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**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
TUESDAY, JUNE 26, 2018, 6:00 PM**

Call to Order - 6:00 P.M.

1. Minutes of Previous Meetings

[Attach 1](#), [Attach 2](#)

Action: Approve the minutes of the May 8, 2018 and May 22, 2018 meetings.

2. Mosaic Planned Development Consolidated Service Plan

[Attach 3](#)
FILE #SDS-2018-301

Consider a request for review and approval of the Consolidated Service Plan for the Mosaic Metropolitan Districts Nos. 1-6 for the Mosaic Planned Development on 68.2 Acres.

Action: Recommendation to City Council

Applicant: Club Deal 113/114 Park Plaza

Location: 789 23 Road

Staff Presentation: Dave Thornton

3. Darla Jean Public Walkway Vacation

[Attach 4](#)
FILE #VAC-2018-44

Consider a request to vacate a platted walkway located in the Darla Jean Subdivision.

Action: Recommendation to City Council

Applicant: Raquel Mollenkamp
Location: Darla Jean Subdivision
Staff Presentation: Kristen Ashbeck

4. Fossil Trace Rezone

[Attach 5](#)
FILE #RZN-2018-219

Consider a request to rezone 8.41 acres from R-R (Residential - Rural) to R-1 (Residential - 1 du/ac).

Action: Recommendation to City Council

Applicant: Fossil Trace Holdings LLC - Kevin Bray
Location: 465 Meadows Way
Staff Presentation: Scott Peterson

Other Business

Adjournment

Attach 1

GRAND JUNCTION PLANNING COMMISSION May 8, 2018 MINUTES 6:00 p.m. to 9:44 p.m.

The meeting of the Planning Commission was called to order at 6:04 p.m. by Chairman Reece. The hearing was held in the City Hall Auditorium located at 250 N. 5th Street, Grand Junction, Colorado.

In attendance representing the City Planning Commission were; Christian Reece, Bill Wade, Kathy Deppe, Keith Ehlers, Brian Rusche, Andrew Teske and Steve Toole.

In attendance, representing the Community Development Department–Tamra Allen, (Community Development Director) and, Scott Peterson (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney) and Trent Prall (Public Works Director).

Lydia Reynolds was present to record the minutes.

There were 85 citizens in attendance during the hearing.

* * * CONSENT CALEDAR * * *

1. Election of Officers

Chairman Reece stated that they need to elect Planning Commission Officers. There will be openings for Commissioners at the end of the year. Chairman Reece invited anyone who may be interested to apply. She also mentioned that this is a volunteer position and they often participate in four meetings a month.

Chairman Reece asked for nominations for Vice Chairman of the Planning Commission.

MOTION:(Commissioner Tolle) “Madam Chairman, I nominate Bill Wade to be Vice Chairman.”

Commissioner Ehlers seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

Chairman Reece asked for nominations for Chairman of the Planning Commission.

MOTION:(Commissioner Wade) “Madam Chairman, I nominate Christian Reece for Chairman of the Planning Commission.”

Commissioner Ehlers seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

2. Minutes of Previous Meetings

Action: Approve the minutes from the April 10, 2018 meeting

Chairman Reece called for a motion to approve the Minutes.

MOTION:(Commissioner Rusche) “Madam Chairman, I move approve the Minutes as written.”

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

Chairman Reece explained the purpose of the meeting and noted that there will be a written and video recording of the meeting. The order of the meeting will be as follows:

- 1) Examination of the application and a determination concerning the adequacy of notification.
- 2) Presentation, description and analysis of the application by the staff,
- 3) Opportunity for the applicant to present evidence and arguments concerning their position on the project
- 4) All other interested parties may then address the Commission, with comments limited to three minutes per speaker.
- 5) Planning Commission may ask questions from staff, applicant, or members of the Public after each presentation.
- 6) The public comment section of the hearing may be closed after all public comment has been received.
- 7) The applicant will be given the opportunity to respond or give a rebuttal.
- 8) Staff may respond to any statement made by applicant, public or Planning Commission.
- 9) The Chair will close the public hearing and no further evidence will be accepted.
- 10) The evidentiary portion may be reopened only by a majority vote of the Planning Commission.
- 11) After the closure of the public hearing the Planning Commission will begin its deliberation which will end with a passage of a motion.

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

3. St. Mary's Hospital Rezone and Master Plan Amendment

FILE # PLD-2018-113

Consider a request of an Outline Development Plan (ODP) to rezone only the northern half of the property located at 510 Bookcliff Drive from R-4 (Residential - 4 du/ac) and incorporate this portion of the property into the existing St. Mary's Hospital PD (Planned Development) zone district in anticipation of developing an additional parking lot for the hospital.

Action: Recommendation to City Council

Applicant: Sisters of Charity of Leavenworth Health System Inc.
Location: 510 Bookcliff Avenue
Staff Presentation: Scott Peterson

Chairman Reece briefly explained the project and asked the applicant to introduce themselves.

Dan Prinster, 679 Sperber Lane, GJ, stated he was the Vice President of Business Development at St. Mary's Hospital. Eric Tscherter, 2638 New Orchard Ct, stated the was with Chamberlin Architects

Chairman Reece began the public hearing by asking if the required public notice was given pursuant to the City's noticing requirements. Mr. Peterson replied that notice had been provided as in accordance to the code.

Staff Presentation

Scott Peterson, Senior Planner, stated that this is a two-part request to 1) amend the existing Master Plan for St. Mary's Hospital and Environs approved in 2017 to incorporate the property located at 510 Bookcliff Avenue and, 2) consider a request to rezone a 0.95-acre portion of the 2.28-acre property at 510 Bookcliff Avenue to PD (Planned Development) with a default zone of B-1 (Neighborhood Business). The applicant for these two requests is the property owner, Sisters of Charity of Leavenworth Health System Inc.

Mr. Peterson presented a PowerPoint slide with the Site Location Map of the area. St. Mary's Hospital is located at the SW corner of N. 7th Street and Patterson Road. In May 2017, St. Mary's Hospital purchased the adjacent property located at 510 Bookcliff Avenue identified as "Site" on the slide. The Applicant now wishes to incorporate this property into the existing Master Plan 2017 for St. Mary's Hospital and Environs adopted by the City Council in January 2017 and also requests to rezone the northern portion of the property of 0.95 acres to PD (Planned Development) with a default zone of B-1 (Neighborhood Business) in anticipation of developing a parking lot on the northern portion of the property.

Mr. Peterson displayed a slide with a closer aerial photo of the area. Master Plan 2017 for St. Mary's Hospital identifies all properties that St. Mary's owned at the time of development of the plan and also outlined several construction projects the facility anticipated would be built within the next five (5) years at the hospital such as a 40,000 sq. ft. building addition for the Cardiac Center of Excellence and an additional 14,000 sq. ft. for the Hybrid Operating Room, both of which are currently under construction. In May 2017, St. Mary's purchased the property located at 510 Bookcliff Avenue with the intent to use a portion of the property for an expansion to their parking that would be

more proximate to the expanded facilities. The existing neighborhood often refers to this property as the “Olson Property.” Master Plan 2017 still remains relevant as a whole but needs to be amended to incorporate this new property (510 Bookcliff Avenue) that was acquired by St. Mary’s.

The property at 510 Bookcliff consists of 2.28 acres, contains a single-family detached home which is anticipated to remain for the near future and is currently being rented and utilized as a residence.

The next slide displayed was of the Comprehensive Plan Future Land Use Map that identified the St. Mary’s campus and property located at 510 Bookcliff as Business Park Mixed Use.

A slide of the existing zoning of the property at 510 Bookcliff showed that it is R-4 (Residential – 4 du/acre). St. Mary’s Hospital wishes to subdivide the property so that the northern portion of the property is subdivided from the balance of the property which contains the single-family house and has a pending application with the City for this division of land. That portion of property (0.95 acres) intended to be rezoned as PD and used as a parking lot is proposed to be incorporated into the larger St. Mary’s property that contains the main hospital campus.

The following slide showed a conceptual drawing of what the new parking lot and zoning would like on the property. The rezone to PD and subdivision of the property at 510 Bookcliff Avenue will allow St. Mary’s to develop the northern portion of the subject parcel into parking as a continuation of the existing west parking lot.

Mr. Peterson explained the conceptual plans for the parking lot currently indicates developing 87 parking spaces along with the required landscaping and a 6-foot tall solid fence to screen the new parking area from the surrounding neighborhood. No vehicular access will be provided from 510 Bookcliff Avenue to the St. Mary’s campus. All access to the new parking lot will be from the internal ring road within the campus.

The property would retain the zone designation of R-4 (Residential- 4 du/acre) on the southern portion of the property and will provide a buffer for the existing neighboring residents along Bookcliff Avenue from the hospital related uses. The current St. Mary’s Hospital campus and other associated properties are zoned Planned Development (PD) and have been zoned PD for many years. In this situation, where the property contains an older PD zone district, the Master Plan document serves as the Outline Development Plan (ODP) in this instance and any potential changes or modifications requires review and approval by the City.

Mr. Peterson displayed a slide listing seven Long-Term Community Benefits as follows:

1. More effective infrastructure;
2. Reduced traffic demands;
3. A greater quality and quantity of public and/or private open space;
4. Other recreational amenities;

5. Needed housing types and/or mix;
6. Innovative designs;
7. Protection and/or preservation of natural resources, habitat areas and natural features; and/or Public art.

Mr. Peterson added that the intent and purpose of the PD zone is to provide flexibility not available through strict application and interpretation of the standards established in Section 21.03.040 of the Zoning and Development Code. The Zoning and Development Code also states that PD (Planned Development) zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. Long-term benefits include, but are not limited to those benefits 1 thru 7, as was shown on the slide.

The St. Mary's Hospital campus is already designated as a Planned Development and as determined in the original PD, provides long-term community benefits by being a regional provider of health services for the community and area of western Colorado and eastern Utah. The Applicant's request is to only incorporate the proposed land area of the new parking lot into the existing Planned Development. The same long-term community benefits that were originally found in the zoning of the property as PD will continue with this amendment.

Mr. Peterson noted that the existing St. Mary's campus contains an open space area with a gazebo located directly to the east of the 510 Bookcliff Avenue property that is utilized by both patients and employees. This open space area contains an underground detention facility and walking path that connects the internal ring road with Bookcliff Avenue. The underground detention allows the surface to be utilized as active open space, therefore the Applicant continues to provide a greater quality and quantity of public and/or private open space as identified by item #3. The development of the open space area, gazebo, underground detention facility and walking path are all not required by Code.

Mr. Peterson explained that the St. Mary's campus is currently zoned PD, however, it was zoned PD prior to the City establishing today's system for adopting a PD with a relevant Outline Development Plan. In lieu of having an Outline Development Plan, the hospital campus has created and has been approved for an Institutional and Civic Facility Master Plan in accordance with Section 21.02.190 of the Code. Since this request proposed to both rezone a portion of 510 Bookcliff Avenue as well as modify/amend the approved Master Plan, Staff has provided analysis relevant both of these actions, as follows:

Pursuant to Section 21.02.150 (b) (2) of the Grand Junction Zoning and Development Code, requests for an Outline Development Plan (ODP) shall demonstrate conformance with all of the following:

- a) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies;
- b) The rezoning criteria provided in Section 21.02.140 (a) of the Grand Junction

Zoning and Development Code.

- c) The planned development requirements of Section 21.05.040 (f) of the Zoning and Development Code;
- d) The applicable corridor guidelines and other overlay districts.
- e) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.
- f) Adequate circulation and access shall be provided to serve all development pods/areas to be developed.
- g) Appropriate screening and buffering of adjacent property and uses shall be provided;
- h) An appropriate range of density for the entire property or for each development pod/area to be developed;
- i) An appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed.
- j) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

Mr. Peterson explained that Pursuant to Section 21.02.190 of the Code, in reviewing a master plan (amendment to a master plan) the decision-making body shall consider the following:

- 1. Conformance with the Comprehensive Plan and other area, corridor or neighborhood plans;
- 2. Conformance with the Grand Valley Circulation Plan and general transportation planning requirements;
- 3. Adequate parking, adequate stormwater and drainage improvements, minimization of water, air or noise pollution, limited nighttime lighting and adequate screening and buffering potential;
- 4. Adequacy of public facilities and services; and
- 5. Community benefits from the proposal.

Staff recommends approval of the request for the amendment to the Master Plan and rezone of a portion of 510 Bookcliff to PD (Planned Development) with a default zone of B-1 (Neighborhood Business) finding that:

- 1. The Planned Development is in accordance with all of the applicable criteria in Section 21.02.150 (b) (2) of the Grand Junction Zoning and Development Code.
- 2. The Planned Development is consistent with the vision, goals and policies of the Comprehensive Plan.
- 3. The proposed Amendment to the St. Mary’s Hospital and Environs Master Plan 2017 is in accordance with Section 21.02.190 of the Code.

Applicants Presentation

Mr. Prinster displayed a slide of the services that St. Mary’s provides and noted that last year they had presented their 5-year Campus Development Plan. Part of that plan was the development of a Cardiac Center. Mr. Prinster stated that since that plan, they had an opportunity to purchase 510 Bookcliff Ave. that can be used for more parking as it would be a short walk of the new Cardiac Center.

Mr. Prinster displayed a PowerPoint slide of the site and stated they originally planned to rezone 536 and 510 Bookcliff Ave, but after the neighborhood meeting, and hearing the concerns of the impact it may have on the neighborhood, they decided to altered the plan. The new design Mr. Prinster displayed only utilizes a portion of the 510 Bookcliff Ave. property.

Mr. Prinster noted that at the neighborhood meeting, there was concern about access off of Bookcliff Ave. Mr. Prinster noted that there will not be access off of Bookcliff Ave, and they now plan to extend privacy fence on the west side to separate the residential neighborhood from the parking lot. Mr. Prinster added that at the neighborhood meeting, it was suggested that they put up a sign to warn vehicles that there is no access to the hospital before they start up the drive at 510 Bookcliff Ave., so they will be putting up a sign there. Mr. Prinster's last slide was a summary of the concerns they have addressed and the public hearing process for changes.

Public Comments

Lenard Macleod, 448 Bookcliff Dr. stated that he was glad to see the plan amended however he did not feel that a six-foot fence was adequate. Mr. Macleod stated that although there was a sign put up, people still head up Bookcliff Ave. and turn around in his driveway, he would like to see better signage for people to know to continue on 7th as there is no access off of Bookcliff Ave. Mr. Macleod added that there is an open area of the fence that is right next to the hospital and it has increased foot traffic into the neighborhood.

Bill Wagner, 300 Cedar Ct. stated that he applauded St. Mary's for listening to the neighborhood at the required neighborhood meeting. Mr. Wagner said that St. Mary's does a Master Plan every 5 years with yearly amendments and it wears people down trying to protect their neighborhood. Mr. Wagner asked the Commission to not approve the rezone and allow time for the neighbors to meet with St. Mary's and get a long term commitment and plan from St. Mary's that will keep their neighborhood residential.

Victoria Patsantaras, 301 Bookcliff Ct. thanked the Commission for their volunteer service. Ms. Patsantaras felt that allowing a PD in a 59-year-old R-4 neighborhood is an extreme difference in use. Ms. Patsantaras urged that the growing pains St. Mary's has be addressed within their own properties and with similarly zoned properties adjacent to it.

Jane Findley, 412 Bookcliff Dr. wished to emphasize the residential and historic qualities of this neighborhood and feels the encroaching growth of St. Mary's compromises the flavor of the neighborhood. Ms. Findley was concerned with the additional lighting and the fencing.

Applicants Response

Mr. Prinster acknowledged the open panel in the fencing and stated it was temporary so they could access the property temporarily. The plan is to have a locked man-gate to

allow their facilities people to maintain the landscaping they plan to add to each side of the fence.

Brian Davidson, President of St. Mary's stated they would be glad to look at options, such as signage, so that people knew they could not access the hospital from Bookcliff Ave. The six-foot privacy fence had been a concern voiced and he would be happy to look into that. Mr. Davidson stated that they own a number of houses that they keep as a buffer to keep the neighborhood feel. Mr. Davidson explained they chose to build on the west side, although it is constrained, because of the location of supporting departments for the cardiac center.

Mr. Davidson stated that they try to expand the existing building rather than tear down and build new ones in an effort to keep cost of healthcare in the community and country at tolerable levels.

Chairman Reece asked what the lighting for this lot will look like. Mr. Tscherter responded that the tower was designed is a LEED compliant building which has a limitation on light trespass past the boundaries so they plan to continue that design throughout the expansion, with light being directed downward and inward to the property.

Questions for Staff

Commissioner Deppe asked if notice was given to neighbors around the property. Mr. Peterson stated that the neighbors were notified for the neighborhood meeting and it was a standing room only, with over 75 people in attendance. Notices were also sent when the application was made and a third notice went out for the Planning Commission meeting.

Commissioner Wade asked what could St. Mary's and the neighbors do if they agreed to a larger fence. Mr. Peterson stated the code requires a 6-foot solid fence as a buffer between a B-1 and residential district. If they wanted an 8 ft. fence it would require approval from City Council.

Commissioner Discussion

Commissioner Wade stated that a spirit of compromise is needed as the neighborhood has been there a long time and so has St. Mary's. Noting that Colorado Mesa University agreed to give regular updates to the Commission, Commissioner Wade asked the applicants to meet with them at least twice a year to discuss their plan. Commissioner Wade acknowledged that it was a big request, knowing that St. Mary's has a lot on their plate. Commissioner Wade stated that he was glad to hear that St. Mary's is willing to revisit the fence and they addressed lighting. Commissioner Wade feels the criteria has been met and he will be voting in favor of the rezone and amendment.

Commissioner Ehlers stated that the Commissioner's review is to look at a proposal and see if it meets the code and Future Land Use and benefits the community as a whole. Commissioner Ehlers did not want to diminish the concerns of the neighbors, but he agrees with Commissioner Wade in that it meets the review criteria.

Commissioner Ehlers pointed out that this parcel is currently zoned R-4 and has 2.28 acres, which could allow up to 9 homes. Commissioner Ehlers added that 9 homes, theoretically generates 90 vehicle trips a day. Although the PD is only 1 acre, the impact to the neighborhood is much less than if it was to develop as R-4. Commissioner Ehlers explained that as a PD, the applicants would have to come back to the Planning Commission if they were to make changes in the plan. Looking at the benefits to the community as a whole, and being in accordance with the review criteria, Commissioner Ehlers stated that he will be voting in favor of the proposal.

Commissioner Teske feels the application fulfills the requirements of the code, and agrees with Commissioner Ehlers and Wade that this is good for the community as a whole and he will be voting in favor of the proposal.

MOTION:(Commissioner Wade) “Madam Chairman, on the Amendment to Master Plan 2017 for St. Mary’s Hospital and Environs for inclusion of the property located at 510 Bookcliff Avenue and also a Rezone to PD (Planned Development) with a Default Zone of B-1 (Neighborhood Business) for the northern portion of the property located at 510 Bookcliff Avenue, PLD-2018-113, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report.”

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

4. 26 Road LLC RezoneFILE # RZN-2018-162

Consider a request to rezone 151.16 acres from PD (Planned Development) to R-2 (Residential - 2 du/ac) zone district.

Action: *Recommendation to City Council*

Applicant: 26 Road LLC
Location: Between 26 & 26 1/2 Roads, south of H 3/4 Road
Staff Presentation: Scott Peterson

Commissioner Teske stated that his law firm has been involved with this project therefore he will recuse himself from this item. Commissioner Teske then left the room.

Chairman Reece asked the applicants to introduce themselves.

Mike Russell, 200 Grand Ave, stated the is an attorney with Hoskin, Farina and Kampf and he will represent the applicants. Robert Jones II, Vortex Engineering, 2394 Patterson Rd. Suite 201 stated he was also here to represent the applicants.

The property is 151.18 acres in size, currently vacant, located between 26 Road and 26

1/2 Road, south of H 3/4 Road and north of H Road. Freedom Heights Subdivision is located to the south and the Summer Hill Subdivision is located further to the east.

Chairman Reece asked if there was required public notice given for the item. Scott Peterson (Senior Planner) responded that notice was provided in accordance with the Zoning and Development Code.

Staff Presentation

Scott Peterson (Senior Planner) stated that there were five exhibits entered into the record for this item.

- 1) Application provided by applicant dated March 19, 2018
- 2) Staff report dated May 8, 2018
- 3) Public correspondence received April 30, 2018
- 4) Letter to City Attorney from the law firm of Wagner, Scarborough, Younge and Hocksmith LLP dated April 30, 2018
- 5) Ordinance #4174 dated 2008
- 6) PowerPoint presentation May 8, 2018
- 7) Additional public correspondence, two additional letters received May 8, 2018
- 8) Ordinance #2842 dated 1995
- 9) Saccomanno Girls Trust Agreement

The last three exhibits were email late in the afternoon on May, 8th 2018. Ms. Allan distributed hard copies to the Commissioners.

Chairman Reece asked if there was interest to enter these into the record. Commissioner Wade requested a five-minute recess to read them over. Chairman Reece called for a recess.

After a short recess, Chairman Reece called the meeting back to order.

MOTION:(Commissioner Wade) “Madam Chairman, I move we to add the additional exhibits to the information we have in front of us for consideration.”

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

Mr. Peterson began his presentation by showing a PowerPoint slide of the site location map and stated that the property is 151.18 acres in size, currently vacant, located between 26 Road and 26 1/2 Road, south of H 3/4 Road and north of H Road. Freedom Heights Subdivision is located to the south and the Summer Hill Subdivision is located further to the east.

The next slide shown was of the existing zoning map of the area. The property is currently zoned PD (Planned Development). A previously approved (2008) plan for the property, for a 362-dwelling unit/lot project has lapsed. In May 2017, the owner applied for a Planned Development zone district with a default zone of R-2 (Residential – 2

du/ac) proposing 303 lots or 2.00 dwelling units per acre; however, on September 26, 2017, the Planning Commission recommended denial of that application. Mr. Peterson added that the request was ultimately withdrawn by the Applicant prior to City Council review and decision.

Mr. Peterson stated that the Property was annexed in 1995 by City Ordinance 2842 with a Planned Residential-2 zoning but without a specific plan; instead the property was generally planned to locate higher density toward the eastern edge and lower density toward the western edge of the Property.

Mr. Peterson explained that the 1995 annexation and zoning agreement (with the Saccomanno Girls Trust) was not a development agreement; it did not dictate specific bulk standards; neither did it require a specific effective density for the development of the property nor did it obligate the development of the property in any manner (other than as Planned Residential with an approximate density of 2 du/ac.). The agreement was simply for zoning which existed on the property for over 12 years. Neither the annexation agreement nor Ordinance 2842 restricted the City Council or the property owner from rezoning the property at a later date.

Mr. Peterson added that in 2008 a preliminary development plan amending the PR-2 zoning was approved by Ordinance 4174. After extensive staff review, the City found that the development plan complied with the applicable density restrictions because the applicant applied under Section 3.6 of the Zoning and Development Code at the time for a 20% density bonus and because the plan proposed clustered development within an R-4 default zone district. The approved density of the 2008 plan was 2.39 du/ac.

Mr. Peterson expounded that after the 2008 approval of Ordinance 4174, the project has been dormant and has now lapsed according to Section 21.02.150(f) of the Code. Because of the lapse of the 2008 PD and the fact that the 1995 PR-2 had no specifically defined development requirements or characteristics, the property presently exists as a “planned zone without a plan” and must be zoned as determined by the governing body, to conform to the Comprehensive Plan and current standards of the Code.

Mr. Peterson informed the Commission that the current request to rezone to R-2 is consistent with the Comprehensive Plan Future Land Use designation of Residential Medium Low (2 - 4 du/ac). Although not required, the rezone is also consistent with the 1995 annexation. The requested zone of R-2, has no minimum density and allows up to a maximum density of 2 dwelling units per acre. The R-2 zone district allows for detached single-family, two-family dwellings as well as civic land uses. The request at this time is only for zoning and is not requesting a review of a specific subdivision plan, lot layout, lot size or other subdivision design characteristics, which if the zoning is approved would be in accordance with the Code. The requested density of R-2 is at the lower range of that prescribed by the Comprehensive Plan.

The next slide displayed was a Google Map Image of Site and the Surrounding Area to give a perspective of the existing development within the area. Mr. Peterson explained

that other developments in the area include the Summer Hill Subdivision that exists further to the east but has been developing since approval in 1999 and has added additional filings in 2015 and 2016 at a density of 2.20 dwelling units to the acre overall for the subdivision. Grand Vista Subdivision to the east was developed in 2002 and has an overall residential density of 2.90 dwelling units to the acre. The Paradise Hills Subdivision directly abutting the property was developed in the 1970s to the east, is zoned R-4 and developed at a density consistent with its zoning of over 2 dwelling units an acre. Garfield Estates further to the northeast is at density of 2.97 dwelling units an acre.

The next slide displayed was of the Comprehensive Plan Future Land Use Map. Mr. Peterson stated that adjacent properties to the north and west are not in the City limits and are also located outside of the Persigo 201 sewer boundary as well as outside of the adopted Urban Growth Boundary. The properties are zoned County AFT (Agricultural, Forestry & Transitional) that allows up to 1 dwelling unit per 5 to 35 acres, RSF-E (Residential Single Family – Estate) that allows up to 1 dwelling unit per 1 to 3 acres and PUD (Planned Unit Development) that have been developed at densities ranging from 1 dwelling unit per 4 acres. Properties to the south and east are inside the City limits and zoned R-1 (Residential – 1 du/ac), R-4 (Residential – 4 du/ac) and R-5 (Residential – 5 du/ac). Also to the east is a 27.46-acre property that is located in the County and zoned RSF-R (Residential Single Family – Rural).

Mr. Peterson stated that the applicant is only requesting to rezone the property to two (2) dwelling units per acre from a planned zone for the same or similar density, which is at the lowest range for the allowable density as identified with the Comprehensive Plan Future Land Use Map designation of Residential Medium Low (2 – 4 du/ac).

Mr. Peterson stated that pursuant to Section 21.02.140 (a) of the Zoning and Development Code, requests for a Rezone shall demonstrate conformance with the following criteria:

1. Subsequent events have invalidated the original premises and findings; and/or
2. The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or
3. Public and community facilities are adequate to serve the type and scope of land use proposed; and/or
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
5. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

City Staff has found the following 3 of the 5 review criteria to have been met:

Criteria #3Ute Water is located within the 26, 26 ½ and H ¾ Road rights-of-way and City sanitary sewer is presently stubbed to the property from the adjacent Freedom Heights Subdivision to the south. The property can also be served by Grand Valley Power (electric) and Xcel Energy (natural gas).

Regarding Transportation: Both the City and County, through the adoption of the Comprehensive Plan, have planned for this property to develop as a residential subdivision with a density ranging between two (2) and four (4) dwelling units per acre. This planned development will impact roadways and specific intersections in the area; however, the City has planned for these impacts and has several policy documents including the City's 5-year CIP (Capital Improvements Plan), Urban Trails Master Plan, and 2040 Regional Transportation Plan that have recognized the need for both vehicular and active transportation improvements in the area with or without development of the property.

The City's Transportation Capacity Payment (TCP) ordinance provides, that a developer does not have direct obligations, other than payment of TCP fees, to improve any portion of the major roadway system. The Applicant will pay all owed TCP fees and the city has already begun planning additional safety and capacity improvements to roadways in the area.

However, fire and emergency medical facilities in this area are not currently meeting City targeted response times and as such, the City is currently in the planning stage to develop a temporary ambulance station followed by a permanent facility in the nearby area. As estimated by the Grand Junction Fire Department, residential development of this property will have little impact on current and future call volume for emergency response and service. St. Mary's Hospital is located a little over two miles directly to the south on 26 ½ Road.

The property is also near commercial centers and services. The Horizon Drive commercial center includes general offices, grocery store, banks, restaurants, convenience stores and car wash, etc. is located 2 miles from the property. Therefore, staff finds the public and community facilities regarding utilities and access to services are or will be adequate to serve the type and scope for the future residential land use.

Criteria #4. The property is a large undeveloped parcel that is adjacent to all existing utility infrastructure and is ready for development. Because of the lapse of the 2008 ODP, the request to rezone the property is necessary for development. Presently, the R-2 zone district only comprises 5% or 1,102 acres. of the total 22,039 acres within the City limits. There is also limited R-2 zoning within this area of the community.

Criteria #5 The community will derive benefits from rezoning the property; rezoning the property will allow development in accordance with the City/County adopted Comprehensive Plan; as the R-2 designation implements the Residential Medium Low (2 – 4 du/ac) category and is viewed by staff as compatible with existing zoning and densities in the area.

Staff recommends approval of the request for 26 Road LLC Rezone finding that:

After reviewing the 26 Road, LLC Rezone, a request to rezone from PD (Planned

Development) to R-2 (Residential - 2 du/acre) for 151.18 acres, located between 26 Road and 26 1/2 Road, south of H 3/4 Road, the following findings of fact have been made:

- The requested Rezone is consistent with the goals and policies of the Comprehensive Plan.
- More than one of the applicable review criteria in Section 21.02.140 of the Grand Junction Municipal Code have been met.

Mr. Peterson stated that a Neighborhood Meeting regarding the proposed Rezone was held on March 26, 2018. The Applicant's representative and City Planning staff were in attendance along with over 75 interested citizens. Comments and concerns expressed by the attendees at the meeting included the proposed density for the rezone, the Saccomanno Girls Trust Agreement, and increased traffic on existing road networks and capacity. City staff has received written comments on the proposed rezone, which were attached to the Staff Report.

Questions for Staff

Chairman Reece asked what the future transportation plans are to accommodate the future development in this area and how soon will upgrades be made. Mr. Peterson deferred the question to Trent Prall, Public Works Director. Mr. Prall displayed a slide of an aerial photo of the area and the various future transportation improvements highlighted. Mr. Prall explained that for the most part, as a community develops there is curb, gutter, sidewalk added to each lot at time of development. The corridor along G Rd. and H Rd, between 26, 26 ½, and 27 Rd., most of the urban infrastructure is to the south. Mr. Prall stated they plan to address transportation needs as they arise. Mr. Prall stated that with or without this development, they are proposing improvements along the G Rd. corridor. It is anticipated that H Rd. may get as busy in the next 15 to 20 years.

Mr. Prall reported that there are roundabouts on G Rd. at 24 1/2 and 25 Rds. There are improvements proposed for 2020 to the intersection of G Rd. and 24 Rd., mainly due to Community Hospital going in to the west. At 26 Rd. and 26 ½ Rd. there are roundabouts proposed in the Capital Improvement Program for 2021 and 2022 regardless if this development goes in. Mr. Prall stated that when they do overlays, they try to push out the footprint to make a bike lane until they can create a more permanent solution.

Chairman Reece asked if the City or the developers pays for the curb, gutter, sidewalks. Mr. Prall explained that as new lots are sold, they pay a Transportation Impact Fee. Those fees are used to enhance transportation capacity throughout the community.

Ms. Allen added that the Growth Management and Streets Policy obligates the City to make those streets, gutter, sidewalk improvements when those roads are shown on the circulation plan and not a local street.

Commissioner Wade asked Mr. Prall to confirm that the money collected from the TCP fee does not necessarily go to the project that is being developed and that it goes into a general transportation fund that can be used to make improvements community wide. Mr. Prall confirmed that he was correct.

Commission Ehlers asked if the Master Plan influences how the City plans or budgets for the following; infrastructure capacity and budgets such as sewer, water and traffic. Mr. Prall answered that they do look to the Master Plans to identify the assumptions that were made and how they can accommodate. There is a 2040 Regional Transportation Plan that identifies key corridors throughout the community.

Commission Ehlers asked if Emergency Services are under Public Works as far as where they put their stations etc. Mr. Prall informed the Commission that they help calculate response times, however they use consultants to identify where to place stations and then the Public Works Dept. is involved in the construction and site development.

Commission Ehlers asked if the Future Land Use Map and Comprehensive Plans are used to identify, and plan for, where schools may be located. Ms. Allen responded that the City's role is collect a School Impact Fee for new development on behalf of the school district so that they can plan for future school sites.

Commission Ehlers asked if the Master Plan is used to address urban sprawl and the agricultural impact it can have to the valley. Ms. Allen responded that the City's Comprehensive Plan, that the County also adopted, identifies a suitable urban development boundary and part of that is to assign appropriate densities that accommodate growth they anticipate.

Chairman Reece asked where the G Rd. improvements fall on the list of needed transportation improvements. Mr. Prall stated that they have a balanced budget for the next five years in terms of anticipated expenses against the revenue they anticipate from TCP fees and the $\frac{3}{4}$ percent sales tax. Mr. Prall reported that the improvements to G Rd. and 24, 26 and 26 $\frac{1}{2}$ Rds. are scheduled in those next five years.

Commissioner Wade asked Mr. Prall to explain the 26 $\frac{1}{2}$ Rd and H Rd. notation that was presented on the slide. Mr. Prall explained that under the premise of the proposed density, about 300 homes, the number of trips in the PM peak hour will increase by 178 or 29%. Currently it is estimated that there are 600 PM peak hour trips at that intersection.

Commissioner Wade asked if the intersections of H and 26 Rd. 26 $\frac{1}{2}$ Rd. and 27 Rd. were outside of the five-year plan. Mr. Prall stated that those improvements were out to about 2025 or beyond. Ms. Allen added that the slide illustrates what the maximum buildout would be with the R2 zoning. Ms. Allen stated that the rezone is being considered, however there is not a development proposal submitted at this time.

Applicants Presentation

Mr. Russell stated that after considering the comments made, he hears the neighbors asking "why are we doing this again, we thought we resolved all this". Mr. Russell explained there was a unique set of circumstances at the time of annexation in 1995 in

that the property received a customized designation, not a zone district. The code requires that there is a zone district attached. The property had a PR with a RSF-2 equivalency. Nobody ever adopted or developed under that plan. The applicants bought the property in 2005 and in 2008 they sought an amendment and got approved. The new zoning was a PD that got approved for 302 units with an R-4 default. When that plan lapsed, the property was left without a zone. The owner has a right to have a zone and some predictability, but as of now, they could not develop or sell the property without a zone district assigned. Mr. Russell stated it is not relevant to ask about the impact of a certain amount of homes on that property, because they are only considering the rezone at this time.

Mr. Jones requested to enter his PowerPoint into the record. Chairman Reece asked the Commissioners if they wish to enter the presentation as exhibit #10.

MOTION:(Commissioner Wade) “Madam Chairman, I move we accept the PowerPoint into the record”.

Commissioner Rusche seconded the motion. A vote was called and the motion passed by a vote of 5-1.

Mr. Jones stated that they are only going to address the rezoning criteria in the Zoning and Development Code. Questions related to the future development site will be addressed through a separate application as is required by the Zoning and Development Code.

Mr. Jones stated that the applicant is requesting a rezone as the property currently has no zoning. The property presently exists as a planned zone without zoning and it needs to obtain a zoning designation to conform to the Comprehensive Plan and the Zoning and Development Code.

Mr. Jones cautioned the Commission that they will hear comments considering a plan, when the item requested is to rezone only at this time and not a development plan. The Comprehensive Plans Future Land Use Map designates this property as Residential Medium-Low (2-4 units/acre). Mr. Jones noted that a “Neighborhood Center” is anticipated around the intersection of H and 26 ½ which is south of the subject property. Neighborhood Centers are defined as areas with convenient access to goods and services, while reducing the need for cross-city traffic.

Mr. Jones explained that the properties to the north and west of the subject property are outside the 201 Persigo Sewer Service Area and are not expected to be developed at urban densities or with urban services such as sewer. The properties to the east are developed with urban standards. The rezone request is to be able to provide housing between these two areas with densities at the low end of the range.

Mr. Jones pointed out that a straight rezone provides more predictable development than a planned development that can have deviations from bulk standards. Mr. Jones

stated that request to rezone meets a number of the goals and policies of the Comprehensive Plan. Mr. Jones showed several slides regarding the approval criteria and explained how the criteria has been met. Mr. Jones stated that there is an inadequate supply of suitably zoned land for home construction within a mile of the property, particularly near an area that is identified for a neighborhood center.

Chairman Reece called for a five-minute recess before the public comment portion of this item. A break was taken and Chairman Reece reconvened the meeting and went over a few rules for public comment.

Public Comment

Bill Scott, 823 26 Rd., stated he has been living there since the time of the Saccomanno compromise and as far as he is concerned, it is still in effect. Mr. Scott thanked the Commissioners for their volunteer service to the community. Mr. Scott wanted to remind the Commission that they voted against 310 houses a couple of months ago. Mr. Scott stated that the Saccomanno Ordinance was a huge undertaking, very complicated with much discussion among all the parties. They came to a compromise that feathered the development with less density to the west and more density to the east with a total of about 210 houses.

Jacqueline Anderson, 206 Liberty Ln. (Freedom Heights) stated that she lives south of the site. Ms. Anderson stated that she does not have the history that her neighbors bring since she had been gone for 30 years. Ms. Anderson stated that Freedom Heights is zoned R-1 and she does not see why the only options is an R-2 to R-4 range. Ms. Anderson stated that although only the rezone is being considered, the result can effect what can be allowed for development. Ms. Anderson would like to see the property rezoned to R-1.

Rich Warren, 2622 H Rd., stated he lives below the development plan. Mr. Warren showed a slide of the previous plan that had been presented. Mr. Warren felt the proposed development was a sore thumb in a predominately agricultural area. Commissioner Ehlers stated that they are not looking at a development plan and requested that he keep his comments to the overall density of the area that is under review. Mr. Warren stated that he was presenting the previous plan, the least egregious of three previous plans, for comparison purposes. Mr. Warren felt the ordinance is clear and still stands.

Lois Dunn, 2680 Capra Way, commended the Commission on sticking to the code when reviewing the Tiara Rado rezone. She stated that she has seen Summerhill build out and there was no outcry with the additional phases as it was well planned and she would like to see that replicated here. Ms. Dunn stated she had gone to many of the Comp Plan meetings and the only consensus at the time was that development should only occur north of the interstate and east of 29 Rd. Ms. Dunn believes that no owner of a property owes it to the community to provide open space and supports development at an R-2 density so that this property owner can move forward.

Mike Stahl, 2599 Kayden Ct. stated that he feels this is a back door approach to get what they didn't get last time with the planned development. Mr. Stahl stated that one of their biggest concerns is that once the property is zoned R2, the site plan is administrative and does not come back before the Planning Commission. Mr. Stahl would like them to look at R-1 zoning and feels the R-2 is not compatible. What he hears is that there are no significant transportation improvements scheduled in the next 10 years' capital plan for significant improvements in the immediate area. Mr. Stahl stated that St. Mary's appears to be better neighbors than this neighborhood process has been. They have not met with the owner and were not given an opportunity for compromise.

Virginia Brown, stated that she grew up in Grand Junction and requests that they honor the right of private property ownership and the dream of affordable home ownership. Ms. Brown noted the lack of first-time or starter homes available and supports the rezone to residential medium low density.

Sandra Nesbitt, 2616 H Rd. stated that she and her neighbors along Leach Creek are concerned about the density proposed for this property that is to the north of them.

DonnaMarie, 2616 H $\frac{3}{4}$ Rd., stated she would like to see the property zoned RSF-R farming/agriculture but she doubts that is going to happen. Ms. DonnaMarie stated that if there are 300 homes and each home has three drivers and three cars, it will add 900 cars to the two-lane rural roads. Ms. DonnaMarie expressed her concern for biker and pedestrian safety. Ms. DonnaMarie added that people are coming here from California and Denver to escape high densities so she doesn't understand why we would create the same thing they are leaving. She also added that property values will decline.

Lynn Wilson stated that she and her husband are in the process of building a home at 2694 Amber Spring Ct. in Summerhill. Ms. Wilson stated their biggest concerns are traffic and infrastructure. Ms. Wilson stated she heard tonight that the planned improvements were focused on the G Rd. corridor and they have more concerns regarding the H Rd. and 26 and 26 $\frac{1}{2}$ Rd. area. Ms. Wilson stated that the H Rd corridor improvements were not in the five-year plan as they are in a plan that is 7 to 10 years out. She wanted to know if those plans were funded or budgeted.

Regarding Mr. Russell's comments that this request is for rezoning only and that there is no plan, Ms. Wilson stated she was sent a copy of a proposed development plan several months ago by Mr. Peterson and there was no open space. Ms. Wilson stated that she was later told the plan had been withdrawn by the developer. Ms. Wilson stated that the citizens and the Planning Commissioners will not be able to see the plan when it is submitted as it is approved administratively and she does not think that is right.

Ms. Wilson would like to know the dollar fee for the TCP fees and the last time the rates were reviewed. Ms. Wilson would like to know if the TCP fees paid in connection with the development are actually used for improvements in that development.

Robert Foster, 925 25 ³/₄ Rd. stated he lives northwest of this area and was unable to attend the neighborhood meeting. Mr. Foster hoped the Comprehensive Plan is flexible. Mr. Foster stated the areas to the west and north are much larger, and the development to the South is R-1. Mr. Foster would like to see R-1 zoning at the most.

Joe Breman, 2611 Vista Way, stated he live north of the development. Mr. Breman stated that this development has been discussed for 20 years. Mr. Breman wanted to point out that there are wetlands in this area, so the density will be even more intense. Mr. Breman pointed out that many of the bike races held in the valley go right by this area. Mr. Breman recognizes that this area will be developed, but he feels the Saccomanno Agreement should be upheld.

June Colosimo, 2618 H Rd. questioned if Grand Junction needs all these houses. Ms. Colosimo stated this used to be a horse-riding area. This land should be regarded as a prime location for open space. Ms. Colosimo is concerned about business in the area closing and at the same time, we are building houses.

