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

MONDAY, JANUARY 14, 2008, 7:00 P.M.

Call to Order

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

Proclamations/Recognitions

Proclaiming January 14, 2008 as “National Mentoring Month” in the City of Grand Junction

Presentation of Good Neighbor Award to Ted and Kathy Jordan

Recognition of White Willows Subdivision Neighborhood Association

Certificate of Appointments

Horizon Drive Association Business Improvement District

Council Comments

Citizen Comments

***** CONSENT CALENDAR ***®**

**** Indicates New Item*

® Requires Roll Call Vote

1. **Minutes of Previous Meeting** [Attach 1](#)

Action: Approve the Minutes of the January 2, 2008, Regular Meeting

2. **Intergovernmental Agreement with CDOT for Traffic Signal Maintenance** [Attach 2](#)

Contract with Colorado Department of Transportation for (1) maintenance of traffic signs, signals, striping and markings on state highways within the City limits and (2) snow removal and pavement maintenance on state highways within the City limits.

Action: Authorize the City Manager to Sign the Contract with Colorado Department of Transportation for Maintenance of Traffic Signs, Signals, Striping and Markings and for Snow Removal and Pavement Maintenance on State Highways with the City Limits

Staff presentation: Tim Moore, Public Works and Planning Director

3. **Contract for Hot Tub Replacement at Orchard Mesa Pool** [Attach 3](#)

This approval request is for the award of a contract to provide and install a new hot tub at the Orchard Mesa Community Center Pool.

Action: Authorize the City Purchasing Division to Enter into a Contract in the Amount of \$51,318.21 with Performance Pools and Spas

Staff presentation: Joe Stevens, Parks & Recreation Director
Jay Valentine, Assistant Financial Operations Manager

4. **Contract for Microsoft Software and Licenses** [Attach 4](#)

This approval request is to provide maintenance support and software assurance licensing for Microsoft software used by the City of Grand Junction employees in 2008.

Action: Authorize the City Purchasing Division to Enter into a Contract in the Amount of \$51,010.62 with Software Spectrum, Inc. (a.k.a. Insight)

Staff presentation: Jim Finlayson, Information Systems Manager
Jay Valentine, Assistant Financial Operations Manager

5. **Comprehensive Plan Energy and Mineral Impact Assistance Grant** [Attach 5](#)

A request to accept an Energy and Mineral Impact Assistance Grant, in the amount of \$270,000, as partial funding for the Comprehensive Plan and Sewer Basin Study.

Action: Accept the Grant and Authorize the Mayor to Sign the Energy and Mineral Impact Assistance Grant Contract in the Amount of \$270,000 for the Comprehensive Plan

Staff presentation: Trent Prall, Interim Deputy City Manager

6. **Public Safety Facility Energy and Mineral Impact Assistance Grant** [Attach 6](#)

A request to accept an Energy and Mineral Impact Assistance Grant, in the amount of \$500,000, as partial funding for the design of the Public Safety Facility.

Action: Accept the Grant and Authorize the Mayor to Sign the Energy and Mineral Impact Assistance Grant Contract in the Amount of \$500,000 to Plan and Design the Public Safety Facility

Staff presentation: Trent Prall, Interim Deputy City Manager

7. **Setting a Hearing Zoning the Lochmiller Annexation, Located at 193 Shelley Drive** [File #ANX-2007-329] [Attach 7](#)

Request to zone the 1.06 acre Lochmiller Annexation, located at 193 Shelley Drive, to R-4 (Residential, 4 units per acre).

Proposed Ordinance Zoning the Lochmiller Annexation to R-4 (Residential 4 units per acre), Located at 193 Shelley Drive

Action: Introduction of Proposed Ordinance and Set a Public Hearing for February 4, 2008

Staff presentation: Faye Hall, Associate Planner

8. **Setting a Hearing for the Pinson-Hergistad Annexation, Located at 644 ½ 29 ½ Road** [File #ANX-2007-352] [Attach 8](#)

Request to annex 3.02 acres, located at 644 ½ 29 ½ Road. The Pinson-Hergistad Annexation consists of one parcel and is a 2 part serial annexation.

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

Resolution No. 03-08—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, Pinson-Hergistad Annexation, Located at 644 ½ 29 ½ Road

®Action: *Adopt Resolution No. 03-08*

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pinson-Hergistad Annexation No. 1, Approximately 0.33 acres, Located at 644 ½ 29 ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pinson-Hergistad Annexation No. 2, Approximately 2.69 acres, Located at 644 ½ 29 ½ Road

Action: *Introduction of Proposed Ordinances and Set a Hearing for February 20, 2008*

Staff presentation: Senta L. Costello, Associate Planner

9. **Setting a Hearing Zoning the Foster Industrial Annexation, Located at 381 27 ½ Road** [File #ANX-2007-330] [Attach 9](#)

Request to zone the .41 acre Foster Industrial Annexation, located at 381 27 ½ Road, to I-1 (Light Industrial).

Proposed Ordinance Zoning the Foster Industrial Annexation to I-1 (Light Industrial), Located at 381 27 ½ Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for February 4, 2008*

Staff presentation: Justin Kopfman, Associate Planner

10. **Setting a Hearing for the Mersman Annexation, Located at 3037 D Road** [File #ANX-2007-356] [Attach 10](#)

Request to annex 1.45 acres, located at 3037 D Road. The Mersman Annexation consists of one parcel.

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

Resolution No. 04-08—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, Mersman Annexation, Located at 3037 D Road

®Action: *Adopt Resolution No. 04-08*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mersman Annexation, Approximately 1.45 acres, Located at 3037 D Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for February 20, 2008*

Staff presentation: Justin Kopfman, Associate Planner

11. **Purchase of Property at 509 Ute Avenue** [Attach 11](#)

Negotiations by City staff with the owners of 509 Ute Avenue have been completed and a contract to purchase the property has been signed by both parties. The City shall lease the property to the former owners for a period of four months after the purchase date.

Resolution No. 05-08—A Resolution Ratifying the Purchase Contract for the Property Located at 509 Ute Avenue, Grand Junction, Colorado

®Action: *Adopt Resolution No. 05-08*

Staff presentation: John Shaver, City Attorney

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

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

12. **Public Hearing—DeHerrera Annexation, Located at 359 29 ⁵/₈ Road** [File #ANX-2007-300] **Request to Continue to January 16, 2008** [Attach 12](#)

Request to annex 15.52 acres, located at 359 29 ⁵/₈ Road. The DeHerrera Annexation consists of 1 parcel.

Action: Request to Continue Annexation to January 16, 2008 the Adoption of Resolution Accepting the Petition for the DeHerrera Annexation, a Public Hearing and Consider Final Passage of the Annexation Ordinance

Staff presentation: Justin Kopfman, Associate Planner

13. **Public Hearing—Sipes Annexation, Located at 416 ¹/₂ 30 Road, 413 and 415 30 ¹/₄ Road** [File #ANX-2007-313] **Request to Continue to January 16, 2008** [Attach 13](#)

Request to annex 3.54 acres, located at 416 ¹/₂ 30 Road, 413, and 415 30 ¹/₄ Road. The Sipes Annexation consists of 3 parcels.

Action: Request to Continue Annexation to January 16, 2008 the Adoption of Resolution Accepting the Petition for the Sipes Annexation, a Public Hearing and Consider Final Passage of the Annexation Ordinance

Staff presentation: Justin Kopfman, Associate Planner

14. **Public Hearing - Zoning the Gummin Annexation, Located at 2215 Magnus Court** [File #ANX-2006-100] [Attach 14](#)

Request to zone the 6.60 acre Gummin Annexation, located at 2215 Magnus Court, to R-2 (Residential, 2 units per acre).

Ordinance No. 4162—An Ordinance Zoning the Gummin Annexation, to R-2 (Residential, 2 units per acre), Located at 2215 Magnus Court

®Action: Hold a Public Hearing and Consider Final Passage and Publication of Ordinance No. 4162

Staff presentation: Faye Hall, Associate Planner

15. **Public Hearing - Ridges Mesa Planned Development (ODP) Outline Development Plan** [File #ODP-2006-358] [Attach 15](#)

A request for approval of an Outline Development Plan (ODP) to develop 51 acres as a Planned Development in a currently zoned R-2 (Residential-2 dwelling units per acre) zone district; retaining the R-2 zoning as the default zoning designation.

Ordinance No. 4163—An Ordinance Rezoning the Approximately 51.04 Acres from R-2 to PD (Planned Development) The Ridges Mesa Planned Development, Located East of Hidden Valley Drive and High Ridge Drive

®Action: Hold a Public Hearing and Consider Final Passage and Publication of Ordinance No. 4163

Staff presentation: Lori V. Bowers, Senior Planner

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

18. **Other Business**

19. **Adjournment**

Attach 1
Minutes

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

January 2, 2008

The City Council of the City of Grand Junction convened into regular session on the 2nd day of January 2008 at 7:08 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Gregg Palmer, Doug Thomason, and Council President Jim Doody. Absent were Councilmembers Bruce Hill and Linda Romer Todd. Also present were City Manager Laurie Kadrich, 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 Michael Rossmann of Valley Bible Church.

Appointments

To the Horizon Drive Association Business Improvement District

Councilmember Coons stated that the Horizon Drive Association Business Improvement District amended their by-laws September 20, 2007 to increase the number of board members from five to seven. There has also been a resignation; therefore, Councilmember Coons moved to appoint Chuck Keller to fill an unexpired term until April 2008, and to appoint Patrick Duncan and Clark Atkinson to fill the two new positions until April 2009 on the Horizon Drive Association Business Improvement District. Councilmember Palmer seconded the motion. Motion carried.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Beckstein read the items on the Consent Calendar, and then moved to approve the Consent Calendar. It was seconded by Councilmember Thomason, and carried by roll call vote to approve Consent Items #1 through #5.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the December 17, 2007 and the December 19, 2007, Regular Meeting and the Minutes of the December 17, 2007, Special Session

2. **Meeting Schedule and Posting of Notices**

State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Resolution No. 01-08—A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council

Action: Adopt Resolution No. 01-08

3. **Alternate Position for the Forestry Board**

An amendment to the Code of Ordinances to allow for an alternate member to the five-member Grand Junction Forestry Board.

Proposed Ordinance Amending the Composition of the Grand Junction Forestry Board to Allow for an Alternate Position

Action: Introduction of a Proposed Ordinance and Set a Hearing for January 16, 2008

4. **Setting a Hearing Zoning the DeHerrera Annexation, Located at 359 29 5/8 Road** [File #ANX-2007-300]

Request to zone the 15.52 acres annexation located at 359 29 5/8 Road to R-4 (Residential 4-du/ac).

Proposed Ordinance Zoning the DeHerrera Annexation to R-4 (Residential, 4 du/ac), Located at 359 29 5/8 Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for January 16, 2008

5. **Setting a Hearing Zoning the Sipes Annexation, Located at 416 ½ 30 Road, 413, and 415 30 ¼ Road** [File #ANX-2007-313]

Request to zone the 3.54 acre Sipes Annexation located at 416 ½ 30 Road, 413, and 415 30 ¼ Road to R-8 (Residential 8-du/ac).

Proposed Ordinance Zoning the Sipes Annexation to R-8 (Residential 8-du/ac), Located at 416 ½ 30 Road, 413, and 415 30 ¼ Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for January 16, 2008

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Construction Contract for River Road Sewer Interceptor Rehabilitation Project

The River Road Sewer Interceptor Rehabilitation Project will perform necessary maintenance on 11,500 feet of existing 54 inch diameter concrete sewer pipe located under River Road between the City Shops facilities and 24 Road. The rehabilitation will consist of a cured-in-place pipe liner (CIPP) inserted into the existing concrete sewer pipe that becomes a new, fully structural, pipe-within-a-pipe.

Tim Moore, Public Works and Planning Director, reviewed this item. He advised that Insituform Technologies, Inc., was the low bid. He explained the process being used to repair the pipe is to line the existing pipe. While the pipe sections are being lined, the sewer will be rerouted.

Councilmember Palmer inquired about the bid being lower than the Engineer's estimate. He asked if there are any factors that could arise to make the bid go higher. Public Works and Planning Director Moore said there aren't any elements that could affect the price.

Councilmember Palmer moved to authorize the City Manager to enter into a construction contract with Insituform Technologies, Inc., in the amount of \$3,169,439. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Construction Inspection Fees

Staff proposes to modify the method of collecting inspection fees for new development in 2008. Based on discussions with the development community the City Construction Inspection Fees are recommended to be flat rates for 2008. This is an effort to simplify the determination of construction inspection costs, and allow the developer to better plan for and predict inspection costs associated with their project. The proposed 2008 rates would be charged to the developer at time of plat recordation. The fees are

generally based on an average of actual fees charged on development projects completed between 2003 – 2006, and the projected development activity for 2008.

Tim Moore, Public Works and Planning Director, reviewed this item. He explained how the revenues are generated and the associated costs. They decided to establish a flat rate for 2008. During 2008 they will track construction inspections through a software system that allows the inspectors to input their data into the program via a laptop to analyze the data. They will then review the fee structure again prior to 2009.

Council President Doody asked if the 5-2-1 Drainage Authority is duplicating any of the work being done by the construction inspectors. Mr. Moore said no, once the 5-2-1 Drainage Authority inspector is on board, the current construction inspectors will no longer be inspecting storm water facilities. The construction inspectors are trained for storm water, so if they see something, they will report it.

Councilmember Palmer asked why the inspection fees are not covering 100% of the costs. Mr. Moore said historically that has been the case, but certainly that can be reviewed. Councilmember Palmer said discussion can take place later this year after the review.

Resolution No. 02-08—A Resolution Establishing Flat Rate Development Inspection Fees

Councilmember Thomason moved to adopt Resolution No. 02-08. Councilmember Coons seconded the motion. Discussion ensued.

Paul Johnson, Meadowlark Consulting, 123 N. 7th Street, asked how residential fees applied to condominiums or townhomes. He also asked for clarification of the fees listed on the chart, and how they applied to commercial lots.

Public Works and Planning Director Moore responded that there is no distinction between single family and condominium lots, but a commercial application is charged per acre.

Councilmember Coons commented that then the fee is really based on the time to inspect rather than the particular size. Director Moore agreed.

Mr. Johnson clarified his questions, asking why 5 + acres would be \$600; whereas, if one had 4 acres it would be \$1,000. City Attorney Shaver said the City could amend the resolution to clarify that there would be an additional \$100 per acre fee for acreage over 5 acres.

Councilmember Thomason amended his motion to adopt Resolution No. 02-08 with the amendments as outlined by the City Attorney and clarified by Public Works and Planning Director Tim Moore. Councilmember Coons seconded the amended motion. Motion carried by roll call vote.

Public Hearing – Rezoning the Pepper Ridge Townhomes, Located at the South End of W. Indian Creek Drive [File #PP-2007-303]

A request for rezone 3.32 acres, located at the south end of W. Indian Creek Drive, from PD (Planned Development) to R-8 (Residential 8 du/ac).

The public hearing was opened at 7:40 p.m.

Adam Olsen, Senior Planner, reviewed this item. He described the request, the location, and the surrounding properties. He advised as to the Future Land Use Designation, and said the requested zone complies with that designation. He reviewed the history of the property and the surrounding densities. There is a Preliminary Plan being reviewed concurrently. The Planning Commission recommended approval of the request.

Paul Johnson, Meadowlark Consulting, 123 N. 7th Street, represented the developer Steve Kesler. The plan is for 25 townhomes. Mr. Johnson agreed with Senior Planner Olsen's presentation.

There were no other public comments.

The public hearing was closed at 7:44 p.m.

Ordinance No. 4160—An Ordinance Rezoning the Property Known as the Pepper Ridge Townhomes to R-8 (Residential 8 du/ac), Located at the South End of W. Indian Creek Drive

Councilmember Palmer moved to adopt Ordinance No. 4160, and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing – Vacating Public Right-of-Way for Portions of Palmer Street and Dominguez Avenue, Alpine Bank Subdivision [File #PP-2007-317]

The applicant, Alpine Bank, is proposing to subdivide this parcel into a major subdivision containing both commercial and residential lots. At the northwest corner of the property are the existing rights-of-way for Palmer Street and Dominguez Avenue. These rights-of-way are in excess of what is needed and required for access to the proposed subdivision; therefore, a vacation request is proposed for these portions of right-of-way.

The public hearing was opened at 7:45 p.m.

Adam Olsen, Senior Planner, reviewed this item. He described the request and the location. The rights-of-way are currently undeveloped. He said the right-of way is needed as an extension of Palmer Street, but the right-of-way is in excess of what is needed. The right-of-way east of Palmer Street for Dominguez Avenue is not needed. The Planning Commission recommended approval.

Peter Icenogle, Blythe Group, represented the applicant Alpine Bank. Mr. Icenogle said they agree with Senior Planner Olsen's presentation.

There were no other public comments.

The public hearing was closed at 7:46 p.m.

Ordinance No. 4161—An Ordinance Vacating Right-of-Way for Portions of Palmer Street and Dominguez Avenue, Located at 2675 Highway 50

Councilmember Coons moved to adopt Ordinance No. 4161, and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Coons advised the City Council about a historical water decision that was recently made. She asked City Attorney Shaver to summarize the decision.

City Attorney Shaver said it pertained to the allocation of the river water shortages in the Colorado River Water Compact. Mesa County has been in a drought cycle. The decision determines the allocations. The City's Water Attorney, Jim Lochhead, worked with the lower and upper basins to come to an agreement. There is a continuing demand in the lower and upper basins which have not been contemplated before. The storage has been short in both Lake Powell and Lake Mead. The Secretary of Interior has signed the Record of Decision that addresses shortages in the interim. The international element, the Mexico obligation, has yet to be addressed.

Councilmember Coons asked if it will have an impact on the community's water supply. City Attorney Shaver said it does not affect the City directly, but the City needs to be mindful as the area develops as well as the upper basin and the City's water rights development.

Councilmember Palmer asked if the City could lease excess water rights to other users. City Attorney Shaver answered that leasing water rights outside the State is prohibited.

There was no further business.

Adjournment

The meeting adjourned at 7:55 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2

Intergovernmental Agreement with CDOT for Traffic Signal Maintenance

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	CDOT Maintenance Contract for Traffic Control Devices		
File #			
Meeting Day, Date	Monday, January 14, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	January 9, 2008		
Author Name & Title	Jody Kliska, Transportation Engineer Doug Cline, Streets Superintendent		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: Contract with Colorado Department of Transportation for (1) maintenance of traffic signs, signals, striping and markings on state highways within the City limits and (2) snow removal and pavement maintenance on state highways within the City limits.

Budget: This contract provides for annual reimbursement to the City of Grand Junction of \$266,975.40 for traffic-related maintenance and \$101,143.00 for snow removal and pavement maintenance.

Action Requested/Recommendation: Authorize the City Manager to sign the contract with Colorado Department of Transportation for maintenance of traffic signs, signals, striping and markings and for snow removal and pavement maintenance on state highways within the City limits.

Background Information: The City of Grand Junction maintains traffic signs, signals, striping and markings on state highways within the city limits under a maintenance contract. The existing contract expired in mid-2007; however, CDOT has continued to reimburse the City at the 2002 contract costs, which have been \$143,808.31 annually for traffic and \$40,000 for snow removal and pavement maintenance. The new contract provides for an annual reimbursement of \$266,975.40 for traffic and \$101,143.00 for snow removal and pavement maintenance. The new contract, consistent with past practice, is for a five-year term.

Attachments:

1. CDOT Contract
2. Scope of Work

**State Funds, Traffic Control Devices Maintenance
Traffic Control Device Maintenance
Grand Junction / CDOT Region 3/(DW)**

**08 HA3 00034
331000102**

CONTRACT

THIS CONTRACT made this _____ day of _____ 2008, by and between the State of Colorado for the use and benefit of the **Colorado Department of Transportation** hereinafter referred to as the State, and THE CITY OF GRAND JUNCTION, 250 North 5th Street Grand Junction, Colorado 80501, CDOT Vendor #: 2000027, hereinafter referred to as the “Contractor” or the “Local Agency.”

RECITALS

1. Authority exists in the law and funds have been budgeted, appropriated and otherwise made available and a sufficient uncommitted balance thereof remains available for payment of project and Local Agency costs in Fund Number 400, Function 2300, GL Acct.4541000020, Cost Center R38MS-010 , **Contract Encumbrance Amount: \$0.00**
2. Required approval, clearance and coordination have been accomplished from and with appropriate agencies.
3. Section 43-2-135(1)(i) C.R.S., as amended, requires the State to install, operate, maintain and control, at State expense, all traffic control devices on the state highway system within cities and incorporated towns; and;
4. The parties desire to enter this Contract for the Contractor to provide some or all of the certain maintenance services on state highways that are the responsibility of the State under applicable law, and for the State to pay the Contractor a reasonable negotiated fixed rate for such services;
5. The parties also intend that the Contractor shall remain responsible to perform any services and duties on state highways that are the responsibility of the Contractor under applicable law, at its own cost;
6. The State and the Contractor have the authority, as provided in Sections 29-1-203, 43-1-106, 43-2-103, 43-2-104, and 43-2-144 C.R.S., as amended, and in applicable ordinance or resolution duly passed and adopted by the Contractor, to enter into contract with the Contractor for the purpose of maintenance of traffic control devices on the state highway system as hereinafter set forth; and
7. The Contractor has adequate facilities to perform the desired maintenance services on State highways within its jurisdiction.

THE PARTIES NOW AGREE THAT:

Section 1. Scope of Work

All of the specific location(s) and type(s) of traffic control device(s) to be operated and maintained by the Contractor pursuant to this contract are described in Exhibit A, attached hereto and incorporated herein. Such services and highways are further detailed in Section 5.

Section 2. Order of Precedence

In the event of conflicts or inconsistencies between this contract and its exhibits, such conflicts or inconsistencies shall be resolved by reference to the documents in the following order of priority:

1. Special Provisions contained in section 22 of this contract
2. This contract
3. Exhibit A (Scope of Work)
4. Exhibits D and E (Contract Modification Tools)
5. Other Exhibits in descending order of their attachment.

Section 3. Term

This contract shall be effective upon approval of the State Controller or designee, or on the date made, whichever is later. The term of this contract shall be for a term of FIVE (5) years. Provided, however, that the State's financial obligation for each subsequent, consecutive fiscal year of that term after the first fiscal year shall be subject to and contingent upon funds for each subsequent year being appropriated, budgeted, and otherwise made available therefore.

Section 4. Project Funding and Payment Provisions

A. The Local Agency has estimated the total cost of the work and is prepared to accept the state funding for the work, as evidenced by an appropriate ordinance or resolution duly passed and adopted by the authorized representatives of the Local Agency, which expressly authorizes the Local Agency to enter into this contract and to complete the work under the project. A copy of this ordinance or resolution is attached hereto and incorporated herein as Exhibit B.

B. Subject to the terms of this Contract, for the satisfactory performance of the maintenance services on the Highways, as described in Section 5, the State shall pay the Contractor on a lump sum basis, payable in monthly installments, upon receipt of the Contractor's statements, as provided herein.

1. The State shall pay the Contractor for the satisfactory operation and maintenance of traffic control devices under this contract at the rates described in Exhibit C, which is attached hereto and made a part hereof. Provided, however, that the total charges to be paid by the State during each fiscal year beginning July 1 and ending June 30 of the following year shall not exceed a maximum amount of **\$266,975.40** without the benefit of a supplemental agreement executed prior to any such excess charges being incurred. Contractor billings and State payments for each of the traffic control devices listed in Exhibit A shall be on a "lump sum" basis, in accordance with the rates described in Exhibit C, subject to the maximum

amount described above.

The Contractor will bill the State monthly and the State will pay such bills within 60 days.

2. The statements submitted by the Contractor for which payment is requested shall contain an adequate description of the type(s) and the quantity(ies) of the maintenance services performed, the date(s) of that performance, and on which specific sections of the Highways such services were performed, in accord with standard Contractor billing standards.

3. If the Contractor fails to satisfactorily perform the maintenance for a segment of the Highways (or portion thereof), or if the statement submitted by the Contractor does not adequately document the payment requested, after notice thereof from the State, the State may deduct and retain a proportionate amount from the monthly payment, based on the above rate, for that segment or portion.

Section 5. State and Local Agency Commitments

A. The Contractor shall perform the "highway maintenance services" for the certain State Highway System segments described herein. Such services and highways are detailed in Section 1 (or Exhibit A).

B. The Contractor shall operate and maintain the specific traffic control devices, and at the particular locations, all as listed on Exhibit A ("the Work"), in a manner that is consistent with current public safety standards on state highways within its jurisdictional limits, and in conformance with applicable portions of the "Manual on Uniform Traffic Control Devices" and the "Colorado Supplement" thereto, which are referred to collectively as the "Manual" and which are incorporated herein by reference as terms and conditions of this Contract. The Contractor shall provide all personnel, equipment, and other services necessary to satisfactorily perform such operation and maintenance.

C. The State shall have the option to add or delete, at any time during the term of this Contract, one or more specific traffic control devices from those listed in Exhibit A, and therefore amend the Work to be performed by the Contractor under this Contract. The State may amend Exhibit A by written notice to the Contractor using a change order letter substantially equivalent to Exhibit D.

D. The Contractor may propose, in writing, other potential specific traffic control devices to be operated and maintained by the Contractor during the term of this contract, based on the same rates that had been initially agreed to by the Contractor in Exhibit C. If the State determines in writing that operation and maintenance of those other devices by the Contractor is appropriate, and is desirable to the State, and if the State agrees to add such devices to this contract, then the State shall, by written Change Order issued to the Contractor in a form substantially equivalent to Exhibit D, add such devices to this contract.

