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**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
WEDNESDAY, OCTOBER 1, 2008, 7:00 P.M.**

Call to Order

Pledge of Allegiance

Certificates of Appointment

To the Riverfront Commission

Citizen Comments

***** CONSENT CALENDAR *****

1. **Setting a Hearing on Zoning the Lusk Annexation, located at 2105 South Broadway** [File #ANX-2007-368] [Attach 1](#)

Request to zone the 8.53 acre Lusk Annexation, located at 2105 South Broadway, to Residential Estate (Residential 2 to 5 ac/Du).

Proposed Ordinance Zoning the Lusk Annexation to Residential Estate (R-E), Located at 2105 South Broadway

*** Indicates New Item

® Requires Roll Call Vote

REVISED

Action: *Introduction of a Proposed Ordinance and Set a Hearing for October 15, 2008*

Staff presentation: David Thornton, Principal Planner

- 2. **Setting a Hearing on Amending the Zoning and Development Code to Include an Administrative Development Approval for a Minor Exemption Subdivision**
[File #TAC-2008-029] [Attach 2](#)

The City of Grand Junction requests approval to amend the Zoning and Development Code to consider amendments to allow an administrative development approval for a Minor Exemption Subdivision.

Proposed Ordinance Amending the Zoning and Development Code to Include an Administrative Development Approval for a Minor Exemption Subdivision

Action: *Introduction of a Proposed Ordinance and Set a Hearing for October 15, 2008*

Staff presentation: Lisa E. Cox, Planning Manager

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

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

- 3. **The Taxpayer Bill of Rights (TABOR) Amendment and City Ballot Questions 2A and 2B** [Attach 3](#)

The City Council has placed two questions on the November 4, 2008 ballot. Those questions ask the voters if they want to raise the City’s sales and use tax by ¼ % for the construction and operation of public safety facilities in the City and if they want to lift the TABOR Amendment revenue limitation. Because of the complex nature of TABOR and the way that the ballot questions must be written to comply with TABOR, the City Council is considering a resolution that will affirm those aspects of TABOR that will not change if the ballot questions pass.

Resolution No. 132-08—A Resolution Affirming the Right of Citizens of the City of Grand Junction to Vote for Increased City Taxes and Prior to the City Incurring Debt

®Action: *Adopt Resolution No. 132-08*

Staff presentation: Laurie Kadrach, City Manager
John Shaver, City Attorney

4. **Setting a Hearing to Review the Service of William Pitts on the Grand Junction Planning Commission** [Attach 4](#)

In accordance with City Code the City Council may hold a hearing to consider the service and removal of any member of the Planning Commission. City Council has requested a hearing to review recent actions by Commissioner Bill Pitts and/or to consider his removal from the Planning Commission.

Action: *Set a Hearing for October 15, 2008 for Consideration of the Removal of William Pitts from the Planning Commission*

Staff presentation: John Shaver, City Attorney

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

6. **Other Business**

7. **Adjournment**

Attach 1
Setting a Hearing on Zoning the Lusk Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Zoning the Lusk Annexation - Located at 2105 South Broadway		
File #	ANX-2007-368		
Meeting Day, Date	Wednesday, October 1, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	September 18, 2008		
Author Name & Title	David Thornton, Principal Planner		
Presenter Name & Title	David Thornton, Principal Planner		

Summary: Request to zone the 8.53 acre Lusk Annexation, located at 2105 South Broadway, to Residential Estate (Residential 2 to 5 ac/du).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed Ordinance zoning the property to R-E and set a public hearing for October 15, 2008.

Attachments:

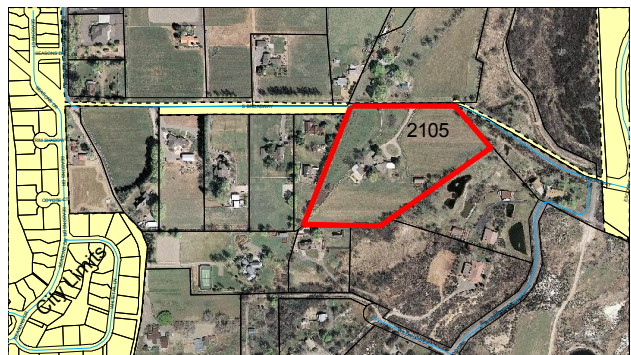
1. Staff report/Background information
2. Annexation - Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing City and County Zoning Map
4. Neighborhood Meeting Notes
5. Petitioner's General Project Report
6. Zoning Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION					
Location:		2105 South Broadway			
Applicants:		Sierra Lusk			
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:		Rural			
Zoning within density range?		X	Yes		No

STAFF ANALYSIS:

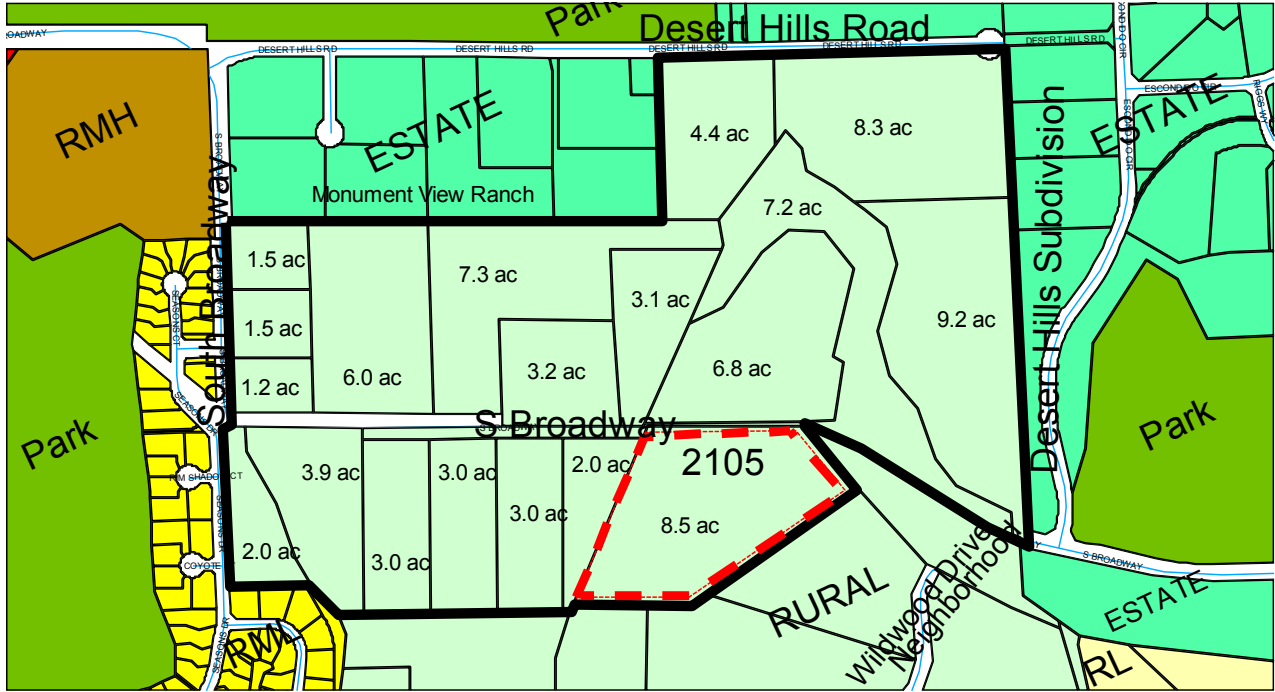
Zone of Annexation: The requested zone of annexation to the Residential Estate (R-E) zone district is consistent with the Growth Plan designation of Rural. Section 3.3.B.1 states, “R-E zoning implements the...Rural future land use classifications of the Growth Plan”. The existing County zoning is Residential Single Family - Four (RSF-4). The 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. A Growth Plan Amendment to “Residential Low” was not approved by City Council on July 16, 2008. Staff is now bringing forward a zoning that implements the existing Land Use designation of “Rural”.



