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**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
WEDNESDAY, MARCH 19, 2008, 7:00 P.M.**

Call to Order

Pledge of Allegiance

Citizen Comments

***** CONSENT CALENDAR ***®**

1. **Setting a Hearing Zoning the Ford Annexation, Located at 2036 Broadway**
[File #ANX-2007-375] [Attach 1](#)

Request to zone the 4.06 acre Ford Annexation, located at 2036 Broadway in the Redlands, to R-4, Residential – 4 units/acre Zoning District in anticipation of future residential development.

Proposed Ordinance Zoning the Ford Annexation to R-4, Residential – 4 units/acre, Located at 2036 Broadway

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 2, 2008

Staff presentation: Scott D. Peterson, Senior Planner

*** Indicates New Item

® Requires Roll Call Vote

2. **Juniata Reservoir Spillway Modification Design Services** [Attach 2](#)

Request is being made by the City of Grand Junction Water Department to Award Buckhorn Geotech, Inc. of Montrose, Colorado the Design Services Contract for modifying the spillway at Juniata Reservoir.

Action: Authorize the City Manager to Sign a Design Services Contract with Buckhorn Geotech, Inc., in the Amount of \$61,745.00

Staff presentation: Tim Moore, Public Works and Planning Director

*** 3. **Contract to Purchase Property at 821 27 Road** [Attach 9](#)

Negotiations by City staff with the owners of 821 27 Road have been completed and a contract to purchase the property has been signed by both parties.

Resolution No. 41-08 – A Resolution Ratifying the Contract to Purchase Real Property Located at 821 27 Road from Janice Jones

®Action: Adopt Resolution No. 41-08

Staff presentation: John Shaver, City Attorney
Joe Stevens, Parks and Recreation Director

*** 4. **Contract to Purchase Property at 2856 Patterson Road** [Attach 10](#)

Negotiations by City staff with the owners of 2856 Patterson Road have been completed and a contract to purchase the property has been signed by both parties.

Resolution No. 42-08 – A Resolution Ratifying the Contract to Purchase Real Property Located at 2856 Patterson Road from Chris and Angela Walter

®Action: Adopt Resolution No. 42-08

Staff presentation: John Shaver, City Attorney
Joe Stevens, Parks and Recreation Director

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

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

***5. **Contract with Mesa County Animal Services** [Attach 11](#)

The City of Grand Junction has an ongoing, annually renewable agreement with Mesa County for the control of dogs within the City limits. The City pays the County a percentage of the Animal Services budget based upon the City's percentage of total calls for service. The estimated budget for Animal Control Services in 2008 is \$736,567.00. The City's share of that estimated budget for 2008 is 38.1%, or \$280,632.00. Payments will be made to the County on a quarterly basis.

In addition to the cost of Animal Control Services, this contract includes \$227,200 for capital expansion of the shelter which is planned for 2008. This amount will also be paid on a quarterly basis in conjunction with the payment for Animal Control Services.

Action: Approve and Authorize the Mayor to Sign the 2008 Agreement for Animal Control Services which includes a Capital Improvement Expenditure of \$227,200 and the Total Amount of the Annual Agreement being \$468,113.00

Staff presentation: John Shaver, City Attorney

6. **Public Hearing—Power Motive Growth Plan Amendment, Located at 763 23 ½ Road** [File #GPA-2008-011] [Attach 3](#)

The applicants request that a 2-acre lot bearing a single family resident unit revert back to the previous Growth Plan Designation of Commercial/Industrial from the current designation of Estate which was applied in 2005. The property is located at 763 23 ½ Road.

Resolution No. 36-08—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 2 acres for Property Located at 763 23 ½ Road from Estate back to Commercial/Industrial

®Action: Adopt Resolution No. 36-08

Staff presentation: Lori V. Bowers, Senior Planner

7. **Public Hearing—Below-Senatore-Stone Annexation and Zoning, Located at 209 ½ and 221 Red Mesa Heights Road** [File #ANX-2007-373] [Attach 4](#)

Request to annex 2.95 acres, located at 209 ½ and 221 Red Mesa Heights Road to R-2 (Residential 2 du/ac). The Below-Senatore-Stone Annexation consists of 2 parcels, is a 2 part serial annexation and includes portions of Hwy 340 (Broadway) and Red Mesa Heights Road rights-of-way.

a. Accepting Petition

Resolution No. 37-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Below-Senatore-Stone Annexations No. 1 and No. 2, Located at 209 ½ and 221 Red Mesa Heights Road and Including Portions of Highway 340 and Red Mesa Heights Rights-of-Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 4196—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Below-Senatore-Stone Annexation No. 1, Approximately 0.43 acres, Located at 209 ½ Red Mesa Heights Road and Including Portions of Highway 340 and Red Mesa Heights Rights-of-Way

Ordinance No. 4197—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Below-Senatore-Stone Annexation No. 2, Approximately 2.52 acres, Located at 209 ½ and 221 Red Mesa Heights Road

c. Zoning Ordinance

Ordinance No. 4198—An Ordinance Zoning the Below-Senatore-Stone Annexation to R-2, Located at 209 ½ and 221 Red Mesa Heights Road

®Action: Adopt Resolution No. 37-08 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4196, 4197, and 4198

Staff presentation: Senta L. Costello, Associate Planner

8. **Public Hearing—Sage Hills Annexation and Zoning, Located at 3115 ½ and 3117 D ½ Road and Two Unaddressed Parcels on D ½ Road** [File #ANX-2007-363] [Attach 5](#)

Request to annex and zone 14.55 acres, located at 3115 ½ and 3117 D ½ Road and two unaddressed parcels on D ½ Road to R-5 (Residential 5 du/ac). The Sage Hills Annexation consists of 4 parcels and is a two part serial annexation.

a. Accepting Petition

Resolution No. 38-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Sage Hills Annexation, No. 1 and No. 2, Located at 3115 ½ and 3117 D ½ Road and Two Parcels with No Address on D ½ Road is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 4199—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sage Hills Annexation No. 1, Approximately 4.92 acres, Located at 3115 ½ and 3117 D ½ Road and Two Parcels with No Address on D ½ Road

Ordinance No. 4200—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sage Hills Annexation No. 2, Approximately 9.63 acres, Located at 3115 ½ and 3117 D ½ Road and Two Parcels with No Address on D ½ Road

c. Zoning Ordinance

Ordinance No. 4201—An Ordinance Zoning the Sage Hills Annexation to R-5 (Residential 5 du/ac), Located at 3115 ½ and 3117 D ½ Road and Two Unaddressed Parcels on D ½ Road

®Action: *Adopt Resolution No. 38-08 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4199, 4200, and 4201*

Staff presentation: Justin T. Kopfman, Associate Planner

9. **Public Hearing—Lusk Annexation, Located at 2105 South Broadway** [File #ANX-2007-368] [Attach 6](#)

Request to annex 8.53 acres, located at 2105 South Broadway. The Lusk Annexation consists of one parcel.

a. Accepting Petition

Resolution No. 39-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Lusk Annexation, Located at 2105 South Broadway is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4202—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Lusk Annexation, Approximately 8.53 acres, Located at 2105 South Broadway

®Action: Adopt Resolution No. 39-08 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4202

Staff presentation: David Thornton, Principal Planner

10. **Public Hearing—Vacation of Public Right-of-Way, 7th and Main North/South Alley** [File #VR-2007-222] [Attach 7](#)

Request to vacate the north/south alley located between North 7th Street and North 8th Street on the north side of Main Street. The applicant is requesting to vacate the alley in order to use the adjacent property to the east for a future mixed-used development.

Ordinance No. 4203—An Ordinance Vacating North/South Right-of-Way for Alley Located between North 7th and North 8th Streets, North of Main Street

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4203

Staff presentation: Senta L. Costello, Associate Planner

11. **2008 Grand Junction / Mesa County Stormwater Management Manual (SWMM)** [Attach 8](#)

The 1996 Grand Junction/Mesa County Stormwater Management Manual (SWMM) has been updated in order to comply with the new regional stormwater engineering design criteria, local stormwater drainage policies and engineering design specifications. This update meets new federal and state stormwater regulation mandates for construction sites.

Resolution No. 40-08—A Resolution Adopting the 2008 Stormwater Management Manual (SWMM)

®Action: Adopt Resolution No. 40-08

Staff presentation: Tim Moore, Public Works and Planning Director
Rick Dorris, Development Engineer

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

13. **Other Business**

14. **Adjournment**

Attach 1

Setting a Hearing Zoning the Ford Annexation, Located at 2036 Broadway

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Zoning the Ford Annexation - Located at 2036 Broadway		
File #	ANX-2007-375		
Meeting Day, Date	Wednesday, March 19, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	March 12, 2008		
Author Name & Title	Scott D. Peterson, Senior Planner		
Presenter Name & Title	Scott D. Peterson, Senior Planner		

Summary: Request to zone the 4.06 acre Ford Annexation, located at 2036 Broadway in the Redlands, to R-4, Residential – 4 units/acre Zoning District in anticipation of future residential development.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed Ordinance and set a Public Hearing for April 2, 2008.

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2036 Broadway		
Applicants:		Paul B. and Judith A. Ford, Owners		
Existing Land Use:		Single-family home		
Proposed Land Use:		Residential subdivision		
Surrounding Land Use:	North	Single-family residential		
	South	Single-family residential		
	East	Single-family residential		
	West	Single-family residential		
Existing Zoning:		RSF-4, Residential Single-Family – 4 units/acre (County)		
Proposed Zoning:		R-4, Residential – 4 units/acre		
Surrounding Zoning:	North	RSF-4, Residential Single-Family – 4 units/acre (County)		
	South	RSF-2, Residential Single-Family – 2 units/acre (County)		
	East	RSF-4, Residential Single-Family – 4 units/acre (County)		
	West	RSF-4, Residential Single-Family – 4 units/acre (County)		
Growth Plan Designation:		Residential Medium Low (2 -4 DU/Ac.)		
Zoning within density range?		X	Yes	No

Staff Analysis:

Background: The 4.06 acre Ford Annexation consists of one (1) parcel of land located at 2036 Broadway. The property owners, Paul and Judith Ford, 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.

Consistency with the Growth Plan: The requested zone district of R-4, Residential – 4 units/acre is consistent with the Future Land Use designation of Residential Medium Low (2 – 4 DU/Ac.).

Section 2.6 A. 3. and 4. of the Zoning and Development Code: Zone of Annexation: The requested zone of annexation to the R-4, Residential – 4 units/acre Zoning District is consistent with the Growth Plan density of Residential Medium Low (2 – 4 DU/Ac.). The existing County zoning is RSF-4, Residential Single Family – 4 units/acre. In accordance with Section 2.14 of the Zoning and Development Code, the zoning of the

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.

The proposed R-4 District is compatible with the neighborhood and will not create adverse impacts as this existing property is surrounded by single-family residential development and incorporates the Growth Plan designation of Residential Medium Low (2 – 4 DU/Ac.). Review of platted adjacent County subdivisions in this area indicates that the average density is just under 2 dwelling units/acre (Country Squire Subdivision = 1.6 DU/Ac.; Suncrest Subdivision = 1.91 DU/Ac.). Country Squire and Suncrest Subdivisions are larger lot and lower density subdivisions due to the fact when they were developed in the County, the minimum acreage allowed to have a septic system was half an acre in size. To the north of Suncrest Subdivision is the Independence Heights Subdivision which is inside the City limits and zoned R-4.

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

Adequate public facilities are available or will be supplied at the time of further development of the property. Water (Ute) is available in Broadway and also Rodeo Way. Sewer is available in Rodeo Way. It is reasonable to request the zoning designation of R-4 and to develop the property at a density that would correspond with the assigned Growth Plan designation of Residential Medium Low (2 – 4 DU/Ac.) and also that would be in compliance with the Redlands Area Plan by upholding the present Growth Plan designation as a developable residential parcel.

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

- a. R-2, Residential – 2 units/acre.

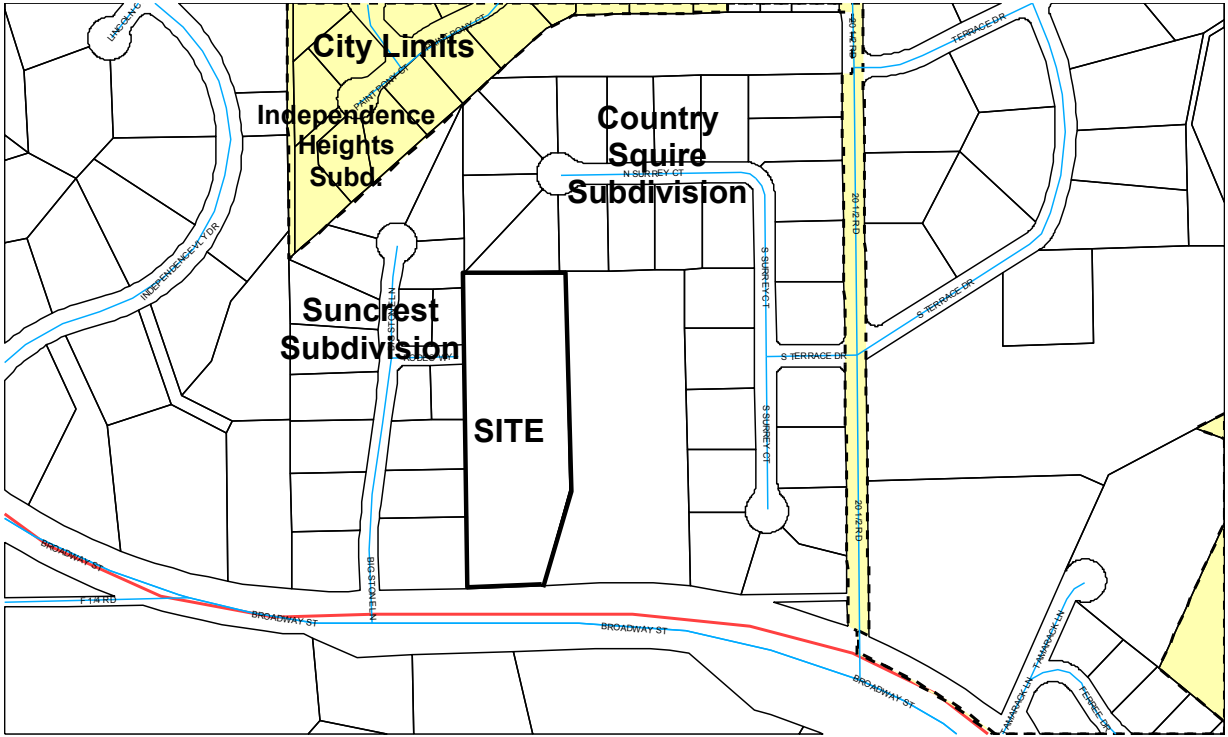
If the City Council chooses to recommend this alternative zone designation, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATION:

During their March 11, 2008 meeting, the Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the R-4, Residential – 4 units/acre Zone District to be consistent with the Growth Plan, the existing County Zoning of RSF-4, Residential Single-Family – 4 units/acre and Section 2.6 and 2.14 of the Zoning and Development Code.

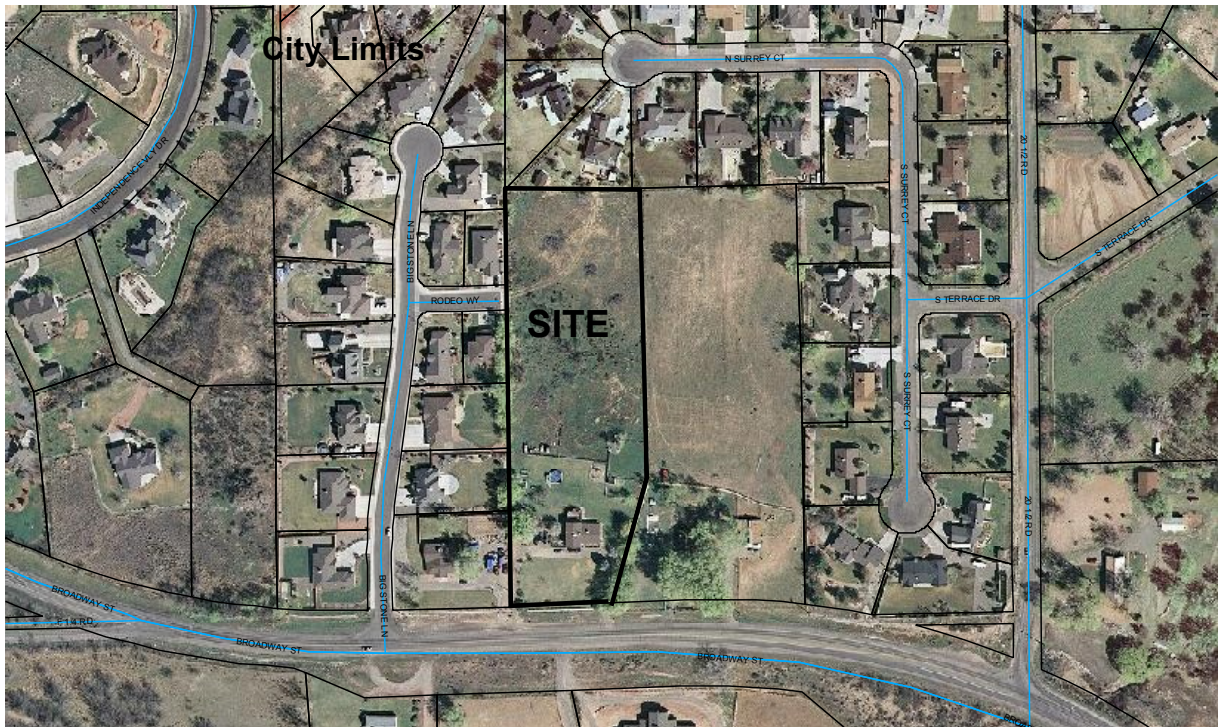
Site Location Map

Figure 1



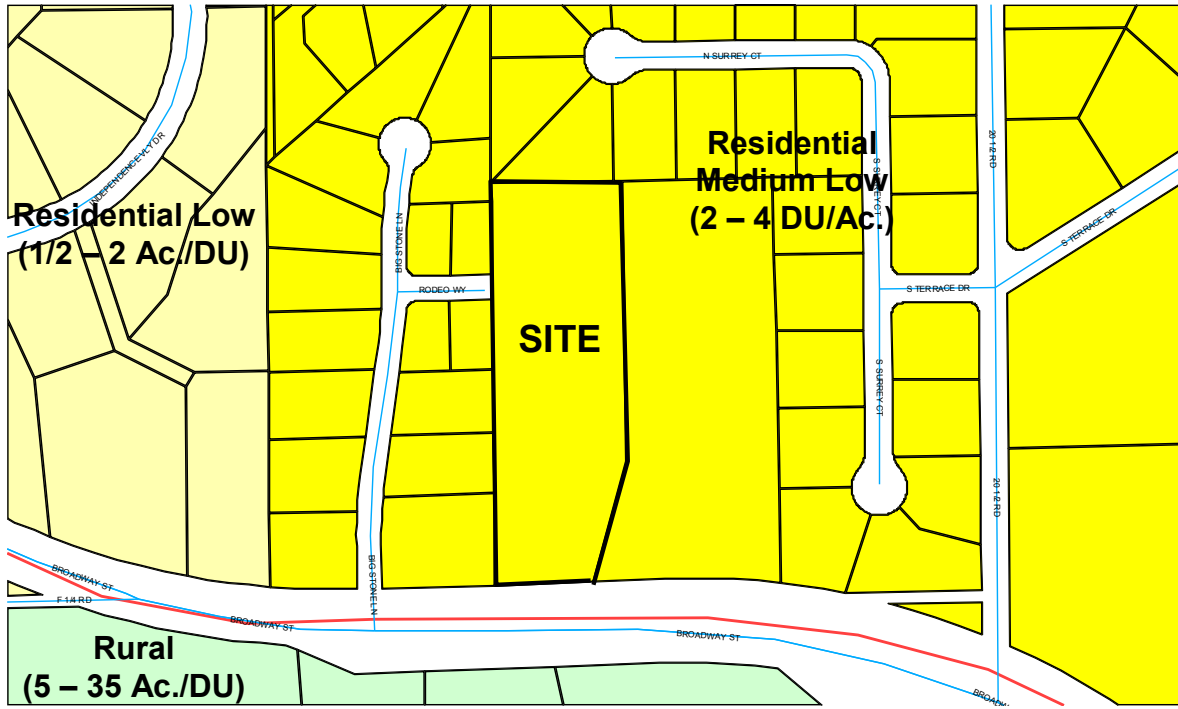
Aerial Photo Map

Figure 2



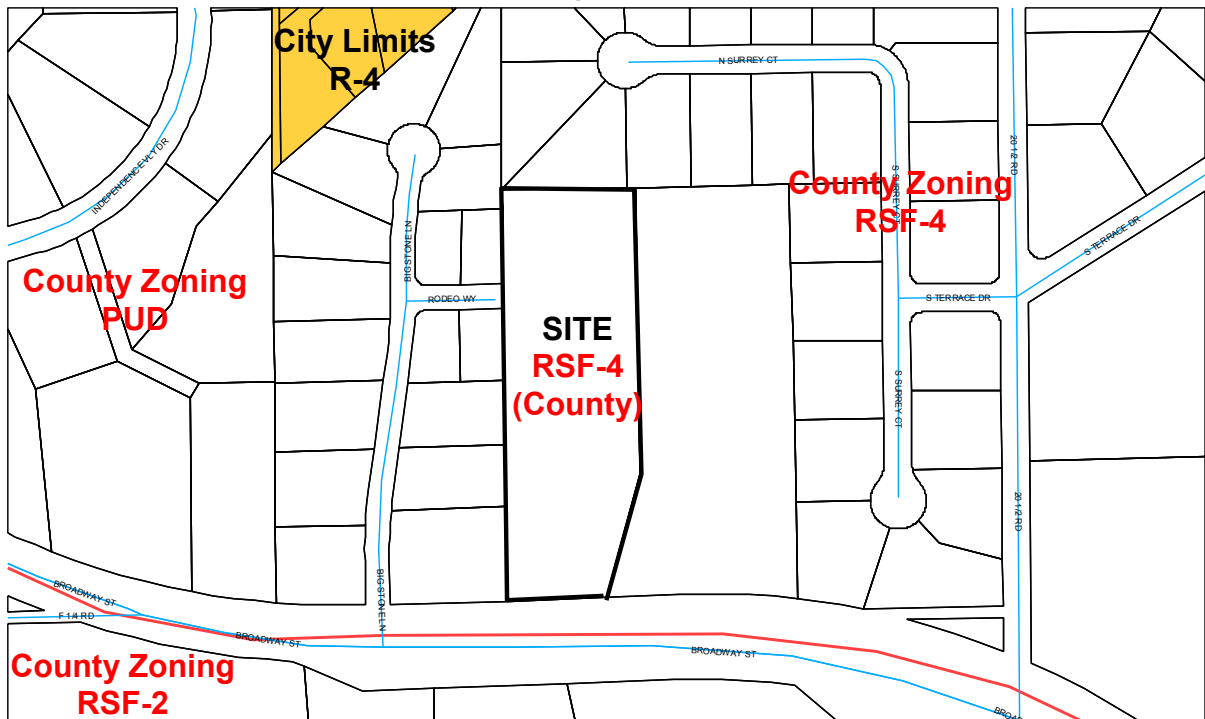
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE FORD ANNEXATION TO
R-4, RESIDENTIAL – 4 UNITS/ACRE**

LOCATED AT 2036 BROADWAY

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 Ford Annexation to the R-4, Residential – 4 units/acre 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, Residential – 4 units/acre 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/acre Zone District.

