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**CITY COUNCIL AGENDA
WEDNESDAY, JUNE 1, 2016
250 NORTH 5TH STREET
6:15 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

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

Pledge of Allegiance
Moment of Silence

Proclamation

Proclaiming the Month of June and Wednesday, June 22, 2016 as “Bike Month and Bike to Work Day” in the City of Grand Junction [Attachment](#)

Appointments

To the Forestry Board

To the Downtown Development Authority/Downtown Grand Junction Business Improvement District

Certificates of Appointment

To the Horizon Drive Association Business Improvement District

To the Parks and Recreation Advisory Board

Citizen Comments

[Supplemental Documents](#)

Revised June 2, 2016

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

Council Comments***** CONSENT CALENDAR ***®****1. Minutes of Previous Meetings [Attach 1](#)**

Action: Approve the Summaries of the May 2, 2016 and May 9, 2016 Workshops, the Minutes of the May 18, 2016 Regular Meeting, and the Minutes of the May 23, 2016 Special Session

2. Setting a Hearing Amending Sections of the Zoning and Development Code to Add a New Category for Stand-Alone Crematories [Attach 2](#)

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) by adding a new category for stand-alone crematories.

Proposed Ordinance Amending Section 21.04.010 Use Table, Section 21.06.050(c) Off-Street Required Parking, and Section 21.10.020 Terms Defined Concerning Crematories

Action: Introduce a Proposed Ordinance and Set a Public Hearing for June 15, 2016

Staff presentation: Senta Costello, Senior Planner

3. Setting a Hearing for the PIA Zone of Annexation, Located at 2757 Hwy 50 [Attach 3](#)

A request to zone 2.784 acres located at 2757 Hwy 50 from a County C-2 to a City C-2 (General Commercial) zone district in conjunction with the property being annexed into the City.

Proposed Ordinance Zoning the PIA Annexation to C-2 (General Commercial), Located at 2757 Highway 50

Action: Introduce a Proposed Zoning Ordinance and Set a Hearing for June 15, 2016

Staff presentation: Senta Costello, Senior Planner

4. **Setting a Hearing on the Retherford Annexation, Located at 2089 Broadway** [Attach 4](#)

A request to annex 0.84 acres located at 2089 Broadway. The Retherford Annexation consists of one parcel of land (0.48 acres in size) and 0.36 acres of public right-of-way of Broadway (Hwy. 340) and Jesse Way.

Resolution 22-16 – 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, Retherford Annexation, Located at 2089 Broadway

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Retherford Annexation, Located at 2089 Broadway, Consisting of One Parcel and 0.36 Acres of Broadway and Jesse Way Rights-of-Way

®Action: Adopt Resolution No. 22-16, Introduce a Proposed Annexation Ordinance, and Set a Hearing for July 20, 2016

Staff presentation: Scott D. Peterson, Senior Planner

5. **Setting a Hearing on an Ordinance Approving a Loan Contract with the Colorado Water Conservation Board for the Hallenbeck No.1 Downstream Slope Repair, Relating to a Loan in the Maximum Principal Amount of \$1,010,000 Payable from Net Revenues of the City's Water Activity Enterprise** [Attach 5](#)

The City Water Department has applied for 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 for this project during the 2016 budget review process.

Proposed Ordinance Approving a Loan from the Colorado Water Conservation Board to Finance Improvements to the City's Water System; Authorizing the Form and Execution of the Loan Contract and a Promissory Note to Evidence Such Loan; Authorizing the Execution and Delivery of Certain Documents Related Thereto, Including a Security Agreement; and Prescribing Other Details in Connection Therewith

Action: Introduce a Proposed Ordinance, Set a Hearing for June 15, 2016, and Authorize the President of the Council to Enter into the Contract for a Loan up to \$1,010,000

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

6. **Outdoor Dining Lease for Just Be, LLC dba Barons, Located at 539 Colorado Avenue** [Attach 6](#)

Barons, located at 539 Colorado Avenue, is requesting a first-time Outdoor Dining Lease for an area measuring approximately 480 square feet directly in front of the building. The lease would permit the business to include the leased area in their licensed premise for alcohol sales.

Resolution No. 23-16 – A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Just Be, LLC dba Barons, Located at 539 Colorado Avenue

®Action: *Adopt Resolution No. 23-16*

Staff presentation: Kathy Portner, Interim Downtown Development Authority Director

7. **Outdoor Dining Lease for Las Marias, Inc. dba Las Marias, Located at 118 S. 7th Street** [Attach 7](#)

Las Marias, located at 118 S. 7th Street, is requesting a first-time Outdoor Dining Lease for an area measuring 304 square feet directly in front of the building. The lease would permit the business to include the leased area in their licensed premise for alcohol sales.

Resolution No. 24-16 – A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Las Marias, Inc. dba Las Marias, Located at 118 S. 7th Street

®Action: *Adopt Resolution No. 24-16*

Staff presentation: Kathy Portner, Interim Downtown Development Authority Director

8. **Vistas at Tiara Rado Phase II, Multi-Purpose Easement Vacation, Located at 2063 S. Broadway** [Attach 8](#)

The applicant, Hatch Investments LLC, requests approval to vacate a public multi-purpose easement in anticipation of the next phase of development at Vistas at Tiara Rado. The proposal is to vacate the encumbered area where the existing multi-purpose easement is located in order to accommodate new building footprint designs and rededicate a new multi-purpose easement on the proposed subdivision plat.

Resolution No. 25-16 – A Resolution Vacating a Multi-Purpose Easement for the Vistas at Tiara Rado, Phase II Residential Development, Located at 2063 S. Broadway

®Action: Adopt Resolution No. 25-16

Staff presentation: Scott D. Peterson, Senior Planner

9. **Contract to Install the HVAC for City Hall IT Server Room** [Attach 9](#)

This request is to award a contract for the supply and installation of a new HVAC system for the upcoming relocation of the City's IT Server Room at City Hall.

Action: Authorize the Purchasing Division to Enter into a Contract with Arctic Cooling and Heating, Grand Junction, to Provide and Install a New HVAC System at City Hall for the New IT Server Room in the Amount of \$189,408

Staff presentation: Jay Valentine, Internal Services Manager

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

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

10. **Application for US Department of Justice Annual Justice Assistance Grant (JAG) for Technology Enhancements for Information Sharing** [Attach 10](#)

The Grand Junction Police Department has been solicited by the Bureau of Justice Assistance program of the US Department of Justice to apply for an annual grant for 2016 in the amount of \$28,487. If awarded, these funds will be used toward the annual contract maintenance of SmartForce software that provides a platform to access data from several information systems involved in operations. (The SmartForce software was approved/purchased utilizing last

year's JAG grant). In addition, the remaining funds (\$4,487) will be used to purchase upgrades to current technology for the Investigations Unit.

As part of the application process, the Bureau of Justice Assistance requires that City Council review and authorize receipt of the grant, and provide an opportunity for public comment. Therefore, a public comment opportunity is requested for the purpose of satisfying this requirement.

Action: Authorize the Interim City Manager to Apply for these Funds, and if Awarded, to Manage \$28,487

Staff presentation: John Camper, Police Chief

11. **Sole Source Approval to Purchase Econolite's Advanced Transportation Management System, Centracs, as a Replacement for the Current System**

[Attach 11](#)

The centralized management system software that is used to operate and program individual traffic signal controllers is referred to as an Advanced Transportation Management System (ATMS). The Transportation Engineering Division has utilized ATMS software for over two decades, and is currently using an outdated and obsolete version of Econolite's system. This purchase would update the system to the current version of Econolite's ATMS, which is named Centracs.

Action: Authorize the City Purchasing Division to Sole Source the Purchase of Centracs, an Advanced Transportation Management System, from Econolite, in the Amount of \$122,710

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

12. **Public Hearing – Studt Annexation and Zoning, Located at 227 29 Road**

[Attach 12](#)

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

Resolution No. 26-16 – 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 Studt Annexation, Located at 227 29 Road, is Eligible for Annexation

Ordinance No. 4699 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Studt Annexation, Consisting of One Parcel of 0.9 Acres, Located at 227 29 Road

Ordinance No. 4700 – An Ordinance Zoning the Studt Annexation to R-4 (Residential 4 du/ac), Located at 227 29 Road

®Action: Adopt Resolution No. 26-16 and Ordinance Nos. 4699 and 4700 on Final Passage and Order Final Publication in Pamphlet Form

Staff presentation: Senta Costello, Senior Planner

13. **Public Hearing – 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 13](#)

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.

Ordinance No. 4701 – 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

®Action: Adopt Ordinance No. 4701 on Final Passage and Order Final Publication in Pamphlet Form

Staff presentation: Kathy Portner, Interim Downtown Development Authority Director

14. **Public Hearing – Hoesch Street Vacation, Located West of 723 W. White Avenue** [Attach 14](#)

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.

Ordinance No. 4702 – An Ordinance Vacating Right-of-Way for Hoesch Street, Located West of 723 W. White Avenue

®Action: Adopt Ordinance No. 4702 on Final Passage and Order Final Publication in Pamphlet Form

Staff presentation: Senta Costello, Senior Planner

15. **Public Hearing – Amending Title 31, Comprehensive Plan, of the Grand Junction Municipal Code by Adding Section 31.12 Wireless Master Plan**

[Attach 15](#)

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.

Ordinance No. 4703 – 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

®Action: Adopt Ordinance No. 4703 on Final Passage and Order Final Publication in Pamphlet Form

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

16. **Public Hearing – Amending the Zoning and Development Code Sections of the Grand Junction Municipal Code Governing Development of Telecommunications Facilities**

[Attach 16](#)

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.

Ordinance No. 4704 – An Ordinance Amending the City’s Zoning and Development Regulations Relating to Telecommunications Facilities of the Grand Junction Municipal Code

®Action: Adopt Ordinance No. 4704 on Final Passage and Order Final Publication in Pamphlet Form

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

17. **Non-Scheduled Citizens & Visitors**
18. **Other Business**
19. **Adjournment**

Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, Colorado is a premiere bicycling state and Grand Junction offers some of the most diverse bicycling opportunities; and

WHEREAS, Colorado has designated each June as Bike Month to celebrate bicycling for transportation, fun, and health, joining a nationwide effort to encourage cycling novices and enthusiasts to experience the fun and freedom of safely riding a bike to work, school, errands, and recreation; and

WHEREAS, the bicycle is a viable and environmentally sound form of transportation and an excellent form of recreation; and

WHEREAS, the education of bicyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users; and

WHEREAS, the City of Grand Junction has signed onto the U.S. Department of Transportation's Mayors' Challenge for Safer People and Safer Streets and is taking actions to improve safety for bicycle riders and pedestrians of all ages and abilities; and

WHEREAS, bicycling activities and attractions have a positive impact on Grand Junction's economy and tourism industry and stimulates economic development by making the area attractive to businesses and citizens who enjoy the out-of-doors and healthy lifestyles; and

WHEREAS, Grand Junction has been designated a Bicycle Friendly Community by the League of American Bicyclists and recognizes that bicycle-friendly communities improve citizens' health, well-being, and quality of life, boost community spirit, improve traffic safety, and reduce pollution and congestion, all of which contribute to Grand Junction "Becoming the Most Livable Community West of the Rockies"; and

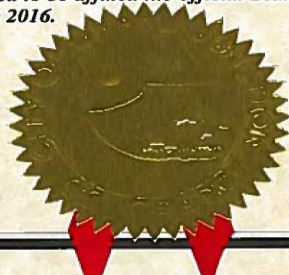
WHEREAS, the Urban Trails Committee, Grand Valley Bikes, and Healthy Mesa County, along with other local organizations throughout Mesa County will be promoting bicycling as an environmentally-friendly alternative to the automobile with a number of activities during Bike Month and on Bike to Work Day.

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim the month of June and Wednesday, June 22, 2016 as

"BIKE MONTH AND BIKE TO WORK DAY"

in the City of Grand Junction and call upon all citizens to participate by biking as an alternative form of transportation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 1st day of June 2016.



Mayor



**GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY
May 2, 2016 – Noticed Agenda Attached**

Meeting Convened: 5:00 p.m. in the City Hall Auditorium

Meeting Adjourned: 8:00 p.m.

City Council Members present: All except Councilmember McArthur

Staff present: Moore, Shaver, Camper, J. Creasy, Hazelhurst, Carruth, Kovalik, Valentine, Lanning, Schoeber, Mort, Watkins, Romero, Evans, Rainguet, Tuin, and other Police Officers

Also: Dave Roper, Richard Swingle, Jody Kole, Lori Rosendahl, Lloyd Pendleton, Zoe LeBeau (left at 5:45 p.m.), Julie Mamo, Dennis Simpson, and Amy Hamilton

Council President Norris opened the meeting and Interim City Manager (ICM) Moore introduced Lori Rosendahl, Grand Junction Housing Authority (GJHA) Chief Operating Officer.

Agenda Topic 1. Vulnerability Index Study

Ms. Rosendahl explained the City requested a study be done regarding homelessness and vagrancy issues in order to find a solution that would reduce City expenses, eliminate panhandling, and keep the homeless out of local parks and the river areas. She introduced Zoe LeBeau and Lloyd Pendleton who helped conduct the local Vulnerability Index Study; they reviewed their backgrounds. Mr. Pendleton described a pilot program he designed which showed affordable housing programs work and then defined chronically homeless (there are about 146 locally), their demographic, risk factors, service utilization and cost (the City conservatively spends \$1.7 million annually), housing options, and some benefits of rehousing programs. Ms. LeBeau described permanent supportive housing and noted there should not be a requirement for the tenants “to be clean and sober”, she recommended a 30-40 unit facility, reviewed grant funding options, and explained why the City is well poised to receive full funding.

Councilmember Boeschstein noted many homeless activities the City supports and some of the City’s expenses dealing with the homeless.

Councilmember Chazen asked if the City would need to help maintain this type of project and the how the facility could be well maintained with known addicts being housed. Ms. LeBeau listed financial options that could be used to maintain all stages of a facility that would not rely on City funding and then made clear the necessity of properly establishing staff and implementing security measures to help ensure tenant safety and the facility’s sustainability. She described the facility layout of the first project in Duluth and how a tenant selection plan could be implemented. She said both the design and priority selection would work well in Grand Junction.

There was further discussion regarding specifics on which organizations could lead, organize, implement, and maintain a facility. More information will be gathered and disseminated and Mike McDermott, an experienced developer, will be contacted. He owns property on Pitkin Avenue that may be suitable for such a project. Ms. LeBeau emphasized that funding is available and the timing is right

for Grand Junction to be involved in this kind of program. It is hoped a grant application can be completed by the next application deadline, June 1, 2017.

Agenda Topic 2. Retiree Health

Council President Norris introduced the topic noting it was last reviewed in October, 2015 and at that time Councilmember Traylor Smith was asked to review the Plan. ICM Moore then introduced Dave Roper, the City's former Risk Manager, who worked with Sonya Evans, Finance Supervisor, to create sustainable financial models using a Trust for the Plan. ICM Moore reviewed the highlights of the proposed models. City Attorney Shaver noted if a Trust is formed, the Board will only be responsible for the financial management of the Plan. Mr. Roper said the impetus for this recommendation is that GASB (Government Accounting Standards Board) will implement a reporting change (#74) effective in 2018; he then reviewed the Plan's history.

Financial Operations Director Jodi Romero reviewed the Employee Retiree Health Plan handout.

Ms. Evans explained the reporting changes that will be affected; regarding the Retiree Health Plan, she said a Trust would be able to recognize the fund balance as an asset, but the City would not.

Councilmember Taggart expressed concerns regarding current employee support for the plan and some of the proposal's critical assumptions: the proposed portfolio was too aggressive; the committee should have outside financial members; a minimum fund threshold should be set to determine if a rate increase should be implemented; and the projected health insurance increase of 5% is too low.

Councilmember Traylor Smith explained the Board should use the model only as a starting point and that they will need to make adjustments to keep it solvent. She suggested the Board have a separate investment committee that would include financial professionals. Human Resources Director Claudia Hazelhurst said every plan amendment is explained at employee meetings and a majority vote is needed for them to be passed.

Councilmember Chazen asked how the employee "buy in" rate is determined. Ms. Romero explained the rate is dependent on the age of the employee when they enter the plan and the projected participation rate (this is not proposed to change because it would not make a significant financial impact to the Plan).

To proceed, City Attorney Shaver said, Council needs to decide if they are supportive of continuing the Plan; if so, bring an appropriation for funds to infuse the Trust; then decide if contributions should be an ongoing budget item.

Council decided to move forward with the added requirements of having an outside professional financial fund manager and setting a minimum balance threshold. Councilmember Traylor Smith will review the final proposal.

Agenda Topic 3. Committee and Board Reports

Grand Junction Regional Airport Authority (GJRAA) - Councilmember Taggart said Kip Turner of Durango has accepted the GJRAA Executive Director position; the employment agreement has not been finalized.

Broadband Committee – Councilmember Kennedy said the RFP (request for proposal) responses have been received; the price points are being reviewed and surveys will be conducted around the desired pricing to ensure statistic viability. Next, they will review the viable financial model responses regarding

the “take rates” (percentage of subscribers who will purchase broadband at a particular time and price). This topic will be on a workshop agenda in June.

Colorado Riverfront Commission/Las Colonias Park – Councilmember Boeschstein attended a meeting with the Department of Energy (DOE) to request a contribution to help with development of Las Colonias Park which was a mill tailing disposal site; the DOE has funds set aside for this purpose.

Communication Center Funding - Council President Norris and ICM Moore met with DeBeque, Collbran, and Gateway regarding a funding initiative for the Grand Junction Regional Communications Center and all are very supportive and will create citizen committees. Council President Norris also met with each County Commissioner and they are open if the initiative is presented by the cities and community. ICM Moore will create an election timeline.

Epic Rides - ICM Moore said Todd Sadow would like to meet with Council the week of May 16th regarding a change in manager. It was decided to invite him to speak at 5:45 p.m. on May 18th.

Budget Process Discussion - Council President Norris reminded Council of the May 9th meeting at 3 p.m.

Grand Junction Off-Road & Downtown Music Festival – Councilmember Kennedy said he will be playing at the Music Festival on May 21st from 2-3 p.m.

Grand Junction Fire Department Annual Report – Fire Chief Ken Watkins handed out the Fire Department’s 2016 Annual Report and explained the format was changed in an effort to make the information more relevant to citizens. It was noted the Open Burning discussion has been scheduled for the May 16th workshop. Councilmember Boeschstein requested the current Ordinance be added to the workshop staff report.

Grand Valley Drainage District (GVDD) – Councilmember Chazen said the Grand Junction Chamber of Commerce and the County have filed a lawsuit against the District regarding the newly assessed drainage fee. He felt Council should take a stand on the issue, but all agreed they would first like to be fully briefed on both sides of the issue. City Attorney Shaver is in the process of getting a copy of the complaint. Councilmember Boeschstein commented that the 5-2-1 Drainage Authority is the more logical organization to deal with these issues since their boundaries are more inclusive of the valley; they have overridden the GVDD on two projects, however they still need to be more proactive.

With no other business, the meeting was adjourned.

**GRAND JUNCTION CITY COUNCIL
MONDAY, MAY 2, 2016**

**WORKSHOP, 5:00 P.M.
CITY HALL AUDITORIUM
250 N. 5TH STREET**

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

1. **Vulnerability Index Study** [Supplemental Documents](#)
2. **Retiree Health** [Supplemental Documents](#)
3. **Committee and Board Reports**
4. **Other Business** [Supplemental Documents](#)

GRAND JUNCTION CITY COUNCIL SPECIAL WORKSHOP SUMMARY
May 9, 2016 – Noticed Agenda Attached

Meeting Convened: 3:00 p.m. in the City Hall Auditorium

Meeting Adjourned: 5:52 p.m.

City Council Members present: All

Staff present: Moore, Shaver, Valentine, Romero, Lanning, Schoeber, Watkins, Camper, Hazelhurst, Kovalik, Rainguet, Portner, Evans, Wieland, Prall, McInnis, and Tuin

Also: Harry Griff, Larry Jones, Ted Ciavonne, Amy Hamilton, Robbie Breaux, and Richard Swingle

Agenda Topic 1. Las Colonias Amphitheatre Update

Parks and Recreation (P&R) Director Rob Schoeber introduced the update. Recreation Superintendent Tracy Wieland presented Council with an updated report of the funding for the Las Colonias Amphitheatre and reported major contributions: Riverfront Commission, \$75,000 (\$65,000 more than originally pledged); the Department of Local Affairs (DOLA) grant, \$1,600,000 (original requested amount was \$1,900,000); and the Gates Family Foundation and El Pomar committed \$25,000 each. The funding model presented to Council in November 2015 was \$3,700,000 and to date \$3,500,000 has been secured.

P&R Director Rob Schoeber reviewed the total estimated cost of the Amphitheater (\$3,892,080) and some alternate options that could be left out reducing costs by \$212,484. With the secured funding, there is a shortage of \$161,930. Mr. Schoeber said the next step is to get contractor bids. Due to the Department of Energy's (DOE) connection to the property, they may be willing to help with the project for approximately \$113,000. Other possible funding options are corporate marketing/sponsorships. He noted the Lions Club and other partners will be recognized on the site.

Ms. Wieland reviewed the project timeline and hoped construction can begin in October 2016 and be completed in the fall of 2017 or spring of 2018. Other discussion included the orientation of the amphitheater (taking into consideration wind, weather patterns, and keeping the noise away from residential area), the historical signage project (for educational purposes/ funding has already been secured), and the Riparian Restoration (funding options include the GOCO Inspire Initiative grant). A brand has been created for the Inspire Initiative - RIO (Recreation Inspired by the Outdoors). Senate Bill 16-218 regarding severance tax implications was brought up. It was unknown if funding for this grant would be affected by this bill. Staff was directed to start the request for proposal process for construction but not move forward until the results of SB 16-218 are known.

There was a lengthy discussion concerning obtaining a grant for a feasibility study for a community center and where a good location would be for a community center. Concerns were expressed about funding to move forward with a community center, funding to purchase the property at Matchett Park from the School District, how the community feels about moving forward with Matchett Park and a community center, and if there are other locations that could be considered for a community center.

Agenda Topic 2. Funding Capital Priorities and 2017 Budget Process Discussion including Process for Funding Requests

Interim City Manager (ICM) Tim Moore provided City Council with a summary statement regarding what Council felt were top priorities for capital needs. The first item was Contract Street Maintenance. An additional \$1.5 to \$2 million is needed annually to improve street conditions over a five year period. In order to fund this, two options were considered: a voter authorized new ¼% sales tax or a voter authorized mill levy increase of 3.8 mills. A gas or diesel tax was discussed but Councilmember McArthur pointed out that the Colorado Contractors Association did some surveys and a gas tax was the least favored. Council was most in favor of looking at a sales tax increase and they would like to see tax rates from surrounding communities for comparison. Council would also like to see which roads have been completed and which ones have not. They discussed using funds for the debt of the Riverside Parkway to overlay the Parkway and push the debt pay-off out one year. The majority of Council was in favor of that. They discussed other roads that need to be overlaid and setting up a reserve for unanticipated projects. Councilmember Chazen was concerned that using the funds for repayment of the Riverside Parkway debt would push other projects further out. Financial Operations Director Jodi Romero said that she will do an analysis of what projects will be pushed out and bring it back to Council.