Jan Warren, 2622 H Rd., stated that in the beginning there were three parties; Dr. Saccomanno, the City and the community. They spent a lot of time and created a good agreement. Ms. Warren stated that Dr. Saccomanno received his benefit from the deal, the City received theirs, and the surrounding community has not benefited. Ms. Warren stated that if the rezone goes through, it will rescind the 1995 ordinance and their protection will be gone. Ms. Warren added that the developer wants to build more houses than what he bought the property for. Ms. Warren noted that at the meeting in November, the developer's representative stated that they need to build more houses to make enough money to provide infrastructure. Ms. Warren believes the developer knew what they were getting into when they bought the property and she does not support the rezone.

Craig Robillard, 848 Summer Sage Ct., asked the Commissioners if they have received enough information to support the claims that the criteria have been met. In addition, Mr. Robillard stated that there seems to be confusion of whether the 1995 ordinance is in effect and asked the Commission if they have asked the City Attorney about it. Mr. Robillard asked if the Commission has asked if there were alternative zoning available and why or why not those were picked. Mr. Robillard asked how the TCP fees can come close to addressing the infrastructure needs in the area.

Sandy Ramunno, 867 26 Rd. stated that she hears that the only choice for rezoning is to rezone to R2-R4, but she is not sure that is true. Ms. Ramunno stated that the surrounding properties are concerned about absorbing this much density, the infrastructure needs generated from the development, and their how this effects their property values. Ms. Ramunno stated they have the spirit of compromise, however, the compromise should be meeting somewhere in the middle. Ms. Ramunno urged the Commissioners to step back from the Comprehensive Plan and recognize the rural nature of the existing developments. Ms. Ramunno pointed out that when the road improvements are made and the road is widened, several properties along the corridor

will have their properties decline in value and their quality of life will decrease.

Linda Afman, 636 Horizon Dr. stated she is a real estate broker and she is acquainted with the applicant. Ms. Afman stated she feels the applicant does a fine job, the developments she has been involved with turned out beautiful and her clients who have bought this developers product, have been happy with it.

Ms. Afman stated she was on City Council in 1995 and remembers Dr. Saccomanno had a heart for Grand Junction. At the time, they did not go into zoning, but they thought the maximum would R-4 going down to R-2 with limitations that there is some land that is not buildable.

Ms. Afman stated that according to the MLS (realtor) system, dating from Jan. 2018 to today, there were 1800 properties available and to date, they have sold 1,245. Ms. Afman pointed out that building permits have risen 66% over last year which speaks to a tremendous need for housing, and she is in favor of the R-2 zone request.

Kristin Heumann, 809 Freedom Way, stated that the one acre lots were well received at a meeting. Ms. Heumann asked about CDOT's bridges that probably need to be repaired.

Applicants Rebuttal

Mr. Russell stated that the land owner would like to be able to develop at a medium to low density or sell to another developer. Mr. Russell stated that this property has always been envisioned for R-2 zoning. Mr. Russell pointed out that even if the Saccomanno agreement was still valid, the 210 homes proposed with that would still fit the R2 zoning. Mr. Russell stated that how many lots eventually get proposed is not under review, and that the R2 zoning supported by the Plans and is appropriate for this property.

Questions for Staff

Commissioner Ehlers stated he was not sure if the Saccomanno Girls Trust Agreement is the prevailing document or not, but when he reads the Ordinance #2842 dated 1995, the property was zoned PR with a density equivalent of R2, or 2 units/acre. Mr. Peterson stated that was correct.

Commissioner Deppe asked if there was a public hearing when they begin to do the development. Mr. Peterson confirmed that if they were to get rezoned and eventually move forward with a subdivision, it would be an administrative review. Mr. Peterson explained that it would not go back to Planning Commission or City Council but that surrounding property owners would be notified that there was an application submitted and they could go to Community Development and look at the plan. If the neighbors wanted to object, they could go through an appeal process.

Commissioner Ehlers asked if the public has the opportunity to review the plan and provide comments to staff. Mr. Peterson stated that he was correct and in addition, the applicant would have to have a neighborhood meeting before a formal submittal to the

City as well.

Commissioner Wade asked Ms. Allen to explain the appeal process for the benefit of the crowd. Ms. Allen explained that the subdivision process starts with a required neighborhood meeting before the project is submitted. In addition, the public has the opportunity to comment and the comments are considered during the review process. If the project was to get approval, the appeal process is limited to the criteria and a specific set of findings and the appeal would go before City Council.

Chairman Reece asked if there is an appeal, are the applicants limited to the information on record therefore, no new additional information can be considered. Ms. Allen replied that the record is the application, the staff report, the review and correspondence etc. The applicant is appealing the decision that was made regarding the information on record, and this is heard by the City Council.

Noting that the project is on the edge of the 201 Persigo Boundary, Commissioner Rusche asked Mr. Peterson to clarify for everyone, what the 201 Persigo Boundary is. Mr. Peterson stated that the 201 Persigo Boundary, also known as the Urban Development Boundary, indicates the agreed upon service area of the Persigo Wastewater Treatment Plant. Everyone to the west would have to develop with septic, thus needed larger lots. Commissioner Rusche asked if the sewer service is gauged on potential build-out, has it been oversized if the land develops with less density.

Mr. Prall stated with regards to unrecovered investment, although the infrastructure is sized based on the Comprehensive Plan, this site is small in comparison to the big picture and would not be a concern if they were to develop at R-2 or R-4. Mr. Prall stated that for the most part, the sewer capacity is in great shape.

Commissioners Discussion

Commissioner Ehlers stated that he feels this proposal meets the current Comp Plan, the density of the 1995 Saccomanno Annexation Agreement, and he feels there has been sufficient information to access compliance to the approval criteria for the proposed rezone. Commissioner Ehlers stated that he looks at the community as a whole. He acknowledged that we know growth is coming, we have to anticipate a certain amount of growth, and we can't close the gates. Commissioner Ehlers stated we know there is a limit for urban growth and we set them with our 201 Persigo Boundary to discourage sprawl. Commissioner Ehlers stated that his generation is looking 30 or 40 years out. Commissioner Ehlers recapped that he will be in favor of the rezone as he feels it meets the criteria.

Commissioner Wade reminded the public that the Commissioners have a charge to look at the criteria and the code and see if a proposal complies. Although uncomfortable at times, Commissioner Wade stated that they cannot decide on a proposal for emotional reasons. Commissioner Wade stated that the proposal has to meet the Comprehensive Plan and at least one of the five criteria which he is confident it does.

Commissioner Wade reported that he did ask the City Attorney if the subsequent zoning invalidated the original Saccomanno Agreement and they said it did. Commissioner Wade stated that the requested rezone density is actually the same density that the Saccomanno Agreement sought.

Commissioner Wade reminded the public that the City Council will consider the information from the Planning Commission meeting and have two readings of the proposed ordinance and consider public testimony before making the final decision. Commissioner Wade stated that after considering all the findings and facts, he will be voting in favor the rezone.

Commissioner Rusche stated that his decision is based on consistency with the Comprehensive Plan, consistency with an Agreement that was made over two decades ago and having sufficient information to be able to proceed. In addition, Commissioner Rusche pointed out that the developments to the east and south had at one time, leapfrogged over other developments and have developed at over 2 u/ac. Commissioner Rusche noted that the developments to the west and north are in a different situation in that they are not in the Urban Growth Boundary.

Commissioner Rusche acknowledged that change is difficult, but that the property needs a zone so that everyone knows the density to expect and he will be voting in favor of the rezone.

Commissioner Tolle agreed that growth is inevitable. Commissioner Tolle finds that all information points to the fact that the plan should be looked at again. Commissioner Tolle stated that he does not like the attitude of approving plans and make it work later. Commissioner Tolle stated that safety should never be compromised. Commissioner Tolle stated that he will vote against the rezone.

Commissioner Deppe acknowledged that they are bound to a set of review criteria and the Code. Commissioner Deppe urged the public to stay involved if there is a development plan submitted. Commission Deppe reiterated that since they are bound by a set of review criteria for which this proposal meets, she feels no choice other than to vote in favor.

MOTION:(Commissioner Rusche) “Madam Chairman, on the request to Rezone the 26 Road LLC property as presented in City file #RZN-2018-162, I move that the Planning Commission forward a recommendation of approval for a Rezone from PD (Planned Development) to R-2 (Residential - 2 du/acre) for 151.18 acres, located between 26 Road and 26 1/2 Road, south of H 3/4 Road and north of H Road with the findings of fact as listed in the staff report.”

Commissioner Wade seconded the motion. A vote was called and the motion passed by a vote of 5-1.

5. Zoning and Development Code Amendment--Cluster Development

Consider a request to amend Section 21.03.060 of the Zoning and Development Code addressing Cluster Development

Action: Recommendation to City Council

Applicant: City of Grand Junction
Location: City wide
Staff Presentation: Tamra Allen

Commissioner Teske rejoined the meeting.

Chairman Reece began the public hearing by asking if the required public notice was given pursuant to the City's noticing requirements. Ms. Alan replied that notice was published in the newspaper in accordance to the code.

Staff Presentation

Tamra Allen, Community Development Director, began her presentation by stating that this is a request to amend text concerning cluster development in the Zoning and Development Code.

Ms. Allen stated that the City would like to amend section 21.03.060 of the Zoning and Development Code, specifically the purpose, buffering and screening (formally landscaping) and site layout.

Ms. Allen reported that the Planning Commission has been actively discussing the cluster development regulations of the City's land use code since concerns were expressed about the regulations in hearings before the City Council in November.

The City has maintained a Cluster Development provision in its Zoning and Development Code since at least 2000 and multiple developments have utilized this provision with little to no issue in the past.

Ms. Allen displayed a PowerPoint slide listing the applicability of the Cluster Developments. Ms. Allen noted that they were usually in the lower end of the zoning districts such as R-R, R-E, R-1, R-2, R-4 and R-5. Ms. Allen explained that the maximum overall density of the zone district still applies, but the lot sizes can be reduced and the corresponding bulk standards applied. In addition, the bulk standards that are applied are determined based on a formula that gives proportional benefit to a project based upon the amount of open space that will be preserved.

Ms. Allen displayed a slide showing the original language of the "purpose" statement and then the revised expanded proposed language. The new language added is as follows:

- ~~• a) To preserve environmentally sensitive areas, open space and agricultural lands, cluster development is encouraged.~~

(a) The purpose of Cluster Developments is to encourage the preservation of environmentally sensitive areas, open space and agricultural lands, while providing the ability to develop at a density range supported by the Comprehensive Plan and those densities that are consistent with the property's zoning designation

Ms. Allen's following slide displayed the revisions to the buffering section. The section was broken into three sections as displayed below:

- 21.03.060(i) Landscaping Buffering.
- ~~(1) The perimeter of a cluster development which abuts a right-of-way shall be buffered. If the cluster development has the same zoning as the adjacent property, a perimeter enclosure in accordance with GJMC 21.06.040 may be required and/or some other form of buffering to be determined to be necessary to buffer the developed portion of the cluster from adjoining development. All, or a portion of, the open space shall be located between the clustered development and adjoining development.~~
- (1) A perimeter enclosure in accordance with GJMC 21.06.040 may be required to create a visual barrier between the cluster development and adjoining development.
- (2) The perimeter of a cluster development that abuts a right of way shall provide a buffer. The type of buffer shall take in to account the future road classification, right of way width, and type of current and future development on adjacent properties.
- (3) The project landscaping and buffer design shall be established as part of any preliminary subdivision plan approval.

Ms. Allen stated that the last section added addresses how a site is laid out as follows:

- 21.03.060(c)(6) Where clustering is used in areas that are not otherwise limited by topography or other natural features, lots shall generally be organized where lots are located near adjacent developments with similarly sized lots or should be planned where open space, buffering and/or other tools such as building envelopes and setbacks can help minimize impacts on existing adjacent development.

Ms. Allen suggested that there are tools provided in that section that address concerns that were brought up in workshops as to the context of the site evaluation.

Staff finds that the proposed amendments to the Zoning and Development Code assist in meeting the policy intent and goals of the City regarding the application of the Cluster

Development provision.

Staff recommends approval of the request for the text amendment to the Zoning and Development Code regarding Cluster Development finding that:

The proposed amendments to the Zoning and Development Code assist in meeting the policy intent and goals of the City regarding the application of the Cluster Development provision.

Public Comment

Robert Jones II, stated that the language in the last section on site layout is of a concern to him. Mr. Jones asked who decides on what areas are limited by topography or other natural features. Mr. Jones stated that the way it is worded is somewhat vague and may have detrimental impacts as to what you are trying to do with clustering which is preservation of environmentally sensitive areas. Mr. Jones asked the Commissioners that this particular provision get more time for study and/or discussed.

Virginia Brown, stated that she thinks Cluster Development is an important option and we should continue to do it. Ms. Brown was concerned that the language may not be specific enough, but she is in favor of Cluster Development.

Questions for Staff

Commissioner Rusche asked if he was correct in that this change will not affect the process in which people may or may not request, or may or may not receive decisions on clustering. Ms. Allen stated that his understanding was correct.

Commissioner Ehlers stated he was unable to attend a workshop on this, however he shares Mr. Jones's pause. He asked what they were trying to accomplish with the language "Where clustering is used in areas that are not otherwise limited by topography or other natural features, lots shall generally be organized where lots are located near adjacent developments with similarly sized lots". Ms. Allen replied that there was a concern about compatibility on how clustered lots abut adjacent developments. In the case where there are adjacent developments, the hope is that you can steer/guide or position the smaller lots to areas where abutting smaller lots exist.

Commissioner Ehlers made a minor suggestion to the alter the language that could clarify the context of the amendment. Ms. Allen did not see harm in making that change. Chairman Reece felt that they had discussed the language in depth and that it reflects a consensus that they came to.

Commissioner Wade asked for the proposed changes that Commissioner Ehlers suggested. Commissioner Ehlers suggested the following language changed:

*"Where clustering is used in areas that are not otherwise limited by topography or other natural features, lots shall generally be organized where lots are located near adjacent developments **are designed** with similarly sized lots"...*

MOTION: (Commissioner Wade) “Madam Chairman, on the Zoning and Development Code Amendments, ZCA-2018-183, I move that the Planning Commission forward a recommendation of approval based on the changes made to 21.03.060 (c)(6) by Commissioner Ehlers, finding that the amendments assist in providing consistency and clarity to the Zoning and Development Code”

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

4. Other Business

None

5. Adjournment

The meeting was adjourned at 9:44 PM.

Attach 2

GRAND JUNCTION PLANNING COMMISSION May 22, 2018 MINUTES 6:00 p.m. to 7:36 p.m.

The meeting of the Planning Commission was called to order at 6:04 p.m. by Chairman Reece.

Those present were Planning Commissioners Christian Reece, Jon Buschhorn, Brian Rusche, Andrew Teske, Steve Toole and Bill Wade.

Also present were Community Development Department—Kathy Portner, (Community Services Manager), Lori Bowers (Senior Planner), Kristen Ashbeck (Senior Planner) and Dave Thornton (Principal Planner).

Assistant City Attorney Jaime Beard and secretary Lydia Reynolds.

There were approximately 8 citizens in attendance during the hearing.

3. Minutes of Previous Meetings

Action: Approve the minutes from the April 24th, 2018 meeting

Chairman Reece asked for a motion to approve the minutes.

Commissioner Wade moved to approve the minutes as written.

Commissioner Teske seconded the motion. The motion passed unanimously by a vote of 6-0.

Chairman Reece explained the purpose of the meeting and outlined the order of the public hearing.

* * * INDIVIDUAL CONSIDERATION * * *

2. 519 30 Road Rezone

FILE # RZN-2018-209

Consider a request to rezone 1.28 acres from B-1 (Neighborhood Business) zone district to C-1 (Light Commercial) zone district.

The applicant Greg Cole was present.

Chairman Reece began by asking if the required public notice was given pursuant to the City's noticing requirements. Ms. Bowers replied in the affirmative.

Staff Presentation

Lori Bowers (Senior Planner) stated that this request is to rezone the 1.28-acre property located at 519 30 Road from B-1 (Neighborhood Business) to C-1 (Light Commercial). The applicant for this request is Greg Cole.

Applicants Presentation

The Applicant was present but did not have a presentation to present.

Public Comment

Chairman Reese opened the public hearing for public comment. No comment was received.

Questions for Staff

Ms. Bowers addressed questions regarding the other possible uses that could be allowed in this zoning should the use change.

Commissioner Discussion

Discussion ensued regarding future commercial development north on 30 Road and the Comprehensive Plan update next year.

Motion and Vote

Commissioner Wade moved to recommend approval to City Council to rezone 519 30 Road from B-1 (Neighborhood Business) to the C-1 (Light Commercial) zone district.

Commissioner Rusche seconded the motion. The motion passed unanimously by a vote of 6-0.

3. KOA Zone of Annexation

FILE # ANX-2018-131

Consider a request to zone an annexation of 6.22 acres located at 2819 HWY 50, to a City C-1 (Light Commercial) zone district.

The applicant Two Rivers RV Park LLC DBA Grand Junction KOA - Curtis Paul was present.

Chairman Reece began by asking if the required public notice was given pursuant to the City's noticing requirements. Ms. Ashbeck replied in the affirmative.

Staff Presentation

Ms. Ashbeck stated that the request is to zone an annexation of 6.22 acres located at 2819 HWY 50, to a City C-1 (Light Commercial) zone district. The applicant for this request is the property owner Two Rivers RV Park LLC DBA Grand Junction KOA - Curtis Paul.

Applicants Presentation

The Applicant was present but did not have a presentation to present.

Public Comment

Chairman Reese opened the meeting for public comment. No comment was received.

Questions for Staff

Planning Commission had no questions for staff.

Commissioner Discussion

Commissioner Rusche spoke in favor of the application.

Motion and Vote

Commissioner Rusche moved to recommend approval to City Council to zone an annexation of 6.22 acres located at 2819 HWY 50, to a City C-1 (Light Commercial) zone district.

Commissioner Wade seconded the motion. The motion passed unanimously by a vote of 6-0.

4. Grand Junction Circulation Plan FILE # CPA-2017-554

Consider a request to 1) amend the Comprehensive Plan by adopting the Grand Junction Circulation Plan, including the Street Plan Functional Classification Map and Active Transportation Corridor Map; 2) repeal and replace the existing Grand Valley Circulation Plan and Urban Trails Plan; and 3) approve a Complete Streets Policy. The applicant was the City of Grand Junction.

Chairman Reece began by asking if the required public notice was given pursuant to the City's noticing requirements. Mr. Thornton replied in the affirmative.

Staff/Applicant Presentation

Dave Thornton (Principal Planner) stated that this is a request is to 1) amend the Comprehensive Plan by adopting the Grand Junction Circulation Plan, including the Street Plan Functional Classification Map and Active Transportation Corridor Map; 2) repeal and replace the existing Grand Valley Circulation Plan and Urban Trails Plan; and 3) approve a Complete Streets Policy.

Questions for Staff

Mr. Thornton addressed questions from the Planning Commission regarding growth, Grand Valley Transit, canals, trails on private property and the Horizon Drive corridor.

Public Comment

Chairman Reese opened the hearing for public comment. The following citizens provided comments: David Lehmann, Vara Kusal, Kristin Heumann, and Orin Zyvan.

Commissioner Discussion

Commissioner Wade and Chairman Reece spoke in favor of the application.

Motion and Vote

Commissioner Wade moved to recommend approval to City Council the Grand Junction Circulation Plan.

Commissioner Buschhorn seconded the motion. The motion passed unanimously by a vote of 6-0.

Commissioner Wade moved to recommend approval to City Council the Complete Streets Policy.

Commissioner Teske seconded the motion. The motion passed by a vote of 5-1 with a Nay vote from Commissioner Tolle

5. Other Business

None

6. Adjournment

The meeting was adjourned at 7:36 PM.

Attach 3



EXHIBIT LIST

**Mosaic Planned Development Metropolitan District
FILE NO. SDS-2018-301**

Exhibit Item #	Description
1	Mosaic Petition for Approval of Service Plan
2	Notice of Filing to DOLA for Mosaic – June 8, 2018
3	Consolidated Service Plan for Metropolitan Districts No's. 1 thru 6 dated June 7, 2018
4	Staff Report dated June 26, 2018
5	Supplemental Attachment to Service Plan – Preliminary Utilities Plans
6	Staff Presentation dated June 26, 2018
7	Applicant's Presentation

PETITION FOR APPROVAL OF SERVICE PLAN

**IN RE THE ORGANIZATION OF MOSAIC METROPOLITAN DISTRICTS NOS. 1-6,
MESA COUNTY, COLORADO**

TO: CITY COUNCIL, CITY OF GRAND JUNCTION, COLORADO

Pursuant to the provisions of Part 2 of the Special District Act, more particularly Sections 32-1-202, 32-1-204.5, and 32-1-207, C.R.S., the persons proposing the organization of the Mosaic Metropolitan Districts Nos. 1-6 in Mesa County, Colorado, to be located wholly within the boundaries of the City of Grand Junction, by their attorneys, Hoskin Farina & Kampf, PC, submit the Consolidated Service Plan of such Districts, and respectfully petition the Board of County Commissioners for a Resolution of Approval thereof and certain other preliminary actions relation thereto.

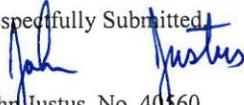
In support of this Petition, the Petitions state:

1. On or about June 7, 2018, there was filed with the Community Development Department of the City of Grand Junction the proposed Consolidated Service Plan for the proposed Mosaic Metropolitan Districts Nos. 1-6.

2. The Consolidated Service Plan fully complies with the provisions of Part 2 of the Special District Act, more particularly Sections 32-1-202(2) and 32-1-203(2), C.R.S.

WHEREFORE, the Petitioners request the City Council for the City of Grand Junction to enter such orders as may be necessary or proper preliminary to, and in connection with, a Resolution of Approval of the Consolidated Service Plan for the proposed Mosaic Metropolitan Districts Nos. 1-6.

Respectfully Submitted,


John Justus, No. 40560
Hoskin Farina & Kampf, P.C.
200 Grand Avenue, Fourth Floor
Grand Junction, Colorado 81501
(970) 986-3400
Attorneys for Taurus of Texas GP, LLC, a
Massachusetts limited liability company



NOTICE OF FILING OF SPECIAL DISTRICT SERVICE PLAN

Pursuant to CRS 32-1-202(1), the County Clerk and Recorder or Municipal Clerk shall notify the Division of Local Government within five days after the filing of a service plan for the formation of a new Special District. Please provide the information indicated and return this form to the Division of Local Government.

Petitioner Information

Mosaic Metropolitan Districts Nos. 1-6	June 7, 2018
_____ Name of Proposed District	_____ Filing Date
Metropolitan District	City of Grand Junction, CO Wanda Winkelmann, City Clerk
_____ Type of Proposed District	_____ Approving Authority Receiving Plan
John P. Justus	(970) 986-3400 jjustus@hfak.com
_____ Contact Person Filing Service Plan	_____ Phone/Email

Hearing Information¹

City Hall Auditorium, 250 North 5th Street, Grand Junction, CO 81501

_____ Location of Hearing	_____ Date of Hearing
6:00 p.m.	Wednesday, July 18, 2018
_____ Time of Hearing	_____ Date

<i>Wanda Winkelmann</i> _____ Clerk Signature	_____ June 8, 2018 Date
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¹Pursuant to C.R.S. 32-1-202(1) the board of county commissioners shall provide written notice of the date, time, and location of the hearing on the service plan to the division. Hearing information may be provided when submitting this notice of filing of service plan if known.

DLG 60 (Rev. 6/16)



**CONSOLIDATED SERVICE PLAN FOR
MOASIC METROPOLITAN DISTRICTS NOS. 1-6**

Prepared by:

Hoskin Farina & Kampf, P.C.
200 Grand Avenue, Fourth Floor
Grand Junction, Colorado 81501

Dated June 7, 2018

**ARTICLE I.
INTRODUCTION**

A. General Overview

This Consolidated Service Plan ("Service Plan") for the Mosaic Metropolitan Districts Nos. 1-6 (individually referred to as "District" or collectively referred to as "Districts") constitutes a combined service plan for six (6) proposed Title 32 metropolitan districts within the boundaries of the City of Grand Junction ("City"). The proposed Districts will be organized to serve the needs of a new community to be known as the Mosaic Planned Development and referred to as the "Project." The Project will be coordinated by the developer, Club Deal 113/114 Park Plaza and Grand Junction Limited Partnership, a Delaware limited partnership. The Districts are intended to be independent units of local government, separate and distinct from the City. Except as may otherwise be provided for by State or local law or this Service Plan, the activities of the Districts are subject to review by the City only insofar as they may deviate in a material manner from the provisions of this Service Plan.

The property to be included within the proposed Districts consists of 68.2 acres of land with a boundary of 23 Road to the east, 22³/₄ Road to the west, H Road to the north and I-70 to the south ("Service Plan Boundaries"). A map illustrating the Districts and the Service Plan Boundaries is attached as **Exhibit A**. The properties within each of the proposed Districts shall be subject to the ordinances, rules and regulations of the City and this Service Plan shall not be interpreted as representing approval by the City of any alteration or amendment to the City's ordinances, rules and regulations. Properties within the Service Plan Boundaries are subject to the City's current and future ad valorem property taxes, sales taxes, rates, fees, tolls and charges.

Attached as **Exhibit B** is a map of the Proposed Mosaic Planned Development ("Proposed Development Map") which shows the intent to construct the Project in eight (8) phases. The final composition and phasing are subject to separate City approval under its land use and zoning process. Mosaic Metropolitan District No. 1 will consist of approximately 15.92 acres and will have approximately the same boundaries as Phase I shown on the Proposed Development Map. Mosaic Metropolitan District Nos. 2, 3, 4, 5 and 6 will initially consist of the remaining lands shown on the Proposed Development Map. Attached as **Exhibit C** is a map illustrating the District Overlay for District Nos. 1, 2, 3, 4, 5 and 6 over the Proposed Development Map (the "District Overlay Map"). Attached as **Exhibit D** are individual legal descriptions for the boundaries of District Nos. 1, 2, 3, 4, 5 and 6.

The total combined area within the Service Plan Boundaries of 68.2 acres is expected to be developed in Phases as shown on the Proposed Development Map. The Project includes residential and commercial development, parks and open spaces. Certain assumptions are made in this Service Plan regarding the number and type of residential units as well as the size and location of commercial development. The actual composition and distribution of development shall be reflected in subsequent site development approvals issued by the City and nothing in this Service Plan shall be construed as the City granting prior approval for site development. Modifications to this Service Plan shall not be required to accommodate changes to the Project under the City's site development approvals. The Proposed Development Map is attached for concept purposes only

and is appended for completeness of these references. The inclusion of the Proposed Development Maps in this Service Plan does not constitute City land use and development approval.

The primary purpose of the proposed Districts is to construct public improvements including public sanitary sewer and wastewater systems, domestic water supply systems, storm drainage facilities, streets and roadways, traffic and safety facilities, landscaping, parks and recreation facilities and such other public improvements approved by the City for the development of the Project (collectively referred to as the Public Improvements). The expected quantities and costs of constructing the Public Improvements are set forth in the Financial Plan for the Districts. Certain Public Improvements will be dedicated to the City for the use and benefit of the general public. At the discretion of the boards of Directors of the Districts, some Public Improvements may remain with the Districts, and some Public Improvements may be deeded to one or more property owners' association(s) within the Project. Assets deeded to owners' association(s) may be operated exclusively for future owners, inhabitants and taxpayers of the Districts. All Public Improvements shall be designed and constructed in accordance with development plans approved by the City.

The proposed Districts are organized to serve as a method by which development can occur within the City in such a way as to eliminate economic risk to the City, provide economic benefits to property owners, and place the risk of development on property developers. The Financial Plan has been designed to assure that at no time will the City have any legal responsibility for any of the Districts' obligations and to assure that the risk of development remains with the developer until a sufficient tax base has been achieved to pay the Districts' debt through mill levy assessments. Mill levy assessments will be imposed only on properties within the boundaries of the Districts.

This Service Plan has been prepared with sufficient flexibility to enable the Districts to design and construct Public Improvements under evolving circumstances and to meet the needs of the Project and the community. The Service Plan assumptions generally reflect development in accordance with Exhibit B, but the cost estimates in the Financial Plan are sufficiently flexible to enable the Districts to provide necessary Public Improvements without the need for repeated amendment(s) of the Service Plan. Modification of the proposed configuration of Public Improvements, scheduling of construction of such improvements, as well as the locations and dimensions of various Public Improvements shall be permitted to accommodate development needs consistent with zoning and future development approvals for the Project and without the necessity of modifying the Service Plan.

Public Improvements will be constructed to provide public and semi-private services necessary for the Project. This Service Plan addresses the financing of all Public Improvements constructed through the Districts and establishes how the Districts will work cooperatively with each other and with the City to design and construct the necessary Public Improvements. All Exhibits referenced in this narrative are attached to and incorporated by reference into this Service Plan.

B. Multiple District Structure. This Service Plan is submitted and the Districts are being formed pursuant to the requirements of the Special District Act §32-1-101, et seq., C.R.S. (the "Act"). Use of a Consolidated Service Plan for the Districts assures coordination of the

powers and authorities of the independent Districts and will help avoid confusion regarding the separate, but coordinated, purposes of the Districts which could arise if separate service plans were used. Unless otherwise specifically noted, general provisions of this Service Plan apply to all six Mosaic Metropolitan Districts. Where necessary, references will be made to individual Districts to distinguish the powers and authorities of each District.

The Districts collectively will undertake the financing and construction of Public Improvements, some of which will be conveyed to the City of Grand Junction and other improvements will either remain with the Districts or will be transferred to property owners association(s) for maintenance and operation. Each District will operate separately but will be part of a coordinated plan for the Project. It is the goal of the Districts to spread the costs of development of the entire Project equitably among all Districts, which will be reflected as a reasonably uniform mill levy and fee structure through coordinated planning and financing for infrastructure construction.

The Financial Plan discussed in Section III is a preliminary plan for all Districts and is intended to be read as a unified Financial Plan for construction of all Public Improvements for the Project. The initial boundaries of each District are intended to change through future inclusions and exclusions as provided in this Service Plan. The Project is proposed to be developed in 8 Phases as reflected on the Proposed Development Map; however, changes to the Proposed Development Map, including changes in the number and configuration of Phases, as approved by the City and as the Project progresses shall not require a modification to this Service Plan. As development progresses within each District, bonds will be issued to pay for Public Improvement costs as the Districts build out with sufficient assessed values to support payment of debt.

C. Benefits of Multiple District Structure. The multiple district structure offers significant benefits to the City, the Project and future property owners. Those benefits include: (a) coordinated administration of construction and operation of Public Improvements in a fashion that supports the orderly development of the Project; (b) avoiding the premature issuance of debt; (c) creating a means for the fair and equitable allocation of costs of development of Public Improvements across the Project; and (d) assure compliance with state laws regarding taxation in a manner which permits obtaining benefits of issuing tax exempt financing at low interest rates. These benefits are addressed further below.

1. Coordinated Services. Development of the Project will proceed in several Phases, each of which requires the extension of Public Improvements. The multiple district structure assures that the construction and operation of each Phase of the Public Improvements is administered in accordance with a long-term construction and operations program. This is consistent with "best practices" in the development industry involving projects with long-term development horizons. This Service Plan contemplates coordination among the Districts to facilitate construction of each Phase and for management of operations.

2. Avoids Premature Debt Issuance. The multiple district structure helps assure that Public Improvements needed for future build-out of the Project will be provided when needed. Projects that do not utilize multiple districts may be motivated to issue debt prematurely because the prospect of loss of control over decision making exists.

3. Equitable Debt Allocation. Allocation of the responsibility for paying debt for Public Improvements will continue to be managed through development of a unified Financial Plan and through development of an integrated operating plan for long-term operations and maintenance. The Districts will coordinate to manage these functions to assure that no area within the Project becomes obligated for more than its share of the costs of the design and construction of Public Improvements and their operations. Low-density areas will not bear a disproportionate burden of debt and operating costs, nor will high valued areas bear disproportionate burdens. Intergovernmental agreements among the Districts will assure that mill levy rates remain generally consistent throughout the Project.

4. Initial Boundaries/Expansions. In order to implement the multiple district structure, the boundaries of the Districts are intended to change as development occurs. At the time of submittal of this Service Plan the developer owns all of the property to be included within the Service Plan Boundaries and the proposed Districts. District #1 initially coincides with Phase 1 of the Project. Depending on absorption time in Phase 1, additional properties may be included by petition within District #1, after completing an exclusion process from an adjacent district. The same holds true for the inclusion or exclusion of properties from all Districts, and allows some flexibility based on absorption.

Due to the long-term nature of the Project, the need to respond to development patterns and the pace of growth and to accommodate future financing dynamics, adjustments to the Districts' boundaries may occur from time to time. Therefore, the Districts shall be permitted to make boundary adjustments among the Districts as their governing Boards of Directors deem necessary. Any inclusion or exclusion of property made in compliance with this Service Plan shall not constitute a material modification of the Service Plan. No properties outside of the Service Plan Boundaries will be included within any District unless specifically approved by the City. All changes in District boundaries must be made in compliance with the Act.

5. Future Consolidation or Dissolution of Districts. As development occurs the boards of directors for certain Districts may determine that certain Districts should be consolidated or even dissolved depending on the needs of the Project. Notice of intent to consolidate or dissolve shall be tendered to the City for review to determine if the purposes for which the Districts were created have been accomplished. The Districts shall file petitions in the Mesa County District Court for consolidation or dissolution in accordance with the Act. In no event shall dissolution occur until the Districts have provided for the payment or discharge of all outstanding indebtedness or other financial obligations as required by state statutes.

Following completion of construction of the Public Improvements, the Districts may retain certain assets or may transfer and dedicate assets to property owners' associations, to the City or other governmental entities. As a part of any such transfers, the Districts will assure the repayment or discharge of all of the Districts' outstanding indebtedness and other financial obligations as required by statute. The transfer of assets will include agreements for the assignment or assumption of operating and maintenance responsibilities. The process for the consolidation or dissolution of Districts will be as provided in the Act.

D. Existing Services. No existing public entities in the vicinity of the Project have the intent, ability or desire to undertake the design, financing and construction of the Public

Improvements needed for the Project. Consequently, use of new Districts is deemed necessary for the construction of such improvements.

The 68.2 acres within the Service Plan Boundaries overlap or adjoin the following public entities: Colorado River Water Conservancy District, Mesa County, the City, Grand Junction Rural Fire Protection District, Grand River Mosquito Control District, Grand Valley Drainage District, Library District, School District #51 and Ute Water Conservancy District (the Overlapping Districts). The Mosaic Districts will utilize the services of some or all of these Overlapping Districts but will not compete with their operations. It will not be necessary to enter into Intergovernmental Agreements with any of Overlapping Districts except for the City of Grand Junction. A draft IGA with the City is attached as **Exhibit E**.

None of the Overlapping Districts are authorized or are being asked to provide financing for the construction of Public Improvements within the Mosaic Districts. Further, the Districts do not plan to provide any services that the Overlapping Districts otherwise provide within the boundaries of the Mosaic Districts. Therefore, compliance with the provisions of § 32-1-107(3)(b)(III), C.R.S., relating to the Overlapping Districts will be satisfied. In accordance with § 32-1-107(3)(b)(IV), C.R.S the Moasic Districts shall not duplicate the services provided by the Overlapping Districts, except as may be consented to and approved by the governing boards of the Overlapping Districts.

E. 2017 Certified Assessed Valuation.

The 2017 certified assessed valuation of all taxable property within the Service Plan Boundary is \$2,051,987.

F. Contents of Service Plan.

This Service Plan contains a preliminary financial analysis and preliminary capital plan showing how Public Improvements for the Project are expected to be provided and how they will be operated, managed and financed by the Districts. Numerous items are included in this Service Plan in order to satisfy the requirements of 32-1-203(2), C.R.S., for the formation of special districts, which factors are summarized in Article V. This Service Plan satisfies each of the statutory requirements. The assumptions contained in this Service Plan were derived from a variety of sources. Information regarding the present status of property within the Service Plan Boundary, as well as the current status and projected future level of similar services was obtained from the Developer. Capital projections for Public Improvements and the Financial Plan are provided by Development Planning & Financial Group, Inc. Legal advice in the preparation of this Service Plan and formation of the Districts is provided by the law firm of Hoskin Farina & Kampf, P.C.

G. Modification of Service Plan.

This Service Plan has been designed with sufficient flexibility to enable the Districts to provide required Public Improvements for the Project under evolving circumstances without the need for numerous amendments. Modification of the types of Public Improvements, as well as changes in proposed configurations, locations, dimensions of facilities and improvements shall be

permitted to accommodate development needs consistent with City zoning and planning for the Project.

ARTICLE II NEED FOR NEW DISTRICTS AND GENERAL POWERS

A. Need for Metropolitan Districts.

In order to establish compliance with the standards for Service Plan approval set forth in §32-1-203(1), C.R.S., the following information is presented:

1. There is Sufficient Existing and Projected Need for Organized Service. The Financial Plan projects a total of 395 residential units, 185 multi-family units and commercial units representing approximately 55 equivalent dwelling units, as well as various parks, open spaces, clubhouse and amenities. The population at build-out is estimated to be approximately 1,328 persons based on the average number of persons (2.29) per household in Grand Junction. The demand for Public Improvements to be provided by the Districts is demonstrable.

2. The Existing Service is Inadequate for Present and Projected Needs. The Service Plan Boundaries are currently vacant and undeveloped land. Although utilities and public roads are adjacent to or close to the Project, no on-site improvements exist. Furthermore, certain off-site public improvements will be required as a part of the Project. The Public Improvements to be provided by the Districts will not be provided by Mesa County, the City or other municipal or quasi-municipal corporations, or existing special districts. Neither the City nor any existing special district plans to provide the Public Improvements required for the development of the Project. Therefore, provision of Public Improvements will not be made available through other institutions.

3. Districts will Provide Needed Infrastructure. The Districts are necessary to provide the most economical and efficient means of ownership and operation of essential improvements to serve future development within the Districts. The Financial Plan demonstrates the feasibility of providing the proposed Public Improvements and the ability to discharge the proposed indebtedness on a reasonable basis. The formation of the Districts will facilitate the financing of the proposed Public Improvements as the Districts will have access to tax-exempt financing that is not available to private entities.

4. New Districts are in the Best Interests of the Project and Future Residents and Property Owners. The matters described in items 1 through 3 of this Section establish that the creation of the Districts is in the best interests of the area to be served, in that they establish a demand for public improvements that otherwise will not be provided by other governmental entities, and they offer the advantage of obtaining tax-exempt financing to fund the Improvements. In addition, the use of a multiple district structure is beneficial as it permits: a) the phasing of improvements to occur according to logical development modules, resulting in a more specific association of cost with benefit and less incentive to initiate Public Improvements programs too far in advance of development; b) the ability to arrange for delivery of Public Improvements in a manner that will conform to the approved development plans associated with the Project, thus

permitting development of the Project in accordance with City expectations; and c) maintenance of a reasonably uniform mill levy and fee structure through coordinated planning and financing for infrastructure construction.

B. General Powers of Districts.

1. Powers.

Each District will have the power and authority to provide Public Improvements described in this Service Plan both inside and outside of their boundaries in accordance with Colorado law. The powers and authorities of each District will be allocated and further refined in a "Master" Intergovernmental Agreement ("IGA") among the Districts. For purposes of the Special District Control Act (§ 32-1-201, *et seq.*, C.R.S.), entering into the IGA shall not require an amendment of this Service Plan. The IGA will constitute a binding agreement among the Districts regarding implementation of the powers contained in this Service Plan. The IGA will permit only those powers and authorities authorized by the Act and this Service Plan, including but not limited to:

i. Operations and Maintenance Limitation. The Districts shall plan for, design, acquire, construct, install, relocate, redevelop, and finance the Public Improvements. It is not the District's intention to own any improvements that are of the type that would normally be dedicated to the City. The Districts shall dedicate the improvements to the appropriate jurisdiction in a manner consistent with the Approved Development Plan and other rules and regulations of the City and applicable provisions of the City Code.

ii. Conveyance of Improvements. Improvements not conveyed to the City, or other governmental entities as appropriate, will be retained by the Districts or conveyed to owners association(s). With regard to improvements dedicated to the owners association, the Districts shall undertake the operations and maintenance responsibilities for such improvements until they are accepted by the owners association. During the period the Districts operate such facilities, revenue to pay the expenses of operations may be obtained from mill levy assessments, or from rates, fees, tolls and charges legally imposed by the Districts. User fees for recreational facilities may be different for residents of the Districts than for outside/non-resident users. Approval of this Service Plan by the City constitutes the City's agreement that the Districts may perform these functions.

iii. Acquisition of Land for Public Improvements and Easements. The Districts shall acquire by easement or plat dedication all real property interests required for construction and maintenance of Public Improvements to be conveyed to the City by the Districts. Exceptions must be approved by the City in writing. Failure to comply with this provision shall be deemed a material modification of this Service Plan.

iv. Construction Standards Limitation. The Districts will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the City or other governmental entities having proper jurisdiction,

including but not limited to Ute Water Conservancy District. The Districts will obtain the City's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements prior to performing such work.

v. Privately Placed Debt Limit. Prior to the issuance of any privately placed debt, the Districts shall obtain the certification of an External Financial Advisor substantially as follows:

We are [I am] an External Financial Advisor within the meaning of the Consolidated Service Plan for Mosaic Metropolitan Districts Nos 1-6.