E. The Contractor shall perform all maintenance services on an annual basis. The Contractor's performance of such services shall comply with the same standards that are currently used by the State for the State's performance of such services, for similar type highways with similar use, in that year, as determined by the State. The State's Regional Transportation Director, or his representative, shall determine the then current applicable maintenance standards for the maintenance services. Any standards/directions provided by the State's representative to the Contractor concerning the maintenance services shall be in writing. The Contractor shall contact the

State Region office and obtain those standards before the Contractor performs such services.

F. The Contractor shall perform the maintenance services in a satisfactory manner and in accordance with the terms of this Contract. The State reserves the right to determine the proper quantity and quality of the maintenance services performed by the Contractor, as well as the adequacy of such services, under this Contract. The State may withhold payment, if necessary, until Contractor performs the maintenance services to the State's satisfaction. The State will notify the Contractor in writing of any deficiency in the maintenance services. The Contractor shall commence corrective action within 24 hours of receiving actual or constructive notice of such deficiency: a) from the State; b) from its own observation; or c) by any other means. In the event the Contractor, for any reason, does not or cannot correct the deficiency within 24 hours, the State reserves the right to correct the deficiency and to deduct the actual cost of such work from the subsequent payments to the Contractor, or to bill the Contractor for such work.

G. Performance Measures shall be accounted for within the duration of this contract. Performance Measures will be associated with signal/electrical maintenance, pavement marking maintenance and sign maintenance. Performance Measures shall be addressed once a year for all years of this contract. Contractor shall develop an inspection schedule that insures all items listed in Exhibit A are inspected yearly. The inspection schedule shall be approved by CDOT project manager prior to initiating inspections. The Contractor shall submit performance documentation to CDOT Project manager no later than the April 10th of each calendar year covered by this contract. Performance records shall be kept by the Contractor for a minimum of three years and a copy sent to the CDOT Project Manager listed in this contract.

Section 6. Record Keeping

The Local Agency shall maintain a complete file of all records, documents, communications, and other written materials, which pertain to the costs incurred under this contract. The Local Agency shall maintain such records for a period of six (6) years after the date of termination of this contract or final payment hereunder, whichever is later, or for such further period as may be necessary to resolve any matters which may be pending. The Local Agency shall make such materials available for inspection at all reasonable times and shall permit duly authorized agents and employees of the State and FHWA to inspect the project and to inspect, review and audit the project records.

Section 7. Termination Provisions

This contract may be terminated as follows:

his Contract may be terminated by either party, but only at the end of the State fiscal year (June 30), and only upon written notice thereof sent by registered, prepaid mail and received by the non-terminating party not later than 30 calendar days before the end of that fiscal year. In that event, the State shall be responsible to pay the Contractor only for that portion of the traffic control device maintenance services actually and satisfactorily performed up to the effective date of that termination, and the Contractor shall be responsible to provide such services up to that date, and the parties shall have no other obligations or liabilities resulting from that termination.

Section 8. Legal Authority

The Local Agency warrants that it possesses the legal authority to enter into this contract and that it has taken all actions required by its procedures, by-laws, and/or applicable law to exercise that

authority, and to lawfully authorize its undersigned signatory to execute this contract and to bind the Local Agency to its terms. The person(s) executing this contract on behalf of the Local Agency warrants that such person(s) has full authorization to execute this contract.

Section 9. Representatives and Notice

The State will provide liaison with the Local Agency through the State's Region Director, Region 3, 222 S. 6th Street, Grand Junction, CO 81501, (970) 683-6203. Said Region Director will also be responsible for coordinating the State's activities under this contract and will also issue a "Notice to Proceed" to the Local Agency for commencement of the Work. All communications relating to the day-to-day activities for the work shall be exchanged between representatives of the State's Transportation Region 3 and the Local Agency. All communication, notices, and correspondence shall be addressed to the individuals identified below. Either party may from time to time designate in writing new or substitute representatives.

If to State:
Casey Peter
Project Manager
CDOT Region 4
222 S. 6th Street
Grand Junction, CO 81501
(970) 683-6253

If to the Local Agency:
Jodi Kliska
Transportation Engineer
City Of Grand Junction
250 North 5th Street
Grand Junction, CO 81501
(970) 248-7213

Section 10. Successors

Except as herein otherwise provided, this contract shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

Section 11. Third Party Beneficiaries

It is expressly understood and agreed that the enforcement of the terms and conditions of this contract and all rights of action relating to such enforcement, shall be strictly reserved to the State and the Local Agency. Nothing contained in this contract shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the State and the Local Agency that any such person or entity, other than the State or the Local Agency receiving services or benefits under this contract shall be deemed an incidental beneficiary only.

Section 12. Governmental Immunity

Notwithstanding any other provision of this contract to the contrary, no term or condition of this contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions of the Colorado Governmental Immunity Act, § 24-10-101, et seq., C.R.S., as now or hereafter amended. The parties understand and agree that liability for claims for injuries to persons or property arising out of negligence of the State of Colorado, its departments, institutions, agencies, boards, officials and employees is controlled and limited by the provisions of § 24-10-101, et seq., C.R.S., as now or hereafter amended and the risk management statutes, §§ 24-30-1501, et seq., C.R.S., as now or hereafter amended.

Section 13. Severability

To the extent that this contract may be executed and performance of the obligations of the parties may be accomplished within the intent of the contract, the terms of this contract are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof.

Section 14. Waiver

The waiver of any breach of a term, provision, or requirement of this contract shall not be construed or deemed as a waiver of any subsequent breach of such term, provision, or requirement, or of any other term, provision or requirement.

Section 15. Entire Understanding

This contract is intended as the complete integration of all understandings between the parties. No prior or contemporaneous addition, deletion, or other amendment hereto shall have any force or effect whatsoever, unless embodied herein by writing. No subsequent novation, renewal, addition, deletion, or other amendment hereto shall have any force or effect unless embodied in a writing executed and approved pursuant to the State Fiscal Rules.

Section 16. Survival of Contract Terms

Notwithstanding anything herein to the contrary, the parties understand and agree that all terms and conditions of this contract and the exhibits and attachments hereto which may require continued performance, compliance or effect beyond the termination date of the contract shall survive such termination date and shall be enforceable by the State as provided herein in the event of such failure to perform or comply by the Local Agency.

Section 17. Modification and Amendment

A. This contract is subject to such modifications as may be required by changes in federal or State law, or their implementing regulations. Any such required modification shall automatically be incorporated into and be part of this contract on the effective date of such change as if fully set forth herein. Except as provided above, no modification of this contract shall be effective unless agreed to in writing by both parties in an amendment to this contract that is properly executed and approved in accordance with applicable law.

B. Either party may suggest renegotiation of the terms of this Contract, provided that the Contract shall not be subject to renegotiation more often than annually, and that neither party shall be required to renegotiate. If the parties agree to change the provisions of this Contract, the renegotiated terms shall not be effective until this Contract is amended/modified accordingly in writing. Provided, however, that the rates will be modified only if the party requesting the rate change documents, in accord with then applicable cost accounting principles and standards (including sections 24-107-101, et seq., C.R.S. and implementing regulations), that the requested increase/decrease is based on and results from (and is proportionate to) an increase/decrease in the "allowable costs" of performing the Work.

Section 18. Change Orders and Option Letters

A. Bilateral changes within the general scope of the Contract, as defined in Section 1 above, may be executed using the change order letter process described in this paragraph and a form, substantially equivalent to the sample change order letter attached as Exhibit D, for any of the following reasons.

1. Where the agreed changes to the specifications result in an adjustment to the price, delivery schedule, or time of performance.
2. Where the agreed changes result in no adjustment to the price, delivery schedule, or time of performance. The change order shall contain a mutual release of claims for adjustment of price, schedules, or time of performance.
3. Where the changes to the contract are priced based on the unit prices to be paid for the goods and/or services established in the contract.
4. Where the changes to the contract are priced based on established catalog generally extended to the public.

Other bilateral modifications not within the terms of this paragraph must be executed by formal amendment to the contract, approved in accordance with state law.

B. The State may increase the quantity of goods/services described in Exhibit A at the unit prices established in the contract. The State may exercise the option by written notice to the contractor within 30 days before the option begins in a form substantially equivalent to Exhibit E. Delivery/performance of the goods/service shall continue at the same rate and under the same terms as established in the contract

C. The State may also unilaterally increase/decrease the maximum amount payable under this contract based upon the unit prices established in the contract and the schedule of services required, as set by the state. The State may exercise the option by providing a fully executed option to the contractor, in a form substantially equivalent to Exhibit E, immediately upon signature of the State Controller or his delegate. Performance of the service shall continue at the same rate and under the same terms as established in the contract.

Section 19. Disputes

Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement will be decided by the Chief Engineer of the Department of Transportation. The decision of the Chief Engineer will be final and conclusive unless, within 30 calendar days after the date of receipt of a copy of such written decision, the Local Agency mails or otherwise furnishes to the State a written appeal addressed to the Executive Director of the Department of Transportation. In connection with any appeal proceeding under this clause, the Local Agency shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Local Agency shall proceed diligently with the performance of the contract in accordance with the Chief Engineer's decision. The decision of the Executive Director or his duly authorized representative for the determination of such appeals will be final and conclusive and serve as final agency action. This dispute clause does not preclude consideration of questions of law in connection with decisions provided for herein. Nothing in this contract, however, shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

Section 20. Does not supercede other agreements

This Contract is not intended to supercede or affect in any way any other agreement (if any) that is currently in effect between the State and the Contractor for other “maintenance services” on State Highway rights-of-way within the jurisdiction of the Contractor. Also, the Contractor shall also continue to perform, at its own expense, all such activities/duties (if any) on such State Highway rights-of-ways that the Contractor is required by applicable law to perform.

Section 21. Subcontractors

The Contractor may subcontract for any part of the performance required under this Contract, subject to the Contractor first obtaining approval from the State for any particular subcontractor. The State understands that the Contractor may intend to perform some or all of the services required under this Contract through a subcontractor. The Contractor agrees not to assign rights or delegate duties under this contract [or subcontract any part of the performance required under the contract] without the express, written consent of the State [which shall not be unreasonably withheld]. Except as herein otherwise provided, this agreement shall inure to the benefit of and be binding only upon the parties hereto and their respective successors and assigns.

Section 22.

SPECIAL PROVISIONS

(For Use with Inter-Governmental Contracts)

1. CONTROLLER'S APPROVAL. CRS 24-30-202 (1)

This contract shall not be deemed valid until it has been approved by the Controller of the State of Colorado or such assistant as he may designate.

2. FUND AVAILABILITY. CRS 24-30-202 (5.5)

Financial obligations of the State of Colorado payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

3. INDEMNIFICATION.

To the extent authorized by law, the Contractor shall indemnify, save, and hold harmless the State, its employees and agents, against any and all claims, damages, liability and court awards including costs, expenses, and attorney fees incurred as a result of any act or omission by the Contractor, or its employees, agents, subcontractors, or assignees pursuant to the terms of this contract.

No term or condition of this contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions for the parties, of the Colorado Governmental Immunity Act, CRS 24-10-101 et seq. or the Federal Tort Claims Act, 28 U.S.C. 2671 et seq. as applicable, as now or hereafter amended.

4. INDEPENDENT CONTRACTOR. 4 CCR 801-2

THE CONTRACTOR SHALL PERFORM ITS DUTIES HEREUNDER AS AN INDEPENDENT CONTRACTOR AND NOT AS AN EMPLOYEE. NEITHER THE CONTRACTOR NOR ANY AGENT OR EMPLOYEE OF THE CONTRACTOR SHALL BE OR SHALL BE DEEMED TO BE AN AGENT OR EMPLOYEE OF THE STATE. CONTRACTOR SHALL PAY WHEN DUE ALL REQUIRED EMPLOYMENT TAXES AND INCOME TAX AND LOCAL HEAD TAX ON ANY MONIES PAID BY THE STATE PURSUANT TO THIS CONTRACT. CONTRACTOR ACKNOWLEDGES THAT THE CONTRACTOR AND ITS EMPLOYEES ARE NOT ENTITLED TO UNEMPLOYMENT INSURANCE BENEFITS UNLESS THE CONTRACTOR OR THIRD PARTY PROVIDES SUCH COVERAGE AND THAT THE STATE DOES NOT PAY FOR OR OTHERWISE PROVIDE SUCH COVERAGE. CONTRACTOR SHALL HAVE NO AUTHORIZATION, EXPRESS OR IMPLIED, TO BIND THE STATE TO ANY AGREEMENTS, LIABILITY, OR UNDERSTANDING EXCEPT AS EXPRESSLY SET FORTH HEREIN. CONTRACTOR SHALL PROVIDE AND KEEP IN FORCE WORKERS' COMPENSATION (AND PROVIDE PROOF OF SUCH INSURANCE WHEN REQUESTED BY THE STATE) AND UNEMPLOYMENT COMPENSATION INSURANCE IN THE AMOUNTS REQUIRED BY LAW, AND SHALL BE SOLELY RESPONSIBLE FOR THE ACTS OF THE CONTRACTOR, ITS EMPLOYEES AND AGENTS.

5. NON-DISCRIMINATION.

The contractor agrees to comply with the letter and the spirit of all applicable state and federal laws respecting discrimination and unfair employment practices.

6. CHOICE OF LAW.

The laws of the State of Colorado and rules and regulations issued pursuant thereto shall be applied in the interpretation, execution, and enforcement of this contract. Any provision of this contract, whether or not incorporated herein by reference, which provides for arbitration by any extra-judicial body or person or which is otherwise in conflict with said laws, rules, and regulations shall be considered null and void. Nothing contained in any provision incorporated herein by reference which purports to negate this or any other special provision in whole or in part shall be valid or enforceable or available in any action at law whether by way of complaint, defense, or otherwise. Any provision rendered null and void by the operation of this provision will not invalidate the remainder of this contract to the extent that the contract is capable of execution.

At all times during the performance of this contract, the Contractor shall strictly adhere to all applicable federal and State laws, rules, and regulations that have been or may hereafter be established.

7. SOFTWARE PIRACY PROHIBITION Governor's Executive Order D00200

No State or other public funds payable under this Contract shall be used for the acquisition, operation, or maintenance of computer software in violation of United States copyright laws or applicable licensing restrictions. The Contractor hereby certifies that, for the term of this Contract and any extensions, the Contractor has in place appropriate systems and controls to prevent such improper use of public funds. If the State determines that the Contractor is in violation of this paragraph, the State may exercise any remedy available at law or equity or under this Contract, including, without limitation, immediate termination of the Contract and any remedy consistent with United States copyright laws or applicable licensing restrictions.

8. EMPLOYEE FINANCIAL INTEREST. CRS 24-18-201 & CRS 24-50-507

The signatories aver that to their knowledge, no employee of the State of Colorado has any personal or beneficial interest whatsoever in the service or property described herein.

9. ILLEGAL ALIENS – PUBLIC CONTRACTS FOR SERVICES. CRS 8-17.5-101 and Public Law 208, 104th Congress, as amended and expanded in Public Law 156, 108th Congress, as amended

The Contractor certifies that the Contractor shall comply with the provisions of CRS 8-17.5-101 et seq. The Contractor shall not knowingly employ or contract with an illegal alien to perform work under this contract or enter into a contract with a subcontractor that knowingly employs or contracts with an illegal alien. The Contractor represents, warrants, and agrees that it (i) has verified that it does not employ any illegal aliens, through participation in the Basic Pilot Employment Verification Program administered by the Social Security Administration and Department of Homeland Security, or (ii) otherwise will comply with the requirements of CRS 8-17.5-101(2)(b)(i). The Contractor shall comply with all reasonable requests made in the course of an investigation by the Colorado Department of Labor and Employment. If the Contractor fails to comply with any requirement of this provision or CRS 8-17.5-101 et seq., the State may terminate this contract for breach and the Contractor shall be liable for actual and consequential damages to the State.

Effective Date: August 9, 2006

SIGNATURE PAGE

THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT

LOCAL AGENCY:

**STATE OF COLORADO:
BILL OWENS, GOVERNOR**

CITY OF GRAND JUNCTION
Legal Name of Contracting Entity

By _____
Executive Director
Department of Transportation

2000027
CDOT Vendor Number

Signature of Authorized Officer

**LEGAL REVIEW:
JOHN W. SUTHERS
ATTORNEY GENERAL**

Print Name & Title of Authorized Officer

By _____

LOCAL AGENCY:
(A Local Agency Attestation is required.)

Attest (Seal) By _____
(Corporate Secretary or Equivalent, or Town/City/County Clerk) (Place corporate seal here, if available)

ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER

CRS 24-30-202 requires that the State Controller approve all state contracts. This contract is not valid until the State Controller, or such assistant as he may delegate, has signed it. The contractor is not authorized to begin performance until the contract is signed and dated below. If performance begins prior to the date below, the State of Colorado may not be obligated to pay for the goods and/or services provided.

**STATE CONTROLLER:
LESLIE M. SHENEFELT**

By: _____

Date: _____

Exhibit B

**LOCAL AGENCY
ORDINANCE
or
RESOLUTION**

EXHIBIT C

Traffic Control Device Rate Schedule

Signs	Monthly Cost: \$5,076.15	X 12	Annual Cost: \$ 60,913.80
Markings	Monthly Cost: \$2,974.30	X 12	Annual Cost: \$ 35,691.60
Striping	Monthly Cost: \$1,373.60	X 12	Annual Cost \$ 16,483.20
Signals	Monthly Cost \$12,823.90	X 12	Annual Cost \$153,886.80
Maximum monthly billing			\$ 22,247.95
Total Maximum Annual Cost			\$266,975.40

SAMPLE BILATERAL CHANGE ORDER LETTER

Date: _____ State Fiscal Year: _____ Bilateral Change Order Letter No. _____

In accordance with Paragraph _____ of contract routing number _____, [your agency code here] _____, between the State of Colorado Department of or Higher Ed Institution [your agency name here _____] (_____ division) and

[Contractor's Name Here]

covering the period of [July 1, 20 _____ through June 30, 20 _____] the undersigned agree that the supplies/services affected by this change letter are modified as follows:

Services/Supplies

Exhibit _____, Schedule of Equipment for Maintenance or Schedule of Delivery, is amended by adding _____, serial numbers _____ and _____.

Price/Cost

The maximum amount payable by the State for _____ [service] [supply] _____ in Paragraph _____ is (increased/decreased) by (\$ amount of change) to a new total of (\$ _____) based on the unit pricing schedule in Exhibit _____. The first sentence in Paragraph _____ is hereby modified accordingly; The total contract value to include all previous amendments, change orders, etc. is [\$ _____].

OR

The parties agree that the changes made herein are "no cost" changes and shall not be the basis for claims for adjustment to [price] [cost ceiling], delivery schedule, or other terms or conditions of the contract. The parties waive and release each other from any claims or demands for adjustment to the contract, including but not limited to price, cost, and schedule, whether based on costs of changed work or direct or indirect impacts on unchanged work. Controller approval of this "no cost" change is not required. _____ contractor initials. _____ Agency initials.

[**Include this sentence:** This change to the contract is intended to be effective as of _____, or on approval by the State Controller, whichever is later.]

Please sign, date, and return all copies of this letter on or before _____ 20 ____.

APPROVALS:

Contractor Name:

State of Colorado:

Bill Owens, Governor

By: _____

By: _____

Name _____
Title _____

For the Executive Director/College President
Colorado Department of _____ or Higher Ed Institution

ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER

CRS 24-30-202 requires that the State Controller approve all state contracts. This contract is not valid until the State Controller, or such assistant as he may delegate, has signed it. The contractor is not authorized to begin performance until the contract is signed and dated below. If performance begins prior to the date below, the State of Colorado may not be obligated to pay for goods and/or services provided.

State Controller, Leslie M. Shenefelt

By: _____

Date: _____

SAMPLE OPTION LETTER

Date: _____ State Fiscal Year: _____ Option Letter No. _____

SUBJECT: [Amount of goods/Level of service change]

In accordance with Paragraph(s) _____ of contract routing number _____, [your Agency code here], between the State of Colorado Department of or Higher Ed Institution [your agency name here _____], [_____ division], and

[Add Contractor's name here]

covering the period of [July 1, 20____ through June 30, 20____,] the state hereby exercises the option for [an additional one year's performance period at the (cost) (price) specified in Paragraph _____.] and/or [increase/decrease the amount of goods/services at the same rate(s) as specified in Paragraph/Schedule/Exhibit _____.]

The amount of funds available and encumbered in this contract is [increased/decreased] by [\$ amount of change] to a new total funds available of [\$ _____] to satisfy services/goods ordered under the contract for the current fiscal year [FY 0____]. The first sentence in Paragraph _____ is hereby modified accordingly. The total contract value to include all previous amendments, option letters, etc. is [\$ _____].

APPROVALS:

State of Colorado:
Bill Owens, Governor

By: _____ Date: _____
[Executive Director/College President]
Colorado Department of _____ or Higher Ed Institution _____

ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER

CRS 24-30-202 requires that the State Controller approve all state contracts. This contract is not valid until the State Controller, or such assistant as he may delegate, has signed it. The contractor is not authorized to begin performance until the contract is signed and dated below. If performance begins prior to the date below, the State of Colorado may not be obligated to pay for goods and/or services provided.

State Controller, Leslie M. Shenefelt

By: _____

Date: _____

EXHIBIT A SCOPE OF WORK

City of GJ
Traffic Maintenance Work
Scope of Work

General

The City of Grand Junction (herein further referred to as “Contractor”) shall operate and maintain as described below all signing, striping, pavement marking, and signal traffic control devices under the responsibility of the State in accordance with CRS 43-2-135. All other traffic control devices in State ROW not the State’s responsibility in accordance with CRS 43-2-135 shall continue to be maintained by the Contractor.

Operation and maintenance will include repair, routine maintenance, periodic inspection and/or testing, and annual, cyclical replacement as described below.

CDOT may conduct periodic, random inspections at any time of any device to ensure compliance with this contract.

Documentation and Record-Keeping

In accordance with Sections 5 and 6 of this contract, all maintenance, operations, inspections, etc. as required by this contract shall be documented and submitted annually for CDOT review.

Control of Work in the ROW

All work as required by this contract shall meet all CDOT requirements, standards, laws, guidelines etc. for design, construction, maintenance, operation, and repair.

Either agency making changes to traffic control devices affected by this contract or new installations of traffic control devices shall provide adequate notification of the changes or additions to the other agency to allow analysis, review, and approval.

CDOT shall be given minimum 3 day advance notice of work that may affect the traveled way of the highways. CDOT may request traffic control plans, method of handling traffic, or other traffic control engineering as applicable.

EXHIBIT A SCOPE OF WORK

Signs

All signs and delineators in the highway segments listed below (including panels, posts, bases, hardware) shall be maintained and repaired as follows.

Locations:

Highway	From	To	Length	Description
6B	30.27	33.56	3.29	North Ave to 29 Rd
50A	32.00	34.75	2.75	Begin to 27.75 Rd, all FR
6A	-0.50	end	0.50	Last 0.5 mile of 6A to 21.5 Rd
70B	0.00	7.90	7.90	Begin to 28.5 Rd
70Z	0.00	1.27	1.27	All
70A 24 Rd overpass	0.00	0.25	0.25	All w/in CDOT ROW
70A 25 Rd overpass	0.00	0.25	0.25	All w/in CDOT ROW
70AF North 25 to 26 Rd	0.00	1.00	1.00	All w/in CDOT ROW
70A 26 Rd overpass	0.00	0.25	0.25	All w/in CDOT ROW
70A 26.5 Rd overpass	0.00	0.25	0.25	All w/in CDOT ROW
70AF 26.5 Rd	0.00	0.25	0.25	All w/in CDOT ROW
70A 27 Rd overpass	0.00	0.25	0.25	All w/in CDOT ROW
70A Horizon Dr underpass	0.00	0.25	0.25	All w/in CDOT ROW
70AF north at 29 Rd	0.00	0.25	0.25	All w/in CDOT ROW
70A 29 Rd overpass	0.00	0.25	0.25	All w/in CDOT ROW
340A	11.40	13.34	1.94	200 ft west of ridges to end

Overhead sign panels and structures will continue to be maintained by CDOT.

Signs include all traffic control signs under the responsibility of CDOT as per CRS 43-2-135, including traffic control signs within State ROW but intended for side street.

CDOT will continue to conduct cyclical replacement of sign panels and upgrade of existing posts and bases on an appropriate annual cycle to maintain acceptable condition in accordance with current standards and practices.

Maintenance shall include repair of damaged delineators and class I and II sign panels and associated posts, hardware, etc. due to weather, vehicle crashes, or other causes. Repair of damaged signs shall be done within one calendar day of notification or discovery of damage for stop and yield signs, three calendar days for regulatory and warning, and seven calendar days for guide, motorists service, and other special signs.

New installs shall be reviewed and approved by CDOT and shall meet all applicable CDOT and Contractor standards and guidelines. A determination of who will provide labor, material, and equipment for the installation will be made on a case-by-case basis between the aforementioned contract representatives.

A once per year random inspection of 5% of inventory shall be done jointly between CDOT and the Contractor to ensure compliance.