The next priority discussed was Fire Station #6 North. The long term approach would be to consolidate Fire Districts. The short term goal is to improve response time in the north area. Fire Chief Ken Watkins reported on the feasibility study to determine the best location for a fire station to the north. They are getting ready to hire a consulting firm and a feasibility study should be done by October. They will look at providing service at the Airport and if it would make sense to locate a facility there. If so, there would be Federal Aviation Administration (FAA) funding available for the Airport's portion of that facility. Other potential funding was discussed which included funds after the Riverside Parkway debt has been retired, E911 funding, and equalizing a mill levy across the Districts. The time frame to build the Fire Station would be 2021/2022; if it is built at the Airport, the earliest it could be built would be 2019.

Las Colonias Park Development was discussed next. After the amphitheater is completed, it is anticipated another \$7.6 million will be needed to complete the Park. Some funding sources discussed were property assets that could be sold and grants using Conservation Trust Funds as leverage.

The other priority discussed was completion of the Riverside Parkway Loop (includes widening 24 Road and a connection to I-70B). ICM Moore said the best option to complete that in a short time frame would be a bond issue after the Riverside Parkway debt is paid off, which would require voter approval. The County could be asked if they would participate.

The discussion on the 2017 Budget Process was postponed.

Agenda Topic 3. Board and Committee Reports

There were none.

Agenda Topic 4. Other Business

Councilmember Kennedy advised the Neofiber consultant met with the County and the Commissioners have no intention of putting an override Senate Bill 152 question on the ballot as they feel there will be a legislative solution. He feels that City Council should suggest they go forward with the ballot question.

Garfield County intends to refer a question to the ballot. Council suggested taking to the County Commissioners about it at the upcoming joint meeting.

With no further business, the meeting was adjourned.

GRAND JUNCTION CITY COUNCIL
MONDAY, MAY 9, 2016

SPECIAL WORKSHOP, 3:00 P.M.
CITY HALL AUDITORIUM
250 N. 5TH STREET

REVISED

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

1. **Las Colonias Amphitheatre Update:** A complete overview of the Las Colonias Park Amphitheater project, including final design and funding scenario, will be provided. The amphitheater project is currently in the final stage of final design and construction documents. **Attachment**

2. **Funding Capital Priorities and 2017 Budget Process Discussion including Process for Funding Requests** **Attachment**

3. **Committee and Board Reports**

4. **Other Business**

GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING

May 18, 2016

The City Council of the City of Grand Junction convened into regular session on the 18th day of May, 2016 at 7:00 p.m. Those present were Councilmembers Bennett Boeschstein, Chris Kennedy, Rick Taggart, Barbara Traylor Smith, Martin Chazen, and Council President Phyllis Norris. Councilmember Duncan McArthur was absent. 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. The Combined Law Enforcement Honor Guard presented the colors and led the Pledge of Allegiance which was followed by a moment of silence.

Proclamations

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

Grand Junction Police Chief John Camper, Mesa County Sheriff Matt Lewis, Colorado State Patrol Captain Matt Ozanic, Fruita Police Sergeant John Coughran, and Palisade Police Chief Deb Funston were present to receive the proclamation. Councilmember Chazen read the proclamation. Chief Camper, on behalf of law enforcement across the Valley, thanked the City Council for recognizing Police Week and expressed how much it means to have the support of the community. Police Week is not only solemn; they try to make it fun. He described what will happen for the week. He stated it has been a difficult year for law enforcement and thanked City Council for their support.

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

Emergency Medical Services (EMS) Chief John Hall was present to receive the proclamation. Councilmember Taggart read the proclamation. Chief Hall thanked the City Council and then personally recognized those who attended the EMS Phoenix Awards celebration that day. Chief Hall described the awards that were given for saving lives of those that had suffered cardiac arrest. He reviewed the statistics for the year and expressed gratitude for Council support. He presented each Councilmember

a challenge coin, then recognized the EMS personnel with him, and thanked the City Council for their support of EMS services.

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

Grand Junction Parks and Recreation Director Rob Schoeber and Grand Junction Golf Professional Mike Mendelson were present to receive the proclamation. Councilmember Boeschstein read the proclamation. Mr. Mendelson said junior golf is his passion and it is his goal to continue to increase the number of young golfers. They have lowered the rates for juniors and have junior golf camps. He described some other youth events. Mr. Schoeber announced awards received for Tiara Rado Course and displayed them.

Mr. Schoeber then introduced Kamie Long, chair of the Forestry Board, and Randy Coleman, City Forester, to follow up on the recent Arbor Day Celebration. Mr. Coleman stated that Luke Olkowski was the overall winner of the poster contest. James Watson was another fifth grade winner and was first runner up for the State. He asked the two artists to come to the podium. Young Master Watson explained the inspiration behind his poster and young Master Olkowski thanked the Council.

Ms. Long then introduced a state tree champion owner of a London Plain, Pat and Claire Colunga, and then Reverend Brenda Brown and David Hoefer owners of a Desert Willow champion tree. Mr. Hoefer said the tree was 5 inches tall in 2002.

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

Jamie Hamilton, Junior College World Series (JUCO) Committee Chairman was present to receive the proclamation. Councilmember Traylor Smith read the proclamation. Mr. Hamilton thanked the City Council for the proclamation and expressed his appreciation of the Parks Department and the collaboration with all the partners.

Appointment

To the Parks and Recreation Advisory Board

Councilmember Kennedy moved to reappoint Bob Wiig and appoint Sam Susuras and Abby Landmeier to the Parks and Recreation Advisory Board for three year terms

expiring June 2019. Councilmember Traylor Smith seconded the motion. The motion carried by roll call vote.

Certificates of Appointment

To the Horizon Drive Association Business Improvement District

Councilmember Boeschstein presented certificates of reappointment to Bill Milius to the Horizon Drive Association Business Improvement District. Mr. Milius thanked City Council for their support with the development of Phase I of Horizon Drive.

To the Urban Trails Committee

Councilmember Boeschstein presented certificates of appointment to Shana Wade and Orin Zyvan to the Urban Trails Committee. Ms. Wade and Mr. Zyvan both thanked the City Council.

Citizens Comments

Bruce Lohmiller, 536 29 Road, spoke to Council about someone who passed away in one of the encampments and he asked the Council to again consider man camps. He said that the Secretary of State has informed him that he has been granted ballot access. He thanked Council for their support.

Richard Swingle, 443 Mediterranean Way, addressed the City Council; he displayed an excerpt from the introductory slide show and provided feedback on the slide. He does not believe that citizen feedback is valued; he said he has asked twice for the requested financial impact of SB 16-067 and he has not received that information. He reviewed the implications of the bill and said it will exempt telecommunications equipment in the future forever. He asked the City Council to direct the Interim City Manager to analyze the implications.

Council President Norris said the bill did not pass and the Council did send in letters opposing the passage. It was noted that this year's legislative session was over.

Councilmember Taggart said personal property tax is not collected by the City, just State and County tax. City Attorney Shaver said the City does share in that revenue.

Council Comments

Councilmember Kennedy said State Representative Dan Thurlow did reach out to the City about SB 16-067 and expressed his concerns which included that it did not meet the definition of broadband and did not provide any incentive for improvement. City Staff does watch bills being introduced into the legislature and the Council does take those very seriously.

Councilmember Chazen said the Associated Governments of Northwest Colorado (AGNC) followed that bill from early on and the download and upload speeds were a concern all along; it died at the end of the session and it's highly unlikely to come back into special session. On May 5th, he met with the Colorado Tourism Director, and the Downtown Development Authority (DDA) is currently working on the parking study and analyzing their direct involvement. On May 6th he attended a meeting with the Peace and Justice people and on May 11th he attended the Fire Department Awards Ceremony. At the AGNC meeting in Craig that day, there was a review by Tri State Generation about the Federal impact reporting on coal; he reported the good news that the mines in Craig will remain open.

Councilmember Boeschstein said he attended a hike for the Colorado Public Lands Day that day and also the Horizon Drive Association Business Improvement District (HDABID) meeting, as well as the Colorado Riverfront Commission meeting on Tuesday. He also attended the workshop on May 16th on air quality and the reception for the Governor at the Avalon. He gave a speech at the Newcomers Club and attended a youth orchestra concert, the celebration for the retirement of Kurt Gustafson with the Grand Junction Symphony, and a Catholic Outreach program for public officials.

Councilmember Traylor Smith said there have been lots of graduations and meetings; she congratulated the Economic Development (ED) partners for implementing the Northstar study and what a great job they have done; the Jump Start Program has another four companies interested. The Horizon Drive Project is well underway, but there still a construction zone so she urged caution.

Councilmember Taggart extended three thank you's: first to his wife Deana, then for the Governor's visit, and to Kristi Pollard, Grand Junction Economic Partnership (GJEP) Director, and Sara Schader who leads the outdoor recreation coalition. He enjoyed his ride with the Governor.

Council President Norris advised she was at most of these events that were previously mentioned. At the Governor's roundtable, Governor Hickenlooper sat down with the

City Council and County Commissioners and talked about what he can do to help the area with a focus on outdoor recreation. Local representatives from companies were also there. She went to the Grand Junction Fire Department Awards Ceremony and the EMS Phoenix Awards that day. She said the citizens are so fortunate to have the public safety personnel in this valley.

Councilmember Kennedy added that the Governor said that Grand Junction is right on the cusp of being a force to be reckoned with when it comes to outdoor recreation.

Council President Norris announced the Epic Rides Grand Junction Off-Road is this week-end.

Consent Agenda

Councilmember Kennedy read the Consent Calendar items #1 through #10 and moved to adopt the Consent Calendar. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

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)**

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

3. **Setting a Hearing on Hoesch Street Vacation Located West of 723 W. White Avenue**

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

4. **Setting a Hearing on the Studt Zone of Annexation, Located at 227 29 Road**

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

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

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

6. **Setting a Hearing on Amending the Zoning and Development Code Sections of the Grand Junction Municipal Code Governing Development of Telecommunications Facilities**

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

7. **Padilla-Ulibarri Utility Easement Vacation Located at 314 W. Ouray**

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

8. **Contract for 2016 Roadway Repairs**

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

9. **Fleet Services Division Tire Purchases**

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 prices.

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

10. **Amend Microsoft Enterprise Agreement to Convert Office Pro Licenses to Office 365 Licenses**

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing – Community Development Block Grant (CDBG) 2016 Program Year Funding Requests

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.

The public hearing was opened at 8:10 p.m.

Kristen Ashbeck, CDBG Administrator, provided background on the U.S. Department of Housing and Urban Development (HUD) which has an entitlement grant program and

explained that the purpose of the program is to develop viable communities by providing housing, suitable living environments, and expanding economic opportunities to low and moderate income persons and families in the community. This is the 21st year the City has been an Entitlement Community and year six of the City's Consolidated Plan which was adopted in 2011. This year the City has \$384,713 in funding for 2016 and another \$117,866 from previous years in unexpended funds. HUD has requested that a detailed review be presented on the funds to be reallocated from previous years which Ms. Ashbeck presented.

Ms. Ashbeck then reviewed the 2016 projects:

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.

Recommended Funding: \$43,000

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. **Recommended Funding: \$10,000**

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 a 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 could 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 since the patient volume has increased. The two operatories identified to be replaced with this grant are the highest priority. **Recommended Funding: \$19,832**

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 and live in the City limits. **Recommended Funding: \$5,874**

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.

Recommended Funding: \$8,000

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 to reimburse mileage expenses. **Recommended Funding: \$8,000**

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.

Recommended Funding: \$6,000

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. **Recommended Funding: \$18,750**

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. **Recommended Funding: \$7,750**

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. **Recommended Funding: \$28,000**

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. **Recommended Funding: \$75,000**

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 programs for youth recovering from sexual assault and domestic violence incidents. CDBG funds are requested towards Karis' purchase of the Zoe House. **Recommended Funding: \$50,000**

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. The Nisley Elementary School neighborhood is CDBG-eligible.

Recommended Funding: \$90,000

EI 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 EI Poso neighborhood as well as improve Safe Routes to School for students walking to Dual Immersion Academy (DIA), West Middle School, and Grand Junction High School. The EI Poso neighborhood is CDBG-eligible. **Recommended Funding: \$45,000**

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 roof, wood siding, exterior doors, and emergency lighting. **Recommended Funding: \$87,373**

Ms. Ashbeck reviewed the calendar for the CDBG program including adoption of the five year Action Plan. The program year starts on September 1, 2016. She then said some of the applicants were present for comments.

Councilmember Kennedy asked for a recap of the total number of requests versus what was available. Ms. Ashbeck said \$502,579 was the amount available. The grant requests were \$1.15 million. The amount of funds available after the administrative costs is \$459,579. Councilmember Kennedy said there is always more need than funding and it is difficult for the Council and Staff; he expressed appreciation to Ms. Ashbeck for her work.

Councilmember Boeschstein also thanked Ms. Ashbeck. He thought some improvements were already done near Nisley Elementary. Ms. Ashbeck described what had been done and there will be more done in the future. A woodstove replacement program was cut and Councilmember Boeschstein said he would like to hear from Housing Resources.

Councilmember Chazen thanked Ms. Ashbeck for the work, and expressed that it is a good mix this year between the bricks and mortar and service projects. He appreciates Ms. Ashbeck's guidance. He likes the sidewalk projects near the schools noting the improvements will be here for many years.

Penny Frankhouser, Director of the Counseling and Education Center (CEC), said she appreciates the commitment to mental health and wellness. Currently they have ten children on the waiting list and 91% of their clients are below the poverty level. They are eligible for Medicaid but CEC can't get Medicaid providers in this community. CEC sees over 500 clients per year; the money is much appreciated.

Martha Graf, Western Colorado Suicide Prevention Foundation Director, is grateful for the support; they provide counseling sessions for children who appear to be suicidal. The area is short on Medicaid providers for mental health; the money helps fund

Medicaid eligible students. Suicide is the second leading cause of death for young people. She recognized Ms. Ashbeck's good work.

Katie Bowman, Director for Housing Resources of Western Colorado, thanked Ms. Ashbeck. She explained the two projects they applied for, including the woodstove program. She does have letters of support and wanted Council to understand that is a critical piece of air quality.

Kerri Mosinski, HopeWest, thanked the Council for their support of the PACE (Program of All-Inclusive Care) program, which helps keep elderly people in their own homes.

The public hearing was closed at 8:39 p.m.

Councilmember Kennedy asked if the City is required to use a percentage for administration costs. Ms. Ashbeck replied they are not and there were several years when the City did not use any for administration. HUD however wants to ensure the training and additional support takes place. Councilmember Kennedy would like to see nearly 100% of the money allocated to the community.

Interim City Manager Moore explained the five year plan and the housing analysis that was done this year adding to administration costs. Council President Norris said this is something that is looked at each year and HUD wants year round involvement by Staff who administers the program.

Councilmember Chazen said with all of the unfunded mandates, it is refreshing that the program sets money aside for the administration of the program and he is glad that HUD recognizes there is a cost associated with the program.

Councilmember Traylor Smith moved to 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. Councilmember Chazen seconded to motion. Motion carried by roll call vote.

Public Hearing – Landmark Baptist Church Rezone, Located at 2711 UnawEEP Avenue

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).

The public hearing was opened at 8:44 p.m.

Senta Costello, Senior Planner, presented this item. She described the request, the location, and the history of the property. She described the existing uses and zoning of the property. There were concerns expressed by attendees of the neighborhood meeting regarding the use of the property as a funeral home and crematory. That buyer has since backed out of the purchase but the church still wants to go forward with the rezone. The church has outgrown the property with the parking, and vehicles turning in neighboring driveways was brought up at the February 2, 2016 neighborhood meeting. The Planning Commission recommended approval to City Council for the request at its April 12, 2016.

Councilmember Traylor Smith asked if a new owner would have to address the parking issue. Ms. Costello explained that any other use than a church would trigger a review by their office and the on-street parking would likely no longer be allowed. A similar sized church would however have the same issues.

Councilmember Boeschstein asked why this is not considered a spot zone. Ms. Costello said the advice received from legal counsel was that since the zoning falls within the allowed land use of the Comprehensive Plan, it is not considered a spot zone. Ms. Costello reviewed the types of uses allowed in an R-O zone district.

Councilmember Chazen confirmed that there were eight citizens concerned about a funeral home and the parking and asked if there were there any other issues. Ms. Costello said traffic along the street and parking were discussed. Councilmember Chazen asked if the neighborhood will have a chance to attend a public hearing if a funeral home goes into that location. Ms. Costello said not with a change of use, but if the application was for a heavier use that would require a site plan review and the neighborhood would get a notice.

Council President Norris asked if another funeral home would want to buy this property and if the neighborhood would have a say in that. Ms. Costello said only if they proposed changes to the site. If not, they would not; it would be processed as a change of use with no notice being sent out.

Councilmember Taggart expressed concerns should another funeral home be interested; this would put these neighbors in the same situation. Ms. Costello said that it would be a change of use and Planning would look at parking and limit the seating.

Currently the church as has 200 to 250 members and Community Development was reducing the seating capacity to 124, due to the parking. Councilmember Taggart asked what happens if more people come and there is standing room only. Ms. Costello said that would be a Code Enforcement issue; they could be cited as a violation of their approval and could be shut down.

Councilmember Kennedy recapped that it has been used as a church since 1947 and asked if the neighborhood grew up around it. Ms. Costello said yes, there was a lot of vacant land surrounding it and shortly thereafter, most of the houses were built. Councilmember Kennedy asked of other instances of this happening in the community. Ms. Costello gave other examples and how it has fit into the neighborhood. The property could typically be converted into offices or a daycare with minimal improvements.

Councilmember Kennedy asked what are the allowed uses under the current zoning. Ms. Costello said they are relatively limited. It could remain a church, become a daycare, or convert to multifamily residences. The R-8 zone is very limited. Councilmember Kennedy pointed out that leaving the zoning as is doesn't help the neighborhood problem because the uses are so limited. Approving the zone change provides more options and could help alleviate the parking and traffic problems. Therefore he will support the R-O zoning.

The public hearing was closed at 9:03 p.m.

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

Councilmember Chazen moved to adopt Ordinance No. 4698 on final passage and order final publication in pamphlet form. Councilmember Boeschenstein seconded the motion. Motion carried by roll call vote.

Two Rivers Convention Center Kitchen Make-up Air Unit Replacement

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.

Jay Valentine, Internal Services Manager, presented this item. He described the unit and its purpose. He stated that the existing unit is 21 years old with a life expectancy of 15 to 18 years. All City facilities were assessed in 2014 and this unit was identified for replacement in 2015. The bid was slightly lower than the estimate.

Mr. Valentine said the facility assessment rated the Convention Center Facility condition index at .28. The building is over 40 years old and there are other deficiencies that will arise in the near future. Mr. Valentine then reviewed the facility assessment and funding scenarios.

Councilmember Taggart said this is a very important subject and feels it needs to be addressed in a workshop. Councilmember Taggart said it is confusing the issue for this action item.

Councilmember Kennedy said he understands the point, but agrees the entire facility discussion should be part of a much larger discussion.

Council President Norris said she agrees it is important to address at a workshop, but also it is important for the public to know this.

Councilmember Kennedy is concerned about the safety of the current system. Mr. Valentine explained how this unit neutralizes the air pressure for the new system which will realize cost savings and save electricity.

Councilmember Boeschstein asked when the last time Two Rivers was modernized. Mr. Valentine said 2001. Councilmember Boeschstein said there should be an upgrade for energy savings for all buildings.

Councilmember Chazen rephrased that over \$3 million is needed in reserves; were these reserved funds from 2015? Mr. Valentine said there was \$100,000 budgeted to tackle the most critical needs. Councilmember Chazen reviewed the financing of this project and said he is in full support of the request.

Councilmember Chazen moved to 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. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

Richard Swingle, 443 Mediterranean Way, advised that the City of Fruita is going to pay their Drainage bill, he asked if the City is going to pay the bill and what they would suggest to the citizens.

Councilmember Kennedy said the Council has not discussed this in depth.

Councilmember Chazen said it was last discussed in a workshop and a lawsuit is pending. City Attorney Shaver said the City is waiting for action from the court and to see if an injunction is issued. If no injunction is issued, funds are budgeted and then it will need to be discussed.

Councilmember Traylor Smith preferred not to provide legal advice to citizens.

Councilmember Kennedy said that he paid the bill personally for his family. He is not ready to make a decision for the City. He would rather see a single authority for the entire valley.

Councilmember Boeschstein stated that he has said at numerous meetings that he prefers the 5-2-1 Drainage Authority address the drainage issues.

Councilmember Chazen asked if City Attorney Shaver knew when a decision might be rendered. City Attorney Shaver said prior to May 31, 2016 and he will keep Council updated.

Other Business

There was none.

Adjournment

The meeting was adjourned at 9:25 p.m.

Stephanie Tuin, MMC
City Clerk

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

May 23, 2016

The City Council of the City of Grand Junction, Colorado met in Special Session on Monday, May 23, 2016 at 4:30 p.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Bennett Boeschstein, Marty Chazen, Chris Kennedy, Rick Taggart, and President of the Council Phyllis Norris. Arriving slightly after the meeting convened were Councilmembers Duncan McArthur and Barbara Traylor Smith. Also present were Interim City Manager Tim Moore, City Attorney John Shaver, IT Director Jim Finlayson, Internal Services Manager Jay Valentine, Staff Attorney Shelly Dackonish, Project Manager Scott Hockins, Broadband Committee Member Aaron Rice, and Consultant Diane Kruse.

Councilmember Kennedy moved to go into Executive Session to receive confidential and/or proprietary information pursuant to Colorado Revised Statutes 24-72-204(3)(a)(iv) for purposes of evaluating proposals and to determine positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators concerning the development of broadband service(s) in the City under Colorado Revised Statute 24-6-402(4)(e) of the Open Meetings Law and will not be returning to open session. Councilmember Chazen seconded the motion. Motion carried.

The City Council convened into executive session at 4:32 p.m.

It was noted that Councilmember McArthur left the meeting at 6:27 p.m.

Stephanie Tuin, MMC
City Clerk



Date: May 16, 2016
 Author: Senta Costello
 Title/ Phone Ext: Sr. Planner /X 1442
 Proposed Schedule: June 1, 2016,
1st reading
 2nd Reading: June 15, 2016
 File #: ZCA-2016-64

Attach 2

CITY COUNCIL AGENDA ITEM

Subject: Amending Sections of the Zoning and Development Code to Add a New Category for Stand-Alone Crematories
Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for June 15, 2016
Presenter(s) Name & Title: Senta Costello, Senior Planner

Executive Summary:

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) by adding a new category for stand-alone crematories.

Background, Analysis and Options:

Current trends in the funeral home business are towards smaller more intimate settings. This necessitates the use of an off-site crematory. Most funeral home clientele prefer to have cremation facilities located somewhere other than where they are making their funeral arrangements thus reducing the public’s exposure to the process of cremation.

Allowing stand-alone crematories in other land use zones expands the opportunity to a broader area in the community in selecting an appropriate site location. Impact to community services such as transportation and utility services is very low. The use does not require “high visibility” locations.

Parking needs for a stand-alone crematory are minimal as sites typically do not have visitors, so parking is for employees and company vehicles. Parking for stand-alone crematories should be calculated at 1 space per employee plus one space per service vehicle.

Section 21.10.020 Terms defined is the Zoning and Development Code section where various terms used throughout the Code are defined to provide direction and clarity when applying the terms to in the use of the Code standards, regulations and guidelines.

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

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.

By adding a category for stand-alone crematories and allowing them to be located within the City's commercial and industrial zone districts, additional, appropriate business opportunities are opened up within those zones.

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 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 Code amendment to the City Council on May 10, 2016. This item was considered non-controversial and was placed on the Consent Agenda.

