thence S89°59'19"E along a line 28.00 feet North of and parallel with, the North line of the NW 1/4 NE 1/4 of said Section 24, a distance of 327.60 feet; thence S00°09'41"E along the West line of the NE 1/4 NE 1/4 of said Section 24, a distance of 689.07 feet to the Southwest corner of that certain parcel of land described in Book 3880, Page 338, Public Records of Mesa County, Colorado, thence S89°55'46"E along the South line of said parcel a distance of 163.99 feet; thence N00°10'11"W along the East line of said parcel a distance of 689.24 feet to a point on the South line of said Darren Davidson Annexation; thence S89°59'19"E along a line 28.00 feet North of and parallel with, the North line of the NE 1/4 NE 1/4 of said Section 24, a distance of 163.89 feet; thence S00°10'42"E a distance of 28.00 feet, more or less, to the Point of Beginning.

Said parcel contains 15.79 acres (687,730 square feet), more or less, as described.

Introduced on first reading this 7th day of March, 2007 and ordered published.

ADOPTED on second reading this ____ day of _____, 2007.

ATTEST:

President of the Council

City Clerk

Attach 19

Public Hearing – West Ouray Growth Plan Amendment, Located at 302 W. Ouray Avenue

CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>						
Subject	West Ouray Growth Plan Amendment - Located at 302 W Ouray Avenue					
Meeting Date	April 4, 2007					
Date Prepared	March 26, 2007			File #RZ-2007-034		
Author	Faye Hall		Associate Planner			
Presenter Name	Faye Hall		Associate Planner			
Report results back to Council		Yes	X	No	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: Request to amend the Growth Plan, to change the Future Land Use Designation from Residential Medium and Commercial to Commercial for one parcel consisting of approximately .723 acres. The parcel is located to the south of Bassett Furniture.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider adoption of a resolution amending the Growth Plan.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Site Location Map; Aerial Photo
3. Future Land Use Map; Existing County and City Zoning Map
4. Resolution

AGENDA TOPIC: RZ-2007-034, West Ouray Growth Plan Amendment

ACTION REQUESTED: Consideration of a request to amend the Growth Plan, to change the Future Land Use Designation from Residential Medium and Commercial to Commercial.

BACKGROUND INFORMATION				
Location:		302 W Ouray Avenue		
Applicants:		Owner: Gene Taylor Representative: Blythe Group – Justin Stein		
Existing Land Use:		Vacant		
Proposed Land Use:		No proposed use at this time		
Surrounding Land Use:	North	Commercial – Bassett Furniture		
	South	Residential		
	East	Commercial – Mesa Music		
	West	Commercial - Gene Taylor's and Residential		
Existing Zoning:		RMF-8		
Proposed Zoning:		C-1		
Surrounding Zoning:	North	RMF-8 and C-1		
	South	RMF-8		
	East	C-1		
	West	RMF-8 and C-1		
Growth Plan Designation:		Residential Medium and Commercial		
Zoning within density range? NA	X	Yes		No

PROJECT DESCRIPTION: A request for a Growth Plan Amendment to change the Future Land Use designation from Residential Medium and Commercial to Commercial for one parcel consisting of approximately .723 acres. The parcel is located to the south of Bassett Furniture.

RECOMMENDATION: Staff recommends approval

ANALYSIS

1. Background

This property was annexed in 1890 as part of the Mobley's addition annexation. The parcel is located in the Carpenter's Subdivision No.2 and was zoned V (Vacant). In 1970 an ordinance was passed to rezone the property from V (Vacant) to C-1 (Light Commerce). At some point between 1970 and 1984 the property was rezoned to RMF-64 (Residential Multi-Family 64 units per acre). All this time the property has remained vacant and has had no structures built on it. The Growth Plan was implemented in 1996. Currently, the Growth Plan shows this property has two Future Land Use designations, Residential Medium and Commercial. Staff finds that for this property to have two different future land use designations, there may have been an error, especially since there has never been a structure on this site. In order to rezone the property to C-1 (Light Commercial) the applicant needs to have the Growth Plan designation of Commercial on the entire property. The purpose of this request is to change the designation from Residential Medium to Commercial.

2. Section 2.5.C of the Zoning and Development Code

The Growth Plan can be amended if the City finds that the proposed amendment is consistent with the purpose and intent of the Plan and it meets the following criteria:

- a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for; or

This property has two Future Land Use designations. The first is Residential Medium and the second is Commercial. Staff finds that there may have been an error for this property to have two designations.