FORD ANNEXATION

A certain parcel of land located in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 15, Township Eleven South, Range One Hundred and One West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Southeast corner of Lot 1 of Suncrest Subdivision, as same is recorded in Plat Book 16, Page 186, public records of Mesa County, Colorado and assuming the East line of said Suncrest Subdivision to bear N00°48'43"E with all bearing contained herein relative thereto; thence N00°48'43"E along the East line of said Suncrest Subdivision, a distance of 730.15 feet to the Southwest corner of Lot 14 of Country Squire Subdivision, as same is recorded in Plat Book 13, Page 18, public records of Mesa County, Colorado; thence S89°43'18"E along the South line of said Country Squire Subdivision, a distance of 239.87 feet; thence S00°40'43"W a distance of 509.05 feet; thence S17°19'43"W a distance of 231.47 feet to a point on the North

Right of Way line, as same as recorded in Book 530, Page 485 of the Mesa County, Colorado public records; thence S00°33'30"W to a point on the South line of the NE 1/4 SW 1/4 of Section 15, Township Eleven South, Range One Hundred and One West of the 6th Principal Meridian, County of Mesa, State of Colorado, a distance of 26.95 feet; thence N89°26'30"W along the said South line of the NE 1/4 SW 1/4, a distance of 172.99 feet; thence Southeasterly the following (3) three courses: (1) S00°00'00"E a distance of 28.26' feet (2) S89°39'07"E a distance of 449.02 feet (3) 469.27 feet along the arc of a 1503.82 foot radius curve, concave Southwest, having a central angle of 17°52'45" and a chord bearing S74°37'31"E a distance of 467.36 feet; thence 720.86 feet along the arc of a 1417.00 foot radius curve, concave Southwest, having a central angle of 29°08'51" and a chord bearing S51°06'43"E a distance of 713.11 feet, said line also being the South line of Page Annexation No.3, Ordinance No. 4084, City of Grand Junction; thence S37°06'43"E a distance of 241.57 feet, said line also being the South line of said Page Annexation No.3; thence S52°53'17"W a distance of 2.00 feet; thence N37°06'43"W along a line being 2.00 feet South and parallel with the South line of said Page Annexation No.3, a distance of 241.57 feet; thence 719.84 feet along the arc of a 1415.00 foot radius curve, concave Southwest, having a central angle of 29°08'51" and a chord bearing N51°06'43"W a distance of 712.10 feet, said line also being 2.00 feet South of said Page Annexation No.3; thence Northwesterly the following (3) three courses: 468.64 feet along the arc of a 1501.82 foot radius curve, concave Southwest, having a central angle of 17°52'45" and a chord bearing N74°37'31"W a distance of 466.74 feet (2) N89°39'07"W a distance of 450.81 feet (3) N00°00'00"W a distance of 56.57 feet to the Point of Beginning.

Said parcel contains 4.06 acres (176,935.31 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 2

Juniata Reservoir Spillway Modification Design Services

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Juniata Reservoir Spillway Modification Design Services		
File #			
Meeting Day, Date	Wednesday, March 19, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	March 11, 2008		
Author Name & Title	Bret Guillory, Utility Engineer		
Presenter Name & Title	Tim Moore, Public Works & Planning Director		

Summary: Request is being made by the City of Grand Junction Water Department to award Buckhorn Geotech, Inc. of Montrose, Colorado the design services contract for modifying the spillway at Juniata Reservoir.

Budget: Project No.: 3011-F43500

Project costs:

Design Services	\$ 61,745.00
Construction (estimate)	\$ 120,000.00
Total Project Costs (estimate)	\$ 181,745.00

Project funding:

Fund 3011-F43500	
2007Rev/2008 Budget:	\$ 190,000.00
Design Services	\$ 61,745.00
Construction (estimate)	\$ 120,000.00
Balance	\$ 8,255.00

Action Requested/Recommendation: Authorize the City Manager to sign a design services contract with Buckhorn Geotech, Inc. in the amount of \$61,745.00.

Attachments: None

Background Information: The City of Grand Junction Water Department owns and operates 14 reservoirs that serve the City's raw water storage needs. The largest of the group is Juniata Reservoir located within the City watershed on Purdy Mesa approximately 16 miles southeast of the City of Grand Junction. Juniata is a Class 1,

high hazard, large dam, with a storage volume of 6,868 ac-ft at the elevation of the normal operating pool, with approximately eight feet of available free board.

The goal of this project is to perform an evaluation and design to elevate the existing spillway that would allow for approximately three feet of additional storage depth in the reservoir. The additional depth will provide approximately 450 ac-ft of additional storage capacity. The detailed evaluation and design will include slope stability of the existing structure, evaluation of the existing monitoring instrumentation to verify its adequacy for the enlarged impoundment, hydrologic and hydraulic analysis for design of the spillway and channel in accordance with Division of Water Resources (DWR) Rule 5 criteria, performance evaluation of the north fork diversion discharge, and complete submittal package including; design report & construction plans and specifications to the Division of Water Resources. We anticipate completing construction of this improvement in late summer and fall of 2008.

We received seven proposals to complete the work effort described above. Evaluation criteria included project management approach, experience with projects similar in size and scope, experience and working relationship with local Division of Water Resources Dam Safety Engineer, and identification of costs associated with this effort.

After thorough review of the proposals Buckhorn Geotech, Inc. stood out, meeting all the above selection criteria and proposing a very well thought out approach to the project. Several considerations were identified that will potentially provide substantial costs savings to the City on the construction end of the project.

Expertise in the field of Dam Engineering and design was the primary criteria for selection. Cost was considered but was not as heavily weighted in determining the appropriate firm for this effort. The four firms with the lowest cost proposals (\$25,000 - \$30,000 lower) made assumptions that adequate geotechnical information would be provided by the City. We do not have this information readily available so this would be an additional cost to the project. Estimated cost for the geotechnical effort associated with this project is \$30,000.

A formal request for proposal (RFP) was issued and advertised in The Daily Sentinel, and sent to a source list of firms. The following firms submitted proposals for this design project.

Buckhorn Geotechnical, Inc.	Montrose, CO
URS	Glenwood Springs, CO
Applegate Group	Glenwood Springs, CO
RJH Consultants, Inc.	Englewood, CO
Drexel, Barrell & Co.	Grand Jct. / Denver, CO
Stantec	Denver, CO
McLaughlin Water	Denver, CO

Attach 3

Public Hearing – Power Motive GPA, Located at 763 23 ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Power Motive Growth Plan Amendment		
File #	GPA-2008-011		
Meeting Day, Date	Wednesday, March 19, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	March 6, 2008		
Author Name & Title	Lori V. Bowers, Senior Planner		
Presenter Name & Title	Lori V. Bowers, Senior Planner		

Summary: The applicants request that a 2-acre lot bearing a single family residential unit revert back to the previous Growth Plan designation of Commercial/Industrial from the current designation of Estate, which was applied in 2005. The property is located at 763 23 ½ Road.

Budget: N/A

Action Requested/Recommendation: Hold a Public Hearing and approve the Resolution.

Attachments:

1. Location Map / Aerial Photo Map
2. Future Land Use Map / Existing City and County Zoning Map
3. Response from the applicant
4. Staff Report from previous GPA, file number PFP-2004-181
5. Minutes of PC March 8, 2005
6. Minutes of CC March 16, 2005
7. Minutes from PC meeting February 12, 2008
8. Resolution

Background Information: See attached report

BACKGROUND INFORMATION				
Location:		763 23 1/2 Rd		
Applicants:		Darwin Neufeld, owner; Bob Colony, representative; Matt Binder, developer.		
Existing Land Use:		Residential		
Proposed Land Use:		Storage lot for Power Motive		
Surrounding Land Use and size:	North	Agricultural (6.3 acres)		
	South	Power Motive Equipment (2.8 acres)		
	East	23 ½ Road / Single Family Residential, Large Lot (4 lots = 14.5 acres)		
	West	Hanson Equipment (15 acres)		
Existing Zoning:		R-E (Residential Estate)		
Proposed Zoning:		I-1 (Light Industrial)		
Surrounding Zoning:	North	County RSF-R		
	South	I-1 (Light Industrial)		
	East	23 ½ Road / County RSF-R		
	West	I-1 (Light Industrial)		
Growth Plan Designation:		Estate		
Zoning within density range?		X	Yes	No

Staff Analysis:

1. Background: This two acre parcel has a complicated history. It has undergone two previous Growth Plan Amendments, both that are supported by Goal 1 of the Growth Plan stated below. In 2000, the City changed the designation from Estate to Commercial Industrial to accommodate a proposed light industrial use expansion by then owner Webb Crane. At that time the subject land was part of a larger 20 acre

parcel. The land was then zoned PD, with the condition that Webb Crane provide two additional housing units along 23 ½ Road (the northern parcel), to serve as employee rental housing, not subject to further subdivision. The purpose of this, among other things, was to maintain a buffer of residential use between Webb Crane's industrial use and the established residential neighborhood on the other side of 23 ½ Road. Webb Crane never implemented the planned development and subsequently went out of business.

Hanson Equipment then relocated to the site. Because Hanson did not need all the acreage and did not want to be in the housing business, rather than amending the existing PD ordinance, Staff recommended, and the City Council approved, a change to a straight zone. Because Hanson's goal was to sell off the two acres, it requested a reversion to the original zoning designation of Residential Estate (R-E), two acres per dwelling unit (2 ac/du), so the house could be sold as a conforming use. The second Growth Plan Amendment (from Commercial/Industrial to Estate) was approved, and the parcel was subsequently rezoned R-E, its present zoning designation.

The property was then sold to the present owners, who now desire to sell it to the owner of the abutting land to the south, Power Motive, who plans to expand their business, remove the existing home. To allow this the Future Land Use Map must be amended back to a Commercial / Industrial designation. The applicants believe it would be difficult to sell the lot as a residence given the two growing light industrial uses on the south (Power Motive) and the west (Hanson Equipment). The Planning Department has received 15 letters in opposition to the request.

2. Consistency with the Growth Plan:

The requested change is consistent with the following goals, policies, intent and purposes of the Growth Plan:

Goal 1: To achieve a balance of open space, agricultural, residential and nonresidential land use opportunities that reflects the residents' respect for the natural environment, the integrity of the community's neighborhoods, the economic needs of the residents and business owners, the rights of private property owners and the needs of the urbanizing community as a whole.

Policy 1.3: The City and County will use *Exhibit V.3 (Future Land Use Map)*, in conjunction with the other policies of this plan to guide zoning and development decisions.

- City and County decisions about the type and intensity of land uses will be consistent with the Future Land Use Map and Plan policies.
- The City and County may limit site development to a lower intensity than shown on the Future Land Use Map if site specific conditions do not support planned intensities.

Goal 4 – To coordinate the timing, location and intensity of growth with the provision of adequate public facilities.

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.(Future Land Use Map). 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.

Urban development includes all projects of a sufficient intensity to require connection to a central wastewater collection and treatment system or other urban services. Urban development includes residential development on lots smaller than two acres and non-residential development other than agriculture, mining or approved home occupations.

Goal 5 – 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.

The requested change is not consistent with the following goals, policies, intent and purposes of the Growth Plan:

Goal 9: To recognize and preserve valued distinctions between different areas within the community.

Policy 9.2: The City and County will encourage neighborhood designs which promote neighborhood stability and security.

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

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

3. Section 2.5.C of the Zoning and Development Code

The Growth Plan can be amended if the City finds that the proposed amendment is consistent with the purpose and intent of the Plan (see section 2 above) and if meets criteria a, or if it meets criteria b through g, following:

- a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for; or

The Growth Plan designation adopted by the City in 2000 (Commercial/Industrial) is the designation that is being requested now, and this designation was not in error. The PD ordinance adopted after that Growth Plan Amendment, however, maintained a

residential character on the northern 2 acres of the 20 acre parcel and established a buffer for the homes to the north of 23 1/2 Road.

The Growth Plan designation adopted in 2005 was intended to establish a conforming residential use for the lot, and to maintain the residential buffer referenced above, given that the PD ordinance was going away. (See attached staff report for PFP-2004-181) The residents of the area feel that buffer should continue to be maintained.

One could find, however, that the Growth Plan Amendment in 2005 was in error, based on the following. The energy-related growth was just beginning at that point in time, and the need for light industrial lots, especially along the convenient I-70 corridor, was arguably not given due consideration at the time of this amendment. (See attached minutes from the Planning Commission meeting and City Council meetings in 2005).

- b. Subsequent events have invalidated the original premises and findings;

The premises and findings of the 2005 GPA included the following:

Hanson Equipment wanted to relocate to this site, did not need all the acreage or the residential use, and wanted to sell the north two acres of the property and expand on the remaining portion of the property.

The residential neighbors to the north of 23 1/2 Road desired a buffer between their neighborhood and the light industrial uses to the south of the subject parcel.

- c. The character and/or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the plan;

The character or condition of the area has begun to change significantly. Hanson Equipment is located directly west of the property. Power Motive is directly south of the subject property. The growing light industrial uses on two sides of the subject parcel seem to make it undesirable for a single family residence in this location. The neighbor's desire for a buffer remains, however, the road itself creates something of a buffer, and the proposed use as storage lot is a lower impact commercial use.

- d. The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans;

The North-Central Valley Plan was adopted in 1998. It has not been updated since that time. The Mid-Valley Area is referred to as the Appleton area. A goal within the plan was to encourage moderate growth in the Mid-Valley (Appleton) area with density decreasing with distance from the urban core of the Grand Valley. Another goal was to preserve large tracts of productive farmland and encourage low density residential

development on land otherwise unsuitable for agriculture. The North Central Valley Plan shows this area to be Estate 2 to 5 acres per dwelling unit.

The Growth Plan's Policy 1.7: "The City and County will use zoning to establish the appropriate scale, type, location and intensity for development. Development standards should ensure that proposed residential and non-residential development is compatible with the planned development of adjacent property." It may be that the compatibility of the residential use has now been extinguished due to the expansion of Hanson Equipment and the desires of Power Motive to expand their facility, but the Growth Plan was specific to the Estate designation and minutes from previous Council meetings talk about the "residential buffer" as being desirable for this area.

- e. Public and community facilities are adequate to serve the type and scope of the land use proposed;

Adequate facilities currently exist for commercial/industrial development, including but not limited to adequate water, sanitary and utility facilities. The area is a prime location for industry and energy-support services with its proximity to I-70. Other commercial nodes have been recently provided in the North Central area of H Road, H ½ Road between 21 ½ and 22 Roads. That is over a mile and a half west of this site.

- f. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and

There is an adequate supply of Estate properties, especially in this area north of I-70. While the Estate designation may be a good fit for the residential uses across 23 ½ Road, it is not a good fit for the industrial uses immediately adjacent. At the same time, given the energy related growth, there is an inadequate supply of light industrial lots of sufficient size and convenient location.

- g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Designation of this property to Commercial/Industrial will assure the future expansion of Power Motive, and arguably allow for the highest and best use of the land given the current economic climate. The community would benefit from the proposed expansion of this business. Leaving the Future Land Use Map designation as Estate, however, maintains the residential buffer that the neighbor's across 23 ½ Road desire and which was intended with the adoption of the Webb Crane PD and the GPA and rezone in 2005. The road itself (23 1/2 Road) provides a buffer and a logical place for a change in designation and use.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Power Motive Land Addition application, file number GPA-2008-011 for a Growth Plan Amendment, staff makes the following findings of fact and conclusions:

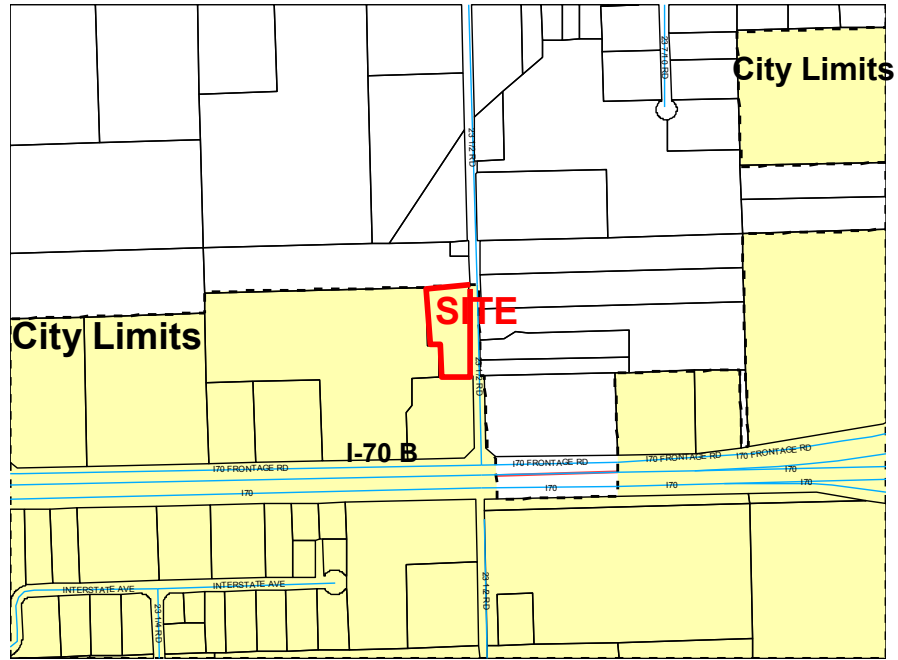
1. The proposed amendment is not consistent with the purpose and intent of the Growth Plan.
2. The review criteria in Section 2.5.C of the Zoning and Development Code have not been met.
3. The North Central Valley Plan shows this area to be Estate 2 to 5 acres per dwelling unit.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission heard this item on February 26, 2008. The minutes from that meeting are pending completion. The Planning Commission forwards a recommendation of denial to the City Council.

Site Location Map

763 23 1/2 Road



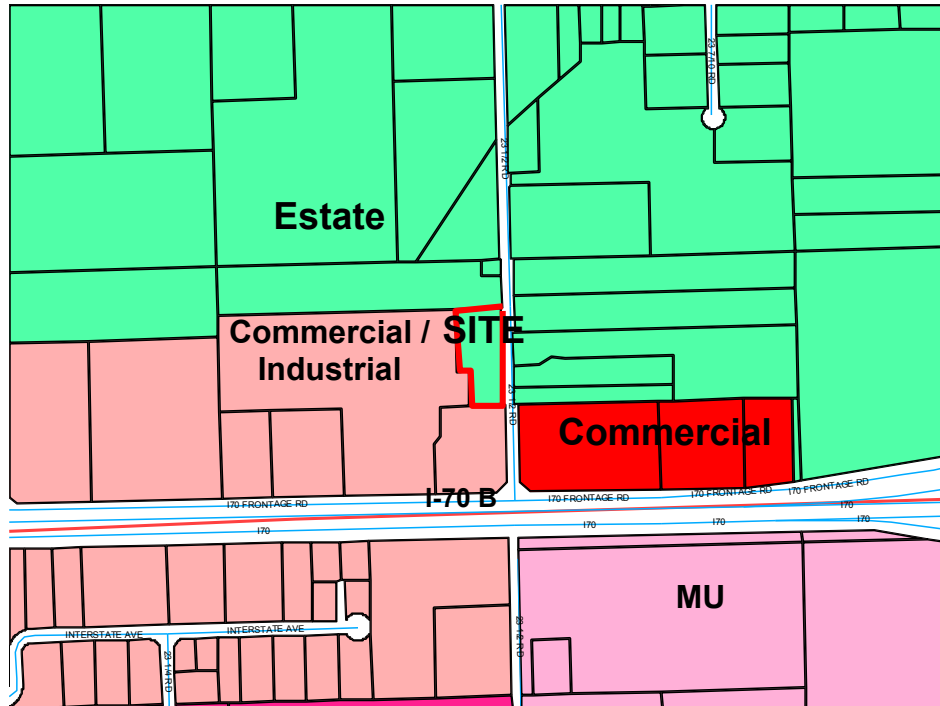
Aerial Photo Map

763 23 1/2 Road



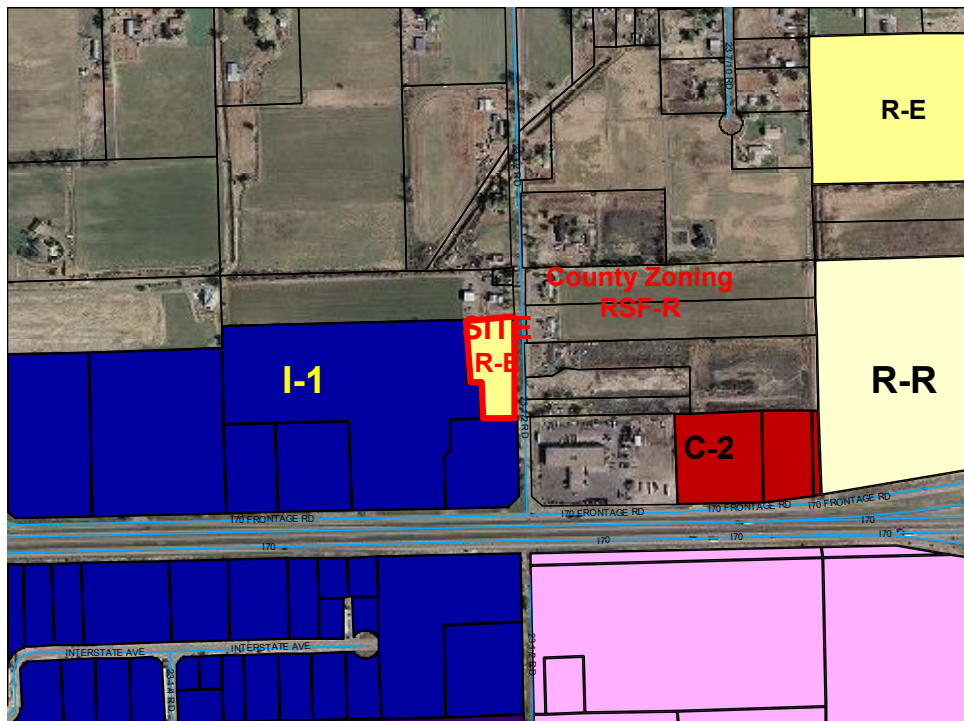
Future Land Use Map

763 23 1/2 Road



Existing City and County Zoning

763 23 1/2 Road



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."