EXHIBIT A
SCOPE OF WORK

Payment

The Contractor shall be compensated at a annual cost of \$60,913.80 for the above described services. Monthly cost \$5076.15. Total five-year contract cost \$304,569.00

**EXHIBIT A
SCOPE OF WORK**

Markings

All markings (crosswalks, stopbars, words, symbols) in the highway segments listed below shall be maintained as follows.

Highway	From	To	Length	Description
6B	30.27	33.56	3.29	North Ave to 29 Rd
50A	32.00	34.00	2.00	From beg to 27 Rd
70B	0.00	7.40	7.40	Begin to 28 Rd
70Z	0.00	1.27	1.27	All
340A	12.50	13.34	0.84	Monument to end

Highway markings shall be replaced cyclically at minimum every 5 years or more frequently as necessary to ensure that the marking has an acceptable level of daytime appearance and/or a minimum retroreflectivity of 100 mcd/m²/lux for white and 65 mcd/m²/lux for yellow.

New installs shall be reviewed and approved by CDOT and shall meet all applicable CDOT and Contractor standards and guidelines. A determination of who will provide labor, material, and equipment for the installation will be made on a case-by-case basis between the aforementioned contract representatives.

A once per year random inspection of 5% of inventory shall be done jointly between CDOT and the Contractor to ensure compliance.

Payment

The Contractor shall be compensated at an annual cost of \$35,691.60 on a five year replacement cycle for the above described services. Monthly cost \$2974.30. Total five-year contract cost \$178,458.00.

**EXHIBIT A
SCOPE OF WORK**

Striping

All striping in the highway segments listed below shall be maintained as follows.

Highway		From	To	Length	Description
6B	North Ave	30.27	33.56	3.29	Beginning to 29 Road
50A	Hwy 50	32.00	32.70	0.70	Begin to Grand Mesa Ave
70B	1st Street	4.95	7.90	2.95	1st and Grand Ave to 28.5 Rd
70Z	Ute Ave	0.00	1.27	1.27	All
340A	Hwy 340	12.30	13.34	1.04	Redlands Canal E to end

Highway striping shall be repainted cyclically at minimum twice every year or more frequently as necessary to ensure that the marking has an acceptable level of daytime appearance and/or a minimum retroreflectivity of 100 mcd/m²/lux.

New installs shall be reviewed and approved by CDOT and shall meet all applicable CDOT and Contractor standards and guidelines. A determination of who will provide labor, material, and equipment for the installation will be made on a case-by-case basis between the aforementioned contract representatives.

A once per year random inspection of 5% of inventory shall be done jointly between CDOT and the Contractor to ensure compliance.

Payment

The Contractor shall be compensated at an annual cost of \$16,483.20. Monthly cost \$1373.60. Total five-year contract cost \$82,416.00.

EXHIBIT A SCOPE OF WORK

Signals

All traffic control signals listed below shall be maintained and operated as follows.

Locations

State Highway 340

Hwy 340 @ Monument Rd.
Hwy 340 @ West Ave.
Hwy 340 @ Mulberry St.
Grand Ave. @ 1st St.

Business Loop 70

I-70B @ 28 Rd.
I-70B @ Main St.
Main St. @ 1st St.
Rood Ave. @ 1st St.
Pitkin Ave. @ 4th St.
Pitkin Ave. @ 5th St.
Pitkin Ave. @ 6th St.
Pitkin Ave. @ 7th St.
Pitkin Ave. @ 9th St.
Ute Ave. @ 12th St.
Ute Ave. @ 9th St.
Ute Ave. @ 7th St.
Ute Ave. @ 6th St.
Ute Ave. @ 5th St.
Ute Ave. @ 4th St.
I-70B @ Ouray Ave.
I-70B @ Independent Ave.
I-70B @ 25 Rd.
I-70B @ 24 1/2 Rd.
I-70B @ 24 3/4 Rd.
I-70B @ Mesa Mall

Highway 50

Hwy 50 @ Unaweep Ave.
Hwy. 50 @ 27 Rd.

Highway 6

North Ave. @ 1st St.
North Ave. @ 5th St.
North Ave. @ 7th St.
North Ave. @ 10th St.
North Ave. @ 12th St.
North Ave. @ 23rd St.
North Ave. @ 28 Rd.
North Ave. @ 28 1/4 Rd.
North Ave. @ 28 1/2 Rd.
North Ave. @ Melody Ln.
North Ave. @ 29 Rd.

EXHIBIT A SCOPE OF WORK

29.5 Road

I-70 Off-Ramps

I-70 @ Hwy. 6 WB Off-Ramp
I-70 @ Horizon Dr. WB Off-
Ramp
I-70 @ Horizon Dr. EB Off-
Ramp

Periodic Preventative Maintenance Checks

The following items shall be checked on every signal under this contract at least semi-annually for proper operation (Conflict Monitor, Heads, Lenses, Detection, Structure, Hardware, Caisson, Controller, Communications, Lighting).

Timing

Signal timing shall be kept updated with timing based upon current traffic volumes at least every 4 years. Timing shall meet CDOT's State Highway Access Code for progression, CRS 42-4-602, and CDOT and industry practices for performance.

Emergency Maintenance and Repair

The Contractor shall be responsible for emergency response, emergency signal operation, and repair of damage. Contractor shall respond to traffic signal failures and malfunctions within the following timelines.

Signal power outage – immediate response and appropriate emergency operation, repair as soon as practicable.

Malfunctioning signal – immediate response and interim operation, repair as soon as practicable.

Protected phases and red head outage – immediate repair.

Pedestrian heads – repair within two days.

Permitted phase and non-red head outage – repair within three days.

Signal Modifications

Changes needed to signals as a result of traffic volume growth, developing crash activity, or other safety or operational analysis or concerns shall be the responsibility of the Contractor. The Contractor shall contact CDOT prior to such changes.

Responsibility for any upgrades of the signals or its systems due to new technologies, significant traffic impacts, etc. shall be determined on a case-by-case basis.

Payment

The Contractor shall be compensated \$153,886.80 annually for a total of 42 signals for the above described services. Monthly cost \$12,823.90. Total five-year contract cost \$769,434.00.

Attach 3

Contract for Hot Tub Replacement

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Hot Tub Replacement at Orchard Mesa Pool		
File #			
Meeting Day, Date	Monday, January 14, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	December 18, 2007		
Author Name & Title	Scott Hockins, Purchasing Supervisor		
Presenter Name & Title	Joe Stevens, Parks & Recreation Director Jay Valentine, Assistant Financial Operations Manager		

Summary: This approval request is for the award of a contract to provide and install a new hot tub at the Orchard Mesa Community Center Pool.

Budget: The 2007 CIP budget includes \$165,000 for the design and installation of the indoor waterslide amenity at the Orchard Mesa Community Pool. This project was to include the replacement of the hot tub amenity with the balance of the funds following the installation of the slide. The previously approved slide is expected to expend approximately \$105,000, leaving a remaining balance of \$60,000 for the installation of the hot tub. 2007 Budgeted funds will be carried forward for this purchase.

Action Requested/Recommendation: Authorize the City Purchasing Division to enter into a contract, in the amount of \$51,318.21 with Performance Pools and Spas.

Attachments:

Background Information: Due to age and condition, the hot tub at Orchard Mesa Community Center Pool is planned for replacement. The proposed work includes installing a new 14 person, commercial grade hot tub, including all necessary plumbing and electrical modifications. The solicitation was advertised in The Daily Sentinel, posted on *Bidnet* (a governmental solicitation website), and sent to a source list of contractors including the Western Colorado Contractors Association (WCCA).

One company submitted a responsive and responsible bid in the following amount:

- Performance Pools & Spas, Grand Junction \$51,318.21

Attach 4

Contract for Microsoft Software and Licenses

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	MS Software/Licenses for City of Grand Junction Users		
File #			
Meeting Day, Date	Monday, January 14, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	January 7, 2008		
Author Name & Title	Duane Hoff Jr., Buyer		
Presenter Name & Title	Jim Finlayson, Information Systems Manager Jay Valentine, Assistant Financial Operations Manager		

Summary: This approval request is to provide maintenance support and software assurance licensing for Microsoft software used by City of Grand Junction employees in 2008.

Budget: Information Services has an approved budget of \$51,000 for this purchase.

Action Requested/Recommendation: Authorize the City Purchasing Division to enter into a contract, via a purchase order, in the amount of \$51,010.62 with Software Spectrum, Inc (AKA Insight).

Attachments: N/A

Background Information: The City has an annual software assurance, maintenance and licensing agreement for all Microsoft Office, Project, Visual Studio, SQL Server, and selected Server Operating System software. This agreement includes all software updates for these products, eliminating the need to repurchase the software when Microsoft releases new versions (i.e., moving from MS Office 2003 to MS Office 2007.)

Attach 5

Comprehensive Plan Energy and Mineral Impact Assistance Grant

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Comprehensive Plan Energy and Mineral Impact Assistance Grant		
File #			
Meeting Day, Date	Monday, January 14, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	January 9, 2008		
Author Name & Title	Kathy Portner, Neighborhood Services Manager		
Presenter Name & Title	Trent Prall, Interim Deputy City Manager		

Summary: A request to accept an Energy and Mineral Impact Grant, in the amount of \$270,000, as partial funding for the Comprehensive Plan and Sewer Basin Study.

Budget: \$444,125 budgeted for the Comprehensive Plan; \$120,000 budgeted for the Sewer Basin Study.

Action Requested/Recommendation: Accept the grant and authorize the Mayor to sign the grant contract.

Attachments: None

Background Information: The City applied for and received an Energy and Mineral Impact Assistance Grant from the Department of Local Affairs for the completion of the Comprehensive Plan and Sewer Basin Study. The grant will partially fund the Comprehensive Plan and Basin Study, currently underway. The plan will serve as the guiding policy document and strategic plan for all future development.

Attach 6

Public Safety Facility Energy and Mineral Impact Assistance Grant

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Public Safety Facility Energy and Mineral Impact Assistance Grant		
File #			
Meeting Day, Date	Monday, January 14, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	January 9, 2008		
Author Name & Title	Kathy Portner, Neighborhood Services Manager		
Presenter Name & Title	Trent Prall, Interim Deputy City Manager		

Summary: A request to accept an Energy and Mineral Impact Assistance Grant, in the amount of \$500,000, as partial funding for the design of the Public Safety facility.

Budget: \$1,000,000 budget for space needs study, design and construction drawings.

Action Requested/Recommendation: Accept the grant and authorize the Mayor to sign the grant contract.

Attachments: None

Background Information: The City applied for and received an Energy and Mineral Impact Assistance Grant from the Department of Local Affairs for design of the Public Safety facility. The grant will partially fund the space needs study, design and engineering for the proposed Public Safety facility. The space needs study and preliminary design is currently underway.

Attach 7

Setting a Hearing Zoning the Lochmiller Annexation, Located at 193 Shelley Dr.

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Zoning the Lochmiller Annexation - Located at 193 Shelley Drive.		
File #	ANX-2007-329		
Meeting Day, Date	Monday, January 14, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	December 28, 2007		
Author Name & Title	Faye Hall, Associate Planner		
Presenter Name & Title	Faye Hall, Associate Planner		

Summary: Request to zone the 1.06 acre Lochmiller Annexation, located at 193 Shelley Drive, to R-4 (Residential, 4 units per acre).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed Ordinance and set a public hearing for February 4, 2008.

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION

Location:	193 Shelley Drive			
Applicants:	Owners: Philip Lochmiller Sr. and Philip Lochmiller Jr. Representative: Tom Dixon			
Existing Land Use:	Single Family Residential			
Proposed Land Use:	Single Family Residential			
Surrounding Land Use:	North	Single Family Residential		
	South	Single Family Residential		
	East	Single Family Residential		
	West	Single Family Residential and Agricultural		
Existing Zoning:	County RSF-4			
Proposed Zoning:	R-4 (Residential, 4 units per acre)			
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 which is also consistent with the Growth Plan. 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 district of R-4 is compatible with the neighborhood as surrounding lot sizes are consistent with the R-4 density of 4 units per acre. The current zoning in this area is either County RSF-R or RSF-4. The RSF-4 allows for 4 du/ac; however RSF-R requires a 5 acre minimum lot size. Most of these existing lots are .25 acres to .35 acres in size. This entire area is also designated Residential Medium Low 2-4 du/ac which is also consistent with the R-4 zone district. Therefore, the proposed zone is compatible with the neighborhood and conforms to 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 district would also be consistent with the Growth Plan designation for the subject property.

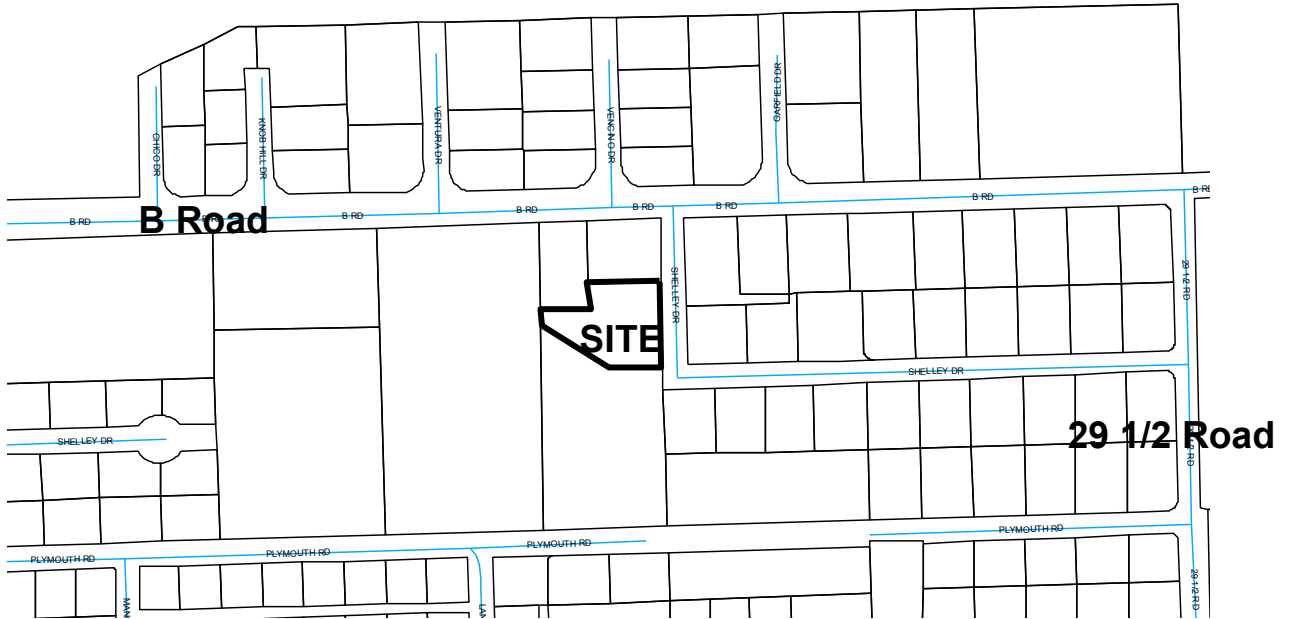
- a. R-2

If the City Council chooses to recommend the alternative zone designation, 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.

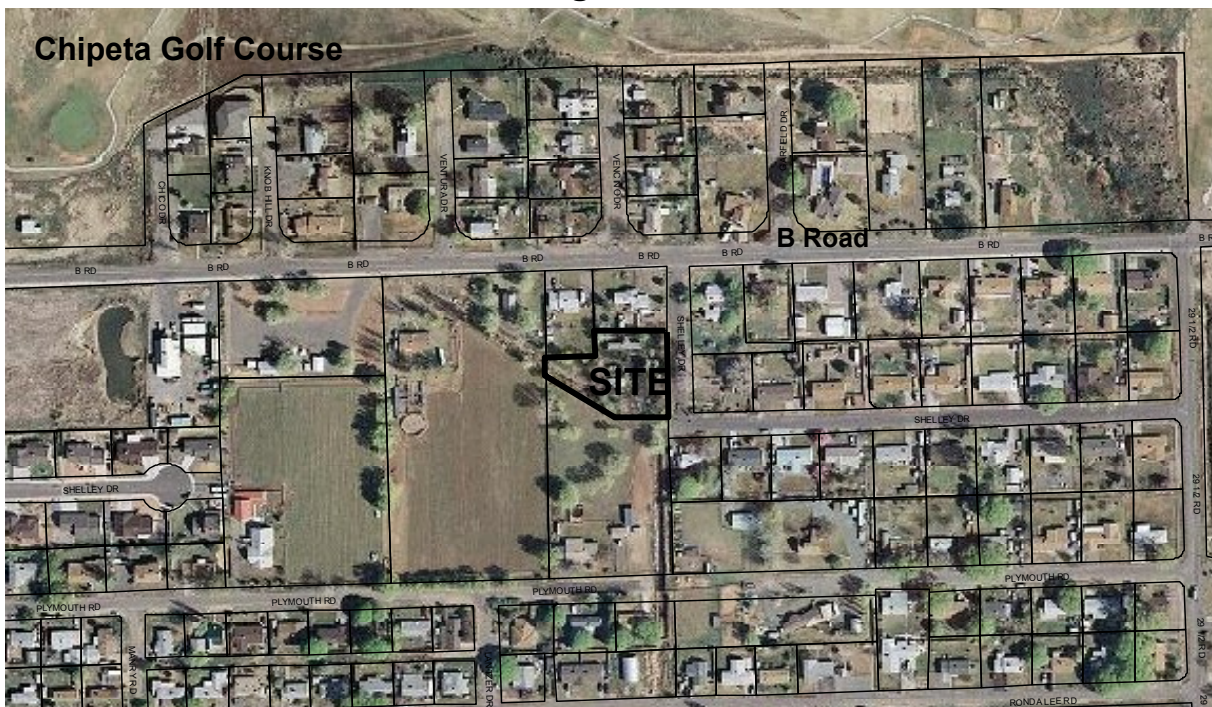
Site Location Map

Figure 1



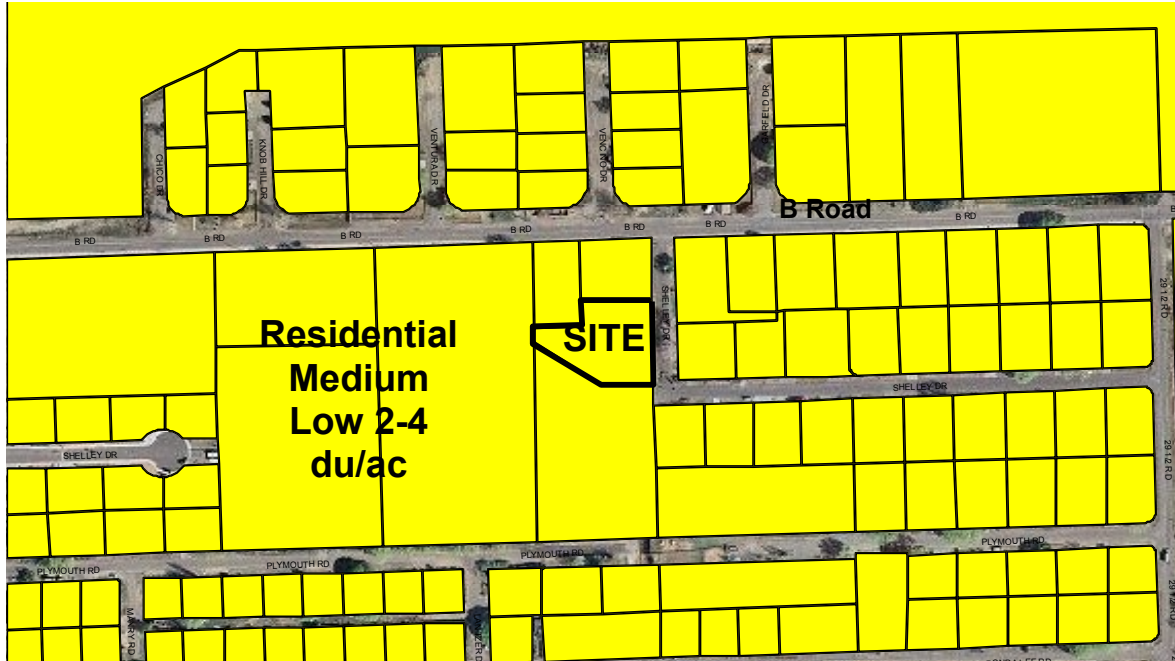
Aerial Photo Map

Figure 2



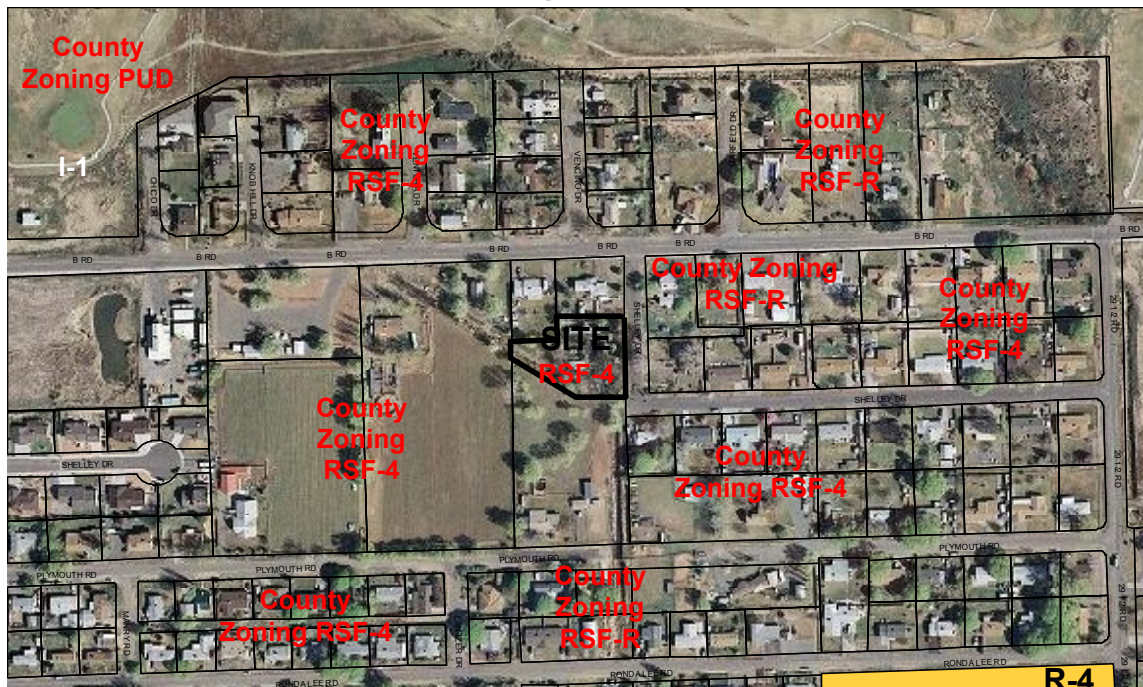
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE LOCHMILLER ANNEXATION TO
R-4 (RESIDENTIAL, 4 UNITS PER ACRE)**

LOCATED AT 193 SHELLEY DRIVE

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 Lochmiller Annexation to the R-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 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 units per acre).

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

Beginning at the Northwest corner of the NE 1/4 NW 1/4 of said Section 32 and assuming the North line of the NE 1/4 NW 1/4 of said section 32 to bear N89°51'20"E with all bearings contained herein relative thereto; thence N89°51'20"E along the North line of the NE 1/4 NW 1/4 of said section 32, a distance of 633.80 feet; thence S00°08'40"E a distance of 10.00 feet; thence S89°51'20"W along a line being 10.00 feet South of and parallel with, the North line of the NE 1/4 NW 1/4 of said Section 32, a distance of 358.83 feet; thence S00°10'23"E a distance of 323.91 feet; thence S89°43'20"W a distance of 136.08 feet, along the South line of the easterly projection and the South line of that certain Parcel described in Book 3683, Page 628, public

records of Mesa County, Colorado; thence N56°17'38"W along the South line of said Parcel, a distance of 167.34 feet to a point on the West line of the NE 1/4 NW 1/4 of said section 32; thence N00°09'48"W along the West line of said NE 1/4 NW 1/4, a distance of 30.02 feet; thence N89°49'37"E along the North line of said Parcel, a distance of 104.00 feet; thence N00°10'23"W along the West line of said Parcel, a distance of 50.95 feet; thence N89°50'44"E along the North line of said Parcel, a distance of 146.00 feet to a point on the West line of Shelley Drive, as recorded in Book 758, Page 431, public records of Mesa County, Colorado; thence N00°10'23"W along the West line of said Shelley Drive, a distance of 149.97 feet; thence S89°51'20"W along a line being 10.00 feet South of and parallel with, the North line of the NE 1/4 NW 1/4 of said Section 32, a distance of 249.97 feet returning to the West line of the NE 1/4 NW 1/4 of said Section 32; thence N00°09'48"W along the West line of the NE 1/4 NW 1/4 of said Section 32, a distance of 10.00 feet to the Point of Beginning.

Said parcel contains 1.06 acres (46,207 sq. ft.), more or less, as described.

INTRODUCED on first reading the ____ day of _____, 2008 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

ATTEST:

President of the Council

City Clerk

Attach 8

Setting a Hearing for the Pinson-Hergistad Annexation, Located at 644 1/2 29 1/2 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Pinson-Hergistad Annexation - Located at 644 1/2 29 1/2 Road		
File #	ANX-2007-352		
Meeting Day, Date	January 14, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	January 2, 2008		
Author Name & Title	Senta L. Costello, Associate Planner		
Presenter Name & Title	Senta L. Costello, Associate Planner		

Summary: Request to annex 3.02 acres, located at 644 1/2 29 1/2 Road. The Pinson-Hergistad Annexation consists of 1 parcel and is a 2 part serial annexation.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Pinson-Hergistad Annexation and introduce the proposed Ordinance and set a hearing for February 20, 2008.