ANNEXATION /GPA /ZONING SCHEDULE	
February 6, 2008	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
March 11, 2008	Planning Commission considers Growth Plan Amendment (GPA)
March 19, 2008	Acceptance of Petition and Public Hearing on Annexation by City Council
July 16, 2008	City Council considers Growth Plan Amendment (GPA)
April 20, 2008	Effective date of Annexation
September 23, 2008	Planning Commission considers Zone of Annexation
October 1, 2008	Introduction of a proposed Ordinance on Zoning by City Council
October 15, 2008	Public Hearing on Zoning by City Council
November 16, 2008	Effective date of Zoning

1. Background

This proposed Zone of Annexation to Residential Estate has been reviewed under file number ANX-2007-368 which file is incorporated herein by this reference as if fully set forth.



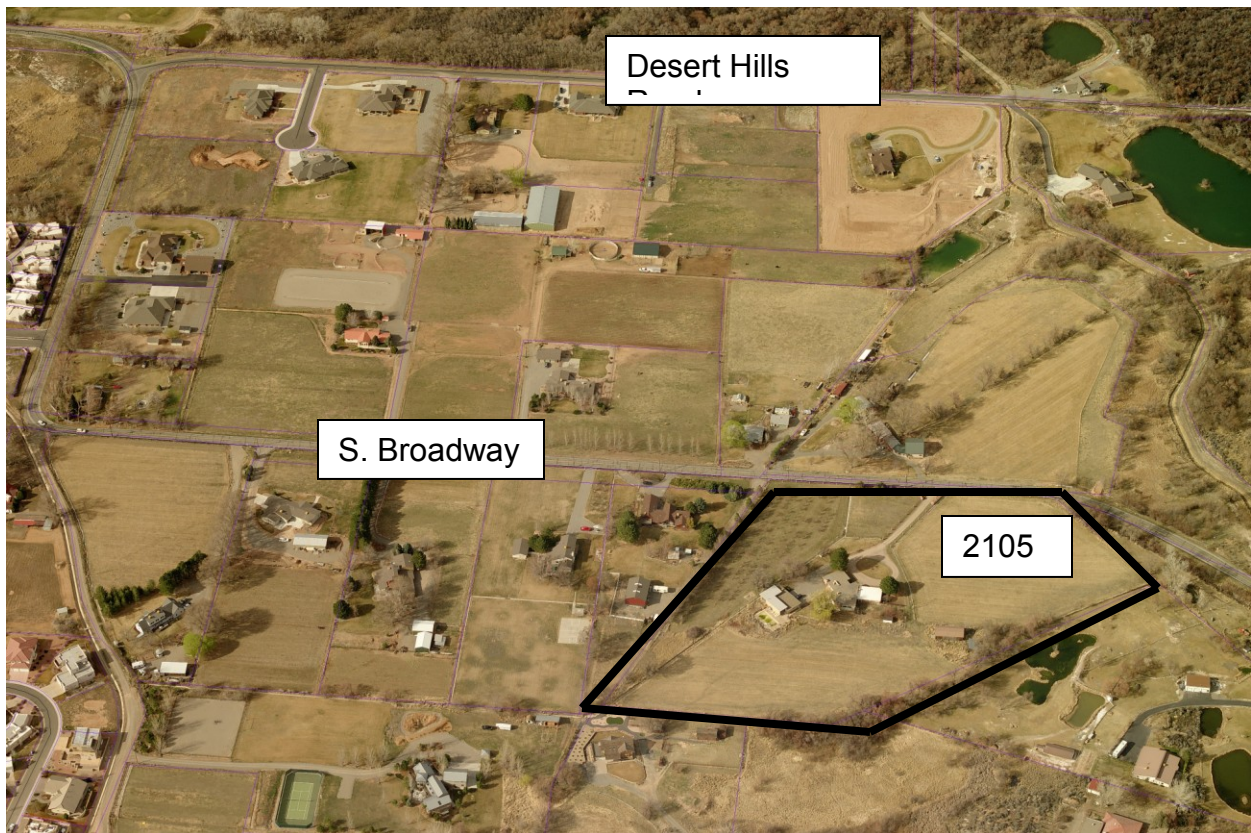
The property owner is asking for an “Estate” zone district which allows densities of one dwelling unit on 2 to 5 acres with a minimum density of 2 acres. This zoning is being requested to allow them to further subdivide their approximately 8.53 acre parcel

creating lot sizes that are compatible with the existing neighborhood. Staff took a look at the surrounding parcels located within an area bounded by Desert Hills Road and Monument View Subdivision on the north, Desert Hills Subdivision on the east, the Wildwood Drive neighborhood to the south and South Broadway to the west. See map above. Within this study area there are 19 parcels (includes the Lusk property) that are designated “Rural” on the Future Land Use Map with 12 of them less than 5 acres in size.

Since the 1996 Growth Plan adoption, the Monument View Ranch Subdivision, located to the northwest of the study area was zoned to “Estate” to allow for 8 residential lots, each lot around 2 acres in size.

This zone of annexation request is only for the Lusk property. With 63% (12 of 19) of the “Rural” parcels nonconforming with the minimum lot size required in the “Rural” zone district, an argument can be made that a zone of “Estate” is more reflective of the actual character of the area than a zone of “Rural”.

A neighborhood meeting was held on August 20, 2007 and attended by 13 people, a copy of the meeting notes are included with this staff report as an attachment. The meeting was held to discuss the growth plan amendment and zoning for the Lusk property as well as for the Linda Arnos property (2102 South Broadway) located across the street. The Arnos property was later dropped from this annexation/growth plan amendment/zoning request.



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 zoning is consistent with the following goals and policies of the Growth Plan. It is important to ensure that the Zoning Map designates sufficient land in appropriate locations to accommodate anticipated demand for each zoning district.

Growth Plan Goals and Policies:

Goal1: To achieve a balance of open space, agricultural, residential and non-residential 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 1.7: The City and County will use zoning to establish the appropriate scale, type, location and intensity for development.

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

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

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

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

In addition, as noted in the study area referred to above, 12 out of 19 properties in the neighborhood are less than 5 acres in size which supports the Residential Estate zone district.

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

Response: Adequate public facilities are currently available or can be made available (sewer is located at Desert Hills Drive and South Broadway, approximately 800 feet away and an 8 inch water line is located in South Broadway adjacent to this property) and can address the impacts of any development consistent with a Residential Estate (R-E) zoning designation.