We [I] certify that (1) the net effective interest rate (calculated as defined in § 32-1-103(12), C.R.S.) to be borne by [insert the designation of the Debt] does not exceed a reasonable current [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.

vi. Inclusion Limitation. The Districts shall not include within their boundaries any property outside the Service Plan Boundaries without the prior written consent of the City.

vii. Total Debt Issuance Limitation. The Districts shall not issue Debt in excess of \$12,000,000.

viii. Financial Payments from Other Governments/Sources. The Districts shall not apply for or accept Conservation Trust Funds, Great Outdoors Colorado Funds, Department of Local Affairs, or other funds or grants available from or through governmental or non-profit entities that the City is eligible to apply for, except pursuant to an intergovernmental agreement with the City. This section shall not apply to specific ownership taxes which shall be distributed to and a revenue source for the District without limitation.

ix. Consolidation Limitation. The Districts shall not file a request with any Court to consolidate with another Title 32 district without the prior written consent of the City; provided, however, consolidation among the Districts shall not require City approval as this Service Plan contemplates such consolidations may exist.

x. Bankruptcy Limitation. All of the limitations contained in this Service Plan, including, but not limited to, those pertaining to the Maximum Debt Mill Levy, have been established under the authority of the City to approve a Service Plan with conditions, pursuant to § 32-1-204.5, C.R.S. It is expressly intended that these limitations:

a. shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a Service Plan Amendment;

b. are, together with all other requirements of Colorado law, included in the “political or governmental powers” reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the “regulatory or electoral approval necessary under applicable non-bankruptcy law” as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 9434(b)(6); and

c. any Debt, issued with a pledge or which results in a pledge, that exceeds the Maximum Debt Mill Levy, shall be deemed a material modification of this Service Plan pursuant to § 32-1-207, C.R.S., and shall not be an authorized issuance of Debt unless and until such material modification has been approved by the City as part of a Service Plan Amendment.

xi. Service Plan Amendment Requirement. This Service Plan has been designed with sufficient flexibility to enable the Districts to provide required Public Improvements under evolving circumstances without the need for numerous amendments. Actions of a District which violate the limitations in this Service Plan and/or an intergovernmental agreement with the City shall be deemed to be material modifications to this Service Plan and the City shall be entitled to all remedies available at law or in equity under State and local law against the District in violation.

xii. Special Improvement Districts. Pursuant to § 32-1-11-1(f)(I), C.R.S., and Section 32-1-1101.7, C.R.S. (the “SID Statute”), the Districts are authorized to establish special improvement districts within their boundaries to assess property, to provide and finance renewable energy and energy efficient improvements, and to undertake all activities set forth in the SID Statute, as it may be amended from time to time. The exercise of any such powers and authorities shall not be deemed a material modification of this Service Plan.

xiii. Additional Services. In addition to the other powers and limitations of the District set forth in this Service Plan the Districts shall have the authority to, but shall not be obligated to, provide any services and exercise such powers as are expressly or impliedly granted by Colorado law, including the power of covenant enforcement, design review and those powers enumerated in §§ 32-1-1101 and 32-1-1101.7.

2. Preliminary Engineering Survey

The Districts shall have authority to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment, maintenance, and financing of the Public Improvements within and without the boundaries of each District, to be more specifically defined in an Approved Development Plan. An estimate of the costs of the improvements which may be planned for, designed, acquired, constructed, installed, relocated, redeveloped, maintained or financed was prepared based upon a preliminary engineering survey and estimates derived from zoning on the property within the Service Area Boundaries such costs will not exceed \$15,000,000.

All of the Public Improvements will be designed in such a way as to assure that the standards for the improvements will be compatible with those of the City or other governmental entities having proper jurisdiction, including but not limited to Ute Water Conservancy District, and shall be in accordance with the requirements of the Approved Development Plan. All construction cost estimates are based on the assumption that construction conforms to applicable local, State or Federal requirements.

3. Regional Improvements

The Districts are authorized to coordinate with the City for the planning, construction, design, acquisition, installation, relocation and/or redevelopment of improvements located outside of the Service Plan Boundaries determined by the City as being necessary to provide service(s) to the development, but also providing service to properties within the City that are not within the development (“Regional Improvements”). The Districts are also authorized to contribute a portion of the capital costs and/or operation and maintenance costs of Regional Improvements in amounts as will be agreed upon and set forth in an intergovernmental agreement to be entered into between the Districts and the City. Such intergovernmental agreement will be separate and distinct from the intergovernmental agreement which is attached as **Exhibit E**. The Districts shall fund their contributions to the Regional Improvements from Bond proceeds or other sources.

ARTICLE III FINANCIAL PLAN

1. General

The Districts shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment of Public Improvements from their revenues and by and through proceeds of Debt to be issued by the Districts. Each District shall issue such Debt as it can reasonably pay from revenues derived from the Maximum Debt Mill Levy approved by the eligible electors of each District and other legally available revenues. The total Debt that all Districts shall be permitted to issue shall not exceed \$12,000,000 and shall be permitted to be issued on a schedule and in such year or years as each District determines shall meet the needs of the Financial Plan and shall be phased to serve development as it occurs. All bonds and other Debt issued by a District may be payable from any and all legally available revenues of a District including general *ad valorem* taxes to be imposed upon all taxable property within a District. Each District may rely upon various other revenue sources authorized by law, including the power to assess fees, rates, tolls, penalties, or charges as provided in § 32-1-1001(1), C.R.S. The costs for payment of Public Improvements shall be spread equitably among the Districts, which will be reflected as a reasonably uniform mill levy and fee structure between the Districts. An overview of the Districts’ Financial Plan, as well as proposed indebtedness schedules of the Districts, is attached as **Exhibit F**.

2. Maximum Voted Interest Rate and Maximum Underwriting Discount

The interest rate on any Debt is expected to be the market rate at the time the Debt is issued. In the event of a default, the maximum interest rate on any Debt is not expected to exceed eighteen percent (18%). The proposed maximum underwriting discount will be five percent (5%). Debt, when issued, will comply with all relevant requirements of this Service Plan, State law and Federal law as then applicable to the issuance of public securities.

3. Maximum Debt Mill Levy

The “Maximum Debt Mill Levy” shall be the maximum mill levy each District is permitted to impose upon the taxable property within each District for payment of Debt, and shall be determined as follows:

i. Excess of 50% of Assessed Value. For any portion of the District’s aggregate Debt which exceeds fifty percent (50%) of the District’s assessed valuation, the Maximum Debt Mill Levy for such portion of Debt shall be fifty (50) mills less the number of mills necessary to pay unlimited mill levy Debt described in (ii) below, adjusted to account for changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement. The mill levy limitation applicable to such Debt may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that, to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after January 1, 2019, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

ii. Debt Equal to or Less Than 50% of Assessed Value. For any portion of a District’s aggregate Debt which is equal to or less than fifty percent (50%) of the District’s assessed valuation, either on the date of issuance or at any time thereafter, the mill levy to be imposed to repay such portion of Debt shall not be subject to the Maximum Debt Mill Levy and, as a result, the mill levy may be such amount as is necessary to pay the Debt service on such Debt, without limitation of rate.

iii. Pledge of Mill Levy. For purposes of the foregoing, once Debt has been determined to be within section (ii) above so that a District is entitled to pledge to its payment an unlimited *ad valorem* mill levy, the District may provide that such Debt shall remain secured by such unlimited mill levy, notwithstanding any subsequent change in the District’s Debt to assessed ratio. All Debt issued by the District must be issued in compliance with the requirements of § 32-1-1101, C.R.S., and all other requirements of State law.

iv. Maximum Mill Levy for Payment of Debt. The foregoing notwithstanding, the maximum mill levy a District can impose for payment of Debt (including General Obligation and Special Assessment Debt) shall be 50 mills; provided, however, that if the method of calculating assessed valuation is changed after the date of approval of this Service Plan, the mill levy limitation may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in

the ratio of actual valuation to assessed valuation shall be deemed to be a change in the method of calculating assessed valuation.

v. Payment of Interest to Developer. The issuance of Debt to the organizers of the Districts or their affiliates may permit interest to accrue on the total unpaid amount, such interest to be paid according to such terms as may be established but without compounding. An individual District shall not impose a levy for repayment of Debt (or use the proceeds of any mill levy for repayment of Debt) to the Organizers of the Districts or their affiliates, on any single property developed for residential uses which exceeds forty (40) years after the year of the initial imposition of such mill levy. Notwithstanding any other provision hereof, such Debt referred to in the preceding sentence shall be deemed to be discharged at such time as the mill levy is suspended at the end of the 40 year period.

4. Debt Repayment Sources

Each District may impose a mill levy on taxable property within its boundaries as a source of revenue for repayment of debt and for operations and maintenance. Each District may also rely upon various other revenue sources authorized by law. At a District's discretion, these may include the power to assess fees, rates, tolls, penalties, or charges as provided in § 32-1-1001(1), C.R.S., as amended from time to time. In no event shall the debt service mill levy in the District exceed the Maximum Debt Mill Levy.

5. Debt Instrument Disclosure Requirement

In the text of each Bond and any other instrument representing and constituting Debt, the District shall set forth a statement in substantially the following form:

By acceptance of this instrument, the owner of this Bond agrees and consents to all of the limitations in respect of the payment of the principal of and interest on this Bond contained herein, in the resolution of the District authorizing the issuance of this Bond and in the Service Plan for creation of the District. Similar language describing the limitations in respect of the payment of the principal of and interest on Debt set forth in this Service Plan shall be included in any document used for the offering of the Debt for sale to persons, including, but not limited to, a developer of property within the boundaries of the District.

6. Security for Debt

Districts shall not pledge any revenue or property of the City as security for the Debt set forth in this Service Plan. Approval of this Service Plan shall not be a guarantee by the City of payment of any District obligations; nor shall anything in the Service Plan be construed so as to create any responsibility or liability on the part of the City in the event of default by a District in the payment of any such obligation.

7. TABOR Compliance

Each District will comply with the provisions of TABOR. In the discretion of the Board, a District may set up other qualifying entities to manage, fund, construct and operate facilities, services, and programs. To the extent allowed by law, any entity created by a District will remain under the control of the District's Board.

8. District Operating Costs

The estimated cost of acquiring land, engineering services, legal services and administrative services, together with the estimated costs of each District's organization and initial operations, is part of the estimated cost of Public Improvements, which will be eligible for reimbursement from Debt proceeds.

In addition to the capital costs of the Public Improvements, Districts will require operating funds for administration and to plan and cause the Public Improvements to be constructed and maintained. The first year's operating budget for the Districts is anticipated to be approximately \$12,000,000 and will be derived from property taxes, Developer advances and other revenues.

The Maximum Debt Mill Levy for the repayment of Debt shall not apply to each District's ability to increase its mill levy as necessary for provision of operation and maintenance services to its taxpayers and service users.

In addition to mill levies assessed for payment of debt a District may impose a mill levy for payment of expenses of operations with such mill levy to be established by a District's eligible electors.

9. Enterprises

Each District may exercise any of its powers through enterprises established in accordance with Article X, Section 20 of the Colorado Constitution (TABOR).

10. Annual Report

Each District shall be responsible for submitting an annual report to the City no later than August 1 of each year. The annual report shall include information as to any of the following:

- i. Boundary changes made or proposed to a District's boundary as of December 31st of the prior year.
- ii. Agreements with other governmental entities entered into or proposed as of December 31st of the prior year.
- iii. A list of all facilities and improvements constructed or acquired by a District and those that have been dedicated to and accepted by the City as of December 31st of the prior year.
- iv. Audit of a District's financial statements, for the year ending December 31st of the previous year, prepared in accordance with generally accepted accounting principles or audit exemptions, if applicable.

v. Notice of continuing disclosure undertaking for events of default by a District which continues beyond a ninety (90) day period under any Debt instrument.

vi. Any inability of a District to pay its obligations as they come due in accordance with the terms of any Debt instruments, which continue beyond a ninety (90) day period.

11. Statutory Powers

Each District shall have and exercise all powers granted by the Act and in particular the powers set forth in § 32-1-1004, C.R.S.

ARTICLE IV MISCELLANEOUS

1. Covenant Enforcement and Design Review

Subject to compliance with the provisions of §32-1-1004(8), C.R.S., the ability to prepare, implement and enforce design and development guidelines, rules and regulations, or similar protective controls regarding all construction activities within the Districts' boundaries, including but not limited to, architectural standards regarding the design, construction, erection, placement or installation of new structures or modification of existing structures within the Districts' boundaries. At the discretion of the Boards of Directors, such powers may be transferred to property owners' association(s) and operated in accordance with the Colorado Common Ownership Interest Act (38-33.3-101, C.R.S.).

2. Legal Powers

The powers of the Districts will be exercised by their Boards of Directors to the extent necessary to provide the services contemplated in this Service Plan. The foregoing improvements and services, along with all other activities permitted by law, will be undertaken in accordance with, and pursuant to the procedures and conditions contained in the Act (§32-1-101, *et seq.*, C.R.S.), other applicable statutes, and this Service Plan as the same may be amended from time to time.

3. Other

In addition to the powers enumerated above, the Boards of Directors of each of the Districts shall continue to have the following authority:

a. To amend this Service Plan as needed, subject to the appropriate statutory procedures provided that any material modification of this Service Plan shall be made only with the approval of the City in accordance with § 32-1-207, C.R.S and after obtaining a resolution of approval from the City. A material modification of this Service Plan includes: (1) interior boundary line modifications which create inequitable assessments among the Districts relative to the benefits being provided; and (2) the conduct of operations which are prohibited by resolution or ordinances of the City. The Districts separately or collectively shall have the right to amend this Service Plan independent of participation of one or more of the other Districts with the approval of

the City; provided, that the Districts shall not be permitted to amend those portions of this Service Plan which affect, impair, or impinge upon the rights or powers of the other Districts without such other District's consent.

b. To forego, reschedule, or restructure the financing, including the security therefore, and/or the operation and maintenance of improvements and facilities in order to better accommodate the pace of growth, resource availability, and financial interests of property of the Districts.

c. To provide additional services and exercise powers granted expressly or by implication in Colorado law and which the Districts are required to provide or exercise or, in their discretion choose to provide or exercise, within the scope of the powers set forth in this Service Plan. The Districts shall not exercise the powers of either eminent domain or dominant eminent domain over property located outside of the Service Plan Boundaries unless prior consent from the City is first obtained.

d. To exercise all necessary and implied powers under Title 32, C.R.S. in the reasonable discretion of the Boards of Directors, except as limited in this Service Plan and pursuant to the Intergovernmental Agreement to be executed between the Districts and the City attached as **Exhibit E**. The Districts may only add additional powers beyond by obtaining the consent of the City through an amendment to this Service Plan.

4. Dissolution

Upon an independent determination of the City that the purposes for which a District was created have been accomplished, such District agrees to file a petition in the Mesa County District Court for dissolution pursuant to applicable State statutes. In no event shall dissolution occur until a District has provided for the payment or discharge of all its outstanding indebtedness and other financial obligations as required by State statutes.

5. Disclosure to Purchasers

Each District will use reasonable efforts to ensure all developers of the Project shall provide through written notice to all purchasers of property in a District regarding the Maximum Debt Mill Levy as well as a general description of a District's authority to impose and collect rates, fees, tolls and charges.

6. Intergovernmental Agreement

The form of the Intergovernmental Agreement between the Districts and the City is attached as **Exhibit E**. Each District once formed shall approve the Intergovernmental Agreement within ninety (90) days of the date of organization. Failure of a District to execute the Intergovernmental Agreement as required shall constitute a material modification and shall require a Service Plan Amendment. The City shall approve the intergovernmental agreement at the public hearing for approval of the Service Plan. The Intergovernmental Agreement may be amended by the City and Districts without amending this Service Plan. If a conflict exists between the

Intergovernmental Agreement and this Service Plan, the Intergovernmental Agreement shall govern.

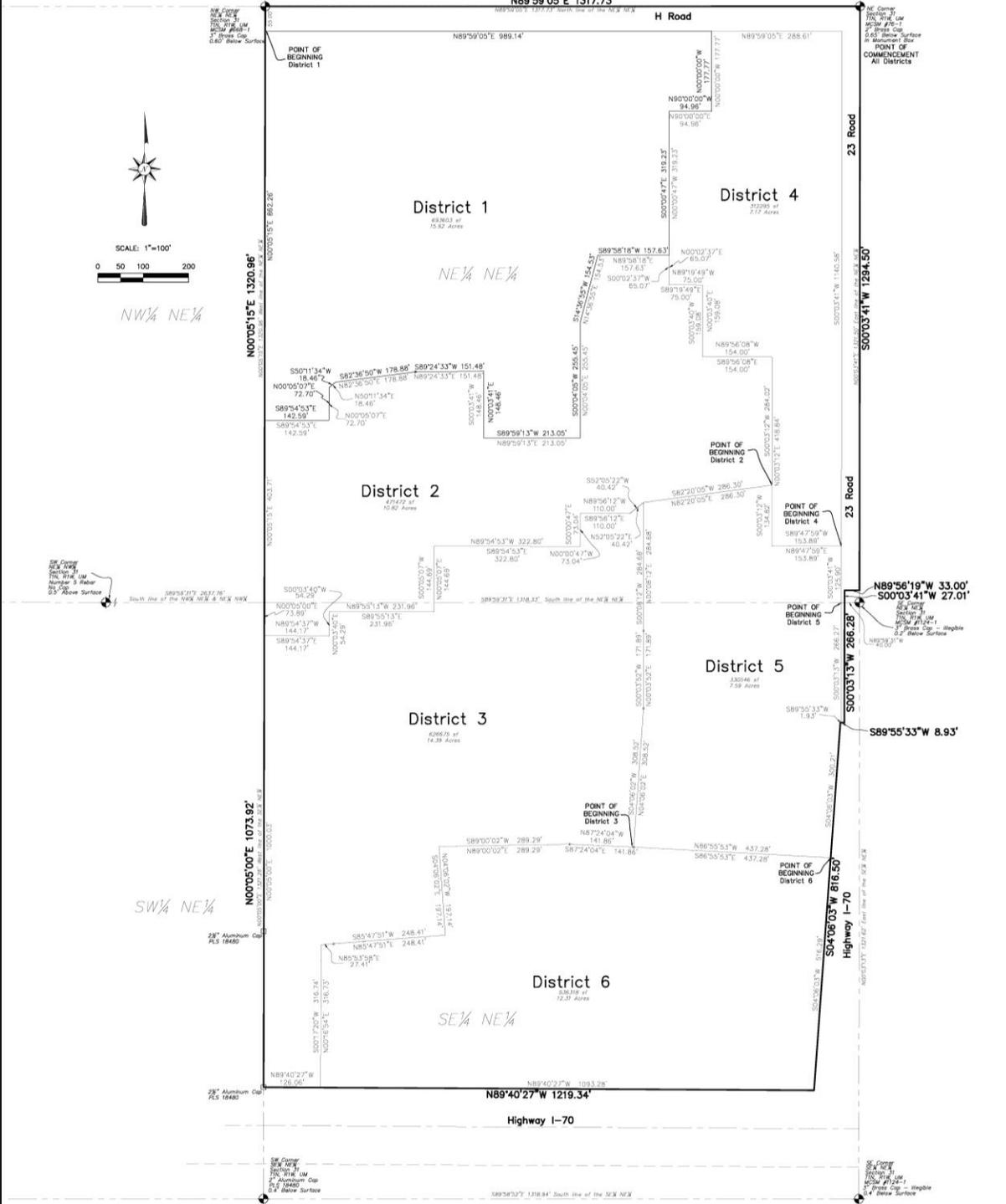
**ARTICLE V
CONCLUSION**

This Consolidated Service Plan meets all of the requirements of § 32-1-203(2), C.R.S. This Service Plan establishes that:

- (1) There is sufficient existing and projected need for organized service within the Service Plan Boundary and the Districts are the proper tool for providing this service;
- (2) The existing service within the Service Plan Boundary is inadequate for present and projected needs;
- (3) Each District is capable of providing economical and sufficient service to the area within its proposed boundaries;
- (4) The area to be included in each District does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;
- (5) Adequate service is not, and will not be, available to the area through the City or Mesa County or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis;
- (6) The facility and service standards of the Districts are compatible with the facility and service standards of the City;
- (7) The proposal is in substantial compliance with the City's Comprehensive Plan adopted pursuant to the City Code;
- (8) The proposal is in compliance with any City, regional or state long-range water quality management plan for the area; and
- (9) Creation of the Districts is in the best interests of the area proposed to be served.

Exhibit A

**DISTRICT BOUNDARIES
 TWENTY THREE PARK PLAZA SHOWN
 ON PLAT RECORDED AT RECEPTION NUMBER 1358204
 NE1/4 NE1/4 SECTION 31, T1N, R1W, UTE MERIDIAN
 GRAND JUNCTION, MESA COUNTY, COLORADO**



GENERAL NOTES

Easement and Title Information provided by Stewart Title Guaranty Company, Commitment No. 53044, dated December 13, 2017.

Basis of bearings is the North line of the NE1/4 NE1/4 of Section 31 which bears South 89°59'05" West, a distance of 1317.73 feet, established by observation of the MCGPS control network, which is based on the NAD 83 datum for Horizontal and NAVD 88 datum for Vertical information. Both monuments on this line are Aliquot Survey Markers, as shown on the face of this plat.

All lineal units shown hereon in U.S. Survey feet.

NOTES: - ACCORDING TO COLORADO LAW YOU MUST CONSULT ANY CIVIL ACTION BEFORE WORK MAY BE DONE IN THIS TOWNSHIP. PLEASE REFER TO THE PUBLIC RECORDS OFFICE, 500 S. DAVIS, 1ST FLOOR, GRAND JUNCTION, CO 81505 FOR THE PUBLIC RECORDS OFFICE. DO NOT SCALE ANY INFORMATION BASED UPON ANY COPY OF THIS SURVEY OR INFORMATION DERIVED FROM THE RECORDS FROM THE OFFICE OF CONSERVATION DESIGN.

- LEGEND**
- ALIQUOT SURVEY MARKER, AS NOTED
 - FOUND REBAR, AS NOTED
 - SET 2" ALUMINUM CAP ON 24" No. 5 REBAR, PLS 24953

Preliminary

Jeffrey C. Fletcher
 COLORADO PROFESSIONAL LAND SURVEYOR
 P.L.S. NO. 24953

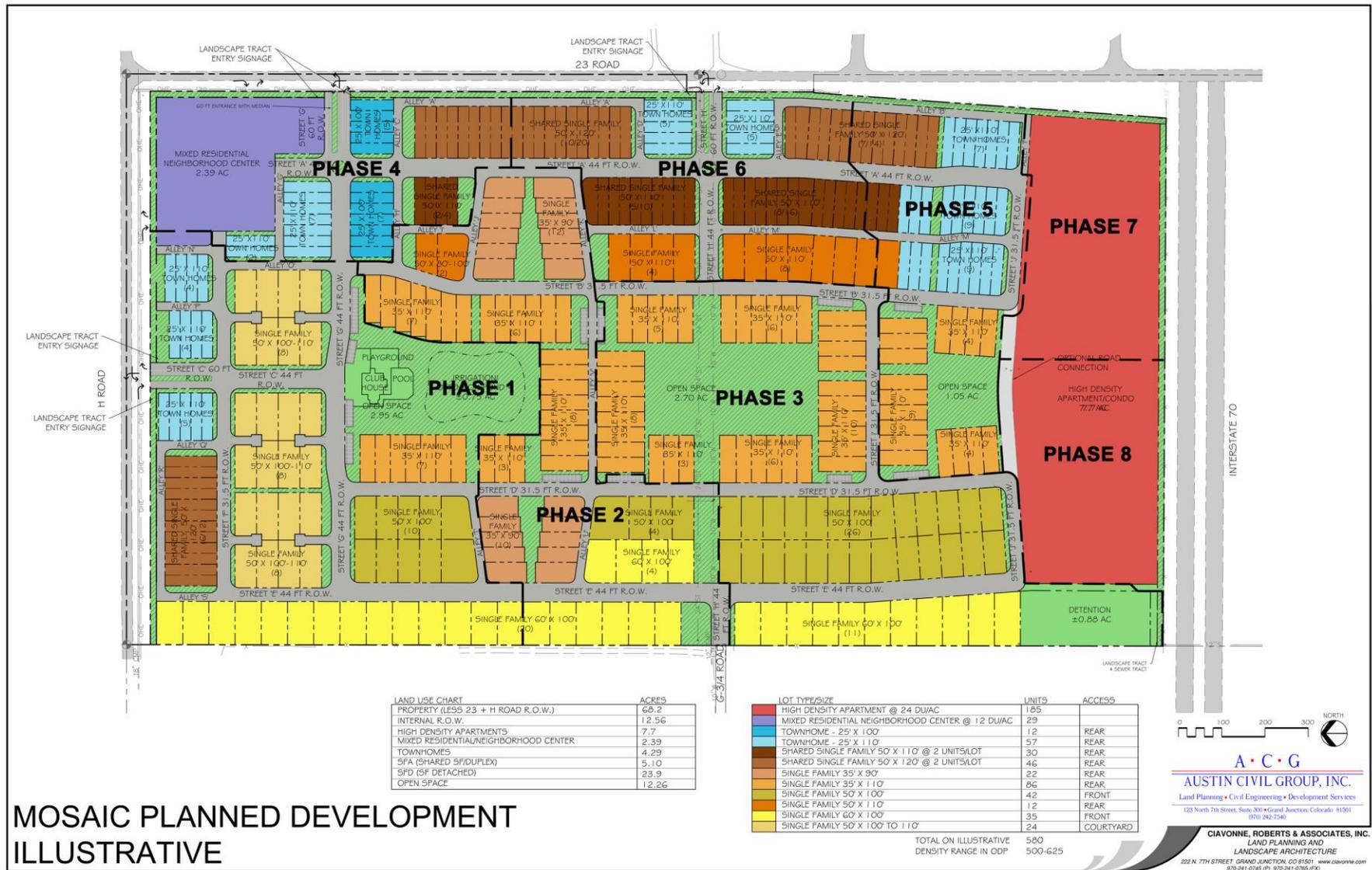
**DISTRICT BOUNDARIES
 MOSAIC SUBDIVISION**

TWENTY THREE PARK PLAZA SHOWN
 ON PLAT RECORDED AT RECEPTION NUMBER 1358204
 NE1/4 NE1/4 SECTION 31, T1N, R1W, UTE MERIDIAN
 GRAND JUNCTION, MESA COUNTY, COLORADO

High Desert Surveying, LLC
 1673 Highway 50 Unit C
 Grand Junction, Colorado 81503
 Telephone: 970-254-8649 Fax 970-241-0451

PROJ. NO. 17-05	SURVEYED	DRAWN	CHECKED	SHEET	OF
DATE: June 2018	JJ/MS/SC	MS	JJ	1	5

Exhibit B



LAND USE CHART	ACRES
PROPERTY (LESS 23 + H ROAD R.O.W.)	68.2
INTERNAL R.O.W.	12.56
HIGH DENSITY APARTMENTS	7.7
MIXED RESIDENTIAL/NEIGHBORHOOD CENTER	2.39
TOWNHOMES	4.29
SFA (SHARED 5F/DUPLEX)	5.10
5FD (5F DETACHED)	23.9
OPEN SPACE	12.26

LOT TYPE/SIZE	UNITS	ACCESS
HIGH DENSITY APARTMENT @ 24 DU/AC	125	
MIXED RESIDENTIAL NEIGHBORHOOD CENTER @ 12 DU/AC	29	
TOWNHOME - 25' X 100'	12	REAR
TOWNHOME - 25' X 110'	57	REAR
SHARED SINGLE FAMILY 50' X 110' @ 2 UNITS/LOT	30	REAR
SHARED SINGLE FAMILY 50' X 120' @ 2 UNITS/LOT	46	REAR
SINGLE FAMILY 35' X 90'	22	REAR
SINGLE FAMILY 35' X 110'	86	REAR
SINGLE FAMILY 50' X 100'	42	FRONT
SINGLE FAMILY 50' X 110'	12	REAR
SINGLE FAMILY 60' X 100'	35	FRONT
SINGLE FAMILY 50' X 100' TO 110'	24	COURTYARD

TOTAL ON ILLUSTRATIVE DENSITY RANGE IN ODP 580
500-625

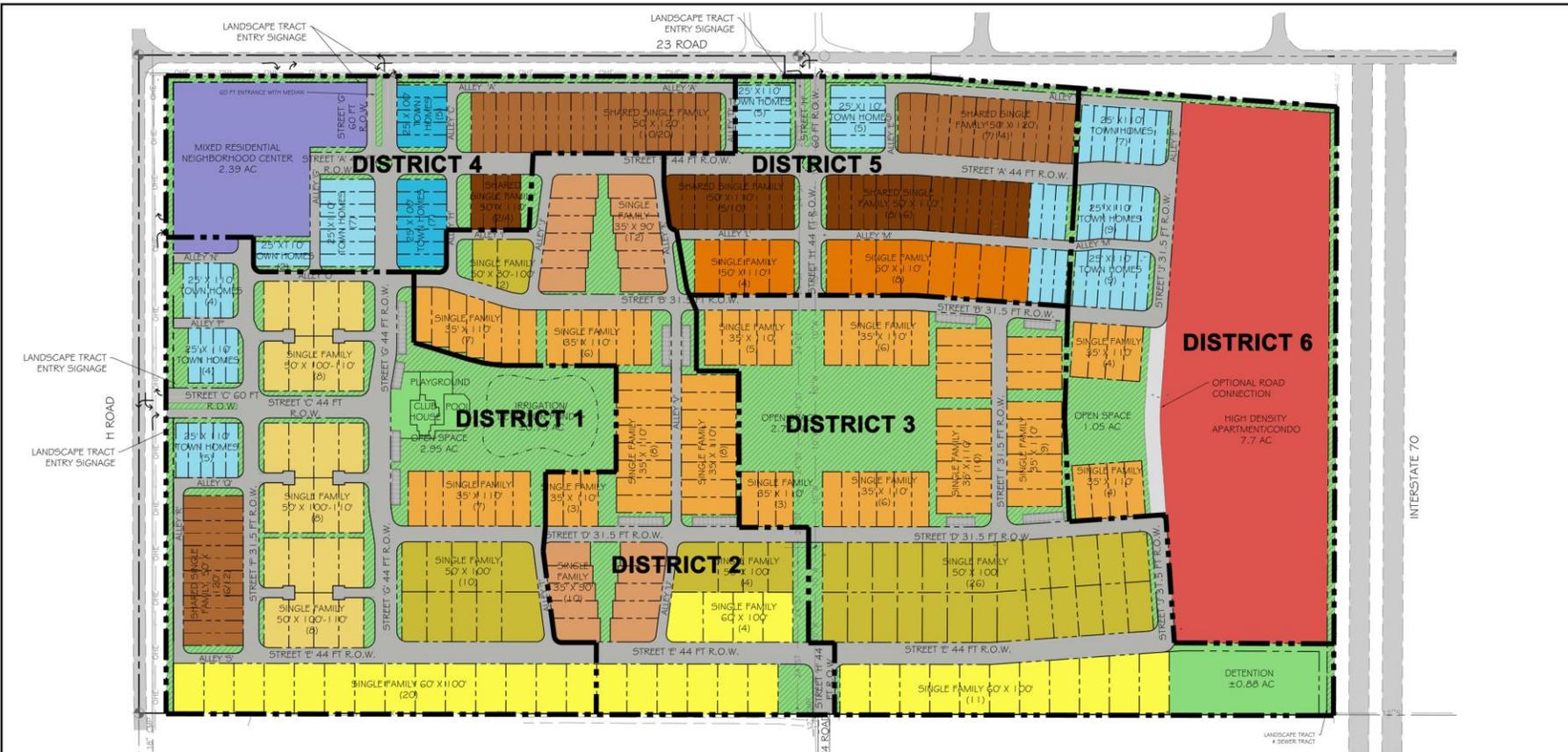


A · C · G
AUSTIN CIVIL GROUP, INC.
 Land Planning • Civil Engineering • Development Services
 120 North 7th Street, Suite 300 • Grand Junction, Colorado 81501
 (970) 240-7546

ClAVONNE, ROBERTS & ASSOCIATES, INC.
 LAND PLANNING AND
 LANDSCAPE ARCHITECTURE
 202 N. 7TH STREET GRAND JUNCTION, CO 81501 www.clavonne.com
 970-241-0745 (P) 970-241-0765 (FAX)

MOSAIC PLANNED DEVELOPMENT ILLUSTRATIVE

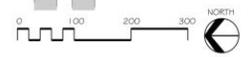
Exhibit C



LAND USE CHART	ACRES
PROPERTY (LESS 23 + H ROAD R.O.W.)	68.2
INTERNAL R.O.W.	12.56
HIGH DENSITY APARTMENTS	7.7
MIXED RESIDENTIAL/NEIGHBORHOOD CENTER	2.39
TOWNHOMES	4.29
SFA (SHARED SF/DUPLEX)	5.10
SFD (SF DETACHED)	23.9
OPEN SPACE	12.26

LOT TYPE/SIZE	UNITS	DISTRICT 1	DISTRICT 2	DISTRICT 3	DISTRICT 4	DISTRICT 5	DISTRICT 6	ACCESS
HIGH DENSITY APARTMENT @ 24 DU/AC	185	0	0	0	0	0	185	
MIXED RESIDENTIAL NEIGHBORHOOD CENTER @ 12 DU/AC	29	0	0	0	29	0	0	REAR
TOWNHOME - 25' X 100'	12	0	0	0	12	0	0	REAR
TOWNHOME - 25' X 110'	57	13	0	0	9	16	19	REAR
SHARED SINGLE FAMILY 50' X 110' @ 2 UNITS/LOT	30	0	0	0	4	26	0	REAR
SHARED SINGLE FAMILY 50' X 120' @ 2 UNITS/LOT	46	12	0	0	20	14	0	REAR
SINGLE FAMILY 35' X 90'	22	0	22	0	0	0	0	REAR
SINGLE FAMILY 35' X 110'	86	7	32	39	0	0	8	REAR
SINGLE FAMILY 50' X 100'	42	10	6	26	0	0	0	FRONT
SINGLE FAMILY 50' X 110'	12	0	0	0	0	12	0	REAR
SINGLE FAMILY 60' X 100'	35	14	10	11	0	0	0	FRONT
SINGLE FAMILY 50' X 100' TO 110'	24	24	0	0	0	0	0	COURTYARD

TOTAL ON ILLUSTRATIVE DENSITY RANGE IN ODP 500 = 80 + 70 + 76 + 74 + 68 + 212 500-625



MOSAIC PLANNED DEVELOPMENT

DISTRICT ILLUSTRATIVE

A · C · G
AUSTIN CIVIL GROUP, INC.
 Land Planning • Civil Engineering • Development Services
 123 North 7th Street, Suite 300 • Grand Junction, Colorado 81501
 (970) 242-7040

CLAVONNE, ROBERTS & ASSOCIATES, INC.
 LAND PLANNING AND
 LANDSCAPE ARCHITECTURE
 222 N. 7TH STREET GRAND JUNCTION, CO 81501 www.clavonne.com
 970-241-0745 (P) 970-241-0765 (FAX)

Exhibit D

District 1 Boundary

That property located in The Replat of Twenty Three Park Plaza, as shown on plat recorded at Reception Number 1358204, Mesa County records in the East Half of the Northeast Quarter (E½ NE¼), Section 31, Township 1 North, Range 1 West, of the Ute Meridian in Mesa County, Colorado being more particularly described as follows:

COMMENCING at the Northeast corner of the NE¼ of said Section 31, whence the Northwest corner of the NE¼ NE¼ said Section 31 bears thence South 89°59'05" West, a distance of 1317.73 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 89°59'05" West, a distance of 1317.73 feet, along the North line of said NE¼ NE¼ Section 31; thence South 00°05'15" West, a distance of 55.00 feet, along the West line of said NE¼ NE¼ Section 31 to the POINT OF BEGINNING; thence 55.00 feet offset and parallel to the North line of said NE¼ NE¼ Section 31, North 89°59'05" East, a distance of 989.14 feet; thence South 00°00'00" East, a distance of 177.77 feet; thence North 90°00'00" West, a distance of 94.96 feet; thence South 00°00'47" East, a distance of 319.23 feet; thence South 89°58'18" West, a distance of 157.63 feet; thence South 14°36'55" West, a distance of 154.53 feet; thence South 00°04'05" West, a distance of 255.45 feet; thence South 89°59'13" West, a distance of 213.05 feet; thence North 00°03'41" East, a distance of 148.46 feet; thence South 89°24'33" West, a distance of 151.48 feet; thence South 82°36'50" West, a distance of 178.88 feet; thence South 50°11'34" West, a distance of 18.46 feet; thence South 00°05'07" West, a distance of 72.70 feet; thence North 89°54'53" West, a distance of 142.59 feet, to a point on the West line of said NE¼ NE¼ Section 31; thence North 00°05'15" East, a distance of 862.26 feet, along the West line of said NE¼ NE¼ Section 31 to the POINT OF BEGINNING.

Said parcel containing an area of 15.92 Acres, as herein described.

17-95 Mosaic District 1.doc/knr
Prepared by:
Jeffrey C. Fletcher PLS 24953
High Desert Surveying, LLC
1673 Highway 50 Unit C
Grand Junction, Colorado 81503



District 2 Boundary

That property located in The Replat of Twenty Three Park Plaza, as shown on plat recorded at Reception Number 1358204, Mesa County records in the East Half of the Northeast Quarter (E½ NE¼), Section 31, Township 1 North, Range 1 West, of the Ute Meridian in Mesa County, Colorado being more particularly described as follows:

COMMENCING at the Northeast corner of the NE¼ of said Section 31, whence the Northwest corner of the NE¼ NE¼ said Section 31 bears thence South 89°59'05" West, a distance of 1317.73 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 00°03'41" West, a distance of 1321.50 feet, along the East line of said NE¼ NE¼ Section 31; thence North 89°59'31" West, a distance of 40.00 feet; thence North 00°03'41" East, a distance of 125.90 feet; thence South 89°47'59" West, a distance of 153.89 feet; thence North 00°03'12" East, a distance of 134.82 feet to the POINT OF BEGINNING; thence South 82°20'05" West, a distance of 286.30 feet; thence South 52°05'22" West, a distance of 40.42 feet; thence North 89°56'12" West, a distance of 110.00 feet; thence South 00°00'47" East, a distance of 73.04 feet; thence North 89°54'53" West, a distance of 322.80 feet; thence South 00°05'07" West, a distance of 144.69 feet; thence North 89°55'13" West, a distance of 231.96 feet; thence South 00°03'40" West, a distance of 54.29 feet; thence North 89°54'37" West, a distance of 144.17 feet; thence North 00°05'00" East, a distance of 73.89 feet; thence North 00°05'15" East, a distance of 403.71 feet; thence South 89°54'53" East, a distance of 142.59 feet; thence North 00°05'07" East, a distance of 72.70 feet; thence North 50°11'34" East, a distance of 18.46 feet; thence North 82°36'50" East, a distance of 178.88 feet; thence North 89°24'33" East, a distance of 151.48 feet; thence South 00°03'41" West, a distance of 148.46 feet; thence North 89°59'13" East, a distance of 213.05 feet; thence North 00°04'05" East, a distance of 255.45 feet; thence North 14°36'55" East, a distance of 154.53 feet; thence North 89°58'18" East, a distance of 157.61 feet; thence South 00°02'37" West, a distance of 65.07 feet; thence South 89°19'49" East, a distance of 75.00 feet; thence South 00°03'40" West, a distance of 159.08 feet; thence South 89°56'08" East, a distance of 154.00 feet; thence South 00°03'12" West, a distance of 284.02 feet to the POINT OF BEGINNING.

Said parcel containing an area of 10.82 Acres, as herein described.

17-95 Mosaic District 2.doc/knr
Prepared by:
Jeffrey C. Fletcher PLS 24953
High Desert Surveying, LLC
1673 Highway 50 Unit C
Grand Junction, Colorado 81503



District 3 Boundary

That property located in The Replat of Twenty Three Park Plaza, as shown on plat recorded at Reception Number 1358204, Mesa County records in the East Half of the Northeast Quarter (E½ NE¼), Section 31, Township 1 North, Range 1 West, of the Ute Meridian in Mesa County, Colorado being more particularly described as follows:

COMMENCING at the Northeast corner of the NE¼ of said Section 31, whence the Northwest corner of the NE¼ NE¼ said Section 31 bears thence South 89°59'05" West, a distance of 1317.73 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 00°03'41" West, a distance of 1321.50 feet, along the East line of said NE¼ NE¼ Section 31; thence North 89°59'31" West, a distance of 40.00 feet; thence South 00°03'13" West, a distance of 266.27 feet; thence South 89°55'33" West, a distance of 1.93 feet; thence South 04°06'03" West, a distance of 300.21 feet; thence North 86°55'53" West, a distance of 437.28 feet to the POINT OF BEGINNING; thence North 87°24'04" West, a distance of 141.86 feet; thence South 89°00'02" West, a distance of 289.29 feet; thence South 04°06'02" East, a distance of 197.14 feet; thence South 85°47'51" West, a distance of 248.41 feet; thence South 85°53'58" West, a distance of 27.41 feet; thence South 00°17'20" West, a distance of 316.74 feet, to a point on the South line of The Replat of Twenty Three Park Plaza; thence North 89°40'27" West, a distance of 126.06 feet, along the South line of said Replat of Twenty Three Park Plaza to a point on the West line of the SE¼ NE¼ said Section 31; thence North 00°05'00" East, a distance of 1000.03 feet, along said West line of the SE¼ NE¼ said Section 31; thence South 89°54'37" East, a distance of 144.17 feet; thence North 00°03'40" East, a distance of 54.29 feet; thence South 89°55'13" East, a distance of 231.96 feet; thence North 00°05'07" East, a distance of 144.69 feet; thence South 89°54'53" East, a distance of 322.80 feet; thence North 00°00'47" West, a distance of 73.04 feet; thence South 89°56'12" East, a distance of 110.00 feet; thence North 52°05'22" East, a distance of 40.42 feet; thence South 00°08'12" West, a distance of 284.68 feet; thence South 00°03'52" West, a distance of 171.89 feet; thence South 04°06'02" West, a distance of 308.52 feet to the POINT OF BEGINNING.

