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**CITY COUNCIL AGENDA
WEDNESDAY, MAY 18, 2016
250 NORTH 5TH STREET
5:45 P.M. – ADMINISTRATION CONFERENCE ROOM
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

To become the most livable community west of the Rockies by 2025

**Special Workshop 5:45 p.m. Administration Conference Room
Epic Rides (GJ Off Road) President Todd Sadow will address City Council**

Call to Order
(7:00 P.M.)

Pledge of Allegiance – Combined Law Enforcement Honor
Guard
Moment of Silence

Proclamations

Proclaiming May 15 – 21, 2016 as “Police Week” in the City of Grand Junction

[Attachment](#)

Proclaiming the Week of May 15 through May 21, 2016 as “Emergency Medical
Services Week” in the City of Grand Junction

[Attachment](#)

Proclaiming May 21, 2016 as "Kids to Parks Day" in the City of Grand Junction

[Attachment](#)

Proclaiming May 28 through June 4, 2016 as "Junior College World Series Week" in the
City of Grand Junction

[Attachment](#)

Revised May 19, 2016

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

REVISED

Appointments

To the Parks and Recreation Advisory Board

Certificates of Appointment

To the Horizon Drive Association Business Improvement District

To the Urban Trails Committee

Citizen Comments

[Supplemental Documents](#)

Council Comments

***** CONSENT CALENDAR ***®**

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

Action: Approve the Summary of the April 25, 2016 Workshop and the Minutes of the May 4, 2016 Regular Meeting

- 2. **Setting a Hearing on a Petition to Include Properties Located at 735, 737, and 749 South Avenue and 821 First Avenue in the Boundaries of the Downtown Development Authority (DDA)** [Attach 2](#)

LOJO Partnership, LLP has submitted a petition to include 735, 737, and 749 South Avenue and 821 First Avenue in the boundaries of the Downtown Development Authority. The properties have been consolidated and replatted as a part of 630 S. 7th Street, which is already within the DDA boundary.

Proposed Ordinance Expanding the Boundaries of the Grand Junction, Colorado Downtown Development Authority to Include 735 South Avenue, 737 South Avenue, 749 South Avenue, and 821 First Avenue

Action: Introduce a Proposed Ordinance and Set a Hearing for June 1, 2016

Staff presentation: Kathy Portner, Interim DDA Director

3. **Setting a Hearing on Hoesch Street Vacation Located West of 723 W. White Avenue** [Attach 3](#)

A request to vacate the undeveloped portion of Hoesch Street located south of W. White Avenue and west of the property located at 723 W. White Avenue.
Proposed Ordinance Vacating Right-of-Way for Hoesch Street, Located West of 723 W. White Avenue

Action: *Introduce a Proposed Ordinance and Set a Hearing for June 1, 2016*

Staff presentation: Senta Costello, Senior Planner

4. **Setting a Hearing on the Studt Zone of Annexation, Located at 227 29 Road** [Attach 4](#)

A request to zone 0.9 acres located at 227 29 Road from a County RSF-4 (Residential Single Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.

Proposed Ordinance Zoning the Studt Annexation to R-4 (Residential 4 Du/Ac)
Located at 227 29 Road

Action: *Introduce a Proposed Zoning Ordinance and Set a Hearing for June 1, 2016*

Staff presentation: Senta Costello, Senior Planner

5. **Setting a Hearing on Amending Title 31, Comprehensive Plan, of the Grand Junction Municipal Code by Adding Section 31.12 Wireless Master Plan** [Attach 5](#)

The proposed ordinance amends Title 31, of Volume III: Comprehensive Plan of the Grand Junction Municipal Code (GJMC) by adding Section 31.12, Wireless Master Plan. The purpose of the amendment is to adopt the Wireless Master Plan (WMP) as an element of the Comprehensive Plan.

Proposed Ordinance Adopting the Wireless Master Plan as an Element of the Grand Junction Comprehensive Plan Amending Title 31, Comprehensive Plan, of the Grand Junction Municipal Code by Adding Section 31.12 Wireless Master Plan

Action: *Introduce a Proposed Ordinance and Set a Hearing for June 1, 2016*

Staff presentation: Jim Finlayson, Information Technology Director
David Thornton, Principal Planner

6. **Setting a Hearing on Amending the Zoning and Development Code Sections of the Grand Junction Municipal Code Governing Development of Telecommunications Facilities** [Attach 6](#)

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) by amending the City’s regulations for telecommunications facilities, implementing the Wireless Master Plan (Plan), and bringing the regulations into compliance with Federal law.

Proposed Ordinance Amending the City’s Zoning and Development Regulations, Title 21 of the Grand Junction Municipal Code, Relating to Telecommunications Facilities of the Grand Junction Municipal Code

Action: *Introduce a Proposed Ordinance and Set a Hearing for June 1, 2016*

Staff presentation: David Thornton, Principal Planner
Shelly Dackonish, Staff Attorney

7. **Padilla-Ulibarri Utility Easement Vacation Located at 314 W. Ouray** [Attach 7](#)

Request to vacate a portion of a public utility easement located within vacated Peach Street right-of-way located at 314 W. Ouray Avenue.

Resolution No. 21-16 – A Resolution Vacating a Portion of a Public Utility Easement, Located at 314 W. Ouray Avenue

®Action: *Adopt Resolution No. 21-16*

Staff presentation: Senta Costello, Senior Planner

8. **Contract for 2016 Roadway Repairs** [Attach 8](#)

This request is to award a construction contract for the repairs of asphalt surfaces at designated locations to improve the driving surfaces. This work is, in part, to improve a couple of roads prior to the 2016 Chipseal project and to improve the rideability of 7th Street.

Action: Authorize the City Purchasing Division to Enter into a Contract with Asphalt Specialists & Supply, Inc. of Grand Junction, CO for the 2016 Roadway Repairs Project in the Amount of \$88,686

Staff presentation: Greg Lanning, Public Works Director
Jay Valentine, Internal Services Manager

9. **Fleet Services Division Tire Purchases** [Attach 9](#)

The request is to purchase new passenger car, truck, and equipment tires from Commercial Tire Service, purchase Michelin Fire Truck tires and Good Year Ambulance tires from Commercial Tire Service along with road call services, contract truck tire repair and purchase recapped tires from Standard Tire, and purchase other size tires not listed from Commercial Tire Service who will honor State bid listed price.

Action: Authorize the City Fleet Division to Purchase New Tires from Commercial Tire Service and Recapped Tires and Contract Large Tire Repairs from Standard Tire and Retread

Staff presentation: Jay Valentine, Internal Services Manager

*** 10. **Amend Microsoft Enterprise Agreement to Convert Office Pro Licenses to Office 365 Licenses** [Attach 10](#)

The Information Technology Division would like to amend the Microsoft Enterprise Agreement to upgrade existing Microsoft Office Pro licenses to Microsoft Office 365 subscription licenses for the amount of \$73,140. The purchase will allow the City to replace Novell GroupWise, Filr, and Vibe with cloud based Microsoft Exchange (Outlook), One Drive, and SharePoint software systems. The cost includes email conversion services and a credit for \$10,000 in third-party consulting services to assist with the implementation.

Action: Authorize the Purchasing Division to Amend the Current Microsoft Enterprise Agreement Administered by Insight Public Sector under the State of Colorado Master Agreement to include 700 Office 365 licenses beginning June 1, 2016 for the Amount of \$73,140

Staff presentation: Jim Finlayson, Information Technology Director
Jay Valentine, Internal Services Manager

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

*** ITEMS NEEDING INDIVIDUAL CONSIDERATION ***

11. **Public Hearing – Community Development Block Grant (CDBG) 2016 Program Year Funding Requests** [Attach 11](#)

City Council will consider which activities and programs to fund for the Community Development Block Grant (CDBG) 2016 Program Year. The City will receive \$384,713 for the 2016 Program Year which begins September 1, 2016. In addition, Council will consider amendments to the Action Plans from prior program years to utilize a total of \$117,866 remaining funds to be allocated with the 2016 funds.

At this meeting, the City Council will receive public input on the use of the 2016 CDBG allocation.

Action: Approve the CDBG City Council Workshop Recommendations for Funding the 2016 Program Year Including Amendments to Action Plans for Previous Program Years and Set a Public Hearing for Adoption of the 2016 One-Year Action Plan for June 15, 2016

Staff presentation: Tim Moore, Interim City Manager
Kristen Ashbeck, CDBG Administrator

12. **Public Hearing – Landmark Baptist Church Rezone, Located at 2711 Unawep Avenue** [Attach 12](#)

The applicants are requesting to rezone the property located at 2711 Unawep Avenue from R-8 (Residential 8 du/ac) to R-O (Residential – Office).

Ordinance No. 4698 – An Ordinance Rezoning Landmark Baptist Church from R-8 (Residential 8 Du/Ac) to R-O (Residential – Office), Located at 2711 Unawep Avenue

®Action: Adopt Ordinance No. 4698 on Final Passage and Order Final Publication in Pamphlet Form

Staff presentation: Senta Costello, Senior Planner

13. **Two Rivers Convention Center Kitchen Make-up Air Unit Replacement** [Attach 13](#)

The make-up air unit being replaced serves the kitchen area of Two Rivers. When the three kitchen exhaust hoods are operating, this unit provides the

tempered air to replace the air that the hoods are pulling out of the kitchen. All three exhaust hoods running at the same time require about 8,000 cubic feet per minute of make-up air to keep the kitchen at a roughly neutral air pressure. This unit is also the only source of heating and cooling for the entire kitchen area.

Action: Authorize the Purchasing Division to Enter into a Contract with Advanced Refrigeration, Heating & Air of Western Colorado, LLC to Provide and Install a New Make-up Air Unit at Two Rivers Convention Center in the Amount of \$53,375

Staff presentation: Jay Valentine, Internal Services Manager

14. **Non-Scheduled Citizens & Visitors**
15. **Other Business**
16. **Adjournment**

Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, there are more than 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of our local law enforcement agencies, to include the Mesa County Sheriff's Office, the Grand Junction Police Department, the Palisade Police Department, the Fruita Police Department, and the Colorado State Patrol; and

WHEREAS, approximately 60,000 assaults against law enforcement officers are reported each year, resulting in nearly 16,000 injuries; and

WHEREAS, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including three from local law enforcement agencies. Deputy Edward Innes was killed on September 27, 1906 during an inmate jail escape, the Fruita Police Department lost Acting Chief Dan Dalley in June 2001; and most recently, Deputy Derek Geer, of the Mesa County Sheriff's Office, died after being shot by an armed suspect in February of this year; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

WHEREAS, 123 officers killed in the line of duty in 2015 will have their names added to the National Law Enforcement Officers Memorial located in Washington, D.C. this year including Sergeant Sean Renfro, of the Jefferson County Sheriff's Office, Trooper Taylor Thyfault, of the Colorado State Patrol, Trooper Jaimie Jursevics, of the Colorado State Patrol, and Officer Garrett Swasey, of the University of Colorado at Colorado Springs Police Department; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored locally during the candlelight vigil, on the evening of May 19, 2016; and

WHEREAS, May 15th is designated as Peace Officers Memorial Day and the week of May 15 through May 21, 2016, is National Police Week.

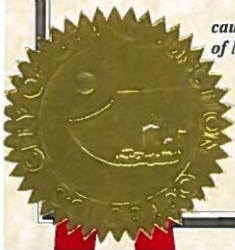
NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim May 15 through May 21, 2016 as

"POLICE WEEK"

in the City of Grand Junction, and publicly salute the service of law enforcement officers in our community and in communities across the nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 18th day of May, 2016.

Mayor



Grand Junction

State of Colorado

PROCLAMATION

- WHEREAS, emergency medical services are a vital public service; and*
- WHEREAS, the members of emergency medical service teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and*
- WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and*
- WHEREAS, emergency medical service providers have traditionally served as the safety net of America's health care systems; and*
- WHEREAS, emergency medical service teams consist of emergency medical technicians, paramedics, firefighters, emergency nurses, emergency physicians, administrators and others; and*
- WHEREAS, the members of emergency medical service teams engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and*
- WHEREAS, the citizens of Grand Junction benefit daily from the knowledge and skills of these highly trained individuals; and*
- WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical service providers by designating Emergency Medical Services Week.*

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim the week of May 15 through May 21, 2016 as

"EMERGENCY MEDICAL SERVICES WEEK"

in the City of Grand Junction, and encourage the community to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 18th day of May 2016.

Mayor



Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, May 21, 2016 is the sixth Kids to Parks Day organized and launched by the National Park Trust; and

WHEREAS, Kids to Parks Day empowers kids and encourages families to get outdoors and visit America's parks; and

WHEREAS, it is important to introduce a new generation to our nation's parks because of the decline in park attendance over the last decades; and

WHEREAS, we should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes mellitus, hypertension, and hypercholesterolemia; and

WHEREAS, Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants; and

WHEREAS, Kids to Parks Day will broaden children's appreciation for nature and the outdoors; and

WHEREAS, participation in the City of Grand Junction's junior golf programs will help to get kids outside and promote an active lifestyle, as well as honesty and integrity, while learning an outdoor activity that they may enjoy for the rest of their lives; and

WHEREAS, in order to help promote the game of golf to juniors, the City has very affordable golf fees for juniors and have added a family rate on Sunday afternoons at Tiara Rado Golf Course.

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim May 21, 2016 as

"KIDS TO PARKS DAY"

in the City of Grand Junction and urge residents of the community to encourage children to explore their neighborhood parks, outdoor activities, and sports, discover science, history, and nature, and find adventure right around the corner.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 18th day of May, 2016.



Mayor





Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, the Alpine Bank Junior College World Series, also known as JUCO, comes to Grand Junction at this same time each year and is played at the beautiful Sam Suplizio Field at Lincoln Park; and

WHEREAS, the JUCO World Series, which Grand Junction has hosted for almost sixty years, provides an opportunity for young baseball players across America to compete and demonstrate their outstanding athletic abilities, to develop lasting friendships, and to create life-long memories; and

WHEREAS, the ten teams that take part in this series, regardless of where they end up in the final standings, are all winners just by virtue of being here; and

WHEREAS, this year's tournament will be kicked off Friday night at the Hall of Fame banquet, with the first game getting underway at 9:00 a.m. Saturday morning; and

WHEREAS, the Grand Junction community looks forward to this every year as an opportunity to come together to support the players and their families by scheduling activities and gatherings specifically incorporating the JUCO games.

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim May 28 through June 4, 2016 as

"JUNIOR COLLEGE WORLD SERIES WEEK"

in the City of Grand Junction and encourage all JUCO fans, young and old, near and far, to commemorate this outstanding long-held tradition by taking part in some way.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 18th day of May, 2016.



Mayor



GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY
April 25, 2016 – Noticed Agenda Attached

Meeting Convened: 3:00 p.m. in the Fire Department Training Room

Meeting Adjourned: 5:07 p.m.

City Council Members present: All except Councilmember Traylor Smith

Staff present: Moore, Shaver, Valentine, Romero, Lanning, Schoeber, Watkins, Camper, Hazelhurst, Kovalik, Rainguet, and Tuin

Also: Richard Swingle, Debra Feeley, Ed Miller, and Amy Hamilton

Agenda Topic 1. Capital Spending Priorities

Interim City Manager (ICM) Moore introduced the topic and a list of Capital Spending Priorities was handed out to City Council along with a summary statement. ICM Moore reviewed the list.

Before reviewing the spreadsheets, Council discussed long term funding for the E 911 Regional Communications Center and the need for additional communication towers. Police Chief John Camper advised that his department has been researching options and meeting with other public safety agencies in the valley to determine if the recommendation should be to change the governance model (an Authority or a public/private model) or the funding model. Chief Camper informed City Council that they will be putting a final document together and will get it to Council.

The idea of a regional solution for fire protection was also brought up. Fire Chief Watkins said that, at first, the Fire Chiefs throughout the valley were hesitant to consider consolidation but that is changing over time. Chief Watkins said that such a partnership could free up dollars for smaller fire departments as well as General Fund dollars for the City.

ICM Moore then referred the City Council to the spreadsheets distributed. He explained that the first page showed funding sources, committed uses, and then ongoing uses. The second page listed one time projects with the lower part showing one time projects that had a grant as a funding source.

Transportation projects were discussed in more detail as well as the current pavement condition index (PCI) and what it would take to improve the PCI.

Councilmembers were then asked to identify their top (5) priorities.

Councilmember McArthur: #1 – Fire Station 6 (North) (Line 39) and #2 – Street Maintenance (Line 27).

Councilmember Kennedy: #1 – Fire Station 6 (North) (Line 39), #2 – Public Safety Training Campus (Line 40), #3 – Las Colonias Park Development (Line 46), and #4 – Riverside Parkway Overlay (Line 26) noting it should be combined with the other overlays.

Councilmember Taggart: #1 – Contract Street Maintenance (Line 27) noting it should be \$17.5 million over the five years (\$2 million additional per year from page 1 and \$1.5 million annually for five years), #2 – Riverside Parkway Overlay (Line 26), #3 – 24 Road and Riverside Parkway Interchange (Line 30), plus widening 24 Road, #4 – Fire Station 6 (North)(Line 39), and #5 – Facilities (Line 47).

Councilmember Boeschstein said his top five (not prioritized) were Contract Street Maintenance (Line 27), G Road Improvements (Line 31), Fire Station 6 (Line 39), Community Center (Line 43), and Las Colonias Development (Line 46).

Councilmember Chazen: #1 – Contract Street Maintenance (Line 27) at \$17.5 million plus Riverside Parkway Overlay (Line 26) for a total of \$21 million, #2 – Fire Station 6 (Line 39), #3 – Facilities (Line 47), #4 – North Avenue Complete Streets (Line 51) and 22 Road/River Road Crossing (Line 52), and #5 – Public Safety Training Campus (Line 40).

Council President Norris: #1 – Contract Street Maintenance (Line 27) and the Riverside Parkway Overlay (Line 26), noting they will have to go to the voters to fund these, #2 – Fire Station #6 (Line 39), #3 – the 24 Road/Riverside Parkway Interchange (Line 30) plus widening 24 Road, #4 – Community Center (Line 43) and Events Center (Line 45), noting the citizens should work on these but she would support ballot issues, and #5 – Las Colonias Development (Line 48) and Facilities needs (Line 47).

Summarizing, ICM Moore noted that Street Maintenance, Fire Station #6, the 24 Road portion of the highway, and Las Colonias seem to be the top four. It was noted that those four projects add up to \$62.4 million.

There was discussion regarding Broadband and where it would be on the list. Since studies are continuing and there may be revenue streams, the costs aren't known.

Parks and Recreation Director Rob Schoeber advised that there is a planning grant with matching dollars already budgeted for a feasibility study for a Community Center. Citizens ask about a Community Center almost daily. It appeared that a majority of Council were supportive.

Lodging Tax was discussed and Convention and Visitor Services Director Debbie Kovalik said that a bi-annual survey is conducted to compare check out rates (which includes sales tax and lodging tax). She said that Denver is at 17%, the average across the State is 10.5%, and Grand Junction is at 10.75%.

There was additional discussion including funding for Fire Station North, noting there is capital expense plus ongoing operations, the beltway, overlays (street maintenance), and putting a question on the ballot. Staff was directed to take these top priorities and bring back funding options.

Agenda Topic 2. Other Business

ICM Moore said that on May 12th, Economic Development will be discussed with the County and the other municipalities. He also said the Parks and Recreation Staff has been working hard on the Las Colonias amphitheater and have identified a couple of grants that are due this week that require no matching. They should know within a month if those grants were awarded. If awarded, the project may not have to be trimmed down. Councilmember Boeschstein said that the local Department of Energy is also trying to provide some funding for Las Colonias Park.

Agenda Topic 3. Board and Committee Reports

Councilmember Taggart said there was an Airport Authority meeting on Friday, April 22nd to discuss making a contract offer to Kip Turner for the Director's position at the Airport.

With no further business, the meeting was adjourned.

REVISED

**GRAND JUNCTION CITY COUNCIL
MONDAY, APRIL 25, 2016**

**WORKSHOP, 3:00 P.M.
FIRE DEPARTMENT TRAINING ROOM
625 UTE AVENUE**

To become the most livable community west of the Rockies by 2025

- 1. Capital Spending Priorities**
- 2. Other Business**
- 3. Board and Committee Reports**

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

May 4, 2016

The City Council of the City of Grand Junction convened into regular session on the 4th day of May, 2016 at 7:00 p.m. Those present were Councilmembers Bennett Boeschstein, Chris Kennedy, Duncan McArthur, Rick Taggart, Barbara Traylor Smith, Martin Chazen, and Council President Phyllis Norris. Also present were Interim City Manager Tim Moore, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. Councilmember Kennedy led the Pledge of Allegiance which was followed by a moment of silence.

Proclamations

Proclaiming May 9th through May 23rd, 2016 as “Paint the Town Purple Days” in the City of Grand Junction”

Councilmember Chazen read the proclamation. Terri Wannamaker, American Cancer Society (ACS) Committee Member for Mesa County Relay for Life, was present to receive the proclamation. Ms. Wannamaker provided statistics on cancer in the United States. She and another representative for Mesa County Relay for Life thanked the Council and advised the date and time of the Relay for Life event.

Proclaiming May 2nd through May 8th, 2016 as “Grand Junction Pride Fest Week” in the City of Grand Junction

Councilmember Kennedy read the proclamation. Heidi Hess and Jesse Daniels were present to receive the proclamation. Councilmember Kennedy said almost 26 years ago he and his wife both knew their son at the age of three was gay and his loving family supported him as he grew up and realized himself that he was gay. It is a highlight for him to read this proclamation and he recognized the people in attendance representing a cross section of the community. Ms. Hess thanked the City Council and especially Councilmember Kennedy. She noted that it is good for young people who struggle to see the support. She encouraged everyone to attend the upcoming events that will be held.

Appointments

To the Urban Trails Committee

Councilmember Boeschstein moved to appoint Shana Wade and Orin Zyvan to the Urban Trails Committee for three year terms expiring June 2019. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

To the Horizon Drive Association Business Improvement District

Councilmember Traylor Smith moved to reappoint Chuck Keller and Bill Milius to the Horizon Drive Association Business Improvement District for four year terms expiring April 2020. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

Certificate of Appointment

To the Commission on Arts and Culture

Darcy Johnson was not present to receive her certification of reappointment to the Commission on Arts and Culture. Councilmember Kennedy read the appointment.

He also advised that those present were not required to remain for the entire meeting.

Citizens Comments

Bruce Lohmiller, 536 29 Road, addressed the City Council regarding equal justice for all people. He suggested night patrols for Whitman Park because a gentleman recently drowned after leaving Whitman Park. He also suggested that the vacated building where the Work Force Program operated would be a great place for a new Rescue Mission. He filed a motion to compel against Mr. Rubenstien. He spoke with President Foster about campaign events at Colorado Mesa University and having the candidates visit.

Danny Bohrer, 2255 Texas Avenue, said he has lived in his house since 1992 and said elm trees are a huge problem. He would like them to be eradicated. The seeds are a mess. He explained a plan where the City pays for a portion of removing the trees throughout the City.

Steven Johnson, 494 Anjou Drive, addressed the City Council regarding the need for Grand Valley Transit to operate on Sundays; it is needed for those that work on Sundays and there are many that need it to go to church or the store. It would benefit disabled people. He suggested shorter hours on Sunday.

Council Comments

Councilmember McArthur attended the Senior Beacon Festival which was a very successful event. He also attended the dedication of the donor wall at the Avalon Theatre.

Councilmember Boeschstein went to a Business Incubator meeting that morning and then the Riverview Technology Corporation (RTC) meeting after that. On May 3rd he attended the Historic Preservation Meeting and the World Affairs Council. He attended the Family Health West fundraising event at the Avalon on April 30th. On April 28th the State Demographer gave a presentation, he attended a Downtown Development Authority (DDA) meeting. On the 27th he attended the Arts and Culture Commission meeting and the Urban Trails Committee meeting. He met with April Gill with the Department of Energy (DOE) and Recreation Superintendent Tracy Wieland on April 25th to discuss ways the DOE could assist with Las Colonias funding. He also attended the City Council Workshop on April 25th.

Councilmember Chazen went to the April 21st Special Olympics kickoff at CMU and he thanked law enforcement agencies for supporting the event. On April 27th he attended the Associated Governments for Northwest Colorado (AGNC) meeting in Palisade and he was reelected as vice chair. A detailed presentation was given by Parks and Wildlife Representative J. T. Romanski on the Cameo shooting range and Councilmember Chazen said he would like someone from the Visitors and Convention Bureau (VCB) to get in touch with Mr. Romanski. There was also an update from John Stulp, Advisor to the Governor on water policy. On April 28th he attended the DDA meeting and the board supported the sale or leasing for the development of the end cap on the parking garage. A committee was formed to study downtown parking ownership. There was an update by a consultant on the monitoring systems for the old gas tanks in the downtown area where a legacy effort has been ongoing for years. The qualifications for a new DDA Director were discussed. On April 29th he attended the CMU student showcase.

Councilmember Kennedy was also at the CMU Special Olympics kickoff. The Broadband committee reviewed Request for Proposals (RFPs) responses and are working on information to bring back to Council regarding financial options.

Councilmember Traylor Smith focused on the State Demographer's presentation and noted that the efforts of previous Councils to focus on Grand Junction being a retirement community worked. It is now realized that the City needs more businesses and jobs for the younger people. She reminded everyone about the construction project on Horizon Drive and asked people to slow down and be very cautious.

Councilmember Taggart went to the CMU entrepreneur's day and George Gillette who used to own Vail was the keynote speaker and delivered a wonderful speech. The event was a "Shark Tank" situation with three teams of students presenting their concepts and he described the concept of the winners. An offer was made to Kip Turner for the Airport Manager position and he accepted. He will join the Airport in early July.

Council President Norris met with representatives from different communities to talk about 911 services and public safety in the valley and they are working diligently on a solution. She went to the Food Bank's new facility and someone donated the first year of rent. The State Demographer gave a good presentation and was very open for input. Broadband is one of the main issues which holds the community back.

Consent Agenda

Councilmember McArthur read the Consent Calendar items #1 through #6 and moved to adopt the Consent Calendar. Councilmember Boeschenstein seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the April 18, 2016 Workshop and the Minutes of the April 20, 2016 Regular Meeting

2. **Setting a Hearing on the PIA Annexation, Located at 2757 Highway 50**

This is a request to annex 3.954 acres, located at 2757 Highway 50. The PIA Annexation consists of 1 parcel.

Resolution No. 16-16 - A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, PIA Annexation, Located at 2757 Highway 50

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, PIA Annexation, Approximately 3.954 Acres, Located at 2757 Highway 50

Action: Adopt Resolution No. 16-16, Introduce a Proposed Annexation Ordinance, and Set a Hearing for June 15, 2016

3. **Setting a Hearing on the Landmark Baptist Church Rezone, Located at 2711 Unaweep Avenue**

The applicants are requesting to rezone the property from R-8 (Residential 8 du/ac) to R-O (Residential - Office).

Proposed Ordinance Rezoning Landmark Baptist Church from R-8 (Residential 8 Du/Ac) to R-O (Residential - Office), Located at 2711 UnawEEP Avenue

Action: Introduce a Proposed Zoning Ordinance and Set a Hearing for May 18, 2016

4. **Purchase a Service Truck with Crane for the Waste Water Services Division**

The Crane Truck is part of the resources needed to provide ongoing operation and maintenance in the Waste Water Services Division. This equipment is used for the repair and installation of the Waste Water Lift Station pumps and facilities.

Action: Authorize the City Purchasing Division to Purchase a Service Truck with Crane for \$134,812 from Transwest Truck Trailer RV

5. **Application for Local Government Marijuana Impact Grant Program**

In November 2015, Colorado voters approved a ballot measure that allows taxes collected from the sale of recreational marijuana to be used to fund several statewide programs, including a Local Government Marijuana Impact Grant Program. This grant is available to local governments who do not allow the sale of retail marijuana. If awarded, the grant will fund two Detectives on the Western Colorado Joint Drug Task Force for a three year period.

Action: Authorize the Police Department to Apply for Funding from the State's Local Government Marijuana Impact Grant Program in the Amount of \$186,914 per Year for Three Years

6. **Contract to Sell Commercial Property at 2887 North Avenue**

As a result of the dissolution of the Fruitvale Sanitation District, the Persigo Joint Sewer System was conveyed ownership of the property at 2887 North Avenue. This property was formally utilized for the operations of the Fruitvale Sanitation District; however it is no longer needed for the operations of the Joint Sewer System. Because of this, a real estate agent was acquired to list and negotiate the sale of the property.

Resolution No. 20-16 - A Resolution Authorizing the Sale of Certain Real Property and Ratifying Actions Heretofore Taken in Connection Therewith

Action: Adopt Resolution No. 20-16

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing – Marquis Annexation, Zoning, and Comprehensive Plan Future Land Use Map Amendment, Located at 2245 ½ Broadway

A request to annex and zone 0.54 acres from County RSF-4 (Residential Single-Family - 4 du/ac) to a City B-1 (Neighborhood Business) zone district along with a Comprehensive Plan Amendment to change the Future Land Use Map designation from “Residential Low” (0.5 - 2 du/ac) to “Neighborhood Center”.

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

Scott D. Peterson presented this item. He described the site, the location, and the request. A Comprehensive Plan Amendment is required to change the Future Land Use Map designation from Residential Low to Neighborhood Center. A neighborhood meeting was held on January 11, 2016 and there were no objections expressed for the request. The Planning Commission recommended approval of the application at their April 12, 2016 meeting. The applicant is requesting annexation into the City and a zone district of B-1 for a building expansion and additional off-street parking for Tiara Rado Animal Hospital. Mr. Peterson described the surrounding zoning and uses. The proposed use is an allowed use in the requested zone district. The requested Comprehensive Plan Future Land Use Map Amendment and Zone of Annexation is consistent with the goals and polices of the Comprehensive Plan and the review criteria of the Grand Junction Zoning and Development Code have been met or addressed.

Councilmember Boeschstein noted the location is on a dangerous highway and asked if the veterinary clinic will have new curb cuts. Mr. Peterson said that will be looked at during the site plan review and Colorado Department of Transportation (CDOT) will weigh in heavily and make a recommendation.

Councilmember Kennedy asked about the future plans of the lot adjacent to the site. Mr. Peterson said it is not in the City limits, the north half is vacant, and he has not heard about any development. It has access off Iris Court so it could be developed as residential or it could also be rezoned to a B-1 category. Councilmember Kennedy asked if there was any feedback from adjacent property owners. Mr. Peterson said only three people came to the neighborhood meeting but no one came to the Planning Commission public hearing. He has not heard anything since the neighborhood meeting.

Councilmember Chazen asked if the property owners to the south were notified. Mr. Peterson said yes. Councilmember Chazen asked if they were at the neighborhood meeting. Mr. Peterson said one of the adjacent property owners attended. Councilmember Chazen asked where the road is to the adjacent properties. Mr.

Peterson said there is access off of Blevins Road. Councilmember Chazen asked if there are any special requirements for boarding animals. Mr. Peterson said that the animals must be indoors.

Council President Norris noted that they currently board animals and no issues have been expressed.

There were no public comments.

The public hearing was closed at 7:55 p.m.

Resolution No. 17-16 – A Resolution Accepting a Petition for the Annexation of Lands to the City of Grand Junction, Colorado, Making Certain Findings, and Determining that Property Known as the Marquis Annexation, Located at 2245 ½ Broadway, is Eligible for Annexation

Resolution No. 18-16 – A Resolution Amending the Comprehensive Plan Future Land Use Map of the City of Grand Junction from Residential Low (0.5 - 2 Du/Ac) to Neighborhood Center for the Marquis Annexation, Located at 2245 ½ Broadway

Ordinance No. 4695 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Marquis Annexation, Consisting of One Parcel of 0.54 Acres, Located at 2245 ½ Broadway

Ordinance No. 4696 – An Ordinance Zoning the Marquis Annexation to B-1 (Neighborhood Business), Located at 2245 ½ Broadway

Councilmember Kennedy moved to adopt Resolution Nos 17-16 and 18-16, adopt Annexation Ordinance No. 4695 and Zoning Ordinance No. 4696 on final passage and ordered publication in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Public Hearing – Colorado Mesa University (CMU) Alley Right-of-Way Vacation, Located within the CMU Area between Elm and Kennedy Avenues

The applicant, CMU, requests approval to vacate a portion of public alley right-of-way between Elm and Kennedy Avenues. This right-of-way is adjacent to properties owned by CMU or currently under contract with CMU. The vacation will facilitate the construction of a new engineering building on campus.

The public hearing was opened at 7:55 p.m.

Councilmember Taggart said he teaches part-time at CMU and will recuse himself if necessary. Councilmember Chazen advised that he also teaches at Western Colorado

Community College (WCCC). Councilmembers Kennedy, Traylor Smith, and Boeschenstein saw no reason for recusal. Councilmember McArthur asked Mr. Peterson if he sees a problem. Mr. Peterson said he does not see a problem. Council McArthur said he also has no issues with Councilmember Taggart and Chazen voting on the request.

Scott D. Peterson, Senior Planner, presented this item. He described the site, the location, and the request. The vacation request facilitates the construction of a new engineering building on campus. A neighborhood meeting was held on March 23, 2016 with over thirty people in attendance. One email was received concerning the proposed vacation request. The Planning Commission recommended conditional approval of the vacation application at their April 12, 2016 meeting. He described the location for the request, the size, and the reason for the request. All of the properties abutting the area are owned by CMU except one, which is under contract. There is no need for retaining a utility easement. The current utilities will be relocated and a new easement dedicated at that time. He described the existing and surrounding zoning. They will need to comply with Fire Department requirements. CMU will also need to provide a recorded easement for the other properties rear access. Mr. Peterson advised that with these conditions, the vacation for the easement will not create any issues. The request meets review criteria. He listed the findings and conditions from the Planning Commission. He noted the applicant is in attendance.

Councilmember Boeschenstein asked if this is part of the Master Plan for the campus expansion and said it would be good if that were included in the presentation each time.

Tim Foster, President of CMU, gave a presentation of their request. He said they will be building an engineering building which will include a new Math and Science Center. They are also going to start a civil engineering program and a computer science engineering program in the future. Currently the mechanical engineering students commute from WCCC. He described the location of the new building and the electronic telescope that will be in the building.

Councilmember Kennedy asked about the number of current enrollees and expectations for future. Mr. Foster said the highest grade score student of engineering across the State came from CMU. The students tend to come in at a slightly lower overall score, but they finish with higher scores than the Boulder students do. The numbers realized overshot what was expected. Councilmember Kennedy said that when the students graduate, it is important that there are jobs in this community to keep them here. He questioned if the building will be big enough. Mr. Foster said the architects have scoped it very carefully and they anticipate it will last through 2030. It will be designed to be easily expanded.

Councilmember Traylor Smith asked about funding for the building. Mr. Foster said they are getting the funds for the health sciences building (the old Community Hospital) and that will be ready in January 2017. This project is number five on the Statewide list and it is doubtful they will have the funds so CMU is looking for cash in any way they can. They plan to break ground in July 2016 and the building should be completed by December 2017 or January 2018.

Councilmember Taggart asked what will happen to the construction management curriculum. Mr. Foster said that construction management will stay at the Archuleta building (WCCC) for now.

Councilmember Traylor Smith asked how many engineering students are local and how many are from elsewhere. Mr. Foster said it is a mix and he guessed that 60% are from western Colorado and 40% from out of state. He noted that the out of state draw is increasing.

Councilmember Boeschstein asked if this request fits within the Master Plan. Mr. Foster indicated future plans for the area on a displayed map which included two parking structures.

There were no public comments.

Mr. Foster advised that they are in the process of acquiring other properties and there will be other alleys that they will be asking to be vacated in the future.

Councilmember McArthur inquired about the location of the engineering building. Mr. Foster said they hope to move the engineering building closer to 7th Street but they need to purchase several properties first.

Andy Ford, 860 Kennedy Avenue, spoke on behalf of his wife and an adjacent neighbor. He said there are two of the three properties mentioned in the conditions to have access to their rear access. He asked for notice if the plans change regarding their access to their homes. He heard that the University wants a separate agreement to acquire access instead of a recorded document. He, his wife, and his neighbor are opposed to that and want the City to follow its normal process with a recorded easement.

Councilmember Chazen asked City Attorney Shaver about this comment because, even though he is supportive of the project, he wants to make sure that the property owners as well as CMU are protected. City Attorney Shaver said that the Planning Commission recommendation to Council was that an access easement be granted as a condition of approval. He has received for review a proposed license agreement instead of an easement. The agreement mentioned is a license which is a form of a contract and an easement is in the form of a property right. The Zoning and

Development Code, Section 21.02.100 (c)(3) provides that access to any parcels shall not be restricted to the point where access is not reasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation. He said that the City will be

in touch with property owners and will protect the public interest as it is expressed by the individual users of the alley. If the owners of the properties are objecting, than the conditions recommended by the Planning Commission and are listed in the proposed ordinance are not being met.

Councilmember Boeschstein asked if Council needs to make a motion to include the Planning Commission's recommendations. City Attorney Shaver said that the ordinance incorporates the recommendation from the Planning Commission and the proposed ordinance is specifically conditioned upon the easement being granted.

The public hearing was closed at 8:29 p.m.

Council President Norris asked about the conditions listed in the ordinance. City Attorney Shaver read the items reflected in the proposed ordinance: 1) Applicant shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents; 2) Applicant shall dedicate and record a "Private Easement" across CMU property(s) for the benefit of the remaining property owners located at 830, 850, and 860 Kennedy Avenue; 3) Applicant shall coordinate relocation of utilities upon construction of the new engineering building and dedicate applicable utility easements to Xcel Energy as necessary in order to continue to provide utility services to the current residential properties within this block; and 4) Applicant will need to meet all Grand Junction Fire Department requirements for construction of the engineering building.

Mr. Foster said he believes he heard that the property owners want three different easements. He said one access point would be reasonable but all three would be burdensome.

Councilmember Kennedy said he believes that he heard any one of the three accesses would be acceptable.

Ordinance No. 4697 – An Ordinance Vacating a Portion of Alley Right-of-Way Located Between Elm and Kennedy Avenues, Located in the Colorado Mesa University Area

Councilmember Boeschstein moved to adopt Ordinance No. 4697 on final passage and ordered it published in pamphlet form. Councilmember Traylor Smith seconded the motion.

Councilmember McArthur commented that he was glad that the access was addressed before it came before Council. He supported the request.

Motion carried by roll call vote.

Grant and Loan Contracts with the Colorado Water Conservation Board for the Hallenbeck No.1 Downstream Slope Repair

The City Water Department has applied for a grant and a loan from the Colorado Water Conservation Board to facilitate repair of the Hallenbeck No. 1 Dam (Purdy Mesa). The dam experienced a structural failure in June of 2014 and has been drained since that time. City Council approved debt funding this project during the 2016 budget review process.

Greg Lanning, Public Works Director, presented this item. He described the request and the reason for the request. He reviewed the previous discussions on the funding options. He described the sources and the uses of the funds, both loan and grant, along with the schedule. He expects repairs to happen in mid-June or July.

Councilmember Chazen asked what the terms of the loan will be. Mr. Lanning said it will be a 20 year term at 2.65% interest with a loan initiation fee of \$10,000.

Councilmember Chazen asked what the Annual Percentage Rate (APR) is on that. Jay Valentine, Internal Services Manager, said 2.65% would be the percentage rate on \$1 million balance of the loan. If the project is completed at a lower amount than anticipated, the amount borrowed would be less, the payment will remain the same and the loan will be re-amortized.

Councilmember Chazen asked about TABOR implications since this is within an enterprise fund. City Attorney Shaver said that under the Constitutional Amendment, there is an exception for enterprise funds incurring debt; the request is not a general obligation of the City, it is a function of the "business", and therefore there is no TABOR implication.

Councilmember Taggart asked if there is a window where the terms could be renegotiated. Mr. Valentine said that the term will begin when the first draw on the proceeds is made. Councilmember Taggart asked if there is a window with the locked rate as to when a commitment is made. Mr. Valentine said that the rate is locked and the project has to be started within three years.

City Attorney Shaver clarified that the loan documents will not be closed until completion of the project based on actual expenditures. Councilmember Taggart asked if it remains locked for the entire term. City Attorney Shaver replied affirmatively.

Councilmember Kennedy asked if the reservoir on Purdy Mesa is currently drained. Mr. Lanning said yes since the damaged was determined. Councilmember Kennedy asked if this request will take care of all necessary repairs. Mr. Lanning said that this repair is a comprehensive repair to the dam and is a permanent fix to the dam.

Councilmember Chazen asked how long the repair will last. Mr. Lanning said that the State Engineer conducts inspections of this high risk reservoir due to the height of the dam. Annual inspections are required.

Councilmember McArthur asked if there are any corrosive pipes or lead poisoning involved. Mr. Lanning said no.

Resolution No. 19-16 – A Resolution Authorizing the Interim City Manager to Enter Into a Contract for Grant and Loan Funding from the Colorado Water Conservation Board for Construction Work on the Hallenbeck Number One Downstream Slope Improvements Project

Councilmember Chazen moved to adopt Resolution No. 19-16. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Council President Norris called a five minute break at 8:46 p.m.

The meeting reconvened at 8:52 p.m.

Election of Mayor and Mayor Pro Tem/Administer Oaths of Office

Council President Norris asked for nominations for Mayor.

Councilmember Traylor Smith nominated Councilmember McArthur. She said she believes Councilmember McArthur understands the role of the Mayor to facilitate and keep Council on track as well as including all of Council. The Mayor also represents City Council in the community and presents the Council's will. She feels that two terms for a Mayor keeps the representation diverse for the community. Councilmember McArthur seconded the nomination.

Councilmember Kennedy moved to nominate Councilmember Taggart for Mayor because he is one of the most reasonable and engaging in the dialogue of items presented to Council. He has the ability to listen to the concerns of every constituent regardless if he

supports the measure or not. He could represent the entire community as items are dealt with on a day in and day out basis.

Councilmember Boeschstein described the City's accomplishments during the last five years while he has been on Council and since Mayor Norris has been Mayor. He nominated Council President Norris for Mayor because there is no rule that says a Mayor cannot serve three terms.

Councilmember Taggart seconded the nomination made by Councilmember Kennedy.

Councilmember Chazen seconded the nomination for Mayor Norris.

Councilmember Kennedy said he would like to hear comments from the nominees.

Councilmember McArthur said one runs for office to be something or to do something and being Mayor or President of the Council is different than being President of a Corporation.

It is sharing a meeting of peers to facilitate the meetings and finding out Council's input. He has experience with directing and running meetings and he thinks the meetings could be more efficient. He has no agenda to push any particular item or to direct Staff in a direction that is inappropriate. He would look forward to working with the new City Manager and to facilitate the City issues and representation in other areas including legislation at the State level. For those reasons, he felt that he was the best suited for Mayor for the ensuing year.

Councilmember Taggart said that this Council has been through a difficult time and that will continue over the next year and thereafter. He works very diligently to try to lead by inclusiveness. He ran for City Council to give back to the community that he dearly loves.

He enjoys leading, getting teams involved, he knows how to be inclusive and find a delicate compromise, he always puts a lot of time into the community and he knows a lot of people to get a feel for what Council should be doing and avoiding. He has the ability to prioritize and work with City Council and he referenced the recent workshop where capital projects were prioritized. He would be proud to lead this Council.

Council President Norris feels that this is an excellent City Council and that everyone brings different things to the table and are willing to state their opinion and Mayor or not, everyone has a right to voice their opinion. The Mayor has to support the direction that Council wants to go. It is important to be heard by State representatives and the County Commissioners. She feels that there is strong representation on Council at the State level with Councilmembers Chazen and McArthur. Council needs to continue moving forward because there are two big issues on the board, the first being a new City Manager; it is not the Mayor that directs the City Manager, but the entire City Council. It is fortunate that Tim Moore will still be here. The other issue is job creation which includes

getting broadband to be able to have job creation. She felt that she can handle those things and with the help of Council, it could be a good year.

Councilmember Kennedy appreciated the comments made by Councilmember McArthur but because they all have their masters or expertise in various areas; he was concerned that he tends to be driven by a builder's agenda. Council President Norris has done a superb job but he thinks it is time for a change in dynamic and leadership of the Council. This Council has lacked articulation in communicating a vision and leadership. He has been proud to serve with everybody on this Council and, no matter how it comes out, he will be proud to serve with whoever is Mayor and Mayor Pro Tem, but he stood by his vote and will support Councilmember Taggart for Mayor.

Councilmember Chazen said he has been approached by several community members about the election of Mayor. Even though the term Mayor is customary, it is actually President of the Council and he read Article V of the Charter: "Each Council, at its first regular meeting and thereafter when a vacancy occurs, shall elect from its membership a President of the Council. He shall serve for a term of one year and until his successor is elected and qualified. During such term he shall be a member of the Council with the same right to speak and vote therein as any other member, but without the right of veto. He shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for military purposes. In case of his absence or disability, his duties shall be performed by a President Pro Tempore, chosen by the Council from among its own members". He clarified there is nothing about directing staff, advocating for their own political agenda, or setting spending priorities. He feels that it is important to choose a leader that can set aside a personal agenda and to allow all voices to be heard where everyone plays by the same rules; taxpayers expect nothing less. All Councilmembers have different points of view and he has enjoyed the different points of view, and feels that all of Council has something to learn from each other. He feels there are three good candidates for Mayor, he respects the job Mayor Norris has done, he respects Councilmember Taggart's background but would like to see him serve a little longer on Council first, and listening to Councilmember McArthur's introduction and playing that role of a dispassionate party and making sure rules are enforced rang true for him. Voting for Mayor was going to be a difficult decision for him.

Councilmember Traylor Smith believed there is a need for a change in leadership. Council President Norris has done a fine job but there is reason for two term tradition, to show diversity. She believed Councilmember McArthur will be a good representative for Council as he will be fair, efficient, and inclusive.

City Attorney Shaver advised Council that the call for nominations should be closed if there are no more nominations.

It was moved by Councilmember McArthur to close nominations. Councilmember Traylor Smith seconded. Motion carried by no objections.

The vote was taken by City Clerk Stephanie Tuin. Councilmember McArthur received three votes from Councilmembers Chazen, McArthur, and Traylor Smith. Councilmember Taggart received two votes from Councilmembers Kennedy and Taggart. Council President Norris received two votes from Councilmember Boeschstein and Council President Norris. As advised, four votes are required to determine the winner.

It was moved by Councilmember Chazen, seconded by Councilmember Kennedy to reopen nominations for Mayor. Motion carried by no objections.

Councilmember Traylor Smith nominated Councilmember McArthur as Mayor. Councilmember McArthur seconded the nomination.

Councilmember Boeschstein nominated Council President Norris as Mayor. Council President Norris seconded the nomination.

Councilmember Taggart removed himself from consideration of Mayor.