5000 Vasquez Blvd.
Denver, CO 80216
Phone: 303-355-5900
Fax: 303-388-9328

2239 Commercial Blvd
Colorado Springs, CO 80906
Phone: 719-576-5541
Fax: 719-576-5602

2340 I-70 Frontage Road
Grand Junction, CO 81505
Phone: 970-241-1550
Fax: 970-241-0166

2600 Center Dr., P.O. Box 336
Milliken, CO 80543
Phone: 303-355-5900
Fax: 303-388-9328

February 12, 2008

City of Grand Junction
"RESPONSE TO COMMENTS"

1. The North Central Valley Plan states "The status of the plan should be reviewed annually...The plan should be reviewed in detail every five years after initial adoption." To our knowledge the plan has never been reviewed since its inception. There has been tremendous growth in the Grand Junction area over the past ten years.
2. The plan says in the 1994 inventory of land uses only approximately 2% of the 16 square miles were industrial/commercial. Businesses are generally located along the I-70 frontage road. Power Motive is located on that frontage road and have genuine need to attach to their existing property. The plan went on to say "Land development in the area has been typified by 'leapfrogging' into agricultural areas." By Power Motive attaching to their own property this would avoid such a practice.
3. Power Motive's intent is to clean up and grade the property. Currently there is an overgrowth of weeds. The North Central Valley Plan-Land use says "Lack of weed control can present major problems in agricultural areas and can have a major negative impact on farming." Power Motive will be helping with this major problem.
4. Power Motive would be willing to put burms and/or privacy fencing to keep with the general land use policies and would screen the community view from our parked construction equipment. Typically, well maintained, painted equipment is much more appealing than run down buildings and abandon articles. This would help the visual appeal for the community as a whole. The buffer issue is then addressed, although the current mobile homes across 23 1/2 road are closer now to Kenworth than any would be to the proposed property.
5. The North Central Valley Plan is an intergovernmental agreement which both the City and County make land use decisions. The Mesa County Planning Department stated "The C-1 FLU would allow enough flexibility in the availability of zone district implementation options to achieve the results the applicants desires." Power Motive could live with the C-1 zoning if it is necessary in order to park equipment.
6. Power Motive received a phone call from one of the neighbors, Ron Gray, 970-241-5806, stating he wouldn't oppose equipment being parked on the property.
Power Motive has been and will continue to be a good neighbor. We would appreciate very much any consideration on approving the growth plan change.

Matt Binder
970-241-7916

BACKGROUND INFORMATION				
Location:		763 23 ½ Road		
Applicant:		THF Realty, owner; Hanson Equipment, developer; Brian Hart, Landesign, representative		
Existing Land Use:		House associated with old Webb Crane site		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Agricultural land		
	South	Interstate 70		
	East	23 ½ Rd; Kenworth Trucking and single-family residential on acreage with agricultural uses.		
	West	Triune Mining Supply		
Existing Zoning:		PD		
Proposed Zoning:		RSF-E		
Surrounding Zoning:	North	AFT		
	South	I-70; I-2 and (County) PUD		
	East	PC and PUD (County)		
	West	PC and AFT (County)		
Growth Plan Designation:		Commercial Industrial		
Zoning within density range?		X	Yes	No

Staff Analysis:

1. Background:

The subject property was annexed into the City on March 19, 2000. In 1999 a Growth Plan Amendment was processed to accommodate the location of Webb Crane. The request for annexation was a result of Webb Crane wishing to expand their business on the lot to the north of their site. In February of 2000, the City Council approved an additional Growth Plan Amendment from Estate to Commercial/Industrial for the northern parcel, based on the County PUD zoning for both parcels. Conditions of the PD required that they provide two additional housing units along 23 ½ Road, part of the northern parcel. These homes would be rental houses and could not be further subdivided. Webb Crane never followed up on the plan and has since gone out of

business. The original PD ordinance specified the uses and the location for the uses on this property. Webb Crane was an industrial use.

Hanson Equipment is looking at relocating to this site. During the review process Staff recommended that instead of amending the existing PD ordinance that the applicants consider a request to rezone the property back to a straight zone, since it is such a large parcel of land and Hanson Equipment has no need for all the acreage. They also do not wish to be in the housing rental business and request that the original zoning designation of RSF-E be placed back on the two acre residential portion of the property.

2. Consistency with the Growth Plan:

The Growth Plan for this area was amended in 2000. It was changed to commercial/industrial to accommodate the County's existing PUD with Webb Crane. Please see the following report for the Growth Plan Amendment.

3. Growth Plan Amendment:

As recommended by staff, the applicant is requesting a Growth Plan Amendment for the proposed Lot 2, consisting of 2 acres along 23 ½ Road. The proposed amendment would change the land use designation from Commercial/Industrial to Estate (2 to 5 acres per unit).

In 2000 a Growth Plan Amendment was approved for the entire property from Commercial and Estate to Commercial/Industrial (Resolution 22-00). Subsequent to the Growth Plan Amendment being approved, the property was rezoned from County Planned Commercial (PC) and Agricultural Forestry Transitional (AFT) to Planned Development (PD). The PD ordinance was very specific to the various uses proposed by Webb Crane and required that the existing house along 23 ½ Road remain and that two additional houses be built along 23 ½ Road.

The new uses and lot configuration proposed by Hanson Equipment would have required an amendment to the PD ordinance. Staff recommended that the applicant, instead, request a Growth Plan Amendment to redesignate the property along 23 ½ Road to Estate, consistent with the intent of the PD ordinance; and maintain the Commercial/Industrial designation on the rest of the property.

In considering a Growth Plan Amendment, the review criteria of Section 2.5.C of the Zoning and Development Code must be met.

There was an error such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for;

The Growth Plan Amendment in 2000 was not in error, but was very specific to the proposed Planned Development ordinance being considered for Webb Crane. The PD ordinance maintained the residential buffer along 23 ½ Road that was desired. By redesignating the 23 ½ Road frontage to Estate, the residential buffer will be retained.

Subsequent events have invalidated the original premises and findings;

The original premises and findings were based on the needs of Webb Crane to expand, and the ambiguous County zoning of PC (Planned Commercial) and AFT. With the PD ordinance being reconsidered, many of the original premises and findings are invalid.

The character and/or condition of the area have changed enough that the amendment is acceptable.

The character or condition of the area has not changed significantly, except that Webb Crane is no longer located on the property. However, the proposed Growth Plan Amendment is consistent with the intent of the prior approved PD.

The change is consistent with the goals and policies of the plan, including applicable special area neighborhood and corridor plans;

Staff concurs with the applicant that the proposed change to the Estate designation along 23 ½ Road better implements the goals of the North-Central Valley Plan to retain the large lot and agricultural character of this area, and especially the 23 ½ Road corridor.

Public and community facilities are adequate to serve the type and scope of land use proposed;

Adequate facilities exist or can be provided for development.

An inadequate supply of designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and

There is an adequate supply of Estate properties, especially in this area north of I-70. However, as previously noted, the previous plan was specific to the Webb Crane operation. This proposal would change the land use designation on two acres from Commercial to Estate, allowing for one residential lot. The Estate designation is a better fit for the residential uses along 23 ½ Road required in the PD zoning ordinance.

The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Redesignation to Estate will assure the future use of this property as residential, and conform to the existing low density residential in the area.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Hanson Equipment request for a Growth Plan Amendment, file number PFP-2004-181, staff makes the following findings of fact and conclusions:

4. The criteria in Section 2.5 for a Growth Plan Amendment have been met.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation of approval of the requested growth plan amendment; file number PFP-2004-181, to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on item PFP-2004-181, I move that we find for the growth plan amendment for the 2 acre section of the old Webb Crane site consistent with the goals and policies of the Growth Plan, and Section 2.5 of the Zoning and Development Code.

**GRAND JUNCTION PLANNING COMMISSION
FEBRUARY 8, 2005 MINUTES
7 p.m. to 9:58 p.m.**

PFP-2004-181 GROWTH PLAN AMENDMENT--HANSON EQUIPMENT

A request for approval for a Growth Plan Amendment for a 2-acre portion of a 20-acre parcel from Commercial/Industrial to Residential Estate.

Petitioner: Michael Staenberg, THF Belleville, LLC
Location: 2340 I-70 Frontage Road

STAFF'S PRESENTATION

Lori Bowers gave a Powerpoint presentation containing an aerial photo map, showing the site's location, and a Future Land Use Map. Approval of the request would allow the existing single-family residential unit to remain on a separate 2-acre lot. A brief history of the site was given. The property was no longer owned by Webb Crane. Hanson Equipment was interested in expanding, but they wanted to separate the existing residential unit from the commercially zoned property. If approved, that 2-acre portion of property would revert back to its original Residential Estate Growth Plan designation. Staff felt that Code criteria and Growth Plan recommendations had been met, and approval was recommended.

QUESTIONS

Commissioner Cole asked if Planning Commission would be giving final approval, or would it be giving its recommendation to City Council? Ms. Bowers said that Planning Commission would be passing along a recommendation to City Council. She added that a memo from Mesa County's planning staff had been received in support of the Growth Plan Amendment.

PETITIONER'S PRESENTATION

Jo Mason, representing the petitioner, offered no additional testimony but availed herself for questions.

PUBLIC COMMENTS

There were no comments either for or against the request.

MOTION: (Commissioner Cole) "Mr. Chairman, on item PFP-2004-181, I move that we find for the growth plan amendment, for the 2-acre section of the old Webb Crane site, consistent with the goals and policies of the Growth Plan, and section 2.5 of the Zoning and Development Code, and recommend that the City Council approve the amendment."

Commissioner Pitts seconded the motion.

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

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING February 16, 2005

Public Hearing - Growth Plan Amendment, Hanson Equipment Relocation to Old Webb Crane Site Located at 763 23 ½ Road [File # PFP-2002-181]

A request for a Growth Plan Amendment on 2 acres of land located at 763 23 ½ Road. The request is to change the Growth Plan from Commercial Industrial to the Estate designation.

The public hearing was opened at 8:42 p.m.

Lori V. Bowers, Senior Planner reviewed this item. At Staff's recommendation, the applicants proceeded with the Growth Plan Amendment. The Future Land Use map shows the property as commercial/industrial. The proposal is to return the front two acres to be redesignated as estate. It was changed to commercial and the old owners were to then build two employee housing units. The new property occupants do not intend to do the same plan and would like to revert it back and release the requirement for building housing.

There were no public comments.

The public hearing was closed at 8:45 p.m.

Resolution No. 39-05 - A Resolution Amending the Growth Plan of the City of Grand Junction 2 Acres on the NE Corner of 763 23 ½ Road

Councilmember Palmer moved to adopt Resolution No. 39-05. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

Council President Hill called a recess at 8:46 p.m.
The meeting reconvened at 8:55 p.m.

**GRAND JUNCTION PLANNING COMMISSION
FEBRUARY 12, 2008 MINUTES
6:00 p.m. to 8:21 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Cole. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Roland Cole (Chairman), Tom Lowrey (Vice-Chairman), Lynn Pavelka-Zarkesh, Dr. Paul A. Dibble, William Putnam, Patrick Carlow (1st Alternate) and Ken Sublett (2nd Alternate). Commissioners Reggie Wall and Bill Pitts were absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Greg Moberg (Development Services Supervisor), Lisa Cox, (Planning Manager), Adam Olsen (Senior Planner) and Lori Bowers (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 38 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

Available for consideration were the corrected minutes of January 22, 2008.

MOTION: (Commissioner Lowrey) “Mr. Chairman, I move we approve the January 22nd, 2008 minutes.”

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

III. CONSENT AGENDA

Available for consideration were items:

1. **CUP-2007-286 CONDITIONAL USE PERMIT – KKCO Television Station**
2. **ANX-2007-373 ZONE OF ANNEXATION – Below-Senatore-Stone
Annexation**

- 3. **VR-2007-222** **VACATION OF RIGHT-OF-WAY – Main & 7th Alley Vacation**
- 4. **PP-2007-043** **PRELIMINARY SUBDIVISION PLAN – Cattail Creek Subdivision**
- 5. **ANX-2007-363** **ZONE OF ANNEXATION – Sage Hills Subdivision**
- 6. **PP-2007-303** **PRELIMINARY SUBDIVISION PLAN – Pepper Ridge Townhomes**

Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted any item pulled for additional discussion. With regard to item 6, Pepper Ridge Townhomes, Adam Olsen clarified that applicant is requesting to vacate various easements that would need to be done at the time of final plat and that Condition No. 3 was added to clarify when that would occur. Greg Moberg, Public Works and Planning Department, stated that he received a phone call today from a property owner that is adjacent to item no. 4, Cattail Creek, and that property owner asked that he indicate to the Commission that he would like a fence placed on the southern boundary between his property and the subject property. Mr. Moberg went on to state that that is not a requirement of the Code nor is it a condition or recommendation by staff. Keith Ehlers with Ciavonne, Roberts & Associates, representing Blue Heron Development on the Cattail Creek property, stated that at this time the developer would not choose to put in a developer installed fence at that location. There was further discussion regarding whether or not Item No. 4 would need to be pulled. In light of the fact that the person making such a request of staff was not present as well as the timing of the request, several members of the Commission stated that it would be incorrect to pull an item presented as such. After discussion, there were no objections or revisions received from the audience or planning commissioners on the Consent Agenda items.

MOTION: (Commissioner Dibble) “Mr. Chairman, I make a motion that we approve the Consent Agenda as presented.”

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

IV. FULL HEARING

- 7. **GPA-2008-011** **GROWTH PLAN AMENDMENT – Power Motive Land Addition**
 Request a recommendation to City Council for approval for a Growth Plan Amendment to change the Future Land Use designation from Estate to Industrial and the zoning from an R-E (Residential Estate) to an I-1 (Light Industrial) zone district.
PETITIONER: Matt Binder
LOCATION: 763 23-½ Road
STAFF: Lori Bowers, Senior Planner

PETITIONER'S PRESENTATION

Jana Gerow with Development Construction Services, Inc., 2350 G Road, representing Power Motive for their Growth Plan Amendment and land addition. She clarified that only the Growth Plan Amendment portion is being heard this evening. Ms. Gerow stated that the property is located west of the intersection of I-70 and 24 Road. She stated that there is an existing house on the south portion of the subject property. Ms. Gerow said that they are in significant agreement with the language contained in the staff report; however, they do not believe that staff's recommendation to deny the request is consistent with significant portions of the analysis. According to Ms. Gerow, in 2000, the subject property was part of a larger parcel which was zoned PD with a condition that two additional housing units along 23 Road be added. The purpose of the housing was to maintain a buffer of residential use between the Industrial use and the established residences along the north side of 23-½ Road. A second Growth Plan Amendment was approved and the parcel was subsequently zoned RE. She said that Applicant is interested in purchasing the property and making it strictly a parking lot for some of their vehicles. She also said that applicant recognizes the need to preserve distinctions between neighborhoods and believe that 23-½ Road provides a major distinction and buffer between the Commercial Industrial and residential developments. Furthermore, approval of this request, which would revert back to the 2000 designation, would stabilize and secure true neighborhood distinctions. Additionally, she said that applicant recognizes the importance of buffers between differing uses. She further stated that the impact of the additional site would be slim as most of the access will come off the site from the site and will be basically storage for more equipment.

QUESTIONS

Commissioner Lowrey asked how far the north end of the site is from the interstate. Jana Gerow stated that she believes it to be less than half a mile.

STAFF'S PRESENTATION

Lori Bowers, Public Works and Planning Department, addressed the Commission on the requested Growth Plan Amendment. She said that the Future Land Use Map currently shows this site to develop or stay in the Estate designation and existing City and County zoning is RE with I-1 to the west and the south and County RSF-R to the north and east. Ms. Bowers also provided a brief history of the property. According to Ms. Bowers, after considering the goals and policies of the Growth Plan, as well as the North Central Valley Plan and the intent of the subdivision, the Future Land Use Map should not be converted back to Commercial Industrial. She concluded that the proposed amendment is not consistent with the purpose and intent of the Growth Plan, does not meet the applicable review criteria of the Zoning and Development Code and the North Central Valley Plan clearly shows this area to remain Estate.

QUESTIONS

Commissioner Dibble asked about existing buffers. Lori Bowers identified the existing buffers.

Commissioner Dibble asked if it was ever established that buffers should have been put in place. Ms. Bowers said that they probably should have been at some point. She said that subdivision does not trigger improvements to a property, but rather the actual development and redevelopment of a site triggers improvements. Furthermore, the subdivision plat was recorded prior to any buffer being provided in the area.

Commissioner Lowrey asked if the buffer would have to be 25' wide. Ms. Bowers confirmed that it would have to be 25' with a wall.

Commissioner Lowrey asked how many linear feet the subject property is. Lori Bowers said that the whole site is 2 acres.

Commissioner Lowrey asked for clarification that roughly one-third of an acre out of 2 acres would be required for buffer property.

PUBLIC COMMENT

For:

Bob Hanson, representing H&L, the owner of the property adjacent to the west of the subject property, stated that he has no problem with the requested amendment.

Kathy Tompkins, 2327 H Road, said that she has no problem with this being rezoned to Light Industrial.

Toni Heiden-Moran stated that she is in favor of this for several different reasons. She said that there are some misconceptions which have instilled fear in a lot of the surrounding property owners.

Douglas Murphy said that he lives directly across the street from the subject property. He said that with the buffer and with the equipment along 23-½ Road it will block his view as well as others' and he disagrees with the amendment.

Bob Colony, a realtor involved in this transaction, said that this will not really impact the area. He provided the Commission with a letter from the property owner to the north who is in favor of this amendment. He also believes that putting a buffer along 23-½ Road will not affect anyone.

Against:

Dick Pennington, 780 23-7/10 Road, said that he wanted to correct some things presented by applicant. He said that the subject property was bordered on only 2 sides by Industrial or Commercial – on the west and the south – with 5 houses directly across from the 2 acres. He said that if this is changed to I-1 it would really affect all of the neighbors. Mr. Pennington also provided a background regarding the subject property.

He disagreed with a statement made by Mr. Colony that this type zoning would in fact decrease the value of the homes.

Frances Hayes said that 23-½ Road is a very narrow road and does not agree with using 23-½ Road as a buffer.

Dave Lacy, 2379 H Road, stated that he too is opposed to this amendment.

Ron Gray, 2369 H Road, said that he is also opposed to this amendment.

Alan Pennington (782 23-7/10 Road) stated that he is opposed to this. He said that he has two houses across from this property and he would like it to remain a buffer.

Barbara Justice, 792 23-7/10 Road, said that she is against this and would like the area to be preserved as a buffer zone.

PETITIONER'S REBUTTAL

Jana Gerow states that there are some complications with this site. It is in a transitional area – Industrial, right next to Residential. She confirmed that applicant will not be adding any additional structures to the site, only a slight increase in traffic is anticipated and there would be no impacts to the schools or to the house recently built. Ms. Gerow once again urged the Commission to approve the Growth Plan Amendment because it suits the property for the existing developer who will put in appropriate buffers for the adjacent properties.

QUESTIONS

Commissioner Carlow asked Lori Bowers when it changed from Estate to Commercial Industrial in 2000, when was the employee housing component added and by whom. Ms. Bowers stated that Webb Crane had a very narrow strip along I-70B frontage road. They then acquired another parcel to the north that they added to their site and that is where the residential house component came from. At that time it was Estate, zoned to a PUD. She confirmed that 1998 was when they acquired the additional land to the north and in 2000 it was annexed into the City and the PD zone.

Commissioner Carlow asked who initiated the PD request. Ms. Bowers confirmed that Webb Crane initiated the PD request. It was staff's suggestion that it be rezoned back to a straight zone because the PD for Webb Crane was very specific to use.

Commissioner Lowrey asked for confirmation that this property has only been something other than Residential for a few years and even then it was required to be used for employee housing. Lori Bowers stated that was correct.

Commissioner Lowrey asked what type of uses would be allowed with Light Industrial. Ms. Bowers mentioned some of the allowed uses such as food products, assembly, manufacturing, indoor operations and storage, indoor operations and outdoor storage including heavy vehicles, outdoor storage and operations, among others.

Commissioner Lowrey asked if this was zoned Light Industrial if conditions could be placed on it such as it would only be allowed for indoor or outdoor storage. Ms. Bowers stated that she does not believe that conditions could be placed on it.

DISCUSSION

Commissioner Dibble stated that there is an expectation that this would remain a buffer zone with houses. The agreement was for 3 houses under the PD; however, with this zoning designation only one house would be allowed. He was concerned that a change in ownership would allow for a change of use other than from outdoor storage.

According to Commissioner Dibble, prudence would be to leave the existing zoning as is.

Commissioner Putnam said that the change would be consistent with what had been done in a nearby neighborhood to approve the application.

Commissioner Lowrey stated that he believes the change from Estate to Commercial Industrial is pretty drastic and it would have a significant impact to the people across the street.

Chairman Cole said to leave it as is would be to make it a useless piece of property. He said that he would be in favor of granting the application because as a residential use it is not a very feasible use for it - next to Industrial it would become useful.

Commissioner Lowrey stated that he would be in favor of granting the amendment particularly if the use could be controlled.

QUESTIONS

Commissioner Dibble asked for an opinion from legal counsel. Jamie Beard said that they strongly advise against conditional zoning. The difficulty with that is determining when conditions are specifically met or not met. The other difficulty is that the Planning Commission with Council has gone through and specifically set forth what zoning is that is allowed within the City in different areas.

Commissioner Lowrey asked what would be accomplished if the Growth Plan Amendment was approved. Jamie Beard stated that a recommendation would be made to City Council and if City Council would go along with the recommendation, the Future Land Use designation would be changed to Commercial Industrial. The zone would still continue as Residential Estate until the owner or the City would move forward to change the actual zone.

MOTION: (Commissioner Lowrey) “Mr. Chairman, on item GPA-2008-011, I move that we find for the growth plan amendment for the 2 acre lot; Lot 1, Hanson Subdivision, consistent with the goals and policies of the Growth Plan, and Section 2.5 of the Zoning and Development Code and the North Central Valley Plan.”

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion failed by a vote of 2 - 5.

A brief recess was taken at 7:44 p.m. The hearing reconvened at 7:50 p.m.

8 GPA-2007-283 GROWTH PLAN AMENDMENT – Apple Glen Growth Plan Amendment

Request a recommendation to City Council for approval of the Growth Plan Amendment to change the Future Lane Use Designation from Estate to Residential Medium Low (2 to 4 du/ac) on approx. 15 acres.

PETITIONER: Steven R. Heijl

LOCATION: 2366 H Road

STAFF: Adam Olsen

STAFF'S PRESENTATION

Adam Olsen with the Public Works and Planning Department made a PowerPoint presentation regarding the Apple Glen Growth Plan Amendment request. He stated that existing development in the area exists which includes Appleton Elementary School to the west of the site. The Future Land Use Map of the Growth Plan currently designates the area to be Estate and the request is to change the Growth Plan to Residential Medium Low. Mr. Olsen stated that surrounding zoning consists of RSF-R and AFT, all of which are in the County. The nearby City designations are B1, RE and RR. He further stated that the site lies wholly within the 201 urban growth boundary and is in the process of being annexed into the City. Mr. Olsen identified the criteria which allows for a Growth Plan Amendment. Mr. Olsen stated that there is an 8" sewer line located just to the south in H Road with the capacity to service approximately 750 homes. Currently, the use of this line is at less than 50%. The availability of infrastructure and the presumption of urban residential character of the area constitutes a change in the character and condition of the area to warrant the Growth Plan Amendment. He also stated that the proposal is consistent with the goals and policies of the Growth Plan and the North Central Valley Plan which promote areas of development that have adequate public facilities and efficient use of infrastructure. This amendment would allow a mix of housing types and densities between 2 and 4 units per acre and the existing larger lot densities that surround the subject parcel. Additionally, existing and proposed infrastructure facilities are adequate to serve the proposed residential development. Adam also said that the community would benefit by increased densities in areas that already have adequate facilities and services. Upgraded services are available and would benefit both this development and adjacent properties. Additional housing to accommodate the projected growth would provide a significant benefit. Accordingly, he recommended approval as the proposed amendment is consistent with the purpose and intent of the Growth Plan and the pertinent review criteria of the Zoning and Development Code have been met.