Financial Impact/Budget:

No financial impacts have been identified.

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:

This item has not been previously discussed.

Attachments:

Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 21.04.010 USE TABLE, SECTION 21.06.050(C) OFF-STREET REQUIRED PARKING, AND SECTION 21.10.020 TERMS DEFINED CONCERNING CREMATORIES

Recitals:

This ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) to add a new category for stand-alone crematories. Current trends in the funeral home business are towards smaller more intimate settings. This necessitates the use of an off-site crematory. Individuals using the facility prefer to have the cremation facility at somewhere other than where they are making their funeral arrangements eliminating the public's exposure to the crematory.

Allowing stand-alone crematories in other land use zones expands the opportunity to a broader area in the community in selecting an appropriate site location. Impact to community services such as transportation and utility services is very low. The use does not require "high visibility" locations.

Parking needs for a stand-alone crematory are minimal as sites typically do not have visitors, so parking is for employees and company vehicles.

Section 21.10.020 Terms defined is the Zoning and Development Code section where various terms used throughout the Code are defined to provide direction and clarity when applying the terms to in the use of the Code standards, regulations and guidelines.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of amending Section 21.04.010 Use Table, Section 21.06.050(c), Off-street required parking, and Section 21.10.020 Terms defined.

The Planning Commission and City Council find that the amendment 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:

1. Section 21.04.010 Use Table shall be amended with the deletion of Funeral Homes/Mortuaries/Crematories and the addition of Funeral Homes/Mortuary and Crematory as separate listings in the Institution and Civic section of the Use Table and to read as follows (deletions struck through, additions underlined and/or highlighted):

21.04.010 Use table.

Key: A = Allowed; C = Conditional; Blank Cell = Not Permitted																									
USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2	MX-	Std.	
INSTITUTIONAL AND CIVIC																									
Funeral Homes/Mortuaries/Crematories	All									C	C	A	A	A	A	A		A	A	A	A				
Funeral Home / Mortuary	All											A	A	A	A	A		A	A	A					
Crematory	All													A	A	A		A	A	A	A	A			

2. Section 21.06.050(c) Off-street required parking be amended with addition of Crematory and Funeral Home/Mortuary under the Institutional Use categories:

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF VEHICLE SPACES
INSTITUTIONAL		
College, Vocational/Technical Schools	College, Vocational/Technical Schools	1 per 2 students
Community Services	Community Center	1 per 250 square feet
Crematory	Crematory	1 per employee + 1 space per service vehicle
Cultural	Museums, Art Galleries, Opera Houses, Libraries	1 per 1,000 square feet
Day Care	Day Care	1.5 per employee
Detention Facilities	Jails, Honor Camps, Reformatories, Law Enforcement Rehabilitation Centers	1 per employee on maximum shift + 1 per service vehicle
Funeral Home/Mortuary	Funeral Home/Mortuary	1 per 4 seats (one seat = 18")

3. Section 21.10.020 Terms defined be amended with the addition of:

Crematory An establishment for burning the bodies of deceased people / animals

Funeral Home/Mortuary An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals

All other parts of Section 21.04.010, Section 21.06.050(c), and Section 21.10.020 shall remain in full force and effect.

Introduced on first reading this ____ day of _____, 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

Attach 3

CITY COUNCIL AGENDA ITEM

Date: May 5, 2016
Author: Senta Costello
Title/ Phone Ext: Senior Planner, x 1442
Proposed Schedule: Resolution
Referring Petition, May 4, 2016
1st Reading Zoning: June 1, 2016
2nd Reading (if applicable): June 15, 2016
File #: ANX-2016-53

Subject: PIA Zone of Annexation, Located at 2757 Hwy 50

Action Requested/Recommendation: Introduce a Proposed Zoning Ordinance and Set a Hearing for June 15, 2016

Presenter(s) Name & Title: Senta Costello, Senior Planner

Executive Summary:

A request to zone 2.784 acres located at 2757 Hwy 50 from a County C-2 to a City C-2 (General Commercial) zone district in conjunction with the property being annexed into the City.

Background, Analysis and Options:

The property owner has requested annexation into the City and a zoning of C-2 (General Commercial) in order to establish a towing/impound yard on 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 February 15, 2016. Three neighbors attended the meeting. They did not have any concerns, only curious 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 development in a manner consistent with adjacent commercial development.

How this item relates to the Economic Development Plan:

Goal: Be proactive and business friendly. Streamline processes and reduce time and costs to the business community while respecting and working within the protections that have been put into place through the Comprehensive Plan.

Annexation of the property provides the developer with consistent development standards as other non-residential proposals under development in the City and is consistent with the Future Land Use Designation of Commercial identified in the Comprehensive 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 May 4, 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. Neighborhood Meeting Summary
8. Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
Location:		2757 Hwy 50	
Applicants:		PIA Company LLC	
Existing Land Use:		Auto Repair/Towing Company	
Proposed Land Use:		Auto Repair/Towing Company	
Surrounding Land Use:	North	Highway 50 / Burger King	
	South	Ballfield at the Fairgrounds	
	East	Construction company	
	West	Trailer / RV sales lot	
Existing Zoning:		County C-2	
Proposed Zoning:		City C-2 (General Commercial)	
Surrounding Zoning:	North	City C-1 (Light Commercial)	
	South	City C-2 (General Commercial)	
	East	City C-2 (General Commercial)	
	West	City C-2 (General Commercial)	
Future Land Use Designation:		Commercial	
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 Commercial. The request for an C-2 (General Commercial) 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 Non-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 is proposing on the property being used as a towing/impound yard, which requires a public hearing through Mesa County. Thus, the property owner has petitioned for annexation.

This criterion has been met.

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

Response: The character/condition of the area has changed in that additional development has occurred around the property, including a construction company with an outdoor storage yard and a RV/trailer sales lot. The historic use of the property has been auto repair with outdoor storage and contractor shop with outdoor storage.

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 Hwy 50, including potable water provided by the Ute Water District, sanitary sewer service maintained by the City, and electricity from Xcel Energy (a franchise utility).

Commercial uses, primarily convenience oriented, are located north, across Highway 50 and include a grocery stores, gas stations, restaurants, liquor stores, dentist and doctors office.

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 C-2 zone district covers over 829 acres within the City Limits.

Undeveloped property with C-2 zoning, however, does not exist in the Orchard Mesa area. There are two parcels in Orchard Mesa with a C-2 zone district designation and they flank the property proposed for annexation. The surrounding area consists of other general commercial type uses and the Comprehensive Plan Future Land Use Map anticipates this area be developed in a commercial manner.

This criterion has been met.

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

Response: The proposed C-2 zone district implements Goals 1 and 3 of the Comprehensive Plan by creating consistent land use jurisdiction, allow for efficient provision of municipal services and creates an opportunity for future non-residential development in a manner consistent with adjacent non-residential development.

This criterion has been met

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-O (Residential – Office)
- b. B-1 (Neighborhood Business)
- c. C-1 (Light Commercial)
- d. M-U (Mixed-Use)

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

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the PIA Annexation, ANX-2016-115, for a Zone of Annexation, staff recommends that the Planning Commission make the following findings of fact and conclusions:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan.
2. The applicable review criteria 1-5 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 C-2 district to be consistent with the Comprehensive Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

Site Location Map



Aerial Photo Map



Future Land Use Map



Zoning Map



NEIGHBORHOOD MEETING MINUTES

Date of Meeting: February 15, 2016

Time of Meeting: 5:30 pm

Location of Meeting: 2757 S. Hwy 50, Unit B, Grand Junction, CO 81503

Attendance: See attached sign-in sheet

Discussion: Mr. & Mrs. Tallman had a concern about the debris on the property presently. We assured them that the property would be cleaned up and in good aesthetic appearance. We discussed the fence and the barrier that would be placed in the chain link fence and that nothing would be seen from the street view.

We felt the meeting was very positive and that all attendees had no problem with us putting our business there.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE PIA ANNEXATION
TO C-2 (GENERAL COMMERCIAL)**

LOCATED AT 2757 HIGHWAY 50

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 PIA Annexation to the C-2 (General Commercial) 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 C-2 (General Commercial) 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 C-2 (General Commercial).

PIA ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) and the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 25, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southwest corner of the NW 1/4 SE 1/4 of said Section 25 and assuming the West line of the NW 1/4 SE 1/4 of said Section 25 bears N 00°01'48" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°01'48" W, along the West line of the NW 1/4 SE 1/4 of said Section 25, a distance of 21.35 feet to a point on the Southerly limits of the Wheeling Corrugated Annexation, Ordinance No. 3145, as same is recorded in Book 2597, Page 905, Public Records of Mesa County, Colorado; thence along the boundary of said Wheeling Corrugated Annexation, the following nine (9) courses:

1. N 74°58'06" E, a distance of 83.25 feet;

2. thence N 35°58'06" E, a distance of 59.68 feet;
3. thence N 12°58'54" W, a distance of 514.89 feet;
4. thence N 21°04'54" W, a distance of 15.97 feet;
5. thence N 35°48'36" W, a distance of 111.20 feet;
6. thence N 22°40'06" W, a distance of 70.16 feet;
7. thence S 72°56'20" E, a distance of 123.03 feet;
8. thence S 73°40'30" E, a distance of 110.41 feet;
9. thence S 69°23'00" E, a distance of 294.90 feet, more or less, to a point on the Westerly boundary of the Mendez Annexation, Ordinance No. 3212, as same is recorded in Book 2663, Page 176, Public Records of Mesa County, Colorado;

thence along said Westerly boundary the following three (3) courses:

1. S 21°55'02" W, a distance of 547.03 feet;
2. thence S 14°17'03" E, a distance of 74.46 feet;
3. thence S 45°33'15" E, a distance of 17.44 feet to a point on the South line of the NW 1/4 SE 1/4 of said Section 25;

Thence N 89°59'22" W, along said South line, a distance of 228.16 feet, more or less, to the Point of Beginning.

CONTAINING 172,247 Square Feet or 3.954 Acres, more or less, as described.

INTRODUCED on first reading the ___ day of ___, 20__ and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 20__ and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Attach 4

CITY COUNCIL AGENDA ITEM

Date: [May 18, 2016](#)
 Author: [Scott D. Peterson](#)
 Title/ Phone Ext: [Senior Planner/1447](#)
 Proposed Schedule: [Resolution Referring
 Petition, June 1, 2016](#)
 1st Reading Zoning: [July 6, 2016](#)
 2nd Reading: [July 20, 2016](#)
 File #: [ANX-2016-194](#)

Subject: Retherford Annexation, Located at 2089 Broadway
Action Requested/Recommendation: Adopt a Resolution Referring the Petition and Exercising Land Use Control for the Retherford Annexation, Introduce a Proposed Annexation Ordinance and Set a Hearing for July 20, 2016
Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

A request to annex 0.84 acres located at 2089 Broadway. The Retherford Annexation consists of one parcel of land (0.48 acres in size) and 0.36 acres of public right-of-way of Broadway (Hwy. 340) and Jesse Way.

Background, Analysis and Options:

The property owner has requested annexation into the City limits and a zoning of R-4 (Residential – 4 du/ac) in order to divide the existing property to create a second residential lot in anticipation of construction of a new single family detached home. Under the 1998 Persigo Agreement with Mesa County all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation to and processing by the City.

Neighborhood Meeting:

A Neighborhood Meeting was held on April 18, 2016 with nine citizens along with the applicant and City Project Manager in attendance. No objections to the proposed annexation, zoning, nor proposed future single-family residential development were received.

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

Annexation of the property will create consistent land use jurisdiction and allows for efficient provision of municipal services. The proposed annexation also creates an opportunity to create ordered and balanced growth spread throughout the community in a manner consistent with adjacent residential development. The proposed Annexation also provides additional housing opportunities and choices to meet the needs of a growing community, which implements the following goals and polices from the Comprehensive Plan.

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

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

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

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 Annexation does not further the goals of the Economic Development Plan as the proposed land use is for a residential development, the proposal does provide additional residential housing opportunities for both professionals and retirees in the community, located within the Redlands.

Board or Committee Recommendation:

The Planning Commission will consider the Zone of Annexation on June 14, 2016. Their recommendation will be forwarded for 1st Reading of the Zoning Ordinance on July 6, 2016.

Financial Impact/Budget:

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

Legal issues:

The proposed annexation is consistent with the 1998 Persigo Agreement and Colorado law. The City Council has jurisdiction and may lawfully entertain the petition for annexation.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This item has not been presented or discussed at a previous City Council meeting or workshop.

Attachments:

1. Staff report/Background information
2. Annexation Map
3. Aerial Photo
4. Comprehensive Plan Future Land Use Map
5. Existing Zoning Map
6. Resolution Referring Petition
7. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION					
Location:		2089 Broadway			
Applicants:		Terry, Doug and Dennis Retherford, Owners			
Existing Land Use:		Single-family detached home			
Proposed Land Use:		Simple Subdivision to divide the existing lot to construct a single-family detached home			
Surrounding Land Use:	North	Single-family detached			
	South	Single-family detached			
	East	Single-family detached			
	West	Two Rivers Winery			
Existing Zoning:		County RSF-4 (Residential Single-Family – 4 du/ac)			
Proposed Zoning:		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 PUD (Planned Unit Development)			
Future Land Use Designation:		Residential Medium Low (2 – 4 du/ac)			
Zoning within density/intensity range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation consists of one 0.48 acre parcel of land and 0.36 acres of public right-of-way of Broadway (Hwy. 340) and Jesse Way.

The property owner has requested annexation into the City and a zoning of R-4 (Residential – 4 du/ac) in order to divide the existing property to create a second residential lot in anticipation of construction of a new single family detached home. Under the 1998 Persigo Agreement with Mesa County, all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation to and processing by the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Retherford Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The following annexation and zoning schedule is being proposed:

<u><i>ANNEXATION SCHEDULE</i></u>	
June 1, 2016	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
June 14, 2016	Planning Commission considers Zone of Annexation
July 6, 2016	Introduction of a Proposed Ordinance on Zoning by City Council
July 20, 2016	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
August 21, 2016	Effective date of Annexation and Zoning

RETFERFORD ANNEXATION - BACKGROUND INFORMATION

File Number:	ANX-2016-194	
Location:	2089 Broadway	
Tax ID Number:	2947-221-42-002	
# of Parcels:	1	
Estimated Population:	2	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	1	
Acres land annexed:	0.84	
Developable Acres Remaining:	0.48	
Right-of-way in Annexation:	0.36	
Previous County Zoning:	County RSF-4 (Residential Single-Family – 4 du/ac)	
Proposed City Zoning:	R-4 (Residential – 4 du/ac)	
Current Land Use:	Single-family detached	
Future Land Use:	Residential Medium Low (2 – 4 du/ac)	
Values:	Assessed:	\$15,280
	Actual:	\$191,990
Address Ranges:	2089 Broadway	
Special Districts:	Water:	Ute Water Conservancy District
	Sewer:	Persigo 201 sewer service area
	Fire:	Grand Junction Rural and Redlands Sub Fire Protection District
	Irrigation/ Drainage:	Redlands Water and Power Company
	School:	Mesa County Valley School District #51
	Pest:	Grand River Mosquito Control District

Retherford Annexation



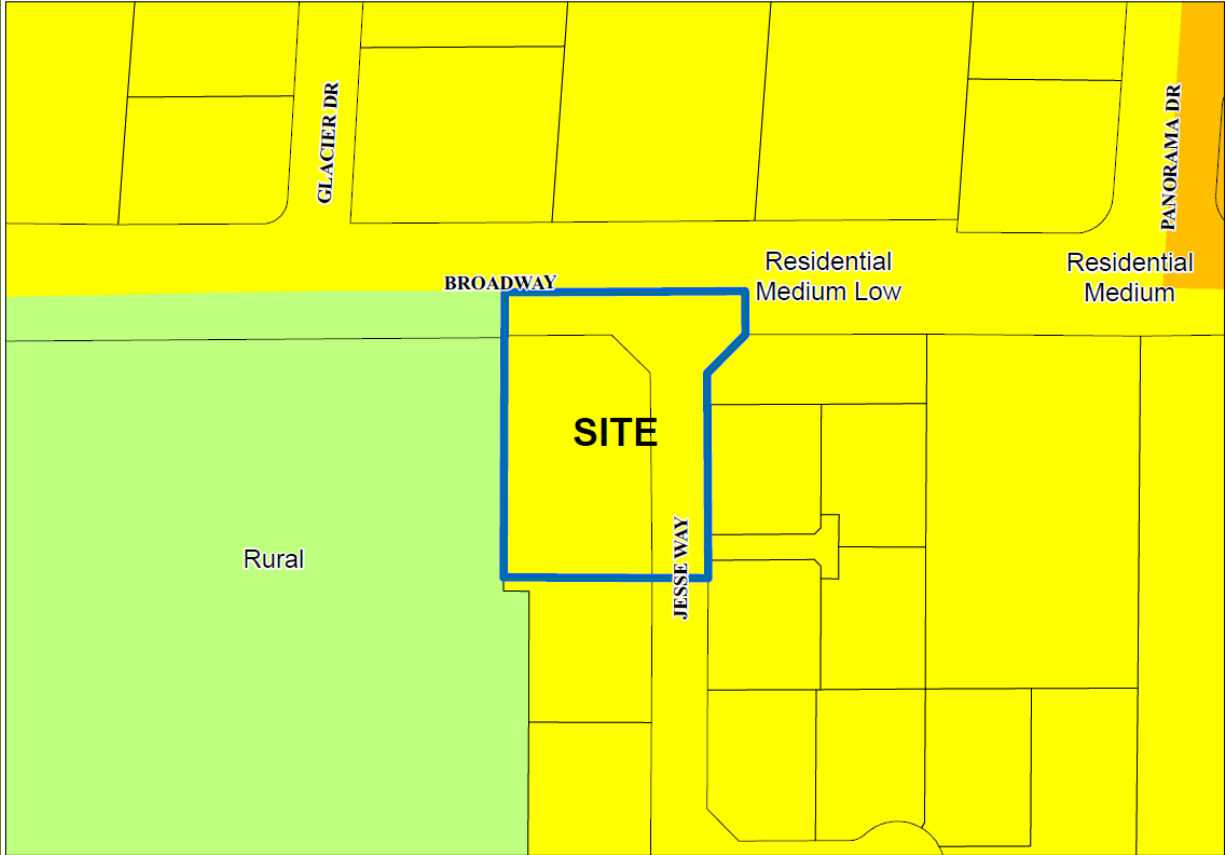
 City Limits  Annexation Boundary

Retherford Annexation



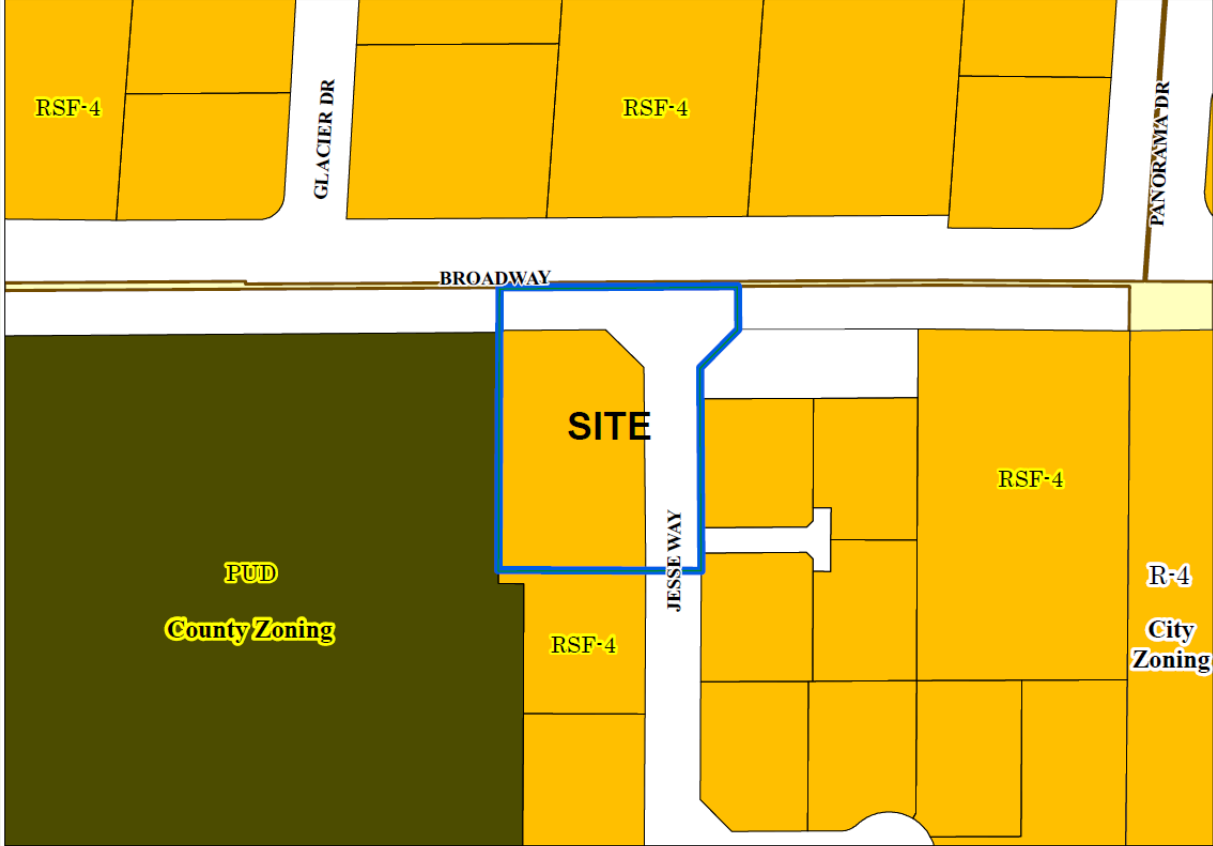
 City Limits  Annexation Boundary

Retherford Annexation - Future Land Use



 City Limits  Annexation Boundary

Retherford Annexation - Zoning



City Limits Annexation Boundary

Date: 5/11/2016

**NOTICE OF HEARING
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 1st day of June, 2016, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

RETFERFORD ANNEXATION

LOCATED AT 2089 BROADWAY

WHEREAS, on the 1st day of June, 2016, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

RETFERFORD ANNEXATION

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 22, Township 11 South, Range 101 West, 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 22 and assuming the North line of the NE 1/4 of said Section 22 bears N 89°26'44" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°12'59" E, along the East line of the NE 1/4 of said Section 22, a distance of 2.00 feet to a point on the Rim View Annexation, City of Grand Junction Ordinance No. 4129, as same is recorded in Book 4556, Page 63, Public Records of Mesa County, Colorado; thence S 89°47'50" W, along said Rim View Annexation, a distance of 162.40 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°12'10" E, a distance of 34.14 feet to a point on the North line of Retherford Estates, as same is recorded in Book 3890, Page 578, Public Records of Mesa County, Colorado; thence S 44°55'23" W, along the Westerly line of said Retherford Estates, a distance of 42.34 feet; thence S 00°10'54" E, along said West line, a distance of 159.40 feet; thence N 89°57'59" W, along the South line and the Easterly projection thereof of Lot 2, Retherford Subdivision, as same is recorded in Plat Book 18, Page 281, Public Records of Mesa County, Colorado, a distance of 159.99 feet to a point being the Southwest corner of said Lot 2; thence N 00°25'16" E, along the West line and the Northerly projection thereof of said Lot 2, a distance of 222.78 feet to a point on said Rim View Estates Annexation; thence N 89°47'50" E, along said Annexation, a distance of 187.63 feet, more or less, to the Point of Beginning.