It was moved by Councilmember Chazen, seconded by Councilmember McArthur to close nominations. Motion carried by no objection.

City Clerk Tuin called the vote. Council President Norris received four votes from Councilmembers Boeschstein, Kennedy, Taggart, and Council President Norris. Councilmember McArthur received three votes from Councilmembers Traylor Smith, Chazen, and McArthur. Council President Norris was declared the winner.

Council President Norris opened nominations for Mayor Pro Tem.

Councilmember McArthur nominated Councilmember Chazen for Mayor Pro Tem. Councilmember Chazen seconded.

Councilmember Kennedy nominated Councilmember Boeschstein for Mayor Pro Tem. Councilmember Boeschstein seconded.

Councilmember McArthur moved to close nominations. Councilmember Traylor Smith seconded. The motion carried by no objections.

Councilmember Boeschstein said he would be honored to serve as Mayor Pro Tem and will work hard as there have been some tough times but there are a lot of things in the works.

Councilmember Chazen said he has served three terms and has enjoyed working with Mayor Norris and would like to continue.

Councilmember Kennedy considered throwing his hat in the ring. He recognized Councilmember Boeschstein for his service to the community for many years, both on the public side and the planning side. He has nuance in his knowledge of how things in the City operate. The City would be well served having him as Mayor Pro Tem to play on the strengths of his past experience for that role. He urged Council to support Councilmember Boeschstein as Mayor Pro Tem.

Council President Norris said both nominees are strong. Councilmember Boeschstein always has this City at heart and he is very focused on trails and needs of the community. Councilmember Chazen has different things he focuses on. He is very strong on job creation and very good at details. She said both bring a lot to the table but she feels that the position of Mayor Pro Tem is good with Councilmember Chazen but also feels very strongly that Councilmember Boeschstein is a very important part of the Council.

Councilmember McArthur said that he appreciates Councilmember Chazen's thoroughness in all of his reviews in setting the agenda; he has no problem taking things off the consent calendar and asking for more information.

The vote was called and Councilmember Chazen was selected as Mayor Pro Tem with four votes from Councilmember McArthur, Traylor Smith, Chazen, and Council President Norris. Councilmember Boeschstein received three votes from Councilmembers Kennedy, Taggart, and Boeschstein.

City Clerk Stephanie Tuin administered the oaths of office to the Mayor and Mayor Pro Tem. Mayor Norris continued presiding over the meeting and the meeting continued.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 9:32 p.m.

Stephanie Tuin, MMC
City Clerk



CITY COUNCIL AGENDA ITEM

Date: May 7, 2016
 Author: Kathy Portner
 Title/ Phone Ext: Interim DDA
Director/1420
 Proposed Schedule: May 18, 2016
 2nd Reading (if applicable): June 1,
2016
 File # (if applicable): _____

Subject: Petition to Include Properties Located at 735, 737, and 749 South Avenue and 821 First Avenue in the Boundaries of the Downtown Development Authority (DDA)
Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Hearing for June 1, 2016
Presenter(s) Name & Title: Kathy Portner, Interim DDA Director

Executive Summary:

LOJO Partnership, LLP has submitted a petition to include 735, 737, and 749 South Avenue and 821 First Avenue in the boundaries of the Downtown Development Authority. The properties have been consolidated and replatted as a part of 630 S. 7th Street, which is already within the DDA boundary.

Background, Analysis and Options:

The DDA boundaries were set with the creation of the DDA. In order to be added to the Authority, an entity must present a petition requesting inclusion and, upon recommendation of approval by the DDA Board, the petition is forwarded to the City Council for consideration.

LOJO Partnership has consolidated 735, 737 and 749 South Avenue and 821 First Avenue with 630 S. 7th Street (formerly the StarTek site) through a replatting process and has vacated alley right-of-way in anticipation of future redevelopment of the site. The petition for inclusion will clean up the boundaries so the entirety of the newly created parcel is included in the DDA.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 4: Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourists attractions.

The consolidation of the properties and inclusion in the DDA boundaries will provide opportunity to redevelop this key property on the 7th Street corridor, linking downtown to the Riverfront.

How this item relates to the Economic Development Plan:

Inclusion of these properties in the DDA supports Strategy 1.4: Providing Infrastructure that Enables and Supports Private Investment, by making the property eligible for the tools offered by the DDA to encourage redevelopment.

Board or Committee Recommendation:

At the April 28, 2016 meeting, the DDA Board recommended approval of the petition to include the properties in the DDA boundary.

Financial Impact/Budget:

The properties will be subject to the DDA mil levy and a part of the TIF district.

Legal issues:

Inclusion of property in the DDA district is by voluntary petition of the property owner. The City Attorney has reviewed and approved the form of the petition and the ordinance.

Other issues:

No other issues have been identified.

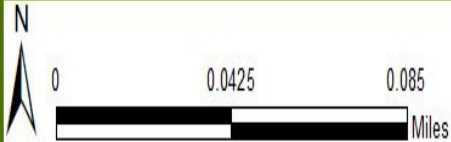
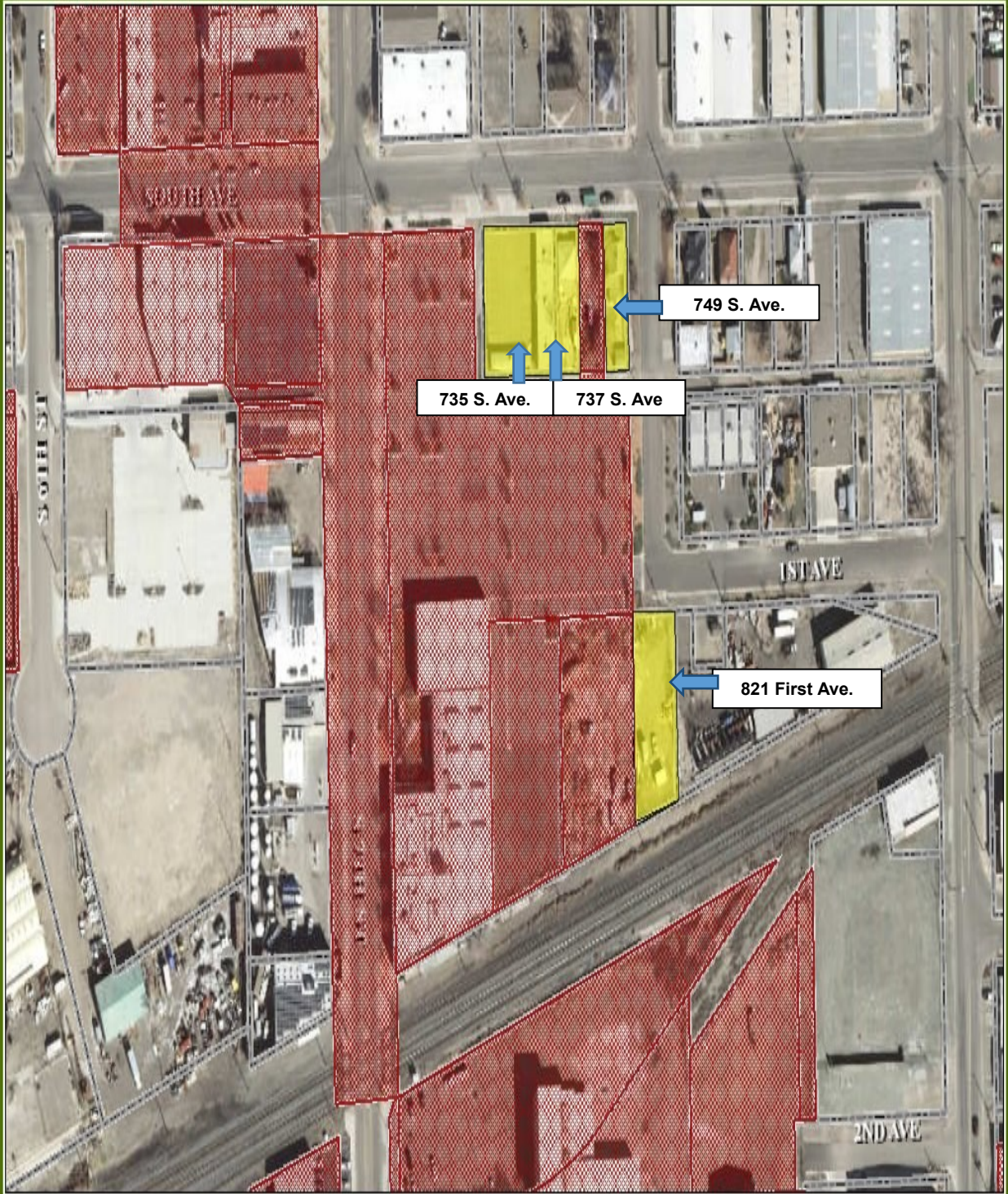
Previously presented or discussed:

This has not been previous presented or discussed.

Attachments:

Location Map
Petition
Proposed Ordinance

Exhibit B - DDA TIF District Petition



Printed: 11/5/2015

1 inch = 149 feet



PETITION TO INCLUDE PROPERTY IN THE BOUNDARIES OF THE GRAND JUNCTION,
COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY AND TIF DISTRICT

WHEREAS, the City of Grand Junction, Colorado has established the Grand Junction, Colorado, Downtown Development Authority and TIF District, and

WHEREAS, the boundaries of said Downtown Development Authority and TIF District have been previously established and do not include the below described property owned by the Petitioners, and

WHEREAS, the Petitioner desires that the below described property be included within the boundaries of the Grand Junction, Colorado, Downtown Development Authority and TIF District and be subject to all obligations and privileges arising therefrom.

The Petitioner submits that:

1. The property to be included within the boundaries of the Downtown Development Authority and TIF District is:

Lot 1, Seventh & South Avenue Subdivision

(referred to as the Property and depicted on the plat of Seventh & South Avenue Subdivision attached as Exhibit A).

Said Property has also been known by the following addresses and parcel numbers:

735 South Avenue, Parcel No. 2945-144-44-007

737 South Avenue, Parcel No. 2945-144-44-004

749 South Avenue, Parcel No. 2945-144-44-006

821 First Avenue, Parcel No. 2945-231-01-020

These parcels have recently been combined into one parcel and platted as Lot 1, Seventh & South Avenue Subdivision. Petitioner expects that a new parcel number will be established by the Mesa County Assessor, but one has not yet been assigned.

2. The Property is adjacent to the existing boundaries of the Grand Junction, Colorado, Downtown Development Authority and TIF District. The boundaries of the TIF District are depicted on the attached Exhibit B.
3. The Petitioner desires and understands that once the Property is included into the DDA boundaries and into the TIF District, it shall be subject to the obligations and privileges thereof.
4. The Petitioner is the legal owners in fee simple of the Property as shown by the attached two Warranty Deeds (Exhibit C).
5. Last year's Tax Receipts for the Property are also attached as Exhibit D.
6. Petitioner is aware that the Grand Junction, Colorado, Downtown Development Authority has adopted a Plan of Development and understand that the Property, once included, will be subject to said Plan.

ORDINANCE NO. _____

AN ORDINANCE EXPANDING THE BOUNDARIES OF THE GRAND JUNCTION, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY TO INCLUDE 735 SOUTH AVENUE, 737 SOUTH AVENUE, 749 SOUTH AVENUE, AND 821 FIRST AVENUE

The Grand Junction, Colorado, Downtown Development Authority (“the Authority” or “DDA”) has adopted a Plan of Development (“Plan”) for the boundaries of the Authority. The Plan and boundaries were initially approved by the Grand Junction, Colorado, City Council (“the Council”) on December 16, 1981.

Pursuant to Section 31-25-822, C.R.S. and Article X of the Authority’s Plan, LOJO Partnership, LLP has petitioned for inclusion of certain properties within the Authority’s boundaries that were part of a replat that consolidated the properties with parcels that are already within the Authority’s boundaries.

The Board of the Authority reviewed the proposed inclusions and has determined that the boundary of the DDA should be expanded. With the expansion the Tax Increment Financing (“TIF”) district will be coterminous with the Authority boundary.

The Board of the Authority requests the Council’s approval to expand the Authority’s boundaries to include all properties included by reference in this ordinance and to expand the Authority to receive a portion or increment of ad valorem and sales taxes collected with the Plan area in accordance with State law, the Plan and other applicable law, rules or regulations.

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

1. The Council finds the existence of blight within the boundary of the Authority, within the meaning of Section 31-25-802(1.5), C.R.S.
2. The Council hereby finds and determines that the approval of the expansion of boundaries for the Authority and the Plan, as shown on the attached Exhibit A, will serve a public use; will promote the health, safety, prosperity, security and general welfare of the inhabitants of the City and of its central business district; will halt or prevent the deterioration of property values or structures; will halt or prevent the growth of blighted area; will assist the City and the Authority in the development and redevelopment of the district and in the overall planning to restore or provide for the continuance of the economic health; and will be of specific benefit to the property to be included within the amended boundaries of the Authority and the TIF district.
3. The expansion of the Authority’s boundaries, as shown on the attached Exhibit A, is hereby approved by the Council and incorporated into the Plan for TIF purposes. The Authority is hereby authorized to undertake development projects as described in the Plan and to act consistently with the Plan including, but not necessarily limited to, receiving and expending for development and redevelopment efforts a portion or increment of ad valorem and sales taxes generated in the area in accordance with Section 31-25-801, C.R.S.

4. The Council hereby request that the County Assessor certify the valuation for the assessment of the new property included by this Ordinance within the Authority's boundaries and the TIF district as of the date of the last certification. The City Financial Operations Director is hereby directed to certify the sales tax receipts for the properties included in an described by the Attached Exhibit A for the twelve (12) months prior to the inclusion.
5. Adoption of this Ordinance and amendment to, or expansion of the boundary of the Authority and the TIF District, does not, shall not and will not provide for or allow of authorize receipt or expenditure of tax increments without requisite statutory and Plan compliance.
6. In any provision of the Ordinance is judicially adjudged invalid or unenforceable, such judgment shall not affect the remaining provisions hereof, it being the intention of the City Council that the provisions hereof are severable.

INTRODUCED on first reading the ____ day of _____, 2016 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2016 and ordered published in pamphlet form.

President of the Council

ATTEST:

City Clerk

EXHIBIT A

Expanding the boundaries of the Grand Junction Downtown Development Authority to include the following properties into the Plan of Development area within which tax increment financing is used:

Lot 1, Seventh & South Avenue Subdivision

Said Property has also been known by the following addresses and parcel numbers:

735 South Avenue, Parcel No. 2945-144-44-007

737 South Avenue, Parcel No. 2945-144-44-004

749 South Avenue, Parcel No. 2945-144-44-006

821 First Avenue, Parcel No. 2945-231-01-020



Date: May 5, 2016
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner / x1442
 Proposed Schedule: Planning
Commission May 10, 2016; City Council
1st Reading – May 18, 2016
 2nd Reading (if applicable): Jun 1, 2016
 File # (if applicable): VAC-2016-68

CITY COUNCIL AGENDA ITEM

Subject: Hoesch Street Vacation Located West of 723 W. White Avenue
Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Hearing for June 1, 2016
Presenter(s) Name & Title: Senta Costello, Senior Planner

Executive Summary:

A request to vacate the undeveloped portion of Hoesch Street located south of W. White Avenue and west of the property located at 723 W. White Avenue.

Background, Analysis and Options:

Sixbey Investments LLC, requests approval from the City of Grand Junction to vacate a small portion of Hoesch Street (approximately 926 sq. ft. 0.021 acres – see attached vacation exhibit) located south of W. White Avenue. The right-of-way has never been improved with either asphalt paving or concrete however, a vertical curb, gutter and sidewalk have been installed along the north boundary. No utilities exist in the right-of-way nor is there any need for utilities to be located within the right-of-way. The proposed right-of-way vacation will not impede traffic, pedestrian movement or access.

Neighborhood Meeting:

The applicant held a Neighborhood Meeting on February 16, 2016 with two (2) citizens along with the applicant and City Project Manager in attendance. General questions were asked and addressed and no objections to the vacation were stated.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air, and freight movement while protecting air, water and natural resources.

Policy C: The Regional Transportation Plan will be used as a basis for development review and to help prioritize capital improvement programming. The City and County will maintain Capital Improvement Plans (CIPs) which prioritize road and alley improvements based on needs for traffic flow, safety enhancements, maintenance and linkages.

How this item relates to the Economic Development Plan:

The purpose of the adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. Though the proposed right-of-way vacation request does not specifically further the goals of the Economic Development Plan, it does allow the land to be used by the adjoining properties while eliminating responsibility of the City of Grand Junction for construction and maintenance.

Board or Committee Recommendation:

Planning Commission forwarded a recommendation of approval at its May 10, 2016 meeting.

Financial Impact:

Council directed Staff to evaluate on a case by case basis the value of selling ROW's at the time of a vacation request. Based on previous information and the purchase price of ROW recently acquired by the City, Staff recommends a value of \$1.00 per square foot. At \$1.00 per square foot, the value of ROW requested through this vacation would be approximately \$926.00.

Other issues:

No other issues have been identified.

Legal issues:

The City Attorney has reviewed and approved the form of the Ordinance.

Previously presented or discussed:

This request has not previously been presented or discussed.

Attachments:

1. Background information
2. Staff report
3. Site Location Map
4. Aerial Photo Map
5. Future Land Use Map
6. Zoning Map
7. Ordinance

BACKGROUND INFORMATION				
Location:		Hoesch Street south of W White Avenue		
Applicants:		Merritt & Associates – Merritt Sixbey		
Existing Land Use:		Unimproved right-of-way for Hoesch Street		
Proposed Land Use:		Incorporate into the site development at 635 W White Avenue		
Surrounding Land Use:	North	Hoesch Street		
	South	Industrial warehouse yard		
	East	Industrial warehouse		
	West	Non-conforming house		
Existing Zoning:		N/A – right-of-way		
Proposed Zoning:		I-1 (Light Industrial)		
Surrounding Zoning:	North	I-1 (Light Industrial)		
	South	I-1 (Light Industrial)		
	East	I-1 (Light Industrial)		
	West	I-1 (Light Industrial)		
Future Land Use Designation:		Commercial/Industrial		
Zoning within density range?		X	Yes	No

Section 21.02.100 of the Grand Junction Municipal Code

The vacation of the right-of-way shall conform to the following:

- a. *The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.*

Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air, and freight movement while protecting air, water and natural resources.

Policy C: The Regional Transportation Plan will be used as a basis for development review and to help prioritize capital improvement programming. The City and County will maintain Capital Improvement Plans (CIPs) which prioritize road and alley improvements based on needs for traffic flow, safety enhancements, maintenance and linkages.

The vacation of this portion of Hoesch Street removes an unimproved section of right-of-way that encumbers the neighboring property with awkward geometry. Vacating the right-of-way will allow the land to be used by the adjoining properties while eliminating responsibility of the City of Grand Junction for construction and maintenance.

Therefore the vacation of this right-of-way does not conflict with the Comprehensive Plan, the Grand Valley Circulation Plan or any other adopted plans of the City.

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

No parcels are landlocked if this section of Hoesch Street is vacated.

Therefore, this criterion has been met.

- 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.*

The vacation of this section of Hoesch Street does not change the access or restrict access to any properties. The vacation will increase street frontage and maximize potential future access on the adjoining properties.

Therefore, this criterion has been met.

- 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).*

This section of Hoesch Street was originally intended to provide one side of a hammerhead turnaround for the Fire Department however, it was never constructed. The Fire Department reviewed the proposed vacation and had the following comment:

“Carrying out the provisions of the fire code pertaining to a fire apparatus turnaround in this individual case appears to exhibit practical difficulties as it will require a logistically challenging easement on private property (i.e. enforcement, housekeeping, location identification, etc.) There are no known municipal plans to develop West White Ave and the existing small section of right-of-way. The small area is further deemed challenging due to curb and private fence installations. West White Ave will remain the same as it has for decades with no perceived negative impacts. As a result, GJFD has no objections to the proposed right-of-way vacation and will not require an apparatus turn-around easement on private property.”

As no other adverse impacts on the health, safety, and/or welfare of the general community have been raised and the quality of public facilities and services provided to any parcel of land will not be reduced as a result of this vacation request, therefore this criterion has been met.

- e. *The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code.*

There are no existing public facilities or services located within the right-of-way and plans for future public facilities or services, therefore vacation of this section of Hoesch Street does not inhibit any public services or facilities.

Therefore, this criterion has been met.

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

The proposed vacation provides a public benefit by eliminating future construction and maintenance costs for this section of right-of-way.

Therefore, this criterion has been met.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Hoesch Street Right-Of-Way Vacation, VAC-2016-68 for the vacation of a public right-of-way, I make the following findings of fact and conclusions:

1. The requested right-of-way vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met.

Site Location Map



Aerial Photo Map



Future Land Use Map



Zoning Map



CITY OF GRAND JUNCTION

ORDINANCE NO.

**AN ORDINANCE VACATING RIGHT-OF-WAY FOR
HOESCH STREET
LOCATED WEST OF 723 W. WHITE AVENUE**

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 Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal 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.

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

Dedicated right-of-way to be vacated:

A portion of the Hoesch Street Right-of-Way within the Northwest 1/4.; of the Southeast 1/4.; of Section 15, Township 1 South, Range 1 West, U.M., City of Grand Junction, Mesa County, State of Colorado;
COMMENCING at the Center 1/4.; Corner of Section 15, thence S 53°09'00" E a distance of 627.09 feet to the Northeast Corner of Lot I, Block 5 of The Grand River Subdivision, Deposit No. 2461-01, said point being the POINT OF BEGINNING;
THENCE S 89°48'18" E along a projection of the southerly Right-of-Way of West White Avenue, a distance of 17.93 feet;
THENCE N 00°08'58" E a distance of 2.06 feet;
THENCE N 89°36'35" E a distance of 11.20 feet to a point on the easterly Right-of-Way of Hoesch Street as dedicated in the WDD Subdivision, RN 2329913;
THENCE S 00°23'25" E along said Right-of-Way a distance of 32.89 feet;

THENCE N 89°57'36" W a distance of 29.51 feet to a point on the easterly line of the
aforementioned Lot I, Block 5 of The Grand River Subdivision;
THENCE N 00°16'56" E, along said easterly line, a distance of 30.79 feet; to the
POINT OF BEGINNING;

CONTAINING 926 square feet, more or less.

BASIS OF BEARING: The Basis of Bearing for this description is the quarter line
between the center 1/4.; corner and the center east 1/16 corner of section 15, Township
1 South, Range 1 West, U.M., having a bearing of N 89°39'16" E.

Introduced for first reading on this _____ day of _____, 2016 and ordered
published in pamphlet form.

PASSED and ADOPTED this _____ day of _____, 2016 and ordered
published in pamphlet form.

ATTEST:

President of City Council

City Clerk

EXHIBIT

THE GRAND RIVER SUBDIVISION
BLOCK 6
RN 18387

CENTER 1/4 CORNER,
SECTION 15
T. 1 S., R. 1 W., U.M.
POINT OF COMMENCEMENT

HOESCH STREET
N 89°39'16" E
1323.52'
(BASIS OF BEARING)

WDD SUBDIVISION
LOT 1, BLOCK 1
RN 2329913

CENTER EAST 1/16
CORNER, SECTION 15
T. 1 S., R. 1 W., U.M.

60' R.O.W.
PLAT BOOK 1,
PAGE 29

WEST WHITE AVENUE

S 53°09'00" E
627.09'

1-1/2" PLASTIC CAP AT GROUND LEVEL

WDD SUBDIVISION
LOT 2, BLOCK 1
RN 2329913
21,063.9 Sq. Feet
0.48 Acres



1-1/2" PLASTIC CAP AT GROUND LEVEL

LINE	BEARING	DISTANCE
L1	S 89°48'18" E	17.93'
L2	N 00°08'58" E	2.06'
L3	N 89°36'35" E	11.20'
L4	S 00°23'25" E	32.89'
L5	N 89°57'36" W	29.51'
L6	N 00°16'56" E	30.79'

THE GRAND RIVER SUBDIVISION
BLOCK 5
LOTS 1, 3, 5
BOOK 1, PAGE 75
DEPOSIT NO. 2461-01

CHAINLINK FENCE

15' INGRESS
EGRESS
EASEMENT
RN 2013432

11.6' PROP. LINE TO FENCE

926 Sq. Ft.
RIGHT-OF-WAY
TO BE VACATED

DEDICATED
RIGHT-OF-WAY
PER RN 2329913

1-1/2" PLASTIC
CAP -0.5' BELOW
GROUND

18' VACATED PUBLIC
RIGHT-OF-WAY
ORDINANCE NO. 3928

N 00°16'56" E
94.28'

1-1/2" ALUM.
CAP -0.5'
BELOW
GROUND

14'
MULTI-PURPOSE
EASEMENT
RN 2329913

HIGHWAY 340
RIGHT-OF-WAY

1-1/2" PLASTIC CAP
-0.2' BELOW
GROUND



RCE
Bolland Consulting Engineers, LLC
405 Ridges Blvd. Suite A
Grand Junction, CO 81507
Voice: (970) 243-8300
Fax: (970) 261-1273
www.rceb.com

HOESCH RIGHT-OF-WAY
VACATION
NW 1/4, SE 1/4, SEC 15
T. 1 SOUTH, R. 1 WEST
OF THE UTE MERIDIAN,
MESA COUNTY, COLORADO

THIS IS NOT A SURVEY PLAT.

Drawn	JAM	Designed		Checked	JLG	Proj#	AS254	Rev		Sheet	1
File Name:	C:\AE254\AE254-RIGHT-OF-WAY-VACATION.dwg										
Date:	12/31/15										



Date: May 5, 2016
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner, x 1442
 Proposed Schedule: Resolution
Referring Petition, April 20, 2016
 1st Reading Zoning: May 18, 2016
 2nd Reading (if applicable): June 1, 2016
 File #: ANX-2016-53

CITY COUNCIL AGENDA ITEM

Subject: Studt Zone of Annexation, Located at 227 29 Road
Action Requested/Recommendation: Introduce a Proposed Zoning Ordinance and Set a Hearing for June 1, 2016
Presenter(s) Name & Title: Senta Costello, Senior Planner

Executive Summary:

A request to zone 0.9 acres located at 227 29 Road from a County RSF-4 (Residential Single Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.

Background, Analysis and Options:

The property owner has requested annexation into the City and a zoning of R-4 (Residential 4 du/ac) in order to develop the property. Under the 1998 Persigo Agreement with Mesa County, residential annexable development within the Persigo Wastewater Treatment Facility boundary (201 service area) triggers land use review and annexation by the City.

Neighborhood Meeting:

A neighborhood meeting was held January 25, 2016. Two neighbors attended the meeting. They did not have any concerns, only curios about what the applicant wanted to do with the property.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

Annexation of the property will create consistent land use jurisdiction and allow for efficient provision of municipal services.

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Annexation of the property will create an opportunity for future residential development in a manner consistent with adjacent residential development.

How this item relates to the Economic Development Plan:

The purpose of the adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. The proposed annexation and zoning meets with the goal and intent of the Economic Development Plan by supporting and assisting an existing veterinary business within the community to stay at its current location and potentially expand their business offerings in the future with a new larger building to serve area residents, which furthers the goals of the Economic Development Plan.

Board or Committee Recommendation:

Planning Commission forwarded a recommendation of approval at its May 10, 2016 Planning Commission meeting.

Financial Impact/Budget:

The provision of municipal services will be consistent with properties already in the City. Property tax levies and municipal sales/use tax will be collected, as applicable, upon annexation.

Legal issues:

The City Attorney has reviewed and approved the form of the Ordinance.

Previously presented or discussed:

The annexation went before City Council for first reading on April 20, 2016.

Attachments:

1. Background information
2. Staff report
3. Annexation Map
4. Aerial Photo
5. Comprehensive Plan Future Land Use Map
6. Existing Zoning Map
7. Blended Map
8. Neighborhood Meeting Summary
9. Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		227 29 Road		
Applicants:		Priscilla Studt		
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 (Residential Single Family 4 du/ac)		
Proposed Zoning:		City R-4 (Residential 4 du/ac)		
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)		
Future Land Use Designation:		Residential Medium Low 2-4 du/ac		
Zoning within density range?		X	Yes	No

Section 21.02.140(a) of the Grand Junction Municipal Code:

Zone of Annexation: Section 21.02.160(f) of the Grand Junction Municipal Code, states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. The Comprehensive Plan Future Land Use Map designates the property as Residential Medium (Low 2-4 du/ac). The request for an R-4 (Residential 4 du/ac) zone district is consistent with this designation

In addition to a finding of compatibility with the Comprehensive Plan, one or more of the following criteria set forth in Section 21.02.140 (a) of the Code must be met in order for the zoning to occur:

(1) Subsequent events have invalidated the original premises and findings; and/or

Response: The requested annexation and rezoning is being triggered by the 1998 Persigo Agreement between Mesa County and the City of Grand Junction in anticipation of future development. The Persigo Agreement defines Residential Annexable Development to include any proposed development that would require a public hearing under the Mesa County Land Development Code

as it was on April 1, 1998. (GJMC Section 45.08.020.e.1). The property owner intends to subdivide and/or develop the site. Upon inquiry with Mesa County, it was determined that the subject property was originally part of the Orchard Subdivision of 1892. Further subdivision of this site would require a public hearing meeting the criteria for residential annexable development found within the Persigo agreement and therefore the property cannot be partitioned as a subdivision in unincorporated Mesa County. Thus, the property owner has petitioned for annexation

Based on the Comprehensive Plan Future Land Use designation, County zoning of RSF-4 and the densities surrounding this property, the original premise and findings have not been invalidated by subsequent events.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

Response: The existing residence was built in 1982. Based on aerial photographs, this part of the community has undergone a transition from agricultural land situated along 29 Road, to the first subdivisions in the mid-1970s up through the mid-1980s, to incremental residential expansion from the mid-1990s through the mid-2000s.

The majority of the development described above has been within unincorporated Mesa County, including the adjacent Vista Rado Subdivision, which was platted in 1995 at a density of 3.07 du/ac. The Chipeta Heights Subdivision, located to the south along 29 Road, is within the city limits and was platted in 2007 at a density of 2.55 du/ac.

Due to the changes that have occurred since the mid-1970's that have created the current character of the area, the Future Land Use designation of Residential Medium is appropriate and therefore the request to zone the property to R-4 is consistent with the Comprehensive Plan.

This criterion has been met.

(3) *Public and community facilities are adequate to serve the type and scope of land use proposed; and/or*

Response: There are public utilities available in 29 Road and Vista Rey Ct, including potable water provided by the Ute Water District, sanitary sewer service maintained by the City, and electricity from Xcel Energy (a franchise utility). Utility mains and/or individual service connections will be extended into the property as part of future development of the parcel(s).

The property is within the Lincoln Orchard Mesa Elementary school attendance boundary; the school itself is a little more than one-quarter (1/4) mile north and west along 29 Road and B 1/2 Road.

The newly constructed City of Grand Junction Fire Station #4 is just over 1/3 mile, located just west of Lincoln Orchard Mesa Elementary on B 1/2 Road.

Commercial uses, primarily convenience oriented, are located south near Highway 50 and west along B 1/2 Road, services include two grocery stores, gas stations, restaurants, two liquor stores, dentist and doctors office, starting about one-half (1/2) mile from the annexation area.

This criterion has been met.

(4) 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/or

Response: The R-4 zone district is the predominant zoning designation east of 28 1/2 Road on Orchard Mesa.

Undeveloped property with R-4 zoning, over 150 acres, does exist east of 28 1/2 Road on Orchard Mesa. All of these properties were annexed in anticipation of subdivision(s) that have not yet been developed. These properties remain as agricultural or single-family residential uses.

Since there are currently other properties that are developable at a density of 4 dwelling units per acre (R-4), there is not an inadequate supply of suitably designated land available in this part of the community and therefore this criterion has not been met.

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

Response: The proposed R-4 zone district creates consistent land use jurisdiction, allow for efficient provision of municipal services and creates an opportunity for future residential development in a manner consistent with adjacent residential development.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone district would also implement the Comprehensive Plan designation for the subject property.

- a. R-R (Residential Rural 1 du/5 ac)
- b. R-E (Residential Estate 1 du/2 ac)
- c. R-1 (Residential 1 du/ac)
- d. R-2 (Residential 2 du/ac)
- e. R-5 (Residential 5 du/ac)

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

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Studt Annexation, ANX-2016-53, for a Zone of Annexation, staff recommends that the Planning Commission make the following findings of fact and conclusions:

3. The requested zone is consistent with the goals and policies of the Comprehensive Plan.
4. The applicable review criteria in Section 21.02.140 of the Grand Junction Municipal Code have been met.

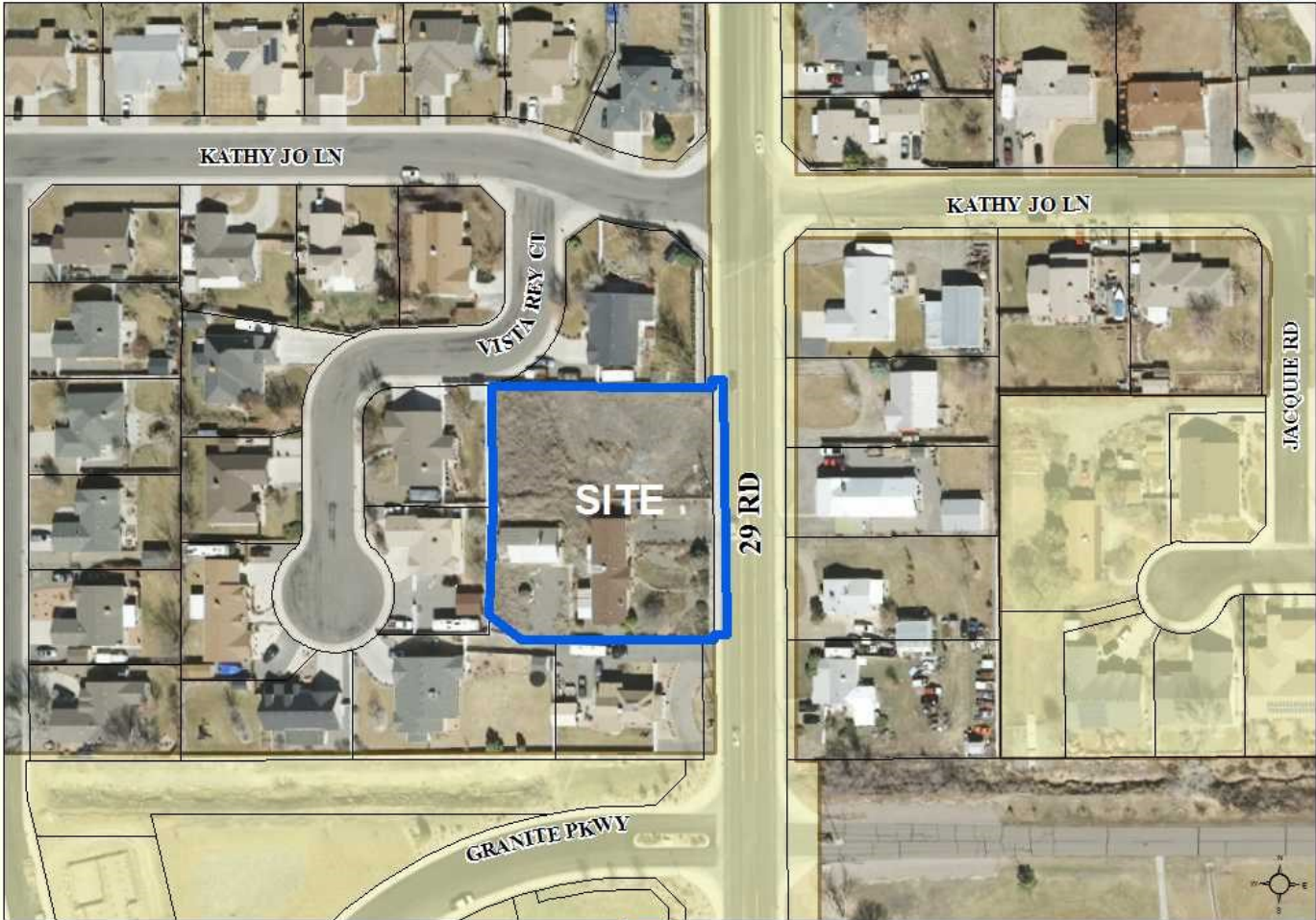
PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the R-4 district to be consistent with the Comprehensive Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

Studdt Annexation



City Limits Annexation Boundary

Studd Annexation



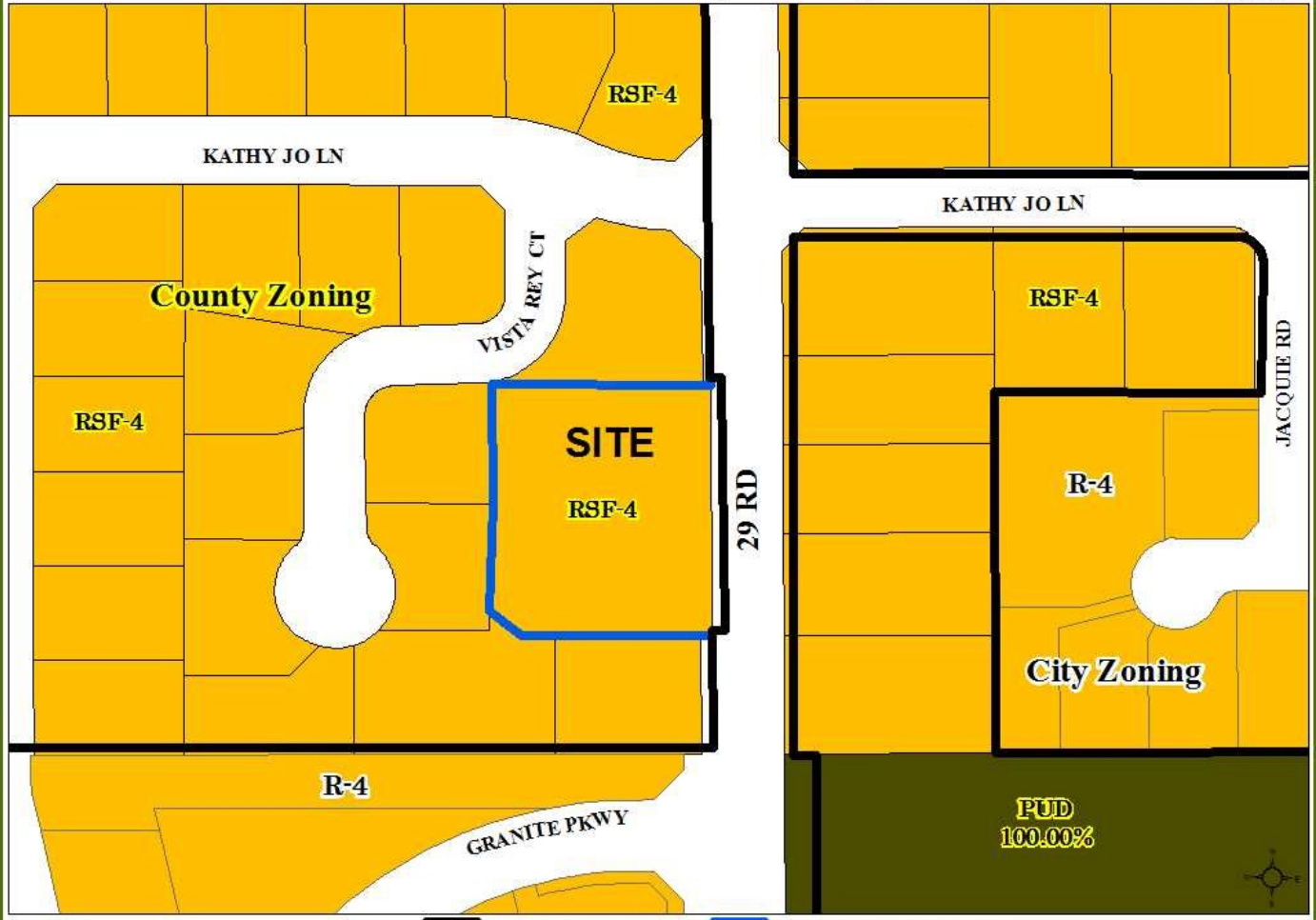
City Limits Annexation Boundary


Studd Annexation Future Land Use



 Current City Limits  Annexation Boundary

Studt Annexation - City & County Zoning



 Current City Limits  Annexation Boundary

Studdt Annexation - Blended Map



29 Road Meadows Exhibit C

MINUTES

JANUARY 25, 2016

5:30 P.M

SHOW OFFICE MCFG

MEETING CALLED BY	Priscilla Studt
TYPE OF MEETING	Neighborhood Meeting
FACILITATOR	Priscilla Studt
NOTE TAKER	Margi Baleztena
TIMEKEEPER	Margi Baleztena
ATTENDEES	See Exhibit B

Agenda topics

[TIME ALLOTTED] [TOPIC] [PRESENTER]

DISCUSSION 227 29 Rd Grand Junction, CO ANNEXATION & SIMPLE LAND DIVISION with Senta Costello City of Grand Junction, Barbara & James Gardener, interested neighbors Margi Baleztena with Accelerated Business Systems LLC and Priscilla Studt, property owner

CONCLUSIONS There were no concerns. James & Barbara Gardner found the project acceptable.

ACTION ITEMS **PERSON RESPONSIBLE** **DEADLINE**

[TIME ALLOTTED] [TOPIC] [PRESENTER]

DISCUSSION

CONCLUSIONS

ACTION ITEMS **PERSON RESPONSIBLE** **DEADLINE**

[TIME ALLOTTED] [TOPIC] [PRESENTER]

DISCUSSION

CONCLUSIONS

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

LOCATED AT 227 29 ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the STUdT Annexation to the R-4 (Residential 4 du/ac) zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Comprehensive Plan and the Comprehensive 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 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-4 (Residential 4 du/ac) zone district is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION
THAT:**

The following property be zoned R-4 (Residential 4 du/ac).

STUdT ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of that certain parcel of land bounded on the East by the West line of Larson Annexation No. 2, City of Grand Junction Ordinance No. 3424, as same is recorded in Book 3084, Page 976, Public Records of Mesa County, Colorado; bounded on the North by the South line of Lot 29, Vista Rado Filing No. 1, as same is recorded in Plat Book 16, Page 281, Public Records of Mesa County, Colorado and a 10.00 foot portion of said Larson Annexation No. 2; bounded on the West by the East line of Lots 27 and 28 of said Vista Rado Filing No. 1 and bounded on the South by the North line of Lots 26 and 30 of said Vista Rado Filing No. 1 and a 10.00 foot portion of said Larson Annexation No. 2.

CONTAINING 39,198 Sq. Ft. or 0.900 Acres, more or less, as described.

INTRODUCED on first reading the ____ day of ____, 2016 and ordered published in pamphlet form.

ADOPTED on second reading the ____ day of _____, 2016 and ordered published in pamphlet form..

ATTEST:

President of the Council

City Clerk

CITY COUNCIL AGENDA ITEM

Subject: Amending Title 31, Comprehensive Plan, of the Grand Junction Municipal Code by Adding Section 31.12 Wireless Master Plan

Action Requested/Recommendation: Introduce a Proposed Ordinance Adopting the Wireless Master Plan and Set a Hearing for June 1, 2016

Presenter(s) Name & Title: Jim Finlayson, Information Technology Director
David Thornton, Principal Planner

Executive Summary:

The proposed ordinance amends Title 31, of Volume III: Comprehensive Plan of the Grand Junction Municipal Code (GJMC) by adding Section 31.12, Wireless Master Plan. The purpose of the amendment is to adopt the Wireless Master Plan (WMP) as an element of the Comprehensive Plan.

Background, Analysis and Options:

The WMP is a joint City of Grand Junction and Mesa County Master Plan planning effort. The Plan provides a short history on wireless telecommunications technology, an overview on network deployment practices, an inventory of existing wireless infrastructure throughout the City and County, theoretical propagation mapping, ten-year projection maps of potential future network deployment patterns, and recommendations for meeting future network deployment objectives over the next ten to fifteen years.

Wireless connectivity has become an increasingly important part of everyday lives. Cell phones used to be just a way of making a phone call when away from home or work. Now smart phones and tablets are used to shop, find restaurants, compare prices, buy movie tickets, bank, navigate, and to stay in touch through social media sites. First responders throughout Mesa County rely more and more on cellular data communication in the field, as do 911 callers in an emergency situation.

In response to the growing dependence on cellular technology, more and more communities are preparing Wireless Master Plans (WMPs) to help guide the development and construction of wireless infrastructure. The purpose of the WMP is similar to the goals and objectives of other long-range infrastructure plans, such as roadway improvements and the extension of water and sewer lines. The master plan for wireless facilities sites combines land-use planning strategies with radio frequency

engineering models to create an illustrative planning tool that will help manage the development of future sites in conformance with federal, state, and local regulations and City and County zoning requirements. The plan also includes strategies to reduce cell tower infrastructure proliferation by promoting collocation wireless deployment opportunities for service providers.

The benefits of a WMP are multi-faceted, addressing community, economic development, and planning needs, as well as emergency service provider requirements.

A comprehensive approach to wireless development will align the needs of personal wireless service providers and broadband service providers with optimal infrastructure solutions that will support government and community objectives, allowing for infrastructure planning and development that will accommodate multiple providers, improve public safety and help to attract and retain residents and businesses.

The City of Grand Junction and Mesa County, on behalf of the Grand Junction Regional Communication Center (GJRCC), entered into an agreement with CityScape Consultants in May, 2015 to develop a County-wide WMP. The consultant used a three-step process to evaluate wireless coverage and develop a plan:

1. Identify, assess, catalogue and map exiting transmission equipment; and
2. Design an engineered search radii template and apply it over the jurisdictional boundary of the cities and County to evaluate theoretical build-out conditions; and
3. Forecast future infrastructure needs based on the status of the existing deployments, population trends, and network coverage gaps.