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

- a. Residential Rural (R-R)

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

FINDINGS OF FACT/CONCLUSIONS:

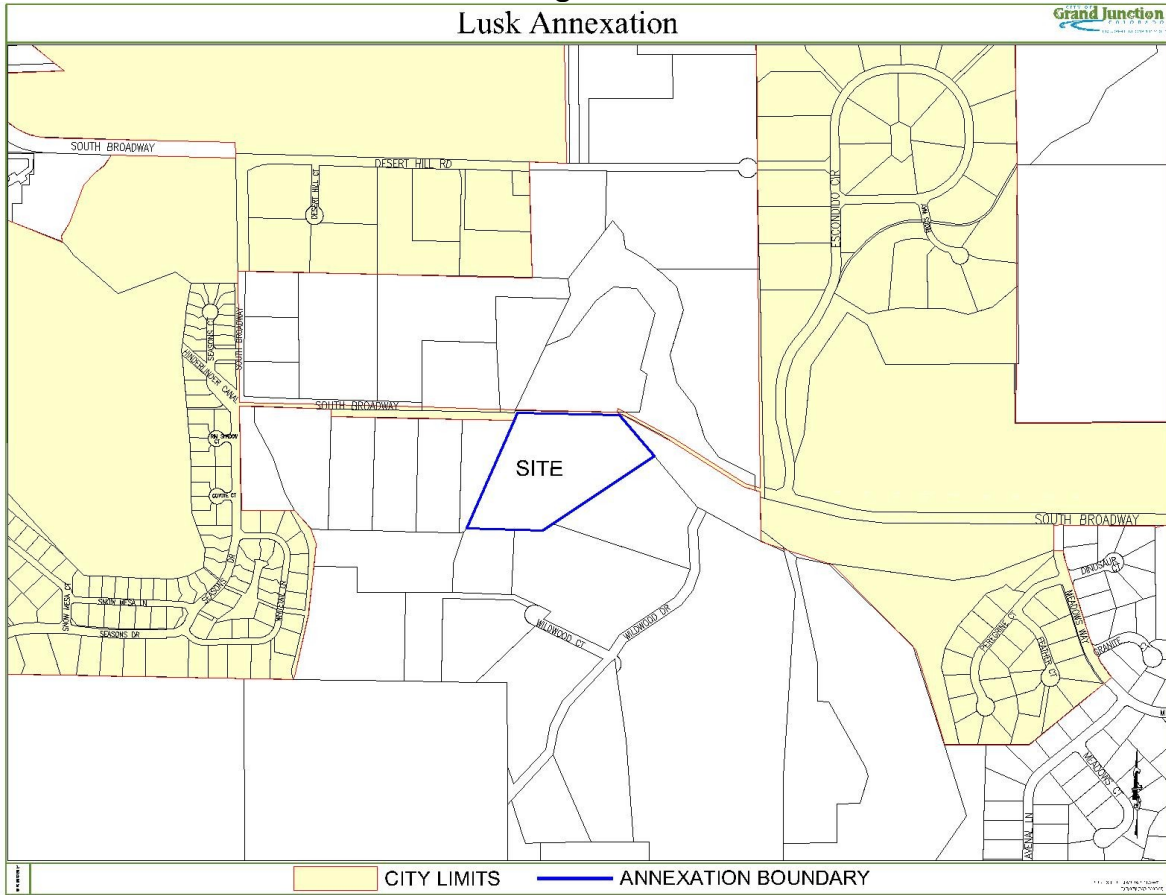
After reviewing the Lusk application, ANX-2007-368, for Zone of Annexation approval, I make the following findings of fact and conclusions:

1. The proposed Zoning is consistent with the goals and policies of the Growth Plan.
2. The review criteria in Section 2.6.A.3 and 4 of the Zoning and Development Code have all been met.