CONTAINING 36,890 Square Feet or 0.847 Acres, more or less, as described.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 20th day of July, 2016, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Division of the City.

ADOPTED the _____ day of _____, 2016.

Attest:

President of the Council

City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

City Clerk

<i>DATES PUBLISHED</i>
June 3, 2016
June 10, 2016
June 17, 2016
June 24, 2016

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

RETFERFORD ANNEXATION LOCATED AT 2089 BROADWAY

**CONSISTING OF ONE PARCEL AND 0.36 ACRES OF BROADWAY
AND JESSE WAY RIGHTS-OF-WAY**

WHEREAS, on the 1st day of June, 2016, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 20th day of July, 2016; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

RETFERFORD ANNEXATION

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 22, Township 11 South, Range 101 West, 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 22 and assuming the North line of the NE 1/4 of said Section 22 bears N 89°26'44" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°12'59" E, along the East line of the NE 1/4 of said Section 22, a distance of 2.00 feet to a point on the Rim View Annexation, City of Grand Junction Ordinance No. 4129, as same is recorded in Book 4556, Page 63, Public Records of Mesa County, Colorado; thence S 89°47'50" W, along said Rim View Annexation, a distance of 162.40 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°12'10" E, a distance of 34.14 feet to a point on the North line of Retherford Estates, as same is recorded in Book 3890, Page 578, Public Records of Mesa County, Colorado; thence S 44°55'23" W, along the Westerly line of said Retherford Estates, a distance of 42.34 feet; thence

S 00°10'54" E, along said West line, a distance of 159.40 feet; thence N 89°57'59" W, along the South line and the Easterly projection thereof of Lot 2, Retherford Subdivision, as same is recorded in Plat Book 18, Page 281, Public Records of Mesa County, Colorado, a distance of 159.99 feet to a point being the Southwest corner of said Lot 2; thence N 00°25'16" E, along the West line and the Northerly projection thereof of said Lot 2, a distance of 222.78 feet to a point on said Rim View Estates Annexation; thence N 89°47'50" E, along said Annexation, a distance of 187.63 feet, more or less, to the Point of Beginning.

CONTAINING 36,890 Square Feet or 0.847 Acres, more or less, as described.

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

INTRODUCED on first reading on the _____ day of _____, 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



Attach 5

CITY COUNCIL AGENDA ITEM

Date: May 26, 2016

Author: Bret Guillory

Title/ Phone Ext: Utility Engineer 244-1590

Proposed Schedule: 1st Reading June 1, 2016

2nd Reading: (if applicable): June 15,

2016

File # (if applicable): _____

Subject: Approval of Loan Contract with the Colorado Water Conservation Board for the Hallenbeck No.1 Downstream Slope Repair, Relating to a Loan in the Maximum Principal Amount of \$1,010,000 Payable from Net Revenues of the City's Water Activity Enterprise

Action Requested/Recommendation: Introduce a Proposed Ordinance Accepting the Terms and Conditions of the Colorado Water Conservation Board Loan Contracts, Set a Hearing for June 15, 2016, and Authorize the President of the Council to Enter into the Contract for a Loan up to \$1,010,000

Presenter(s) Name & Title: Greg Lanning, Public Works Director
Jay Valentine, Internal Services Manager

Executive Summary:

The City Water Department has applied for 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 for this project during the 2016 budget review process.

Background, Analysis and Options:

Hallenbeck Reservoir No. 1 (aka Purdy Mesa) is one of the City of Grand Junction's 14 raw water reservoirs. Background for this project was provided in the May 4, 2016 City Council agenda.

The purpose of this project is to make repairs to the dam that will mitigate the structural failure, and provide improved control of seepage through the structure. Construction is expected to occur in the summer of 2016.

The loan may be used to recover design costs already incurred, and cover cost to construct the project. Estimated construction cost is \$994,000. The loan will be completed for the actual amount used. The recommendation of the CWCB was to apply for a \$1M loan that would allow for flexibility based on actual construction cost.

CWCB has asked for an opinion letter from the City's bond counsel. Bond counsel is requiring that the loan from CWCB be approved by City Council via an ordinance.

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

Goal 12: *Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.*

The City of Grand Junction Water Department is responsible for maintaining a reliable water source during times of drought. This project will provide for an additional 699 acre feet of raw water storage, roughly 5% of the City's total storage.

How this item relates to the Economic Development Plan:

Infrastructure: This project emphasizes the City Water Departments diligence in maintaining adequate raw water storage supplies. Being proactive in maintaining raw water infrastructure helps ensure that the customers have reliable high quality water service even during times of drought.

Providing infrastructure that fosters and supports private investment: The City of Grand Junction's water service area is almost fully developed. Nonetheless, the City needs to continue to be diligent in protecting and maintaining a reliable raw water source. This critical infrastructure provides for clean domestic water to ensure opportunities for private investment and redevelopment of the core area of the City.

Board or Committee Recommendation:

There is no board or committee recommendation.

Financial Impact/Budget:

The term of the loan is 20 years, at 2.65% interest. Loan initiation cost is \$10,000.

Sources

Water Supply Reserve Account Grant	\$ 100,000
Colorado Water Conservation Board Loan	<u>1,010,000</u>
Total Project Sources	\$1,110,000

Expenditures

Design contract	\$ 106,000
Estimated Construction	994,000
Loan Initiation	<u>10,000</u>
Total Estimated Cost	\$1,110,000

Legal issues:

The City Attorney and Mr. David Lucas of Sherman and Howard, the City's outside bond counsel have reviewed and approved the documents and the form of the ordinance.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This was presented at the October 5, 2015 Workshop, and as a Resolution at the May 4, 2016 Council meeting.

Attachments:

Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE APPROVING A LOAN FROM THE COLORADO WATER CONSERVATION BOARD TO FINANCE IMPROVEMENTS TO THE CITY'S WATER SYSTEM; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN CONTRACT AND A PROMISSORY NOTE TO EVIDENCE SUCH LOAN; AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS RELATED THERETO, INCLUDING A SECURITY AGREEMENT; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, the City of Grand Junction, Colorado (the "City"), is a home rule city duly existing under the Constitution and laws of the State of Colorado and its City Charter (the "Charter"); and

WHEREAS, the members of the City Council of the City (the "Council") have been duly elected and qualified; and

WHEREAS, the Council has determined and does hereby determine that the City's water system (the "System") is an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution ("TABOR"), and Section 37-45.1-103 of the Colorado Revised Statutes, as amended; and

WHEREAS, the Council has heretofore determined that the interest of the City and the public interest and necessity require certain improvements to the System, including, without limitation, certain repairs and improvements to the Hallenbeck Reservoir No. 1 Dam (collectively, the "Project"); and

WHEREAS, the Council has determined that in order to finance the Project it is necessary, advisable, and in the best interests of the City to enter into a loan contract (the "Loan Contract") with the State of Colorado for the use and benefit of The Department of Natural Resources, Colorado Water Conservation Board (the "CWCB"), pursuant to which the CWCB will loan the City an amount not to exceed \$1,010,000 (the "Loan") for such purposes; and

WHEREAS, the City's repayment obligations under the Loan Contract shall be evidenced by a Promissory Note (the "Note") to be issued by the City to the CWCB and further

secured by a Security Agreement to be executed by the City, as borrower, to the CWCB, as secured party; and

WHEREAS, the Note and the Loan Contract shall collectively comprise a revenue obligation of the City payable from the Pledged Revenues (as defined herein), and pursuant to TABOR and Article XII, Section 93(f) of the Charter may be approved by the Council without an election; and

WHEREAS, forms of the Note, the Loan Contract, and the Security Agreement (collectively, the “Financing Documents”) have been filed with the City Clerk; and

WHEREAS, the Council desires to approve the forms of the Financing Documents and authorize the execution thereof.

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

Approvals, Authorizations, and Amendments. The forms of the Financing Documents filed with the City Clerk are incorporated herein by reference and are hereby approved. The City shall enter into and perform its obligations under the Financing Documents in the forms of such documents, with such changes as are not inconsistent herewith and as are hereafter approved by the President of the Council (the “President”). The President and City Clerk are hereby authorized and directed to execute the Financing Documents and to affix the seal of the City thereto, and further to execute and authenticate such other documents or certificates as are deemed necessary or desirable in connection therewith. The Financing Documents shall be executed in substantially the forms approved at this meeting.

The execution by the President, the City Clerk, or other appropriate officers of the City of any instrument or certificate or other document in connection with the matters referred to herein shall be conclusive evidence of the approval by the City of such instrument or certificate or other document.

Election to Apply Supplemental Act. Section 11-57-204 of the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, of the Colorado Revised Statutes, as amended (the “Supplemental Act”), provides that a public entity, including the City, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act. The Council hereby elects to apply all of the provisions of the Supplemental Act to the Financing Documents.

Certain Definitions. For all purposes of the Financing Documents and this Ordinance, the following terms shall have the following meanings:

“Capital Improvements” means the acquisition of land, easements, facilities and equipment (other than ordinary repairs and replacements), and the construction or reconstruction of improvements, betterments and extensions, for use by or in connection with the System.

“Gross Revenues” means all income and revenues directly or indirectly derived by the City from the operation and use of the System, or any part thereof, including without limitation, any rates, fees (including without limitation plant investment fees and availability fees) and charges for the services furnished by, or for the use of, the System, and all income attributable to any past or future dispositions of property or rights or related contracts, settlements, or judgments held or obtained in connection with the System or its operations, and including investment income accruing from such moneys; provided however, that there shall be excluded from Gross Revenues: ad valorem property taxes; any moneys borrowed and used for providing Capital Improvements; any money and securities and investment income therefrom in any refunding fund, escrow account, or similar account pledged to the payment of any bonds or other obligations; and any moneys received as grants or appropriations from the United States, the State of Colorado, or other sources, the use of which is limited or restricted by the grantor or donor to the provision of Capital Improvements or for other purposes resulting in the general unavailability thereof, except to the extent any such moneys shall be received as payments for the use of the System, services rendered thereby, the availability of any such service, or the disposal of any commodities therefrom. Notwithstanding anything contained above, amounts deposited in a rate stabilization account shall not be deemed Gross Revenues in the calendar year deposited and amounts withdrawn from the rate stabilization account shall be deemed Gross Revenues in the year withdrawn.

“Operation and Maintenance Expenses” means all reasonable and necessary current expenses of the City (referred to as the Borrower in the Financing Documents), paid or accrued, for operating, maintaining, and repairing the System, including without limitation legal and overhead expenses of the City (referred to as the Borrower in the Financing Documents) directly related to the administration of the System, insurance premiums, audits, professional services, salaries and administrative expenses, labor and the cost of materials and supplies for

current operation; provided however, that there shall be excluded from Operation and Maintenance Expenses any allowance for depreciation, payments in lieu of taxes or franchise fees, expenses incurred in connection with Capital Improvements, payments due in connection with any bonds or other obligations, and expenses that are otherwise paid from ad valorem property taxes.

“Pledged Revenues” for any period means the Gross Revenues during such period less Operation and Maintenance Expenses.

“System” means all of the City’s water facilities and properties, now owned or hereafter acquired, whether situated within or without the City’s boundaries, including all present or future improvements, extensions, enlargements, betterments, replacements, or additions thereof or thereto, which facilities and properties are used exclusively for the City’s water activity enterprise.

Delegation and Parameters.

Pursuant to Section 11-57-205 of the Supplemental Act, the Council hereby delegates to the President, the Financial Operations Director, or any member of the Council the authority to make the following determinations relating to and contained in the Financing Documents, subject to the restrictions contained in paragraph (b) of this Section 3:

The interest rate on the Loan;

The principal amount of the Loan;

The amount of principal of the Loan maturing in any given year and the final maturity of the Loan;

The conditions on which and the prices at which the Loan may be paid prior to maturity;

The dates on which the principal of and interest on the Loan are paid; and

The existence and amount of capitalized interest or reserve funds for the Loan, if any.

The delegation in paragraph (a) of this Section 3 shall be subject to the following parameters and restrictions: (i) the interest rate on the Loan shall not exceed 3.00%; (ii) the principal amount of the Loan shall not exceed \$1,010,000; and (iii) the final maturity of the Loan shall not be later than December 31, 2040.

Conclusive Recital. Pursuant to Section 11-57-210 of the Supplemental Act, the Financing Documents shall contain a recital that they are issued pursuant to the Supplemental Act. Such recital shall be conclusive evidence of the validity and the regularity of the issuance of the Financing Documents after their delivery for value.

Pledge of Revenues. The creation, perfection, enforcement, and priority of the pledge of revenues to secure or pay the Financing Documents provided herein shall be governed by Section 11-57-208 of the Supplemental Act and this Ordinance. The revenues pledged to the payment of the Financing Documents shall immediately be subject to the lien of such pledge without any physical delivery, filing, or further act. The lien of such pledge shall have the priority described in the Loan Contract. The lien of such pledge shall be valid, binding, and enforceable as against all persons having claims of any kind in tort, contract, or otherwise against the City irrespective of whether such persons have notice of such liens.

Limitation of Actions. Pursuant to Section 11-57-212 of the Supplemental Act, no legal or equitable action brought with respect to any legislative acts or proceedings in connection with the Financing Documents shall be commenced more than thirty days after the date of adoption of this Ordinance.

Limited Obligation; Special Obligation. The Financing Documents are payable solely from the Pledged Revenues and the Financing Documents do not constitute a debt within the meaning of any constitutional or statutory limitation or provision.

No Recourse against Officers and Agents. Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the Council, or any officer or agent of the City acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the principal of or interest on the Note. Such recourse shall not be available either directly or indirectly through the Council or the City, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the Note and as a part of the consideration of its sale or purchase, the CWCB specifically waives any such recourse.

Disposition and Investment of Loan Proceeds. The proceeds of the Loan shall be applied only to pay the costs and expenses of acquiring, constructing and equipping the Project, including costs related thereto and, to the extent permitted under federal tax laws, reimbursement

to the City for capital expenditures heretofore incurred and paid from City funds in anticipation of the incurrence of long-term financing therefor, and all other costs and expenses incident thereto, including without limitation, the costs of obtaining the Loan.

Neither the CWCB nor any subsequent owner(s) of the Financing Documents shall be responsible for the application or disposal by the City or any of its officers of the funds derived from the Loan. In the event that all of the proceeds of the Loan are not required to pay such costs and expenses, any remaining amount shall be used for the purpose of paying the principal amount of the Loan and the interest thereon.

Direction to Take Authorizing Action. The appropriate officers of the City and members of the Council are hereby authorized and directed to take all other actions necessary or appropriate to effectuate the provisions of this Ordinance, including but not limited to the execution and delivery of such certificates and affidavits as may reasonably be required by the CWCB.

Ratification and Approval of Prior Actions. All actions heretofore taken by the officers of the City and members of the Council, not inconsistent with the provisions of this Ordinance, relating to the Financing Documents, or actions to be taken in respect thereof, are hereby authorized, ratified, approved, and confirmed.

Repealer. All acts, orders, ordinances, or resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

Ordinance Irrepealable. After the Note is issued, this Ordinance shall constitute an irrevocable contract between the City and the CWCB, and shall be and remain irrepealable until the Note and the interest thereon shall have been fully paid, satisfied, and discharged. No provisions of any constitution, statute, charter, ordinance, resolution, or other measure enacted after the issuance of the Note shall in any way be construed as impairing the obligations of the City to keep and perform its covenants contained in this Ordinance.

Effective Date. This Ordinance shall be in full force and effect 30 days after publication following final passage.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM this 1st day of June, 2016.

CITY OF GRAND JUNCTION, COLORADO

[S E A L]

President of the City Council

Attest:

City Clerk

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM this 15th day of June, 2016.

CITY OF GRAND JUNCTION, COLORADO

[S E A L]

President of the City Council

Attest:

City Clerk

STATE OF COLORADO)
)
 COUNTY OF MESA) SS.
)
 CITY OF GRAND JUNCTION)

I, Stephanie Tuin, the City Clerk of the City of Grand Junction, Colorado (the “City”) and Clerk to the City Council of the City (the “Council”), do hereby certify as follows:

The foregoing pages are a true, correct and complete copy of an ordinance (the “Ordinance”) that was introduced, passed on first reading and ordered published in full by the Council at a regular meeting thereof held on June 1, 2016 and was duly adopted and ordered published in full by the Council at a regular meeting thereof held on June 15, 2016, which Ordinance has not been revoked, rescinded or repealed and is in full force and effect on the date hereof.

The Ordinance was duly moved and seconded and the Ordinance was passed on first reading at the meeting of June 1, 2016, by an affirmative vote of a majority of the members of the Council as follows:

<u>Councilmember</u>	<u>Voting “Aye”</u>	<u>Voting “Nay”</u>	<u>Absent</u>	<u>Abstaining</u>
Bennett Boeschstein				
Marty Chazen				
Chris Kennedy				
Duncan McArthur				
Phyllis Norris				
Barbara Traylor Smith				
Rick Taggart				

The Ordinance was duly moved and seconded and the Ordinance was finally passed on second reading at the meeting of June 15, 2016, by an affirmative vote of a majority of the members of the Council as follows:

<u>Councilmember</u>	<u>Voting “Aye”</u>	<u>Voting “Nay”</u>	<u>Absent</u>	<u>Abstaining</u>
Bennett Boeschstein				
Marty Chazen				
Chris Kennedy				
Duncan McArthur				
Phyllis Norris				
Barbara Traylor Smith				
Rick Taggart				

The members of the Council were present at such meetings and voted on the passage of the Ordinance as set forth above.

The Ordinance was approved and authenticated by the signature of the President of the Council, sealed with the City seal, attested by the City Clerk, and recorded in the minutes of the Council.

There are no bylaws, rules, or regulations of the Council that might prohibit the adoption of the Ordinance.

Notices of the meetings of June 1, 2016 and June 15, 2016 in the forms attached hereto as Exhibit A were posted at City Hall in accordance with law.

The Ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on June ___, 2016 and June ___, 2016, as required by the City Charter. True and correct copies of the affidavits of publication are attached hereto as Exhibit B.

WITNESS my hand and the seal of the City affixed this ____ day of June, 2016.

City Clerk and Clerk to the Council

[S E A L]

EXHIBIT A

(Attach Notices of Meetings of June 1, 2016 and June 15, 2016)

EXHIBIT B

(Attach Notice of Meeting)



Attach 6

CITY COUNCIL AGENDA ITEM

Date: May 6, 2016

Author: Kathy Portner

Title/ Phone Ext: Interim DDA

Director/1420 _____

Proposed Schedule: June 1, 2016

2nd Reading

(if applicable): _____

File # (if applicable): _____

Subject: Outdoor Dining Lease for Just Be, LLC dba Barons, Located at 539 Colorado Avenue
Action Requested/Recommendation: Adopt Proposed Resolution Authorizing the Lease of Sidewalk Right-of-Way to Just Be, LLC dba Barons, Located at 539 Colorado Avenue
Presenter(s) Name & Title: Kathy Portner, Interim Downtown Development Authority Director

Executive Summary:

Barons, located at 539 Colorado Avenue, is requesting a first-time Outdoor Dining Lease for an area measuring approximately 480 square feet directly in front of the building. The lease would permit the business to include the leased area in their licensed premise for alcohol sales.

Background, Analysis and Options:

The City expanded the provisions for sidewalk dining to include liquor service in 2004 and approved a revised standard Lease Agreement in 2012 that meets the requirements for an expanded licensed premise under a business’s individual liquor license. Approval of this lease will allow the business owner to apply for expansion of premises through the liquor licensing authority.

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 tourist attractions.

The addition of outdoor dining areas supports the vibrant atmosphere of the downtown area, and offers a significant business opportunity for increased sales and greater customer satisfaction.

How this item relates to the Economic Development Plan:

Strategy 1.5: The opportunity for outdoor dining areas support and strengthens existing businesses by providing for expanded services and dining experience.

Board or Committee Recommendation:

There are no board or committee recommendations.

Financial Impact/Budget:

The lessee will pay rent at the rate of \$1.00 per square foot per year.

Legal issues:

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

Other issues:

No other issues have been identified.

Previously presented or discussed:

This has not been previously presented or discussed.

Attachments:

Resolution Authorizing the Lease of Sidewalk Right-of-Way to Just Be, LLC dba Barons, with supporting documents.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE LEASE OF SIDEWALK RIGHT-OF-WAY TO
JUST BE, LLC DBA BARONS LOCATED AT 539 COLORADO AVENUE**

Recitals:

The City has negotiated an agreement for Just Be, LLC to lease a portion of the sidewalk right-of-way located in front of 539 Colorado Avenue from the City for use as outdoor dining.

The City Council deems it necessary and appropriate that the City lease said property to Just Be, LLC.

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

The City Manager is hereby authorized and directed to sign the Lease Agreement leasing the city-owned sidewalk right-of-way abutting 539 Colorado Avenue for an initial term commencing June 2, 2016 and terminating April 9, 2017, for the rental sum of \$480.00, to Just Be, LLC.

PASSED and ADOPTED this _____ day of _____, 2016.

President of the Council

Attest:

City Clerk

BARONS 245 0995

DOWNTOWN OUTDOOR DINING LEASE AGREEMENT

THIS LEASE AGREEMENT ("Agreement") is made and entered into as of this ____ day of _____ 20____, by and between THE CITY OF GRAND JUNCTION, COLORADO, a municipal corporation, as Lessor, (hereinafter "City") and, JUST BE LLC dba BARONS as Lessee, (hereinafter "Lessee"), and the Grand Junction Downtown Development Authority as Lessor's Administrative Agent, (hereinafter "DDA").

RECITALS:

The City by Ordinance No. 3650 and subsequently amended by Ordinance No. 4120 established a Sidewalk Restaurant commercial activity permit for restaurants in the Downtown Shopping Park (DSP) on Main Street, Seventh Street and Colorado Avenue.

In accordance with that authority, the City Council and the DDA desire to make certain areas of the sidewalk in the DSP and at other locations as authorized available by lease to proximate land owners and/or lessees that want to make use of a portion of the public way for outdoor dining with or without alcohol service.

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, it is agreed as follows:

1. Demise of Premises.

Option A: The City does hereby lease to Lessee the Premises (hereinafter "Premises") comprising approximately 480 square feet of the public way located in front of and immediately across the sidewalk from

S39 COLORADO AVENUE. The City does hereby grant an easement across the sidewalk situated between the Lessee's business and the Premises for the purpose of transporting alcohol beverages and food to and from the Premises. Said easement runs concurrently with this Agreement. The Premises, the easement area, and the location of Lessee's primary business facility are more particularly described in the attached Exhibit A.

Option B: The City does hereby lease to Lessee the Premises (hereinafter "Premises") comprising approximately ~~384~~ 480 square feet of the public way located in front of and immediately abutting the Lessee's business. The Premises and the location of Lessee's primary business facility are more particularly described in the attached Exhibit A.

A brief description of the Lessee's business is attached as Exhibit B.

2. Term.

The term of this Agreement shall be for a period of one (1) year to commence on _____. Upon signature by all parties this Agreement supersedes all prior leases, and terminates on _____.

3. Rental.

Lessee shall pay rent to Lessor at the rate of \$1.00 per square foot per year and in the total sum of \$ _____, which sum shall be payable in advance at the offices of the

City Clerk, Grand Junction City Hall, 250 North 5th Street, Grand Junction, Colorado 81501. If the rent payment is not paid in full when due, a Lease shall not issue.