Nine study areas were identified across the County and detailed analysis was completed for each area creating, in effect, nine mini WMPs:

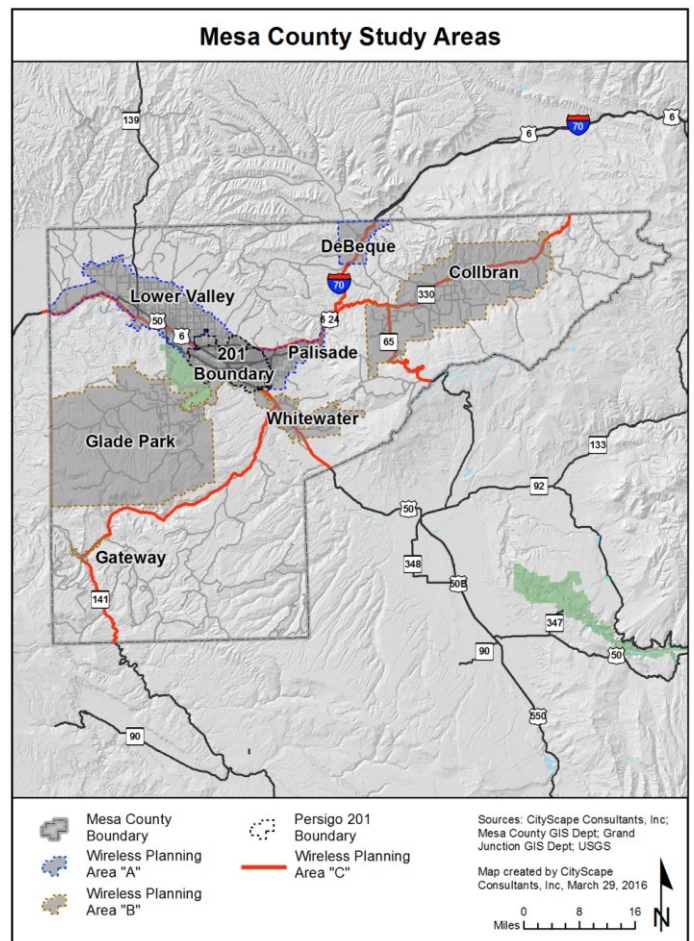
1. City of Grand Junction (Persigo 201 Boundary area)

Area A

2. Lower Valley
3. Palisade
4. DeBeque

Area B

5. Glade Park
6. Gateway



- 7. Whitewater
- 8. Collbran

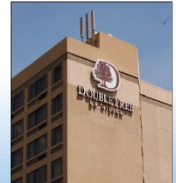
Area C

- 9. Highway Corridor Areas (I-70, Highway 50, Highway 330, Highway 65 and Highway 141)

Theoretical composite propagation modeling was used to examine the potential coverage of all antenna locations. GIS mapping techniques were used to factor in terrain, vegetative cover, and population density to illustrate the theoretically expected level of cellular coverage provided from existing tower sites. Each site was visited and geo-located for mapping purposes. The tower type and ownership was determined, the tower and equipment were photographed and measured, and an assessment was made of the site's potential for supporting cellular services. Adding in expected changes related to technology improvements and population growth, CityScape was able to estimate future infrastructure needs in each study area.

Types of Local Cellular Facilities

Nonconcealed Facilities



Towers

Base Stations



Flag Pole



Faux Louvers

Concealed Facilities

Wireless Master Plan Findings

Wireless Facility Inventory

County-wide, the Study identified 142 existing transmission equipment sites and 165 towers or base stations that either currently support Personal Wireless Service Facility (PWSF) installations – i.e., cellular services – or have the potential for supporting PWSF in the future. Some sites have more than one facility. The Inventory is included as an appendix to the Master Plan. It is intended that the Inventory will be updated as facilities are added or modified.

Grand Junction / Persigo 201 Study Area:

Due to the concentration of population and urban characteristics of the City of Grand Junction, CityScape estimates that the largest number of new sites constructed over the next ten to fifteen years will be built in and around the Persigo 201 Study Area. Approximately 11-18 new towers or base stations will be needed to fill-in the anticipated coverage gaps. These estimates are based on the expected changes in population density, subscriber base and usage, daily transient movement through the study area, and the number of calls a site can service at any given time. (See table on following page.) The projections consider coverage, capacity, and broadband network objectives, and take into consideration terrain, population, and proposed maximum infrastructure height variables. The projection model that CityScape designed assumes that all existing tower and base station locations will be used for maximum co-location and/or replacement opportunities in an effort to reduce the number of new towers and base stations required within a given geographic area. Should the industry not maximize the use of existing facilities, a greater number of towers will need to be constructed over this same time period. It should also be noted that even with this increase in new facilities, some areas within the study area will still be underserved due to the terrain and rural characteristics around the periphery of the study area.

County-wide:

CityScape estimates that five to eight co-locations, upgrades or antenna modifications (in any combination) per year can be anticipated over the next ten years. Over the next ten to fifteen years, up to forty new tower or base station sites will be needed county-wide to fill coverage gaps and/or increase capacity. The more populated areas of the County will likely see the development of “small cell” sites that consist of multiple concealed antennas located relatively close together on shorter towers or existing support structures like light and utility poles. Rural areas are more likely to be served by towers that can provide coverage over larger geographic areas.

The following table identifies the number of sites that are located within each study area, plus sites within 1.5 miles that may also provide coverage. “Projected Fill-In” indicates the number of additional sites that would be needed to provide maximum

coverage, while estimated build-out indicates the number that more realistically are expected to be built.

SUMMARY OF WIRELESS MASTER PLAN
Inventory Analysis by Study Area:

Study Area	Existing Sites		Projected Fill-In (10-15 Years)	Estimated Build Out (Including public safety)
	(In)	(Out*)		
City of Grand Junction/ 201 Boundary	50	5	11-18	11-18
Lower Valley	10	11	7	4
Palisade	4	8	6	6
DeBeque	2	0	3	1-3
Glade Park	0	29	9	1-4
Gateway	0	3	3	1
Whitewater	5	1	4	2-4
Collbran	4	39	15	2-4

What the asterisk by out indicating? What do you mean by in and out?

Wireless Master Plan Implementation:

The Wireless Master Plan is intended to balance the goals of providing good wireless network services throughout the defined study areas while minimizing the visual impacts of the telecommunications infrastructure. It is an illustrative planning tool and guide for developing planning policies for future wireless communications infrastructure. It includes a framework for maximizing network coverage while minimizing the future number of new telecommunication facilities; and provides suggestions for design standards that will guide decisions about the siting of future communication facilities. Actual preferences for siting and type of facility will be contained within the respective City and County development codes when amended. Generally the preference is to collocate on existing structures before adding new facilities.



As part of the planning process, CityScape reviewed existing City and County ordinances related to telecommunications facilities and provided recommendations for changes that incorporated recent Federal Communication Commission (FCC) regulation changes. They also suggested changes designed to encourage and effectively manage the development of needed PWSF collocations and new sites.

The draft Wireless Master Plan and proposed City of Grand Junction ordinance changes were presented for public comment at a County-wide meeting held on April 5, 2016. Input from that meeting has been incorporated and the plan was presented to the Planning Commissions for both the City of Grand Junction and Mesa County for review and consideration on April 26, 2016. The proposed ordinance changes to the City of Grand Junction development code is being presented concurrently only to the City of Grand Junction. Mesa County will consider an amendment to their Land Development Code at a later date.

Chapter 4 of the Plan lists the following actions that will implement the Plan and help meet the future network objectives. These include:

- 1) Maintain the wireless facilities inventory, updating it as facilities are added or modified, and make it available to the public on-line through the City and County websites.
- 2) Prepare amendments to the City and County development codes that update zoning requirements and review procedures for wireless telecommunications facilities to make the codes compliant with current FCC regulations.
 - a. Update the development codes as needed when regulations change.
- 3) Maintain a Priority Site List, identifying properties that are both publicly and privately owned, that meet the criteria established for preferred cellular facilities. Properties that are on the Priority Site List may be eligible for expedited administrative review of wireless facilities, provided the proposed facility meets the concealment requirements identified at the time of inclusion on the Priority

List, and all other applicable standards of the development code. The criteria for Priority Sites are:

- a. The property shall be located within the Grand Junction Persigo 201 Boundary or can be included in the Grand Junction Persigo 201 Boundary.
 - b. The property shall be one acre minimum in lot size.
 - c. The property shall have vehicular access to an improved public right-of-way.
 - d. The property shall have access to utilities.
 - e. The property shall be outside the 100 year flood plain.
 - f. The cellular facility shall meet all City development standards and be subject to all regulations of the zoning code.
 - g. Concealment is required and the owner of the property must identify the type of concealment proposed, prior to inclusion on the Priority Site list, with the understanding that if accepted by the City, then any type of concealment aside from what is proposed and accepted at the time of the Master Plan vetting process would require a conditional use permit (CUP).
- 4) Seek out public/private partnerships to encourage the development of wireless facilities in rural areas that are underserved and have significant coverage gaps.
 - 5) Where feasible, plan for the ability to collocate private wireless facilities on public safety communication infrastructure, in order to fill coverage gaps and provide better service to residents.
 - 6) Encourage the development of broadband infrastructure that will help support the development of wireless infrastructure.
 - 7) Work with economic development partners to seek out opportunities to expand wireless telecommunication facilities to support business development.
 - 8) Maintain awareness of evolving concealment options so the design and planning processes of new towers will blend visually within the community they serve.

Twelve City-owned "Priority Sites" and five other non-City owned sites were identified during the planning process as sites that can serve as "fill-in" sites for network gaps in cellular infrastructure. The City invited other public and private property owners to submit their land as potential priority site locations provided that the properties met the same criteria (see 3 above) as the City-owned priority sites. There were five properties submitted and accepted, which can be found on Table 8 of Chapter 3 in the Plan. Property owned by public entities other than the City are also included in the tables in each study area as potential sites, but owners have not requested inclusion on the priority list or indicated a preferred type of facility if included. Therefore, the facility type

is “not determined.” Additionally, the expedited processing for sites on the Priority List is intended to apply only to properties under the jurisdiction of the City of Grand Junction. While Mesa County does not intend to offer that benefit at this time, the public-owned sites are still listed in the respective tables for each study area so providers can easily find properties that might be suited for facilities.

City of Grand Junction Comprehensive Plan Amendment Criteria:

21.02.130 Comprehensive Plan amendment (CPA).

(a) Purpose. In order to maintain internal consistency within the Comprehensive Plan, administrative changes and proposed amendments to the Comprehensive Plan must be consistent with the vision (intent), goals and policies included in the Plan.

(b) Applicability. All proposed amendments to the text of the Comprehensive Plan shall comply with the provisions of this section. Any proposed development that is inconsistent with any goals or policies of the Comprehensive Plan shall first receive approval of a Comprehensive Plan amendment. The Comprehensive Plan shall include all neighborhood plans, corridor plans, area plans, the Grand Valley Circulation Plan, the Urban Trails Master Plan, and all other elements adopted as a part of the Comprehensive Plan.

(c) Criteria for Plan Amendments.

(1) The City may amend the Comprehensive Plan, neighborhood plans, corridor plans and area plans if the proposed change is consistent with the vision (intent), goals and policies of the Comprehensive Plan and:

(i) Subsequent events have invalidated the original premises and findings; and/or

This Criterion **is not applicable**.

(ii) The character and/or conditions of the area has changed such that the amendment is consistent with the Plan; and/or

Changes to technology have resulted in an increased demand for wireless facilities. Add to that the changing regulatory landscape (FCC), and the amendment to the plan is needed. This criterion **is met**.

(iii) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

The entire purpose of this plan is to ensure that public and community facilities will be adequate. This Criterion **is met**.

(iv) 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/or

The WMP is intended to identify where facilities will be needed, and ensure that there is a supply of available land. This Criterion **is met**.

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

This Criterion **is met**. The Grand Junction Community will receive the following benefits by adopting the Wireless Master Plan as an element (amendment) of the Comprehensive Plan.

- The Plan incorporates the needs and requirements of all segments of the telecommunication/radio community including local governments, public safety, businesses, cellular service providers and users, and wireless broadband providers to ensure that a tower built for one purpose may support other services in the same area.
- The Plan makes the telecommunication industry aware that the local governments and communities are supportive of responsible growth in our area and provides ways to streamline the development process of new sites that meet community needs.
- The Master Plan balances the goals of providing good cell phone service with minimizing impacts from telecommunication facilities on neighborhoods and the community by anticipating where tower sites will be needed and planning for well-sited, well-designed, and inconspicuous telecommunication facilities that fit within the community.
- The Plan serves as a guide for providers and tower companies looking to increase network capacity and coverage by helping them locate potential properties that the community has determined are appropriate for tower sites.
- The Plan and related ordinances provide service providers, tower owners and planning organizations with information about community preferences to assist with the design and planning processes and ensure that new structures fit within the community they serve.
- Improving wireless cellular coverage to underserved areas is a key objective of the City's Economic Development Plan.

How this item relates to the Grand Junction Comprehensive Plan Goals and Policies:

Goal 11: Public facilities and services for our citizens will be a priority in planning for growth.

Policy A: The City and County will plan for locations...to serve the public health, safety and welfare, and to meet the needs of existing and future growth.

The Wireless Master Plan includes a framework for maximizing network coverage while minimizing the future number of new telecommunication facilities and locations, and provides design standards that will guide decisions about the siting of future communication facilities throughout the community.

How this item relates to the Grand Junction Economic Development Plan:

In May of 2014, the Grand Junction City Council adopted a three to five years Economic Development Plan (EDP) for the purpose of creating a clear plan of action for improving business conditions and attracting and retaining employers. **Section 1.4** of the EDP focuses on providing technology infrastructure that enables and supports private investment. Expanding broadband capabilities and improving wireless and/or cell coverage to underserved areas are key objectives of the EDP. The City has determined that the development of a Wireless Master Plan (WMP) for eventual inclusion in the City’s Comprehensive Plan would be a positive step toward accomplishing those objectives.

Review Agency Comments:

The draft Wireless Master Plan was sent to Review Agencies who are either service providers with an interest in improved wireless communication, or who manage lands that might be available for siting of facilities. As of the writing of this report, no substantive comments have been received. A number of agencies have been involved throughout the process, notably in the public safety sector. Their input has been incorporated into the Plan.

PRO2016-0049 - WIRELESS MASTER PLAN Review Agency Comments
 Comments Due Date: 2016-04-12

User	Review Agency	Date/Time	Comment
Shirley Beall	MC PROPERTY AGENT	3/31/2016 7:41:41 AM	No Comments. Shirley
FIRE MARSHALL FRUITA	FIRE LOWER VALLEY	3/31/2016 10:31:55 AM	No comments.
MARK HARRIS	IRR GV WATER USERS	4/5/2016 7:34:11 AM	GVWUA has no comments.
CHRIS ROWLAND	FIRE CLIFTON	4/8/2016 8:17:43 AM	No comments
MARK BARSLUND	IRR 5-2-1 DRAIN AUTH	4/12/2016 8:59:48 AM	Any disturbance of one acre or more will require both a 521 and C.D.P.H.E. stormwater permit

Public Comments:

The public has been invited to participate via four public meetings held on June 30, 2015, August 26, 2015, December 7, 2015 and the latest held on April 5, 2016. All meetings were recorded and made available on the City website for review, along with

presentation materials and are archived on the Wireless Master Plan website, <http://www.gjcity.org/WirelessMasterPlan.aspx>. The draft Wireless Master Plan, Facility Inventory, and meeting presentations are all on-line. Several surveys were conducted to determine community preferences for tower types, use of public property, and priorities for the development of new sites. The results of that survey were incorporated into the Wireless Master Plan. Issues raised during the community meetings were incorporated into the Plan, where appropriate, and CityScape met with some wireless providers and tower owners. Council updates and Planning Commission updates have occurred regularly throughout the project. A contact list consisting of more than 200 community leaders, businesses, tower builders, cellular service providers, and citizens has been used to disseminate information about the planning process and to invite interested parties to attend the public meetings.

Board or Committee Recommendation:

Planning Commission forwarded a recommendation to City Council of approval 7-0 at a joint City/County Planning Commission Hearing on April 26, 2016 to adopt the Wireless Master Plan as an element of the Comprehensive Plan. The Mesa County Planning Commission approved the Wireless Master Plan.

Financial Impact/Budget:

There will not be a financial impact.

Legal issues:

The City Attorney has reviewed and approved the form of the ordinance.

Other issues:

No other issues have been identified.

Previously presented or discussed:

The planning process and discussion of the Wireless Master Plan has followed this time-line:

- Council Workshop to review Wireless Master Plan Proposal - 7/21/2014
- Council Retreat - 1/16/2015
- Council Workshop - 1/18/2015
- Council Approves Contract with Cityscape - 5/20/2015
- Kick Off Meeting - 6/30/2015
- Stakeholder/Public Comment Meeting - 8/26/2015
- Joint Planning Commission Meeting - 10/14/2015 (City PC Workshop - 12/7/2015)
- Stakeholder/Public Meeting - 12/7/2015

- WMP Survey - Community Preferences - Tower Types / Use of Public Property - 12/2015
- Council Workshop 1/18/2016
- Stakeholder/Public Meeting - 4/5/2016
- Mesa County Planning Commission Workshop – 4/12/2016
- Grand Junction Planning Commission Workshop – 4/21/2016
- Joint City/County Planning Commission Public Hearing - 4/26/2016
- City Council to consider adoption of WMP and related ordinance changes - 6/1/2016

Attachments:

- Draft Planning Commission minutes of April 26, 2016 Public Hearing
- City of Grand Junction Ordinance
- Proposed Wireless Master Plan (includes Appendix A)

The [Wireless Master Plan](#) and [Appendix A](#) are available on the City's Website. Click on the links to open the pdf version

**SPECIAL JOINT GRAND JUNCTION AND MESA COUNTY
PLANNING COMMISSION MEETING**

April 26, 2016 MINUTES

6:00 p.m. to 9:21 p.m.

The special joint meeting of the City of Grand Junction and Mesa County Planning Commissions was called to order at 6:00 p.m. by Chairman Reece. The public hearing was held in the City Hall Auditorium located at 250 N. 5th Street, Grand Junction, Colorado. The meeting was also called to order by Chairman Price for Mesa County.

In attendance, representing the City Planning Commission, were Christian Reece (Chairman), Ebe Eslami (Vice-Chairman), Jon Buschhorn, Kathy Deppe, Keith Ehlers, George Gatseos, and Bill Wade.

In attendance, representing the County Planning Commission, were Rusty Price (Chairman), Bob Erbsch, William Page, Secretary, George Skiff, Ron Wriston, Bill Somerville.

In attendance, representing the City's Administration Department - Community Development, was Greg Moberg, (Development Services Manager) David Thornton (Principal Planner), and Rick Dorris (Development Engineer).

In attendance, representing Mesa County was Kaye Simonson (Lead Planner).

Also present was Jamie Beard (Assistant City Attorney) Shelly Dackonish (City Staff Attorney) and Steve Smith (GIS Analyst).

Lydia Reynolds was present to record the minutes.

There were 4 citizens in attendance during the hearing.

Call to Order

City Commissioner Reece called the City Planning Commission meeting to order.

County Commissioner Price called the meeting to order on behalf of the Mesa County Planning Commission.

Announcements, Presentations And/or Visitors

None

Consent Agenda

Chairman Reece briefly explained there were no items on the Consent Agenda.

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

Public Hearing Items

1. Wireless Master Plan

The City of Grand Junction Planning Commission will consider a recommendation to City Council and the Mesa County Planning Commission will consider Adoption of the Wireless Master Plan, an amendment to the Grand Junction Comprehensive Plan, which is intended to help guide the development and construction of wireless infrastructure and align the needs of wireless broadband service providers with government and community objectives.

CITY FILE #	CPA-2016-113
REPRESENTATIVE:	City of Grand Junction Planning Division
PLANNER:	David Thornton, (970)244-1450
COUNTY FILE #:	2016-0049 MP
REPRESENTATIVE:	Mesa County Planning Division
PLANNER:	Kaye Simonson, (970) 255-7189

The Wireless Master Plan is a joint effort between the City of Grand Junction and Mesa County.

City Staff Recommendation: Forward recommendation to City Council of approval.

County Staff Recommendation: Approval

Staff Presentation

Kaye Simonson (County-Lead Planner) stated she would like to enter the file for Project 2016-0049 MP, the Mesa County Master Plan, Mesa County Land Development Code, and the presentation as Exhibit A into the record.

David Thornton (City-Principal Planner) stated he would like to enter the staff report of file CPA-2016-113, the presentation and the proposed Wireless Master Plan into the record.

Ms. Simonson explained that the goal of the Wireless Master Plan (WMP) is to facilitate the creation of an optimized wireless telecommunications environment that is efficient, capable, and meets the long-term forecasted user requirements of the businesses, residents and visitors in the City of Grand Junction and Mesa County.

Ms. Simonson noted that this project has been in the works for just over a year with CityScape consultants, and they are listening in on the meeting and are available via email to answer any questions.

Ms. Simonson explained that the intent of the plan is to balance goals of providing good wireless network services while minimizing visual impacts. Ms. Simonson noted that the diverse landscape of Mesa County, with a mix of urbanized areas along with rural areas, creates a challenge to provide good wireless coverage for residents, businesses, visitors and 911-Emergency Services.

Another intent of the plan was to have a planning tool for developing planning policies for future wireless infrastructure that maximizes network coverage while minimizing number of new facilities.

Ms. Simonson informed the Commissioners that a few years ago there was a significant update to FCC regulations and the plan will incorporate current FCC Regulations into the planning process.

Ms. Simonson showed a slide that highlighted the following key points of the FCC Regulations:

- Preserve local zoning authority but prohibits discriminating among providers or effectively prohibiting provision of wireless service.
- Set deadlines for local review and decision based on the type of facility and the type of application process it is going through.
- Require written decisions on applications.
- Prohibit decisions based on concerns over radio frequency (RF).
- Cannot prohibit FAA-required lighting

A slide of the study area was displayed, and Ms. Simonson pointed out the Grand Junction/Persigo 201 boundary was the main portion. Study area "A" included Lower Valley, Palisade, and DeBeque. Study area "B" included more rural areas; Glade Park, Gateway, Whitewater, Collbran and Plateau Valley. Finally, area "C" was the Highway Corridors which included areas of I-70, Highways 50, 65, 330 and Highway 141.

Ms. Simonson described the study process that included the following steps:

- Inventory existing wireless infrastructure and model current theoretical coverage
- Overlay 10-year growth projections to identify future coverage and capacity network needs
- Determine community preferences for wireless infrastructure using public surveys and meetings
- Analyze results and make recommendations for meeting deployment objectives over next 10-15 years

A slide of the contents of the infrastructure inventory (Appendix A) to the plan was displayed and the following information for each facility included facility owner, service provider, type, height of facility, collocation potential, latitude & longitude,

parcel number and address and jurisdiction & vicinity. The intent is to have the inventory mapped in GIS.

Ms. Simonson explained that the Appendix A will be updated as changes occur. By having it as an Appendix, updates to the inventory can be made to keep it current, without changes to the Master Plan.

The next slide displayed was a modeling map that showed coverage of the study area and illustrated high and low frequencies. The modeling was done to show current coverage gaps and propose ways to fill them.

Ms. Simonson displayed a chart of the inventory analysis that listed the various study areas and the existing sites, projected fill-in (10 to 15 years) and the estimated build-out (including public safety).

Mr. Thornton stated that surveys and meetings were held to determine community preference for types of facilities. A slide with pictures of current facilities in the study area was displayed that included non-concealed as well as concealed facilities. Other examples of favored facility types was displayed that included both rural and urban types.

Mr. Thornton explained that one of the goals of the study was to determine priority sites. Mr. Thornton wanted to emphasize that they are priority in that they have been vetted. Properties that are on the Priority Site List may be eligible for expedited administrative review. A slide was displayed that illustrated the criteria for consideration that included:

- Be located within the Grand Junction Persigo 201 Boundary.
- Be one acre minimum in lot size.
- Have vehicular access to an improved public right-of-way.
- Have access to utilities.
- Be outside the 100 year flood plain.
- Must meet all City development standards and zoning code.
- Concealment is required and owner must identify the type of concealment proposed. Changes would require a conditional use permit (CUP).

Mr. Thornton went on to say that the Master Plan suggests that on a regular bases, the list of priority sites can be opened for the community, both public and private (in the 201 Persigo Boundary), to apply to have their property considered for the Priority List. A slide listing the proposed Priority Site List was shown. It was compiled during the study process. Mr. Thornton noted that all applicants that met the criteria were on the list.

Mr. Thornton showed a slide listing the conclusions of the Wireless Plan that included the following key points:

- Urban areas, Interstates and major highway corridors will continue to have the most facilities and the greatest area of network coverage.
- Existing 2G and 3G network equipment will be phased out.
- Short term network deployments will consist primarily of 4G services designed to enhance capacity.
- 4G networks will transition to 5G over the next 3-10 years.
- New 4G and 5G networks will be designed to provide wireless broadband.
- County-wide, approximately 40 new sites will be needed over the next 10 to 15 years.
- Small Cell capacity sites will be installed in urban areas to address the increasing data demands of subscribers.
- Public/Private partnerships should be encouraged that coordinate the construction of future emergency service sites in areas that also improve private wireless services.
- Public broadband initiatives that create fiber availability to tower sites may incentivize private service providers in rural and remote areas to develop more infrastructure.
- Rural and remote communities should contact their service providers to report network concerns and request solutions for poor network coverage.

The Wireless Plan identified eight action items that Mr. Thornton discussed:

- 1.) Maintain the wireless facilities inventory as facilities are added or modified and make it available to the public on-line.
- 2.) Prepare amendments to the City and County development codes that update zoning requirements and review procedures for wireless telecommunications facilities to make the codes compliant with current FCC regulations.
 - i. Update the development codes as needed when regulations change.
- 3.) Maintain the Priority Site List
- 4.) Seek out public/private partnerships to encourage the development of wireless facilities in rural areas that are underserved and have significant coverage gaps.
- 5.) Where feasible, plan for the ability to collocate private wireless facilities on public safety communication infrastructure, in order to fill coverage gaps and provide better service to residents.
- 6.) Encourage the development of broadband infrastructure that will help support the development of wireless infrastructure.
- 7.) Work with economic development partners to seek out opportunities to expand wireless telecommunication facilities to support business development.
- 8.) Maintain awareness of evolving concealment options so the design and planning processes of new towers will blend visually within the community they serve.

Mr. Thornton gave a brief overview of the plan adoption process to date. There have been 4 public meetings with stakeholders and other interested members of the public. A WMP Survey was conducted to determine preferences of tower types and use of public property. In addition, the CityScape consultants assisted meetings with service providers and tower owners. Mr. Thornton showed a list of five City and County workshops that were held. The draft final plan was made available for public review April 15, 2016. In addition to tonight's joint meeting and public hearing, the item will go before the City Council at a public hearing scheduled for June 1, 2016.

Mr. Thornton noted that the WMP is an element of the Comprehensive Plan and is supported by Goal 11: Public facilities and services for our citizens will be a priority in planning for growth. Additionally, Policy A which states: "The City and County will plan for locations...to serve the public health, safety and welfare, and to meet the needs of existing and future growth."

Chairman Price asked if the Grand Junction PD and the County Sheriff's Department has been contacted and if they have suggestions regarding the security of these sites as they include public safety.

Ms. Simonson stated that the Grand Junction Regional Communications Center was one of the key partners in the study. In addition, they are a review agency for any of the applications that come before the County.

Ms. Simonson noted that in addition to the Comprehensive Plan, there are other area plans that support the WMP initiative. Ms. Simonson displayed a slide with the following related key points:

Mesa/Powderhorn Plan:

- SVC 3.D: Telecommunications providers shall be encouraged to expand and upgrade infrastructure in order to improve accessibility to cell phone service and to provide reliable and fast internet.
- ED 1.B: Encourage telecommunication companies to improve infrastructure for wireless and internet, to support business development.

Glade Park Plan:

- SVC 1.H (Goal for Adequate Public Safety): Support efforts to improve coverage and reliability of internet and wireless communications infrastructure.

Grand Junction adopted an Economic Development Plan (EDP) a couple years ago and Mr. Thornton explained how the WMP supports goals of this plan as follows:

- Section 1.4 of the EDP focuses on providing technology infrastructure that enables and supports private investment.

- Expanding broadband capabilities and improving wireless and/or cell coverage to underserved areas are key objectives of the EDP.
- The City has determined that the development of a Wireless Master Plan (WMP) for eventual inclusion in the City's Comprehensive Plan would be a positive step toward accomplishing those objectives.

City of Grand Junction Review Criteria and Recommendation

Mr. Thornton explained that the City of Grand Junction Zoning & Development Code Criteria for an amendment to the Comprehensive Plan is addressed in Section 21.02.130(C)(1) and displayed a slide illustrating how the WMP meets the criteria:

The Comprehensive Plan can be amended if the City finds that the proposed amendment is consistent with the vision (intent), goals and policies of the Plan and it meets one of the following criteria:

- (i) (events invalidate original premises and findings) is not applicable
- (ii) (change in character or condition of the area) is met
- (iii) (adequate public and community facilities) is met
- (iv) (inadequate supply of suitably designated land) is met
- (v) (benefits to the community) is met

Findings of Facts and Conclusions

Mr. Thornton stated that the proposed amendments are consistent with the purpose and intent of the Comprehensive Plan and the review criteria in Section 21.02.130 of the Zoning and Development Code have been met.

Mr. Thornton's recommendation was to forward a recommendation of Approval of the Wireless Master Plan (CPA-2016-113) to the Grand Junction City Council.

Mesa County Review Criteria and Recommendation

Ms. Simonson noted that the Mesa County Master Plan amendment approval criteria is found in Section 3.2.8 of the Land Development Code which states "The Planning Commission may approve proposed Master Plan Amendments only if consistent with the overall purpose and intent of the Mesa County Master Plan, and the general approval criteria of Section 3.1.17C." Ms. Simonson displayed a slide that listed the criteria and the results of whether the criteria had been met as follows:

- 3.2.8.A (error in original Master Plan) is not applicable
- 3.2.8.B (events invalidate original premises and findings) is met
- 3.2.8.C (change in character or condition of the area) is met

- 3.2.8.D (consistent with goals and policies of the Master Plan) is met
- 3.2.8.E (adequate public and community facilities) is met
- 3.2.8.F (inadequate supply of suitably designated land) is met
- 3.2.8.G (benefits to the community) is met
- 3.1.17.A (complies with Land Development Code) is met
- 3.1.17.B (consistent with review comments) is met
- 3.1.17.C (consistent with IGAs) is met

Ms. Simonson recommendation was to approve the Wireless Master Plan (PRO 2016-0049 MP) and certify the amendment to the Board of County Commissioners. The basis for the adoption is that the Wireless Master Plan **does meet** all applicable approval criteria found in Section 3.2.8 and Section 3.1.17 of the Mesa County Land Development Code. Ms. Simonson stated that the County Planning Commission would not adopt the resolution at this hearing and that it would occur following final City Council action; they would only be approving the plan at this time.

Chairman Price and Chairman Reece asked their Commissioners if they had questions for staff at this time. Hearing none, Chairman Reece asked if there were questions or comments from the public.

Questions/Comments from Public

Ms. Meghan Winokur, an attorney with Holland and Hart, Aspen, CO informed the Commissioners that she is in attendance to provide a letter provided by her client, the American Tower Corporation. American Tower has been working with City and County staff and CityScape regarding the WMP as well as the proposed amendments to the City Ordinance.

Ms. Winokur stated that American Tower does not have any requests or comments regarding the WMP, but they do have specific comments regarding the proposed City amendment to the ordinance. The building classification standards for new steel communication towers.

Noting that there are three class standards for towers, the industry default is a class II building requirement unless there are specific circumstances requiring the higher standard. Ms. Winokur pointed out that the ordinance as it is currently drafted, calls for a class III building standard to be required for new towers which significantly increases the cost for constructing new towers.

Commissioner Wade asked what the cost difference is between a class II and class III tower. Ms. Winokur stated that the cost difference is due to the requirement for stronger steel and foundation requirements. It was noted that this difference does not have impact on the amount of carriers or co-locates that can be on the tower.

Chairman Reece asked if there were differences in appearance to the two types of towers. Ms. Winokur stated that she was not aware of any differences to appearance, but she would be happy to verify that with the American Tower engineer.

Chairman Price asked if American Tower has been involved with any of the committees that have been working on the study for the past year. Ms. Winokur stated that she is not aware of the entire history of American Tower's participation in the study, but she is aware of the fact that they have been in touch with the staff over recent months.

Commissioner Erbisch asked if Ms. Winokur was addressing the classification of towers on buildings or free standing. Ms. Winokur clarified that their request referred to new tower construction.

Chairman Reece asked Mr. Thornton if he could clarify the concern. Noting that American Tower's issue is with the ordinance and not the WMP, Mr. Thornton advised that the Commission discuss this concern during the public hearing portion of the amendment to the ordinance which is the second item on the meeting agenda.

Commissioner Page asked what the cost difference was in constructing a Class II tower vs a Class III tower and noted that it may be cheaper to construct to Class III standards at construction rather than upgrade later.

Ms. Winokur stated that she was informed by American Tower that the cost difference is about thirty percent. She went on to say that American Tower would like to see the focus be on ways to reduce non-redundancy, which is to create a system where you have redundancy in the coverage. Another emphasis is to ensure towers have some type of back-up power supply. Ms. Winokur stated that the Class III standard is designed for areas of National Defense or where there are large populations in case a tower was to fall.

Chairman Reece thanked Ms. Winokur for her comments and noted she would have an opportunity to speak during the public hearing for the amendment to the ordinance.

Commissioner Discussion

Referring to the WMP, Commissioner Gatseos stated that he felt the study was both comprehensive and detailed with many opportunities for input from both the community and the contractors.

Commissioner Ehlers expressed a concern about the "priority site" determinations as it relates to public and private ownership, and asked if it is only addressed in the ordinance, or is it in the WMP as well. Mr. Thornton clarified that the WMP

allows for the ordinance to address the priority site list, but how that is implemented is left to the appropriate local jurisdictions.

Ms. Simonson added that the study was open to both public and private entities and both entities can request to be reviewed and added as a priority site in the future as well.

Chairman Price stated that security was a concern discussed at their workshops and he would like to know if private vs. public property is an issue.

Ms. Dackonish (City Staff Attorney) stated that the goal of the Priority Sites was to steer the industry to the coverage gaps that were identified in the Plan.

Ms. Simonson noted that the security of a site is specific to the individual design of a site and would be determined during the review process. The WMP identifies potential coverage and does not go into that level of detail.

Commissioner Ehlers expressed concern about calling the sites "Priority." Recognizing the sites have been vetted, he feels another word such as "appropriate" may be more suitable. Commissioner Ehlers felt that calling sites a "Priority" lends itself to a level of interpretation and discussion at approval hearings that may present an unfair bias to public-owned land in the coverage gap over a privately owned property that meets the same criteria.

Questions for Staff

Commissioner Gatseos asked if the process and the resulting WMP will result in the City being able to obtain more service for the citizens.

Mr. Thornton stated that he was pleased with the work that the consultants have done and feels the WMP will hopefully attract and allow service providers to fill in the coverage gaps.

Commissioner Erbisch asked if there is strong enough language that would encourage the industry to provide better coverage to rural areas.

Ms. Simonson replied that the construction of towers is industry driven. The WMP is the first step to address the issues. The plan encourages public-private partnerships and for example, Collbran, has a tower constructed for Public Safety that is co-locatable.

Mr. Thornton noted that the Priority Site is an administrative review and will never result in a neighbor vs neighbor situation at a public hearing. The applicant would have to abide by the type of tower that was vetted on the list. The list is a tool for the industry to use as a starting point, but they would never be required to locate on a public property.

MOTION: (Commissioner Eslami) “Madam Chairman, I move to make a recommendation of approval of the Wireless Master Plan, CPA-2016-113, to the Grand Junction City Council.”

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

Chairman Price asked the County Commissioners for a motion to close the public hearing. Hearing a motion but not voting, Chairman Price declared the public portion of the meeting closed for Mesa County Planning Commission.

Ms. Simonson noted that a roll call vote is needed. There was discussion as to what action needs to be taken. Ms. Simonson stated that the Commission needs to make a motion to take action on the WMP. Ms. Simonson clarified that the County Planning Commission will make adoption of a resolution at a future meeting. Ms. Simonson further explained that typically with joint plans there is a motion to approve the plan, but withhold the resolution until after the City has completed their portion.

Motion: Commissioner Erbisch moved to approve the WMP
Second: Commissioner Wriston

Roll call vote:

Commissioner Erbisch - Yes
Commissioner Somerville- Yes
Commissioner Wriston- Yes
Commissioner Skiff- Yes
Commissioner Page- Yes
Chair Price- Yes

Motion Passes: 6-0

Joint Meeting Adjourned

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE WIRELESS MASTER PLAN

**AS AN ELEMENT OF THE GRAND JUNCTION COMPREHENSIVE PLAN
AMENDING TITLE 31, COMPREHENSIVE PLAN, OF THE GRAND JUNCTION
MUNICIPAL CODE BY ADDING SECTION 31.12 WIRELESS MASTER PLAN**

Recitals.

The City has also commissioned a broadband planning effort in both wireless planning and broadband planning that includes a Wireless Master Plan (Plan). The Plan is the result of a joint planning effort by the City of Grand Junction and Mesa County with the help of CityScape, a company commissioned by the City and County that specializes in wireless infrastructure planning. It builds upon the 2010 Grand Junction Comprehensive Plan adopted by Mesa County and the City of Grand Junction.

The planning effort was undertaken in response to the technology goals identified in the Economic Development Plan adopted on May 7, 2014. The contract was signed with CityScape Consultants on May 27, 2015 and work commenced immediately thereafter. The consulting costs are being funded by the Grand Junction Regional Communication Center (GJRCC) and the project team includes representatives from City Planning, Purchasing, Legal and IT, County Planning and IT, the GJRCC, and CityScape Consultants. The public has been invited to participate via four public meetings held on June 30, 2015, August 26, 2015, December 7, 2015 and the latest held on April 5, 2016. All meetings were recorded and made available on the City website for review, along with presentation materials. Several surveys were conducted to determine community preferences for tower types, use of public property, and priorities for the development of new sites. Council updates and Planning Commission updates have occurred regularly throughout the project. A contact list consisting of more than 200 community leaders, businesses, tower builders, cellular service providers, and citizens has been used to disseminate information about the planning process and to invite interested parties to attend the public meetings.

The Wireless Master Plan will provide long-term planning for an efficient and capable wireless telecommunication environment in the community, so that existing and new telecommunications infrastructure can be optimally utilized to meet the current and future wireless communication needs of the City's industry, businesses, residents and visitors while minimizing negative aesthetic impacts so as to preserve the character of the community and its natural surroundings.

The City Council finds that it is necessary and beneficial for the health, safety and welfare of the community to adopt this Plan for development of telecommunications facilities in the City in order to:

- promote the health, safety, and welfare of the public;
- establish the need for community preferences;
- establish a community vision for telecommunications facilities including where they could most optimally be placed and preferences for aesthetics;
- encourage co-location of equipment on existing structures in order to minimize redundant and unnecessary proliferation of new towers, thereby minimizing visual clutter, public safety impacts, and effects upon the natural environment and wildlife;
- identify the most likely coverage gaps and assist the industry and property owners with locating towers in the most optimal manner;
- acknowledge the growing need and demand for telecommunications services while recognizing the need to protect the character of the City and its neighborhoods;
- identify and plan for the availability cellular telephone access for businesses and residents, acknowledging that a growing number of businesses are conducted in whole or in part from on-the-go, and that government participation and emergency services to the general public are enhanced by fast and reliable cellular connectivity;
- recognize the need for coordination between suppliers and providers of telecommunications services to maximize use of existing facilities and structures;
- promote concealed technologies and the use of public lands, buildings, and structures as locations for facilities;

The Planning Commission is charged with reviewing the Plan and making a recommendation to City Council.

The Wireless Master Plan was heard by the Grand Junction Planning Commission in a public hearing jointly with Mesa County Planning Commission on April 26, 2016.

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

That the Wireless Plan, in the form of the document attached hereto, and as recommended for adoption by the Grand Junction Planning Commission, is hereby adopted.

The full text of this Ordinance, including the text of the Wireless Master Plan, in accordance with paragraph 51 of the Charter of the City of Grand Junction, shall be published in pamphlet form with notice published in accordance with the Charter.

INTRODUCED on first reading the _____ day of _____, 2016 and ordered published in pamphlet form.

PASSED and **ADOPTED** on second reading the ____ day of _____, 2016 and ordered published in pamphlet form.

President of City Council

ATTEST:

City Clerk



Date: May 11, 2016
Author: David Thornton
Title/ Phone Ext: Principal Planner / x.1450
Proposed Schedule 1st Reading May 18,
2016 , 2nd Reading June 1, 2016
File # (if applicable): ZCA-2016-112

CITY COUNCIL AGENDA ITEM

Subject: Amending the Zoning and Development Code Sections of the Grand Junction Municipal Code Governing Development of Telecommunications Facilities

Action Requested/Recommendation: Introduce a Proposed Ordinance Amending the Sections of the Zoning and Development Code Governing Development of Telecommunications Facilities and Set a Hearing for June 1, 2016

Presenter(s) Name & Title: David Thornton, Principal Planner
Shelly Dackonish, Staff Attorney

Executive Summary:

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) by amending the City's regulations for telecommunications facilities, implementing the Wireless Master Plan (Plan), and bringing the regulations into compliance with Federal law.

Background, Analysis and Options:

In response to the growing dependence on cellular technology, the City hired a consultant, CityScape, to help it develop a Wireless Master Plan to help guide the development and construction of wireless infrastructure and optimize the use of existing and new telecommunications facilities. The purpose of the Plan is similar to the goals and objectives of other long-range infrastructure plans, such as roadway improvements and the extension of water and sewer lines. Combining land use planning strategies with radio frequency engineering models, the Plan is designed to help direct the development of future telecommunications sites.

The Code amendments proposed here serve four primary purposes: (1) to implement the Wireless Master Plan; (2) to conform regulations governing telecommunications facility development to federal regulations, which significantly limit local land use authority with respect to wireless infrastructure; (3) to limit and/or manage unnecessary proliferation of unsightly towers by encouraging co-location of wireless facilities and (4) to establish standards for development which encourage safe and effective development of wireless facilities while minimizing their impacts on surrounding land uses.

Plan Implementation

The ordinance implements, within City boundaries, the Wireless Master Plan (WMP). The WMP includes, among other things, an inventory of existing facilities and a projection of coverage gaps. Based on those coverage gaps, public properties suitable for new wireless infrastructure were identified and vetted for concealed PWSF facilities. These were named “Wireless Master Plan Priority Sites.” The ordinance provides that where development of the facilities is in line with the site-specific requirements identified in the plan (such as concealment), development review will be administrative. (See proposed amendments to the Zone/Use Table in Section 21.04.010.)

The vetting process for “Priority Sites” was also opened up for non-public property. Few requests were received, which is not surprising because property owners typically do not market their property for telecommunications towers. Rather, telecommunications carriers identify where their specific coverage gaps are or where they need redundant signals and facilities to support their own networks. They then contact a tower company, which then contracts with a site locator to determine the best property for a possible lease option, which could be a vacant property but often include another primary use. Even if relatively few property owners are likely to be interested, it would be possible to open up the “vetting” process periodically for landowners who might desire to do market their property for a telecommunications tower, during which process City staff would advertise, notice and prosecute the WMP amendment process. Staff welcomes guidance from the City Council on this subject.

Staff recommends maintaining and updating a relevant and useful Wireless Master Plan, the heart of which is the list of Priority Sites. We consider it crucial that some sites be identified as are appropriate for new towers without the requirement of a conditional use permit, in order to encourage fast and efficient deployment of critical infrastructure.

Federal Law Compliance

The ordinance also codifies the requirements, limitations and preemption of certain land use authority with respect to development of facilities providing personal wireless service (“PWSF”) prescribed by Congress in the Telecommunications Act of 1996, the 2012 Spectrum Act, the regulations promulgated pursuant to those Acts, and key aspects of case law construing them. These include, notably, the following:

- “shot clocks” (time limitations for determining development applications);
- requirement of issuing written findings contemporaneously with a decision of denial;
- provision requiring co-locations to be approved if they meet prescribed federal standards;
- lighting only in accordance with FAA regulations and requirements;
- no City regulation of radio frequency (RF) emissions and no denial of a facility based on considerations relating to RF emissions.

Siting Preferences

The ordinance also establishes siting preferences for new telecommunications facilities.

The preferences are based upon surveys of the public conducted in connection with the Wireless Master Plan and an acknowledgement that PWSF involve provision of essential services in terms of public safety and public administration. Although not expressly declared a “utility” by the federal or state government, the essential nature of wireless communications is widely acknowledged. Approximately 80% of calls to 911 originate from a cell phone (this figure continues to steadily rise). Public safety and other essential governmental operations rely more and more heavily on cellular telephone communications. “Smart city” applications will also likely utilize wireless facilities. The need for stable, effective, reliable and affordable wireless infrastructure is crucial for the City to continue to offer governmental services that the public has come to expect.

Facilities located on public property are preferred for several reasons:

1. Public property is a more stable investment for the industry to use for tower facilities in that it changes hands less often and is more likely to house enduring facilities such as fire stations, parks and government buildings which are less susceptible to the uncertainty of re-development;
2. Costly public wireless infrastructure can be included on towers that are located on public property at a lower cost to the taxpayer;
3. As a landlord, the City and/or another other public entity (such as the BLM, the County, and the University) has more control over site design and site-specific features to ensure that facilities are located, secured and maintained so as to have minimal impact on surrounding neighborhoods, land uses, view sheds;
4. Rent revenue from towers and other wireless infrastructure could be used to provide public services that are dependent on and/or require wireless and fiber communication infrastructure.

Other siting preferences in accordance with the community survey results are generally for co-location first, location on an existing structure next, replacement of existing structures before constructing new ones, small cell and DAS over new towers, and among all the options concealed is favored over non-concealed. In order for an applicant to select a lower ranked alternative, it must demonstrate that the higher ranked alternative(s) is/are not practical, feasible or justified.

It is important to note that the siting preferences apply only to PWSF; they do not apply, for example, to broadcast towers or facilities housing only two-way radio or single user dispatch facilities. (See subsection 21.04.030(q)(5) in proposed ordinance.)

Other standards

The ordinance includes development standards for telecommunications, including but

not limited to:

- Removal of facilities upon abandonment;
- No interference with public safety signals/frequencies;
- Tower setbacks in accordance with the applicable zone district except where the facility property abuts a residential land use, in which case the tower must be setback a distance of the height of the tower or the “breakpoint” distance;
- Limitations on signage.

Certain facilities are exempt from the permitting requirements, including amateur radio towers used exclusively for non-commercial purposes; emergency and public safety government facilities; and over-the-air reception devices such as certain satellite earth stations.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 11: Public facilities and services for our citizens will be a priority in planning for growth.

Policy A: The City and County will plan for locations...to serve the public health, safety and welfare, and to meet the needs of existing and future growth.

The proposed Code amendments encourage safe and efficient development of wireless infrastructure so that the increased demand for personal wireless services can be met without unnecessary proliferation of unsightly towers. They also incorporate Federal Communications Commission (FCC) regulations mandating timely review of applications and promoting competition and full network coverage. The design standards included in the proposed Code amendments will encourage co-location but allow for new facilities where needed to provide wireless services to the community.