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

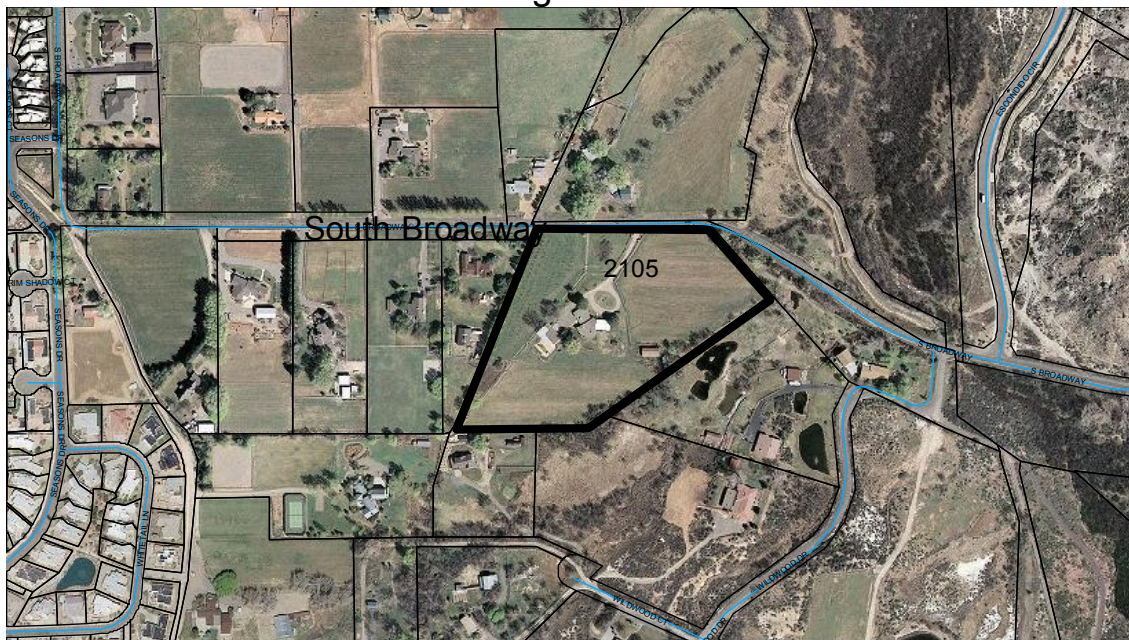
Annexation/Site Location Map

Figure 1

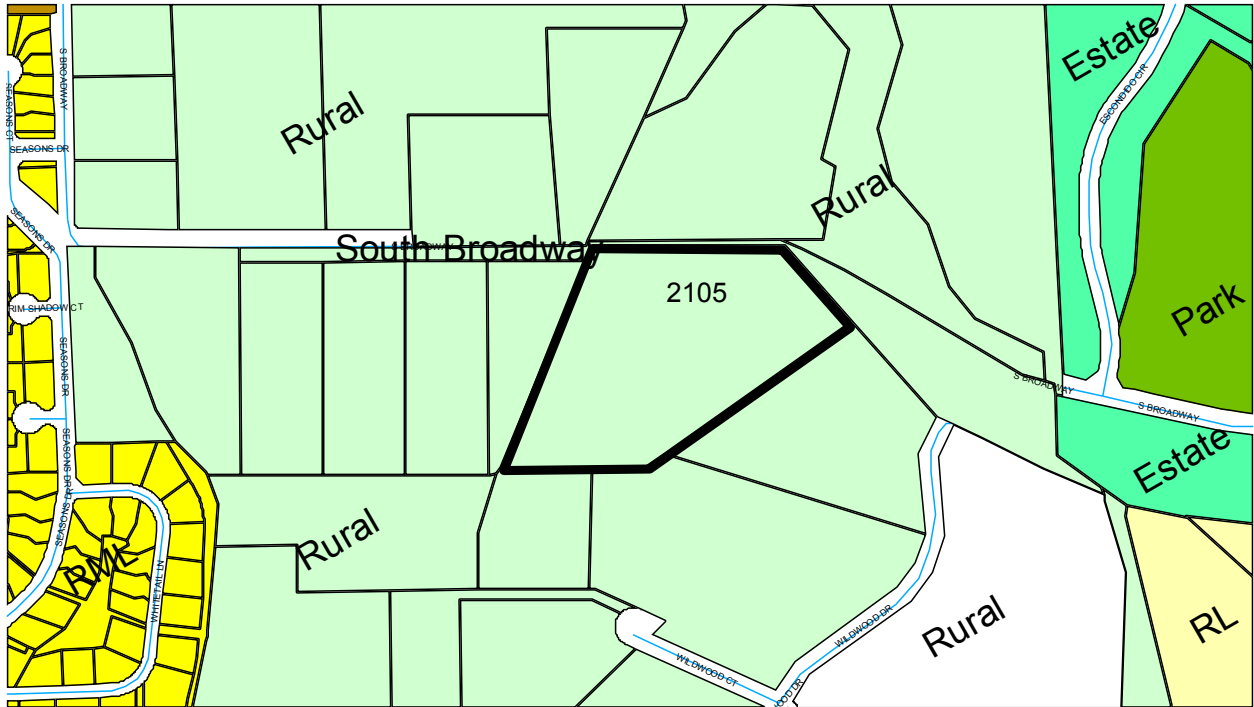


Aerial Photo Map

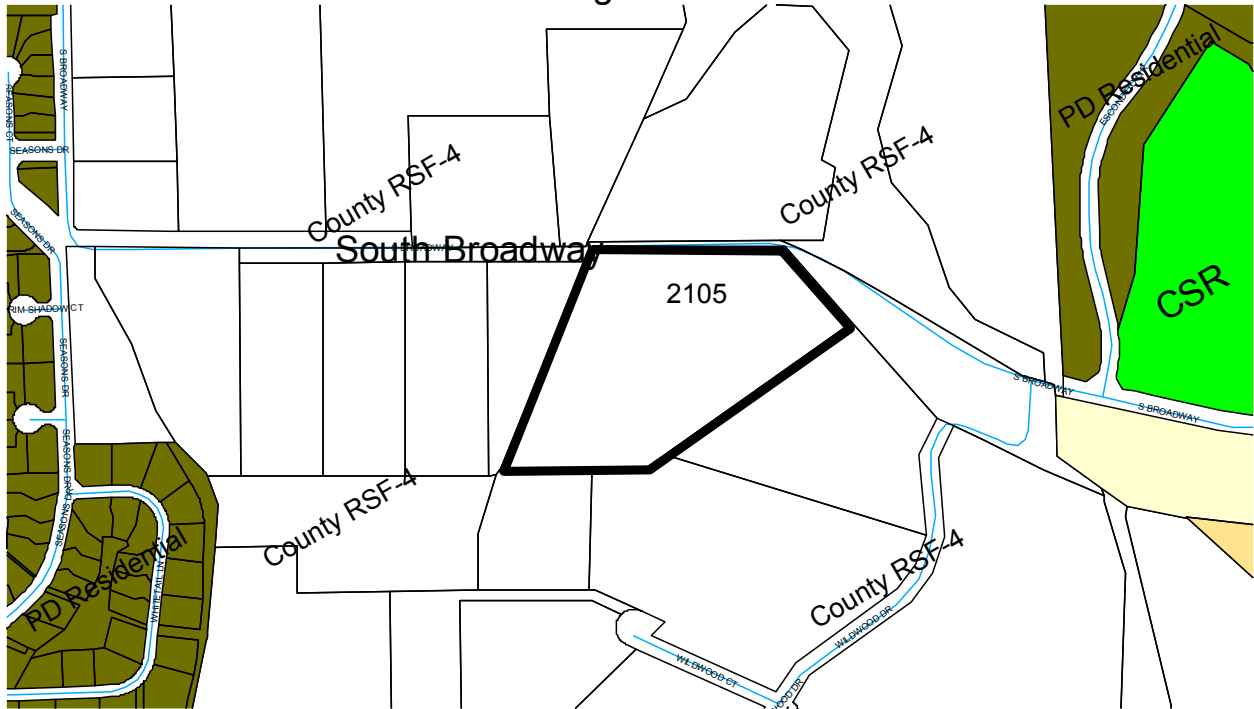
Figure 2



Future Land Use Map
Figure 3



Existing City and County Zoning Map
Figure 4



LUSK/ [REDACTED] ANNEXATION AND GROWTH PLAN AMENDMENT

NEIGHBORHOOD MEETING

A Neighborhood Meeting was held on August 20, 2007, at the home of Applicant Sierra Lusk at 2105 South Broadway, Grand Junction, Colorado. Attached are the Sign-Up Sheets that evidence who attended the Neighborhood Meeting. Scott Peterson of the City of Grand Junction was also in attendance.

Tom Volkmann, as a representative of the Applicants, Sierra Lusk and Linda Arnos, made a presentation to those present regarding the Annexation and Growth Plan Amendment processes that are the subject of the annexation, as well as the Applicants' intentions and purposes for submitting the Applications.

The following items were raised by those in attendance and discussed:

1. Upon the question being raised as to whether all of the people in the area would need to connect to the sewer, a discussion was held as to where the nearest sewer line is located. Scott Peterson confirmed that, although the adjacent property owners would not need to connect to the sewer based upon these Applications, if either of the subject properties was to be subdivided, such a sewer connection would likely be required by the City.

2. A question was raised relative to where the roads would be to service additional lots within the subject properties. Applicant Sierra Lusk informed those present that no street intersections connecting to South Broadway are anticipated. Applicant Linda Arnos informed those present that she had no present development plans for her property.

3. A question was asked regarding whether the annexation would only include the Applicants' three lots, which was answered in the affirmative.

4. Concerns were expressed by several of those present as to the quality of South Broadway in the context of its ability to handle the traffic that is being created in the area. This question related to other developments in the area, including the possibility of a high school. Scott Peterson discussed the jurisdictional topics relative to South Broadway between the City and the County, that South Broadway would likely be improved as development activity occurred. A follow-up question relative to the City condemning property to widen South Broadway was raised. The response was that the requirements relative to widening South Broadway would likely be handled through future development processes, as well.

5. A concern was raised with the Growth Plan should not be changed, at all, until the infrastructure, primarily roads, are improved in the area. A brief discussion was

again held regarding the infrastructure improvements occurring, with development, as it is built out.

6. Concern was expressed that whatever traffic department is working on the redesign of Seventh Street should not be allowed to work on South Broadway if it is redone. (I included this comment, for it was unclear to me if this was serious, comedic or both.)

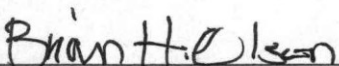

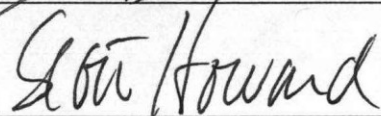
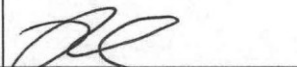

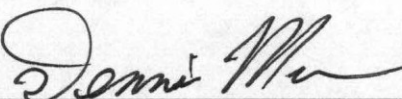
7. The meeting ended with a discussion that Applicant Lusk intends to split off an approximately two and one-half (2½) acre portion of her property, if this matter is approved. She identified the portions of the property that would stay as they were, in that she intends to use an existing irrigation ditch to separate from the pastures around her residence from the small orchard property to the west. Applicant Arnos, on the other hand, confirmed again that she did not have any present development plans for her property.

The meeting, which commenced at 7:00 p.m. ended at approximately 8:00 p.m.