4. Permitted Uses and Hours of Operation.

Lessee agrees to use the Premises for the purpose of selling and dispensing food and/or beverages to the public. The Premises may be open to the public during Lessee's normal business hours, but in no event shall food and/or beverage service extend beyond 1:00 A.M. Service of alcoholic beverages shall be permitted provided Lessee holds a valid State and City liquor license. Tableside preparation of food shall be permitted pursuant to applicable health and safety regulations; however, fuel-based cooking or food preparation is expressly prohibited in the Premises. Live acoustic music performance is permitted on the Premises, provided any amplification utilized shall not result in a sound level exceeding 55 decibels measured at a distance of 20 feet from any of the Premises boundaries.

5. Assignment or Subletting Prohibited.

Lessee shall not have the right to assign the lease or to sublet the Premises in whole or in part without the prior written consent of the City.

6. Compliance with Legal Requirements.

Lessee shall comply with all applicable requirements of any governmental or quasi-governmental body including City, County, State or Federal agencies, boards, councils and commissions having jurisdiction respecting any operation conducted on the Premises by Lessee or any equipment, installations or other property placed upon, in or about the Premises by Lessee.

Lessee further agrees to comply with all rules of the DDA relating to the use of the Premises. Prior to commencing alcohol service in the Premises, Lessee shall include the Premises in the licensed service area as required by the liquor laws of the State and City.

Lessee shall not discriminate against any worker, employee or job applicant, or any member of the public because of race, color, creed, religion, ancestry, national origin, sex, age, marital status, physical handicap, status or sexual orientation, family responsibility or political affiliation, or otherwise commit an unfair employment practice.

7. Taxes.

Lessee shall timely list for taxes and pay all tax assessments of whatever kind or nature assessed against or on Lessee's possessory interest, improvements, furnishings, fixtures, inventory, equipment and other property situated or placed upon, in or about the Premises. All such amounts shall be paid prior to delinquency.

8. Utilities.

Lessee shall make arrangements for all utilities, if any, needed at the Premises and is responsible for payment of the fees and charges arising out of the provision and/or use of the utility service(s).

9. Improvements and Personal Property.

All construction, improvements, installations, furniture, fixtures and/or equipment on the Premises shall comply with the following:

a. Lessee may place furniture, fixtures and equipment in the Premises so long as the same do not endanger any passersby or patrons, and are secured to resist wind. No portion of the Lessee's furniture, fixtures or equipment shall extend beyond the boundaries of the Premises nor impede pedestrian traffic on the sidewalk adjoining the Premises. The terms of this paragraph shall be construed to include but not be limited to perimeter enclosures, planters, signs, tables, chairs, shade structures, umbrellas while closed or open and any other fixtures, furniture or equipment placed or utilized by the Lessee. The Lessee may store its fixtures on the Premises at its own discretion and shall accept and retain full responsibility and liability for any damage to or theft of such fixtures. Required perimeter fencing shall be continuously maintained during the term of this Agreement.

b. Lessee shall provide a physical demarcation of the perimeter of the Premises, such as planters or stanchions, subject to DDA approval of the form and location of the same, to facilitate monitoring of potential encroachments beyond the Premises. If alcohol service is permitted in the Premises, the perimeter of the Premises shall be enclosed by a fixed perimeter enclosure no less than thirty (30) inches in height, the material, design and installation of which shall be approved by the DDA. Openings in the enclosure shall not be less than 44 inches wide. If there is a gate it must swing inward to prevent obstruction of the sidewalk.

c. No gas lighting shall be permitted in the Premises. Battery powered lights, candles in wind-protected enclosures, and low wattage electric lights, such as Christmas lights, shall be allowed. Under no circumstances shall electrical wires, extension cords or similar wiring, cables or conduit extend beyond the Premises into the public way, (easement area or otherwise) nor cross pedestrian paths, nor be placed so as to create a tripping hazard. Any suspended lighting must be securely installed to prevent dislodgement, sagging, or other hazard.

d. Signs are expressly prohibited on the Premises, except for the following: i) menu signs in compliance with the City sign code and ii) umbrellas that display the Lessee's business logo, and/or the logo of only one business product that is featured and representative of the theme of the business. Signs shall be subject to approval by the DDA and City. Third party business signs and/or identification are expressly prohibited on the Premises.

e. Lessee shall not utilize sidewalk trash and/or recycling receptacles for refuse generated within the Premises. Lessee may provide a private trash and/or recycling receptacle within the Premises provided that it is emptied and maintained on a regular basis.

f. Lessee shall remove any personal property, including but not limited to improvements, enclosures, furniture, fixtures, equipment or structures installed by it or at its direction on the Premises promptly upon expiration without renewal of this Agreement. Failure to remove said property within ten (10) days of expiration shall be deemed an abandonment of said property, and result in ownership thereof transferring to the DDA which shall have the right to dispose of said property as its own.

10. Safe and Sanitary Condition.

Lessee shall at all time keep the Premises in good repair and free from all litter, dirt, debris, snow, and ice, and in a clean and sanitary condition. Lessee shall not permit nor suffer any disorderly conduct or nuisance whatsoever, which would annoy or damage other persons or property by any alteration to the Premises or by any injury or accident occurring thereon. Lessee shall be responsible, subject to applicable law regulating the discharge of contaminants to the sewer for power-washing or steam cleaning the sidewalk surface of the Premises twice yearly.

11. Lessor and Agent not Liable for Damages or Injuries.

Lessor and its Administrative Agent shall not be responsible to Lessee or to any other person or entity for damages or injuries arising out of the Lessee's use of the Premises. Lessor and/or its Administrative Agent are not an insurer for Lessee's activities and Lessee shall obtain appropriate insurance against potential damages, injury, lost profit or advantage and any and all other claims as determined in the Lessee's sole and absolute discretion. Lessee shall indemnify and hold harmless the City of Grand Junction and the DDA and its employees, elected and appointed officials, against any and all claims for damages or personal injuries arising from the use of the Premises.

12. Insurance.

Lessee agrees to furnish Certificate(s) of Insurance at least fifteen (15) days prior to the commencement of the term of this Agreement as proof that it has secured and paid for a policy of public liability insurance covering all public risks related to the leasing, use, occupancy, maintenance and operation of the Premises. Insurance shall be procured from a company authorized to do business in the State of Colorado and be satisfactory to the City. The amount of insurance, without co-insurance clauses, shall not be less than the maximum liability that can be imposed upon the City under the laws of the State, as amended. Lessee shall name the City and the DDA as named insureds on all insurance policies and such policies shall include a provision that written notice of any non-renewal, cancellation or material change in a policy by the insurer shall be delivered to the City no less than ten (10) days in advance of the effective date.

13. Inspection, Access and Improvements by City and/or DDA.

Lessee agrees to permit the City, its designated representatives, and/or the DDA to enter upon the Premises at any time to inspect the same and make any necessary repairs or alterations to the sidewalks, utilities, meters or other public facilities as the City may deem necessary or proper for the safety, improvement, maintenance or preservation thereof. Lessee further agrees that if the City shall determine to make changes or improvements affecting the Premises which may affect any improvements placed by the Lessee, that the Lessee, by execution of this Agreement, hereby waives any and all right to make any claim for damages to the improvements (or to its leasehold interest) and agrees to promptly remove any furniture, fixtures, equipment and structures as necessary during such construction periods. The City agrees to rebate all rents in the event it undertakes major structural changes that continue for a period in excess of 14 continuous days during a lease period.

14. Delivery and Condition of Premises upon Expiration or Termination.

Lessee agrees to surrender and deliver up the possession of the Premises in substantially the same condition as received, ordinary wear and tear and approved

improvements excepted, promptly upon the expiration of this Lease or upon five (5) days' written notice in the case of the termination of this Lease by City by reason of a breach in any provisions hereof.

15. Limitation of Rights Demised.

The City by this demise hereby conveys no rights or interest in the public way except the right to the uses on such terms and conditions as are described herein and retains all title thereto.

16. Sale or Transfer of Lessee's Business Interest

Lessee hereby affirms that Lessee is the owner and/or lessee of the abutting or approximate property and agrees that on sale or other transfer of such interest, Lessee will so notify the City of the transfer in interest and all right and interest under this Lease shall terminate.

17. Attorney's Fees.

If legal action is taken by either party hereto to enforce any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party all of its cost, including reasonable attorney's fees. If the City and/or DDA uses in-house counsel to prosecute or defend any action arising out of or under this Agreement the City and/or DDA shall be entitled to recover the value of those services at the prevailing rate of private litigation counsel in Grand Junction.

18. Waiver.

No failure by Lessor to exercise any rights hereunder to which Lessor may be entitled shall be deemed a waiver of Lessor's right to subsequently exercise same. Lessee shall gain no rights nor become vested with any power to remain in default under the terms hereof by virtue of Lessor's failure to timely assert his rights. It is further agreed that no assent, expressed or implied, to any breach of any one or more of the covenants or agreements herein shall be deemed or taken to be a waiver of any succeeding or any other breach.

19. Default.

a. Each and every one and all of the following events shall constitute an Event of Default:

i) if Lessee files a petition in bankruptcy or insolvency or for reorganization under any bankruptcy act or voluntarily takes advantage of any such act or makes an assignment for the benefit of creditors;

ii) if involuntary proceedings under any bankruptcy law, insolvency or receivership action shall be instituted against Lessee, or if a receiver or trustee shall be appointed for all or substantially all of the property of Lessee and such proceedings are not dismissed, or the receivership or trusteeship vacated, within ten (10) days after the institution or appointment;

iii) if Lessee fails to pay any sum due from it in strict accordance with the provisions of this Lease, and/or fails to pay any tax or assessment of the State, City or DDA and does not make the payment within ten (10) days after written notice thereof. For the purposes hereof, all sums due from Lessee shall constitute rentals whether denominated as rentals or otherwise elsewhere herein and Lessee has absolutely no right of offset;

iv) if Lessee fails to fully perform and comply with each and every condition and covenant of this Lease Agreement, and such failure or performance continues for a period of thirty (30) days after notice thereof;

v) if Lessee vacates or abandons the Premises;

vi) if the interest of Lessee is transferred, levied upon or assigned to any other person, firm or corporation whether voluntarily or involuntarily except as herein permitted;

vii) if Lessor, in any four month period during the Term, or spanning consecutive Terms, gives any notice to Lessee pursuant to subparagraphs iii) or iv) above, notwithstanding Lessee's cure of default within the allowable period or periods.

b. Upon the occurrence of any Event of Default as set forth above, Lessor shall have the right, at its option, to utilize any one or more of the following rights:

i) to cancel and terminate this Lease Agreement and all interests of the Lessee hereunder by giving notice of such cancellation and termination not less than ten (10) days prior to the effective date of such termination. Upon the expiration of said ten (10) day period, the Lessee shall have no further rights under this Lease Agreement (but such cancellation shall not serve to release or discharge the damages Lessee owes to Lessor); and/or

ii) to make any payment required of Lessee herein or correct any condition required to be corrected by Lessee, and Lessor shall have the right to enter the Premises for the purpose of correcting any such condition and to remain on the Premises until the complete correction of such condition. However, no expenditure by Lessor on behalf of Lessee shall be deemed to waive or release Lessee's breach hereof and Lessor shall retain all rights to proceed against Lessee as set forth herein; and/or

iii) to reenter the Premises immediately with or without order of court and without claim of trespass, remove the property of Lessee and store such property in a public warehouse or such other location selected by Lessor, all at the expense of Lessee. After such reentry, Lessor shall have the right to terminate this Lease Agreement by giving ten (10) days notice of termination to Lessee, but without such notice, the reentry by Lessor shall not terminate this Lease Agreement. On termination, Lessor may recover from Lessee all damages resulting from Lessee's breach, including the cost of recovery of the Premises and placing them in satisfactory condition; and/or

iv) all other rights and remedies provided by law to a Lessor with a defaulting Lessee including all such money damages as Lessor shall be entitled pursuant to the law of damages.

c. In the event of any conflict between any of the provisions hereof regarding the amount of time that must elapse without cure after notice of breach before the same constitutes an Event of Default, then the provisions establishing the least amount of time to cure after notice shall prevail.

d. Upon any breach hereof, regardless of whether such breach is, or becomes, an Event of Default; Lessor shall be reimbursed by Lessee for any reasonable attorney's fees incurred by Lessor in connection with such breach.

20. Notices and Written Consents.

All notices and written consents required under this Agreement shall be in writing and either hand delivered or mailed by first class certified mail to the following parties:

To Lessor: City of Grand Junction c/o City Attorney
250 North 5th Street
Grand Junction, Colorado 81501

To Lessee: _____

To Agent: Downtown Development Authority c/o Executive Director
248 South 4th Street
Grand Junction, CO 81501

Notices shall be deemed served upon posting the same as addressed above and sent as First Class United States mail.

21. Binding Effect and Complete Terms.

The terms, covenants, conditions and agreements herein contained shall be binding upon and inure to the benefit of and shall be enforceable by Lessor and Lessee and by their respective heirs, successors and assigns. All negotiations and agreements of Lessor and Lessee are merged herein. No modification hereof or other purported agreement of the parties shall be enforceable unless the same is in writing and signed by the Lessor and Lessee. This Lease supersedes all prior leases between Lessor and Lessee.

22. Construction of Lease.

This Lease shall not be construed more strictly against either party regardless of which party is responsible for the preparation of the same.

23. Performance Standards.

It is the intention of all parties hereto that the obligations hereunder and actions related hereto will be performed in accordance with the highest standards of commercial reasonableness, common sense and good faith.

24. Authorization of Parties.

Each individual executing this Lease as director, officer, partner, member, or agent of a corporation, limited liability company, or partnership represents and warrants that he or she is duly authorized to execute and deliver this Lease on behalf of such corporation, limited liability company, or partnership and that reasonable evidence of such authorization will be provided to the other party upon request.

25. Administrative Agent.

In conformance with the City's delegation of management responsibilities and authority concerning the Downtown Shopping Park and others areas of the public way in downtown Grand Junction, the City designates the DDA to serve as its Agent for the administration and enforcement of this Agreement.

IN WITNESS WHEREOF, the parties have signed and sealed this Lease Agreement, this day and year first above written.

Lessor: City of Grand Junction

Lessee:

By: Tim Moore, Interim City Manager

By:

Agent: Downtown Development Authority

By: Tim Moore, Acting Executive Director

Exhibit B: Brief Description of Business / DDA Certification: include date, who prepared and lessee signature or initials

Business Name (name of insured): JUST BE LLC

DBA (if needed): BARONS

Applicant / Relationship to Business: JONATHAN BARON - OWNER

Contact Phone and Email: 970 245 0995 nosanjvan@gmail.com

Type of Food/Beverage to be served in leased area: BURGERS, SANDWICHES, BEER, POP, CIDER

Days of Operation / Operating Hours: M-F 11AM - 2AM & SAT 4PM - 2AM

How this operation will benefit Downtown Grand Junction:

WILL PROVIDE AN INVITING ATMOSPHERE TO COLONADO AVE.

Number of tables to be used in the leased area: 6

Number of chairs to be used in the leased area: 4

Semi-permanent or movable structures including carts, stands, signs, etc: Ø

Describe any musical or vocal presentations or effects to be used in the leased area:

2 OUTDOOR SPEAKERS SMALL J

Copies of Current

Permits & Licenses Obtained: State Sales Tax _____
City Sales Tax _____
Liquor License _____
Restaurant/Food Service _____

Proof of Liability Insurance Coverage Provided? _____

DDA Certification: The Downtown Development Authority hereby finds that this application is proper, that all applicable permits have been obtained or will be obtained, that it is in compliance and will further the goals and objectives of the Plan of Development for Downtown Grand Junction, and that no current application exists for this location.

Signed: _____

Date: _____

If denied, state reason:

Exhibit C: Assurances, Hold Harmless and Indemnity Agreement

The Applicant assures the Downtown Development Authority and the City of Grand Junction that if a lease is issued, s/he will comply with all of the requirements and provisions of Grand Junction City Ordinance 3609, all other applicable ordinances and laws, and the Plan of Development for Downtown Grand Junction. The applicant further assures that s/he has obtained or will obtain all of the necessary and required permits or licenses to engage in the business or activity proposed.

I, JONATHAN BARON, applicant for a Lease to conduct activities in the Downtown Shopping Park area, agree that I shall:

(a) Hold harmless the City of Grand Junction, its officers and employees, and the Downtown Development Authority of Grand Junction, its officers and employees, from any claims for damage to property or injury to persons which may arise from or be occasioned by any activity carried on by me within the Downtown Shopping Park, and

(b) Indemnify the City of Grand Junction, its officers and employees, and the Downtown Development Authority, its officers and employees, against any claim, loss, judgment, or action, or any nature whatsoever, including reasonable attorney fees, that may arise from or be occasioned by any activity carried on by me within the Downtown Shopping Park.

I realize that consideration for this release is the granting of a lease to me by the City of Grand Junction, and I realize and agree that this Hold Harmless/ Indemnity Agreement shall take effect whenever I begin to conduct the type of activities for which the lease has been applied or when the permit is issued, whichever is earlier. I also understand and agree that this agreement shall apply to any activities which I carry on which are done in violation of the terms of this lease.

Executed this ____ day of _____, 20__.

Signed: _____

No. 4021747

License Fee \$75.00

THE LICENSE EXPIRES APRIL 9, 2017

STATE OF COLORADO
CITY OF GRAND JUNCTION

BY AUTHORITY OF THE CITY COUNCIL

ALCOHOL BEVERAGE LICENSE

**FOR TAVERN
TO SELL AT RETAIL MALT, VINOUS, AND SPIRITUOUS BEVERAGES**

This is to Certify that JUST B.E. LLC, DBA "BARONS" of the State of Colorado, having applied for a License to sell alcohol beverages, and having paid to the City Treasurer the sum of Seventy Five and No One Hundredths (\$75.00) dollars therefor, the above applicant is hereby licensed to sell malt, vinous, and spirituous beverages by the drink for consumption on the premises as a tavern at 539 COLORADO AVENUE, in the City of Grand Junction, Colorado, for a period beginning on the 10TH DAY OF APRIL, 2016, and ending on the 9TH DAY OF APRIL, 2017, unless this License is revoked sooner as provided by law.

This License is issued subject to the Laws of the State of Colorado and especially under the provisions of Article 46 and 47 of Title 12, Colorado Revised Statutes, as amended and the Ordinances of the City aforesaid, insofar as the same may be applicable.

IN TESTIMONY WHEREOF, The City Council has hereunto subscribed its name by its officers duly authorized this 25TH day of March, 2016.

ATTEST:

Stephanie Trinn

THE CITY COUNCIL OF THE CITY OF
Grand Junction, Colorado

Michael J. [Signature]

This certifies that the license fee as shown hereon has been paid and the licensee hereby authorized and granted permission to engage in the business listed below in strict compliance with all ordinances of the City of Grand Junction, Colorado



**City of Grand Junction,
COLORADO
CITY LICENSE**

This License must be posted in a conspicuous place at the business at all times during the year.

2014 DATE PAID
OCCUPATIONAL TAX RECEIPT NO.

8032330
CLASS - B
Just B.E., LLC
dba Barons
539 Colorado Avenue
Grand Junction, CO 81501

[Signature] CITY MANAGER
Stephanie Turner CITY CLERK

LICENSE VALID TO 12-31-14

UNLESS REVOKED OR CANCELLED - NOT TRANSFERABLE

DR 0161 (02/16/11)
COLORADO DEPARTMENT OF REVENUE
DENVER CO 80261-0009

WAGE WITHHOLDING LICENSE

**THIS LICENSE IS
NOT TRANSFERABLE**

USE ACCOUNT NUMBER for all references	LIABILITY INFORMATION	ISSUE DATE
27901411	L 010114	Dec 13 2013



JUST B.E. LLC,
539 COLORADO AVE
GRAND JCT CO 81501-2605

Barbara J. Burke

Executive Director
Department of Revenue

DR 0010 (01/18/12)

STATE OF COLORADO
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

LICENSE TO OPERATE A RETAIL FOOD ESTABLISHMENT

Fee

\$ 255.00

ACCOUNT NUMBER use for all references	LIABILITY INFORMATION					ISSUE DATE			LICENSE VALID TO
	county	city	indust.	type	liability date	month	day	year	DECEMBER 31
27-901411-0000	08	18	08	B	12/26/2013	1	1	2016	2016

THIS LICENSE MUST BE POSTED AT THE FOLLOWING LOCATION:

**Barons
Just B.E., LLC
539 Colorado Ave
Grand Junction, CO 81501**

This certifies that licensee shown hereon is authorized and licensed to engage in business in accordance with the provisions of the law and regulations of the Colorado Department of Public Health and Environment. Any alterations made on this license will automatically make it null and void.

**POST IN A
CONSPICUOUS
PLACE**

DR 0140 (02/16/11)
DEPARTMENT OF REVENUE
DENVER CO 80261-0013

Must collect
taxes for:
**SALES TAX
LICENSE**

STATE COUNTY
COLORADO MESA

USE ACCOUNT NUMBER for all references	LIABILITY INFORMATION				ISSUE DATE			LICENSE VALID TO
	county	city	tax code	type	liability date	month	day	year
27901411-0000	08	0018	008	L	120113	Dec	24	15
								2017

LICENSE VALID TO
DECEMBER 31
2017

THIS LICENSE MUST BE POSTED AT THE FOLLOWING LOCATION
IN A CONSPICUOUS PLACE: BARONS
539 COLORADO AVE GRAND JUNCTION CO 81501-2605

THIS LICENSE IS NOT
TRANSFERABLE



JUST B.E. LLC
539 COLORADO AVE
GRAND JUNCTION CO 81501-2605

Barbara J. Brink
Executive Director
Department of Revenue

*POST IN A CONSPICUOUS PLACE
THIS LICENSE IS NOT TRANSFERABLE.*

**CITY OF
Grand Junction
COLORADO**

SALES/USE TAX LICENSE-ACCOUNT NO. 10706

BARONS
539 COLORADO AVE
GRAND JUNCTION

License does not expire and will remain valid as long as license holder is in full compliance with all City of Grand Junction laws and regulations.

This certifies that the license fee as shown hereon has
been collected and granted



**City of Grand Junction,
COLORADO**



Attach 7

CITY COUNCIL AGENDA ITEM

Date: May 6, 2016
 Author: Kathy Portner
 Title/ Phone Ext: Interim DDA
Director/1420
 Proposed Schedule: June 1, 2016
 2nd Reading
 (if applicable): _____
 File # (if applicable): _____

Subject: Outdoor Dining Lease for Las Marias, Inc. dba Las Marias, Located at 118 S. 7 th Street
Action Requested/Recommendation: Adopt Proposed Resolution Authorizing the Lease of Sidewalk Right-of-Way to Las Marias, Inc. dba Las Marias Located at 118 S. 7 th Street
Presenter(s) Name & Title: Kathy Portner, Interim Downtown Development Authority Director

Executive Summary:

Las Marias, located at 118 S. 7th Street, is requesting a first-time Outdoor Dining Lease for an area measuring 304 square feet directly in front of the building. The lease would permit the business to include the leased area in their licensed premise for alcohol sales.

Background, Analysis and Options:

The City expanded the provisions for sidewalk dining to include liquor service in 2004 and approved a revised standard Lease Agreement in 2012 that meets the requirements for an expanded licensed premise under a business’s individual liquor license. Approval of this lease will allow the business owner to apply for expansion of premises through the liquor licensing authority.

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 tourist attractions.

