

Having been duly posted on the 22nd day of March, 1999, and the public having the opportunity to comment on the propriety of the following regulation, the regulation will be duly promulgated and become effective on the 29th day of March, 1999.

RE: ADMINISTRATIVE REGULATION 2-99

Zoning and Development Code
City of Grand Junction

Issued by: /s/ E. Scott Harrington 3/22/99
E. Scott Harrington, Director of Community Development Date

Topic:

The City has executed the “Agreement between Mesa County and the City of Grand Junction Providing for an Interim Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan” (the “Agreement”) that will be in effect until such time as the City and County amend their development codes to provide said processes. The Agreement provides only a frame work for these processes in order that each party may adopt their own specific procedures and policies. This Administrative Regulation shall serve as the City’s procedures and policies regarding Joint Plan Consistency Reviews and Amendments.

Background:

In 1996, the City of Grand Junction and Mesa County adopted a Joint Plan covering the urbanizing area of central Mesa County. The adopted portion of the Joint Plan is contained in Chapter 5 of the City’s Growth Plan and Chapter 5 of the County’s Countywide Land Use Plan. The “Plan” consists of various goals and policies, tables, figures and other text in addition to a Future Land Use Map (“Map”).

The citizens of the city and unincorporated Mesa County put in a great deal of time, effort and expense to achieve a unified plan. Accordingly, it’s critical that the City and County have implementation and amendment processes that will help ensure their respective plans remain consistent and unified.

Administrative Interpretation

1. Plan Consistency Review Cycles

A Plan Consistency Review as described in section C. of the Agreement may be requested at any time and will be processed in accordance with the standard review schedule for items to be heard by the Planning Commission.

2. Plan Amendment Cycles

In accordance with paragraph D.4. of the Agreement, the City hereby adopts the following plan amendment review cycles.

- A. Transition. As a method to provide for transition once following the adoption of the Agreement, applicants who have met with Community Development Department staff regarding a *Plan* amendment between December 1, 1998, and March 4, 1999, may have their Plan amendment request considered at the first opportunity if the applicant timely submits a complete application for a Future Land Use Map amendment on or before May 26, 1999.
- B. Regular development requests. Thereafter, all requests to amend the Future Land Use Map shall be processed only once each calendar quarter. Within five days of the effective date of this administrative regulation and on January 1st of each year thereafter, the Community Development Director shall post a schedule of application deadlines for the current calendar year.
- C. Regular map amendments and all text amendments shall be processed once a quarter until June 1, 2000 and thereafter only two times per year. Within five days of the effective date of this administrative regulation and on January 1st of each year thereafter, the Community Development Director shall post a schedule of application deadlines for the current calendar year.
- D. Extraordinary amendments. The City Council may authorize processing of any amendment at any time as an extraordinary amendment upon a finding that a failure to process the amendment outside of the schedules specified herein may result in possible: decreased public benefits; decreased ability to meet other City goals and policies, such as economic development, redevelopment, in-fill development, or affordable housing; or significant diminution of property value or significant increase in expense to a property owner.

3. Decision-making

In accordance with paragraphs C.1 and D.1. of the Agreement, decision-making by the City shall be made as follows:

- A. For all Plan Consistency Review and Amendment requests relating to property located outside of the City but within the Joint Urban Planning Area which is not expected to be then annexed ¹, the action of the City Planning Commission is the City's final action and may not be appealed.
- B. For Plan Consistency Review and Map Amendment requests related to property within the City, or which is expected to be annexed, and for all text amendment requests, the Planning Commission shall recommend and the City Council shall take the City's final action. A Planning Commission denial of a request to amend the Map shall be the City's final action unless appealed to the City Council as provided herein.

¹ The decision regarding whether a property will be annexed or not will be made by the Director of Community Development based on the Persigo Agreement, other relevant agreements and other relevant information then available.

- C. Where permitted, appeals from the Planning Commission to the City Council shall be processed, noticed and heard in the same manner as an appeal of a Planning Commission's decision regarding a request to rezone², except that any such appeal is timely only if delivered in writing to the City Clerk within five (5) calendar days of the Planning Commission action. If appealed, the City Council action is the City's final action.
- D. Where action by the City and the County is required for a particular request, the City Community Development Department will attempt to arrange a joint meeting of City and County Planning Commissions, although such joint meetings are not required.
- E. As per paragraphs C.6. and D.6. of the Agreement, failure of the City and County to reach agreement (where the action of both is required) shall result in denial of the request.

4. Application Requirements

The following shall be required to request a Plan Consistency Review or Plan Amendment:

- A. Consistency Review requests shall be considered concurrently with all related development requests as per paragraph C.2. of the Agreement. To request such a review the applicant shall, at a minimum, provide a written statement describing the project's consistency with the Future Land Use Map and the applicable goals and policies contained in the text of the Growth Plan. If the applicant believes there are conflicts between the text and the Map or within the text itself, he shall provide a rationale as to which of the items in conflict best suits the overall intents and purposes of the Plan.
- B. In accordance with paragraph D.2. of the Agreement, each applicant shall decide whether his request for a Plan Amendment shall be heard concurrently with related development requests or by itself. In making a request for a Plan Amendment the applicant shall, at a minimum, provide a written response to each of the criteria provided in paragraph D.5. of the Agreement.
- C. To request consideration as an "extraordinary amendment" pursuant to paragraph 2.D. of this administrative regulation the applicant shall, at a minimum, provide a written justification as to why the request qualifies as an extraordinary amendment.
- D. In addition to the written descriptions, justifications and responses required above, the City Council, Planning Commission or staff may request additional documents, reports, studies, plans and drawings as deemed necessary to fully evaluate and decide upon the request. Applicants are encouraged to comply with all such requests; however, it shall remain the applicant's right to provide all, part or none of the requested additional materials. In addition, the applicant may submit whatever additional materials he believes are relevant to the request.

² This provision is not intended to change whether or not a person who believes himself to be aggrieved may have standing to pursue additional remedies or appeals.