Said parcel containing an area of 14.39 Acres, as herein described.

17-95 Mosaic District 3.doe/knr
Prepared by:
Jeffrey C. Fletcher PLS 24953
High Desert Surveying, LLC
1673 Highway 50 Unit C
Grand Junction, Colorado 81503



District 4 Boundary

That property located in The Replat of Twenty Three Park Plaza, as shown on plat recorded at Reception Number 1358204, Mesa County records in the East Half of the Northeast Quarter (E½ NE¼), Section 31, Township 1 North, Range 1 West, of the Ute Meridian in Mesa County, Colorado being more particularly described as follows:

COMMENCING at the Northeast corner of the NE¼ of said Section 31, whence the Northwest corner of the NE¼ NE¼ said Section 31 bears thence South 89°59'05" West, a distance of 1317.73 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 00°03'41" West, a distance of 1321.50 feet, along the East line of said NE¼ NE¼ Section 31; thence North 89°59'31" West, a distance of 40.00 feet; thence North 00°03'41" East, a distance of 125.90 feet to the POINT OF BEGINNING; thence South 89°47'59" West, a distance of 153.89 feet; thence North 00°03'12" East, a distance of 418.84 feet; thence North 89°56'08" West, a distance of 154.00 feet; thence North 00°03'40" East, a distance of 159.08 feet; thence North 89°19'49" West, a distance of 75.00 feet; thence North 00°02'37" East, a distance of 65.07 feet; thence North 00°00'47" West, a distance of 319.23 feet; thence South 90°00'00" East, a distance of 94.96 feet; thence North 00°00'00" West, a distance of 177.77 feet, to a point 55.00 feet South of the North line of the NE¼ NE¼ said Section 31; thence North 89°59'05" East, a distance of 288.61 feet, along a line 55.00 feet South of and parallel to said North line of said NE¼ NE¼ said Section 31; thence South 00°03'41" West, a distance of 1140.58 feet, 40.00 feet offset to and parallel with the East line of said NE¼ NE¼ said Section 31, to the POINT OF BEGINNING.

Said parcel containing an area of 7.17 Acres, as herein described.

17-95 Mosaic District 4.doc/knr
Prepared by:
Jeffrey C. Fletcher PLS 24953
High Desert Surveying, LLC
1673 Highway 50 Unit C
Grand Junction, Colorado 81503



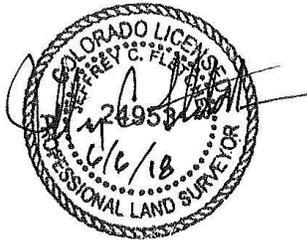
District 5 Boundary

That property located in The Replat of Twenty Three Park Plaza, as shown on plat recorded at Reception Number 1358204, Mesa County records in the East Half of the Northeast Quarter (E½ NE¼), Section 31, Township 1 North, Range 1 West, of the Ute Meridian in Mesa County, Colorado being more particularly described as follows:

COMMENCING at the Northeast corner of the NE¼ of said Section 31, whence the Northwest corner of the NE¼ NE¼ said Section 31 bears thence South 89°59'05" West, a distance of 1317.73 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 00°03'41" West, a distance of 1321.50 feet, along the East line of said NE¼ NE¼ Section 31; thence North 89°59'31" West, a distance of 40.00 feet to the POINT OF BEGINNING; thence South 00°03'13" West, a distance of 266.27 feet; thence South 89°55'33" West, a distance of 1.93 feet; thence South 04°06'03" West, a distance of 300.21 feet; thence North 86°55'53" West, a distance of 437.28 feet; thence North 04°06'02" East, a distance of 308.52 feet; thence North 00°03'52" East, a distance of 171.89 feet; thence North 00°08'12" East, a distance of 284.68 feet; thence North 82°20'05" East, a distance of 286.30 feet; thence South 00°03'12" West, a distance of 134.82 feet; thence North 89°47'59" East, a distance of 153.89 feet; thence South 00°03'41" West, a distance of 125.90 feet to the POINT OF BEGINNING.

Said parcel containing an area of 7.59 Acres, as herein described.

17-95 Mosaic District 5.doc/knr
Prepared by:
Jeffrey C. Fletcher PLS 24953
High Desert Surveying, LLC
1673 Highway 50 Unit C
Grand Junction, Colorado 81503



District 6 Boundary

That property located in The Replat of Twenty Three Park Plaza, as shown on plat recorded at Reception Number 1358204, Mesa County records in the East Half of the Northeast Quarter (E½ NE¼), Section 31, Township 1 North, Range 1 West, of the Ute Meridian in Mesa County, Colorado being more particularly described as follows:

COMMENCING at the Northeast corner of the NE¼ of said Section 31, whence the Northwest corner of the NE¼ NE¼ said Section 31 bears thence South 89°59'05" West, a distance of 1317.73 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 00°03'41" West, a distance of 1321.50 feet, along the East line of said NE¼ NE¼ Section 31; thence North 89°59'31" West, a distance of 40.00 feet; thence South 00°03'13" West, a distance of 266.27 feet; thence South 89°55'33" West, a distance of 1.93 feet; thence South 04°06'03" West, a distance of 300.21 feet to the POINT OF BEGINNING; thence South 04°06'03" West, a distance of 516.29 feet, along the East line of said Replat of Twenty Three Park Plaza; thence North 89°40'27" West, a distance of 1093.28 feet, along the South line of said Replat of Twenty Three Park Plaza; thence North 00°16'54" East, a distance of 316.73 feet; thence North 85°53'58" East, a distance of 27.41 feet; thence North 85°47'51" East, a distance of 248.41 feet; thence North 04°06'02" West, a distance of 197.14 feet; thence North 89°00'02" East, a distance of 289.29 feet; thence South 87°24'04" East, a distance of 141.86 feet; thence South 86°55'53" East, a distance of 437.28 feet to the POINT OF BEGINNING.

Said parcel containing an area of 12.31 Acres, as herein described.

17-95 Mosaic District 6.doc/knr
Prepared by:
Jeffrey C. Fletcher PLS 24953
High Desert Surveying, LLC
1673 Highway 50 Unit C
Grand Junction, Colorado 81503



Exhibit E

INTERGOVERNMENTAL AGREEMENT

BETWEEN THE CITY OF GRAND JUNCTION, COLORADO AND MOSAIC METROPOLITAN DISTRICT NO. 1

THIS AGREEMENT is made and entered into as of the ____ day of _____, 2018, by and between the CITY OF GRAND JUNCTION, a home-rule municipal corporation of the State of Colorado ("City"), and MOSAIC METROPOLITAN DISTRICT NO. 1, a quasi-municipal corporation and political subdivision of the State of Colorado (referred to as the "District"). The City and the District are collectively referred to as the Parties.

RECITALS

This District was formed at the same time as Mosaic Metropolitan District Nos. 2 – 6 by order of the Mesa County District Court. The six Mosaic Metropolitan Districts are operating under a single consolidated service plan and the Districts were organized to provide services and to exercise powers as set forth in the Consolidated Service Plan for Mosaic Metropolitan Districts Nos. 1-6 approved by the City on _____, 2018 ("Consolidated Service Plan"). The Consolidated Service Plan calls for the execution of an intergovernmental agreement between the City and each of the Districts and the Parties have determined it to be in the best interests of their respective taxpayers, residents and property owners to enter into this Intergovernmental Agreement ("Agreement").

NOW, THEREFORE, in consideration of the covenants and mutual agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

COVENANTS AND AGREEMENTS

1. Operations and Maintenance. The District shall dedicate the Public Improvements (as defined in the Consolidated Service Plan) to the City or other appropriate jurisdiction or owners association in a manner consistent with the Consolidated Service Plan and other rules and regulations of the City and applicable provisions of the City Code.

The District is expected to undertake all ownership, operations and maintenance responsibilities for the Public Improvements that are not conveyed to the City or other governmental entities as appropriate, and will do so either itself or by contract with owner associations. If the District operates the facilities, revenue to pay the expenses of operations may be obtained from ad valorem tax revenues or from the assessment of rates, fees, tolls and charges imposed pursuant to the Colorado Special District Act. User fees for use of recreational facilities may be different for residents of the District than for outside users. Approval of the Consolidated Service Plan by the City constitutes the City's agreement that the District may perform these functions.

2. Acquisition of Land for Public Improvements and Easements. The District shall acquire by easement or plat dedication all real property interests for construction of public improvements that will be conveyed to the City by the District. Exceptions must be approved by the City in writing. Failure to comply with this provision shall be deemed a material modification of the Consolidated Service Plan. The District shall acquire all land needed by the City for construction of normal street improvements required by the City through dedication by the District's developers. Exceptions must be approved by the City in writing. Failure to acquire all land needed by the City for construction of street improvements shall be deemed to be a material modification of the Consolidated Service Plan.

3. Construction Standards. The District will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the City and of other governmental entities having proper jurisdiction and in accordance with the requirements of the Approved Development Plan. Prior to performing work the District will obtain the City's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements. All construction cost estimates are based on the assumption that construction conforms/will conform to applicable local, State or Federal requirements.

4. Issuance of Privately Placed Debt. Prior to the issuance of any privately placed Debt, the District shall obtain the certification of an External Financial Advisor substantially as follows:

We are [I am] an External Financial Advisor within the meaning of the District's Consolidated Service Plan.

We [I] certify that (1) the net effective interest rate (calculated as defined in § 32-1-103(12), C.R.S.) to be borne by [insert the designation of the Debt] does not exceed a reasonable current [tax- exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.

5. Inclusion. The Consolidated Service Plan is designed to allow for each of the six districts to include properties within the Consolidated Service Plan Boundaries (as defined in the Consolidated Service Plan) based on factors such as timing, to obtain Privately Placed Debt and rates of development absorption. The six districts are permitted under the Consolidated Service Plan to include any of the properties within the Consolidated Service Plan Boundaries without modifying the Consolidated Service Plan and without obtaining the consent of the City. The District shall not include within its boundaries any property outside the Consolidated Service Plan Boundaries without the prior written consent of the City Council.

6. Monies from Other Governments/Sources. The District shall not apply for or accept Conservation Trust Funds, Great Outdoors Colorado Funds, Department of Local Affairs, or other funds available from or through governmental or non-profit entities that the City is eligible to apply for, except pursuant to an intergovernmental agreement with the City. This section shall not apply to specific ownership taxes which shall be distributed to and a revenue source for the District without any limitation.

7. Total Debt Issuance. The District shall not issue Debt in excess of \$ _____.

8. Consolidation. Except for the consolidation of any of the six districts, the District shall not file a request with any Court to consolidate with any other Title 32 district without the prior written consent of the City.

9. Bankruptcy Limitation. The limitations contained in the Consolidated Service Plan, including, but not limited to, those pertaining to the Maximum Debt Mill Levy, have been established under the authority of the City to approve a service plan with conditions pursuant to § 32-1-204.5, C.R.S. It is expressly intended that such limitations:

(a) shall not be subject to set-aside for any reason or by any court of competent jurisdiction absent a Consolidated Service Plan Amendment; and

(b) are, together with other requirements of Colorado law, included in the "political or governmental powers" reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) § 903, and are

included in the "regulatory or electoral approval necessary under applicable non-bankruptcy law" as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code § 943(b)(6).

(c) any Debt issued with a pledge or which results in a pledge that exceeds Section Maximum Debt Mill Levy shall be deemed a material modification of this Consolidated Service Plan pursuant to § 32-1-207, C.R.S., and shall not be an authorized issuance of Debt unless and until such material modification has been approved by the City as part of a Consolidated Service Plan Amendment.

10. Dissolution. Upon an independent determination of the City Council that the purposes for which the District was created have been accomplished, the District agrees to file a petition in the appropriate District Court for dissolution pursuant to the Special District Act. In no event shall dissolution occur until the District has provided for the payment or discharge of all of its outstanding indebtedness and other financial obligations as required pursuant to State Law.

11. Disclosure to Purchasers. The District will use reasonable efforts to assure that all developers of property located within the District provide written notice to purchasers of property in the District regarding the Maximum Debt Mill Levy, as well as a general description of the District's authority to impose and collect rates, fees, tolls and charges.

12. Consolidated Service Plan Amendment Requirement. Actions of the District which exceed the limitations in the Consolidated Service Plan or this Agreement shall be deemed to be material modifications to the Consolidated Service Plan and a breach of this Agreement and the City shall be entitled to all remedies available at law or in equity under State and local law.

13. Annual Report. The District shall be responsible for submitting an annual report to the City Attorney's office no later than August 1st of each year.

I. Report Contents.

The annual report shall include information as to all of the following:

- A. boundary changes made or proposed to the District's boundary as of December 31st of the prior year;
- B. agreements with other governmental entities either entered into or proposed as of December 31st of the prior year;
- C. a list of all facilities and improvements constructed or acquired by the District and those that have been dedicated to and accepted by the City as of December 31st of the prior year;
- D. audit of the District's financial statements for the year ending December 31st of the previous year prepared in accordance with generally accepted accounting principles or audit exemptions, if applicable;
- E. notice of continuing disclosure undertaking for events of default by the District, which continue beyond a ninety (90) day period, under any Debt instrument; and
- F. any inability of the District to pay its obligations as they come due in accordance with the term of any Debt instruments, which continue beyond a ninety (90) day period.

14. Regional Improvements. The District shall be authorized to coordinate with the City for the planning, design, acquisition, construction, installation, relocation and/or redevelopment of

improvements located outside of the Service Plan Boundaries determined by the City as being necessary to provide service(s) to the development, but also providing service to properties within the City that are not within the development ("Regional Improvements"). The District shall also be authorized to contribute a portion of the capital costs and/or operation and maintenance costs of the Regional Improvements in amounts agreed upon and set forth in an intergovernmental agreement between the District and the City.

15. Maximum Debt Mill Levy. The "Maximum Debt Mill Levy" shall be the maximum mill levy the District is permitted to impose upon the taxable property within the District for payment of Debt, and shall be determined as follows:

A. Excess of 50% of Assessed Value. For any portion of the District's aggregate Debt which exceeds fifty percent (50%) of the District's assessed valuation, the Maximum Debt Mill Levy for such portion of Debt shall be fifty (50) mills less the number of mills necessary to pay unlimited mill levy Debt described in (ii) below, adjusted to account for changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement. The mill levy limitation applicable to such Debt may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be finding and final) so that, to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after January 1, 2018, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

B. Debt Equal to or Less Than 50% of Assessed Value. For any portion of a District's aggregate Debt which is equal to or less than fifty percent (50%) of the District's assessed valuation, either on the date of issuance or at any time thereafter, the mill levy to be imposed to repay such portion of Debt shall not be subject to the Maximum Debt Mill Levy and, as a result, the mill levy may be such amount as is necessary to pay the Debt service on such Debt, without limitation of rate.

C. Pledge of Mill Levy. For purposes of the foregoing, once Debt has been determined to within section (ii) above so that a District is entitled to pledge to its payment an unlimited *ad valorem* mill levy, the District may provide that such Debt shall remain secured by such unlimited mill levy, notwithstanding any subsequent change in the District's Debt to assessed ratio. All Debt issued by the District must be issued in compliance with the requirements of Section 32-1-1101, C.R.S., and all other requirements of State law.

D. Maximum Mill Levy for Payment of Debt. The maximum mill levy a District can impose for payment of Debt shall be 50 mills; provided, however, that if the method of calculating assessed valuation is changed after the date of approval of this Consolidated Service Plan, the mill levy limitation may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation to assessed valuation shall be deemed to be a change in the method of calculating assessed valuation.

E. Payment of Interest to Developer. The issuance of Debt to the organizers of the Districts or their affiliates may permit interest to accrue on the total unpaid amount, such interest to be paid according to such terms as may be established but without compounding. An individual District shall not impose a levy for repayment of Debt (or use the proceeds of any mill levy for repayment of Debt) to the Organizers of the Districts or their affiliates, on any single property developed for residential uses which exceeds forty (40) years after the year of the initial imposition of such mill levy. Notwithstanding any other provision hereof, such Debt referred to in the preceding sentence shall be deemed to be discharged at such time as the mill levy is suspended at the end of the 40 year period.

16. Debt Instrument Disclosure Requirement. In the text of each Bond and any other instrument representing and constituting Debt, the District shall set forth a statement in substantially the following form:

By acceptance of this instrument, the owner of this Bond agrees and consents to all of the limitations in respect of the payment of the principal of and interest on this Bond contained herein, in the resolution of the District authorizing the issuance of this Bond and in the Consolidated Service Plan for creation of the District. Similar language describing the limitations in respect to the payment of the principal of and interest on Debt set forth in this Consolidated Service Plan shall be included in any document used for the offering of the Debt for sale to persons, including, but not limited to, a developer of property within the boundaries of the District.

17. Security for Debt. The District shall not pledge any revenue or property of the City as security for the indebtedness set forth in the Consolidated Service Plan. Approval of the Consolidated Service Plan and this Agreement shall not be construed as a guarantee by the City of payment of any of the District's obligations, nor shall anything in the Consolidated Service Plan or this Agreement be construed so as to create any responsibility or liability on the part of the City in the event of default by the District in the payment of any such obligation.

18. Notices. All notices, demands, requests or other communications to be sent by one party to the other shall be in writing and deemed to have been validly given or served by delivery of same in person to the address or by courier delivery, via Federal Express or other nationally recognized overnight air courier service, or by depositing same in the United States mail, postage prepaid, addressed as follows:

To the District: Mosaic Metropolitan District No. 1
c/o John Justus
Hoskin Farina & Kampf, P.C.
P.O. Box 40
Grand Junction, Colorado 81502

To the City: City of Grand Junction
c/o John Shaver, City Attorney
250 N. 5th Street
Grand Junction, CO 81501

All notices, demands, requests or other communications shall be effective upon such personal delivery or one (1) business day after being deposited with Federal Express or other nationally recognized overnight air courier service or three (3) business days after deposit in the United States mail. By giving the other party at least ten (10) days advance written notice, the Parties shall have the right from time to time to change its address.

19. Amendment. This Agreement may be amended, modified, changed, or terminated in whole or in part only by a written agreement duly authorized and executed by the Parties and without amendment to the Consolidated Service Plan.

20. Assignment. Neither Party shall assign any of its rights nor delegate any of its duties to any person or entity without having first obtained the prior written consent of the other Party, which consent will not be unreasonably withheld. Any purported assignment or delegation in violation of these restrictions shall be void and of no effect.

21. Default/Remedies. In the event of a breach or default of this Agreement by a Party, the non-defaulting Party shall be entitled to exercise all remedies available at law or in equity, specifically including suits for specific performance and/or monetary damages. In the event of any proceeding to enforce this Agreement, the prevailing Party shall be entitled to obtain as part of its judgment or award its reasonable attorneys' fees and costs.

22. Governing Law and Venue. This Agreement shall be governed and construed under the laws of the State of Colorado, and as applicable the law of the City of Grand Junction, Colorado.

23. Inurement. Each of the terms, covenants and conditions of this Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns.

24. Integration. This Agreement constitutes the entire agreement between the Parties with respect to the matters addressed herein. All prior discussions and negotiations regarding the subject matter hereof are merged herein.

25. Interested Parties. Nothing expressed or implied in this Agreement is intended or shall be construed to confer upon, or to give to, any person other than the District and the City any right, remedy, or claim under or by reason of this Agreement or any covenants, terms, conditions, or provisions thereof, and all the covenants, terms, conditions, and provisions in this Agreement by and on behalf of the District and the City shall be for the sole and exclusive benefit of the District and the City.

26. Severability. If any part of this Agreement shall, for any reason, be held invalid or unenforceable, the invalidity or unenforceability of such provision shall not affect any other provision contained herein, the intention being that such provisions are severable.

27. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall constitute an original and all of which shall constitute one and the same document.

28. Defined Terms. Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Consolidated Service Plan.

Dated effective the year and date first above written.

MOSAIC METROPOLITAN DISTRICT No. 1

CITY OF GRAND JUNCTION, COLORADO

By: _____
President

By: _____
Mayor

Attest:

Attest:

By: _____
Secretary

By: _____
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Legal Counsel for District

City Attorney

Exhibit F

EXHIBIT F
Mosaic Metropolitan Districts No. 1 - 6
Financial Plan

I. Introduction

This finance plan (“Finance Plan”) is being submitted to the City of Grand Junction, Colorado (“City”) by Club Deal 113/114 Park Plaza and Grand Junction Limited Partnership, a Delaware Limited Partnership (the “Developer”) a Colorado limited liability company, as required by Colorado Revised Statute 32-1-202 (2)(b) to provide financial and operational information for Mosaic Metropolitan Districts 1 through 6 (collectively the “Districts”) for the financing of certain public infrastructure (“Public Infrastructure”), as herein defined, relating to Mosaic, a 68.2 acre mixed-use development (“Project”) located in the incorporated boundaries of the City. The Financing Plan states the assumptions related to the financial operations of the Districts.

II. Project Background

A. Project Overview

At buildout, the Project is anticipated to contain approximately 395 for-sale residential units and 185 for-rent multi-family units, as well as 2.39 acres of commercial property estimated to contain an approximate 55 equivalent dwelling units (“EDUs”). The anticipated land uses are shown below and a conceptual land use plan has been included as **Exhibit FP-1**.

Mosaic Land Use Plan				
Lot Type / Size	District 1 Units	District 2- 6 Units	Total Units	Estimated Unit Price ²
For-Sale Residential Units	80	315	395	\$ 268,733
For-Rent Multi-family Units	0	185	185	\$ 160,000
Commercial EDU ₁	0	55	55	\$ 234,051
Total / Average	80	555	635	\$ 234,051

Footnotes

¹ Equivalent Dwelling Units

² In 2018 Dollars.

Source: Developer



At present, only the specific location and size of District 1 has been established. The sizes and locations of Districts 2 through 6 will be determined based on local market real estate trends. As development of the Project moves forward, Project property will be annexed into the Districts. The timing and designation of the property to be annexed into Districts will depend on local real estate market conditions, the construction of public improvements, and the rate of sale of residential and commercial uses.

B. Construction Costs

The estimated total cost of the improvements including public sanitary sewer, water, streets, storm drainage facilities, irrigation, and landscaping excluding related soft costs (collectively the “Public Improvements”) is approximately \$13.1 million (2018) of which approximately \$9.1 million has been determined as eligible for financing by the Districts. A summary of the Project’s estimated Public Improvement costs have been provided in **Exhibit FP-2**.

C. District Financing Overview

In order to finance the Public Improvements outlined in **Exhibit FP-2**, the Developer requests that the City establish the six (6) Districts, and provide the Districts with the authority to utilize both Special Assessment Bonds (“SA Bonds”) and General Obligation Bonds (“GO Bonds”).

III. Financing Plan

A. District Boundary

The Districts will be established as illustrated in **Exhibit FP-3**. At present, only the specific location of District Number 1, which encompasses all of Phase 1 of the Project, has been determined. As development of the Project moves forward based upon the local real estate market trends, as many as five (5) additional Districts will be utilized to facilitate the financing of the Public Improvements. Land area will be annexed into the remaining five (5) Districts as deemed appropriate by the Developer. At build-out, the Districts will include approximately 580 residential units, which are anticipated to include approximately 1,351 individuals, or 2.33 people per household¹.

B. Public Improvements

The Districts are being established to finance the construction, acquisition, and/or operation of the Project’s Public Improvements and all necessary appurtenances as outlined in **Exhibit FP-2**. Upon the construction and/or acquisition of the Public Improvements, the Public Improvements will be dedicated by the District to the City and/or corresponding governmental entity for on-going operations and maintenance. All Public Improvements will be constructed to City, county, state, and federal standards as required.

C. Bond Financing

- i. Special Assessment Bond – Special Assessment Bonds will be issued on a phase-by-phase basis assuming a 3-to-1 value-to-lien ratio as supported by an MAI appraisal. SA Bond issuances assume Public Improvements to be financed by the SA Bonds and/or for which completion guarantees have been provided is in place as of the date of valuation. It is estimated that the SA liens will range from \$5,500 to \$7,300 per unit based upon a 25 mill ad valorem tax rate equivalency as detailed in **Exhibit FP-4**. The weighted average SA lien amount is estimated to be approximately \$5,738 per unit; however, the actual lien amount may vary depending upon the costs of the Public Infrastructure, the type of lot being assessed, and the benefit determined to have been received by each classification by the assessment engineer. Assessment bonds will have a term of 20 years or the longest term allowed by law. The assessment liens will be passed on to the end users of the property who will pay-off the liens over their 20 year term. It is anticipated that the SA Bonds will produce approximately \$4,526 per unit in net construction proceeds.
- ii. General Obligation Bond – GO Bonds will be supported by a 25 mill levy (debt service only) increase in the ad valorem property taxes for properties contained within the boundaries of the Districts along with 6.0 percent specific ownership taxes on the mill levy collection. The Districts will have a maximum debt limitation of \$12,000,000. The GO Bond authorization is anticipated to have a life of 40 years or the longest term

¹ Per the Census Bureau American Fact Finder 2012-2016 American Community Survey.

permitted by law. GO Bonds will be issued once a significant number of the units to be contained within the District have been completed and are on the County tax rolls. Until this time the 25 mill tax levy will be utilized to reimburse the Developer for previously provided public infrastructure. It is estimated that the GO Bonds will provide approximately \$6,151 per unit in net construction proceeds.

- iii. Operations and Maintenance - At the discretion of the District Boards, the Districts may levy an operations and maintenance tax of no more than five (5) mills to assist in the administration of the District(s) and on-going maintenance of any District maintained Public Improvements (if any).
- iv. Estimated Bond Issuances - As the local real estate market dictates, the Districts will issue at least one SA Bond per District upon the commencement of construction of Public Improvements within each District. Furthermore, the Developer anticipates that the District will issue at least one GO Bond (one per District) once a significant number of residential units have been constructed and are on the County tax rolls. As outlined below, it is anticipated that the Districts will issue approximately \$8.5 million in gross bonds to generate approximately \$6.8 million in net bond proceeds to construct and/or acquire a portion of the Public Improvements outlined in Exhibit FP-2.

Mosaic Special Assessment and General Obligation Bond Summary

<u>Special Assessment Bonds (1)</u>	<u>Total</u>	
Bond Proceeds	\$ 3,643,444	\$ 5,738
Cost of Issuance	\$ (182,172)	\$ (287)
Underwriter Fee	\$ (72,869)	\$ (115)
Capitalized Interest	\$ (200,389)	\$ (316)
Reserve Fund	\$ (313,883)	\$ (494)
Net Assessment Bond Proceeds	\$ 2,874,130	\$ 4526
<u>General Obligation Bonds (1)</u>	<u>Total</u>	
Bond Proceeds - Senior	\$ 4,026,233	\$ 6,341
Bond Proceeds - Subordinate	\$ 794,314	\$ 1,251
Cost of Issuance	\$ (241,027)	\$ (380)
Underwriter Fee	\$ (120,240)	\$ (189)
Capitalized Interest	\$ (231,508)	\$ (365)
Reserve Fund	\$ (322,099)	\$ (507)
Net General Obligation Bond Proceeds	\$ 3,905,672	\$ 6,151
<u>Total Bonds</u>	<u>Total</u>	
Bond Proceeds - Senior	\$ 7,669,676	\$ 12,078
Bond Proceeds - Subordinate	\$ 794,314	\$ 1,251
Cost of Issuance	\$ (423,200)	\$ (666)
Underwriter Fee	\$ (193,109)	\$ (304)
Capitalized Interest	\$ (431,898)	\$ (680)
Reserve Fund	\$ (635,981)	\$ (1,002)
Net Total Bond Proceeds	\$ 6,779,802	\$ 10,677

Source: DPG

Footnotes

(1) GO bonds based on a 30 year amortization, 1 year capitalized interest, 5.75% interest rate on senior bonds, 7.75% interest rate on subordinate bonds, 2.0% underwriter discount on senior bonds, 3.0% underwriter discount on subordinate bonds, 5.0% cost of issuance, and a 8.0% reserve fund. SA bonds based on a 20 year amortization, 1 year capitalized interest, 5.50% interest rate, 3.0% underwriter fee, 5.0% cost of issuance, and a 10.0% reserve fund.



v. Estimated Homeowner Obligations

With an estimated average residential unit value of \$321,062 in District Number 1, the total annual property taxes are anticipated to be \$2,664, or \$222 per month; with approximately \$100 per month related to District payments. With an estimated average residential unit value of \$226,221 in Districts Number 2 through 6, the total annual property taxes are anticipated to be \$1,940, or \$162 per month; with approximately \$76 per month related to District payments.

Mosaic Annual Homeowner Obligation Summary

<u>Description</u>	<u>District 1</u>	<u>Districts 2-6</u>
Average Home Price ¹	\$ 321,062	\$ 226,221
Base Mill Levy	63.23	63.23
Base Property Taxes	\$ 1,462	\$ 1,030
Base Tax Rate	0.46%	0.46%
Special Assessment Bonds (25 Mill Equivalent)	\$ 601	\$ 455
General Obligation Bonds (25 Mills)	\$ 601	\$ 455
Total Estimated District Payments	\$ 1,203	\$ 910
Additional District Tax Effective Rate	0.37%	0.40%
Total Annual Taxes	\$ 2,664	\$ 1,940
Total Tax Rate	0.83%	0.86%
Total Monthly Taxes	\$ 222	\$ 162
Monthly District Taxes	\$ 100	\$ 76

Source: DPG

Footnotes

¹ In 2018 Dollars.



: Mosaic Conceptual Land Use Plan



MOSAIC PLANNED DEVELOPMENT
ILLUSTRATIVE

LAND USE	ACRES
PROPERTY (LESS 23 ± H.N.M. R.O.W.)	66.2
INTERNAL R.O.W.	12.56
HIGH DENSITY APARTMENTS	77.7
MIXED RESIDENTIAL/NEIGHBORHOOD CENTER	2.39
TOWNHOMES	4.39
SFA SHARED SINGLEPLEX	5.10
SFO (BY DETACHED)	28.9
OPEN SPACE	13.26

LOT INTERIOR	UNITS	ACCESS
HIGH DENSITY APARTMENT @ 24 BLDG.	120	
MIXED RESIDENTIAL/NEIGHBORHOOD CENTER @ 1.2 BLDG.	29	REAR
TOWNHOME - 25' X 100'	15	REAR
SHARED SINGLE FAMILY 50' X 110' @ 2 UNITS/LOT	30	REAR
SINGLE FAMILY 50' X 110'	46	FRONT
SINGLE FAMILY 50' X 100'	29	REAR
SINGLE FAMILY 50' X 110'	46	REAR
SINGLE FAMILY 50' X 100'	42	FRONT
SINGLE FAMILY 50' X 110'	17	REAR
SINGLE FAMILY 50' X 100'	35	FRONT
SINGLE FAMILY 50' X 100' 110'	24	COURTYARD

TOTAL ON ILLUSTRATIVE
DENSITY RANGE IN DDF
500
500-625

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: Mosaic Estimated Construction Costs

Mosaic Estimated Construction Costs			
Item Description	Total Construction Cost	Estimated Reimbursable Costs ¹	Percent Estimated Reimbursable
Construction Costs ²			
On-Site			
Sanitary Sewer ³	\$ 984,677	\$ 984,677	100.0%
Domestic Water ³	\$ 1,083,705	\$ 1,083,705	100.0%
Streets and Bridges ⁴	\$ 3,948,216	\$ 3,948,216	100.0%
Earthwork ⁵	\$ 1,018,626	\$ 203,725	20.0%
Removals and Resetting	\$ 24,100	\$ 24,100	100.0%
Erosion Control, Seeding, and Soil Retention ⁵	\$ 66,000	\$ 13,200	20.0%
Storm Drainage Facilities	\$ 1,065,600	\$ 1,065,600	100.0%
Irrigation ⁴	\$ 193,500	\$ 193,500	100.0%
Miscellaneous ⁵	\$ 304,450	\$ 60,890	20.0%
Landscaping ⁶	\$ 1,497,019	\$ 1,497,019	100.0%
Recreation Center ⁷	\$ 250,000	\$ -	0.0%
Contingency	\$ 2,659,679	\$ -	0.0%
Total	\$ 13,095,572	\$ 9,074,633	69.3%

Source: Austin Civil Group, Inc.

Footnotes

- ¹ Final reimbursement eligibility to be determined by an independent certification engineer.
- ² Does not include gas, cable, phone, geothermal, off-site street improvements, and park/open space fees.
- ³ Sewer and Water costs are 100% reimbursable, collection and distribution lines connect to the edge of lots only.
- ⁴ Street and Irrigation costs are 100% reimbursable, alleys, driveways, parking, and streets are being dedicated to the City.
- ⁵ Earthwork, Erosion Control, and Miscellaneous costs are 20% reimbursable, 80% of site is attributed to over lot grading which is not reimbursable. Miscellaneous costs are exclusive of electrical and off-site sewer costs.
- ⁶ Landscaping costs are 100% reimbursable, available for public use. Landscaping costs are exclusive of clubhouse costs.
- ⁷ Recreation Center is not reimbursable, not available for public use.

IMPROVEMENTS COST ESTIMATE

DATE: 8/17/2017
 DEVELOPMENT NAME: MOSAIC SUB -CONCEPT ESTIMATE
 LOCATION: 23 & H Road - 70 Acres
 PRINTED NAME OF PERSON PREPARING: MARK AUSTIN

Street Type	Linear Feet
44'-ROW	5,307
31.5' ROW	4,720
20' ALLEY	5,603

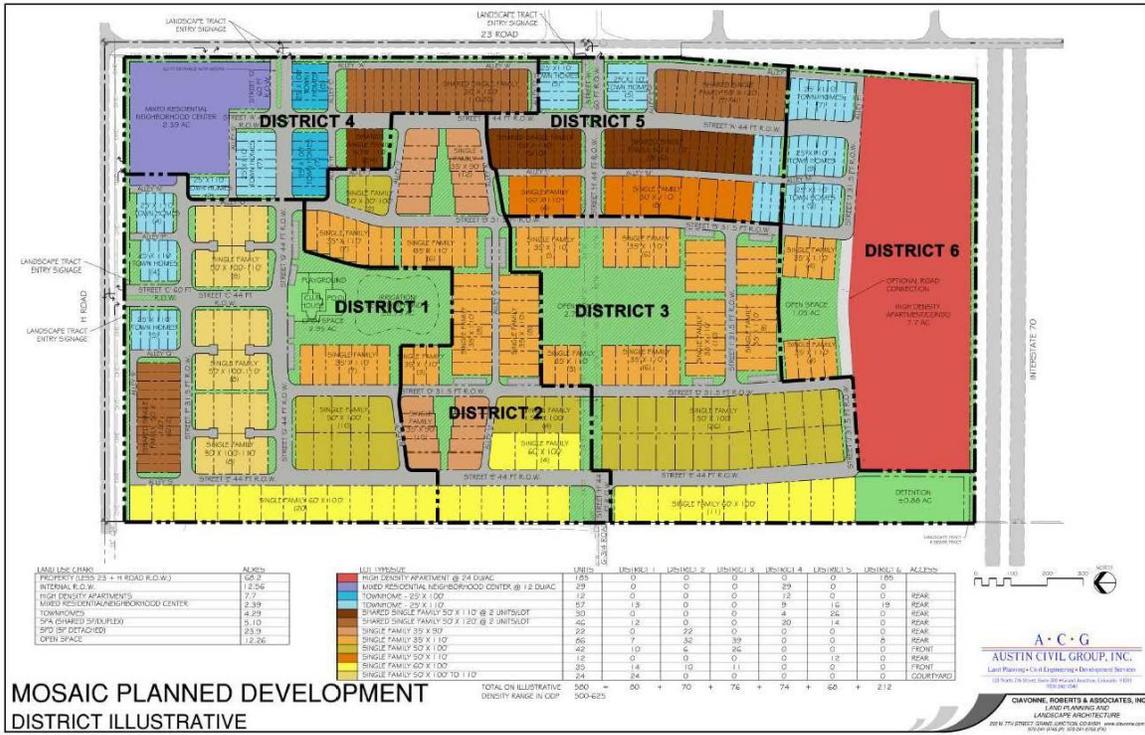
Note: \$250K Allowance For clubhouse, \$950K Overhead Electrical Frontage Costs, No Gas Cost, No Cable/Phone, No Geothermal, No Offsite Street Improvements, No Park/Open Space Fees

Item #	Item Description	Unit	Quantity	Unit Price	Extended Price
A. SANITARY SEWER					
1	12" PVC Sanitary Sewer Main	LF	2,532	\$ 35.00	\$ 88,620.00
2	8" PVC Sanitary Sewer Main	LF	10,278	\$ 32.00	\$ 328,896.00
3	" PVC Sanitary Sewer Main	LF	-	\$	-
4	Sewer services	LF	12,077	\$ 28.00	\$ 338,156.00
5	Sanitary Sewer Manhole	EA	55	\$ 4,200.00	\$ 229,005.00
6	Sanitary Sewer Drop Manhole	EA	-	\$	-
7	Connection to Existing Manhole	EA	-	\$ 500.00	\$ -
8	Concrete Encasement	LF	-	\$	-
			-		-
			-		-
	Subtotal Part A Sanitary Sewer				\$ 984,677.00
B. DOMESTIC WATER					
1	8" PVC Water Main	LF	12,049	\$ 23.00	\$ 277,127.00
2	" PVC Water Main	LF	-	\$	-
3	" PVC Water Main	LF	-	\$	-
4	8" Gatevalve	EA	75	\$ 1,700.00	\$ 127,500.00
5	" Gatevalve	EA	-	\$	-
6	Wet Taps On Main By Ute	EA	4	\$ 8,000.00	\$ 32,000.00
7	Water Services	EA	323	\$ 1,500.00	\$ 484,500.00
8	Connect to Existing Water Line	EA	1	\$ 6,000.00	\$ 6,000.00
9	Fire Hydrant with Valve	EA	22	\$ 6,200.00	\$ 135,978.40
10	Utility Adjustments	EA	-	\$	-
11	Blowoff	EA	6	\$ 1,100.00	\$ 6,600.00
12	Flushing and Testing	EA	14	\$ 1,000.00	\$ 14,000.00
			-	\$	-
			-	\$	-
	Subtotal Part B - Domestic Water				\$ 1,083,705.40
C1 STREETS					
1	4" PVC Utility/Irrigation sleeves	LF	-	\$ 7.00	\$ -
2	10" PVC Utility/Irrigation sleeves	LF	-	\$ 12.00	\$ -
3	Reconditioning	SY	58,334	\$	-
4	Aggregate Base Course (Class 6) (16" Compacted Thickness) ROW 60'	SY	3,399	\$ 18.00	\$ 61,182.00
5	Aggregate Base Course (Class 6) (16" Compacted Thickness) ROW 44'	SY	16,356	\$ 18.00	\$ 294,412.00
6	Aggregate Base Course (Class 6) (16" Compacted Thickness) ROW 31.5'	SY	14,692	\$ 18.00	\$ 264,460.00

Item #	Item Description	Unit	Quantity	Unit Price	Extended Price
1	Mobilization	LS	1	\$ 30,000.00	\$ 30,000.00
2	Clearing and Grubbing	AC or LS	-	\$ 15,000.00	\$ -
3	Unclassified Excavation - Cut	CY	15,000	\$ 3.00	\$ 45,000.00
4	Unclassified Embankment	CY	75,000	\$ 10.00	\$ 750,000.00
5	Dry Utility Trenching	LF	32,271	\$ 6.00	\$ 193,626.00
			-		
D2	REMOVALS AND RESETTING				
1	Removal of Asphalt	SY	-		\$ -
2	Removal of Miscellaneous Concrete	SY	-		\$ -
3	Remove Curb and Gutter	LF	6,100	\$ 1.00	\$ 6,100.00
4	Removal of Culverts	LF	3,000	\$ 4.00	\$ 12,000.00
6	Remove Structures	EA	12	\$ 500.00	\$ 6,000.00
6	Remove Signs	EA	-		\$ -
7	Remove Fence	LF	-		\$ -
8	Adjust Manhole	EA	-		\$ -
9	Adjust Valvebox	EA	-		\$ -
10	Relocate or Adjust Utilities	LS	-		\$ -
D3	EROSION CONTROL, SEEDING, AND SOIL RETENTION				
1	Sod	SY	-		\$ -
2	Seeding (Native)	SY or AC	-		\$ -
3	Seeding (Bluegrass/Lawn)	SY or AC	-		\$ -
4	Hydraulic Seed and Mulching	SY or AC	-		\$ -
5	Soil Retention Blanket	SY	-		\$ -
6	Silt Fence	LF	-		\$ -
7	Straw Waddles	LF	-		\$ -
8	Temporary Berms	LF	4,000	\$ 2.00	\$ 8,000.00
9	Inlet Protection	EA	30	\$ 500.00	\$ 15,000.00
10	Sediment Trap/Basin	EA	-		\$ -
11	Monthly Maintenance/Inspection	Month	16	\$ 500.00	\$ 8,000.00
12	Watering (Dust Control)	AC or LS	70	\$ 500.00	\$ 35,000.00
13	Temporary Irrigation		-		\$ -
			-		
			-		
			-		
			-		
D4	STORM DRAINAGE FACILITIES				
1	Finish Grading (incl. Channels, Swales, and Ponds)	AC	5	\$ 3,000.00	\$ 15,000.00
2	18" Storm Drain Pipe	LF	5,200	\$ 40.00	\$ 208,000.00
3	21" Storm Drain Pipe	LF	1,300	\$ 60.00	\$ 78,000.00
4	24" Storm Drain Pipe	LF	1,300	\$ 70.00	\$ 91,000.00
5	30" Storm Drain Pipe	LF	1,915	\$ 80.00	\$ 153,200.00
6	36" Storm Drain Pipe	LF	1,475	\$ 120.00	\$ 177,000.00
7	" Flared End Section	EA	-		\$ -
8	" Flared End Section	EA	-		\$ -
9	48" Storm Drain Manhole	EA	33	\$ 2,800.00	\$ 92,400.00
10	60" Storm Drain Manhole	EA	4	\$ 4,500.00	\$ 18,000.00
11	96" Storm Drain Manhole	EA	-	\$ 8,000.00	\$ -
12	Manhole with Box Base	EA	-		\$ -
13	Connection to Existing MH	EA	-		\$ -