The addition of outdoor dining areas supports the vibrant atmosphere of the downtown area, and offers a significant business opportunity for increased sales and greater customer satisfaction.

How this item relates to the Economic Development Plan:

Strategy 1.5: The opportunity for outdoor dining areas support and strengthens existing businesses by providing for expanded services and dining experience.

Board or Committee Recommendation:

There are no board or committee recommendations.

Financial Impact/Budget:

The lessee will pay rent at the rate of \$1.00 per square foot per year.

Legal issues:

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

Other issues:

No other issues have been identified.

Previously presented or discussed:

This has not been previously presented or discussed.

Attachments:

Resolution Authorizing the Lease of Sidewalk Right-of-Way to Las Marias, with supporting documents.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE LEASE OF SIDEWALK RIGHT-OF-WAY TO
LAS MARIAS, INC. DBA LAS MARIAS LOCATED AT 118 S. 7TH STREET**

Recitals:

The City has negotiated an agreement for Las Marias, Inc. dba Las Marias to lease a portion of the sidewalk right-of-way located in front of 118 S. 7th Street from the City for use as outdoor dining.

The City Council deems it necessary and appropriate that the City lease said property to Las Marias, Inc.

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

The City Manager is hereby authorized and directed to sign the Lease Agreement leasing the city-owned sidewalk right-of-way abutting 118 S. 7th Street for an initial term commencing June 2, 2016 and terminating _____, for the rental sum of \$304.00, to Las Marias, Inc.

PASSED and ADOPTED this _____ day of _____, 2016.

President of the Council

Attest:

City Clerk

DOWNTOWN OUTDOOR DINING LEASE AGREEMENT

THIS LEASE AGREEMENT ("Agreement") is made and entered into as of this _____ day of _____, 20____, by and between THE CITY OF GRAND JUNCTION, COLORADO, a municipal corporation, as Lessor, (hereinafter "City") and, _____ as Lessee, (hereinafter "Lessee"), and the Grand Junction Downtown Development Authority as Lessor's Administrative Agent, (hereinafter "DDA").

RECITALS:

The City by Ordinance No. 3650 and subsequently amended by Ordinance No. 4120 established a Sidewalk Restaurant commercial activity permit for restaurants in the Downtown Shopping Park (DSP) on Main Street, Seventh Street and Colorado Avenue.

In accordance with that authority, the City Council and the DDA desire to make certain areas of the sidewalk in the DSP and at other locations as authorized available by lease to proximate land owners and/or lessees that want to make use of a portion of the public way for outdoor dining with or without alcohol service.

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, it is agreed as follows:

1. Demise of Premises.

Option A: The City does hereby lease to Lessee the Premises (hereinafter "Premises") comprising approximately 304 square feet of the public way located in front of and immediately across the sidewalk from LAS MARIAS REST. The City does hereby grant an easement across the sidewalk situated between the Lessee's business and the Premises for the purpose of transporting alcohol beverages and food to and from the Premises. Said easement runs concurrently with this Agreement. The Premises, the easement area, and the location of Lessee's primary business facility are more particularly described in the attached Exhibit A.

Option B: The City does hereby lease to Lessee the Premises (hereinafter "Premises") comprising approximately 304 square feet of the public way located in front of and immediately abutting the Lessee's business. The Premises and the location of Lessee's primary business facility are more particularly described in the attached Exhibit A.

A brief description of the Lessee's business is attached as Exhibit B.

2. Term.

The term of this Agreement shall be for a period of one (1) year to commence on _____ . Upon signature by all parties this Agreement supersedes all prior leases, and terminates on _____ .

3. Rental.

Lessee shall pay rent to Lessor at the rate of \$1.00 per square foot per year and in the total sum of _____ , which sum shall be payable in advance at the offices of the City Clerk, Grand Junction City Hall, 250 North 5th Street, Grand Junction, Colorado 81501. If the rent payment is not paid in full when due, a Lease shall not issue.

4. Permitted Uses and Hours of Operation.

Lessee agrees to use the Premises for the purpose of selling and dispensing food and/or beverages to the public. The Premises may be open to the public during Lessee's normal business hours, but in no event shall food and/or beverage service extend beyond 1:00 A.M. Service of alcoholic beverages shall be permitted provided Lessee holds a valid State and City liquor license. Tableside preparation of food shall be permitted pursuant to applicable health and safety regulations; however, fuel-based cooking or food preparation is expressly prohibited in the Premises. Live acoustic music performance is permitted on the Premises, provided any amplification utilized shall not result in a sound level exceeding 55 decibels measured at a distance of 20 feet from any of the Premises boundaries.

5. Assignment or Subletting Prohibited.

Lessee shall not have the right to assign the lease or to sublet the Premises in whole or in part without the prior written consent of the City.

6. Compliance with Legal Requirements.

Lessee shall comply with all applicable requirements of any governmental or quasi-governmental body including City, County, State or Federal agencies, boards, councils and commissions having jurisdiction respecting any operation conducted on the Premises by Lessee or any equipment, installations or other property placed upon, in or about the Premises by Lessee.

Lessee further agrees to comply with all rules of the DDA relating to the use of the Premises. Prior to commencing alcohol service in the Premises, Lessee shall include the Premises in the licensed service area as required by the liquor laws of the State and City.

Lessee shall not discriminate against any worker, employee or job applicant, or any member of the public because of race, color, creed, religion, ancestry, national origin, sex, age, marital status, physical handicap, status or sexual orientation, family responsibility or political affiliation, or otherwise commit an unfair employment practice.

7. Taxes.

Lessee shall timely list for taxes and pay all tax assessments of whatever kind or nature assessed against or on Lessee's possessory interest, improvements, furnishings, fixtures, inventory, equipment and other property situated or placed upon, in or about the Premises. All such amounts shall be paid prior to delinquency.

8. Utilities.

Lessee shall make arrangements for all utilities, if any, needed at the Premises and is responsible for payment of the fees and charges arising out of the provision and/or use of the utility service(s).

9. Improvements and Personal Property.

All construction, improvements, installations, furniture, fixtures and/or equipment on the Premises shall comply with the following:

- a. Lessee may place furniture, fixtures and equipment in the Premises so long as the same do not endanger any passersby or patrons, and are secured to resist wind. No portion of the Lessee's furniture, fixtures or equipment shall extend beyond the boundaries of the Premises nor impede pedestrian traffic on the sidewalk adjoining the Premises. The terms of this paragraph shall be

construed to include but not be limited to perimeter enclosures, planters, signs, tables, chairs, shade structures, umbrellas while closed or open and any other fixtures, furniture or equipment placed or utilized by the Lessee. The Lessee may store its fixtures on the Premises at its own discretion and shall accept and retain full responsibility and liability for any damage to or theft of such fixtures. Required perimeter fencing shall be continuously maintained during the term of this Agreement.

b. Lessee shall provide a physical demarcation of the perimeter of the Premises, such as planters or stanchions, subject to DDA approval of the form and location of the same, to facilitate monitoring of potential encroachments beyond the Premises. If alcohol service is permitted in the Premises, the perimeter of the Premises shall be enclosed by a fixed perimeter enclosure no less than thirty (30) inches in height, the material, design and installation of which shall be approved by the DDA. Openings in the enclosure shall not be less than 44 inches wide. If there is a gate it must swing inward to prevent obstruction of the sidewalk.

c. No gas lighting shall be permitted in the Premises. Battery powered lights, candles in wind-protected enclosures, and low wattage electric lights, such as Christmas lights, shall be allowed. Under no circumstances shall electrical wires, extension cords or similar wiring, cables or conduit extend beyond the Premises into the public way, (easement area or otherwise) nor cross pedestrian paths, nor be placed so as to create a tripping hazard. Any suspended lighting must be securely installed to prevent dislodgement, sagging, or other hazard.

d. Signs are expressly prohibited on the Premises, except for the following: i) menu signs in compliance with the City sign code, and ii) umbrellas that display the Lessee's business logo, and/or the logo of only one business product that is featured and representative of the theme of the business. Signs shall be subject to approval by the DDA and City. Third party business signs and/or identification are expressly prohibited on the Premises.

e. Lessee shall not utilize sidewalk trash and/or recycling receptacles for refuse generated within the Premises. Lessee may provide a private trash and/or recycling receptacle within the Premises provided that it is emptied and maintained on a regular basis.

f. Lessee shall remove any personal property, including but not limited to improvements, enclosures, furniture, fixtures, equipment or structures installed by it or at its direction on the Premises promptly upon expiration without renewal of this Agreement. Failure to remove said property within ten (10) days of expiration shall be deemed an abandonment of said property, and result in ownership thereof transferring to the DDA which shall have the right to dispose of said property as its own.

10. Safe and Sanitary Condition.

Lessee shall at all time keep the Premises in good repair and free from all litter, dirt, debris, snow, and ice, and in a clean and sanitary condition. Lessee shall not permit nor suffer any disorderly conduct or nuisance whatsoever, which would annoy or damage other persons or property by any alteration to the Premises or by any injury or accident occurring thereon. Lessee shall be responsible, subject to applicable law regulating the discharge of contaminants to the sewer for power-washing or steam cleaning the sidewalk surface of the Premises twice yearly.

11. Lessor and Agent not Liable for Damages or Injuries.

Lessor and its Administrative Agent shall not be responsible to Lessee or to any other person or entity for damages or injuries arising out of the Lessee's use of the Premises. Lessor and/or its

Administrative Agent are not an insurer for Lessee's activities and Lessee shall obtain appropriate insurance against potential damages, injury, lost profit or advantage and any and all other claims as determined in the Lessee's sole and absolute discretion. Lessee shall indemnify and hold harmless the City of Grand Junction and the DDA and its employees, elected and appointed officials, against any and all claims for damages or personal injuries arising from the use of the Premises.

12. Insurance.

Lessee agrees to furnish Certificate(s) of Insurance at least fifteen (15) days prior to the commencement of the term of this Agreement as proof that it has secured and paid for a policy of public liability insurance covering all public risks related to the leasing, use, occupancy, maintenance and operation of the Premises. Insurance shall be procured from a company authorized to do business in the State of Colorado and be satisfactory to the City. The amount of insurance, without co-insurance clauses, shall not be less than the maximum liability that can be imposed upon the City under the laws of the State, as amended. Lessee shall name the City and the DDA as named insureds on all insurance policies and such policies shall include a provision that written notice of any non-renewal, cancellation or material change in a policy by the insurer shall be delivered to the City no less than ten (10) days in advance of the effective date.

13. Inspection, Access and Improvements by City and/or DDA.

Lessee agrees to permit the City, its designated representatives, and/or the DDA to enter upon the Premises at any time to inspect the same and make any necessary repairs or alterations to the sidewalks, utilities, meters or other public facilities as the City may deem necessary or proper for the safety, improvement, maintenance or preservation thereof. Lessee further agrees that if the City shall determine to make changes or improvements affecting the Premises which may affect any improvements placed by the Lessee, that the Lessee, by execution of this Agreement, hereby waives any and all right to make any claim for damages to the improvements (or to its leasehold interest) and agrees to promptly remove any furniture, fixtures, equipment and structures as necessary during such construction periods. The City agrees to rebate all rents in the event it undertakes major structural changes that continue for a period in excess of 14 continuous days during a lease period.

14. Delivery and Condition of Premises upon Expiration or Termination.

Lessee agrees to surrender and deliver up the possession of the Premises in substantially the same condition as received, ordinary wear and tear and approved improvements excepted, promptly upon the expiration of this Lease or upon five (5) days' written notice in the case of the termination of this Lease by City by reason of a breach in any provisions hereof.

15. Limitation of Rights Demised.

The City by this demise hereby conveys no rights or interest in the public way except the right to the uses on such terms and conditions as are described herein and retains all title thereto.

16. Sale or Transfer of Lessee's Business Interest

Lessee hereby affirms that Lessee is the owner and/or lessee of the abutting or approximate property and agrees that on sale or other transfer of such interest, Lessee will so notify the City of the transfer in interest and all right and interest under this Lease shall terminate.

17. Attorney's Fees.

If legal action is taken by either party hereto to enforce any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party all of its cost, including

reasonable attorney's fees. If the City and/or DDA uses in-house counsel to prosecute or defend any action arising out of or under this Agreement the City and/or DDA shall be entitled to recover the value of those services at the prevailing rate of private litigation counsel in Grand Junction.

18. Waiver.

No failure by Lessor to exercise any rights hereunder to which Lessor may be entitled shall be deemed a waiver of Lessor's right to subsequently exercise same. Lessee shall gain no rights nor become vested with any power to remain in default under the terms hereof by virtue of Lessor's failure to timely assert his rights. It is further agreed that no assent, expressed or implied, to any breach of any one or more of the covenants or agreements herein shall be deemed or taken to be a waiver of any succeeding or any other breach.

19. Default.

a. Each and every one and all of the following events shall constitute an Event of Default:

- i) If Lessee files a petition in bankruptcy or insolvency or for reorganization under any bankruptcy act or voluntarily takes advantage of any such act or makes an assignment for the benefit of creditors;
- ii) if involuntary proceedings under any bankruptcy law, insolvency or receivership action shall be instituted against Lessee, or if a receiver or trustee shall be appointed for all or substantially all of the property of Lessee and such proceedings are not dismissed, or the receivership or trusteeship vacated, within ten (10) days after the institution or appointment;
- iii) if Lessee fails to pay any sum due from it in strict accordance with the provisions of this Lease, and/or fails to pay any tax or assessment of the State, City or DDA and does not make the payment within ten (10) days after written notice thereof. For the purposes hereof, all sums due from Lessee shall constitute rentals whether denominated as rentals or otherwise elsewhere herein and Lessee has absolutely no right of offset;
- iv) if Lessee fails to fully perform and comply with each and every condition and covenant of this Lease Agreement, and such failure or performance continues for a period of thirty (30) days after notice thereof;
- v) if Lessee vacates or abandons the Premises;
- vi) if the interest of Lessee is transferred, levied upon or assigned to any other person, firm or corporation whether voluntarily or involuntarily except as herein permitted;
- vii) if Lessor, in any four month period during the Term, or spanning consecutive Terms, gives any notice to Lessee pursuant to subparagraphs iii) or iv) above, notwithstanding Lessee's cure of default within the allowable period or periods.

b. Upon the occurrence of any Event of Default as set forth above, Lessor shall have the right, at its option, to utilize any one or more of the following rights:

- i) to cancel and terminate this Lease Agreement and all interests of the Lessee hereunder by giving notice of such cancellation and termination not less than ten (10) days prior to the effective date of such termination. Upon the expiration of said ten (10) day period, the Lessee shall have no further rights under this Lease Agreement (but such cancellation shall not serve to release or discharge the damages Lessee owes to Lessor); and/or
- ii) to make any payment required of Lessee herein or correct any condition required to be corrected by Lessee, and Lessor shall have the right to enter the Premises for the purpose of correcting any such condition and to remain on the Premises until the complete correction of such condition. However, no expenditure by Lessor on behalf of Lessee shall be deemed to waive or release Lessee's breach hereof and Lessor shall retain all rights to proceed against

Lessee as set forth herein; and/or

iii) to reenter the Premises immediately with or without order of court and without claim of trespass, remove the property of Lessee and store such property in a public warehouse or such other location selected by Lessor, all at the expense of Lessee. After such reentry, Lessor shall have the right to terminate this Lease Agreement by giving ten (10) days notice of termination to Lessee, but without such notice, the reentry by Lessor shall not terminate this Lease Agreement. On termination, Lessor may recover from Lessee all damages resulting from Lessee's breach, including the cost of recovery of the Premises and placing them in satisfactory condition; and/or vi) all other rights and remedies provided by law to a Lessor with a defaulting Lessee including all such money damages as Lessor shall be entitled pursuant to the law of damages.

c. In the event of any conflict between any of the provisions hereof regarding the amount of time that must elapse without cure after notice of breach before the same constitutes an Event of Default, then the provisions establishing the least amount of time to cure after notice shall prevail.

d. Upon any breach hereof, regardless of whether such breach is, or becomes, an Event of Default; Lessor shall be reimbursed by Lessee for any reasonable attorney's fees incurred by Lessor in connection with such breach.

20. Notices and Written Consents.

All notices and written consents required under this Agreement shall be in writing and either hand delivered or mailed by first class certified mail to the following parties:

To Lessor: City of Grand Junction c/o City Attorney
250 North 5th Street
Grand Junction, Colorado 81501

To Lessee: Maria V. Maestas
118 So. 7th St.
Grand Junction, Co. 81501

To Agent: Downtown Development Authority c/o Executive Director
437 Colorado Avenue
Grand Junction, CO 81501

Notices shall be deemed served upon posting the same s addressed above and sent as First Class United States mail.

21. Binding Effect and Complete Terms.

The terms, covenants, conditions and agreements herein contained shall be binding upon and inure to the benefit of and shall be enforceable by Lessor and Lessee and by their respective heirs, successors and assigns. All negotiations and agreements of Lessor and Lessee are merged herein. No modification hereof or other purported agreement of the parties shall be enforceable unless the same is in writing and signed by the Lessor and Lessee. This Lease supersedes all prior leases between Lessor and Lessee.

22. Construction of Lease.

This Lease shall not be construed more strictly against either party regardless of which party is responsible for the preparation of the same.

23. Performance Standards.

It is the intention of all parties hereto that the obligations hereunder and actions related hereto will be performed in accordance with the highest standards of commercial reasonableness, common sense and good faith.

24. Authorization of Parties.

Each individual executing this Lease as director, officer, partner, member, or agent of a corporation, limited liability company, or partnership represents and warrants that he or she is duly authorized to execute and deliver this Lease on behalf of such corporation, limited liability company, or partnership and that reasonable evidence of such authorization will be provided to the other party upon request.

25. Administrative Agent.

In conformance with the City's delegation of management responsibilities and authority concerning the Downtown Shopping Park and others areas of the public way in downtown Grand Junction, the City designates the DDA to serve as its Agent for the administration and enforcement of this Agreement.

IN WITNESS WHEREOF, the parties have signed and sealed this Lease Agreement, this day and year first above written.

Lessor: City of Grand Junction

Lessee:

By: Tim Moore, Interim City Manager



By:

Agent: Downtown Development Authority

By: Allison Blevins, BID Director

Exhibit A: Proposed Lease Area (include dimensions and a sketch):

Exhibit B: Brief Description of Business / DDA Certification: include date, who prepared and lessee signature or initials

Business Name (name of insured): Las Marias

DBA (if needed): _____

Applicant / Relationship to Business: owner

Contact Phone and Email: 970 241-2398

Type of Food/Beverage to be served in leased area: mexican / Soft Drink / Alcohol

Days of Operation / Operating Hours: 7 DAY mon closed tues - Thurs 11am 9pm Fri: Sat 11am 10pm Sun 11am 3pm

How this operation will benefit Downtown Grand Junction:

more Taxes

Number of tables to be used in the leased area: 8-10

Number of chairs to be used in the leased area: 32-40

Semi-permanent or movable structures including carts, stands, signs, etc: _____

CANVAS AWNING & W.L. RAILING

Describe any musical or vocal presentations or effects to be used in the leased area:

NONE

Copies of Current

Permits & Licenses Obtained:

State Sales Tax

015 68562

City Sales Tax

10833

Liquor License

01568562-0000

Restaurant/Food Service _____

Proof of Liability Insurance Coverage Provided? _____

DDA Certification: The Downtown Development Authority hereby finds that this application is proper, that all applicable permits have been obtained or will be obtained, that it is in compliance and will further the goals and objectives of the Plan of Development for Downtown Grand Junction, and that no current application exists for this location.

Signed: Man V. Maestas

Date: 2-04-16

If denied, state reason:

Exhibit C: Assurances, Hold Harmless and Indemnity Agreement

The Applicant assures the Downtown Development Authority and the City of Grand Junction that if a lease is issued, s/he will comply with all of the requirements and provisions of Grand Junction City Ordinance 3609, all other applicable ordinances and laws, and the Plan of Development for Downtown Grand Junction. The applicant further assures that s/he has obtained or will obtain all of the necessary and required permits or licenses to engage in the business or activity proposed.

I, Man V. Maestas applicant for a Lease to conduct activities in the Downtown Shopping Park area, agree that I shall:

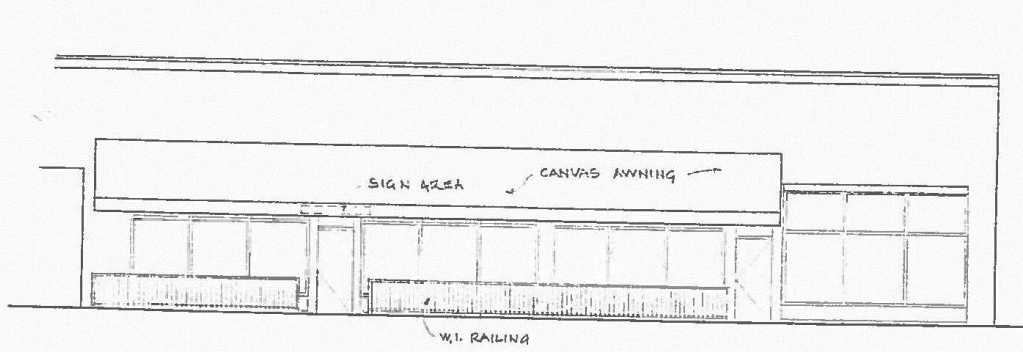
(a) Hold harmless the City of Grand Junction, its officers and employees, and the Downtown Development Authority of Grand Junction, its officers and employees, from any claims for damage to property or injury to persons which may arise from or be occasioned by any activity carried on by me within the Downtown Shopping Park, and

(b) Indemnify the City of Grand Junction, its officers and employees, and the Downtown Development Authority, its officers and employees, against any claim, loss, judgment, or action, or any nature whatsoever, including reasonable attorney fees, that may arise from or be occasioned by any activity carried on by me within the Downtown Shopping Park.

I realize that consideration for this release is the granting of a lease to me by the City of Grand Junction, and I realize and agree that this Hold Harmless/ Indemnity Agreement shall take effect whenever I begin to conduct the type of activities for which the lease has been applied or when the permit is issued, whichever is earlier. I also understand and agree that this agreement shall apply to any activities which I carry on which are done in violation of the terms of this lease.

Executed this _____ day of _____, 20__.

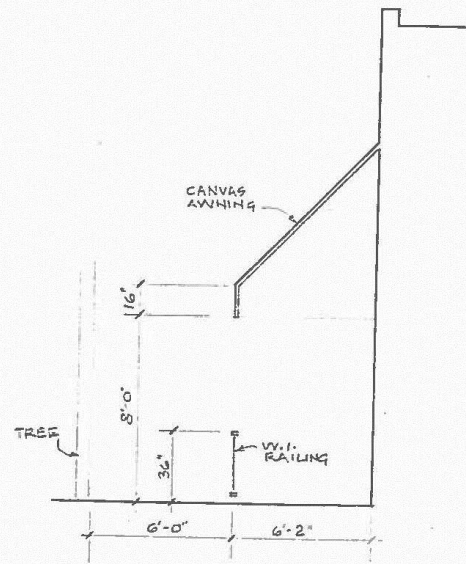
Signed: Man V. Maestas



SIGN AREA CANVAS AWNING

W.I. RAILING

WEST ELEVATION
 $\frac{1}{8}'' = 1'-0''$



CANVAS AWNING

W.I. RAILING

TREE

SECTION
 $\frac{1}{4}'' = 1'-0''$

Date: May 18, 2016

Author: Scott D. Peterson

Title/ Phone Ext: Senior

Planner/1447

Proposed Schedule: June 1, 2016

File #: VAC-2016-170

Attach 8

CITY COUNCIL AGENDA ITEM

Subject: Vistas at Tiara Rado Phase II, Multi-Purpose Easement Vacation, Located at 2063 S. Broadway

Action Requested/Recommendation: Adopt Resolution Vacating the Public Multi-Purpose Easement within the Proposed Vistas at Tiara Rado, Phase II Residential Development

Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

The applicant, Hatch Investments LLC, requests approval to vacate a public multi-purpose easement in anticipation of the next phase of development at Vistas at Tiara Rado. The proposal is to vacate the encumbered area where the existing multi-purpose easement is located in order to accommodate new building footprint designs and rededicate a new multi-purpose easement on the proposed subdivision plat.