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION					
Location:		644 1/2 29 1/2 Road			
Applicants:		Danny Pinson, Tina Pinson, Perry and Carolyn Hergistad			
Existing Land Use:		Vacant			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Church			
	South	Single Family Residential			
	East	Single Family Residential			
	West	Single Family Residential			
Existing Zoning:		RSF-4			
Proposed Zoning:		R-4 (Residential 4 du/ac)			
Surrounding Zoning:	North	County RSF-4			
	South	County RSF-4			
	East	County RMF-5			
	West	City R-8 (Residential 8 du/ac)			
Growth Plan Designation:		Residential Medium 4-8 du/ac			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 3.02 acres of land and is comprised of 1 parcel. 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 Pinson-Hergistad 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.

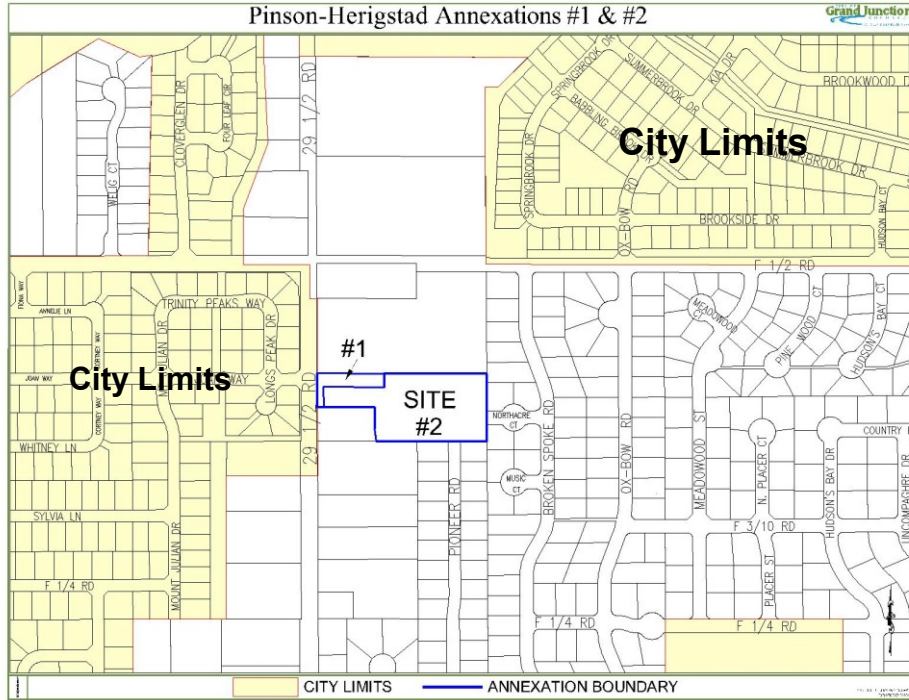
<i>ANNEXATION SCHEDULE</i>	
January 14, 2008	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
January 22, 2008	Planning Commission considers Zone of Annexation
February 6, 2008	Introduction of a proposed Ordinance on Zoning by City Council
February 20, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
March 23, 2008	Effective date of Annexation and Zoning

PINSON-HERGISTAD ANNEXATION SUMMARY

File Number:	ANX-2007-352	
Location:	644 1/2 29 1/2 Road	
Tax ID Number:	2943-054-92-001	
Parcels:	1	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	3.02 acres	
Developable Acres Remaining:	3.02 acres	
Right-of-way in Annexation:	0.0 square feet	
Previous County Zoning:	RSF-4	
Proposed City Zoning:	R-4 (Residential 4 du/ac)	
Current Land Use:	Vacant	
Future Land Use:	Residential	
Values:	Assessed:	= \$20,880
	Actual:	= \$72,000
Address Ranges:	644 1/2 29 1/2 Road only	
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Grand Junction Rural
	Irrigation/ Drainage:	Palisade Irrigation
	School:	Mesa County School District #51
	Pest:	None

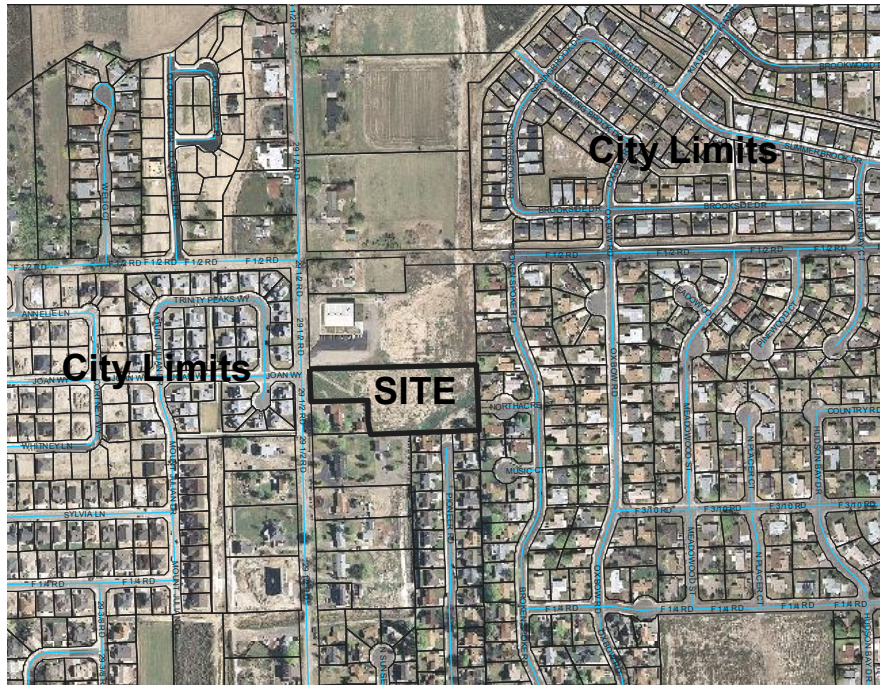
Site Location Map

Figure 1



Aerial Photo Map

Figure 2



**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 14th of January, 2008, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

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**

PINSON-HERGISTAD ANNEXATION

LOCATED AT 644 1/2 29 1/2 ROAD

WHEREAS, on the 14th day of January, 2008, 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:

PINSON-HERIGSTAD 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 5, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Northwest corner of Lot 1 of Day Subdivision described in Book 4353, Page 491 public records of Mesa County, Colorado, thence S89°44'29"E along the North line of said Lot 1 of Day Subdivision, a distance of 250.00 feet; thence S00°12'10"E a distance of 50.00 feet; thence N89°44'29"W a distance of 225.00 feet; thence S00°12'10"E a distance of 75.79 feet; thence N89°50'34"W a distance of 25.00 feet to the Southwest corner of said Lot 1 of Day Subdivision; thence N00°12'10"W along a line being 30.00 feet East of and parallel with, the East line of the NE 1/4 SW 1/4 of said Section 5, said line also being the East line of Summit View Estates Annexation, City of Grand Junction, Ordinance No. 3611, a distance of 125.84 feet to the Point of Beginning.

Said parcel contains 0.33 acres (14,395.13 sq. ft.), more or less, as described.

PINSON-HERIGSTAD 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 5, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Northwest corner of Lot 1 of Day Subdivision described in Book 4353, Page 491 public records of Mesa County, Colorado; thence S89°44'29"E along the North line of said Lot 1 of Day Subdivision, a distance of 250.00 feet to the Point of Beginning; thence S89°44'29"E along the North line said of Lot 1 of Day Subdivision, a distance of 381.12 feet to the Northeast corner of said Day Subdivision, said point also being on the West line of Ox-Bow Subdivision Filing Four described in Plat Book 11, Page 355 public records of Mesa County, Colorado; thence S00°11'35"W along the West line of said Ox-Bow Subdivision Filing Four, a distance of 250.72 feet to the Southeast corner of said Lot 1 of Day Subdivision; thence N89°50'34"W along the South line of said Lot 1 of Day Subdivision, a distance of 411.42 feet; thence N05°42'44"W a distance of 47.46 feet; thence N00°12'29"W a distance of 78.79 feet; thence N89°50'34"W a distance of 190.09 feet; thence N00°12'10"W a distance of 75.79 feet; thence S89°44'29"E a distance of 225.00 feet; thence N00°12'10"W a distance of 50.00 feet to the Point of Beginning.

Said parcel contains 2.69 acres (116,972.39 sq. ft.), 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 20th day of February, 2008, 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 _____, 2008.

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>
January 16, 2008
January 23, 2008
January 30, 2008
February 6, 2008

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

PINSON-HERGISTAD ANNEXATION #1

APPROXIMATELY 0.33 ACRES

LOCATED AT 644 1/2 29 1/2 ROAD

WHEREAS, on the 14th day of January, 2008, 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 20th day of February, 2008; 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:

PINSON-HERIGSTAD 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 5, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Northwest corner of Lot 1 of Day Subdivision described in Book 4353, Page 491 public records of Mesa County, Colorado, thence S89°44'29"E along the North line of said Lot 1 of Day Subdivision, a distance of 250.00 feet; thence S00°12'10"E a distance of 50.00 feet; thence N89°44'29"W a distance of 225.00 feet; thence S00°12'10"E a distance of 75.79 feet; thence N89°50'34"W a distance of 25.00 feet to the Southwest corner of said Lot 1 of Day Subdivision; thence N00°12'10"W

along a line being 30.00 feet East of and parallel with, the East line of the NE 1/4 SW 1/4 of said Section 5, said line also being the East line of Summit View Estates Annexation, City of Grand Junction, Ordinance No. 3611, a distance of 125.84 feet to the Point of Beginning.

Said parcel contains 0.33 acres (14,395.13 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 _____, 2008 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

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**

PINSON-HERGISTAD ANNEXATION #2

APPROXIMATELY 2.69 ACRES

LOCATED AT 644 1/2 29 1/2 ROAD

WHEREAS, on the 14th day of January, 2008, 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 20th day of February, 2008; 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:

PINSON-HERIGSTAD 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 5, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Northwest corner of Lot 1 of Day Subdivision described in Book 4353, Page 491 public records of Mesa County, Colorado; thence S89°44'29"E along the North line of said Lot 1 of Day Subdivision, a distance of 250.00 feet to the Point of Beginning; thence S89°44'29"E along the North line said of Lot 1 of Day Subdivision, a distance of 381.12 feet to the Northeast corner of said Day Subdivision, said point also being on the West line of Ox-Bow Subdivision Filing Four described in Plat Book 11,

Page 355 public records of Mesa County, Colorado; thence S00°11'35"W along the West line of said Ox-Bow Subdivision Filing Four, a distance of 250.72 feet to the Southeast corner of said Lot 1 of Day Subdivision; thence N89°50'34"W along the South line of said Lot 1 of Day Subdivision, a distance of 411.42 feet; thence N05°42'44"W a distance of 47.46 feet; thence N00°12'29"W a distance of 78.79 feet; thence N89°50'34"W a distance of 190.09 feet; thence N00°12'10"W a distance of 75.79 feet; thence S89°44'29"E a distance of 225.00 feet; thence N00°12'10"W a distance of 50.00 feet to the Point of Beginning.

Said parcel contains 2.69 acres (116,972.39 sq. ft.), more or less, as described.

INTRODUCED on first reading on the ____ day of _____, 2008 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

Attest:

President of the Council

City Clerk

Attach 9

Setting a Hearing Zoning the Foster Industrial Annexation, Located at 381 27 1/2 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Zoning the Foster Industrial Annexation - Located at 381 27 1/2 Road.		
File #	ANX-2007-330		
Meeting Day, Date	Monday, January 14, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	December 31, 2008		
Author Name & Title	Justin T. Kopfman – Associate Planner		
Presenter Name & Title	Justin T. Kopfman – Associate Planner		

Summary: Request to zone the .41 acre Foster Industrial Annexation, located at 381 27 1/2 Road, to I-1 (Light Industrial).

Action Requested/Recommendation: Introduce a proposed Ordinance and set a public hearing for February 4, 2008.

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION

Location:		381 27 1/2 Road		
Applicants: < Prop owner, developer, representative>		Owners: Stanley A. & Gale M. Foster		
Existing Land Use:		Residential		
Proposed Land Use:		Industrial		
Surrounding Land Use:	North	Residential		
	South	Residential		
	East	Industrial/Vacant		
	West	Residential		
Existing Zoning:		County RSF-R (Residential Single Family Rural)		
Proposed Zoning:		I-1 (Light Industrial)		
Surrounding Zoning:	North	County RSF-R (Residential Single Family Rural)		
	South	County RSF-R (Residential Single Family Rural)		
	East	I-1 (Light Industrial) & County RSF-R		
	West	County RSF-R (Residential Single Family Rural)		
Growth Plan Designation:		Industrial		
Zoning within density range?	X	Yes		No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the I-1 (Light Industrial) zone district is consistent with the Growth Plan designation of Industrial. The existing County zoning is RSF-R (Residential Single Family Rural), which is not consistent with Growth Plan land use classification. 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: Properties to the east have already been zoned I-1 (Light Industrial). Therefore, the I-1 (Light Industrial) zone is compatible with the neighborhood. It is compatible with the Growth Plan Future Land Use classification of Industrial. All properties surrounding the Foster Industrial Annexation have a Growth Plan designation of Industrial.

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.

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 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.

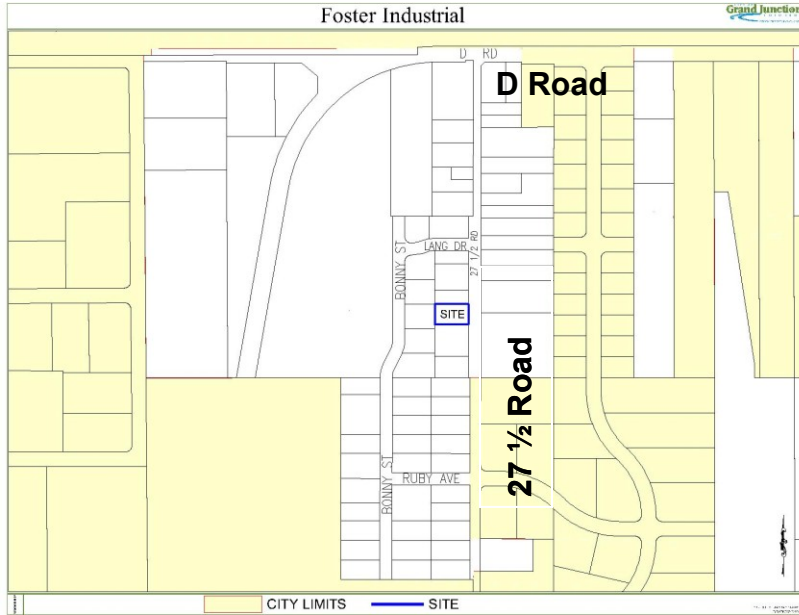
- b. I-O (Industrial/Office Park)
- c. I-2 (General Industrial)

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 (Light Industrial) district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

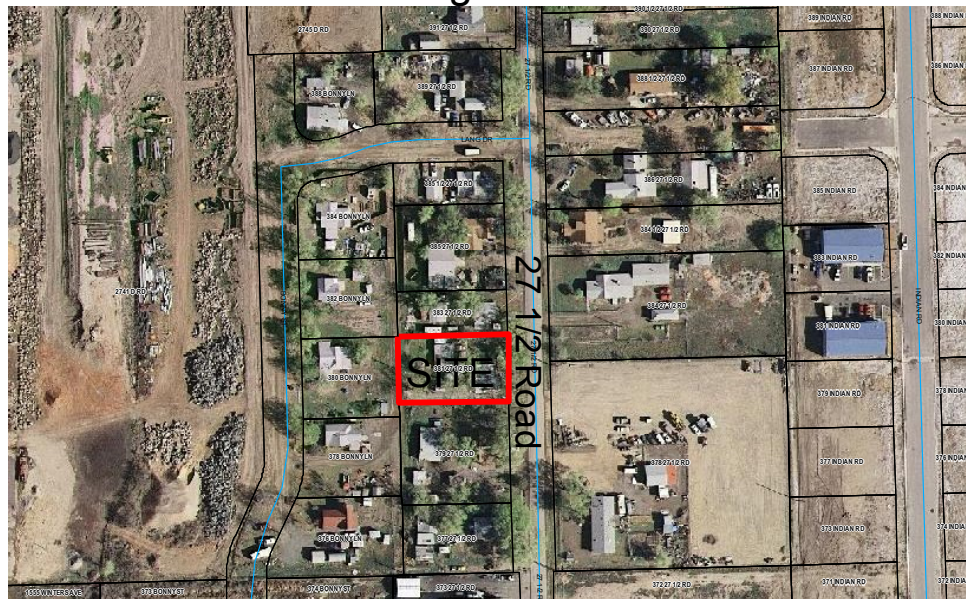
Site Location Map

Figure 1



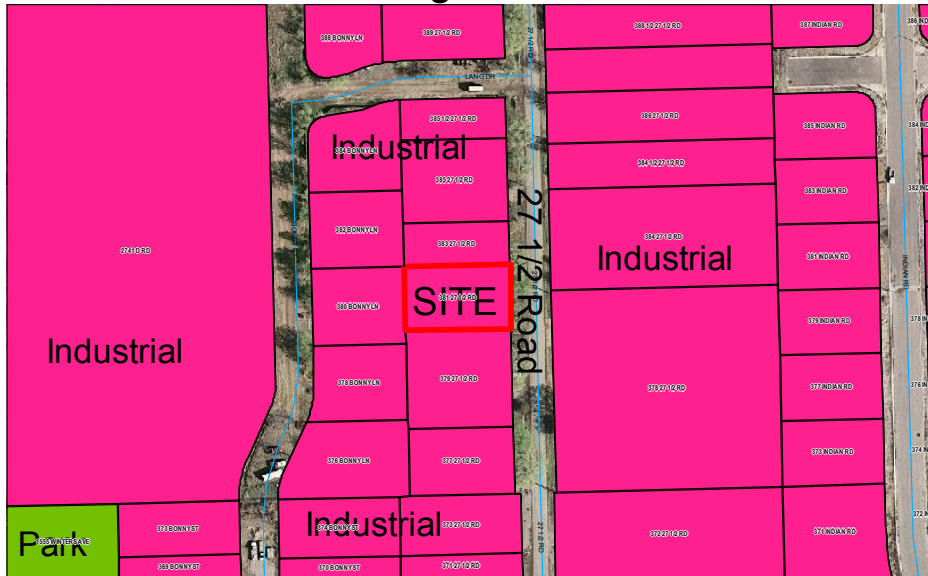
Aerial Photo Map

Figure 2



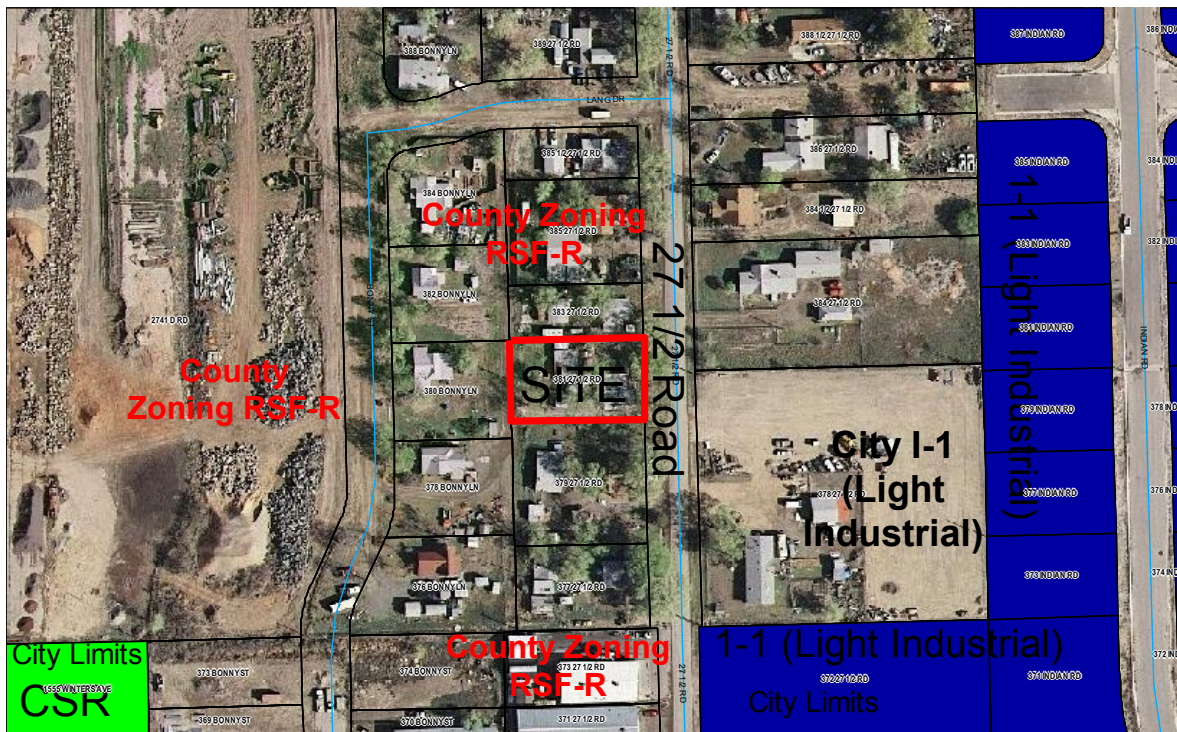
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE FOSTER INDUSTRIAL ANNEXATION TO
I-1 (LIGHT INDUSTRIAL)**

LOCATED AT 381 27 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 Foster Industrial Annexation to the I-1 (Light Industrial) 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 (Light Industrial) 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).

FOSTER INDUSTRIAL ANNEXATION

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

Beginning at the Southwest corner of the NW 1/4 NE 1/4 of said Section 24 and assuming the South line of the NE 1/4 NW 1/4 of said section 24 to bear N89°51'16"W with all bearing contained herein relative thereto; thence N89°51'16"W along the South line of the NE 1/4 NW 1/4 of said section 24, a distance of 20.00 feet to the

Southeast corner of Lot 11 of Amelang Subdivision as recorded in Plat Book 9, Page 162 public records of Mesa County, Colorado; thence N00°08'44"E along the East line of said Amelang Subdivision a distance of 215.75 feet; thence N89°51'16"W along a line being 10.00 feet South of and parallel with, the South line of Lot 7 of said Amelang Subdivision, a distance of 138.00 feet to a point on the East line of Lot 6 of said Amelang Subdivision; thence N00°08'44"E along the East line of Lot 6 of said Amelang Subdivision, a distance of 85.00 feet; thence S89°51'16"E along the North line of said Lot 7 of Amelang Subdivision a distance of 158.00 feet to a point on the West line of the NW 1/4 NE 1/4; thence S00°08'44"W along the West line of the NW 1/4 NE 1/4 a distance of 300.75 feet to the Point of Beginning.

CONTAINING .41 Acres (17,745 Sq. Ft.), more or less, as described.

INTRODUCED on first reading the ____ day of _____, 2008 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

ATTEST:

President of the Council

City Clerk

Attach 10

Setting a Hearing for the Mersman Annexation, Located at 3037 D Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Mersman Annexation - Located at 3037 D Road		
File #	ANX-2007-356		
Meeting Day, Date	Monday, January 14, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	December 31, 2007		
Author Name & Title	Justin T. Kopfman – Associate Planner		
Presenter Name & Title	Justin T. Kopfman – Associate Planner		

Summary: Request to annex 1.45 acres, located at 3037 D Road. The Mersman Annexation consists of 1 parcel.

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Mersman Annexation and introduce the proposed Ordinance and set a hearing for February 20, 2008.

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION				
Location:		3037 D Road		
Applicants: < Prop owner, developer, representative>		Owner: Jason & Darla Mersman		
Existing Land Use:		Residential		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Vacant		
	East	Residential/Vacant		
	West	Residential		
Existing Zoning:		County RSF-R (Residential Single Family Rural)		
Proposed Zoning:		City R-4 (Residential 4-du/ac)		
Surrounding Zoning:	North	County PUD		
	South	County PUD		
	East	City R-5 (Residential 5 du/ac)		
	West	County RSF-R		
Growth Plan Designation:		Residential Medium 4-8 du/ac		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 1.45 acres of land and is comprised of 1 parcel. 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 Mersman 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.