Item #	Item Description	Unit	Quantity	Unit Price	Extended Price
14	Single Curb Opening Storm Drain Inlet	EA	44	\$ 3,500.00	\$ 154,000.00
15	Double Curb Opening Storm Drain Inlet	EA	-		\$ -
16	Area Storm Drain Inlet	EA	34	\$ 1,000.00	\$ 34,000.00
17	Detention Area Outlet structure	EA	3	\$ 15,000.00	\$ 45,000.00
18	Rip-Rap D ₅₀ = ____"	CY	-		\$ -
19	Sidewalk Trough Drain	EA	-		\$ -
20	Pump Systems including Electrical	LS	-		\$ -
			-		
	Subtotal Part D - Grading and Drainage				\$ 2,174,326.00
E1	IRRIGATION				
1	Connect to Existing Pipe	LS	-		\$ -
2	4" Irrigation Pipe	LF	15,000	\$ 7.00	\$ 105,000.00
3	12" Mainline Piping	LF	1,500	\$ 12.00	\$ 18,000.00
4	Fittings and Valves	LS	1	\$ 8,000.00	\$ 8,000.00
5	Services	EA	150	\$ 250.00	\$ 37,500.00
6	Pump System and Concrete Vault	LS	-		\$ -
7	Irrigation Structure	EA	10	\$ 2,500.00	\$ 25,000.00
8	Vacuum Relief and/or Air Release Valve	EA	-		\$ -
			-		
			-		
			-		
E2	LANDSCAPING				
1	Shrub Beds/Rock Mulch/Fabric/Drip	SF	139,283	\$ 3.75	\$ 522,311.25
2	Turf Areas - Large With Trees	SF	181,724	\$ 1.75	\$ 318,017.00
3	Turf Areas - Small With Trees	SF	96,231	\$ 2.25	\$ 216,519.75
4	Silt Trap	LS	1	\$ 40,000.00	\$ 40,000.00
5	Pump and Related	LS	1	\$ 40,000.00	\$ 40,000.00
6	Pond Aeration	LS	1	\$ 10,000.00	\$ 10,000.00
7	Pond Edge Treatment	LF	705	\$ 7.00	\$ 4,935.00
8	Pond Liner	SF	33,000	\$ 2.75	\$ 90,750.00
9	Warranty	LS	1	\$ 8,000.00	\$ 8,000.00
10	Offsite Landscape Areas	SF	84,400	\$ 0.75	\$ 63,300.00
11	Perimeter Fencing	LF	6963	\$ 22.00	\$ 153,186.00
12	Entry Monument Signs	LS	1	\$ 30,000.00	\$ 30,000.00
13	Clubhouse Amenity	LS	1	\$ 250,000.00	\$ 250,000.00
	Subtotal Part E - Landscaping and Irrigation				\$ 1,940,519.00
	Subtotal Construction Costs				\$ 10,131,443.79
F.	Miscellaneous Items				
1	Construction staking/surveying	%	1.00	\$ 10,131,444	\$ 101,314.44
2	Developer's inspection cost	%	0.50	\$ 10,131,444	\$ 50,657.22
3	General construction supervsn	%	0.20	\$ 10,131,444	\$ 20,262.89
4	Quality control testing	%	1.00	\$ 10,131,444	\$ 101,314.44
5	Construction traffic control	%	0.05	\$ 10,131,444	\$ 5,065.72
6	City inspection fees	%	0.01	\$ 10,131,444	\$ 506.57
7	As-builts	%	0.25	\$ 10,131,444	\$ 25,328.61
8	Electrical Power	LS	1.00	\$ 1,800,000	\$ 1,800,000.00
9	Overhead Power Line Bury Along 23 Rd	LS	1.00	\$ 400,000	\$ 400,000.00
10	Overhead Power Line Bury Along G Rd	LS	1.00	\$ 550,000	\$ 550,000.00

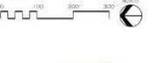
: Mosaic District Boundaries



LAND USE CENTER	ACROSS
PROPERTY CLASS 23 - H ROAD (R.L.W.)	66.2
INTOWN R.O.W.	12.26
HIGH DENSITY APARTMENTS	7.7
MIXED RESIDENTIAL/NEIGHBORHOOD CENTER	2.39
TOWNHOUSES	4.29
50K CHANGES (SPLIT/PLD)	9.10
SFD (SF DETACHED)	23.9
OPEN SPACE	12.26

LEGEND	UNITS	DISTRICT 1	DISTRICT 2	DISTRICT 3	DISTRICT 4	DISTRICT 5	DISTRICT 6	SECTION
HIGH DENSITY APARTMENT @ 24 DU/AC	185	0	0	0	0	0	0	185
MIXED RESIDENTIAL/NEIGHBORHOOD CENTER @ 12 DU/AC	19	0	0	0	0	0	0	19
TOWNHOME - 22' X 100'	12	0	0	0	12	0	0	12
TOWNHOME - 22' X 110'	57	18	0	0	0	0	0	18
SHARED SINGLE FAMILY 50' X 110' @ 2 UNITS/LOT	30	0	0	0	0	0	0	30
SHARED SINGLE FAMILY 50' X 120' @ 2 UNITS/LOT	40	12	0	0	0	0	0	12
SINGLE FAMILY 39' X 90'	22	0	0	22	0	0	0	22
SINGLE FAMILY 39' X 110'	26	7	0	0	0	0	0	7
SINGLE FAMILY 50' X 100'	42	10	0	0	0	0	0	10
SINGLE FAMILY 50' X 110'	12	0	0	0	0	0	0	12
SINGLE FAMILY 50' X 110'	39	14	10	11	0	0	0	35
SINGLE FAMILY 50' X 100' TO 110'	14	0	0	0	0	0	0	14
SINGLE FAMILY 50' X 100' TO 110'	24	24	0	0	0	0	0	24

TOTAL ON ILLUSTRATIVE DENSITY RANGE IN DUP: 500-625 = 80 + 70 + 76 + 74 + 66 + 212



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 LAND PLANNING AND LANDSCAPE ARCHITECTURE
 1800 West 28th Street, Suite 200, Austin, Texas 78741
 512.452.0848

MOSAIC PLANNED DEVELOPMENT
 DISTRICT ILLUSTRATIVE

CAVONNE ROBERTS & ASSOCIATES, INC.
 LAND PLANNING AND LANDSCAPE ARCHITECTURE
 100 W. 77th STREET, SUITE 200, AUSTIN, TEXAS 78745
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Exhibit B: Mosaic District Cash Flow Projections

Developer: Mosaic - Cash Flow Projections													
District	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	Total
District 1													
Estimated Absorption (1)													
Single Family	-	-	80	-	-	-	-	-	-	-	-	-	80
Multi-Family	-	-	-	-	-	-	-	-	-	-	-	-	-
Partial EDUs	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	-	80	-	-	-	-	-	-	-	-	-	80
Cumulative	-	80	80	80	80	80	80	80	80	80	80	80	80
Unsold Units	-	-	-	-	-	-	-	-	-	-	-	-	-
Operating Revenue													
Taxes	-	-	-	48,251	49,967	49,967	50,966	50,966	51,966	51,966	53,025	53,025	-
Gross Bond Funds													
GO (2)	-	-	-	727,641	-	-	-	-	-	-	-	-	727,641
SA (3)	-	582,712	-	-	-	-	-	-	-	-	-	-	582,712
Developer SA Remaining Debt Obligation (4)	-	582,712	-	-	-	-	-	-	-	-	-	-	-
Developer SA Debt Service (5)	-	-	-	-	-	-	-	-	-	-	-	-	-
Net Bond Proceeds													
GO (2)	-	-	-	593,689	-	-	-	-	-	-	-	-	593,689
SA (3)	-	499,672	-	-	-	-	-	-	-	-	-	-	499,672
Total Net Bond Proceeds													
	-	499,672	-	593,689	-	-	-	-	-	-	-	-	1,093,361
District Formation Costs													
	-	100,000	-	-	-	-	-	-	-	-	-	-	100,000
Est. Net Proceeds													
	-	399,672	-	593,689	-	-	-	-	-	-	-	-	993,361
Est. Cumulative Proceeds													
	-	399,672	399,672	993,361	993,361	993,361	993,361	993,361	993,361	993,361	993,361	993,361	993,361
District 2-6													
Estimated Absorption (1)													
Single Family	-	-	-	70	76	74	27	68	-	-	-	-	315
Multi-Family	-	-	-	-	-	-	-	-	92	93	-	-	185
Partial EDUs	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	-	-	70	76	74	27	68	92	93	-	-	500
Cumulative	-	-	-	70	146	220	247	315	407	500	-	-	500
Unsold Units	-	-	70	76	129	27	68	92	93	-	-	-	-
Operating Revenue													
Taxes	-	-	-	34,184	82,496	139,490	161,151	194,183	207,981	244,469	270,334	-	-
Gross Bond Funds													
GO (2)	-	-	-	-	-	-	-	-	-	-	4,092,905	-	4,092,905
SA (3)	-	-	3,060,732	-	-	-	-	-	-	-	-	-	3,060,732
Developer SA Remaining Debt Obligation (4)	-	-	385,838	418,127	711,413	145,850	375,008	597,365	512,879	-	-	-	-
Developer SA Debt Service (5)	-	-	-	35,603	69,432	12,649	31,856	43,999	43,567	-	-	-	-
Net Bond Proceeds													
GO (2)	-	-	-	-	-	-	-	-	-	-	3,311,823	-	3,311,823
SA (3)	-	-	2,414,458	-	-	-	-	-	-	-	-	-	2,414,458
Total Net Bond Proceeds													
	-	-	2,414,458	-	-	-	-	-	-	-	3,311,823	-	5,726,281
District Formation Costs													
	-	100,000	-	-	-	-	-	-	-	-	-	-	100,000
Est. Net Proceeds													
	-	100,000	2,414,458	2,450,620	2,450,620	2,450,620	2,450,620	2,450,620	2,450,620	2,450,620	3,311,823	-	5,999,236
Est. Cumulative Proceeds													
	-	100,000	2,514,458	5,005,078	7,455,698	9,906,318	12,356,938	14,807,558	17,258,178	19,708,798	22,159,418	24,609,938	29,599,236
District 1 and 2													
Estimated Proceeds													
	-	299,672	2,414,458	578,206	(69,432)	(12,649)	(31,856)	(43,999)	(43,567)	-	3,311,823	-	-
Est. Cumulative Proceeds													
	-	299,672	2,674,130	3,252,216	3,171,784	3,159,135	3,127,280	3,084,181	3,040,614	3,040,614	6,352,997	6,352,997	6,352,997

District	Per GO Funds per Unit	Avg. SA Assessment per Unit	Net GO Funds per Unit	Net SA Funds per Unit
District 1	9,696	7,284	7,421	5,746
District 2-6	7,275	5,515	5,868	4,350

(1) Estimated absorption or unit sale occurs at beginning of year and factors in a 12-month delay for construction and sales.
 (2) GO bonds based on a 20 year amortization, 1 year capitalized interest, 3.75% interest rate on senior bonds, 7.75% interest rate on subordinate bonds, 2.0% underwriter discount on senior bonds, 3.0% underwriter discount on subordinate bonds, 5.0% cost of issuance, and a 6.0% reserve fund.
 (3) SA bonds based on a 20 year amortization, 1 year capitalized interest, 5.75% interest rate, 2.0% underwriter fee, 5.0% cost of issuance, and a 10.0% reserve fund.
 (4) Developer SA remaining debt obligation is based on unsold units.
 (5) Includes nine-year of capitalized interest.

Source: DDPG



: Mosaic Special Assessment Debt Schedule

District-1						
Special Assessment Amortization						
Principal: \$ 582,712						
Rate: 5.50%						
Year	Principal Payments	Interest Payments	Debt Service	Reserve Fund	Capitalized Interest	Net Debt Service
2019	-	32,049	32,049	-	(32,049)	-
2020	18,152	32,049	50,201	-	-	50,201
2021	19,150	31,051	50,201	-	-	50,201
2022	20,203	29,998	50,201	-	-	50,201
2023	21,314	28,886	50,201	-	-	50,201
2024	22,487	27,714	50,201	-	-	50,201
2025	23,723	26,477	50,201	-	-	50,201
2026	25,028	25,173	50,201	-	-	50,201
2027	26,405	23,796	50,201	-	-	50,201
2028	27,857	22,344	50,201	-	-	50,201
2029	29,389	20,812	50,201	-	-	50,201
2030	31,005	19,195	50,201	-	-	50,201
2031	32,711	17,490	50,201	-	-	50,201
2032	34,510	15,691	50,201	-	-	50,201
2033	36,408	13,793	50,201	-	-	50,201
2034	38,410	11,790	50,201	-	-	50,201
2035	40,523	9,678	50,201	-	-	50,201
2036	42,752	7,449	50,201	-	-	50,201
2037	45,103	5,098	50,201	-	-	50,201
2038	47,584	2,617	50,201	(50,201)	-	-
\$ 582,712	\$ 403,150	\$ 985,861	\$ (50,201)	\$ (32,049)	\$ 903,612	
District-2-6						
Special Assessment Amortization						
Principal: \$ 3,060,732						
Rate: 5.50%						
Year	Principal Payments	Interest Payments	Debt Service	Reserve Fund	Capitalized Interest	Net Debt Service
2020	-	168,340	168,340	-	(168,340)	-
2021	95,342	168,340	263,682	-	-	263,682
2022	100,586	163,096	263,682	-	-	263,682
2023	106,118	157,564	263,682	-	-	263,682
2024	111,954	151,728	263,682	-	-	263,682
2025	118,112	145,570	263,682	-	-	263,682
2026	124,608	139,074	263,682	-	-	263,682
2027	131,462	132,221	263,682	-	-	263,682
2028	138,692	124,990	263,682	-	-	263,682
2029	146,320	117,362	263,682	-	-	263,682
2030	154,368	109,315	263,682	-	-	263,682
2031	162,858	100,824	263,682	-	-	263,682
2032	171,815	91,867	263,682	-	-	263,682
2033	181,265	82,417	263,682	-	-	263,682
2034	191,234	72,448	263,682	-	-	263,682
2035	201,752	61,930	263,682	-	-	263,682
2036	212,849	50,834	263,682	-	-	263,682
2037	224,555	39,127	263,682	-	-	263,682
2038	236,906	26,776	263,682	-	-	263,682
2039	249,936	13,746	263,682	(263,682)	-	-
\$ 3,060,732	\$ 2,117,571	\$ 5,178,303	\$ (263,682)	\$ (168,340)	\$ 4,746,280	

Source: DPFPG



Mosaic General Obligation Debt Schedule

District 1							
Senior Bond Amortization						Sub Bond Amortization	
Principal: \$ 569,194						Principal: \$158,448	
Rate: 5.75%						Rate: 7.75%	
Year	Principal Payments	Interest Payments	Debt Service	Reserve Fund	Capitalized Interest	Net Debt Service	Surplus Release
2021	-	32,729	32,729	-	(32,729)	-	-
2022	8,062	32,729	40,790	(1,570)	-	39,220	5,463
2023	8,525	32,265	40,790	(1,570)	-	39,220	10,747
2024	9,015	31,775	40,790	(1,570)	-	39,220	11,746
2025	9,534	31,256	40,790	(1,570)	-	39,220	11,746
2026	10,082	30,708	40,790	(1,570)	-	39,220	12,766
2027	10,662	30,129	40,790	(1,570)	-	39,220	12,766
2028	11,275	29,516	40,790	(1,570)	-	39,220	13,805
2029	11,923	28,867	40,790	(1,570)	-	39,220	13,805
2030	12,609	28,182	40,790	(1,570)	-	39,220	14,866
2031	13,334	27,457	40,790	(1,570)	-	39,220	14,866
2032	14,100	26,690	40,790	(1,570)	-	39,220	15,948
2033	14,911	25,879	40,790	(1,570)	-	39,220	15,948
2034	15,769	25,022	40,790	(1,570)	-	39,220	17,051
2035	16,675	24,115	40,790	(1,570)	-	39,220	17,051
2036	17,634	23,156	40,790	(1,570)	-	39,220	18,176
2037	18,648	22,142	40,790	(1,570)	-	39,220	18,176
2038	19,720	21,070	40,790	(1,570)	-	39,220	19,324
2039	20,854	19,936	40,790	(1,570)	-	39,220	19,324
2040	22,053	18,737	40,790	(1,570)	-	39,220	20,495
2041	23,321	17,469	40,790	(1,570)	-	39,220	20,495
2042	24,662	16,128	40,790	(1,570)	-	39,220	21,689
2043	26,080	14,710	40,790	(1,570)	-	39,220	21,689
2044	27,580	13,210	40,790	(1,570)	-	39,220	22,908
2045	29,166	11,624	40,790	(1,570)	-	39,220	22,908
2046	30,843	9,947	40,790	(1,570)	-	39,220	24,150
2047	32,616	8,174	40,790	(1,570)	-	39,220	24,150
2048	34,492	6,299	40,790	(1,570)	-	39,220	25,418
2049	36,475	4,315	40,790	(1,570)	-	39,220	25,418
2050	38,572	2,218	40,790	(1,570)	-	39,220	26,710
\$ 569,194	\$ 646,454	\$ 1,215,648	\$ (45,535)	\$ (32,729)	\$ 1,137,384	\$ 519,603	
District 2-6							
Senior Bond Amortization						Sub Bond Amortization	
Principal: \$ 3,457,039						Principal: \$635,866	
Rate: 5.75%						Rate: 7.75%	
Year	Principal Payments	Interest Payments	Debt Service	Reserve Fund	Capitalized Interest	Net Debt Service	Surplus Release
2028	-	198,780	198,780	-	(198,780)	-	-
2029	48,963	198,780	247,743	(9,537)	-	238,206	32,128
2030	51,779	195,964	247,743	(9,537)	-	238,206	37,535
2031	54,756	192,987	247,743	(9,537)	-	238,206	37,535
2032	57,904	189,839	247,743	(9,537)	-	238,206	43,049
2033	61,234	186,509	247,743	(9,537)	-	238,206	43,049
2034	64,755	182,988	247,743	(9,537)	-	238,206	48,675
2035	68,478	179,265	247,743	(9,537)	-	238,206	48,675
2036	72,416	175,327	247,743	(9,537)	-	238,206	54,412
2037	76,580	171,163	247,743	(9,537)	-	238,206	54,412
2038	80,983	166,760	247,743	(9,537)	-	238,206	60,265
2039	85,640	162,103	247,743	(9,537)	-	238,206	60,265
2040	90,564	157,179	247,743	(9,537)	-	238,206	66,234
2041	95,771	151,972	247,743	(9,537)	-	238,206	66,234
2042	101,278	146,465	247,743	(9,537)	-	238,206	72,323
2043	107,102	140,641	247,743	(9,537)	-	238,206	72,323
2044	113,260	134,483	247,743	(9,537)	-	238,206	78,533
2045	119,772	127,971	247,743	(9,537)	-	238,206	78,533
2046	126,659	121,084	247,743	(9,537)	-	238,206	84,868
2047	133,942	113,801	247,743	(9,537)	-	238,206	84,868
2048	141,644	106,099	247,743	(9,537)	-	238,206	91,330
2049	149,788	97,955	247,743	(9,537)	-	238,206	91,330
2050	158,401	89,342	247,743	(9,537)	-	238,206	97,920
2051	167,509	80,234	247,743	(9,537)	-	238,206	97,920
2052	177,141	70,602	247,743	(9,537)	-	238,206	104,643
2053	187,327	60,416	247,743	(9,537)	-	238,206	104,643
2054	198,098	49,645	247,743	(9,537)	-	238,206	111,500
2055	209,489	38,254	247,743	(9,537)	-	238,206	111,500
2056	221,534	26,209	247,743	(9,537)	-	238,206	118,494
2057	234,272	13,471	247,743	(9,537)	-	238,206	118,494
\$ 3,457,039	\$ 3,926,288	\$ 7,383,327	\$ (276,563)	\$ (198,780)	\$ 6,907,984	\$ 2,171,690	

Source: DPFPG



PLANNING COMMISSION AGENDA ITEM

Project Name: Mosaic Planned Development Metropolitan District
Applicant: Club Deal 113/114 Park Plaza and Grand Junction Limited Partnership, a Delaware limited partnership
Representative: Larry Beckner & John Justice, Hoskin, Farina & Kampf
Address: 200 Grand Avenue, Suite 400
Existing Zoning: Industrial Office I-O and None
Proposed Zoning: Planned Development
Staff: David Thornton, Principal Planner
File No.: SDS-2018-301
Date: June 26, 2018

I. SUBJECT

Consider a request by Club Deal 113/114 Park Plaza and Grand Junction Limited Partnership, a Delaware limited partnership for review and approval of a Consolidated Service Plan for the proposed Mosaic Metropolitan Districts Nos 1-6. The Mosaic Planned Development project is proposed to be developed on 68.2 acres on the southwest corner of 23 Road and H Road.

II. EXECUTIVE SUMMARY

Club Deal 113/114 Park Plaza and Grand Junction Limited Partnership, a Delaware limited partnership, ("Applicant") is planning for the proposed Mosaic Planned Development project to be constructed on 68.2 acres of land with a boundary of 23 Road to the East, 22 ¾ Road to the West, H Road to the North and I-70 to the South ("Service Plan Boundaries"). The total combined area within the Consolidated Service Plan Boundaries is expected to be developed in eight phases as shown on the Development Map with six (6) proposed Title 32 metropolitan districts overlaying the eight phases. These are shown on Exhibit B (8 Phases) and Exhibit C (6 Districts) submitted in the proposed Consolidated Service Plan for the Mosaic Metropolitan Districts Nos. 1-6. The proposed development is planned to consist of 580 residential dwelling units, commercial development, parks, open spaces, clubhouse and amenities.

The actual composition and distribution of future development shall be reflected in site development approvals to be issued by the City and nothing in the proposed Metro District Service Plan shall be construed as the City granting prior approval for any site development. The primary purpose of forming the Metropolitan Districts is to finance construction of public improvements within the Mosaic Planned Development. Per Title 32 of the Colorado Revised Statutes (C.R.S.), the first step is to develop a Service Plan for the District, which is to be considered and, if found acceptable, approved by the City.

III. BACKGROUND

Special districts are quasi-municipal corporations and political subdivisions that are organized to act for a particular purpose. A metropolitan district is a special district that provides any two or more services which may include fire protection, parks and recreation, safety protection, sanitation, solid waste, street improvements or water, to name a few. A district may issue bonds for the construction of the improvements and

levy taxes within the Service Plan Boundaries to repay those bonds. The financing, construction, and operation and maintenance of improvements and services to support new development is legally the responsibility of the district if formed. In many jurisdictions, both municipalities and counties, special districts have been used as a tool to harness private investment to achieve a city's planning, redevelopment, infill and economic goals.

The trend with special district legislation has been to allow general purpose local governments to exert greater control over the formation and operation of special districts. The service plan approval process is the key to exercising that control.

The legislative declaration found in Article 1 of Title 32 refers to "the Coordination and orderly creation of special districts" and the logical extension of special district services throughout the state." It further declares that the review procedures in Part 2 (the "Control Act") are created to "prevent unnecessary proliferation and fragmentation of local government and to avoid excessive diffusion of local tax sources." Also cited as reasons for these measures are "the elimination of the overlapping services provided by local governments" and efforts to "reduce duplication, overlapping and fragmentation of the functions and facilities of special districts."

Service Plans and statements of purposes in effect create binding agreements between the special district and the approval authority. ("Upon final approval by the court for the organization of the special district, the facilities, services, and financial arrangements of the special district shall conform so far as practicable to the approved Service Plan." (C.R.S. §32-1-201(1))).

The jurisdiction may request the filing of an annual report of any special district. This report must be made available to the Division of Local Affairs and to all "interested parties" as defined in C.R.S. §32-1-207(3)(c)(d). The statute does not specify what an annual report should consist of; therefore, should the jurisdiction desire an annual report, it should provide guidelines and rationale for the request. Section III of the proposed Service Plan does include the requirement for an Annual Report to be submitted to the City no later than August 1st of each year as well as outlines requirements for its contents.

The formation of a special district entails a three-part process that requires: 1) obtaining review and approval from the local governmental jurisdiction; 2) review by district court; and 3) a special election. The Grand Junction Municipal Code does not contain specific provisions related to the review of service plans therefore the process of submittal and review of the plans must be in compliance with requirements Title 32 of the Colorado Revised Statutes. Those statutory requirements include submittal of the service plans to the Clerk for the City Council, referral of the plans to the Planning Commission for review and recommendation (if consistent with City policy), referral to City Council within thirty (30) days of plan submittal, and a public hearing with the City Council not more than thirty (30) days after setting the public hearing date.

In summary, metropolitan districts are formed and operated as follows:

- City Council must vote to approve a district service plan based on statutory approval criteria

- Affected property owners must vote to approve district formation by a simple majority
- Sale of municipal bonds generates funding for infrastructure and amenities
- As development occurs and property values increase, bonds are repaid by homeowners within the district via the additional taxes paid by district residents. The district does not tax anyone outside of its boundaries.
- The developer maintains oversight of the district, an annual outside audit is conducted of the district, and annual transparency reports are submitted to the City and State and made publicly available.
- The City has no legal or financial liability during the life of the district; it does not reduce current or future tax revenues of other public agencies and it does not draw from the City's capital improvement budget or capital reserves.

The Applicant submitted and requested review of its proposed Service Plan on June 7, 2018. The Consolidated Service Plan proposes to serve the Mosaic Planned Development, a proposed 580-unit residential development and commercial area on 68.2 acres in a proposed Planned Development (PD) zone district. At the time of composing this report, the Applicant had previously submitted an Outline Development Plan for the proposed Mosaic Planned Development project (submitted November 15, 2017) which is under review, but not yet approved by the City. This results in a review of the Service Plan without an accompanying Approved Development Plan as defined by the Service Plan; If the Service Plan is approved, that approval will be contingent on zoning approval of a PD Ordinance.

The area defined as the boundary of the District includes a boundary of 23 Road to the East, 22 ¾ Road to the West, H Road to the North and I-70 to the South. However, the Service Plan states: "In order to implement the multiple district structure, the boundaries of the Districts are intended to change as development occurs. At the time of submittal of this Service Plan the developer owns all the property to be included within the Service Plan's boundaries and the proposed Districts. District #1 initially coincides with Phase 1 of the Project. Depending on absorption time in Phase 1, additional properties may be included by petition within the District #1, after completing an exclusion process from the adjacent district. The same holds true for the inclusions of properties from all Districts, and allows some flexibility based on [market] absorption." "No properties outside of the Consolidated Service Plan Boundaries will be included within any District unless specifically approved by the City. All changes in District boundaries must be made in compliance with the Act."

As proposed, the primary purpose of the District is to provide for the Public Improvements associated with development and, if applicable, regional needs, and operate and maintain Public Improvements not conveyed to the City, other appropriate jurisdiction or an owners' association. Section §32-1-103 (10) C.R.S state that a Metropolitan District may include any of the following services, but is required to provide at least two of the following services that benefit the public.

- a) Fire Protection;

- b) Mosquito Control;
- c) Parks and recreation;
- d) Safety protection;
- e) Sanitation;
- f) Solid Waste disposal facilities or collection and transportation of solid waste;
- g) Street improvement;
- h) Television relay and translation;
- i) Transportation; or
- j) Water.

The Service Plan for the Mosaic Metropolitan Districts is being established to finance the construction, acquisition, and/or operation of the Projects Public Improvements and all necessary appurtenances as outlined below.

- Sanitary Sewer
- Domestic Water
- Streets
- Erosion Control, seeding and soil retention
- Storm drainage facilities
- Irrigation
- Landscaping
- Recreation Center
- Other Miscellaneous items

Certain Public Improvements will be dedicated to the City for the use and benefit of the general public. At the discretion of the Board of Directors of the Districts, some Public Improvements may remain with the Districts, and some Public Improvements may be deeded to one or more property owners' associations. Generally, the "public" receiving services from the districts will be the "property owners/inhabitants of the development that are subject to the metropolitan district mill levy."

The Consolidated Service Plan has been designed with sufficient flexibility to enable the Districts to provide required Public Improvements for the project under evolving circumstances without the need for numerous amendments. Modification of the types of Public Improvements, as well as changes in proposed configurations, locations, dimensions of facilities and improvements will be permitted to accommodate development needs consistent with City zoning and planning for the Project.

The Service Plan proposes a multiple district structure pursuant to the requirements of the Special District Act §32-1-101, et seq., C.R.S. Having a consolidated service plan provides for coordination of the powers and authorities of the independent districts and will help avoid confusion regarding the purposes of each district. General provisions of the Consolidated Service Plan will apply to all six Mosaic Metropolitan Districts except when specifically noted. The Districts will collectively be responsible for the financing and construction of Public Improvements, some of which will be conveyed to the City and others will either remain with the Districts or will be given to property owners associations for maintenance and operation. Each District will operate separately, but will be a part of the coordinated plan for the Project. The proposal is to spread the costs of development over the entire project, equitably among all Districts.

The petition states the debt is not backed by any pledge of revenue from the City and approval of the Plan is not a guarantee of debt repayment by the City. The mill levy dedicated to repayment of the bonds is 25 mills each for the special assessment bond and the general obligation bond.

The Service Plan includes a detailed cost estimate of these improvements totaling \$11,479,483, with \$10,257,096 as the estimated reimbursable costs. The Service Plan proposes a total Anticipated Mill Levy of a maximum of 50 Mills for debt and operations. This is in addition to the current rate of 63.23 mills; resulting in a total levy for property owners within the district boundaries of up to 113.23 mills. For reference, an additional mill of 50 equates to approximately \$1,200 per year in taxes on an assessed valuation of \$320,000.

To finance the Public Improvements, the Developer is requesting that the City establish the six (6) Districts and provide the Districts with the authority to utilize both Special Assessment Bonds and General Obligation Bonds.

The Consolidated Service Plan only establishes the specific location and size of District 1. The sizes and locations of Districts 2 through 6 will be determined in the future. This Plan proposes that as the Project moves forward, the timing and designation of property to be annexed to a Mosaic Metropolitan District, the construction of public improvements and rate of sale of residential and commercial uses will depend on the local real estate market conditions.

Zoning and Adjacent Uses

The property is currently zoned I-O (Industrial Office) allowing for a mix of industrial and office uses, but does not allow for residential uses except business residence for the south half of the property. There is currently no zoning designation on the north half of the property as this property was annexed to the City effective March 11, 2018 and it was anticipated at that time that the property owner would be following the annexation with a request for a PD zone district designation. The proposed zoning of PD (Planned Development) was submitted to the City in November 2017 and is currently under review by the City. A first round of review comments was issued to the Applicant on December 18, 2017; however, no response has been received to date. The proposed PD includes a variety of residential uses including single family and multifamily residential such as the townhomes, apartments and condominiums along with a 2.4-acre site proposed for a neighborhood commercial area at the intersection of 23 Road and H Road allowing land uses similar to a B-1 zone district. This junction of 23 Road and H Road is shown on the Comprehensive Plan's Future Land Use Map as a neighborhood Center intended to provide the residents with convenience goods and services.

The average overall density of the development is proposed to be approximately 8 dwelling units per acre. The proposed density is consistent with the Comprehensive Plan when considering the mixture of land use designations on the site. They include Residential Medium Low (2-4 du/ac), Residential Medium (4-8 du/ac), Neighborhood Center (6 du/ac), and Commercial/Industrial (up to 24 du/ac) allowed within these land use designations by the Comprehensive Plan.

Adjacent zoning in the County is much less dense with zoning of Residential Estate (1 acre lots) and Residential Rural (5 acre lots). This area has not yet urbanized, but is planned for urbanization as shown in the Comprehensive Plan to accommodate future growth in the community.

IV. NOTIFICATION REQUIREMENTS

In compliance with statutory requirements, the following steps have or will occur as the Service Plan review proceeds:

- 1) City Clerk received a petition for review of a service plan for the Mosaic Metropolitan District on June 7, 2018.
- 2) The City Clerk reported the filing to the Colorado Department of Local Affairs on June 8, 2018.
- 3) The City shall provide notification of the public hearing no less than 20 days prior to the hearing.
- 4) City Council shall set a date for a meeting for a hearing on the Service Plan that must be within 30 days of the first meeting.
- 5) The City shall provide written notice of the hearing to the Department of Local Affairs.

V. ANALYSIS

Statutory Compliance of Submittal Elements

The required submittal elements for a service plan included in C.R.S. §32-1-202 (2) are listed below.

(a) A description of the proposed services;

The Service Plan provides a list of potential services, to provide public and semi-private services, but also states that these may or may not be services that the district provides. The Consolidated Service Plan provides the Districts to have the authority to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment, maintenance, and financing of Public Improvements within and without the boundaries of the District; to be more specifically defined in an Approved Development Plan. An estimate of the costs of the improvements which may be planned for, designed, acquired, constructed, installed, relocated, redeveloped, maintained or financed is based upon a preliminary engineering survey and estimates derived from the proposed zoning and development plans submitted and under consideration by the city under a separate action, referred to as the "Development Plan". The cost estimates for the property within the Service Area Boundaries will not exceed \$15,000,000.

The specific services proposed in the Mosaic Service Plan for the residential and commercial development, parks and open spaces include: 1) Landscaping, Parks and Recreation facilities; 2) Solid waste disposal facilities or collection and transportation of solid waste (a sanitation service); 3) A wastewater system and drainage facilities; 4) Streets and

Roadways, traffic and safety facilities; and 4) Domestic Water supply system; and 5) such other public improvements approved by the City for the development of the project.

Staff concludes this element has been met.

(b) A financial plan showing how the proposed services are to be financed, including the proposed operating revenue derived from property taxes for the first budget year of the district, which shall not be materially exceeded except as authorized pursuant to § 32-1-207 or §29-1-302, C.R.S. All proposed indebtedness for the district shall be displayed together with a schedule indicating the year or years in which the debt is scheduled to be issued. The board of directors of the district shall notify the board of county commissioners or the governing body of the municipality of any alteration or revision of the proposed schedule of debt issuance set forth in the financial plan;

A financial plan was included in the Service Plan. It proposes the total debt that all six Districts shall be permitted to issue shall not exceed \$12,000,000 and shall be permitted to be issued on a schedule and in such year or years as each District determines will meet the needs of the Financial Plan and will be phased to serve development as it occurs. The Financial Plan was reviewed by the City's Deputy Finance Director, Jay Valentine. In his review he noted the petition states the debt is not backed by any pledge of revenue from the City and approval of the Plan is not a guarantee of debt repayment by the City. The mill levy dedicated to repayment of the bonds is 25 mills each for the special assessment bond and the general obligation bond. He found that the debt structures, which are phased in, seem reasonable in terms of the rates and fees associated with them.

The repayment of the debt incurred is proposed to be achieved by imposing a mill levy targeted at up to 25 mills each, the Special Assessment Bonds and General Obligation Bonds on the taxable property of this District. The mill levy rate may be increased up to the maximum or decreased to the extent the actual tax revenues generated by the mill are sufficient to pay the debt. Although the mill levy will be the District's primary source of revenue for the debt, the District will also have the discretion and power to assess fees, rates or charges. The District is not pledging any revenue or property of the City as security for the debt; and approval of the Service Plan shall not be construed as a grantee by the City of payment of any of the District's obligations or as to create any responsibility or liability on the part of the City in the event of default by the District in the payment of any such obligation.

Staff concludes this element has been met.

(c) A preliminary engineering or architectural survey showing how the proposed services are to be provided;

Conceptual Development Plans have been included in the Service Plan. However, plans were submitted by the developer for review by the City on November 15, 2017, but have not received approval nor do they, in their current draft form, constitute the Approved Development Plan as defined in the Service Plan. The Development Plans in the Service Plan generally depict the proposed construction from which cost

estimates were developed. The Development Plans show which improvements and services are to be provided within the proposed six (6) Districts on Exhibit C and the plans show the ultimate build-out of the site, however, zoning and all applicable development plan approvals are under review and have not been approved by the City. Consideration of this will occur at a future time as a separate application.

Therefore, staff believes this requirement has not been met. Staff recommends that prior to the Consolidated Service Plan for Mosaic Metropolitan Districts Nos. 1-6 becoming effective, a Development Plan be reviewed and approved by the City. The Development Plan shall constitute approved zoning to Planned Development (PD) with an approved Outline Development Plan consistent with the GJMC.

(d) A map of the proposed special district boundaries and an estimate of the population and valuation for assessment of the proposed special district;

A map of the proposed six (6) district boundaries was provided as Exhibit A in the Service Plan and the valuation for assessment of the 580 residential units, plus 55 equivalent dwelling units for commercial property proposed are included. The population at build-out is estimated to be approximately 1,328 persons based on the average number of persons (2.29) per household in Grand Junction.

Staff concludes this element has been met.

(e) A general description of the facilities to be constructed and the standards of such construction, including a statement of how the facility and service standards of the proposed special district are compatible with facility and service standards of any county within which all or any portion of the proposed special district is to be located, and of municipalities and special districts which are interested parties pursuant to C.R.S. §32-1-204.

The Service Plan states, "The Districts will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the City or other governmental entities having proper jurisdiction, including but limited to Ute Water Conservancy District. The Districts will obtain the City's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements prior to performing such work."

The specific facilities proposed in the Mosaic Service Plan for the residential and commercial development, parks and open spaces are shown on Exhibits B and C. This information is consistent with the development application currently under review by the City and not yet approved. As discussed previously the proposed Development Plan is part of the proposed PD (Planned Development) zoning that has been request and is under review by the City under a separate application. Such specific facilities include: 1) a clubhouse, pool and playground in addition to grassy areas for open space play; 2) sewer disposal system; 3) drainage retention pond; 4) streets, alleys and off-street parking areas; and 4) domestic water through Ute Water Conservancy District.

Staff concludes this element has been met.

(f) A general description of the estimated cost of acquiring land, engineering services, legal services, administrative service, initial proposed indebtedness and estimated proposed maximum interest rates and discounts, and other major expenses related to the organization and initial operation of the district.

The estimated cost of acquiring land, engineering services, legal services and administrative services, together with the estimated costs of each District's organization and initial operations, is part of the estimated cost of Public Improvements, which will be eligible for reimbursement from Debt proceeds. In addition to the capital costs of the Public Improvements, Districts will require operating funds for administration and to plan and cause the Public Improvements to be constructed and maintained. The first year's operating budget for the Districts is anticipated to be approximately \$12,000,000 and will be derived from property taxes, Developer advances and other revenues. The Maximum Debt Mill Levy (of 50 Mills) for the repayment of Debt will not apply to each District's ability to increase its mill levy as necessary for provision of operation and maintenance services to its taxpayers and service users. In addition to mill levies assessed for payment of debt, a District may impose a mill levy for payment of expenses of operations with such mill levy to be established by a District's eligible electors.

The estimated total cost of the improvements including public sanitary sewer, water, streets, storm drainage facilities, irrigation, and landscaping excluding related soft costs (collectively the "Public Improvements") is approximately \$13.1 million (2018) of which approximately \$9.1 million has been determined as eligible for financing by the Districts.

At the discretion of the District Boards, the Districts may levy an operations and maintenance tax of no more than five (5) mills to assist in the administration of the District(s) and on-going maintenance of any District maintained Public Improvements (if any).

Proposed interests rate includes the following. General Obligation (GO) bonds are based on a 30-year amortization, 1-year capitalized interest, 5.75% interest rate on senior bonds, 7.75% interest rate on subordinate bonds, 2.0% underwriter discount on senior bonds, 3.0% underwriter discount on subordinate bonds, 5.0% cost of issuance, and an 8.0% reserve fund. Special Assessment (SA) bonds are based on a 20-year amortization, 1-year capitalized interest, 5.50% interest rate, 3.0% underwriter fee, 5.0% cost of issuance, and a 10.0% reserve fund.

Staff concludes this element has been met.

(g) A description of any arrangement or proposed agreement with any political subdivision for the performance of any services between the proposed special district and such other political subdivision, and, if the form contract to be used is available, it shall be attached to the service plan;

The Applicant has proposed an Intergovernmental Agreement for the performance of services between the City and the district. It is attached as Exhibit E. Included in the agreement it states the District will dedicate the Public Improvements (as defined in the Service Plan) to the City or other appropriate jurisdiction or owners' association in a manner consistent with the Service Plan and other rules and regulations of the City and

applicable provisions of the City Code. The District is expected to undertake all ownership, operations and maintenance responsibilities for the Public Improvements that are not conveyed to the City or other governmental entities as appropriate, and will do so either itself or by contract with owner associations. If the District operates the facilities, revenue to pay the expenses of operations may be obtained from ad valorem tax revenues or from the assessment of rates, fees, tolls and charges imposed pursuant to the Colorado Special District Act. User fees for use of recreational facilities may be different for residents of the District than for outside users. Approval of the Consolidated Service Plan by the City constitutes the City's agreement that the District may perform these functions. The District will acquire by easement or plat dedication all real property interests for construction of public improvements that will be conveyed to the City by the District.