PETITIONER'S PRESENTATION

Eric Slavon with Rolland Engineering appeared on behalf of the owner, Steve Heijl.

PUBLIC COMMENT

For:

No one spoke in favor of this request.

Against:

Ron Gray, 2369 H Road, which is directly across the street from the subject property, stated that he is opposed to the Growth Plan Amendment because the City is in the process of coming up with a new Growth Plan and he thinks it is premature to change the character of an area by changing the Growth Plan until a new Growth Plan is developed. He also stated that he does not see any public benefit to this.

Dan Miller (2363 H Road) said that he has been watching the traffic patterns on H Road for approximately 28 years. He said that adding one more entrance with a multiple number of houses is going to cause more congestion, making the area more difficult to travel around and he also believes it premature to change the Growth Plan at this time.

Dave Lacy, 2379 H Road, stated that he concurs with everything that has been stated so far. He also wanted to emphasize the point of the future Growth Plan that would include this entire area. He also said that this is premature and the ultimate Growth Plan needs to be changed first.

PETITIONER'S REBUTTAL

Eric Slavon said that concerning the valley-wide look at growth, part of the process that is currently going on, he does not believe that all proposals should be put on hold for that time being. He next addressed the issue of pedestrian traffic that this would generate, and in particular that going to the school. According to Mr. Slavon, the site drains from the back to the front and the Appleton drain could cross right at that frontage. He also said that there is a good possibility that there would be a storm water detention pond near the front of the property.

QUESTIONS

Commissioner Sublett asked Lisa Cox when the Comprehensive Plan would be finalized. Lisa Cox, Planning Manager, gave the following update: On February 13th, the Persigo Board met to discuss the possibility of moving the Persigo 201 line. The Board, however, elected not to make a decision and take action to actually move the line. They instructed staff to conduct two small sub-area plans to create a Land Use Plan to provide an idea of what potential land uses would be available should the line move. This property is included in one of the small sub-areas. The sub-area study is to be completed no later than the end of April. It is anticipated that the Comprehensive Plan would be completed and adopted by the first quarter to the middle of 2009.

DISCUSSION

Commissioner Putnam raised the point that 2 acre or smaller sites are considered appropriate inside the urban growth boundary and, therefore, thinks that this is appropriate.

Commissioner Lowrey agreed.

Commissioner Dibble said that at this time he is not sure that the whole area is ready to be changed. He furthered that by saying that the location is separated from existing development and it is developed in the Estate and annexed into the City at 2 to 5 dwelling units per acre.

Commissioner Sublett said that he believes it would be wise to wait for a result of the sub-area study.

Chairman Cole stated that consideration needs to be given to the efficiency of delivering public services. He said that he would be in favor of the application.

MOTION: (Commissioner Lowrey) “Mr. Chairman, on item GPA-2007-283, Apple Glen 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 Dibble seconded the motion. A vote was called and the motion passed by a vote of 4 – 3 with Commissioners Cole, Lowrey, Pavelka-Zarkesh and Putnam in favor and Commissioners Sublett, Dibble and Carlow against.

With no objection and no further business, the public hearing was adjourned at 8:21 p.m.

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

A RESOLUTION AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION TO DESIGNATE APPROXIMATELY

**2 ACRES LOCATED AT 763 23 ½ ROAD FROM ESTATE TO
COMMERCIAL/INDUSTRIAL**

Recitals:

A request for a Growth Plan Amendment has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 2 acres, located at 763 23 ½ Road be re-designated from Estate to Commercial Industrial on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Growth Plan Amendment and determined that it satisfied the criteria as set forth and established in Section 2.5.C of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM ESTATE TO COMMERCIAL INDUSTRIAL ON THE FUTURE LAND USE MAP.

All that parcel of land being part of the Northwest Quarter of Section 32, Township 1 North, Range 1 West of the Ute Meridian, being more particularly described as follows:

Commencing at the Center Quarter Corner of Section 32, Township 1 North, Range 1 West of the Ute Meridian, whence the Northeast corner of Southeast Quarter Northwest Quarter of said Section 32 bears N 00°04'26"E, a distance of 1321.60 feet, for a basis of bearings, with all bearings contained herein being relative thereto; thence N 00°04'26"E, a distance of 660.80 feet to the Point of Beginning; Thence N 89°58'46"W, a distance of 217.17 feet; thence N 00°04'26" E, a distance of 441.72 feet; thence S 89°58'46"E, a distance of 227.17 feet to a point on the east line of the Northwest Quarter of said Section 32; thence S00°04'26"W, along said east line, a distance of 441.75 feet to the Point of Beginning.

CONTAINING 2.0 Acres (87,120 Sq. Ft.), more or less, as described.

PASSED on this _____ day of _____, 2008.

ATTEST:

City Clerk

President of Council

Attach 4

Public Hearing – Below-Senatore-Stone Annexations and Zoning, Located at 209 ½ and 221 Red Mesa Heights Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Below-Senatore-Stone Annexation and Zoning - Located at 209 1/2 and 221 Red Mesa Heights Road		
File #	ANX-2007-373		
Meeting Day, Date	March 19, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	March 5, 2008		
Author Name & Title	Senta L. Costello - Associate Planner		
Presenter Name & Title	Senta L. Costello - Associate Planner		

Summary: Request to annex and zone 2.95 acres, located at 209 1/2 and 221 Red Mesa Heights Road, to R-2 (Residential 2 du/ac). The Below-Senatore-Stone Annexation consists of 2 parcels, is a 2 part serial annexation and includes portions of Hwy 340 (Broadway) and Red Mesa Heights Road rights-of-way.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Below-Senatore-Stone Annexation and hold a public hearing and consider final passage of the Annexation Ordinance and Zoning Ordinance.

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. Acceptance Resolution
5. Annexation Ordinance
6. Zoning Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION			
Location:		209 1/2 and 221 Red Mesa Heights Road	
Applicants:		Owners: Steve R. Below, Adrienne L. Senatore, Sherrill J. Stone; Representative: Independent Survey, Inc. – Vince Popish	
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	
Existing Zoning:		County RSF-4	
Proposed Zoning:		City R-2 (Residential 2 du/ac)	
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:

ANNEXATION:

This annexation area consists of 2.95 acres of land and is comprised of 2 parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's 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 Below-Senatore-Stone 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>	
February 6, 2008	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
February 26, 2008	Planning Commission considers Zone of Annexation
March 5, 2008	Introduction of a proposed Ordinance on Zoning by City Council
March 19, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
April 20, 2008	Effective date of Annexation and Zoning

BELOW-SENATORE-STONE ANNEXATION SUMMARY

File Number:		ANX-2007-373
Location:		209 1/2 and 221 Red Mesa Heights Road
Tax ID Number:		2945-163-00-259 and 2945-163-27-002
Parcels:		2
Estimated Population:		4
# of Parcels (owner occupied):		1
# of Dwelling Units:		3
Acres land annexed:		2.95 acres
Developable Acres Remaining:		1.00 acre
Right-of-way in Annexation:		Portions of Hwy 340 (Broadway) and Red Mesa Heights Road rights-of-way
Previous County Zoning:		RSF-4
Proposed City Zoning:		R-2 (Residential 2 du/ac)
Current Land Use:		Single family residential
Future Land Use:		Single family residential
Values:	Assessed:	= \$37,710
	Actual:	= \$417,400
Address Ranges:		209 ½ and 213-221 Red Mesa Heights Road (odd only)
Special Districts:	Water:	Ute Water
	Sewer:	City of Grand Junction
	Fire:	Grand Junction Rural
	Irrigation:	Redlands Water & Power
	School:	Mesa County Dist #51
	Pest:	Grand River Mosquito

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

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

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

Response: The proposed zone district is compatible with the existing Red Mesa Heights neighborhood existing 1/3 to 1/2 ac and up properties.

- 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. All lots front on an existing public street and water and sewer are available to all properties.

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.

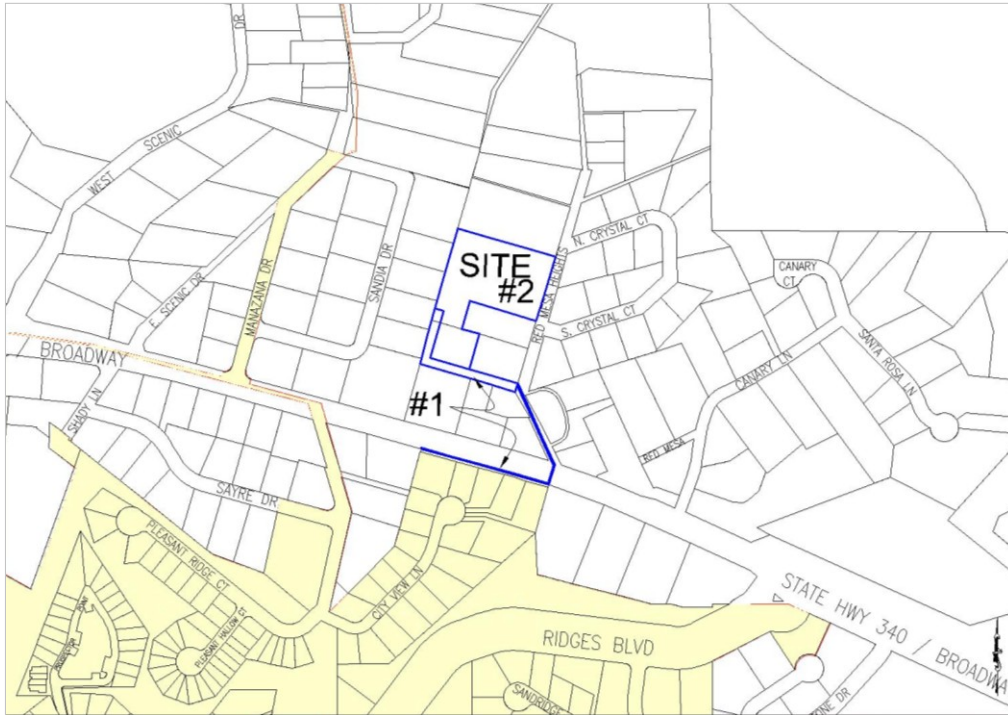
- b. R-4 (Residential 4 du/ac)

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

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

Annexation/Site Location Map

Figure 1



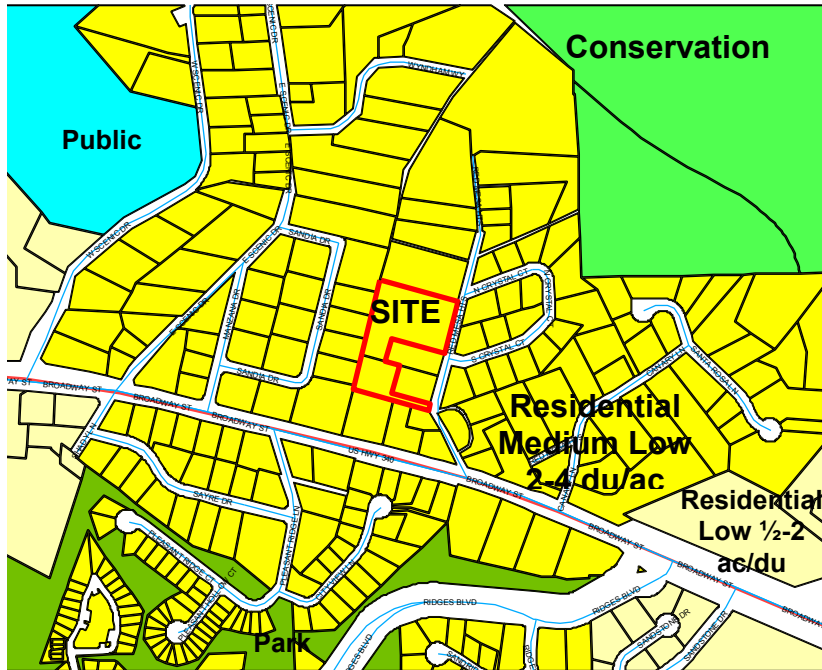
Aerial Photo Map

Figure 2



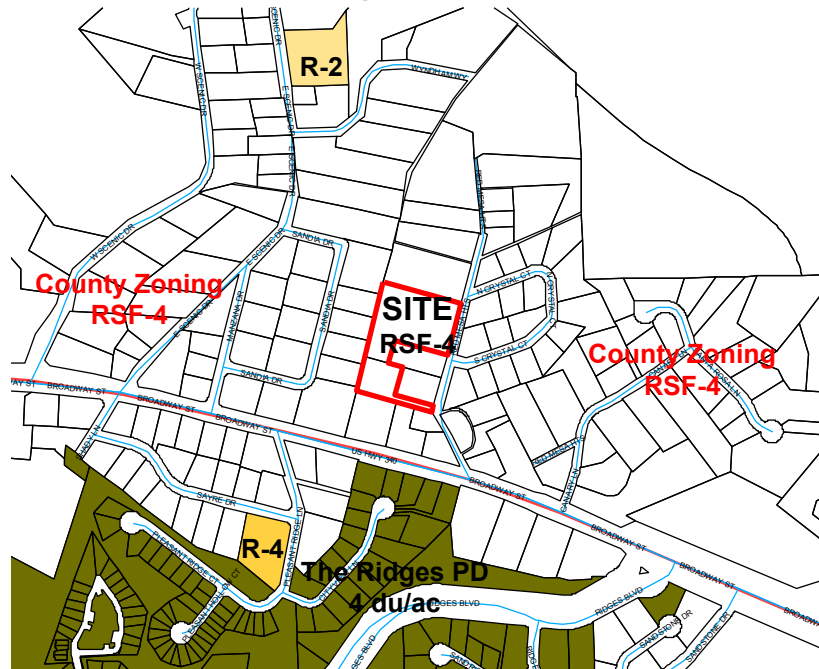
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

BELOW-SENATORE-STONE ANNEXATION NO. 1 AND NO. 2

**LOCATED AT 209 1/2 AND 221 RED MESA HEIGHTS ROAD AND INCLUDING
PORTIONS OF HIGHWAY 340 AND RED MESA HEIGHTS RIGHTS-OF-WAY.**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 6th day of February, 2008, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

BELOW/SENATORE/STONE ANNEXATION NO. 1

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 16, 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 Northwest corner of Ridges Majority Annexation No. 3, Ordinance No. 2569, City of Grand Junction, also being the Northwest corner of Lot 8B, The Ridges Filing No. 1, as same as recorded in Plat Book 11, Page 268, public records of Mesa County, Colorado; thence N15°30'53"E a distance of 4.00 feet; thence S74°34'07"E along a line 4.00 feet North and parallel to the North line of said Ridges Filing No. 1, a distance of 324.09 feet; thence 133.93 feet along the arc of a 2829.00 foot radius curve, concave Southwest, having a central angle of 02°42'45" and a chord bearing S73°12'44"E a distance of 133.91 feet; thence N16°11'49"E a distance of 67.59 feet; thence N24°22'46"W a distance of 307.81 feet to a point on the East line of Lot 2 of William Carpenter Subdivision, as recorded in Plat Book 12, Page 258 of the Mesa County, Colorado public records; thence S16°27'07"W along the East line of Lot 2 of said William Carpenter Subdivision, a distance of 23.94 feet; thence N73°32'53"W along the South line of Lot 2 of said William Carpenter Subdivision, a distance of 344.51 feet to a point on the East line of Lot 3 of Hermosa Subdivision as recorded in Plat Book 9, Page 191 of the Mesa County, Colorado public records; thence N15°37'47"E along the East line of said Hermosa Subdivision, a distance of 200.00 feet; thence S73°32'53"E a distance of 30.00 feet; thence S15°37'47"W a distance of 170.03 feet; thence S73°32'53"E a distance of 315.02 to the Northeast corner of Lot 2

of said William Carpenter Subdivision; thence S24°22'46"E a distance of 313.79 feet; thence S16°11'52"W a distance of 73.21 feet to the Northeast corner of said Ridges Majority Annexation No. 3; thence 137.87 feet along the arc of a 2825.00 foot radius curve, concave Southwest, having a central angle of 02°47'47" and a chord bearing N73°10'13"W a distance of 137.86 feet, said line also being the North line of said Ridges Majority Annexation No. 3; thence N74°34'07"W along the said North line of Ridges Majority Annexation No. 3 a distance of 324.10 feet to the Point of Beginning.

CONTAINING 0.43 Acres or 18,795 Square Feet, more or less

BELOW/SENATORE/STONE ANNEXATION NO. 2

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 16, Township One South, Range One West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Southwest corner of Lot 2 of William Carpenter Subdivision as recorded in Plat Book 12, Page 258 of the Mesa County, Colorado public records; thence N15°37'47"E along the East line of Hermosa Subdivision as recorded in Plat Book 9, Page 191 of the Mesa County, Colorado public records, a distance of 200.00 feet to the Point of Beginning; thence N15°37'47"E along the East line of said Hermosa Subdivision, a distance of 291.98 feet; thence S73°32'51"E a distance of 355.85 feet; thence S17°06'51"W a distance of 233.98 feet; thence N73°12'52"W a distance of 240.14 feet; thence S17°06'51"W a distance of 101.40 feet to a point on the North line of Lot 2 of said William Carpenter Subdivision; thence S73°32'53"E along the North line of Lot 2 of said William Carpenter Subdivision, a distance of 63.47 feet to the Northwest corner of Lot 1 of said William Carpenter Subdivision; thence S16°14'07"W along the West line of Lot 1 of said William Carpenter Subdivision, a distance of 128.00 feet; thence N73°32'53"W a distance of 139.16 feet; thence N15°37'47"E a distance of 170.03 feet; thence N73°32'53"W a distance of 30.00 feet to the Point of Beginning.

CONTAINING 2.52 Acres or 109,853 Square Feet, more or less

WHEREAS, a hearing on the petition was duly held after proper notice on the 19th day of March, 2008; and

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

which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

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

ADOPTED this ____ day of _____, 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**

BELOW/SENATORE/STONE ANNEXATION NO. 1

APPROXIMATELY 0.43 ACRES

**LOCATED AT 209 1/2 RED MESA HEIGHTS ROAD AND INCLUDING PORTIONS OF
HIGHWAY 340 AND RED MESA HEIGHTS RIGHTS-OF-WAY**

WHEREAS, on the 6th day of February, 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 19th day of March, 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:

BELOW/SENATORE/STONE ANNEXATION NO. 1

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 16, 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 Northwest corner of Ridges Majority Annexation No. 3, Ordinance No. 2569, City of Grand Junction, also being the Northwest corner of Lot 8B, The Ridges Filing No. 1, as same as recorded in Plat Book 11, Page 268, public records of Mesa County, Colorado; thence N15°30'53"E a distance of 4.00 feet; thence S74°34'07"E along a line 4.00 feet North and parallel to the North line of said Ridges Filing No. 1, a distance of 324.09 feet; thence 133.93 feet along the arc of a 2829.00 foot radius curve, concave Southwest, having a central angle of 02°42'45" and a chord bearing

S73°12'44"E a distance of 133.91 feet; thence N16°11'49"E a distance of 67.59 feet; thence N24°22'46"W a distance of 307.81 feet to a point on the East line of Lot 2 of William Carpenter Subdivision, as recorded in Plat Book 12, Page 258 of the Mesa County, Colorado public records; thence S16°27'07"W along the East line of Lot 2 of said William Carpenter Subdivision, a distance of 23.94 feet; thence N73°32'53"W along the South line of Lot 2 of said William Carpenter Subdivision, a distance of 344.51 feet to a point on the East line of Lot 3 of Hermosa Subdivision as recorded in Plat Book 9, Page 191 of the Mesa County, Colorado public records; thence N15°37'47"E along the East line of said Hermosa Subdivision, a distance of 200.00 feet; thence S73°32'53"E a distance of 30.00 feet; thence S15°37'47"W a distance of 170.03 feet; thence S73°32'53"E a distance of 315.02 to the Northeast corner of Lot 2 of said William Carpenter Subdivision; thence S24°22'46"E a distance of 313.79 feet; thence S16°11'52"W a distance of 73.21 feet to the Northeast corner of said Ridges Majority Annexation No. 3; thence 137.87 feet along the arc of a 2825.00 foot radius curve, concave Southwest, having a central angle of 02°47'47" and a chord bearing N73°10'13"W a distance of 137.86 feet, said line also being the North line of said Ridges Majority Annexation No. 3; thence N74°34'07"W along the said North line of Ridges Majority Annexation No. 3 a distance of 324.10 feet to the Point of Beginning.

CONTAINING 0.43 Acres or 18,795 Square Feet, more or less

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**

BELOW/SENATORE/STONE ANNEXATION NO. 2

APPROXIMATELY 2.52 ACRES

LOCATED AT 209 1/2 AND 221 RED MESA HEIGHTS ROAD

WHEREAS, on the 6th day of February, 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 19th day of March, 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:

BELOW/SENATORE/STONE ANNEXATION NO. 2

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 16, Township One South, Range One West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Southwest corner of Lot 2 of William Carpenter Subdivision as recorded in Plat Book 12, Page 258 of the Mesa County, Colorado public records; thence N15°37'47"E along the East line of Hermosa Subdivision as recorded in Plat Book 9, Page 191 of the Mesa County, Colorado public records, a distance of 200.00 feet to the Point of Beginning; thence N15°37'47"E along the East line of said Hermosa Subdivision, a distance of 291.98 feet; thence S73°32'51"E a distance of 355.85 feet; thence S17°06'51"W a distance of 233.98 feet; thence N73°12'52"W a distance of 240.14 feet; thence S17°06'51"W a distance of 101.40 feet to a point on the North line

of Lot 2 of said William Carpenter Subdivision; thence S73°32'53"E along the North line of Lot 2 of said William Carpenter Subdivision, a distance of 63.47 feet to the Northwest corner of Lot 1 of said William Carpenter Subdivision; thence S16°14'07"W along the West line of Lot 1 of said William Carpenter Subdivision, a distance of 128.00 feet; thence N73°32'53"W a distance of 139.16 feet; thence N15°37'47"E a distance of 170.03 feet; thence N73°32'53"W a distance of 30.00 feet to the Point of Beginning.

CONTAINING 2.52 Acres or 109,853 Square Feet, more or less

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 ZONING THE BELOW-SENATORE-STONE ANNEXATION TO
R-2**

LOCATED AT 209 1/2 AND 221 RED MESA HEIGHTS 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 Below-Senatore-Stone 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 du/ac).