A handwritten signature in black ink, appearing to read 'Thomas C. Volkmann', written over a horizontal line.

Thomas C. Volkmann
Representative of the Applicants

LUSK / ARNOS
 GROWTH PLAN AMENDMENT / ANNEXATION
 NEIGHBORHOOD MEETING
 AUGUST 30, 2007
 7:00 P.M.

PRINTED NAME	SIGNATURE	ADDRESS	TELEPHONE NUMBER
1. BRIAN & Joyce Olson		GN. 2068 SNOW MESA LN. 81503	243-6296
2. Don Desrosiers		455 WILDWOOD DR, 8503	245 2331
3. Scott & Mo Howard		2095 S. Broadway	241-2701
4. T.A. Dixon		423 Wildwood	241-5944
5. Alice M Smith		4167 Wildwood Dr.	243-5476
6. DENNIS MOSER		2110 WILDWOOD CT	241-2308
7.			
8.			
9.			
10.			

LUSK / ARNOS
 GROWTH PLAN AMENDMENT / ANNEXATION
 NEIGHBORHOOD MEETING
 AUGUST 30, 2007
 7:00 P.M.

PRINTED NAME	SIGNATURE	ADDRESS	TELEPHONE NUMBER
21. JERRY & SUE ROBERTS	Jerry Roberts Sue E. Roberts	2090 So Broadway Grand Jet Co	242 6661
22. Maggie Unfried	Maggie Unfried	2107 Desert Hills Rd Grand Jet Co	242-0422
23. [Signature]	LESTER F CLAWSON	2066 Coyote Ct GJ, CO 81503	244-6979
24. SCOTT D. PETERSON	[Signature]	CITY PLANNING	244-1447
25.			
26.			
27.			
28.			
29.			
30.			

GENERAL PROJECT REPORT

LUSK/[REDACTED]S ANNEXATION/GPA

AUGUST 31, 2007

PROJECT DESCRIPTION

Sierra Lusk and Linda Emilia Arnos, as the owners of the subject properties, are applying to annex their respective properties identified above to annexation to the City of Grand Junction and propose a Growth Plan Amendment from the current designation of RURAL (5-35 acres) to ESTATE (2-5 acres). The three parcels involved are presently zoned in Mesa County at Residential Single Family - 4 units an acre (RSF-4).

The current zoning of the surrounding properties is as follows:

	Direction	Current Zoning
	WEST	RSF-2 and RSF-4 (County)
	SOUTH	RSF-4 (County)
	NORTH	RSF-4 (County)
	WEST	RSF-4 (County)
	Nearest City Property (East along South Broadway)	Desert Hills (PD with Estate underlying)

The subject properties are located on South Broadway within the Redlands. They are within the Urban Growth Boundary designated by the City of Grand Junction and are subject to the Redlands Area Plan, adopted by Mesa County and the City of Grand Junction in June, 2002.

The subject properties are also located within the 201 Boundary for the Presigo Wastewater Treatment Facility. Although not presently served by sewer, the properties are located in a developing area, in which investments have been made in the recent past (i.e., Desert Hills Subdivision) to expand sewer availability in the area.

The historic, current and proposed use for the subject properties remains large lot residential with appurtenant small scale agriculture. The land uses in the surrounding area include residential uses of varying lot sizes and small scale agricultural. In addition, in the general area of the subject properties, public uses exist in the form of the Museum's Riggs Hill property to the east, and the Tiara Rado Golf Course and Driving Range properties operated by the City to the west and north.

The Applicants are seeking to annex their three (3) parcels into the City, apply a corresponding Estate zone of annexation, and change the Rural designation under the Growth Plan to Estate for the reasons that: (a) the current parcel sizes of the Applicants' respective parcels are insufficient to allow any subdivision on the properties at the 5 acre minimum lot size provided in the Rural designation; (b) many of the parcels in the immediate area of the Applicants' respective properties are smaller than the minimum lot size contemplated in the current Rural designation; and (c) as the subject area has

developed, and continues to develop, the Applicants seek a designation that provides for a continuation of relatively large lot, residential uses which remains compatible with the existing lot sizes and the historic uses of the properties in the immediate area.

NEIGHBORHOOD MEETING

A Neighborhood Meeting was held regarding this application on August 30, 2007. A report on the topics discussed, as well as the sign-up sheets, is submitted herewith.

PROJECT COMPLIANCE, COMPATABILITY AND IMPACT

ANNEXATION/ZONE OF ANNEXATION

As referenced in the discussion of the Growth Plan Amendment Application, below, annexation to the City of Grand Junction is required before an Application to Amend the Future Land Use Map to reflect a new designation can be submitted, according to the Persigo Agreement. Petitions for the annexation of the subject properties are submitted herewith, and have been prepared in conjunction with our discussions with City Planning staff. The properties abut South Broadway and are available for annexation at this time.

In conjunction with the Annexation, the applicants seek a zone of annexation of Estate to be applied to the property. This zone of annexation will be available upon the change of the Future Land Use Map designation from Rural to Estate submitted simultaneous herewith. Reference is made to the discussion of that application, below, for support for this proposed zone of annexation.

In short, this proposed zone of Estate will be compatible with the sizes of many of the lots in the immediate area, most of which are too small to comply with the City zoning that implements the current Rural Future Land Use designation. In addition, the current Rural designation does not appear to comport with the terms and conditions of the Persigo Agreement.

GROWTH PLAN AMENDMENT (GPA)

Pursuant to Section 2.5.C. of the Code, the City and County shall amend the Growth Plan, neighborhood plans, corridor plans, and area plans if the amendment is consistent with the purpose and intent of the Growth Plan, and if:

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

The strongest evidence that the Rural designations previously assigned to the properties in this area in error is a review of the lot sizes within the area designated Rural. A colored map on which the acreages of the properties within this area of Rural designation are shown is submitted herewith. As can be seen from that map, in this block

of Rural designated parcels there is a total of thirty-eight (38) parcels. Of those thirty-eight (38) parcels, twenty-two (22) parcels are smaller than the five (5) acre minimum applicable to the Rural designation. Conversely, only sixteen (16) of the thirty-eight (38) parcels are presently larger than five (5) acres in size. Accordingly, the Rural designation in this area categorizes well in excess of one-half (½) of the subject parcels non-conforming parcels under the zoning categories that implemental the Rural designation.

Although certain of the parcels to the south of the subject parcels are quite large, and abut the public properties of the BLM and/or Monument to the west, the subject parcels are along South Broadway and abut the smaller parcels along that road to the west.

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

Under Section 21 of the 1998 Inter-governmental Agreement between the City of Grand Junction and Mesa County relating to City growth and joint policy-making for the Persigo sewer system (the "Persigo Agreement"). Residential land use permits and approvals for property within a quarter (¼) mile of any portion of the City Limits must go through the City's land use process, including annexation. It is also notable that the definition of the phrase "Residential Annexable Development" on Exhibit 1 to the Persigo Agreement includes "any residential development that: ...Requires a change to the Future Land Use Map of the Master Plan...if requested by or on behalf of a property owner/developer."

Accordingly, the Applicants are petitioning for annexation to the City in order to accomplish the Growth Plan Amendment sought herein, notwithstanding the fact that the current County zoning on the property would allow a significantly higher density (up to four units an acre) to be developed on the subject properties. For the reasons set forth throughout this Project Report, the Applicants do not believe that the density allowed under the existing County zoning, even if it were available under the Persigo Agreement, is compatible with the existing parcel sizes in the area of the subject properties.