If the Planned Development (PD) is approved, the elements of the IGA will be defined; until then the Staff's review is of the form of the IGA which is acceptable.

(h) Information, along with other evidence presented at the hearing, satisfactory to establish that each of the criteria set forth in section 32-1-203, if applicable, is met;

Statutory Criteria for Action

C.R.S. §32-1-203 contains the criteria for action on a service plan. These are listed below.

(2) The jurisdiction shall disapprove the service plan unless evidence satisfactory to the Council of each of the following is presented:

(a) There is sufficient existing and projected need for organized service in the area to be serviced by the proposed special district.

The Financial Plan projects a total of 395 single family residential units, 185 multi-family units and commercial units representing approximately 55 equivalent dwelling units, as well as various parks, open spaces, clubhouse and amenities. The population at build-out is estimated to be approximately 1,328 persons based on the average number of persons (2.29) per household in Grand Junction. The demand for Public Improvements to be provided by the Districts is demonstrable.

The Mosaic property is located on the current edge of the City in an area identified for urban growth and development through 2035. Existing utilities in the area are limited and many existing utility services and roadways are sized for rural development making them undersized for urban development that is called for in the Grand Junction Comprehensive Plan. The need for urban services that this service plan will provide is needed for type of urban development currently proposed for the Mosaic property and Public Improvements can likely be further extended to serve surrounding property as those properties are developed at urban densities and intensity as called for in the Comprehensive Plan.

Staff believes this criterion has been met.

(b) The existing service in the area to be served by the proposed special district is inadequate for present and projected needs.

The Service Plan Boundaries are currently vacant and the project site is undeveloped land. Although utilities and public roads are adjacent to or close to the Project, no on-site improvements exist. Furthermore, certain off-site public improvements will be required as a part of the Project. The Public Improvements to be provided by the Districts will not be provided by Mesa County, the City or other municipal or quasi-municipal corporations, or existing special districts. There are no existing public entities in the vicinity of the Project that have the intent or desire to undertake the design, financing and construction of the Public Improvements needed for the Project. Consequently, the use of Metropolitan Districts is deemed acceptable for construction of such improvements.

Staff believes this criterion has been met.

(c) The proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries.

The Service Plan has capped the maximum mill levees at a total of 50 mills to provide economical and sufficient service to the development. The 50 mills is planned to provide the level of services desired within the marketplace to be constructed within the district's boundaries that will benefit its future residents. The Applicant has requested the Districts and believes them to be necessary to provide the most economical and efficient means of ownership and operation of essential improvements to serve future development within the Districts.

Staff believes this criterion has been met.

(d) The area to be included in the proposed special district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

The Financial Plan demonstrates the feasibility of providing the proposed Public Improvements and the ability to discharge the proposed indebtedness on a reasonable basis. The formation of the Districts will facilitate the financing of the proposed Public Improvements as the Districts will have access to tax-exempt financing.

Staff believes this criterion has been met.

(2.5) The jurisdiction may disapprove the service plan if evidence satisfactory to the Council of any of the following, at the discretion of the Council, is not presented:

(a) Adequate service is not, or will not be, available to the area through the City or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis.

No existing public entities in the vicinity of the Project have the intent, ability or desire to undertake the design, financing and construction of the Public Improvements needed for the Project. Consequently, use of new Districts is deemed necessary for the construction of such improvements.

The 68.2 acres within the Service Plan Boundaries overlap or adjoin the following public entities: Colorado River Water Conservancy District, Mesa County, the City, Grand Junction Rural Fire Protection District, Grand River Mosquito Control District, Grand Valley Drainage District, Library District, School District #51 and Ute Water Conservancy District (the Overlapping Districts). The Mosaic Districts will utilize the services of some or all of these Overlapping Districts but will not compete with their operations. It will not be necessary to enter into Intergovernmental Agreements with any of Overlapping Districts except for the City of Grand Junction. None of the Overlapping Districts are authorized or are being asked to provide financing for the construction of Public Improvements within the Mosaic Districts. Further, the Districts do not plan to provide any services that the Overlapping Districts otherwise provide within the boundaries of the Mosaic Districts.

Staff believes this criterion has been met.

(b) The facility and service standards of the proposed special district are compatible with the facility and service standards of the jurisdiction within which the proposed special district is to be located and each municipality which is an interested party under C.R.S. §32-1-204(1).

The Districts will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the City or other governmental entities having proper jurisdiction, including but not limited to Ute Water Conservancy District. The Districts will obtain the City's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements prior to performing such work.

Staff believes this criterion has been met.

(c) The proposal is in substantial compliance with a master plan adopted pursuant to C.R.S. §30-28-106, C.R.S.

The City's Comprehensive Plan shows the Project is designated as Residential Medium Low (2-4 du/ac), Residential Medium (4-8 du/ac), Neighborhood Center (6 du/ac), and Commercial/Industrial (up to 24 du/ac) allowed within these land use designations on the City's Future Land Use Map of the Comprehensive Plan. The proposed development is consistent with the following goals of the Comprehensive Plan.

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

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

If the PD zoning and Outline Development Plan is approved, the proposed Mosaic project will develop and provide a choice of housing including single family detached, townhomes and multi-family condo/apartments all within one neighborhood which supports the Comprehensive Plan's third Guiding Principle of "Housing Variety - allow, encourage more variety in housing types (more than large lot single family homes) that will better meet the needs of our diverse population – singles, couples, families, those just starting out, children who have left home, retirees, etc.".

Staff believes this criterion has been met.

(d) The proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area.

The City has an adopted *Stormwater Management Manual* with the purpose of promoting public health, safety, and general welfare and to minimize public and private losses due to flooding by adopting policies, procedures, standards, and criteria for storm drainage. The proposed Mosaic Planned Development project will be required to meet or exceed all requirements for adequate storm drainage system analysis and appropriate drainage system design and will need to obtain all required permits. This will be reviewed through the Preliminary and Final Plan phases of the development application.

Staff believes this criterion has been met.

(e) The creation of the proposed special district will be in the best interests of the area proposed to be served.

The creation of the Districts is in the best interests of the area to be served, in that they will provide for public improvements that otherwise will not be provided by other governmental entities, and they offer the advantage of obtaining tax-exempt financing to fund the Improvements, thus making the cost of the improvements more affordable. In addition, the use of a multiple district structure is beneficial as it permits: a) the phasing of improvements to occur according to logical development patterns, resulting in a more specific association of cost with benefit and less incentive to initiate Public Improvements programs too far in advance of development; b) the ability to arrange for delivery of Public Improvements in a manner that will conform to the approved development plans associated with the Project, thus permitting development of the Project in accordance with City expectations; and c) maintenance of a reasonably uniform mill levy and fee structure through coordinated planning and financing for infrastructure construction.

Staff believes this criterion has been met.

(i) Such additional information as the jurisdiction may require by resolution on which to base its findings pursuant to section 32-1-203;

Although the last two statutory requirements *(h)* and *(i)* give the City Council broad power to establish requirements for service plan approval that exceed or enhance those specifically cited in the statutes, Staff has identified no additional consideration in order to render a sound decision on the proposed districts.

VI. STAFF FINDINGS OF FACT

In accordance with Law, the findings of the City shall be based solely upon the service plan and evidence presented at the hearing by the petitioners, planning commission, and any interested party.

Pursuant to C.R.S. §32-1-203 the City Council may:

- Approve the Service Plan without condition or modification;
- Disapprove the Service Plan; or
- Conditionally approve the Service Plan subject to City approval of Zoning the Project to Planned Development and approval of an Outline Development Plan.

In accordance with Law, the City may conditionally approve the service plan of a proposed special district upon satisfactory evidence that it does not comply with one or more of the criteria; final approval shall be contingent upon modification of the service plan to include such changes or additional information as shall be specifically stated in the findings of the City Council.

After reviewing SDS-2018-301, a request to consider formation of a metropolitan district service plan for the proposed Mosaic project to be developed on 68.2 acres on the Southwest corner of 23 Road and H Road, the following findings of fact may reasonably be made by the Planning Commission:

1. The Mosaic Metropolitan District Service Plan is consistent with the Comprehensive Plan; and
- 2.
2. The Mosaic Metropolitan District Service Plan meets Title 32 of the Colorado Revised Statutes for formation of a metropolitan district with these findings made on the condition that a Development Plan be approved by the City.

VII. RECOMMENDED MOTION

Recommended Motion

Madam Chairman, on the request for review and approval of the Consolidated Service Plan for Mosaic Metropolitan Districts Nos. 1-6, metropolitan districts intended to serve the proposed Mosaic development, SDS-2018-301, I move that the Planning Commission forward a recommendation of conditional approval with the following condition:

- Prior to the Consolidated Service Plan for Mosaic Metropolitan Districts Nos. 1-6 becoming effective, a Development Plan be reviewed and approved by

the City. The Development Plan shall constitute approved zoning to Planned Development (PD) with an approved Outline Development Plan consistent with the Grand Junction Municipal Code.

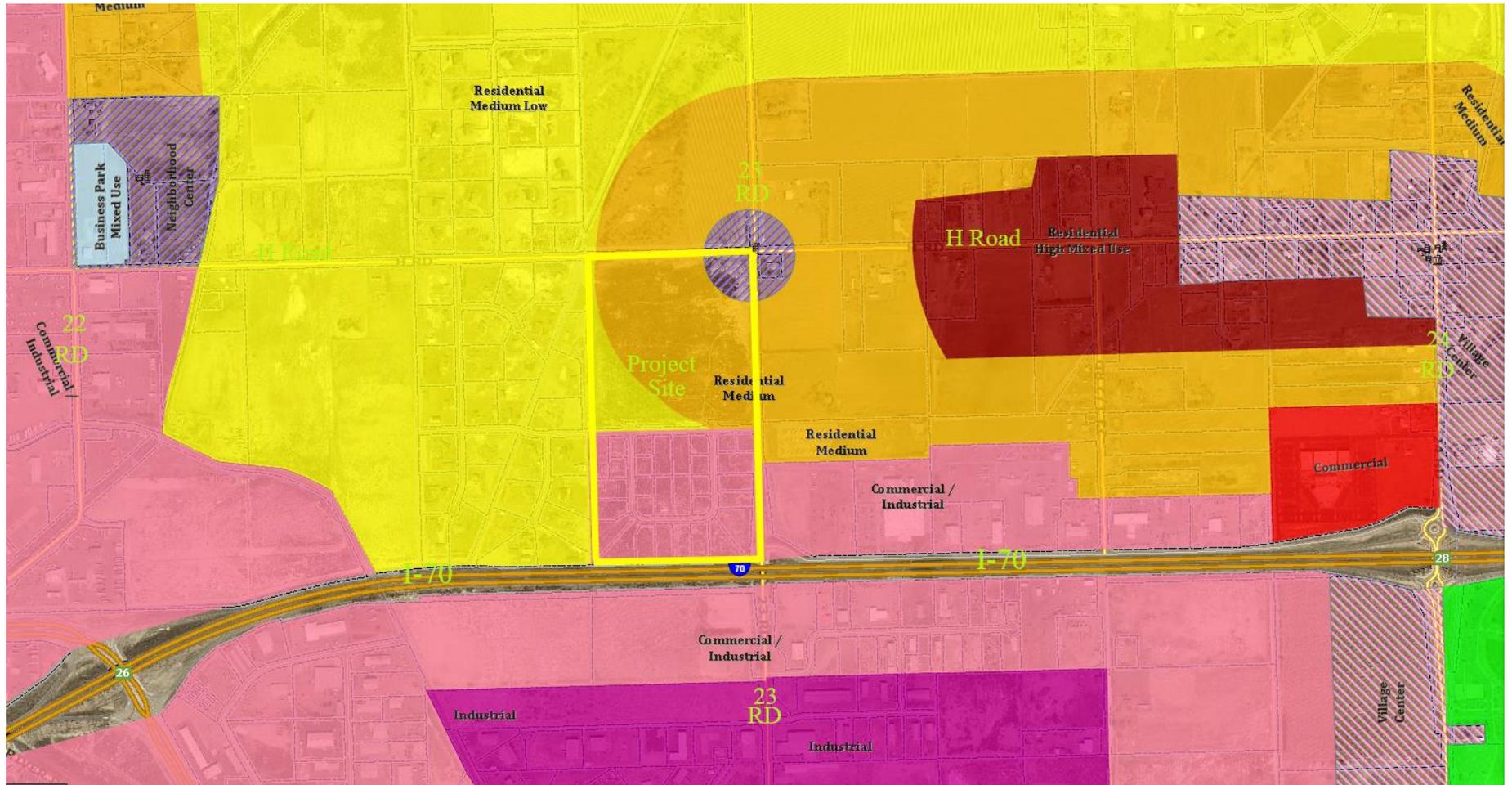
Exhibits:

1. Vicinity Map
2. Comprehensive Plan Future Land Use Map
3. Existing Zoning Map (City only)

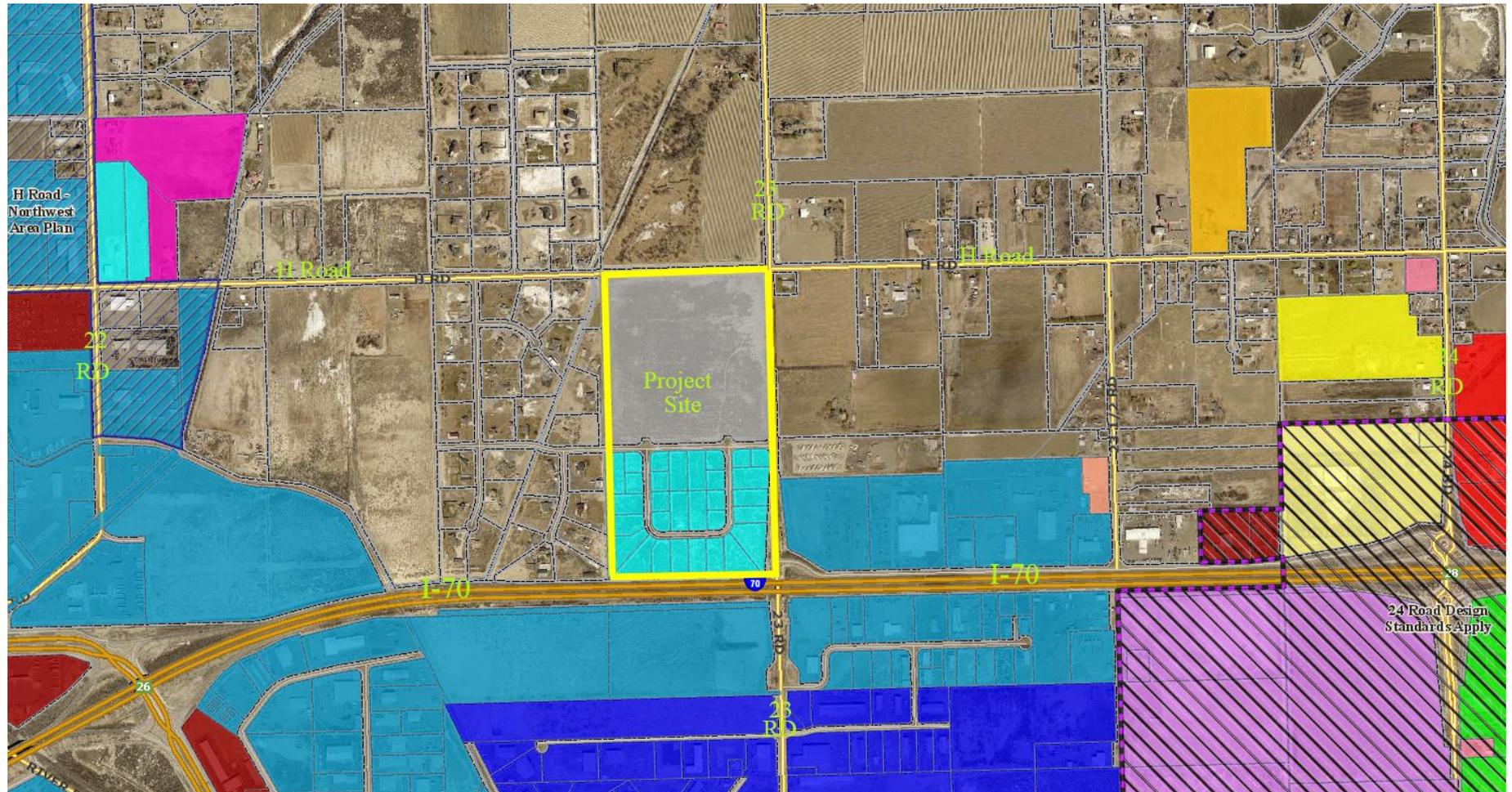
Vicinity Map

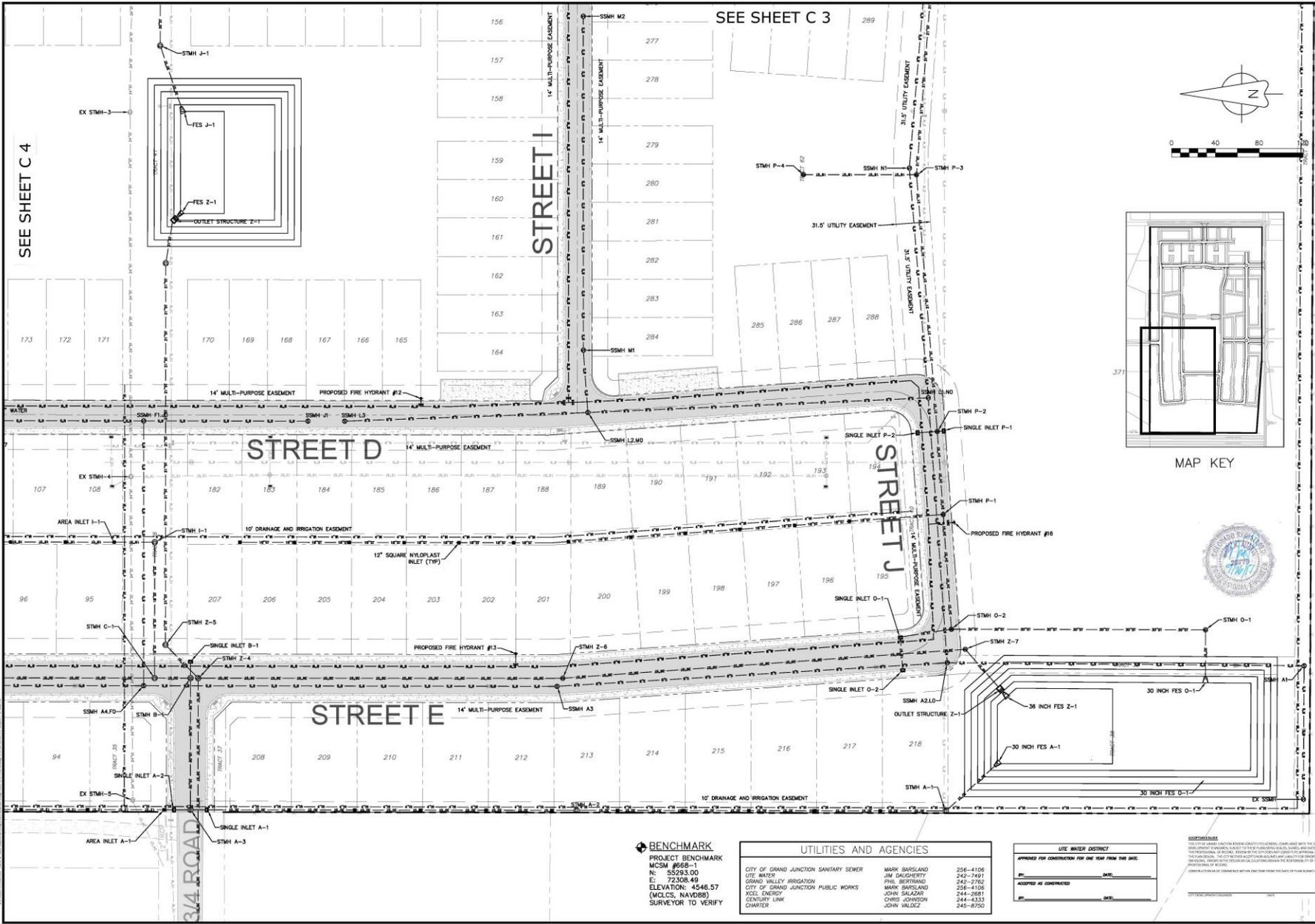


Future Land Use Map



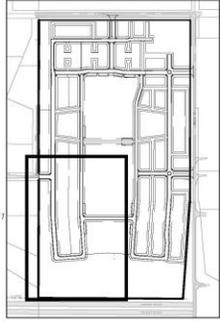
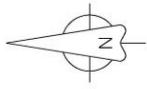
Zoning Map – City Only





SEE SHEET C 3

SEE SHEET C 4



MAP KEY



BENCHMARK
 PROJECT BENCHMARK
 MCSM #688-1
 N: 55293.00
 E: 72508.49
 ELEVATION: 4546.57
 (MCLS, NAVD83)
 SURVEYOR TO VERIFY

UTILITIES AND AGENCIES			
CITY OF GRAND JUNCTION SANITARY SEWER	MARK BARSLAND	256-4106	
UTL WATER	JM DAUGHERTY	242-7491	
GRAND VALLEY IRRIGATION	PHIL BERTHIAUD	242-2765	
CITY OF GRAND JUNCTION PUBLIC WORKS	MARK BARSLAND	256-4106	
XCEL ENERGY	JOHN SALAZAR	244-2681	
CENTURY LINK	CHRIS JOHNSON	244-4333	
CHARTER	JOHN VALDEZ	242-6750	

LIFE MARKET DISTRICT	
APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.	
DATE:	
APPROVED AS COMPLETED:	
DATE:	

DISCLAIMER
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 Call before you dig.

CALL BEFORE YOU DIG
 811

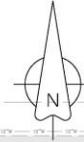
NO.	DATE	REVISIONS

AUSTIN CIVIL GROUP, INC.
 Land Planning • Civil Engineering • Development Services
 122 South 17th Street, Suite 200 • Grand Junction, Colorado 81501
 (970) 242-2540

MOSAIC SUBDIVISION	Township of Texas												
PRELIMINARY UTILITY COMPOSITE PLAN SOUTHWEST AREA													
<table border="1" style="width: 100%;"> <tr> <td>OWNER:</td> <td>MRH</td> </tr> <tr> <td>DESIGNER:</td> <td>MRH</td> </tr> <tr> <td>CONTRACT NO.:</td> <td>1233.0002</td> </tr> </table>	OWNER:	MRH	DESIGNER:	MRH	CONTRACT NO.:	1233.0002	<table border="1" style="width: 100%;"> <tr> <td>DATE:</td> <td>12/26/17</td> </tr> <tr> <td>SCALE:</td> <td>1" = 40'</td> </tr> <tr> <td>SHEET NO.:</td> <td>C 2</td> </tr> </table>	DATE:	12/26/17	SCALE:	1" = 40'	SHEET NO.:	C 2
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GRAND VALLEY IRRIGATION	PHIL BESTWING	242-7762
CITY OF GRAND JUNCTION PUBLIC WORKS	MARK BARSLAND	256-4106
ACEL ENERGY	JOHN SKAZAR	244-2801
CENTURY LINK	CHRIS JOHNSON	244-4333
CHARTER	JOHN VALDEZ	242-8750

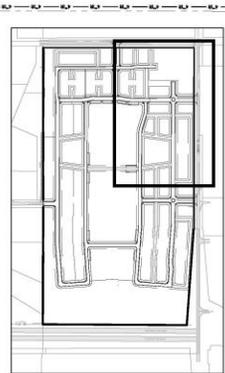
BENCHMARK
 PROJECT BENCHMARK
 MCSM #888-1
 N: 55283.00
 E: 72308.49
 ELEVATION: 4546.57
 (MOLCS, NAVD88)
 SURVEYOR TO VERIFY



811
 Know what's below.
 Call before you dig.
 SCALE VERIFICATION
 PER 8-0101-0101 OR ORIGINAL DRAWING
 IF NOT ONE AND ON THIS SHEET
 PLEASE VERIFY.

H ROAD

23 ROAD



SEE SHEET C 4

UTE WATER DISTRICT
 APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THE DATE:
 DATE: _____
 BY: _____
 ADOPTED AS CONSTRUCTED: _____
 DATE: _____

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NO.	DATE	DESCRIPTION

A • C • G
AUSTIN CIVIL GROUP, INC.
 Land Planning • Civil Engineering • Development Services
 123 North 70th Street, Suite 200 • Grand Junction, Colorado 81501
 (970) 242-7548

MOSAIC SUBDIVISION
PRELIMINARY UTILITY COMPOSITE PLAN NORTHEAST AREA
 prepared for
Taurus of Texas

DATE BY MRH	1233.0002
DATE BY MRH	9/26/17
DATE BY MRH	1"=40'
DATE BY MFA	C 5

Attach 4



EXHIBIT LIST

DARLA JEAN WALKWAY VACATION **FILE NO.**
VAC-2018-44

Exhibit Item	Description
1	Darla Jean Walkway Vacation Information Submitted by Applicant
2	Staff Report dated June 26, 2018
3	Correspondence from Citizens
4	Darla Jean Petition
5	Additional Information from Applicant re: Irrigation System
6	Additional Correspondence from Citizen

Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For: Vacation of Right-of-Way

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation Residential Medium	Existing Zoning R-5
Proposed Land Use Designation NA	Proposed Zoning NA

Property Information

Site Location: Dorla Jean Subdivision	Site Acreage: .15
Site Tax No(s): 	Site Zoning: R-5
Project Description: Vacation of public Walkway	

Property Owner Information

Applicant Information

Representative Information

Name: none

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Name: Raquel Mollenkamp

Street Address: 2881 Dorla Drive

City/State/Zip: Grand Jct CO 81506

Business Phone #: 970-712-4663

E-Mail: rmollenkamp@yahoo.com

Fax #:

Contact Person: Raquel

Contact Phone #: 970-712-4663

Name: Raquel Mollenkamp

Street Address: 2881 Dorla Drive

City/State/Zip: Grand Jct CO 81506

Business Phone #: 970-712-4663

E-Mail: rmollenkamp@yahoo.com

Fax #:

Contact Person: Raquel

Contact Phone #: 970-712-4663

NOTE: Legal property owner is owner of record on date of submittal.

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application

Signature of Legal Property Owner

Date 1-18-2018

Date

VACATION OF WALKWAY BETWEEN DARLA DRIVE AND JEAN LANE

January 10, 2018

OVERVIEW

1. Project Background and Description

The property owners that live on both sides of the walkway 2881 Darla drive (Donald Mollenkamp), 2883 Darla drive (Brian Porter), also 2882 Jean Lane (George Freeman), 2884 Jean Lane (Curt Wilson). Have decided that vacating the walkway would be the best solution due to the crime and loitering that takes place in this area. The property owners have been maintaining this area at their own expense. The walkway is not part of the neighborhood property. Therefore, there is no financial support from the neighborhood. The walkway is very rarely used as a walkway, due to there being an alternative route.

2. Project Scope

Our plan for the property would be a Resident medium. Each resident would close the walkway off with fences. The walkway would be equally divided.

3. Meeting notes

A neighborhood meeting was held on October 12th, 2017. 10 Neighbors attended this meeting. Out of the 10 that attended, 5 agreed, 2 disagreed, and 3 were undecided. There were others that didn't attend due to prior obligations. After speaking to 3 of them, they are aware and agree with it. The concerns that were stated was mainly about the irrigation pipe that runs along the walkway. The concern was the easement and it being more difficult to fix a break if the walkway was closed off. Another concern was the change of a neighbor's view. She likes the openness of the walkway and doesn't want that to change.

4. Review Criteria

The proposed vacation leaves no parcel land locked. There is a reasonable alternative route through the neighborhood. The vacation does not devalue properties affected. There are no adverse impacts on the health, safety, and/or welfare of the general community. The quality of public facilities and services are in no way affected. The proposal will benefit the neighborhood, as it will minimize unwanted loitering and crime. It will improve the look of the street as it will no longer be vacant. Due to the land being part of the 4 property owners land. Increase in property taxes will benefit the City.

5. Affected parties

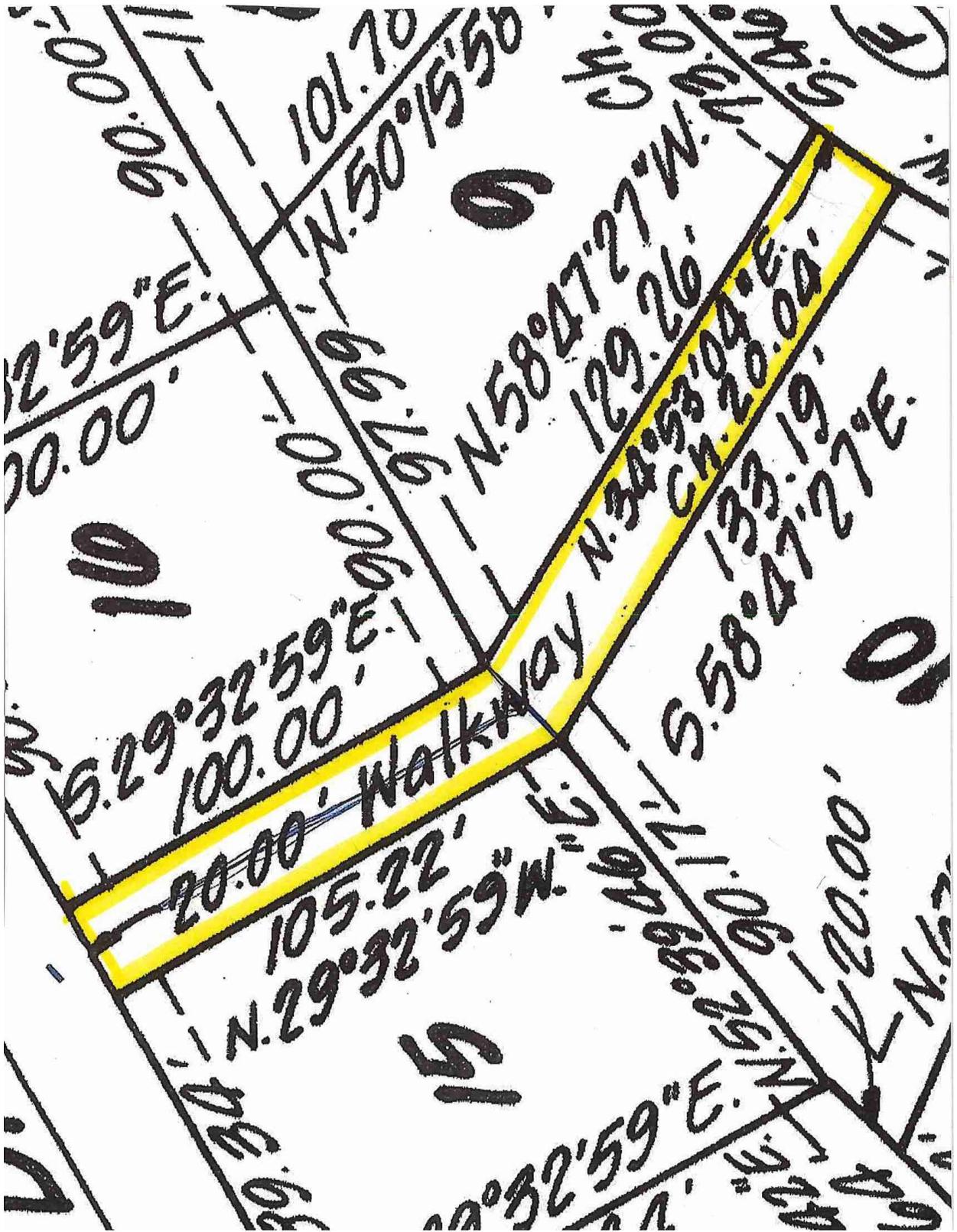
A utility locate request was submitted for Charter, Grand Valley Rural Power, Palisade Irrigation Dist, Ute Water Conservancy Dist, City of Grand Junction, Xcel Energy, and Century Link, with a positive response. There is a neighborhood irrigation line in the walkway. The irrigation line will not move. An easement will be provided.

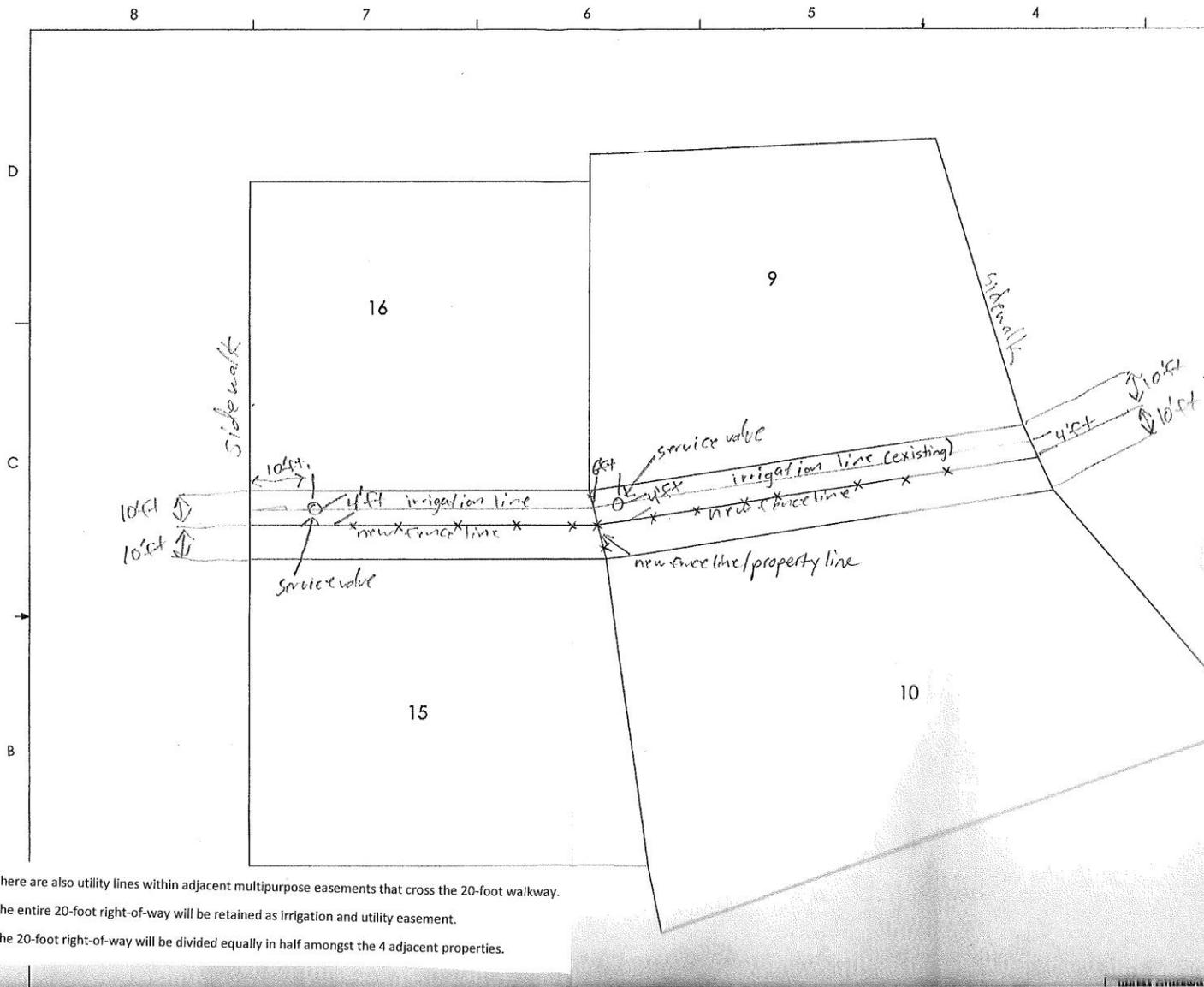
LEGAL DESCRIPTION

The entire 20-foot side right-of-way depicted on the Darla Jean Subdivision Plat as a Walkway, lying between Jean Lane and Darla Drive between Lots 9 and 10 and 15 and 16, Block 5.

There is an existing underground irrigation line within the walkway and there are utilities within the multipurpose easements along the street frontages of the lots that cross the walkway.

The entire 20-foot width will be retained as irrigation and utility easement.





SITE PLAN

PLANNING COMMISSION AGENDA ITEM

Project Name: Darla Jean Walkway Vacation
Applicant: Raquel Mollencamp
Representative: Raquel Mollencamp
Location: Platted Walkway between Lots 15 and 16 and Lots 9 and 10, Block 5 Darla Jean Subdivision
Existing Zoning: R-5 (Residential 5 dwelling units per acre)
Staff: Kristen Ashbeck, Senior Planner
File No. VAC-2018-44
Date: June 26, 2018

I. SUBJECT

Consider a request to vacate a walkway tract within the Darla Jean Subdivision.

II. EXECUTIVE SUMMARY

The Darla Jean subdivision was platted in Mesa County in 1975 and annexed to the City in 1994. The subdivision plat includes a 20-foot wide tract of land indicated as Walkway that runs from Jean Lane to Darla Drive between Lots 9 and 10 and Lots 15 and 16 of Block 5 of the subdivision. There is no dedication language on the subdivision plat for the walkway; it is just depicted on the map. Also, there is no recorded deed granting the tract to any person or entity, public or private. A reasonable presumption, given Colorado case law on missing dedication language, is that the intent was for the pedestrian right-of-way to be granted to the public for public use. The four neighbors abutting the tract have requested that the public interest in the walkway be vacated.

III. BACKGROUND

The 33.32-acre Darla Jean subdivision includes 101 single family lots, a 2.798 public park site and a walkway that runs from Jean Lane to Darla Drive between four of the lots of the subdivision. There is no dedication language on the subdivision plat, no recorded deed conveying the tract, nor any record of the City accepting this tract of land. However, according to the City Attorney's Office, a reasonable presumption, given Colorado case law on missing dedication language, is that the intent was for the pedestrian right-of-way to be granted to the public for public use. Therefore, the City manages the request the same as other vacate requests of public right-of-way. The 20-foot wide by approximately 240 feet long walkway has never been improved with a sidewalk or path; it has remained vacant, with no maintenance activity by the City.

The Darla Jean neighborhood has a water users' association (the Association) with an irrigation line serving the neighborhood running under the walkway tract that has been in use for many years. The applicant has provided additional information that illustrates the location of the irrigation lines within the subdivision and the locations of access

valves throughout the subdivision, most of which are located on private property (refer to Exhibit 5). Should vacation of the walkway be approved, Staff recommends retaining and granting, without any warranties of title, an irrigation easement for/to the Association, in order to help protect the Association's interest in and ability to maintain the line in this area and to help perfect the Association's implied irrigation easement.

Written public comments have been received and are attached for review. In general, these written comments do not support the vacation, primarily due to potential maintenance of the irrigation line (in which the City has no interest or responsibility), not because of its use as a neighborhood walkway. It is intended that the reservation/grant of easement for the irrigation line will help address these neighbor concerns.

Written comment by the County Assessor was received by the City prior to the previously scheduled hearing on April 24, 2018. The Assessor opined that the tract of land was owned by the original developer of the subdivision. The County Assessor has since reversed this assertion and concurs with both the City and the County Surveyor that this tract of land was intended for public ownership.

In addition, the area contains a power line administered by Grand Valley Power as well as other public utilities. Therefore, Staff recommends that the City retain a utility easement over the area for Grand Valley Power and other dry utilities within the tract.

IV. NOTIFICATION REQUIREMENTS

A Neighborhood Meeting was held on October 12, 2017 consistent with the requirements of Section 21.02.080 (e) of the Zoning and Development Code. Eleven citizens attended the meeting along with the Applicant. Comments were both supportive and against the proposal, with concerns raised about an existing irrigation line that is within the walkway tract and future access to it if needed.

Notice was completed consistent to the provisions in Section 21.02.080 (g) of the City's Zoning and Development Code. Mailed notice of the application submittal in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property and the subject property was posted with an application sign on January 23, 2018. The notice of this public hearing was published June 19, 2018 in the Grand Junction Daily Sentinel.

V. ANALYSIS

Pursuant to Section 21.02.100 of the Zoning and Development Code, the vacation of public right-of-way or easement shall conform to the following:

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

The following Comprehensive Plan goal and policy are relevant to this request:

Goal 8: *Create attractive public spaces and enhance the visual appeal of the community through quality development.*

Policy A. *Design streets and walkways as attractive public spaces.*

This walkway is not an improved walkway nor does the walkway receive any regular maintenance. As such, the walkway can be detrimental to the visual quality of this neighborhood. Vacation of the walkway would allow for this tract of land to become integrated into adjacent properties and have greater potential (though with no assurance) for the property to be incorporated into the yards of the adjacent homeowners and more attractively maintained.

This particular pedestrian walkway is not shown or required by the Grand Valley Circulation Plan or any neighborhood plan. It is presently an undeveloped tract. Adjacent streets and walkways will not be negatively impacted by the vacation of this pedestrian right-of-way, and may well be improved thereby if maintained with lawn or other landscaping by homeowners.

Staff finds that vacation of the public walkway conforms with the Comprehensive Plan, the Grand Valley Circulation Plan and other adopted plans of the City and is a better option for creating attractive spaces and enhancing visual appeal of the community.

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

The request to vacate the walkway tract in Block 5, Darla Jean Subdivision, of approximately 0.1 acres, will not render any parcel landlocked. Moreover, the tract does not provide contiguous access to any adjacent parcel(s). Therefore, this criterion is 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.