- b. Subsequent events have invalidated the original premises and findings;

This criterion is not applicable.

- c. The character and/or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the plan;

This criterion is not applicable.

- d. The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans;

This criterion is not applicable.

- e. Public and community facilities are adequate to serve the type and scope of the land use proposed;

This criterion is not applicable.

- f. 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

This criterion is not applicable.

- g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

This criterion is not applicable.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the West Ouray Rezone application, RZ-2007-034 for a Growth Plan Amendment, staff makes the following findings of fact and conclusions:

1. The proposed amendment is consistent with the purpose and intent of the Growth Plan.
2. The review criteria in Section 2.5.C of the Zoning and Development Code have been met.
3. The Commercial designation will correct an existing inconsistency with the property currently having two designations of Residential Medium and Commercial.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission forward a recommendation of approval of the requested Growth Plan Amendment, RZ-2007-034 to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

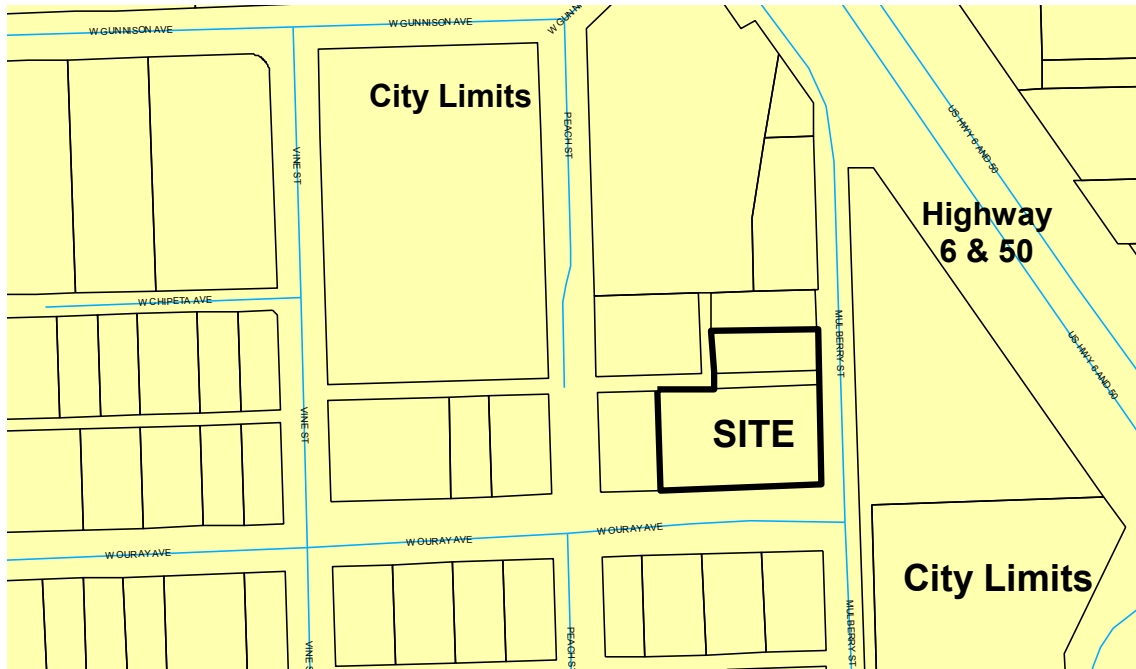
Mr. Chairman, on item RZ-2007-034, a request for a Growth Plan Amendment to change the Future Land Use designation from Residential Medium and Commercial to Commercial, I move we forward a recommendation of approval to the City Council with the findings and conclusions listed in the staff report.

Attachments:

Site Location Map/ Aerial Photo
Future Land Use Map / Existing City and County Zoning Map