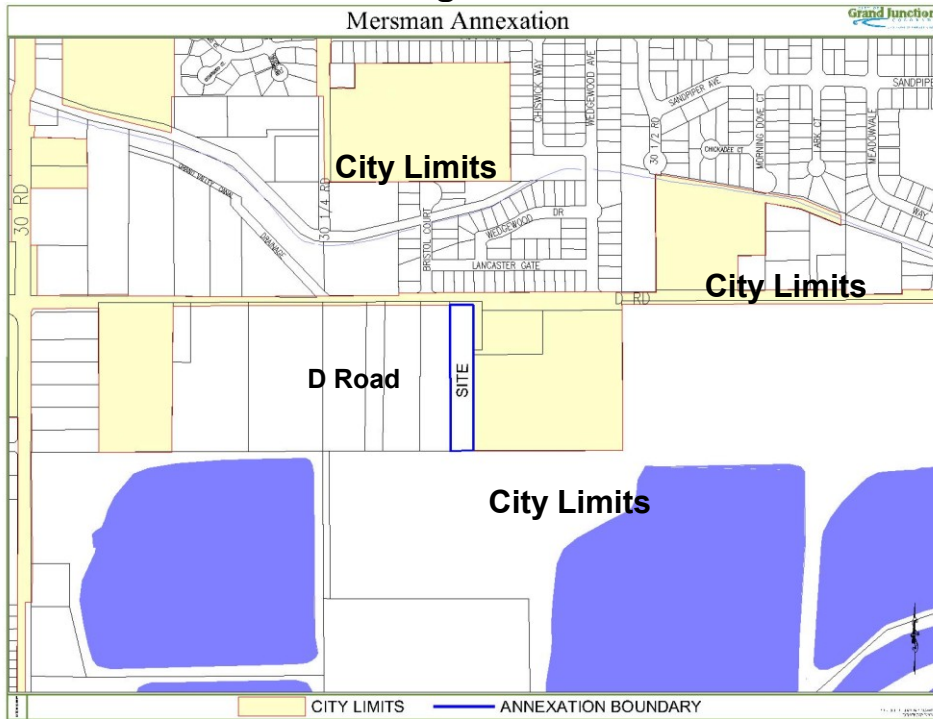
<u>ANNEXATION SCHEDULE</u>	
January 14, 2008	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
January 22, 2008	Planning Commission considers Zone of Annexation
February 6, 2008	Introduction of a proposed Ordinance on Zoning by City Council
February 20, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
March 23, 2008	Effective date of Annexation and Zoning

MERSMAN ANNEXATION SUMMARY

File Number:		ANX-2007-356
Location:		3037 D Road
Tax ID Number:		2943-212-00-069
Parcels:		1
Estimated Population:		3
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		1.45 (63,054.43 square feet)
Developable Acres Remaining:		1.45 (63,054.43 square feet)
Right-of-way in Annexation:		0
Previous County Zoning:		RSF-R (Residential Single Family Rural)
Proposed City Zoning:		R-5 (Residential 4 du/ac)
Current Land Use:		Residential
Future Land Use:		Residential
Values:	Assessed:	\$20,300
	Actual:	\$70,000
Address Ranges:		3037 D Road (Odd Only)
Special Districts:	Water:	Clifton Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Clifton Fire Department
	Irrigation/ Drainage:	Grand Valley Irrigation/Grand Junction Drainage
	School:	District 51
	Pest:	Grand River Mosquito/Upper Grand Valley Pest Control District

Site Location Map

Figure 1



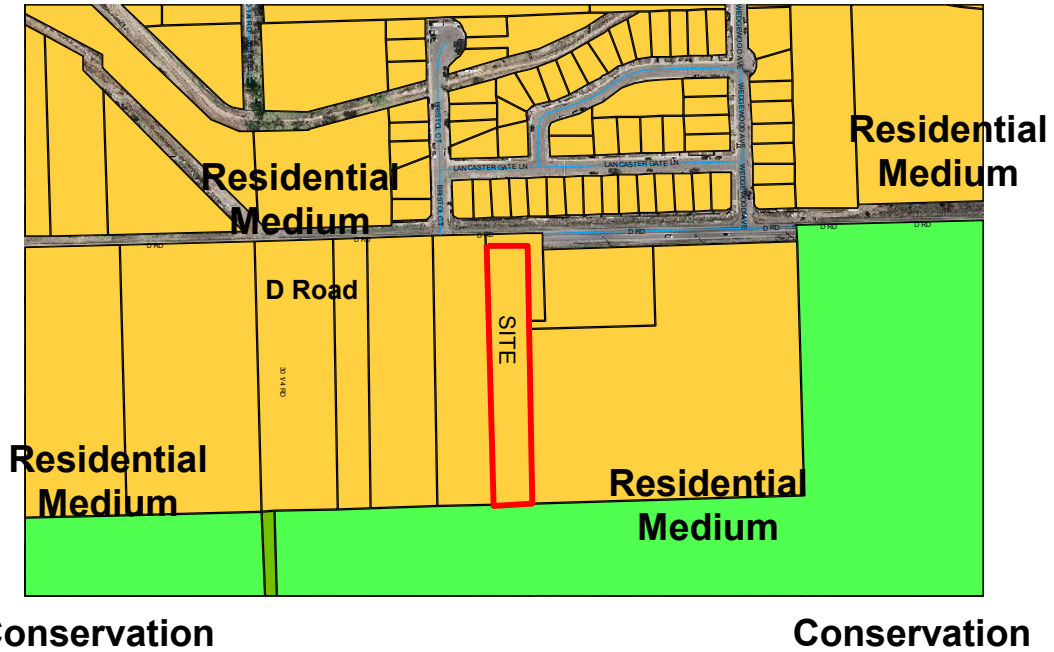
Aerial Photo Map

Figure 2



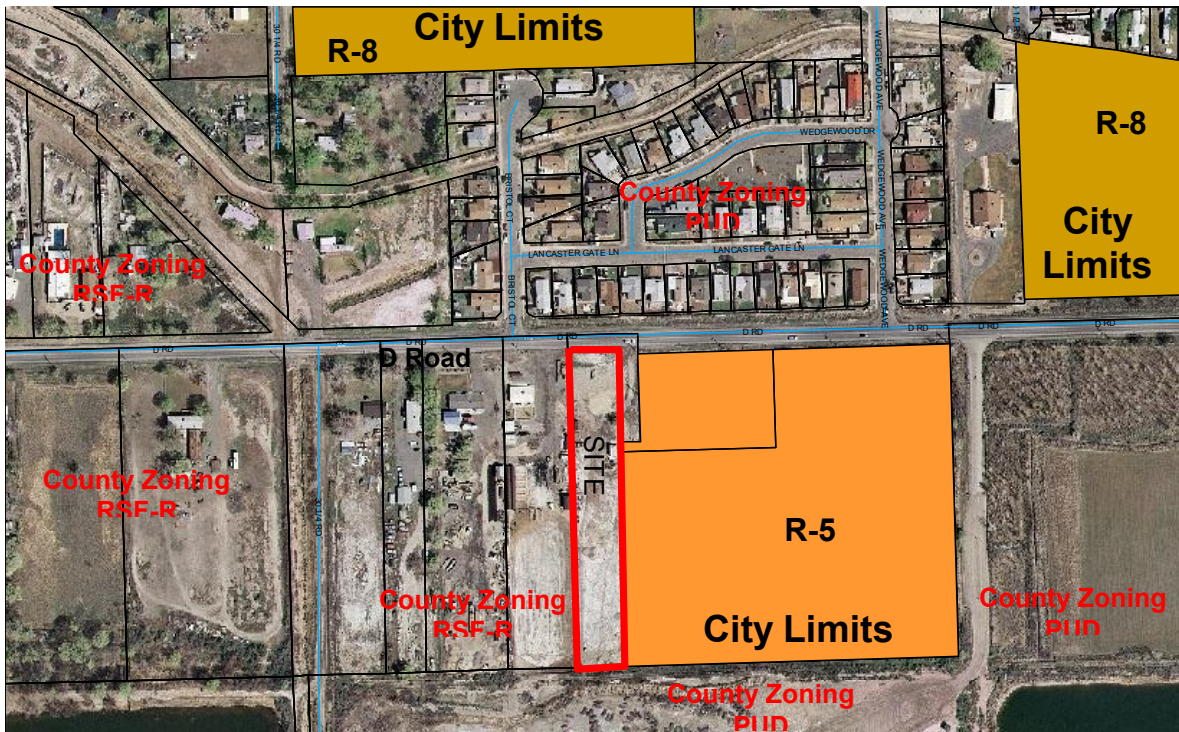
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



**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 14th of January, 2008, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

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**

MERSMAN ANNEXATION

LOCATED AT 3037 D ROAD.

WHEREAS, on the 14th day of January, 2008, 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:

MERSMAN ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW 1/4 NE 1/4 NW 1/4) of Section 21, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Northeast corner of the NW 1/4 NE 1/4 NW 1/4 of said Section 21 and assuming the East line of the NW 1/4 NE 1/4 NW 1/4 of said Section 21 to bear S00°03'34"E with all bearings contained herein relative thereto; thence S00°03'34"E along the East line of the NW 1/4 NE 1/4 NW 1/4 of said Section 21, a distance of 30.00 feet to the Point Of Beginning; thence S00°03'34 "E along the East line of the NW 1/4 NE 1/4 NW 1/4 of said Section 21, a distance of 630.18 feet to the Southwest corner of the NE 1/4 NE 1/4 NW 1/4 of said Section 21; thence S89°56'20"W along the South line of the NW 1/4 NE 1/4 NW 1/4 of said Section 21, a distance of 100.03 feet; thence N00°03'35"W a distance of 630.13 feet; thence S89°54'45"E a distance of 100.09 feet to the point of beginning

Said parcel contains 1.45 acres (63,054.43 sq. ft.), 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 20th day of February, 2008, 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 _____, 2008.

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>
January 16, 2008
January 23, 2008
January 30, 2008
February 6, 2008

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

MERSMAN ANNEXATION

APPROXIMATELY 1.45 ACRES

LOCATED AT 3037 D ROAD

WHEREAS, on the 14th day of January, 2008, 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 20th day of February, 2008; 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:

MERSMAN ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW 1/4 NE 1/4 NW 1/4) of Section 21, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Northeast corner of the NW 1/4 NE 1/4 NW 1/4 of said Section 21 and assuming the East line of the NW 1/4 NE 1/4 NW 1/4 of said Section 21 to bear S00°03'34"E with all bearings contained herein relative thereto; thence S00°03'34"E along the East line of the NW 1/4 NE 1/4 NW 1/4 of said Section 21, a distance of 30.00 feet to the Point Of Beginning; thence S00°03'34 "E along the East line of the NW 1/4 NE 1/4 NW 1/4 of said Section 21, a distance of 630.18 feet to the Southwest

corner of the NE 1/4 NE 1/4 NW 1/4 of said Section 21; thence S89°56'20"W along the South line of the NW 1/4 NE 1/4 NW 1/4 of said Section 21, a distance of 100.03 feet; thence N00°03'35"W a distance of 630.13 feet; thence S89°54'45"E a distance of 100.09 feet to the point of beginning

CONTAINING said parcel contains 1.45 acres (63,054.43 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 _____, 2008 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

Attest:

President of the Council

City Clerk

Attach 11

Purchase of Property at 509 Ute Avenue

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Contract to Purchase Property at 509 Ute Avenue		
File #			
Meeting Day, Date	Monday, January 16, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	January 9, 2008		
Author Name & Title	Mary Lynn Kirsch, Paralegal		
Presenter Name & Title	John Shaver, City Attorney		

Summary: Negotiations by City staff with the owners of 509 Ute Avenue have been completed and a contract to purchase the property has been signed by both parties. The City shall lease the property to the former owners for a period of four months after the purchase date.

Budget: This purchase is a City Council authorized expenditure.

Action Requested/Recommendation: City staff is requesting City Council ratify the purchase contract and allocate the funds necessary to pay the purchase price and all costs and expenses necessary for the City's performance under the terms of the contract.

Attachments: Resolution

Background Information: City staff believes it would be in the City's best interests to acquire the property for municipal purposes, more particularly, for consideration and use to construct a public safety building.

RESOLUTION NO. _____-08

**A RESOLUTION RATIFYING THE PURCHASE CONTRACT FOR THE PROPERTY
LOCATED AT 509 UTE AVENUE, GRAND JUNCTION, COLORADO**

RECITALS:

On December 21, 2007, the Deputy City Manager signed an agreement to purchase the property located at 509 Ute Avenue, Grand Junction, Colorado, from Gary Chadez and Sandra Chadez. The execution of the contract by the Deputy City Manager and the City's obligation to proceed under its terms and conditions was expressly conditioned upon and subject to the formal ratification, confirmation and consent of the City Council.

On December 23, 2007, the owners of the property signed the purchase contract, agreeing to the City's offer.

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

The City, by and through the City Council and the signature of its President, does hereby ratify the terms, covenants, conditions, duties and obligations to be performed by the City in accordance with the contract and allocates funds to pay the Purchase Price and all other costs and expenses necessary to perform under the contract.

PASSED and ADOPTED this _____ day of January, 2008.

James J. Doody
President of the Council

ATTEST:

Stephanie Tuin
City Clerk

Attach 12

Public Hearing – DeHerrera Annexation – Request to Continue to Jan. 16, 2008

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	DeHerrera Annexation located at 359 29 5/8 Road – Request to Continue		
File #	ANX-2007-300		
Meeting Day, Date	January 14, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	January 2, 2008		
Author Name & Title	Justin T. Kopfman – Associate Planner		
Presenter Name & Title	Justin T. Kopfman – Associate Planner		

Summary: Request to annex 15.52 acres, located at 359 29 5/8 Road. The DeHerrera Annexation consists of 1 parcel.

Action Requested/Recommendation: Request to continue to January 16, 2008 the adoption of Resolution accepting the petition for the DeHerrera Annexation, a public hearing and consider final passage of the annexation ordinance.

Background: The notices for the annexation and zoning public hearings were not in sync. Rather than hear the applications on two separate evenings, staff is requesting the public hearing on the annexation be continued to January 16 to coincide with the public hearing on the zoning.

Attachments: None

Attach 13

Public Hearing – Sipes Annexation, Located at 416 ½ 30 Road, 413 and 415 30 ¼ Road
– Request to Continue to January 16, 2008

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Sipes Annexation located at 416 ½ 30 Road, 413, and 415 30 ¼ Road – Request to Continue		
File #	ANX-2007-313		
Meeting Day, Date	January 14, 2008		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	January 2, 2008		
Author Name & Title	Justin T. Kopfman – Associate Planner		
Presenter Name & Title	Justin T. Kopfman – Associate Planner		

Summary: Request to annex 3.54 acres, located at 416 ½ 30 Road, 413, and 415 30 ¼ Road. The Sipes Annexation consists of 3 parcels.

Action Requested/Recommendation: Request to continue to January 16, 2008 the adoption of Resolution accepting the petition for the Sipes Annexation, a public hearing and consideration of final passage of the annexation ordinance.

Background: The notices for the annexation and zoning public hearings were not in sync. Rather than hear the applications on two separate evenings, staff is requesting the public hearing on the annexation be continued to January 16 to coincide with the public hearing on the zoning.

Attachments: None

Attach 14

Public Hearing – Zoning the Gummin Annexation, Located at 2215 Magnus Court

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Zoning of the Gummin Annexation - Located at 2215 Magnus Court		
File #	ANX-2006-100		
Meeting Day, Date	Monday, January 14, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	December 28, 2007		
Author Name & Title	Faye Hall, Associate Planner		
Presenter Name & Title	Faye Hall, Associate Planner		

Summary: Request to zone the 6.60 acre Gummin Annexation, located at 2215 Magnus Court, to R-2 (Residential, 2 units per acre).

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider final passage of the Ordinance.

Attachments:

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

Background Information: See attached Staff Report/Background Information

BACKGROUND INFORMATION					
Location:		2215 Magnus Court			
Applicants:		Owner: Daniel Gummin Representative and Developer: Sonshine II Development and Construction, LLC – Kim Kerk			
Existing Land Use:		Vacant Residential			
Proposed Land Use:		Single Family Residential			
Surrounding Land Use:	North	Residential and Vacant			
	South	Vacant Residential			
	East	Single Family Residential			
	West	Vacant Residential			
Existing Zoning:		County RSF-4			
Proposed Zoning:		R-2 (Residential, 2 units per acre)			
Surrounding Zoning:	North	County RSF-4			
	South	R-E (Residential Estate, 1 unit per 2 acres)			
	East	County RSF-4			
	West	County RSF-4			
Growth Plan Designation:		Residential Low ½ - 2 ac/du			
Zoning within density range?		X	Yes		No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the R-4 district is consistent with the Growth Plan designation of Residential Low ½ - 2 ac/du. 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 Development Engineer and I reviewed a Site Analysis prepared for the Gummin project by the petitioner's engineer. After reviewing the information provided, staff is recommending the R-2 zone district. This property is subject to the Hillside (Section 7.2.G) requirements and standards of the Zoning and Development Code. Due to the amount of the property that has slopes between 20-30%, and the Hillside requirements, I do not believe that the site can develop 10 lots at the R-2 density. However, the R-1 zone district would only allow the applicant to develop 5 lots to meet the density. In my opinion, the Site Analysis shows that 6 or 7 lots will work and therefore, falls in between the R-1 and R-2 densities. The applicant believes that they can demonstrate how the property can develop under the R-2 zone district standards and still meet all of the other standards of the Zoning and Development Code. That will be up to the applicant to demonstrate at the Preliminary Plan stage.

The applicant will have to show that the Preliminary Plan can not only meet the Zoning and Development Code Standards but also needs to comply with the following goals and policies of the Growth Plan and Redlands Area Plan:

Goal 20 – To achieve a high quality of air, water and land resources.

Policies 20.7 – The City and County will limit development on steep slopes, ridgelines and hilltops to promote public safety and preserve natural vistas of the Book Cliffs, Grand Mesa and Colorado National Monument.

Policy 20.9 – The City and County will encourage dedications of conservation easements or land along the hillsides, habitat corridors, drainage ways and waterways surrounding the City.

Policy 20.10 – The City and County will limit cut and fill work along hillsides. In areas where cut and fill is necessary to provide safe access to development, the City may require landscape improvements to reduce the visual impact of such work.

Goal 21: To minimize the loss of life and property by avoiding inappropriate development in natural hazard areas.

Policy 21.2 – The City and County will prohibit development in or near natural hazard areas, unless measures are undertaken to mitigate the risk of injury to persons and the loss of property. Development in floodplains and/or drainage areas, steep slope areas, geological fault areas, and other dangerous or undesirable building areas will be controlled through the development regulations.

Policy 21.3 – The City and County will encourage the preservation of natural hazard areas for use as habitat and open space areas.

- 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.

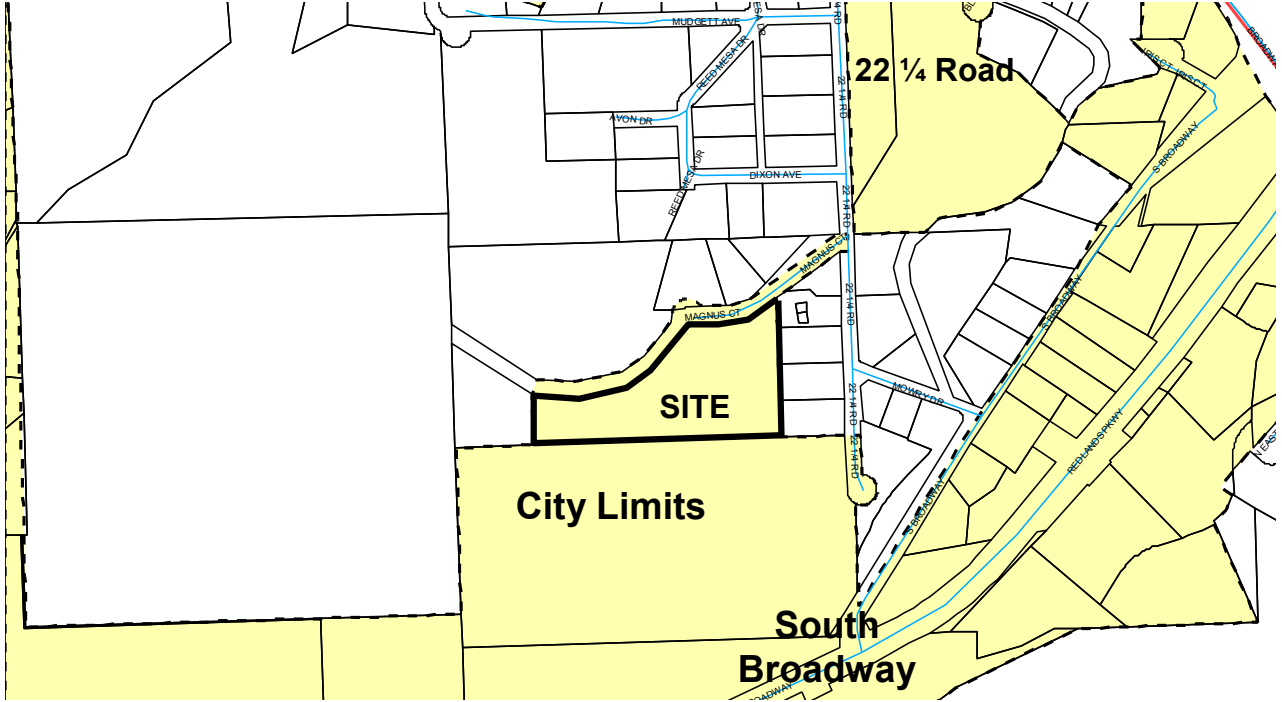
- d. R-E (Residential Estate, 1 unit per 2 acres)
- e. R-1 (Residential, 1 unit per acre)

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the R-2 district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