How this item relates to the Economic Development Plan:

Section 1.4 of the Economic Development Plan focuses on providing technology infrastructure that enables and supports private investment. Expanding broadband capabilities and improving wireless and/or cell coverage to underserved areas are key objectives of the Economic Development Plan. The proposed Code amendments implement the Wireless Master Plan and encourage an efficient build-out of a full coverage and competitive wireless network for the community. The proposed Code amendments also include broadband-friendly regulations that (1) allow the City to, at its discretion and expense, install shadow conduit alongside other infrastructure installations and (2) allow the City to use fiber and conduit that has been abandoned within the City.

Board or Committee Recommendation:

The Planning Commission held a public hearing on April 26, 2016 and continued their discussion to May 10, 2016. On May 10th they forwarded a recommendation to City Council to adopt the proposed ordinance, but eliminating public property and WMP Priority Sites preferences. A strike through showing the differences between Staff's and Planning Commission recommendations is shown below.

(5) Siting Preferences for New Telecommunications Facilities.

Siting of new PWSF of any type shall be in accordance with the Siting Preferences below and with the Use Table in Section 21.04.030. Where a lower ranked alternative is proposed, the applicant must demonstrate through relevant information including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed facilities, by clear and convincing evidence. The applicant must provide such evidence in its application in order for the application to be considered complete.

The Siting Preferences are, in order:

- (i) Co-located or combined PWSF
- (ii) Concealed antenna(s) on a base station
- (iii) Non-concealed antenna(s) on a base station, in the following zone districts, ranked highest to lowest:
 - ~~(A) On a Wireless Master Plan Priority Site~~
 - ~~(B) On City owned property in any non-residential zoning district~~
 - ~~(C) On other public property in any non-residential zoning district~~
 - ~~(D) On non-public property in the following zoning districts, ranked highest to lowest:~~
 - ~~(A) I-2, I-1 or I-O~~
 - ~~(B) C-2~~
 - ~~(C) B-P or C-1~~
 - ~~(D) CSR~~
 - ~~(E) Other zone districts in accordance with the Use Table in Section 21.04.010.~~
- (iv) Replacement of existing Telecommunications Facility in any zoning district
- (v) Dual Purpose Facility
- (vi) Concealed small cell site
- (vii) Non-concealed small cell site
- (viii) Distributed Antenna System
 - ~~(A) Attached~~
 - ~~a. Concealed on City owned property, right of way or public easement~~
 - ~~b. Non-concealed Concealed on other public property~~
 - ~~c. Concealed on non-public property~~
 - ~~d. Non-concealed on City owned property, right of way or public easement~~
 - ~~e. Non-concealed on other public property~~
 - ~~f. Non-concealed on non-public property~~
 - ~~(B) New Freestanding DAS facility~~
 - ~~a. Concealed on City owned property, right of way or public easement~~
 - ~~b. Non-concealed Concealed on other public property~~

- ~~c. Concealed on non-public property~~
- ~~d. Non-concealed on City-owned property, right-of-way or public easement~~
- ~~e. Non-concealed on other public property~~
- ~~f. Non-concealed on non-public property~~

(ix) Concealed freestanding towers

- ~~(A) On a Wireless Master Plan Priority Site~~
- ~~(B) On City-owned property in any non-residential zoning district~~
- ~~(C) On other public property in any non-residential zoning district~~
- ~~(D) On non-public property in (A)~~ In the following districts, ranked highest to lowest:
 - a. I-2 or I-1
 - b. C-2
 - c. C-1
 - d. Other zone districts, in accordance with the Use Table in Section 21.04.010.

- ~~(E) (B)~~ Preferred concealment type (wherever located). Concealment types listed below are general preferences, in no particular order. The appropriate means of concealment will depend upon the structures and developed features already existing in the area. Innovative concealment is encouraged so long as it is visually integrated into the immediate surroundings.
 - a. Tree of a type naturally occurring or normally found in the geographic area
 - b. Church steeple
 - c. Bell or clock tower
 - d. Belfries, domes or chimneys
 - e. Elevator towers
 - f. Flag poles
 - g. Water towers
 - h. Cupolas
 - i. Other architectural or art feature

Examples of concealed facilities:



(x) Non-concealed towers

- ~~(A) On a Wireless Master Plan Priority Site~~
- ~~(B) On City owned property in any non-residential zoning district~~
- ~~(C) On other public property in any non-residential zoning district~~
- ~~(D) On non-public property in (A)~~ In the following districts, ranked highest to lowest:
 - a. I-2;
 - b. I-1
 - c. C-2;
 - d. C-1.

- ~~(E) (B)~~ Preferred tower type (wherever located)
 - a. Monopole
 - b. Lattice
 - c. Guyed

Broadcast towers are not subject to the siting preferences; they may be sited in accordance with the Use Table (Section 21.04.010). Broadcast towers shall not be located on a Wireless Master Plan Priority Site; those are reserved and planned for PWSF and public safety telecommunications facilities.

Financial Impact/Budget:

There will not be a financial impact.

Legal issues:

The City's Senior Staff Attorney, Shelly Dackonish, has worked closely with the attorney for the wireless master plan consultant (Anthony Lepore with CityScape) to draft an ordinance that complies with federal statutes and regulations while protecting other land uses as much as possible and encouraging development of wireless infrastructure. Public presentations have included information on the federal regulatory overlay. Ms. Dackonish will be available at the public hearings to address any questions the City Council has about the federal regulations. Mr. Lepore will also be present at the City Council hearing.

Other issues:

No other issues have been identified.

Previously presented or discussed:

- Joint Planning Commission Meeting - 10/14/2015
- City Planning Commission Workshop - 12/7/2015
- Stakeholder/Public Meeting - 12/7/2015
- WMP Survey - Community Preferences - Tower Types / Use of Public Property - 12/2015
- Council Workshop 1/18/2016 – Council agrees to consider use of public properties for wireless facility infrastructure
- Stakeholder/Public Comment Meeting - 4/5/2016
- Grand Junction Planning Commission Workshop – 4/21/2016
- Joint City/County Planning Commission Meeting - 4/26/2016
- Planning Commission Hearing – 5/10/2016
- City Council to consider adoption of WMP and related ordinance changes - 6/1/2016

Attachments:

- Draft Planning Commission Minutes – April 26, 2016
- Draft May 10, 2016 Planning Commission minutes will be available for June 1st meeting.
- Proposed Ordinance (Staff/Consultant recommendation)
- Proposed Ordinance (Planning Commission recommendation)

**SPECIAL JOINT GRAND JUNCTION AND MESA COUNTY
PLANNING COMMISSION MEETING
April 26, 2016 MINUTES
6:00 p.m. to 9:21 p.m.**

The special joint meeting of the City of Grand Junction and Mesa County Planning Commissions was called to order at 6:00 p.m. by Chairman Reece. The public hearing was held in the City Hall Auditorium located at 250 N. 5th Street, Grand Junction, Colorado. The meeting was also called to order by Chairman Price for Mesa County.

In attendance, representing the City Planning Commission, were Christian Reece (Chairman), Ebe Eslami (Vice-Chairman), Jon Buschhorn, Kathy Deppe, Keith Ehlers, George Gatseos, and Bill Wade.

In attendance, representing the County Planning Commission, were Rusty Price (Chairman), Bob Erbisch, William Page, Secretary, George Skiff, Ron Wriston, Bill Somerville.

In attendance, representing the City's Administration Department - Community Development, was Greg Moberg, (Development Services Manager) David Thornton (Principal Planner), and Rick Dorris (Development Engineer).

In attendance, representing Mesa County was Kaye Simonson (Lead Planner).

Also present was Jamie Beard (Assistant City Attorney) Shelly Dackonish (City Staff Attorney) and Steve Smith (GIS Analyst).

Lydia Reynolds was present to record the minutes.

There were 4 citizens in attendance during the hearing.

Call to Order

City Commissioner Reece called the City Planning Commission meeting to order.

County Commissioner Price called the meeting to order on behalf of the Mesa County Planning Commission.

Announcements, Presentations And/or Visitors

None

Consent Agenda

Chairman Reece briefly explained there were no items on the Consent Agenda.

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

Public Hearing Items

1. Wireless Master Plan

Joint City and County Planning Commission Public Hearing to consider the Wireless Master Plan was completed.

Joint Meeting Adjourned

Chairman Reece adjourned the Joint Meeting of the Mesa County Planning Commission and the City of Grand Junction Planning Commission and informed the audience that there will be a brief break before the next item.

Break

After a short break, Chairman Reece reconvened the meeting of the City of Grand Junction Planning Commission.

2. Zoning Code Amendment

The City of Grand Junction Planning Commission will consider a recommendation to the City Council of the adoption of a zoning code amendment to amend the section on communication facilities.

CITY FILE# ZCA-2016-112

REPRESENTATIVE: City of Grand Junction Planning Division

PLANNER: David Thornton, (970)244-1450, davidt@ci.grandjct.co.us

Staff Presentation

David Thornton, (Principal Planner) explained that this amendment to the Zoning and Development Code is addressing Telecommunications (Wireless) Facilities in order to implement the WMP.

Mr. Thornton went on to say the proposed Code amendments serve four primary purposes:

- (1) to implement the Wireless Master Plan;
- (2) to conform regulations governing telecommunications facility development to federal regulations;
- (3) to limit and/or manage unnecessary proliferation of unsightly towers by encouraging co-location of wireless facilities and
- (4) to establish standards for development which encourage safe and effective development of wireless facilities while minimizing their impacts on surrounding land uses.

Mr. Thornton explained that without a Master Plan the wireless industry will install infrastructure based on their individual business needs, which results in a

proliferation of unsightly towers and spotty coverage.

The Master Plan is intended to guide the industry to utilize existing infrastructure to the greatest extent possible, and to install new towers in the most effective locations and in the most efficient manner, so as to provide maximum coverage with a minimum number of unsightly towers. The proposed Telecommunications Facilities Ordinance encourages maximum co-locations on single towers, use of concealed tower technology, tower placement that fills coverage gaps identified in the Master Plan, and high quality emergency communication (911 services).

Mr. Thornton wanted to emphasize that 911 (Grand Junction Emergency Services) funded the Wireless Master Plan study which is an important component to the study.

Mr. Thornton displayed a proposed use table/matrix and explained that the current code has one item in the “use category” for Telecommunication Facilities and all towers require a Conditional Use Permit (CUP). The proposed amendment will separate out different types of facilities and not all will require a CUP. For example, if a proposed tower location is listed on the WMP Priority Site list, then it has already been vetted and will not require a CUP.

Ms. Dackonish (Staff Attorney) explained that part of the purpose of the code amendment will help bring the code into compliance with Federal legislation and FCC regulations. Ms. Dackonish went on to say that although the regulations have been in place for a while and followed informally, this WMP study was a comprehensive approach to addressing compliance.

Ms. Dackonish displayed a slide that outlined the Federal regulations which state that local governments must:

- Allow carriers to deploy wireless facilities
- Treat providers equally
- Act expeditiously in deciding applications
- Issue a written decision based on substantial evidence that is not speculation and does not relate to concerns about RF emissions
- Respect areas of federal control (lighting – FAA; RF emissions)

It was noted that radio frequency emissions are exclusively regulated by federal standards and have been determined to be harmless therefore it cannot be a basis for denial of a facility.

The FCC interpreted what the broad federal legislation acts meant and as a result, time limits for rendering decisions on applications was established. Decisions on applications for new facilities must be completed in 150 days and 90 days for co-locations or modification of existing structures. This has since been changed to 60 days for colocation/modification applications when FCC

regulations (FCC 2014 R&O) implemented the Spectrum Act. Additionally, the basis for decisions must be in writing and must be issued contemporaneously with the decision.

Ms. Dackonish displayed a slide regarding the Spectrum Act (2012) which explained that local government “may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station”

The FCC 2014 R&O defined for purposes of co-location of “substantial increase to the size of a tower” the following criteria;

Addition of antenna on a tower that would increase its height by greater of 10% or 20 vertical feet; or

Addition of antenna that requires installation of more than standard number of equipment cabinets (not to exceed 4), or more than 1 new equipment shelter; or

Addition of antenna that would increase the girth (width) of the tower by more than 20 feet; or

Addition of the antenna would involve excavating around the tower site beyond the existing boundaries of the property associated with the facility.

Ms. Dackonish explained that if an applicant’s proposal for an existing tower falls into the non-substantial change parameters, a decision must be rendered in 60 days but if it is not, it is “deemed” approved.

It was noted that Federal preemption does not apply when a local government is acting as a landlord and is not using its police power / regulatory authority. Therefore the proposed ordinance includes a preference for siting on public property, so that the City can require tower design, such as concealment, which will mitigate a new tower’s visual impact to the neighborhood

Ms. Dackonish informed the Commission that she had heard from American Tower about a week prior to tonight’s meeting, but they are taking the comments regarding Class III requirements into consideration. A conference call was set up, however their engineer was not in attendance during the call. She has also been working closely on a lease with SBA, another tower company. Ms. Dackonish stated that SBA has not commented on the Class III requirement and she has not heard from other tower companies regarding the standard.

Mr. Thornton stated that the Ordinance proposes changes to regulations relating to Telecommunications Facilities which:

- Comply with Federal statutory and regulatory requirements

- Implement the community's preference for use of existing structures to the maximum extent before constructing new ones
- Encourage DAS and small cell deployment and inclusion of public safety communications equipment
- Incorporate other public commentary from surveys, such as concealment, appropriate zone districts, etc.

Mr. Thornton displayed a slide highlighting a variety of topics that the proposed ordinance addresses.

Mr. Thornton emphasized that the Ordinance is specific in the hierarchy of the preference order of types of Wireless Facilities. Generally, Co-locating new wireless services on existing facilities is preferred, constructing a new tower is least preferred and to do so one must demonstrate that "higher ranked options are not technically feasible, practical or justified given the location of its proposed facilities, by clear and convincing evidence."

Mr. Thornton noted that the use of a "Priority Site" is noted in the use table. Ms. Dackonish added that it is also in section 5 in the "siting preferences" in hopes of getting towers in the "gaps" first.

Mr. Thornton displayed a slide that listed the hierarchy of the siting preferences as follows:

- Co-locate or combine on or with existing facility
- Conceal on a Base Station
- Non-concealed on a Base Station
- Replacement of existing Telecommunications Facilities
- Dual Purpose Facility
- Concealed small cell site
- Non-concealed small cell site
- Distribute Antenna System (DAS)
 - Attached DAS
 - New Freestanding DAS
- Concealed Wireless Tower
- Non-concealed Wireless Towers

Mr. Thornton stated that the proposed ordinance favors publicly owned property over non-public property for future telecommunication facility sites for three reasons; public safety, aesthetics and revenue and gave examples of each. Mr. Thornton noted that an applicant can select a lower-ranked preference wherever the higher ranked options are not technically feasible, practical and/or justified. This was kept intentionally broad so as to provide maximum flexibility for the applicant.

Mr. Thornton showed several slides that displayed a preference schedule for the different types of facilities and explained the hierarchy of criteria.

Findings of Fact/Conclusions & Conditions

Mr. Thornton stated that after reviewing the proposed text amendments for Telecommunication Facilities, ZCA-2016-112, the following findings of fact, conclusions and conditions have been determined:

The Proposed Text Amendments will

1. Implement the Wireless Master Plan;
2. Respond to the mandates of the Telecommunications Act of 1996, the Middle Class Tax Relief and Job Creation Act of 2012, and other applicable federal and state laws limiting local discretion to regulate location of personal wireless service facilities (PWSF);
3. Limit and/or manage the unnecessary proliferation of unsightly towers by encouraging co-location of wireless facilities; and
4. Establish standards for development which encourage safe and effective development of wireless facilities while minimizing their impacts on surrounding land uses.

Questions for Staff

Commissioner Gatseos was concerned about the appearance of the Distribute Antenna System (DAS) sites and asked if the ordinance will effectively address the aesthetics. Ms. Dackonish explained that in addition to standards listed for DAS sites such as screening and setbacks, some of the DAS sites will be added to existing street lights and traffic light poles. In addition, the DAS sites are lower and will not be seen from as far away as towers.

Ehlers asked if the intent of staff, by means of the ordinance, was to provide an unfair advantage to use City property for these priority sites. Mr. Thornton stated that as a community, we value private market and private property rights and did not want to create an ordinance where everyone had to go to a public site. In addition, there may not be public property where a site is needed.

Based on the study, it is projected that there could be a need for 11 to 18 new towers over the next 10 to 15 years. If one or two tower applications came in per year, the City would like to encourage the industry to locate on publicly owned sites to allow for 911 emergency services and aesthetics to be considered. The study has set Priority Sites based on coverage gaps, but the market needs may change over time.

Chairman Reece asked the ordinance provisions are able to control aesthetics because the process is being streamlined and not requiring a CUP. Chairman Reece also asked what allows the City to require more stringent requirements for a tower company to locate on a municipal property verses a privately owned property. Ms. Dackonish explained that the status of the City as a landlord verses a governmental entity comes into play.

Commissioner Wade referred to the Priority Sites and asked if a private company wished to locate in an area that has both public and private sites, would the

applicant get to decide where they want to locate. Mr. Thornton stated they would and the Priority Sites on private land would have the same expedited administrative review process as would a public Priority Site.

Commissioner Ehlers indicated that his understanding of the ordinance is that a public owned property has an advantage in that they rate higher on the hierarchy list and an applicant would have to document that a higher ranked option is not technically feasible, practical or justified. Commissioner Ehlers expressed concern that if all else being equal, the public Priority Site would be favored over the private Priority Site and he would like to see the playing field equal.

Ms. Dackonish stated that the ordinance is designed to give a preference to public Priority Sites as a tool to encourage and steer the industry to areas of greater gaps in coverage.

Chairman Reece asked if a private property owner is able to get their site listed as a Priority Site, and a public site is also a Priority Site, would the evaluation continue through the hierarchy list. Ms. Dackonish stated that the applicant would be the one to decide which site to bring forward.

Discussion continued regarding public Priority Sites verses private Priority Sites and Commissioner Buschhorn expressed concern that the need for “clear and convincing evidence” required for a private site may a sticking point. Ms. Dackonish explained that the ordinance is intended to encourage the applicant to look at publicly owned land first. As a governmental entity, the City cannot require a private landowner to meet certain criteria, only the standards that are listed in the ordinance.

Chairman Reece asked if the reasons to locate on a private verses public property is considered administratively. Ms. Dackonish clarified that by the time a CUP is brought to the Planning Commission for recommendation that site location has been established and is considered acceptable after staff review. Chairman Reece noted that if it is a Priority Site, then it would not need a CUP.

Commissioner Ehlers stated that the public Priority Site preference would create an advantage for the City. Ms. Dackonish agreed that it would. Commissioner Ehlers stated that if the intent of the ordinance is to create an advantage to the publicly owned sites over equal privately owned sites when they can meet the same standards, then he has a strong objection to it.

Ms. Dackonish emphasized that the language used “not technically feasible, practical or justified” was intentional broad enough to allow for a variety of situations where a case can be made that a private property was more suitable for the applicant’s needs and gave some examples such as elevations, a building in the way or access being too restrictive.

Commissioner Eslami felt that the City, as a landlord, is justified in participating in a free enterprise system that uses incentives for customers.

Chairman Reece expressed concern that there is an appearance that if you don't go choose a Public property, then the City could make more requirements on a private property location, and she does not see that as a fair advantage.

Commissioner Wade felt that if the Priority Site designation process had been better publicized, then there would be many more private properties on the list.

Chairman Reece commented that there had been conversations as to how often the City would open the application process for Priority Sites and she feels that it should always be open. If it could not be made an open process then she would have a hard time moving the ordinance forward. Ms. Dackonish noted that City Council could direct staff to create a policy and establish how often to have the process open. She said it could be brought forward to City Council as part of the recommendation, however it would be an informal policy direction that staff would follow but not be a part of the WMP or the ordinance.

Chairman Reece inquired about the possibility that City revenue generated becomes an issue with TABOR. Ms. Dackonish clarified that lease from real property is not a tax so therefore would not apply. Chairman Reece asked if language needs to be incorporated into the ordinance to plan for the revenue sources coming in from the leases. Ms. Dackonish stated that this ordinance is for use specific site standards for tele-communication facilities and not revenue directing ordinances. She added that they have been looking at options for revenues, such as a possible enterprise fund for broadband, wireless and 911, however that would be a policy direction they would have to get from City Council.

Commissioner Ehlers asked if there was a specific set of criteria that a property owner could meet and be assured that they will become a Priority Site. Mr. Thornton read a list of the criteria for Priority Site status that is in the WMP and gave examples of how they could meet the criteria.

Commissioner Ehlers stated then asked, if there is a set criteria to become a Priority Site and someone is able to meet the criteria, why do they have to apply to become a Priority Site. His concern is that there doesn't seem to be a mechanism in place that addresses how to become a Priority Site. Commissioner Ehlers asked if it is appropriate to be moving forward with the ordinance if that mechanism is not identified. Ms. Dackonish wanted to clarify that the Priority Sites are to steer the industry to specific coverage gaps, however the industry can apply to have a tower elsewhere.

Commissioner Wade stated that the issue they have is how the priority system works and if it is fair.

Commissioner Gatseos understands the goal is to streamline the process, induce the market providers to come into coverage gaps and to try to facilitate the 10 year build-out of towers. Noting a lot of discussion around semantics, Commissioner Gatseos stated that he is not fond of the word "priority" and thinks

“approved” or “preferred” may be better and asked if there is a way to improve on the writing of the ordinance. Ms. Dackonish advised the Commission that they can forward the recommendation to Council with additional language to clarify concerns they may have.

Chairman Reece advised the Commissioners that if they are not comfortable going through the language and moving it forward at this time, they can remand it back to staff or continue it into another hearing.

Mr. Thornton suggested that they don't remand it back to staff because what is set forth is the staff's recommendation based on the WMP, public input, and an entire study and the outcome of that probably won't change. Mr. Thornton stated that if they table the item because they need more time to work on how to modify the language of the motion to address concerns the Commission has, that is one thing, but staff will have the same recommendation.

Mr. Moberg, Development Services Manager, clarified that the ordinance was not crafted solely by staff, but was a result of many public hearings and comments. There were also several Council-people on that committee and involved in the process. Mr. Moberg emphasized that the ordinance brought forward was based on a lot of input and technical information with the help of expert consultants in this field.

Addressing the Commissioners, Chairman Reece asked if they were comfortable making changes and forwarding them to City Council, or would they like to remand it back and work on modifications.

Commissioner Ehlers sees the issue as what would the recommendation look like, and what is it trying to do. If the intent is to try and provide an advantage for public land then he is in opposition as to the way it is currently written. If it is not the intent to make private land owners go through more processes to be at the same level of acceptance as the public land, then he would feel comfortable to send it forward with a strong recommendation that the language be revised so it does not look like there is an advantage.

Commissioner Wade stated that he is in favor of clarifying the language at the next workshop on May 4th so they are clear on the intent of the language. Ms. Dackonish suggested that the intent is clear, that outside of the Priority Sites, there is a preference for City owned property, then publicly owned and then private property.

Ms. Dackonish asked if this is the only concern they would like to further discuss. Chairman Reece said she is interested in further discussion as to the Class III versus Class II tower construction requirement.

Given that the Joint Planning Commissions have passed the WMP, Commissioner Gatseos was in favor of taking the time to try to rework the language to send forth the best ordinance they can.

The Commissioners continued to discuss the issue and it was the consensus that they wanted to review the language. Chairman Reece noted that if the additional conversations were productive and given all the public input that has already gone into the study, they may be able to put it on the Consent Agenda for the May 10th meeting.

Public Comment

Chairman Reece opened the meeting up for public comment and Ms. Winokur, on behalf of American Tower Corporation said she was available for questions.

Referring to the document that Ms. Winokur had provided to the Commissioners earlier in the meeting, Chairman Reece asked where the information had come from. Ms. Winokur stated that excerpt is from a document of industry standards that were developed by the Telecommunications Industry Association.

Commissioner Ehlers asked if their concern is that a Class III will be required by policy when a Class II may be acceptable. Ms. Winokur stated that they would like to see the ordinance consistent with industry standards that say a Class III may not always be required.

Ms. Dackonish explained that the City adopted the 2012 International Building Code (IBC). The City has chosen to require the more stringent standards of a Class III. Ms. Dackonish pointed out that Class III is recommended for critical structures and the City considers the 911 component a critical structure. CityScape has a team of engineers that work all over the country and they feel that the Class III standards is the direction the field is going in.

Chairman Reece questioned why all the towers are required to be Class III when it appears Emergency Services (911) is the only applicable category for our area. Ms. Dackonish explained that potentially all new towers could host Emergency Services (911), therefore the plan supports the requirement.

Referring to the handout of Class III requirements, Commissioner Buschhorn felt that there is a difference between emergency radio communications that the Sheriff's Office or Police Department uses verses cell phone and internet coverage. Commissioner Buschhorn referenced the "emergency, rescue and disaster operations" criteria for Class III requirements and stated that he does not feel 911 phone calls fit that criteria.

Commissioner Wade asked if they had looked at other cities in Colorado to see if they made the Class III a requirement. Ms. Dackonish replied that they had relied on the expertise of their consultants and the issue had not come up until this week.

Commissioner Wade asked how many tower companies do we currently have in our area. Ms. Dackonish indicated that she believed the number to be two or

three, but that SBA is the main one. She noted that they were given the proposed plan and to this date, have not commented on the Class III versus Class II requirement. Mr. Thornton said that he was talking earlier in the day to a private consultant who is working with the City on a tower for SBA currently. He said the consultant had been in the business 12 years and has done over 200 towers and they all have been Class III. Mr. Thornton referenced a chart on page 17 of the WMP and the inventory indicated that SBA has 19 towers and American Tower has seven and Crown Castle International and Verizon have five. Mr. Thornton went on to say there are 19 towers county-wide whose owners are unknown because there are no permits on file for them.

Commissioner Gatseos asked Ms. Winokur about the “approximate” 30 percent cost increase to build to Class III standards over a Class II tower. Ms. Winokur stated that she did not have the exact range of increase and that American Tower is asking for time to discuss the blanket Class III requirement.

Commissioner Discussion

Commissioner Ehlers asked staff to look into the “thirty percent” cost difference. His concern that if the tower is cost prohibited it may impact the kind of wireless service we are getting. Ms. Dackonish stated that they had asked American Tower for that information but have not received it as of this date, but they will bring it forward when they receive it.

Mr. Moberg reiterated that there is no problem scheduling an extra workshop. All of the items on the May 10th agenda are consent except for one so there will be an open public hearing opportunity then. Mr. Moberg suggested that if the Commissioners feel strongly about lowering the requirement to Class II, they could craft a motion striking that language. However, if more discussion is desired, then a workshop can be scheduled.

Chairman Reece asked for a motion. Chairman Wade asked Ms. Beard if they need to act on the proposed motion. Ms. Beard clarified that the Commission can create a motion with modified terms. Ms. Beard went on to say that it is preferable to phrase the motion as a motion for approval and the Commissioner can vote in favor or not. Discussion continued regarding the difference of remanding it back to staff, or tabling the hearing and phrasing of the motion.

Commissioner Ehlers suggested a motion for a recommendation to approve the ordinance as proposed with a caveat that any language that provides a benefit or bias toward public land versus private property owner, be stricken.

Chairman Reece asked Commissioner Ehlers if he wanted to address the Class III issue in the motion. Commissioner Ehlers stated that he would need more information on that. Chairman Reece asked the Commissioners if they clearly understand the motion. Hearing that some were not, Chairman Reece agreed that she felt it was left up to interpretation and not sure what it really means.

Ms. Dackonish stated that from her perspective it was clear and they would just strike the public property preference out of the hierarchy in the ordinance.

Commissioner Buschhorn state that he was not comfortable re-working a motion and not seeing it written down. In addition, he felt more discussion was needed.

MOTION: (Commissioner Wade) “Madam Chairman, I move that we defer any action on recommending approval or denial of the proposed ordinance until we have another workshop where we can get some of our questions clarified.”

Commissioner Deppe seconded the motion. A vote was called and the motion passed unanimously 7-0

Discussion continued about when to have a workshop. Commissioner Gatseos asked for additional information about the Class III verses Class II tower construction.

Other Business

None

Adjournment

The Planning Commission meeting was adjourned at 9:21 p.m.

Proposed Ordinance
as recommended
by Staff and Consultant Team

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY'S ZONING AND DEVELOPMENT REGULATIONS RELATING TO TELECOMMUNICATIONS FACILITIES OF THE GRAND JUNCTION MUNICIPAL CODE

Recitals:

The City Council has adopted a Wireless Master Plan to provide long-term planning for an efficient and capable wireless telecommunication environment in the community, so that existing and new telecommunications infrastructure can be optimally utilized to meet the current and future wireless communication needs of the City's industry, businesses, residents and visitors while minimizing negative aesthetic impacts so as to preserve the character of the community and its natural surroundings. This Ordinance implements the Wireless Master Plan.

The City has also commissioned a broadband planning effort that is under way. This Ordinance furthers some of the goals of the broadband planning efforts by encouraging fiber deployment throughout the City in an economical and efficient manner.

The City Council finds that it is necessary and beneficial for the health, safety and welfare of the community to update the regulations for development of telecommunications facilities in the City in order to:

- promote the health, safety, and welfare of the public and minimize impacts of Facilities on surrounding land uses;
- establish standards for location, structural integrity, and compatibility;
- encourage the location and co-location of equipment on existing structures in order to reduce the need for new towers, thereby minimizing visual clutter, public safety impacts, and effects upon the natural environment and wildlife;
- accommodate the growing need and demand for telecommunications services while protecting the character of the City and its neighborhoods;
- encourage the availability of affordable, high-speed internet and cellular telephone access for businesses and residents, acknowledging that a growing number of businesses are conducted in whole or in part from homes and/or on-the-go, that increasingly education incorporates on-line learning necessitating good home internet connections for students and faculty, and that government participation and emergency services to the general public are enhanced by fast and reliable cellular and home internet connectivity;
- encourage coordination between suppliers and providers of telecommunications services to maximize use of existing Facilities and structures;
- establish predictable and balanced regulations within the authority reserved for local land use determination;

- respond to the mandates of the Telecommunications Act of 1996, the Middle Class Tax Relief and Job Creation Act of 2012, and other applicable federal and state laws limiting local discretion to regulate location of personal wireless service facilities (PWSF);
- ensure that applications are reviewed and acted upon promptly, without unreasonable discrimination between providers of functionally equivalent personal wireless services, and so as not to prohibit or have the effect of prohibiting personal wireless services;
- encourage concealed technologies and the use of public lands, buildings, and structures as locations for Facilities;
- encourage affordable access to advanced technology and information, including but not limited to broadband facilities, which are critical to commerce, education, economic development, public safety and competitive participation in the global economy;
- acknowledge the importance of fiber-optic infrastructure for modern telecommunications and data access, including for personal wireless services, for backhaul, data security, speed and reliability of transmission, and longevity of telecommunications systems, and to encourage and promote the installation of fiber-optic cable and conduit to every premise in the City;
- recognize that the permitting, construction, modification, maintenance and operation of broadband facilities are declared to be matters of statewide concern and interest to the extent specifically addressed in *Colorado Statutes*, Chapter 29-27-Parts 1-4.

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

Section 21.04.010 (Use Table) is amended as follows (deletions ~~struck through~~, additions underlined):

USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-11	R-16	R-24	R-O	B-1	B-2	C-1	C-2	C-S	C-R	M-U	B-P	I-O	I-1	I-2	M-X	Std.
Telecommunications Facilities – devices and supporting elements necessary to produce nonionizing electromagnetic radiation operating to produce a signal	Telecommunications Facilities and Support Structures <u>Facilities on Wireless Master Plan Priority Site when developed in accordance with Wireless Master Plan site-specific requirements</u>	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	<u>21.04.03 0(q)</u> & <u>21.04.02 0(ee)</u>

<u>Temporary PWSF (e.g., COW)</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>21.04.03</u> <u>0(q)</u>
<u>Co-location</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>21.04.03</u> <u>0(q)</u>
<u>Tower Replacement</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>21.04.03</u> <u>0(q)</u>
<u>Dual Purpose Facility</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>21.04.03</u> <u>0(q)</u>
<u>DAS and Small Cell Facilities</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>21.04.03</u> <u>0(q)</u>
<u>Base station with concealed attached antennas</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>21.04.03</u> <u>0(q)</u>

<u>Base station with non-concealed attached antennas</u>	<u>C*</u>	<u>C*</u>	<u>C*</u>	<u>C*</u>	<u>C*</u>	<u>C*</u>	<u>C*</u>	<u>C*</u>	<u>C</u> -	<u>C</u> -	<u>C</u> -	<u>C</u> -	<u>C</u> -	<u>C</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>C</u> -	<u>A</u> -	<u>A</u>	<u>A</u>	<u>A</u>	<u>C</u> -	<u>21.04.03</u> <u>0(q)</u>
<u>Tower, concealed</u>	<u>C</u>	<u>C*</u> -	<u>C*</u> -	<u>C*</u> -	<u>C*</u> -	<u>C*</u> -	<u>C*</u> -	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>A</u>	<u>A</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>A</u>	<u>A</u>		<u>21.04.03</u> <u>0(q)</u>	
<u>Tower, non-concealed</u>															<u>C</u>	<u>C</u>	<u>C</u>			<u>C</u>	<u>C</u>		<u>21.04.03</u> <u>0(q)</u>	
<u>Broadcast tower</u>																				<u>C</u>	<u>C</u>		<u>21.04.03</u> <u>0(q)</u>	

NOTES:

*Except NOT allowed on structures the principal use of which is single- or two-family residential, group living, or day care, or on multifamily structures of fewer than 3 stories.

** Except NOT allowed on any site or lot where the principal use is single-or two-family residential.

Section 21.04.020(ee) is amended as follows (deletions struck through, additions underlined):

(ee) Telecommunications Facilities.

(1) Characteristics. Telecommunications facilities include all devices, mechanical and/or electronic equipment or, machinery, supporting structures or supporting elements, antenna(s), conduit, cable, enclosures, equipment compound(s), and/or assemblages necessary to ~~produce~~ generate or transmit non-ionizing electromagnetic radiation or light ~~within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit~~ to produce a signal or message used for communication. Facilities may be self-supporting, guyed, or mounted on poles, other structures, light posts, power poles, or buildings, or may be installed underground. Facilities shall also include intertie and interconnection translators, access points, access vaults or cabinets, connections from over-the-air to cable, fiber optic, or other landline transmission system.

(2) Accessory Uses. Accessory use may include transmitter facility buildings.

(3) Examples. Examples include broadcast towers, communication towers, and point-to-point microwave towers, distributed antenna systems, small cell facilities, fiber-optic cables, and any other facility defined, referenced or described in Section 21.04.030(q).

(4) Exceptions. Exempt facilities are described in Section 21.04.030(q).

All other portions of Section 21.04.020 shall remain in full force and effect without change.

Section 21.04.030(q) is repealed in its entirety and replaced with the following:

(q) Telecommunications Facilities. This Section (q) establishes standards and requirements for the locating of Telecommunications Facilities.

(1) Definitions

Alternative Structure - A structure that is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted, such as buildings, water tanks, pole signs, billboards, church steeples, and electric power transmission towers.

Amateur Radio Tower - A tower used for non-commercial amateur radio transmissions consistent with the "Complete FCC U.S. Amateur Part 97 Rules and Regulations" for amateur radio towers.

Ancillary Structure - For the purposes of this Section, any form of development associated with a telecommunications facility, including foundations, concrete slabs on

grade, guy anchors, generators, and transmission cable supports, but excluding equipment cabinets.

Antenna - Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including telephonic, radio or television communications. Types of elements include omni-directional (whip) antennas, sectionalized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas.

Antenna Array - A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna Element - Any antenna or antenna array.

ASR - The Antenna Structure Registration Number as required by the FAA and FCC.

Base Station - Equipment and non-tower supporting structure at a fixed location that enable wireless telecommunications between user equipment and a communications network. Examples include transmission equipment mounted on a rooftop, water tank, silo or other above ground structure other than a tower. The term does not encompass a tower as defined herein or any equipment associated with a tower. "Base Station" includes, but is not limited to:

equipment associated with wireless telecommunications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul;

radio transceivers, antennas, coaxial or fiber optic cable, regular and back up power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks);

any structure other than a tower that, at the time the application is filed under this Section, supports or houses equipment described in this definition that has been reviewed and approved under the applicable zoning or siting process, or under another City regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

"Base station" does not include any structure that, at the time the application is filed under this Section, does not support or house wireless communication equipment.

Breakpoint Technology - The engineering design of a monopole, or any applicable support structure, wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to

failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

Broadband Facility - any infrastructure used to deliver broadband services or for the provision of broadband service.

Broadband Service - any technology identified by the US Secretary of Agriculture as having the capacity to transmit data to enable a subscriber to the service to originate and receive high-quality Internet access, voice, data, graphics, and video. Broadband service includes, but is not limited to:

Cable Service - the one-way transmission to subscribers of video programming or other programming services and subscriber interaction required for the selection or use of such video programming or other programming service.

Telecommunications Service - The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Wireless Service - data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless service and common carrier wireless exchange access services, as all of these terms are defined by federal law and regulations.

Co-location - The mounting or installation of transmission equipment on an eligible support structure for the purposes of transmitting and/or receiving radio frequency signals for communications purposes so that installation of a new support structure will not be required.

Combined Antenna – An antenna or an antenna array designed and utilized to provide services for more than one (1) wireless provider, or a single wireless provider utilizing more than one (1) frequency band or spectrum, for the same or similar type of services.

Concealed - A tower, ancillary structure, or equipment compound that is not readily identifiable as a telecommunications facility and that is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site or in the neighborhood or area.

There are two types of concealed facilities: 1) Antenna Attachments, including painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure and 2) A freestanding concealed tower which looks

like something else that is common in the geographic region such as a church steeple, windmill, bell tower, clock tower, light standard, flagpole with a flag that is proportional in size to the height and girth of the tower, or tree that grows naturally or is commonly found in the area.

COW – “Cellular on Wheels” – A temporary PWSF placed on property to provide short term, high volume telecommunications services to a specific location and which can be easily removed from the property.

DAS – Distributed Antenna System – A system consisting of: (1) a number of remote communications nodes deployed throughout the desired coverage area, each including at least one antenna for transmission and reception; (2) a high capacity signal transport medium (typically fiber optic cable) connecting each node to a central communications hub site; and (3) radio transceivers located at the hub site (rather than at each individual node as is the case for small cells) to process or control the communications signals transmitted and received through the antennas.

DAS Hub - Ancillary equipment usually contained in a shelter or other enclosure which does not have any wireless transmission or receive equipment contained therein but is utilized in the deployment and operation of wireless DAS receive/transmit infrastructure that is located elsewhere.

Development Area - The area occupied by a telecommunications facility including areas inside or under an antenna-support structure’s framework, equipment cabinets, ancillary structures, and/or access ways.

Dual Purpose Facility – A new banner pole, light stanchion, support tower for overhead electric lines, or other similar utility structure onto which one or more antenna(s) are or can be mounted or attached, and which is built for the primary purpose of providing PWSF.

Eligible Facilities Request - Any request for modification of an existing tower or base station involving co-location of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment that does not Substantially Change the physical dimensions of such tower or base station.

Eligible Facility - Existing wireless tower or base station that has been approved through a local government land use review process prescribed for the tower or base station.

Eligible Support Structure - Any tower or base station existing at the time the application

is filed with the City.

Existing - A constructed tower or base station is “existing” for purposes of this Section if it has been reviewed and approved under an applicable City land use review process. “Existing” also includes a tower that was lawfully constructed but not reviewed because it was not in a zoned area when it was built.

Equipment Compound- The fenced-in area surrounding, inside or under a ground-based wireless communication facility containing ancillary structures and equipment (such as cabinets, shelters, and pedestals) necessary to operate an antenna that is above the base flood elevation.

Equipment Cabinet- Any structure used exclusively to contain equipment necessary for the transmission or reception of communication signals.

Equipment Shelter – A self-contained building housing ancillary electronic equipment typically including a generator.

Feed Lines- Cables or fiber optic lines used as the interconnecting media between the base station and the antenna.

Flush-Mounted- Antenna or antenna array attached to the face of a support structure or building such that no portion of the antenna(s) extend(s) above the height of the support structure or building. The maximum flush-mounting distance, if prescribed, shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

Geographic Search Ring- An area designated by a wireless provider or operator for a new base station and/or tower produced in accordance with generally accepted principles of wireless engineering.

Handoff Candidate - A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first “tier” surrounding the initial wireless facility.

Least Visually Obtrusive Profile - The design of a telecommunication facility presenting the minimum visual profile necessary for proper function.

Non-concealed- A telecommunication facility that is readily identifiable as such (whether

freestanding or attached).

OTARD – Over The Air Reception devices which are limited to either a "dish" antenna one meter (39.37 inches) or less in diameter designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, or an antenna that is one meter or less in diameter and is designed to receive video programming services via broadband radio service (wireless cable), or to receive or transmit fixed wireless signals other than via satellite or an antenna that is designed to receive local television broadcast signals.

Personal Wireless Service Facility ("PWSF")- Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other personal wireless communications, including commercial mobile services, unlicensed wireless services, wireless broadband services, and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996, and usually consisting of an antenna or group of antennas, transmission cables, feed lines, equipment cabinets or shelters, and may include a tower. Facilities may include new, replacement, or existing towers, replacement towers, co-location on existing towers, base station attached concealed and non-concealed antenna, dual purpose facilities, concealed towers, and non-concealed towers (monopoles, lattice and guyed), so long as those facilities are used in the provision of personal wireless services as that term is defined in the Telecommunications Act.

Qualified Co-location Request – co-location of PWSF on a tower or base station that creates a Substantial Change in the facility but is entitled to processing within 90 days under 47 U.S.C. §332(c)(7).

Radio Frequency Emissions- Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment.

Radio Frequency Propagation Analysis- Computer modeling to show the level of signal saturation in a given geographical area.

Replacement- A modification of an existing tower to increase the height, or to improve its integrity, by replacing or removing one (1) or several tower(s) located in proximity to a proposed new tower in order to encourage compliance with this Section, or improve aesthetics or functionality of the overall wireless network.

Satellite Earth Station- A single or group of parabolic or dish antennas mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration, including the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

Site - For towers other than towers in the public rights-of-way, the boundaries of the leased or owned property on which the Facilities are or are proposed to be situated.

Small Cell Facility - means a wireless service facility that meets both of the following qualifications:

1. Each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of no more than three (3) cubic feet; and
2. Primary equipment enclosures are no larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

Small Cell Network - a collection of interrelated small cell facilities designed to deliver wireless service.

Stanchion - A vertical support structure generally utilized to support exterior lighting elements.

Streamlined Processing- Expedited review process for co-locations required by the federal government (Congress and/or the FCC) for PWSF.

Substantial Change - A modification or co-location constitutes a “substantial change” of an eligible support structure if it meets any of the following criteria:

1. A PWSF co-location or modification of an existing antenna-supporting structure not in a public right of way increases the overall height of the antenna-supporting structure, antenna and/or antenna array more than 10% or 20 feet, whichever is greater. A PWSF co-location on an existing antenna-supporting structure within a public right of way increases the overall height of the antenna-supporting structure, antenna and/or antenna array more than 10% or 10 feet, whichever is greater.
2. A PWSF co-location for towers not in a public right of way protrudes from the antenna-supporting structure more than 20 feet or the width of the structure at the elevation of the co-location, and for towers within a public right of way, protrudes from the antenna-supporting structure more than 6 feet.
3. A PWSF co-location on an existing antenna-supporting structure fails to meet current building code requirements (including windloading).
4. A PWSF co-location adds more than 4 additional equipment cabinets or 1 additional equipment shelter.
5. A PWSF co-location requires excavation outside of existing leased or owned

parcel or existing easements.

6. A PWSF co-location defeats any existing concealment elements of the antenna-supporting structure.
7. A PWSF co-location fails to comply with all conditions associated with the prior approval of the antenna-supporting structure except for modification of parameters as permitted in this section.

Support Structure - Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Telecommunications Facility(ies) – At a specific physical location, one or more antenna, tower, base station, mechanical and/or electronic equipment, conduit, cable, and associated structures, enclosures, assemblages, devices and supporting elements that generate or transmit nonionizing electromagnetic radiation or light operating to produce a signal used for communication, including but not limited to all types of communication facilities defined further herein.

Temporary PWSF – A temporary tower or other structure that provides interim short-term telecommunications needed to meet an immediate demand for service in the event of an emergency or a public event where a permanent wireless network is unavailable or insufficient to satisfy the temporary increase in demand or when permanent PWSF equipment is temporarily unavailable or offline.

Transmission Equipment- Equipment that facilitates transmission of communication service (whether commercial, private, broadcast, microwave, public, public safety, licensed or unlicensed, fixed or wireless), such as radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply.

Tower- Any support structure built for the primary purpose of supporting any antennas and associated facilities for commercial, private, broadcast, microwave, public, public safety, licensed or unlicensed, and/or fixed or wireless services. A tower may be concealed or non-concealed. Non-concealed towers include:

Guyed - A style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

Lattice - A self-supporting tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.

Monopole - A style of freestanding tower consisting of a single shaft usually composed of two (2) or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

Tower Base- The foundation, usually concrete, on which the tower and other support equipment are situated. For measurement calculations, the tower base is that point on the foundation reached by dropping a perpendicular from the geometric center of the tower.

Tower Height- The vertical distance measured from the grade line to the highest point of the tower, including any antenna, lighting or other equipment affixed thereto.

Tower Site- The land area that contains, or will contain, a proposed tower, equipment compound, support structures and other related buildings and improvements.

Wireless Service Facility – a telecommunications facility for the provision of wireless services.

(2) Permit required; exemptions; permit types; general requirements; decision-making; fees.

(i) No telecommunications facility shall be installed, constructed, altered, added to, or permitted unless the Director has first approved a site plan review for the property and the facilities and a permit has been issued. Telecommunications facilities and infrastructure shall be constructed and maintained in conformance with all applicable building code requirements as well as with the terms of the Permit issued under this Section.

(ii) No telecommunications facility shall be altered, added to, installed or permitted unless the applicant has shown compliance with all the requirements of this Section. The requirements of Section apply to all telecommunications facilities, whether concealed or not, whether above-ground or underground, including but not limited to existing towers, proposed towers, public towers, replacement of towers, ancillary structures and equipment, co-location on existing towers, base stations, temporary telecommunications facilities, PWSF facilities, DAS facilities, small cell sites and/or networks, and broadcast towers, except that the following are exempt and no permit is required:

(A) An Amateur Radio Tower that is used exclusively for non-commercial purposes;

(B) A government-owned telecommunications facility erected for a state of emergency officially declared by a federal, state or local government and where the City Manager or designee has made a written determination of public

necessity for the facility, and only during the duration of the state of emergency;

(C) A government-owned public safety facility;

(D) Over-the-air reception devices (OTARD), including satellite earth stations, so long as the device does not require construction of a tower or other structure exceeding 12 feet above the home or building and the device is no more than one meter in diameter in a residential zone or two meters in any other zone district.