Site Location Map

Figure 1



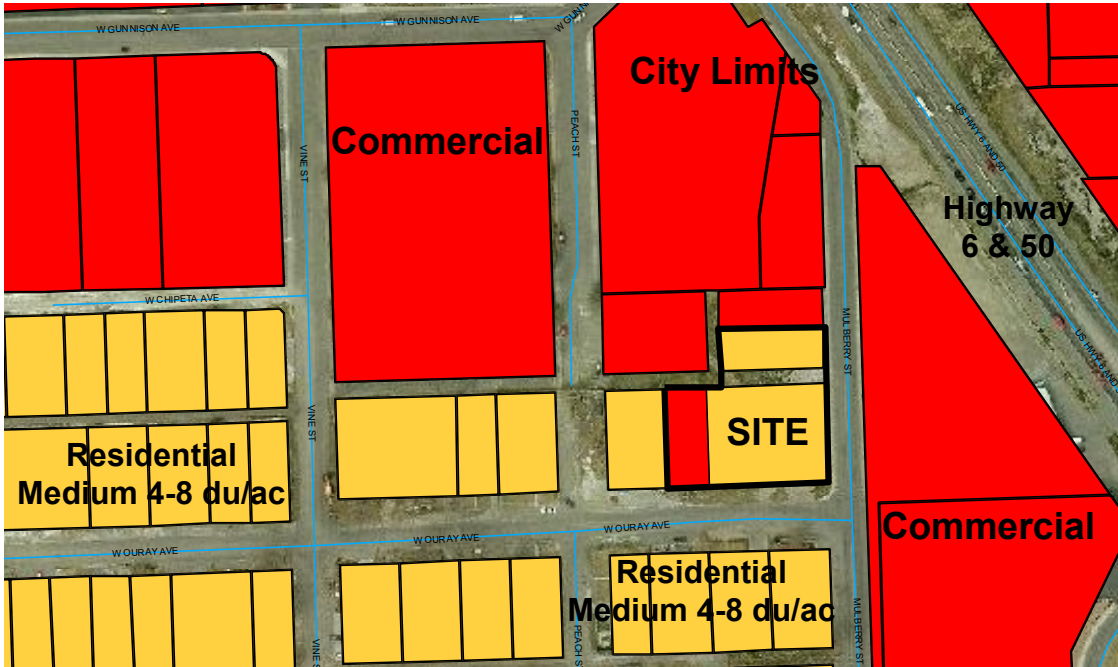
Aerial Photo Map

Figure 2



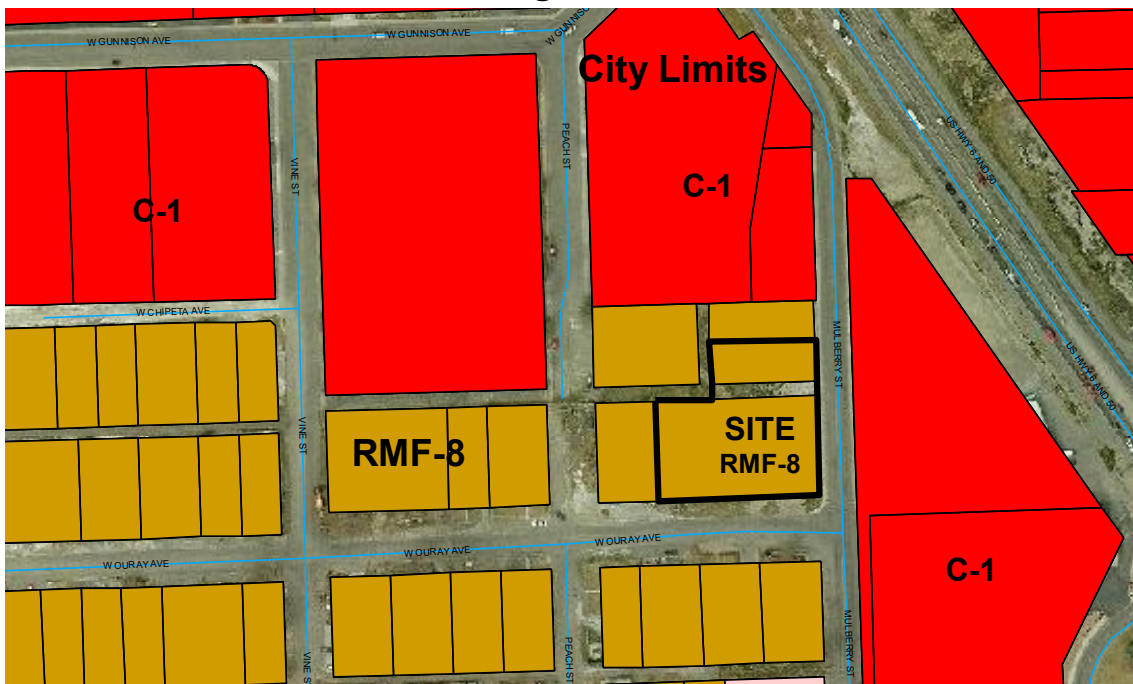
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