Section 12 of the Persigo Agreement provides as follows:

To maintain the integrity of the Master Plan, and implementation of it and for other reasons, the parties agree that any property within the 201 should eventually develop to an urban level of density. For this agreement, residential lot sizes of two (2) acres gross or larger are deemed to not be "urban" while smaller parcel or lot sizes are deemed to be "urban."

Therefore, the Persigo Agreement, adopted approximately two (2) years after the Growth Plan was originally adopted, evidences the intent of the City of Grand Junction and Mesa County, as the parties to that Agreement, that the zoning and land use designations that implement the Rural future land use treatment would generally not be located within the 201 boundary. Although the Rural designation on the Future Land Use

Map is a passive designation (in that it does not change the operative zoning or land use available to properties such as the subject properties) it sets a framework for such land use decisions should development applications be submitted in the future. The zoning and land use regulations that implement the Rural designation under the future land use map conflict with Section 12 of the Persigo Agreement. For that reason, the Growth Plan designation of Rural should be changed.

- 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;*

Since the adoption of the future Land Use Map designating this property as Rural, significant development of lots in various sizes occurred along South Broadway. In particular, the following projects have either continued to develop, or have been developed from inception, since the adoption of the City Growth Plan in 1996. These developments include: The Seasons at Tiara Rado to the west, McMillin Minor Subdivision to the west, Monument View Ranch to the northwest, Desert Hills Estates Subdivision to the northeast, Rocky Heights Subdivision to the east, Peregrine Estates Subdivision to the southeast, Liberty Cap Estates Subdivision to the south. The completion and development of these subdivisions evidence some of the changes in the general area of the subject properties. The level of change requested for this proposed Growth Plan Amendment is the least amount of change possible from the existing designation in the Growth Plan. As referenced elsewhere in this Project report, the Estate designation for this property is a much better fit for the actual densities in this area. (See subsection a hereof.)

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

The Goals and Policies of the Growth Plan that support this application include the following:

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 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 10.1: The City and County should encourage public and private investments that contribute to stable residential areas and encourage redevelopment of transitional areas in accordance with the Future Land Use Map. Public facilities should be designed to support desired neighborhood character.

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.

Policy 10.3: The City and County, recognizing the value of historic features to neighborhood character and the distinctions between neighborhoods, will allow design variety that is consistent with the valued character of individual neighborhoods, while also considering the needs and values of the community as a whole.

Policy 10.4: The City and County will encourage development designs that enhance the sense of neighborhood.

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

Policy 11.1: The City and County will promote compatibility between adjacent land uses by addressing traffic, noise, lighting, height/bulk differences, and other sources of incompatibility through the use of physical separation, buffering, screening and other techniques.

Each of the above referenced Goals and Policies from the Growth Plan support this application through the consistent intent to respect existing neighborhoods and their character in applying land use regulations to them. This theme is particularly important in the context of the City annexing lots within an established neighborhood such as this. The lot sizes, diversity of residential style and construction, and longevity of this neighborhood is respected and furthered by the approval of this application.

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

Adequate public facilities exist for the subject properties under the Estate designation sought hereunder. Domestic water is available to all residences on the subject parcels at present. Each of the parcels has frontage on South Broadway. Sewer is

CONCLUSION

Based upon the foregoing, the applicants request approval of the following:

1. The annexation of the three (3) subject parcels;
2. The application of a zone of annexation of Estate; and
3. An amendment to the Growth Plan Future Land Use map designating the three (3) subject parcels as "Estate" from "Rural."

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE LUSK ANNEXATION TO
RESIDENTIAL ESTATE (R-E)**

LOCATED AT 2105 SOUTH 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 Lusk Annexation to the Residential Estate 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 Residential Estate 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 Residential Estate (Residential 2 to 5 ac/du).

A PARCEL OF LAND IN PART OF THE W1/2 NW1/4 OF SECTION 26 AND PART OF THE E1/2 NE1/4 OF SECTION 27, ALL IN TOWNSHIP 11 SOUTH, RANGE 101 WEST OF THE 6TH PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:
COMMENCING AT THE W1/4 CORNER OF SAID SECTION 26
AND CONSIDERING THE WESTERLY LINE OF SAID SECTION 26 TO BEAR SOUTH 00° 08' 00" EAST AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO, THENCE NORTH 14° 48' 09" WEST 819.88 FEET TO THE TRUE POINT OF BEGINNING,
THENCE NORTH 23° 50' 39" ESAT 650.83 FEET,
THENCE SOUTH 88° 45' 57" EAST 524.35 FEET,
THENCE SOUTH 40° 09' 20" EAST 276.30 FEET,
THENCE SOUTH 56° 06' 32" WEST 690.17 FEET,
THENCE NORTH 88° 14' 39" WEST 392.78 FEET TO THE TRUE POINT OF BEGINNING

COUNTY OF MESA, STATE OF COLORADO

CONTAINING 8.535 Acres 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

**Setting a Hearing on Amending the Zoning and Development Code to Include an Administrative Development Approval for a Minor Exemption Subdivision
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Proposed amendment to the Zoning and Development Code		
File #	TAC-2008-279		
Meeting Day, Date	Wednesday, October 1, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	September 25, 2008		
Author Name & Title	Jamie B. Beard, Assistant City Attorney		
Presenter Name & Title	Lisa E. Cox, Planning Manager		

Summary: The City of Grand Junction requests approval to amend the Zoning and Development Code to consider amendments to allow an administrative development approval for a Minor Exemption Subdivision.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed Ordinance and set a public hearing for October 15, 2008.

Attachments: Staff report and proposed Ordinance.

Background Information: The City of Grand Junction considers proposed updates and changes to the Zoning and Development Code on a regular basis to ensure that the Code is addressing development issues in an efficient and effective manner. Certain updates and changes to the Code are desirable to maintain the Code's effectiveness and to ensure that the goals and policies of the Growth Plan and Future Land Use Map are being implemented.

Staff Analysis:

In April 2008 the Grand Junction City Council with the Mesa County Board of Commissioners expanded the 201 Persigo Boundary. The expansion was agreed to after much research and review with public hearings that included much public participation with testimony from many of the citizens. The expansion encompassed a larger area than has been incorporated within the boundary in the more recent past years.

In anticipation of some larger parcels annexing into the City due to the expansion of the Persigo boundary, it was proposed that the City consider providing the opportunity for some of these large parcels to be able to do simple subdivisions or minor subdivisions like in Mesa County without the need to meet all the sewer requirements of the Zoning and Development Code. (A minor subdivision in Mesa County allows for four or fewer parcels being created from one large original parcel.)

It had previously been proposed that the City allow for smaller subdivisions to be approved through the administrative process rather than through the public hearing process. The City staff is still investigating the possibility of proposing text amendments to allow for such a process, but early consideration suggests that the minor exemption subdivision in residential zones proposed herein is appropriate if the criteria for approval are followed.

The minor exemption subdivision process allows for a subdivision of parcels 25 acres or larger into three or fewer lots each of which are two acres or larger in size in residential zones. Under certain circumstances the lots in a minor exemption subdivision need not provide connection to the City's sewer at the time of subdivision as long as the landowner(s) execute a utility extension agreement in a form acceptable to the City. The utility extension agreement shall authorize the sewer to be extended by the City at a future date at the then landowner's expense and/or in accordance with financing provided by the City and/or the sewer system. The only variance allowed for the minor exemption subdivision is for the sewer requirements. If any other variance is requested the subdivision will be treated as a simple subdivision or a major subdivision whichever is applicable.