(iii) General Requirements Applicable To All Telecommunications Facilities

(A) Signage. Commercial messages shall not be displayed on any tower, support structure or ancillary structure, unless the tower is concealed and the means of concealment is or includes an existing sign or unless a sign is serving as a dual purpose facility or a base station. Required noncommercial signage shall be subject to the following:

- a. The only signage that is permitted upon a concealed tower, equipment cabinets, shelters or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
- b. If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four (4) inches, the following: "HIGH VOLTAGE - DANGER."
- c. Name plate signage shall be provided, in an easily visible location, including the address and telephone number of the contact to reach in the event of an emergency or equipment malfunction, including property manager signs as applicable.

(B) Lighting. Lighting on PWSF towers shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following:

- a. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required with strobe during daytime and red flashing lights at night unless prohibited by the FAA.
- b. Lights shall be filtered or oriented so as not to project directly onto surrounding property or rights-of-way, consistent with FAA requirements.

(iv) Telecommunication Facilities shall be located in accordance with the Use Table in Section 21.04.010. One or more of several types of permits may be required for a given facility or group of facilities.

- (A) Administrative permit. For those types of facilities that are allowed in the given zone district, and for qualified co-locations, an administrative permit (a permit issued by the Director) is required. The permit shall be processed and decided in accordance with Section 21.02.070 and this Section 21.04.030(q).
- (B) Conditional use permit (CUP). For those types of facilities that require a conditional use permit (see Section 21.04.010 Use Table), the Director shall review the application and make a recommendation to the Planning Commission who shall hold a hearing on the application and who may approve, approve with conditions, or deny the application in accordance with Section 21.02.110 and with this Section 21.04.030(q).
- (C) Right-of-way work/use permit. Facilities / structures located in the public right-of-way shall be placed so as not to interfere with vehicular or pedestrian use of the rights-of-way or with traffic safety. Any/all work in the public right-of-way requires a separate permit pursuant to the City's right-of-way management ordinance. The provider shall comply with all the provisions and terms of the right-of-way management ordinance and right-of-way work permit. As-built construction drawings shall be provided to the City for all structures, equipment, cable, pipes and conduit located within the public right-of-way or within a public or City-owned utility or multi-purpose easement, which must include, for fiber optic cable, the number of strands of fiber in the conduit.
- (D) Consolidated application/permit. For the following facility types, the applicant shall be allowed, at the applicant's discretion, to file a single, consolidated application for multiple facilities and receive a single review/permit/decision instead of filing separate applications for each facility (however, right-of-way work permit(s) may also be required):
 - a. For small cell networks involving multiple individual small cell facilities within the City;
 - b. For an applicant desiring to co-locate on several wireless service facilities within the City.
- (E) Shadow conduit. For all telecommunications facility development/installation that involves trenching or excavation in the public right-of-way or in a public or City-owned utility or multipurpose easement, the applicant shall notify the City 30 days prior to commencing such excavation and provide the City the opportunity to install conduit in the same trench / excavation area. The City will pay for the incremental costs of the shadow conduit only.

(iv) Siting of Telecommunications Facilities.

- (A) Compliance with Siting Preferences. For every application for siting of new Telecommunications Facilities on or above ground level (except temporary PWSF and co-locations), the applicant must submit an affidavit by a radio

frequency engineer demonstrating compliance with the Siting Preferences of subsection (5) below. Where a lower ranking alternative is proposed, the affidavit must address why each of the higher ranked options are not technically feasible, practical, and/or justified.

- (B) Where the application is for siting of PWSF, whether for a new facility, modification of existing facility, replacement facility or co-location, and whether the permit is administrative or a CUP, the following additional decision-making requirements apply:
 - a. If the application is denied, the decision maker shall issue the decision in writing, including the bases for the denial, which must be supported by substantial evidence contained in a written record. The written bases for the decision must be issued contemporaneously with the decision.
 - b. The application cannot be denied, nor can conditions be applied or required, based upon considerations of radio frequency (RF) emissions safety, other than to require the applicant to demonstrate that all applicable FCC rules are satisfied.

(v) Streamlined processing for co-location of PWSF.

- (A) If the applicant believes its co-location application is an Eligible Facilities Request or a Qualified Co-location Request, the applicant must submit:
 - a. A complete co-location application specifically requesting streamlined processing and stating the applicable permitting time-frame (e.g., 60 days for Eligible Facilities Request or 90 days for Qualified Co-Location Request);
 - b. Documentation evidencing that any structure proposed to be replaced or modified has previously been subject to zoning / development approval by the City;
 - c. Documentation evidencing the replacement/modification does not create a Substantial Change in the underlying support structure or tower, or a statement that it does create a Substantial Change;
 - d. Documentation that the proposed modifications will be used to provide personal wireless services.
- (B) The Director shall review and decide applications for co-location of PWSF.
- (C) The Director will notify the applicant within thirty (30) days of submission (or within some other mutually agreed upon timeframe) if the submission is incomplete, identifying the specific deficiencies in the application which, if cured, would make the application complete.
- (D) Upon notice of deficiency, the timeline for a decision shall be tolled until the

applicant re-submits to correct such deficiency. The City shall, within ten (10) days of re-submission, notify the applicant of continuing deficiencies or the application will be deemed complete. The timeline for a decision shall be likewise tolled during the additional re-submission deficiency period until the 2nd resubmission. Upon resubmitting of the revised application the City shall follow the process identified in this section, above, until all deficiencies identified are deemed cured.

- (E) If the Director fails to provide such notification, the application will be deemed complete.
- (F) The Director's decision shall be in writing and shall be postmarked to the applicant within 60 days after the initial submission, excluding any tolling period, for an Eligible Facilities Request, or, for a Qualified Co-location, within 90 days after the initial submission, excluding any tolling period, or within some other mutually agreed upon timeframe.
- (G) If the City does not respond in writing to an Eligible Facilities Request within the specified timeframe, the application shall be deemed approved. If the City does not respond in writing to a request for a Qualified Co-location within the specified timeframe, the applicant may pursue its remedies established by federal or state law.

(vi) Timing for Review of New PWSF Tower Applications.

A new PWSF tower, whether concealed or non-concealed, shall be reviewed and a decision rendered within one hundred and fifty (150) days of receipt of the application, subject to any applicable tolling for application deficiencies and resubmissions as described in subsection (v) above, so long as the applicant demonstrates that the facilities will be used, immediately upon completion of construction, to provide personal wireless services, or within such other mutually agreed upon time. ("Spec" towers are not entitled to review and decision within 150 days, or to any of the other protections of the Telecommunications Act.) Construction permits issued for new PWSF towers shall be valid for a term of eighteen (18) months and shall lapse and be void if construction of the contemplated PWSF structure is not completed within that time.

(vii) Application and Fees.

- (A) Application materials required for Telecommunications Facilities shall be in accordance with this Section and with the specific application requirements in the City's Submittal Standards for Improvements and Development (SSID) Manual. The application form and requirements are specific to the type of Telecommunications Facility.
- (B) The City Council shall establish fees to cover or offset the processing cost of all permits under this Section which will be included in the development fee schedule. Every application for a Telecommunications Facility shall be accompanied by the full payment of the fee established for the type of facility requested. Payment of fees is required in order for an application to be

considered complete. The fee shall not be, in whole or in part, deferred or waived.

(C) The City reserves the right to require, in its sole discretion, a supplemental review by experts for any application for a telecommunication facility where the complexity of the analysis requires technical expertise, and/or for any request to vary a standard under subsection (14) of this Section, and all the costs of such review shall be borne by the applicant, in addition to scheduled fees.

(D) Based on the results of the supplemental review, City staff responsible for the initial application review may require changes to or supplementation of the applicant's submittal(s).

(E) The supplemental review may address any or all of the following:

- a. The accuracy and completeness of the application and any accompanying documentation.
- b. The applicability of analysis techniques and methodologies.
- c. The validity of conclusions reached.
- d. Whether the proposed telecommunications facility complies with the applicable approval criteria and standards of the Zoning and Development Code and other applicable law.

(3) Abandonment / discontinued use.

- (i) All Telecommunication Facility structures, equipment, fencing and devices shall be removed from the property and the site returned to its natural state and topography and vegetated consistent with the natural surroundings or current surrounding land uses at the property owner's and/or service provider's expense within 180 days of cessation of use, or within 90 days of cessation of use if the abandonment is associated with a replacement.
- (ii) The City may extend the time for removal and site restoration up to 60 additional days if the owner or service provider so requests and shows good and unique cause for the extension.
- (iii) If removal and/or site restoration is not accomplished within the prescribed time, the City may initiate removal and restoration within 30 days following written notice to the property owner, and the property owner and service provider shall be jointly and severally responsible for all costs associated with the removal and restoration.
- (iv) Conduit and/or fiber optic cable, whether below or above ground, that is or has been abandoned or the use of which is discontinued for one year shall become the property of the City of Grand Junction. Easements for the maintenance of such conduit/cable shall also become the property of the City of Grand Junction, which shall have all the benefit and interest of the original easement holder with

respect to installation, maintenance and repair of conduit/cable.

(4) No interference with public safety communications.

- (i) Applicant shall, regardless of the type of facility, comply with “Good Engineering Practices” as defined by FCC regulations and shall provide a composite analysis of all users of the site to determine that the proposed facilities will not cause radio frequency interference with any governmental public safety communications and shall implement appropriate technical measures to prevent such interference.
- (ii) When the City notifies a wireless service provider that it believes the provider’s antenna(s) or array(s) are creating such interference, the provider shall investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Enhanced Best Practices Guide," released by the FCC in Appendix D of FCC 04-168 (released August 6, 2004), including the "Good Engineering Practices," as may be amended or revised by the FCC from time to time in any successor regulations.
- (iii) If the provider fails to comply with this subsection (4), including but not limited to by initiating an appropriate response within 24 hours of the City’s notification, the provider and the property owner shall be jointly and severally responsible for reimbursing the City for all costs associated with ascertaining and resolving the interference.

(5) Siting Preferences for New Telecommunications Facilities.

Siting of new PWSF of any type shall be in accordance with the Siting Preferences below and with the Use Table in Section 21.04.030. Where a lower ranked alternative is proposed, the applicant must demonstrate through relevant information including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed facilities, by clear and convincing evidence. The applicant must provide such evidence in its application in order for the application to be considered complete. The Siting Preferences are, in order:

- (i) Co-located or combined PWSF
- (ii) Concealed antenna(s) on a base station
- (iii) Non-concealed antenna(s) on a base station
 - (A) On a Wireless Master Plan Priority Site
 - (B) On City-owned property in any non-residential zoning district
 - (C) On other public property in any non-residential zoning district
 - (D) On non-public property in the following zoning districts, ranked highest to lowest:
 - a. I-2, I-1 or I-O

- b. C-2
- c. B-P or C-1
- d. CSR
- e. Other zone districts in accordance with the Use Table in Section 21.04.010.

(iv) Replacement of existing Telecommunications Facility in any zoning district

(v) Dual Purpose Facility

(vi) Concealed small cell site

(vii) Non-concealed small cell site

(viii) Distributed Antenna System

(A) Attached

- a. Concealed on City-owned property, right-of-way or public easement
- b. Concealed on other public property
- c. Concealed on non-public property
- d. Non-concealed on City-owned property, right-of-way or public easement
- e. Non-concealed on other public property
- f. Non-concealed on non-public property

(B) New Freestanding DAS facility

- a. Concealed on City-owned property, right-of-way or public easement
- b. Concealed on other public property
- c. Concealed on non-public property
- d. Non-concealed on City-owned property, right-of-way or public easement
- e. Non-concealed on other public property
- f. Non-concealed on non-public property

(ix) Concealed freestanding towers

(A) On a Wireless Master Plan Priority Site

(B) On City-owned property in any non-residential zoning district

(C) On other public property in any non-residential zoning district

(D) On non-public property in the following districts, ranked highest to lowest:

- a. I-2 or I-1
- b. C-2

- c. C-1
 - d. Other zone districts, in accordance with the Use Table in Section 21.04.010.
- (E) Preferred concealment type (wherever located). Concealment types listed below are general preferences, in no particular order. The appropriate means of concealment will depend upon the structures and developed features already existing in the area. Innovative concealment is encouraged so long as it is visually integrated into the immediate surroundings.
- a. Tree of a type naturally occurring or normally found in the geographic area
 - b. Church steeple
 - c. Bell or clock tower
 - d. Belfries, domes or chimneys
 - e. Elevator towers
 - f. Flag poles
 - g. Water towers
 - h. Cupolas
 - i. Other architectural or art feature

Examples of concealed facilities:



- (x) Non-concealed towers
 - (A) On a Wireless Master Plan Priority Site
 - (B) On City owned property in any non-residential zoning district
 - (C) On other public property in any non-residential zoning district
 - (D) On non-public property in the following districts, ranked highest to lowest:
 - a. I-2;
 - b. I-1
 - c. C-2;
 - d. C-1.

- (E) Preferred tower type (wherever located)
 - a. Monopole
 - b. Lattice
 - c. Guyed

Broadcast towers are not subject to the siting preferences; they may be sited in accordance with the Use Table (Section 21.04.010). Broadcast towers shall not be located on a Wireless Master Plan Priority Site; those are reserved and planned for PWSF and public safety telecommunications facilities.

(6) Temporary PWSF Specifications and Requirements

Development Standards. Temporary PWSF shall be permitted by the Director in those zone districts specified in the Use Table in Section 21.04.010 where all of the following are met:

- (i) It will be in place for no more than 60 days (subject to a one time extension of an additional 60 days for good cause);
- (ii) Notification of construction is provided by the applicant to the FAA;
- (iii) It does not require marking or lighting by the FAA;
- (iv) It will be less than 200 feet in height;
- (v) It does not involve any excavation (or excavation where prior disturbance exceeds proposed excavation by at least 2 feet).

(7) Telecommunication Facility Co-location and Combination

Development Standards. The City requires co-location and combining of Telecommunications Facilities on existing towers, existing Base Stations or existing alternative support structures (Dual Purpose Facilities) as a highest priority where such co-location is possible. A permit shall be required for co-location of facilities on an existing tower, existing Base Station or Dual Purpose Facility. Co-location or combination of Telecommunications Facilities requires an administrative permit, and is subject to the following:

- (i) A co-located or combined antenna or antenna array shall not exceed the maximum height prescribed in the applicable land use permit or increase the height of an existing tower by more than 20 feet and shall not affect any tower lighting, except as provided for herein below. A PWSF co-location that does not create a Substantial Change in the tower or support structure shall be approved within 60 days (subject to tolling) in accordance with Section 21.04.030(q)(2)(v).
- (ii) If the applicant who seeks to co-locate PWSF demonstrates a coverage gap that cannot be addressed by a co-location that meets (A) above, the applicant may request a variance of the height limitation in accordance with 21.04.030(q)(14). If the co-location is a qualified co-location under 47 U.S.C.

§332(c)(7), the Director shall render a decision within 90 days, subject to tolling, in accordance with 21.04.030(q)(2)(v).

- (iii) New antenna mounts shall be flush-mounted onto existing structures where flush mounting was a condition of the original approval, unless it is demonstrated through radio frequency (RF) propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area, or unless applicant demonstrates that flush-mounting would interfere with existing antenna mounting or coax arrangements that were previously approved.
- (iv) The equipment cabinet shall be subject to the setback requirements of the underlying zoning district.
- (v) When a co-located or combined antenna is to be located on a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.
- (vi) No signage shall be permitted on an antenna or antenna array that is combined with or co-located on an alternative support structure; however, the support structure may itself be an existing sign, so long as the sign was approved through a non-Telecommunications Facility development permit or sign permit.

(8) New Base Stations: Concealed and Non-concealed

- (i) Antennas and equipment may be mounted onto a structure which is not primarily constructed for telecommunications purposes in accordance with the Use Table of Section 21.04.010. A permit is required for base station antennas and equipment mounted onto such an alternative structure. In residential districts, the following structures shall not be used as base stations or to support PWSF or commercial antenna(s): single-family dwelling, two-family dwelling, multi-family dwelling of fewer than three stories in height, group living facility, or day care.
- (ii) Development Standards. Antenna(s) and equipment to be located on an alternative structure shall be subject to the following:
 - (A) If the facility is concealed, the top of antenna(s) shall not be more than 35 feet above the existing or proposed building or structure, except that antenna(s) located on the perimeter of the supporting structure shall not be more than ten feet above the supporting structure;
 - (B) If the facility is non-concealed, the top of the antenna shall not be more than 20 feet above the existing or proposed building or structure and shall not be located on the perimeter of the supporting structure;
 - (C) New antenna mounts shall be flush-mounted onto existing structures, unless it is demonstrated through radio frequency (RF) propagation analysis that flush-mounted antennas will not meet the network objectives

of the desired coverage area;

- (D) New antenna mounts shall meet the setbacks and height restrictions of the underlying zone district;
- (E) When attached base station antenna(s) and equipment is/are to be located on a nonconforming building or structure, the existing permitted nonconforming setback or height shall prevail;
- (F) Concealed base station attached antennas, feed lines and antennas shall be designed to architecturally match the façade, roof, wall, and/or structure on which they are affixed so that they blend with the existing structural design, color, and texture; and
- (G) No signage shall be allowed on an antenna or antenna array that is located on an alternative structure; however, the alternative structure itself may have a sign that was otherwise approved as part of a non-Telecommunications Facility development application or sign permit.

(9) Antenna Element Replacement or Modification

Development Standards. A permit is required for any replacement or modification of existing antenna(s) and associated equipment, and the replacement or modification must comply with the following:

- (i) Height. The increase in height of a PWSF that is modified shall not create a “Substantial Change” in the PWSF.
- (ii) Equipment cabinets and Equipment Shelters. Electronic equipment shall be contained in either (a) equipment cabinets or (b) equipment shelters. Equipment cabinets shall not be visible from pedestrian and right-of-way views. Equipment cabinets may be provided within the principal building on the lot, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.
- (iii) Sounds. No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency generators are allowed. Sound levels shall not exceed 65 db as measured at the property boundaries for the facility.

(10) Tower / Support Structure Replacement

- (i) A permit is required for replacement of a tower and support structure. Applicant must demonstrate by clear and convincing competent evidence that replacement will accomplish at least one of the following:
 - (A) Reduction in the number of Telecommunications Facility support structures or towers;
 - (B) Replacement of a non-concealed tower with a concealed tower

- (C) Significant reduction of the visual impact of a Telecommunications Facility;
- (D) Replacement of an existing tower with a new tower so as to improve network functionality resulting in compliance with this Section; and/or
- (E) Replacement of an existing support structure to increase the number of Personal Wireless Service Providers located on such structure.

(ii) Development Standards.

(A) Setbacks: A new tower approved for replacement shall not be required to meet new setback standards so long as the new tower and its equipment compound are no closer to any property lines or dwelling units as the tower and equipment compound being replaced. The intent is to encourage the replacement process, not penalize the tower owner for the change out of the old facility. (For example, if a new tower is replacing an old tower, the new tower is permitted to have the same setbacks as the tower being removed, even if the old tower had nonconforming setbacks.)

(B) Height: The height of the replacement tower or support structure shall not create a Substantial Change of the facility being replaced.

(C) Breakpoint technology: A replacement monopole tower shall use breakpoint technology in the design of the replacement facility.

(D) Visibility: Replacement towers or support structures shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots.

(E) All replacement towers shall be constructed and maintained to meet ANSI/EIA/TIA-G (as amended) Series III, Exposure C structural standards.

(11) DAS & Concealed Small Cell Facilities

(i) Attached DAS Development Standards.

(A) Where feasible, antennas can be placed directly above, below or incorporated with vertical design elements of a building or structure to maximize concealment. The top of the antenna(s) shall not exceed more than 7 feet above the tallest level of the structure on which it is attaching.

(B) Attached Equipment box and power meter is discouraged; however, if attachment is justified, equipment box and meter shall be located on the pole at a height that does not interfere with pedestrian or vehicular traffic or visibility and where applicable shall not interfere with street name signs or traffic lighting standards.

(C) Freestanding equipment box and/or power meter not attached to an existing structure shall be located no farther than 2' from the base of the structure and shall not interfere with pedestrian or vehicular traffic. Screening materials may be required if the equipment box and/or meter are adjacent to a public right-of-way or along a pedestrian sidewalk or pathway.

(D) All cables shall be installed internally; but where internal mounting is not possible, surface mounted wires shall be enclosed within conduit or a similar cable cover which should be painted to match the structure or building on which that DAS is mounted.

(ii) New Freestanding DAS Facility & Concealed Small Cell Facility Development Standards.

(A) Height. The total height of DAS facility/Small Cell Facility including antenna shall not exceed one foot above the height of existing public utility poles for power or light in the same geographic area.

(B) Setbacks for DAS/Small Cell outside of the right-of-way shall meet the same setbacks of the underlying zoning district for similar structures.

(C) The use of foliage and vegetation around ground equipment may be required by the City based on conditions of the specific area where the ground equipment is to be located. In order to avoid the clustering of multiple items of ground equipment in a single area, a maximum of two ground equipment boxes may be grouped together in any single location. In addition, such locations must be spaced a minimum of 500 linear feet of right-of-way apart from each other. Individual ground equipment boxes shall not exceed three feet wide by three feet deep by five feet high in size. The size and height of new freestanding DAS and concealed small cell facility poles shall be no greater than the size and height of any other telecommunications facility poles located in the same or similar type of rights-of-way in the City.

(D) Visibility of new DAS/Small Cell poles

a. New DAS/Small Cell structures shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots. Concealment design is required to minimize the visual impact of wireless communications facilities.

b. All cables, conduits, electronics and wires shall be enclosed within the structure.

c. Small Cell facilities shall be no larger in size than what is specified in

the Definitions (Section 21.04.030(q)(1)).

d. New DAS/Small Cell structures shall be located in arterial rights-of-way whenever possible. Placement of new DAS/Small Cell structures in rights-of-way other than arterials shall be justified by an engineering analysis from the applicant to the satisfaction of the city engineer prior to the issuance of any permit. Whenever new DAS/Small Cell structures must be placed in a right-of-way with residential uses on one or both sides of the street, no pole, equipment, antenna or other structure may be placed directly in front of a residential structure. If a right-of-way has residential structures on only one side of the street, the new DAS/Small Cell structure shall be located on the opposite side of the right-of-way whenever possible. All new DAS/Small Cell structures shall be located such that views from residential structures are not significantly impaired. Newly installed poles for new DAS/Small Cell structures should be located in areas with existing foliage or other aesthetic features in order to obscure the view of the pole.

e. New DAS/Small Cell structures located in rights-of-way shall be constructed and maintained so as not to interfere with, displace, damage, inhibit or destroy any other utilities or facilities, including but not limited to sewer, gas or water mains or service lines, storm drains, pipes, cables or conduits, or any other facilities lawfully occupying the right-of-way, whether public or private. All wireless communications facilities shall be placed and maintained so as not to create interference with the operations of public safety telecommunications service. The City reserves the right to place and maintain, and permit to be placed or maintained, sewer, gas, water, electric, storm drainage, communications, and other utilities and facilities, cables or conduit, and to do, and to permit to be done, any underground and overhead installation or improvement that may be deemed necessary or proper by the City in public rights-of-way occupied by the new DAS/Small Cell structure.

(E) Equipment cabinets. Equipment shelters or cabinets shall be consistent with the general character of the neighborhood and historic character if applicable. Equipment shelters or cabinets shall be screened from the public view by using landscaping, or materials and colors consistent with the surrounding backdrop.

a. Screening enclosures shall be allowed when the design is architecturally compatible with the building

b. Screening materials shall consist of materials and colors consistent with the surrounding backdrop and/or textured to match the existing structure.

c. The use of foliage and vegetation around ground equipment may be required based on conditions of the specific area where the ground equipment is to be located.

d. Small Cell equipment cabinets shall comply with the size requirements

set forth in the Definitions above.

(iii) DAS Hub Development Standards.

- (A) Setbacks for DAS hubs outside of the right-of-way shall meet the setback standards of the underlying zoning district.
- (B) DAS hub. Equipment shelters or cabinets shall be consistent with the general character of the neighborhood and historic character if applicable. Equipment shelters or cabinets shall be screened from the public view by using landscaping, or materials and colors consistent with the surrounding backdrop.
 - a. Screening enclosures shall be allowed when the design is architecturally compatible with the building
 - b. Screening materials shall consist of materials and colors consistent with the surrounding backdrop and/or textured to match the existing structure.
 - c. The use of foliage and vegetation around ground equipment may be required based on conditions of the specific area where the ground equipment is to be located.

(12) Concealed and Non-concealed Telecommunications Towers (Not including DAS or Broadcast Tower, which are addressed in other subsections)

- (i) A pre-application conference is required for a new telecommunications tower. A permit and a major site plan review shall be required for a new telecommunication tower. The permit required may be an administrative permit or a CUP, depending upon the zone district (See Section 21.04.010 Use Table) and/or whether or not the site is a Priority Site on the Wireless Master Plan.
- (ii) No new tower shall be permitted unless the applicant demonstrates that no existing tower or qualified alternative support structure can accommodate the applicant's proposed use, or that co-location on such existing facilities would have the effect of prohibiting personal wireless services in the geographic search area to be served by the proposed tower.

(iii) Development Standards.

- (A) Height.
 - a. New concealed towers shall be limited to 200 feet in height. Height calculations shall be made in accordance with FAA standards, and shall include all appurtenances.
 - b. New non-concealed (non broadcast) towers shall be limited to 150 feet

in height. An applicant desiring a new non-concealed tower taller than 150 feet must request a variance in accordance with Section 21.04.030(q)(14). However, under no circumstance shall any non-concealed tower exceed 199 feet.

(B) Setbacks and spacing from residential structures. A new tower shall be subject to the principle structure setbacks of the underlying zone district, and, with respect to any residential structure on adjacent property:

- a. If the tower has been constructed using breakpoint design technology (see 'Definitions'), the minimum distance from any residential structure shall be equal to 110 percent (110%) of the distance from the top of the structure to the breakpoint level of the structure, or the minimum principle structure setbacks, whichever is greater. Certification by a registered professional engineer licensed by the State of Colorado of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant. (For example, on a 100-foot tall monopole with a breakpoint at eighty (80) feet, the minimum distance from the residential structure would be twenty-two (22) feet (110 percent of twenty (20) feet, the distance from the top of the monopole to the breakpoint) plus the minimum principle structure setback requirements for that zoning district.)
- b. If the tower is not constructed using breakpoint design technology, the minimum distance from any residential structure shall be equal to the height of the proposed tower.

(C) Equipment cabinets and Equipment Shelters. Electronic equipment shall be contained in either (a) equipment cabinets or (b) equipment shelters. Equipment cabinets shall not be visible from pedestrian and right-of-way views. Equipment cabinets may be provided within the principal building on the lot, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.

(D) Fencing. All equipment compounds shall be enclosed with an opaque fence or masonry wall in residential zoning districts and in any zoning district when the equipment compound adjoins a public right-of-way. Alternative equivalent screening may be approved through the site plan approval process described in section 6.6(E) below.

(E) Buffers. The equipment compound shall be landscaped with a minimum ten (10) foot wide perimeter buffer containing the following planting standards:

- a. All plants and trees shall be indigenous to this part of Colorado.
- a. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping as approved by the Planning Department.
- b. One (1) row of evergreen trees with a minimum two (2) inch caliper,

twenty-five (25) foot on center.

- c. Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five (5) feet shall be planted, minimum three (3) gallon or twenty-four (24) inches tall at the time of planting, five (5) foot on center.
- d. Alternative landscaping plans which provide for the same average canopy and understory trees but propose alternative locating on the entire subject property may be considered and approved by the Director, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section.

(F) Equipment Compound. The fenced-in compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.

(G) Structural Standards. All new concealed or non-concealed PWSF towers shall be constructed and maintained to meet ANSI/EIA/TIA-G (as amended) Series III, Exposure C structural standards.

(H) Visibility

a. Concealed:

- 1. New concealed towers shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.
- 2. New antenna mounts shall be concealed and match the concealed tower.
- 3. In residential zoning districts and in mixed use zoning districts that include residential uses, new concealed towers shall not be permitted on lots where the primary use or principal structure is single-family or two-family residential, group living, day care, or a multi-family structure of fewer than three stories. Examples of land uses/structure types in residential areas where the site may include a concealed tower are: school, religious assembly, fire station, stadium tower or stand, or other similar institutional / civic uses/structures.

b. Non-concealed: New antenna mounts shall be flush-mounted unless the applicant can demonstrate that flush-mounted antennas will not reasonably meet the network objectives of the desired coverage area or that more co-locations will be available on the tower if flush-mounting is not required.

c. Concealed and Non-concealed:

- 1. New concealed and non-concealed towers shall be configured and located in a manner that shall minimize adverse effects including

visual impacts on the landscape and adjacent properties.

2. A balloon test shall be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height and concealment solution of the PWSF. The applicant shall arrange to raise a red or orange colored balloon no less than three (3) feet in diameter at the maximum height of the proposed tower, and within twenty-five (25) horizontal feet of the center of the proposed tower. The applicant shall meet the following for the balloon test:
 - i. Applicant must inform the Planning Department and abutting property owners in writing of the date and times, including alternative date and times, of the test at least fourteen (14) days in advance.
 - ii. A 3' by 5' sign with lettering no less than 3 inches high stating the purpose of the balloon test shall be placed at closest major intersection of proposed site.
 - iii. The date, time, and location, including alternative date, time and location, of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven (7) but no more than fourteen (14) days in advance of the test date.
 - iv. The balloon shall be flown for at least four (4) consecutive hours during daylight hours on the date chosen. The applicant shall record the weather, including wind speed during the balloon test.
 - v. Re-advertisement will not be required if inclement weather occurs.
3. Towers shall be constructed to accommodate antenna arrays as follows:
 - i. Up to 120 feet in height shall be engineered and constructed to accommodate no fewer than four (4) antenna arrays.
 - ii. All towers between 121 feet and 150 feet shall be engineered and constructed to accommodate no fewer than five (5) antenna arrays.
4. Grading shall be minimized and limited only to the area necessary for the new tower and equipment compound.
5. Sounds. No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency generators are allowed. Sound levels shall not exceed 65 db as measured at the property boundaries.

(13) Broadcast Towers

No new broadcast facilities shall be constructed or installed without a site plan review

and a permit under this Section. No new broadcast facilities shall be permitted unless the applicant provides a valid FCC Construction Permit and demonstrates that no existing broadcast tower can accommodate the applicant's proposed use. A pre-application conference shall be required for any new broadcast facility.

(i) Development Standards.

- (A) Height. Height for broadcast facilities shall be evaluated on a case-by-case basis; the determination of height contained in the applicant's FCC Form 351/352 construction permit or application for construction permit and an FAA determination of no hazard (FAA Form 7460/2) shall be considered prima facie evidence of the tower height required for such broadcast facilities.
- (B) Setbacks. New broadcast facilities and anchors shall be setback a minimum of five hundred (500) feet from any single-family dwelling unit on same zone lot; and a minimum of 1 foot for every 1 foot of tower height from all adjacent lots of record.
- (C) Equipment Cabinets. Except for AM broadcast facilities, cabinets shall not be visible from pedestrian views.
- (D) Fencing. All broadcast facility towers, AM antenna(s) towers, and guy anchors shall each be surrounded with an anti-climbing fence compliant with applicable FCC regulations.
- (E) Buffers
 - a. Except for AM broadcast facilities, it is the intent that all pedestrian views from public rights-of-ways and adjacent residential land uses be screened from proposed broadcast facilities pursuant to Article VIII Section 1.0(E) & (F). AM broadcast facilities shall, where practicable, use artificial screening devices in lieu of natural vegetation for screening its ground equipment located at the base of AM tower(s).
 - b. Alternative landscaping plans which provide for the same average canopy and understory trees but propose alternative siting on the entire subject property on which the proposed facility is projected may be considered and approved by the planning division, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section.
- (F) Signage.
 - a. Commercial messages shall not be displayed on any tower.
 - b. The only signage that is permitted upon an antenna support structure, equipment cabinets, or fence shall be informational, and for the purpose of identifying the antenna support structure (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility; i.e. the address and telephone number,

security or safety signs, and property manager signs (if applicable).

(G) If more than two hundred twenty (220) volts are necessary for the operation of the facility, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters (minimum height of each letter four (4) inches) the following: "HIGH VOLTAGE - DANGER".

(H) Lighting.

- a. Lighting on towers shall meet and not exceed the FAA minimum standards.
- b. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding property, consistent with FAA requirements.

(I) Equipment Compound. The fenced in compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.

(J) Grading shall be minimized and limited only to the area necessary for the new tower and equipment.

(K) Sounds. No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency generators are allowed. Sound levels shall not exceed 65db as measured at the closest property boundaries for the facility.

(L) Parking. One parking space is required for each tower development area. The space shall be provided within the leased area, or equipment compound or the development area as defined on the site plan.

(14) Variance – PWSF only

The purpose of this subsection (14) is to ensure that land use decisions with respect to siting of personal wireless service facilities (PWS) comply with 47 U.S.C. §332(c)(7)(B).

From time to time, due to unique characteristics specific to a single application, such as terrain, existing infrastructure, or other factors unique to the particular location and proposed PWSF thereon, strict application of a specific development standard for siting of PWSF could have the effect of unreasonably discriminating among providers of functionally equivalent services within the meaning of 47 U.S.C. §332(c)(7)(B)(i)(I) or of

prohibiting personal wireless services within the meaning of 47 U.S.C. §332(c)(7)(B)(i)(II). In such a case the applicant, so long as the applicant is a provider of personal wireless services who will be using the facility for provision of personal wireless services, may seek a variance from such standard under this Section. Considerations of increased financial costs are not unique characteristics and shall NOT constitute a valid basis for a variance under this subsection (14). Moreover, the ONLY development standards from which a variance can be sought/approved under this subsection (14) are the following:

- Maximum tower height
- Flush mounting requirement
- Maximum height of antenna above base station/supporting structure (for non-concealed PWSF only)

To obtain a variance under this Section 21.04.030(q)(14), the provider must demonstrate by clear and convincing evidence that:

- (i) Due to characteristics specific and unique to the particular facilities and location, strict application of the development standard would not permit the applicant to address a demonstrable coverage gap or would result in unreasonable discrimination among providers of functionally equivalent services; AND
- (ii) There is no reasonable alternative available, other than varying the standard, to address the demonstrable coverage gap or to avoid unreasonable discrimination among providers of functionally equivalent services, including but not limited to use of another site, co-location on another facility, or modification of the proposed facility so as to meet the applicable standard; AND
- (iii) The extent of the variance proposed is the minimum necessary to address the demonstrable coverage gap or to avoid unreasonable discrimination among providers of functionally equivalent services, as confirmed by qualified, independent third party review of the proposal.

The decision-maker for the variance shall be the decision-maker for the underlying permit type required in accordance with this Section and with the Use Table of Section 21.04.010. For example, if the facility requires an administrative permit, the Director would decide the variance request. If the facility requires a conditional use permit, the Planning Commission would decide the variance request.

INTRODUCED on first reading the _____ day of _____, 2016 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2016 and ordered published in pamphlet form.

President of the Council

ATTEST:

City Clerk

Proposed Ordinance
as recommended
by Planning Commission

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY'S ZONING AND DEVELOPMENT REGULATIONS RELATING TO TELECOMMUNICATIONS FACILITIES OF THE GRAND JUNCTION MUNICIPAL CODE

Recitals:

The City Council has adopted a Wireless Master Plan to provide long-term planning for an efficient and capable wireless telecommunication environment in the community, so that existing and new telecommunications infrastructure can be optimally utilized to meet the current and future wireless communication needs of the City's industry, businesses, residents and visitors while minimizing negative aesthetic impacts so as to preserve the character of the community and its natural surroundings. This Ordinance implements the Wireless Master Plan.

The City has also commissioned a broadband planning effort that is under way. This Ordinance furthers some of the goals of the broadband planning efforts by encouraging fiber deployment throughout the City in an economical and efficient manner.

The City Council finds that it is necessary and beneficial for the health, safety and welfare of the community to update the regulations for development of telecommunications facilities in the City in order to:

- promote the health, safety, and welfare of the public and minimize impacts of Facilities on surrounding land uses;
- establish standards for location, structural integrity, and compatibility;
- encourage the location and co-location of equipment on existing structures in order to reduce the need for new towers, thereby minimizing visual clutter, public safety impacts, and effects upon the natural environment and wildlife;
- accommodate the growing need and demand for telecommunications services while protecting the character of the City and its neighborhoods;
- encourage the availability of affordable, high-speed internet and cellular telephone access for businesses and residents, acknowledging that a growing number of businesses are conducted in whole or in part from homes and/or on-the-go, that increasingly education incorporates on-line learning necessitating good home internet connections for students and faculty, and that government participation and emergency services to the general public are enhanced by fast and reliable cellular and home internet connectivity;
- encourage coordination between suppliers and providers of telecommunications services to maximize use of existing Facilities and structures;
- establish predictable and balanced regulations within the authority reserved for local land use determination;

- respond to the mandates of the Telecommunications Act of 1996, the Middle Class Tax Relief and Job Creation Act of 2012, and other applicable federal and state laws limiting local discretion to regulate location of personal wireless service facilities (PWSF);
- ensure that applications are reviewed and acted upon promptly, without unreasonable discrimination between providers of functionally equivalent personal wireless services, and so as not to prohibit or have the effect of prohibiting personal wireless services;
- encourage concealed technologies and the use of public lands, buildings, and structures as locations for Facilities;
- encourage affordable access to advanced technology and information, including but not limited to broadband facilities, which are critical to commerce, education, economic development, public safety and competitive participation in the global economy;
- acknowledge the importance of fiber-optic infrastructure for modern telecommunications and data access, including for personal wireless services, for backhaul, data security, speed and reliability of transmission, and longevity of telecommunications systems, and to encourage and promote the installation of fiber-optic cable and conduit to every premise in the City;
- recognize that the permitting, construction, modification, maintenance and operation of broadband facilities are declared to be matters of statewide concern and interest to the extent specifically addressed in *Colorado Statutes*, Chapter 29-27-Parts 1-4.

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

Section 21.04.010 (Use Table) is amended as follows (deletions ~~struck through~~, additions underlined):

USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-11	R-16	R-24	R-O	B-1	B-2	C-1	C-2	C-S	M-U	B-P	I-O	I-1	I-2	M-X	Std.
Telecommunications Facilities – devices and supporting elements necessary to produce nonionizing electromagnetic radiation operating to produce a signal	Telecommunications Facilities and Support Structures Facilities on Wireless Master Plan Priority Site when developed in accordance with Wireless Master Plan site-specific requirements	E A	E A	E A	E A	E A	E A	E A	E A	E A	E A	E A	E A	E A	E A	E A	E A	E A	E A	E A	E A	E A	<u>21.04.03 0(q)</u> & <u>21.04.02 0(ee)</u>	

<u>Temporary PWSF (e.g., COW)</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>21.04.03</u> <u>0(q)</u>
<u>Co-location</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>21.04.03</u> <u>0(q)</u>
<u>Tower Replacement</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>21.04.03</u> <u>0(q)</u>
<u>Dual Purpose Facility</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>21.04.03</u> <u>0(q)</u>
<u>DAS and Small Cell Facilities</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>21.04.03</u> <u>0(q)</u>
<u>Base station with concealed attached antennas</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A*</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>21.04.03</u> <u>0(q)</u>

<u>Base station with non-concealed attached antennas</u>	<u>C*</u>	<u>C*</u>	<u>C*</u>	<u>C*</u>	<u>C*</u>	<u>C*</u>	<u>C*</u>	<u>C*</u>	<u>C</u> -	<u>C</u> -	<u>C</u> -	<u>C</u> -	<u>C</u> -	<u>C</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>C</u> -	<u>A</u> -	<u>A</u>	<u>A</u>	<u>A</u>	<u>C</u> -	<u>21.04.03</u> <u>0(q)</u>
<u>Tower, concealed</u>	<u>C</u>	<u>C*</u> -	<u>C*</u> -	<u>C*</u> -	<u>C*</u> -	<u>C*</u> -	<u>C*</u> -	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>A</u>	<u>A</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>A</u>	<u>A</u>		<u>21.04.03</u> <u>0(q)</u>	
<u>Tower, non-concealed</u>															<u>C</u>	<u>C</u>	<u>C</u>			<u>C</u>	<u>C</u>		<u>21.04.03</u> <u>0(q)</u>	
<u>Broadcast tower</u>																				<u>C</u>	<u>C</u>		<u>21.04.03</u> <u>0(q)</u>	

NOTES:

*Except NOT allowed on structures the principal use of which is single- or two-family residential, group living, or day care, or on multifamily structures of fewer than 3 stories.

** Except NOT allowed on any site or lot where the principal use is single-or two-family residential.

Section 21.04.020(ee) is amended as follows (deletions struck through, additions underlined):

(ee) Telecommunications Facilities.

(1) Characteristics. Telecommunications facilities include all devices, mechanical and/or electronic equipment or, machinery, supporting structures or supporting elements, antenna(s), conduit, cable, enclosures, equipment compound(s), and/or assemblages necessary to ~~produce~~ generate or transmit non-ionizing electromagnetic radiation or light within the range of frequencies from 100 KHz to 300 GHz and operating as ~~a discrete unit~~ to produce a signal or message used for communication. Facilities may be self-supporting, guyed, or mounted on poles, other structures, light posts, power poles, or buildings, or may be installed underground. Facilities shall also include intertie and interconnection translators, access points, access vaults or cabinets, connections from over-the-air to cable, fiber optic, or other landline transmission system.

(2) Accessory Uses. Accessory use may include transmitter facility buildings.

(3) Examples. Examples include broadcast towers, communication towers, ~~and~~ point-to-point microwave towers, distributed antenna systems, small cell facilities, fiber-optic cables, and any other facility defined, referenced or described in Section 21.04.030(q).

(4) Exceptions. Exempt facilities are described in Section 21.04.030(q).

All other portions of Section 21.04.020 shall remain in full force and effect without change.

Section 21.04.030(q) is repealed in its entirety and replaced with the following:

(q) Telecommunications Facilities. This Section (q) establishes standards and requirements for the locating of Telecommunications Facilities.

(1) Definitions

Alternative Structure - A structure that is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted, such as buildings, water tanks, pole signs, billboards, church steeples, and electric power transmission towers.

Amateur Radio Tower - A tower used for non-commercial amateur radio transmissions consistent with the "Complete FCC U.S. Amateur Part 97 Rules and Regulations" for amateur radio towers.

Ancillary Structure - For the purposes of this Section, any form of development associated with a telecommunications facility, including foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports, but excluding equipment cabinets.

Antenna - Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including telephonic, radio or television communications. Types of elements include omni-directional (whip) antennas, sectionalized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas.

Antenna Array - A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna Element - Any antenna or antenna array.

ASR - The Antenna Structure Registration Number as required by the FAA and FCC.

Base Station - Equipment and non-tower supporting structure at a fixed location that enable wireless telecommunications between user equipment and a communications network. Examples include transmission equipment mounted on a rooftop, water tank, silo or other above ground structure other than a tower. The term does not encompass a tower as defined herein or any equipment associated with a tower. "Base Station" includes, but is not limited to:

equipment associated with wireless telecommunications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul;

radio transceivers, antennas, coaxial or fiber optic cable, regular and back up power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks);

any structure other than a tower that, at the time the application is filed under this Section, supports or houses equipment described in this definition that has been reviewed and approved under the applicable zoning or siting process, or under another City regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

"Base station" does not include any structure that, at the time the application is filed under this Section, does not support or house wireless communication equipment.

Breakpoint Technology - The engineering design of a monopole, or any applicable support structure, wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

Broadband Facility - any infrastructure used to deliver broadband services or for the provision of broadband service.

Broadband Service - any technology identified by the US Secretary of Agriculture as having the capacity to transmit data to enable a subscriber to the service to originate and receive high-quality Internet access, voice, data, graphics, and video. Broadband service includes, but is not limited to:

Cable Service - the one-way transmission to subscribers of video programming or other programming services and subscriber interaction required for the selection or use of such video programming or other programming service.

Telecommunications Service - The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Wireless Service - data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless service and common carrier wireless exchange access services, as all of these terms are defined by federal law and regulations.

Co-location - The mounting or installation of transmission equipment on an eligible support structure for the purposes of transmitting and/or receiving radio frequency signals for communications purposes so that installation of a new support structure will not be required.

Combined Antenna – An antenna or an antenna array designed and utilized to provide services for more than one (1) wireless provider, or a single wireless provider utilizing more than one (1) frequency band or spectrum, for the same or similar type of services.

Concealed - A tower, ancillary structure, or equipment compound that is not readily identifiable as a telecommunications facility and that is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site or in the neighborhood or area.

There are two types of concealed facilities: 1) Antenna Attachments, including painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure and 2) A freestanding concealed tower which looks like something else that is common in the geographic region such as a church steeple, windmill, bell tower, clock tower, light standard, flagpole with a flag that is proportional in size to the height and girth of the tower, or tree that grows naturally or is commonly found in the area.

COW – “Cellular on Wheels” – A temporary PWSF placed on property to provide short term, high volume telecommunications services to a specific location and which can be easily removed from the property.

DAS – Distributed Antenna System – A system consisting of: (1) a number of remote communications nodes deployed throughout the desired coverage area, each including at least one antenna for transmission and reception; (2) a high capacity signal transport medium (typically fiber optic cable) connecting each node to a central communications hub site; and (3) radio transceivers located at the hub site (rather than at each individual node as is the case for small cells) to process or control the communications signals transmitted and received through the antennas.

DAS Hub - Ancillary equipment usually contained in a shelter or other enclosure which does not have any wireless transmission or receive equipment contained therein but is utilized in the deployment and operation of wireless DAS receive/transmit infrastructure that is located elsewhere.

Development Area - The area occupied by a telecommunications facility including areas inside or under an antenna-support structure’s framework, equipment cabinets, ancillary structures, and/or access ways.

Dual Purpose Facility – A new banner pole, light stanchion, support tower for overhead electric lines, or other similar utility structure onto which one or more antenna(s) are or can be mounted or attached, and which is built for the primary purpose of providing PWSF.

Eligible Facilities Request - Any request for modification of an existing tower or base station involving co-location of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment that does not Substantially Change the physical dimensions of such tower or base station.

Eligible Facility - Existing wireless tower or base station that has been approved through

a local government land use review process prescribed for the tower or base station.

Eligible Support Structure - Any tower or base station existing at the time the application is filed with the City.

Existing - A constructed tower or base station is “existing” for purposes of this Section if it has been reviewed and approved under an applicable City land use review process. “Existing” also includes a tower that was lawfully constructed but not reviewed because it was not in a zoned area when it was built.

Equipment Compound- The fenced-in area surrounding, inside or under a ground-based wireless communication facility containing ancillary structures and equipment (such as cabinets, shelters, and pedestals) necessary to operate an antenna that is above the base flood elevation.