A RESOLUTION AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION TO DESIGNATE WEST OURAY, APPROXIMATELY .723 ACRES, LOCATED AT 302 W. OURAY AVENUE, FROM "RESIDENTIAL MEDIUM" AND "COMMERCIAL" TO "COMMERCIAL"

Recitals:

A request for a Growth Plan Amendment has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately .723 acres, located at 302 W Ouray Avenue be redesignated from Residential Medium and Commercial to Commercial on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Growth Plan Amendment and determined that it satisfied the criteria as set forth and established in Section 2.5.C of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM RESIDENTIAL MEDIUM AND COMMERCIAL TO COMMERCIAL ON THE FUTURE LAND USE MAP.

A certain parcel of land situate in the SW 1/4 NE 1/4 of Section 15, Township One South, Range One West of the Ute Meridian, in the City of Grand Junction, Mesa County, Colorado, being more particularly described as follows:

Lots 3, 4, and Lots 15 through 22, inclusive, Block One in Carpenter's Sub-division No.2, Reception Number 9732, Public Records, Mesa County, Colorado, together with those applicable portions of the vacated alleys within said Block 1 and of West Ouray Avenue, all adjacent to said Lots, as recorded in Book 4375, Pages 672-677 in the Public Records, Mesa County, Colorado.

PASSED on this _____ day of _____, 2007.

ATTEST:

City Clerk

President of Council

**Attach 20
Open Burning Ban Policy**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Fire Ban Policy					
Meeting Date	April 4, 2007					
Date Prepared	April 3, 2007				File #	
Author	Jim Bright			Interim Fire Chief		
Presenter Name	Jim Bright			Interim Fire Chief		
Report results back to Council		Yes	<input checked="" type="checkbox"/>	No	When	
Citizen Presentation		Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: The City of Grand Junction does not have a formal policy regarding enactment of a fire ban. A formal policy would establish clear guidelines to eliminate ad hoc decisions regarding enactment of a fire ban.

Budget: Dependent upon policy provisions.

Action Requested/Recommendation: Adopt a policy establishing guidelines for the enactment of a fire ban within the City limits.

Attachments:

- 2006 fire ban news releases from Grand Junction Fire Department, BLM, and MCSO
- Mesa County fire ban ordinance

Background Information: With the dry, desert characteristics throughout much of Mesa County including Grand Junction, it is common for fire bans to be enacted during the summer months when conditions warrant. Typically a fire ban is initiated by the Bureau of Land Management (BLM) in conjunction with the Mesa County Sheriff's Office (MCSO) after an assessment by employees with the BLM who have the technical

expertise to conduct such assessments. Historically the Grand Junction Fire Department has also initiated a fire ban for the City of Grand Junction when MCSO has initiated a ban on land adjoining the City. This has been done for two reasons. One, the same characteristics of dry vegetation are found within City open space – both public and private that is not irrigated. Second, uniformity of the fire ban eliminates confusion regarding where open burning activities can occur. For example, residents who live outside the City being restricted from shooting off fireworks while City residents are allowed to engage in this activity. Permitted public fireworks displays, such as the July 4th fireworks show at Lincoln Park and outdoor cooking fires in approved appliances have been exempt when a fire ban is in effect.

It is recommended that City Council adopt a policy that a fire ban will be put in place whenever the Mesa County Sheriff initiates a fire ban for unincorporated land adjoining the City.



330 S. 6th Street, Grand Junction, CO 81501
Phone: 970-244-1413 FAX: 970-244-1471

News Release

For Immediate Release

Subject: FIRE BAN
Contact: PIO Mike Page
Date: 06-14-06

Effective as of 12:01 am., on Thursday, June 15, 2006, the Grand Junction Fire Department, under the authority of the Fire Chief, is supporting the FIRE BAN placed in effect by the Mesa County Sheriff's Office for Mesa County. This will remain in effect until rescinded. This includes the City of Grand Junction along with the Rural Fire Protection District.