BELOW/SENATORE/STONE ANNEXATION NO. 1

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 16, 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 Northwest corner of Ridges Majority Annexation No. 3, Ordinance No. 2569, City of Grand Junction, also being the Northwest corner of Lot 8B, The Ridges Filing No. 1, as same as recorded in Plat Book 11, Page 268, public records of Mesa County, Colorado; thence N15°30'53"E a distance of 4.00 feet; thence S74°34'07"E along a line 4.00 feet North and parallel to the North line of said Ridges Filing No. 1, a distance of 324.09 feet; thence 133.93 feet along the arc of a 2829.00 foot radius curve, concave Southwest, having a central angle of 02°42'45" and a chord bearing S73°12'44"E a distance of 133.91 feet; thence N16°11'49"E a distance of 67.59 feet; thence N24°22'46"W a distance of 307.81 feet to a point on the East line of Lot 2 of William Carpenter Subdivision, as recorded in Plat Book 12, Page 258 of the Mesa County, Colorado public records; thence S16°27'07"W along the East line of Lot 2 of said William Carpenter Subdivision, a distance of 23.94 feet; thence N73°32'53"W along the South line of Lot 2 of said William Carpenter Subdivision, a distance of

344.51 feet to a point on the East line of Lot 3 of Hermosa Subdivision as recorded in Plat Book 9, Page 191 of the Mesa County, Colorado public records; thence N15°37'47"E along the East line of said Hermosa Subdivision, a distance of 200.00 feet; thence S73°32'53"E a distance of 30.00 feet; thence S15°37'47"W a distance of 170.03 feet; thence S73°32'53"E a distance of 315.02 to the Northeast corner of Lot 2 of said William Carpenter Subdivision; thence S24°22'46"E a distance of 313.79 feet; thence S16°11'52"W a distance of 73.21 feet to the Northeast corner of said Ridges Majority Annexation No. 3; thence 137.87 feet along the arc of a 2825.00 foot radius curve, concave Southwest, having a central angle of 02°47'47" and a chord bearing N73°10'13"W a distance of 137.86 feet, said line also being the North line of said Ridges Majority Annexation No. 3; thence N74°34'07"W along the said North line of Ridges Majority Annexation No. 3 a distance of 324.10 feet to the Point of Beginning.

CONTAINING 0.43 Acres or 18,795 Square Feet, more or less

BELOW/SENATORE/STONE ANNEXATION NO. 2

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 16, Township One South, Range One West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows: Commencing at the Southwest corner of Lot 2 of William Carpenter Subdivision as recorded in Plat Book 12, Page 258 of the Mesa County, Colorado public records; thence N15°37'47"E along the East line of Hermosa Subdivision as recorded in Plat Book 9, Page 191 of the Mesa County, Colorado public records, a distance of 200.00 feet to the Point of Beginning; thence N15°37'47"E along the East line of said Hermosa Subdivision, a distance of 291.98 feet; thence S73°32'51"E a distance of 355.85 feet; thence S17°06'51"W a distance of 233.98 feet; thence N73°12'52"W a distance of 240.14 feet; thence S17°06'51"W a distance of 101.40 feet to a point on the North line of Lot 2 of said William Carpenter Subdivision; thence S73°32'53"E along the North line of Lot 2 of said William Carpenter Subdivision, a distance of 63.47 feet to the Northwest corner of Lot 1 of said William Carpenter Subdivision; thence S16°14'07"W along the West line of Lot 1 of said William Carpenter Subdivision, a distance of 128.00 feet; thence N73°32'53"W a distance of 139.16 feet; thence N15°37'47"E a distance of 170.03 feet; thence N73°32'53"W a distance of 30.00 feet to the Point of Beginning.

CONTAINING 2.52 Acres or 109,853 Square Feet, more or less

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 5

Public Hearing – Sage Hills Annex and Zoning, Located at 3115 ½ and 3117 D ½ Road and Two Unaddressed parcels on D ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Sage Hills Annexation and Zoning, located at 3115 ½ and 3117 D ½ Road and two unaddressed parcels on D ½ Road		
File #	ANX-2007-363		
Meeting Day, Date	Wednesday, March 19, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	March 6, 2008		
Author Name & Title	Justin T. Kopfman – Associate Planner		
Presenter Name & Title	Justin T. Kopfman – Associate Planner		

Summary: Request to annex and zone 14.55 acres, located at 3115 ½ and 3117 D ½ Road and two unaddressed parcels on D ½ Road, to R-5 (Residential 5-du/ac). The Sage Hills Annexation consists of 4 parcels and is a two-part serial annexation.

Budget: N/A

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

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION				
Location:		3115 ½ and 3117 D ½ Road and two unaddressed parcels on D ½ Road		
Applicants:		Owner: Sage Hills of GJ, LLC (Mark Fenn) Representative: Ciavonne Roberts (Keith Ehlers)		
Existing Land Use:		Residential and Agricultural		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Agricultural		
	East	Agricultural and Residential		
	West	Agricultural and Residential		
Existing Zoning:		County RSF-R (Residential Single Family Rural)		
Proposed Zoning:		City R-5 (Residential 5-du/ac)		
Surrounding Zoning:	North	County RSF-4 (Residential Single Family 4-du/ac)		
	South	County RSF-R (Residential Single Family Rural)		
	East	County RSF-R (Residential Single Family Rural)		
	West	County RSF-R (Residential Single Family Rural)		
Growth Plan Designation:		Residential Medium 4-8 du/ac		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 14.55 acres of land and is comprised of 4 parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's 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 ThreeP Development Annexation is eligible to be annexed because of compliance with the following:

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

- demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
 - e) The area is capable of being integrated with the City;
 - f) No land held in identical ownership is being divided by the proposed annexation;
 - g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

<u>ANNEXATION SCHEDULE</u>	
February 6, 2008	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
February 26, 2008	Planning Commission considers Zone of Annexation
March 5, 2008	Introduction Of A Proposed Ordinance on Zoning by City Council
March 19, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
April 20, 2008	Effective date of Annexation and Zoning

SAGE HILLS ANNEXATION SUMMARY

File Number:	ANX-2007-363	
Location:	3115 ½, 3117 D ½ Road and two unaddressed parcels	
Tax ID Number:	2943-153-00-667; 2943-153-00-131; 2943-153-00-150; 2943-153-00-151	
Parcels:	4	
Estimated Population:	6	
# of Parcels (owner occupied):	4	
# of Dwelling Units:	3	
Acres land annexed:	14.55	
Developable Acres Remaining:	14.55	
Right-of-way in Annexation:	0	
Previous County Zoning:	RSF-R (Residential Single Family Rural)	
Proposed City Zoning:	City R-5 (Residential 5 du/ac)	
Current Land Use:	Residential/Agricultural	
Future Land Use:	Residential Medium 4-8 du/ac	
Values:	Assessed:	\$32,010
	Actual:	\$153,900
Address Ranges:	3115 D ½ - 3119 D ½ (Odd Only)	
Special Districts:	Water:	Clifton Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Clifton Fire
	Irrigation/ Drainage:	Grand Valley Irrigation
	School:	District 51
	Pest:	Upper Grand Valley Pest/Grand River Mosquito

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the City R-5 (Residential 5 du/ac) zone district is consistent with the Growth Plan designation of Residential Medium 4-8 du/ac. The existing County zoning is County RSF-R (Residential Single Family Rural). Section 2.14 of the Zoning and Development Code states that the

zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

Response: The proposed zoning of R-5 is consistent with the Future Growth Plan, compatible with the neighborhood and meets the policies and requirements of the zoning and development code. The proposed zone is also consistent with the goals and objectives of residential medium to medium low density in the Pear Park 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. 8 " Water Clifton Water Line Available. 10 " Sanitary Sewer Line available.

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

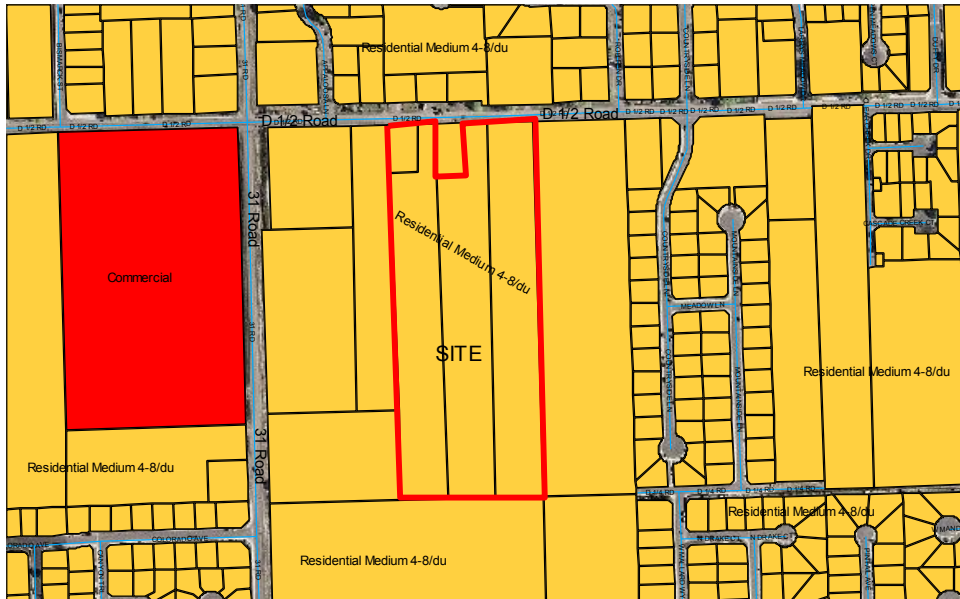
- c. R-2 (Residential 2 du/ac)
- d. R-4 (Residential 4 du/ac)

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

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council on February 26, 2008, finding the zoning to the City R-5 (Residential 5 du/ac) district to be consistent with the Growth Plan, County RSF-R (Residential Single Family Rural) and Sections 2.6 and 2.14 of the Zoning and Development Code.

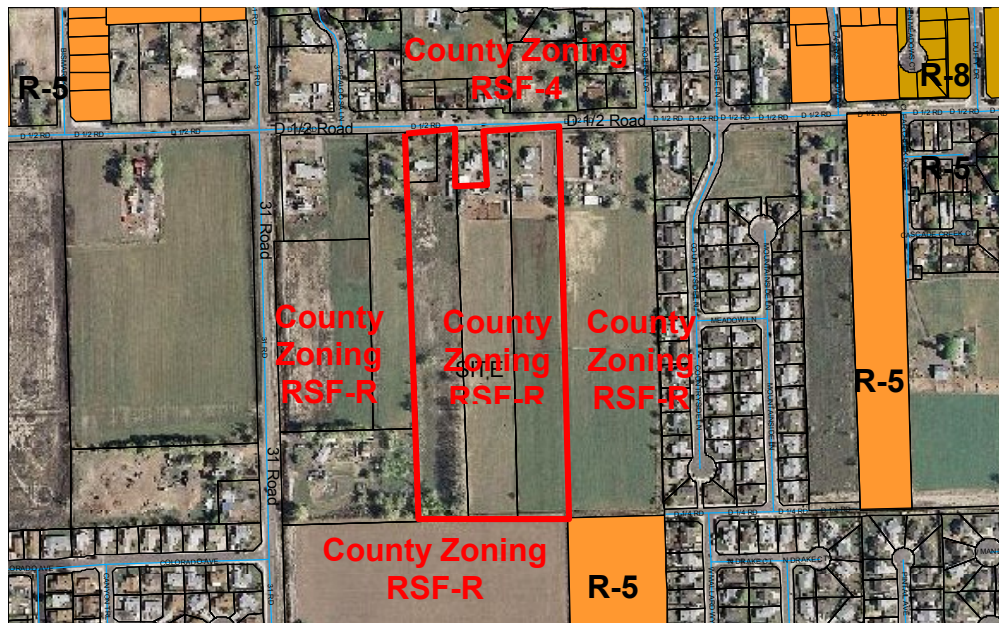
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

SAGE HILLS ANNEXATION

**LOCATED AT 3115 1/2 & 3117 D 1/2 ROAD & TWO PARCELS WITH NO ADDRESS
ON D 1/2 ROAD.**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 6th day of February, 2008, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

SAGE HILLS ANNEXATION

Sage Hills Annexation No. 1 and Sage Hills Annexation No. 2

Sage Hills Annexation No. 1

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 15, 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 the NW 1/4 SW 1/4 of said Section 15 and assuming the North line of the NW 1/4 SW 1/4 of said Section 15 to bear S89°53'59"E with all bearings contained herein relative thereto; thence S89° 53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15 also being the South line of Summit View Meadows Annexation No. 3, City of Grand Junction Ordinance No. 3360, a distance of 485.55 feet to the Point of Beginning; thence S89°53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15, a distance of 165.00 feet; thence S00°01'01"W along the West line of that certain Parcel of land described in Book 3783, Page 756, public records of Mesa county, Colorado, a distance of 217.80 feet; thence S89°53'59"E along the South line of that said Parcel of land described in Book 3783, Page 756, public records of Mesa county, Colorado, a distance of 100.00 feet; thence N00°01'01"E along the East line of that said Parcel of land described in Book 3783, Page 756, public records of Mesa county, Colorado, a distance of 217.80 feet; thence S89°53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15, a distance of 231.84 feet; thence S00°01'43"W a distance of

475.00 feet; thence N89°53'59"W a distance of 496.74 feet; thence N00°01'01"E a distance of 475.00 feet to the Point of Beginning.

Said parcel contains 4.92 acres (14,395.13 sq. ft.), more or less, as described.

Sage Hills Annexation No. 2

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 15, 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 the NW 1/4 SW 1/4 of said Section 15 and assuming the North line of the NW 1/4 SW 1/4 of said Section 15 to bear S89°53'59"E with all bearings contained herein relative thereto; thence S89°53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15 also being the South line of Summit View Meadows Annexation No. 3, City of Grand Junction Ordinance No. 3460, a distance of 485.55 feet; thence S00°01'01"W a distance of 475.00 feet to the Point of Beginning; thence S89°53'59"E a distance of 496.74 feet; thence S00°01'43"W a distance of 844.58 feet to a point on the South line of the NW 1/4 SW 1/4 of said Section 15; thence N89°56'55"W along the South line of the NW 1/4 SW 1/4 of said Section 15, a distance of 496.57 feet; thence N00°01'01"E a distance of 845.00 feet to the Point of Beginning.

Said parcel contains 9.63 acres (419,569.44 sq. ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 19th day of March, 2008; and

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

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

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

ADOPTED this ____ day of _____, 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**

SAGE HILLS ANNEXATION NO. 1

APPROXIMATELY 4.92 ACRES

**LOCATED AT 3115 1/2 & 3117 D 1/2 ROAD & TWO PARCELS WITH NO
ADDRESS ON D 1/2 ROAD.**

WHEREAS, on the 6th day of February, 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 19th day of March, 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 situates in Mesa County, Colorado, and described to wit:

SAGE HILLS ANNEXATION NO. 1

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 15, 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 the NW 1/4 SW 1/4 of said Section 15 and assuming the North line of the NW 1/4 SW 1/4 of said Section 15 to bear S89°53'59"E with all bearings contained herein relative thereto; thence S89° 53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15 also being the South line of Summit View Meadows Annexation No. 3, City of Grand Junction Ordinance No. 3360, a distance of 485.55 feet to the Point of Beginning; thence S89°53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15, a distance of 165.00

feet; thence S00°01'01"W along the West line of that certain Parcel of land described in Book 3783, Page 756, public records of Mesa county, Colorado, a distance of 217.80 feet; thence S89°53'59"E along the South line of that said Parcel of land described in Book 3783, Page 756, public records of Mesa county, Colorado, a distance of 100.00 feet; thence N00°01'01"E along the East line of that said Parcel of land described in Book 3783, Page 756, public records of Mesa county, Colorado, a distance of 217.80 feet; thence S89°53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15, a distance of 231.84 feet; thence S00°01'43"W a distance of 475.00 feet; thence N89°53'59"W a distance of 496.74 feet; thence N00°01'01"E a distance of 475.00 feet to the P point of Beginning.

CONTAINING said parcel contains 4.92 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 6th day of February, 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**

SAGE HILLS ANNEXATION NO. 2

APPROXIMATELY 9.63 ACRES

**LOCATED AT 3115 1/2 & 3117 D 1/2 ROAD & TWO PARCELS WITH NO
ADDRESS ON D 1/2 ROAD.**

WHEREAS, on the 6th day of February, 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 6th 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 situates in Mesa County, Colorado, and described to wit:

SAGE HILLS ANNEXATION NO. 2

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 15, 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 the NW 1/4 SW 1/4 of said Section 15 and assuming the North line of the NW 1/4 SW 1/4 of said Section 15 to bear S89°53'59"E with all bearings contained herein relative thereto; thence S89°53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15 also being the South line of Summit View Meadows Annexation No. 3, City of Grand Junction Ordinance No. 3460, a distance of 485.55 feet; thence S00°01'01"W a distance of 475.00 feet to the Point of Beginning; thence S89°53'59"E a distance of 496.74 feet; thence S00°01'43"W a distance of 844.58 feet to a point on the South line of the NW 1/4 SW 1/4 of said Section 15; thence N89°56'55"W along the South line of the NW 1/4 SW

1/4 of said Section 15, a distance of 496.57 feet; thence N00°01'01"E a distance of 845.00 feet to the Point of Beginning.

CONTAINING said parcel contains 9.63 acres (419,569.44 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 6th day of February, 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 ZONING THE SAGE HILLS ANNEXATION TO

R-5 (RESIDENTIAL 5-DU/AC)

LOCATED AT 3115 1/2 & 3117 D 1/2 ROAD & TWO PARCELS WITH NO ADDRESS ON D 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 Sage Hills Annexation to the R-5 (Residential 5-du/ac) zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-5 (Residential 5-du/ac) 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-5 (Residential 5-du/ac).

SAGE HILLS ANNEXATION

Sage Hills Annexation No. 1 and Sage Hills Annexation No. 2

Sage Hills Annexation No. 1

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 15, 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 the NW 1/4 SW 1/4 of said Section 15 and assuming the North line of the NW 1/4 SW 1/4 of said Section 15 to bear S89°53'59"E with all bearings contained herein relative thereto; thence S89° 53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15 also being the South line of Summit View Meadows Annexation No. 3, City of Grand Junction Ordinance No. 3360, a distance of 485.55 feet to the Point of Beginning; thence S89°53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15, a distance of 165.00 feet; thence S00°01'01"W along the West line of that certain Parcel of land described in Book 3783, Page 756, public records of Mesa county, Colorado, a distance of 217.80 feet; thence S89°53'59"E along the South line of that said Parcel of land

described in Book 3783, Page 756, public records of Mesa county, Colorado, a distance of 100.00 feet; thence N00°01'01"E along the East line of that said Parcel of land described in Book 3783, Page 756, public records of Mesa county, Colorado, a distance of 217.80 feet; thence S89°53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15, a distance of 231.84 feet; thence S00°01'43"W a distance of 475.00 feet; thence N89°53'59"W a distance of 496.74 feet; thence N00°01'01"E a distance of 475.00 feet to the Point of Beginning.

Said parcel contains 4.92 acres (14,395.13 sq. ft.), more or less, as described.

AND

Sage Hills Annexation No. 2

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 15, 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 the NW 1/4 SW 1/4 of said Section 15 and assuming the North line of the NW 1/4 SW 1/4 of said Section 15 to bear S89°53'59"E with all bearings contained herein relative thereto; thence S89°53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15 also being the South line of Summit View Meadows Annexation No. 3, City of Grand Junction Ordinance No. 3460, a distance of 485.55 feet; thence S00°01'01"W a distance of 475.00 feet to the to the Point of Beginning; thence S89°53'59"E a distance of 496.74 feet; thence S00°01'43"W a distance of 844.58 feet to a point on the South line of the NW 1/4 SW 1/4 of said Section 15; thence N89°56'55"W along the South line of the NW 1/4 SW 1/4 of said Section 15, a distance of 496.57 feet; thence N00°01'01"E a distance of 845.00 feet to the Point of Beginning.

Said parcel contains 9.63 acres (419,569.44 sq. ft.), more or less, as described.

INTRODUCED on first reading the 5th day of March, 2008 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 6

Public Hearing – Lusk Annexation, Located at 2105 South Broadway

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Lusk Annexation – Located at 2105 South Broadway		
File #	ANX-2007-368		
Meeting Day, Date	Wednesday, March 19, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	February 5, 2008		
Author Name & Title	David Thornton – Principal Planner		
Presenter Name & Title	David Thornton – Principal Planner		

Summary: Request to annex 8.53 acres, located at 2105 South Broadway. The Lusk Annexation consists of one parcel.

Budget: Non-Applicable

Action Requested/Recommendation: Adopt a Resolution accepting the petition for the Annexation and hold a Public Hearing and consider final passage of an Annexation ordinance.

Attachments:

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

Background Information:

See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION					
Location:		2105 South Broadway			
Applicants:		Owner: Sierra Lusk Representative: Tom Volkmann.			
Existing Land Use:		Residential			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Rural			
	South	Rural			
	East	Rural			
	West	Rural			
Existing Zoning:		County RSF-4 (Residential Single Family-4 du/ac)			
Proposed Zoning:		City Residential Estate (Residential 2-to 5 ac/du)			
Surrounding Zoning:	North	County RSF-4 (Residential Single Family-4 du/ac)			
	South	County RSF-4 (Residential Single Family-4 du/ac)			
	East	County RSF-4 (Residential Single Family-4 du/ac)			
	West	County RSF-4 (Residential Single Family-4 du/ac)			
Growth Plan Designation:		Proposed Estate			
Zoning within density range?			Yes	X	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 8.53 acres of land and is comprised of one parcel. The property owners have requested annexation into the City to allow for the consideration of a Growth Plan amendment and 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. The Growth Plan amendment will be heard separately by City Council at a later date.

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 Lusk Annexation is eligible to be annexed because of compliance with the following:

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

- demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
 - e) The area is capable of being integrated with the City;
 - f) No land held in identical ownership is being divided by the proposed annexation;
 - g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

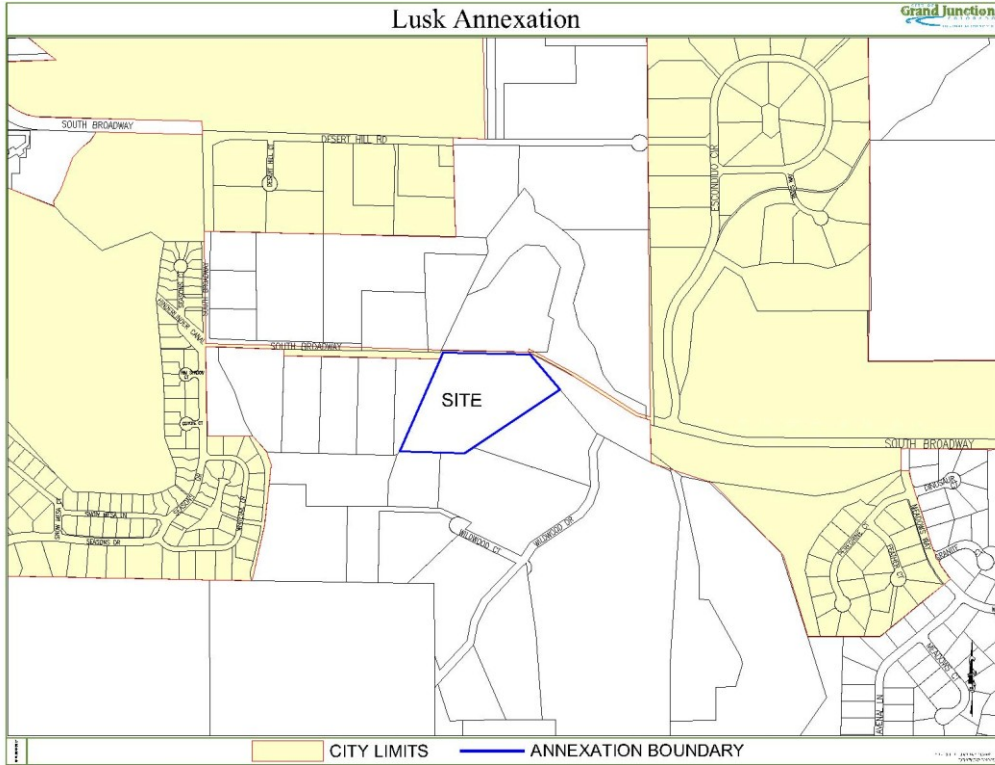
The following annexation and zoning schedule is being proposed:

<u>ANNEXATION SCHEDULE</u>	
February 6, 2008	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
TBD	Planning Commission considers Zone of Annexation
TBD	Introduction of a proposed Ordinance on Zoning by City Council
March 19, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
April 20, 2008	Effective date of Annexation.