Equipment Cabinet- Any structure used exclusively to contain equipment necessary for the transmission or reception of communication signals.

Equipment Shelter – A self-contained building housing ancillary electronic equipment typically including a generator.

Feed Lines- Cables or fiber optic lines used as the interconnecting media between the base station and the antenna.

Flush-Mounted- Antenna or antenna array attached to the face of a support structure or building such that no portion of the antenna(s) extend(s) above the height of the support structure or building. The maximum flush-mounting distance, if prescribed, shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

Geographic Search Ring- An area designated by a wireless provider or operator for a new base station and/or tower produced in accordance with generally accepted principles of wireless engineering.

Handoff Candidate - A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first “tier” surrounding the initial wireless facility.

Least Visually Obtrusive Profile - The design of a telecommunication facility presenting the minimum visual profile necessary for proper function.

Non-concealed- A telecommunication facility that is readily identifiable as such (whether freestanding or attached).

OTARD – Over The Air Reception devices which are limited to either a "dish" antenna one meter (39.37 inches) or less in diameter designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, or an antenna that is one meter or less in diameter and is designed to receive video programming services via broadband radio service (wireless cable), or to receive or transmit fixed wireless signals other than via satellite or an antenna that is designed to receive local television broadcast signals.

Personal Wireless Service Facility ("PWSF")- Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other personal wireless communications, including commercial mobile services, unlicensed wireless services, wireless broadband services, and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996, and usually consisting of an antenna or group of antennas, transmission cables, feed lines, equipment cabinets or shelters, and may include a tower. Facilities may include new, replacement, or existing towers, replacement towers, co-location on existing towers, base station attached concealed and non-concealed antenna, dual purpose facilities, concealed towers, and non-concealed towers (monopoles, lattice and guyed), so long as those facilities are used in the provision of personal wireless services as that term is defined in the Telecommunications Act.

Qualified Co-location Request – co-location of PWSF on a tower or base station that creates a Substantial Change in the facility but is entitled to processing within 90 days under 47 U.S.C. §332(c)(7).

Radio Frequency Emissions- Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment.

Radio Frequency Propagation Analysis- Computer modeling to show the level of signal saturation in a given geographical area.

Replacement- A modification of an existing tower to increase the height, or to improve its integrity, by replacing or removing one (1) or several tower(s) located in proximity to a proposed new tower in order to encourage compliance with this Section, or improve aesthetics or functionality of the overall wireless network.

Satellite Earth Station- A single or group of parabolic or dish antennas mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration, including the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

Site - For towers other than towers in the public rights-of-way, the boundaries of the leased or owned property on which the Facilities are or are proposed to be situated.

Small Cell Facility - means a wireless service facility that meets both of the following qualifications:

1. Each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of no more than three (3) cubic feet; and
2. Primary equipment enclosures are no larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

Small Cell Network - a collection of interrelated small cell facilities designed to deliver wireless service.

Stanchion - A vertical support structure generally utilized to support exterior lighting elements.

Streamlined Processing- Expedited review process for co-locations required by the federal government (Congress and/or the FCC) for PWSF.

Substantial Change - A modification or co-location constitutes a “substantial change” of an eligible support structure if it meets any of the following criteria:

1. A PWSF co-location or modification of an existing antenna-supporting structure not in a public right of way increases the overall height of the antenna-supporting structure, antenna and/or antenna array more than 10% or 20 feet, whichever is greater. A PWSF co-location on an existing antenna-supporting structure within a public right of way increases the overall height of the antenna-supporting structure, antenna and/or antenna array more than 10% or 10 feet, whichever is greater.
2. A PWSF co-location for towers not in a public right of way protrudes from the antenna-supporting structure more than 20 feet or the width of the structure at the elevation of the co-location, and for towers within a public right of way,

protrudes from the antenna-supporting structure more than 6 feet.

3. A PWSF co-location on an existing antenna-supporting structure fails to meet current building code requirements (including windloading).
4. A PWSF co-location adds more than 4 additional equipment cabinets or 1 additional equipment shelter.
5. A PWSF co-location requires excavation outside of existing leased or owned parcel or existing easements.
6. A PWSF co-location defeats any existing concealment elements of the antenna-supporting structure.
7. A PWSF co-location fails to comply with all conditions associated with the prior approval of the antenna-supporting structure except for modification of parameters as permitted in this section.

Support Structure - Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Telecommunications Facility(ies) – At a specific physical location, one or more antenna, tower, base station, mechanical and/or electronic equipment, conduit, cable, and associated structures, enclosures, assemblages, devices and supporting elements that generate or transmit nonionizing electromagnetic radiation or light operating to produce a signal used for communication, including but not limited to all types of communication facilities defined further herein.

Temporary PWSF – A temporary tower or other structure that provides interim short-term telecommunications needed to meet an immediate demand for service in the event of an emergency or a public event where a permanent wireless network is unavailable or insufficient to satisfy the temporary increase in demand or when permanent PWSF equipment is temporarily unavailable or offline.

Transmission Equipment- Equipment that facilitates transmission of communication service (whether commercial, private, broadcast, microwave, public, public safety, licensed or unlicensed, fixed or wireless), such as radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply.

Tower- Any support structure built for the primary purpose of supporting any antennas and associated facilities for commercial, private, broadcast, microwave, public, public safety, licensed or unlicensed, and/or fixed or wireless services. A tower may be concealed or non-concealed. Non-concealed towers include:

Guyed - A style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the

assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

Lattice - A self-supporting tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.

Monopole - A style of freestanding tower consisting of a single shaft usually composed of two (2) or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

Tower Base- The foundation, usually concrete, on which the tower and other support equipment are situated. For measurement calculations, the tower base is that point on the foundation reached by dropping a perpendicular from the geometric center of the tower.

Tower Height- The vertical distance measured from the grade line to the highest point of the tower, including any antenna, lighting or other equipment affixed thereto.

Tower Site- The land area that contains, or will contain, a proposed tower, equipment compound, support structures and other related buildings and improvements.

Wireless Service Facility – a telecommunications facility for the provision of wireless services.

(2) Permit required; exemptions; permit types; general requirements; decision-making; fees.

(i) No telecommunications facility shall be installed, constructed, altered, added to, or permitted unless the Director has first approved a site plan review for the property and the facilities and a permit has been issued. Telecommunications facilities and infrastructure shall be constructed and maintained in conformance with all applicable building code requirements as well as with the terms of the Permit issued under this Section.

(ii) No telecommunications facility shall be altered, added to, installed or permitted unless the applicant has shown compliance with all the requirements of this Section. The requirements of Section apply to all telecommunications facilities, whether concealed or not, whether above-ground or underground, including but not limited to existing towers, proposed towers, public towers, replacement of towers, ancillary structures and equipment, co-location on existing towers, base stations, temporary telecommunications facilities, PWSF facilities, DAS facilities, small cell sites and/or

networks, and broadcast towers, except that the following are exempt and no permit is required:

(A) An Amateur Radio Tower that is used exclusively for non-commercial purposes;

(B) A government-owned telecommunications facility erected for a state of emergency officially declared by a federal, state or local government and where the City Manager or designee has made a written determination of public necessity for the facility, and only during the duration of the state of emergency;

(C) A government-owned public safety facility;

(D) Over-the-air reception devices (OTARD), including satellite earth stations, so long as the device does not require construction of a tower or other structure exceeding 12 feet above the home or building and the device is no more than one meter in diameter in a residential zone or two meters in any other zone district.

(iii) General Requirements Applicable To All Telecommunications Facilities

(A) Signage. Commercial messages shall not be displayed on any tower, support structure or ancillary structure, unless the tower is concealed and the means of concealment is or includes an existing sign or unless a sign is serving as a dual purpose facility or a base station. Required noncommercial signage shall be subject to the following:

- a. The only signage that is permitted upon a concealed tower, equipment cabinets, shelters or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
- b. If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four (4) inches, the following: "HIGH VOLTAGE - DANGER."
- c. Name plate signage shall be provided, in an easily visible location, including the address and telephone number of the contact to reach in the event of an emergency or equipment malfunction, including property manager signs as applicable.

(B) Lighting. Lighting on PWSF towers shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following:

- a. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required with strobe during daytime and red flashing lights at night unless prohibited by the FAA.
- b. Lights shall be filtered or oriented so as not to project directly onto surrounding property or rights-of-way, consistent with FAA requirements.

(iv) Telecommunication Facilities shall be located in accordance with the Use Table in Section 21.04.010. One or more of several types of permits may be required for a given facility or group of facilities.

- (A) Administrative permit. For those types of facilities that are allowed in the given zone district, and for qualified co-locations, an administrative permit (a permit issued by the Director) is required. The permit shall be processed and decided in accordance with Section 21.02.070 and this Section 21.04.030(q).
- (B) Conditional use permit (CUP). For those types of facilities that require a conditional use permit (see Section 21.04.010 Use Table), the Director shall review the application and make a recommendation to the Planning Commission who shall hold a hearing on the application and who may approve, approve with conditions, or deny the application in accordance with Section 21.02.110 and with this Section 21.04.030(q).
- (C) Right-of-way work/use permit. Facilities / structures located in the public right-of-way shall be placed so as not to interfere with vehicular or pedestrian use of the rights-of-way or with traffic safety. Any/all work in the public right-of-way requires a separate permit pursuant to the City's right-of-way management ordinance. The provider shall comply with all the provisions and terms of the right-of-way management ordinance and right-of-way work permit. As-built construction drawings shall be provided to the City for all structures, equipment, cable, pipes and conduit located within the public right-of-way or within a public or City-owned utility or multi-purpose easement, which must include, for fiber optic cable, the number of strands of fiber in the conduit.
- (D) Consolidated application/permit. For the following facility types, the applicant shall be allowed, at the applicant's discretion, to file a single, consolidated application for multiple facilities and receive a single review/permit/decision instead of filing separate applications for each facility (however, right-of-way work permit(s) may also be required):
 - c. For small cell networks involving multiple individual small cell facilities within the City;
 - d. For an applicant desiring to co-locate on several wireless service facilities

within the City.

- (E) Shadow conduit. For all telecommunications facility development/installation that involves trenching or excavation in the public right-of-way or in a public or City-owned utility or multipurpose easement, the applicant shall notify the City 30 days prior to commencing such excavation and provide the City the opportunity to install conduit in the same trench / excavation area. The City will pay for the incremental costs of the shadow conduit only.

(iv) Siting of Telecommunications Facilities.

- (A) Compliance with Siting Preferences. For every application for siting of new Telecommunications Facilities on or above ground level (except temporary PWSF and co-locations), the applicant must submit an affidavit by a radio frequency engineer demonstrating compliance with the Siting Preferences of subsection (5) below. Where a lower ranking alternative is proposed, the affidavit must address why each of the higher ranked options are not technically feasible, practical, and/or justified.
- (B) Where the application is for siting of PWSF, whether for a new facility, modification of existing facility, replacement facility or co-location, and whether the permit is administrative or a CUP, the following additional decision-making requirements apply:
 - a. If the application is denied, the decision maker shall issue the decision in writing, including the bases for the denial, which must be supported by substantial evidence contained in a written record. The written bases for the decision must be issued contemporaneously with the decision.
 - b. The application cannot be denied, nor can conditions be applied or required, based upon considerations of radio frequency (RF) emissions safety, other than to require the applicant to demonstrate that all applicable FCC rules are satisfied.

(v) Streamlined processing for co-location of PWSF.

- (A) If the applicant believes its co-location application is an Eligible Facilities Request or a Qualified Co-location Request, the applicant must submit:
 - a. A complete co-location application specifically requesting streamlined processing and stating the applicable permitting time-frame (e.g., 60 days for Eligible Facilities Request or 90 days for Qualified Co-Location Request);
 - b. Documentation evidencing that any structure proposed to be replaced or

modified has previously been subject to zoning / development approval by the City;

- c. Documentation evidencing the replacement/modification does not create a Substantial Change in the underlying support structure or tower, or a statement that it does create a Substantial Change;
- d. Documentation that the proposed modifications will be used to provide personal wireless services.
- (B) The Director shall review and decide applications for co-location of PWSF.
- (C) The Director will notify the applicant within thirty (30) days of submission (or within some other mutually agreed upon timeframe) if the submission is incomplete, identifying the specific deficiencies in the application which, if cured, would make the application complete.
- (D) Upon notice of deficiency, the timeline for a decision shall be tolled until the applicant re-submits to correct such deficiency. The City shall, within ten (10) days of re-submission, notify the applicant of continuing deficiencies or the application will be deemed complete. The timeline for a decision shall be likewise tolled during the additional re-submission deficiency period until the 2nd resubmission. Upon resubmitting of the revised application the City shall follow the process identified in this section, above, until all deficiencies identified are deemed cured.
- (E) If the Director fails to provide such notification, the application will be deemed complete.
- (F) The Director's decision shall be in writing and shall be postmarked to the applicant within 60 days after the initial submission, excluding any tolling period, for an Eligible Facilities Request, or, for a Qualified Co-location, within 90 days after the initial submission, excluding any tolling period, or within some other mutually agreed upon timeframe.
- (G) If the City does not respond in writing to an Eligible Facilities Request within the specified timeframe, the application shall be deemed approved. If the City does not respond in writing to a request for a Qualified Co-location within the specified timeframe, the applicant may pursue its remedies established by federal or state law.

(vi) Timing for Review of New PWSF Tower Applications.

A new PWSF tower, whether concealed or non-concealed, shall be reviewed and a decision rendered within one hundred and fifty (150) days of receipt of the application, subject to any applicable tolling for application deficiencies and resubmissions as described in subsection (v) above, so long as the applicant demonstrates that the facilities will be used, immediately upon completion of construction, to provide personal wireless services, or within such other mutually agreed upon time. ("Spec" towers are not entitled to review and decision within 150

days, or to any of the other protections of the Telecommunications Act.) Construction permits issued for new PWSF towers shall be valid for a term of eighteen (18) months and shall lapse and be void if construction of the contemplated PWSF structure is not completed within that time.

(vii) Application and Fees.

- (A) Application materials required for Telecommunications Facilities shall be in accordance with this Section and with the specific application requirements in the City's Submittal Standards for Improvements and Development (SSID) Manual. The application form and requirements are specific to the type of Telecommunications Facility.
- (B) The City Council shall establish fees to cover or offset the processing cost of all permits under this Section which will be included in the development fee schedule. Every application for a Telecommunications Facility shall be accompanied by the full payment of the fee established for the type of facility requested. Payment of fees is required in order for an application to be considered complete. The fee shall not be, in whole or in part, deferred or waived.
- (C) The City reserves the right to require, in its sole discretion, a supplemental review by experts for any application for a telecommunication facility where the complexity of the analysis requires technical expertise, and/or for any request to vary a standard under subsection (14) of this Section, and all the costs of such review shall be borne by the applicant, in addition to scheduled fees.
- (D) Based on the results of the supplemental review, City staff responsible for the initial application review may require changes to or supplementation of the applicant's submittal(s).
- (E) The supplemental review may address any or all of the following:
 - a. The accuracy and completeness of the application and any accompanying documentation.
 - b. The applicability of analysis techniques and methodologies.
 - c. The validity of conclusions reached.
 - d. Whether the proposed telecommunications facility complies with the applicable approval criteria and standards of the Zoning and Development Code and other applicable law.

(3) Abandonment / discontinued use.

- (i) All Telecommunication Facility structures, equipment, fencing and devices shall be removed from the property and the site returned to its natural state and

topography and vegetated consistent with the natural surroundings or current surrounding land uses at the property owner's and/or service provider's expense within 180 days of cessation of use, or within 90 days of cessation of use if the abandonment is associated with a replacement.

- (ii) The City may extend the time for removal and site restoration up to 60 additional days if the owner or service provider so requests and shows good and unique cause for the extension.
- (iii) If removal and/or site restoration is not accomplished within the prescribed time, the City may initiate removal and restoration within 30 days following written notice to the property owner, and the property owner and service provider shall be jointly and severally responsible for all costs associated with the removal and restoration.
- (iv) Conduit and/or fiber optic cable, whether below or above ground, that is or has been abandoned or the use of which is discontinued for one year shall become the property of the City of Grand Junction. Easements for the maintenance of such conduit/cable shall also become the property of the City of Grand Junction, which shall have all the benefit and interest of the original easement holder with respect to installation, maintenance and repair of conduit/cable.

(4) No interference with public safety communications.

- (i) Applicant shall, regardless of the type of facility, comply with "Good Engineering Practices" as defined by FCC regulations and shall provide a composite analysis of all users of the site to determine that the proposed facilities will not cause radio frequency interference with any governmental public safety communications and shall implement appropriate technical measures to prevent such interference.
- (ii) When the City notifies a wireless service provider that it believes the provider's antenna(s) or array(s) are creating such interference, the provider shall investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Enhanced Best Practices Guide," released by the FCC in Appendix D of FCC 04-168 (released August 6, 2004), including the "Good Engineering Practices," as may be amended or revised by the FCC from time to time in any successor regulations.
- (iii) If the provider fails to comply with this subsection (4), including but not limited to by initiating an appropriate response within 24 hours of the City's notification, the provider and the property owner shall be jointly and severally responsible for reimbursing the City for all costs associated with ascertaining and resolving the interference.

(5) Siting Preferences for New Telecommunications Facilities.

Siting of new PWSF of any type shall be in accordance with the Siting Preferences below and with the Use Table in Section 21.04.030. Where a lower ranked alternative is

proposed, the applicant must demonstrate through relevant information including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed facilities, by clear and convincing evidence. The applicant must provide such evidence in its application in order for the application to be considered complete. The Siting Preferences are, in order:

- (i) Co-located or combined PWSF
- (ii) Concealed antenna(s) on a base station
- (iii) Non-concealed antenna(s) on a base station, in the following zone districts, ranked highest to lowest:
 - (A) I-2, I-1 or I-O
 - (B) C-2
 - (C) B-P or C-1
 - (D) CSR
 - (E) Other zone districts in accordance with the Use Table in Section 21.04.010.
- (iv) Replacement of existing Telecommunications Facility in any zoning district
- (v) Dual Purpose Facility
- (vi) Concealed small cell site
- (vii) Non-concealed small cell site
- (viii) Distributed Antenna System
 - (A) Attached
 - a. Concealed
 - b. Non-concealed
 - (B) New Freestanding DAS facility
 - a. Concealed
 - b. Non-concealed
- (ix) Concealed freestanding towers
 - (A) In the following zone districts, ranked highest to lowest:
 - a. I-2 or I-1
 - b. C-2
 - c. C-1
 - d. Other zone districts, in accordance with the Use Table in Section

21.04.010.

- (B) Preferred concealment type (wherever located). Concealment types listed below are general preferences, in no particular order. The appropriate means of concealment will depend upon the structures and developed features already existing in the area. Innovative concealment is encouraged so long as it is visually integrated into the immediate surroundings.
- a. Tree of a type naturally occurring or normally found in the geographic area
 - b. Church steeple
 - c. Bell or clock tower
 - d. Belfries, domes or chimneys
 - e. Elevator towers
 - f. Flag poles
 - g. Water towers
 - h. Cupolas
 - i. Other architectural or art feature

Examples of concealed facilities:



- (x) Non-concealed towers
- (A) In the following zone districts, ranked highest to lowest:
- a. I-2;
 - b. I-1
 - c. C-2;
 - d. C-1.
- (B) Preferred tower type (wherever located)
- a. Monopole
 - b. Lattice
 - c. Guyed

Broadcast towers are not subject to the siting preferences; they may be sited in accordance with the Use Table (Section 21.04.010). Broadcast towers shall not be located on a Wireless Master Plan Priority Site; those are reserved and planned for PWSF and public safety telecommunications facilities.

(6) Temporary PWSF Specifications and Requirements

Development Standards. Temporary PWSF shall be permitted by the Director in those zone districts specified in the Use Table in Section 21.04.010 where all of the following are met:

- (i) It will be in place for no more than 60 days (subject to a one time extension of an additional 60 days for good cause);
- (ii) Notification of construction is provided by the applicant to the FAA;
- (iii) It does not require marking or lighting by the FAA;
- (iv) It will be less than 200 feet in height;
- (v) It does not involve any excavation (or excavation where prior disturbance exceeds proposed excavation by at least 2 feet).

(7) Telecommunication Facility Co-location and Combination

Development Standards. The City requires co-location and combining of Telecommunications Facilities on existing towers, existing Base Stations or existing alternative support structures (Dual Purpose Facilities) as a highest priority where such co-location is possible. A permit shall be required for co-location of facilities on an existing tower, existing Base Station or Dual Purpose Facility. Co-location or combination of Telecommunications Facilities requires an administrative permit, and is subject to the following:

- (i) A co-located or combined antenna or antenna array shall not exceed the maximum height prescribed in the applicable land use permit or increase the height of an existing tower by more than 20 feet and shall not affect any tower lighting, except as provided for herein below. A PWSF co-location that does not create a Substantial Change in the tower or support structure shall be approved within 60 days (subject to tolling) in accordance with Section 21.04.030(q)(2)(v).
- (ii) If the applicant who seeks to co-locate PWSF demonstrates a coverage gap that cannot be addressed by a co-location that meets (A) above, the applicant may request a variance of the height limitation in accordance with 21.04.030(q)(14). If the co-location is a qualified co-location under 47 U.S.C. §332(c)(7), the Director shall render a decision within 90 days, subject to tolling, in accordance with 21.04.030(q)(2)(v).
- (iii) New antenna mounts shall be flush-mounted onto existing structures where

flush mounting was a condition of the original approval, unless it is demonstrated through radio frequency (RF) propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area, or unless applicant demonstrates that flush-mounting would interfere with existing antenna mounting or coax arrangements that were previously approved.

- (iv) The equipment cabinet shall be subject to the setback requirements of the underlying zoning district.
- (v) **When a co-located or combined** antenna is to be located on a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.
- (vi) No signage shall be permitted on an antenna or antenna array that is combined with or co-located on an alternative support structure; however, the support structure may itself be an existing sign, so long as the sign was approved through a non-Telecommunications Facility development permit or sign permit.

(8) New Base Stations: Concealed and Non-concealed

(i) Antennas and equipment may be mounted onto a structure which is not primarily constructed for telecommunications purposes in accordance with the Use Table of Section 21.04.010. A permit is required for base station antennas and equipment mounted onto such an alternative structure. In residential districts, the following structures shall not be used as base stations or to support PWSF or commercial antenna(s): single-family dwelling, two-family dwelling, multi-family dwelling of fewer than three stories in height, group living facility, or day care.

(ii) Development Standards. Antenna(s) and equipment to be located on an alternative structure shall be subject to the following:

- (A) If the facility is concealed, the top of antenna(s) shall not be more than 35 feet above the existing or proposed building or structure, except that antenna(s) located on the perimeter of the supporting structure shall not be more than ten feet above the supporting structure;
- (B) If the facility is non-concealed, the top of the antenna shall not be more than 20 feet above the existing or proposed building or structure and shall not be located on the perimeter of the supporting structure;
- (C) New antenna mounts shall be flush-mounted onto existing structures, unless it is demonstrated through radio frequency (RF) propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area;
- (D) New antenna mounts shall meet the setbacks and height restrictions of the underlying zone district;

- (E) When attached base station antenna(s) and equipment is/are to be located on a nonconforming building or structure, the existing permitted nonconforming setback or height shall prevail;
- (F) Concealed base station attached antennas, feed lines and antennas shall be designed to architecturally match the façade, roof, wall, and/or structure on which they are affixed so that they blend with the existing structural design, color, and texture; and
- (G) No signage shall be allowed on an antenna or antenna array that is located on an alternative structure; however, the alternative structure itself may have a sign that was otherwise approved as part of a non-Telecommunications Facility development application or sign permit.

(9) Antenna Element Replacement or Modification

Development Standards. A permit is required for any replacement or modification of existing antenna(s) and associated equipment, and the replacement or modification must comply with the following:

- (i) Height. The increase in height of a PWSF that is modified shall not create a “Substantial Change” in the PWSF.
- (ii) Equipment cabinets and Equipment Shelters. Electronic equipment shall be contained in either (a) equipment cabinets or (b) equipment shelters. Equipment cabinets shall not be visible from pedestrian and right-of-way views. Equipment cabinets may be provided within the principal building on the lot, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.
- (iii) Sounds. No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency generators are allowed. Sound levels shall not exceed 65 db as measured at the property boundaries for the facility.

(10) Tower / Support Structure Replacement

- (i) A permit is required for replacement of a tower and support structure. Applicant must demonstrate by clear and convincing competent evidence that replacement will accomplish at least one of the following:
 - (A) Reduction in the number of Telecommunications Facility support structures or towers;
 - (B) Replacement of a non-concealed tower with a concealed tower
 - (C) Significant reduction of the visual impact of a Telecommunications Facility;
 - (D) Replacement of an existing tower with a new tower so as to improve network functionality resulting in compliance with this Section; and/or
 - (E) Replacement of an existing support structure to increase the number of

Personal Wireless Service Providers located on such structure.

(ii) Development Standards.

- (A) Setbacks: A new tower approved for replacement shall not be required to meet new setback standards so long as the new tower and its equipment compound are no closer to any property lines or dwelling units as the tower and equipment compound being replaced. The intent is to encourage the replacement process, not penalize the tower owner for the change out of the old facility. (For example, if a new tower is replacing an old tower, the new tower is permitted to have the same setbacks as the tower being removed, even if the old tower had nonconforming setbacks.)
- (B) Height: The height of the replacement tower or support structure shall not create a Substantial Change of the facility being replaced.
- (C) Breakpoint technology: A replacement monopole tower shall use breakpoint technology in the design of the replacement facility.
- (D) Visibility: Replacement towers or support structures shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots.
- (E) All replacement towers shall be constructed and maintained to meet ANSI/EIA/TIA-G (as amended) Series III, Exposure C structural standards.

(11) DAS & Concealed Small Cell Facilities

(i) Attached DAS Development Standards.

(A) Where feasible, antennas can be placed directly above, below or incorporated with vertical design elements of a building or structure to maximize concealment. The top of the antenna(s) shall not exceed more than 7 feet above the tallest level of the structure on which it is attaching.

(B) Attached Equipment box and power meter is discouraged; however, if attachment is justified, equipment box and meter shall be located on the pole at a height that does not interfere with pedestrian or vehicular traffic or visibility and where applicable shall not interfere with street name signs or traffic lighting standards.

(C) Freestanding equipment box and/or power meter not attached to an existing structure shall be located no farther than 2' from the base of the

structure and shall not interfere with pedestrian or vehicular traffic. Screening materials may be required if the equipment box and/or meter are adjacent to a public right-of-way or along a pedestrian sidewalk or pathway.

(D) All cables shall be installed internally; but where internal mounting is not possible, surface mounted wires shall be enclosed within conduit or a similar cable cover which should be painted to match the structure or building on which that DAS is mounted.

(ii) New Freestanding DAS Facility & Concealed Small Cell Facility Development Standards.

(A) Height. The total height of DAS facility/Small Cell Facility including antenna shall not exceed one foot above the height of existing public utility poles for power or light in the same geographic area.

(B) Setbacks for DAS/Small Cell outside of the right-of-way shall meet the same setbacks of the underlying zoning district for similar structures.

(C) The use of foliage and vegetation around ground equipment may be required by the City based on conditions of the specific area where the ground equipment is to be located. In order to avoid the clustering of multiple items of ground equipment in a single area, a maximum of two ground equipment boxes may be grouped together in any single location. In addition, such locations must be spaced a minimum of 500 linear feet of right-of-way apart from each other. Individual ground equipment boxes shall not exceed three feet wide by three feet deep by five feet high in size. The size and height of new freestanding DAS and concealed small cell facility poles shall be no greater than the size and height of any other telecommunications facility poles located in the same or similar type of rights-of-way in the City.

(D) Visibility of new DAS/Small Cell poles

a. New DAS/Small Cell structures shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots. Concealment design is required to minimize the visual impact of wireless communications facilities.

b. All cables, conduits, electronics and wires shall be enclosed within the structure.

c. Small Cell facilities shall be no larger in size than what is specified in the Definitions (Section 21.04.030(q)(1)).

- d. New DAS/Small Cell structures shall be located in arterial rights-of-way whenever possible. Placement of new DAS/Small Cell structures in rights-of-way other than arterials shall be justified by an engineering analysis from the applicant to the satisfaction of the city engineer prior to the issuance of any permit. Whenever new DAS/Small Cell structures must be placed in a right-of-way with residential uses on one or both sides of the street, no pole, equipment, antenna or other structure may be placed directly in front of a residential structure. If a right-of-way has residential structures on only one side of the street, the new DAS/Small Cell structure shall be located on the opposite side of the right-of-way whenever possible. All new DAS/Small Cell structures shall be located such that views from residential structures are not significantly impaired. Newly installed poles for new DAS/Small Cell structures should be located in areas with existing foliage or other aesthetic features in order to obscure the view of the pole.
 - e. New DAS/Small Cell structures located in rights-of-way shall be constructed and maintained so as not to interfere with, displace, damage, inhibit or destroy any other utilities or facilities, including but not limited to sewer, gas or water mains or service lines, storm drains, pipes, cables or conduits, or any other facilities lawfully occupying the right-of-way, whether public or private. All wireless communications facilities shall be placed and maintained so as not to create interference with the operations of public safety telecommunications service. The City reserves the right to place and maintain, and permit to be placed or maintained, sewer, gas, water, electric, storm drainage, communications, and other utilities and facilities, cables or conduit, and to do, and to permit to be done, any underground and overhead installation or improvement that may be deemed necessary or proper by the City in public rights-of-way occupied by the new DAS/Small Cell structure.
- (E) Equipment cabinets. Equipment shelters or cabinets shall be consistent with the general character of the neighborhood and historic character if applicable. Equipment shelters or cabinets shall be screened from the public view by using landscaping, or materials and colors consistent with the surrounding backdrop.
- a. Screening enclosures shall be allowed when the design is architecturally compatible with the building
 - b. Screening materials shall consist of materials and colors consistent with the surrounding backdrop and/or textured to match the existing structure.
 - c. The use of foliage and vegetation around ground equipment may be required based on conditions of the specific area where the ground equipment is to be located.

- d. Small Cell equipment cabinets shall comply with the size requirements set forth in the Definitions above.

(iii) DAS Hub Development Standards.

- (A) Setbacks for DAS hubs outside of the right-of-way shall meet the setback standards of the underlying zoning district.
- (B) DAS hub. Equipment shelters or cabinets shall be consistent with the general character of the neighborhood and historic character if applicable. Equipment shelters or cabinets shall be screened from the public view by using landscaping, or materials and colors consistent with the surrounding backdrop.
 - a. Screening enclosures shall be allowed when the design is architecturally compatible with the building
 - b. Screening materials shall consist of materials and colors consistent with the surrounding backdrop and/or textured to match the existing structure.
 - c. The use of foliage and vegetation around ground equipment may be required based on conditions of the specific area where the ground equipment is to be located.

(12) Concealed and Non-concealed Telecommunications Towers (Not including DAS or Broadcast Tower, which are addressed in other subsections)

- (i) A pre-application conference is required for a new telecommunications tower. A permit and a major site plan review shall be required for a new telecommunication tower. The permit required may be an administrative permit or a CUP, depending upon the zone district (See Section 21.04.010 Use Table) and/or whether or not the site is a Priority Site on the Wireless Master Plan.
- (ii) No new tower shall be permitted unless the applicant demonstrates that no existing tower or qualified alternative support structure can accommodate the applicant's proposed use, or that co-location on such existing facilities would have the effect of prohibiting personal wireless services in the geographic search area to be served by the proposed tower.

(iii) Development Standards.

- (A) Height.
 - a. New concealed towers shall be limited to 200 feet in height. Height calculations shall be made in accordance with FAA standards, and shall

include all appurtenances.

- b. New non-concealed (non broadcast) towers shall be limited to 150 feet in height. An applicant desiring a new non-concealed tower taller than 150 feet must request a variance in accordance with Section 21.04.030(q)(14). However, under no circumstance shall any non-concealed tower exceed 199 feet.

(B) Setbacks and spacing from residential structures. A new tower shall be subject to the principle structure setbacks of the underlying zone district, and, with respect to any residential structure on adjacent property:

- a. If the tower has been constructed using breakpoint design technology (see 'Definitions'), the minimum distance from any residential structure shall be equal to 110 percent (110%) of the distance from the top of the structure to the breakpoint level of the structure, or the minimum principle structure setbacks, whichever is greater. Certification by a registered professional engineer licensed by the State of Colorado of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant. (For example, on a 100-foot tall monopole with a breakpoint at eighty (80) feet, the minimum distance from the residential structure would be twenty-two (22) feet (110 percent of twenty (20) feet, the distance from the top of the monopole to the breakpoint) plus the minimum principle structure setback requirements for that zoning district.)
- b. If the tower is not constructed using breakpoint design technology, the minimum distance from any residential structure shall be equal to the height of the proposed tower.

(C) Equipment cabinets and Equipment Shelters. Electronic equipment shall be contained in either (a) equipment cabinets or (b) equipment shelters. Equipment cabinets shall not be visible from pedestrian and right-of-way views. Equipment cabinets may be provided within the principal building on the lot, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.

(D) Fencing. All equipment compounds shall be enclosed with an opaque fence or masonry wall in residential zoning districts and in any zoning district when the equipment compound adjoins a public right-of-way. Alternative equivalent screening may be approved through the site plan approval process described in section 6.6(E) below.

(E) Buffers. The equipment compound shall be landscaped with a minimum ten (10) foot wide perimeter buffer containing the following planting standards:

- a. All plants and trees shall be indigenous to this part of Colorado.
- b. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping as approved by the Planning

Department.

- c. One (1) row of evergreen trees with a minimum two (2) inch caliper, twenty-five (25) foot on center.
 - d. Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five (5) feet shall be planted, minimum three (3) gallon or twenty-four (24) inches tall at the time of planting, five (5) foot on center.
 - e. Alternative landscaping plans which provide for the same average canopy and understory trees but propose alternative locating on the entire subject property may be considered and approved by the Director, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section.
- (F) Equipment Compound. The fenced-in compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.
- (G) Structural Standards. All new concealed or non-concealed PWSF towers shall be constructed and maintained to meet ANSI/EIA/TIA-G (as amended) Series III, Exposure C structural standards.

(H) Visibility

- a. Concealed:
 - 1. New concealed towers shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.
 - 2. New antenna mounts shall be concealed and match the concealed tower.
 - 3. In residential zoning districts and in mixed use zoning districts that include residential uses, new concealed towers shall not be permitted on lots where the primary use or principal structure is single-family or two-family residential, group living, day care, or a multi-family structure of fewer than three stories. Examples of land uses/structure types in residential areas where the site may include a concealed tower are: school, religious assembly, fire station, stadium tower or stand, or other similar institutional / civic uses/structures.
- b. Non-concealed: New antenna mounts shall be flush-mounted unless the applicant can demonstrate that flush-mounted antennas will not reasonably meet the network objectives of the desired coverage area or that more co-locations will be available on the tower if flush-mounting is not required.
- c. Concealed and Non-concealed:

1. New concealed and non-concealed towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.
2. A balloon test shall be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height and concealment solution of the PWSF. The applicant shall arrange to raise a red or orange colored balloon no less than three (3) feet in diameter at the maximum height of the proposed tower, and within twenty-five (25) horizontal feet of the center of the proposed tower. The applicant shall meet the following for the balloon test:
 - i. Applicant must inform the Planning Department and abutting property owners in writing of the date and times, including alternative date and times, of the test at least fourteen (14) days in advance.
 - ii. A 3' by 5' sign with lettering no less than 3 inches high stating the purpose of the balloon test shall be placed at closest major intersection of proposed site.
 - iii. The date, time, and location, including alternative date, time and location, of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven (7) but no more than fourteen (14) days in advance of the test date.
 - iv. The balloon shall be flown for at least four (4) consecutive hours during daylight hours on the date chosen. The applicant shall record the weather, including wind speed during the balloon test.
 - v. Re-advertisement will not be required if inclement weather occurs.
3. Towers shall be constructed to accommodate antenna arrays as follows:
 - i. Up to 120 feet in height shall be engineered and constructed to accommodate no fewer than four (4) antenna arrays.
 - ii. All towers between 121 feet and 150 feet shall be engineered and constructed to accommodate no fewer than five (5) antenna arrays.
4. Grading shall be minimized and limited only to the area necessary for the new tower and equipment compound.
5. Sounds. No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency generators are allowed. Sound levels shall not exceed 65 db as measured at the property boundaries.

(13) Broadcast Towers

No new broadcast facilities shall be constructed or installed without a site plan review and a permit under this Section. No new broadcast facilities shall be permitted unless the applicant provides a valid FCC Construction Permit and demonstrates that no existing broadcast tower can accommodate the applicant's proposed use. A pre-application conference shall be required for any new broadcast facility.

(i) Development Standards.

- (A) Height. Height for broadcast facilities shall be evaluated on a case-by-case basis; the determination of height contained in the applicant's FCC Form 351/352 construction permit or application for construction permit and an FAA determination of no hazard (FAA Form 7460/2) shall be considered prima facie evidence of the tower height required for such broadcast facilities.
- (B) Setbacks. New broadcast facilities and anchors shall be setback a minimum of five hundred (500) feet from any single-family dwelling unit on same zone lot; and a minimum of 1 foot for every 1 foot of tower height from all adjacent lots of record.
- (C) Equipment Cabinets. Except for AM broadcast facilities, cabinets shall not be visible from pedestrian views.
- (D) Fencing. All broadcast facility towers, AM antenna(s) towers, and guy anchors shall each be surrounded with an anti-climbing fence compliant with applicable FCC regulations.
- (E) Buffers
 - a. Except for AM broadcast facilities, it is the intent that all pedestrian views from public rights-of-ways and adjacent residential land uses be screened from proposed broadcast facilities pursuant to Article VIII Section 1.0(E) & (F). AM broadcast facilities shall, where practicable, use artificial screening devices in lieu of natural vegetation for screening its ground equipment located at the base of AM tower(s).
 - b. Alternative landscaping plans which provide for the same average canopy and understory trees but propose alternative siting on the entire subject property on which the proposed facility is projected may be considered and approved by the planning division, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section.
- (F) Signage.
 - a. Commercial messages shall not be displayed on any tower.
 - b. The only signage that is permitted upon an antenna support structure, equipment cabinets, or fence shall be informational, and for the purpose of

- identifying the antenna support structure (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility; i.e. the address and telephone number, security or safety signs, and property manager signs (if applicable).
- (G) If more than two hundred twenty (220) volts are necessary for the operation of the facility, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters (minimum height of each letter four (4) inches) the following: "HIGH VOLTAGE - DANGER".
- (H) Lighting.
- a. Lighting on towers shall meet and not exceed the FAA minimum standards.
 - b. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding property, consistent with FAA requirements.
- (I) Equipment Compound. The fenced in compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.
- (J) Grading shall be minimized and limited only to the area necessary for the new tower and equipment.
- (K) Sounds. No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency generators are allowed. Sound levels shall not exceed 65db as measured at the closest property boundaries for the facility.
- (L) Parking. One parking space is required for each tower development area. The space shall be provided within the leased area, or equipment compound or the development area as defined on the site plan.

(14) Variance – PWSF only

The purpose of this subsection (14) is to ensure that land use decisions with respect to siting of personal wireless service facilities (PWS) comply with 47 U.S.C. §332(c)(7)(B).

From time to time, due to unique characteristics specific to a single application, such as

terrain, existing infrastructure, or other factors unique to the particular location and proposed PWSF thereon, strict application of a specific development standard for siting of PWSF could have the effect of unreasonably discriminating among providers of functionally equivalent services within the meaning of 47 U.S.C. §332(c)(7)(B)(i)(I) or of prohibiting personal wireless services within the meaning of 47 U.S.C.

§332(c)(7)(B)(i)(II). In such a case the applicant, so long as the applicant is a provider of personal wireless services who will be using the facility for provision of personal wireless services, may seek a variance from such standard under this Section.

Considerations of increased financial costs are not unique characteristics and shall NOT constitute a valid basis for a variance under this subsection (14). Moreover, the ONLY development standards from which a variance can be sought/approved under this subsection (14) are the following:

- Maximum tower height
- Flush mounting requirement
- Maximum height of antenna above base station/supporting structure (for non-concealed PWSF only)

To obtain a variance under this Section 21.04.030(q)(14), the provider must demonstrate by clear and convincing evidence that:

- (i) Due to characteristics specific and unique to the particular facilities and location, strict application of the development standard would not permit the applicant to address a demonstrable coverage gap or would result in unreasonable discrimination among providers of functionally equivalent services; AND
- (ii) There is no reasonable alternative available, other than varying the standard, to address the demonstrable coverage gap or to avoid unreasonable discrimination among providers of functionally equivalent services, including but not limited to use of another site, co-location on another facility, or modification of the proposed facility so as to meet the applicable standard; AND
- (iii) The extent of the variance proposed is the minimum necessary to address the demonstrable coverage gap or to avoid unreasonable discrimination among providers of functionally equivalent services, as confirmed by qualified, independent third party review of the proposal.

The decision-maker for the variance shall be the decision-maker for the underlying permit type required in accordance with this Section and with the Use Table of Section 21.04.010. For example, if the facility requires an administrative permit, the Director would decide the variance request. If the facility requires a conditional use permit, the Planning Commission would decide the variance request.

INTRODUCED on first reading the _____ day of _____, 2016 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2016 and ordered published in pamphlet form.

President of the Council

ATTEST:

City Clerk



Date: May 18, 2016
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner / x1442
 Proposed Schedule: Planning Commission
May 10, 2016; City Council – May 18, 2016
 2nd Reading (if applicable): N/A
 File # (if applicable): VAC-2015-350

CITY COUNCIL AGENDA ITEM

Subject: Padilla-Ulibarri Utility Easement Vacation Located at 314 W. Ouray
Action Requested/Recommendation: Adopt Resolution Vacating the Utility Easement
Presenter(s) Name & Title: Senta Costello, Senior Planner

Executive Summary:

Request to vacate a portion of a public utility easement located within vacated Peach Street right-of-way located at 314 W. Ouray Avenue.

Background, Analysis and Options:

The property is part of the Carpenter’s Subdivision No. 2 platted in June 1890 and annexed as part of the Mobley’s Addition Annexation in December 1890. In 2007, the City of Grand Junction worked with the neighborhood to install curb, gutter and sidewalk improvements throughout the neighborhood. As a part of this project, excess right-of-way was vacated, with portions being retained as public utility easements. Peach Street between W. Gunnison Avenue and W. Ouray Avenue is one of the sections vacated and the entire width of its right-of-way was retained as a public easement to protect utilities located within its boundaries.

In July 2015, Mr. Ulibarri contacted the City of Grand Junction inquiring about the possibility of vacating a portion of the easement retained over the vacated Peach Street right-of-way as it encumbered the western 30’ of his property located at 314 W Ouray Avenue. The City of Grand Junction Public Works Department investigated the area and determined that all of the utilities located in the easement were located on the property at 318 W. Ouray Avenue and that there is no need to retain a 30’ utility easement as only 12’ is required to maintain the existing utilities. Therefore the applicant proposes to vacate vacation of the eastern 18’ of the easement, leaving the western 12’ of the easement intact. Xcel, Charter and Century Link were also asked to review the area for any utilities that they may have within the existing 30’ easement. It was determined that there are no utilities in the area proposed for vacation and the utility companies did not oppose the request.

How this item relates to the Comprehensive Plan Goals and Policies:

Though there are no specific Comprehensive Plan Goals or Policies that directly relate to the requested easement vacation, the request does meet one of the Comprehensive Plan's Guiding Principles – Sustainable Growth Patterns. This Principle states:

“Fiscal sustainability where we grow efficiently and cost-effectively. Encourage infill and redevelopment and discourage growth patterns that cause disproportionate increases in cost of services.”

If the easement were reduced from a 30' width to a 12' width, a greater opportunity to redevelop the property is created because there is more usable property (2,610 square feet). This may allow an additional unit or units to be built on the property. Therefore this request is consistent and does not conflict with the Comprehensive Plan.

How this item relates to the Economic Development Plan:

The purpose of the adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. Though the proposed easement vacation does not further any specific goal of the Economic Development Plan, it does allow for more of the property to be developed and therefore more development opportunity.

Board or Committee Recommendation:

Planning Commission forwarded a recommendation of approval at its May 10, 2016 meeting.

Financial impact:

Council directed Staff to evaluate on a case by case basis the value of selling ROW's at the time of a vacation request. Based on previous information and the purchase price of ROW recently acquired by the City, Staff recommends the same calculation at a value of \$1.00 per square foot. At \$1.00 per square foot, the value of ROW requested through this vacation would be approximately \$2,610.00.

Legal issues:

The City Attorney has reviewed and approved the form of the Resolution.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This request has not previously been presented or discussed.

Attachments:

Site Location Map
Aerial Photo Map
Future Land Use Map
Zoning Map
Resolution

BACKGROUND INFORMATION					
Location:		314 W Ouray Avenue			
Applicants:		Padilla-Ulibarri LLC – Bobby Ulibarri			
Existing Land Use:		Single Family residence			
Proposed Land Use:		No change proposed			
Surrounding Land Use:	North	Department of the Interior			
	South	Single Family Residential			
	East	Department of the Interior			
	West	Single Family Residential			
Existing Zoning:		R-8 (Residential 8 du/ac)			
Proposed Zoning:		R-8 (Residential 8 du/ac)			
Surrounding Zoning:	North	C-1 (Light Commercial)			
	South	R-8 (Residential 8 du/ac)			
	East	C-1 (Light Commercial)			
	West	R-8 (Residential 8 du/ac)			
Future Land Use Designation:		Residential Medium			
Zoning within density range?		X	Yes		No

Section 21.02.100 of the Grand Junction Zoning and Development Code:

The vacation of the easement shall conform to the following:

g. The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.

Though there are no specific Comprehensive Plan Goals or Policies that directly relate to the requested easement vacation, the request does meet one of the Comprehensive Plan’s Guiding Principles – Sustainable Growth Patters. This Principle states:

“Fiscal sustainability where we grow efficiently and cost-effectively. Encourage infill and redevelopment and discourage growth patterns that cause disproportionate increases in cost of services.”

If the easement were reduced from a 30’ width to a 12’ width, a greater opportunity to redevelop the property is created because there is more usable property (2,610

square feet). This may allow an additional unit or units to be built on the property.

Granting the request to vacate this utility easement does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.

This criterion has been met.

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

No parcel or lots will be landlocked as a result of the vacation.

This criterion has been met

i. 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.

No access will be altered or restricted as a result of the vacation.

This criterion has been met.

j. 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).

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the proposed utility easement vacation. There are no utilities located within this portion of the easement and adequate space has been maintained with the remaining easement in order to provide maintenance to the utilities.