The continuing high to extreme fire hazard conditions around the Grand Valley has made these restrictions necessary. The Grand Junction Fire Department would like to stress the importance outdoor fire safety during these hot, dry conditions and define open burning as:

- Setting fire to any grass, wood or any other combustible material outside of an enclosed home
- Burning any solid fuels except by written authorization or in campgrounds or developed recreation sites where fire rings or grates are provided
- Improperly discarding smoking materials including but not limited to cigarette butts and matches
- Use of explosives requiring fuse blasting caps
- The operation of chain saws without an approved spark arrester

THE GRAND JUNCTION FIRE DEPARTMENT CANNOT RELEASE, TRANSFER, PROVIDE ACCESS TO, OR REVEAL ANY PERSONAL HEALTH INFORMATION ABOUT INDIVIDUALS INVOLVED WITH THE ABOVE INCIDENT DUE TO OUR LEGAL OBLIGATION TO PROTECT PATIENT CONFIDENTIALITY.

- Welding or operating an acetylene or other torch with open flame
- Use of Fireworks

THE PROPER USE OF CHARCOAL AND GAS FIRE GRILLS ORDINARILY USED FOR HOME PREPARATION OF MEALS IS STILL ALLOWED. (MUST BE IN A GRILL NOT IN A PIT ON THE GROUND)

Copies of the Mesa County Open Burning Restrictions are available at the reception desk of the Mesa County Sheriff's Office. Violators of the open burning restrictions may be subject to prosecution. The Grand Junction Fire Department urges you to follow the above guidelines and take extra precautions when using fire outdoors.

THE GRAND JUNCTION FIRE DEPARTMENT CANNOT RELEASE, TRANSFER, PROVIDE ACCESS TO, OR REVEAL ANY PERSONAL HEALTH INFORMATION ABOUT INDIVIDUALS INVOLVED WITH THE ABOVE INCIDENT DUE TO OUR LEGAL OBLIGATION TO PROTECT PATIENT CONFIDENTIALITY.



MEDIA RELEASE

MESA COUNTY SHERIFF'S OFFICE

WWW.SHERIFF.MESACOUNTY.CO.US

CONTACT: SUSAN REDMOND
INFORMATION AND COMMUNICATIONS MANAGER
(970) 244-3929 OFFICE
(970) 986-5789 CELL
SUSAN.REDMOND@MESACOUNTY.CO.US

DATE: JUNE 13, 2006

Fire Ban Restrictions

Fire danger in Mesa County is **extreme**. Information obtained through scientific measures from the energy release component data indicates levels are severely high for fire danger in our area. Conditions continue to be dry, windy and warm for weather patterns. Forecasts are expected to consist of the same type of conditions through the upcoming weeks with high temperatures and low humidity.

Due to these continuing high to extreme fire hazard conditions, the Mesa County Sheriff is implementing a **FIRE BAN** for open burning within the unincorporated areas of Mesa County, Colorado. **These restrictions are effective as of Thursday, 12:01 A.M., June 15, 2006 and will remain in force until rescinded.** Open burning is defined as:

- Setting fire to any grass, wood or any other combustible material (**i.e., Fireworks**) outside of an enclosed structure, or
- Burning of solid fuels except by written authorization or in campgrounds or developed recreation sites where fire rings or grates are provided, or
- Improperly discarding smoking materials including but not limited to cigarette butts and matches, or
- Use of explosives requiring fuse blasting caps, or
- The operation of chainsaws without an approved spark arrester, or
- Welding or operating an acetylene or other torch with open flame.

The restrictions do not include charcoal or gas fire grills ordinarily used for home preparation of meals.

Violators of this ban may be subject to prosecution. Copies of the ordinance and ban are available at the Reception Desk of the Mesa County Sheriff's Office. Applications for agricultural burn permits may be made **in person** at the Reception Desk of the Mesa County Sheriff's Office at 215 Rice Street, Grand Junction, Colorado after 12:00 P.M. on Thursday, June 15, 2006.

It is anticipated that most fire districts and municipalities in Mesa County are or will be under similar restrictions. Please check with your appropriate district or municipality for details. The Bureau of Land Management Grand Junction Field Office will be imposing fire restrictions for BLM public lands in this area beginning June 15, 2006 as well.

XXXX

conditions in unincorporated Mesa County are extremely dry is to allow the Mesa County Sheriff to approve agricultural burning under certain circumstances.

Section 2: APPLICABILITY:

This Ordinance shall apply throughout the unincorporated area of Mesa County and to any incorporated town, city or home rule city which elects by ordinance or resolution to have the provisions hereof apply. Nothing herein shall prevent the exercise by a person of Constitutional rights such as, by way of example and without limitation, freedom of speech, freedom of religion, or the right peaceably to assemble for the common good, and to apply to those invested with the powers of government for redress of grievances, by petition or remonstrance.