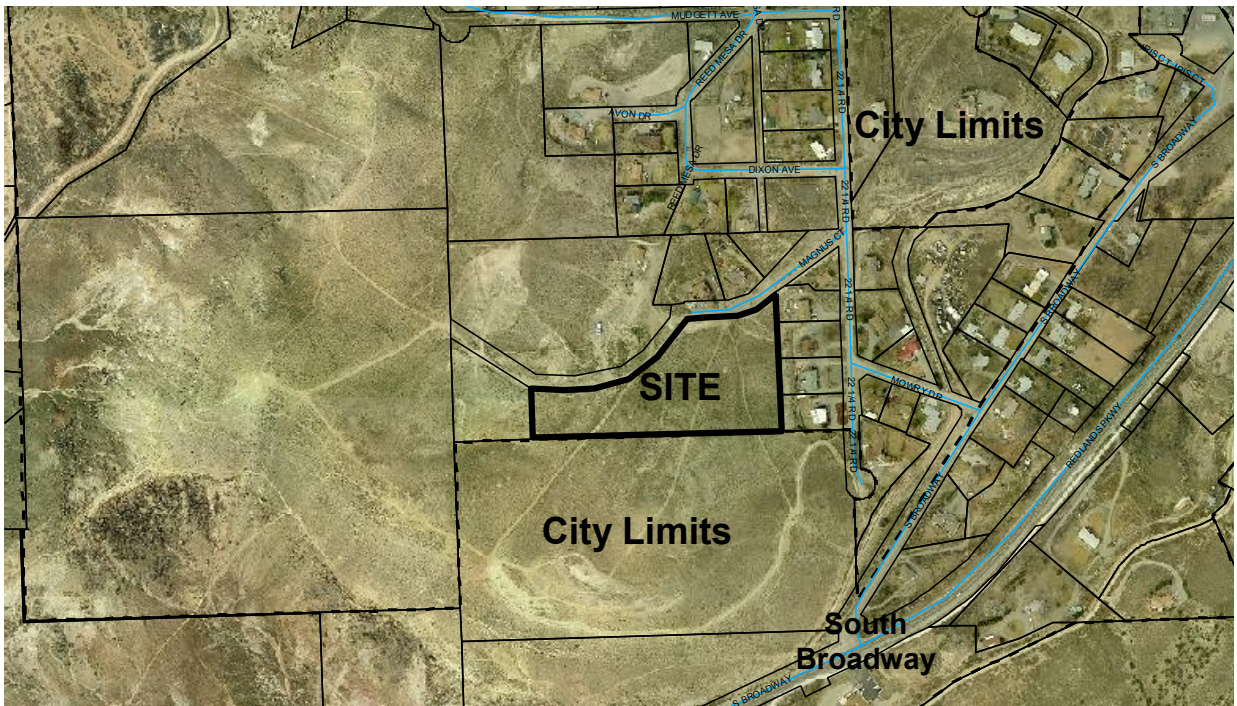
Site Location Map

Figure 1



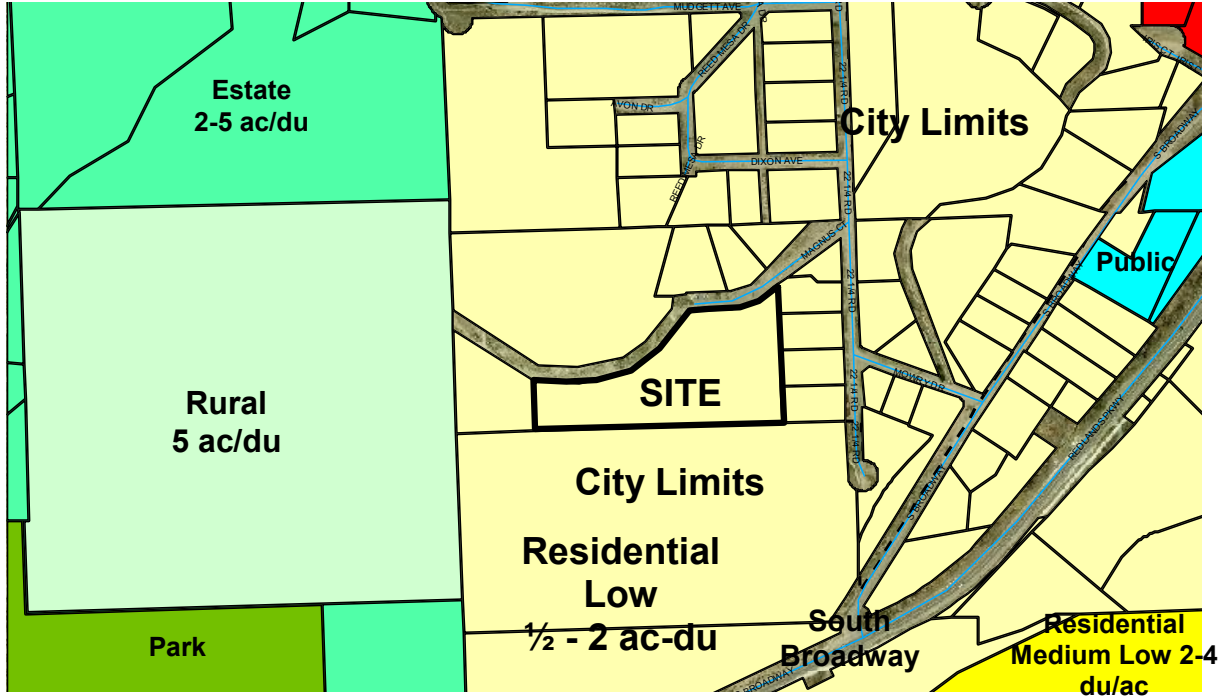
Aerial Photo Map

Figure 2



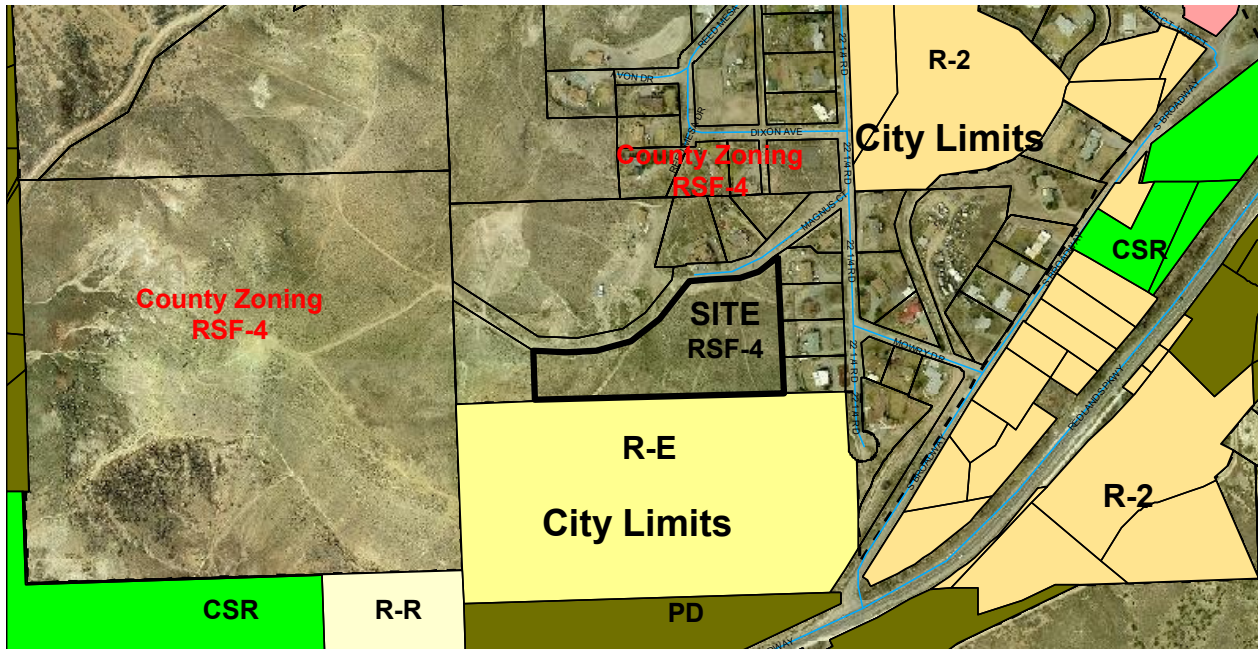
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE GUMMIN ANNEXATION TO
R-2 (RESIDENTIAL, 2 UNITS PER ACRE)**

LOCATED AT 2215 MAGNUS COURT

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 Gummin Annexation to the R-2 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-2 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-2 (Residential, 2 units per acre).

A certain parcel of land lying in the North Half (N 1/2) of Lot 1 of Section 18, 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 Southwest corner of Lot 5 of Mullins Subdivision as same is recorded in Plat Book 12, Page 264, Public Records of Mesa County, Colorado; and assuming the South line of the North Half of said Lot 1 of Section 18 bears S89°50'26"W with all other bearings contained herein being relative thereto; thence S89°50'26"W along said South line a distance of 817.98 feet to the Southeast corner of that certain parcel of land as described in Book 3908, Page 288, Public Records of Mesa County, Colorado; thence N00°08'08"W along the East line of said parcel, a distance of 163.43 feet to the Northeast corner of said parcel; thence N19°22'30"E a distance of 51.66 feet to a point on the North line of Magnus Court as same is recorded in Book 1378, Page 534, Public Records of Mesa County, Colorado; thence S85°10'19"E along said North line a distance of 130.42 feet; thence N79°50'25"E along

said North line a distance of 151.14 feet; thence N54°50'25"E along said North line a distance of 91.28 feet; thence N40°37'48"E along said North line a distance of 154.08 feet; thence 148.59 feet along the arc of a 50.00 foot radius curve concave Southeast, having a central angle of 170°16'38" and a chord bearing N64°42'01"E a distance of 99.64 feet to a point on the North line of Magnus Court as same is recorded in Book 794, Page 336, Public Records of Mesa County, Colorado; thence N89°50'19"E along said North line a distance of 97.58 feet; thence N73°43'19"E along said North line a distance of 71.25 feet; thence N55°21'06"E along said North line a distance of 354.75 feet to a point on the North Line of said Lot 1 of Section 18; thence N89°50'19"E a distance of 32.91 feet to the Northeast corner of said Lot 1 of Section 18; thence S00°10'49"E along the East line of the North Half of said Lot 1 of Section 18 a distance of 55.21; thence S89°49'11"W a distance of 25.00 feet to the Northeast corner of Lot 1 of said Mullins Subdivision; thence S55°21'06"W along the North line of said Lot 1 a distance of 255.05 feet to the Northeast corner of that certain parcel of land as described in Book 3509, Page 852, Public Records of Mesa County, Colorado and also being the West line of said Mullins Subdivision; thence S00°10'19"E along the East line of said parcel a distance of 459.40 feet, more or less, to the Point of Beginning.

Said parcel contains 6.60 acres (287,641 square feet), more or less, as described.

INTRODUCED on first reading the 17th day of December, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

ATTEST:

President of the Council

City Clerk

Attach 15

Public Hearing Ridges Mesa Planned Development (ODP) Outline Development Plan

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Ridges Mesa Planned Development (ODP) Outline Development Plan		
File #	ODP-2006-358		
Meeting Day, Date	Monday, January 14, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	January 4, 2008		
Author Name & Title	Lori V. Bowers, Senior Planner		
Presenter Name & Title	Lori V. Bowers, Senior Planner		

Summary: A request for approval of an Outline Development Plan (ODP) to develop 51 acres as a Planned Development in a currently zoned R-2 (Residential -2 dwelling units per acre) zone district; retaining the R-2 zoning as the default zoning designation.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider final passage of an Ordinance zoning the Ridges Mesa Subdivision to PD.

Attachments:

1. Staff report
2. Site Location Map / Aerial Photo
3. Future Land Use Map / Existing City & County Zoning Map
4. Letters and emails from concerned citizens (5 pgs)
5. Planning Commission Minutes December 11, 2007
6. Proposed Ordinance with Exhibit

Background Information: Please see the attached Staff Report/Background Information.

BACKGROUND INFORMATION				
Location:		E of Hidden Valley Drive and High Ridge Drive		
Applicants:		TKAR, LLC, owner; Ted Munkres, Freestyle, Inc., developer; Bob Blanchard, representative.		
Existing Land Use:		Vacant land		
Proposed Land Use:		Single-family residential		
Surrounding Land Use:	North	Residential		
	South	Vacant land		
	East	Single-family residential		
	West	Ridges, residential subdivision		
Existing Zoning:		R-2 (Residential, 2 units per acre)		
Proposed Zoning:		PD (Planned Development)		
Surrounding Zoning:	North	County RSF-4 and R-2 (Residential – 2 dwelling units per acre)		
	South	County RSF-4 (Residential single family, 4 units per acre)		
	East	R-2 (Residential – 2 dwelling units per acre)		
	West	R-2 (Residential - 2 du/ac) and Ridges PD		
Growth Plan Designation:		Residential Low ½ to 2 acres per dwelling unit		
Zoning within density range?		X	Yes	No

Staff Analysis:

1. **Background:** An Outline Development Plan is an optional, but encouraged first step prior to an application for a preliminary development plan for a parcel of land that is at least 20 acres in size. The purpose is to demonstrate conformance with the Growth Plan, compatibility of land use and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the

approval of a preliminary plan. Through this process a general pattern of development is established with a range of densities assigned to individual “pods” that will be the subject to future, more detailed planning. Following approval of an ODP, a preliminary development plan approval and a subsequent final development plan approval shall be required before any development activity can occur. Preliminary Development Plans shall require approval by the Planning Commission as well as the City Council.

Planned Developments may apply to mixed-use or unique single-use project where design flexibility is desired and is not available through the standards of a straight zone, found in Chapter 3. Planned development zoning should be used only when long-term community benefits will be derived. PD zoning includes but is not limited to more effective infrastructure; reduced traffic demands; a greater quality and quantity of public and/or private open space; other recreational amenities; needed housing types and/or mix; innovative designs; protection and/or preservation of natural resources, habitat area and natural features; and/or public art. The Director shall determine whether substantial community benefits will be derived. The applicant provides that their public benefit will be obtained with creative design and a development that will work with the existing topography and rock out-croppings in this area. The applicants have committed a trail system within the open space areas that will be available for public use. This trail system is not shown on the Urban Trails Master Plan, and therefore is above and beyond the Code requirements. The Open Space provided will exceed that required by the Code in single-family residential developments.

The subject property was annexed into the City in 1992 as part of the Ridges Majority #3 Annexation. This 51.04 acre parcel has had several previous applications. In 1998 an ODP was proposed to request approval of an Outline Development Plan for Ridge Heights Subdivision and approve a Preliminary Plan for Ridge Point Filing #2. That application was withdrawn by the applicant. In 2000 the property went through the rezoning process. This rezone request was caught between the adoption and the effective date of a new Zoning Map and Zoning Code. The request was also for preliminary plan approval for 15 lots on 6.9 acres within Ridge Point Filing 2. The request was approved with conditions, and was valid for one year. That plan expired and in January of 2002, the applicant requested approval of another preliminary plan for a 9-lot subdivision on 8.97 acres, and one lot on 42.07 acres for future development. The application was subject to the hillside development standards and the applicant was utilizing the cluster development standards to reduce the lot sizes and setbacks. Unfortunately the approved plan expired prior to the Final Plat being recorded. In 2004, since the previous approval had expired, the applicant requested a pre-application conference as the changes to the Code and the Zoning Map now affected this property.

The project consists of one parcel of land over fifty acres in size, the requirements of Section 6.1 of the Zoning and Development Code applies. Section 6.1 states that each applicant for a major subdivision, planned development district or site plan review

involving fifty (50) or more acres shall complete a site analysis as described in Chapter 6 for the first step of the project. It is the constraints of this parcel that need to be recognized prior to any preliminary plan being submitted. Furthermore, the question of interconnectivity between parcels, as required by the Zoning and Development Code, needs to be answered. During previous reviews of the property many concerns were raised about future connections to adjacent properties as well as the ability to provide sufficient public utilities such as water and sewer.

The applicants have submitted the required Site Analysis for the property and are requesting approval of the proposed Outline Development Plan. The attached PD zoning ordinance will establish the default zoning and maximum and minimum number of dwelling units within each pod. It also shows areas of proposed open space and proposed trails. It further depicts possible roadway connections. Deviations from the bulk standards, specific design standards and signage detail will be established with the preliminary plan for each phase or pod.

2. Consistency with the Growth Plan: The Future Land Use Map designates the subject property as Residential Low, ½ to 2 acres per dwelling unit. The proposed ODP shows that the density falls within the minimum and maximum densities allowed by this designation. In addition, the applicant feels that the following Goals and Policies support this application:

Policy 1.4: The City and County may allow residential dwelling types (e.g., patio homes, duplex, multi-family and other dwelling types) other than those specifically listed for each residential category through the use of planned development regulations that ensure compatibility with adjacent development. Gross density within a project should not exceed planned densities except as provided in Policy 1.5. Clustering of dwellings on a portion of a site should be encouraged so that the remainder of the site is reserved for usable open space or agricultural land.

While the optional dwelling types are not planned for Ridges Mesa, the gross density will fall within the allowed range of the Residential Low plan designation. Clustering of homes will not only allow the preservation of significant open space, but also retain many of the significant topographical features on the site.

Policy 4.1: The City and County will place different priorities on growth, depending on where proposed growth is located within the Joint Planning Area, as shown in Exhibit V.3. The City and County will limit urban development in the Joint Planning Area to locations within the Urban Growth Boundary with adequate public facilities as defined in the City and County Codes.

This property is located inside the Urban Growth Boundary, inside the City limits. Adequate public facilities exist adjacent to the site and can be extended through the

site, including water and sewer, to serve the proposed development.

Policy 5.3: The City and County may accommodate extensions of public facilities to serve development that is adjacent to existing facilities. Development in areas which have adequate public facilities in place or which provide needed connections of facilities between urban development areas will be encouraged. Development that is separate from existing urban services ("leap-frog" development) will be discouraged.

Adequate public facilities exist to serve the proposed development. The Ridges Mesa property is within the Persigo 201 sewer service area and will be served by the City of Grand Junction. Eight inch sewer lines exist both on the western boundary of the property in High Ridge Drive and Hidden Valley Drive and to the east in Country Club Park Road. Water will be provided by Ute Water. Existing water mains exist in High Ridge Drive, Hidden Valley Drive and Country Club Park Road.

Policy 20.7: The City and County will limit development on steep slopes, ridgelines and hilltops to promote public safety and preserve natural vistas of the Book Cliffs, Grand Mesa and Colorado National Monument.

The subject property has significant topography that includes slopes in excess of 30%. Development will be limited on steep slope areas in accordance with the Zoning and Development Code.

Policy 26.3: The City and County will encourage the retention of lands that are not environmentally suitable for construction (e.g. steep grades, unstable soils, floodplains, etc.) for open space areas and, where appropriate, development of recreational uses. Dedications of land required to meet recreational needs should not include these properties unless they are usable for active recreational purposes.

Disturbance of steep slope areas will be limited as required by the Zoning and Development Code. The existing draws and drainages are being retained in their natural state as well as part of the larger open space area. Policy Redlands Area Plan: In the Redlands Area Plan, adopted on March 26, 2002, there are limited goals and policies specific to the proposed Ridges Mesa Planned Development ODP area. Review of the Plan finds that the proposed development is consistent with the Area Plan as a whole. Specific to the Plan is the policy to encourage the retention of lands that are not environmentally suitable for construction (e.g. steep grades, unstable soils, floodplains, etc.) for open space areas and where appropriate, development of recreational uses. Dedication of land required to meet recreational needs should not include these properties unless they are usable for active recreational purposes.

Disturbance of steep slope areas will be limited as required by the Zoning and Development Code. The natural draws and drainages are being retained in their

natural state as well as part of the larger open space area in the development or may be enhanced if some disturbance is required.

3. Section 2.12.B.2 of the Zoning and Development Code:

Requests for an Outline Development Plan (ODP) for property zoned Planned Development (PD) must demonstrate conformance with all of the following:

- a. The Growth Plan, Major Street plan and other adopted plans and policies.

The ODP is consistent with all adopted plans and policies. Growth Plan and the Redlands Area Plan consistency were discussed above. The Grand Valley Circulation Plan does not identify any proposed major streets in this area.

- b. The rezoning criteria provided in Section 2.6 of the Zoning and Development Code.

The existing zoning was in error at the time of adoption.

This criterion does not apply with this rezone request to Planned Development. The applicant is not requesting a change to the default zoning of R-2, only that the future development of this parcel proceed under the Planned Development procedures of the Code and is phased as shown with the Outline Development Plan presented herein.

There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transition, etc.

Significant growth and development have occurred nearby with Redlands Mesa. Along with the establishment of a golf course, multiple and associated facilities, multiple residential filings have been approved and development is occurring on the majority of those approved. In addition, Mariposa Drive has been improved to its intersection with Monument Road. Additionally, a new proposed subdivision, located south of the subject property, Pinnacle Ridge, is in the review process and is located adjacent to the proposed ODP area.

The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances

The proposed rezone to PD remains compatible with the surrounding area

since the actual default zoning of R-2 is not changing. Except for those areas noted for deviation from the bulk standards that may be proposed with future Preliminary Development Plans, all standards of the R-2 district will continue to be met.

The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of this Code and other City regulations and guidelines

As noted previously, this project meets the goals and policies of the Growth Plan and the Redlands Area Plan. This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. Review of this proposal shows that that public infrastructure can address the impacts of any development consistent with the PD zone district, therefore this criterion is met.

Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development

Adequate public facilities are currently available or extensions of such facilities nearby will be made available and can address the impacts of development consistent with the Planned Development zone district.

There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs.

While the Ridges development to the west and northwest as well as Redlands Mesa is zoned Planned Development, the majority of this land is developed, including the properties with equivalent default zoning of R-2. The only other vacant property in the surrounding area with equivalent zoning of R-2 is the adjacent proposed Pinnacle Ridge subdivision.

The community or neighborhood will benefit from the proposed zone.

The applicant's state that the proposed rezone to Planned Development will allow this property to be developed with significant benefits that may not occur otherwise under the R-2 zone district including recreational amenities, creative design that recognizes and protects the existing topography and natural features.

The planned development requirements of Chapter Five of the Zoning and Development Code.

The applicant has provided that the development standards found in Section 5.4 is consistent with all the applicable requirements of this section.

1. Residential density – The proposed residential density of approximately two homes per acre is consistent with the Growth Plan designation of Residential Low, ½ to 2 acres per dwelling unit.
2. Minimum District Size – The project is approximately 51 acres in size, larger than the required minimum of five acres.
3. Development Standards – Compliance with all development standards will be discussed as each Preliminary Development Plan is submitted.
4. Deviation From Development Default Standards – The applicant is proposing to use the existing zoning of R-2 as the default zone. Any deviation from this district's development standards will be identified in each PDP (Planned Development Plan) submittal along with explanations of public benefits that would justify the deviations.
 - c. The applicable corridor guidelines and other overlay districts in Chapter Seven.

Chapter Seven addresses hillside developments, which this property is subject to those regulations. The site analysis has identified these areas. As required, the areas of greater than 30% slopes are reserved with no development allowed. Each individual Preliminary Development Plan, as corresponding with each pod of the Outline Development Plan will identify lot sizes consistent with the requirements of Table 7.2.A or justify deviations based on the public benefit. This property is also located within the boundaries of the Redlands Area Plan. The Plan shows nothing specific to this parcel, but a goal is to minimize inappropriate development in natural hazard areas. These have been reflected on the site analysis map and are part of the Outline Development Plan.

- d. Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.

How all public services and facilities will be provided will be detailed in the Preliminary and Final Development Plans. As with any major subdivision, these utilities will need to be in place prior to the Final Plat for each phase being recorded and/or the financial guarantees in place to assure the installation of such utilities.

- e. Adequate circulation and access shall be provided to serve all development pods/areas to be developed.

The Outline Development Plan provides graphic representation of possibly 3 access points and how the access points and internal circulation system may be provided at the level required by the Code. Detailed access plans will be identified on the Preliminary Development Plans as they proceed forward.

- f. Appropriate screening and buffering of adjacent property and uses shall be provided.

Screening and buffering of adjacent property uses is not necessary since the uses are residential with similar densities as the proposed Plan.

- g. An appropriate range of density for the entire property or for each development pod/area to be developed.

The applicants state that the proposed density is approximately two homes per acre which is consistent with the Residential Low Growth Plan designation for this area.

- h. An appropriate set of "default" or minimum standards for the entire property or for each development pod/area to be developed.

The applicants request the default zone of R-2 (Residential – two units per acre). The development standards will be identified with the first preliminary development plan to be filed. Since this will be a Planned Development a zoning ordinance will accompany the first phase, and all future phases of the Preliminary Plan. The underlying zoning designation will remain R-2.

- i. An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

The applicants request that Phase One begin immediately upon approval of the Final Development Plan for that area. A preliminary plan for Phase One has been submitted and is currently under review. The applicants had anticipated the spring of 2007 as the beginning of the project but that time has now passed. The spring of 2008 would be more likely. The applicants also proposed that Phase Two begin in the fall of 2008 and Phase Three in the fall of 2011.

- j. The property is at least twenty (20) acres in size.

The subject property is approximately 51.04 acres in size, therefore meeting this criterion.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Ridges Mesa Outline Development Plan application, file number ODP-2006-358 for a Planned Development, Outline Development Plan, I make the following findings of fact and conclusions:

1. The requested Planned Development, Outline Development Plan is consistent with the Growth Plan.
2. The review criteria in Section 2.12.B.2 of the Zoning and Development Code have all been met.
3. All subsequent Preliminary Development Plans shall require a recommendation by the Planning Commission as well as approval by the City Council as found in Section 5.4 of the Zoning and Development Code and the process chart found in Chapter 2.

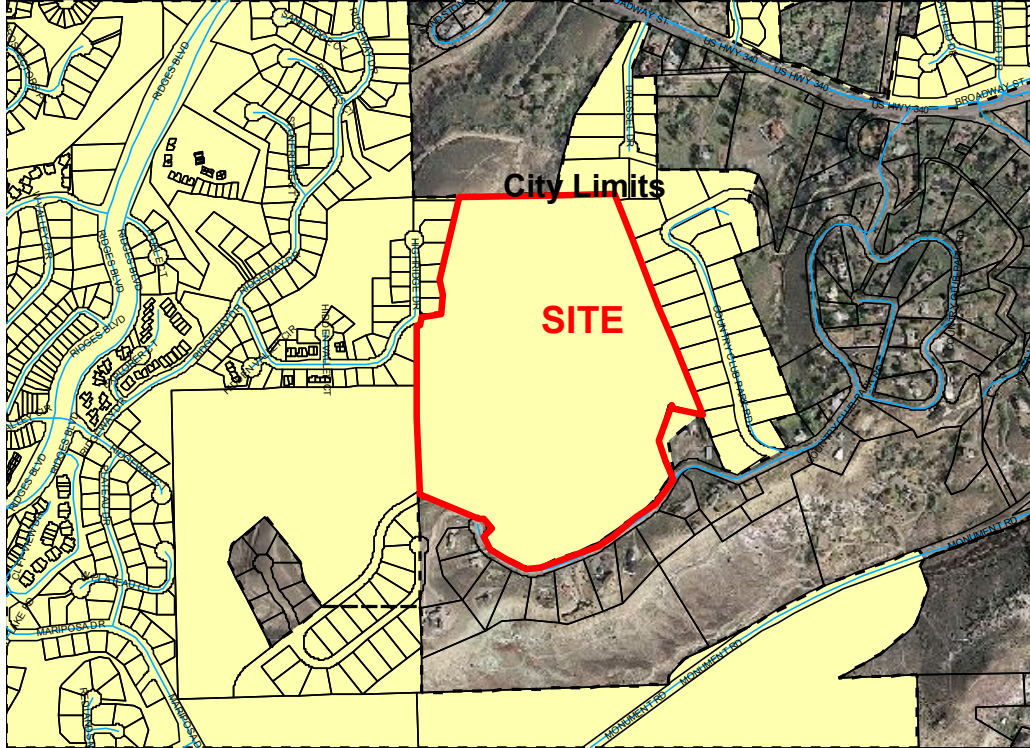
PLANNING COMMISSION RECOMMENDATION:

The Planning Commission forwards a recommendation of approval from their regularly scheduled meeting of December 11, 2007. The minutes of that meeting are not yet available to attach to this staff report.