This criterion has been met.

k. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code.

Because there are no utilities located within this portion of the easement and adequate space will be preserved to maintain the existing utilities, the provision of adequate public facilities and services will not be inhibited as a result of the proposed utility easement vacation as there are no utilities located or planned within this portion of the easement.

This criterion has been met.

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

Maintenance requirements for the City will not change as a result of the proposed utility easement vacation; however, vacation of the un-needed portion of the easement provides the owner with additional area on the property available for development, creating additional development potential within the community.

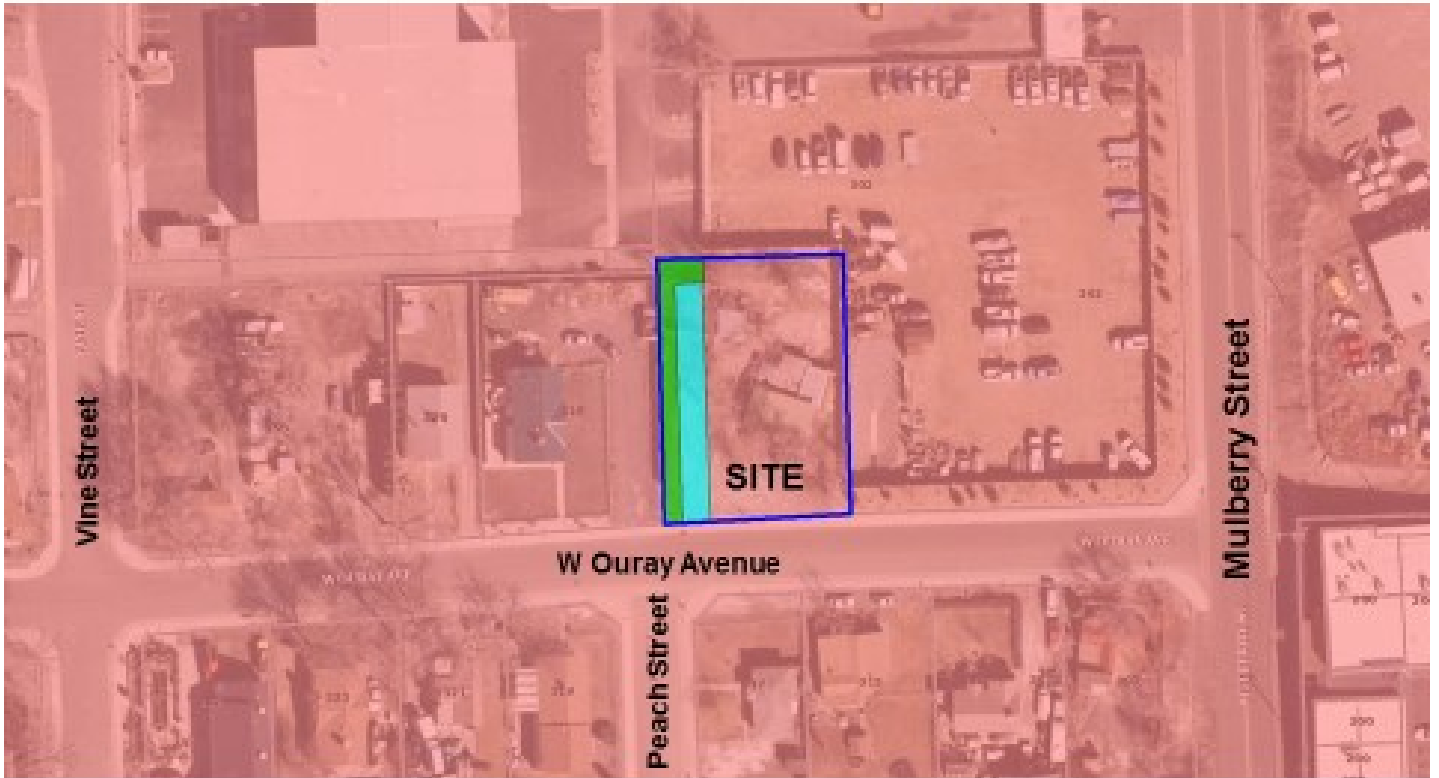
This criterion has been met.



FINDINGS OF FACT/CONCLUSIONS

After reviewing the Padilla-Ulibarri easement vacation application, VAC-2015-350 for the vacation of a public utility easement, I make the following findings of fact and conclusions:

5. The requested easement vacation does not conflict with the Comprehensive Plan.
6. The review criteria in Section 21.02.100 of the Grand Junction Zoning and Development Code have all been met.

Site Location Map



-  Easement area to be vacated
-  Easement area to be retained

Aerial Photo Map



Future Land Use Map



Zoning Map



CITY OF GRAND JUNCTION

RESOLUTION NO.

**A RESOLUTION VACATING A PORTION OF A PUBLIC UTILITY EASEMENT
LOCATED AT 314 W. OURAY AVENUE**

RECITALS:

A vacation of the dedicated utility easement for has been requested by the adjoining property owner.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal 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 utility easement for is hereby vacated subject to the listed conditions:

2. Applicants shall pay all recording/documentary fees for the Vacation Resolution, any easement documents and dedication documents.

The following easement is shown on "Exhibit A" as part of this vacation of description.

Dedicated easement to be vacated:

A parcel of land situate in the NE 1/4 SE 1/4 of Section 15, Township 1 South, Range 1 West of the Ute Meridian, and a part of Carpenter's Sub-Division No. 2, Reception No. 9732, City of Grand Junction, Mesa County, Colorado, being described as follows:

The East 18.00 feet of vacated Peach Street adjoining Lot 12, Block 1 of said Carpenter's Sub-Division No. 2, EXCEPT the North 12.00 feet thereof.

AND

That portion of vacated W. Ouray Avenue adjoining the East 18.00 feet of Peach Street

on the south. The existing vacated right-of way is recorded under Reception No. 2369143.

PASSED and ADOPTED this _____ day of _____, 2016.

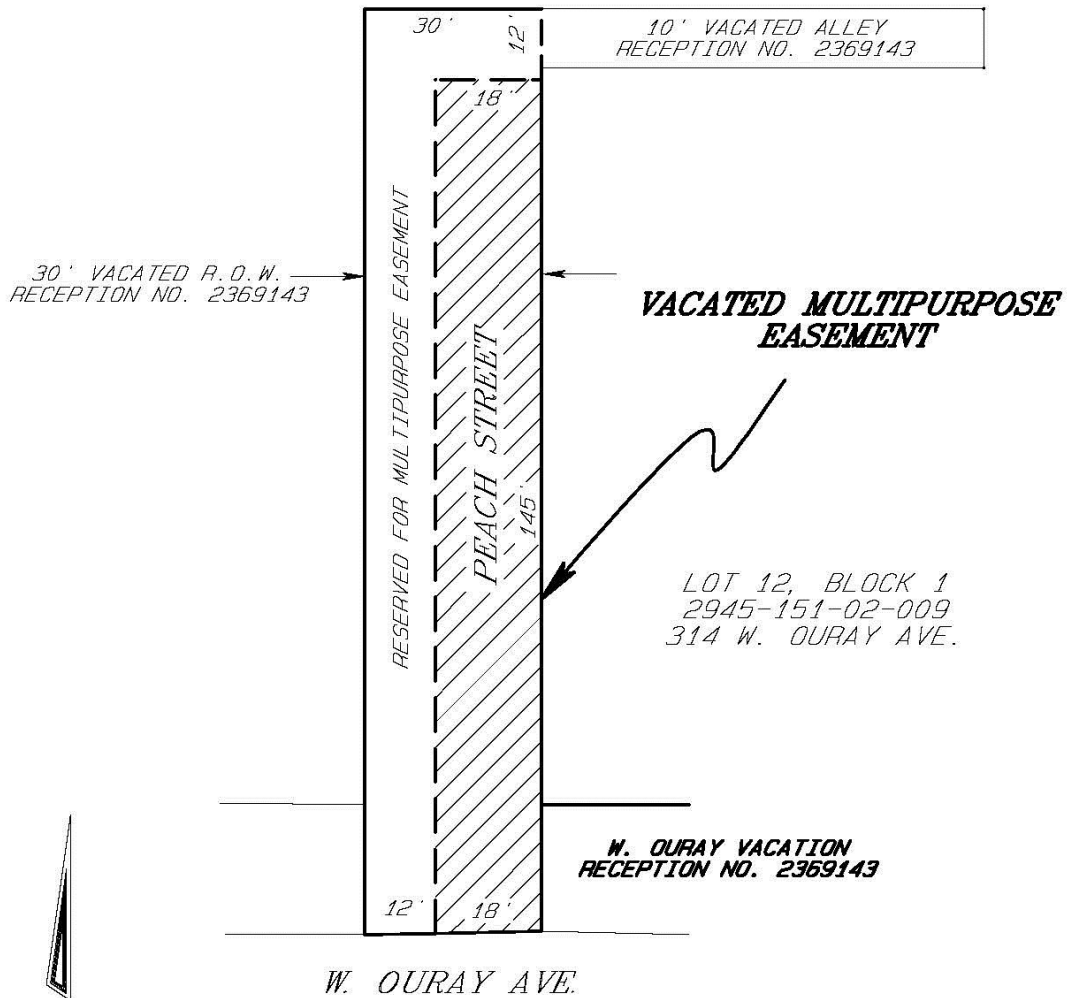
ATTEST:

President of City Council

City Clerk

EXHIBIT A

VACATED MULTIPURPOSE EASEMENT



SCALE 1" = 30'
LINEAR UNITS = U.S. SURVEY FEET

D H SURVEYS, INC.
970-245-8749
JOB #1482-16-01



Date: May 3, 2016
Author: Justin Vensel
Title/ Phone Ext: 4017
Proposed Schedule: May 18, 2016
2nd Reading (if applicable): N/A
File # (if applicable): IFB-4223-16-DH

CITY COUNCIL AGENDA ITEM

Subject: Contract for 2016 Roadway Repairs
Action Requested/Recommendation: Authorize the City Purchasing Division to Enter into a Contract with Asphalt Specialists & Supply, Inc. of Grand Junction, CO for the 2016 Roadway Repairs Project in the Amount of \$88,686
Presenter(s) Name & Title: Greg Lanning, Public Works Director Jay Valentine, Internal Services Manager

Executive Summary:

This request is to award a construction contract for the repairs of asphalt surfaces at designated locations to improve the driving surfaces. This work is, in part, to improve a couple of roads prior to the 2016 Chipseal project and to improve the rideability of 7th Street.

Background, Analysis and Options:

This work was not put in the original Contract Street Maintenance contract as it was small, piecemeal work that could more competitively bid if pulled out separately. The areas are as follows:

- Apricot Court: the cul-de-sac needs a partial reconstruction prior to chip seal.
- 29 ½ Road from F ½ Road to G Road. This road will receive a “pre-level” course of asphalt prior to chip seal in July/August. This section of roadway has significant trench settlement and the pre-level will improve the ride ability along this corridor.
- 7th Street from Glenwood Ave to Bookcliff Ave will have select locations over sewer line trenches filled and leveled as a temporary repair until 7th Street can be reconstructed. 7th Street currently proposed for reconstruction in 2017.
- West White Avenue was added after the bid opening utilizing unit pricing established in the bid. The east end of West White Ave is failing due to poor drainage which has recently been corrected.

A formal Invitation for Bids was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City’s Purchasing website, sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractors Association, and advertised in The Daily Sentinel. Three companies submitted formal bids, which were found to be responsive and responsible in the following amount:

Firm	Location	Amount
Asphalt Specialists and Supply, Inc.	Grand Junction, Co	\$ 83,186*
Oldcastle SW Group, Inc.	Grand Junction, CO	\$ 91,850
Elam Construction, Inc.	Grand Junction, CO	\$ 92,146

* A section of West White Avenue was added to the contract after the bid opening utilizing established unit pricing. The estimated cost for the repair work on West White Avenue is \$5,500.

This project is scheduled to begin on early June with an expected final completion date of late June.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air, and freight movement while protecting air, water and natural resources.

Street overlays improve the existing streets, provide longevity of the asphalt and prevent from having to reconstruct the street cross section at significant additional cost. This is a needed maintenance activity to maintain the existing street system to move traffic throughout the community safely and efficiently.

How this item relates to the Economic Development Plan:

This project relates to the Economic Development Plan by maintaining the existing street network infrastructure leads to general safety and improving the motorist efficiency to travel. The improved street network will continue to have the productive capacity needed for a growing economy and population.

Board or Committee Recommendation:

There is no board or committee recommendation.

Financial Impact/Budget:

The funding for this project is budgeted in the Sales Tax Capital Improvement fund and is detailed below. As some of the failing trenches to be filled/pre-leveled are sewer trenches, the sewer fund is being utilized for a portion of the project funding.

Sources

Contract Street Maintenance Budget	\$2,000,000
Sewer Fund Project Budget (Roadway Repairs)	26,170
Water Fund Project (Street Overlay Project)	<u>33,65</u>
	<u>5</u>
Total Project Sources	\$2,059,825

Expenditures

<i>Construction Contract Roadway Repairs</i>	\$
	88,6
	86
Contract Street Maintenance Contract (Prior Action)	<u>1,907,774</u>
Total Project Expenditures	\$1,996,460
 Remaining Budget	 \$ 63,365

Legal issues:

If awarded the form of the contract will be reviewed by the City Attorney.

Other issues:

No other issues have been identified.

Previously presented or discussed:

The 2016 Contract Street Maintenance budget was part of the 2016 budget discussions.

Attachments:

No attachments.



Date: May 6, 2016

Author: Tim Barker

Title/ Phone Ext: 1532

Proposed Schedule: May 18, 2016

Bid #: IFB-4222-16-NJ

CITY COUNCIL AGENDA ITEM

Subject: Fleet Services Division Tire Purchases

Action Requested/Recommendation: Authorize the City Fleet Division to Purchase New Tires from Commercial Tire Service and Recapped Tires and Contract Large Tire Repairs from Standard Tire and Retread

Presenter(s) Name & Title: Jay Valentine, Internal Services Manager

Executive Summary:

The request is to purchase new passenger car, truck, and equipment tires from Commercial Tire Service, purchase Michelin Fire Truck tires and Good Year Ambulance tires from Commercial Tire Service along with road call services, contract truck tire repair and purchase recapped tires from Standard Tire, and purchase other size tires not listed from Commercial Tire Service who will honor State bid listed price.

Background, Analysis and Options:

Fleet services budgets roughly \$135,000 annually for tire purchases and large truck and equipment tire repairs. Every year there are 10-15 percent price increases in tire costs due to the fluctuations in petroleum prices. A tire contract is one way to control these increases by bidding the most used sizes. It also helps with consistency in tire brand and tread pattern which is critical on today's vehicles. The bid document was split into sections for Passenger, Truck / Equipment, Recap and repair. The request is to make a split award as indicated on the attached bid recap sheet.

The reason for awarding by group is simplicity. It would not be in the City's best interest to pull out a sheet for each tire needed and figure out whom to purchase it from. This way all passengers come from the same place, only one place needs to pick up worn or flat tires to cap and repair. Fire and ambulance specific tires also have the same vendor.

A formal invitation for bids was issued and advertised in The Daily Sentinel. Four companies submitted formal bids, all of which were found to be responsive and responsible.

Company	Passenger/ truck	Caps/Repair	Emergency
GRC Tire Center			
Standard Tire		X	
Commercial Tire	X		X
Big O Tires			

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 12: *Being a regional provider of goods and services the City will sustain, develop and enhance a healthy, diverse economy.*

Two of the responding companies are locally owned private companies. The other national tire chains employ locals at both of their in town locations

Board or Committee Recommendation:

There is no board or committee recommendation.

Financial Impact/Budget:

Funds for these purchases have been budgeted in the Fleet annual budget process

Legal issues:

There are no known legal issues arising out of the procurement and/or recommended awards.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This has not been previously discussed with the exception of budget discussions.

Attachments:

None



Date: May 13, 2016
Author: Jim Finlayson
Title/ Phone Ext: 1525
Proposed Schedule: May 18, 2016
File # (if applicable): _____

CITY COUNCIL AGENDA ITEM

Subject: Amend Microsoft Enterprise Agreement to Convert Office Pro Licenses to Office 365 Licenses

Action Requested/Recommendation: Authorize the Purchasing Division to Amend the Current Microsoft Enterprise Agreement Administered by Insight Public Sector under the State of Colorado Master Agreement to include 700 Office 365 licenses beginning June 1, 2016 for the Amount of \$73,140

Presenter(s) Name & Title: Jim Finlayson, Information Technology Director
Jay Valentine, Internal Services Manager

Executive Summary:

The Information Technology Division would like to amend the Microsoft Enterprise Agreement to upgrade existing Microsoft Office Pro licenses to Microsoft Office 365 subscription licenses for the amount of \$73,140. The purchase will allow the City to replace Novell GroupWise, Filr, and Vibe with cloud based Microsoft Exchange (Outlook), One Drive, and SharePoint software systems. The cost includes email conversion services and a credit for \$10,000 in third-party consulting services to assist with the implementation.

Background, Analysis and Options:

The City of Grand Junction has a long history of utilizing desktop and enterprise software applications to enhance the efficiency of the City's workforce. Beginning in the 1980's, the City has utilized network and email systems from Novell, which, at the time, was the dominant network provider. Microsoft, initially a producer of desktop office software, began competing strongly with Novell for network and enterprise applications during the 1990's and eventually became the dominant software provider during the 2000's.

As the City has updated or replaced software applications over the past ten years, new systems have relied more and more heavily on the underlying network, database, and email software produced by Microsoft. The IT Division began migrating the City network to Microsoft Active Directory in 2015 and completed the transition in 2016. For the most part, the move has been transparent to end users.

This purchase will allow the City to replace all but one Novell software application and complete the transition to Microsoft Exchange (email), One Drive, and SharePoint. At the same time, converting Microsoft Office Pro licenses to cloud based Office 365

licenses will allow the City to take advantage of the efficiencies and cost savings that cloud based computing services offer. The cost savings from not licensing Novell software will pay for the Office 365 subscription licenses. This conversion was budgeted for in 2016.

How this item relates to the Comprehensive Plan Goals and Policies:

Effective technology is critical for all of the services provided by the City. This purchase updates the underlying communication technology used by all employees to communicate both internally and externally. Utilizing cloud email services enhances the resiliency of the system and ensures that it is available anywhere that Internet is available.

How this item relates to the Economic Development Plan:

This purchase supports all areas of the Economic Development Plan by ensuring effective communication capabilities across all City departments and between City employees and citizens, economic partners, and current and potential businesses.

Board or Committee Recommendation:

This purchase has been reviewed and approved by the IT Advisory Team.

Financial Impact/Budget:

The funds for this purchase have been budgeted and appropriated as part of the 2016 budget.

Legal issues:

No legal issues have been identified.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This purchase was discussed as part of the 2016 budgeting process and included in the Council Workshop discussion on October 19, 2015.

Attachments:

None.



CITY COUNCIL AGENDA ITEM

Date: [May 5, 2016](#)
Author: [Kristen Ashbeck](#)
Title/ Phone Ext: [Senior Planner x1491](#)
Proposed Meeting Date:
Hearing : [May 18, 2016](#)
[2nd Meeting with Action Plan,](#)
[Consolidated Plan and Analysis of](#)
[Impediments to Fair Housing Choice:](#)
[June 15, 2016](#)
File: [CDBG 2016-01](#)

Subject: Public Hearing – Community Development Block Grant (CDBG) 2016 Program Year Funding Requests

Action Requested/Recommendation: Approve the CDBG City Council Workshop Recommendations for Funding the 2016 Program Year Including Amendments to Action Plans for Previous Program Years and Set a Public Hearing for Adoption of the 2016 One-Year Action Plan for June 15, 2016

Presenter(s) Name & Title: Tim Moore, Interim City Manager
Kristen Ashbeck, CDBG Administrator

Executive Summary: City Council will consider which activities and programs to fund for the Community Development Block Grant (CDBG) 2016 Program Year. The City will receive \$384,713 for the 2016 Program Year which begins September 1, 2016. In addition, Council will consider amendments to the Action Plans from prior program years to utilize a total of \$117,866 remaining funds to be allocated with the 2016 funds.

At this meeting, the City Council will receive public input on the use of the 2016 CDBG allocation.

Background, Analysis and Options: CDBG funds are a Department of Housing and Urban Development (HUD) entitlement grant to the City of Grand Junction which became eligible for the funding in 1996. The City's 2016 Program Year will begin September 1, 2016. Applications for funding were solicited and received by the City in March. The City has received grant requests of \$570,022 from outside agencies and has identified City capital improvements projects totaling \$580,120 that would be eligible for CDBG funding for a total of \$1,150,142 in grant requests. The City will receive \$384,713 for the 2016 Program Year and will consider amendments to Action Plans of previous program years to utilize a total of \$117,866 remaining funds to be allocated with the 2016 funds.

At its April 18, 2016 workshop, City Council established a work plan for the 2016 Program Year by recommending which projects should be funded. In addition, City Council considered re-distribution of a portion of remaining 2013, 2014 and 2015 funds

as detailed below.

2013 Annual Action Plan Activities Affected – Funds to be Reallocated in 2016

- Head Start Facilities Security Upgrades – A portion of the \$28,050 grant was used to upgrade the Riverside Head Start facility. However, Head Start was unable to locate a new facility to be upgraded within the grant timeframe so the remaining \$23,988 was not expended.

2014 Annual Action Plan Activities Affected – Funds to be Reallocated in 2016

- Salvation Army Kitchen Remodel – A small portion of the \$25,000 grant (\$105) was not expended
- Marillac Clinic Administration Area Remodel – Due to its new designation as a community health center, Marillac Clinic needed to reevaluate space needs and were unable to expend the \$60,000 grant to remodel the administration areas of the Clinic.
- CDBG Administration – Originally, 2014 CDBG administration funds were earmarked to fund the Grand Valley Housing Study. Instead, the study was largely funded by donations from community housing partners and a grant from the Department of Local Affairs. Thus, \$9,863 of the 2014 administration funds were not expended.

2015 Annual Action Plan Activities Affected – Funds to be Reallocated in 2016

- Mind Springs Health Administration Expansion - \$23,910 not expended

The final funding decision will be made by the City Council at its meeting on May 18, 2016 and final adoption of the 2016 Program Year Action Plan will occur at the June 15, 2016 meeting along with consideration of the Five Year Consolidated Plan and the Analysis of Impediments to Fair Housing Choice study. Attached is a summary of the applications for 2016 funding.

How this item relates to the Comprehensive Plan Goals and Policies:

The projects proposed for CDBG funding meet the following goal of the Comprehensive Plan.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy. Projects to be funded through the CDBG program will provide facilities and services that enhance our community, particularly for the benefit of low and moderate income citizens and neighborhoods and special needs populations.

How this item relates to the Economic Development Plan:

The Community Development Block Grant (CDBG) program provides assistance to agencies and organizations that help low and moderate income and special needs populations stabilize their lives, obtain jobs and move towards self-sufficiency.

Board or Committee Recommendation: No board or committee reviews this.

Financial Impact/Budget: 2016 CDBG appropriation is \$384,713 and the balance of non-allocated and unexpended funds from 2013, 2014 and 2015, of \$117,866 for a total allocation amount of \$502,579.

Summary of Recommended Funding: On April 18, 2016 City Council met in a workshop to discuss the funding requests and recommended funding for the projects listed below and on the attached spreadsheet of funding requests.

	PROPOSED PROJECT	RECOMMENDED FUNDING	FUNDS LEVERAGED
1	Program Administration	\$43,000	-
2	HopeWest PACE Center Therapy Equipment	\$10,000	\$11,100
3	Marillac Clinic Dental Operatories	\$19,832	\$29,747
4	Western CO Suicide Prevention Bridges Program	\$5,874	\$10,926
5	Senior Companion Program	\$8,000	\$223,617
6	Foster Grandparent Program	\$8,000	\$343,371
7	Counseling and Education Center Low Income Counseling	\$6,000	\$264,131
8	Center for Independence Accessible Riser	\$18,750	\$850
9	Housing Resources of Western CO Phoenix Project Housing Rehabilitation	\$7,750	\$2,280
10	HopeWest PACE Center Kitchen Equipment	\$28,000	\$27,700
11	Grand Junction Housing Authority Nellie Bechtel Housing Rehabilitation	\$75,000	\$5,556,327
12	Karis, Inc. Zoe House Acquisition	\$50,000	\$182,543
13	City of Grand Junction Nisley Elementary Safe Routes to School	\$90,000	-

14	City of Grand Junction El Poso Neighborhood Pedestrian Improvements/Safe Routes to School	\$45,000	-
15	City of Grand Junction Downtown Senior Recreation Center Rehabilitation	\$87,373	\$34,533

Total Allocation: \$502,579

Total Funds Leveraged: \$6,687,125

Legal issues: The process for allocating funding is specified in the HUD/CDBG regulations. Close adherence to those regulations ensures that the funding may be properly awarded and used in the community. The City Attorney is aware of no regulatory/compliance issues in the local administration of the program.

Other issues: No other issues have been identified.

Previously presented or discussed: City Council discussed this item at its April 18, 2016 workshop.

Attachments:

- A. Summary of 2016 Funding Requests
- B. CDBG Evaluation Criteria
- C. 2016 CDBG Program Year Schedule
- D. History of CDBG Projects 1996-2015
- E. Spreadsheet of 2016 Funding Requests

ATTACHMENT A: SUMMARY OF 2016 FUNDING REQUESTS

1 Program Administration – Cannot Exceed 20% of Allocation (\$76,942)

The City allocated \$43,000 2015 CDBG funds for general administration of the program and a portion of staff salary (\$40,000 towards staff salary and \$3,000 for other program administration costs). These funds will be expended by September 2016. Council can consider what level of CDBG funding they would like to use for 2016 Program Administration.

Funds Requested: \$43,000
Recommended Funding: \$43,000

SERVICES PROJECTS – Cannot Exceed 15% of 2016 Allocation (\$57,706)

2 HopeWest PACE Center

HopeWest is launching a Program of All-Inclusive Care for the Elderly (PACE) to provide care to the frail elderly. The program goal is to meet the healthcare needs of this population so they can stay in their own homes and will include in-home care as well as services at the PACE Center. This grant would be used to purchase therapy equipment for the program to be operated at 2754 Compass Drive. The grant amount requested is based on the number of estimated participants in the program that will live in the City limits. HopeWest received \$7,242 CDBG funding in 2013 for its teen grief programs. All funds have been expended and project closed out.

Total Project Cost: \$21,100
Funds Requested: \$14,900
Recommended Funding: \$10,000

FUNDING CONCERNS: Applicant will need to document household income and determine if the client lives within the City limits.

3 Marillac Clinic, Inc. – Replace Two Dental Operatories

Marillac Clinic, Inc. recently attained a designation as a Federally Qualified Community Health Center and, thus, are undergoing many changes and significant increase in services. In doing so, Marillac gave up a \$60,000 2014 CDBG grant to remodel the administration area of its facility so that they can reassess space needs based on the new designation. The main clinic has 13 dental operatories (chairs) which have all been recently inspected and all must be replaced as the patient volume increases. The two operatories identified to be replaced with this grant are the highest priority. The grant amount requested is based on 40 percent of Marillac's patients residing in the City thus 40% of project costs is eligible to be funded with CDBG. Marillac received several CDBG grants in the past: 2001 (\$200,000), 2013 (two grants \$10,000 and \$23,190) and (2014) \$60,000. All funds have been expended and the projects

closed out with the exception of the \$60,000 grant which has been withdrawn (funds being reallocated with 2016 funds).

Total Project Cost: \$49,579
Funds Requested: \$19,832
Recommended Funding: \$19,832

FUNDING CONCERNS: Applicant will need to document household income and determine if the client lives within the City limits.

4 Western Colorado Suicide Prevention Foundation – Bridges Program

The Bridges program provides emergency counseling for children, teens and young adults at risk for suicide who do not have financial resources to obtain assistance. Western Colorado Suicide Prevention Foundation received \$8,860 2015 CDBG funds which have not been expended due to inability to identify clients that will participate that live in the City limits. However, they have developed some new strategies and expect to expend the 2015 funds within the current contract period by December 2016. The 2016 funds requested will be used to pay for up to 80 therapy sessions for 10 more students and support outreach to families and make presentations in three Grand Junction schools.

Total Program Cost: \$15,360
Funds Requested: \$7,600
Recommended Funding: \$ 5,874

FUNDING CONCERNS: Applicant will need to document household income and determine if the client lives within the City limits.

5 St. Mary's Foundation – Senior Companion Program

The Senior Companion Program enables low to moderate income active seniors to assist other low income frail, elderly persons so that these persons can continue to live at home rather than in an assisted living facility. CDBG funds would be used to reimburse 2 new volunteers that live within the City limits for mileage expenses that support 10 more clients within the City limits. The Senior Companion Program has received CDBG funding for this same purpose in 2003 (\$5,000), 2004 (\$8,000), 2007 (\$10,000), 2009 (\$12,000), 2011 (\$8,000), 2012 (\$8,000), 2013 (\$8,000) and 2014 (\$10,000). All funds have been expended and projects closed out.

Total Program Cost: \$231,617
Funds Requested: \$10,000
Recommended Funding: \$ 8,000

FUNDING CONCERNS: Applicant will need to document household income and determine if the client lives within the City limits, as well as demonstrate growth

in the program.

6 St. Mary's Foundation – Foster Grandparent Program

This program places low income senior volunteers in school, day care, Head Start, preschool, and safe house facilities to help children with special needs. Funding would allow for the addition of 6 volunteers to serve 66 more students. Foster Grandparent Program has received CDBG funding for this same purpose in 2003 (\$5,000), 2004 (\$7,000), 2007 (\$10,000), 2010 (\$12,000), 2011 (\$10,000), 2012 (\$10,000), 2013 (\$10,000) and 2015 (\$8,998). All funds have been expended and projects closed out except for 2015 which has 25% of funds remaining to be expended by December 2016.

Total Program Cost: \$351,371
Funds Requested: \$10,000
Recommended Funding: \$8,000

FUNDING CONCERNS: Applicant will need to document household income and determine if the client lives within the City limits, as well as demonstrate growth in the program.

7 Counseling and Education Center (CEC) - Low Income Counseling Services

This program provides counseling services for low income citizens. Funds are requested to help pay for 84 more counseling sessions for an estimated 21 clients. The number of persons served is directly related to the amount of funding received. CEC received CDBG funding for this purpose in 2007 (\$7,181), 2010 (\$6,682), 2012 (\$7,000), 2013 (\$7,000) and 2014 (\$3,000). All funds have been expended and the projects closed out.

Total Program Cost: \$270,131
Funds Requested: \$6,000
Recommended Funding: \$6,000

FUNDING CONCERNS: Applicant will need to document household income and determine if the client lives within the City limits.

CAPITAL IMPROVEMENTS PROJECTS

8 Center for Independence – Accessible Riser to Second Floor

The Center for Independence promotes community solutions and empowers individuals with disabilities to live independently. The agency owns and operates the building at 740 Gunnison Avenue for its programs but also leases space on the second floor to a variety of other organizations including Volunteers of America, Grand Valley Peace and Justice, national Alliance on Mental Health, Housing Resources of Western Colorado, Western Colorado Suicide Prevention; Firefly Autism West, Bill Hurd and Western Writers Forum. The building has

three stairwells but no elevator or other means for accessibility to the second floor. CDBG funds are requested to purchase and install an inclined platform riser on one of the stairways. The lift/riser will eliminate architectural barriers and increase the number of agency consumers with access to the second floor. The Center for Independence has received several CDBG grants in the past: 2003 (\$20,000), 2008 (\$9,500), 2010 (\$34,100) and 2011 (\$30,475). All funds have been expended and projects closed out.

Total Project Cost: \$19,600
Funds Requested: \$18,750
Recommended Funding: \$18,750

FUNDING CONCERNS: None

9 Housing Resources of Western Colorado – Phoenix Project Rehabilitation

In partnership with HomewardBound, Housing Resources provides affordable, transitional housing for homeless veterans at the Phoenix Project building at 1333 North 13th Street. Six of the eight apartment units have been remodeled since the building was acquired in 2004. Housing Resources would like to rehabilitate the remaining two units, utilizing CDBG funds to remodel the kitchens and bathrooms. CDBG funds have been granted to Housing Resources in 2000 (\$55,000), 2001 (\$130,000), 2004 (\$50,000), 2005 (\$35,000), 2009 (\$120,000) and 2015 (\$22,500) for the acquisition and rehabilitation of various housing developments. All funds have been expended and the projects closed out except for 2015 which has a 95% remaining balance.

Total Project Cost: \$10,300
Funds Requested: \$7,750
Recommended Funding: \$7,750

FUNDING CONCERNS: None

10 Housing Resources of Western Colorado – Woodstove Replacement

Housing Resources has had program in the past to replace non-EPA approved woodstoves in homes to improve overall air quality in the area. CDBG funds are requested to help reinstate the program and would be used to replace 10-15 woodstoves and ensure they are properly installed. CDBG funds have been granted to Housing Resources in 2000 (\$55,000), 2001 (\$130,000), 2004 (\$50,000), 2005 (\$35,000), 2009 (\$120,000) and 2015 (\$22,500) for the acquisition and rehabilitation of various housing developments. All funds have been expended and the projects closed out except for 2015 which has a 95% remaining balance.

Total Project Cost: \$45,000
Funds Requested: \$30,000
Recommended Funding: \$0

FUNDING CONCERNS: An Environmental Review will need to be completed for each property proposed for rehabilitation. Applicant will need to document household income and determine if client lives within the City limits.

11 Riverside Task Force, Inc. – Acquisition for Expansion of Dual Immersion Academy (DIA)/Riverside Community Center Campus

The Riverside Task Force, Inc. (RTF) is seeking to expand the Riverside School Campus through the acquisition of the last remaining residential parcel east of the school. The current campus consists of the DIA elementary school, the Community Center in the old Riverside School which also houses some uses for the school and is utilized by Riverside Educational Center, a playground and parking areas. The restored school has achieved optimal usage, with the majority of the 4,000 square feet of functional space being utilized by the elementary school, the after-school programs and other community uses on evenings and weekends. The house would be used to provide office space and expand community services.

The City awarded 2008 and 2009 (total \$326,474) CDBG funds to the Riverside Task Force to acquire and demolish the structures on two properties east of the campus and School District 51 has acquired with other funds and demolished the structures on one property east of the campus.

Total Project Cost: \$85,000
Funds Requested: \$85,000
Recommended Funding: \$0

FUNDING CONCERNS: Acquisition and remodel of the building to meet building and fire codes will trigger Federal environmental and relocation requirements. The associated costs of the remodel and required compliance have not yet been determined or budgeted.

12 HopeWest PACE Center

HopeWest is launching a Program of All-Inclusive Care for the Elderly (PACE) to provide care to the frail elderly. The program goal is to meet the healthcare needs of this population so they can stay in their own homes and will include in-home care as well as services at the PACE Center. This grant would be used to purchase commercial appliances for a kitchen to be used for the program. The grant amount requested is based on the number of estimated participants in the program that will live in the City limits. HopeWest received \$7,242 CDBG funding in 2013 for its teen grief programs. All funds have been expended and project closed out.

Total Project Cost: \$55,700
Funds Requested: \$38,990
Recommended Funding: \$28,000

FUNDING CONCERNS: Applicant will need to document household income and determine if the client lives within the City limits.

13 Grand Valley Catholic Outreach (GVCO) – Pave Alley Behind St. Martin Housing Development

GVCO constructed the St. Martin housing development at 415 Pitkin Avenue with 24 units for homeless veterans. The alley behind the units between 2nd and 3rd Street is not paved and in poor condition. CDBG funds are requested to pave the alley. GVCO has received CDBG funding in the past: 1996-1999, (\$73,131), 2000 (\$130,000), 2001 (\$10,000), 2002 (\$50,000), 2010 (\$88,725), 2011 (\$50,000), 2012 (\$12,638), and 2015 (\$4,000). All projects have been completed and closed out except for 2015 which is expected to be completed in Spring 2016.

Total Project Cost: \$110,000
Funds Requested: \$80,000
Recommended Funding: \$0

FUNDING CONCERNS: The amount requested is not enough to cover standard design. If awarded funds, the City would design and build with a cost estimate of \$105,000-\$110,000.

14 Grand Junction Housing Authority – Highlands Senior Housing

Withdrawn by Applicant

Total Project Cost: \$ -
Funds Requested: \$ 0

15 Grand Junction Housing Authority – Nellie Bechtel Rehabilitation

The Housing Authority recently acquired Nellie Bechtel Apartments and will upgrade/rehabilitate the 96 units and community room. CDBG funds are requested to begin the first phase of rehabilitation to include replacement of evaporative coolers on all buildings and replace ranges in each unit. GJHA received CDBG funds in 1996 (\$330,000), 1999 (\$205,000), 2002 (\$41,720), 2003 (\$335,450), 2005 (\$127,500), 2006 (\$178,630), 2009 (\$100,000), 2011 (\$101,205) and 2014 (\$50,000) for numerous housing developments. All projects have been completed and closed out.

Total Project Cost (including acquisition): \$5,631,327
Funds Requested: \$161,200
Recommended Funding: \$75,000

FUNDING CONCERNS: None

16 Karis, Inc. – Purchase Zoe House

Karis, Inc. provides housing and services to homeless adults, teens and youth who are looking to move aggressively towards self-sufficiency. It currently leases the Zoe House which provides 6-month to two year housing and transitional program for youth recovering from sexual assault, domestic violence or date stalking. CDBG funds are requested towards Karis' purchase of the Zoe House. Karis received CDBG funds in 2012 (\$85,000) and 2015 (\$10,200). Funds have been expended except for a \$150 balance of the 2015 funds that are expected to be expended in Spring 2016.

Total Project Cost: \$232,543
Funds Requested: \$50,000
Recommended Funding: \$50,000

FUNDING CONCERNS: None

17 A: City of Grand Junction – Nisley Elementary Safe Routes to School

This project would construct approximately 550 linear feet of missing curb, gutter and sidewalk along the walking route for Nisley Elementary students on the east side of 28-3/4 Road. Of the two Safe Routes to School proposals, this is the higher priority for the Urban Trails Committee. The Nisley Elementary School neighborhood is CDBG-eligible.

Total Project Cost: \$90,000
Funds Requested: \$90,000
Recommended Funding: \$90,000

FUNDING CONCERNS: None

B: El Poso Neighborhood Pedestrian Improvements/Safe Routes to School

This project would construct approximately 270 linear feet of missing curb, gutter and sidewalk, a retaining wall and an accessible ramp along the west side of Mulberry Street from Broadway to West Ouray Street. It would provide pedestrian improvements to the El Poso neighborhood as well as improve Safe Routes to School for students walking to West Middle School and Grand Junction High School. The El Poso neighborhood is CDBG-eligible.

Total Project Cost: \$45,000
Funds Requested: \$45,000
Recommended Funding: \$45,000

FUNDING CONCERNS: None

18 City of Grand Junction – Senior Recreation Center Rehabilitation

The Downtown Senior Recreation Center was constructed in 1976 and is in need of rehabilitation. CDBG funds are requested in order to address the most critical

elements including a roofing and wood siding, exterior doors and emergency lighting. 85% of the seniors that utilize the center are City residents, thus 15% of the eligible project costs would be budgeted elsewhere.

Total Project Cost: \$121,906
Funds Requested: \$103,620
Recommended Funding: \$87,373

FUNDING CONCERNS: None

19 A: City of Grand Junction – Orchard Mesa Neighborhood Drainage Improvements

This project would replace an existing 42-inch diameter storm water and drainage culvert under Palisade Street on Orchard Mesa. This drainage channel conveys storm water from approximately 50% of the Orchard Mesa basin. The condition of the pipe puts conveyance of the storm flows at risk. Construction would protect approximately 25 to 30 homes in the vicinity from potential flooding. This area of Orchard Mesa is CDBG-eligible.

Total Project Cost: \$14,500
Funds Requested: \$14,500
Recommended Funding: \$0

FUNDING CONCERNS: None

B: City of Grand Junction – Downtown Neighborhood Drainage Improvements

This project would connect a storm sewer inlet to the storm sewer system in the alley between 17th and 19th Streets and Rood and White Avenues. This inlet would provide for mitigation of localized flooding of 5 properties in the vicinity. This area of downtown is CDBG-eligible.

Total Project Cost: \$25,000
Funds Requested: \$25,000
Recommended Funding: \$0

FUNDING CONCERNS: None

20 A: City of Grand Junction – Emerson Park Restroom Improvements

This project would remove the existing restroom and construct a new restroom and trails at Emerson Park. This area of downtown is a CDBG-eligible neighborhood. The existing restroom was constructed in 1950 and is dated, dilapidated and requires significant ongoing maintenance. Cost savings can be realized on the project through City Parks employees doing some of the initial site preparation and reusing the architectural plans from the restroom facilities

recently constructed in other City parks.

Total Project Cost: \$57,500 - \$118,100

Funds Requested: \$112,000

Recommended Funding: \$0

FUNDING CONCERNS: None

20 B: City of Grand Junction – Whitman Park Restroom Improvements

This project would either remodel the existing or provide for construction of a new restroom, sidewalk and/or shelter at Whitman Park. This area of downtown is a CDBG-eligible neighborhood. The existing restroom was constructed in 1950 and is dated, dilapidated and requires significant ongoing maintenance. Cost savings can be realized on the project through City Parks employees doing some of the initial site preparation and reusing the architectural plans from the shelter/restroom facilities recently constructed in other City parks.

Range of Cost Depending on Option: \$57,500 - \$193,600

Funds Requested: \$40,200 - 190,000

Recommended Funding: \$0

FUNDING CONCERNS: This project might be premature until a redevelopment strategy is established for the Park.

ATTACHMENT B CDBG EVALUATION CRITERIA

Applications for CDBG funding will be judged by the following criteria:

- Proposed project meets national Objectives, is an eligible project and meets Consolidated Plan goals
- Ability of the applicant to complete the project
- Agency capacity – history of performance, staff level and experience, financial stability
- Amount requested
- Request by applicant is consistent with agency needs

CDBG NATIONAL OBJECTIVES

The mission of the CDBG program is the “development of viable urban communities by providing decent housing and a suitable living environment, and expanding economic opportunities, principally for persons of low and moderate income.” Therefore, projects funded must address one or more of the following national objectives:

- Benefits low and moderate income persons
- Eliminates or prevents slum or blight
- Address an urgent community need (usually a natural disaster)

GRAND JUNCTION PRIORITIES 2016 FIVE YEAR CONSOLIDATED PLAN

The Grand Junction City Council maintains a commitment to use CDBG funds for facilities, services, and infrastructure that directly benefits low-income households in Grand Junction. The Five Year Consolidated Plan outlines the following five priorities for the expenditure of CDBG funds.