The minor exemption subdivision will have little impact on the surrounding neighbors and the community as a whole, so the public hearing is not necessary to protect the interest of the citizens. The administrative process is sufficient for such a subdivision.

Chapter One will be amended to indicate that the director has the authority to approve a minor exemption subdivision request.

Chapter Two shall be amended to include the minor exemption subdivision administrative development approval. In addition, a simple subdivision creating a new

lot shall not be allowed on a lot created as part of a minor exemption subdivision within the past 10 years.

In Chapter Nine, the definition of a Major Subdivision shall be amended to indicate that a Major Subdivision does not include a minor exemption subdivision.

CONSISTENCY WITH GROWTH PLAN:

The proposed amendments are consistent with the goals and policies of the Growth Plan, including, but not limited to the following:

Goal 1: To achieve a balance of open space, agricultural, residential and non-residential 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 1.7: 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 nonresidential development is compatible with the planned development of adjacent property.

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.6. The City and County will limit urban development in the Joint Planning Area to locations within the Urbanizing Area with adequate public facilities as defined in the City and County Codes. Development at non-urban intensities within the Urban Reserve Area may be permitted if it is designed to accommodate urban development when urban services are available.

Policy 4 .4: The City and County will ensure that water and sanitary sewer systems are designed and constructed with adequate capacity to serve proposed development.

Policy 4 .5: The City and County will require adequate public services and facilities to be in place or assured so they will be in place concurrently with urban development in the joint planning area. The City and County will adopt consistent urban level of service and concurrency standards for the following services: water, wastewater, streets, fire stations, schools and storm water management.

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.

During its regular September 23, 2008 meeting the Planning Commission gave consideration to the Ordinance and made a recommendation of approval.

FINDINGS/CONCLUSIONS:

In reviewing the various proposed amendments the Planning Commission found that the requested Code amendments furthered the intent of the Growth Plan by ensuring that the Zoning and Development Code is maintained in a manner that addresses development issues in an efficient and effective manner.

PLANNING COMMISSION RECOMMENDATION:

After discussion of the proposed Ordinances, the Planning Commission forwarded a recommendation of approval for the proposed Ordinances to City Council of the proposed text amendments, TAC-2008-279, which include an amendment for administrative approval of minor exemption subdivisions.

CITY OF GRAND JUNCTION

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ZONING AND DEVELOPMENT CODE
TO INCLUDE AN ADMINISTRATIVE DEVELOPMENT APPROVAL FOR A MINOR
EXEMPTION SUBDIVISION**

RECITALS:

The City of Grand Junction considers proposed updates and changes to the Zoning and Development Code (Code) on a regular basis to ensure that the Code is addressing development issues in an efficient and effective manner. Certain updates and changes to the Code are desirable to maintain the Code's effectiveness and to ensure that the goals and policies of the Growth Plan are being implemented.

The City of Grand Junction wishes to amend the Code to include an administrative development approval for a Minor Exemption Subdivision and to update other sections of the Code to be consistent with this new development approval.

The City Council finds that the request to amend the Code is consistent with the goals and policies of the Growth Plan.

The Planning Commission, having heard and considered the request, found the proposed amendments further several goals and policies of the Growth Plan and recommended approval of the proposed revisions to the Zoning and Development Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE ZONING AND DEVELOPMENT CODE BE ADMENDED AS FOLLOWS:

Amend Section 1.15 with the following (deletions appears as strikethroughs and additions are underlined):

1.15 DIRECTOR OF COMMUNITY DEVELOPMENT

The Director of the Community Development Department ("Director") serves at the direction of the City Manager. The Director shall decide requests for a:

- A. Planning Clearance;
- B. Home Occupation permit;
- C. Temporary Use permit;
- D. Change of Use permit;
- E. Major Site Plan Review;
- F. Minor Site Plan Review;

- G. Fence permit;
- H. Sign permit;
- I. Disputed Boundary Adjustments;
- JL. Floodplain development permit;
- KJ. Simple Subdivision;
- K. Disputed Boundary Adjustments;
- L. Minor Exemption Subdivision;
- LM. Major Subdivision final plat;
- MN. Major Subdivision construction plan;
- NO. Minor amendment to Planned Development preliminary plans;
- OP. Planned Development final plan;
- PQ. Planned Development final plan amendment;
- QR. Minor deviations to any Zoning district bulk standard; and
- RS. Development Improvement Agreement.

Amend Table 2.1 by inserting the following application process under Other Applications for the Minor Exemption Subdivision:

	General Meeting ^{1,9}	Neighborhood Meeting	Acting Body				Notices ²		
			Director	PC	CC	ZBOA	Public	Mail	Sign
OTHER APPLICATIONS									
Minor Exemption Subdivision	M	-	D	A	-	-	-	M	-

Amend Section 2.2.E. with the addition of all of the following:

6. **Minor Exemption Subdivisions.**
 - a. **Purpose.** The purpose of the minor exemption subdivision is the same as that for a major subdivision set forth in Section 2.8.A.
 - b. **Applicability.** The minor exemption subdivision process allows for a subdivision of parcels 25 acres or larger into three or fewer lots each of which are two acres or larger in size in residential zones.
 - c. **Approval Criteria.** The Director shall approve a minor exemption subdivision if the applicant demonstrates that the application complies with the purpose of a minor exemption subdivision and with the following criteria:

- (1) All lots comply with this Code; except that the minimum density/intensity requirements of a zone district or the Growth Plan do not apply except in the R-R zone and the sewer regulations pertaining to the extension of sewer as a condition of subdivision need not be complied with if the applicant can demonstrate the following:
 - (A) The applicant's Colorado professional engineer affirms in writing that the lot(s) can be served by Individual Septic Disposal System(s) (ISDS) constructed at or prior to use of the lot(s) for uses allowed by the City Code then in existence;
 - (B) The constructed ISDS system(s) continue to function properly;
 - (C) Sewer is not constructed within 400 feet of any lot line of any lot or out lot or out parcel created under the minor exemption subdivision process; and
 - (D) The landowner(s) execute a utility extension agreement in a form acceptable to the City. The utility extension agreement shall authorize the sewer to be extended by the City at a future date (all as provided herein) at the then landowner's expense and/or in accordance with financing provided by the City and/or the sewer system.
- (2) The applicant is not seeking a variance or is seeking only to vary the requirement of extending sewer. No other variances shall be considered with a minor exemption subdivision. (Any other variances requested shall require the application be processed as a simple subdivision under Section 2.2.E.4 or a major subdivision under Section 2.8 whichever is applicable);
- (3) The proposed lot(s) are two acres or larger in size on a gross acreage basis and are created from a parcel at least 25 acres in size;
- (4) The property from which the new lot(s) are proposed has been taxed agriculturally for the five years preceding the minor exemption subdivision application; and
- (5) The lot(s) or originating parcel has not previously had a City minor exemption subdivision, City simple

subdivision, a Mesa County minor subdivision, and/or Mesa County simple land division approval.