Site Location Map

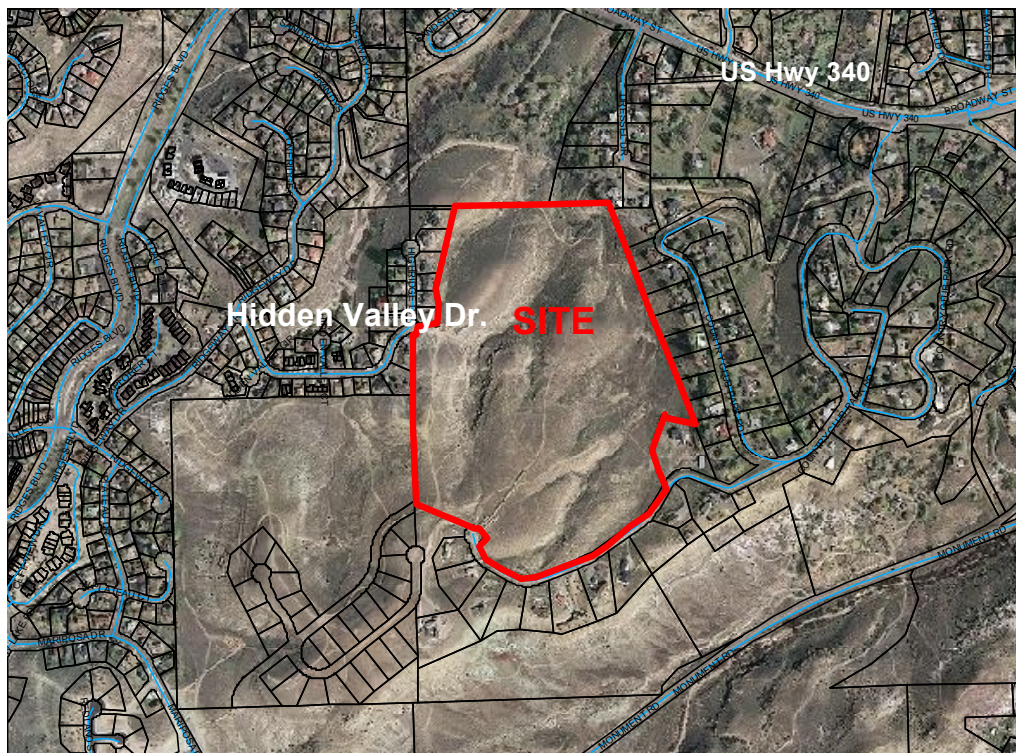
City Limits

Ridges Mesa ODP



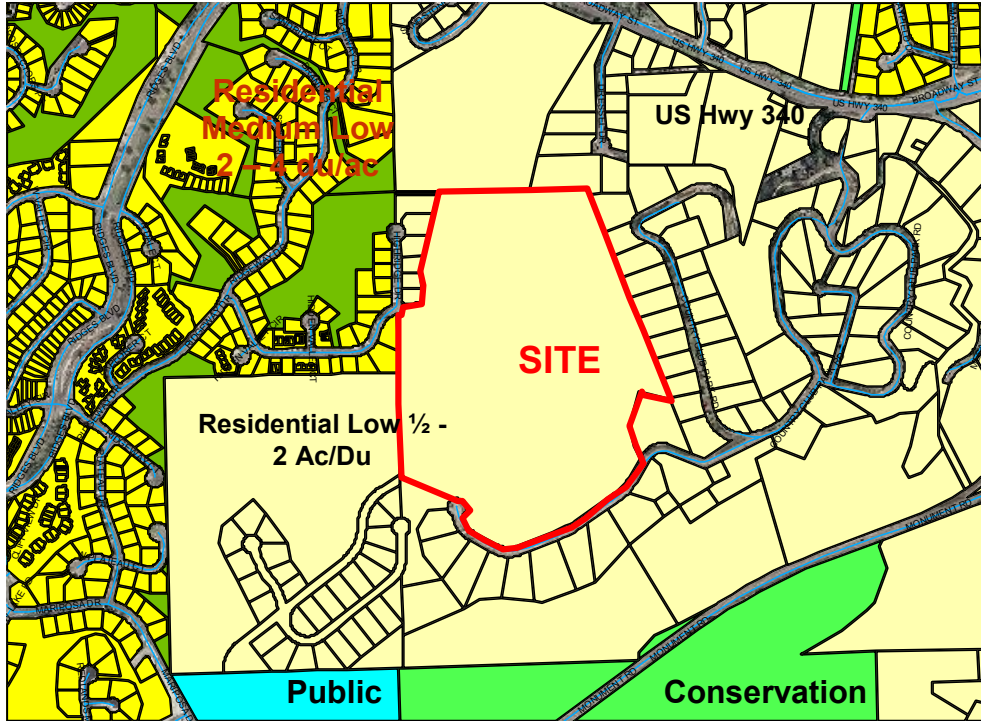
Aerial Photo Map

Ridges Mesa ODP



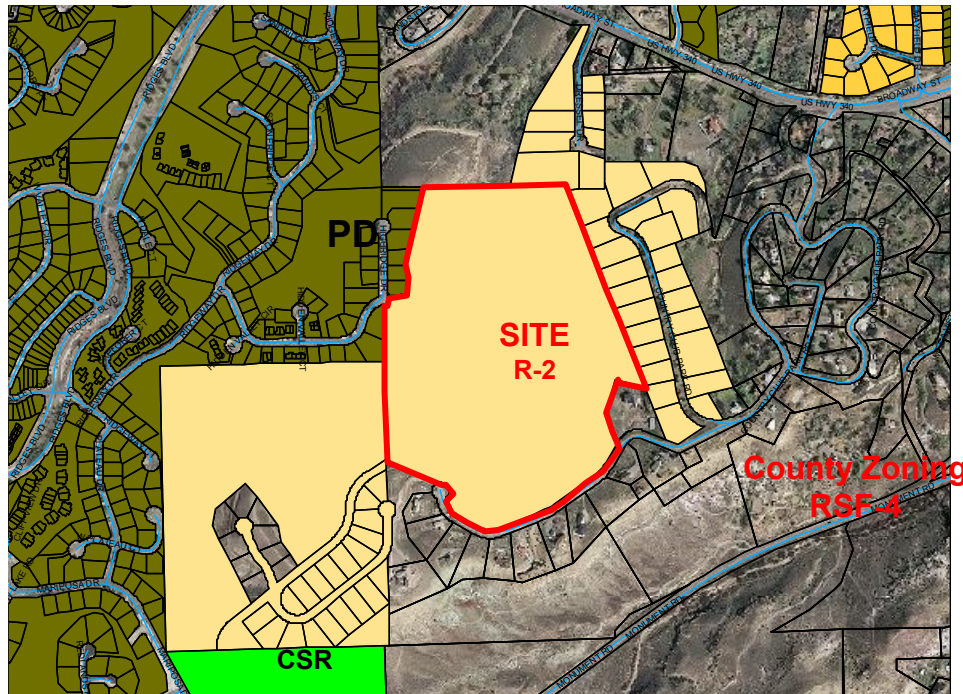
Future Land Use Map

Ridges Mesa ODP



Existing City and County Zoning

Ridges Mesa ODP



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."

TO: Lori Bowers
Planning Division
City of Grand Junction,
250 N. 5th,
Grand Junction, CO
81501

01/06/08

Re: Ridges Mesa P.U.D.

Dear Lori;

We live at 205 Country Club Park Road, and have some real concerns about access issues that directly affect our neighborhood with the pending developments above us in the planned Ridges Mesa subdivision and adjoining areas.

At the initial neighborhood meeting attended by residents and the developer, it was stated that access to Bella Pago and Country Club Park Road from the proposed development would be limited and open on an emergency vehicle basis only. However, at a recent planning commission meeting, we were informed that this had changed, and access would not be limited, but managed by additional stop signs to discourage traffic.

The problem with that assumption is that people always look for the most direct route to the general area where they are going, and Country Club Park Road will be that route. I do not believe that a few stop signs or related traffic control applications will be even close to sufficient to adequately limit traffic through this dangerous area.

As you know, Country Club Park Road is narrow with dangerous grades, limited sight distance, sharp curves and steep unguarded drop offs to ravines below. There are no sidewalks in Country Club Park, which means pedestrians, including school children, are more at risk with increased traffic. Also, it would add higher risk to motorists traveling on Hwy. 340. With additional traffic attempting to exit and access the area from 340, which is high volume and high speed with limited sight distance to Country Club Park Road now, you would be adding an additional high speed collision potential at that point of access.

1/2

The only justification for opening Country Club Park Road to the planned new developments is based on an idea that we need to maintain connectivity between neighborhoods. This can be accomplished with well planned walking and biking paths between these areas. The need for general motorized connectivity is not justified based on the unique topography and risk involved. It is only a short drive to Ridges Blvd. or Mariposa for anyone wishing to access this area by motor vehicle.

The current volume of traffic on Bella Pago and Country Club Park Road is manageable and the neighborhood is well aware of the hazards, and drives accordingly. I would request that your department re-consider opening up this area to additional traffic, and adopt the limited emergency access plan as originally presented.

I would also encourage all City Council members who are not very familiar with this area to drive Country Club Park Road to Bella Pago to get a first hand understanding of the issues that complicate adding even modest additional traffic to this area.

Regards,



Thad J. Tuin
205 Country Club Park Road,
Grand Junction, CO 81503
970-245-2562

cc: Rick Dorris, Dev. Engineer ✓
Grand Junction City Council

Lori Bowers - Ridges Mesa Subdivision

From: "Swerd59" <swerd59@bresnan.net>
To: <lorib@gjcity.org>, <davidt@gjcity.org>
Date: 1/9/2008 3:06 PM
Subject: Ridges Mesa Subdivision
CC: <jimd@gjcity.org>, <bonnieb@gjcity.org>, <brucehill@gjcity.org>, <greggp@gjcity.org>, <lindat@gjcity.org>, <teresac@gjcity.org>, <dougt@gjcity.org>

1/9/08

Enclosed is the email I sent Dec. 13, 2007. I am re-sending it at the request of Lori Bowers. I will send another email with additional comments. I request that these be included in the material for the hearing on the Ridges Mesa Subdivision on January 14, 2008.

Thank you,

R. M. Swerdfeger

242-7500

Swerd59@bresnan.net

swerd59

From: "swerd59" <swerd59@bresnan.net>
To: <lorib@gjcity.org> *Ridges Mesa Leri Bowers 256-4033*
Cc: <davidt@gjcity.org> *Pinnacle Ridge Dave Thomson 244-1450*
Sent: Thursday, December 13, 2007 4:30 PM
Subject: Ridges Mesa, Pinnacle Ridge Subds.

Hello,

My wife and I were told yesterday by a friend that had watched the Planning Commission on Channel 12 Tuesday night that one, or both, of the above subdivision proposals were discussed and that access was planned to tie into Bella Pago Dr. and Country Club Park Rd.

We were unaware of this upcoming situation and the meeting Tuesday night. In previous discussions of proposals for subdivisions in the areas involved, our neighborhood was assured that no access into Bella Pago would be allowed other than a lock gate only for emergency vehicle access.

We have resided in our present location (204 Country Club Park Rd) since 1980. There are many issues with the road into this area. I am a retired Professional Engineer and am familiar with the standards for roads. Living here has illustrated many times the problems that arise under different weather and traffic situations that present hazards to people using the roads. The steep grade leading up from Highway 340 (Broadway) is a major problem in winter when the road is icy. It can be so slick that downward bound traffic cannot safely stop before entering Highway 340. With the greatly increased traffic on 340, that will surely result in accidents in the future. If traffic is substantially increased coming down County Club Park Rd, that can greatly increase the probability of this happening.

Also, above this area, the road is narrow with limited visibility and minimal shoulders and a drop-off on one side into a steep gulch. All of these issues present hazards, and we have noticed over the years with new residents moving into the existing housing above that inexperienced drivers compound these problems.

With all these problems, we emphatically urge that no additional traffic be routed over these roads. We believe that adequate access is available through both Hidden Valley Drive and Mariposa Drive in the Ridges area, which has roads which were designed and built to current standards.

We would appreciate being informed of any upcoming meetings where these developments are to be discussed.

Thank you for your attention.

R. M. (Dick) and Joy Swerdfeger

204 Country Club Park Rd.
970 242-7500

swerd59@bresnan.net

Lori Bowers - Add'l comments - Ridges Mesa Subdivision

From: "Swerd59" <swerd59@bresnan.net>
To: <lorib@gjcity.org>, <davidt@gjcity.org>
Date: 1/9/2008 3:33 PM
Subject: Add'l comments - Ridges Mesa Subdivision
CC: <jimd@gjcity.org>, <bonnieb@gjcity.org>, <brucehill@gjcity.org>, <greggp@gjcity.org>, <lindat@gjcity.org>, <tereasc@gjcity.org>, <dougt@gjcity.org>

These comments are to be added to the earlier email which I re-sent today. This concerns the proposed future access point from Phase Three of the Ridges Mesa Subdivision onto Bella Pago Drive. As I earlier mentioned, in the past, proposed developments were to have access onto Bella Pago only through a controlled, locked access only for emergency services.

The Country Club Park/ Bella Pago neighborhood has existed in it's present form for over 60 years - the house we live in was built in 1946. The access road, Country Club Park Road, was built at that time. Currently, my count shows 63 residences served by this road. If access were connected into Ridges Mesa and Pinnacle Ridge Subdivisions, it would add 170 more residences. That is an increase of 270% usage over the present.

As my previous letter stated, the existing road is not built to current standards - for width, curvature, sight distances and gradient.

The existing connection downhill onto Highway 340 is at a gradient of between 8% - 9%. The intersection with 340 does not conform to TEDS standards on sight distance. By contrast, if access to these new subdivisions is directed out through the Ridges subdivisions and to it's connection onto Hwy 340, it has a flat connection, with a merge/acceleration lane. This is a much better and safer connection.

As I understand from my conversation with Lori Bowers on Jan. 4, current subdivision developments are required by the Planning and Zoning Code to follow TEDS standards, including access into adjoining subdivisions. I believe that the conditions on Country Club Park Road provide a good sound reason to have a variance or exemption made, and only a locked access for emergency use provided. I request that a stipulation to that effect be made a part of the approval for these subdivisions.

Thank you for your attention.

R. M. Swerdfeger

**GRAND JUNCTION PLANNING COMMISSION
DECEMBER 11, 2007 MINUTES
7:00 p.m. to 11:12 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. by Chairman Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Dr. Paul A. Dibble (Chairman), Roland Cole (Vice-Chairman), Lynn Pavelka-Zarkesh, Reggie Wall, Tom Lowrey, William Putnam and Bill Pitts.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Dave Thornton (Principal Planner), Eric Hahn (Development Engineer), Lori Bowers (Senior Planner), Rick Dorris (Development Engineer) and Scott Peterson (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 112 interested citizens present during the course of the hearing.

I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

II. APPROVAL OF MINUTES

There were no minutes available for consideration.

III. CONSENT AGENDA

Available for consideration were items:

1. ANX-2006-100 ZONE OF ANNEXATION – Gummin Annexation

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted this item pulled for additional discussion. No objections or revisions were received from the audience or planning commissioners on the Consent Agenda item.

MOTION: (Commissioner Cole) “Mr. Chairman, I move approval of the Consent Agenda as presented.”

Commissioner Pitts seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

IV. FULL HEARING

- 2. MSC-2007-334 MISCELLANEOUS – Fox Run at the Estates Appeal**
Fox Run HOA has appealed the Administrative decision allowing the constructed retaining wall as modified under a minor change request for the Fox Run at the Estates Subdivision.

PETITIONER: Roy Blythe – Blythe Group

LOCATION: 2580 G Road

STAFF: Dave Thornton, Principal Planner

PETITIONER’S PRESENTATION

Roy Blythe, president, Fox Run at the Estates Subdivision HOA, addressed the Commission. According to Mr. Blythe the plans submitted to the Planning Department and designed by the developer’s engineer and approved by the Planning Department included boulder or rock retaining walls. However, the retaining walls that have been constructed are concrete walls, some of which are in excess of four feet. It is their understanding that any wall over four feet requires inspections. They have not been provided any documentation regarding inspection. Mr. Blythe stated that the majority of lot owners understood and expected boulder or rock retaining walls. He further stated there has already been some times where the dirt has eroded over the top of the walls.

They are also concerned that the walls are not high enough considering the steepness of the slope. The HOA was aware that there was a submittal to the Planning Department that provided an engineering fix because the retaining walls were built like a house foundation wall and not designed to retain the earth. He went on to state that besides it being a less expensive wall than what was proposed and approved by the Planning Department as well as not meeting the lot owners’ expectations, feels that the City has an obligation to the lot owners who have purchased the lots. He said that the lot owners are simply asking for what they have paid for and what was submitted by the developer and approved. According to Mr. Blythe, they are also concerned that the walls as constructed and/or fixed may not drain properly. Additionally, the HOA has not been provided any documentation as to whether or not there was a building permit obtained when the walls were built.

STAFF’S PRESENTATION

Dave Thornton with the Public Works and Planning Department gave a brief background of the Fox Run at the Estates Subdivision. He stated that the subdivision borders G Road on the east side of the Estates Subdivision and consists of 8 lots.

According to the Future Land Use Map, the area is Residential Low, ½ acre to 2 with zoning of R-2. He clarified that the appeal is for the construction of 3 retaining walls that occurred. Mr. Thornton stated that the plans were finalized on January 6, 2006. It was brought to the attention of the Public Works and Planning Department that what was built was not rock or boulder retaining walls but rather concrete walls that were later stuccoed. As part of the process, it was determined that as constructed part of the walls were actually constructed in a portion of City right-of-way. Accordingly, formal action was required for a revocable permit for the walls to allow for the construction to remain in the right-of-way. City Council issued those revocable permits on October 18, 2006. The developer had to submit a plan that would be reviewed by City staff to determine if the construction drawings could be amended to allow for the stucco walls. On August 16, 2007, a letter was sent to the developer regarding some outstanding issues in the subdivision as well as the need for them to request a minor change if they wanted to keep the existing wall that they built. On September 4, 2007, the developer submitted a minor change request. After review, the minor change request was approved. An appeal was perfected by the HOA and received on October 1, 2007. Mr. Thornton outlined a timeline and procedures taken in accordance with the Code.

QUESTIONS

Commissioner Cole asked if, prior to the minor change, there was any change in the height of the wall. Dave Thornton stated that the height of the wall that was constructed was not the same height as what was initially proposed by the developer.

STAFF'S PRESENTATION

Eric Hahn with the Public Works and Planning Department stated that he has been the engineer involved with this project for a number of years. Mr. Hahn provided the Commission with a timeline regarding this project:

- January 2006 – construction plans were approved;
- October 2006 (approximately) – revocable permit for the walls;
- Halfway during construction of this project, City staff became aware that the concrete retaining walls were built with no discussion with City staff regarding substitution. At that point, the walls were in place and back filled with no way to look into how the back fill was placed, no way to look at the subgrade drainage behind the walls. When they found out that the walls were put in place in a manner that was not consistent with the drawings, City staff also determined that portions of one of the walls was constructed in the right-of-way;
- As soon as the developer received a revocable permit, he had to demonstrate to City staff that the walls were equivalent, at least in terms of performance regarding holding back the retained earth, to what was approved in the drawings. An analysis was done on the walls as built. It was determined that they were not sufficient to hold up the amount of earth placed behind them.

QUESTIONS

Chairman Dibble asked when the revocable permit was issued and by whom. Mr. Hahn stated that it was issued on October 18, 2006 by City Council which only gives the right to have a private structure on the right-of-way and does not address stability issues.

Chairman Dibble asked if the revocable permit addressed the building of the wall as a substitute for what was approved. Mr. Hahn stated that it does not.

Commissioner Wall asked if the wall as constructed is properly built for drainage and where does it drain to. Mr. Hahn said that the surface water will drain right across the top of the wall. He said that there is a significant amount of maintenance that will be required until the surface is finished.

Commissioner Wall asked if the wall is going to be sufficient enough to hold the earth without cracking or slanting. Mr. Hahn said that it will likely crack and possibly lean; however, it very likely would not fail.

Chairman Dibble asked if there was an inspection of the drainage system at the base of the wall. Mr. Hahn said that he was not aware of such an inspection.

Commissioner Cole asked for an explanation of the differences between what was submitted and what was ultimately approved. Mr. Hahn said that a boulder retaining wall was originally submitted and approved on the original plan. According to Mr. Hahn, it looks like a stack of large boulders holding back the earth behind it. The concrete retaining wall is significantly different – the vertical face of a concrete retaining wall requires that you account for significant forces at its base at the toe and at the heel from over-topping and from sliding and to keep from having actual failure of the structure. The wall that was constructed was more or less a foundation wall that was amended by piers that were drilled into the toe and tied into the toe of the wall itself.

Commissioner Pitts asked if that was an acceptable procedure. Mr. Hahn said that although extremely unorthodox, structurally after a considerable amount of review, there was no significant error of any kind that could be found.

Commissioner Lowrey asked if the present wall meets the Code. Mr. Hahn said that the Code does not specify any particular thing regarding walls other than to make sure that they are engineered to be reliably stable. To the best of the knowledge of the engineer that designed it, that is what there is now. Mr. Hahn reiterated that City staff has had to rely very heavily on the developer's engineer's analysis.

Commissioner Lowrey asked if a developer can make changes after submittal of a plan so long as they stay within the Code. Mr. Hahn stated that changes can be made provided they get an amendment.

Commissioner Lowrey asked for clarification that there was no violation of the Code. Mr. Hahn stated that there was no violation that they could determine.

Commissioner Putnam asked if the City is obliged to ensure that the wall designed and approved is actually constructed. Mr. Hahn stated that was an accurate assumption.

Commissioner Lowrey asked for clarification that the developer did ask for changes which are permissible for a developer to do.

Chairman Dibble asked if anyone was aware of the reason the developer changed it from a rock retaining wall to a concrete retaining wall. Mr. Hahn said that the question had not been asked and it was assumed that it was simply a cost-savings approach.

Eric Hahn pointed out that there is still one wall that has not been built. He further stated that as part of the close-out process where public infrastructure constructed by a private party is brought under City jurisdiction, none of the public infrastructure on this subdivision had been accepted by the City yet. Also, in the walk through they noted that the rock wall is not in place.

Chairman Dibble asked for Mr. Hahn's definition of "under compliance". Mr. Hahn said that it was clearly not brought into compliance under the original plan. The plan was amended, after the fact, in a sense to be compliant with what was in the field.

Chairman Dibble asked if it would be fair to say that at the time the decision was made to certify that it was being brought into compliance that all of the facts were not known as to whether there was sufficient drainage, whether the grade was in place, height and, therefore, a deficiency of information and possibility of an error in judgment being made based on deficiencies. Mr. Hahn said that was certainly possible in this case. Mr. Hahn reiterated that staff relied very heavily on the developer's professionals that submitted designs to the City.

Chairman Dibble asked if a plan was submitted for the design for the "foundational wall". Mr. Hahn said that plans, analysis and designs are on file from the developer's engineering team; however, there were no plans submitted for the wall that was rejected.

Commissioner Cole asked if an inspection was done to see that it was built according to what was finally approved. Mr. Hahn said that the City's inspection policy is more along the lines of a certification process by the developer's engineers. Any inspections done on that wall would have been done by the developer's engineering representative. Additionally, he stated that as far as they can tell there were no specific inspections specific to that wall during its construction.

Commissioner Lowrey asked, with regard to the wall that is there presently, if the City has plans which it inspected and approved. Mr. Hahn said that only the portion of the wall that was done after the fact could be inspected. He reiterated that since these walls are private structures, the City relies very heavily on private professionals in dealing with private structures.

Commissioner Lowrey asked if the City approved the wall. Mr. Hahn confirmed that the amended plan had been approved.

Jamie Beard, assistant city attorney, stated that applicant would now have an opportunity to come forward if they have any information that they would like to provide.

Chairman Dibble questioned whether this proceeding was between the City and the appellant and, therefore, any information added by applicant would not be pertinent for the appellate review. Ms. Beard advised that the appellant is the homeowners' association and the appellee is the applicant who would still be involved in the matter.

APPLICANT/APPELLEE PRESENTATION

Ted Martin, the developer, addressed the Commission and stated that the walls were designed, professionally engineered and approved by the City. He stated that this subdivision is not part of the Estates Subdivision. Access was redirected off of G Road and required the Estates to put an access through their road to access this subdivision.

Mr. Martin confirmed that the walls have rebar in them, are properly designed and some additional engineering was required by the City which was done. He stated that the reason for the change was because of a change in engineers and it was never his intention to put in the rock walls. He was asked by the City to formally request the approvals, which he did.

QUESTIONS

Chairman Dibble asked Mr. Martin if he was aware that the rock walls were approved as part of the initial application package. Mr. Martin confirmed that he was aware of that and he was also told by his engineer that changes can be made along the way regarding issues such as walls. However, changes to road structure, etc. did require approval. He also stated that the walls were supposed to be simply for aesthetic looks off the sidewalks and not structural retaining walls.

Chairman Dibble asked if there was any insurability involved of the retaining wall doing its job. Mr. Martin stated that based on his engineer's designs, they feel very comfortable with the walls.

PUBLIC COMMENT

Mark Sills, president of the Estates Subdivision (721 Estate Boulevard), asked if the retaining wall would become the City's problem in the event of a break as it is on a city right-of-way. Jamie Beard stated that the wall is a private wall. The revocable permit

allows them to have the wall within the right-of-way but the responsibility for the wall is still on the person or entity that the permit was issued to.

QUESTIONS

Commissioner Putnam asked for clarification regarding the appeal process. Jamie Beard stated that if any one of the four criteria is agreed with, the appeal would be granted. He then asked what the next step is if the appeal is granted. Ms. Beard said that if the appeal is granted, it would go back to the position where the applicant does not have an approval for the present wall but approval for the original wall. They would then either have to tear out the wall that is there or get an approval for some wall to be put in place of the original wall. She further stated that to grant the appeal, the existing wall would not have proper approval.

DISCUSSION

Commissioner Pitts said that the proper permits were issued, the wall was built with approval and in looking at the four criteria, he cannot find that the director did anything wrong.

Commissioner Lowrey agreed with Commissioner Pitts. He said that the testimony was had been that the wall is within the Code and, therefore, stated that he believes the director acted consistently, had not made erroneous filings, had not acted arbitrarily or capriciously and had considered the mitigating measures. Therefore, according to the criteria, the appeal should not be granted.

Commissioner Putnam suggested that the developer, rather than the director, acted arbitrarily and capriciously and stated that the developer should have to build the wall as originally planned.