LUSK ANNEXATION SUMMARY		
File Number:		ANX-2007-368
Location:		2105 South Broadway
Tax ID Number:		2947-262-00-034
Parcels:		1
Estimated Population:		2
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		8.53 (371,669 sq ft)
Developable Acres Remaining:		Approximately 5 acres
Right-of-way in Annexation:		none
Previous County Zoning:		County RSF-4 (Residential Single Family 4 du/ac)
Proposed City Zoning:		City Residential Estate (Residential 2-to 5 ac/du)
Current Land Use:		Rural
Future Land Use:		Proposed Estate
Values:	Assessed:	\$41,720
	Actual:	\$508,310
Address Ranges:		2103 - 2119 (Odd Only) South Broadway
Special Districts:	Water:	Ute Water
	Sewer:	Persigo
	Fire:	Grand Junction Rural
	Irrigation/ Drainage:	Redlands Water and Power
	School:	District 51
	Pest:	N/A

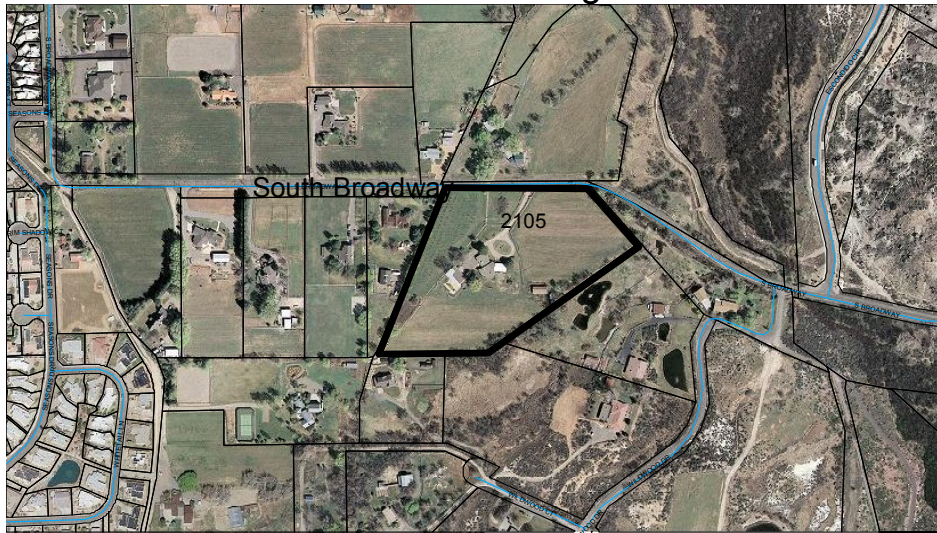
Annexation/Site Location Map

Figure 1



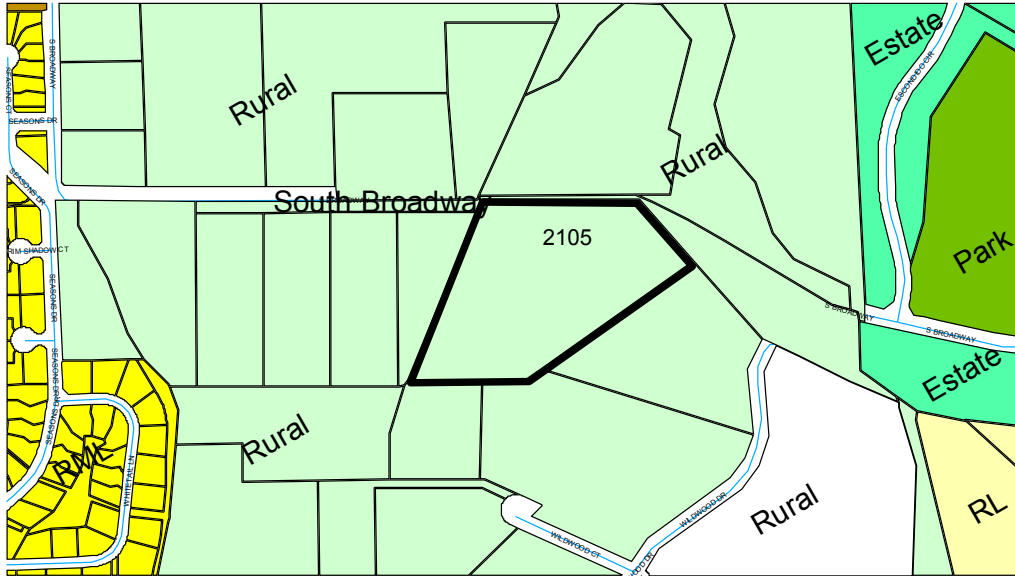
Aerial Photo Map

Figure 2



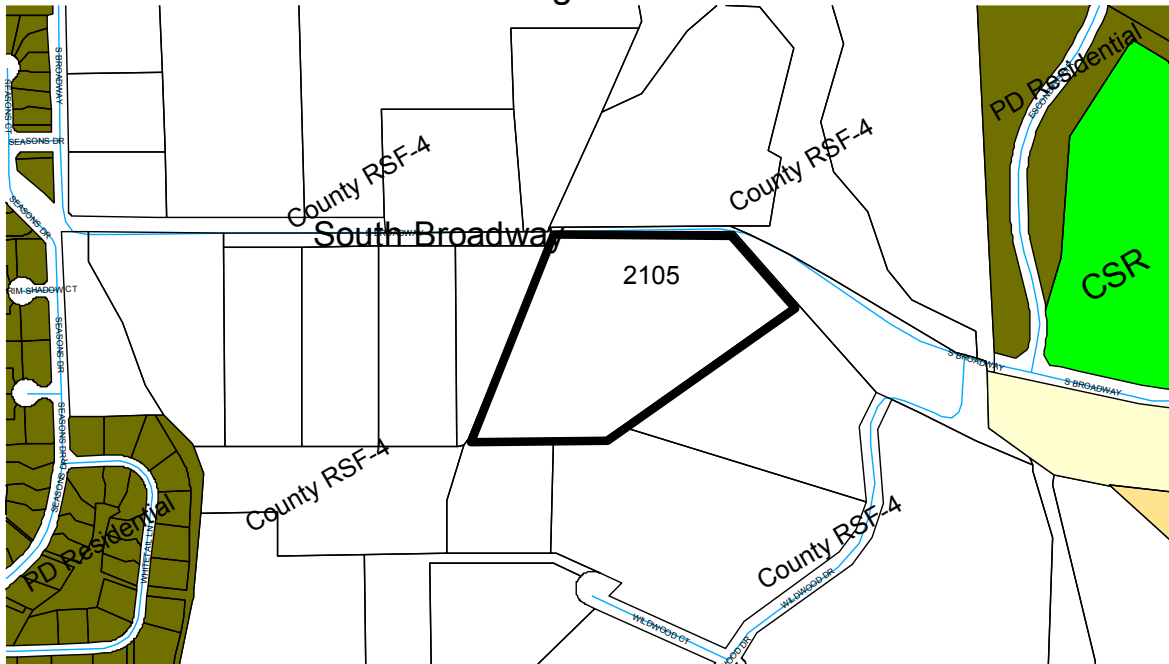
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

LUSK ANNEXATION

LOCATED AT 2105 SOUTH BROADWAY

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 6th day of February, 2008, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

LUSK ANNEXATION

A certain parcel of land located in the Northwest 1/4 of Section 26 and the Northeast 1/4 of Section 27, Township Eleven South, Range One Hundred One West of the Sixth Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Northeast corner of Hacienda Acres Subdivision, as recorded in Plat Book 11, Page 154 Public Records of Mesa County, Colorado and assuming the East line of said Hacienda Acres Subdivision bears N 23°43'22" E with all other bearings contained herein are relative thereto; thence from said Point of Beginning, S88°53'14"E along a line being the South line of South Camp Annexation Parcel No. 3, City of Grand Junction, Ordinance No. 2759, a distance of 524.35 feet; thence S40°16'37"E a distance of 276.30 feet; thence S55°59'15"W a distance of 690.17 feet to a point on the North line of Wildwood Subdivision, as recorded in Plat Book 11, Page 141 Public Records of Mesa County, Colorado; thence N88°21'54"W a distance of 392.78 feet to a point on the East line of Lot 4 of said Hacienda Acres Subdivision; thence N23°43'22"E along the East line of Lot 4 of said Hacienda Acres Subdivision, a distance of 650.83 feet to the Point of Beginning.

CONTAINING 8.53 Acres or 371,669 Square Feet, more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 19th day of March, 2008; and

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

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

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

ADOPTED the ____ day of March, 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**

LUSK ANNEXATION

APPROXIMATELY 8.53 ACRES

LOCATED AT 2105 SOUTH BROADWAY

WHEREAS, on the 6th day of February, 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 19th day of March, 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 situates in Mesa County, Colorado, and described to wit:

LUSK ANNEXATION

A certain parcel of land located in the Northwest 1/4 of Section 26 and the Northeast 1/4 of Section 27, Township Eleven South, Range One Hundred One West of the Sixth Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Northeast corner of Hacienda Acres Subdivision, as recorded in Plat Book 11, Page 154 Public Records of Mesa County, Colorado and assuming the East line of said Hacienda Acres Subdivision bears N 23°43'22" E with all other bearings contained herein are relative thereto; thence from said Point of Beginning, S88°53'14"E along a line being the South line of South Camp Annexation Parcel No. 3, City of Grand Junction, Ordinance No. 2759, a distance of 524.35 feet; thence S40°16'37"E a distance of 276.30 feet; thence S55°59'15"W a distance of 690.17 feet to a point on the North line of Wildwood Subdivision, as recorded in Plat Book 11,

Page 141 Public Records of Mesa County, Colorado; thence N88°21'54"W a distance of 392.78 feet to a point on the East line of Lot 4 of said Hacienda Acres Subdivision; thence N23°43'22"E along the East line of Lot 4 of said Hacienda Acres Subdivision, a distance of 650.83 feet to the Point of Beginning.

CONTAINING 8.53 Acres or 371,669 Square Feet, more or less, as described.

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

INTRODUCED on first reading on the 6th day of February, 2008 and ordered published.

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

Attest:

President of the Council

City Clerk

Attach 7

Public Hearing – Vacation of Public ROW 7th and Main North/South Alley

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Vacation of Public Right-of-Way – Located between North 7 th and North 8 th Street on the north side of Main Street		
File #	VR-2007-222		
Meeting Day, Date	Wednesday, March 19, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	February 27, 2008		
Author Name & Title	Senta L. Costello – Associate Planner		
Presenter Name & Title	Senta L. Costello – Associate Planner		

Summary: Request to vacate the north/south alley located between North 7th Street and North 8th Street on the north side of Main Street. The applicant is requesting to vacate the alley in order to use the adjacent property to the east for a future mixed-use development.

Budget: N/A

Action Requested/Recommendation: Hold a Public Hearing and consider final passage and publication of the proposed Vacation Ordinance.

Background Information: See attached staff report.

Attachments:

1. Staff Report
2. Site Location Map / Aerial Photo
3. Future Land Use Map / Existing City Zoning Map
4. Vacation Ordinance
5. Vacation Exhibit

BACKGROUND INFORMATION				
Location:		7 th and Main north/south alley		
Applicants:		Owner: Douglas S. Simons & Bruce Milyard Developer: Constructors West – Bruce Milyard Representative: Ciavonne Roberts & Assoc – Joe Carter		
Existing Land Use:		Alley		
Proposed Land Use:		Mixed-Use (Residential/Commercial) building		
Surrounding Land Use:	North	Blue Moon Bar & Grill / East/West Alley		
	South	Cabaret Dinner Theater		
	East	Mesa County Offices		
	West	Parking Lot / Junct'n Square Pizza / Blue Moon		
Existing Zoning:		B-2 (Downtown Business)		
Proposed Zoning:		B-2 (Downtown Business)		
Surrounding Zoning:	North	B-2 (Downtown Business)		
	South	B-2 (Downtown Business)		
	East	B-2 (Downtown Business)		
	West	B-2 (Downtown Business)		
Growth Plan Designation:		Commercial		
Zoning within density range?		X	Yes	No

Staff Analysis:

1. Background

The property is located within the original square mile of Grand Junction and is adjacent to property that has historically been used as a gas station/auto repair garage. The owner plans to develop the property in the future with a mixed-use building, but an application has not been submitted.

The alley has utilities in it that will be relocated within new easement(s) to be dedicated along the north property line of the property to the west. The new easement(s) will need to be recorded for the relocation of the utilities existing within the existing alley and all utilities will need to be relocated and accepted by the utility provider prior to alley being vacated.

2. Consistency with the Growth Plan

This project is consistent with the following Goals and Policies of the Growth Plan:

- Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.
 - Policy 5.2: The City and County will encourage development that uses existing facilities and is compatible with existing development.
 - Policy 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.
- Goal 6: To promote the cost-effective provision of services for businesses and residents by all service providers.
 - Policy 6.4 – The City and County will encourage consolidations of services whenever such consolidations will result in improved service efficiencies while maintaining adopted level of service standards.
- Goal 10: To retain valued characteristics of different neighborhoods within the community.
 - Policy 10.2: The City and County will consider the needs of the community at large and the needs of individual neighborhoods when making development decisions.

3. Section 2.11.c of the Zoning and Development Code

Requests vacate any public right-of-way or easement must conform to all of the following:

- a. The Growth Plan, major street plan and other adopted plans and policies of the City.

Applicant’s Response: The plan complies with the Growth Plan and other known plans. The 7th and Main Street improvements anticipated the vacation of this alley and eliminated access to this alley from Main Street.

Staff’s Response: The request is in conformance with the Growth Plan, major street plan, and other adopted plans and policies of the City. See #2 above for Growth Plan consistency details.

- b. No parcel shall be landlocked as a result of the vacation.

Applicant's Response: The vacation of the alley will allow two parcels to be combined and no parcel will be landlocked as a result of the vacation.

Staff's Response: There will not be any parcels landlocked if the vacation is approved.

- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.

Applicant's Response: Since the 7th and Main Street improvements anticipated the vacation of this alley and eliminated access to this alley from Main Street, it is assumed that the City has already addressed these issues. Through the notification process associated with the 7th and Main Street improvement project, restricted access to this portion of alley is acceptable to the neighboring property owners and is not economically prohibitive, nor does it reduce or devalue any associated property. The proposed vacation will add 7.5' of land to the east end of the blue Moon property; hence, it could be argued that the vacation will increase the value of the Blue Moon property.

Staff's Response: Access will not be restricted to any parcels as a result of the vacation.

- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

Applicant's Response: Since the 7th and Main Street improvements anticipated the vacation of this alley and eliminated access to this alley from Main Street, the health, safety, and welfare issues have already been addressed by the City of Grand Junction. No parcel of land will be landlocked nor will public facilities or services be restricted to any parcel of land.

Staff's Response: The vacation will not cause any adverse impacts on the health, safety and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land will not be reduced. The vacation eliminates an alley that is effectively no longer usable for circulation due to the 7th and Main Street improvements and will reduce public maintenance without reducing public services.

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.

Applicant's Response: Adequate fire and police protection is available to each property once served by this alley. The public utilities once located in this alley will be abandoned and relocated, but will continue to serve the existing customer base.

Staff's Response: The vacation eliminates an alley that is effectively no longer usable for circulation due to the 7th and Main Street improvements and will not inhibit any public facilities or services to any properties.

- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

Applicant's Response:

- The pedestrian sidewalk will be a safer place to walk. The elimination of this alley will eliminate a vehicular access across a pedestrian zone (public sidewalk), which will make the sidewalk a safer place to walk. The alley was located at mid-block where people do not necessarily anticipate vehicular traffic.
- Maintenance costs will be reduced because the City will no longer have to maintain this portion of alley.
- The elimination of this alley will allow for the redevelopment of this parcel. The parcel is located within the City of Grand Junction Infill Boundary and Redevelopment Boundary. The City of Grand Junction encourages development within these two boundaries.

Staff's Response: The vacation eliminates an alley that is effectively no longer usable for circulation due to the 7th and Main Street improvements and will reduce public maintenance without reducing public services.

FINDINGS OF FACT/CONCLUSIONS/CONDITIONS

After reviewing the 7th and Main Alley right-of-way vacation application, VR-2007-222 for the vacation of a public right-of-way, I make the following findings of fact and conclusions:

5. The requested right-of-way vacation is consistent with the Growth Plan.
6. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.
7. A new easement(s) will need to be recorded for the relocation of the utilities existing within the existing alley and all utilities will need to be relocated and accepted by the utility provider prior to alley being vacated.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission heard the request at their February 26, 2008 meeting and forwarded a recommendation of approval to the City Council.

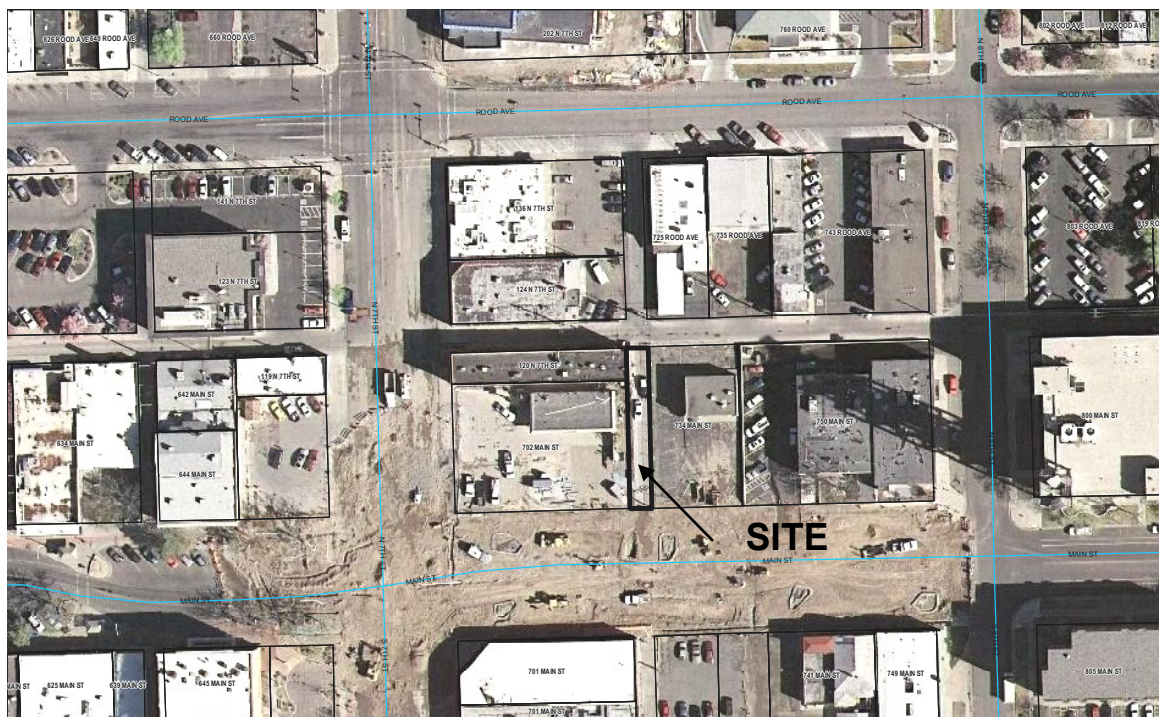
Site Location Map

Figure 1



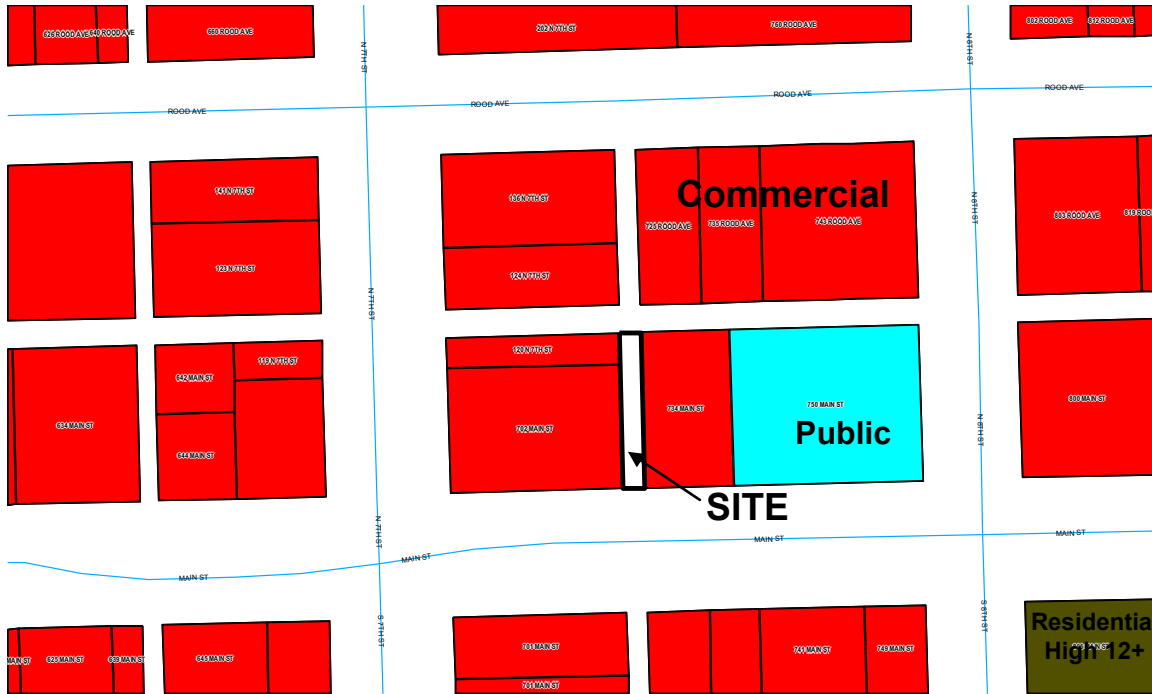
Aerial Photo Map

Figure 2



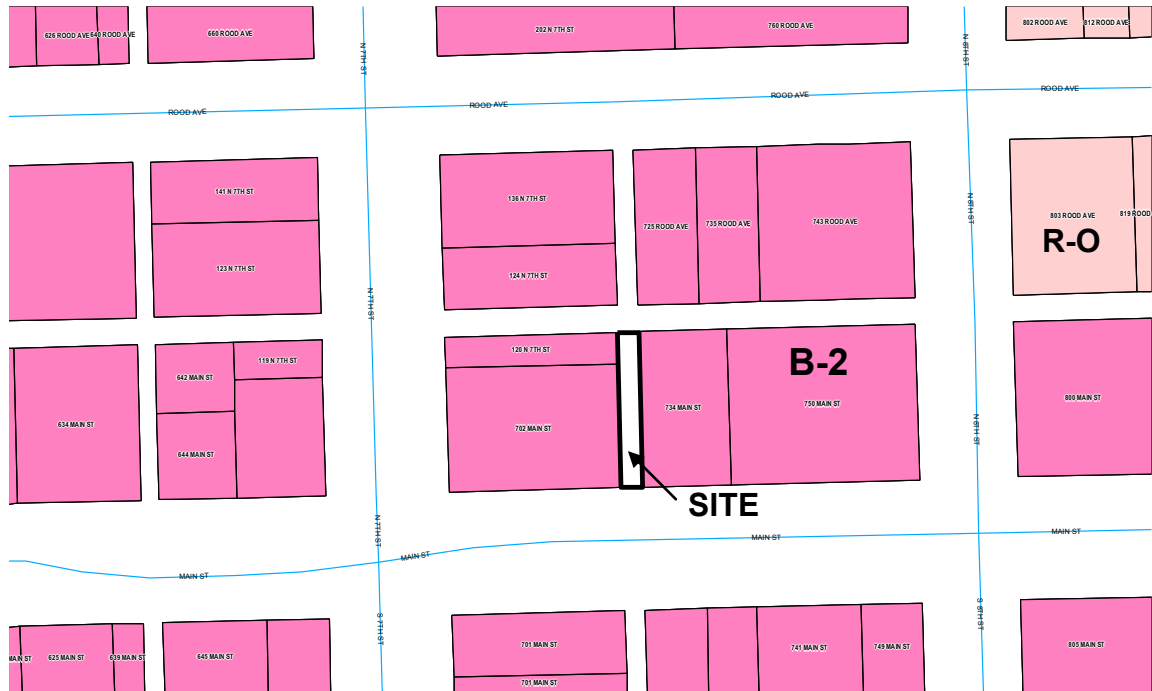
Future Land Use Map

Figure 3



Existing City Zoning Map

Figure 4



CITY OF GRAND JUNCTION, CO

ORDINANCE NO.