Section 3: PURPOSE:

The purpose is to appoint the Sheriff of Mesa County as the designated person with the ability to declare an open fire ban within all or a portion of the areas of unincorporated Mesa County when:

- (A) conditions in unincorporated Mesa County are extremely dry; and
- (B) the fire danger is high, and is anticipated to remain high for some period of time;
and
- (C) the banning of open fires is required to reduce danger and damages that may result from fire; and
- (D) the Mesa County Sheriff or the Mesa County Emergency Manager have consulted with federal agencies such as the Bureau of Land Management or the National Forest Service regarding fire danger within Mesa County.

Section 4: PURPOSE:

The purpose is to appoint the Sheriff of Mesa County as the designated person with the ability to approve agricultural burning following a ban on open fires within the areas of unincorporated Mesa County after the property owner of agricultural property has filled out an application and, if the application is approved, when:

- (A) the Mesa County Sheriff has determined the terms and conditions of the agricultural burning which are required to reduce the hazard and danger of such burning; and
- (B) a deputy or other law enforcement personnel is present during the agricultural burn along with a fire suppression vehicle, if such is required at the discretion of the Mesa County Sheriff.

If in the Mesa County Sheriff's sole discretion, he determines a particular proposed burn to be hazardous, the Sheriff may refuse to permit such burning.

Section 5: DEFINITIONS:

- (A) As used in this Ordinance, the term "open burning" is defined as follows:
 - (1) setting fire to any grass, wood, or any other combustible material outside of an enclosed structure; or
 - (2) burning of solid fuels except by written authorization or in campgrounds or developed recreation sites where fire rings or grates are provided; or
 - (3) improperly discarded smoking materials, including but not limited to cigarette butts and matches; or
 - (4) explosives requiring fuse blasting caps; or

- (5) operation of chainsaws without an approved spark arrester. A chemical pressurized fire extinguisher of not less than eight ounces capacity by weight must be with the operator of any chainsaw with an approved spark arrester, and one O or larger round point shovel with an overall length of at least 36 inches must be readily available; or
 - (6) welding or operating an acetylene or other torch with open flame except within an area that is barren or cleared of all flammable materials at least ten feet on all sides from equipment.
- (B) The definition of "open burning" does not include:
- (1) open fires in charcoal or gas fire grills ordinarily used for home preparation of meals; or
 - (2) a fire in a furnace, stove, boiler, or place within a house or other structure; or
 - (3) "open fires" set by persons with a permit or letter of authorization specifically authorizing the prohibited act or omission; or
 - (4) "open fires" set by any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
- (C) As used in this Ordinance, the term "agricultural burning" is defined as follows:
- (1) any burning activity conducted in the course of agricultural, commercial crop production or cultivation, involving the burning of cover crop vegetation for the purpose of preparing the soil, weed control, cleaning out irrigation and drainage ditches, and water courses; or
 - (2) any burning of orchard trimmings.

- (D) As used in this Ordinance, the term "Mesa County Sheriff" shall include any person designated by the Mesa County Sheriff to fulfill the obligations of this Ordinance on behalf of the Mesa County Sheriff.

Section 6: PROHIBITION:

No person shall set or cause an open fire within the areas of unincorporated Mesa County following an open fire ban declared by the Mesa County Sheriff unless specifically authorized to do so by the Mesa County Sheriff pursuant to Section 4.

Section 7: PRESUMPTION:

Any violation of this Ordinance shall be considered strict liability. Therefore, it shall be presumed that any person violating this Ordinance caused the injury, death, or property damage which resulted from open burning, including an agricultural burn approved by the Mesa County Sheriff pursuant to Section 4, during a ban on open fires.

Section 8: PENALTY FOR VIOLATION:

- (A) Any person who violates this Ordinance commits a class 2 petty offense.
- (B) Any violation of this Ordinance by a person on the first incident within one (1) calendar year shall result in a fine of one hundred dollars (\$100.00). A second violation of any provision of this Ordinance within one (1) calendar year shall result in a fine of one thousand dollars (\$1,000.00) for each violation. The first violation of the provisions of this Ordinance within one (1) calendar year may be disposed of without the requirement of an appearance before the court. Second or further violations of this Ordinance within one (1) calendar period shall require the

appearance of the person in the County Court of Mesa County on an appointed date to answer the charges.