- d. **Decision-Maker.** The Director shall approve, conditionally approve, or deny all applications for minor exemption subdivisions. If the minor exemption subdivision does not comply with the sewer regulations at the time of approval, then the approval shall be a conditional approval requiring the ISDS to be abandoned prior to the end of its useful life if a sewer is constructed either within 400 feet of the lot line of any lot or out lot or out parcel created under the minor exemption subdivision process, or if the ISDS fails, or a sewer improvement district is formed that includes the lot(s) created and any out lot or parcel.
- e. **Application and Review Procedures** are in Table 2.1 and Section 2.2.B, with the following modification. The following notes are required on all minor exemption subdivision plats. The notes shall be conspicuous:

“No more than a total of three lots (two lots plus the out parcel) out of the original tract of land may be created by the Minor Exemption Subdivision process.”

“Any additional lot splits are required to be processed through applicable City subdivision processes. The property shown hereon may not be further subdivided without approval of the City in accordance with then applicable law.”

“In accordance with a Utility Extension Agreement the City may require any ISDS on the property to be abandoned prior to the end of its useful life if a sewer is constructed within 400 feet of the lot line of any lot created under the Minor Exemption Subdivision process or the ISDS fails or a sewer improvement district is formed that includes the lot(s).”

Amend Section 2.2.E.4.c(5) with the addition (as underlined) of the following:

- (5) If a new lot is being created, no portion of the property may have been the subject of a previous simple subdivision or a minor exemption subdivision creating a new lot within the preceding ten (10) years; and

Amend the definition for Major Subdivision in Chapter 9 as follows (additions are underlined):

MAJOR SUBDIVISION

A subdivision consisting of two (2) or more proposed new lots that is not eligible to subdivide as a minor exemption subdivision.

Introduced for first reading this ____ day of _____ 2008.

Passed and adopted this ____ day of _____ 2008.

Gregg Palmer
President of the Council

Attest:

Stephanie Tuin
City Clerk

Attach 3

**Taxpayer Bill of Rights (TABOR) Amendment and City Ballot Questions 2A and 2B
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	A Resolution Concerning the Taxpayer Bill of Rights (TABOR) Amendment and City Ballot Questions 2A and 2B		
File #			
Meeting Day, Date	Monday, October 1, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	September 24, 2008		
Author Name & Title	John Shaver, City Attorney		
Presenter Name & Title	Laurie Kadrich, City Manager John Shaver, City Attorney		

Summary: The City Council has placed two questions on the November 4, 2008 ballot. Those questions ask the voters if they want to raise the City's sales and use tax by ¼% for the construction and operation of public safety facilities in the City and if they want to lift the TABOR Amendment revenue limitation.

Because of the complex nature of TABOR and the way that the ballot questions must be written to comply with TABOR, the City Council is considering a resolution that will affirm those aspects of TABOR that will not change if the ballot questions pass.

Action Requested: Review of a draft resolution concerning the TABOR Amendment and ballot questions 2A and 2B and adoption of a resolution establishing the City's policy regarding TABOR.

Attachments: The draft Resolution is attached.

RESOLUTION NO. ____-08

**A RESOLUTION AFFIRMING THE RIGHT OF CITIZENS OF
THE CITY OF GRAND JUNCTION TO VOTE
FOR INCREASED CITY TAXES AND PRIOR TO THE CITY INCURRING DEBT**

RECITALS

The City Council of the City of Grand Junction at its August 18, 2008 meeting placed two questions on the November 2008 ballot. Those questions ask the City electors to:

- 1) approve a 1/4 % sales tax increase for the construction and operation of seven new public safety buildings in the City known as the Public Safety Initiative and
- 2) approve the lifting of the revenue limitation imposed on the City by the 1992 Taxpayers Bill of Rights (TABOR Amendment).

Those questions will appear on the ballot as **2A and 2B**.

While both questions **2A and 2B** are vitally important, the City Council by this Resolution confirms its commitment to those aspects of the TABOR amendment that will not be changed if question **2B** passes.

Question **2B** does not repeal TABOR or cause a so called total de-Brucing. Instead it asks that the City not be burdened by an artificial capping of revenue and expenditures that is based in part on the Denver-Boulder Consumer Price Index ("CPI").

Grand Junction is stronger economically than the Front Range and our local increase in the cost of goods and services, including the cost of the delivery of governmental services, should not be tied to the Denver-Boulder CPI or some artificial formula or limit.

In 1992 voters amended the Colorado Constitution by the passage of TABOR. In general terms the TABOR Amendment requires voter approval of revenue increases in the form of new taxes and/or debt and it imposes limits on revenue and spending in part by establishing the Denver-Boulder CPI as the inflation indicator.

Because of TABOR, governmental services can not keep pace with growth in the economy and when boom and bust economic cycles occur the *ratchet down effect* of TABOR has serious negative consequences.

The TABOR Amendment requires among other things that any time fiscal year revenues exceed the limitation imposed by the Amendment that the local government must refund the so called *excess revenues* unless the voters approve otherwise. With

question **2B** the City Council has given the City voters the opportunity to “approve otherwise” in the interest of our community.

While the passage of question 2B will remove the artificial capping of revenues, neither question 2A or 2B changes the requirement that the City bring to its citizens any question to increase taxes or debt, if or when new taxes or debt are proposed.

While there are some people that believe that government should not grow, the reality is that as the population increases, the economy changes and as the citizens’ demand for essential services expands, government must be responsive to those changing economic conditions and most importantly the needs of its citizens. Everyone wants effective and efficient government and there may be no better way to encourage that than through the ballot box. Voting on new taxes and to authorize debt is a reasonable means of ensuring responsible growth of government. By using those means the citizens of the City will have an extraordinary opportunity to shape the fiscal policies of the City.

The City Council does not support the current artificial and arbitrary cap on the revenue that the City may receive. The TABOR revenue limitation creates a government that is restricted by complicated rules that make government less effective, less efficient and unnecessarily constrains the ability to deliver services.

The City Council fully supports the citizens’ right to decide tax increase and/or debt questions and therefore the City Council does support and affirm those aspects of TABOR that will remain applicable following the passage of question **2B**.

NOW THEREFORE BE IT RESOLVED THAT:

The City Council confirms its commitment to the citizen’s right to vote for new taxes and/or before the City goes into debt. The City Council further confirms that with the passage of question **2B** the citizens shall keep and retain those rights.

FURTHERMORE BE IT RESOLVED THAT:

The City Council supports question **2B** and finds that the passage thereof is in the best interests of the citizens of Grand Junction in order to provide public services to our growing community.

Adopted this ____ day of _____ 2008.

Gregg Palmer
President of the Council

ATTEST:

Stephanie Tuin
City Clerk

**Attach 4
Hearing to Review the Service of William Pitts on the Grand Junction Planning
Commission**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Hearing to review the service of William Pitts on the Grand Junction Planning Commission		
File #			
Meeting Day, Date	Wednesday October 1, 2008		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	September 18, 2008		
Author Name & Title	Mary Lynn Kirsch, City Attorney's Office		
Presenter Name & Title	John Shaver, City Attorney		

Summary: In accordance with City Code the City Council may hold a hearing to consider the service and removal of any member of the Planning Commission. City Council has requested a hearing to review recent actions by Commissioner Bill Pitts and/or to consider his removal from the Planning Commission.

Budget: There is no budget impact.

Action Requested/Recommendation: Hearing

Attachments: Information will be separately provided

Background Information: Recent actions while serving as a Planning Commissioner have raised concern that Bill Pitts may be malfeasant and/or negligent in the performance of his duties. The City's Zoning and Development Code, §1.12.E, allows for a hearing for the City Council to consider the actions and determine whether removal from the Planning Commission is warranted.