Background, Analysis and Options:

The Outline Development Plan (ODP) and Final Development Plan Review applications for Vistas at Tiara Rado Phase II were approved in 2015 (City file #'s PLD-2015-53 & SPN-2015-52). The approved ODP was for 11 single-family detached and 3 single-family attached homes. As part of the Final Development Plan Review application, a separate multi-purpose easement was dedicated and recorded by separate document (23,653 +/- sq. ft. – 0.54 acres, Reception Number 2734518). This easement was required in order to accommodate the City sanitary sewer and Ute Water mains that were installed for the benefit of serving the residential development. The applicant has now submitted a Final Subdivision Plan (City file # PLD-2016-117) in order to place each unit on a separate residential lot. The need to modify the existing multi-purpose easement is required to accommodate new building footprints. A new Multi-Purpose Easement will be rededicated on the proposed subdivision plat. This proposed vacation request will be conditioned upon dedication of a new Multi-Purpose Easement on the proposed subdivision plat or by separate instrument to ensure continued public utility access for the existing public infrastructure.

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

The request is consistent with the goals and policies of the Comprehensive Plan. The request does not conflict with the Comprehensive Plan because a new easement will be granted on the proposed subdivision plat or by separate document.

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. Vacation and relocation of an existing easement in a residential development does not further the goals of the Economic Development Plan, but it does provide a more desirable building envelope for a new residential development.

Legal Issues:

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

Board or Committee Recommendation:

Planning Commission recommended conditional approval of the vacation application at their May 10, 2016 meeting.

Other Issues:

No other issues have been identified.

Financial Impact/Budget:

There is none.

Previously presented or discussed:

This proposal has not been previously discussed.

Attachments:

- Staff Report/Background Information
- Site Location Map
- Aerial Photo Map
- Comprehensive Plan Future Land Use Map
- Existing Zoning Map
- Resolution

INFORMATION BACKGROUND					
Location:		2063 S. Broadway			
Applicant:		Hatch Investments LLC			
Existing Land Use:		Single-family residential (under construction)			
Proposed Land Use:		14 single-family detached and attached dwelling units			
Surrounding Land Use:	North	Driving range for Tiara Rado Golf Course			
	South	10 th Hole – Tiara Rado Golf Course			
	East	Fairway Villas Subdivision			
	West	Vistas at Tiara Rado, Phase I			
Existing Zoning:		PD (Planned Development)			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	CSR (Community Services & Recreation)			
	South	CSR (Community Services & Recreation)			
	East	PD (Planned Development)			
	West	R-12 (Residential – 12 du/ac)			
Future Land Use Designation:		Commercial			
Zoning within density range?		X	Yes		No

The proposed request falls under Section 21.02.100 – Vacation of public right-of-way or easement. The purpose of this section is to permit the vacation of surplus rights-of-way and/or easements. This type of request is available for vacation of any street, alley, easement or other public reservation subject to the criteria contained within the section.

The following is staff’s review and comments relating to the criteria under Section 21.02.100:

Sections 21.02.100 of the Grand Junction Zoning and Development Code:

The vacation of an existing multi-purpose easement shall conform to the following:

- (1) *The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City,*

The request to vacate does not conflict with the Comprehensive Plan, the Grand Valley Circulation Plan or other adopted plans and policies of the City. The existing utility infrastructure (City sewer and Ute Water) will be covered by a new multi-purpose easement that will be dedicated on the proposed subdivision plat or by

separate document as a condition of approval for the vacation.

Therefore, this criterion has been met.

- (2) *No parcel shall be landlocked as a result of the vacation.*

No parcels will be landlocked as a result of the proposed multi-purpose easement vacation.

Therefore, this criterion has been met.

- (3) *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 and re-dedication of the multi-purposed easement will not restrict access to any property.

Therefore, this criterion has been met.

- (4) *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 multi-purpose easement vacation. The proposed vacation will be conditioned upon the dedication of a new multi-purpose easement on the proposed subdivision plat or by separate document to ensure continued public access to the existing utility infrastructure, mainly City sewer and Ute Water.

Therefore, this criterion has been met.

- (5) *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 Zoning and Development Code; and*

The provision of adequate public facilities and services will not be inhibited to any property as a result of the proposed vacation request. No adverse comments concerning the proposed multi-purpose easement vacation were received from the utility review agencies during the staff review process, provided that a new multi-purpose easement will be dedicated with the proposed subdivision plat or by separate document to cover the existing utility infrastructure.

Therefore, this criterion has been met.

- (6) *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 multi-purpose easement vacation since the applicant will be dedicating a new multi-purpose easement on the proposed subdivision plat or by separate document as a condition of approval.

Therefore, this criterion has been met.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Vistas at Tiara Rado Phase II easement vacation application, VAC-2016-170 to vacate a multi-purpose easement, the following findings of fact, conclusions and conditions have been determined:

1. The requested multi-purpose easement vacation does not conflict with the goals and polices of the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Zoning and Development Code have been met or addressed.
3. With the vacation, the Applicant shall dedicate a new Multi-Purpose Easement on a proposed subdivision plat or by separate instrument to cover the existing City sewer and Ute Water mains, as approved by City Staff.





Comprehensive Plan Future Land Use Map





CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

**A RESOLUTION VACATING A MULTI-PURPOSE EASEMENT FOR THE VISTAS AT
TIARA RADO, PHASE II RESIDENTIAL DEVELOPMENT**

LOCATED AT 2063 S. BROADWAY

RECITALS:

A vacation of a dedicated public multi-purpose easement has been requested by the property owner, Hatch Investments LLC, in anticipation of the next phase of development at Vistas at Tiara Rado. The proposal is to vacate the encumbered area where the existing multi-purpose easement is located in order to accommodate new building footprint designs and to rededicate a new Multi-Purpose Easement on the proposed subdivision plat or by separate instrument in the revised location.

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 Zoning and Development Code.

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

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

The following described dedicated multi-purpose easement is hereby vacated subject to the listed conditions:

1. Applicant shall pay all recording/documentary fees for the Vacation Resolution, any easement documents and/or dedication documents.
2. Applicant shall dedicate a new Multi-Purpose Easement on a subdivision plat or by separate instrument to cover the existing City sewer and Ute Water mains.

Dedicated multi-purpose easement to be vacated:

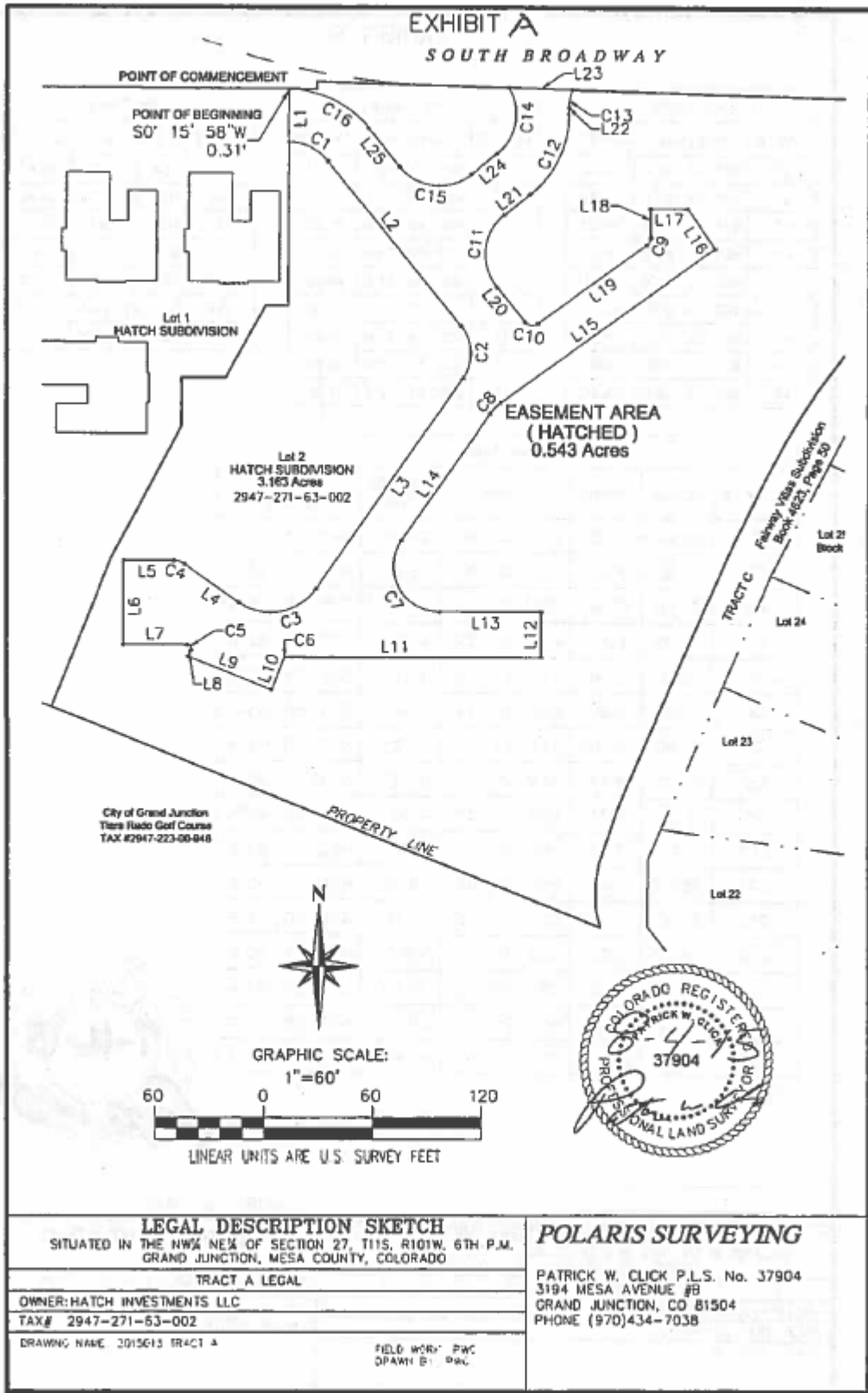
That certain easement as identified in Reception Number 2734518 in the office of the Mesa County Clerk and Recorder.

PASSED and ADOPTED this _____ day of _____, 2016

ATTEST:

President of City Council

City Clerk



Sketch that was included as part of Reception # 2734518



Date: 05/24/16
 Author: Duane Hoff Jr.
 Title/ Phone Ext: Senior Buyer/1545
 Proposed Schedule: 06/01/16
 2nd Reading
 (if applicable): _____
 File # (if applicable): IFB-4230-16-DH

Attach 9

CITY COUNCIL AGENDA ITEM

Subject: Contract to Install the HVAC for City Hall IT Server Room
Action Requested/Recommendation: Authorize the Purchasing Division to Enter into a Contract with Arctic Cooling and Heating, Grand Junction, to Provide and Install a New HVAC System at City Hall for the New IT Server Room in the Amount of \$189,408
Presenter(s) Name & Title: Jay Valentine, Internal Services Manager

Executive Summary:

This request is to award a contract for the supply and installation of a new HVAC system for the upcoming relocation of the City’s IT Server Room at City Hall.

Background, Analysis and Options:

The IT Server Room will be moving to a new location within City Hall. Currently, the current room’s HVAC capabilities are inadequate to meet the heating and cooling requirements for the new IT server equipment to be installed. Therefore, a new upgraded system will be required to maintain the proper temperatures for operating the new servers.

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 HVAC	Percent Difference
Arctic Cooling and Heating	Grand Junction, CO	\$189,408	-
Haining Refrigeration, Inc., DBA Airtech Refrigeration	Grand Junction, CO	\$221,700	15.71%
2H Mechanical, LLC	Grand Junction, CO	\$359,778	62.04%

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

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

The City's IT infrastructure is critical to providing public safety to our citizens, not just through Police and Fire Departments, but also through our advanced methods of communication and dissemination of critical and emergency information.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

Maintaining the City's technology to that of the industry allows for better, faster, and more efficient methods of serving our citizens.

How this item relates to the Economic Development Plan: By ensuring that the City's IT infrastructure is kept current with the fast paced and ever changing technology industry, it will enable future and smooth transitions to up and coming technology advances, that can potentially attract new business to our area.

Board or Committee Recommendation:

There is no board or committee recommendation.

Financial Impact/Budget:

Funds for this project are budgeted in the Information Technology Internal Service Fund.

Legal Issues:

If a contract is awarded, the final form thereof will be reviewed and approved by the City Attorney.

Other Issues:

No other issues have been identified.

Previously presented or discussed:

This was included in the budget discussions for the server room relocation.

Attachments:

None.



Attach 10

CITY COUNCIL AGENDA ITEM

Date May 23, 2016

Author: Kimberly Swindle

Title/ Phone Ext: Financial Analyst/5119

Proposed Schedule: June 1, 2016

2nd Reading

(if applicable): NA

File # (if applicable): _____

Subject: Application for US Department of Justice Annual Justice Assistance Grant (JAG) for Technology Enhancements for Information Sharing
Action Requested/Recommendation: Authorize the Interim City Manager to Apply for these Funds, and if Awarded, to Manage \$28,487
Presenter(s) Name & Title: John Camper, Police Chief

Executive Summary:

The Grand Junction Police Department has been solicited by the Bureau of Justice Assistance program of the US Department of Justice to apply for an annual grant for 2016 in the amount of \$28,487. If awarded, these funds will be used toward the annual contract maintenance of SmartForce software that provides a platform to access data from several information systems involved in operations. (The SmartForce software was approved/purchased utilizing last year's JAG grant). In addition, the remaining funds (\$4,487) will be used to purchase upgrades to current technology for the Investigations Unit.

As part of the application process, the Bureau of Justice Assistance requires that City Council review and authorize receipt of the grant, and provide an opportunity for public comment. Therefore, a public comment opportunity is requested for the purpose of satisfying this requirement.

Background, Analysis and Options:

The Grand Junction Police Department has been the recipient of funding from this annual formula grant for many years and has benefitted from the funding for various projects. The funding level changes each year as the Bureau of Justice Assistance calculates, for each State and Territory, an allocation based upon the statutory JAG formula (U.S.C. 3755(d)(2)(B)). Funds received in prior years ranged from \$14,000 to \$254,568.

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

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

These grant funds are being used to pay for the annual contract maintenance of SmartForce, an information sharing technology framework, as well as upgrade technology for the Investigations unit.

This integration creates a user friendly, searchable information collection and sharing environment that provides effective and timely information sharing among Officers, detectives and supervisors. As a result of this collaboration and information sharing tool, GJPD staff will have better and more accurate information sooner, allowing them to be more aware of reported crime, crime patterns, suspect information, and suspicious activity. This will facilitate the Department's crime prevention, detection and enforcement activities.

How this item relates to the Economic Develop Plan:

This allows the City to meet one of the Public Safety guiding principles: to continue to address crime and community safety concerns in a rapid and effective manner. These funds will be used to continue to support a tool used by law enforcement to increase efficiencies.

Board or Committee Recommendation:

None

Financial Impact/Budget:

There will be no net impact to the General Fund associated with this request, however, \$28,847 will need to be appropriated with the related revenue budgeted in the revision process.

Legal issues:

The City Council is legally required to review and authorize receipt of the grant in a public hearing process; the Council should review/conduct this item as it would a public hearing for an ordinance, with an opportunity for public comment and rebuttal to any comments that are offered, if any.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This is an annual formula grant application process, as has been done in previous years, and requires an opportunity for public comment and Council approval at the application phase.

Attachments:

None.

Date: May 18, 2016
Author: D. Paul Jagim
Title/ Phone Ext: Transportation
Engineer, ext 1542
Proposed Schedule: June 1, 2016
2nd Reading
(if applicable): _____
File # (if applicable): _____

Attach 11

CITY COUNCIL AGENDA ITEM

Subject: Sole Source Approval to Purchase Econolite's Advanced Transportation Management System, Centrats, as a Replacement for the Current System

Action Requested/Recommendation: Authorize the City Purchasing Division to Sole Source the Purchase of Centrats, an Advanced Transportation Management System, from Econolite, in the Amount of \$122,710

Presenter(s) Name & Title: Greg Lanning, Public Works Director
Jay Valentine, Internal Services Manager

Executive Summary:

The centralized management system software that is used to operate and program individual traffic signal controllers is referred to as an Advanced Transportation Management System (ATMS). The Transportation Engineering Division has utilized ATMS software for over two decades, and is currently using an outdated and obsolete version of Econolite's system. This purchase would update the system to the current version of Econolite's ATMS, which is named Centrats.

Background, Analysis and Options:

The Transportation Engineering division is requesting authorization for the sole source purchase of Econolite's Centrats system, which is an upgrade to the current Advanced Transportation Management System (ATMS) software. Econolite is the manufacturer and also the vendor. There are no regional distributors of Econolite products. Sole source justifications have been previously approved for other Econolite products including: traffic signal cabinets, traffic signal controllers, and traffic signal communication radios. The centralized management system software that is used to operate and program individual Econolite traffic signal controllers is referred to as an Advanced Transportation Management System (ATMS). The Transportation Engineering Division has utilized ATMS software for over two decades, and is currently using an outdated and now obsolete version of Econolite's ATMS, named ARIES. The current version of Econolite's ATMS is Centrats. The purchase of Econolite's current ATMS is a necessary technology upgrade of our existing Econolite system.

The first justification for this sole source is centered on compatibility with other City-owned equipment. The City has used Econolite controllers, cabinets, and transportation management systems exclusively for decades and has experienced a high level of performance from their products and technical support staff. Because all

of the City's signals already utilize Econolite traffic controllers, the implementation of Centracs will leverage that previous investment and provide powerful new traffic management and Intelligent Transportation System (ITS) capabilities that require no additional costs for new traffic controllers or intersection upgrades in the field. On the other hand, implementing another manufacturer's traffic management system, which is not optimized specifically for the City's existing traffic controllers, may require the very costly replacement of all controllers and additional costs to retrain the City's technical and support staff.

An additional justification is that Econolite, a company based in Anaheim, CA with a regional office in Colorado Springs, CO, is a longstanding manufacturer, developer, and industry leader of traffic signal solutions. They have demonstrated a commitment to building upon the many years of service and support provided to the City of Grand Junction. Over the past two years the Transportation division's staff has researched and evaluated various ATMS software products currently on the market, putting special emphasis on listening to experiences from other Colorado agencies that have recently upgraded their systems. The Transportation division's staff recommends Centracs as the preferred system because it has a proven track record, it offers several important capabilities not available with other ATMS products, and because the cost is typically lower than other competing systems.

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.

Efficient operation of the traffic signal network results in safer intersections and minimization of traffic congestion and delay. Individual signals must be synchronized by using a centralized management system in order to maximize performance.

How this item relates to the Economic Development Plan:

How this item relates to the Economic Development Plan:

In relation to the City's primary roles specific to economic development as described in the 2014 Economic Development Plan, by purchasing this product, Public Safety is improved.

Board or Committee Recommendation:

There is no board or committee recommendation.

Financial Impact/Budget:

Funds for this purchase are budgeted in the Sales Tax Capital Improvements Fund.

Legal issues:

If a contract is awarded, the final form thereof will be reviewed and approved by the City Attorney.

Other issues:

There are no other issues.

Previously presented or discussed:

This item has not been previously presented or discussed specifically but was part of the 2016 budget.

Attachments:

None.

CITY COUNCIL AGENDA ITEM

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

Subject: Studt Annexation and Zoning, Located at 227 29 Road

Action Requested/Recommendation: Adopt Resolution Accepting the Petition for the Studt Annexation and Adopt the Annexation and Zoning Ordinances on Final Passage and Order Final Publication in Pamphlet Form

Presenter(s) Name & Title: Senta Costello, Senior Planner

Executive Summary:

A request to annex property located at 227 29 Road and zone the 0.9 acre parcel 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 curious 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:

Referral of the Annexation Petition and Annexation Ordinance went before the City Council on April 20, 2016. First reading of the Zoning Ordinance was on May 18, 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. Annexation Ordinance
10. Zoning 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

Staff Analysis:

ANNEXATION:

This annexation area consists of 0.9 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City and an R-4 (Residential 4 du/ac) to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Studt Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;

- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
April 20, 2016	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
May 10, 2016	Planning Commission considers Zone of Annexation
May 18, 2016	Introduction Of A Proposed Ordinance on Zoning by City Council
June 1, 2016	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
July 3, 2016	Effective date of Annexation and Zoning

STUDT ANNEXATION SUMMARY		
File Number:		ANX-2016-53
Location:		227 29 Road
Tax ID Number:		2943-304-00-240
# of Parcels:		1
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		1
Acres land annexed:		0.9
Developable Acres Remaining:		0.380
Right-of-way in Annexation:		0.0
Previous County Zoning:		RSF-4 (Residential Single Family 4 du/ac)
Proposed City Zoning:		R-4 (Residential 4 du/ac)
Current Land Use:		Single family
Future Land Use:		Single family
Values:	Assessed:	\$6150
	Actual:	\$77270
Address Ranges:		227-227 29 Road
Special Districts:	Water:	Ute Water
	Sewer:	City of Grand Junction
	Fire:	Grand Junction Rural Fire District
	Irrigation/Drainage:	Orchard Mesa Irrigation District
	School:	Mesa County School District #51
	Pest:	Grand River Mosquito Control District

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.

- e. R-R (Residential Rural 1 du/5 ac)
- f. R-E (Residential Estate 1 du/2 ac)
- g. R-1 (Residential 1 du/ac)
- h. R-2 (Residential 2 du/ac)
- i. 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:

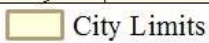

After reviewing the Studt Annexation, ANX-2016-53, for a Zone of Annexation, staff recommends that the Planning Commission make the following findings of fact and conclusions:

- 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.