(C) **Penalty Assessment Procedure.** The penalty assessment procedure provided in section 16-2-201, C.R.S. may be followed by any arresting law enforcement officer for any violation of this Ordinance.

(1) When a person is arrested for violation of this Ordinance, the arresting officer may either give the person a penalty assessment notice and release him upon its terms or take him before a judge of the County Court in Mesa County. This choice of procedures shall be based upon circumstances which reasonably persuade the officer that the alleged offender is likely or unlikely to comply with the terms of the penalty assessment notice. Such circumstances may include the officer accompanying the offender to a post office or mailbox and witnessing the deposit in the mail of the notice with payment of the fine attached.

(2) The penalty assessment notice shall be a summons and complaint containing identification of the alleged offender, specification of the offense and applicable fine, a requirement that the alleged offender pay the fine or appear to answer the charge at a specified time and place, and any other matter reasonably adapted to effectuating the purposes of this section. A duplicate copy shall be sent to the Clerk of the County Clerk in Mesa County.

- (3) If the person given a penalty assessment notice chooses to acknowledge his guilt, he may pay the specified fine in person or by mail at the place and within the time specified in the notice. If he chooses not to acknowledge his guilt, he shall appear as required in the notice. Upon trial, if the alleged offender is found guilty, the fine imposed shall be that specified in the notice for the offense of which he was found guilty, but customary court costs may be assessed against him in addition to the fine.

Section 9: DISPOSITION OF FINES:

All fines imposed and collected for any violation of this Ordinance shall be paid into the general fund of the County of Mesa.

Section 10: REMEDIES AND/OR PENALTIES TO BE CUMULATIVE:

Remedies and/or penalties hereunder shall be cumulative with and in addition to any other remedy and/or penalty authorized by law, statute, ordinance, or resolution. The terms of this Ordinance shall not deprive any person or governmental entity of any right of action it may have, or prevent charging under any other federal law, state law, or local law, ordinance, code, or resolution.

Section 11: NON-LIABILITY:

Neither the Mesa County Board of County Commissioners, nor the Mesa County Sheriff, nor any of their respective officers, employees, or agents authorized to enforce the provisions of this Ordinance, shall be held responsible for any accident or subsequent disease or for any loss or damages resulting from enforcement of this Ordinance.

Section 12: CONFLICT AMONG ORDINANCES, RESOLUTIONS OR CODES:

If the terms of this Ordinance conflict with the terms of any other Mesa County ordinance, resolution, or code, the more restrictive ordinance, resolution, or code shall apply.

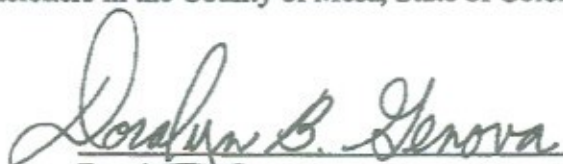
Section 13: SEVERABILITY:

If any provision or clause of this Ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other Ordinance provisions or clauses or applications thereof which can be implemented without the invalid provision, clause or application, and to this end the provisions and clauses of this Ordinance are declared to be severable.

INTRODUCED AND READ at a regular meeting of the Mesa County Board of County Commissioners, State of Colorado, on the 16th day of October, 2000.


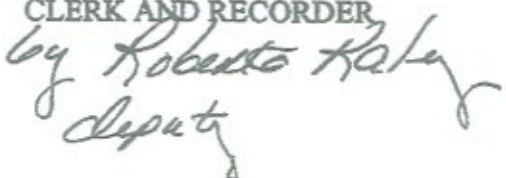
PUBLISHED IN FULL in the Daily Sentinel on October 15, 2000.

DULY MOVED SECONDED AND ADOPTED THIS 30th day of OCTOBER, 2000, by the Mesa County Board of County Commissioners in the County of Mesa, State of Colorado.