No access to any parcel will be restricted. The adjacent properties will continue to have access from the public streets along the front of the parcels. Staff has found 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).

The walkway tract is not needed to provide emergency or sanitation services to adjacent parcels. Such services are provided from the public streets

adjacent to the residential lots. The vacation request was referred to all of the potentially affected utility providers including Charter, Century Link, Grand Valley Power and Xcel Energy. Of these, Grand Valley Power indicated that there is underground high voltage single-phase power in the walkway area and that it should be retained as a utility easement and a no-structure zone. Fencing may be allowed. The other utilities had no comment or concern but the applicants requested a utility locate and there appear to be other public utilities in portions of the tract. The City Development Engineer commented that an easement be retained for this tract to allow for the continued maintenance of the irrigation line and utilities.

Those requesting the vacation state that there are public safety concerns with the tract, specifically related to loitering and crime. City staff has not independently verified these claims and has not determined whether vacation of the tract would result in a measurable improvement to public safety in the neighborhood. However, since the tract does not currently provide a tangible public benefit or purpose and its public nature is bothersome to abutting property owners, Staff recommends vacation of the public interest in the tract.

It is not anticipated that there will be any adverse impacts on the health, safety, and/or welfare of the general community, nor will the quality of public facilities and services provided to any parcel of land be reduced as a result of this vacation request. Staff therefore has found this request conforms with this criterion.

- 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.*

Adequate public facilities exist for all affected parcels and will not be negatively impacted by the vacation, so long as easements for utilities and irrigation are created. No additional services will be impacted or inhibited by this request. Staff has therefore found this request to conform with this criterion, so long as the vacation ordinance includes a reservation of easement in favor of the public utilities and is not recorded until the adjacent property owners (into whose property the walkway area will be absorbed) execute a grant of irrigation easement to the Darla Jean Water Users Association, which easement will be recorded immediately following recordation of the vacation ordinance.

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

Should the vacation of this walkway be approved, the area can be included in the front and side yards of the adjacent parcels and may be improved by the owners to enhance the overall visual quality of the neighborhood. The City

does not currently provide maintenance to this tract. With the vacation, there is potential for visual and aesthetic improvements, however no improvements are specifically guaranteed. Staff finds this request conforms with this criterion.

VI. STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing VAC-2018-44, a request to vacate a walkway tract within the Darla Jean Subdivision, the following findings of fact have been made with the specific conditions:

1. The proposal conforms with Section 21.02.100 (c) of the Grand Junction Zoning and Development Code with the following conditions;

Conditions of Approval

1. An irrigation easement shall be reserved for the Darla Jean Water Users Association for maintenance of the irrigation line existing in the tract, without any warranties of title;
2. A utilities easement shall be reserved for public utilities in the tract; and
3. The four abutting property owners shall execute an easement in favor of the Darla Jean Water Users Association for maintenance of the irrigation line to be recorded immediately following recordation of the vacation ordinance.

Therefore, staff recommends approval of the request to vacate the walkway tract within the Darla Jean Subdivision subject to the conditions that an easement for irrigation facilities be reserved for and granted to the Darla Jean Water Users Association and an easement be reserved for public utilities.

VII. RECOMMENDED MOTION

Madam Chairman, on the request to vacate a walkway tract within the Darla Jean Subdivision, file number VAC-2018-44, I move that the Planning Commission forward a recommendation of approval with the findings of fact and conditions as listed in the staff report.

Attachments:

4. Subdivision Vicinity Map
5. Walkway Vacation Map
6. Subdivision Plat Showing Subject Tract to be Vacated

Darla Jean Subdivision Vicinity Map



Darla Jean Walkway Vacation Map



Darla Jean Subdivision Plat



EXHIBIT 3

Kristen Ashbeck

From: Jim.S.Parman@wellsfargo.com
Sent: Wednesday, February 28, 2018 8:36 AM
To: Kristen Ashbeck
Cc: Jim.S.Parman@wellsfargo.com
Subject: FW: darla jean subdivision alley vacation, revised.

I have resided at 2868 Darla Drive within Darla Jean Subdivision since 1986. I have also been a volunteer board member of the DJWUA (Darla Jean Water Users Association) multiple terms. I still am a member of that board although not currently an officer. The subdivision's irrigation system is maintained by and or under the direction the board. Board members must be an owner of one of the 105 or so households in the subdivision. It is funded by an annual assessment based on the estimated operating costs including scheduled and unscheduled maintenance.

The unscheduled maintenance can and usually does include leaks in an aging system that was installed more than 40 years ago. There is a high pressure irrigation line that pretty much travels right down the middle of the tract that is the subject of VAC2018-44. Whether this tract is called an alley, undivided easement, etc., it is the purpose VAC2018-44 to partition the aforementioned tract between the four adjoining property owners that abut this parcel. I understand that as it currently stands, this is a tract's ownership is unrecorded nor is it a dedicated right of way.

The subject tract has one of the main irrigation lines that does not currently require DJWUA to obtain permission, move fences, etc., or to enter any property owner's back yards for this line's maintenance. It also has a couple of block isolation valves that are used on a more frequent basis. In the past, we have had difficulty with some property owners in granting access despite a dedicated easement.

Please do not vacate this cleared right of way, alley, what other term one would like to use despite there not being a formal recording that was obviously an oversight by the original developer. Clearly, the intent was to leave this open for access to the utility lines and perhaps other reasons. I can attest that after this many years in the subdivision, there are times an urgent need arises to get unabated access to the high pressure irrigation lines. Delays can result in property damage, frustrated homeowners, and multiple other difficulties for subdivision.

It has been voiced this small tract has been burdensome for adjoining property owners. Their concerns include but not limited to upkeep, disturbances of their quiet property enjoyment, annoyances, etc. While I am very familiar with such issues as my property adjoins the Darla Jean Park on two sides and the old Matchet property to the west, I purchased my property knowing full well its issues. This undedicated alley with its easements is necessary for subdivision's utility maintenance. Its closure and restricted access will be a burden for all who are served by DJWUA whether they currently know it or not. The developer's intent dating back to 1974 was very clear.

This is in reference to the vacation of the WALKWAY and IRRIGATION PIPE EASEMENT -VAC-2018-44

I am opposed to this land grab by the 4 petitioners as The Darla Jean Water Users Assoc. has a significant amount of irrigation pipe and 3 isolation valves within the easement. This pipe and valves are unfettered at this time for easy repair and or replacement. If this easement is to be awarded to these people they will put fences, concrete, lean-to structures, unused cars, boats and campers on their newly acquired land grab. The ultimate cost for repair and replacement of these structures in case there is a maintenance problem on this easement will fall to the other 101 water users. Our dues will go up to compensate the water users assoc. for damage done to fences and structures for the repair.

We also have come up with a neighborhood volunteer group which will be responsible for the maintenance of the walk-way. Apparently in the last 25 years 3 beer bottles and 2 condoms have surfaced. We would keep this walkway clean. The 4 people who stand to gain will tell you there are problems in the walk-way but there has never been any reports to the police or sheriff's office.

In closing, I as a water user along with many of my neighbors implore you to leave this easement as is. It is not broken so why would you want to fix it? THIS IS NOTHING MORE THAN A LAND GRAB AT THE EXPENSE OF OTHERS. If we have a small strip of open land why do we have to fence it off? This strip also belongs to the other 101 residents of the Darla Jean subdivision and a vast majority are opposed to this petition

Richard Curfman, 24 year resident at
2882 Darla Drive



EXHIBIT 4

April 9, 2018

I, Andrea Christensen, and Chuck Howard, a fellow Darla Jean neighbor, are representing the undersigned neighbors on this petition.

Out of 76 Darla Jean Water User households surveyed 75 signed this petition opposing the vacation of the Darla Jean Walkway. Some spouses and renters signed to lend their support. The opposition is overwhelming.

As I walked around the neighborhood many neighbors told me how they liked to walk the walkway and how it connected our neighborhood. I also heard of their concern for the irrigation pipe, etc. Many did not know of and/or understand this proposed vacation.

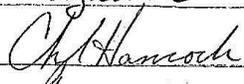
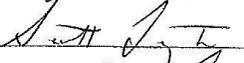
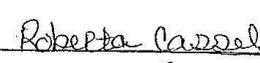
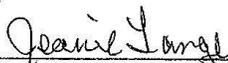
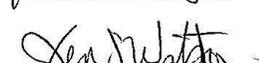
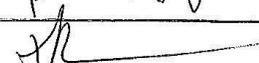
In conclusion, we believe it is in the best interest of the Darla Jean Neighborhood and Water Users that the application for the vacation of the Darla Jean Walkway to be denied.

Thank you for your consideration.

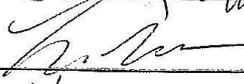
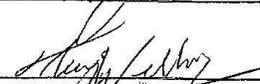
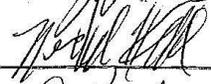
Andrea Christensen
Chuck Howard

This submission includes this cover letter and 9 pages of the petition.

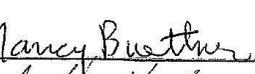
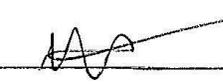
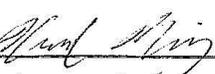
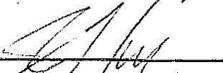
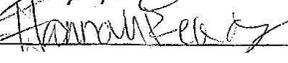
We the undersigned oppose the vacation of the Darla Jean Walkway for these reasons. We want to continue to enjoy using the walkway as a walkway. There would be added cost and hassle to the water users if we need to access the irrigation pipe. We are concerned about visual quality. We have little control over what the current and future property owners will choose to do with their acquired property. As of now the two Darla properties have many used and unused vehicles, boat, camper etc on their properties.

Date	Printed Name	Signature	Address
3-24-18	Cheryl Hancock		2886 F 1/4 Rd.
3/24/18	Scott Layton		631 SPARN CT
3/24/18	YURA LAYTON		631 SPARN CT
3/24/18	Melissa Calkin		633 Sparn Ct.
3/24/18	Roberta Caddels		632 Sparn Ct
3/24/18	Leslie Estava		2899 F 1/4 Rd.
3/24/18	JACK SAARI		2895 F 1/4 Rd.
3/24/18	Tom Sheldon		630 melody lane
3-24-18	Jeanie Lange		2870 Darla Drive
3/24/18	Jennifer Watson		630 Sparn Ct
3/24/18	Richard Watson		630 Sparn Ct.
3/24/18	Jim Purner		2868 Park

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Date	Printed Name	Signature	Address
3-24-18	Brandi Czerberich	Brandi Czerberich	2892 Darla Dr.
3-24-18	Nathan Gray	Nathan Gray	2899 Jean Lane
3-24-18	Sheena Starnes	Sheena Starnes	2894 Jean Lane
3-25-18	Wendy Jones		2890 Jean Lane
3/24/18	Machelle Williams	Williams	2890 Jean Ln.
3/24/18	Ashley Swafford	Ashley Swafford	2893 Jean Ln
3/24/18	Elizabeth Zeek		2888 1/2 Jean Ln
3/24/18	Mike Zeek	Mike Zeek	2888 1/2 Jean Lane
2-24-18	Terry Williams		2890 Jean Ln
3/24/18	Mike Kohl		639 29th Rd
3/25/2018	Leilani Kohl	L Kohl	639 29 Rd
3/24/2018	Cheryl Cooper	Cheryl Cooper	2877 Darla Dr.

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Date	Printed Name	Signature	Address
3/24/18	John Burdett		2885 Music Ave
3/24/18	Danny Rice		2899 Darla Dr
3-24-18	Richuffman		2882 Darla Dr
3/24/18	Andrea Christensen		2880 Darla Dr
3/24/18	Zachary Beckstead		2898 Darla Dr
3/24/18	Kara Taylor		2896 Darla Drive
3/24/18	Nancy Buettner		2894 Darla Dr
3.24.18	Matt Martinez		2890 Darla Dr
3/24/18	Michelle Dasteel		2846 1/2 Darla Dr
3/24/18	Nathaniel Ruiz		2887 Darla Dr
3/24/18	Joy Thompson		2886 Darla Dr
3/24/18	Hannah Peck		2813 Darla Dr

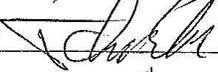
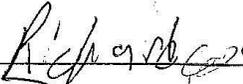
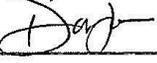
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Date	Printed Name	Signature	Address
3-24-2018	Jose Juan Martinez	José J. Martínez	2889 Darla Dr
3/24/18	John & Joanne Martin	Joanne Martin	2885 Darla Dr.
3/24/18	Amy Henrie	Amy Henrie	2884 Darla Dr.
3-24-18	Crystal Martell	Crystal Martell	2876 1/2 Darla Dr
3-25-18	The only only reason I'm against the closure the closure		2889 Darla Dr
of the walkway as a past water board member I'd like			
access to those two main irrigation valves to be			
able to close them in case of a pipe break without			
having to deal with lock gates and dogs unless the			
owners agree and sign paperwork that stays with the			
property if they should sell later. They need to put gate			
in to accommodate a back hoe. Craig Reis 1/4 Reis 2879 Darla Dr			

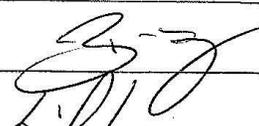
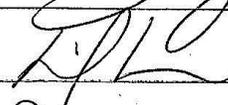
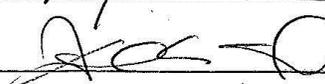
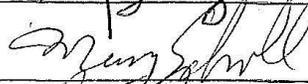
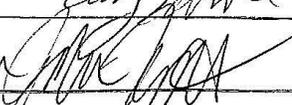
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Date	Printed Name	Signature	Address
3/24/18	Margaret Myers	Margaret Myers	2887 Darla Dr.
3/25/18	Judy Ann Tailleux	Judy Ann Tailleux	2891 Darla Dr.
3/25/18	John Rhonda Anderson	Rhonda Anderson	2897 Jean Lane
3/25/18	Crystal B. Cook	Crystal B. Cook	2891 Jean Lane
3/25/18	Kerth Pulliam	Kerth Pulliam	2889 Jean Lane
3/25/18	Connie M. Jiron	Connie M. Jiron	2887 Jean Ln. GJ
3/25/18	Charles M. Elliott	Charles M. Elliott	2880 Jean Ln. GJ
3-25-18	Goff mario	Goffrey mario	2880 mario
3-25-18	Oliveris	Oliveris	2874 Darla Dr. we would like to see it as a walkway, cleaned up and also accessible to the pub division in case of irrigation problems.

We the undersigned oppose the vacation of the Darla Jean Walkway for these reasons. We want to continue to enjoy using the walkway as a walkway. There would be added cost and hassle to the water users if we need to access the irrigation pipe. We are concerned about visual quality. We have little control over what the current and future property owners will choose to do with their acquired property. As of now the two Darla properties have many used and unused vehicles, boat, camper etc on their properties.

Date	Printed Name	Signature	Address
3/25/18	Thomas Murphy		2879 Music Ave
3-25-18	Johnathan Leback		2881 Music Ave
3-27-18	Linda Crandell	Linda Crandell	2895 1/2 Jean Ln
3-27-18	Cody Crandell		2895 1/2 Jean Ln.
4-3-18	Jordan Keogh		2893 Darla Dr
4-9-18	Diane Blecha		2895 Darla Dr
4-7-18	Derrick Rosales		2887 Music Ave
4-7-18	David Jones	DAVID JONES	639 1/2 29rd
4-7-18	Richard Cori		2898 Jean Ln
4/7/18	DAMON JONES		2883 MUSIC AVE.

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Date	Printed Name	Signature	Address
3/25/18	Robert B. Labig	Robert B. Labig	628 Melody Ln
3/25/18	Sharon Olson	Sharon Olson	633 Melody Ln
3/25/18	Jonna Crutchfield	Jonna Crutchfield	2880 F 1/4 Rd.
3/25/18	Maureen O'Connell	Maureen O'Connell	2879 F 1/4 Rd
3/25/18	BEN Vioic		2896 Music Ave
3-25-18	David Koons		2888 F 1/4 Rd.
3/25/18	Dave Lord		2887 F 1/4 Rd.
3/25/18	Sally Kroezer		2889 F 1/4 Rd
3/25/18	Mary Scholl		2893 F 1/4 Rd
3/25/18	Joshua Hampton		2888 music ave.
3/26/18	Marki Locke		2883 F 1/4 rd

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Date	Printed Name	Signature	Address
3-24-2018	Lillian E. Mercer	Lillian E. Mercer	2890 1/2 Music Ave
3-24-2018	DOWN FARRIS	Down Farris	2899 Music Ave
3-24-18	Lisa Trothier	Lisa Trothier	2895 Music Ave
3-24-18	Colleen Woods	Colleen Woods	2895 Music Ave
3-24-18	Timothy MARTINEZ	Timothy Martinez	632 Melody Lane
3-24-18	Trisha Reid	Trisha Reid	631 Melody Ln
3-24-18	Jenny Aker	Jenny Aker	2892 Music Ave
3-24-18	Dave Benjamin	Dave Benjamin	2891 F/4 Rd
3-24-18	Laurie Gomez	Laurie Gomez	2890 Music Ave
3-24-18	RANDAL J. BAKER	Randal J. Baker	2887 1/2 Music Ave
3-25-18	Ellie R Beck	Ellie R Beck	2894 Music Ave

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Date	Printed Name	Signature	Address
3/26/18	Nick Velasquez	Nick Velaz	2882 F 1/4 G) CO.
3/27 4/4/18	Fern Chase	Fern Chase	2885 F 1/2 Rd 1/2
4.8.18	Lacey Borba	Lacey Borba	2898 F 1/2 RD 8



June 13, 2018

Dear Planning Commission,

Back in 1979 the Darla Jean Water Users Association was organized. A few good men and women, all volunteers, got together, organized, and proceeded to build an irrigation system for all of the people of the Darla Jean Subdivision.

A walkway was created in order to install main water valves and a pipeline. This access was needed so that when a pipe broke somewhere along this particular part of the irrigation system the water could be turned off so that the problem could be resolved quickly.

Imagine our surprise when we discovered quite by accident that 4 homeowners, whose property borders this walkway had petitioned the city to deed this property to them. They claim that it had not been maintained to their standards. They claim that they are tired of taking care of property that doesn't belong to them. That it needs to have ownership.

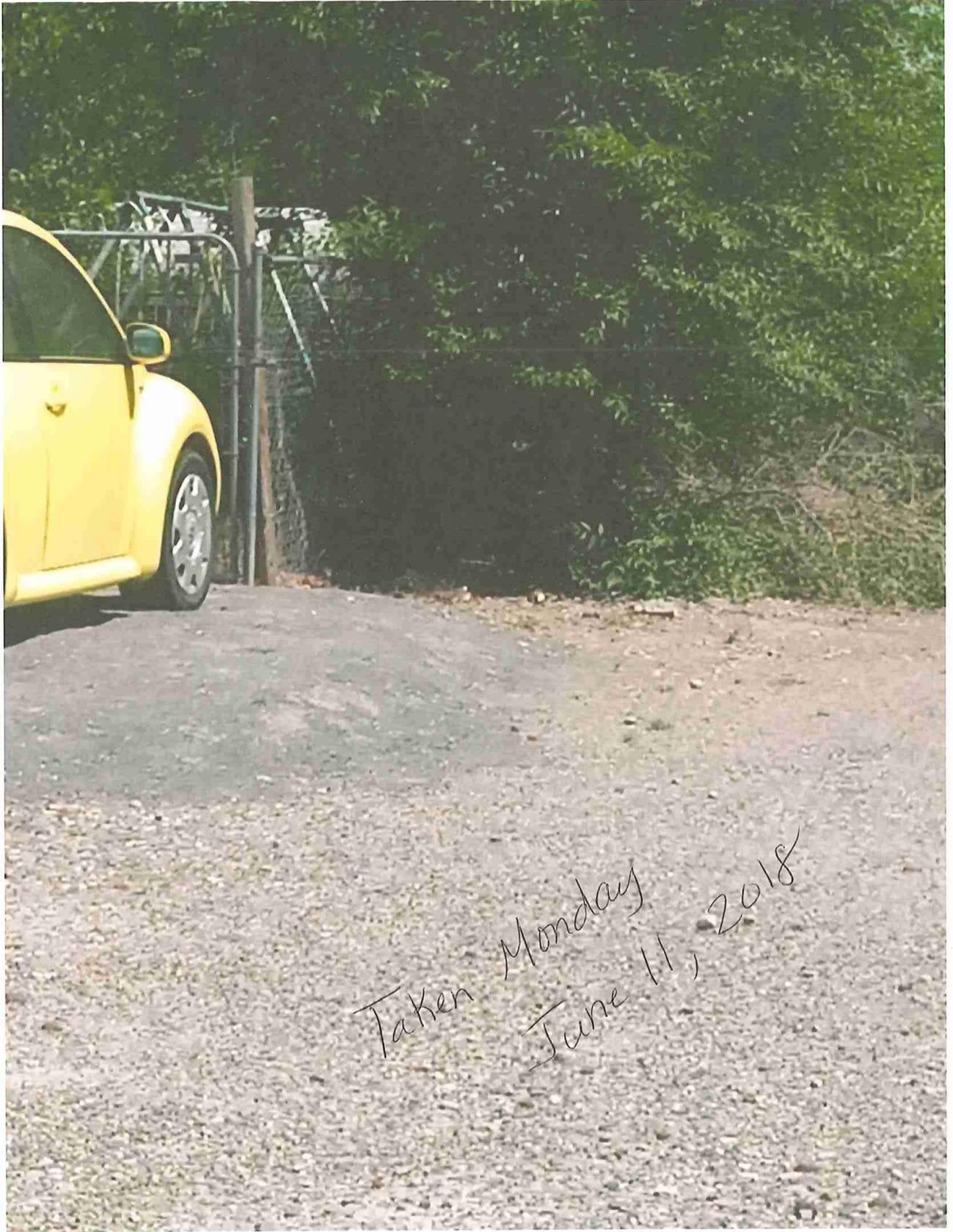
A few days ago I went over to the walkway and took some pictures. I have included in this letter 3 prints of the north side of the walkway. It appears that the owner who lives on the northeast side of the walkway has not bothered to take care of the property that he currently owns. Those Elm Trees have grown from his side of the fence out into the walkway. That is the only so called trashy part of the whole walkway. I can't imagine what it will look like in just a few short years. The whole walkway will be overrun with Elm Trees. If he can't take care of what he currently owns how will he maintain what he desires to own.

As you review all the information that you have received regarding this walkway you will see that out of 103 households 75 of us signed a petition requesting that this walkway stay the way it is. Many of the surrounding property owners enjoy walking along this path. The Darla Jean Water Association needs access to this area so that when the lines break, they can quickly turn off the water so that homes are not flooded.

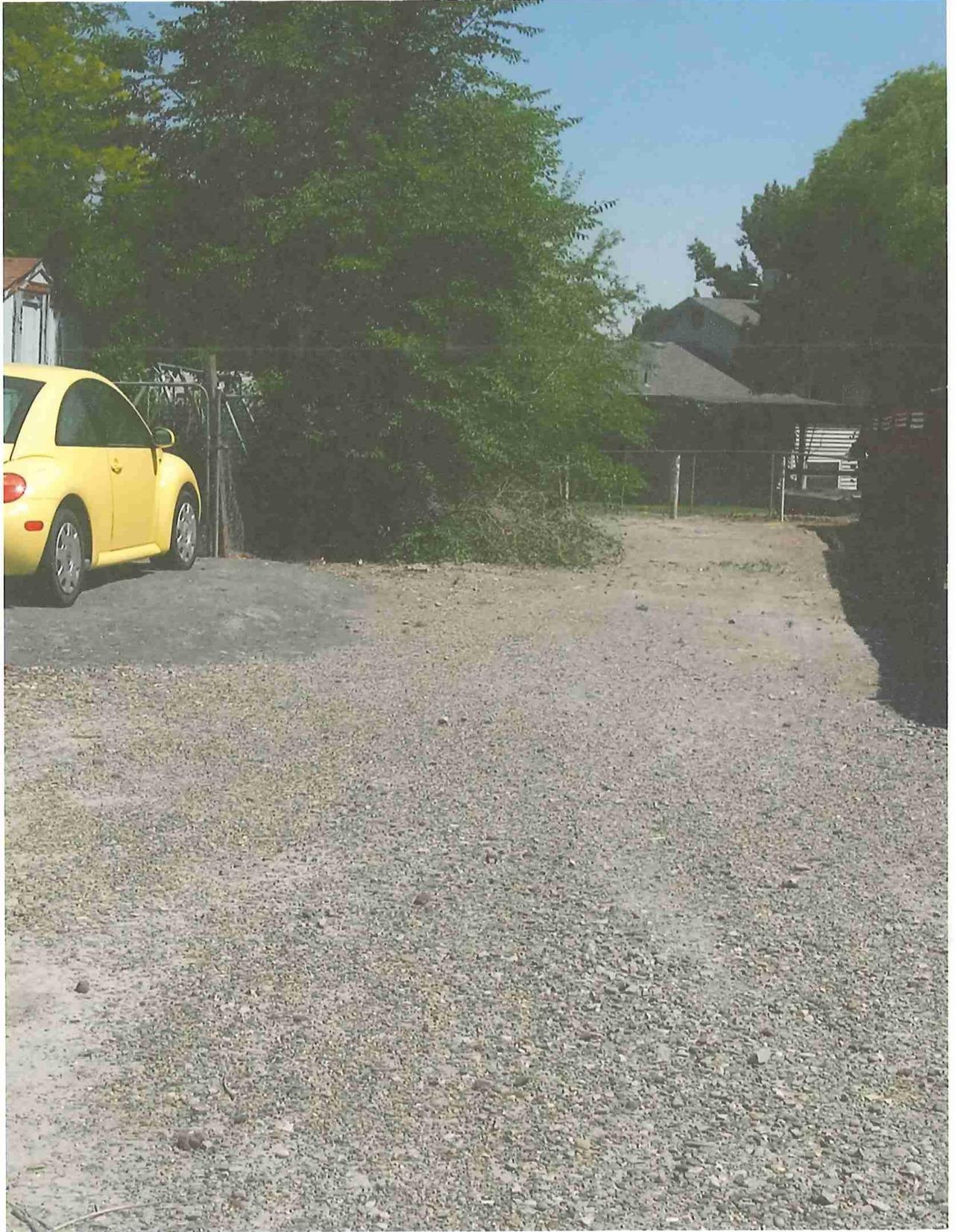
May common sense prevail is my desire.

Sincerely,

Diann Saari
2895 F 1/4 Road
Grd. Jct. Co 81506



Taken Monday
June 11, 2018





CITY OF
Grand Junction
COLORADO

Land Development
Application Pending

244-1430

www.gjcity.org

018-44

Attach 5



EXHIBIT LIST

**FOSSIL TRACE REZONE TO R-1, (RESIDENTIAL – 1 DU/AC)
FILE NO. RZN-2018-219**

Exhibit Item #	Description
1	Application dated April 20, 2018
2	Staff Report dated June 26, 2018
3	Staff Presentation dated June 26, 2018

Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For:

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation <input type="text" value="Residential - Rural"/>	Existing Zoning <input type="text" value="R-R"/>
Proposed Land Use Designation <input type="text" value="Residential - 1 du/ac"/>	Proposed Zoning <input type="text" value="R-1"/>

Property Information

Site Location: <input type="text" value="465 Meadows Way, Grand Junction, CO"/>	Site Acreage: <input type="text" value="Approx. 8.41 Acres"/>
Site Tax No(s): <input type="text" value="2947-262-32-003"/>	Site Zoning: <input type="text" value="R-R (Residential-Rural)"/>
Project Description: <input type="text" value="To rezone approximately 8.41 acres from R-R (Residential-Rural) to R-1 (Residential - 1 du/ac)"/>	

Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

NOTE: Legal property owner is owner of record on date of submittal.

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application <input type="text" value="Tracy States"/>	Digitally signed by Tracy States Date: 2017.05.25 13:27:38 -06'00'	Date <input type="text" value="March 14, 2018"/>
Signature of Legal Property Owner <input type="text" value="Kevin Bray"/>	Digitally signed by Kevin Bray DN: cn=Kevin Bray, o, ou, email=kevinbray@brayandco.com, c=US Date: 2017.06.08 13:56:41 -06'00'	Date <input type="text" value="March 14, 2018"/>

WARRANTY DEED

This Deed, made November 14, 2016, Between Rocky Heights Development, LLC, a Colorado limited liability company of the County Mesa, State of COLORADO, grantor(s) and Fossil Trace LLC, a Colorado limited liability company, whose legal address is 1015 N 7th Street, Grand Junction, CO 81501 County of Mesa, and State of COLORADO, grantee.

WITNESS, That the grantor, for and in the consideration of the sum of FORTY-THREE THOUSAND DOLLARS AND NO/100'S (\$43,000.00) the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, their heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Mesa, State of COLORADO described as follows:

See Exhibit A attached hereto and made a part hereof.

also known by street and number as 465 Meadows Way, Grand Junction, CO 81507

TOGETHER with all and singular hereditaments and appurtenances, thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind of nature so ever, except for taxes for the current year, a lien but not yet due and payable, and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Buyer in accordance with section 8.1 (Title Review) of the contract dated November 2, 2016, between the parties.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this on the date set forth above.

SELLER:

Rocky Heights Development, LLC, a Colorado limited liability company

Marilyn K. Schiveley
By Marilyn K. Schiveley, Managing Member

STATE OF CA
COUNTY OF Sacramento

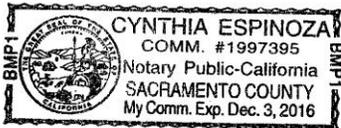
)} ss:

CE 11

The foregoing instrument was acknowledged, subscribed and sworn to before me November 14, 2016 by Marilyn K. Schiveley, Managing Member of Rocky Heights Development, LLC, a Colorado limited liability company.

Witness my hand and official seal.

[Signature]
Notary Public
My Commission expires: 12/31/16



Wdcorp

ESCROW NO. 598-H0488045-097-TB9

HTC®

RECEPTION#: 2781428, at 11/17/2016 2:20:48 PM, 2 of 2

Recording: \$16.00, Doc Fee \$4.30 Sheila Reiner, Mesa County, CO. CLERK AND RECORDER

Exhibit A

Parcel A:

Lot 3 in
Rump Subdivision.

County of Mesa, State of Colorado.

Parcel B:

A non-exclusive easement for ingress and egress as described in document recorded May 3, 1994 at Reception No. 1680746 in Book 2068 at Page 168, in the records of the County of Mesa, State of Colorado.

STATEMENT OF AUTHORITY

Pursuant to C.R.S. §38-30-172, the undersigned hereby executes this Statement of Authority on behalf of Fossil Trace Holdings LLC, a Colorado limited liability company an entity other than an individual, capable of holding title to real property (the "Entity"), and states as follows:

The name of the Entity is: Fossil Trace Holdings LLC, a Colorado limited liability company

The Entity is a: Colorado Limited liability company
(state type of entity and state, country or other government authority under whose laws such entity was formed)

The mailing address for the Entity is: 1015 North 7th Street, Grand Junction, CO 81501

The name or position of the person(s) authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the Entity is:

Jeff Hanson Real Estate, LLC, Member Paradise Hills Properties, LLC, Member
Cores LLC, Member

The limitations upon the authority of the person named above or holding the position described above to bind the Entity are as follows: NONE
(if no limitations insert "NONE")

The instrument and recording information, including the County, of the document by which title was acquired is:

Other matters concerning the manner in which the Entity deals with any interest in real property are:

(if no matters, leave this section blank)

EXECUTED this November 15, 2016

BUYER:

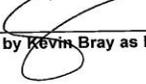
Fossil Trace Holdings, LLC, a Colorado limited liability company



Jeff Hanson Real Estate LLC, member by Jeff Hanson as Manager



Paradise Hills Properties, LLC, member by Kevin Bray as Manager

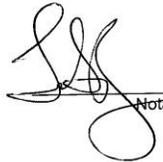


Cores LLC, member by Kevin Bray as Manager

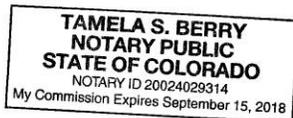
STATE OF COLORADO } ss:
COUNTY OF Mesa

The foregoing instrument was acknowledged before me this November 15, 2016
By Jeff Hanson, Manager of Jeff Hanson Real Estate LLC, Member and Kevin Bray Manger of Cores LLC and Paradise Hills Properties, LLC as Members.

Witness my hand and official seal.
My commission expires: 9/15/2018



Notary Public



**General Project Report
Rezone**

**Fossil Trace Subdivision
2947-262-32-003
465 Meadows Way, Grand Junction, CO
April 18, 2018**

A. Project Description

1. This is a request for the approval of a rezone at 465 Meadows Way, Grand Junction, Colorado. A similar request was presented in the summer of 2017, seeking a zoning of R-2, but was denied. The parcel is located within the City limits of Grand Junction.
2. The parcel contains approximately 8.41 acres, more or less.
3. The proposed zone for the parcel is R-1 (Residential-1). The existing zoning is R-R (Rural-Residential). The request to R-1 zoning is being made in accordance with future land use map which recommends Estate zoning for the parcel. The Estate Zone District implements the R-R, R-E, R-1, R-2, R-4 and R-5 zone districts. The requested zoning of R-1 is in response to concerns raised by the City Council and neighboring property owners with regards to the site challenges and density. While the R-1 zone district offers half the density of the R-2 zone district, the site still presents the same physical challenges and will require the applicant to incur significant expenses to investigate the site conditions before a development plan can be prepared. The applicant is trying to respond with this application to the expressed neighborhood concerns and City Council's feedback, in order to obtain a zoning designation that will allow for some development of the parcel before further investment is made in planning and designing a project. The rezone request is compatible with surrounding densities of R-2 and County RSF-2 and RSF-4 densities on the south side of South Broadway.

B. Public Benefit

The public will benefit with the addition of single family lots and professional land planning of prominent sight in a very desirable area of Grand Junction, that is consistent with future land use plans. Current housing inventory is down 17% from 2017 to 2018 and Mesa County is in need of new construction. Any future development will make optimal use of the existing infrastructure. Development of this high demand location will also provide trail connectivity.

C. Neighborhood Meeting

A neighborhood meeting was held as required and meeting minutes are included with this submittal.

D. Project Compliance, Compatibility, and Impact

1. **Adopted plans and/ or policies are being met-** The proposed zoning is in compliance with the adopted codes and requirements for this property.
2. **Land use in the surrounding area-** The land uses in the immediate area are low to medium density residential, and vacant land. The rezoning of the parcel to R-1 is compatible with the current uses in the immediate and surrounding areas.
3. **Site access and traffic patterns-** Access must be taken from Meadows Way per the City of Grand Junction code requirements. The exact location will be investigated through site planning, once the rezone request is approved. The approval of the rezone will have no effect on existing traffic patterns.
4. **Availability of utilities, including proximity of fire hydrants-**
The subject parcel is and/or will be served by the following:
 - Ute Water
 - City of Grand Junction Sanitation District
 - Xcel Energy
 - Charter/Spectrum
 - Century Link
 - Redlands Water and Power
 - City of Grand Junction FireAll utilities are existing in Meadows Way and can be extended into to the site.
5. **Special or unusual demands on utilities-** The rezone request will have no impact on utilities. The infrastructure is in place to meet the demand for future development.
6. **Effects on public facilities-** There will be no effect on public facilities (i.e. police and fire services) as a result of the approval of the rezone.
7. **Hours of operation-** N/A for the rezone request.
8. **Number of employees-** N/A.
9. **Signage plans-** N/A for the rezone request.

10. **Site Soils Geology-** Soils are expected to be generally consistent with what is found in the area.
11. **Impact of project on site geology and geological hazards-** N/A for the rezone request.

E. Must address the review criteria contained in the Zoning and Development Code for the type of application being submitted

21.02.140 Code amendment and rezoning.

(a) **Approval Criteria.** In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:

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

The future land use map indicates an appropriate density for this area of Estate which implements several zone districts. The applicant is proposing a lower density zoning. All of the surrounding zoning, with exception of the CSR designation on the north side of South Broadway is zoned either City R-2 or County RSF-2 and RSF-4. The proposed rezone request to R-1 is consistent with surrounding densities.

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

The amendment is consistent with the future land use map and with surrounding zone districts.

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

Public and community facilities are existing and adequate, and will not be affected as a result of the rezone request.

(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

This parcel of land is adequately serviced by utilities and roadways and will be best utilized with future development.

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

Pedestrian opportunities could be expanded in this area with the development of this parcel.

F. Development Schedule and Phasing
Not applicable to the rezone.



**EXHIBIT A
FOSSIL TRACE REZONE
465 MEADOWS WAY, GRAND JUNCTION, CO**

**SUMMARY OF NEIGHBORHOOD MEETING
TUESDAY, MARCH 13, 2018
MONUMENT PRESBYTERIAN CHURCH
LOCATED AT 2020 ½ S. BROADWAY @ 5:30 PM**

A neighborhood meeting for the above-referenced rezone application (“Application”) was held Tuesday, March 13, 2018, at Monument Presbyterian Church, located at 2020 ½ S. Broadway at 5:30 PM. A letter notifying the neighboring property owners within the surrounding 500 feet of 465 Meadows Way (“Property”) was sent on March 2, 2018, per the mailing list received from the City of Grand Junction (“City”). The meeting included a presentation and a question and answer session. Representing the Property owner was Tracy States, Project Coordinator with River City Consultants. In attendance for the City was Scott Peterson, Senior Planner. There were fifteen neighboring property owners that attended the meeting. An attendance list and photos of the exhibits used at the meeting are provided as part of this Exhibit.

Ms. States presented the proposed zoning of R-1 and explained what that would allow. It was explained that no new development plan had been developed for the Property, and no further engineering had been done since the R-2 proposal had been rejected by the City Council. Ms. States explained that engineering costs were expensive and a new concept plan would be developed only after the determination of the Application. Ms. States then asked for any questions or comments.

It was asked if clustering of the homes was still planned. Ms. States explained that no concept plan had been developed and she didn’t know what development of the Property would look like at this time. The question was posed with regards to access and the comment was made that it would be safer off of S. Broadway. Scott Peterson explained that S. Broadway is identified as a collector street by the City and that the code dictates that access be taken from the lower order street, Meadows Way. It was asked if access would ever be allowed on S. Broadway and Mr. Peterson confirmed that it would not be allowed. One of the attendees asked if Meadows Way would be brought up to City standards. Mr. Peterson explained that improvements would be addressed when a formal development submittal is made for the Property and would be determined at that time. Mr. Peterson explained that any improvements required to be made would only be along the frontage of the Property.

The subject of soils testing was brought up. Ms. States explained again that no further





engineering had been performed since the previous zoning request had been presented and denied. The comment was made that boring had been witnessed on site. Ms. States stated that she was sure some soil samples had been taken but that no formal report had been prepared to date. The attendees were concerned about the expansive soils and the effects on home foundations both in the past and with future development.

Concerns were expressed by the attendees regarding drainage, flooding, wetlands, wildlife and Lime Kiln Gulch, which runs through the Property. Ms. States explained that those concerns would be addressed through the development process and it was the developer's responsibility to create a development that did not have detrimental impacts to adjoining properties nor sensitive lands and wildlife. It was explained that the appropriate governmental agencies, i.e., the Division of Wildlife and the Army Corps of Engineers, would review and comment on any proposed development. Mr. Peterson added that he believed any future development of the Property would occur away from the area of Lime Kiln Gulch.

Traffic was a concern as well and the attendees commented that two other developments were proposed in the area that would be adding significant traffic to S. Broadway, in addition to the traffic that could be added from development of the Property.

The attendees commented that two-story homes were a problem for them. One of the attendees asked that this be addressed through the CCR's and be restricted to single-story homes. Ms. States stated that she would pass this along to the owner/developer. A couple of the attendees commented that they were not interested in rezoning the Property. Ms. States replied that the Property owner had the right to exercise its development options the same as the surrounding property owners had done.

Mr. Peterson explained to the attendees that they would have the opportunity for public comment at the public hearings with regards to the Application. He also explained that another neighborhood meeting would be held with regards to any new concept plan developed after the approval of the Application.

The meeting adjourned at approximately 6:10 PM. Two comment cards were received from the attendees and are included with this Exhibit.