Commissioner Wall stated that he agrees with Commissioner Putnam. He said that the comments that the developer completed the paperwork after the fact bothered him. He stated that he would be in favor of granting the appeal. He stated that he understands that there is leniency to a point when someone can fix something and how it can be fixed but believes this to be blatant abuse of that policy.

Commissioner Cole agreed with Commissioner Lowrey in that he does not believe the director violated any of the four points. He furthered it by stating that the walls do meet the criteria and the director acted within his purview to grant the change.

Commissioner Pavelka-Zarkesh stated that regardless of the sequence of events, she does not believe that the director made an inappropriate decision. The engineers, to the satisfaction of the City, said that the wall is structurally sound and, therefore, would not be in favor of granting the appeal.

Chairman Dibble said that he was somewhat concerned about some of the issues that are not before the Commission such as drainage. He stated that the people that made the decision to approve this may not have had all the pertinent facts and understanding. He said that he thinks that rather than this was an erroneous finding it was an error in judgment that led to an erroneous finding. Chairman Dibble further stated that statements must be relied upon or drawings rendered that they should be taken at face value and does not believe that was done in this instance. He stated that he would have to grant the appeal.

MOTION: (Commissioner Cole) “Mr. Chairman, I would move to uphold the Director’s decision.”

Commissioner Lowrey seconded the motion. A vote was called and the motion to deny the appeal was 4 – 3 with Chairman Dibble and Commissioners Putnam and Wall in favor of the appeal.

A brief recess was taken from 8:28 p.m. to 8:35 p.m.

- 3. ODP-2006-358 OUTLINE DEVELOPMENT PLAN – Ridges Mesa Subdivision**
A request for approval of an Outline Development Plan to develop 51 acres as a Planned Development in a currently zoned R-2 (Residential 2 du/ac) zone district; retaining the R-2 zoning as the default zone.
PETITIONER: Ted Munkres – Freestyle Design & Building
LOCATION: East of Hidden Valley Drive & High Ridge Drive
STAFF: Lori Bowers, Senior Planner

PETITIONER’S PRESENTATION

Ted Munkres spoke regarding the proposed Outline Development Plan. He said that the property is approximately 51 acres. To the west of the subject property is the Ridges Subdivision and the Pinnacle Ridge Subdivision; to the east is Country Club Park; to the north is undeveloped property which separates this property from Broadway; and to the south is Bella Pago Subdivision. He further said that the density is consistent with underlying zoning. He advised that there have been neighborhood meetings and the submittal to the City has taken those concerns into consideration.

QUESTIONS

Chairman Dibble asked if this would be done in phases. Mr. Munkres confirmed that it would be done in three phases with the first phase to the west and north.

Chairman Dibble then asked if there was an entrance located that would tie into Hidden Valley Drive. Mr. Munkres stated that was correct with another entrance that would tie into the Pinnacle Ridge Subdivision.

Chairman Dibble asked if this would be developed under a Planned Development with clustering. Ted Munkres said that clustering is part of the plan.

STAFF’S PRESENTATION

Lori Bowers, Public Works and Planning Department, gave a PowerPoint presentation of the proposed Ridges Mesa Subdivision. She said that according to the Future Land Use Map this area is to develop in the Residential Low, ½ to 2 acres per dwelling unit, with existing zoning of R-2. She further stated that an Outline Development Plan is an optional first step to an application for a Preliminary Development Plan for a parcel of

land that is at least 20 acres in size. This parcel is a little over 50 acres. She went on to state that the purpose is to demonstrate conformance with the Growth Plan, compatibility of land use, and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to approval of a Preliminary Plan. In this instance, applicants have provided in their plan that there will be a public benefit to be obtained with creative design and a development that will work with the existing topography and rock outcroppings in the area. Applicants have also committed to a trail system within the open space areas that will be available for public use. As the trail system is not currently shown on the Urban Trails Master Plan, it is above and beyond the requirements of the Code because the open space provided will exceed that required by the Code in a single-family residential development. Also, as mentioned by Mr. Munkres, the property was annexed into the City in 1992 as part of the Ridges Majority No. 3 annexation. She said that the ODP is to confirm that the underlying zoning will remain R-2 but will set the density, phasing, access points and availability of utilities for this area. Also applicant submitted a site analysis and it was determined by staff that the proposed ODP should work. It would come forward in three phases and each phase will be reviewed by the Planning Commission and City Council. Ms. Bowers stated that it is applicant's desire to begin Phase I immediately upon approval; Phase II in the fall of 2008; and Phase III in the fall of 2011. Ms. Bowers stated that she found the requested Planned Development, Outline Development Plan to be consistent with the Growth Plan, the applicable review criteria of the Zoning and Development Code and that all subsequent Preliminary Development Plans would require recommendation by the Planning Commission as well as approval by the City Council.

QUESTIONS

Chairman Dibble asked if the accuracy of the ingress/egress points would be determined at the time of the Preliminary Plan. Ms. Bowers confirmed that was correct.

PUBLIC COMMENT

Lee Steegen, 410 Country Club Park, asked where the main access to the property would be. Also, he asked that the proposed years for the phasing be repeated as well as how many homes are being proposed.

STAFF'S PRESENTATION

Rick Dorris, Development Engineer, pointed out the three proposed connection points - Hidden Valley Drive; Pinnacle Ridge; and Bella Pago.

PUBLIC COMMENT

Ken Scissors spoke in favor of the proposed development. He said that he was impressed with the developer's approach and sensitivity to the natural surroundings, adherence to the Growth Plan, and their concerns regarding traffic.

Stephanie Tuin, 205 Country Club Park, said that she had gone to the neighborhood meetings wherein Mr. Munkres stated that access onto Bella Pago Road would be for emergency vehicles only.

APPLICANT'S REBUTTAL

Mr. Ted Munkres stated that they had originally submitted emergency only access to Bella Pago; however, staff had reminded them that the development code requires inter-community circulation.

QUESTIONS

Commissioner Lowrey asked about the general concept on sewer and water. Mr. Munkres answered that they are in the process of working on that on various stages. The first phase would have water and sewer off of Hidden Valley Drive and High Ridge Drive and eventually it will connect to the Pinnacle Ridge Subdivision which will have additional water and sewer capability. Mr. Munkres also stated that there is a possibility that this subdivision could have a pump station on it.

Commissioner Lowrey asked, in the event they could not get access to the property to the north for a number of years, would the development of Phases II and III not occur for several years, or if the pump station is an alternative. Ted Munkres stated that a pump station is an alternative to that.

DISCUSSION

Commissioner Lowrey stated that he was in favor of the project.

Commissioner Cole also stated that he was in favor of it.

MOTION: (Commissioner Cole) “Mr. Chairman, on item number ODP-2006-358, I move that the Planning Commission forward a recommendation of approval for the Ridges Mesa Planned Development, Outline Development Plan, with the facts and findings listed in the project report.”

Commissioner Lowrey seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

4. GPA-2007-263 GROWTH PLAN AMENDMENT – Lime Kiln Creek Ranch

Request approval for a Growth Plan Amendment to change the Future Land Use Designation from Estate (2 – 5 ac/du) to Residential Medium Low (2 – 4 du/ac).

PETITIONER: Mac Cunningham – Cunningham Investments Company, Inc.

LOCATION: 2098 E ½ Road

STAFF: Scott Peterson, Senior Planner

STAFF’S PRESENTATION

Scott Peterson, Senior Planner, Public Works and Planning Department, gave a PowerPoint presentation of the request for a Growth Plan Amendment for property located at 2098 E ½ Road. The request is from the Estate designation to Residential Medium Low. He stated that the proposed GPA request is located northeast of the Tiara Rado Golf Course; east of 20½ Road; and south of Broadway, Highway 340. Mr. Peterson stated that the total acreage for this property is slightly less than 28 acres. He further stated that there has been increased residential development and urban

pressures, both in and around the Tiara Rado Golf Course and also the Redlands in general since adoption of the current Growth Plan in 1996. He said that this property is within the 201 Persigo Sewer Service Urban Boundaries and has access to both water and sewer services. According to the Redlands Area Plan, new development is encouraged to locate on land least suitable for agricultural use. He further stated that the Redlands Area Plan supersedes the current Growth Plan. Mr. Peterson said that currently the parcel is vacant and is surrounded by single-family residential properties of various sizes. Existing and proposed infrastructure facilities are adequate to serve the proposed residential development. Mr. Peterson stated that it is anticipated that an additional 52,000 homes within the Grand Valley will be required within the next 20 to 30 years to accommodate the proposed growth projections. As a result, existing areas within the urban growth boundary that are currently designated as larger lot, lower density development will need to be evaluated for anticipated higher density development with adequate public facilities and infrastructure. According to the applicant's general project report, the character of the area is one of transition and urbanization. Mr. Peterson said that current County zoning for the area is RSF-2 and RSF-4. He added that it is reasonable to request a change in the Growth Plan to allow for higher densities to take advantage of public infrastructure and develop the property at a density that would correspond with the adjacent residential growth plan designations as are currently on two sides of the property. He added that the proposal is consistent with the goals and policies of the Growth Plan and also the Redlands Area Plan which promotes an increase in densities and development on land not suitable for agricultural use. He added that it is reasonable to recognize that public infrastructure is already in the area and properties that are currently undeveloped and have larger acreage to support increased densities should be considered. He also stated that he feels the community benefit by increasing densities in this area that already have adequate facilities and services rather than perpetuating sprawl to outlying areas meets the goals and policies of the Growth Plan and also the Redlands Area Plan. Also updated utility services such as sewer will benefit both this development as well as adjacent properties. Therefore, staff found that the requested Growth Plan Amendment is consistent with the purpose and intent of the Growth Plan and Redlands Area Plan and that the pertinent review criteria of the Zoning and Development Code have been met.

QUESTIONS

Commissioner Putnam asked what the zoning of the property to the south is. Mr. Peterson stated that it is split zone between RSF-2 and RSF-4.

Chairman Dibble asked if the property has been annexed into the City. Scott Peterson said that City Council took land use jurisdiction at a recent meeting with a final determination on annexation coming up in January.

Commissioner Lowrey asked if the Growth Plan could be in error because of the growth since 1996. Mr. Peterson said that he does not think the Growth Plan was in error when it was adopted in 1996; however, conditions have changed in the past 11+ years.

PETITIONER'S PRESENTATION

Mac Cunningham thanked the Commission for considering the Growth Plan Amendment. He also said that they appreciate staff's recommendation for approval and their determination that all criteria necessary for approval have been met. He stated that applicant would be pursuing any future land use issues on this property in full compliance with the City's existing Codes and regulations. He advised that a major public misconception exists – this property has been zoned 2 to 4 homes per acre since 1961. The County had recently confirmed this zoning. He said that through the Growth Plan Amendment the underlying zoning should be respected as originally anticipated in the Persigo Agreement. He stated that relative to the surrounding Growth Plan designations, this property abuts Residential Medium Low on three sides. He suggested that the Redlands Area Plan is the primary document to gauge consistency of any amendment request. Mr. Cunningham stated that based on staff's findings of error relative to the original Growth Plan designation, they believe error does exist particularly in light of the 1998 Persigo Agreement and the 2002 Redlands Area Plan, both of which call for urban levels of density for this property. Furthermore, he said that given the current growth trends and needs of the community, an error in this property's designation exists. With regard to the earlier question raised regarding the split zoning, Mr. Cunningham said that it is because it is a section line.

PUBLIC COMMENT

For:

Don Pettygrove (8 Moselle Court) stated that the intent of the 201 boundary is that anything within the boundary should be at urban densities, and, therefore, the Estate zoning would be an error.

Steve Kessler said that he feels that there are issues of affordability to the community as well as spreading the growth and that the community would need to be considered next.

Paul Nelson spoke in favor of the Growth Plan Amendment. He further stated that the plan for this land is responsive to both the Growth Plan and the marketplace. He urged the Commission to approve the Growth Plan Amendment because it is in character with the neighborhood and represents intelligent use of a very finite resource, the land of Mesa County.

Matt Mayer said that while understanding the concerns of most of the people regarding this development, he believes there is a fundamental issue of fairness at stake. He further stated that he believes the plan as presented is consistent with the Redlands

Area Plan and the Growth Plan and also urged the Commission to approve the amendment.

Richard Innis said that the negatives that people have can be cured with good multiple unit density. Also, traffic can be simplified with the planned unit development.

Ken Scissors (2073 Corral de Terra) said that he was led to believe that the Growth Plan is the Growth Plan and the zoning is the zoning. He said that he is partly in favor of the amendment and partly against the development. He said that his concern is that the site looks like an island of high density surrounded by low density and the actual high density is more on the highway and in the area around the golf course. In general, he said that if changes are to be made to the Growth Plan, they should be done in a comprehensive sense.

Ed Ehlers said that he was in favor of the project and agreed that land needs to be used wisely.

Against:

Dave Brown stated that he does not believe the existing roads can handle any more density than there is right now. He said that the infrastructure will not support the proposed density and urged the denial of the amendment.

Fred Aldrich, attorney, (601A 28 1/4 Road) spoke on behalf of at least three property owners (Mike and Karen Anton; Paul Brown; and Steve Voytilla) as to certain specific issues. He addressed the effect of the Persigo Agreement and the 2002 Redlands Area Plan. He said that the Redlands Plan provides the foundation to refute what the applicant is seeking to do. He said that the plan was specifically adopted to overlay the existing zoning and future development was taken into account. Mr. Aldrich stated that the concept that there is a fundamental error in the Growth Plan is absolutely not true.

Colleen Scissors said that if approved, neighboring landowners will be requesting an amendment to their properties which will have a dramatic effect on this area. She said that the area should keep the rural character.

Lewis Levington commented that he has concerns with traffic, roads, egress and ingress in the area. He stated that with all of the proposed and anticipated future development there will be a lot of infrastructure problems to deal with.

Janet Winnig (1991½ South Broadway) asked who is going to pay for the needed infrastructure and if that infrastructure will be in place before beginning any development. She also asked if schooling issues have been considered.

Rod Asbury said that he represents the homeowners' association located behind the Safeway area. He stated that they are concerned with infrastructure and, more particularly, traffic, water and schooling.

Mike Anton said that neither the Growth Plan nor the Redlands Area Plan is in error. He said that if this goes through, there will be many problems with sewer, school and traffic. He urged the Commission to stay consistent with the Growth Plan, the Redlands Area Plan and what the neighbors are asking for.

Tom Fee (2082 E½ Road) said that he does not see where high density fits into the character of the neighborhood.

Chad Dragel (2113 Hodesha Way) said that there are two streams on this property which takes away from buildable property.

Kelly Doshier stated that she is concerned with the Growth Plan Amendment. She said that she was confused as to what is the controlling document – the Growth Plan, the Redlands Area Plan, Urban Plan, 201 Plan. She further said that she disagrees with the amendment and doesn't think it is consistent with the character of the neighborhood.

Paul Brown (2067 E½ Road) stated that Mr. Cunningham is on record testifying against an adjacent rezone.

Patricia Reeves Millias (445 Wildwood Drive) expressed concern with traffic on South Broadway specifically. She also asked what the next step is if this is approved.

Andrea Tanner (2084 Hodesha Court) begged the Commission not to change the character of the neighborhood.

Paula Armstrong (2133 Village Circle Court) stated that she hopes drainage water which comes down Lime Kiln Creek will be taken into consideration. Ms. Armstrong read a portion of the City's Mission Statement.

Carol Kissinger, president of the Seasons HOA, stated that they would like to see the density stay where it is at.

Robert Johnson (583 20 Road) said that he feels betrayed with the rezoning.

Steve Voytilla (2099 Desert Hill Road) said that the proposed development is not compatible with the surrounding density. He stated that he does not believe there is a need for high density development.

Janet Bolton stated that this property is a wildlife sanctuary and the proposed density will change the Redlands forever. She urged the Commission to deny the amendment.

PETITIONER'S REBUTTAL

Mac Cunningham reiterated that there are significant misconceptions, such as the zoning on this property is 2 to 4 homes per acre. He stated that he too shares many of the same concerns regarding traffic and drainage as many others do. He stated that the underlying zoning was of great concern when the County Commissioners allowed the Persigo Agreement to move forward and annexation to be forced on property owners. Mr. Cunningham stated that the purpose is to move forward to eventually developing this property at residential development densities that are appropriate for the overall area. He said that the current growth patterns clearly trump the original Growth Plan.

STAFF'S REBUTTAL

Scott Peterson stated that the developer pays for development and whoever develops a subdivision pays for the infrastructure to include water, sewer and streets.

QUESTIONS

Chairman Dibble asked about major arterials which are outside of the development itself. Scott Peterson said that TCP fees pay for upgrades to the road system.

STAFF'S REBUTTAL

Scott Peterson stated that the Commission would make recommendation to City Council and the public would then have an opportunity to speak on this issue when it would proceed to City Council meeting. If City Council approved the proposed Growth Plan Amendment, the applicant would need to request a zoning designation. If the Growth Plan was approved, the zoning designation would either be an R-2 designation or an R-4 designation.

QUESTIONS

Commissioner Lowrey asked if there would be interconnectivity onto Broadway. Mr. Cunningham stated that E½ Road was always a half road in the county plan. There are right-of-ways that exist up to 20-1/4 Road going to the west. Also, any development application coming forward would have to consider that plus any infrastructure requirements or improvements that may relate to future development.

STAFF'S REBUTTAL

Scott Peterson stated that upon annexation and development, the appropriate amount of right-of-way would have to be dedicated to meet City standards.

DISCUSSION

Commissioner Pitts stated that he believes a Growth Plan Amendment is an infringement on a way of life that was created by the zoning that was currently there

and believes that space needs to be retained. He stated that he is not in favor of the proposal.

Commissioner Putnam said that both the Persigo Agreement and the Redlands Area Plan designate property within the urban growth boundary to be at an urban density. He said that the primary issue appears to be density. He further stated that he thinks there is adequate evidence to indicate that there needs to be more density all throughout the valley. Therefore, he said that he is prepared to support this proposition.

Commissioner Cole stated that the Growth Plan is simply that – a plan. He also stated that the Persigo Agreement addresses urban density and distribution of costs of infrastructure. Furthermore, he believes the proposal meets the criteria and would be in favor of approving it.

Commissioner Lowrey stated that he has concluded that the Growth Plan does not work as it was developed at a time when people did not project the growth that the area is experiencing. He stated that he was in favor of the Growth Plan Amendment.

Commissioner Wall stated that he believes the Growth Plan does work. He stated that he thinks this Growth Plan Amendment makes sense and would approve it.

Commissioner Pavelka-Zarkesh added that in order to preserve the farming areas, the orchards, some environmentally sensitive areas along the riverfront, and areas that have the infrastructure need to be taken advantage of and she would be in favor of this development.

Chairman Dibble stated that he believes the growth has outgrown the Growth Plan. He also stated that this development, by definition, is not high density. He stated that there have been subsequent events in the Growth Plan to warrant a Growth Plan Amendment.

MOTION: (Commissioner Lowrey) “Mr. Chairman, on item GPA-2007-263, Lime Kiln Creek Ranch Growth Plan Amendment, I move that we forward a recommendation of approval of the amendment from Estate (2 – 5 Ac./DU) to Residential Medium Low (2 – 4 DU/Ac.) with the findings and conclusions as identified in the City Staff Report.”

Commissioner Cole seconded the motion. A vote was called and the motion passed by a vote of 6 – 1 with Commissioner Pitts opposed.

Chairman Dibble announced that after the 1st of the year, meetings will begin at 6:00 p.m. With no objection and no further business, the public hearing was adjourned at 11:12 p.m.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING APPROXIMATELY 51.04 ACRES FROM R-2 TO PD
(PLANNED DEVELOPMENT)**

**THE RIDGES MESA PLANNED DEVELOPMENT
LOCATED EAST OF HIDDEN VALLEY DRIVE AND HIGH RIDGE DRIVE**

Recitals:

A request for a Rezone and Outline Development Plan approval has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 51.04 acres located east of Hidden Valley Drive, High Ridge Drive and north of Bella Pago, be rezoned from R-2 (Residential, 2 units per acre) to PD (Planned Development) retaining R-2 as the default zoning designation.

The PD zoning ordinance will establish the default zoning and maximum and minimum number of dwelling units. It also shows approximate areas of proposed open space and areas of slopes greater than 30%. Possible roadway connections and trails are also shown. Deviations from the R-2 bulk standards, specific design standards and entrance signage details shall be established with the preliminary plan for each phase, if required.

In public hearings, the Planning Commission and City Council reviewed the request for the proposed Rezone and Outline Development Plan approval and determined that it satisfied the criteria as set forth and established in Section 2.12.B.2 of the Zoning and Development Code and the proposed Rezone and Outline Development Plan is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REZONED FROM R-2 TO PD WITH AN R-2 DEFAULT ZONE:

Property to be Rezoned:

Tax Parcel Number 2945-212-17-007; Lot 7, Ridge Point Filing 1, recorded at Plat Book 14, Pages 348-350 of the Mesa County Clerk and Recorders Office.

PD Phases:

See Attached Exhibit A, Outline Development Plan

- Phase 1 – Maximum number of residential units – 28 / totaling 14.16 acres
- Phase 2 – Maximum number of residential units – 45 / totaling 22.58 acres
- Phase 3 – Maximum number of residential units – 28 / totaling 14.30 acres

The minimum number of dwelling units will be at a density of 0.5 dwelling units per acre.

The public benefit to be obtained by the Planned Development will be that the applicants have committed to a trail system within the open space areas that will be available for public use. This trail system is not shown on the Urban Trails Master Plan, and therefore is above and beyond the Code requirements. The Open Space provided will exceed that required by the Code in single-family residential developments.

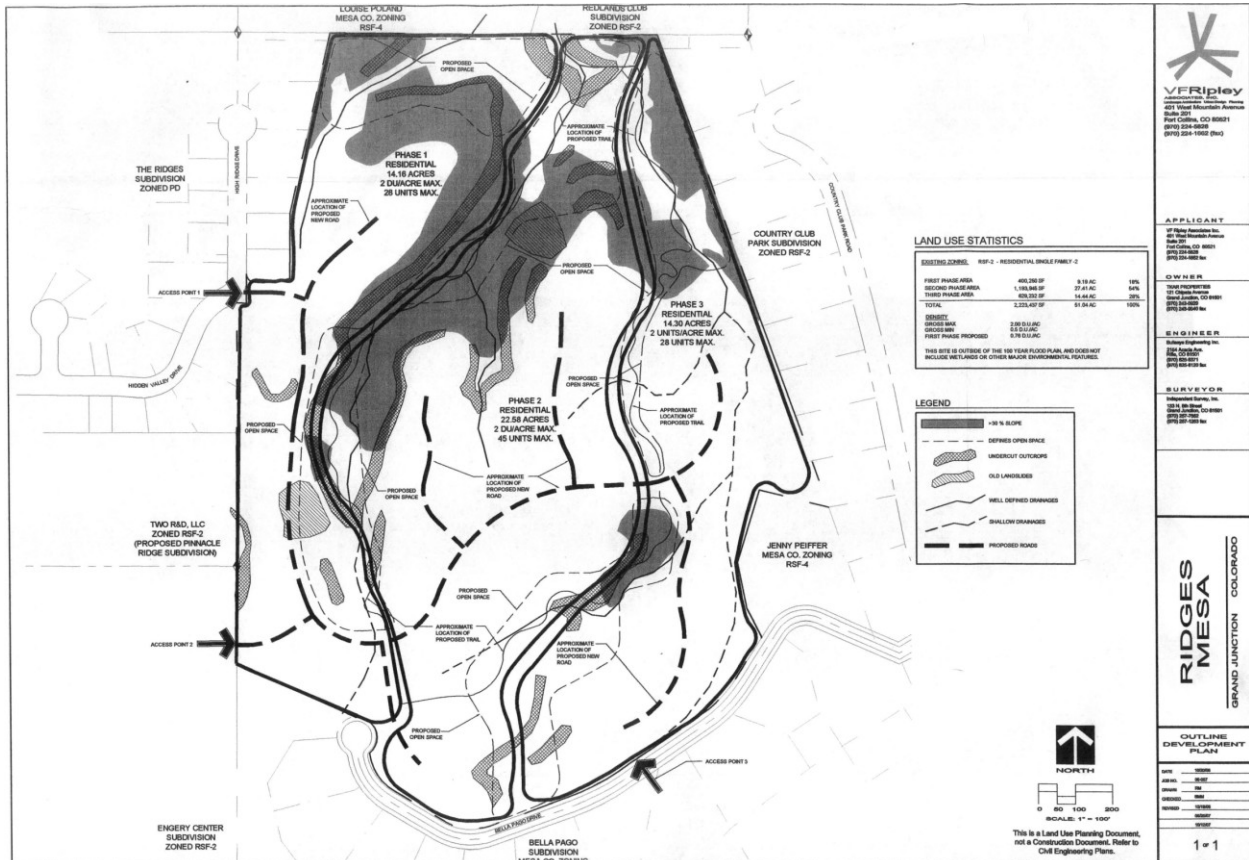
INTRODUCED on first reading on the 17th day of December, 2007 and ordered published.

ADOPTED on second reading this _____ day of _____, 2008.

ATTEST:

President of Council

City Clerk



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RIDGES MESA
 GRAND JUNCTION COLORADO

OUTLINE DEVELOPMENT PLAN

DATE	11/11/11
BY	JR
REVISION	01
DATE	11/11/11
BY	JR
REVISION	02
DATE	11/11/11
BY	JR
REVISION	03
DATE	11/11/11
BY	JR
REVISION	04

1 of 1

Exhibit A