- Need for non-housing community development infrastructure
- Need for affordable housing
- Needs of the homeless
- Needs of special needs populations and other human services

**ATTACHMENT C
CITY OF GRAND JUNCTION
2016 CDBG PROGRAM YEAR SCHEDULE**

Thursday February 11	APPLICATION WORKSHOP 2016 CDBG Program Year Grant Applications Available
Wednesday March 23	DEADLINE for Grant Applications
March 19 – April 20	30-Day PUBLIC REVIEW Analysis of Impediments to Fair Housing Choice Report
March 24 – April 7	STAFF REVIEW of Applications
By April 8	STAFF REPORT for Council Workshop
Monday April 18	CITY COUNCIL WORKSHOP Review Executive Summaries for Five-Year Consolidated Plan and Analysis of Impediments to Fair Housing Choice Make recommendations on which projects to fund for 2016
Wednesday May 18	CITY COUNCIL PUBLIC HEARING City Council reviews workshop recommendations and makes decision on which projects to fund for 2016 Program Year
June 6 – July 8	30-Day PUBLIC REVIEW of Five-Year Consolidated Plan and 2016 Annual Action Plan
Wednesday June 15	CITY COUNCIL PUBLIC HEARING Final acceptance of Five-Year Consolidated Plan, Analysis of Impediments to Fair Housing Choice and 2016 Annual Action Plan recommended by Council at May meeting
By July 15	SUBMIT Five-Year Consolidated Plan, Analysis of Impediments to Fair Housing Choice and 2016 Annual Action Plan to HUD. 45-day HUD review period required
August 31	RECEIVE HUD APPROVAL
September 1	BEGIN 2016 Program Year BEGIN CONTRACTS WITH SUBRECIPIENTS

ATTACHMENT D: CDBG PROJECTS BY PROGRAM YEAR 1996-2015

1996 PROGRAM YEAR – All Projects Completed

- Habitat for Humanity Property Acquisition - \$80,000
- Catholic Outreach Homeless Day Center - \$30,000
- Program Administration - \$44,000
- GJHA Lincoln Apartments Property Acquisition - \$330,000

1997 PROGRAM YEAR – All Projects Completed

- Catholic Outreach Homeless Day Center - \$10,000
- Marillac Clinic Elevator and Program Costs - \$90,000
- South Avenue Reconstruction - \$330,000
- Program Administration - \$47,000

1998 PROGRAM YEAR – All Projects Completed

- Catholic Outreach Homeless Day Center - \$17,131
- Colorado West Mental Health Transitional Living Center - \$25,000
- Salvation Army Hope House Shelter - \$25,000
- Mesa Developmental Services Group Home Rehabilitation - \$200,000
- Elm Avenue Sidewalk - \$157,869
- Program Administration - \$44,000

1999 PROGRAM YEAR – All Projects Completed

- GJHA Homeless Shelter Acquisition - \$205,000
- Catholic Outreach Homeless Day Center - \$16,000
- Salvation Army Hope House Shelter - \$25,000
- Riverside Drainage Improvements - \$200,000
- Program Administration - \$26,000

2000 PROGRAM YEAR – All Projects Completed

- Catholic Outreach Day Center Acquisition - \$130,000
- Energy Office Linden Building Rehabilitation - \$55,000
- Riverside Drainage Improvements - \$200,000
- Head Start Classroom/Family Center - \$104,000

2001 PROGRAM YEAR – All Projects Completed

- The Energy Office – Housing Acquisition - \$200,000
- Catholic Outreach Transitional Housing services - \$10,000
- Marillac Clinic Dental Expansion - \$200,000
- Mesa County Partners Activity Center Parking/Landscaping - \$15,000
- Mesa Developmental Services Group Home Improvements - \$40,000

2002 Program Year – All Projects Completed

- Catholic Outreach Soup Kitchen Remodel - \$50,000
- Western Region Alternative to Placement Program Costs - \$10,000
- Homeward Bound Bunk Beds for Homeless Shelter - \$10,000

- Western Slope Center For Children Remodel - \$101,280
- GJHA Affordable Housing Pre-development/ costs - \$41,720
- Bass Street Drainage Improvements \$205,833
- Program Administration - \$50,000

2003 Program Year – All Projects Completed

- Riverside School Historic Structure Assessment - \$4,000
- Riverside School Roof Repair - \$15,000
- Center For Independence Purchase 4-passenger Accessible Van - \$20,000
- Western Region Alternative to Placement Program Costs - \$7,500
- The Tree House Teen Bistro Rehabilitation and Americorp Volunteer - \$20,000
- Gray Gourmet Program - \$5,050
- Foster Grand Parents Program - \$5,000
- Senior Companion Program - \$5,000
- GJHA Linden Pointe Infrastructure - \$335,450

2004 Program Year – All Projects Completed

- Program Administration - \$20,000
- Five-Year Analysis of Impediments to Fair Housing Study - \$15,000
- Gray Gourmet Program - \$10,000
- Foster Grand Parents Program - \$7,000
- Senior Companion Program - \$8,000
- Radio Reading Services of the Rockies - \$4,500
- Mesa County Health Dept Purchase Equipment - \$5,000
- Riverside School Roof Repair/Rehabilitation - \$47,650
- Senior Center Masterplan Study – \$20,000
- Hilltop Community Resources Energy Improvements - \$50,000
- Housing Resources Permanent Supportive Housing - \$50,000
- Hope Haven Roof Replacement - \$7,500
- Riverside Sidewalk Improvements - \$50,000
- Grand Avenue Sidewalk Improvements - \$60,000

2005 Program Year – All Projects Completed

- Program Administration \$25,000
- Salvation Army Adult Rehab Program - \$25,000
- Mesa County Partners Purchase 12-passenger Van - \$15,000
- GJHA Bookcliff Property Acquisition - \$127,500
- Housing Resources Install Handicap Lift at 8-plex for Homeless Veterans - \$30,000
- Ouray Avenue Storm Drain Enlargement - \$172,644

2006 Program Year – All Projects Completed

- Program Administration - \$69,656
- GJHA Village Park Property Acquisition - \$178,630
- Orchard Mesa Drainage Improvements - \$100,000

2007 Program Year – All Projects Completed

- Program Administration - \$4,808
- Audio Information Network of Colorado - \$4,500
- Center for Enriched Communication - \$7,181
- Gray Gourmet Program - \$20,500
- Foster Grandparent Program - \$10,000
- Senior Companion Program - \$10,000
- Hilltop Daycare/Family Center Remodel - \$24,547
- Homeless Shelter Screen Wall - \$40,000

2008 Program Year – All Projects Completed

- Senior Multiuse Campus Study - \$80,000
- Riverside Educational Center – Americorps Personnel - \$5,000
- Gray Gourmet Program - \$20,500
- Riverside Task Force Acquisition - \$220,900
- Partners W CO Conservation Corps Acquisition - \$100,000
- Center for Independence Vocational Center Remodel - \$9,500
- Melrose Park Restroom Replacement - \$108,201

2009 Program Year – All Projects Completed

- CDBG Program Administration - \$30,000
- HomewardBound Van Purchase - \$21,071
- Senior Companion Program - \$12,000
- GJHA Walnut Park Apartments - \$100,000
- Riverside Task Force Acquisition/Clearance - \$105,574
- MDS Group Home Remodel - \$40,000
- HRWC Garden Village Learning Center - \$120,000
- W Slope Center for Children Main Program Building Remodel - \$65,000
- Dual Immersion Academy Slope Stabilization/Landscaping - \$56,714

2010 Program Year – All Projects Completed

- CDBG Program Administration - \$60,000
- Gray Gourmet Program - \$20,500
- Foster Grandparent Program - \$12,000
- Partners Western CO Conservation Corps Van Purchase - \$17,000
- Counseling and Education Center - \$6,682
- Hawthorne Park Restroom Replacement - \$140,000
- HomewardBound Shelter Repairs and Improvements - \$6,000
- Center for Independence Energy Improvements - \$34,100
- Grand Valley Catholic Outreach Soup Kitchen Remodel - \$88,725

2011 Program Year – All Projects Completed

- CDBG Program Administration - \$30,000
- Grand Valley Catholic Outreach St. Martin Place - \$50,000
- BIC Downtown Economic Gardening - \$47,600
- GJHA Courtyard Apartments Remodel - \$101,205

- MDS Group Home Remodel - \$9,924
- Homeless Shelter Bathroom Remodel - \$30,000
- Center for Independence Kitchen Remodel - \$30,475
- Strong Families, Safe Kids Parenting Place Remodel - \$9,371
- St. Mary's Senior Companion Program - \$8,000
- St. Mary's Foster Grandparent Program - \$10,000

2012 Program Year – All Projects Completed

- CDBG Program Administration - \$5,000
- St. Mary's Foster Grandparent Program - \$10,000
- St. Mary's Senior Companion Program - \$8,000
- St. Mary's Gray Gourmet Program - \$11,125
- CEC Low Income Counseling Services - \$7,000
- Karis The House Acquisition - \$85,000
- Homeless Shelter Acquisition - \$109,971
- GVCO T-House Rehabilitation - \$12,638
- MDS Program Office Remodel - \$25,000
- Strong Families, Safe Kids Parenting Place Rehabilitation - \$14,080
- Gray Gourmet Kitchen Remodel - \$5,500
- 6th Street Sewer Realignment - \$27,500
- 6th Street Pedestrian Safety/Parking Improvements - \$60,536
- North Avenue Accessibility Improvements - \$25,000

2013 Program Year – All Projects Completed

- CDBG Program Administration - \$43,000
- St. Mary's Foster Grandparent Program - \$10,000
- St. Mary's Senior Companion Program - \$8,000
- Marillac Clinic Homeless Services - \$10,000
- CEC Low Income Counseling Services - \$7,000
- GANG Afterschool Tutoring/Enrichment - \$3,300
- Hospice Teen Grief Program - \$7,242
- Marillac Clinic Dental Equipment - \$23,190
- STRIVE Parenting Place Rehabilitation - \$20,000
- Head Start Facilities Security Upgrade - \$28,050 (partially withdrawn, funds reallocated with 2016)
- Hilltop Opportunity Center Rehabilitation - \$86,840
- Partners Van Purchase - \$15,000
- Nisley Neighborhood Sidewalks - \$112,647

2014 Program Year – All Projects Completed

- CDBG Program Administration - \$43,000
- Senior Companion Program - \$10,000
- Counseling and Education Center - \$3,000
- Hilltop Latimer House - \$10,320
- Marillac Clinic Administration Remodel - \$60,000 (withdrawn, funds reallocated with 2016)
- Mind Springs Health Hospital Improvements - \$31,164

- Salvation Army Kitchen Rehabilitation - \$25,000 (\$105 not expended, funds reallocated with 2016)
- GJHA Walnut Park Apartments Rehabilitation - \$50,000
- Homeless Shelter Improvements - \$1,500
- B-1/2 Road Sidewalk - \$137,179

2015 Program Year

- CDBG Program Administration - \$43,000 (60% complete)
- STRIVE Diagnostic Clinic - \$4,500 (completed)
- Mind Springs Services Expansion - \$23,910 (withdrawn, funds reallocated with 2016)
- Western CO Suicide Prevention Bridges Program - \$8,860 (no expenditure)
- Gray Gourmet Program - \$9,950 (26% complete)
- Foster Grandparent Program - \$8,998 (75% complete)
- Karis Asset House Improvements - \$10,200 (98% complete)
- Housing Resources Emergency Home Repair Program - \$22,500 (5% complete)
- Homeless Shelter HVAC Improvements - \$28,293 (completed)
- GVCO Transitional Housing Rehabilitation - \$4,000 (underway)
- STRIVE Group Home HVAC Replacement - \$27,210 (completed)
- Partners Office Safety Improvements - \$27,500 (underway)
- Orchard Avenue Elementary Safe Routes to School - \$43,129 (completed)
- Westlake Park Neighborhood Pedestrian Improvements - \$116,200 (completed)

ATTACHMENT E: 2016 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING REQUESTS

		2016 FUNDING	\$384,713				Maximum Admin Allocation (20%) - \$76,942	
		Funds Not Expended Prior Years	\$117,866				Maximum Services Allocation (15%) - \$57,706	\$0
		TOTAL FUNDS FOR ALLOCATION	\$502,579					
	AGENCY	PROJECT TITLE	GRANT REQUEST	MIN REQUEST	2015 FUNDING	FUNDING LEVERAGE	PROJECT INFORMATION/COMMENTS	COUNCIL RECOMMENDATION
1 Admin	City of Grand Junction Administration	Program Administration	\$43,000	\$5,000	\$43,000		General program administration, fair housing activities, annual reports to HUD, training and a portion of staff salary.	\$43,000
		2015 Funds Remaining for Allocation	\$459,579					\$43,000
2 Services	HopeWest PACE Center	Therapy Equipment	\$14,900	\$10,000	\$0	\$6,200	Funds to purchase therapy equipment for new PACE program (Program of All-Inclusive Care for the Elderly). Request based on percent of estimated clients within City limits.	\$10,000
3 Services	Marillac Clinic	Replace 2 Dental Operatories	\$19,832	\$19,832	\$0	\$29,747	Marillac gave up a 2014 \$60,000 CDBG grant due to new designation as health center, unable to expend. 2016 funds to replace 2 dental operatories. 40% of Marillac clients live in the City limits therefore CDBG can only fund 40% of total project cost.	\$19,832
4 Services	Western Colorado Suicide Prevention Foundation	Bridges to Hope Program	\$7,600	\$5,000	\$8,860	\$9,200	Bridges provides counseling for children, teens and young adults at risk for suicide who do not have financial resources to obtain assistance. 2015 funds have not been expended due to inability to identify clients that will participate that live in the City limits. However, they have developed some new strategies and expect to expend within contract period - December 2016. 2016 funds will pay for up to 8 therapy sessions for 10 students and support outreach to families and make presentations in 3 Grand Junction schools.	\$5,874
5 Services	St. Mary's Foundation	Senior Companion Program	\$10,000	\$8,000	\$0	\$221,617	Funds to reimburse senior volunteers for travel expenses to/from work locations. Funding will provide for 2 more volunteers to serve 10 more clients.	\$8,000
6 Services	St. Mary's Foundation	Foster Grandparent Program	\$10,000	\$8,000	\$8,998	\$341,371	Funds to reimburse senior volunteers for travel expenses to/from work locations. Funds will add 5 more volunteers to serve 86 more students.	\$8,000
7 Services	Counseling and Education Center (CEC)	Low Income Counseling Program	\$6,000	\$6,000	\$0	\$264,131	CEC provides counseling to individuals in crisis or those dealing with difficult emotional issues and ensures access to professional counseling, regardless of income or ability to pay. CDBG funds would provide 85 more hours of counseling for an estimated 21 more clients seeking care.	\$6,000
		Total Services Request	\$68,332				Services Project Cap (15%) Based on 2016 Funds - \$57,706	\$57,706

	AGENCY	PROJECT TITLE	GRANT REQUEST	MIN REQUEST	2015 FUNDING	FUNDING LEVERAGE	PROJECT INFORMATION/COMMENTS	COUNCIL RECOMMENDATION	
8	Facility	Center for Independence	Accessible Riser to Second Floor Human Services	\$18,750	\$18,750	\$0	\$850	Second floor of main program office is inaccessible for disabled - no elevator and 3 stairwells. Would allow more consumers' access to CFI's 2nd floor non-profit agencies: Volunteers of America; Grand Valley Peace & Justice; Nat'l Alliance on Mental Health; Housing Resources of Western CO; Western CO Suicide Prevention; Firefly Autism West; Bill Hurd; & Western Writers Forum. The lift/riser will increase the number of agency consumers with independent access to the 2nd floor.	\$18,750
9	Housing Rehab	Housing Resources of Western Colorado	Phoenix Project - Rehab 2 residential units	\$7,750	\$7,750	\$22,500	\$2,280	Remodel kitchens and bathrooms of 2 apartments in the 8-unit Phoenix Project building. Over the years, 6 units have been remodeled, would like to complete upgrade to 2 remaining units.	\$7,750
10	Housing Rehab	Housing Resources of Western Colorado	Woodstove Replacement Project	\$30,000	\$15,000	\$22,500 as above	\$30,000	Replace 10-15 non-conforming wood stove in homes in the City limits and ensure they are properly installed.	\$0
11	Property Purchase	Riverside Task Force	Property Acquisition and Campus Development	\$85,000	\$65,000	\$0	\$0	Purchase property east of old Riverside School to utilize as office/meeting space to expand services on Riverside Campus. Changing occupancy from residential to office/meeting per the building and fire code may require substantial upgrades, environmental issues. HUD relocation requirements.	\$0
12	Facility	HopeWest PACE Center	Kitchen Equipment	\$38,990	\$28,000	\$0	\$16,710	Funds to purchase commercial appliances for a kitchen to be used for new PACE program (Program of All-Inclusive Care for the Elderly). Request based on percent of estimated clients within City limits.	\$28,000
13	Facility	Grand Valley Catholic Outreach	Pave Alley	\$110,000	\$0	\$4,000	\$0	GVCO constructed St. Martin housing at 415 Pitkin with 24 units for homeless veterans. The alley behind the units between 2nd and 3rd Streets is not paved and in poor condition. Funds would be used to pave the alley. Grant application was for \$80,000 which is not enough to cover standard design. If Council wants to fund, City would design and build with cost estimated \$105,000-\$110,000.	\$0

14	Withdrawn	Grand Junction Housing Authority	The Highlands Senior Housing Development Phase 2	\$0	\$0	\$0	\$0	Withdrawn by Applicant	\$0
		AGENCY	PROJECT TITLE	GRANT REQUEST	MIN REQUEST	2015 FUNDING	FUNDING LEVERAGE	PROJECT INFORMATION/COMMENTS	COUNCIL RECOMMENDATION
15	Housing Rehab	Grand Junction Housing Authority	Nellie Bechtel Senior Housing Rehabilitation	\$161,200	\$112,700 for coolers	\$0	\$5,470,127	GJHA recently acquired Nellie Bechtel Apartments and will upgrade/rehabilitate the 96 units and community room. CDBG funds requested to replace evaporative coolers on buildings and ranges in each unit. Cost per unit is \$500 for ranges; per building \$1,150 for coolers.	\$75,000
16	Housing Purchase	Karis, Inc.	Zoe House	\$50,000	\$1	\$10,200	\$182,543	The Zoe House provides a 5-bedroom facility with a 6-month to two year transitional program for youth recovering from sexual assault, domestic violence or date stalking. Facility meets zoning requirements. CDBG funds would be used towards the acquisition of the residence.	\$50,000
			SUBTOTAL NON-CITY CAPITAL REQUESTS	\$501,690	\$247,201				\$179,500
17 A	Public	City of Grand Junction Public Works	Nisley Elementary Safe Routes to School	\$90,000	\$90,000	2 SRTS projects funded total \$159,249	\$0	This project would construct segments of missing curb, gutter and sidewalk along the walking route for Nisley Elementary students. Approximately 550 linear feet along the east side of 28-3/4 Road. Highest priority of two Safe Routes to Schools applications for Urban Trails Committee.	\$90,000
17 B	Public	City of Grand Junction Public Works	El Poso Neighborhood Pedestrian Improvements/SRTS	\$45,000	\$45,000	2 SRTS projects funded total \$159,249	\$0	This project would provide pedestrian improvements in the El Poso neighborhood as well as improve Safe Routes to School. Approximately 270 feet of curb, gutter and sidewalk, 1 access ramp and a retaining wall along the west side of Mulberry from Broadway to West Ouray	\$45,000
18	Public	City of Grand Junction Facilities	Downtown Senior Recreation Center Rehabilitation	\$103,620	\$103,620	\$0	\$18,286	This project would fund correction of most of the critical needs identified for 2016. 85% of the seniors that utilize the center are City residents, thus 15% of the eligible project costs would be budgeted elsewhere.	\$87,373
19 A	Public	City of Grand Junction Public Works	Neighborhood Drainage Improvements - Orchard Mesa	\$14,500	\$14,500	\$0	\$0	Replace an existing 42" diameter storm water and drainage culvert under Palisade Street. This drainage channel conveys storm water from approximately 50% of the Orchard Mesa basin. The condition of the pipe puts conveyance of the storm flows at risk. Construction would protect approximately 25-30 homes in the vicinity from potential flooding.	\$0

19 B Public	City of Grand Junction Public Works	Neighborhood Drainage Improvements - Downtown	\$25,000	\$25,000	\$0	\$0	Connect storm sewer inlet to storm sewer system. This inlet will provide for mitigation of localized flooding of several properties. The location is the Alley between 17th Street and 19th Street, Rood Avenue to White Avenue. Construction would protect approximately 5 homes in the vicinity from potential flooding.	\$0
	AGENCY	PROJECT TITLE	GRANT REQUEST	MIN REQUEST	2015 FUNDING	FUNDING LEVERAGE	PROJECT INFORMATION/COMMENTS	COUNCIL RECOMMENDATION
20 A Public	City of Grand Junction Parks and Recreation	Emerson Park Restroom	\$112,000	\$112,000	\$0	\$6,100 In Kind	This project would remove the existing restroom and construct a new restroom and trails in Emerson Park.	\$0
20 B Public	City of Grand Junction Parks and Recreation	Whitman Park Restroom	\$190,000	\$40,200	\$0	\$0	This project would either remodel the existing or provide for construction of new restroom, sidewalk and/or shelter in Whitman Park.	\$0
		Subtotal City Capital Requests	\$580,120	\$430,320				\$222,373

\$1,150,142

TOTAL REQUESTS

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CITY COUNCIL AGENDA ITEM

Subject: Landmark Baptist Church Rezone, Located at 2711 UnawEEP Avenue

Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage of the Proposed Ordinance and Order Final Publication in Pamphlet Form

Presenter(s) Name & Title: Senta Costello, Senior Planner

Executive Summary:

The applicants are requesting to rezone the property located at 2711 UnawEEP Avenue from R-8 (Residential 8 du/ac) to R-O (Residential – Office).

Background, Analysis and Options:

The building was built in 1947 and has been used as a church since construction. The current church has outgrown the property and is planning on relocating. Because it would be difficult to find another church to purchase the property or convert the property to residential, the Applicant would like to rezone the property in order to expand the potential uses for the property and potential buyers.

The applicant is requesting that the property be rezoned to R-O (Residential – Office). The purpose of the R-O zone is to provide low intensity, nonretail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment.

The applicant had a potential buyer who wished to open a Funeral Home/Mortuary /Crematorium on the property. This is one potential use that could operate within the R-O zone district. There are many other uses that are allowed including but not limited to: general offices, museums, medical and dental clinics, counseling centers, health clubs, beauty salons/barbershops, etc. It should be noted that any change of use (a use other than a church) would require approval of a change of use permit. Several things are reviewed as part of the change of use permit including the number of parking spaces required for the proposed use. Parking could limit the types of uses allowed on the property and may require the removal of parking along UnawEEP Avenue and Pinon Street.

Neighborhood Meeting:

A Neighborhood Meeting was held on February 2, 2016 with eight citizens along with the applicant and City Project Manager in attendance. The attendees raised several issues most were concerned with the use of the property as a funeral home. However other issues were raised including parking and vehicles turning in neighboring driveways.

How this item relates to the Comprehensive Plan Goals and Policies:

The proposed rezone creates an opportunity for future neighborhood business development in a manner that would be consistent with adjacent residential development implementing the following goals and policies from the Comprehensive Plan.

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Goal 6: Land use decisions will encourage preservation and appropriate reuse.

Policy: A. In making land use decisions, the City and County will balance the needs of the community.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

Policy B: The City and County will provide appropriate commercial and industrial development opportunities.

Rezoning this property to an R-O (Residential – Office) zone district will allow for additional opportunities for the reuse of the existing building while minimizing the potential impacts to the surrounding neighborhood. Furthermore, the rezone will create opportunities to reduce the amount of trips generated for commuting and provide commercial development opportunities.

How this item relates to the Economic Development Plan:

The purpose of the adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. The proposed ODP Amendment meets with the goal and intent of the

Economic Development Plan by providing opportunities for existing and new business to expand and relocate their businesses.

Board or Committee Recommendation:

The Planning Commission recommended approval of the requested rezone at its April 12, 2016 meeting. The City Project Manager is also recommending approval of the proposed rezone.

Financial Impact/Budget:

Property tax levies and any municipal sales/use tax will be collected, as applicable.

Legal issues:

Legal has reviewed the application and determined there are no legal issues.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This item has not been previously presented or discussed.

Attachments:

1. Background information
2. Staff report
3. Site Location Map
4. Aerial Photo Map
5. Future Land Use Map
6. Zoning Map
7. Neighborhood meeting summary
8. Citizen emails and letters
9. Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2711 UnawEEP Avenue		
Applicants:		Landmark Baptist Church		
Existing Land Use:		Church		
Proposed Land Use:		Appropriate R-O (Residential – Office) uses		
Surrounding Land Use:	North	Single Family Residential		
	South	Single Family Residential		
	East	Single Family Residential		
	West	Single Family Residential		
Existing Zoning:		R-8 (Residential 8 du/ac)		
Proposed Zoning:		R-O (Residential – Office)		
Surrounding Zoning:	North	R-8 (Residential 8 du/ac)		
	South	R-8 (Residential 8 du/ac)		
	East	R-8 (Residential 8 du/ac)		
	West	R-8 (Residential 8 du/ac)		
Future Land Use Designation:		Residential Medium 4-8 du/ac		
Zoning within density range?		X	Yes	No

Section 21.02.140 of the Grand Junction Municipal Code

Zone requests must meet at least one of the following criteria for approval:

(1) Subsequent events have invalidated the original premise and findings;

There have not been subsequent events in the neighborhood that have invalidated the original premise and findings of the existing R-8 (Residential 8 du/ac) zone.

This criterion has not been met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan;

The neighborhood has historically been and still is largely residential in character. The use of the property has not changed either since it was originally

constructed as a church.

This criterion has not been met.

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

Adequate public and community facilities and services are available to the property and are sufficient to serve the proposed land use associated within the R-O zone district. There is an existing 10-inch City water line and 12-inch sanitary sewer line serving the property. The property is also being served by Xcel Energy electric and natural gas. The property is located on Unawep Avenue, which connects with Highway 50 on the west and 29 Road on the east providing easy access to the rest of Grand Junction. There are GVT bus stops located within walking distance of the property.

This criterion has been met.

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

There is very little R-O zoned properties within the City limits (approximately 97 +/- total acres which equates to less than 1%), therefore, it could be argued that there is an inadequate supply of R-O zoned land within the community.

This criterion has been met.

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

The neighborhood will derive benefits by the change in zoning as it will reduce the parking demands on the neighborhood. The church that currently occupies the building has a regular attendance at least twice a week of approximately 250 parishioners. The site cannot accommodate the parking needed for that level of use and is grandfathered on the site. A new use, as allowed by the R-O (Residential – Office) zone district will be required to meet the parking requirements of the use and what the site has available. Furthermore, the proposed R-O zone district limits the hours of operation from 7:30 AM to 8:00 PM, prohibits, parking in the front yard and prohibits outdoor storage and permanent display.

This criterion has been met.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Landmark Baptist Rezone, RZN-2016-52, a request to rezone the property from R-8 (Residential 8 du/ac) to R-O (Residential – Office), the following findings of fact and conclusions have been determined:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan.
2. The review criteria 3, 4 and 5 in Section 21.02.140 of the Grand Junction Municipal Code have been met.

Site Location Map



Future Land Use Map



Zoning Map



- List
- Bruce Loma 305 Pinon St
 mail - 219 Dream St 81503 970-243-7280 w
- Sheila Walling 2717 Unaweep
- Senta Costello 250 N 5th St - City Planning
 970-244-1442
- wants list - Barb Macintyre 81503 295 Pinon St 970-255-1164
- Matt Rodgers 290 Pinon, G.J. CO 970-261-6564
- Frank R. Loh 293 Pinon St 970-250-0755
- list, Jim Haronza 291 Pinon St 970-241-5249
- Kristine Harenza " "
- Bev Richert 291 Cedar St. 243-1428

2711 Unaweep Avenue February 2 Meeting Minutes

Carbe started meeting and explained changes.

TS explained the plans of the funeral home.

One neighbor was concerned about parking.

One neighbor was concerned about crematory.

One neighbor was concerned about vehicles turning around in his driveway.

Neighbors were assured that parking would be better than Landmark.

Neighbors were given website so they could research the crematory that will be used.

From: <Charpist5@aol.com>
To: <sentac@gjcity.org>
Date: 2/22/2016 11:16 AM
Subject: regarding the Orchard Mesa potential funeral home

Hello Mr. Costello,

I am writing to tell you of my concerns for this project.

We live at 2702.5 UnawEEP, a mere couple of houses (and across the street) from the church.

In the past, every time there was a church service, cars completely lined Pinion street, on both sides of UnawEEP. The parking lot at the church seemed woefully inadequate. Can't imagine how many people would be parking all over the place for a funeral service. And way more often than Sunday mornings.

Also...we frequently have a LOT of trouble getting out of our driveway. We are on the "T" at 27 Road. UnawEEP is extremely busy and gets more so every week. I imagine there would be a constant flow of funeral processions up and down the street, and just the thought of that turns my stomach in several ways.

Also...will the bodies actually be cremated there? I am imagining the "smoke" going into the air, and knowing what it would be from....

Well...that is the concerns I have at present. Would you mind addressing them? Thanks so much,

Cindy Blevins

From: <Charpist5@aol.com>
To: <sentac@ci.grandjct.co.us>
Date: 2/22/2016 12:48 PM
Subject: Re: regarding the Orchard Mesa potential funeral home

Thank you Senta,

I doubt they have 30 parking spaces between their back lot and their very small street-side parking area.

I know that funeral homes and crematoriums have to go SOMEWHERE (lol) but this seems like a completely stupid place for it, and if it becomes time, I will not hesitate to say so :-).

Have a great day,

Cindy

PS Do you know anything about the issue of the much-needed traffic light at the end of Unaweep (at 29 Road)? While we're talking about dangerous traffic.....

In a message dated 2/22/2016 12:29:58 P.M. Mountain Standard Time, sentac@ci.grandjct.co.us writes:

Good afternoon, Ms Blevins

Thank you for your email. I will be saving it to the file and will include it in the staff reports that are created for Planning Commission and City Council. We will also verify you are on the mailing list or will be added to the mailing list so you will receive a notice when the request is scheduled for Planning Commission.

I do want to let you know that this request is still under review and has not been approved; they have only turned in their request.

The current request is for a rezone only. If the rezone is approved, the new use will be required to file a request for it to use the property. For the rezone review we have to look at it in terms of all uses that are allowed in the requested zone district, not only the use that is being proposed, at it may not actually happen or may leave in the future. Traffic and parking are some of the concerns we are looking at in terms of the request.

I can tell you that based on the amount of available parking, if the funeral home were to be approved, would be limited to a maximum of 160 seats; currently the church services have an attendance of about 250 +/- . Services of this size would not be permitted on the property and would need to find an alternate location.

The proposed buyer of the property has indicated they would like to include a crematory on site as well. Based on the information they have provided, the emissions from the chimney resemble heat vapor with no smoke or ash. I am still in the process of researching the industry to determine details on how they function.

Please don't hesitate to contact me if you need additional information.

Senta

From: <BleuSafire@aol.com>
To: <sentac@gjcity.org>
Date: 2/11/2016 6:34 PM
Subject: Oppose RZN -2016-52

I would like to express my opposition to the Rezone of Landmark Baptist Church at 2711 Unaweep Avenue.

We have had a drastic increase of traffic when 29 Road was opened to traffic. We also have the Orchard Mesa Middle School that creates a lot of congestion with parents/students arriving and leaving. It is almost impossible to enter Unaweep Avenue from side streets especially in the afternoons when school is let out.

I believe the extra traffic created by a Funeral Home and Crematorium would be further hazardous to students in the "School Zone".

Residents on Cedar and Pinon Streets are inconvenienced just by the church services on Sunday and Wednesday or when there are other functions with people parking on the streets during those times because their parking lot is not adequate.

Candace DeRose
295 Pine Street
Grand Junction, CO 81503
970-216-6927

From: Rachel Hanson <rachelchanson@gmail.com>
To: <sentac@gjcity.org>
Date: 2/10/2016 8:39 AM
Subject: Unawweep re-zone proposal

Dear Mr. Costello,

I appreciate the multiple notices and opportunities to learn about and to share my thoughts on the re-zone proposal affecting 2711 Unawweep Avenue and the surrounding area. My husband and I were sorry we missed the neighborhood meeting.

I am writing to voice our opposition to the possible re-zone. Although there are some businesses in this area, our neighborhood still feels primarily like a residential area. We feel that the proposed change would cause this area of Unawweep Ave. to increasingly be perceived as a business area.

Additionally, we feel that this change could negatively affect property and resale values. I don't think I would mind living across the street from a funeral home, and in general I do not mind the topic of death and cremation, but I don't know if I would grow to be comfortable living across the street from a crematorium. I think this could be a potential "deal breaker" for many people who might otherwise consider moving to this area.

The location for a funeral home/crematorium between the middle and elementary schools also feels like an odd choice, though I cannot quite articulate that and am unsure if it a valid reason to deny the application for re-zoning.

Primarily, we are concerned about the perception of this neighborhood and the potential that a funeral home/crematorium would be a problem for future home sales.

Thank you for your consideration.

Rachel (& Sean) Hanson
2716 Unawweep Ave.

From: "CRU" <thecru@centurylink.net>
To: <sentac@gjcity.org>
Date: 2/17/2016 11:09 AM
Subject: RZN-2016-52 Landmark church rezone

We live at 291 Pinon Street and we firmly object this rezone due to the fact that there is not enough parking for the facility that is there now and not enough for the proposed funeral home. As stated in the meeting on 2-2-16 by the representative of the funeral home they can expect services of 250 plus people, the existing parking only allows for, as I remember 140 people. We already have a traffic issue with people parking on our lawns, blocking mail boxes and drive way entrances. This is normaly on Sundays. The funeral home will be holding events 7 days of the week creating a much bigger issue. Also this is a residential area and the installation of a crematory is not acceptable. We all cool our homes with evaporative air coolers that rely on large amounts of air delivered into our homes from the outside, we do not need the smell of burning bodies and or fumes from the approximately 2 foot to 3 foot wide exhaust flue stack that will continuously be emitting pollution and odor into that air. If the parking and or odor gets to be a problem, and it will, then this would also be a problem for the police department having to respond to multiple nuisance calls.

Thank you,
Jim Haremza

Home: (970) 241-5249
Cell: (970) 260-7249

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

From: <Huttonmh@aol.com>
To: <sentac@gjcity.org>
Date: 2/8/2016 12:18 PM
Subject: Re-zoning at 2711 UnawEEP

I am writing to voice my opposition to Grand Valley Funeral Home converting the church at 2711 UnawEEP to a mortuary and crematorium.

The area surrounding the church is a very large residential area and locating this facility here is intrusive. A major concern is parking. The lack of parking spaces has been an on-going problem for the church and would be a problem for the funeral home. A funeral home holds services and often there is a large attendance and the only parking available is on the surrounding residential streets.

As a long time home owner (24 years) on Cedar Street, I'm asking that the city deny the re-zoning request from Grand Valley Funeral Home. Thank you.

Ann Hutton
296 Cedar Street

m

From: Jill Lawrence <rjlaw1111@gmail.com>
To: <sentac@gjcity.org>
Date: 2/8/2016 1:05 PM
Subject: Rezone of Property at 2711 UnawEEP - Proposed Funeral Home-Crematorium
Attachments: Church Rezone 2016.pdf

Dear Senta, You and I spoke on the phone regarding the proper procedure to oppose the rezone of the property at 2711 UnawEEP Avenue. The property currently houses a church and is under a rezone application to convert to a mortuary/crematorium. Please find the attached .pdf file as my letter of opposition in this matter. Can you please verify receipt of my e-mail by replying back to me?

Sincerely, (Rosalyn) Jill Lawrence
279 Cedar St.
Grand Junction, CO 81503
rjlaw1111@gmail.com

(Rosalyn) Jill Lawrence
279 Cedar Street
Grand Junction, CO 81503
February 8, 2016

Ms. Senta Costello
Senior Planner, Community Development Division
City of Grand Junction, Colorado
250 North 5th Street
Grand Junction, CO 81501
e-mail: sentac@gjcity.org

Dear Ms. Costello:

I am a 17-year resident and home owner at 279 Cedar Street and a 35-year resident of Orchard Mesa. This correspondence is in regard to the proposed Grand Valley Funeral Home Mortuary and Crematorium (GVFHMC) at 2711 Unaweep Avenue. The current location is Zoned R8 and has housed Grand Valley Baptist Church since 2003.

Although I live within 0.15 miles of the property, I did not receive notification of a neighborhood meeting with the City of Grand Junction. I was notified of GVFHMC's proposed intention by a neighbor. I am in strong opposition to GVFHMC's plan. The immediate area surrounding the property of interest is made up of residential dwellings. Within the regional area (approximately ½-mile square) are two parks: (Eagle Rim Park, contains and playground, a walking track, skate park, and access to the Colorado River Trail system), (Dixon Park, used mostly for soccer practice and games), a middle school (Orchard Mesa Middle School, containing a large practice field, skate rink, and basketball courts), and a bowling alley (Orchard Mesa Lanes). It is my hope that the Grand Junction City Council can find a better fit for this neighborhood than a funeral home/crematorium.

Please verify receipt of this letter and notify me of any additional meetings regarding discussions or public hearings so I may attend.



(Rosalyn) Jill Lawrence
submitted via e-mail
rjlaw1111@gmail.com

From: <tmmcintyre1@charter.net>
To: <sentac@gjcity.org>
Date: 2/9/2016 7:14 AM
Subject: rezoning of 2711 Unawweep Ave

I'm writing this letter to oppose the rezoning of 2711 Unawweep Ave. I would have appreciated knowing this was happening. I live twenty to thirty feet from the church. Some one should have let us know what was happening. No public notice for this was posted anywhere on the building or property. I never received any notice of any kind. I don't receive the paper to look at the many pages of public notices. I don't want to live next door to a Mortuary and Crematorium. Everyone in the neighborhood has put a lot into fixing our properties so we can gain value in our homes and neighborhood. This will only bring our property values down. No one will want to purchase a home next to a Mortuary and Crematorium. I know I personally wouldn't and would look else where. Would you purchase a home next to a Mortuary and Crematorium, I bet not. I know I don't want my grandchildren to know that they are burning bodies next door. I feel this should be put somewhere else, not in the middle of a residential neighborhood. There is not enough room for parking, only 40 spaces. The neighborhood already has problems with people parking in our driveway's and yards. I have lived here for 16 yrs, and take pride in my home. If this is to go in I don't know what I will do.

Tina McIntyre 2713 Unawweep Ave Grand Junction Co.

From: "Anouk Olson" <teddylady1@juno.com>
To: <sentac@gjcity.org>
Date: 2/22/2016 12:18 PM
Subject: funeral....

Dear Senta,

Hope you are well, as I tried to call you, but you were ill.

Senta, sorry, but I am absolutely against a funeral home/crematorium.

1) it is a residential area and who wants to see funerals on a daily basis

2) there is absolutely no parking space and the neighborhood is sick and tired of the church (and that is mostly only Sundays!!) parking in our streets, nearly on our lawns, barely letting our church bus thru.

Sorry, a business like that should be in the outer skirts of the City.

\Thanks and please, keep us posted.

Just booked your vacation?

Get Travel Guard® Insurance for every trip!

<http://thirdpartyoffers.juno.com/TGL3131/56cb5eb9a7a2f5eb97327st02duc>

From: "Anouk Olson" <teddylady1@juno.com>
To: <sentac@ci.grandjct.co.us>
Date: 2/22/2016 3:58 PM
Subject: Re: funeral....

Good Afternoon Senta,

Thank you for your answer.

the church has so many seats, but count it whit the amount of cars they bring there, with ample space.

even 165 seats has a lot of cars, fading away the front if the funeral cars are there!

forgot to add, the smell of burning the corpses and the pollution!

and thanks for put me on the mailing list.

Have a great day.

Anouk

2016 Testosterone Trends

Test X180 Ignite: Helping men grow lean muscle mass & boost performance

<http://thirdpartyoffers.juno.com/TGL3131/56cb9257aaaa81257293ast03duc>

From: judith peters <judithanne2you@gmail.com>
To: <sentac@gjcity.org>
Date: 2/22/2016 3:19 PM
Subject: Rezoning of Property At 2711 Unawweep

Community Development

250 North 5th Street

Grand Junction CO 81503

Dear Senta Costello

My name is Judith Peters

I live and own my home at 2720 Unawweep Ave. This letter is protest rezoning of the property 2711 Unawweep Ave to for a funeral and cremation business. Please consider not doing this for the following reasons.

- Although Unawweep is an Ave with heavy traffic it still is a neighborhood. In this neighborhood we live small spaces..The idea of a cremation business in the middle of our confined space is disturbing.

- Children from Orchard Middle school and Emerson El. walk, ride bikes, or skates boards morning and afternoon to and from school and Eagle Rim Park and pool.

- The school light to slow traffic to 20 miles an hour is on the edge of the 2711 property. This backs up traffic to the 2711 property.

- The bus from Grand Junction High School drop off students at the 2711 corner on Unawweep morning and afternoon which means more kids walking these sidewalks.

- Dos Rios Elementary buses uses Unawweep to pick up and drop off kids morning and afternoon. And the Dos Rios kindergarten children are picked up at noon dropped in the afternoon at shorter intervals.

- We have many children walking or riding on Unawweep and side streets in this area.The parking lot in front of 2711 must back onto Unawweep which is dangerous.

- Also a funeral would slow or stop traffic, and walking adding more already existing confusion in our small neighborhood.

Please consider not selling or rezoning the property at 2711 Unawweep to a funeral and cremation business

Thank You, Judith Peters 970-712-0316

From: Dwight Blevins <blethn@yahoo.com>
To: "sentac@gjcity.org" <sentac@gjcity.org>
Date: 2/8/2016 4:24 PM
Subject: 2711 UnawEEP, potential rezoning

Dear Senta Costello,

I am writing with a few questions, regarding the purposed rezoning of 2711 UnawEEP avenue in Grand Junction. Several weeks ago when we first heard of the proposal I assumed that the change in zoning was just for that one address on UnawEEP. Just now I saw a flyer on the corner mail box and it appears that the rezoning would be for an entire half-mile square, beginning at 27 Road. Is this the case?

If so, would this not change property values for all residences within the zone change area, thus affecting annual property taxes? I believe the area is now zoned RMF-11? If the proposed rezoning should become fact, what would be the exact new zoning identity?

I hope you don't mind the questions. Our home is in the 2700 block of UnawEEP, so naturally this could affect our routine, and I'm just trying to get some answers concerning what to expect.

Best Regards,Dwight Blevins2702 UnawEEP Ave

2-11-16

Senta Costello
Grand Junction Community Development Division
City Hall
250 N. 5th St.
Grand Junction, CO 81501

Dear Senta,

Regarding the rezoning of the
Landmark Baptist Church:

I was at the meeting 2-2-16 but
had to leave before I could express
my thoughts. I have lived in ~~the~~ my
house for 35 years and am very
concerned about what a crematorium
would do to property values. It is my
opinion that the property is more
aptly suited for office space or day-care.
Thank you for your consideration.

Sincerely,

Ben Richert

P.S. Enclosed is a SASE so I will know you
received this letter.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING LANDMARK BAPTIST CHURCH
FROM R-8 (RESIDENTIAL 8 DU/AC) TO R-O (RESIDENTIAL – OFFICE)**

LOCATED AT 2711 UNAWEEP AVENUE

Recitals:

The building was built in 1947 and has been used as a church since construction. The current church has outgrown the property and is planning on relocating and would like to rezone the property in order to expand the potential uses for the property.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Landmark Baptist Church property from R-8 (Residential 8 du/ac) to R-O (Residential – Office) zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Comprehensive Plan, Residential Medium 4-8 du/ac and the Comprehensive Plan's goals and policies and/or is generally compatible with appropriate land uses located in the surrounding area.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the R-O (Residential – Office) zone district to be established.

The Planning Commission and City Council find that the R-O (Residential – Office) zoning is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION
THAT:**

The following property shall be rezoned R-O (Residential – Office).

BEG 440FT E OF NW COR SEC 25 1S 1W E 185FT S 228FT W 185FT N 228FT TO
BEG EXC 30FT FOR RD ON N & 30FT ON W & ALSO EXC B-2326 P-139/141 ON
NW COR SD PARCEL FOR ROW - 0.70AC

Introduced on first reading this 4th day of May, 2016 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2016 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Date: 05/06/16

Author: James Stavast

Title/ Phone Ext: Facilities

Manager/1569

Proposed Schedule: May 18, 2016

2nd Reading

(if applicable): IFB-4216-16-DH

CITY COUNCIL AGENDA ITEM

Subject: Two Rivers Convention Center Kitchen Make-up Air Unit Replacement

Action Requested/Recommendation: Authorize the Purchasing Division to Enter into a Contract with Advanced Refrigeration, Heating & Air of Western Colorado, LLC to Provide and Install a New Make-up Air Unit at Two Rivers Convention Center in the Amount of \$53,375

Presenter(s) Name & Title: Jay Valentine, Internal Services Manager

Executive Summary: The make-up air unit being replaced serves the kitchen area of Two Rivers. When the three kitchen exhaust hoods are operating, this unit provides the tempered air to replace the air that the hoods are pulling out of the kitchen. All three exhaust hoods running at the same time require about 8,000 cubic feet per minute of make-up air to keep the kitchen at a roughly neutral air pressure. This unit is also the only source of heating and cooling for the entire kitchen area.

Background, Analysis and Options:

The unit was installed in 1995 and has an average life expectancy of 15-18 years. The unit is now 21 years old and is having multiple failures every year. Finding replacement parts is very difficult since the unit is obsolete and has been out of production for a long time.

Over the past three years Two Rivers has spent \$6,282 to repair multiple issues with the unit in order to keep it running for kitchen and cooking operations. Running the kitchen exhaust hoods without the make-up air unit running has the effect of drawing most of the heated or cooled air from the rest of the building.

The current unit has three heating chambers in order to meet the demand of the kitchen area during cold winter days. One of these chambers has been disabled because it can't be repaired or replaced. The second heating chamber is also about to fail according to our HVAC maintenance contractor.

The new unit specified for replacement is a direct replacement from the same manufacturer, thus not requiring modification of the existing equipment curb and/or the roof.

The new unit is also specified with VFD's, temperature sensors, and a new controls system that will bring it in line with the current codes. These new controls will also tie into and control the new kitchen exhaust fan which should be replaced next year. The new sensors, controls and VFD's will allow the make-up air unit and the new kitchen exhaust fan (when installed) to vary the speeds of the fans based on the requirements of the kitchen instead of an "all on" or "all off" operation.

A formal Invitation for Bid was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City's website, advertised in The Daily Sentinel, and sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractors Association (WCCA). Three companies submitted formal bids, all of which were found to be responsive and responsible, in the following amounts:

Company	City, State	Price for MCC Replacement	Percent Difference
Advanced Refrigeration, Heating & Air of Western Colorado, LLC	Grand Junction, CO	\$53,375	-
Arctic Cooling and Heating	Grand Junction, CO	\$53,758	.72%
Merrit & Associates	Grand Junction, CO	74,965	33.65%

Board or Committee Recommendation:

There is no board or committee recommendation.

Financial Impact/Budget:

Since the current appropriation does not cover the total project costs, a carry forward of 2015 budgeted capital funds in the Facilities Management fund will be requested in the 2016 supplemental budget appropriation.

2015 Budgeted Capital Funds	\$100,000
2015 Capital Expenditures	<u>36,567</u>
Amount of Carry Forward to 2016	\$ 63,433

TRCC Make-up Air Unit Replacement	<u>\$ 53,375</u>
2016 Balance After Carry Forward	\$ 10,058

Legal issues:

There are no known legal issues arising out of the procurement and/or recommended

awards.

Other issues:

No other issues have been identified.

Previously presented or discussed:

The condition of City facilities was discussed during the 2016 budget process. Ultimately, Facility condition improvements were not funded.

Attachments:

None.

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 5/18/16
Citizen's Name: Duane J. Lemellen
Address: 536 20 RD

Phone Number: _____
Subject: Ballot Access Guaranteed (Thanks)

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 05/18/16

Citizen's Name: Richard Swingle

Address: 443 Mediterranean Way
Grand Junction, CO 81507-4525

Phone Number: _____

Subject: Citizen Input

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.

**City of Grand Junction
City Council Meeting
May 18, 2016**

Citizen Input

Prepared by: Richard Swingle

Welcome to Your City Council Meeting

Citizen input is a valued component of the City Council decision-making process.

Completed Citizen Comments

SB 16-067 Financial Impact to GJ – 3rd Request

- Request that the City of Grand Junction analyze and publish estimated tax revenue loss if SB 16-067 becomes law?

First request – February 3, 2016

Second request – March 2, 2016

Completed Citizen Comments

SB 16-067 Overview

- Creates a property tax exemption for any locally assessed personal property that:
 - A Broadband provider acquires on or after January 1, 2016
 - Is directly used by the broadband provider or any other person to provide broadband service
 - “any personal property, such as electronics, equipment, transmission facilities, and fiber optic or copper cables ... is exempt from levy and collection of property tax.”
 - “Broadband service means any communications ... voice, data, graphics ... at speeds of at least 10 Megabits per second for download and 1 Megabit upload” (10 x 1)
 - Century Link is primary proponent

Completed Citizen Comments Broadband defined

- Federal Communications Commission – January 29, 2015
 - “Updates broadband speed benchmark to 25Mbps download and 3Mbps upload” (25 x 3)
- Only Charter via coaxial (coax) delivers broadband (25Mb+) in the City of Grand Junction
- SB 16-067 requires minimum of 10Mbps download and 1Mbps upload

Grand Junction City Council--May 18, 2016

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Completed Citizen Comments Telecommunications tax revenue implications

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Grand Junction City Council--May 18, 2016

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Completed Citizen Comments SB 16-067 - Colorado Municipal League (CML)

- CML Opposes SB 16-067
 - Creates an unconstitutional special interest tax break
 - Gives industry a tool to extract tax breaks from local Governments
 - Bill does nothing to improve broadband service
 - No assurance tax break for broadband industry will result in improved broadband service
 - No requirement that investment must be made in unserved or underserved areas
 - This is simply a tax break for big telecommunications companies
- Doesn't require meeting the minimum FCC standard of 25 x 3
- Tax exemption has no expiration date

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Completed Citizen Comments SB 16-067 - Citizen request for analysis

Request that the City of Grand Junction analyze and publish estimated tax revenue loss if SB 16-067 becomes law?

For the City of Grand Junction to take a public position on SB 16-067

First request – February 3, 2016

Second request – March 2, 2016

Third request – May 18, 2016

Grand Junction City Council-May 18, 2016

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Welcome to Your City Council Meeting

Citizen input is a valued component of the City Council decision-making process.