**AN ORDINANCE VACATING NORTH/SOUTH RIGHT-OF-WAY FOR ALLEY
LOCATED BETWEEN NORTH 7TH AND NORTH 8TH STREETS, NORTH OF
MAIN STREET**

Recitals:

A vacation of the dedicated right-of-way for has been requested by the adjoining property owners.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved.

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

The following described dedicated right-of-way for is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. A new easement(s) will need to be recorded for the relocation of the utilities existing within the existing alley and all utilities will need to be relocated and accepted by the utility provider prior to alley being vacated.

The following right-of-way is shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

All of the fifteen foot alley between lots 1 - 5 and Lot 28, Block 106 of the City of Grand Junction, County of Mesa, State of Colorado, being more particularly described as follows: BEG at the NE COR of said Lot 5; thence S89°58'10"E, a DIS of 15.00 ft to the NW COR of said Lot 28; thence S00°02'42"W, a DIS of 125.93 ft to the SW COR of said Lot 28; thence N89°58'45"W, a DIS of 15.00 ft to the SE COR of said Lot 1; thence N00°02'42"E, a DIS of 125.93 ft to the POB. Containing 0.043 acres or less.

Introduced for first reading on this 5th day of March, 2008

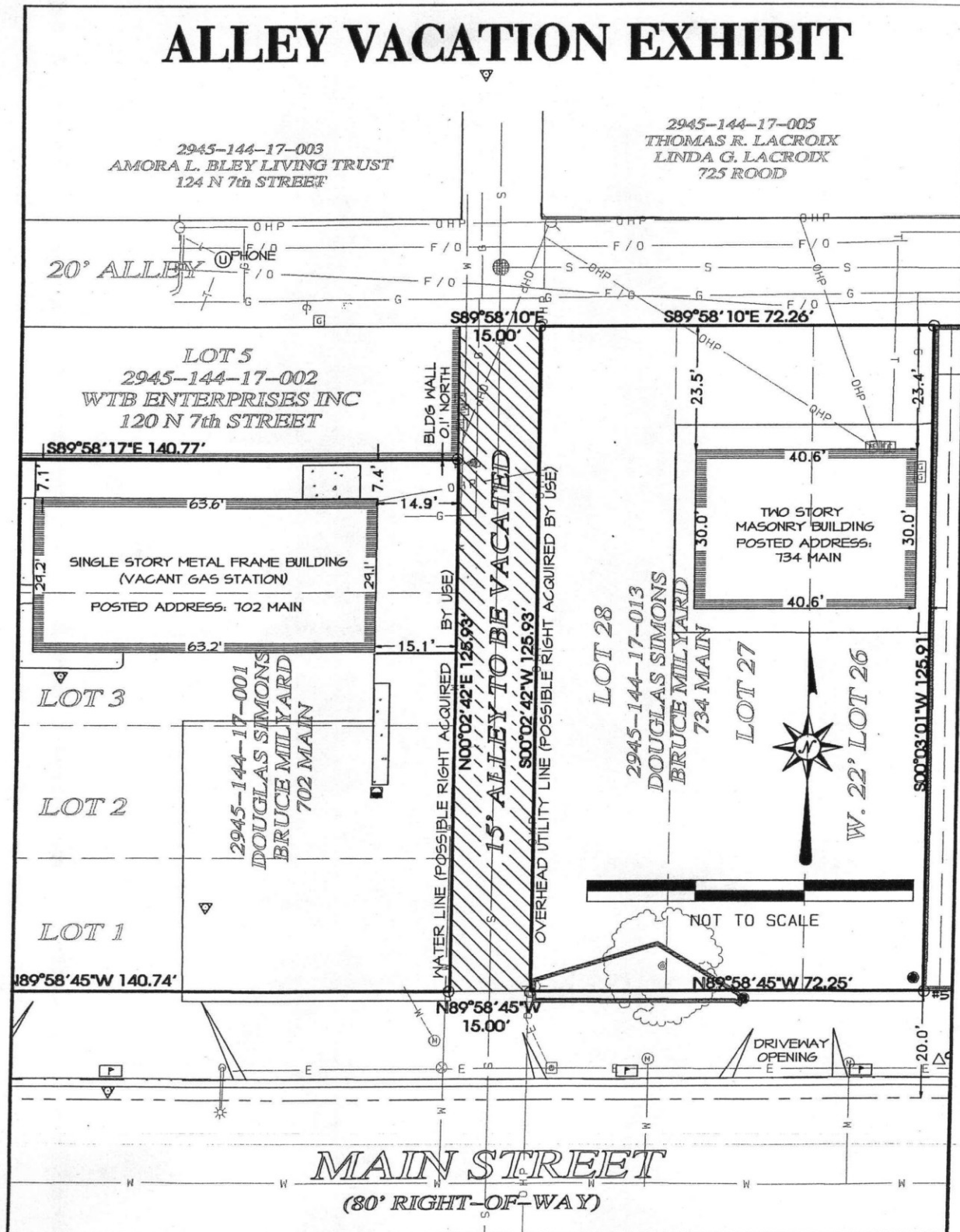
PASSED and ADOPTED this _____ day of _____, 2008.

ATTEST:

President of City Council

City Clerk

ALLEY VACATION EXHIBIT



Attach 8

2008 Grand Junction/Mesa County Stormwater Management Manual

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	2008 Grand Junction/Mesa County Stormwater Management Manual (SWMM) Update		
File #			
Meeting Day, Date	Wednesday, March 19, 2008		
Placement on the Agenda	Consent		Individual <input checked="" type="checkbox"/>
Date Prepared	February 21, 2008		
Author Name & Title	Eileen List, Environmental Services Manager		
Presenter Name & Title	Tim Moore, Public Works and Planning Director Rick Dorris, Development Engineer		

Summary: The 1996 Grand Junction/Mesa County Stormwater Management Manual (SWMM) has been updated in order to comply with the new regional stormwater engineering design criteria, local stormwater drainage policies and engineering design specifications. This update meets new federal and state stormwater regulation mandates for construction sites.

Budget: \$24,000 (City share); \$180,000 (Mesa County share)

Action Requested/Recommendation: Adopt resolution approving new SWMM manual.

Attachments:

1. Proposed Resolution

Background Information: A Stormwater Management Manual (SWMM) is a technical engineering criteria manual that is used to calculate runoff volume generated by storms and rainfall. The runoff must be hydraulically routed through the Grand Valley through streets, pipes, and ditches/channels to the Colorado River in order to prevent flooding damage to persons and property.

For example: a 20 acre pasture is subdivided into single family houses at a density of five units to the acre. A large percentage of the ground that was pasture now becomes impervious with roof tops, driveways, and streets. Water that used to soak into the ground now encounters a hard surface and runs off. The SWMM is the document that engineers use to calculate how much water runs off, how large a

stormwater detention basin must be, and how the pipes and drainage channels are designed to convey it to the river.

The SWMM also establishes policy on items like detention basins, how deep water can flow in the street, how or if lots can drain onto each other, and what is required of the developer to meet appropriate criteria.

WHY IS A SWMM NEEDED?

Proper handling of stormwater with development is a major engineering concern. Without proper stormwater guidelines new developments could discharge substantially larger quantities of water on neighbors that could cause property damage. As more land is developed without proper regard for drainage it creates flooding in the streets, in drainage channels and surrounding areas, and sometimes in buildings or other important areas.

The most notorious recent flooding event was Ranchman's Ditch south of Patterson and east of 25 Road in the mid 1990's. As a result of this flooding event, the City acquired a parcel of land and built a detention basin to collect runoff and release it at a slower rate so the existing pipes could accommodate the flow. The Ranchman's Ditch project currently under construction is a \$15,000,000 project which will substantially reduce flooding potential in the area. One could say that the need for the Ranchman's Ditch project is due to the lack of adequate drainage standards over the last 100 years. Although Ranchman's Ditch is more of a big-picture perspective, the purpose of the SWMM is to avoid similar problems for each individual development and the surrounding area.

THE OLD SWMM MANUAL

The 1996 City/County Stormwater Management Manual served as a good document to quantify, design and manage stormwater in the Grand Valley. It provided guidance for the historic definition of "water quantity" for stormwater management and remained basically unchanged for ten years. Where the old manual addressed "water quality" to a minimal extent, recent federal environmental regulations mandate much greater water quality pollution prevention control from local municipalities and governments.

NEED FOR A NEW SWMM MANUAL

New federal USEPA Clean Water Act legislation dictated that municipalities greater than 10,000 in population address stormwater quality at construction sites to prevent pollution of local waterbodies. This resulted in required erosion and sediment collection for construction projects greater than one acre in size and permanent water quality treatment after the project, such as a subdivision, is completed. The new SWMM adds these new regulatory requirements.

Control practices known as Best Management Practices must be used to prevent this pollution. For instance, mud tracking and dirt running into streets, storm sewers, and drainage channels during a snow or rainfall event must now be controlled when building a project as long as bare ground is exposed. Runoff from completed parking lots, streets, and other potentially contaminated areas must also be treated to prevent pollution before it is released into the storm drain system and flows to the Colorado River.

PUBLIC REVIEW and ADOPTION PROCESS

The SWMM was first adopted by Mesa County, the Town of Palisade, the City of Fruita and the Grand Junction Drainage District in 2006 after review and input from the local development and design engineering community. Numerous presentations on the manual were made to Associated Managers of Growth and Development, Northwest Home Builders Association, Associated Builders and Contractors, Western Colorado Contractors.

Revisions were then made to the 2006 version based upon City legal review and changes to Colorado stormwater regulations and discharge permits for construction sites in 2007. Public training on the 2008 manual was provided to the local development and design engineering community in January 2008.

CHANGES FROM THE OLD SWMM MANUAL

While the new manual addresses water quality, it also creates better ways to calculate runoff and size detention basins and clarifies policy. Major technical manual changes from the 1996 SWMM to the 2008 SWMM version are:

Submittals (Section 300)

- New requirements for submittals primarily due to new stormwater regulation requirements
- Preliminary and final drainage reports
- Stormwater management plans

Recurrence Interval for Facility Design (Section 400)

- Major storm is still the 100-year event (A "100-year storm" drops rainfall totals that had a one percent probability of occurring at that location that year.)
- Minor storm event has changed
 - Minor storm is 10-year event for detention and culverts (10% occurrence probability)
 - Minor storm is 2-year event for all other facilities (50% occurrence probability)

Design Storm Distribution for Routing (Section 600)

- Minimum 3-hour distribution through water quality facilities, results in 90% of total volume removed within the second hour

Rational Method for Intensity Duration Frequency (Section 600)

- Three separate geographic areas
- Based on multiple data sources

C values (*design coefficient determined to establish the imperviousness for a project - the higher the factor, the more impervious*) and Runoff Calculations (Section 700)

- C values changed because basing them on imperviousness is a more accurate method than basing them on land use.

Street and Inlet Capacity Calculations (Section 1100)

- Multiple charts available for various street and inlet configurations

Detention Calculations (Section 1400)

- Detention design volume calculation uses different formula
- Return periods for design are 10- and 100-year
- Water quality is included

Storm Water Management Plan (SWMP) Requirements (Section 1500)

- New requirements and standard forms
- Construction and post-construction Best Management Practices (BMPs)

Water Quality (Section 1600)

- Water quality facilities (detention ponds) designed based on Water Quality Capture Volume to remove pollutants

CITY OF GRAND JUNCTION, CO

RESOLUTION NO. _____

**A RESOLUTION ADOPTING THE 2008 STORMWATER MANAGEMENT MANUAL
(SWMM)**

RECITALS:

The City of Grand Junction Public Works and Planning Department has completed a comprehensive rewrite of the 1996 Stormwater Management Manual (SWMM). SWMM establishes policy, criteria and technical procedures for estimating storm runoff and designing drainage facilities for development. The 1996 SWMM has been reviewed and recommended for this revision due to regulatory requirements from the state and federal government Clean Water Acts dictating that municipalities such as the City of Grand Junction address storm water quality as well as quantity.

The new SWMM manual has been referred to various public and private agencies for their review and comments; those comments have been incorporated and resulted in revisions to the document as appropriate. Mesa County, the Town of Palisade, the City of Fruita and the Grand Junction Drainage District have adopted an earlier version of the SWMM manual in 2006. The 2008 SWMM has revisions from the 2006 manual that are specific to the City of Grand Junction and/or regarding recent regulatory requirements from the state.

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

The 2008 SWMM is hereby approved and in full force and affect.

PASSED and ADOPTED this _____ day of _____ 2008.

ATTEST:

City Clerk

President of City Council

Attach 9
Contract to Purchase Property at 821 27 Road
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Contract to Purchase Property at 821 27 Road		
File #			
Meeting Day, Date	Wednesday March 19, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	March 17, 2008		
Author Name & Title	Mary Lynn Kirsch, Paralegal		
Presenter Name & Title	John Shaver, City Attorney Joe Stevens, Director of Parks and Recreation		

Summary: Negotiations by City staff with the owners of 821 27 Road have been completed and a contract to purchase the property has been signed by both parties.

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 park purposes and specifically to add to the Paradise Hills Park property already owned by the City.

RESOLUTION NO. __-08

**A RESOLUTION RATIFYING THE CONTRACT TO PURCHASE
REAL PROPERTY LOCATED AT 821 27 ROAD FROM JANICE JONES**

Recitals.

A. The City of Grand Junction has entered into a Contract to Buy and Sell Real Estate ("Contract") with Janice Jones for purchase of property located at 821 27 Road, Grand Junction Colorado.

B. The City is purchasing the vacant parcel to add to the adjoining Paradise Park property owned by the City.

C. The Contract provides that on or before March 20, 2008, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of the property.

D. Based on the advice and information provided by the City staff and the City Council Property Committee, the City Council finds that it is necessary and proper that the City purchase the property located at 821 27 Road.

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

1. The above described property shall be purchased for a price of \$269,000.00. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the negotiated Contract and this Resolution are hereby ratified, approved and confirmed.

2. The sum of \$53,800.00 has been paid for the purposes of earnest money to Mrs. Jones and the remaining sum of \$215,200.00 is authorized to be paid at closing, in exchange for conveyance of the fee simple title.

3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to complete the purchase of the described property. Specifically, City staff is directed to effectuate this Resolution and the existing Contract, including execution and delivery of such certificates and documents as may be necessary or desirable to complete the purchase for the stated price.

PASSED and ADOPTED this ____ day of _____, 2008.

Attest:

President of the Council

City Clerk

Attach 10
Contract to Purchase Property at 2856 Patterson Road
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Contract to Purchase Property at 2856 Patterson Road		
File #			
Meeting Day, Date	Wednesday, March 19, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	March 17, 2008		
Author Name & Title	Mary Lynn Kirsch, Paralegal		
Presenter Name & Title	John Shaver, City Attorney Joe Stevens, Director of Parks and Recreation		

Summary: Negotiations by City staff with the owners of 2856 Patterson Road have been completed and a contract to purchase the property has been signed by both parties.

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 use in the future development of the Matchett Park property.

RESOLUTION NO. __-08

**A RESOLUTION RATIFYING THE CONTRACT TO PURCHASE
REAL PROPERTY LOCATED AT 2856 PATTERSON ROAD FROM CHRIS AND
ANGELA WALTER**

Recitals.

A. The City of Grand Junction has entered into a Contract to Buy and Sell Real Estate ("Contract") with Chris and Angela Walter for purchase of property located at 2856 Patterson Road, Grand Junction Colorado.

B. The City is purchasing the property to complete its acquisition of property in for the future development of Matchett Park. The Walter property is an in-holding in City land.

C. The Contract provides that on or before March 20, 2008, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of the property.

D. Based on the advice and information provided by the City staff and the City Council Property Committee, the City Council finds that it is necessary and proper that the City purchase the property located at 2856 Patterson Road.

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

1. The above described property shall be purchased for a price of \$436,815.00. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the negotiated Contract and this Resolution are hereby ratified, approved and confirmed.

2. The sum of \$10,000.00 has been paid for the purposes of earnest money to Mr. and Mrs. Walter and the remaining sum of \$426,815.00 is authorized to be paid at closing, in exchange for conveyance of the fee simple title.

3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to complete the purchase of the described property. Specifically, City staff is directed to effectuate this Resolution and the existing Contract, including execution and delivery of such certificates and documents as may be necessary or desirable to complete the purchase for the stated price.

PASSED and ADOPTED this _____ day of _____, 2008.

Attest:

President of the Council

City Clerk

Attach 11

Mesa County Animal Service Contract

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Mesa County Animal Services Agreement		
File #			
Meeting Day, Date	Wednesday, March 19, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	March 12, 2008		
Author Name & Title	Bob Russell, Commander		
Presenter Name & Title	John Shaver, City Attorney		

Summary:

The City of Grand Junction has an ongoing, annually renewable agreement with Mesa County for the control of dogs within the City limits. The City pays the County a percentage of the Animal Services budget based upon the City's percentage of total calls for service. The estimated budget for Animal Control Services in 2008 is \$736,567.00. The City's share of that estimated budget for 2008 is 38.1%, or \$280,632.00. Payments will be made to the County on a quarterly basis.

In addition to the cost of Animal Control Services, this contract includes \$227,200 for capital expansion of the shelter which is planned for 2008. This amount will also be paid on a quarterly basis in conjunction with the payment for Animal Control Services.

Budget:

The Police Department budgeted \$280,000.00 for Animal Control Services during the 2008 budget process. The City is to receive a carry forward in the amount of \$39,719.00 from the 2007 Animal Services budget. As a result, the City's total estimated bill for both Animal Control Services and Capital Improvement will be \$468,113.00.

Action Requested/Recommendation: Approve and Authorize the Mayor to Sign the 2008 Agreement for Animal Control Services which includes a Capital Improvement Expenditure of \$227,200 with the Total Amount of the Annual Agreement being \$468,113.00.

Attachments:

- Copy of the Animal Services Agreement.
- Copy of the 2007 Animal Services Annual Report

Background Information:

Prior to 1983 the City provided Animal Control Services through the Police Department. In 1983 the City agreed to combine forces with Mesa County for Animal Control services. Since that time the City and County have contracted for Animal Services to provide services to the City. The City Attorney has reviewed and approved the form of the agreement.

**AGREEMENT
BETWEEN MESA COUNTY AND THE CITY OF GRAND JUNCTION
PERTAINING TO ANIMAL SERVICES**

The City of Grand Junction, ("City") and Mesa County ("County") Services") have agreed upon the provision of animal services within the City of Grand Junction by the Mesa County Department of Animal Services ("Animal Services"), pursuant to the City's home rule powers and under the provisions of §29-1-201, *et. seq.*, C.R.S. as amended. This Agreement is intended to provide the basis for animal services for the year beginning April 1, 2008 through March 31, 2009.

AGREEMENT

1. The City has adopted Chapter 6, Article III & IV of the Grand Junction Code of Ordinances, ("Code" or "the Code") for the control of animals within the City. The City hereby agrees to provide the County with authority necessary to administer and enforce City regulations ("Code"), relating to animal control, within the City.
2. The County agrees to enforce the Code as codified and amended, in accordance with its provisions, consistent with proper enforcement practice and on a uniform basis throughout the City.
3. During the term hereof, the City will pay to the County, Four Hundred Sixty-eight Thousand, One Hundred Thirteen dollars and 00/100, (\$468,113.00). One-fourth of that amount, One Hundred Seventeen Thousand, Twenty-eight dollars and 00/100, (\$117,028.00) shall be paid quarterly on a prorated basis based on the number of days remaining in the quarter in relation to the total days in said quarter. All fines and shelter/impoundment revenues derived from enforcement under this Agreement shall be paid to the County as additional consideration for the services rendered.
4. The consideration paid by the City for the operation of the Animal Services Division of the County is sufficient to support this Agreement and the same is determined as follows:
 - a. Animal Services' projected 2008 expenditures shall be reduced by the projected 2008 revenues. The resulting amount represents the budgeted 2008 ("the Budget" or "Budget") taxpayer expense of the overall, combined City-County animal services program.
 - b. As part of this Agreement (and past Agreements), Animal Services' dispatch and patrol stops are logged within a database. The percentage of Animal Services' workload attributable to the City is calculated from this data after administrative stops have been deleted.

c. Multiplying the Budget by the percentage of the workload attributable to enforcement activity within the City yields an amount representing the cost of providing service to the City. The resulting figure is the amount due to the County under this Agreement for providing animal control services in 2008.