**Tuesday, March 13, 2018 – Fossil Trace Rezone
 Neighborhood Meeting @ 5:30 PM
 Monument Presbyterian Church
 Located at 2020 ½ S. Broadway, Grand Junction, CO**

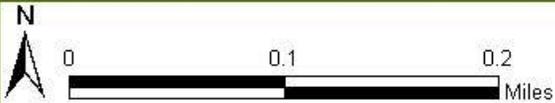
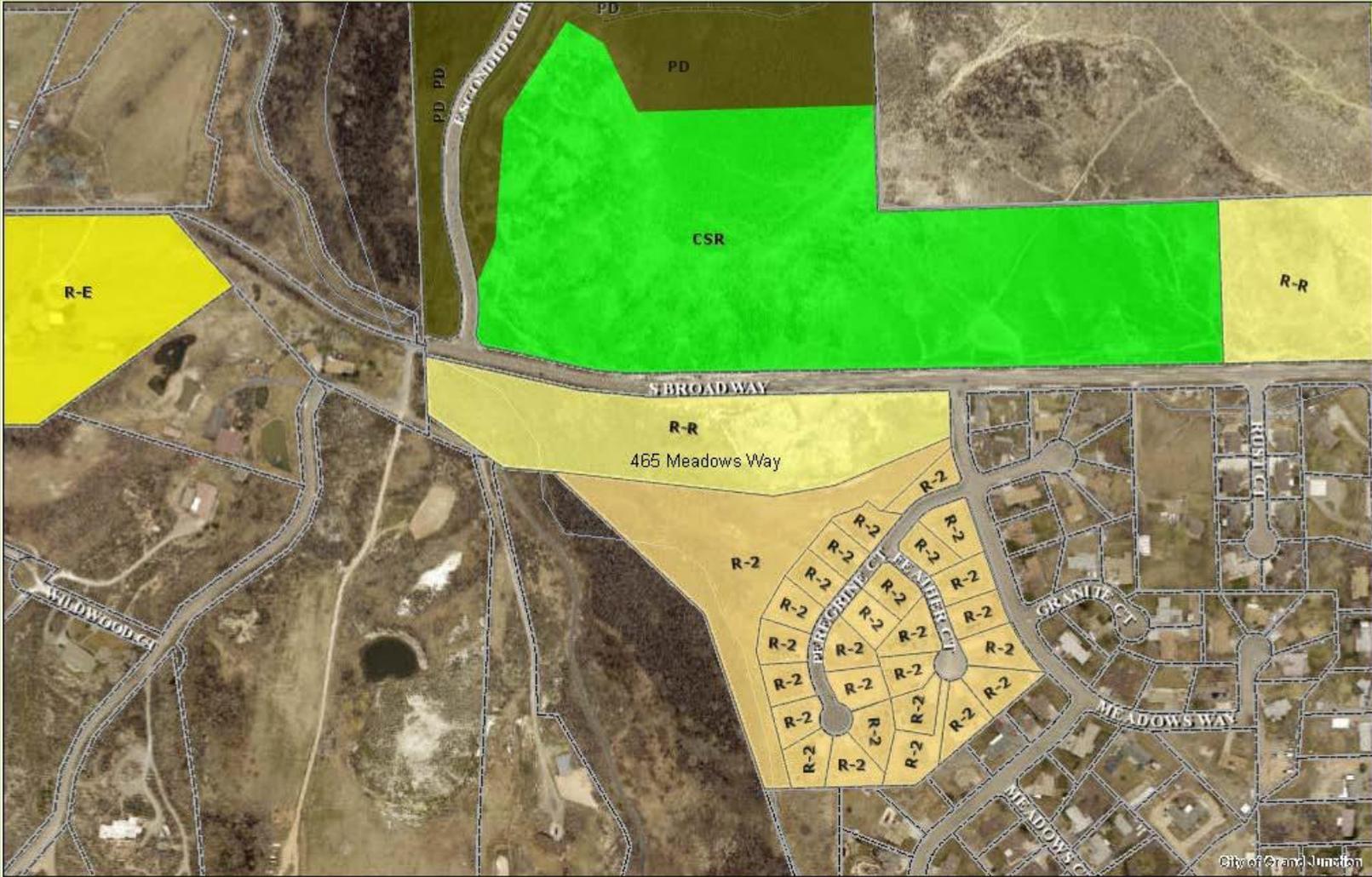
	Name	Address	Phone # (Optional)
1.	Tracy Stiles - RCC	744 Horizon Ct. #110	970-241-4722
2.	Scott D. Peterson	6274 Ruannong	244-1447
3.	TA Dixon	423 Wildwood	NA
4.	Alice M Smith	467 " " "	N/A
5.	Pat Gage	460 Feather Ct	272
6.	Kim Donovan	457 Feather Cv.	
7.	M O Berry	455 Feather Ct	
8.	Jean DeBerry	455 Feather Ct.	N/A
9.	Stephanie McTyrell	2171 Averal Ln.	970.759.7235
10.	Nick Antton & Karen	2111 Durant Hills Rd.	970-250-7244
11.	Dave Pistoff	2198 Granite Ct	970 241-3862
12.	Stephanie Johnson	2176 Mountain Sky	
13.	Kim Gage	460 Feather Ct	9706398119
14.	Steve & Susan Peachuck	2171 Peregrine Ct.	970 250-7756
15.	Samuel Stirlen	2161 Peregrine Ct.	
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			

This parcel should not be built
on. The site is too expansive.
The traffic issues are compounded
by proposed development of up to
150 homes accessing S. Broadway.
The area is fragile & should
be protected not developed.

Thank You
T A Dixon
423 Wildwood
51877

CONCERNS: Flood Plain
Height of Bldg over ground
Bounce effect
Traffic concerns on S Broadway
Along with proposed building
around Tara Rado driving
range. 40 Acres.

Current Zoning

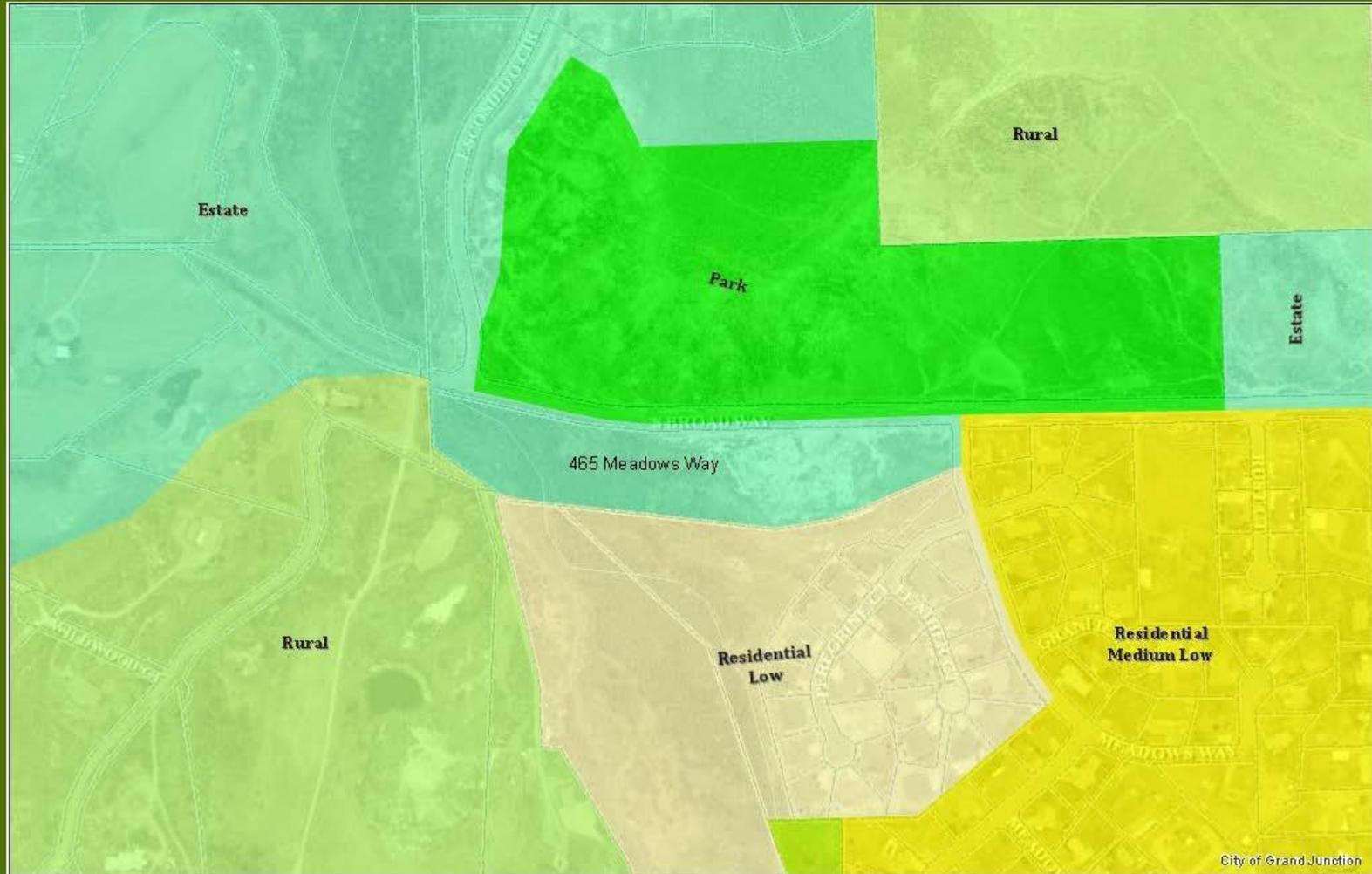


Printed: 2/21/2018

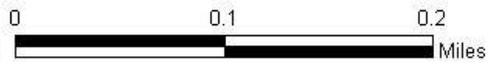
1 inch = 376 feet



Future Land Use Map



City of Grand Junction



Printed: 2/21/2018

1 inch = 376 feet

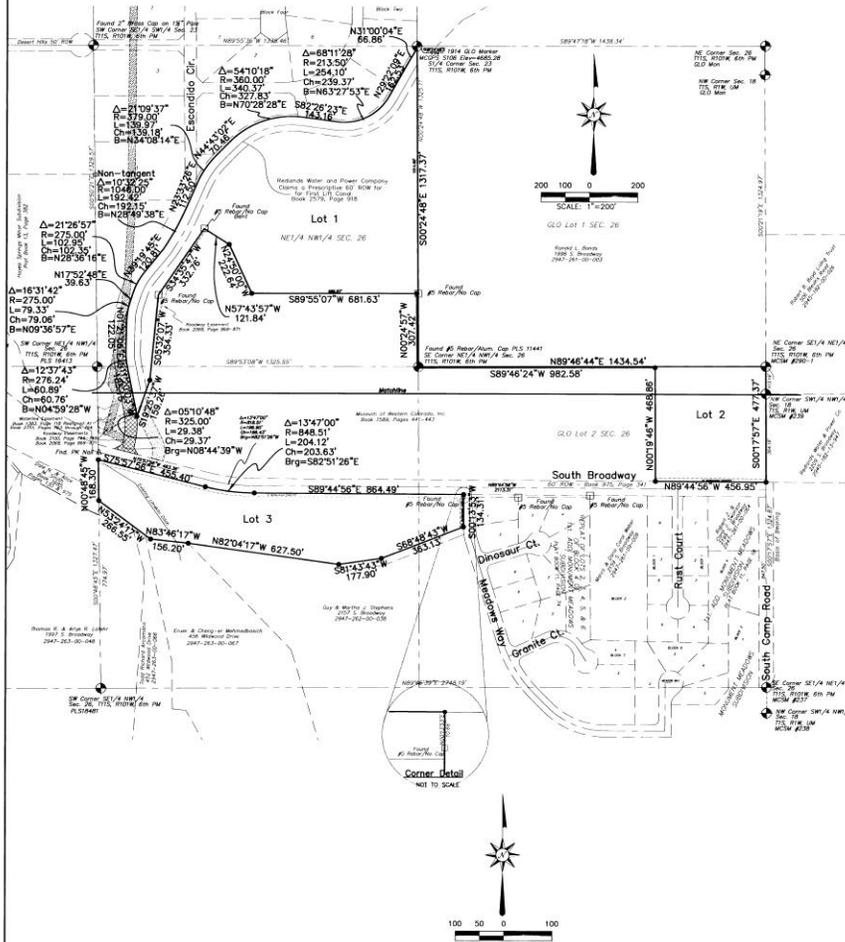


R-1: Residential – 1.

Primary Uses		
Detached Single-Family, Civic		
See GJMC 21.04.010 , Use Table		
Lot		
Area (min. sq. ft.)		30,000
Width (min. ft.)		100
Frontage (min. ft.)		50
Frontage on cul-de-sac (min. ft.)		30
Setback	Principal	Accessory
Front (min. ft.)	20	25
Side (min. ft.)	15	3
Rear (min. ft.)	30	10
Bulk		
Lot Coverage (max.)		20%
Height (max. ft.)		35
Height (max. stories)		2.5
Density (max.)		1 unit/acre
Cluster Allowed		Yes

(1) Purpose. To provide areas for low density residential uses in less intensely developed areas. R-1 tracts should abut or be in close proximity to existing large lot single-family development, making R-1 an appropriate transition district between rural and higher density areas.

RUMP SUBDIVISION



DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That Marilyn K. Schivley, Susan Rump Steinhob, and the John S. Rump Trust are the owners of that real property located in part of Section 26, Township 11 South, Range 101 West of the 6th Principal Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows: (Book 2518, Pages 19 and 20, and Book 2525, Pages 287 through 290.)

PARCEL NO 1: Beginning at the Northeast corner of Lot 2 in Section 26, Township 11 South, Range 101 West of the 6th P.M.; thence South 00 degrees 24 minutes East, 503.5 feet; thence North 68 degrees 43 minutes West, 500 feet; South 77 degrees 14 minutes West, 729.4 feet; thence South 68 degrees 43 minutes West, 403.9 feet; thence South 81 degrees 38 minutes West, 177.9 feet; thence North 62 degrees 15 minutes West, 527.5 feet; thence North 83 degrees 52 minutes West, 156.2 feet; thence North 53 degrees 30 minutes West, 272 feet; thence North 00 degrees 50 minutes West, 554 feet; thence Northeast along the west right-of-way of the 1st Left Canal to the Northeast corner of said Section 26; thence South to the Northwest corner of said Lot 2; thence North 89 degrees 50 minutes East, 1438.4 feet to the point of beginning.

EXCEPT a tract of land conveyed to the County of Mesa for right-of-way in Quit Claim Deed recorded in Book 975 at Page 341; AND EXCEPT any portion lying within the Replat of Lots 2, 3, 4, 5, and 6 of Block 4 of the First Addition to Monument Meadows Subdivision, as recorded in Plat Book 11, Page 74; AND EXCEPT any portion lying within the property described in Warranty Deed recorded in Book 1589 at Page 441; AND EXCEPT that property deeded to the City of Grand Junction in Book 2757, Pages 739 through 743;

AND EXCEPT any portion lying within the Boundary of Desert Hills Subdivision, as recorded in Plat Book 18, Pages 21 through 25, all being in the records of the Clerk and Recorder of Mesa County, Colorado;

TOGETHER WITH a non-exclusive easement for ingress and egress as described in document recorded in Book 2068 at Page 888 of the records of the Clerk and Recorder of Mesa County, Colorado;

That said owners have caused the real property to be laid out and plotted as Rump Subdivision, a subdivision of a part of the City of Grand Junction, Colorado; that said owner does hereby dedicate and set apart real property as shown and labeled as Rump Subdivision on the accompanying plot as follows: All Multipurpose Elements to the City of Grand Junction of the use of City approved utilities and public providers as perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, and also for the installation and maintenance of traffic control facilities, street lighting, landscaping, trees and grade structures.

All Easements include the right of ingress and egress on, along, over, under, through and across by the beneficiaries, their successors, or assigns, together with the right to trim or remove interfering trees and shrubs, provided however, that the beneficiaries/owners shall utilize the same in a reasonable and prudent manner. Furthermore, the owners of said lots or tracts hereby plotted shall not burden or encumber said easements by erecting or placing any improvements thereon which may prevent reasonable ingress and egress to and from the easement.

IN WITNESS WHEREOF, said owners, Marilyn K. Schivley, Susan Rump Steinhob, and the John S. Rump Trust, have caused their names to be hereto subscribed this 21st day of Feb., A.D. 2001.

Marilyn K. Schivley Susan Rump Steinhob
Marilyn K. Schivley Susan Rump Steinhob

NOTARY PUBLIC'S CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF GARFIELD
The foregoing instrument was acknowledged before me by Marilyn K. Schivley, this 21st day of Feb., A.D. 2001.
Witness my hand and official seal:

Debra Jackson
Notary Public
My Commission Expires Oct 09, 2004

NOTARY PUBLIC'S CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF TULLO
The foregoing instrument was acknowledged before me by Susan Rump Steinhob, this 2nd day of Feb., A.D. 2001.
Witness my hand and official seal:

Ann Christine
Notary Public
My Commission Expires 11/19/03

NOTARY PUBLIC'S CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF FERN
The foregoing instrument was acknowledged before me by MARILYN K. SCHIVLEY, for the John S. Rump Trust, this 21st day of Feb., A.D. 2001.
Witness my hand and official seal:

Donnell W...
Notary Public
My Commission Expires 5/21/03

GENERAL NOTES:

Basis of bearings is the East line of GLO Lot 2 of Section 26 which bears South 00 degrees 17 minutes 57 seconds East, a distance of 1324.87 feet. Both monuments on this line are Mesa County Survey Markers.
Note: Property corners located during this survey that were within 0.25-ft of the calculated point were accepted as being "in position".
Easement and Title information provided by Abstract & Title Company. Commitment to insure No. 00964393 C, dated Aug. 21, 2000.

NOTES REQUIRED BY CITY:

- Lot 3 access shall be limited to Meadows Way only per the City of Grand Junction Community Development Department.
- Building envelopes for Lots 1, 2, & 3 are non-standard, are greater than required and replace the standard setbacks for the RSF-R zone, due to geographic and topographic constraints defined by the City.
- Detailed information contained in Geotechnical Engineering Group Report (Job No. 560) concerning City requirements for Rockfall Invores on Lots 1 and 2 and other geotechnical conditions, including bentonite soils and wetlands for all 3 lots prior to issuance of Planning Clearance and Building Permits. Further information about the project can be found in the City of Grand Junction Community Development Department file number #975-2000-107.
- A U.S. Army Corps of Engineers Permit 404 shall be required in accordance with federal, state, and local law, prior to development of this property, per City of Grand Junction Planning Commission Conditions of Approval.

AREA SUMMARY	
LOTS	= 29.530 Acres 100.00%
TOTAL	= 29.530 Acres 100.00%

LEGEND

- ALIQUOT SURVEY MARKER, AS NOTED
- SET ALUMINUM CAP ON No. 5 REBAR, PLS 16835 PER CRS-38-51-101, IN CONCRETE
- FOUND REBAR, AS NOTED
- ALUMINUM CAP ON No. 5 REBAR TO BE SET AT ALL LOT CORNERS, PRIOR TO SALE OF ANY LOTS, TO COMPLY WITH CRS-38-51-105

CITY OF GRAND JUNCTION APPROVAL

This plot of Rump Subdivision, a subdivision of a part of the City of Grand Junction, County of Mesa, State of Colorado, is approved and accepted this 20th day of April, A.D. 2001.

City Manager *Dave Harty*
President of City Council *Renee Roy*

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO
COUNTY OF MESA
I hereby certify that this instrument was filed in my office at 1:38 o'clock P.M. APRIL 20, A.D. 2001 and was duly recorded in Plat Book 18, Page No. 146, Recession No. 1992762, Dwner No. W-112, Fees: 30.00 14/11/2.

Clerk and Recorder
By *Leticia McElroy*
Deputy

SURVEYOR'S CERTIFICATION

I, Patrick R. Green, do hereby certify that the accompanying plot of Rump Subdivision, a subdivision of a part of the City of Grand Junction, Colorado, has been prepared under my direct supervision and represents a field survey of some. This plot conforms to the requirements for subdivision plots specified in the City of Grand Junction Development code and the applicable laws of the State of Colorado.

Date certified Feb 13, 2001

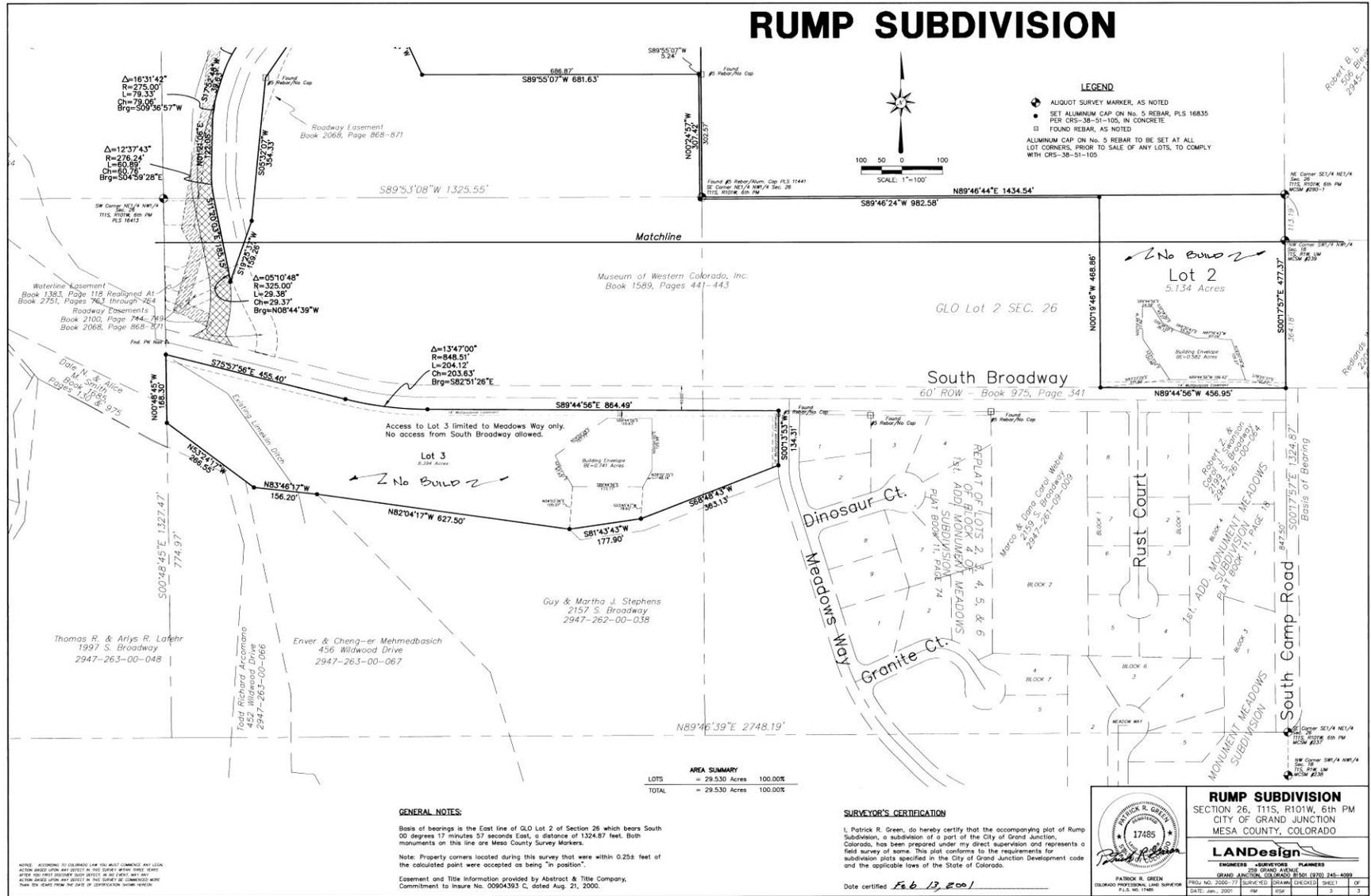
Patrick R. Green
Professional Engineer
No. 17485

RUMP SUBDIVISION
SECTION 26, T11S, R101W, 6th PM
CITY OF GRAND JUNCTION
MESA COUNTY, COLORADO

LANDesign
ENGINEERS SURVEYORS PLANNERS
200 GRAND AVENUE
GRAND JUNCTION, COLORADO 81501 (970) 245-4500
PROJ. NO. 2000-77 EXHIBIT (ISSUED CHECKED) DATE: 1 OF 3
DATE: Jan. 2001 DW: PJK

NOTES: ACCORDING TO COLORADO LAW, THIS PLOT IS UNLAWFUL AND ILLEGAL. ANYONE WHOSE NAME IS LISTED ON THIS SURVEY INSTRUMENT SHOULD CONTACT THE CITY OF GRAND JUNCTION FOR MORE INFORMATION. ANYONE WHOSE NAME IS LISTED ON THIS SURVEY INSTRUMENT SHOULD CONTACT THE CITY OF GRAND JUNCTION FOR MORE INFORMATION.

RUMP SUBDIVISION



LEGEND

- ALIQUOT SURVEY MARKER, AS NOTED
- SET ALUMINUM CAP ON No. 5 REBAR, PLS 16835 PER CRS-38-51-105, IN CONCRETE
- FOUND REBAR, AS NOTED
- ALUMINUM CAP ON No. 5 REBAR TO BE SET AT ALL LOT CORNERS, PRIOR TO SALE OF ANY LOTS, TO COMPLY WITH CRS-38-51-105

SCALE: 1"=100'

AREA SUMMARY

LOTS	= 29.530 Acres	100.00%
TOTAL	= 29.530 Acres	100.00%

GENERAL NOTES:

Basis of bearings is the East line of GLO Lot 2 of Section 26 which bears South 00 degrees 17 minutes 57 seconds East, a distance of 1324.87 feet. Both monuments on this line are Mesa County Survey Markers.

Note: Property corners located during this survey that were within 0.25 feet of the calculated point were accepted as being "in position".

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I, Patrick R. Green, do hereby certify that the accompanying plot of Rump Subdivision, a subdivision of a part of the City of Grand Junction, Colorado, has been prepared under my direct supervision and represents a field survey of same. This plot conforms to the requirements for subdivision plats specified in the City of Grand Junction Development code and the applicable laws of the State of Colorado.

Date certified: Feb 13, 2001



RUMP SUBDIVISION
 SECTION 26, T11S, R101W, 6th PM
 CITY OF GRAND JUNCTION
 MESA COUNTY, COLORADO

LANDesign
 ENGINEERS ARCHITECTS PLANNERS

PROJECT NO.	2000-77	SURVEYED	DRAWN	CHECKED	SHEET	OF
DATE	Jan., 2001	FW	RSK		3	3

C:\Users\pkr\Documents\2000-77\2000-77-01.dwg Title Jan 30 12:46:20 2001 302K

City of Grand Junction Review Comments

Date: May 16, 2018 **Comment Round No.** 1 **Page No.** 1 of 3
Project Name: Fossil Trace Rezone **File No:** RZN-2018-219
Project Location: 465 Meadows Way

Check appropriate **if comments were mailed, emailed, and/or picked up.**

Property Owner(s): Fossil Trace Holdings LLC – Attn: Kevin Bray
 Mailing Address: 244 N. 7th Street, Grand Junction, CO 81501
 Email: kevinbray@brayandco.com **Telephone:** (970) 270-9985
 Date Picked Up: _____ **Signature:** _____

Representative(s): River City Consultant's Inc. – Attn: Tracy States
 Mailing Address: 744 Horizon Court, Suite 110, Grand Junction, CO 81506
 Email: tstates@rccwest.com **Telephone:** (970) 241-4722
 Date Picked Up: _____ **Signature:** _____

Developer(s):
 Mailing Address:
 Email: _____ **Telephone:** _____
 Date Picked Up: _____ **Signature:** _____

CITY CONTACTS

Project Manager: Scott D. Peterson, Senior Planner
Email: scottp@jcity.org **Telephone:** (970) 244-1447
Dev. Engineer: Rick Dorris
Email: rickdo@jcity.org **Telephone:** (970) 256-4034

City of Grand Junction REQUIREMENTS (with appropriate Code citations)

CITY PLANNING

1. Application is for a Rezone from R-R (Residential – Rural) to R-1 (Residential – 1 du/ac) utilizing the Blended Land Use Map designation of Residential Low (Rural – 5 du/ac) in anticipation of future residential development. Single-family detached homes are an “Allowed” land use within the proposed R-1 zone district. Existing property is 8.41 +/- acres in size. Comprehensive Plan Future Land Use Map identifies the property as Estate (1 – 3 acres). No additional response required.

Applicant's Response:

Document Reference:

2. Public Correspondence Received:

As of this date, City Project Manager has not received any public correspondence concerning the proposed rezone application. If any future correspondence is received, City Project Manager will forward to the applicant and representative for their information and file.

Applicant's Response:

Document Reference:

3. Planning Commission and City Council Public Hearings:

Planning Commission and City Council review and approval required for proposed Rezone request. Project Manager will **tentatively** schedule application(s) for the following public hearing schedule:

- a. Planning Commission review of request: June 26, 2018.
- b. First Reading of request by City Council: July 18, 2018.
- c. Second Reading of request by City Council: August 1, 2018.

Please plan on attending the June 26th Planning Commission meeting and the August 1st City Council Meeting. The July 18th meeting you do not need to attend as that is only scheduling the hearing date and the item is placed on the Consent Agenda with no public testimony taken. Both the June 26th and August 1st meetings begin at 6:00 PM at City Hall in the Council Chambers.

If for some reason, applicant cannot make these proposed public hearing dates, please contact City Project Manager to reschedule for the next available meeting dates.

Code Reference: Sections 21.02.140 of the Zoning and Development Code.

Applicant's Response:

Document Reference:

CITY DEVELOPMENT ENGINEER

No engineering concerns with the rezone. Engineering items will be addressed with further submittals.

Applicant's Response:

Document Reference:

CITY SURVEYOR – Peter Krick – peterk@qicity.org (970) 256-4003

No comments at this time.

Applicant's Response:

Document Reference:

CITY FIRE DEPARTMENT – Mike Gazdak – mikega@qicity.org (970) 549-5854

The fire department has no objections to the request to rezone the property.

Applicant's Response:

Document Reference:

OUTSIDE REVIEW AGENCY COMMENTS

(Non-City Agencies)

Review Agency: Mesa County Building Department

Contact Name: Darrell Bay

Email / Telephone Number: Darrell.bay@mesacounty.us (970) 244-1651

MCBD has no objections.

Applicant's Response:

Review Agency: Xcel Energy
Contact Name: Brenda Boes
Email / Telephone Number: Brenda.k.boes@xcelenergy.com (970) 244-2698

Xcel has no objections at this time. If utilities exist, they will need to be covered in a utility easement.

Completion of this City/County review approval process does not constitute an application with Xcel Energy for utility installation. Applicant will need to contact Xcel Energy's Builder's Call Line/Engineering Department to request a formal design for the project. A full set of plans, contractor, and legal owner information is required prior to starting any part of the construction. Failure to provide required information prior to construction start will result in delays providing utility services to your project. Acceptable meter and/or equipment locations will be determined by Xcel Energy as a part of the design process. Additional easements may be required depending on final utility design and layout. Engineering and Construction lead times will vary depending on workloads and material availability. Relocation and/or removal of existing facilities will be made at the applicant's expense and are also subject to lead times referred to above. All Current and future Xcel Energy facilities' must be granted easement

Applicant's Response:

Review Agency: Ute Water Conservancy District
Contact Name: Jim Daugherty
Email / Telephone Number: jdaugherty@utewater.org (970) 242-7491

- No objection.
- ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.

Applicant's Response:

REVIEW AGENCIES

(Responding with "No Comment" or have not responded as of the due date)

The following Review Agencies have not responded as of the comment due date.

1. City Transportation Engineer

The Petitioner is required to submit electronic responses, labeled as "**Response to Comments**" for the following agencies:

1. **N/A. Application will proceed to public hearing schedule.**

Date due: **N/A.**

Please provide a written response for each comment and, for any changes made to other plans or documents indicate specifically where the change was made.

I certify that all of the changes noted above have been made to the appropriate documents and plans and there are no other changes other than those noted in the response.

Applicant's Signature

Date

PLANNING COMMISSION AGENDA ITEM

Project Name: Fossil Trace Rezone
Applicant: Fossil Trace Holdings LLC
Representative: River City Consultants Inc.
Address: 465 Meadows Way
Zoning: Rural-Residential (R-R)

I. SUBJECT

Consider a request by the Applicant, Fossil Trace Holdings LLC, to rezone 8.41 acres from R-R (Residential – Rural) to R-1 (Residential – 1 du/ac).

II. EXECUTIVE SUMMARY

The Applicant, Fossil Trace Holdings LLC, is requesting a rezone of Lot 3, Rump Subdivision (8.41 acres), located at 465 Meadows Way from the R-R (Residential - Rural) to the R-1 (Residential - 1 du/ac) zone district for the purpose of future subdivision development.

III. BACKGROUND

The subject property (Lot 3, Rump Subdivision) is located at 465 Meadows Way in the Redlands across the road from Riggs Hill. The property is currently vacant with portions of the property identified as wetlands and a portion within the floodplain. The Applicant is requesting to rezone the property to R-1 (1 dwelling unit/acre) from its current zoning of R-R (Residential-Rural: 1 dwelling unit/5 acres). The Applicant is interested in developing a residential single-family detached subdivision to meet the R-1 zone district densities and may utilize the cluster provisions of the Zoning and Development Code to preserve the environmentally sensitive and open space areas of the property.

The property was annexed into the City in 2000 as part of the Desert Hills Estates Annexation No. 2. During the annexation process, the property was zoned R-R (Residential – Rural). In 2001, the subject property was platted as part of the Rump Subdivision (Lot 3) with a building envelope for of 0.741 acres identified on the property due to the development constraints of the existing floodplain, etc. The R-R zone district was in conformance with the Estate (1 – 3 acres) designation of the City's Growth Plan at the time.

In 2010, the City and County adopted the Comprehensive Plan's Future Land Use Map as well as the Blended Residential Land Use Categories Map ("Blended Map"). The current Future Land Use Map continues to designate the area where the property is located as Estate. The Estate land use designation provides that density should range from 1 dwelling per one acre to 1 dwelling per three acres. In addition, the adopted Blended Map, shows the blended Residential Land Use Map category as Residential Low. The Residential Low designation allows for the application of any one of the following zone districts: R-R, R-E, R-1, R-2, R-4 and R-5. When implemented, these

zone districts allow a range of future development from 1 dwelling unit per five acres up to five dwelling units per acre.

Properties adjacent to the subject property to the north is Riggs Hill, which is owned by the Museum of Western Colorado. To the south and east are single-family detached residential subdivisions of Peregrine Estates (1.40 du/ac) and Monument Meadows (1.53 du/ac). To the west are single-family detached homes located on larger acreage.

A Neighborhood Meeting regarding the proposed zone change and subdivision application was held on March 13, 2018. Approximately 15 citizens along with the Applicant's representative and City planning staff were in attendance. Area residents in attendance voiced concerns regarding existing drainage conditions in the area, expansive bentonite soils, two-story homes and increased traffic on Meadows Way and South Broadway.

Although not the subject of the rezone hearing, area residents are concerned about the future subdivision and development of this property related to the above mentioned issues expressed at the Neighborhood Meeting. These items would be addressed further at time of official subdivision application and review, should this application move forward.

IV. ANALYSIS

Pursuant to Section 21.02.140 of the Grand Junction Zoning and Development Code, the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following criteria:

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

The existing property was annexed and zoned Residential-Rural in 2000. In 2010 the City of Grand Junction and Mesa County jointly adopted a Comprehensive Plan, replacing the Growth Plan and establishing new land use designations. The Comprehensive Plan includes a Future Land Use Map and a Blended Residential Land Use Categories Map ("Blended Map"). The current zoning of R-R (Rural-Residential) falls within both the Future Land Use Map designation and the Blended Map designation of Estate. The Applicant's proposed zoning of R-1 also implements the adopted Future Land Use Map as well as the Blended Map. However, because the existing zoning continues to be a valid zoning under these long-range planning documents and staff has not found other subsequent events to invalidate the existing R-R zoning, staff finds this criterion has not been met.

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

The residential character within the immediate vicinity of the proposed rezone has not changed significantly since the area first developed in the 1970's with the

exception of the adjacent Peregrine Estates and the Desert Hills Subdivision which developed in 2005 and 2000 respectfully. Peregrine Estates was annexed and zoned R-2 and developed as a 25 lot residential subdivision located on 17.84 acres.

Though the character and/or condition of the immediate vicinity of the property has not changed significantly within the last 40 years, the broader area of the Redlands area has seen a variety of development pressures including single-family and multi-family residential product since the property was annexed and zoned in 2000. Staff has found the area has changed overtime such that this rezoning request is consistent with both the Plan and the surrounding uses and densities. Therefore, staff finds this criterion has been met.

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

Adequate public and community facilities and services are available to the property and are sufficient to serve the residential land uses allowed in the R-1 zone district. Ute Water and City sanitary sewer are presently located within Meadows Way. The property can also be served by Xcel Energy electric and natural gas. Located within the vicinity and along Broadway (Highway 340), is a neighborhood commercial center that includes an office complex, bank, medical clinic, veterinary clinic, convenience store and car wash. In addition, Grand Junction Redlands Fire Station No. 5 is located within 2 miles of the property and the property is located nearby to Broadway Elementary School, Redlands Middle School and Wingate Elementary School. Therefore, staff finds 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

One of the City's stated goals is to provide for a diversity of housing types. The R-1 zone district currently comprises only 2% of the overall total acreage zoned within the City limits (residential, commercial and industrial) for an approximate 451 acres of land area. By providing additional opportunities for a range of lot sizes, as allowed by the R-1 zone district, this project could provide for a greater range of housing types. In addition, the property is adjacent to all necessary infrastructure and could readily be developed. Staff therefore, finds this criterion has been met.

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

The community will derive benefits from the proposed amendment by creating an opportunity to develop up to 8 homes on the property. This zone district provides additional residential housing opportunities near existing neighborhoods and within easy access of both necessary infrastructure and community amenities for future residents. The property is located within the highly desirable Redlands area and

near neighborhood commercial centers, elementary and junior high schools, which could contribute positively to employers' ability to attract and retain employees.

Therefore, staff finds this criterion has been met.

This rezone request is consistent with the following vision, goals and/or policies of the Comprehensive Plan:

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

Policy B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Goal 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.

Policy A: In making land use and development decisions, the City will balance the needs of the community.

Policy C: Increasing the capacity of housing developers to meet housing demand.

V. STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Fossil Trace Rezone, RZN-2018-219, a request to rezone 8.41 +/- acres from R-R (Residential – Rural) to R-1 (Residential – 1 du/ac) zone district, the following findings of fact have been made:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan;
2. In accordance with Section 21.02.140 of the Grand Junction Zoning and Development Code, one or more of the criteria have been met.

Therefore, Staff recommends approval of the request to rezone the property located at 465 Meadows Way from R-R (Residential - Rural) to an R-1 (Residential – 1 du/ac) zone district.

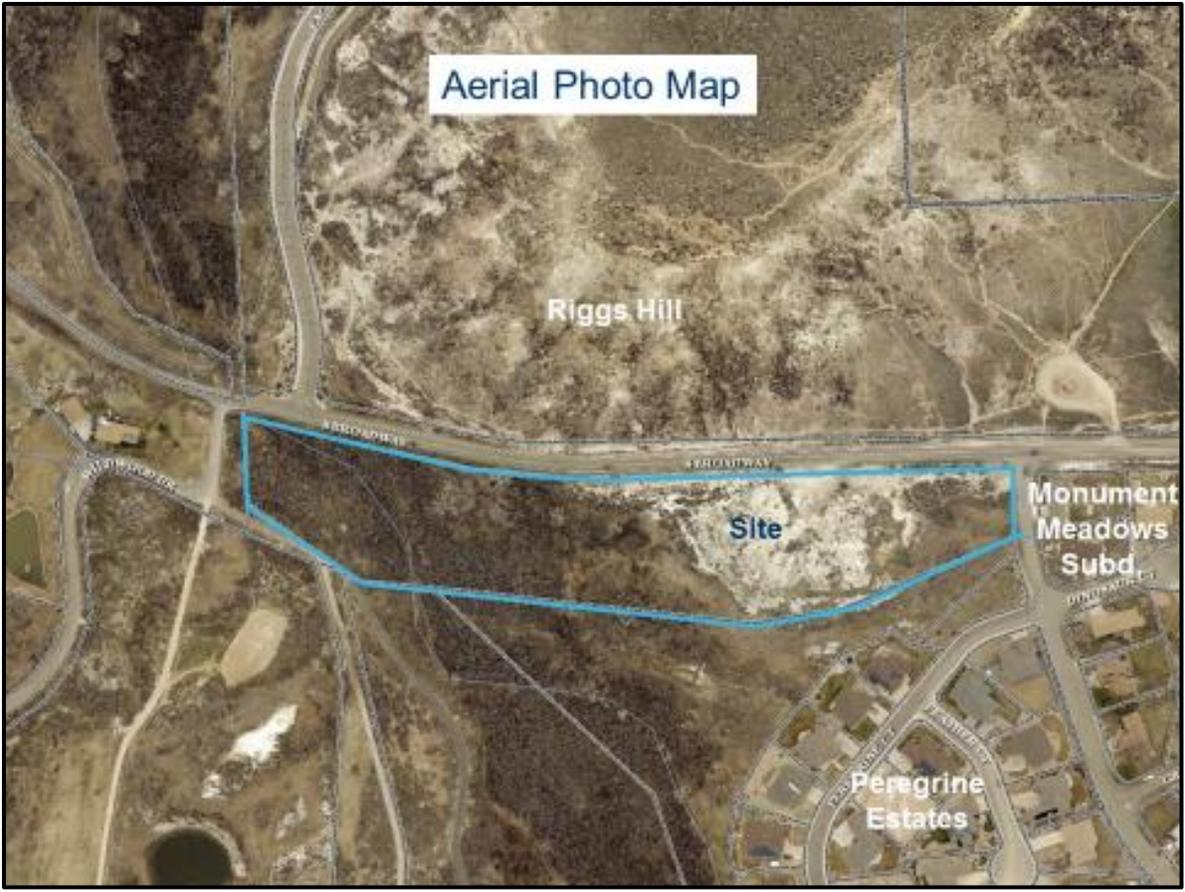
VI. RECOMMENDED MOTION

Madam Chairman, on the Rezone request RZN-2018-219, I move that the Planning Commission forward a recommendation of approval for the rezone of 465 Meadows Way from R-R (Residential – Rural) to R-1 (Residential – 1 du/ac) zone district with the findings of fact listed in the staff report.

Attachments:

7. Site Location Map
8. Aerial Photo Map
9. Comprehensive Plan Future Land Use Map
10. Blended Residential Land Use Categories Map
11. Existing Zoning Map

Aerial Photo Map



Comprehensive Plan Future Land Use Map