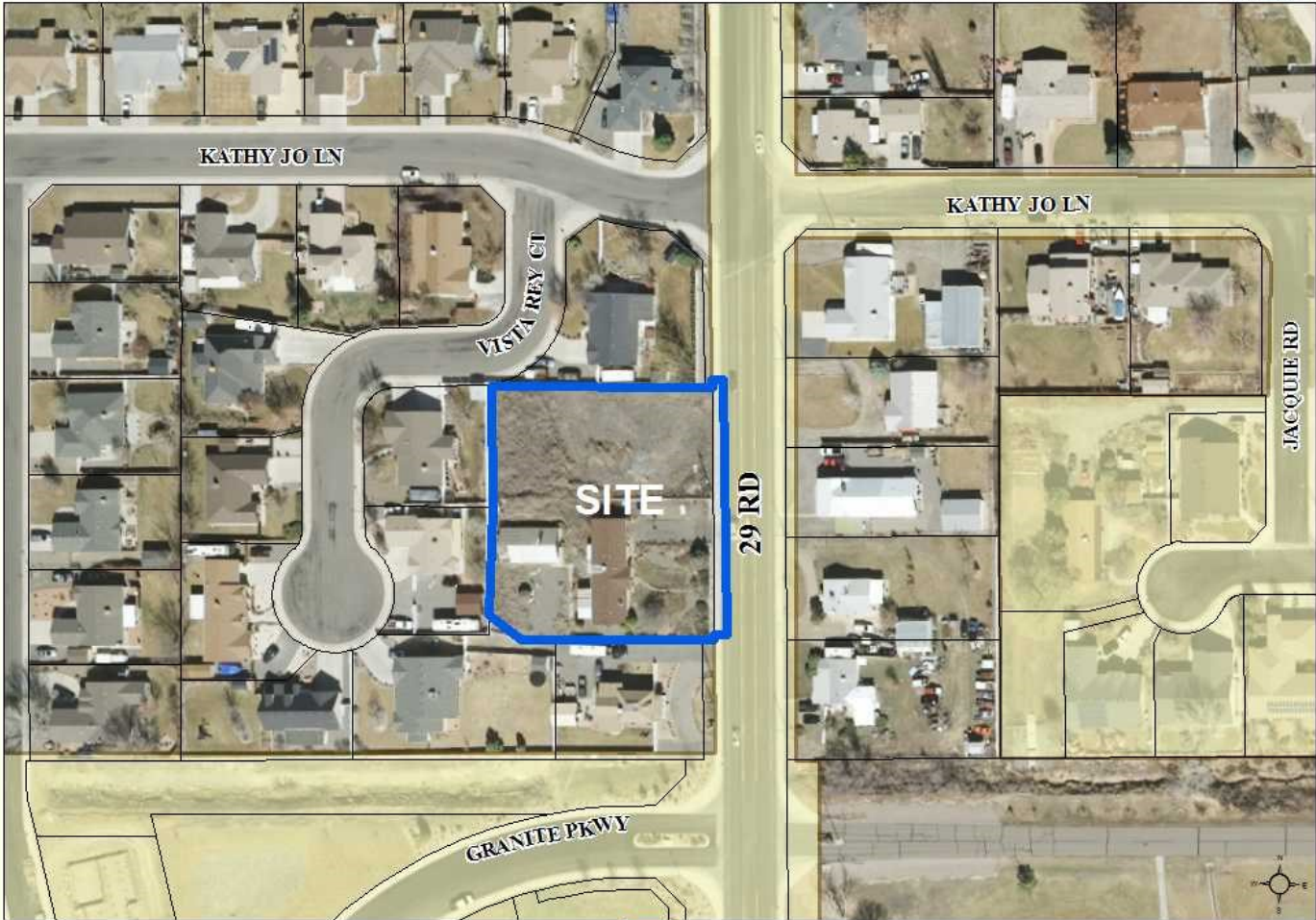
PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the R-4 district to be consistent with the Comprehensive Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

Studt Annexation



 City Limits  Annexation Boundary

Studd Annexation



City Limits Annexation Boundary

Studt Annexation Future Land Use



Current City Limits Annexation Boundary

Studd Annexation - City & County Zoning



 Current City Limits  Annexation Boundary

Studdt Annexation - Blended Map



Exhibit B

NEIGHBORHOOD MEETING SIGN-IN SHEET	
Project: 29 Road Meadows	Meeting Date: 1/25/16
Facilitator: P. Studt	Place/Room: Show Office MCFG

Last Name	First Name	Address	Phone		E-Mail
Pascilla	Pascilla	1063 21 st Blvd	970-640-2132		psstud@gmail.com
Margie Costello		2115 J St			
Accelerated Business Systems		2518 Monument Rd	970-424-1750		Margie@acceleratedjs.com
Costello	Santa	250 W 5th	244-1442		santa@sjcity.org
Gardner	Barbara	227 Jacquin	778-6191		
GARDNER	JAMES	227 JACQUIE	778-6191		GARDNER@OLSON.NET

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

RESOLUTION NO. ____

**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**

STUDT ANNEXATION

LOCATED AT 227 29 ROAD

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 20th day of April, 2016, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

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.

WHEREAS, a hearing on the petition was duly held after proper notice on the 1st day of June, 2016; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near

future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

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

ADOPTED the _____ day of _____, 2016.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

STUDT ANNEXATION

CONSISTING OF ONE PARCEL OF 0.9 ACRES

LOCATED AT 227 29 ROAD

WHEREAS, on the 20th day of April, 2016, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 1st day of June, 2016; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

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.

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

INTRODUCED on first reading on the 20^h day of April, 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 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 18th day of May, 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



Attach 13

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: Adopt Ordinance on Final Passage and Order Final Publication in Pamphlet Form

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.

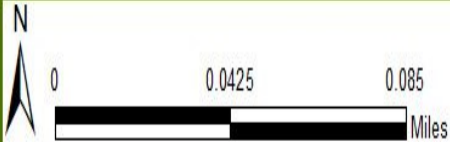
Previously presented or discussed:

This was introduced on first reading at the May 18, 2016 city Council meeting.

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.

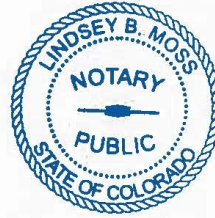
2. The Property is adjacent to the existing boundaries of the Grand Junction, Colorado, Downtown Development Authority and TIF District. The boundaries of the TIF District are depicted on the attached Exhibit B.
3. The Petitioner desires and understands that once the Property is included into the DDA 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.

WHEREFORE, the Petitioner requests that the Board of Directors of the Grand Junction, Colorado, Downtown Development Authority approve this Petition for inclusion of the Property within the boundaries of the Grand Junction, Colorado, Downtown Development Authority and in the TIF District and request Grand Junction City Council to approve the inclusion.

DATED this 20th day of April, 2016

LOJO Partnership, LLP (Petitioner)

By: [Signature]
Douglas S. Simons, General Partner



STATE OF COLORADO)
) ss:
COUNTY OF MESA)

Subscribed and sworn to before me this 20th day of April, 2016 by Douglas S. Simons, General Partner of LOJO Partnership, LLP.

Lindsey B. Moss
Notary Public

My commission Expires: 7/13/16

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 18th day of May, 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



Attach 14

CITY COUNCIL AGENDA ITEM

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): June 1, 2016
 File # (if applicable): VAC-2016-68

Subject: Hoesch Street Vacation, Located West of 723 W. White Avenue
Action Requested/Recommendation: Adopt Ordinance on Final Passage and Order Final Publication in Pamphlet Form
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 (“Sixbey”), 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.

In 2004, the southern portion of this right-of-way was vacated and the area was incorporated in Lot 2, Block 1 WDD Subdivision, in the City of Grand Junction, County of Mesa State of Colorado (“Lot 2”). Sixbey recently sold Lot 2 to Gearty Properties LLC (“Gearty”). Both Sixbey and Gearty are asking that all of the right-of-way be transferred to and run with Lot 2 and be treated as a portion of Lot 2, and by the attached ordinance, the City so directs.

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:

Introduction of the proposed ordinance was at the May 18, 2016 City Council meeting.

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:

5. The requested right-of-way vacation is consistent with the Comprehensive Plan.
6. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met.
7. Per request of the Applicant and owner of Lot 2 the vacated right-of-way shall be transferred to and run with Lot 2 and be treated as a portion of Lot 2

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 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.

Per the attached agreement marked as Exhibit "B" and incorporated herein, all of the right-of-way vacated shall be treated as a part of Lot 2, Block 1 WDD Subdivision in the City of Grand Junction, County of Mesa, State of Colorado ("Lot 2"), and shall not be transferred separately from Lot 2 and shall be incorporated into the land area of Lot 2 with any future subdivision of Lot 2.

Introduced for first reading on this 18th day of May, 2016 and ordered published in pamphlet form.

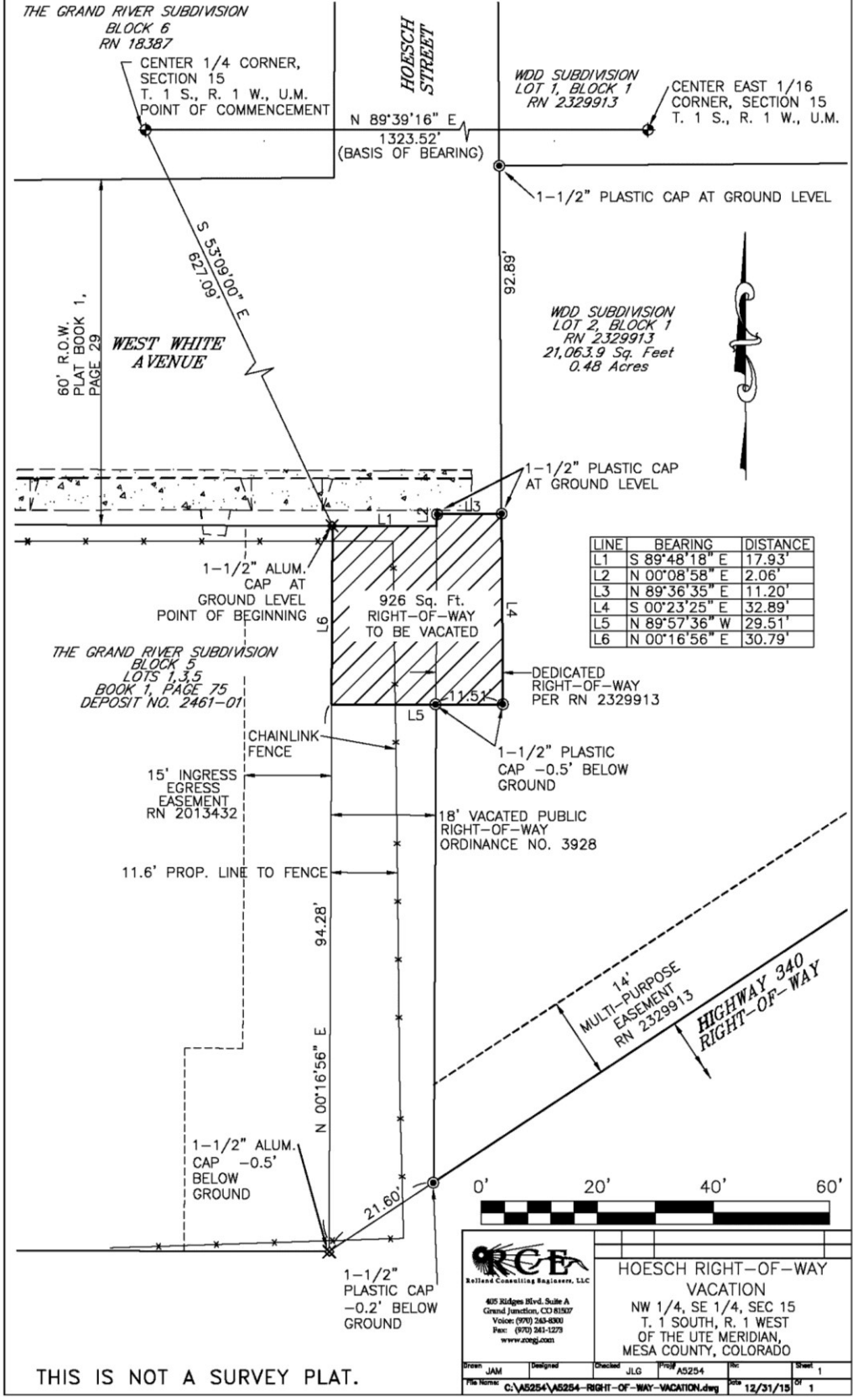
PASSED and ADOPTED this _____ day of _____, 2016 and ordered published in pamphlet form.


ATTEST:

President of City Council

City Clerk

EXHIBIT A





RCE
Ballard Consulting Engineers, LLC

405 Ridgely Blvd., Suite A
Grand Junction, CO 81507
Voice: (970) 243-8900
Fax: (970) 243-1279
www.rceg.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

Drawn	JAM	Designed	Checked	JLG	Proj	A5254	Rev	1	Sheet	1	
File Name: C:\A5254\A5254-RIGHT-OF-WAY-VACATION.dwg										Date: 12/31/19	Of: 1

EXHIBIT "B"

Sixbey Investments, LLC, a Colorado Limited Liability Company, ("Sixbey") is the owner of the property in the City of Grand Junction, County of Mesa, State of Colorado described as Lot 1 in Block 5 of Grand River Subdivision ("Lot 1").

Gearty Properties LLC, a Colorado Limited Liability Company, ("Gearty") is the owner of the property in the City of Grand Junction, County of Mesa, State of Colorado described as Lot 2, Block 1 WDD Subdivision ("Lot 2").

The Plat of Grand River Subdivision dedicated 18' of right-of-way for a street abutting the east side of Lot 1. A portion of that right-of-way has been previously vacated with City of Grand Junction ("City") Ordinance No. 3928 recorded July 27, 2004 at Reception No. 2329914 in Book 4212 at Page 241 and corrected by an instrument recorded July 23, 2007 at Reception No. 2392262 in Book 4475 at Page 619. This vacated right-of-way was incorporated into Lot 2.

In Community Development File No. VAC-2016-68, Sixbey has requested that the City vacate the remainder of that right-of-way south of White Avenue abutting Lot 1 north of the previously vacated right-of-way described in the paragraph above along with the 10' of right-of-way abutting the west side of Lot 2 dedicated on the WDD Subdivision plat.

Sixbey intends for all interest that it may have in the vacated right-of-way be granted to Gearty as part of Lot 2 and by signature below requests the City direct that all of the vacated right-of-way be transferred to and go with and be treated as a part of Lot 2.

Gearty understands and accepts all of the vacated right-of-way to belong to Gearty which shall run with and be treated as a part of Lot 2 and may not be transferred separately from Lot 2 and agrees that any subdivision completed in the future involving Lot 2 shall include all of the vacated right-of-way.

Sixbey hereby quitclaims any and all right, title and interest that Sixbey may have in any of the right-of-way referenced herein to Gearty Properties LLC.

Sixbey Investments, LLC

Gearty Properties LLC

By: _____
Merritt L. Sixbey, Jr.
Manager

By: _____
John Ambrose Gearty,
Member

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by Merritt L. Sixbey, Jr., as Manager of Sixbey Investments, LLC.

My commission expires _____.

Witness my hand and official seal.

Notary Public

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by John Ambrose Gearty as Member of Gearty Properties LLC.

My commission expires _____.

Witness my hand and official seal.

Notary Public

CITY COUNCIL AGENDA ITEM

Date: May 19, 2016

Author: David Thornton

Title/ Phone Ext: Principal Planner / x.1450;

Proposed Schedule: 1st Reading May 18,
2016

2nd Reading (if applicable): June 1, 2016

File # (if applicable): CPA-2016-113

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

Action Requested/Recommendation: Adopt Ordinance on Final Passage and Order Final Publication in Pamphlet Form

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:

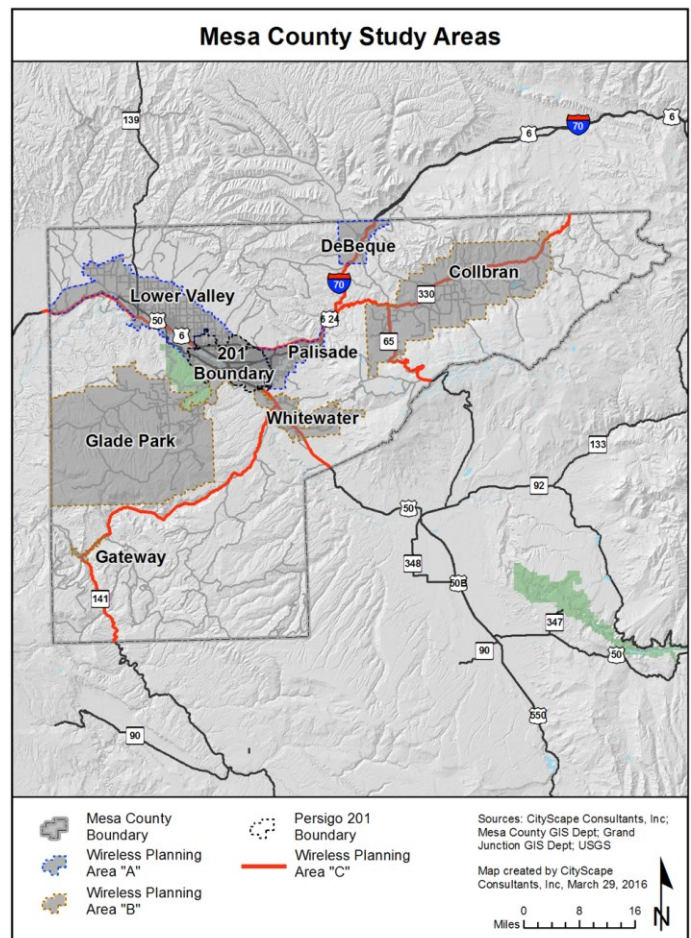
1. City of Grand Junction (Persigo 201 Boundary area)

Area A

2. Lower Valley
3. Palisade
4. DeBeque

Area B

5. Glade Park
6. Gateway



- 7. Whitewater
- 8. Collbran

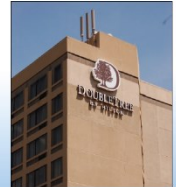
Area C

- 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 – introduction of ordinance and first reading May 18, 2016, public hearing on 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 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

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 Sherriff'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 18th day of May, 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



Attach 16

CITY COUNCIL AGENDA ITEM

Date: May 23, 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

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

Action Requested/Recommendation: Adopt Ordinance on Final Passage and Order Final Publication in Pamphlet Form

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 (WMP), 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) a. I-2, I-1 or I-O
 - (B) b. C-2
 - (C) c. B-P or C-1
 - (D) d. CSR
 - (E) 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 – Introduction of proposed ordinance on May 18, 2016 and public hearing on June 1, 2016

Attachments:

- Planning Commission Minutes – April 26, 2016
- Draft May 10, 2016 Planning Commission Minutes
- 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 versus private Priority Sites and Commissioner Buschhorn expressed concern that the need for “clear and convincing evidence” required for a private site may be 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 versus 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 verses 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 verses 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.

GRAND JUNCTION PLANNING COMMISSION
May 10, 2016 MINUTES
6:00 p.m. to 6:16 p.m.

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Christian Reece. The hearing was held in the City Hall Auditorium located at 250 N. 5th Street, Grand Junction, Colorado.

Also in attendance representing the City Planning Commission were Jon Buschhorn, Kathy Deppe, George Gatseos, and Bill Wade.

In attendance, representing the City's Administration Department - Community Development, was Greg Moberg, (Development Services Manager), David Thornton (Principal Planner), Senta Costello, (Senior Planner) and Scott Peterson (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney), Shelly Dackonish (Staff Attorney) and Jim Finlayson, (Information Technology Manager).

Lydia Reynolds was present to record the minutes.

There were 9 citizens in attendance during the hearing.

*****INDIVIDUAL CONSIDERATION*****

1. Zoning Code Amendment [File#ZCA-2016-112]

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 Telecommunication Facilities.

Chairman Reece noted that the Planning Commission spent several hours in a workshop discussing the proposed Zoning Code Amendment since the last public hearing.

Staff Presentation

David Thornton (Principal Planner) explained that a proposed ordinance was developed by staff, along with the Wireless Master Plan consultants, to help get the Zoning and Development Code in line with the FCC and other Federal regulations. Mr. Thornton emphasized that infrastructure was a key part of both the Master Plan and the proposed Ordinance. Noting that co-location was favored whenever possible, there will inevitably be more new towers needed for better coverage as time goes on.

Mr. Thornton noted that at a workshop on May 5th, 2016, Planning Commission gave staff direction to revise the ordinance to address a few concerns they had, and that document has since been distributed to the Commissioners.

Chairman Reece invited anyone from the public to speak if they had comments. No one from the public requested to speak.

Mr. Thornton displayed a slide with the revisions that were requested.

Discussion

Commissioner Wade asked if the revisions on the document before them were limited to the sections of the code that the Commissioners had discussed and requested. Mr. Thornton stated that was correct, it was in section five of the ordinance.

Commissioner Gatseos asked if the hard copy they were given at the beginning of the meeting was the same one as was emailed. Mr. Thornton stated that it was the same.

Chairman Reece commented that she thought the Use Table had been updated, however, Mr. Thornton stated that it had remained the same.

Chairman Reece asked the Commissioners if they wished to have any further discussion. Hearing none, Chairman Reece asked for a motion.

MOTION: (Commissioner Wade) “Madam Chairman, I move that with regard to file number [File#ZCA-2016-112] that the City of Grand Junction Planning Commission recommend to the City Council of Grand Junction, the adoption of the Zoning Code Amendment as modified and altered for the purpose of amending the Zoning Code.”

Commissioner Deppe seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

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 to include the following under Industrial (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 <u>Facilities on Wireless Master Plan Priority Site when developed in accordance with Wireless Master Plan site-specific requirements</u>	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	E A	<u>21.04.03 0(q)</u> & <u>21.04.02 0(ee)</u>
	<u>Temporary</u>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	<u>21.04.03 0(q)</u>

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:

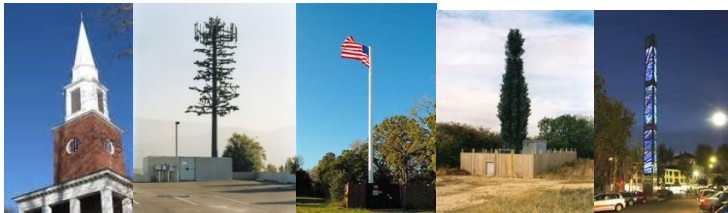
- a. I-2 or I-1

- 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.

(A) 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 18th day of May, 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 to include the following under Industrial (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):
 - 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

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: Jun 1 2016
Citizen's Name: Bruce Golumeller
Address: 536 29RD #1
Phone Number: _____
Subject: Poison for Profit "Fleet"

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.

P.S. Properly Addressing Poverty is cost effective
"LAS VEGAS" Cashman Arena "Opened for Christmas"
J.G.

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 06/01/16

Citizen's Name: Richard Swingle

443 Mediterranean Way

Address: Grand Junction, CO 81507-4525

Phone Number: _____

Subject: Welcome And Go Find A Rock

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
June 1, 2016**

Welcome and Go Find a Rock

Prepared by: Richard Swingle

**Welcome and Go Find a Rock
New City Manager**

- **Welcome Greg Caton to Grand Junction**

Welcome and Go Find a Rock

The Rock

- Ray Croft
 - Airforce Boeing 707 military aerial refueling aircraft
 - 1976 becomes a very successful sales representative for the Xerox Office Products Division (OPD)
 - 1978 promoted to Manager Sales Training
- The assignment
 1. Go find a college text book to teach our sales representatives about computers
 2. Develop a one day training program
 3. Develop a one week training program
 4. Develop a two week training program
- What the problem statement should have been
 - Develop an effective sales training program for our field sales team that gets them familiar and comfortable talking about computers

Go find a Rock

Grand Junction City Council-June 01, 2016

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Welcome and Go Find a Rock

City Council Best Practices

- A City Council should;
 - Project a vision
 - Infuse an organization with mission
 - Encourage a staff to be all it can be
 - Make itself grow in the process
- What goes wrong with City Council's?
 - Time spent on the trivial
 - Short-term bias
 - Reactive stance
 - Reviewing, rehashing, redoing
 - Leaky accountability
 - Diffuse authority
 - Complete overload

Grand Junction City Council-June 01, 2016

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Welcome and Go Find a Rock City Manager

- Greg Caton welcome to Grand Junction as our new City Manager
- Will we ask him and his staff to go find a rock?