Doralyn B. Genova
Chairperson of the Mesa County Board of
County Commissioners



ATTEST:


MONIKA TODD
CLERK AND RECORDER

Deputy

CERTIFICATE

The undersigned hereby certifies as follows:

1. I am the deputy County Clerk and Recorder for the County of Mesa, State of Colorado.
2. The foregoing Ordinance of the County of Mesa was introduced and read in proposed form at a regular meeting of the Mesa County Board of County Commissioners of the County of Mesa, State of Colorado, on October 16, 2000.
3. The proposed Ordinance was published in full in the Daily Sentinel on October 15, 2000.
4. The proposed Ordinance was considered by the Mesa County Board of County Commissioners of the County of Mesa, State of Colorado, at a regular meeting on October 30, 2000. No amendments nor additions were made.
5. The foregoing Ordinance of the County of Mesa, which includes the amendments thereto, was duly moved, seconded, and adopted on October 30, 2000, by the Mesa County Board of County Commissioners of the County of Mesa, State of Colorado.
6. The foregoing Ordinance of the County of Mesa was published in full in the Daily Sentinel on October 15, 2000, This Ordinance #7 shall take effect November 14, 2000, (30 days following the adoption of the Ordinance).



Roberto Salas
Deputy Mesa County Clerk and Recorder

RESOLUTION NO. __-07

A RESOLUTION SETTING A POLICY REGARDING BANNING OF OPEN BURNING IN THE CITY OF GRAND JUNCTION

RECITALS:

The City of Grand Junction has by ordinance adopted the International Fire Code “IFC” or “Code.” Among other things the Code authorizes the Fire Chief to prohibit open burning, ban the use of fireworks and restrict or eliminate certain activities such as outdoor welding, cutting and other processes that may pose an inordinate risk of fire damage to persons and property.

Grand Junction is prone to hot and dry weather conditions and accordingly the City and surrounding area is susceptible to fire. Frequently fires result from the use of fireworks, improperly discarded smoking materials and agricultural operations. Fires are common in residential areas because of the non-traditional growth and development patterns of the City which tend to mix differing uses. That mix of uses is also complicated because of how lands are annexed to the City. It is not uncommon in the Spring, Summer and Fall that fences, undeveloped open spaces, ditches, draws and other similar areas are burned. Those fires jeopardize lives and property.

This resolution clarifies under what conditions the Fire Chief will declare an open burning ban in the City.

Open Burning is defined as:

Setting fire to any grass, wood or any other combustible material (including but not limited to fireworks) outside of an enclosed structure, or
Burning any solid fuels except by written authorization or in campgrounds or developed recreation sites where fire rings or grates are provided, or
Improperly discarding smoking materials including but not limited to cigarette butts and matches, or
Use of explosives requiring fuse blasting caps, or
The operation of chainsaws without an approved spark arrester, or
Welding or operating acetylene or other open flame torch(es).

The proper use of charcoal and gas fire grills used for home preparation of food is allowed as are City licensed, commercial displays of fireworks.

Pursuant to Colorado law, the sheriff of every county, in addition to other duties, shall act as fire warden of the unincorporated area of his respective county. Furthermore,

the sheriff may request assistance from a fire protection district or municipality in controlling or extinguishing fire in the county.

Because the law presumes that the City may be called upon to respond to fires within the unincorporated areas of Mesa County and the fact that the GJFD is contracted to serve the Grand Junction Rural Fire Protection District, the City Council fully supports the imposition of an open burning ban by the Mesa County Sheriff within unincorporated Mesa County when:

- a) Fuel conditions are extremely dry; and
- b) The fire danger is “high” or “extremely high” and is anticipated to remain “high” or “extremely high” for some period of time; and
- c) The banning of open burning is reasonably necessary to reduce danger and damage that may result from fire; and
- d) The Mesa County Sheriff or the Mesa County Emergency Manager has consulted with the Bureau of Land Management and/or the United States Forest Service regarding fire danger within Mesa County.

Upon the declaration of an open burning ban by the Mesa County Sheriff, the Grand Junction Fire Chief shall consider the findings made by the Sheriff and absent a finding of arbitrariness and capriciousness by the Sheriff, the Fire Chief shall ban open burning within the City limits of Grand Junction.

Nothing shall prevent the Fire Chief of the Grand Junction Fire Department from banning open burning within the City limits notwithstanding failure of the Sheriff to declare such a ban.

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

The foregoing shall constitute the policy of the City regarding the banning of open burning, as defined herein, within the City.

The Council finds that the policy furthers the public, health, safety and welfare and serves to protect against the risk of personal injury and damage to or loss of property.

The City Manager shall act and see that the Fire Chief acts consistently with the applicable law and this policy.

PASSED and ADOPTED this ____ day of _____ 2007.

James J. Doody
Mayor

ATTEST:

Stephanie Tuin
City Clerk