Listed below is the calculation:

\$1,110,367.00	projected 2008 expenditures
\$ 373,800.00	projected 2008 revenues
\$ 736,567.00	projected 2008 cost of city-county program
X 38.1	City's percentage of Animal Control Responses (January 2007 through December 2007)
\$ 280,632.00	contract amount due Mesa County in 2008.
(-39,719.00)	actual 2007 carry-overs
\$ 240,913.00	contract amount due Mesa County in 2008.
\$ 227,200.00	capital amount due Mesa County in 2008 for expansion of shelter.
\$ 117,028.00	QUARTERLY PAYMENTS DUE County. Contract and Capital amount divided by four (4) quarterly payments

Note: Both Parties agree that at the time this Agreement is executed the 38.1% is a fair and reasonable projection of the City's percentage of responses during the term of this Agreement. This 38.1% factor shall be reviewed by both Parties in January 2009 and the actual responses for the period of January 1, 2008 through December 31, 2008 shall be calculated to determine a revised percentage. This revised percentage shall then be substituted in the calculation of the Contract amount due Mesa County. In the event the revised percentage amount results in a change to the Contract amount due Mesa County (either an increase or decrease in such dollar amount); such increase or decrease shall be recalculated and prorated in entirety to the carryover section of the contract for 2009 or prorated and submitted as a separate payment due.

5. In providing the animal services agreed to in this Agreement, the County shall provide said services during those hours best suited, as determined by the County, for enforcement; County shall provide a standby system for other hours. In situations that cannot be handled solely by the County, the Police Department may be called by the Animal Services Division to dispatch a uniformed Officer to assist.

6. The County will select and supervise personnel for its Animal Services Division. The County shall provide to the City, all necessary or required reports on the activities of the Animal Services Division.

7. Enforcement actions arising out of or under the Code shall be prosecuted in the Grand Junction Municipal Court. The City agrees to reasonably cooperate with the County in enforcement and prosecution activities.

8. The City shall indemnify, and hold harmless the County, its agents, officials and employees, against all loss or damages, including penalties, charges, professional fees, interest, costs, expenses and liabilities of every kind and character arising out of, or relating to, any and all claims and causes of actions of every kind and character, in connection with, directly or indirectly, this Agreement, whether or not it shall be alleged or determined that the harm was caused through or by the City or its respective employees and agents. The City further agrees that its obligations to the County under this paragraph include claims against the County by the City's employees whether or not such claim is covered by workers compensation.

9. This Agreement shall terminate upon six (6) months' written notice of intent to terminate, or on March 31, 2009 if the Parties to this Agreement enter into a new Agreement for the provision of animal control services in the succeeding year as set forth below. Notice to terminate if issued, shall be sent to the appropriate signatory of this Agreement by certified mail.

10. It shall be the responsibility of the County to provide the City with a proposed Animal Services Agreement for 2008 animal control services no later than February 1, 2008. After review of the proposed Agreement the City of Grand Junction will, on or before March 1, 2009, either issue a preliminary acceptance of the proposed Agreement or a written notice of termination of the existing Agreement and a statement of their intent not to enter the proposed Agreement for animal services in the succeeding calendar year.

11. If preliminary acceptance has been given, the proposed Agreement shall not become effective until expiration of the then existing contract and until signed by the Parties. The City's preliminary acceptance may be withdrawn at any time prior to contract signing by notification of termination being sent to the County as specified in paragraph nine. If preliminary acceptance is withdrawn by a notice of termination, the City will pay for, and the County will provide, animal services for six (6) months from the date of the notice of termination.

12. The terms and rates for the six months service continuation period after notice of termination shall be those agreed to by the parties in the 2008 Agreement, unless the six (6) months extends beyond March 31, 2009, in which case the remainder of the six (6) months shall be controlled by the terms and rates of the proposed

Agreement which shall be effective during the service period following March 31, 2009 until the completion of the six (6) months termination period.

13. If terms and conditions of the proposed Agreement are not accepted by the Parties in the form of a signed written Agreement on or before March 31, 2009, the provision of animal services to the City of Grand Junction shall cease September 30, 2009.

CITY OF GRAND JUNCTION Attest:

Jim Doody, Mayor City Clerk

Date: _____

Date _____

COUNTY OF MESA Attest:

Board of County Commissioners
Chairperson:

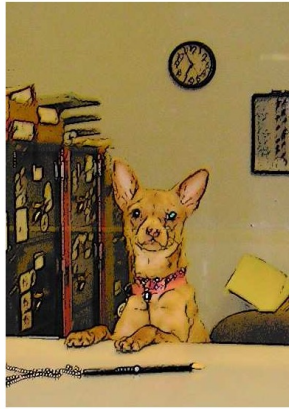
Date: _____

Date: _____

*2007
Annual Report*



Mesa County Animal Services



Welcome !!

Mission

MESA COUNTY ANIMAL SERVICES ENFORCES THE ANIMAL ORDINANCE TO PROTECT THE HEALTH AND WELFARE OF THE CITIZENS OF OUR COUNTY. WE PROTECT AND MANAGE THE ANIMAL POPULATION. OUR OBJECTIVE IS TO PLACE AS MANY UNWANTED ANIMALS AS POSSIBLE INTO SUITABLE HOMES AND PROVIDE COMMUNITY EDUCATION THAT ENCOURAGES RESPONSIBLE PET OWNERSHIP.





*Mesa County Animal
Services Advisory Board*

Dr. Michael Aduddell
Mesa County Health Department

Tom Fisher
Regional Services

Penny McCarty
Mesa County Animal Services

Lt. Craig Miller
Mesa County Sheriff's Department

Commander Bob Russell
City of Grand Junction Police Department

Dr. Mark Ryan, DVM
Redstone Veterinary Hospital

A Community Served-Animals and Citizens

Mesa County Animal Services (MCAS) welcomes any stray or owned dog and any domesticated animal that is in need of humane care. Dogs running loose in the community are a public safety risk. Animals that are sick or injured can be a public health risk. The City of Grand Junction and Mesa County have elected to waive impound fees when citizens release a pet to MCAS to reduce the number of animals abandoned in the community.

Humane euthanasia is available for pets when requested by the owner. We also hold animals at our shelter for rabies quarantine (normally 10 days) or dangerous and nuisance animals pending a disposition order by the Court.

Mesa County Animal Services has a full service contract with the City of Grand Junction to provide both enforcement and sheltering. We also provide shelter services and emergency backup for animal control issues when requested by law enforcement for the Towns of Debeque, Collbran, Palisade and Fruita.

Finally, we provide protective custody for animals whose owners are involved in accidents, are incarcerated by law enforcement or have an emergency situation that is referred to us by governmental or non-profit agencies.



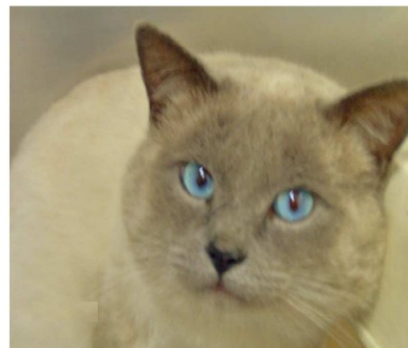
INCREASING EXPECTATIONS...

In 2007, Mesa County Animal Services provided 5,934 animals with shelter and humane care while they waited to be returned home, assessed for our adoption/transfer program or for a determination by the Courts or their owner on their final disposition. The number of animals finding refuge at our shelter increased by 10.5% over the previous year. Sixty percent of the animals received were dogs which is a result of our focus on public safety and a general increase in pet ownership in the community.

	Dogs	Cats	Other	Total
Owner Release	923	1667	57	2647
Euthanasia Request	73	30	2	105
Humane Intake		516		516
Enforcement ¹	2443		68	2511
Directly From Municipality ²	95	28	4	127
Transfer From Other Agency	20	8		28
Total Animals Sheltered	3554	2249	131	5934

¹One area that was not surprising to staff was the considerable increase in animals impounded as the result of law enforcement assists and protective custody holds. In 2007, we impounded 115 animals at the request of law enforcement which was an increase of 96 animals over the year before. This included numerous impounds that resulted from Drug Task Force action.

²These animals were received directly from the municipality's representative and the number does not include animals accepted directly from citizens of those municipalities. In an effort to provide a higher level of customer service to Collbran, Debeque, Fruita and Palisade, in 2007 we began accepting animals directly from citizens on behalf of municipalities when it was pre-approved by the agency or when the owner or citizen agreed to pay required fees up front.



UNITING PEOPLE & PETS

Mesa County Animal Services' primary mission is public safety and public health. Because we pick up dogs that are running loose and accept both dogs and cats that have been injured or are ill, our facility often reaches or exceeds its capacity to house displaced pets.

Our first goal is to reunite pets with their owners. However, many of the animals at the shelter are never reclaimed or have been relinquished by their owners. It becomes our responsibility to evaluate and rehome animals that are suitable for placement.

Because of space limitations, we are constantly challenged to find kennel space to house dogs and cats long enough for the community to visit and select a pet. This has resulted in an increased focus on transferring animals to manage our space limitations. However, in spite of these constraints, MCAS placed 726 animals into loving homes directly from our facility.



Rehomed or Reunited Animals—2007

Animals Adopted		Animals Reunited	
Dogs or Puppies	498	Dogs or Puppies	1373
Cats or Kittens	149	Cats or Kittens	38
Other animals	79	Other animals	10
Transfers	1180		
Total	1906	Total	1421

...#HUMANEEUTHANASIA

Eighty seven percent of the animals euthanized had behavior or medical issues that precluded them from being placed into adoption without additional resources to address those concerns. Because a large portion of animals come to the shelter as a result of enforcement activity, we will always shelter a larger number of aggressive dogs than a limited admission shelter that is focused on re-homing owner released pets.

Animals Euthanized

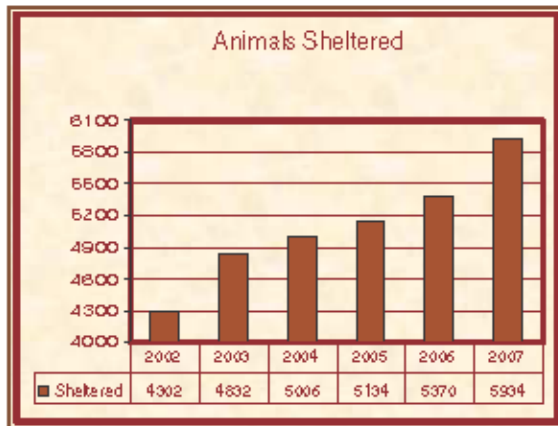
Unhealthy & Untreatable Dogs	953
Dogs that may have been treatable or rehabilitatable with additional resources	106
Healthy dogs	101
Unhealthy & Untreatable Cats (includes feral)	894
Healthy cats	225
Cats that may have been treatable or rehabilitatable with additional resources	169
Other animals	25
Total Euthanized¹	2473
Other Disposition²	134
Animals reunited	3327
Total Disposition	5934

Animals Saved	3,327
Placement rate for healthy dogs and cats	85%
Live Release Rate ³	57%

¹This includes 105 animals that were euthanized at the request of the owner

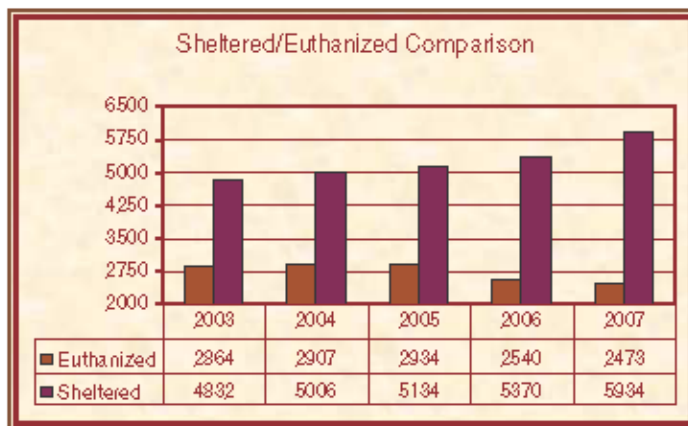
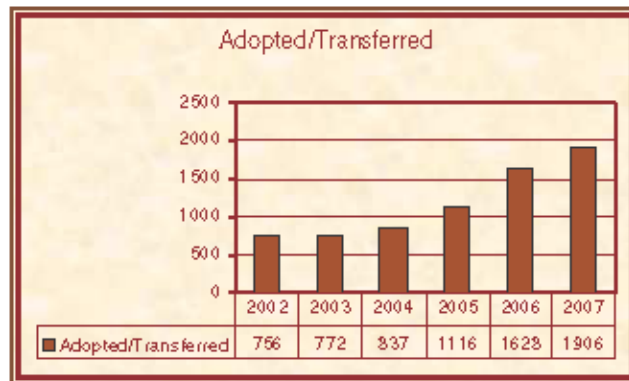
²Includes animals that died at the shelter, escaped or carried over to 2008 inventory

³This is the percentage of all dogs and cats received that were adopted, returned to owners or released to other rescue organizations. This percentage is determined under standardized criteria established by the Asilomar Accords (asilomaraccords.org)



Since 2002, The number of animals sheltered has increased by 38%

Since 2002, the number of animals adopted or transferred has increased by 152%



Slow, but steady steps in the right direction!

A COMMUNITY THAT CARES...

Veterinarians

Mesa County Animal Services works in collaboration with local veterinarians and clinics to ensure that sick or injured animals are made comfortable during their time at our shelter. If the owner of the animal is not located and the animal is deemed behaviorally suitable for adoption, these veterinarians often donate substantial services to ensure that these pets recover so that they can be placed into rescue or rehomed. In addition to stabilization and recovery care, local veterinarians assist officers with the prosecution of cruelty and neglect cases. Mesa County is very fortunate to have such a generous community of veterinarians.

WeCARE (Western Colorado Animal Resources Rescues)

In 2005, animal agencies from Western Colorado joined forces to address animal welfare issues. Pet overpopulation and the safety- and health-related issues that it brings is a community problem and cannot be solved by an individual group or agency. Working alone, the problems resulting from pet overpopulation seem insurmountable. Working together, we can take the steps necessary to minimize the emotional and financial consequences that are paid by the animals and the community when pets are considered disposable.

WeCARE is currently tracking the data identified by the Asilomar Accords as critical toward identifying the scope of the pet overpopulation in a region (both as individual agencies and as a regional coalition). Based on the results of that data, we are investigating grant options for the Western Slope. Tentatively, our findings indicate that as a region we may be eligible for a Maddie's Fund grant that could bring considerable funding and resources to the Western Slope.

Below is a chart showing the assistance we have received and provided to other animal welfare organizations in our coalition. Their focus on re-homing Mesa County displaced animals has significantly reduced the percentage of animals euthanized.

Animal Rescue Foundation (Carbondale)	20
Cats Lives are Worth Saving (CLAWS)	184
Colorado House Rabbit Society	14
Community Cat Care	81
Dumb Friends League (transported by GRH, volunteers and staff)	112
Grand Rivers Humane	546
Roice Hurst Humane Society	83

In addition, MCAS received twenty-eight animals from organizations within our coalition. These animals typically had significant medical or behavioral issues and were received so that we could provide euthanasia services.



KEEPING PEOPLE AND PETS SAFE....



	2004	2005	2006	2007
Total Calls for Service/Responses	9,526	10,836	10,892	9,008
Administrative				233
Agency Assists	Did not track separately prior to 2007			63
Aggressive Dog				490
Animal Bites	406	489	499	343
Animals in Jeopardy/Injured				448
Barking Dogs				252
Deceased Animal Pickup				173
Dogs at Large	Did not track separately prior to 2007			3,750
Investigation—follow up				771
See Citizen Request¹				179
Serves and Notifications				1,489
Welfare checks/Neglect	656	777	792	817

¹Over the past several years, we have experienced a significant increase in aggressive dog calls. We also experienced an increase in dog at large calls where it was not an isolated incident, but an ongoing and frustrating problem for the neighborhood.

The public expressed frustration that we could not respond quickly enough to catch the animal or that they saw the dog the next day and assumed we had not “done anything”. It had been the policy of animal services not to contact a reporting party unless they specifically requested follow up. Thus, the public was often unaware that we had patrolled the area, perhaps picked up the dog and issued a citation.

Mid-year 2007, our office began contacting citizens that provided us with contact information. This allowed MCAS to explain options that are available to the public and to better assess whether there is an ongoing problem and how we could work together to find a solution. Our goal was to provide a higher level of customer service and communicate enforcement options to the public so they can work with us to find a solution. While it is too early to make a determination, our hope is that by providing this higher level of communication, we will decrease the number of repeat calls and increase customer satisfaction.



ENFORCEMENT AND EDUCATION —

	2004	2005	2006	2007
Total Citations Issued	1,369	1,342	1,447	1,436

In the past we have reported the total number of citations issued. For consistency, the above chart reflects that information for a four year period. However, with the implementation of a new computer system, we have the ability to review the classification of each violation listed on each ticket. This information provides a more in-depth review of the type of violations that are occurring in the community so we can adjust our enforcement and educational programs.

Nuisance Issues		Dogs at Large (DAL)		Aggressive Behavior		Animal Abuse	
Barking (1st)	19	Dog in Estrus	3	Failure to Control	66	Abandoned	13
Barking (2nd)	6	DAL (1st)	999	Dangerous Dog	24	State Cruelty	3
Barking (3rd)	1	DAL (2nd)	141			Neglect/Abuse	121
No license	511	DAL (3rd)	68				
Impound fees	103	Public Nuisance	5				
Sub-total	640		1216		90		137
Total Violations						2083	

One Year Later....

What a difference a year can make...In 2006 we used the disturbing picture (top corner) of Sgt. Pepper taken during an animal cruelty investigation in our report and in public service announcements.

Sgt. Pepper was temporarily placed with a rescue who nurtured him back to health while they searched for a loving home where his health could continue to improve. We recently received this picture of him (right) and he is clearly a much healthier and happier pet.

Sadly, both reports and violations for abuse and neglect have continued to increase. We partially attribute the increase to public awareness and increased reports from caring citizens, but it is obvious that more education is needed to ensure that animals in our community receive the humane care that they deserve.



—AN EFFECTIVE FORMULA

While enforcement is a necessary and valuable tool, education is the key to making long term changes in our community's perception of what is and is not acceptable when caring for animals. Mesa County Animal Services provides educational programming about acceptable confinement, supervision and humane care for pets. The following programs are available to encourage and assist Mesa County citizens in being responsible pet owners:

- **Project PUPs**—Mesa County Animal Services provides certificates to assist with the cost of having a dog, cat, potbelly pig or rabbit spayed or neutered. These certificates are good for \$25-35 off the cost of the sterilization procedure at any participating veterinarian. We also dispense vouchers for Grand Rivers Humane. These vouchers provide families with limited incomes a spay or neuter surgery for their pet at a cost of \$25.00.
- **Project SNAPs**—This program was established in 2003 as a collaborative effort with local veterinarians and Mesa County Animal Services to ensure that animals adopted from our shelter are vaccinated for rabies, licensed, receive a pet health examination and are sterilized by a local veterinarian before going home. This process encourages an ongoing relationship between the pet owner and their veterinarian and provides the pet with a good start toward a healthy future.
- **New Leash on Life**—This program matches youth from the Department of Youth Services with adoptable dogs. The four week program has expanded and includes a classroom component on humane education and a worker program for qualified students who would benefit from an on-the-job work experience.
- **Humane Education Class**—In 2006, Mesa County developed and implemented a humane education class that is available for the Courts to use as a sentencing component. This program includes a module on legal requirements, a module presented by local veterinarians on humane care and a hands-on section facilitated by a local trainer. In addition to court ordered participants, this program is provided to New Leash on Life students. Once we are established in the new facility, we hope to make this educational program available at no cost to any citizen who adopts a pet from Mesa County Animal Services.
- **Media**—Mesa County Animal Services supplies local media with public service announcements each year that focus on local animal welfare or public safety issues. In addition, our staff present adoptable pets and discuss humane care, pet safety, bite prevention and other local pet issues on weekly TV and radio shows. Mesa County Animal Services is supported in its efforts to educate and communicate with citizens by KKCO, KREX, KJCT, Bresnan Communications and Cumulus Broadcasting.
- **Web-site**—Mesa County Animal Services provides two different options for citizens visiting our web-site. We provide an enforcement section that offers information about purchasing a license, local ordinances, rabies, lost pets, bite prevention and current issues such as plague. Citizens can also visit our "shelter side" which provides information on adoption, foster care, volunteering, training tips and local functions where you might find adoptable pets.
- **Bite Prevention/Safety Class**—Developed in 2006 for presentation to schools, clubs, civic organizations, and businesses such as postal or utility workers. The goal is to help citizens evaluate a dog's body language and intent.

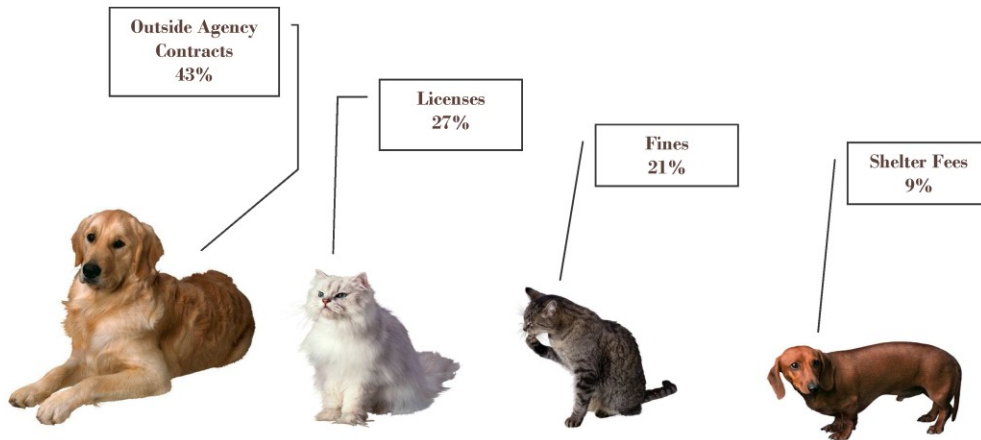
EXPENSES

Animal Control/Rabies Prevention	\$ 483,942
Shelter Services	\$ 350,918
Administrative	\$ 142,129



REVENUES

Outside Agency Contracts	\$ 261,011
Licenses	\$ 164,027
Fines	\$ 127,804
Shelter Fees	\$ 54,267



Source of Revenue:		
Shelter fees	\$	54,267.00
Fines	\$	127,804.17
Licenses	\$	164,027.00
Municipal Contracts	\$	10,806.00
Total Revenues		\$ 356,904.17
Expenditures		
Personnel Costs	\$	649,152.15
Operating Expenses	\$	137,737.13
Facility Repair and Utilities	\$	47,970.31
Administrative	\$	142,129.00
Total Expenses		(\$ -976,988.59)
Cost of operating program in 2007		\$ 620,084.42

Mesa County and the City of Grand Junction split the cost of operating Mesa County Animal Services based on overall calls handled by Animal Services for each entity. In 2007, 61.9% of calls were located in Mesa County and 38.1% in the City of Grand Junction. The amount paid by the City of Grand Junction in 2007 was based on budget projections and not actual costs. They paid \$242,348.00 based on the 2007 contract and will be refunded \$39,719.00 in the carryover section of the 2008 contract. The amount due to Grand Junction is the result of a decrease in calls for service from Grand Junction and a considerable increase in revenues collected from fees and licenses.

Mesa County Animal Services

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Thank you for sending someone to care—